



**MINUTES OF ORDINARY COUNCIL MEETING HELD ON 20 MARCH 2007**

I hereby certify that the Minutes of the Ordinary Meeting of Council held on 20 March 2007 are a true and accurate record of the proceedings contained therein.

*Shire President Confirmed*

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**MINUTES OF AN ORDINARY COUNCIL MEETING OF THE SHIRE OF WYNDHAM  
EAST KIMBERLEY HELD ON TUESDAY, 20 MARCH 2007 AT WYNDHAM  
COUNCIL CHAMBERS, COMMENCING AT 6:00PM**

**1 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS**

The Shire President declared the meeting open at 6:04pm.

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

**ATTENDANCE**

Cr Michele Pucci	Shire President
Cr Bill Barnes	Deputy Shire President
Cr Graham Green	Councillor
Cr Keith Wright	Councillor
Cr Di Ausburn	Councillor
Cr John Buchanan	Councillor
Cr Maxine Middap	Councillor
Cr Roch Devenish-Meares	Councillor
Cr Jane Parker	Councillor
Mr Peter Stubbs	Chief Executive Officer
Ms Karyn Apperley	Executive Manager Community Services
Mr Dan Hulands	Manager Technical Services
Mr Keith Williams	Town Planner
Ms Jo Barkla	Town Planning Officer
Miss Amanda Trengove	Manager Financial Services
Ms Fiona Kuiper	Executive Support Officer and Minute Taker
Ms Michelle Teague	Engineering and Development Services Support Officer

**APOLOGIES**

Nil

**LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**

Nil

**GALLERY**

Mr Phil Sproull	Mr Chris McLachlan
Ms Joy Palmer	Ms Elisia Grieve
Ms Pam Barrett	Mr Luke McAdam
Ms Cherie McAdam	Ms Traudi Tan
Fr Mark Connelly	Sr Veronica Ryan
Ms Clare Gray	Mr Mark Douglas
Mr Paul Cavanagh	Mr Carl Poultney
Ms Tracey Poultney	Mr Cameron Hart
Ms Natika Hawes-Wright	Mr Lindsay Middap
Mr Lorre Daniel	

### 3

## DECLARATION OF INTERESTS

- **Financial Interest**

Cr Michelle Pucci declared Financial Interests in the Late Item "Fish Passage Tenders" as her husband is employed by the Water Corporation and Item 12.5.4 as her husband is a member of the Kununurra Progress Association Committee.

Cr Keith Wright declared Financial Interests in Item 12.2.2 as he is the proponent. Item 12.1.3 as he is a Board Member of the Agriculture Protection Board.

Cr Maxine Middap declared a Financial Interest in Item 12.3.4 as she is an employee for the Wyndham Aviation.

Chief Executive Officer, Peter Stubbs declared a Financial Interest in Item 15.2 as he is a contracted employee of the Shire of Wyndham East Kimberley.

Executive Manger of Community Services, Karyn Apperley declared a Financial Interest in Item 15.2 as she is a contracted employee of the Shire of Wyndham East Kimberley.

Manager of Technical Services, Dan Hulands declared a Financial Interest in Item 15.2 as he is a contracted employee of the Shire of Wyndham East Kimberley.

Town Planner, Keith Williams has declared a Financial Interest in Item 15.2 as he is a contracted employee of the Shire of Wyndham East Kimberley.

Manager of Financial Services, Amanda Trengove declared a Financial Interest in Item 15.2 as she is a contracted employee of the Shire of Wyndham East Kimberley.

Wyndham Operations Co-Ordinator, Mike Snowball declared a Financial Interest in Item 15.2 as he is a contracted employee of the Shire of Wyndham East Kimberley.

Town Planning Officer, Jo Barkla declared a Financial Interest in Item 15.2 as she is a contracted employee of the Shire of Wyndham East Kimberley.

Aboriginal Environmental Health Officer, Kelly Fewster declared a Financial Interest in Item 15.2 as she is a contracted employee of the Shire of Wyndham East Kimberley.

- **Members Impartiality Interest**

Cr Di Ausburn declared an Impartiality Interests in Items 12.2.1 and 12.2.3 as she is a volunteer of the FESA unit.

Cr John Buchanan declared an Impartiality Interest in Item 15.1 as he is a member of the Biosecurity Committee.

Cr Graham Green declared an Impartiality Interest in Item 12.3.5 as he is a member of the Foreshore Plan Committee.

- **Proximity Interest**

Cr Di Ausburn declared a Proximity Interest in Item 12.3.5 as she is a neighbour.

#### **4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

#### **5 PUBLIC QUESTION TIME**

**Sr Veronica Ryan asked the question:**

Why put a community club directly opposite a local Primary school? Have the following matters been considered:

- The physical and emotional danger to young children.
- The danger of violent behaviour from inebriated patrons.
- The disturbance to local residents and the possible increase of anti-social activity on the streets at night.
- The senselessness of centralising a liquor outlet in St Peter's Way is likely to put the facilities of nearby St Joseph's school at risk.
- The stupidity of putting financial stability before the welfare and safety of Wyndham family life.
- The lack of wisdom in making decisions which could put children in danger of assault on sexual abuse.

**Mr Peter Stubbs, Chief Executive Officer responded:**

It is a recommendation in an Item before Council this evening – Council has not considered these issues in detail as yet.

**Jean O'Reeri asked the question:**

Why take away a life line (Wyndham Airport), when perhaps something else in the East Kimberley Shire could receive less funding?

**Mr Peter Stubbs, Chief Executive Officer responded:**

Council has had numerous discussions, consulting with airport experts and internally regarding the future of air services in the region – the Shire owns two airports. The Wyndham airport runs at a loss and the aim is to reduce that loss, to prepare the region for improved jet services as addressed in one of the items before Council tonight.

**Jean O'Reeri asked the question:**

Why would the East Kimberley Shire want to relocate the community club right in the middle of a school zone? Where some children walk or ride to school. It would create an immense danger to their safety and welfare.

**Mr Peter Stubbs, Chief Executive Officer responded:**

The recommendation before Council tonight is that the matter be investigated, it is recommended that Council seek the Club's views and may then be enquiring formally with liquor licence.

**Jean Martin asked the question:**

Why close down Wyndham Airport to cause further inconvenience to local residents and outlying communities?

**Mr Peter Stubbs, Chief Executive Officer responded:**

The recommendation to Council is not to close down the Wyndham Airport. The Item is about closing the cross strip and reviewing the operating costs of the Wyndham Airport.

**Jean Martin asked the question:**

Why would the East Kimberley Shire want to put the community Club next door to the school? My concerns are:

- Alcohol abuse to children
- Stranger danger

**Mr Peter Stubbs, Chief Executive Officer responded:**

It is recommended to Council that formal consideration be given to the future of the Wyndham Community Club given the ageing infrastructure and trading issues for the Club to find ways to help long term.

**Claire Gray asked the question:**

Having an airport operation here in Wyndham has been very beneficial to the St Joseph's Community, families have relatives visiting from outlying communities, and catholic schools often network through the use of charter services. Why should Wyndham be deprived of this essential and valuable service?

**Mr Peter Stubbs, Chief Executive Officer responded:**

It is not a matter of trying to deprive Wyndham and surrounding communities of services, the Item is about cost structures associated with the airport in its current form.

**Claire Gray asked the question:**

As principle of St Joseph's School Wyndham I am most concerned that a licensed premise is being considered to be opened across the road from my school. What sort of message does this send to the children of our community to have a Club operating during school hours in full view of the school? Also so much crime is associated to the effects of alcohol what reassurance can you give to the staff and families of the St Joseph's Community?

**Mr Peter Stubbs, Chief Executive Officer responded:**

The issues regarding the licensed premise will require research and comment from community where licensed premises are proposed, particularly from the Director of Liquor Licensing. This Item is a recommendation to Council that it be formally investigated. Conditions of liquor license is one form of community assurance.

**Father Frank Connelly asked the question:**

On what rational grounds does the Council of the Shire base its proposed decision to create a licensed premise opposite a primary school and what alternatives will the Shire offer the community as a venue for public meetings, theatres, exhibitions, recreational activities etc. Sensible licensing laws should prohibit the location of a licensed premise opposite a junior primary school.

**Mr Peter Stubbs, Chief Executive Officer responded:**

Council is responsible for management of assets on behalf of the community. Some have assets with low utilisation rates but high ongoing capital maintenance/upgrades. This is an opportunity to investigate a good outcome by facilitating the creation of a new community club and facility for community club – suggesting these issues be investigated.

**Lindsay Middap asked the question:**

Please advise the specific costing for runway 18-36 at Wyndham Airport. This costing to include wages, allowances and fuel plant. I understand that it takes 10 minutes each morning to check the runway and 4 hours per fortnight to roll the runway, with 2 hours twice per annum with slashing and that the Reporting Officer is only part time with the airport.

**Mr Peter Stubbs, Chief Executive Officer responded:**

This question needs to be taken on notice with written advice to be provided.

**Laurie Daniels asked the question:**

If in 3 years the airport is closed and we have a widened road for emergencies with a cross wind can the Royal Flying Doctors plane land? For most of the Kalumburu and Oombulgarri people their families are in Wyndham, will they have to come up with extra money for longer flights (past Wyndham) to Kununurra and their taxi fare of approximately \$200.00 and another hours travel back to Wyndham and back again at the same cost. Most of these people are on set income (pension) and will not be able to afford it. Does this make for good family life? No public transport.

**Mr Peter Stubbs, Chief Executive Officer responded:**

The Shire of Wyndham East Kimberley cannot speak on behalf of the Royal Flying Doctor on the widened road but we can undertake to provide written response.

**Paul Caley asked the question:**

Has the Shire considered selling the Airport and Community Club to private enterprise?

**Mr Peter Stubbs, Chief Executive Officer responded:**

No, the Shire has not formally considered selling the Airport. In the course of strategic discussion the issue has been raised but no formal consideration has been given. The Community Club has also not been formally considered, it has been discussed with the Club in strategic discussions, not triggered or driven by Council.

**Paul Caley asked the question:**

The Airport in Wyndham is a vital essential service, which a monetary value cannot be put on – can cost be recouped in another way?

**Mr Peter Stubbs, Chief Executive Officer responded:**

Yes cost can be recouped by a variety of expenditures, there are numerous ways this can be looked at, Council attempts to operate it's Airports so that they are not subsidising community services or be subsidised. Other ways of generating increased revenue, can also be considered.

**Oombulgurri Association Inc asked the question:**

We urge the Shire to set a meeting with Oombulgurri people for a later date to represent our issue in this matter.

**Mr Peter Stubbs, Chief Executive Officer responded:**

Council meets with many delegations and I am sure Council would be happy make arrangements to meet.

**Peter McClymans – Wyndham Community Club asked the question:**

Would your interest to move us from the present venue be there if we were not behind in our rates and loan?

**Mr Peter Stubbs, Chief Executive Officer responded:**

A review of community assets and the Wyndham Community Club is appropriate. It's not just about financial viability but the asset itself and capital upgrades in the future, with a better outcome for the community, in mind.

**Peter McClymans – Wyndham Community Club asked the question:**

With the sudden interest in moving the venue seeming to happen since the Club initiated talks with the Shire re the valuation of the building and the possibility of selling to an interested buyer, who indicated that they could be interested and could offer something to members if licensing arrangements could be reached. It makes us wonder if you have been approached behind our back for the sale of the club or indeed you do have a buyer lined up.

**Mr Peter Stubbs, Chief Executive Officer responded:**

The Shire/Council has not been approached by a buyer.

**Peter McClymans – Wyndham Community Club asked the question:**

Seeing as we have no legal tenure of the facility what would happen to the funds that the Community of Wyndham have expended on the building in the initial repayment of the initial loan and the subsequent monies spent on extensions and refurbishments? With the Shire to make a gain of possibly \$500, 000 for no outlay other than the pain of chasing us up for our back rates and loan. Where would these funds go?

**Mr Peter Stubbs, Chief Executive Officer responded:**

No formal consideration has been given to funds from any such sale. Informal discussion with the management team thought that Council would want funds to go back into the Community.

**Peter McClymans – Wyndham Community Club asked the question:**

If this interest in moving us to another venue fails for one reason or another what is the future of the Wyndham Community Club in the eyes of the present Shire Councillors and Administration. Are we doomed to the scrap heap with the closure of another Wyndham icon?

**Mr Peter Stubbs, Chief Executive Officer responded:**

It is difficult to answer given the Item before Council. If Council chooses not to investigate other alternatives, then presumably the status quo will remain.

## 6 APPLICATIONS FOR LEAVE OF ABSENCE

**Minute No. 7635**

**Move: Cr K. Wright**

**Seconded: Cr M. Middap**

**That Cr Di Ausburn be granted leave for the 17 April Ordinary Council Meeting.**

**Carried: 9/0**

## 7 PETITIONS

A petition regarding the Item 12.3.4 East Kimberley Regional and Wyndham Airports Future Plan was received by the Council. The wording of the petition is included below:

“We the undersigned request that The Shire of Wyndham East Kimberley in no way downgrade or close the Wyndham Airport. This is one of the town’s most valuable facilities, which services not only Wyndham but also the communities of Oombulgurri and Kalumburu, plus the cattle station to the West of Wyndham. We note that currently the Shire shows the facility to be unsustainable. Having the lowest rating of any of the Shire’s facilities and request that this rating be reviewed taking into consideration the large community and economics benefit that the airport provides for Wyndham and surrounding communities particularly in regards to mail and RFDS services.”

There were 345 signatories to the petition.

## 8 CONFIRMATION OF MINUTES

### 8.1 Confirmation of Minutes of the Ordinary Meeting of Council held on Tuesday, 20 February 2007.

### RECOMMENDATION

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

### COUNCIL RESOLUTION

**Minute No. 7636**

**Moved: Cr K. Wright**

**Seconded: Cr D. Ausburn**

**That Council confirm the Minutes of the Ordinary Meeting of Council held on Tuesday, 20 February 2007.**

***Carried Unanimously (9/0)***

**9 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

Successful significant funds from state - \$160,000 Wyndham Swimming Pool, plus funds to upgrade Tennis Courts in Kununurra.

The Hon Minister Kim Chance recently visited the Shire regarding negotiations with the sugar industry.

**10 DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

Nil

**11 MINUTES OF COUNCIL COMMITTEE MEETINGS**

Nil

## 12 REPORTS

### 12.1 ENGINEERING SERVICES

#### 12.1.1 Guerinoni and Son Vehicle Loading Concession Application

<b>DATE:</b>	20 March 2007
<b>PROPONENT:</b>	Guerinoni and Son
<b>LOCATION:</b>	Ord River Irrigation District
<b>ATLAS REFERENCE:</b>	N/A
<b>AUTHOR:</b>	Dan Hulands, Manager of Technical Services
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	21.01.01
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to consider supporting the request by Guerinoni and Son for Concessional Vehicle Loading being made to Main Roads Western Australia.

#### **BACKGROUND**

Guerinoni and Son propose to use three separate vehicle combinations. A triple axle triple road train is to be used to haul raw sugar/ molasses and a double axle triple road train (B-Triple) to haul sugar/ molasses. For each of these vehicles they are requesting a concession of an additional 3.5 tonne load per axle group. This will allow the triple axle vehicles to carry 141 tonnes and the double axle vehicles to carry 126 tonnes. Guerinoni and Son would also like the option of running a four trailer combination bringing carrying capacity to 164.5 tonne.

A concession allowing this additional load per axle was granted by Council to Ostojic Transport to haul the sugar at its meeting on 17<sup>th</sup> May 2001. A similar concession was granted to JSW Transport to haul sugar at its meeting on 26<sup>th</sup> October 2000. Also Wesfarmers Transport for the haulage of sugar cane from farms to the sugar mill, with approval being given by Council at its' meeting on 16<sup>th</sup> February 1999. It should be noted that Council did not approve or disapprove the use of four trailer combination when supporting the above concessions.

The operators of the sugar mill have awarded a new contract for hauling sugar from the mill on Weaber Plains Road to storage facilities on the Wyndham Wharf Area. The new contractor is Guerinoni & Son, based in Kununurra.

The contractor is proposing to apply to Main Roads WA (MRWA) requesting a concession on the loading of vehicles hauling sugar from the mill. MRWA require the consent of Council for the vehicle to use the Shire's roads before it will consider such an application.

#### **STATUTORY IMPLICATIONS**

Nil

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

No application fee is applicable

## **STRATEGIC IMPLICATIONS**

Nil

## **COMMUNITY CONSULTATION**

Nil

## **COMMENT**

These vehicles, if permitted, with the increased load, will accelerate slightly the rate of deterioration of the road caused by each vehicle. This will impact the road surface negatively as the larger the vehicles get the more axle there are to depress the road surface.

Responsibility for assessing the load bearing capacity of any bridges or culverts on the haulage routes lies with MRWA as part of their approval process. This approval by Council is solely to state that it does or does not object to this size of vehicle being used on Shire roads.

Subject to approval being given by Council, the application by Guerinoni and Son would be assessed further by MRWA to ascertain the transport and traffic implications of a concession being granted.

It is the officers opinion that the Shire support the use of triples and b-triple for the haulage to the port, but that the use of four trailer combination is not acceptable on the current standard of Weaber Plains, Mills Road and Ivanhoe Road.

## **ATTACHMENTS**

Nil

## **VOTING REQUIREMENT**

Simple majority

## **RECOMMENDATION**

1. That Council advise Guerinoni and Son Pty Ltd that Council has no objection to an application being made to Main Roads Western Australia for the granting of a Concessional loading on Triple Road Trains and B-Triple Road Trains carting raw sugar and molasses from the Kununurra Sugar Mill to Wyndham Port, using Weaber Plains Road, Mills Road and Ivanhoe Road to access the Highway network.

2. That Council advise Guerinoni and Son Pty Ltd and MRWA that Council objects to an application being made to Main Roads Western Australia for the granting of concessional vehicle loading on the use of four trailer combination for any purpose on any Shire related road without express permission from the Shire.

**COUNCIL RESOLUTION**

**Minute No.**

**Moved: Cr B. Barnes**

**Seconded: Cr J. Buchanan**

**That Council advise Guerinoni and Son Pty Ltd that Council has no objection to an application being made to Main Roads Western Australia for the granting of a Concessional loading on the Triple Road Trains and B-Triple Road Trains.**

**Carried Unanimously: 9/0**

### 12.1.2 Lake Kununurra Interpretive Signage

<b>DATE:</b>	20 March 2007
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Lily Creek Lagoon Foreshore, Celebrity Tree Park
<b>ATLAS REFERENCE:</b>	Map 45, 5A
<b>AUTHOR:</b>	Katya Tripp, Environmental Project Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	50.10.19
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to approve the location of an interpretive signage shelter in Celebrity Tree Park.

#### **BACKGROUND**

An interpretive signage shelter will help to build greater awareness and recognition of the importance and value of Traditional lands, the environment and the heritage of the Ord River (Lake Kununurra) and activities that may impact upon these values.

This interpretive signage is a milestone under the NAP funded project; Key Management Actions for Lake Kununurra.

This project involves partnerships with the Department of Water, Water Corporation and the MG Language Centre.

The location of the shelter was based on the following reasons:

- The artists painting of the Lagoon is the main feature. The sign is designed as a pulpit sign and depicts the view from the boat ramp foreshore across to sleeping buddha. The site was chosen so that cross referencing to the labelled features of the lagoon can be made.
- People are immediately drawn to the jetty and boat ramp. The chosen site is in close proximity to these structures and therefore will result in maximum access and attention as well as providing shelter and some seating to those utilising these facilities.
- A flat land based area is needed to minimise costs associated with site preparation and construction
- The location complements the planned upgrade of the car park and the provision of toilet facilities.

#### **STATUTORY IMPLICATIONS**

Building permit

#### **POLICY IMPLICATIONS**

N/A

## **FINANCIAL IMPLICATIONS**

\$10,000 has been budgeted for this signage under the Lake Kununurra project.

## **STRATEGIC IMPLICATIONS**

Implementation of the Foreshore Plan  
Promote environmental awareness  
Tourism information

## **COMMUNITY CONSULTATION**

Foreshore plan

## **COMMENT**

If the signage shelter proves valuable then there is room in the budget for it to be replicated at Swim Beach.

An official opening of the signage shelter will be needed. It is expected that this will occur in the month of April or May.

## **ATTACHMENTS**

Map showing chosen location  
Photo showing chosen location

## **VOTING REQUIREMENT**

Simple majority

## **RECOMMENDATION**

Council adopts the proposed location of the interpretive signage shelter as per indicated on the diagram below:





View from Proposed Site of Interpretive Signage



Dan Hulands standing on the Proposed Site of Interpretive Signage

**COUNCIL RESOLUTION**

**Minute No. 7637**

**Moved: Cr D. Ausburn**

**Seconded: Cr J. Parker**

**That Council adopt that the site for the interpretive signage be adjacent to the K89 signage.**

**Carried Unanimously: 9/0**

**NOTE: Council decided interpretive signage closer to the Victoria Highway, was more appropriate than the Officer's Recommendation.**

### 12.1.3 Salvinia

<b>DATE:</b>	20 March 2007
<b>PROPONENT:</b>	SWEK
<b>LOCATION:</b>	Lily Creek Lagoon Foreshore, Casuarina Drive
<b>ATLAS REFERENCE:</b>	Map 54 Ref C1
<b>AUTHOR:</b>	Katya Tripp, Environmental Project Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	50.10.13
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to note the request to the Department of Agriculture and Food and Agriculture Protection Board for these agencies to provide leadership and take responsibility for the eradication of the declared aquatic weed *Salvinia molesta* in Lily Creek Lagoon.

#### **BACKGROUND**

- In 2000 Salvinia was discovered near a drain outlet in Lily Creek Lagoon.
- Salvinia is a Declared Weed under the Agriculture and Related Resources Protection Act administered by the Agriculture Protection Board.
- Its Declaration under this Act signifies the importance the State places on its eradication because of the world recognised adverse impact it has on waterways if left unchecked.
- Efforts by State Government Departments and the Shire to date have failed to eradicate the weed.
- The Shire managed project -- Key Management Actions for Lake Kununurra includes a budget of \$12,000 for Salvinia control and eradication.
- \$19,000 has been committed to infill a bunded area of foreshore containing the majority of Salvinia
- Salvinia is still growing in the adjacent control area of Lily Creek lagoon amongst Cumbungi stands.
- A plan has been developed by Dan Hulands, Dick Pasfield and Katya Tripp to remove the Salvinia from this control area.
- This will be an expensive exercise for which the Shire requires additional funding and support from the relevant state government departments, namely Department of Agriculture.

#### **STATUTORY IMPLICATIONS**

Agriculture and Related Resources Protection Act.  
Category P1 (prohibits movement) and P2 (aim to eradicate infestation).

For works to occur to the foreshore a permit to interfere with the Bed and Banks is required from The Department of Water.

## **POLICY IMPLICATIONS**

N/A

## **FINANCIAL IMPLICATIONS**

\$12,000 National Action Plan funding is part of the Key Management Actions for Lake Kununurra project budget.

To date the following expenditure has occurred from this externally funded budget:

\$19,000 infill area  
\$800 chemical spray

**Total: \$19,800**

Over budget expense is being managed within the budget allocations.

It is estimated that the following additional costs will be required in an attempt should the Department of Agriculture and Food/ Agriculture Protection Board want to eradicate this infestation.

2 x fence booms	\$8,000
Groyne to be built	\$3,000
Materials from SWEK pit	\$12,000
Shale including transport	\$1,000

**Total        \$24,000**

## **STRATEGIC IMPLICATIONS**

Salvinia in Lake Kununurra if not eradicated has the potential to result in no boats or people being allowed to access the lake, irrigation networks becoming blocked and downstream infestation into the Lower Ord wetlands which could also result in banned access to this area.

## **COMMUNITY CONSULTATION**

Letters to Kimberley Land Council, Miriuwung Gajerrong Corporation, Department Environment and Conservation will be sent seeking approval for works before they commence.

## **COMMENT**

Although some funding has been received under the Key Management Actions for Lake Kununurra project, it is not sufficient to eradicate the Salvinia, given further Salvinia has been found.

While the Shire is providing leadership on this issue through hosting the project which has leveraged in external funding for eradication of Salvinia, the State needs to contribute to meet its responsibilities for Salvia and the waterways at risk.

The Department of Agriculture and Food/Agriculture Protection Board is responsible as Salvinia it is a Declared Weed, on a State Government managed water body.

The Water Corporation will be impacted should Salvinia spread to Lake Kununurra and irrigation channels.

Department of Environment and Conservation has responsibility too as Lake Kununurra is a Ramsar wetland.

The Shire actions to date are consistent with Councils strategic environmental goals to;

- Ensure that the Shire contributes to the unique environment in a sustainable and realistic manner.

*And to,*

- Contribute to the conservation and protection of our natural resources

### **ATTACHMENTS**

Letter to Department of Agriculture and Food

### **VOTING REQUIREMENT**

Simple Majority

### **RECOMMENDATION**

That Council notes the correspondence to the Department of Agriculture and Food and Agriculture Protection Board requesting that it meet its responsibilities to eradicate Salvinia from Lily Creek Lagoon given its Declaration as a Declared Weed and infestation on a State Government managed water body and to support the work the Shire of Wyndham East Kimberley has done to date through the Key Management Actions for Lake Kununurra project.

### **COUNCIL RESOLUTION**

Moved: Cr B. Barnes

Seconded: Cr J. Buchanan

That Council notes the correspondence to the Department of Agriculture and Food and Agriculture Protection Board requesting that it meet its responsibilities to eradicate Salvinia from Lily Creek Lagoon.

Motion withdrawn with the consent of the Mover and Seconder.

Councillors indicated clarification and discussion was required and therefore moved the following motion:

### **COUNCIL RESOLUTION**

**Minute No. 7638**

**Moved: Cr J. Buchanan**

**Seconded: Cr K. Wright**

**That Council suspend standing orders 7.5 to enable elected members to speak more than once on this Item.**

**Carried Unanimously: 9/0**

### **COUNCIL RESOLUTION**

**Minute No. 7639**

**Moved: Cr R. Devenish-Meares**

**Seconded: Cr J. Buchanan**

**That Council demand that the Department of Agriculture and Food Agricultural Protection Board as the lead agency and fulfil its responsibilities to ensure eradication of Salvinia from Lily Creek Lagoon given its declaration as a Declared Weed and infestation on a State Government managed water body and to support the work the Shire of Wyndham East Kimberley has done to date through the Key Management Actions for Lake Kununurra project.**

**Carried Unanimously: 9/0**

### **COUNCIL RESOLUTION**

**Minute No. 7640**

**Moved: Cr M. Middap**

**Seconded: Cr J. Parker**

**That Council resume standing orders 7.5.**

**Carried Unanimously: 9/0**

**NOTE: Council's decision differed from, but reinforced the Officer's Recommendation.**

Noel Wilson  
Regional Manager  
Department of Agriculture and Food  
Frank Wise Institute  
KUNUNURRA WA 6743

Noel,

### **Salvinia**

As you know there has been an outbreak of Salvinia in Lily Creek lagoon in Kununurra for some years. Despite various attempts to eradicate it the infestation re-emerges time and again. It has been located again in recent weeks.

I am little rusty on the State and Department's position in relation to Salvinia, but as I understand it is a Declared Weed for eradication, given its potential impact in aquatic environments. Its impact on the Ord Scheme and Kimberley ecosystems could be substantially negative.

Attached is the Shire's investment to date to seeking to assist eradicate this infestation, and the proposed budget to treat the infestation over the next month or so. I am seeking;

- A 50% financial contribution from the Agriculture Protection Board/ Department of Agriculture and Food for this work.
- Confirmation as to what eradication actions the Agriculture Protection Board/ Department of Agriculture and Food are taking to eradicate the infestation, given its Declaration and location on State waters.
- A commitment from the Agriculture Protection Board/ Department of Agriculture and Food to undertake public awareness of salvinia in Kununurra to ensure people who may have this on their private property dispose of it correctly, and property by property inspections throughout Kununurra to ensure the lagoon is not being re-infested.

Regards

Peter Stubbs  
Chief Executive Officer

Cc Cr Keith Wright  
Ord River Irrigation Cooperative

## 12.2 DEVELOPMENT SERVICES

### 12.2.1 Emergency Services Levy Grant Application 2007

<b>DATE:</b>	20 March 2007
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>ATLAS REFERENCE:</b>	N/A
<b>AUTHOR:</b>	Michelle Teague, Engineering & Development Services Support Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	32.12.13
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

To inform Council about the Emergency Services Levy Grant application for 2007.

#### **BACKGROUND**

On 1 July 2003, a new property-based Emergency Services Levy (ESL) was introduced to more equitably provide the main source of funds for the operations of the following:

- Bush Fire Service (BFS), including Local Government Bush Fire Brigades (BFBs);
- Career Fire and Rescue Service (CFRS);
- Emergency Management Services (EMS);
- Volunteer Emergency Service Units (VES), previously known as FESA Units;
- State Emergency Service (SES), including SES Units; and
- Volunteer Fire and Rescue Service (VFRS), including Volunteer Bush Fire Services.

The ESL has and will continue to provide funds to Local Government via Capital and Operating Grants for their BFBs and SES Units where applicable.

It remains the specific intended role and function of the ESL Grants Scheme to enable FESA to finance approved capital and operating costs associated with the provision and maintenance of an effective bush fire fighting service for Local Governments. This includes all costs incurred by BFBs associated with their establishment and training, and their actual responses to fire fighting (excluding wildfire) or other typical brigade operational activities. Similarly, the ESL Grants scheme will also fund the approved capital and operating costs associated with the delivery of services by SES Units.

Local Government collects \$800,000 across the Kimberley annually via the Emergency Services Levy. \$2.8 million is allocated to FESA in the Kimberley for emergency management. Funding is provided to 17 bushfire brigades across 6 towns in the Kimberley from this allocation

## **STATUTORY IMPLICATIONS**

Emergency Services Act 2000

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Operating expenses incurred by a BFB/SES Unit in direct support of their activities and readiness for operational duties, including the cost of emergency responses. Costs included are utilities, stationery, minor equipment, protective clothing, training, vehicle and building maintenance, etc.

Prescribed capital assets supported by an approved Emergency Services Capital Plan. The scope of such equipment includes items such as Appliances, vehicles, boats, trailers, buildings etc.

## **STRATEGIC IMPLICATIONS**

Nil

## **COMMENT**

It is recommended that Council note this item as part of their budget process.

## **ATTACHMENTS**

- ESL Grant Form 1
- ESL Grant Form 2
- ESL Grant Form 4 (BFBs)
- ESL Grant Form 4 (SES)
- ESL Grant Form 5 (BFBs)
- Annex A – Form 5 (SES)
- ESL Grant Form 6 (BFBs)
- ESL Grant Form 6 (SES)
- ESL Grant Form 7 (Crossing Falls BFB)
- ESL Grant Form 7 (Ivanhoe BFB)
- ESL Grant Form 7 (Packsaddle BFB)
- ESL Grant Form 7 (Kununurra SES)

## **VOTING REQUIREMENT**

Simple majority

## **RECOMMENDATION**

That Council note the proposed 2007/08 ESL budget submission to FESA.

**COUNCIL RESOLUTION**

**Minute No. 7641**

**Moved: Cr. K. Wright**

**Seconded: Cr D. Ausburn**

**That Council note the proposed 2007/08 ESL budget submission to FESA.**

**Carried Unanimously: 9/0**

**Local Government ESL Grant Certification**

**FORM 1**

**Pursuant to Section 36A for Emergency Services Levy purposes  
Fire and Emergency Services Authority of Western Australia Act 1998**

**Local Government Name:**... Shire of Wyndham East Kimberley

**ABN:**...35647145756

**Local Government Address:**...115 Coolibah Drive KUNUNURRA / PO Box 614 KUNUNURRA WA

**Post Code:** 6743.....

**Local Government CEO:**Peter Stubbs .....

**Local Government Contact BFB**

**Name:** Michelle Teague.....  
**Telephone:** 08 9168 4100.....  
**Facsimile:** 08 9168 1798.....  
**Email:**edso@thelastfrontier.com.au .....

**Local Government Contact SES**

**Name:** Michelle Teague.....  
**Telephone:** 08 9168 4100.....  
**Facsimile:** 08 9168 1798.....  
**Email:** edso@thelastfrontier.com.au.....

**2007/08 CAPITAL AND OPERATING GRANT BUDGET SUMMARY**

ESL Grant Type	Forms	BFB	SES
<b>CAPITAL</b>		<b>Please Circle</b>	<b>Please Circle</b>
Appliances/Vehicles	Form 3	YES	YES/NO
Equipment	Form 4	NO	YES/NO
Buildings	Form 5	YES	YES/NO
<b>OPERATING</b>	Form 6	<b>\$109, 200</b>	<b>\$61,000</b>

**In establishing this Capital/Operating Grant application, did you consult your:**

**Please Tick:**

Bush Fire Brigade(s)  State Emergency Service Unit(s)

FESA Regional/District Manager

**CAPITAL AND OPERATING GRANT BUDGET ESTIMATE CERTIFICATION**

I hereby certify that the above operating budget and costs associated with capital requests are expected to be incurred in relation to the provision of fire and emergency services in accordance with the Emergency Services Levy provisions of the *Fire and Emergency Services Authority of Western Australia Act 1998* for the financial year 01 July 2007 to 30 June 2008.

\_\_\_\_\_  
**CEO (signature)**

\_\_\_\_\_  
**Date**

*The form must be completed and submitted with all other forms by 31 January 2007 to:  
FESA Funding Services, Fire and Emergency Services Authority, PO Box P1174, Perth WA 6844*

**DO NOT CHANGE THE LAYOUT OF THIS FORM**

**BRIGADE/UNIT DETAILS**

**FORM 2**

**Local Government Name: Shire Wyndham East Kimberley**

**Financial Year: 2007/08**

<b>Legal Name of Registered Brigades/Units</b>		<i>Profile of Brigade (See Appendix 1 for brigade classification)</i>	<b>No. Incidents Previous Financial Year 2005/06</b>	<b>No. of Registered Members (a)</b>	<b>No. of Buildings (b)</b>
<b>Bush Fire Brigades</b>					
1	Crossing Falls BFB	Settlement	1	9	1
2	Ivanhoe BFB	Settlement	8	30	nil
3	Packsaddle BFB	Settlement	16	55	1
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
<b>TOTAL</b>			<b>25</b>	<b>94</b>	<b>2</b>
<b>State Emergency Service Units</b>					
1	Kununurra SES Unit			20	1
2					

<b>TOTAL</b>	<b>20</b>	<b>1</b>
<p><b>Notes:</b></p> <p>(a) Registered members are members of a brigade/unit as defined by the relevant legislation.</p> <p>(b) Buildings mean brigade/unit premises for operational purposes that are either owned or controlled by the Local Government or brigade/unit.</p> <p>If insufficient space, please provide information in above format on a separate attachment.</p> <p style="text-align: center;"><b>DO NOT CHANGE THE LAYOUT OF THIS FORM</b></p>		



<b>EQUIPMENT (&gt;\$3,000) – NEW ACQUISITIONS</b>					<b>2007/08</b>	
<i>(For additional equipment item purchases only. Do not complete for replacement items)</i>						
Brigade/Unit	Description	Make	Model	Priority	(\$'000)	
Packsaddle BFB	2.4 rural tanker (Diesel)	Isuzu	Dual cab	1	200,000.0	
Ivanhoe BFB	Winch Warn 12v 12,000lbs & winch bar ARB Deluxe & labour	Warn /ARB		1	4,040.0	
Ivanhoe BFB	Fast Attack	Toyota	Single Cab	1	50,000.0	

**DO NOT CHANGE THE LAYOUT OF THIS FORM**



<b>EQUIPMENT (&gt;\$3,000) – NEW ACQUISITIONS</b>					<b>2007/08</b>	
<i>(For additional equipment item purchases only. Do not complete for replacement items)</i>						
Brigade/Unit	Description	Make	Model	Priority	(\$'000)	
Kununurra SES Unit	<i>HINO / ISUZU 4X4 2 TON TRUCK</i>	HINO	<i>ISUZU</i>	1	70,000.0	

**DO NOT CHANGE THE LAYOUT OF THIS FORM**

**CAPITAL - BUILDINGS**

**FORM 5**

Local Government Name: Shire of Wyndham East  
 Kimberley.....

Please Tick Box: Bush Fire Brigade(s)

State Emergency Service Unit(s)

Brigade/Unit Name:  
 Ivanhoe...BFB.....

**Complete one form for each building grant submission**

**2007/08**

Section	PLEASE COMPLETE ALL QUESTIONS	Please circle or complete as appropriate
1	Is the application for an upgrade or extension to an existing building or relocation?  <i>If YES please attach supporting details (1 Page) and ignore Section 2</i>	YES

2	Is this application for a new building?	NO
	<b><i>If Yes please complete the following:</i></b>	
(a)	Is this building to be a Collocated Facility or is there an opportunity to establish a Collocated Facility?	NO
	<b><i>If YES please provide details on a separate attachment</i></b>	
(b)	Does this building replace an existing building?	NO
	<b><i>If YES approximately how old is the existing building?</i></b>	Years
(c)	What size building is required?	
	1 Bay Shed	NO
	2 Bay Shed	NO
	3 Bay Shed	YES
	4 Bay Shed	NO
	5 Bay Shed	NO
	6 Bay Shed	NO
	<b>Other - (Full plans, quotes and details required with this application)</b>	NO

(d)	How many appliances/vehicles/trailers etc will be housed in the building?	
(e)	Are ablutions required?	YES
(f)	Is an amenities/training room required?	YES
(g)	Is land available now?	YES
(h)	Does the land have separate title?	YES
(i)	Does the land have the correct zoning for this building project?	YES
(j)	Is the land cleared of contaminants?	YES
(k)	Are there any native title considerations?	NO
(l)	Are there <b>ANY</b> other funding sources contributing to this project?	NO
	<b><i>If YES please provide full details on a separate attachment.</i></b>	
(m)	Has your FESA Regional/District Manager been consulted regarding this project?	YES

**DO NOT CHANGE THE LAYOUT OF THIS FORM**

Form 5  
Building Capital (ESL)

For Ivanhoe BFB Unit

**Justification:**

Under the proposal of the new collocation emergency building for the Kununurra SES and FRS, the existing SES shed is to be relocated to a land set aside for the Ivanhoe BFB Unit. Unfortunately due to the budget blowout of the project funds are not available to affect relocation of said building.

The existing SES shed consists of a three bay shed with admin and training/conference facilities, a kitchen, ablutions and a mezzanine floor for storage. The total cost to relocate this building is estimated to be \$100,000.

Signed .....

Date .....

...  
Peter Stubbs CEO  
Shire of Wyndham East Kimberley



(d)	How many appliances/vehicles/trailers etc will be housed in the building?	
(e)	Are ablutions required?	YES / NO
(f)	Is an amenities/training room required?	YES / NO
(g)	Is land available now?	YES / NO
(h)	Does the land have separate title?	YES / NO
(i)	Does the land have the correct zoning for this building project?	YES / NO
(j)	Is the land cleared of contaminants?	YES / NO
(k)	Are there any native title considerations?	YES / NO
(l)	Are there <b>ANY</b> other funding sources contributing to this project?	YES / NO
	<b><i>If YES please provide full details on a separate attachment.</i></b>	
(m)	Has your FESA Regional/District Manager been consulted regarding this project?	YES / NO

**DO NOT CHANGE THE LAYOUT OF THIS FORM**

**OPERATING GRANT BUDGET ESTIMATE**

**FORM 6**

**Local Government Name: Shire of Wyndham East Kimberley**.....

Please Tick Box: Bush Fire Brigade(s)  State Emergency Service Unit(s)   
**(Complete one form for BFB in AGGREGATE and a separate form for SES in AGGREGATE.)**

**OPERATING GRANT BUDGET**

<b>Expenditure Items</b>	<b>2006/07 Projected (\$)</b>	<b>2007/08 Budget (\$)</b>
<b>RECURRENT EXPENDITURE</b>		
1. Purchase of Plant & Equipment <\$1,000 per item	3,000	8,000
2. Maintenance of Plant and Equipment	2,000	2,000
3. Maintenance of Vehicles/Trailers/Boats	7,300	13,000
4. Maintenance of Land and Buildings	3,000	3,000
5. Clothing and Accessories <sup>(a)</sup>	0	0
6. Utilities, Rates and Taxes	3,500	8,000
7. Other Goods and Services	3,500	15,500
8. Insurances	0	2,000
<b>Sub Total Recurrent</b>	<b>\$22,300</b>	<b>\$51,500</b>
<b>NON-RECURRENT EXPENDITURE <sup>(b)</sup></b>		
9. Purchase of Plant and Equipment from \$1,000 to \$3,000 per item <sup>(c)</sup>		9,500
10. Existing Interest Expense		
<b>Sub Total Non-Recurrent</b>	<b>\$0</b>	<b>\$9,500</b>
<b>TOTAL OPERATING BUDGET <sup>(d)</sup></b>	<b>\$22,300</b>	<b>\$61,000</b>

**All figures are to be GST EXCLUSIVE.**

**NOTES:**

- (a) Not applicable for SES.
- (b) Supporting details of expenditure items within this category must be provided on Form 7.
- (c) Items greater than \$3,000 are to be requested as a capital item.

(d) Total Operating Grant Budget 2007/08 for each service is to be transferred to Form 1 "ESL Grant Certification.

As a separate attachment, please provide an explanation of any significant variations between years.

FESA reserves the right to seek clarification or additional details supporting the information above.

**DO NOT CHANGE THE LAYOUT OF THIS FORM**

**OPERATING GRANT BUDGET ESTIMATE**

**FORM 6**

**Local Government Name:** ...Shire of Wyndham East  
Kimberley.....

Please Tick Box: Bush Fire Brigade(s)  State Emergency Service Unit(s)   
**(Complete one form for BFB in AGGREGATE and a separate form for SES in AGGREGATE.)**

**OPERATING GRANT BUDGET**

<b>Expenditure Items</b>	<b>2006/07 Projected (\$)</b>	<b>2007/08 Budget (\$)</b>
<b>RECURRENT EXPENDITURE</b>		
1. Purchase of Plant & Equipment <\$1,000 per item	3000	6500
2. Maintenance of Plant and Equipment	2000	8000
3. Maintenance of Vehicles/Trailers/Boats	7300	26000
4. Maintenance of Land and Buildings	3000	6500
5. Clothing and Accessories <sup>(a)</sup>	0	3000
6. Utilities, Rates and Taxes	3500	6700
7. Other Goods and Services	3500	13500
8. Insurances	0	4500
<b>Sub Total Recurrent</b>	<b>\$22300</b>	<b>\$74700</b>
<b>NON-RECURRENT EXPENDITURE <sup>(b)</sup></b>		
9. Purchase of Plant and Equipment from \$1,000 to \$3,000 per item <sup>(c)</sup>		34500
10. Existing Interest Expense		
<b>Sub Total Non-Recurrent</b>	<b>\$0</b>	<b>\$34500</b>
<b>TOTAL OPERATING BUDGET <sup>(d)</sup></b>	<b>\$22300</b>	<b>\$109200</b>

**All figures are to be GST EXCLUSIVE.**

**NOTES:**

- (a) Not applicable for SES.  
Supporting details of expenditure items within this category must be provided on
- (b) Form 7.
- (c) Items greater than \$3,000 are to be requested as a capital item.

Total Operating Grant Budget 2007/08 for each service is to be transferred to Form 1  
(d) "ESL Grant Certification.

As a separate attachment, please provide an explanation of any significant variations between years.

FESA reserves the right to seek clarification or additional details supporting the information above.

**DO NOT CHANGE THE LAYOUT OF THIS FORM**

**NON-RECURRENT EXPENDITURE JUSTIFICATION**

**FORM 7**

**Local Government Name: Shire of Wyndham East Kimberley (Crossing Falls BFB)**.....

**Please Tick Box:** Bush Fire Brigade(s)  State Emergency Service Unit(s)   
 (Complete one form for BFB in AGGREGATE and a separate form for SES in AGGREGATE.)

JUSTIFICATION NON-RECURRENT EXPENDITURE - Supporting Information	2007/08 Budget
<b>9. Purchase of Plant and Equipment \$1,000 to \$3,000</b>	<b>(\$)</b>
Item: Winch for Light Tanker Brigade/Unit: Crossing Falls BFB Reason: Fighting fire in boggy and sandy areas, need winch in case of emergency and stuck	2,500
Item: Inverted generator 2KVA Brigade/Unit: Crossing Falls BFB Reason: Operation and training	2,500
Item: Laptop Computer Brigade/Unit: Crossing Falls BFB Reason: Admin operation al and training requirement	2,000
Item: Data projector Brigade/Unit: Crossing Falls BFB Reason: Admin training and operational requirements	2,500
Item: Ice Machine Brigade/Unit: Crossing Falls Bush Fire Brigade Reason: Training & Operational in tropical conditions. Duty of Care	\$1,500.00
Item: Brigade/Unit: Reason:	
Item: Brigade/Unit: Reason:	
<b>10. Existing Interest Expense</b>	<b>(\$)</b>
Lender: Period of Loan: From _____ To _____ Is _____ Loan Apportioned: Yes / No _____ Total Loan: _____ Percentage of Apportionment _____ Claimed: _____ %	

Interest Rate: <i>Schedule.</i> Reason for Loan:	<i>Please attach Repayment</i>
<b>TOTAL NON-RECURRENT EXPENDITURE</b>	<b>\$11,000</b>

**Note:** If insufficient space, please provide information in above format on a separate attachment.

**DO NOT CHANGE THE LAYOUT OF THIS FORM**

**NON-RECURRENT EXPENDITURE JUSTIFICATION**

**FORM 7**

**Local Government Name: Shire of Wyndham East Kimberley (Ivanhoe BFB)**.....

**Please Tick Box: Bush Fire Brigade(s)  State Emergency Service Unit(s)**

*(Complete one form for BFB in AGGREGATE and a separate form for SES in AGGREGATE.)*

<b>JUSTIFICATION NON-RECURRENT EXPENDITURE - Supporting Information</b>	<b>2007/08 Budget</b>
<b>9. Purchase of Plant and Equipment \$1,000 to \$3,000</b>	<b>(\$)</b>
Item: Ice Machine Brigade/Unit: Ivanhoe Fire Brigade Reason: Training & Operational in tropical conditions. Duty of Care	\$1,500.00
Item: Inverted generator 2KVA Brigade/Unit: Ivanhoe BFB Reason: Operation and training	2,500
Item: Laptop Computer Brigade/Unit: Ivanhoe BFB Reason: Admin operation al and training requirement	2,000
Item: Data projector Brigade/Unit: Ivanhoe BFB Reason: Admin training and operational requirements	2,500
Item: 2 Refrigerated split system air conditioners Brigade/Unit: Ivanhoe BFB Reason: Creating a comfortable working environment during admin, training and operations	5,000
Item: Brigade/Unit: Reason:	
Item: Brigade/Unit: Reason:	

<b>10. Existing Interest Expense</b>	<b>(\$)</b>
Lender: Period of Loan: From _____ To _____ Is Loan Apportioned: Yes / No Total Loan: _____ Percentage of Apportionment Claimed: _____ %	
Interest Rate: _____ <i>Please attach Repayment Schedule.</i> Reason for Loan: _____	
<b>TOTAL NON-RECURRENT EXPENDITURE</b>	<b>\$13,500</b>

**Note:** If insufficient space, please provide information in above format on a separate attachment.

**DO NOT CHANGE THE LAYOUT OF THIS FORM**

**NON-RECURRENT EXPENDITURE JUSTIFICATION**

**FORM 7**

**Local Government Name: Shire of Wyndham East Kimberley**.....

**Please Tick Box: Bush Fire Brigade(s)  State Emergency Service Unit(s)**

*(Complete one form for BFB in AGGREGATE and a separate form for SES in AGGREGATE.)*

<b>JUSTIFICATION NON-RECURRENT EXPENDITURE - Supporting Information</b>	<b>2007/08 Budget</b>
<b>9. Purchase of Plant and Equipment \$1,000 to \$3,000</b>	<b>(\$)</b>
Item: Ice Machine Brigade/Unit: Packsaddle Bush Fire Brigade Reason: Training & Operational in tropical conditions. Duty of Care	\$1,500.00
Item: Brigade/Unit: Reason:	
Item:2 Brigade/Unit: Reason:	
Item: Brigade/Unit: Reason:	
Item: Brigade/Unit: Reason:	
Item: Brigade/Unit: Reason:	
Item: Brigade/Unit: Reason:	

<b>10. Existing Interest Expense</b>	<b>(\$)</b>
Lender: Period of Loan: From _____ To _____ Is Loan _____ Apportioned: Yes / No	
Total Loan: _____ Percentage of Apportionment _____ Claimed: _____ %	
Interest Rate: _____ <i>Schedule. Please attach Repayment</i>	
Reason for Loan:	
<b>TOTAL NON-RECURRENT EXPENDITURE</b>	<b>\$1,500</b>

**Note:** If insufficient space, please provide information in above format on a separate attachment.

**DO NOT CHANGE THE LAYOUT OF THIS FORM**

**NON-RECURRENT EXPENDITURE JUSTIFICATION**

**FORM 7**

**Local Government Name:** .....

**Please Tick Box:** Bush Fire Brigade(s)  State Emergency Service Unit(s)

*(Complete one form for BFB in AGGREGATE and a separate form for SES in AGGREGATE.)*

<b>JUSTIFICATION</b>	<b>2007/08</b>
<b>NON-RECURRENT EXPENDITURE - Supporting Information</b>	<b>Budget</b>
<b>9. Purchase of Plant and Equipment \$1,000 to \$3,000</b>	<b>(\$)</b>
Item: Laptop Computer Brigade/Unit: Kununurra SES Unit Reason: Required for Administration, Operations,& Training	2,500
Item: Data Projector Brigade/Unit: Kununurra SES Unit Reason: Administration, Operations & Training	2,500
Item: Fax Machine Brigade/Unit: Kununura SES Unit Reason: Administration ,Operations & Training	1,500
Item: Radio Hand Held UHF Brigade/Unit: Kununurra SES Unit Reason: Administration ,Operations & Training	1,500
Item: Radio Hand Held UHF Brigade/Unit: Kununuarra SES Unit Reason: Administration ,Operations & Training	1,500
Item: Brigade/Unit: Reason:	
Item: Brigade/Unit: Reason:	

10. Existing Interest Expense	(\$)
Lender: Period of Loan: From _____ To _____ Is _____ Loan Apportioned: Yes / No _____ Total Loan: _____ Percentage of Apportionment _____ Claimed: _____ % Interest Rate: _____ <i>Please attach Repayment Schedule.</i>	
Reason for Loan:	
<b>TOTAL NON-RECURRENT EXPENDITURE</b>	<b>\$9,500</b>

**Note:** If insufficient space, please provide information in above format on a separate attachment.

**DO NOT CHANGE THE LAYOUT OF THIS FORM**



ESL Grant Funding Committee

**Re: Shire of Wyndham East Kimberley Application 2007/08**

This is a note to explain the difference in the Operating Grant Budget for 2006/07 and 2007/08. For the previous application the three bush fire brigades; Packsaddle, Ivanhoe and Crossing Falls; shared the projected budget of \$22,300. This has been the case for several years.

This year, on the advise of Gordon Tiddums, we decided to look at the needs and wants of the three brigades individually. Ivanhoe BFB is needing a new shed and that is being attended to but they will need a fit-out. All brigades are wanting to encourage their members to attend refresher courses on emergency procedures and safety.

After the collapse of communications (Telstra's fibre optic cables) in last few months, each brigade is placing a high priority on upgrading and improving their communication equipment.

Each brigade has been running on minimum equipment spares and they realise that to run an efficient emergency service they need to be more prepared with their back-up equipment.

Insurance has not been budgeted for previously so this has been a consideration for this current application.

The same can also be said for the Kununurra SES Unit, whose application has also increased from the previous year. In discussion with Gordon Tiddums the SES unit planned their needs for the coming budget with the focus on upgrading and improving their skills and equipment, their preparedness for an emergency, the maintenance of their equipment and the promotion of their unit to gain new members as well as maintaining their current numbers.

Each group is fully aware of their needs and how their services have been drawn upon in the past twelve months, this is reflected in their requests when completing this application.

On behalf of the Bush Fire Brigades and the SES Unit  
I remain  
Yours faithfully

Michelle Teague

Cr Wright left the room at 7:32pm.

### 12.2.2 Proposed Transient Accommodation, Shed and Tank Stand For Transport Depot – Lot 102 Bull Run Road, Kununurra

<b>DATE:</b>	20 March 2007
<b>PROPONENT:</b>	Green Country Holdings Pty Ltd
<b>LOCATION:</b>	Lot 102 Bull Run Road, Kununurra
<b>ATLAS REFERENCE:</b>	Map 56, Ref. E5
<b>AUTHOR:</b>	Jo Barkla, Town Planning Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	01.0076.02
<b>ASSESSMENT NO:</b>	0076

#### **PURPOSE**

For Council to consider an application for planning consent for the use and development of the subject land with two transient accommodation units, a shed and tank stand for a transport depot.

#### **BACKGROUND**

The application is to facilitate development of a vacant lot in the Bull Run Road area. The establishment of a transport depot with transient accommodation is appropriate in this area and complements existing development.

#### **SITE LOCATION**

The subject site is one of four Composite Industry zoned lots located on Bull Run Road in Kununurra. The subject land abuts two Composite Industry lots to the north and south, with the rear (eastern) boundary adjacent to a large parcel of Rural Living zoned land that surrounds the entire Composite Industry area on three sides. There is a fuel depot to the south of the Composite Industry zoned land area. See attached map.

The subject site is abutted to the south by a transport depot development with two existing transient accommodation units and planning approval for a caretaker's dwelling, with a large shed currently being developed. To the north is a lot developed with a single residence to the rear of the lot, a caretaker's dwelling and workshop to the front boundary with Bull Run Road. The northern most lot is developed for single residential purposes.

#### **PROPOSED LAND USE / DEVELOPMENT**

The applicant is seeking approval for the use of the subject land as a transport depot with development comprising two transient accommodation units for bus drivers, a shed for the storage of buses and a tank stand.

A site visit has identified the sand pad for the proposed shed has been laid while the rest of the lot is undeveloped.

## **FINANCIAL IMPLICATIONS**

The Application Fee of \$265.00 has been paid.

## **COMMUNITY CONSULTATION**

Under Town Planning Scheme No. 7 – Kununurra and Environs, both a transport depot and transient accommodation are AA uses, 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**

A location plan and submitted development plans are attached.

## **PLANNING ASSESSMENT**

### Strategic/Structure Plans

The Local Planning Strategy designates the subject land to be for Industrial purposes with the current Rural Living zoned land to also be used for Industrial.

### Town Planning Scheme No. 7 – Kununurra and Environs

The land is located within the Composite Industry zone. Clause 5.15 of the town planning scheme states that the objectives of this zone are:

*To provide for the establishment of minor industrial pursuits and single residential development on the same lot with particular regard being given to operating hours, levels of development, and potential impact of the development on adjoining composite industrial zoned lots and future rural residential uses in the locality.*

The applicant advises the proposed development of transient accommodation is the first stage of a planned transport depot which will eventually comprise 6 transient accommodation units and a single residential dwelling. The applicant will table a plan which identifies proposed future development.

The transport depot is intended to store 6 buses within the proposed shed. The development of the industrial uses at the front of the lot is in keeping with adjacent development to the north and will limit the impact of the depot on future residential amenity.

In addition to objectives, the Scheme contains development requirements for lots situated within the Composite Industry zone, stating that a person may only:

- a) *Develop or establish a light industry where a residence is erected first and forms an integral part of the development.*
- b) *Allow the residence to be occupied by either the owner, manager or employee of the light industry established on the premises.*
- c) *Generally allows family or dependants to be employed in the industrial pursuit.*
- d) *Establish an industry that is of a nature as determined by Council that can operate compatibly with residential living and with minimal impact on adjoining residential uses.*

- e) *Establish an industry that is essentially a single person operation and is not reliant on attracting passing trade or customers.*
- f) *Develop single residential use in accordance with the R15 code.*
- g) *Develop industrial use in accordance with standards specified in Tables 1 and 2 of the Scheme.*

Under Table 1 of the Scheme, transient accommodation is listed as a form of residence, and 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.*

A transport depot is an Industrial use defined as

*any land or buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons, or for the transfer of goods or persons from one motor vehicle to another of such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles, and may include overnight accommodation on-site for the transport workers.*

The applicant advises an intention to develop a single house in the future (see tabled plans) for family use, while transient accommodation units are to be for bus drivers associated with the business. There will be no customers attracted to the site by signage or advertising, with very limited occasions envisaged when a customer may find it more convenient to meet the bus on site than be collected.

### **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 Composite Industry zone. In addition, the Scheme is clear that industrial use should follow single residential development.

Therefore, Council needs to consider whether it should exercise discretion and determine:

- a) that transient accommodation may precede the proposed single residential development that is required by Clause 5.15.2 of the Scheme;
- b) whether the development of 6 transient accommodations is appropriate; and
- c) if a transport depot with 6 buses operating over unrestricted hours would impact detrimentally upon future residential amenity.

It should be noted that the abutting transport depot contains two transient accommodation units, has approval for a caretaker's dwelling, and no lodged plans for a single residential development.

If Council considers that the use is consistent with the objectives and development requirements of the Composite Industry zone, 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 hired/rented/leased out to bus drivers associated with the business operating from the transport depot, 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 bus drivers accompanied by a suitable vehicle, with such notification to be approved by Council officers. This is to ensure that only bus drivers associated with the transport depot are accommodated.
- c) No additional transient accommodation units will be approved by Council until construction of a single residence occurs. This is to ensure that the Scheme objectives are complied with;
- d) A maximum number of transient accommodation units as determined by Council. This is to ensure that the amenity of future residents is not impacted.
- e) All parking to be contained on site with buses to be stored in the shed and all employee parking to be contained on site at all times. This is to ensure residential amenity is not impacted for future residents; and
- f) No signage attracting customers or passing trade to the lot, in compliance with Scheme requirements.

The application will support a local tourist operator, complies with the Scheme, complements existing development, and can be appropriately conditioned to address amenity issues. It is recommended that the proposed use be approved with conditions.

### **VOTING REQUIREMENT**

Absolute Majority

### **RECOMMENDATION**

1. That Council grants planning consent to Green Country Holdings Pty Ltd for Temporary Accommodation on Lot 102 Bull Run Road, Kununurra, to:
  - (i) Use the land for the purpose of Transport Depot and Transient Accommodation;
  - (ii) commence the development of a Transport Depot, 2 x Transient Accommodation Units and a Tank Hardstand.

Subject to the following conditions:

- (i) Provision of a statutory declaration confirming that the transient accommodation units will only be hired/rented/leased out to bus drivers associated with the business operating from the transport depot, for periods not exceeding 6 months;
- (ii) All prospective occupants to be notified at the point of checking into the accommodation that the units are reserved for the exclusive use of bus drivers accompanied by a suitable vehicle, with such notification to be approved by Council officers;
- (iii) No additional transient accommodation units will be approved by Council until construction of a single residential dwelling occurs;

- (iv) All parking to be contained on site with buses to be stored in the shed and all employee parking to be contained on site at all times;
- (v) No signage attracting customers or passing trade to the lot; and
- (vi) Any conditions issued under delegated authority from Council's Standard Conditions list.

**COUNCIL RESOLUTION**

Moved: Cr D. Ausburn

Seconded: Cr J. Parker

1. That Council grants planning consent to Green Country Holdings Pty Ltd for Temporary Accommodation on Lot 102 Bull Run Road, Kununurra, to:
  - (i) Use the land for the purpose of Transport Depot and Transient Accommodation;
  - (ii) commence the development of a Transport Depot, 2 x Transient Accommodation Units and a Tank Hardstand.

Subject to the following conditions:

- (i) No additional transient accommodation units will be approved by Council until construction of a single residential dwelling occurs;
- (ii) All parking to be contained on site with buses to be stored in the shed and all employee parking to be contained on site at all times;
- (iii) Any conditions issued under delegated authority from Council's Standard Conditions list.

**Motion was withdrawn.**

**Cr Roch Devenish-Meares left the meeting room at 7:44pm and returned to the meeting room at 7:46pm.**

**COUNCIL RESOLUTION**

Moved: Cr M. Middap

Seconded: Cr G. Green

1. That Council grants planning consent to Green Country Holdings Pty Ltd for Temporary Accommodation on Lot 102 Bull Run Road, Kununurra, to:
  - (i) Use the land for the purpose of Transport Depot and Transient Accommodation;
  - (ii) commence the development of a Transport Depot, 2 x Transient Accommodation Units and a Tank Hardstand.

Subject to the following conditions:

- (i) Provision of a statutory declaration confirming that the transient accommodation units will only be hired/rented/leased out to bus drivers associated with the business operating from the transport depot, for periods not exceeding 6 months;
- (ii) All prospective occupants to be notified at the point of checking into the accommodation that the units are reserved for the exclusive use of bus drivers accompanied by a suitable vehicle, with such notification to be approved by Council officers;

- (iii) No additional transient accommodation units will be approved by Council until construction of a single residential dwelling occurs;
- (iv) All parking to be contained on site with buses to be stored in the shed and all employee parking to be contained on site at all times;
- (v) No signage attracting customers or passing trade to the lot; and
- (vi) Any conditions issued under delegated authority from Council's Standard Conditions list.

**Cr John Buchanan moved an amendment to the motion.**

**Minute No. 7642**

**Moved: Cr J. Buchanan**

**Seconded: Cr B. Barnes**

**That Council amend motion to remove condition i) with the motion to read:**

1. **That Council grants planning consent to Green Country Holdings Pty Ltd for Temporary Accommodation on Lot 102 Bull Run Road, Kununurra, to:**
  - (i) **Use the land for the purpose of Transport Depot and Transient Accommodation;**
  - (ii) **commence the development of a Transport Depot, 2 x Transient Accommodation Units and a Tank Hardstand.**

**Subject to the following conditions:**

- (i) **All prospective occupants to be notified at the point of checking into the accommodation that the units are reserved for the exclusive use of bus drivers accompanied by a suitable vehicle, with such notification to be approved by Council officers;**
- (ii) **No additional transient accommodation units will be approved by Council until construction of a single residential dwelling occurs;**
- (iii) **All parking to be contained on site with buses to be stored in the shed and all employee parking to be contained on site at all times;**
- (iv) **No signage attracting customers or passing trade to the lot; and**
- (v) **Any conditions issued under delegated authority from Council's Standard Conditions list.**

**Carried: 6/2**

The ammended motion became the substantive motion.

**COUNCIL RESOLUTION**

**Minute No. 7643**

**Moved: Cr M. Middap**

**Seconded: Cr G. Green**

**1. That Council grants planning consent to Green Country Holdings Pty Ltd for Temporary Accommodation on Lot 102 Bull Run Road, Kununurra, to:**

- (i) Use the land for the purpose of Transport Depot and Transient Accommodaion;**
- (ii) commence the development of a Transport Depot, 2 x Transient Accommodation Units and a Tank Hardstand.**

**Subject to the following conditions:**

- (i) All prospective occupants to be notified at the point of checking into the accommodation that the units are reserved for the exclusive use of bus drivers accompanied by a suitable vehicle, with such notification to be approved by Council officers;**
- (ii) No additional transient accommodation units will be approved by Council until construction of a single residential dwelling occurs;**
- (iii) All parking to be contained on site with buses to be stored in the shed and all employee parking to be contained on site at all times;**
- (iv) No signage attracting customers or passing trade to the lot; and**
- (v) Any conditions issued under delegated authority from Council's Standard Conditions list.**

**Carried: 6/2**

**Cr Pucci requested that her vote against the motion be recorded.**

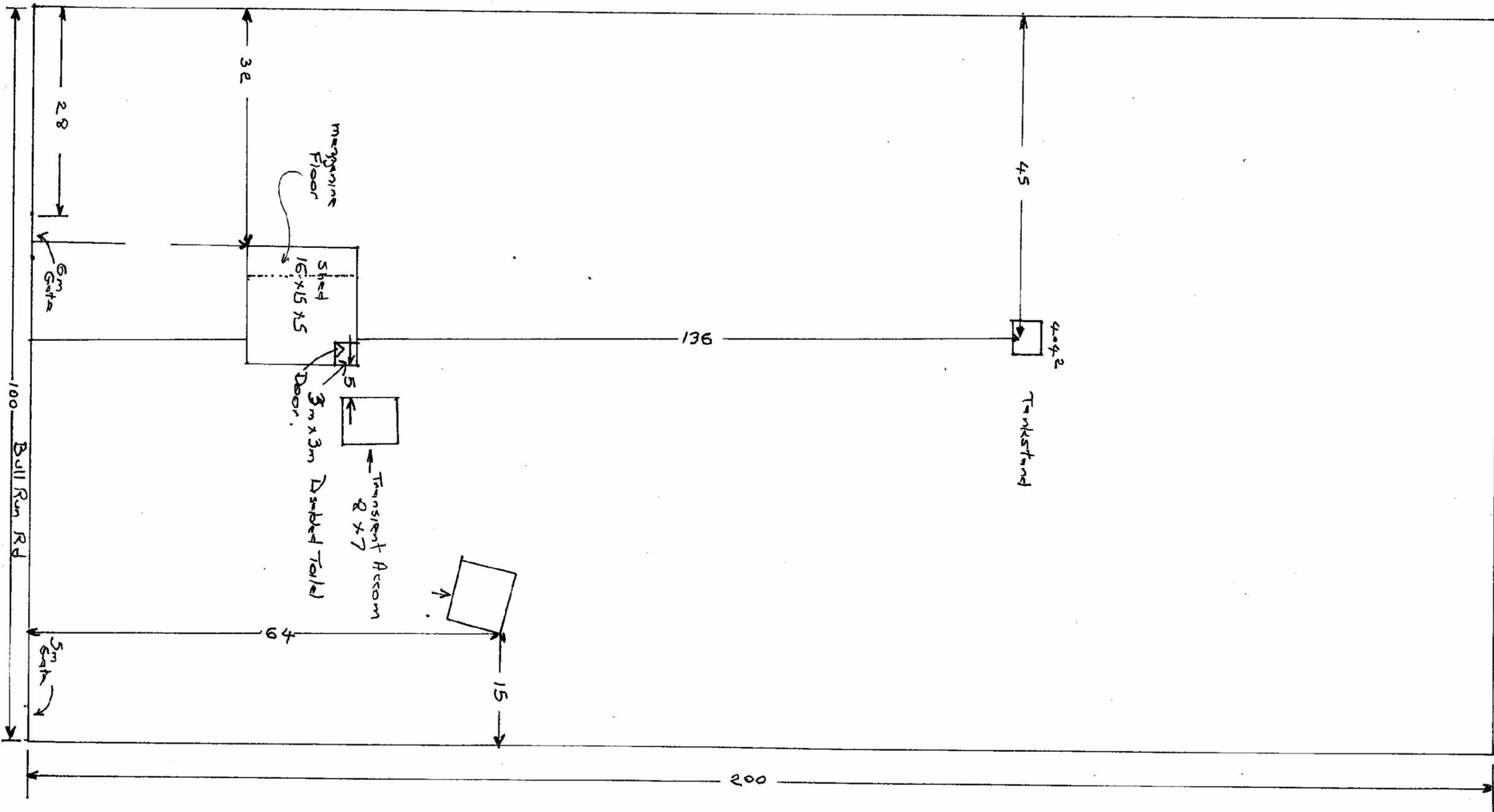
**Cr Pucci as Presiding Member declared a two minute convenience break.**

**Cr Wright returned to the meeting room and was advised of the result of the motion at 8:00pm.**

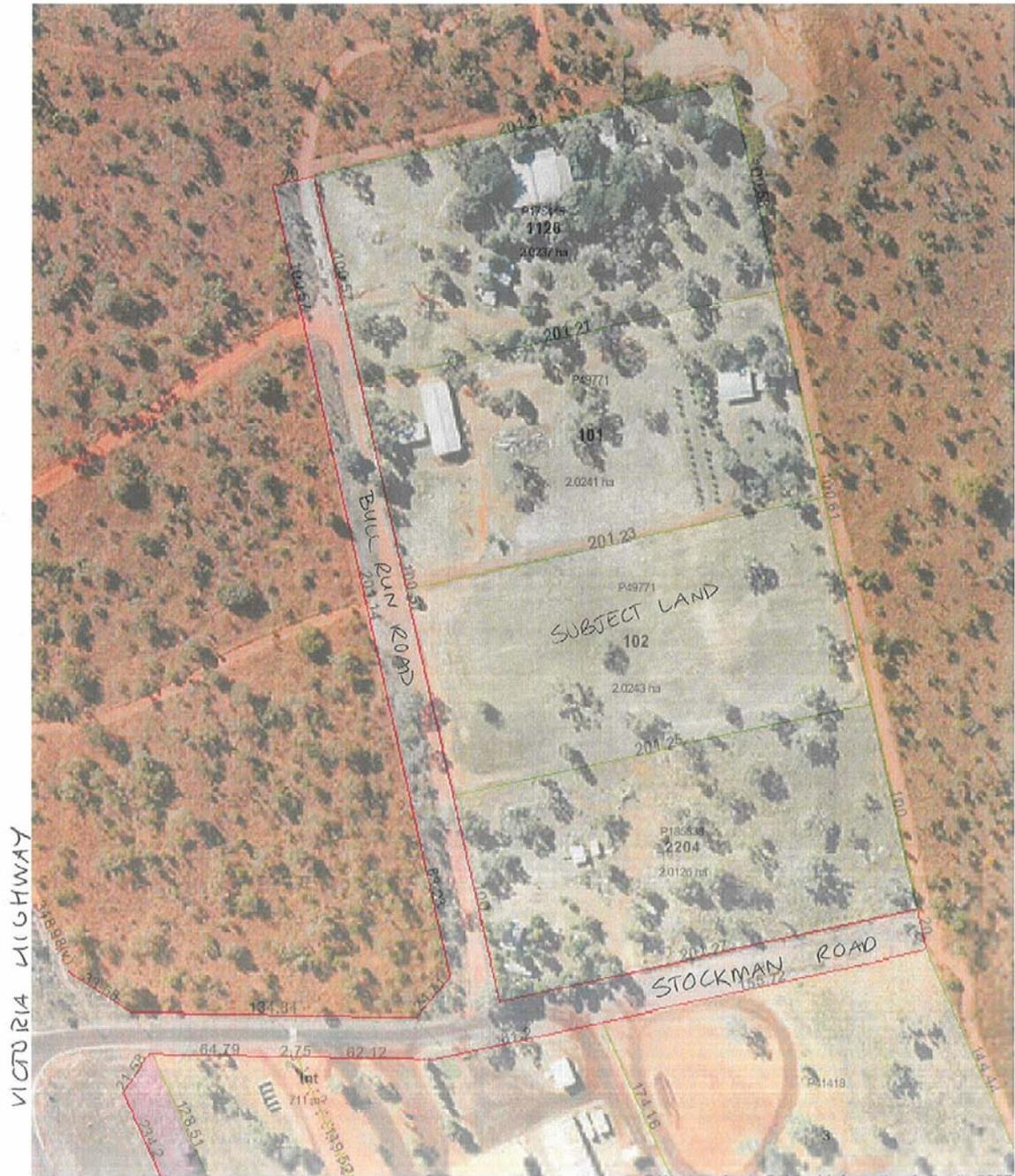
**NOTE: Council considered use of a recommended statutory declaration not required.**

Green Country Holdings Pty Ltd

1:500



# DEVELOPMENT PLAN

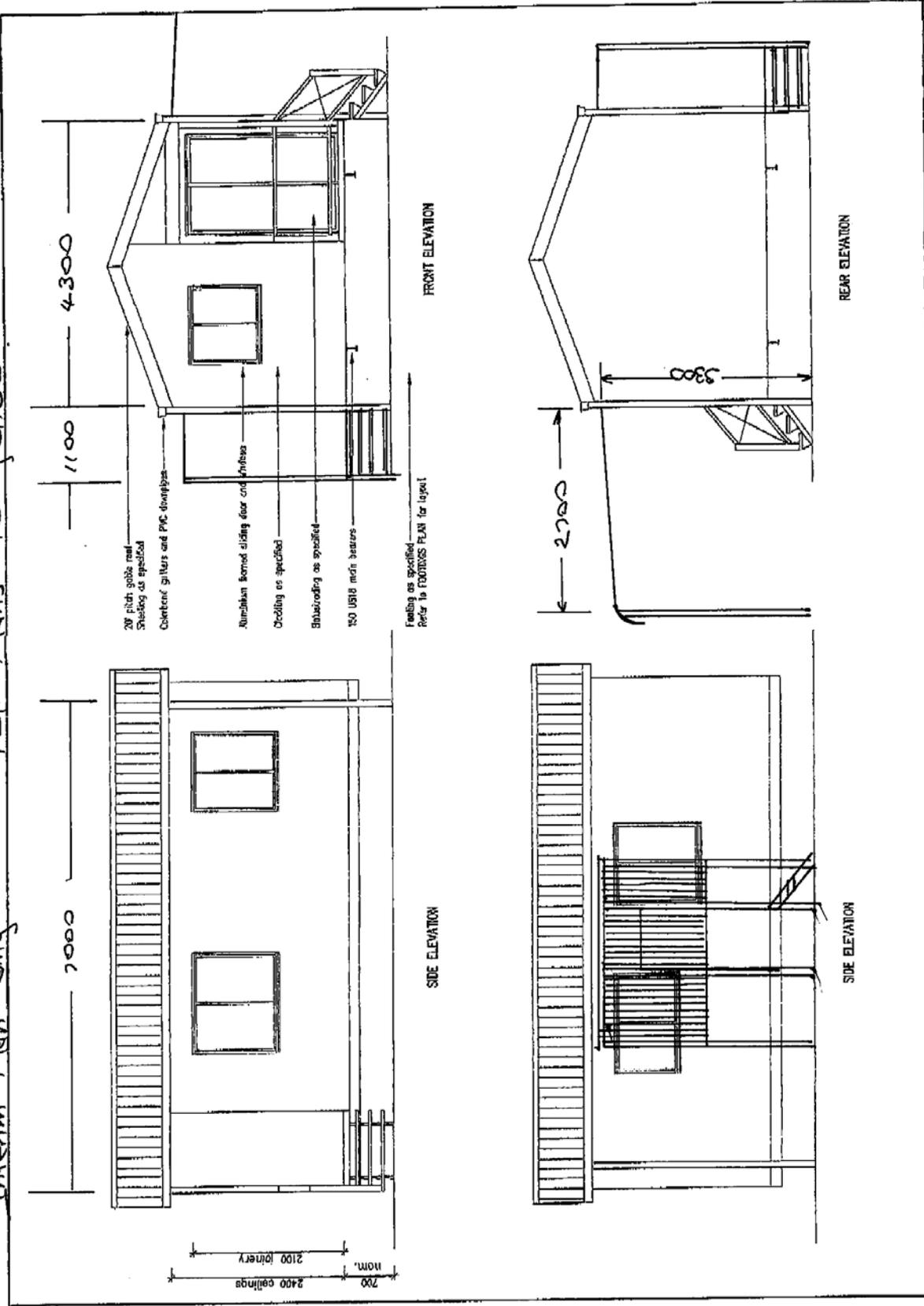


LOT 102 BULL RUN ROAD

## LOCATION PLAN



Interim Plan only full plans to follow



DRAWN BY: RG/CP      DATE: 13-05-09      SHEET SIZE: A3  
 SCALE: 1:50      CHASSIS NUMBER:      PROJECT: C-09-01101/AROUSE  
 DESIGN: GLENDALE GRANITE CABIN RANGE      CUSTOMER:      ADDRESS:      PHONE: 07 54851286      FAX: 07 54856702  
 BUILDING DESIGN RANGE: WATH      THE ROSE  
 ASSUMED SITE RATINGS:     



TRANSIENT ACCOM.



FESA has now approached the Shire to project manage the design and construction of the proposed Emergency Services Centre and proposes the following terms:

*Our Ref File No: 02181*

*Your ref:*

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

*Att: Mr Peter Stubbs*

*Dear Peter,*

***KUNUNURRA EMERGENCY SERVICES CENTRE***

*In relation to the development of a new collocated Emergency Services Centre, and agreed outcomes at our recent meeting with stakeholders, FESA wishes to progress the matter through a satisfactory arrangement with the Shire of Wyndham - East Kimberley (SWEK). In order to establish the way forward, this correspondence and your subsequent written reply will establish our agreed position with SWEK regarding the design, scope, funding, payment, project management and after completion and commissioning, the operation of the facility.*

*This correspondence therefore seeks to establish agreement that:-*

*The Shire of Wyndham - East Kimberley (Shire) will:-*

- Enter into a formalised arrangement for delivery of the project with FESA, when the design and documentation is completed and is to the satisfaction of both parties;*
- At nil cost to and in conjunction with FESA's planning requirements, project manage the design, documentation and tender of the new collocation facility and provide a pre tender cost estimate to FESA to confirm budget requirements;*
- Project manage the construction of the facility;*
- Jointly commission the facility with FESA; and,*
- Upon completion, take possession of No 12 Agate Way and No 129 Coolibah Drive, Kununurra as a part of a land exchange agreement between FESA, the Health Department and the Shire.*

*FESA will:-*

- Enter into a formalised arrangement for delivery of the project with the Shire, when the design and documentation is completed and is to the satisfaction of both parties;*
- Provide approved funding of up to \$1.5M for the total cost of the project based on approved plans established between the Shire and FESA and in conjunction with a pre tender cost estimate;*
- Provide payments to the Shire for the facility based on a Payment Schedule of 5 payments of 20% of the total cost per Tax Invoice from the Shire at:-*

- *Project commencement;*
- *Slab completion;*
- *Roof completion;*
- *Fit-out completion; and*
- *Handover.*
- *Upon completion, demolish the existing VFRS building, relocate the existing SES shed to a nominated site on Weaber Plains Road for the Ivanhoe Bushfire Brigade and forfeit possession of No 12 Agate Way and No 129 Coolibah Drive, Kununurra as a part of a land exchange agreement between FESA, the Health Department and the Shire.*
- *Establish a Management Agreement for the day to day use and operation of the facility; and,*
- *Jointly commission the facility with the Shire.*

*Accordingly, to allow the development project to commence I request your formal response and agreement to the above terms.*

*If you have any queries, please contact Michael Duyckers (08) 9323 9498.*

*Yours sincerely*

*FRANK PASQUALE  
A/EXECUTIVE DIRECTOR CORPORATE SERVICES*

*19 January 2006*

#### **STATUTORY IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

The role of project management will cost Council in the form of officer time and resources. Council officers do not have charge out rates and no specific time frame is predicted, however, an approximate cost given the simplicity of the construction (the facility is effectively three single sheds) and the two to three hours per week of officer time required over a nine month period is \$10,000.

As part of the proposed land swap with FESA and Department of Health, Council will obtain land located within the town centre that will be able to be developed and or sold. This land, given its zoning and mostly freehold nature, is estimated to be worth more than the land Council has agreed to swap.

Again, no comparative data is available and the exact cost or benefit to Council is likely to be intangible. However, there is likely to be significant benefit to the community as a result of Council facilitating this project.

## **STRATEGIC IMPLICATIONS**

The proposed FESA Kununurra Emergency Services Centre will provide modern facilities for fire brigades and emergency services volunteers and will also facilitate redevelopment of prime town centre land.

## **COMMENT**

FESA local crews support the project management of the proposed facility, as expected benefits will be local on the ground management as well as cost savings.

The agreement is relatively standard and with the exception of a clause that relates to the handover of property, can be endorsed as terms of agreement.

The clause relating to handover of property is redundant, as this will occur in conjunction with the approved land swap and not as part of the project management agreement.

Council has recent experience with similar projects, including the Child Care Centre, Youth Centre, as well as three grouped dwellings and a single dwelling. Project management will bring many benefits. It is recommended that Council proceed with the agreement.

## **ATTACHMENTS**

Nil

## **VOTING REQUIREMENT**

Simple Majority

## **RECOMMENDATION**

That Council agrees to project manage the design and construction of the Kununurra Emergency Services Centre on behalf of FESA, subject to the following modifications to the terms proposed:

1. Removal of the term that reads:
  - *Upon completion, take possession of No 12 Agate Way and No 129 Coolibah Drive, Kununurra as a part of a land exchange agreement between FESA, the Health Department and the Shire.*

## COUNCIL RESOLUTION

Minute No.7644

Moved: Cr K. Wright

Seconded: Cr M. Middap

That Council not project manage the design and construction of the Kununurra Emergency Services Centre on behalf of FESA.

Lost: 4/5

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

For: Cr K. Wright  
Cr J. Buchanan  
Cr M. Middap  
Cr J. Parker

Against: Cr M. Pucci  
Cr B. Barnes  
Cr G. Green  
Cr R. Devenish- Meares  
Cr D. Ausburn

## COUNCIL RESOLUTION

Minute No. 7645

Moved: Cr R. Devenish-Mears

Seconded: Cr D. Ausburn

That Council agrees to project manage the design and construction of the Kununurra Emergency Services Centre on behalf of FESA, subject to the following modifications to the terms proposed:

1. Removal of the term that reads:
  - *Upon completion, take possession of No 12 Agate Way and No 129 Coolibah Drive, Kununurra as a part of a land exchange agreement between FESA, the Health Department and the Shire.*
2. That Council require written indemnity from FESA for any cost and time overruns associated with management and construction of the project.

Carried: 6/3

## 12.2.4 Proposed Marketing Strategy - Parks Plan Land Sale

<b>DATE:</b>	20 March 2006
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Various Reserves
<b>ATLAS REFERENCE:</b>	Various
<b>AUTHOR:</b>	Keith Williams, Town Planner
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	43.04.08
<b>ASSESSMENT NO:</b>	01.5498.02

### **PURPOSE**

For Council to consider awarding a contract to undertake the marketing of the sale of four parcels of land.

### **BACKGROUND**

Council adopted its Parks Plan in 2004. One of the recommendations from the parks plan was the sale of three parks, subject to conditions:

- Funds to be invested in parks contained within plan;
- Parks developed to hierarchical criteria;

The Minister granted consent to have these properties transferred to Council for 5% of their value in June 2006 and contracts of sale have been signed in January 2007. Council has also received confirmation that it will receive title to the Ewin Centre property. The sale of this land is conditioned to require revenue to be invested in the new Child Care Centre.

Council officers have requested three quotations for the development of a marketing plan to assist with the marketing and sale of the land.

### **STATUTORY IMPLICATIONS**

Nil

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

It is recommended that a Parks Reserve be created to receive funds from the sale and drive the implementation of the Parks Plan.

### **STRATEGIC IMPLICATIONS**

The use of a marketing plan will improve the return to Council from the sale of the land, as it is likely to improve the sale price by attracting a larger and more diverse range of applicants.

## COMMENT

The following table summarises the results of the request for quotations.

SUBMITTED BY:	ELDERS REAL ESTATE	EAST KIMBERLEY REAL ESTATE	KIMBERLEY FIRST NATIONAL
Price	2.8 % of gross sale price	\$ 26 300	Various
Benefits	<ul style="list-style-type: none"> <li>▪ <i>Nationwide company</i></li> <li>▪ Promotion:               <ul style="list-style-type: none"> <li>• National Press</li> </ul> </li> <li>○ Financial Review</li> <li>○ Weekend Australian</li> <li>○ Australian               <ul style="list-style-type: none"> <li>• The West Australian</li> <li>• Rural Press</li> </ul> </li> <li>○ Farm Weekly</li> <li>○ Countryman               <ul style="list-style-type: none"> <li>• Local press - Echo</li> <li>• Leaflets</li> <li>• 3 internet sites</li> <li>• Rural property album</li> <li>• St Georges terrace front window</li> </ul> </li> <li>▪ Optional TV campaign - GWN</li> <li>▪ On site sale boards</li> <li>▪ Local representation</li> <li>▪ Accessibility</li> </ul>	<ul style="list-style-type: none"> <li>▪ <i>Local company with sales team</i></li> <li>▪ <i>High visibility local office</i></li> <li>▪ Promotion:               <ul style="list-style-type: none"> <li>• The West Australian</li> <li>• Local press - Echo</li> <li>• Promotional brochure</li> <li>• 4 internet sites</li> </ul> </li> <li>▪ Local shop front property guide</li> <li>▪ On site sale boards</li> <li>▪ 24 hour phone service</li> <li>▪ Large client base</li> <li>▪ Network of contacts</li> </ul>	<ul style="list-style-type: none"> <li>▪ Includes advertising options as per other quotations</li> <li>▪ High visibility local office</li> <li>▪ Proposes three options:               <ol style="list-style-type: none"> <li>1. <i>Open listing for all properties</i> <ul style="list-style-type: none"> <li>○ Typical % based fee</li> <li>○ Standard advertising processes</li> </ul> </li> <li>2. <i>Appoint exclusive agent</i> <ul style="list-style-type: none"> <li>▪ Reduced fee of 50 % of typical % based fee [ie 1.5%] standard advertising processes</li> </ul> </li> <li>3. <i>Undertake specific marketing campaign</i> <ul style="list-style-type: none"> <li>▪ standard advertising processes - cost plus 20% fee</li> <li>▪ \$5000 to \$10 000 estimated cost</li> </ul> </li> </ol> </li> </ul>
Disadvantages	<p>Potential costs of \$42 000 + [based on sales price of \$1 500 000 for all properties].</p> <p>Lacks local office and has only one local representative</p>	Lacks nationwide coverage	Lacks specific detail

The process for the Parks Plan has been revised:

Mutli Disciplinary Team approach	Task	Nov-06	Dec-06	Feb-07	Mar-07	Apr 06	May-07	Jun-07	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07
Town Planning	Land Titles to be changed from Reserves to Freehold												
	Manage sale of land to deliver finance to SWEK												
	Rezoning of Sorghum and Greybox												
Finance	Allocate and confirm budget												
Engineering	Provide maps, overall design & budget considerations to Community Services												
Community Services	Community liaison to build up community ownership & buy-in on design. Provide community consultation feedback to Engineering												
Engineering	Draft design options and Budget												
Community Services	Feedback back to community												
Engineering	Final Design, budget confirmation, implementation timeframe												
Community Services	Final Feedback to public and stakeholders.												
Engineering	Implementation												
Community Services	Official Opening												

\*\* It is anticipated that Pindan Park will be the first park to be developed followed by Rotary Park and these will be the first parks opened. Other parks and upgrades will be done in accordance with Council's Parks Plan.

The following properties are included in the marketing strategy:

PROPERTY	ADDRESS	ZONING	AREA	DWELLING YIELD
Reserve 34890 Lot 1039	Greybox Crescent	Residential R30	2627m <sup>2</sup>	8 units
Reserve 31512 Lot 1004	Sorghum Place	Residential R30	1627m <sup>2</sup>	5 units
Reserve 38411 Lot 1255	Riverfig Avenue	Town centre	3569m <sup>2</sup>	18 - 22 units
Reserve 28285	Konkerberry Drive	Town Centre	2147m <sup>2</sup>	10 - 13 units

Town centre lots can be developed to the R50 Density Code. These lots also have differing development requirements to residential zoned land, as they can accommodate a mix of land uses. Development yield will depend on whether the development consists of multiple dwellings or grouped dwellings.

Given that they may be developed with mixed uses and are town centre locations, it is proposed to set the tender criteria for the sale of the Ewin Centre and Reserve 38422 as follows:

- Design and development type: 10 %
- Demonstrated ability: 5 %
- Time limits on development - commencement one year maximum: 5 %
- \$ offered: 80 %

The two residential zoned sites can only be developed with residential development, which is controlled by the residential design codes and accordingly requires less consideration of design. It is therefore proposed to set the tender criteria for the sale of the Ewin Centre and Reserve as follows:

- Design and development type: 5 %
- Demonstrated ability: 5 %
- Time limits on development - commencement one year maximum: 5 %
- \$ offered: 85 %

For the same reasons it is proposed to split the sale process to two of the quotations. This will provide a national profile for the two town centre sites and will also ensure a degree of competition.

### **ATTACHMENTS**

Nil

### **VOTING REQUIREMENT**

Simple Majority

### **RECOMMENDATION**

1. That Council appoint Elders Real Estate to undertake the marketing of Reserve 28285 the Ewin Centre Konkerberry Drive and Reserve 38411 Lot 1255 Riverfig Avenue for 2.8% of the sale price;
2. That Council set the following tender criteria and call tenders for the sale of Reserve 28285 the Ewin Centre Konkerberry Drive and Reserve 38411 Lot 1255 Riverfig Avenue:

- Design and development type: 10 %
  - Demonstrated ability: 5 %
  - Time limits on development - commencement one year maximum: 5 %
  - \$ offered: 80 %
3. That Council appoint East Kimberley Real Estate to undertake the marketing of Reserve 34890 Lot 1039 Greybox Crescent & Reserve 31512 Lot 1004 Sorghum Place for 2.8% of the sale price; and
4. That Council set the following tender criteria and call tenders for the sale of Reserve 34890 Lot 1039 Greybox Crescent & Reserve 31512 Lot 1004 Sorghum Place:
- Design and development type: 5 %
  - Demonstrated ability: 5 %
  - Time limits on development - commencement one year maximum: 5 %
  - \$ offered: 85 %

### **COUNCIL RESOLUTION**

**Minute No. 7646**

**Moved: Cr J. Buchanan**

**Seconded: Cr D. Ausburn**

1. That Council appoint Elders Real Estate to undertake the marketing of Reserve 28285 the Ewin Centre Konkerberry Drive and Reserve 38411 Lot 1255 Riverfig Avenue for 2.8% of the sale price;
2. That Council set the following tender criteria and call tenders for the sale of Reserve 28285 the Ewin Centre Konkerberry Drive and Reserve 38411 Lot 1255 Riverfig Avenue:
  - Design and development type: 10 %
  - Demonstrated ability: 5 %
  - Time limits on development - commencement one year maximum: 5 %
  - \$ offered: 80 %
3. That Council appoint East Kimberley Real Estate to undertake the marketing of Reserve 34890 Lot 1039 Greybox Crescent & Reserve 31512 Lot 1004 Sorghum Place for 2.8% of the sale price; and
4. That Council set the following tender criteria and call tenders for the sale of Reserve 34890 Lot 1039 Greybox Crescent & Reserve 31512 Lot 1004 Sorghum Place:
  - Design and development type: 5 %
  - Demonstrated ability: 5 %
  - Time limits on development - commencement one year maximum: 5 %
  - \$ offered: 85 %

**Carried Unanimously: 9/0**

### 12.3.5 Reserve 41812 - Foreshore Reserve - Celliston Nominees Lease

<b>DATE:</b>	20 March 2007
<b>PROPONENT:</b>	Celliston Nominees
<b>LOCATION:</b>	Foreshore Reserve 41812
<b>ATLAS REFERENCE:</b>	Map 54 C3
<b>AUTHOR:</b>	Keith Williams, Town Planner
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	01.2860.02
<b>ASSESSMENT NO:</b>	2860

#### **PURPOSE**

For Council to consider a request by Celliston Nominees to extend the lease on a portion of Foreshore Reserve 41812.

#### **BACKGROUND**

Council established a three year lease with Celliston Nominees on the Lily Creek Lagoon foreshore in June 2005. The lease is due to expire in 31 May 2008.

Council resolved to modify the lease provisions in March 2006.

At the May 2006 Briefing Session, Council requested officers to make all commercial foreshore leases consistent and to ensure all commercial leases of the foreshore [three caravan park leases and Celliston Nominees lease] contained the same provisions.

The Department of Water, a co-vestee in the Foreshore Reserve 41812, has advised that it will not modify the terms of the current lease. A copy of this advice is attached.

The lease schedule summarising the terms of the lease is provided below:

#### ***THE SCHEDULE***

##### ***Item 1 - Land:***

*ALL THAT portion of Reserve No. 41812 containing approximately 1700 square metres shown bordered green on the Plan annexed to this Lease (Annexure 'A').*

##### ***Item 2 - Term:***

*Three (3) years commencing on 1<sup>st</sup> June 2005 and expiring on 31<sup>st</sup> May 2008.*

*This lease shall expire upon the:*

*Completion of the term of the lease; or*

*Six (6) months after the date of a written notice from the Lessor to the Lessee advising that a suitable alternate commercial boating facility, is/or will be, available on Lake Kununurra;*

*Which ever is sooner.*

**Item 3 - Option of Renewal:**

*At the end of the lease term, the lessee may apply to the lessor for a new lease on the lease area, however there is no automatic renewal of this lease.*

**Item 4 - Rent:**

*\$5,100 per annum plus GST payable annually in advance on the first day of May in each year during the Term commencing on 1 May 2005.*

**Item 5 - Rent Review Dates:**

*1 June 2006*

*1 June 2007*

**Item 6 - Use of Land:**

*Activities and operations associated with the operation of a marine based tourism and recreation enterprise, and consistent with the designated purpose for which the Reserve is reserved under s.41 of the Land Administration Act 1997, but subject to all local government and other approvals required by law being first obtained by the Lessee prior to commencement of any development of the Land by the Lessee.*

*All development, construction or improvements shall be, at the discretion of the Lessor, removed at expiry of the lease. Any development, construction or improvements not removed at the expiry of the lease shall become the property of the Lessor. All costs associated with the removal of any development, construction or improvement shall be borne by the Lessee.*

**Item 7 - Lessee's Proportion:**

*That portion of the Reserve identified on the Plan annexed to this Lease (Annexure 'A') and defined by the survey points as shown on the Plan.*

**Item 8 - Development of the Land**

*All development, construction and improvements to the land and or lease area shall occur only in accordance with the development plan annexed to this lease (Annexure 'B'). All development, construction and improvement shall not commence without prior approval of the Shire of Wyndham East Kimberley.*

**STATUTORY IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Council currently receives \$5,000 per year from the existing lease. Celliston Nominees have not provided details of remuneration they are proposing should the lease be extended.

The Shire management view, as recommended to Council in March 2006, is that the community gains the best return from this lease site by calling tenders for it at the conclusion of the lease May 2008.

## **STRATEGIC IMPLICATIONS**

It is widely acknowledged by organisations like the Kununurra Chamber of Commerce and Industry and Kununurra Visitor Centre that appropriate developments at agreed locations including this lease site are strategically important to the future of the East Kimberley region, both in terms of tourism and in attracting and retaining skilled people to live and work in the region.

The Growing East Kimberley project which Council and the Kununurra Chamber of Commerce and Industry lead and which has a cross section of East Kimberley organisations on it, has identified the need for substantial development at agreed sites on the lake Kununurra, Lily Creek Lagoon foreshore consistent with the draft Foreshore plan. Longer-term leases offered in open competition best deliver that.

## **COMMENT**

### PERCEIVED DELAYS

There has been some discussion and criticism of Council officers due to perceived delays with Council's March resolution.

Council officers endeavoured to implement the recommendations of the Lake Kununurra Foreshore Plan, which would provide exclusive use long term leases for all four lease sites and in accordance with directions given at the May 2006 Briefing Session, Council officers have been in negotiations with the Department of Water for significant periods of time with regard to the leases on the foreshore in accordance with the Foreshore Plan. This would have resulted in longer leases for all leaseholders.

It was therefore when official notification that the caravan park lease modifications would not be supported that the March resolution was pursued with greater emphasis, as the negotiations were aimed to achieve the desired extensions to the leases, including the Celliston Nominees lease.

While it is accepted that there was a lack of correspondence related to this, it should also be acknowledged that this was due to the negotiations related to the other foreshore leases.

### DEVELOPMENT APPROVALS

It should be noted that at the 17 May 2005 Ordinary Meeting of Council the development was approved. The development application was for a "Tour Vessel Landing and Ticket Office" and the resolution was as follows:

*That Council grant planning consent to Diversion Cruises for the use and development of Reserve 41812 on the corner of Messmate Way and Victoria Highway for a Tourist Vessel Landing and Ticket Sales Office in accordance with the submitted plans and subject to the following specific conditions of approval:*

The approval also contained development conditions. Accordingly, the use of the site for other land uses will require the consent of Council.

#### TERMS OF CURRENT LEASE

The lease was issued to Celliston Nominees on the basis that Celliston was operating a cruise vessel and the development application was also approved on this basis. Accordingly, the lease conditions required the relocation of the enterprise when the Commercial Boating facility is constructed. Houseboats were not specifically included in the lease or in the development approval.

The existing lease to Celliston Nominees specifically includes conditions to require the relocation and there is no obligation on Council to extend or renew the lease and the lease was agreed to by Celliston Nominees on that basis. The applicant has agreed to do so by signing the lease.

The feasibility study for the Commercial Boating facility has commenced and full development of the facility is anticipated to commence this year and with the exception of minor extensions to the lease while construction of the facility occurs, it is not considered that there have been any exceptional changes to warrant modification of the lease, or to prevent the relocation to the commercial boat facility.

Should the use of the lease area be changed [such as hire canoes or paddle boats], then a formal submission to Council should be made by the proponent and potentially a new lease specifically providing for the new use should be drafted.

There has been some discussion regarding the ability of Council to modify the lease without the consent of the co-vestee. Advice has been received confirming that Council cannot modify the lease without the consent of the co-vestee.

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**From:** Dixon, Ray [<mailto:Ray.Dixon@dpi.wa.gov.au>]  
**To:** Keith Williams  
**Subject:** RE: consent

*Hi Keith,*

*Yes the consent of both management order holders is required. As discussed we can seek legal advice if required.*

*Ray*

*-----Original Message-----*

**From:** Keith Williams [<mailto:TP@thelastfrontier.com.au>]  
**To:** Dixon, Ray; Raven, Murray

*Hi Ray/Murray*

*As per our discussion this afternoon, can you please confirm that a lease over a portion of a reserve, specifically Reserve 41812 vested in SWEK and DoW, requires the consent of both vestees, and that Council is unable to authorize and enter into a lease without the written consent of the co-vestee.*

*Formal legal advice is not required initially, and in principle advice is sort in the first instance, as this issue will arise at the Council meeting next week. We may need formal legal advice in the future, but can request this after the Council meeting.*

*Once again, thanks for your help!*

*Regards*

*Keith Williams  
**Town Planner**  
Shire of Wyndham East Kimberley  
PO Box 614  
KUNUNURRA 6743*

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## SUPPORT FOR TOURISM INDUSTRY

Council is reminded that it provides funding in the order of \$40,000 per year to the Kununurra Visitor Centre to financially make that service viable, as service of benefit to all people and businesses in the East Kimberley region. Everything that takes away tourism commission sales from the Kununurra Visitor Centre makes it less likely Council can wean the Kununurra Visitor Centre off this subsidy.

Council has given in principle support to construction of a proposed new Kununurra Visitors Centre adjacent to the lease site with Celliston Nominees, subject to the Kununurra Visitor Centre meeting development criteria. One of key reasons suggested for a new Visitor Centre near the leased site with Celliston Nominees is to increase tourism commission sales, visibility and exposure of the Visitor Centre, and to lessen the future Kununurra Visitor Centre demand on ratepayers through a Council subsidy.

Further, Council received a request from the Kununurra Visitor Centre for it to consider introducing a tourism levy to assist fund visitors services which all businesses, investors and residents in the East Kimberley benefit from. Councillors considered that request informally at their Briefing Session on 7<sup>th</sup> March 2006 and requested further advice as why local businesses would not voluntarily contribute the required funds to operate the Kununurra Visitor Centre, meaning a levy would not needed through local government. This further highlights the need for Council to make decisions that lead to improved financial viability of the Kununurra Visitor Centre. Extending the lease as proposed by Celliston Nominees, allowing increased security over investment of ticketing office is not consistent with that.

## FUTURE DEVELOPMENT OF THE SITE

A summary of the perceived advantages and disadvantages of extending the existing lease versus the recommended strategy of not extending that lease and offering a new longer term lease are provided below:

<b>Options</b>	<b>Advantages to community</b>	<b>Disadvantages</b>
Extend or renew lease to Celliston Nominees		<ol style="list-style-type: none"> <li>1. Lease valuation required;</li> <li>2. Valuation must be advertised, with public advertising;</li> <li>3. LG Act requires public advertising because Council would in effect be 'disposing' of land by private treaty;</li> <li>4. Should Celliston Nominees seek to on sell the lease at any time it may be at an appreciated price, the beneficiary of which will be Celliston Nominees; and</li> <li>5. Possible significant public opposition that Council would need to manage.</li> </ol>
Advise Celliston Nominees that the lease will not be extended or renewed, but a new long term lease possibly 21 years with an option of renewal, will be offered to open tender	<ol style="list-style-type: none"> <li>1. Open transparent process;</li> <li>2. Maximises financial return to ratepayers;</li> <li>3. Provides the security any investors are likely to be looking for good investment scale and standard;</li> <li>4. No requirement to invite public comment;</li> <li>5. Likelihood of less public opposition &amp; Council can easily say everyone has an opportunity to bid;</li> <li>6. Council can develop tender criteria and establish up front very clearly what type of development will occur and over what timeframe;</li> <li>7. Council is not obligated to accept any tender; and</li> <li>8. Onus is on tenderer to prove the value, worthiness and capacity to deliver their commercial project.</li> </ol>	

An expression of interest/tender process is transparent, enables Council to be privy in advance to the detail of proposed development intentions and maximises the financial returns to the people Council represents, its ratepayers and residents.

It is considered that there may be substantial public and commercial interest in the future of this site. Attached are press extracts from a year ago when the existing lease had been awarded. A similar level of public interest may exist through either the request to extend the existing lease or any new longer-term lease in the future.

The current lease allows Celliston Nominees to construct a ticketing office on the lease, with this to be removed should Council require it at the end of the lease. It is understood that Celliston Nominees are seeking a lease extension because of the desire to get a return from any development they do on the lease site. Council should be mindful however that Celliston Nominees agreed to the current lease terms and conditions.

The lease site is in a significant position in relation to the Kununurra town entry and town centre and has a key aspect in the future of Kununurra. Given that it is public land and the public has demonstrated a keen interest in this site, it is considered that allowing the development as proposed will entrench a single low key use on a site that has potential for a variety of land uses and developments that may make better use of the site and have a greater benefit to ratepayers and the community.

#### SAFETY

At the briefing session in March 2007 Council discussed the issue of safety of houseboats within the Commercial Boat Facility (CBF).

The proposed CBF is 60 metres wide and over 200 metres in length. It has been designed to provide significant clearance between vessels and would easily accommodate houseboats.

Additionally, there is no conflict with mixing hire drive houseboat operators with skippered licensed vessels. It is preferable to mix skippered vessels with houseboats than recreational users with houseboats, as skippered vessels have trained professional drivers in close proximity to slow cumbersome houseboats rather than the relatively inexperienced drivers of recreational boats and dinghy's - especially in high traffic narrow passages such as 'the Esses' near the bat colony on Lake Kununurra.

Houseboats would not interfere with the float plane either, as provision has been made for float planes to be accommodated within the CBF but outside the inlet to minimise conflict.

Discussions with the Department for Planning and Infrastructure's Licensing department related to marine transport confirm that there are no safety or licensing issues with houseboats and Celliston Nominees specific licence, using the commercial boat facility:

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*From: Biber, Peter [mailto:Peter.Biber@dpi.wa.gov.au]  
To: Keith Williams  
Subject: PROPOSED COMMERCIAL BOAT HARBOUR -- KUNUNURRA*

*Keith*

*As previously discussed, DPI does not consider the Hire and Drive houseboat presently operating out of Lily Lagoon to represent a safety hazard within the confines of the proposed Commercial Boat Harbour in Lake Kununurra. DPI does not foresee there being any conflict between skippered commercial vessels and hire and drive operated vessels in this area provided gazetted rules and regulations are adhered to by all parties.*

*Please let me know if you require any further information.*

*Regards*

*Peter R Biber  
Regional Manager, Kimberley  
Department for Planning and Infrastructure  
Kennedy's Store, 9 Napier Terrace  
BROOME WA 6725  
PH: (08) 9192 0206  
FX: (08) 9193 5651  
[www.dpi.wa.gov.au](http://www.dpi.wa.gov.au)*

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## **ATTACHMENTS**

Letter from Department of Water regarding the Foreshore Reserve 41812  
Newspaper articles.

## **VOTING REQUIREMENT**

Simple Majority

## **RECOMMENDATION**

That Council

1. Advise Celliston Nominees that the onus is on it to obtain written consent from the Department of Water, who is a co-signatory to the current lease and a co-vestee of the foreshore reserve, for any proposed lease variation including an extended term of the lease before Council will consider this further.
2. Rescinds resolution 7406 from the March 2006 Ordinary Council meeting; and

*MINUTE NO. 7406*

*That Council amend the Lease for Celliston Nominees to read:*

- 1) *Item 2 – Term*

*Three (3) years with the right of renewal commencing on 1st June 2005*

- 2) *Delete all words between  
"And expiring on 31<sup>st</sup> May 2008 and which ever is sooner"*
  - 3) *Item 3 Option of Renewal  
Delete the words  
"however there is no automatic renewal of this lease"*
  - 4) *The CEO takes the necessary steps to expedite this motion.*
3. Undertake a tender process for the use of portion of Foreshore Reserve 41812 on Victoria Highway adjacent to Messmate Way for a variety of land use and development at the expiry of the existing lease with Celliston Nominees in May 2008, so that the community has the best possible opportunity to attract a quality development of the nature and scale consistent with the landmark aspect and location of the site.

### **COUNCIL RESOLUTION**

**Minute No. 7647**

**Moved: Cr K. Wright**

**Seconded: Cr J. Buchanan**

1. **That until there is resolution of the differences between the Shire of Wyndham East Kimberley and the Department of Water regarding the conditions pertaining to leases on Reserve 41812 all matters relating to the Shire's involvement in the operation of such leases are put on hold.**
2. **The Shire and Department of Water to resolve such differences and report back to council before commencement of surveillance of such leases will resume.**
3. **All leases will continue as is until such above resolution.**
4. **That Council direct the officers to institute the resolution of Council directed to awarding Celliston Nominees option of three year renewal on their lease.**

**Carried: 7/2**

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

**For:**  
Cr K. Wright  
Cr B. Barnes  
Cr J. Parker  
Cr D. Ausburn  
Cr R. Devenish-Meares  
Cr M. Middap  
Cr J. Buchanan

**Against:**  
Cr M. Pucci  
Cr G. Green

**NOTE: Council's decision differed from the Officers Recommendation as Council its approach as a co-vestee of Reserve 41812 was reasonable.**

Attachment 1: Correspondence from Department of Water:



Department of Water  
Government of Western Australia

Doc No.	057154
Date	16/12/06
Officer	TP
Response	RP
File	01-2860-02

Your ref: TP542  
Our ref: CEOW802/06  
KN768-03 41812 Lease amendments  
Enquiries: Rachel Nelson 9166 4100

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

Dear Mr Stubbs

***Foreshore Reserve 41812 – Proposed New Lease Provisions***

Thank you for your correspondence of 15 December 2006 regarding lease agreements for four existing commercial entities on foreshore Reserve 41812. I note that the changes are proposed in order to address both the legal requirements of the Reserve's Management Order and the community's expectations as expressed in the Lake Kununurra Foreshore Plan.

Removal of the public's right to access the Reserve

As you are aware from our discussions in September 2006, the Department of Water (DoW) has some concerns with the intention to grant leases over portions of foreshore Reserve 41812 that explicitly exclude public access. As noted in the Lake Kununurra Foreshore Plan, this approach is contrary to current State Government policy (see DPI's Government Land Policy Manual, Policy Statement 4.4.4 *Management of Foreshore Reserves*).

The removal of the public's right to access the foreshore should not be undertaken lightly. The foreshore is vested in our organisations to protect the values of the waterway (including the foreshore). These include the interests of the surrounding agricultural industries, tourism operators and the general community. As you are aware, a portion of the foreshore also acts as a buffer between the waterway and the Kununurra Water Reserve – a significant community asset. It is therefore, incumbent on us to ensure that our actions or endorsements are not detrimental to these values.

I note from your letter that the recommendation for exclusive use of the leased area stems from a desire to receive rental fees that reflect full market value and to give lessees "security of tenure" and the capacity to improve security at their businesses. In addition, you indicate that providing for public access is currently not practical in two cases.

The Department is not yet convinced that the reasons identified warrant the removal of a right of access by the public. The community benefit to be gained from such an action is unclear.

Other lease amendments

In addition to the need to amend the leases to provide for the Minister for Lands endorsement, you have indicated a desire to enact a number of other changes. These include changes to the term; the rental fee; conditions relating to weed removal; and biennial lease reviews.

The Department supports these amendments and suggests that together we prepare guidelines for the lease reviews, to ensure that the most important lease provisions are audited and any discrepancies addressed promptly.

Celliston Nominees lease

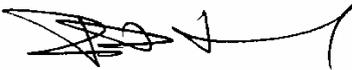
In regards to Council's recommendations for the Celliston Nominees lease, I understand that the lease was entered into to enable the lessee to operate his business from a location that did not impact on the public's use of the boat ramp. This short-term solution recognised that, following development of a commercial boat facility, the lessee's activities would move to this site. This is reflected in Item 2 of the Schedule to the current lease which states "this lease shall expire...six (6) months after the date of a written notice from the Lessor to the Lessee advising that a suitable alternate commercial boating facility is/or will be available on Lake Kununurra".

Whilst the development of commercial boat facility is a priority for the Lake Kununurra waterway, I recognise that it is unlikely to be operational within the term of the existing lease. Item 3 of the current lease Schedule provides an option for renewal. The Department has not received any request to renew the term of the lease (either from the Lessee directly or through the Shire), and therefore, I do not see a need to modify this aspect of the lease at this stage.

The Department is also keen to discuss the current joint vesting arrangement with Council when the current matters have been resolved. As part of this process the Water and Rivers Commission may reconsider its role in the management of Reserve 41812.

Should you wish to discuss these matters further, please contact either Mr David Munday or Ms Rachel Nelson on 9166 4100.

Yours sincerely



R D Hammond  
**A/DIRECTOR GENERAL**

17 January 2007

# Shire explains

More than 50 people turned up to the Kununurra Chamber of Commerce and Industry's meeting at the Mercure Inn last Thursday.

The meeting was focussed on the Shire of Wyndham-East Kimberley's decision to grant Darren Spackman a lease over a portion of the foreshore of Lily Creek Lagoon at the end of Messmate Way.

Amid accusations of 'ad hoc' development and other innuendo of 'special treatment', Shire chief executive officer Chris Adams explained the situation and the Shire's current position in relation to the development of the foreshore reserve known as 41812.

This reserve stretches for 11 kilometres from the end of the 'control area' near the Diversion Dam along the riverbank and around Lily Creek Lagoon to the end of Lakeside Resort.

It is jointly managed by the Department of Environment and the Shire.

Mr Adams said that between 35 and 40 percent had currently been developed or was being maintained.

A similar percentage was constrained from development by State Government policy.

Of the remainder, 5000 square metres was leased to Kona Lakeside Tourist Park; 15,000 square metres was leased to Kimberleyland Holiday Park and 12,000



**A big crowd swelled numbers at the Chamber of Commerce and Industry's meeting in Kununurra last week.**

square metres to Lakeside Resort.

He said that in comparison the area being leased to Mr Spackman (2000 square metres) was relatively small.

Mr Adams pointed out that other tour operators had no formal approval for their

operations but conceded that they had been operating from their sites for a long time.

He said the Shire was acutely aware of the need to build a commercial boating facility.

However, this would cost about \$2 million.

**Continued Page 2**

# Shire explains From Page 1

The Shire had allocated \$250,000 in the 2006/2007 budget but it would need a commercial developer to come in for the project to go ahead.

Where it would be built was also a bone of contention.

Some favoured Lily Creek Lagoon, some preferred the area adjoining the Priority 1 area surrounding the bore field and others liked the foreshore adjoining the Lake Kununurra Golf Club.

The Shire was actively trying to get part of the Priority 1 area excised, but there had been hold-ups to test drilling the area because of Aboriginal Heritage clearances.

Mr Adams explained that Mr Spackman's lease was for three years and contained a 'get out clause' should a commercial boating facility be built.

He said it also had strict lease conditions including the removal of all structures and return to original condition of the site.

Members of the audience suggested that more community consultation was needed and a consultative committee should be formed to discuss future development.

Mr Adams said this could be done.

Mr Spackman told the meeting that he had been dealing with 13 different government departments and instrumentalities to get final approval for an area from which to sell tickets and operate his tour boat business.

The question remains: "How could a commercial boating facility be financed?"

At \$2 million any investor would expect to get at least a five percent return on investment - \$100,000.

Could the small number of commercial boat operators afford to pay this amount, even if it was raised as a poll tax?

The answer would have to be 'no'.

# Get the f

**The Shire of Wyndham-East Kimberley had its biggest public gallery in recent times last week - all because of an application by Darren Spackman to lease foreshore land at the end of Messmate Way.**

The crowd of 22 people were almost exclusively members of the tourism industry, there to express their displeasure at a council recommendation to go ahead with leasing a small portion of the foreshore to Mr Spackman.

The area is that adjoining where Mr Spackman has been tying up his 'Jabiru' tour boat during the tourist season.

Mr Spackman wants to construct a sales office, install bollards and fence the immediate area.

At the end of the three-year lease all structures would have to be removed and the area returned to its pristine condition.

The reason for the request is that Kununurra does not have a commercial boat facility from which tour boats can operate.

It is likely such a facility will be built within the next few years.

The granting of the lease to Mr Spackman in effect will mean he will become the only legitimate operator on Lake Kununurra.

Other operations from foreshore areas are basically unapproved as, although caravan parks lease the foreshore areas attached to them, under the conditions of their leases, they cannot sublet.

So, why all the fuss?

Well, it seems the industry thought Mr Spackman was getting special treatment from the Shire.

The fact is that he has approached all the appropriate government agencies and obtained all the relevant approvals.

Any other operator could have and still can achieve the same objective.

So, why the backlash against Mr Spackman?

Well, it all has to do with a rumour that he had been behind Water Corporation's refusal to allow Thomas and Dominique Breig's plan to establish a restaurant in the Old Pump House.

It was further alleged that he was a 'Johnny come late' who had put up a proposal to use the pump house that had led to the Breigs missing out.

Wrong again - the first Spackman proposal to use the structure was lodged with the Water Corporation in 1994 - well before the Breigs became interested.

Several subsequent proposals by the Spackman interests have also been made.

The Water Corporation has made a statement to the Kimberley Echo about the proposals, which is published in this edition.

It is far from a foregone conclusion that Mr Spackman will get a lease on the pump house property.

A source from within the Water Corporation's real estate branch said that it was probably more likely the structure would be demolished or kept in its current condition.

At the end of the council meeting, Mr Spackman was subjected to verbal abuse as he left, but he ignored this and returned to his car.

Ironically, a large percentage of the public gallery adjourned to the Spackman-owned Gulliver's Tavern to discuss the issue.

## LETTERS TO THE EDITOR

All Letters must be accompanied by the name and address (not Post Office Box Number) of the author. Letters must be signed and be edited due to time and space constraints or libel content. They can be emailed to [bruce@kimberleyecho.com](mailto:bruce@kimberleyecho.com)

### Get in while you can

Dear Sir,

I am writing this letter to the paper and wider community because it is too late to contribute to a council decision.

I am most disgusted and disappointed to come back from holidays to find our elected council has given a single proposition permission to develop on the foreshores of Lily Creek (at the end of Messmate Way).

This picture postcard area in future will support a brick, 15 x 10 metre building for information and selling tickets for a sole business, some remodelling to the banks, a car park (?) and there we have it a temporary development for the purpose of one developer.

I understand the due process was met.

However, considering the ramifications of this development, most of the town's population was away on holiday or very unaware of the said proposal. Subsequently, the proposal was motioned through council and passed.

The council has done everything absolutely 100 percent legally correct but has grossly neglected the people who put them in their positions.

They have even chosen to ignore the recommendations from the Shire's senior staff, who are aware of the process and implications involved.

Why wasn't the area billboarded, a community meeting held, or the proposal advertised in strategic locations for public comment?

Have you, the council, obtained a true community response?

Do you think that advertising it in the Kimberley Echo and West Australian during peak holiday time was enough?

It seems that as little as possible was done.

I was present at the last Shire Council meeting on February 15.

It was attended by a large diverse section of our community.

Shire President Barbara Johnson stated it was our 'biggest gallery yet'.

Most people were there because community input on this issue was anything but sufficient.

The agenda item arose and was motioned through with opposition from only two councillors.

One of the two objecting councillors gave a gallant response, considering key

issues of the few people from our community who had time to respond to the proposal.

The councillors in favour, one had an attitude of 'something is better than nothing and he has jumped all the right hoops' while others nominating restrictions, one being a three year maximum period for this development.

I sat there dumbfounded.

How ridiculous!

Will the buildings really be forced to come down after three years and at what cost to our environment and community?

Shire Councillors do come and go.

The above comments are some of the flimsy validations given at the council meeting for the approval of the development.

They were mere excuses for not rejecting the proposal and held no merit to those people listening in the public gallery.

I feel I must also comment on another councillor's unfounded and unsupported comments referring to current boat operators using the lake.

These people have been operating for many years.

They are long term successful business people who every year inject thousands of dollars into our community.

They deserve the council's respect and consideration.

Why open up a can of worms by allowing one individual to conveniently develop a proposal that our council should have addressed a long time ago.

This process has only upset many community people, private and professional.

Surely this is a very loud call to you, our current Shire Council, to bring forward a strategically planned and environmentally sound, Shire-owned and operated marina/visitors centre, which would cater for all our community needs.

This is considered 'The Last Frontier', let's not encourage temporary, individual developments with possible future, tacked on, ad hoc infrastructures on our foreshores.

Are you as a reader happy with this proposal for development and the process in which it was undertaken?

Tell our elected Council, after all we put them there.

Carmel Kelly  
Kununurra

## 12.3 CORPORATE SERVICES

### 12.3.1 Monthly Financial Report

<b>DATE:</b>	20 March 2007
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>ATLAS REFERENCE:</b>	N/A
<b>AUTHOR:</b>	Amanda Trengove, Manager Financial Services
<b>REPORTING OFFICER:</b>	Yale Bolto, Executive Manager Corporate Services
<b>FILE NO:</b>	60.14.04
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to adopt the Monthly Financial Report for January 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. Housing – Minimal expenditure on 67 Koojarra St Wyndham and Airport House, therefore under budget.
2. Transport – Timing difference in completion of various projects.
3. Public Works Overhead - Timing difference, over allocation of overheads and full payment of Shire's insurance.
4. Health – operating income down due to timing of grant funding.
5. Welfare – Completion of Child Care 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. Community Amenities – Timing difference, contributions Environment
8. Transport – Timing difference, waiting on completion of projects so as acquittals can be completed.
9. Welfare – Completion of Child Care Centre final payments to be made.
10. Housing – Timing difference on release of land from Landcorp and building of two new shire houses.
11. Recreation and Culture – Projects not yet undertaken (pool fence, Wyndham boating facility and Kununurra Leisure Centre building upgrade) therefore under budget.
12. Transport – Timing difference on large capital projects not yet expended.
13. Transport – Timing difference on trade in of vehicles, purchasing and trading will occur in 2007.

## **ATTACHMENTS**

Monthly Financial Reports for January 2007

## **VOTING REQUIREMENT**

Simple Majority

## **RECOMMENDATION**

1. That Council adopt the Monthly Financial Reports for month end of January 2007.
2. That Council note the following material variances:
  1. Housing – Minimal expenditure on 67 Koojarra St Wyndham and Airport House, therefore under budget.
  2. Transport – Timing difference in completion of various projects.
  3. Public Works Overhead - Timing difference, over allocation of overheads and full payment of Shire's insurance.
  4. Health – operating income down due to timing of grant funding.
  5. Welfare – Completion of Child Care 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. Community Amenities – Timing difference, contributions Environment
  8. Transport – Timing difference, waiting of completion of projects so as acquittals can be completed.
  9. Welfare – Completion of Child Care Centre final payments to be made.
  10. Housing – Timing difference on release of land from Landcorp and building of two new shire houses.
  11. Recreation and Culture – Projects not yet undertaken (pool fence, Wyndham boating facility and Kununurra Leisure Centre building upgrade) therefore under budget.
  12. Transport – Timing difference on large capital projects not yet expended.
  13. Transport – Timing difference on trade in of vehicles, purchasing and trading will occur in 2007.

## **COUNCIL RESOLUTION**

**Minute No. 7648**

**Moved: Cr R. Devenish-Meares**

**Seconded: Cr M. Middap**

- 1. That Council adopt the Monthly Financial Reports for month end of January 2007.**
- 2. That Council note the following material variances:**
  - 1. Housing – Minimal expenditure on 67 Koojarra St Wyndham and Airport House, therefore under budget.**
  - 2. Transport – Timing difference in completion of various projects.**
  - 3. Public Works Overhead - Timing difference, over allocation of overheads and full payment of Shire's insurance.**
  - 4. Health – operating income down due to timing of grant funding.**
  - 5. Welfare – Completion of Child Care 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. Community Amenities – Timing difference, contributions Environment**
  - 8. Transport – Timing difference, waiting of completion of projects so as acquittals can be completed.**
  - 9. Welfare – Completion of Child Care Centre final payments to be made.**
  - 10. Housing – Timing difference on release of land from Landcorp and building of two new shire houses.**
  - 11. Recreation and Culture – Projects not yet undertaken (pool fence, Wyndham boating facility and Kununurra Leisure Centre building upgrade) therefore under budget.**
  - 12. Transport – Timing difference on large capital projects not yet expended.**
  - 13. Transport – Timing difference on trade in of vehicles, purchasing and trading will occur in 2007.**

**Carried Unanimously: 9/0**

**SHIRE OF WYNDHAM EAST KIMBERLEY  
MANAGEMENT REPORT  
01/01/2007 - 31/01/2007**

	G/L		
<b>NET CURRENT ASSETS</b>			
CASH AT BANK	131	\$	541,517
RESTRICTED CASH	132	\$	1,949,460
CASH ON HAND	140-150	\$	1,500
RATES DEBTORS	151	\$	604,141
DEFERED PENSIONERS		\$	(27,890)
SUNDRY DEBTORS	152	\$	340,172
ANSETT DEBTOR	155	\$	163,681
PROVISION FOR DEBTS	153	\$	(220,245)
GST RECEIVABLE	163	\$	42,313
GST PAYABLE	164	\$	(19,203)
BOND	174	\$	1,040
ACCRUED INCOME	223	\$	-
PREPAYMENTS	190	\$	-
RATES REFUND CLEARING	191	\$	401
INVENTORIES	162	\$	5,787
SELF SUPPORTING LOAN		\$	10,955
SUSPENSE		\$	2,380
			\$ 3,396,010
<b>LESS PAYABLES</b>			
SUNDRY CREDITORS	281	\$	-
ESL CONTROL	180-181	\$	13,246.50
ACCRUED EXPENSES	221	\$	-
SUNDRY CREDITOR ATO/SUPER	261-264-267-268	\$	86,149.62
ACCRUED INTEREST ON LOANS	232	\$	-
ACCRUED SALARIES AND WAGES	233	\$	-
RETENTIONS	270-272	\$	-
RATES REFUND	195	\$	-
SUSPENSE			-
			\$ 99,396.12
			<b>\$ 3,296,613</b>

**Shire of Wyndham East Kimberley**

**Statement of Financial Activity by Function**

	<b>Original Budget</b>	<b>Amended Budget</b>	<b>January Budget YTD</b>	<b>January Actuals YTD</b>	<b>% Variance</b>	<b>\$ Variance</b>	<b>Note</b>
<b>Operating Expenditure</b>							
General Purpose Funding	362,900	339,812	159,000	148,195	7%	10,805	
Governance	747,600	684,512	385,000	387,036	-1%	(2,036)	
Law, Order and Public Safety	381,505	395,004	225,000	228,668	-2%	(3,668)	
Health	349,405	360,405	189,000	193,068	-2%	(4,068)	
Welfare	322,525	328,525	190,000	204,528	-7%	(14,528)	
Housing	213,705	196,205	133,000	106,264	25%	26,736	1
Community Amenities	1,858,390	2,105,390	975,000	944,447	3%	30,553	
Recreation & Culture	3,111,895	3,195,595	1,720,000	1,721,089	0%	(1,089)	
Transport	3,959,205	3,897,205	2,595,000	2,422,809	7%	172,191	2
Economic Services	402,500	395,000	273,000	257,764	6%	15,236	
Public Works	6,551,315	6,549,315	3,805,000	3,960,416	-4%	(155,416)	3
Overhead	1,484,935	1,484,935	913,000	922,941	-1%	(9,941)	
Airports							
<b>Total Operating Expenditure</b>	<b>19,745,880</b>	<b>19,931,903</b>	<b>11,562,000</b>	<b>11,497,225</b>			
<b>Operating Revenue</b>							
General Purpose Funding	(7,383,160)	(7,400,260)	(5,693,000)	(5,687,725)	0%	(5,275)	
Governance	(1,250)	(1,250)	(450)	(1,691)	0%	0	
Law, Order and Public Safety	(74,860)	(52,352)	(31,000)	(33,399)	-7%	2,399	
Health	(129,600)	(130,600)	(87,000)	(74,470)	17%	(12,530)	4
Welfare	(344,500)	(344,500)	(298,000)	(50,878)	486%	(247,122)	5
Housing	(698,360)	(723,660)	(152,000)	(93,377)	63%	(58,623)	6
Community Amenities	(1,041,800)	(1,224,300)	(1,006,000)	(924,410)	9%	(81,590)	7
Recreation & Culture	(1,741,180)	(926,180)	(260,000)	(228,840)	14%	(31,160)	
Transport	(3,275,240)	(2,265,899)	(1,000,000)	(103,042)	870%	(896,958)	8
Economic Services	(79,400)	(94,400)	(55,000)	(61,742)	0%	6,742	
Public Works							
Overhead	(6,615,915)	(6,622,415)	(4,401,000)	(4,340,387)	1%	(60,613)	

Airports	(1,868,025)	(1,868,025)	(1,155,000)	(1,136,845)	2%	(18,155)	
<b>Total Operating Revenue</b>	<b>(23,253,290)</b>	<b>(21,653,841)</b>	<b>(14,137,450)</b>	<b>(12,736,805)</b>			
<b>Operating Surplus</b>	<b>(3,507,410)</b>	<b>(1,721,938)</b>		<b>(1,239,581)</b>			
<b>Non Operating Expenditure</b>							
General Purpose Funding	140,000	140,000	0	0	0%	0	
Governance	4,500	104,500	350	0	0%	350	
Law, Order and Public Safety	0	0	0	0	0%	0	
Health	0	0	0	0	0%	0	
Welfare	1,512,300	1,501,350	1,221,000	1,135,127	8%	85,873	9
Housing	1,057,900	257,900	280,000	81,561	243%	198,439	10
Community Amenities	145,000	137,000	30,000	0	0%	30,000	
Recreation & Culture	3,286,550	2,180,400	865,000	440,500	96%	424,500	11
Transport	4,184,755	2,700,103	1,490,000	907,037	64%	582,963	12
Economic Services	14,900	14,900	20,000	19,574	2%	426	
Public Works	145,500	150,500	33,000	34,847	-5%	(1,847)	
Overhead	577,445	577,445	45,000	36,162	0%	8,838	
Airports							
<b>Total Non Operating Expenditure</b>	<b>11,068,850</b>	<b>7,764,098</b>	<b>3,980,350</b>	<b>2,654,808</b>			
<b>Non Operating Income</b>							
Health	0	(10,000)	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)	(289,300)	(10,300)	(10,469)	-2%	169	
Transport	(391,060)	(269,153)	(80,000)	(39,990)	100%	(40,010)	13
Economic Services	(14,900)	(14,900)	(20,000)	(19,634)	2%	(366)	
Public Works	(321,100)	(337,100)	(350,000)	(332,655)	5%	(17,345)	
Overhead	(194,355)	(194,355)	(50,000)	(50,000)	0%	0	
Airports							

<b>Total Non Operating Income</b>	<b>(2,161,630)</b>	<b>(1,243,223)</b>	<b>(520,300)</b>	<b>(452,747)</b>	
Depreciation (Profit)/Loss on sale	(2,704,800)	(2,704,800)		(1,575,236)	58%
	514,000	514,000		0	0%
	<b>(2,190,800)</b>	<b>(2,190,800)</b>		<b>(1,575,236)</b>	<b>72%</b>
Surplus B/F	(3,209,010)	(2,683,857)		(2,683,857)	100%
Surplus C/F	0	(75,720)		(3,296,613)	

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

	Original Budget	Amended Budget	January Actuals YTD	%
<b>Operating Expenditure</b>				
Aboriginal Environmental Health Officer	169,480	179,480	95,311	53%
Airport Manager	1,484,935	1,484,935	922,941	62%
Building Services Inspector	558,440	564,940	320,981	57%
Emergency Services	98,780	94,279	55,937	59%
Environmental Health Officer	177,205	178,205	94,321	53%
Executive	684,405	665,405	348,140	52%
Executive Support Officer	747,600	684,512	387,036	57%
Information Coordinator	213,375	213,375	124,120	58%
Manager Community Services	2,909,750	2,948,950	1,610,106	55%
Manager Financial Services	4,535,020	4,528,932	2,721,532	60%
Manager Technical Services	7,630,465	7,832,465	4,537,033	58%
Rangers	282,725	300,725	172,731	57%
Town Planner	253,700	255,700	107,034	42%
<b>Total Operating Expenditure</b>	<b>19,745,880</b>	<b>19,931,903</b>	<b>11,497,225</b>	<b>58%</b>
<b>Operating Revenue</b>				
Aboriginal Environmental Health Officer	(100,950)	(100,950)	(59,282)	1
Airport Manager	(1,868,025)	(1,868,025)	(1,136,845)	61%
Building Services Inspector	(775,160)	(805,460)	(143,368)	18%
Emergency Services	(49,360)	(26,852)	(18,052)	67%
Environmental Health Officer	(28,650)	(29,650)	(15,188)	51%
Executive	(7,500)	(4,000)	(22,530)	563%
Executive Support Officer	(1,250)	(1,250)	(1,691)	135%
Information Coordinator	(1,100)	(1,100)	(73)	7%
Manager Community Services	(1,962,400)	(1,164,400)	(290,906)	25%
Manager Financial Services	(12,491,560)	(12,518,660)	(8,886,611)	71%
Manager Technical Services	(5,908,435)	(5,063,094)	(2,114,353)	42%
Rangers	(25,500)	(25,500)	(15,347)	60%
Town Planner	(33,400)	(44,900)	(32,559)	73%
<b>Total Operating Revenue</b>	<b>(23,253,290)</b>	<b>(21,653,841)</b>	<b>(12,736,805)</b>	<b>59%</b>
<b>Operating Surplus</b>	<b>(3,507,410)</b>	<b>(1,721,938)</b>	<b>(1,239,581)</b>	<b>72%</b>
<b>Non Operating Expenditure</b>				
Aboriginal Environmental Health Officer	0	10,000	0	0%
Airport Manager	577,445	577,445	36,162	6%
Building Services Inspector	1,147,900	339,900	81,561	24%
Executive	9,800	9,800	0	0%
Executive Support Officer	4,500	104,500	0	0%
Information Coordinator	118,200	118,200	5,070	4%
Manager Community Services	4,467,050	3,473,950	1,586,142	46%
Manager Financial Services	140,000	145,000	21,185	15%
Manager Technical Services	4,603,955	2,995,303	924,687	31%
<b>Total Non Operating Expenditure</b>	<b>11,068,850</b>	<b>7,764,098</b>	<b>2,654,808</b>	<b>34%</b>

**Non Operating Income**

Aboriginal Environmental Health Officer	0	(10,000)	0	0%
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)	(304,200)	(30,103)	10%
Manager Financial Services	(5,100)	(5,100)	0	0%
Manager Technical Services	(511,975)	(377,568)	(39,990)	11%
<b>Total Non Operating Income</b>	<b>(2,161,630)</b>	<b>(1,243,223)</b>	<b>(452,747)</b>	<b>36%</b>
Depreciation	(2,704,800)	(2,704,800)	(1,575,236)	58%
(Profit)/Loss on sale	514,000	514,000	0	0%
	<b>(2,190,800)</b>	<b>(2,190,800)</b>	<b>(1,575,236)</b>	<b>72%</b>
Surplus B/F	(3,209,010)	(2,683,857)	(2,683,857)	100%
Surplus C/F	0	(75,720)	(3,296,613)	

## BANK RECONCILIATION AS AT 31/01/07

	\$
Balance as per	
Cash at Bank (131)	541,516.53
Restricted Cash	1,949,460.00
<b>TOTAL</b>	<b>2,490,976.53</b>

Balance as per	
Trading Account	619,196.67
TERM DEPOSIT	256,612.22
TERM DEPOSIT	356,490.24
TERM DEPOSIT	500,000.00
TERM DEPOSIT	750,000.00
<b>SUB TOTAL</b>	<b>2,482,299.13</b>
Add: Outstanding Deposits	8,899.43
Less: Outstanding Cheques	12,455.99
<b>TOTAL</b>	<b>2,478,742.57</b>
Rounding	
<b>Variance</b>	<b>12,233.96</b>

<b>TOTAL</b>	<b>2,490,976.53</b>
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### 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
bill exp fees February	108.16
11.01 eft	1.38
rounding	0.19
30.01 eft	(61.00)
31.01 eft	(300.00)

<b>Total</b>	<b>12,233.96</b>
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## MUNICIPAL OUTSTANDINGS

### Outstanding Cheques

36448-36468	511.98
36637-36656	46.96
36710-36725	120.00
36771-36783	831.95
37172-37193	795.57
37240-37252	4,414.07
37296-37312	1,922.96
37371-37379	525.00
37395-37405	205.30
37406-37414	(105.30)
37415-37425	179.75
37464-37488	698.28
37489-37494	515.70
37495-37504	238.33
37505-37514	1,555.44
	<b>12,455.99</b>

## 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
12.10 dr rec	652.5
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	-2648.44
12.01 dr rec	0.01
16.01 dr rec	0.01
19.01 dr rec	0.03
31.01 dr rec	2925
	<b>8,899.43</b>

### 12.3.2 Payments and Debtors for the period ended 28 February 2007

<b>DATE:</b>	20 March 2007
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>ATLAS REFERENCE:</b>	N/A
<b>AUTHOR:</b>	Gill Old, Senior Finance Officer
<b>REPORTING OFFICER:</b>	Yale Bolto, Executive Manager Corporate Services
<b>FILE NO:</b>	60.14.03
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

To present the listing of Accounts for Payment and Sundry Debtors for the period ended 28 February 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 037515 to 037562	\$	554,202.45
• EFT payments numbered EP010824 to EP010984	\$	421,872.08
• Direct bank debits	\$	201,159.94
<b>Total Payment of Accounts totalling</b>	<b>\$</b>	<b>1,177,234.47</b>

Total cancelled cheques for the month \$ 50.00

Outstanding Invoices at month end \$ 0.00

**Outstanding over 90 days Sundry Debtors as at month end \$ 101,092.87**

#### **STATUTORY IMPLICATIONS**

Local Government Act 1995 – Section 6.4 (2)

The financial report is to:

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

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

Clause 35(1) –

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

### **POLICY IMPLICATIONS**

Policy F7 – Significant Accounting Policies

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

### **FINANCIAL IMPLICATIONS**

Ongoing management of Council funds.

### **STRATEGIC IMPLICATIONS**

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

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

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

### **COMMUNITY CONSULTATION**

N/A

### **COMMENT**

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

### **ATTACHMENTS**

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

### **VOTING REQUIREMENT**

Simple Majority

### **RECOMMENDATION**

1. That the Accounts for payment as at 28 February 2007 totalling \$1,177,234.47 (GST inclusive) be received.
2. That the Outstanding Sundry Debtors' over 90 days as at 28 February 2007 totalling \$101,092.87 (GST inclusive) be received.

### **COUNCIL RESOLUTION**

**Minute No. 7649**

**Moved: Cr R. Devenish-Meares**

**Seconded: Cr B. Barnes**

1. **That the Accounts for payment as at 28 February 2007 totalling \$1,177,234.47 (GST inclusive) be received.**
2. **That the Outstanding Sundry Debtors' over 90 days as at 28 February 2007 totalling \$101,092.87 (GST inclusive) be received.**

**Carried Unanimously: 9/0**

**LIST OF ACCOUNTS PAID BY COUNCIL SUBMITTED TO THE COUNCIL MEETING ON 20 MARCH 2007**

<b>CHEQUE</b>	<b>EFT</b>	<b>CREDITOR</b>	<b>DETAILS</b>	<b>MUNI (\$)</b>	<b>TRUST (\$)</b>	<b>AUTH</b>
37515	2/02/2007	PRITCHARD BOOK BINDERS	BINDING OF COUNCIL MINUTES	155.10		EMCPS
37516		AIRSERVICES AUSTRALIA	REGULATION AMENDMENTS	57.65		EMCPS
37517		STATE EMERGENCY SERVICE	ESL FUNDING 06/07 - 2ND QTR	1,592.80		EMCPS
37518		INTERCON LOGISTICS	920KG CHLORINE DRUM, CRANE HIRE	2,160.55		EMCMS
37519		KUNUNURRA PLUMBING & GAS FITTING	UNBLOCK DRAIN - STAFF HOUSING	122.00		CEO
37520		HORIZON POWER	ELECTRICITY ACCOUNTS	19,593.80		EMCPS
37521		AVIATION COMPONENTS PTY LTD	12 MONTH SERVICE INSPECTION	1,107.37		EMCPS
37522		WATER CORPORATION	WATER SUPPLY ACCOUNT	175.05		EMCPS
37523		KUNUNURRA LOCK & KEY	SUPPLY 1 FREE STANDING SAFE	350.00		EMCMS
37524		RIC SPRY	STAFF ELECTRICITY SUBSIDY	348.75		EMCPS
37525		B & G PROPERTY CARE	CLEANING OF STAFF HOUSING	598.40		CEO
37526		DEPARTMENT FOR PLANNING & INFRASTRUCTURE	WYNDHAM LICENCE PLATES	260.00		EMCPS
37527		GLOBALSTAR AUSTRALIA PTY LIMITED	SATELLITE PHONE CHARGES DECEMBER 06	184.00		EMCPS
37528	9/02/2007	COMMANDER AUSTRALIA LIMITED	PHONE SYSTEM RENTAL JANUARY 07	590.70		EMCPS
37529		NORBUILT PTY LTD	CLAIM 3 YOUTH CENTRE, CLAIM 9 CHILDCARE	323,081.54		CEO
37530		HORIZON POWER	ELECTRICITY ACCOUNTS	13,850.10		EMCPS
37531		MONCRIEFF	NEW COMPUTERS	5,667.20		EMCPS
37532		HESPERIAN PRESS	BOOKS FOR LIBRARY	40.00		EMCMS
37533		ORIA ORCHARDS	FLOWER DISPLAY FOR FOYER	15.00		CEO
37534		CONFLICT RESOLUTION TRAINING SERVICES	CONFLICT RESOLUTION TRAINING	2,501.50		EMCPS
37535		PEARL AVIATION	REISSUE OF CHEQUE 37510 ASIC CARD BOND REFUND	50.00		EMCPS
37536		GRANT & SARAH LODGE	REPAIRS TO UTILITY DAMAGED BY SWEK	130.00		CEO
37537		SHIRE OF WYNDHAM EAST KIMBERLEY	STAFF PAYROLL DEDUCTIONS JANUARY 07	1,139.86		EMCPS
37538		GLOBALSTAR AUSTRALIA PTY	SATELLITE PHONE ACCOUNT JANUARY 07	184.00		EMCPS
37539		K HAIRE	REFUND OF RATES	379.77		EMCPS

37540		METIS PTY LTD	REFUND OF RATES	718.11	EMCPS
37541		M CANTWELL	REFUND OF RATES	652.07	EMCPS
37542		IRONSWAN PARK UNIT TRUST	REFUND OF RATES	5,046.41	EMCPS
37543	16/02/2007	EK LASER AND DESIGN	LASER TOP END OF DRAIN	612.89	CEO
37544		DEPARTMENT FOR PLANNING & INFRASTRUCTURE	ANNUAL JETTY LICENCE RAMP #3261	29.00	CEO
37545		ANGUS & ROBERTSON	BOOKS FOR LIBRARY	59.68	EMCMS
37546		FOSSEYS AUSTRALIA P/L	FLOOR LAMP FOR KUNUNURRA CHAMBERS	99.99	EMCPS
37547		NORBUILT PTY LTD	CLAIM 4 YOUTH CENTRE	47,334.41	CEO
37548		ORIA ORCHARDS	FLOWER DISPLAY FOR FOYER	15.00	CEO
37549		SPECTRUM DISTRIBUTORS	920KG DRUM CHLORINE GAS CYLINDER RENTAL	13.56	EMCMS
37550		PROFESSIONALS	PROPERTY VALUATIONS	1,995.00	CEO
37551		ANSTAT	FSANZ FOOD STANDARD CODE	380.00	CEO
37552		GEVERS GODDARD JONES	COMMUNITY RESOURCE PUBLICATION	76.25	EMCMS
37553		LANDGATE	RATES ENQUIRIES	41.30	EMCPS
37554	19/02/2007	DEPARTMENT OF PLANNING & INFRASTRUCTURE	DEPOSIT FOR LAND PURCHASES	2,350.00	CEO
37555	23/02/2007	NORBUILT PTY LTD	CLAIM 1 POOL FENCING, CLAIM 10 CHILD CARE	95,798.61	CEO
37556		HORIZON POWER	ELECTRICITY ACCOUNTS	20,074.30	EMCPS
37557		ORIA ORCHARDS	FLOWER DISPLAY	15.00	CEO
37558		KUNUNURRA MGM	DISC REPAIR KIT	59.85	EMCMS
37559		TELSTRA	TELEPHONE ACCOUNTS	3,247.12	EMCPS
37560		DEPARTMENT FOR PLANNING & INFRASTRUCTURE	WYNDHAM LICENCE PLATES	520.00	EMCPS
37561		KEYNOTE CONFERENCES	PRE CONFERENCE WORKSHOP	374.00	CEO
37562	26/02/2007	ID WAREHOUSE	SECURITY LANYARDS FOR AIRPORT	354.76	EMCPS
			<b>TOTAL CHEQUE PAYMENTS</b>	<b>554,202.45</b>	
2/02/2007	EP010824	KIMBERLEY GROUP TRAINING	TRAINEESHIP WAGES	2,519.62	EMCPS
	EP010825	TYRE MARKETERS	2 TYRES - BACKHOE	692.12	CEO

<b>EP010826</b>	ROGERS MACHINERY SERVICE BOAB CARPENTRY MAINTENANCE SERVICE	20 LITRES AGRI-OIL	116.90	CEO
<b>EP010827</b>	EAST KIMBERLEY HARDWARE	REPAIR WORKS - WYNDHAM	5,308.40	CEO
<b>EP010828</b>	QANTEC MCWILLIAM PTY LTD	HARDWARE GOODS	633.25	CEO
<b>EP010829</b>	NETWORK DRAFTING	CONSULTANCY FEES	6,301.32	CEO
<b>EP010830</b>	KP PUMPS & IRRIGATION	DRAFTING SERVICE	2,213.75	CEO
<b>EP010831</b>	ORIMATECH UNIT	HYD PISTON FOR FILTER	350.00	CEO
<b>EP010832</b>	OFFICE NATIONAL KUNUNURRA	POWER CORD FOR AQUA KING VACUUM	1,724.25	EMCMS
<b>EP010833</b>	KUNUNURRA COURIERS	MISC OFFICE SUPPLIES	828.97	EMCPS
<b>EP010834</b>	Y BOLTO	WATER FOR KUNUNURRA ADMINISTRATION	15.00	EMCPS
<b>EP010835</b>	CIVIC LEGAL	ELECTRICITY SUBSIDY	473.45	CEO
<b>EP010836</b>	KUNUNURRA HOME HARDWARE	LEGAL FEES	1,319.73	CEO
<b>EP010837</b>	KUNUNURRA MOTORCROSS CLUB	BRASS PADLOCK	11.25	CEO
<b>EP010838</b>	W.C. CONVENIENCE MANAGEMENT	2006 ANNUAL COMMUNITY GRANT	7,750.00	EMCMS
<b>EP010839</b>	BRANKO BP MOTORS	PIEZO SWITCHES FOR EXALOO	45.10	CEO
<b>EP010840</b>	EAST KIMBERLEY PLUMBING	FUEL, VEHICLE REPAIRS, HARDWARE	830.90	CEO
<b>EP010841</b>	KIMBERLEY MOTORS	ANNUAL BACKFLOW REPORT, FIX LEAKS	864.60	EMCMS
<b>EP010842</b>	AIRPORT LIGHTING SPECIALISTS	WYNDHAM MOBIL FUEL	220.74	CEO
<b>EP010843</b>	KIMBERLEY INDUSTRIES	NIGHT TRANSFORMER, RUNWAY LIGHTS	1,782.28	EMCPS
<b>EP010844</b>	ALLGEAR MOTORCYCLE & SMALL ENGINES	TAIL GATE HINGES AND STEEL	145.56	CEO
<b>EP010845</b>	JASON SIGNMAKERS LTD	PARTS FOR SMALL PLANT	173.25	CEO
<b>EP010846</b>	KIMBERLEY COLLEGE OF TAFE	SIGNAGE - MEN AT WORK, KEEP LEFT	1,485.00	CEO
<b>EP010847</b>	AUSTRALIAN COMMUNICATIONS AUTHORITY	TRAINING IN EXCEL	900.00	EMCPS
<b>EP010848</b>	KIMBERLEY COMMUNICATIONS	RADIO COMMUNICATIONS LICENCES	180.00	EMCPS
<b>EP010849</b>	TOLL WEST	RELOCATE PHONE LINES, RESET SBS	1,694.00	EMCPS
<b>EP010850</b>	TRAVELWORLD KUNUNURRA	FREIGHT CHARGES	630.13	EMCPS
<b>EP010851</b>	BUSH CAMP SURPLUS STORES	K WILLIAMS AIRFARES - STUDY LEAVE	721.74	CEO
<b>EP010852</b>	VANDERFIELD MACHINERY PTY LTD	WORK BOOTS	65.00	CEO
<b>EP010853</b>	SEARLES MECHANICAL REPAIRS	MOWER BLADES	667.56	CEO
<b>EP010854</b>		VEHICLE SERVICING	922.13	CEO

	<b>EP010855</b>	LANGFORD MACHINERY PTY LTD	REPAIRS TO SLASHER	470.00	CEO
	<b>EP010856</b>	CORPORATE EXPRESS	JANUARY 07 STATIONERY ORDERS	1,471.32	EMCPS
	<b>EP010857</b>	AIRSERVICES AUSTRALIA	INVESTIGATE & REPAIR ERSKINE HILL LIGHTS	2,378.20	EMCPS
	<b>EP010858</b>	AUTO PRO KUNUNURRA	LIGHT, SIPHON HOSE, BATTERY	85.95	CEO
	<b>EP010859</b>	JABIRU PAINTING PTY LTD	PAINTING TOUCH UPS - STAFF HOUSING	385.00	CEO
	<b>EP010860</b>	BERM BACKHOE HIRE	BACKHOE HIRE FOR CEMETERY	330.00	CEO
	<b>EP010861</b>	ARGYLE MOTORS	2 X D BUSHES	27.94	CEO
	<b>EP010862</b>	FARMERS FRUIT & VEG - MART	CATERING	250.03	CEO
9/02/2007	<b>EP010863</b>	BOC GASES AUSTRALIAN LIMITED	INDUSTRIAL BOTTLE RENTAL-DECEMBER 2006	190.66	CEO
	<b>EP010864</b>	ROGERS MACHINERY SERVICE	SERVICE, LABOUR & PARTS	642.50	CEO
	<b>EP010865</b>	KIMBERLEY WASTE SERVICES	CANCELLED PAYMENT	0.00	CEO
	<b>EP010866</b>	KIMBERLEY INDUSTRIES METALAND	ASSORTED MATERIALS	180.31	CEO
			CONCRETE, SMALL TOOLS, GARDEN		
	<b>EP010867</b>	EAST KIMBERLEY HARDWARE	MATERIALS	878.70	CEO
	<b>EP010868</b>	QANTEC MCWILLIAM PTY LTD	CONSULTANCY FEES	2,412.30	CEO
	<b>EP010869</b>	NETWORK DRAFTING	DRAFTING SERVICES	9,047.50	CEO
	<b>EP010870</b>	KIMBERLEY METAL RECYCLERS	LANDFILL CONTRACT, DRUM MUSTER	21,839.30	CEO
	<b>EP010871</b>	KP PUMPS & IRRIGATION	FITTINGS & SPRINKLERS	195.61	CEO
	<b>EP010872</b>	BOAB BOOKS	BOOKS FOR LIBRARY	46.90	EMCMS
	<b>EP010873</b>	Y BOLTO	REIMBURSEMENT FOR TRAVEL EXPENSES	42.30	CEO
	<b>EP010874</b>	ATO CHILD SUPPORT AGENCY	CONTRIBUTIONS FOR JANUARY 2007	156.81	EMCPS
	<b>EP010875</b>	P STUBBS	TELEPHONE CALLS - REIMBURSEMENT	26.17	EMCPS
	<b>EP010876</b>	AUSTRALIAN FEDERAL POLICE	CHARACTER AND PMV CHECK	294.06	EMCPS
			REIMBURSEMENT FOR FOOD SAMPLING		
	<b>EP010877</b>	K FEWSTER	EXPENSES	13.60	CEO
	<b>EP010878</b>	ATO CHILD SUPPORT AGENCY	CONTRIBUTIONS FOR JANUARY 2007	118.76	EMCPS
	<b>EP010879</b>	ATO CHILD SUPPORT AGENCY	CONTRIBUTIONS FOR JANUARY 2007	735.81	EMCPS
	<b>EP010880</b>	BOAB REFRIGERATION AND AIRCON	CHECK AND REPAIR LEAK	77.00	CEO
	<b>EP010881</b>	ATO CHILD SUPPORT AGENCY	CONTRIBUTIONS FOR JANUARY 2007	161.40	EMCPS
	<b>EP010882</b>	KUNUNURRA HOME HARDWARE	RETICULATION FITTINGS	7.30	CEO
			REIMBURSEMENT FOR FOOD SAMPLING		
	<b>EP010883</b>	M HOUGHTON	EXPENSES	35.00	CEO

<b>EP010884</b>	DELRON CLEANING PTY LTD	CLEANING JANUARY 2007	5,199.17	EMCPS
<b>EP010885</b>	BRANKO BP MOTORS	REPAIRS TO PLANT AND VEHICLES	879.06	CEO
<b>EP010886</b>	EAST KIMBERLEY PLUMBING	REPAIRS TO PINDAN CHILD CARE	117.15	CEO
		FITTINGS FOR PACKSADDLE BUSHFIRE		
<b>EP010887</b>	H JORRITSMA & CO	BRIGADE	357.30	CEO
<b>EP010888</b>	TOP END MOTORS	BARTRAN HYDRAULIC OIL	151.80	CEO
<b>EP010889</b>	KIMBERLEY MOTORS	WYNDHAM FUEL OCTOBER & DECEMBER 06	6,222.05	CEO
<b>EP010890</b>	CHEFMASTER AUSTRALIA	BIN LINERS	3,148.60	CEO
	ALLGEAR MOTORCYCLE & SMALL			
<b>EP010891</b>	ENGINES	FILTER, SERVICE SAW	161.40	CEO
<b>EP010892</b>	THE KIMBERLEY ECHO	ADVERTISING	840.48	EMCPS
	AUSFUEL AFD AUSTRALIAN FUEL			
<b>EP010893</b>	DISTRIBUTORS	FUEL PURCHASES DECEMBER 2006	10,924.85	CEO
<b>EP010894</b>	JASON SIGNMAKERS LTD	SIGNS FOR LEISURE CENTRE & LIBRARY	154.00	EMCMS
<b>EP010895</b>	KUNUNURRA RURAL TRADERS	FIRE EXTINGUISHER 1.5KG	99.35	CEO
		ENROLMENT AND TUITION FEES FOR B		
<b>EP010896</b>	KIMBERLEY COLLEGE OF TAFE	MCKINLAY	519.16	EMCMS
<b>EP010897</b>	WESTERN AUSTRALIAN TREASURY	LOAN REPAYMENTS	73,567.75	CEO
<b>EP010898</b>	TONY'S PLUMBING & EXCAVATION	REPAIR WATER LEAKS POOL & AIRPORT	1,698.40	CEO
	WA LOCAL GOVERNMENT			
<b>EP010899</b>	SUPERANNUATION	SUPERANNUATION PAYMENTS JANUARY 2007	39,136.18	EMCPS
<b>EP010900</b>	L.G.R.C.E.U	CONTRIBUTIONS FOR JANUARY 2007	45.90	EMCPS
<b>EP010901</b>	AUSTRALIAN SERVICES UNION	CONTRIBUTIONS FOR JANUARY 2007	412.80	EMCPS
<b>EP010902</b>	ORD RIVER ELECTRICS	CHRISTMAS LIGHTS, REPAIR BASTION LIGHTS	3,331.69	CEO
		GRAVEL FOR CHILDCARE, LIGHTING TOWER		
<b>EP010903</b>	ORD RIVER CONTRACTING	HIRE	5,775.55	CEO
<b>EP010904</b>	ATO CHILD SUPPORT AGENCY	CONTRIBUTIONS FOR JANUARY 2007	209.46	EMCPS
<b>EP010905</b>	KIMBERLEY COMMUNICATIONS	RESET SERVICES	165.00	EMCPS
<b>EP010906</b>	BUSH CAMP SURPLUS STORES	5 PAIRS KING GEE SHORTS	165.00	CEO
<b>EP010907</b>	BEAUREPAIRES	TYRES, BATTERY	1,149.00	CEO
<b>EP010908</b>	ARGYLE MOTORS	REPAIRS TO SES VEHICLE RADIATOR	1,446.35	CEO
<b>EP010909</b>	SPORTSWORLD OF WA	WYNDHAM POOL ACCESSORIES	221.10	EMCMS

	<b>EP010910</b>	BROADCAST AUSTRALIA PTY LTD	ELECTRICITY CHARGES - TELEVISION	783.22	EMCPS
	<b>EP010911</b>	FARMERS FRUIT & VEG - MART	CATERING	563.00	CEO
<b>16/02/2007</b>	<b>EP010912</b>	ALLAN PARDOE-BELL	WYNDHAM CONTRACT CLEANING JANUARY 2007	1,952.00	CEO
	<b>EP010913</b>	K & M ALLCLEAN	GENERAL CLEANING JANUARY 2007	7,747.48	CEO
	<b>EP010914</b>	KIMBERLEY INDUSTRIES METALAND	STEEL & METAL FOR AIRPORT	110.96	EMCPS
	<b>EP010915</b>	EAST KIMBERLEY HARDWARE	HARDWARE-SMALL TOOLS, TOILET SEATS	76.55	CEO
	<b>EP010916</b>	BOAB BOOKS	BOOKS CITIZEN SHIP CEREMONY	43.90	CEO
	<b>EP010917</b>	ORIMATECH UNIT	SOLENOID ASSEMBLY & CABLE ASSEMBLY	496.54	CEO
	<b>EP010918</b>	DYMOCKS CASUARINA	BOOKS FOR LIBRARY	115.33	EMCMS
	<b>EP010919</b>	THORLEY'S STORE	FREIGHT CHARGES WYNDHAM BAG	254.10	EMCPS
	<b>EP010920</b>	CANNON HYGIENE AUSTRALIA PTY LTD	SANITARY UNIT ANNUAL CHARGES	2,959.00	EMCPS
	<b>EP010921</b>	K FEWSTER	ELECTRICITY SUBSIDY	355.45	CEO
	<b>EP010922</b>	CIVIC LEGAL	LEGAL FEES	3,313.20	CEO
	<b>EP010923</b>	MIDWEST FIBREGLASS PRODUCTS	GABLE MARKERS	2,860.00	CEO
	<b>EP010924</b>	NORTHERN AIRPORT SERVICES	KUNUNURRA AIRPORT LOCK-UP SERVICE	264.00	EMCPS
	<b>EP010925</b>	BRANKO BP MOTORS	OXY-ACETYLENE SET GAUGES	364.00	CEO
	<b>EP010926</b>	EAST KIMBERLEY PLUMBING	REPAIR WATER COOLER, STAFF HOUSING		
	<b>EP010927</b>	JSW HOLDINGS PTY LTD	REPAIR	312.95	CEO
	<b>EP010928</b>	KUNUNURRA SECURITY SERVICE	HIRE OF WATER CART	198.00	CEO
	<b>EP010929</b>	ORD RIVER DIST CO-OP	SECURITY CALL OUT	66.00	CEO
	<b>EP010930</b>	TNT AUSTRALIA PTY LIMITED	ROUNDUP POWERMAX 20 LITRES	495.00	CEO
	<b>EP010931</b>	TELFORD INDUSTRIES	FREIGHT CHARGES	386.21	EMCPS
	<b>EP010932</b>	WYNDHAM TOURIST INFORMATION	SODA ASH	369.60	EMCMS
	<b>EP010933</b>	RB DESSERT SEED CO	TOURIST INFORMATION SERVICES	476.66	EMCPS
	<b>EP010934</b>	CARPET VINYL & TILE CENTRE	SPEEDY COUCH, GIANT BERMUDA	243.65	CEO
	<b>EP010935</b>	KUNUNURRA REFRIGERATION	REPAIRS TO STAFF HOUSING, PRESIDENTS		
	<b>EP010936</b>	ROYAL LIFE SAVING	OFFICE	9,273.00	CEO
	<b>EP010937</b>	ALLGEAR MOTORCYCLE & SMALL ENGINES	REPAIR TO AIR CONDITIONER AT AIRPORT	342.65	CEO
			REGISTRATION FOR 06/07	450.00	EMCMS
			WHIPPER SNIPPER CORD	66.50	CEO

<b>EP010938</b>	JUDIUS PTY LTD	MEDICAL KIT	36.52	EMCMS
<b>EP010939</b>	C FISCHER	WYNDHAM TOILET CLEANING JANUARY 2007	2,988.15	CEO
<b>EP010940</b>	KIMBERLEY COMMUNICATIONS	RESET SBS SATELLITE	55.00	CEO
<b>EP010941</b>	TRAVELWORLD	AIRFARES	2,288.06	CEO
<b>EP010942</b>	BEAUREPAIRES	REPAIR FRONT TYRE WY 11630	76.05	CEO
<b>EP010943</b>	STATE LIBRARY OF WESTERN AUSTRALIA	DAMAGED & LOST BOOKS	89.10	EMCMS
<b>EP010944</b>	KIMBERLEY MARKETING	DRY ICE & 5KG ICE FOR FOOD SAMPLING	112.75	CEO
<b>EP010945</b>	TOP END TILT TRAY HIRE	TOW VEHICLE BLUE HOLDEN 4X4	99.00	CEO
<b>EP010946</b>	PIERCE POOL SUPPLIES	FAIRLOCK HANDLE, CHROME THERMOMETER	93.28	EMCMS
<b>EP010947</b>	EAST KIMBERLEY TOWING	TOW ABANDONED VEHICLE WY10946	99.00	CEO
<b>EP010948</b>	IT VISION USER GROUP	MEMBERSHIP SUBSCRIPTION	429.00	EMCPS
<b>EP010949</b>	OUR COMMUNITY PTY LTD	SUBSCRIPTION RENEWAL	330.00	EMCMS
<b>EP010950</b>	NORTHERN INFORMATION TECHNOLOGY	IT SERVICES	594.00	EMCPS
<b>EP010951</b>	SPORTSWORLD OF WA	POOL GOODS FOR SALE	1,176.12	EMCMS
<b>EP010952</b>	HOST DIRECT	CATERING EQUIPMENT FOR MEETINGS	242.55	CEO
<b>EP010953</b>	KIMBERLEY TREE SERVICES PTY LTD	TREE MAINTENANCE	2,269.00	CEO
<b>EP010954</b>	KIMBERLEY GROUP TRAINING	TRAINEESHIP WAGES	2,096.31	EMCPS
<b>EP010955</b>	KIMBERLEY WASTE SERVICES	LITTER COLLECTION SERVICES JANUARY	18,063.01	CEO
<b>EP010956</b>	EAST KIMBERLEY HARDWARE	GARDEN EDGING, FENCE DROPPERS	716.45	CEO
<b>EP010957</b>	QANTEC MCWILLIAM PTY LTD	CONSULTANCY FEES	8,470.00	CEO
<b>EP010958</b>	SADANIK PTY LTD	IT MONITORING & AUDITING	6,417.20	EMCPS
<b>EP010959</b>	NETWORK DRAFTING	DRAFTING SERVICES	2,158.75	CEO
<b>EP010960</b>	OFFICE NATIONAL KUNUNURRA	OFFICE SUPPLIES	218.45	EMCMS
<b>EP010961</b>	Y BOLTO	REIMBURSEMENT FOR TRAVEL EXPENSES	52.15	EMCPS
<b>EP010962</b>	ORD ELECTRICAL SPARES	4 METERS CABLE DUCTING	38.32	CEO
<b>EP010963</b>	K APPERLEY	ELECTRICITY SUBSIDY	221.95	EMCPS
<b>EP010964</b>	CIVIC LEGAL	LEGAL FEES	716.43	EMCPS
<b>EP010965</b>	BOAB REFRIGERATION	INSTALLED WALL MOUNT SPLIT SYSTEMS	5,346.00	CEO
<b>EP010966</b>	L PARAMOR	BOOKS FOR LIBRARY	53.80	EMCMS
<b>EP010967</b>	BRENDAN JOHNS ELECTRICS	SUPPLY & INSTALL ELECTRICS TO NEW AIR	680.85	CEO

		CONDITIONERS		
	<b>EP010968</b>	BRANKO BP MOTORS	REPAIRS & MATERIALS	377.50 CEO
	<b>EP010969</b>	JSW HOLDINGS PTY LTD	12 TONNES CONCRETE AGGREGATE	910.80 CEO
	<b>EP010970</b>	GUERINONI & SON	OVERSIZE ROCK FOR WEABER PLAINS	5,567.43 CEO
	<b>EP010971</b>	AUSTRALIA POST	AUSTRALIA POST ACCOUNT JANUARY	856.58 EMCPS
	<b>EP010972</b>	RUMOURS PATISSERIE	COUNCIL MEETING CATERING	159.50 CEO
	<b>EP010973</b>	TROPIGRO GARDEN PRODUCTS PTY LTD	MATERIALS FOR WEABER PLAINS GABIONS	4,580.68 CEO
	<b>EP010974</b>	ALLGEAR MOTORCYCLE & SMALL ENGINES	STIHL CHAINSAW	809.00 CEO
	<b>EP010975</b>	JAB INDUSTRIES	ROCK FOR WEABER PLAINS	704.00 CEO
	<b>EP010976</b>	TOLL WEST	FREIGHT CHARGES	1,222.81 EMCPS
	<b>EP010977</b>	BOB'S BRUSH STROKES	PATCH AND REPAINT AREAS IN KUNUNURRA AIRPORT	408.00 CEO
	<b>EP010978</b>	CABCHARGE	CABCHARGE	40.48 EMCPS
	<b>EP010979</b>	AUSTRALIAN TAXATION OFFICE	JANUARY 2007 BAS	52,092.00 CEO
	<b>EP010980</b>	WA TELECENTRE KUNUNURRA	AIRFARE - STAFF TRAINING	785.40 CEO
	<b>EP010981</b>	NOMAD CONCRETING	SUPPLY AND FINISH FOOTPATHS	2,520.00 CEO
	<b>EP010982</b>	NORTHERN INFORMATION TECHNOLOGY	IT SERVICES	481.80 EMCPS
<b>26/02/2007</b>	<b>EP010983</b>	COMPUTING RESOURCES (NT) PTY LTD	3 LG F1 SERIES NOTEBOOKS	5,400.00 EMCPS
<b>28/02/2007</b>	<b>EP010984</b>	WA LOCAL GOVERNMENT ASSOCIATION	ADVERTISING	13,604.92 EMCPS
			<b>TOTAL OF EFT PAYMENTS</b>	<b>421,872.08</b>
			<b>TOTAL PAYMENTS</b>	<b>976,074.53</b>

#### DIRECT DEBITS - FEBRUARY 2007

RENT 12/33 KONKERBERRY DRIVE KUNUNURRA	1,126.66
BANK FEES	619.82

SALARY AND WAGES	177,929.17
VISA PAYMENT	1,687.09
WESTNET P/L	693.41
BILL EXPRESS FEE	27.50
MOBILE OIL AUSTRALIA	19,076.29

**TOTAL DIRECT DEBITS 201,159.94**

**OUTSTANDING INVOICES AS AT 28 FEBRUARY 2007**

**TOTAL OUTSTANDING 0.00**

**CANCELLED CHEQUES**

<b>37471</b>	<b>9/02/2007</b>	PEARL AVIATION	CHQ ISSUED TO INCORRECT CREDITOR NAME	50.00
<b>19/02/2007</b>	<b>EP010865</b>	KIMBERLEY WASTE	EP010865 CANCELLED	0.00
			<b>TOTAL CANCELLED CHEQUES</b>	<b>50.00</b>



### Sundry Debtors as of February 2007

<b>Sundry Debtor</b>	<b>Amounts Over 90 Days Outstanding</b>	<b>Balance @ 28th February 2007</b>	<b>Debt Collection Status for Debts over 90 Days</b>
ARGYLE KIMBERLEY RESORT	11750.00	11750.00	Debtor with Administrator
BELL SPRINGS COMMUNITY	15.00	15.00	Reminder Notice Issued
BIRD HEATHER	103.09	103.09	Being paid through debt collector - Credipac
CAVANAGH PAUL & NORMA	5,189.33	5,189.33	Intention to Summons Issued
CHADWICK, STEVE	5,186.09	5,186.09	Debtor with Credipac
GILETE G & B CIVIL PTY LTD	215.00	215.00	Company with Administrator.
LANDCORP	1,386.00	1,386.00	Reminder Notice Issued
KIMBERLEY METAL RECYCLERS	30.00	30.00	Payment will be forwarded by 16/3/07
KEN MACDONALD	68.52	68.52	Debtor with Credipac
KUNUNURRA CRUISES	825.00	1,650.00	Final Notice Issued
KUNUNURRA SOCCER CLUB	350.00	350.00	Debtor in discussion with officers
KUNUNURRA SWIMMING CLUB	978.12	978.12	Debtor in discussion with officers
KUNUNURRA SOFTBALL CLUB	750.00	750.00	Final Notice Issued
JOOROOK NGARNI ABORIGINAL CORP	94.00	94.00	Reminder Notice Issued
NEIL LAVERS	1,800.00	1,800.00	Debtor with Credipac
ORD AIR CHARTER PTY LTD	55,429.45	55,429.45	Debtor with Credipac
ORD RIVER SPORTS CLUB	10,906.62	10,906.62	Monthly Repayments are being made
ORD RIVER TEEBALL ASSOCIATION	170.00	170.00	Payment will be forwarded by 16/3/07
SOSBY JOHN	130.00	130.00	Debtor with Credipac
TACHELL MARTIN	216.16	216.16	Debtor with Credipac
WEST KIMBERLEY LANDSCAPING	1,490.00	1,490.00	Debtor with Administrator
WYNDHAM COMMUNITY CLUB	4,010.49	4,010.49	Payment Plan on Hold
	<b>101,092.87</b>	<b>101,917.87</b>	

### 12.3.3 Community Assets Review

<b>DATE:</b>	20 March 2007
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>ATLAS REFERENCE:</b>	N/A
<b>AUTHOR:</b>	Yale Bolto, Executive Manager of Corporate Services
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	60.14.03
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to consider a report on the sustainability of community assets within Kununurra and Wyndham.

#### **BACKGROUND**

During the budget process management present capital maintenance options to Council and also look for strategic direction for the future of assets. This review was put together to allow management and Councillors to review assets on a financial basis and also a community basis.

The review was put to a Briefing Session 6 March 2007, management are now presenting the Community Assets review to a Council Meeting for adoption.

#### **STATUTORY IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Council has limited resources to allocate throughout its budget. By presenting a review on community assets it is believed a clear strategic path can be set for the allocation of limited resources into the future.

#### **STRATEGIC IMPLICATIONS**

Assets which have low community value yet a high financial impact on the Shire's budget need to be reviewed. The review needs to look at increasing the community value, increasing revenue or decreasing costs. If the asset can not be made more sustainable it needs to be reinvented to take into account community need now and into the future.

#### **COMMUNITY CONSULTATION**

N/A

## **COMMENT**

The sustainability of community assets is an important subject for Local Government as they move forward. Lifestyles have changed and with this the use of community assets changes too.

Within the recreation industry we have a case of market failure where private enterprise will not become involved in swimming pools and recreation centres. As these are crucial community assets Local Government inevitably control the running of these facilities.

Halls are community assets which are underutilised. To make this infrastructure more sustainable Council should investigate options to reinvent the activities undertaken within the halls. It would be irresponsible for Council to spend tens of thousands of dollars on an asset with no forward plan to increase utilisation.

## **ATTACHMENTS**

Community Assets Review

## **VOTING REQUIREMENT**

Simple Majority

## **RECOMMENDATION**

For Council to note the Community Assets Review as per the attachment.

## **COUNCIL RESOLUTION**

**Minute No. 7650**

**Moved: Cr M. Middap**

**Seconded: Cr K. Wright**

**That Council does not accept this review as it is totally meaningless under its present format.**

**Carried: 5/4**

**SHIRE OF WYNDHAM EAST KIMBERELY  
COMMUNITY ASSETS REVIEW  
2006/2007**

Community assets need to be measured on a financial basis \$, and also on a community basis. The financial basis is taken from our financial records, the community basis is more subjective. The community rating is taken over five sub headings being

1. Community – The benefit the community receives from this asset, being interaction, families, education etc
2. Health – Benefits to physical and mental health, fitness, culture, participation etc
3. Economic / Business value – The value of this asset towards the shires economic outlook, effect on the business community and jobs if this assets was not present.
4. Utilisation – To what extent is it used.
5. Efficiency Matrix - Is calculated by taking the population of the Shire and dividing this into the loss or profit of the assets. Thus it results in a cost per rate payer.

The 5 sub headings will be scored out of 5, with 5 being the top score and 1 being the lowest, giving a total community score of 25.

**1. Community**

5	Excellent community value
4	Good community value
3	Acceptable community value
2	Limited community value
1	Poor community value

**2. Health**

5	Excellent health benefits
4	Good health benefits
3	Acceptable health benefits
2	Limited health benefits
1	Poor health benefits

**3. Economic / Business Value**

5	Excellent economic value
4	Good economic value
3	Acceptable economic value
2	Limited economic value
1	Poor economic value

#### 4. Utilisation

5	Very high utilisation
4	High utilisation
3	Average utilisation
2	Under utilised
1	Poor utilisation

#### 5. Efficiency Matrix

5	Surplus < \$0 per person / profit
4	Good efficiency < \$10 per person
3	Average efficiency < \$30 per person
2	Poor efficiency < \$60 per person
1	Unsustainable < \$80 per person

## Community Matrix

### Childcare

#### Wyndham

3yr average loss - \$99,178

Efficiency - \$99,178 / 7500 = \$13.22 per person

Score	Community	Health	Economic	Utilisation	Efficiency
5	•		•		
4		•			
3				•	•
2					
1					

Total = 20

#### Kununurra

3yr Average loss - \$62,301

Efficiency - \$62,301 / 7500 = \$8.30 per person

Score	Community	Health	Economic	Utilisation	Efficiency
5	•		•	•	
4		•			•
3					
2					
1					

Total = 23

## Halls

### Wyndham

#### Port Hall

3 yr average loss - \$19,906

Efficiency -  $\$19,906 / 7500 = \$2.65$  per person

Score	Community	Health	Economic	Utilisation	Efficiency
5					
4					•
3					
2	•		•		
1		•		•	

Total score – 10

#### Reid Memorial Hall

3 yr average loss - \$42,134

Efficiency -  $\$42,134 / 7500 = \$5.62$

Score	Community	Health	Economic	Utilisation	Efficiency
5					
4					•
3	•	•			
2			•		
1				•	

Total score – 13

## Swimming Complex

### Wyndham

3 yr average loss - \$148,597

Efficiency  $\$148,597 / 7500 = \$19.81$  per person

Score	Community	Health	Economic	Utilisation	Efficiency
5	•	•			
4			•		
3				•	•
2					
1					

Total – 20

### Kununurra

3 yr average loss - \$445,218

Efficiency –  $\$445,218 / 7500 = \$59.36$

Score	Community	Health	Economic	Utilisation	Efficiency
5	•	•			
4			•		
3				•	
2					•
1					

Total – 19

## Recreation Centre

### Wyndham

3 yr average loss - \$99,316

Efficiency  $\$99,316 / 7500 = \$13.24$

Score	Community	Health	Economic	Utilisation	Efficiency
5	•	•			
4			•		
3				•	•
2					
1					

Total – 20

### Kununurra

3 yr average loss - \$324,678

Efficiency  $\$324,678 / 7500 = \$43.29$

Score	Community	Health	Economic	Utilisation	Efficiency
5	•	•			
4			•		
3				•	
2					•
1					

Total – 19

## Airports

### Wyndham

2yr average loss / (profit) - \$189,188

Efficiency \$189,188 / 7500 = \$25.23

Score	Community	Health	Economic	Utilisation	Efficiency
5					
4					
3		•			•
2	•		•		
1				•	

Total – 11

### East Kimberley Regional Airport

2yr average loss / (profit) – (\$114,604)

Efficiency (\$114,604) / 7500 = (\$15.28)

Score	Community	Health	Economic	Utilisation	Efficiency
5			•		•
4	•			•	
3		•			
2					
1					

Total – 21

## SUMMARY

The ten assets are ranked into a sustainability index, taking into account financial implications and also community implications.

<u>ASSET</u>	<u>SUSTAINABILITY</u>	<u>FINANCIAL</u>	<u>COMMUNITY</u>
East Kimberley Regional Airport	Excellent Sustainability	(\$114,604)	21
Kununurra Child Care	Good Sustainability	\$62,301	23
Wyndham Child Care	Sustainable	\$99,178	20
Wyndham Recreation Centre	Sustainable	\$99,316	20
Wyndham Swimming Centre	Sustainability	\$148,597	20
Kununurra Recreation Centre	Poor Sustainability	\$324,678	19
Kununurra Swimming Centre	Poor Sustainability	\$445,218	19
Port Hall	Poor Sustainability	\$19,906	10
Memorial Hall Wyndham	Poor Sustainability	\$42,134	13
Wyndham Airport	Unsustainable	\$189,188	11

## **Recommendation**

Assets which fall into the category of poor sustainability or un sustainability need urgent action to rectify the cost to the community. Council has two scenarios, one being to dispose of the asset, the second is to increase income and / or decrease costs relating to the asset.

## **Recreation and Swimming Complexes**

Assets which score highly in the community field are not likely to be closed down as they are an asset to the community and local government is filling a void left by private enterprise. In the case of recreation centres and swimming complexes it is a case of market failure, private enterprise will not run a complex/pool which is guaranteed to make a loss.

Investigation into reduction in expenses and increases in revenue are necessary.

## **Halls**

Halls in Wyndham are underutilised; Modern communities do not gather at halls as was the case 20-40 years ago. A party at home or function at a community club / pub have taken core business away from local government and their halls. These buildings are assets yet need to be re-invented to take into account modern day activities and trends.

Halls in Wyndham do not show significant expenses yet this will change over the coming years as they are in need of major capital works. If this capital work is to be done, Council needs to re-invent the halls as to get a return on the community's asset. It is irresponsible to fund capital upgrades to an asset which has little or no community benefit!

## **Wyndham Airport**

The asset is unsustainable on a financial basis and community basis. It has little community benefit as there is a major airport 100km to the south which the majority of Wyndham residents would use.

The only concern is the flying doctor service. In remote regions of the Northern Territory the flying doctor lands on the highway and this is an option for Wyndham.

Another option is to reduce services to the airport. At present Council maintains two runways, a tarmac runway and a gravel runway. Initial costings indicate that the Shire could save around \$43,920 by closing the gravel runway 18-36. The Shire only maintains one runway at the East Kimberley Regional airport, two strips in Wyndham is unsustainable.

**Shire of Wyndham East Kimberley  
Community Assets  
Review  
2006/2007**

	<u>Wyndham</u>			<u>Kununurra</u>		
	<u>03/04</u>	<u>04/05</u>	<u>05/06</u>	<u>03/04</u>	<u>04/05</u>	<u>05/06</u>
<b>Childcare</b>						
<b>Expenditure</b>						
Operating	\$179,071.00	\$181,013.00	\$205,845.00	\$48,426.00	\$51,519.00	\$33,790.00
Capital	\$0.00	\$0.00	\$0.00	\$13,268.00	\$31,989.00	\$12,941.00
Total	\$179,071.00	\$181,013.00	\$205,845.00	\$61,694.00	\$83,508.00	\$46,731.00
<b>Income</b>						
Operating	(\$95,459.00)	(\$94,612.00)	(\$78,324.00)	(\$3,431.00)	(\$1,600.00)	\$0.00
Total	(\$95,459.00)	(\$94,612.00)	(\$78,324.00)	(\$3,431.00)	(\$1,600.00)	\$0.00
<b>(Profit) / Loss</b>	<b>\$83,612.00</b>	<b>\$86,401.00</b>	<b>\$127,521.00</b>	<b>\$58,263.00</b>	<b>\$81,908.00</b>	<b>\$46,731.00</b>
<b>Avg Loss</b>	<b>\$ 99,178</b>			<b>\$ 62,301</b>		
<b>Port Hall</b>						
<b>Expenditure</b>						
Operating	\$ 1,837.00	\$ 41,077.00	\$ 35,758.00			
Capital	\$ -	\$ -	\$ -			
Total	\$ 1,837.00	\$ 41,077.00	\$ 35,758.00			
<b>Income</b>						
Operating	(\$6,300.00)	(\$7,936)	(\$4,718)			
Total	(\$6,300.00)	(\$7,936.00)	(\$4,718.00)			
<b>(Profit) / Loss</b>	<b>(\$4,463)</b>	<b>\$33,141</b>	<b>\$31,040</b>			
<b>Avg Loss</b>	<b>\$ 19,906</b>					
<b>Reid Memorial Hall</b>						
<b>Expenditure</b>						
Operating	\$82,130	\$29,486	\$19,748			
Capital	\$0	\$0	\$0			
Total	\$82,130	\$29,486	\$19,748			
<b>Income</b>						
Operating	(\$1,656)	(\$2,428)	(\$879)			
Total	(\$1,656)	(\$2,428)	(\$879)			
<b>(Profit) / Loss</b>	<b>\$80,474</b>	<b>\$27,058</b>	<b>\$18,869</b>			
<b>Avg Loss</b>	<b>\$ 42,134</b>					
<b>Swimming Complex</b>						
<b>Expenditure</b>						
Operating	\$ 168,371	\$ 147,961	\$ 142,648	\$ 472,397	\$ 476,929	\$ 492,895
Capital	\$ 18,240	\$ -	\$ -	\$ 39,620	\$ 61,341	\$ -
Total	\$ 186,611	\$ 147,961	\$ 142,648	\$ 512,017	\$ 538,270	\$ 492,895
<b>Income</b>						
Operating	(\$3,367)	(\$18,827)	(\$9,235)	(\$67,039)	(\$79,073)	(\$61,416)
Total	(\$3,367)	(\$18,827)	(\$9,235)	(\$67,039)	(\$79,073)	(\$61,416)
<b>(Profit) / Loss</b>	<b>\$183,244</b>	<b>\$129,134</b>	<b>\$133,413</b>	<b>\$444,978</b>	<b>\$459,197</b>	<b>\$431,479</b>
<b>Avg Loss</b>	<b>\$148,597</b>			<b>\$445,218</b>		
<b>Recreation Centre</b>						
<b>Expenditure</b>						
Operating	\$ 81,052	\$ 96,669	\$ 108,952	\$ 455,141	\$ 433,096	\$ 461,486

Capital	\$	7,793	\$	17,432	\$	-	\$	9,140	\$	15,758	\$	-
Total	\$	88,845	\$	114,101	\$	108,952	\$	464,281	\$	448,854	\$	461,486
<b>Income</b>												
Operating		(\$4,942.00)		(\$3,486.00)		(\$5,522.00)		(\$125,115.00)		(\$133,726.00)		(\$141,747.00)
Total		(\$4,942.00)		(\$3,486.00)		(\$5,522.00)		(\$125,115.00)		(\$133,726.00)		(\$141,747.00)
<b>(Profit) / Loss</b>		\$83,903.00		\$110,615.00		\$103,430.00		\$339,166.00		\$315,128.00		\$319,739.00
<b>Avg Loss</b>	\$	<b>99,316</b>					\$	<b>324,678</b>				
<b><u>Airports</u></b>												
<b>Expenditure</b>												
Operating			\$	362,140	\$	416,233			\$	875,063		\$ 1,022,667
Capital			\$	21,903					\$	281,896		
Total			\$	384,043	\$	416,233			\$	1,156,959		\$ 1,022,667
<b>Income</b>												
Operating				(\$169,267)		(\$252,633)				(\$1,114,827)		(\$1,294,007)
Total				(\$169,267)		(\$252,633)				(\$1,114,827)		(\$1,294,007)
<b>(Profit) / Loss</b>				\$214,776		\$163,600				\$42,132		(\$271,340)
<b>Avg loss / (profit)</b>	\$	<b>189,188</b>								(\$114,604)		
<b>Abnormals</b>												
Lease income						\$55,000						
Capital Exp				(\$21,903)		(\$5,985)				(\$281,896)		
Depreciation				(\$17,892)		(\$10,460)				(\$177,203)		(\$180,858)
				(\$39,795)		\$38,555				(\$459,099)		(\$180,858)
CASH												
(Profit)/Loss				\$174,981		\$202,155				(\$416,967)		(\$452,198)
<b>Avg loss / (profit)</b>	\$	<b>188,568</b>								<b>(\$434,583)</b>		

Cr Middap left the room at 6:35pm.

### 12.3.4 East Kimberley Regional and Wyndham Airports Future Plan

<b>DATE:</b>	20 March 2007
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	East Kimberley Regional and Wyndham Airports
<b>ATLAS REFERENCE:</b>	Map 38, G5
<b>AUTHOR:</b>	Yale Bolto, Executive Manager of Corporate Services
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	20.09.05
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to consider adoption of the proposed 5 year future plan for East Kimberley Regional and Wyndham Airports as presented at the Elected Member Briefing Session 6 March 2007.

#### **BACKGROUND**

The East Kimberley is going through a rapid expansion and Council needs to position its airport infrastructure to accommodate this growth. At present the East Kimberley Regional Airport is rapidly expanding and providing vital community and commercial links for the East Kimberley. East Kimberley Regional Airport was designed to take growth and the time is right to capitalise on this foresight and implement a car park extension, security area extensions and runway extension. Timing is essential as we need extra car parking and secure areas before we can land larger planes and therefore accommodate more passengers.

The Wyndham Airport has not experienced the growth that the East Kimberley Regional Airport has experienced. It has two small commercial operators who service indigenous communities and the tourism sector.

Advice from Wyndham Aviation is that the Wyndham Airport provides the following services to the broader community:

- Mail run Monday, Tuesday, Thursday and Friday;
- RFDS Clinic Tuesday and Friday; and
- Regular flights and contracts eg AQIS, cattle buyers, customs, charter flights/tourism, private pilots

#### **STATUTORY IMPLICATIONS**

N/A

#### **POLICY IMPLICATIONS**

N/A

## **FINANCIAL IMPLICATIONS**

Refer to the attachment – East Kimberley Regional and Wyndham Airports Projected Budgets 2007-2012

The East Kimberley Regional and Wyndham Airports are separate business units and do not contribute or draw on municipal funds. Thus all profit generated by the East Kimberley Regional Airport is placed in a reserve for future capital upgrades. All losses generated by Wyndham Airport draws on this capital maintenance reserve.

## **STRATEGIC IMPLICATIONS**

The Shire's Airports are vital strategically for the growth of the East Kimberley. The East Kimberley Regional Airport needs to grow along with the East Kimberley to take jet services which offer more passengers, freight and greater access to large populations.

With the East Kimberley Regional Airport providing jet services, it is unlikely that the Wyndham Airport, only 100 kilometres away, will grow into a commercial airport. A review of the airports needs to be undertaken in 2009/2010 to determine if the East Kimberley requires two airports or services are combined and losses reduced.

## **COMMUNITY CONSULTATION**

Nil

## **COMMENT**

The Wyndham Airport at present is a liability to Council. It loses approximately \$180,000 per year. It will be more difficult for Council to fund the extension of the runway at the East Kimberley Regional Airport and therefore cater for improved jet services if it continues to operate a minor second airport at a financial loss to the community.

An initial saving can be made by closing the gravel runway 18-36 and decreasing the width of the sealed runway from 30m to 18m. In 2009/2010 the Wyndham Airport will need a reseal of the bitumen runway. In addition, consulting Aerodrome Management Services recent advice indicates that another illuminated windsock will be required at an estimated installation cost of \$100,000. Ongoing maintenance costs will be additional to this. Initial costing indicates a minimum of \$200,000 expenditure for the reseal.

Council will need to consider the future of Wyndham Airport given the capital upgrades required and if it is still losing more than \$120,000 per year by 2009, it should be decommissioned. Functions that occur from the Wyndham Airport will need to occur from the East Kimberley Regional Airport if the East Kimberley is to benefit by positioning the region to receive improved jet services.

Expansion of the East Kimberley Regional Airport is proposed to be staged to allow for pressing capital upgrades. At present Council is using an over flow car park at the East Kimberley Regional Airport and the secure area for departing passengers is undersized. If Council is to extend the runway and encourage improved jet services, the East Kimberley Regional Airport needs the facilities to take more cars and more passengers.

## **ATTACHMENTS**

East Kimberly Regional and Wyndham Airports Future Plan 2007-2005  
East Kimberly Regional and Wyndham Airports Future Plan Timeline 2007-2005

## **VOTING REQUIREMENT**

Simple Majority

## **RECOMMENDATION**

That Council –

1. Close gravel runway 18-36 and decrease the width of sealed runway 12-30 from 30m to 18m at the Wyndham Airport as at 01/07/2007.
2. Review operations at the Wyndham Airport when the bitumen reseal is due on runway 12-30 and if the airport is losing more than \$120,000 per year, decommission the airport.
3. Include the proposed 5 year plan for airport changes in Council's draft Plan for the Future.

## **COUNCIL RESOLUTION**

**Minute No. 7651**

**Moved: Cr K. Wright**

**Seconded: Cr B. Barnes**

**That Council –**

- 1. Close gravel runway 18-36 and decrease the width of sealed runway 12-30 from 30m to 18m at the Wyndham Airport as at 01/07/2007.**
- 2. Review operations at the Wyndham Airport when the bitumen reseal is due on runway 12-30**
- 3. To review the Draft 5 Year Plan at the April Briefing Session.**

**Carried: 6/2**

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

**For:**

- Cr M. Pucci**
- Cr B. Barnes**
- Cr D. Ausburn**
- Cr K. Wright**
- Cr J. Buchanan**
- Cr R. Devenish-Meares**

**Against:**

- Cr J. Parker**
- Cr G. Green**

**Cr Middap returned to the meeting room at 6:49pm.**

**EAST KIMBERLY REGIONAL(EKR) & WYNDHAM  
AIRPORTS  
FUTURE PLAN  
2007 - 2012**

	06/07	07/08	08/09	09/10	10/11	11/12
	\$	\$	\$	\$	\$	\$
<b>Summary</b>						
<b>Operating Expenditure</b>						
EKR Airport Overheads	273,500	281,705	290,156	298,861	307,827	317,061
WYN Airport Overheads	33,200	34,196	35,222	0	0	0
Loan Repayment	0	0	0	132,400	132,400	132,400
Tourism Funding	40,000	80,000	80,000	80,000	80,000	80,000
* Airport Plant	116,625	120,124	123,727	127,439	131,262	135,200
EKR Airport	727,255	749,073	771,545	794,691	818,532	843,088
***** WYN Airport	334,355	304,386	313,517	0	0	0
<b>Total Operating Expenditure</b>	<b>1,524,935</b>	<b>1,569,483</b>	<b>1,614,168</b>	<b>1,433,391</b>	<b>1,470,021</b>	<b>1,507,750</b>
<b>Operating Revenue</b>						
EKR Airport	(1,387,700)	(1,457,085)	(1,529,939)	(1,606,436)	(1,726,919)	(1,856,438)
WYN Airport	(180,000)	(189,000)	(198,450)	0	0	0
<b>Total Operating Revenue</b>	<b>(1,567,700)</b>	<b>(1,646,085)</b>	<b>(1,728,389)</b>	<b>(1,606,436)</b>	<b>(1,726,919)</b>	<b>(1,856,438)</b>
<b>Non Operating Expenditure</b>						
*** EKR Airport	57,000	80,000	50,000	75,000	0	50,000
WYN Airport (public toilet)	40,000	0	0	0	0	0
EKR Car Park	0	500,000	0	0	0	0
EKR Terminal Upgrade	0	0	500,000	0	0	0
EKR Taxi Way F Upgrade	0	250,000	0	0	0	0
EKR enrichment or sand seal / subsidence repairs	0	0	0	200,000	0	0
EKR Runway Extension	0	0	0	3,500,000	0	0
<b>Total Non Operating Expenditure</b>	<b>97,000</b>	<b>830,000</b>	<b>550,000</b>	<b>3,775,000</b>	<b>0</b>	<b>50,000</b>
<b>Non Operating Revenue</b>						
EKR Sale of Land	(50,000)	(50,000)	(50,000)	0	0	(50,000)
RADS Funding	0	(35,000)	0	(525,000)	0	0
WYN Airport	0	0	0	(25,000)	0	0
Loan Funds	0	0	0	(1,500,000)	0	0
<b>Total Non Operating Revenue</b>	<b>(50,000)</b>	<b>(85,000)</b>	<b>(50,000)</b>	<b>(2,050,000)</b>	<b>0</b>	<b>(50,000)</b>
<b>(Profit) /Loss</b>	<b>4,235</b>	<b>668,398</b>	<b>385,778</b>	<b>1,551,955</b>	<b>(256,898)</b>	<b>(348,688)</b>
** <b>Add back Depreciation -Total</b>	<b>(205,065)</b>	<b>(211,217)</b>	<b>(217,553)</b>	<b>(215,245)</b>	<b>(221,703)</b>	<b>(228,354)</b>
East Kimberly Regional Depreciation	(196,980)	(202,889)	(208,976)	(215,245)	(221,703)	(228,354)
Wyndham Depreciation	(8,085)	(8,328)	(8,577)	0	0	0
**** <b>Total (Profit) / Loss EKR &amp; Wyn</b>	<b>(200,830)</b>	<b>457,181</b>	<b>168,225</b>	<b>1,336,710</b>	<b>(478,601)</b>	<b>(577,042)</b>
<b>Plant Allocated</b>	<b>116,625</b>	<b>120,124</b>	<b>123,727</b>	<b>127,439</b>	<b>131,262</b>	<b>135,200</b>
* East Kimberly Regional 70%	81,637	84,086	86,609	127,439	131,262	135,200
* Wyndham 30%	34,988	36,038	37,119	0	0	0
<b>East Kimberly Regional (Profit) / Loss</b>	<b>(455,288)</b>	<b>279,889</b>	<b>(10,606)</b>	<b>1,336,710</b>	<b>(478,601)</b>	<b>(577,042)</b>
<b>Wyndham (Profit) / Loss</b>	<b>254,458</b>	<b>177,292</b>	<b>178,830</b>	<b>(25,000)</b>	<b>0</b>	<b>0</b>
**** <b>Total Profit EKR / Wyn</b>	<b>(200,830)</b>	<b>457,181</b>	<b>168,225</b>	<b>1,311,710</b>	<b>(478,601)</b>	<b>(577,042)</b>
<b>Reserve</b>						
<b>Reserve Interest</b>	<b>(106,930)</b>	<b>(125,397)</b>	<b>(105,490)</b>	<b>(101,726)</b>	<b>(29,127)</b>	<b>(59,590)</b>
<b>30/06/2006 Balance \$1,782,186</b>	<b>(2,089,946)</b>	<b>(1,758,162)</b>	<b>(1,695,427)</b>	<b>(485,442)</b>	<b>(993,170)</b>	<b>(1,629,802)</b>
* Plant breakup is 70% EKR and 30% Wyn						
** All plant is paid for by Airports, thus depreciation is added back. This is not Muni funds / unlike Admin Allocated						
*** Plant included in this						
**** Must balance to each other						
***** Wyn down grade, close runway 18-36, width to 18m						
***** 07/08						
***** Wyn closure to fund loan for EKR extension						
***** 09/10						
<b>Assumptions</b>						
3% increase in operating Expenditure						
5% Passenger number growth / Income						
6% Interest on Reserve Funds						
6.25% Loan interest rate						
7.5% Passenger number growth / Income once Runway extension finished						



**EAST KIMBERLY REGIONAL (EKR) & WYNDHAM AIRPORTS  
TIMELINE 2007 - 2012**

2006-2007	2007-2008	2008-2009	2009/2010	2010-2011	2011-2012
<p>East Kimberly Regional Airport to fund \$40 000 towards Tourism Funding.</p>	<p>Wyndham Airport downgrade - closure of gravel cross strip 18-36  reduce width of sealed runway 12-30 from 30m to 18m. Savings of \$40,000 - \$45,000. East Kimberly Regional new Car park and Upgrade Taxi way F - combined cost \$750,000 \$80,000 Tourism Funding</p>	<p>EKR Terminal Upgrade, expansion of secure area \$500,000 Review Wyndham Operations.  \$80,000 Tourism Funding</p>	<p>EKR enrichment seal and subsidence repairs \$200,000  Wyndham airport re-seal - cost \$200,000.00 Closure of Wyndham Airport if losing &gt; \$120,000. Closure will consolidate East Kimb Tourism allow for extension of Knx runway. \$80,000 Tourism Funding Kununurra Runway Extension. Cost - \$3,500,000 RADS - (\$500,000) Military - ? SWEK Loan - (\$1,500,000) SWEK Airport Operating / Reserve - (\$1,500,000) Savings of \$150,000 from closure of Wyn Airport \$80,000 Tourism Funding</p>	<p>Business as usual with a consolidated Airport business. Loan repayments of \$132,400 Savings from closure of Wyn of \$140,000 - \$180,000</p>	<p>Business as usual. Loan repayments \$132,400 Increase in Income form larger aircraft and more passengers. \$80,000 Tourism Funding</p>



### 12.3.5 Wyndham Community Club

<b>DATE:</b>	20 March 2007
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Lot 472 Great Northern Highway, Wyndham
<b>ATLAS REFERENCE:</b>	N/A
<b>AUTHOR:</b>	Yale Bolto, Executive Manager of Corporate Services
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	01.0501.13
<b>ASSESSMENT NO:</b>	0501

#### **PURPOSE**

For Council to consider the future of the Wyndham Community Club and a repayment schedule for outstanding debts.

#### **BACKGROUND**

Mr Peter McClymans manager of the Wyndham Community Club (WCC) approached the CEO and Executive Manager Corporate Services of the Shire of Wyndham East Kimberley. Mr McClymans, as the manager of the club, was seeking assistance with the debt owed to the Shire. At the time the WCC owed the Shire \$18,295.95 and the Australian Tax Office approximately \$80,000 plus other small debts.

The land and buildings are owned by the Shire and the WCC had a lease over the subject land from 1975 to 1996. Since 1996 (when the lease expired) the WCC have occupied the site on a month to month basis. The lease rental is one dollar (peppercorn) per year.

There have been numerous attempts to broker a new lease document over the last 11 years, yet neither the Shire nor the WCC have a signed lease document. Thus the WCC are tenants at will on a Shire owned property.

Mr McClymans attended the Council Briefing Session on the 6 March 2007 at the Wyndham Council Chambers. It was requested at this Briefing Session that administration propose a repayment plan for consideration by Council.

#### **STATUTORY IMPLICATIONS**

##### **LOCAL GOVERNMENT ACT 1995 - SECT 3.58 Disposing of property**

##### **3.58 Disposing of property**

(1) In this section —

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

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

## **POLICY IMPLICATIONS**

N/A

## **FINANCIAL IMPLICATIONS**

The timely repayment of debt is required by all of the Shires creditors. By putting in place a repayment schedule it allows some certainty for Council Officers and the Wyndham Community Club.

The three payment plans for Council to consider are as follows:

1. \$750 per month will take 5 years to pay of rates and debtors debt; or
2. \$1000 per month will take 3 years to pay of rates and debtors debt; or
3. \$1250 per month will take 2 year to pay of rates and debtors debt.

## **STRATEGIC IMPLICATIONS**

From the attached information it would seem that the Wyndham Community Club is a Shire asset operating without a lease. This asset is in a poor condition and may continue to deteriorate if the management of the club is not successful in operating the business at a profit.

If Council is to continue to support the asset it would need to put in place a valid lease and also acknowledge that substantial capital improvements are required.

## **COMMUNITY CONSULTATION**

Several meetings with Mr McClymans from the Wyndham Community Club

## **COMMENT**

Discussion around the Wyndham Community Club (WCC) in the past has been around the premises being owned by the club and land by the Shire. As per the attached original lease we now understand that the land and facilities are owned by Council.

Council now need to make a decision if they are willing to allow the WCC to trade out of their debts with a strict payment plan and also implement an asset maintenance program.

An example of this working successfully is the Ord River Sports Club Inc. They have a 21 yr peppercorn lease with Council which expires on the 26 April 2009. The Ord Sports Club (inc) maintains the building and land

On discussion with Mr McClymans he would be open to suggestions/discussions on the moving of the club into town, thus allowing members to walk to the club instead of drive. Council would need to have this in writing from the member base before it invested more resources on this action.

Initial enquiries to the Office of Racing Gaming and Liquor concerning the removal of the club Licence to a new location within the 3 mile (Wyndham town site) would not affect the licence conditions.

### **ATTACHMENTS**

Agenda item to Council 20 April 2000  
Original Lease Document  
Loan Repayment schedules

### **VOTING REQUIREMENT**

Simple Majority

### **RECOMMENDATION**

That Council request:

1. That Officers write to the Wyndham Community Club setting up a repayment schedule at \$1000 per month to reduce and clear their debt to the Shire by 2009/2010;
2. That Officers investigate liquor licensing restrictions for moving the club into Wyndham town (3 mile);
3. That the Shire's Building Inspector carries out a thorough investigation of capital maintenance costs to bring the buildings at the present site to a satisfactory level for continued use; and
4. That in keeping with the Assets Review, Council request the Wyndham Community Club to consider relocation of the club operation to an upgraded facility at what is currently known as the Peter Reid Memorial Hall.

### **COUNCIL RESOLUTION**

**Minute No. 7652**

**Moved: Cr M. Middap**

**Seconded: Cr J. Parker**

1. **That Officers write to the Wyndham Community Club setting up a repayment schedule at \$750 per month at the minimum to reduce and clear their debt to the Shire by 2011/2012 at the latest.**

**Carried: 7/2**

**Minute No. 7653**

**Moved: Cr K. Wright**

**Seconded: Cr B. Barnes**

1. That Officers investigate liquor licensing restrictions for moving the club into Wyndham town (3 mile);
2. That the Shire's Building Inspector carries out a thorough investigation of capital maintenance costs to bring the buildings at the present site to a satisfactory level for continued use; and
3. That in keeping with the Assets Review, Council request the Wyndham Community Club to consider relocation of the club operation to an upgraded facility at what is currently known as the Peter Reid Memorial Hall.
4. That Council convene a public community meeting in Wyndham to assess the community's best future use of the Peter Reid Memorial Hall

**Carried: 6/3**

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

**For:** Cr B. Barnes  
Cr G. Green  
Cr K. Wright  
Cr R. Devenish-Meares  
Cr J. Buchanan  
Cr D. Ausburn

**Against:** Cr M. Pucci  
Cr M. Middap  
Cr J. Parker

NOTE: Council included condition 4 to ensure appropriate community consultation.

<b>ITEM NO:</b>	<b>FA04/05</b>
<b>DATE:</b>	<b>27 APRIL 2000</b>
<b>SUBJECT:</b>	<b>Lease - Wyndham Community Club</b>
<b>PROPONENT:</b>	<b>Wyndham Community Club</b>
<b>LOCATION:</b>	<b>Lot 472 Great Northern Highway, Wyndham</b>
<b>ATLAS REFERENCE</b>	<b>Map 33, E2</b>
<b>REPORTING OFFICER:</b>	<b>Anthony Middleton</b>
<b>ENABLING LEGISLATION:</b>	<b>Local Government Act (1995) 53.58</b>
<b>COUNCIL POLICY:</b>	<b>N/A</b>
<b>FILE NUMBER:</b>	<b>ADM13</b>

### **BACKGROUND**

The land is owned by the Shire and the WCC had a lease over the subject land from 1975 to 1996. Since 1996 (when the lease expired) the WCC have occupied the site on a month to month basis. The lease rental is one dollar (peppercorn) per year.

During the lease period the WCC invested considerable money in developing the facilities on the site. The sum of \$240,000 was borrowed through the Shire and was repaid during the term of the original lease.

The WCC are considering borrowing further funds to continue upgrading facilities however to do this they require that formal leasing arrangements be entered into.

Meetings have been held between the WCC and the Shire's Senior Administration Officer to determine the lease arrangements.

### **REPORT**

The proposed lease arrangements are:

Term:	21 years
Commencement:	1 <sup>st</sup> July 2000
Expiry:	30 <sup>th</sup> June 2021
Renewal:	Nil
Rental:	\$1.00 per annum
Use of Premises:	Community Club and Associated Activities

In addition to the agreed lease arrangements the WCC have requested that the Shire provide professional advice with regard to the building and health requirements for the existing infrastructure and for the proposed renovations. As the ownership of all improvements on the site rests with the Shire this is not an unreasonable request.

Having regard to:

- The past history of the WCC in successfully running the Community Club for the greater benefit of the Wyndham Community;

- the desire of the Club to borrow funds and the need for a formal lease to be entered into; and
- the Shire's ownership of the land and improvements.

It is recommended that a lease agreement be entered into.

It is noted that the requirement for statewide public notice for the disposition of property (s3.58 (3) (a) of the act) is not required in the instance as the Wyndham Community Club is considered to fall under the provisions of Function and General Regulation 30 (b) (ie recreational nature where the members do not benefit).

### **OFFICER RECOMMENDATION**

1. The Council enter into a lease agreement with the Wyndham Community Club Inc. and that the lease conditions be as follows:
  - Twenty one (21) years commencing 1<sup>st</sup> July 2000;
  - Rental of one dollar per annum; and
  - The premises be used as a community club and associated activities.
2. The Council provides professional assistance as required in the assessment of health and building requirements for existing and proposed infrastructure.

### **MINUTE NO 3423**

**4.50 pm** *Cr Vagg declared an interest in this item. Cr Vagg is the owner of a liquor outlet in competition with the proponent. Cr Vagg left the chamber for discussion and voting on this and FA04/06.*

***Moved Cr Thorley/Lewis***

***That the Officer's recommendation be adopted.***

DATED Eleventh day of December 1975

SHIRE OF WYNDHAM - EAST KIMBERLEY

- to -

WYNDHAM COMMUNITY CLUB (INC.)

**EXPIRED 1996.**

L E A S E

THIS INDENTURE made the Eleventh day of December one thousand nine hundred and seventy five B E T W E E N . SHIRE OF WYNDHAM - EAST KIMBERLEY of Koolama Street Wyndham in the State of Western Australia (hereinafter referred to as "the Shire") of the one part and THE WYNDHAM COMMUNITY CLUB (INC.) of Wyndham aforesaid (hereinafter referred to as "the Club") of the other part

WHEREAS:

- (a) Pursuant to the provisions of Section 33 of "The Land Act 1933-74" ALL THAT piece of land being Wyndham .. Lot 427 comprising 4 acres or thereabouts but subject to survey was purchased by the Shire for the purpose of a Club and Club premises site with power to the .. Shire to lease the same or any part thereof for a period not exceeding Twenty-one (21) years from the date of the lease but subject to the written approval of .. the Minister.
- (b) The Club has requested the Shire to purchase the .... buildings and the said lot and for such purpose to ... raise a loan of ONE HUNDRED AND FIFTY THOUSAND DOLLARS (\$150,000.00) and a loan of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) and when the purchase is completed to grant to it a lease of the said lot and ... premises for a Club House and Grounds which the Shire has agreed to do subject to the consents of the Governor and of the Minister and upon the Club undertaking to repay the said sum with interest thereon as hereinafter provided and at the rental and upon the terms .. and conditions hereinafter contained

NOW THIS INDENTURE WITNESSETH as follows:

1. The Shire shall forthwith sign execute and do all such applications notices and things as may be necessary pursuant to the provisions of "The Local Government Act 1960/74" to raise a loan of ONE HUNDRED AND FIFTY THOUSAND DOLLARS.

(\$150,000.00) and a loan of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for the purchase of the Buildings and the said Lot Number 427 (hereinafter referred to as "the said land") and to obtain the consents of the Governor and of the Minister to lease the said land and Club House to the Club for a period of Twenty (20) years and for an Order .. relieving the Shire from submitting the said land for letting by public tender

2. The Club shall repay to the Shire the said sum of Two Hundred and Fifty Thousand Dollars (\$250,000.) borrowed by the Shire and expended by it on the provision of the said Club House and other facilities as aforesaid together with interest thereon at the rate of TEN DOLLARS AND FIFTY ... CENTS per centum per annum (\$10.50) during the period of . the lease by the payments on the dates and in accordance . with the Schedule of Payments set out in the Schedules A & B here to

3. In consideration of the sums payable under Clause 2 .. hereof and the rents and covenants of the Club hereinafter reserved and contained the Shire HEREBY AGREES TO LEASE to the Club and the Club AGREES to take on lease ALL THAT piece of land being Wyndham Lot 427 TOGETHER WITH the Club House and all other buildings and erections thereon and .. the facilities provided therewith (hereinafter referred to as "the demised premises") TO BE HELD by the Club for a .. term of TWENTY YEARS (20 years) commencing on the Sixteenth day of January 1976 YIELDING AND PAYING therefore the clear yearly rental of ONE PENNY PER CORN payable on the Sixteenth day of January in each and every year the first of such payments to be made on the Sixteenth day of January . one thousand nine hundred and seventy six SUBJECT to the . covenants and powers implied in "The Transfer of Land Act 1893" and "The Land Act 1933-1974" (unless hereby .... negatived or modified) and also to the covenants and conditions hereinafter contained

4. The Club for itself and its successors and assigns and

2.

B.P

to the intent that the obligations may continue throughout the term hereby created HEREBY COVENANTS with the Shire as follows:

- (a) To pay the rent hereinbefore reserved at the times and in the manner hereinbefore mentioned without any deduction whatsoever
- (b) To bear pay and discharge all existing and future .. rates taxes charges assessments and impositions imposed on or payable by the owner or occupier of the demised premises in respect thereof
- (c) To insure and keep insured in the name of the Shire and the Club in the full insurable value thereof the Club House and all other buildings on the demised .. premises and when required deposit the policy of insurance with the Shire
- (d) To provide and maintain at all times the electrical, sanitary and water supply services and to pay punctually for all electricity and water used by the ... Club on the said premises
- (e) To use the demised premises for a Club House and ... Community Club only and not to use or suffer the ... same to be used for any other purpose whatsoever ... without the previous consent in writing of the Shire first had and obtained
- (f) To carry on the Community Club in accordance with .. the most approved methods and at all times to the .. satisfaction of the Shire and to comply with and obey the provisions of all statutes and orders of whatsoever kind to be made relating thereto
- (g) Not without the previous consent in writing of the Shire first had and obtained to erect or suffer to be erected any building on the demised premises or to make or suffer to be made any alteration in or to



3.

b.s.

the buildings on the demised premises or cut main or injure or suffer to be cut maimed or injured any of the walls or timbers thereof

- (h) Not to alter the character or interfere with the ... present state of the demised premises further than . may be necessary for laying out and maintaining the same as a proper Community Club
- (i) Not without the previous consent in writing of the . Shire or its Clerk or Engineer cut down any trees or sell remove or otherwise dispose of any clay, gravel timber, or other materials from the demised premises
- (j) To keep and maintain the demised premises and all .. buildings and other improvements thereon and all ... fences and gates in good and tenantable repair order and condition and properly cleansed and to the satisfaction of the Shire and to maintain and uphold in good order and condition and keep in proper order .. all facilities constructed upon the said land
- (k) To comply with and obey the provisions of all lawful and valid regulations notices orders and bylaws ... which may from time to time be made or given with . respect to or affecting the demised premises or any part thereof or any buildings thereon or the use or occupancy thereof under the provisions of "The ... Health Act 1911" "The Local Government Act 1960/74" "The Fire Brigades Act 1942" or any Act or Acts ... amending the same or any other statute order regulation or by-law now or hereafter in force or made or given by any Minister, Department, Health Board , Shire Council, Waterworks Board, Sewerage or Drainage Board, Fire Brigade Board or other competent ... authority or person



4.



- (l) Not to suffer the said premises to be used in such a manner as to become a nuisance or to cause annoyance or inconvenience to anyone in the district and not to allow any offensive conduct thereon and not to permit or suffer the use or sale of spiritous or ... fermented liquors on the leased premises unless .... authorised to do so pursuant to the provisions of .. "The Licensing Act" and when only upon such part of the demised premises in which the sale and consumption of such liquors is authorised by the said ... Licensing Act
- (m) To cut water and properly maintain all such hedges . as shall from time to time be planted on the demised premises and to water and properly maintain all ... gardens as shall from time to time be laid out and . planted on the demised premises and where necessary to replace such shrubs and plants as have died or .. been destroyed
- (n) To comply with and observe all the provisions of ... "The Licensing Act 1911-1975" and its amendments relating to Clubs in the event of the Club obtaining a Club License for any portion of the demised premises
- (o) To paint or colour the inside of the Club House ... erected on the demised premises as often as may be reasonably required by the Shire and with such colours and materials as may be approved by the Shire .. in writing
- (p) To permit the Shire and its Clerk, Engineer, Architect and contractors with or without workmen and ... others at all reasonable times to enter upon the demised premises and view the conditions thereof and upon notice being given by the Shire to repair in .. accordance therewith

5.

as

- (q) To permit the Shire its Clerk, Engineer, Architect, Contractors and their servants and agents with all necessary plant and materials at all times to have access to the demised premises and the right to remain thereon to carry out any alterations improvements or work whether structural or otherwise which the Shire may be required or desire to effect to the demised premises
- (r) To repair and make good the demised premises or any building or structure thereon in accordance with ... notices received from the Shire and in accordance .. with the covenants herein contained
- (s) That all work to be done by the Club in pursuance of this lease shall be done under the supervision and to the satisfaction of the Clerk or Engineer of the Shire and in the event of any dispute the Certificate of Clerk or Engineer shall be final
- (t) Not to assign nor to underlet or part with possession of the demised premises or any part thereof ... without the consent in writing of the Shire first had and obtained PROVIDED THAT the discretion of the Shire shall be absolute and all the provisions of .. Section 4 of "The Landlord and Tenant Act 1912" are hereby expressly excluded
- (u) In the event of the Club being entitled to remove .. all or any buildings or structures erected on the demised premises but only with the written consent of the Shire to pull down and remove the same in a workmanlike manner so as not to cause any damage to the demised premises and forthwith after such ... removal to restore the sites thereof so far as possible to the present condition thereof
- (v) To pay the costs of and incidental to the preparation and stamping of this lease and to pay all costs ... charges and expenses (including Solicitor's costs ..



6. C.P.

and Architect's fees) incurred by the Shire for the purpose of or incidental to the preparation and ... service of the notice under Section 3 of "The ... Landlord and Tenant Act 1912" requiring the Club to remedy a breach of any of the covenants hereinbefore contained notwithstanding forfeiture for such breach shall be avoided otherwise than by relief .. granted by the Court

- (w) To yield up the demised premises together with the Club House and all other buildings erected thereon the fixtures and additions thereto and the keys ... thereof at the determination of the tenancy in good and tenable repair and condition in accordance . with the covenants hereinbefore contained

5. The Shire HEREBY COVENANTS with the Club that subject to the rights of the Crown and on the Club paying the rent hereby reserved and observing and performing the several covenants and stipulations on its part herein contained shall peaceably hold and enjoy the demised premises during the said term without any interruption by the Shire or any person rightfully claiming under or in trust for it

6. PROVIDED ALWAYS AND IT IS HEREBY EXPRESSLY AGREED .. AND DECLARED as follows:

- (a) That if the Club shall fail or neglect to pay any . of the sums mentioned in Clause 2 hereof or any .. part thereof or any instalments of rent within fourteen (14) days after the same shall have become due whether formally demanded or not or if the Club ... shall fail in the performance or observance of any . of the covenants on its part hereinbefore contained or if the Club shall cease to exist as a Club or to use the demised premises as a Community Club as ... aforesaid it shall be lawful for the Shire to re-



7.



enter on the demised premises and thereupon the ... term hereby granted shall be determined but without prejudice to the right of action of the Shire in .. respect of any breach of the Club's covenants here- in contained

- (b) In the event of the Club making default in the pay- ment of any rates taxes or other outgoings or in- surance premiums payable by it hereunder or in com- plying with any requisitions notices or orders or in the performance or observance of any covenant or condition contained or implied hereunder it shall . be lawful for but not obligatory upon the Shire to pay all such rates taxes and other outgoings or ... premiums comply with any such regulations notices or orders effect any repairs and do all such work and things in respect of which default has been made by the Club and all moneys so paid together with ... interest thereon at the rate of TEN DOLLARS AND .. FIFTY CENTS (\$10.50) per centum per annum calcul- ated from the date when such moneys were paid or .. expended respectively shall be repaid by the Club . to the Shire on demand and until paid shall be add- ed to the rent hereby reserved and be recoverable . as rent in arrears
- (c) In the event of any of the buildings on the demised land being destroyed or damaged by fire all moneys received by way of insurance shall unless the part- ies otherwise agree to be used for rebuilding and . reinstating
- (d) If the Club shall remain in possession of the de- mised premises with the consent of the Shire after the expiration of the term hereby created the Club shall be a weekly tenant of the Shire at a weekly . rental to be agreed on payable at the expiration of the said term and upon the same terms and condi- tions as are herein contained so far as such terms

8.

B.P.

**SCHEDULE "B"  
LOAN REPAYMENTS**

PRINCIPAL NUMBER OF PAYMENT	PRINCIPAL OUTSTANDING AT THE BE- GINNING OF EACH HALF YEAR	REPAYMENT PERIOD	20.0 YEARS	LOAN NUMBER 47	
				INTEREST	DATE PAYABLE
	\$	\$	\$	\$	
	100,000.00				INTEREST RATE 10.5000
1	99,221.36	5,250.00	778.64	6,028.64	1/ 7/70
2	98,401.84	5,209.12	819.52	6,028.64	1/ 1/71
3	97,539.30	5,166.10	862.54	6,028.64	1/ 1/71
4	96,631.47	5,120.81	907.83	6,028.64	1/ 7/71
5	95,675.98	5,073.15	955.49	6,028.64	1/ 1/72
6	94,670.33	5,022.99	1,005.65	6,028.64	1/ 7/72
7	93,611.88	4,970.19	1,058.45	6,028.64	1/ 1/73
8	92,497.86	4,914.62	1,114.02	6,028.64	1/ 7/73
9	91,325.36	4,856.14	1,172.50	6,028.64	1/ 1/74
10	90,091.30	4,794.58	1,234.06	6,028.64	1/ 7/74
11	88,792.45	4,729.79	1,298.85	6,028.64	1/ 1/75
12	87,425.41	4,661.60	1,367.04	6,028.64	1/ 7/75
13	85,986.60	4,589.83	1,438.81	6,028.64	1/ 1/76
14	84,472.26	4,514.30	1,514.34	6,028.64	1/ 7/76
15	82,878.41	4,434.79	1,593.85	6,028.64	1/ 1/77
16	81,200.89	4,351.12	1,677.52	6,028.64	1/ 7/77
17	79,435.30	4,263.05	1,765.59	6,028.64	1/ 1/78
18	77,577.01	4,170.35	1,858.29	6,028.64	1/ 7/78
19	75,621.16	4,072.79	1,955.85	6,028.64	1/ 1/79
20	73,562.63	3,970.11	2,058.53	6,028.64	1/ 7/79
21	71,396.03	3,862.04	2,166.60	6,028.64	1/ 1/80
22	69,115.68	3,748.29	2,280.35	6,028.64	1/ 7/80
23	66,715.61	3,628.57	2,400.07	6,028.64	1/ 1/81
24	64,189.54	3,502.57	2,526.07	6,028.64	1/ 7/81
25	61,530.85	3,369.95	2,658.69	6,028.64	1/ 1/82
26	58,732.58	3,230.37	2,798.27	6,028.64	1/ 7/82
27	55,787.40	3,083.46	2,945.18	6,028.64	1/ 1/83
28	52,687.60	2,928.84	3,099.80	6,028.64	1/ 7/83
29	49,425.06	2,766.10	3,262.54	6,028.64	1/ 1/84
30	45,991.24	2,594.82	3,433.82	6,028.64	1/ 7/84
31	42,377.14	2,414.54	3,614.10	6,028.64	1/ 1/85
32	38,573.30	2,224.80	3,803.84	6,028.64	1/ 7/85
33	34,569.76	2,025.10	4,003.54	6,028.64	1/ 1/86
34	30,356.03	1,814.91	4,213.73	6,028.64	1/ 7/86
35	25,921.08	1,593.69	4,434.95	6,028.64	1/ 1/87
36	21,255.30	1,360.86	4,667.78	6,028.64	1/ 7/87
37	16,340.46	1,115.80	4,912.84	6,028.64	1/ 1/88
38	11,169.69	857.87	5,170.77	6,028.64	1/ 7/88
39	5,727.46	586.41	5,442.23	6,028.64	1/ 1/89
40		301.18	5,727.46	6,028.64	1/ 7/89
TOTALS		141,145.60	100,000.00	241,145.60	

*[Handwritten signature]*

*[Handwritten initials]*



RATES	\$3,682.60
ESL	\$201.57
REFUSE	\$304.00
ADDITIONAL BINS	\$334.00
CURRENT TOTAL	<b>\$4,522.17</b>
OUT STANDING TOTAL	<b>\$14,267.03</b>
LESS PAYMENTS	\$9,000.00
	<b>\$5,267.03</b>
PLUS PENALITIES	\$579.37

<b>TOTAL OWING 30/06/10</b>	<b>\$5,846.40</b>
-----------------------------	-------------------

<b>10/11 B/F</b>	<b>\$5,846.40</b>
----------------------	-------------------

RATES	\$3,793.08
ESL	\$208.97
REFUSE	\$304.00
ADDITIONAL BINS	\$334.00
CURRENT TOTAL	<b>\$4,640.05</b>
OUT STANDING TOTAL	<b>\$10,486.45</b>
LESS PAYMENTS	\$9,000.00
	<b>\$1,486.45</b>
PLUS PENALITIES	\$163.51

<b>TOTAL OWING 30/06/11</b>	<b>\$1,649.96</b>
-----------------------------	-------------------

<b>11/12 B/F</b>	<b>\$1,649.96</b>
----------------------	-------------------

RATES	\$3,906.87
ESL	\$215.24
REFUSE	\$304.00
ADDITIONAL BINS	\$334.00
CURRENT TOTAL	<b>\$4,760.11</b>
OUT STANDING TOTAL	<b>\$6,410.07</b>
LESS PAYMENTS	\$9,000.00
	(\$2,589.93)
PLUS PENALITIES	

<b>TOTAL OWING 30/06/12</b>	<b>(\$2,589.93)</b>
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Please note  
Assessed at 3% increase on rates and esl per year  
No increase in Refuse  
Penalties calculated on total after payments

5 years

### 12.3.6 Tender T05 06/07

<b>DATE:</b>	20 March 2007
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	East Kimberley Regional Airport – Terminal
<b>ATLAS REFERENCE:</b>	Map38, G5
<b>AUTHOR:</b>	Yale Bolto, Executive Manager of Corporate Services
<b>REPORTING OFFICER:</b>	Yale Bolto, Executive Manager of Corporate Services
<b>FILE NO:</b>	66.55.05
<b>ASSESSMENT NO:</b>	N/A

### **PURPOSE**

For Council to consider the outcomes of Tender T05 06/07 – Lease of East Kimberly Regional ticketing area, back office, veranda, tarmac parking and store at the East Kimberly Regional Airport.

### **BACKGROUND**

Council considered alternatives to leasing the ticketing area, office space and tarmac parking area at the East Kimberly Regional Airport on the 19 September 2006. At this meeting it was decided to tender out the lease. The minute for that meeting is below:

### ***MINUTE NO 7520***

*Moved Cr D Ausburn*

*Seconded Cr M Pucci*

1. *That Council undertake a tendering process to lease the ticketing area and ticketing services, office space, tarmac parking, and baggage handling and ground services at the Kununurra Airport, to ensure transparency, and encourage the best return to the community via the Kununurra airport operations.*
2. *That Council adopt the following selection criteria for the ticketing area and ticketing services, office space, tarmac parking, and baggage handling and ground services tender:*
  - 80% - Tender price*
  - 10% - Tenderer is based locally*
  - 10% - Proven ability to fulfil tender*
3. *That no tender be necessarily accepted.*
4. *Six week time frame advertising period.*
5. *Draft tender documents be presented to Council meeting Dec 2006.*
6. *Final consideration of tender documents March 2007.*

*CARRIED (4/3)*

*For: Cr K Wright, Cr M Middap, Cr R Devenish-Meares*

*Against: Cr G Green, Cr D Ausburn, Cr M Pucci*

*Casting Vote: Cr M Pucci*

Following the above recommendation, draft Tender and Lease documents were presented to Council at the Ordinary Council meeting held on the 19 December 2006

*Minute No. 7589*

*Moved: Cr B. Barnes*

*Seconded: Cr Roch Devenish-Meares*

*That Council:*

*1. Rescind point 2 of Minute No. 7520:*

*“2. That Council adopt the following selection criteria for the ticketing area and ticketing services, office space, tarmac parking, and baggage handling and ground services tender:*

*80% - Tender price*

*10% - Tenderer is based locally*

*10% - Proven ability to fulfil tender”*

*2. Adopt the draft tender as presented with the new tender criteria and weightings:*

*50% Price*

*10% Scope and Quality of services proposed to be delivered to airport users*

*20% Proven ability to fulfil tender*

*20% Tenderer based locally*

*3. Adopt the draft lease document as presented being for the lease of Kununurra Airport ticketing area, back office, verandah, tarmac parking.*

*Carried 6/2*

*Cr Keith Wright requested the votes be minuted.*

*FOR: Cr M. Pucci, Cr B. Barnes, Cr D. Ausburn, Cr J. Buchanan, Cr J. Parker, Cr  
Roch Devenish-Meares*

*AGAINST: Cr K. Wright, Cr M. Middap*

Following Council's decision relating to the Tender and Lease documents, the Tender was advertised in the Kimberley Echo and the West Australian in January 2007. The Tender closed at 4pm Friday 23 February 2007.

## **STATUTORY IMPLICATIONS**

### **LOCAL GOVERNMENT ACT 1995 - SECT 3.58**

#### **Disposing of property**

##### **3.58 Disposing of property**

(1) In this section —

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

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

(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 State wide 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.

### **LOCAL GOVERNMENT ACT 1995 - SECT 3.57**

3.57 Tenders for providing goods or services

(1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

(2) Regulations may make provision about tenders.

### **POLICY IMPLICATIONS**

N/A

### **FINANCIAL IMPLICATIONS**

The East Kimberly Regional Airport operations are a separate business function to the Shires municipal fund, thus all profit or loss generated by the Airports are funded through the Airport reserve. The Airport reserve balance as at 30/06/2006 was \$1,782,186.

The lease fee offered by NAS is \$30,850 plus outgoings.

### **STRATEGIC IMPLICATIONS**

Improve leasing practices at the East Kimberly Regional Airport and create a transparent and accountable relationship for the provision of ticketing and luggage handling services for the next six years.

Improving the business operation of the airports allows Council greater ability to reinvest and improve airport infrastructure and services over time.

### **COMMUNITY CONSULTATION**

N/A

### **COMMENT**

Northern Airport Services Pty Ltd (NAS) who currently tenant and run a baggage handling and ticketing service from the tendered lease site were the only entity to lodge a tender under T05 06/07. The tender lodged by NAS fulfilled all the tender specifications. The tendered price was \$30,850 per annum in lease fees plus outgoings not limited to electricity, rates and legal fees.

Previously lease fees were \$10,000 per annum and Airnorth held the lease on a handshake. This was set after Ansett collapsed and contains an element of discount to encourage Airnorth to service the East Kimberley. The airline industry has re-established in the East Kimberley and numbers are back to the late nineteen ninety's level when Ansett was at its peak.

The \$30,850 offered by NAS is considered fair market value. Council has to consider that the lease fees will be passed onto travellers in the end, thus by setting a fair and reasonable fee it will not discourage travel to the East Kimberley.

### **ATTACHMENTS**

Lease Schedule  
Northern Airservices Tender cover letter

### **VOTING REQUIREMENT**

Simple Majority

### **RECOMMENDATION**

That Council:

1. Accept the tender price of \$30,850 for the lease of East Kimberly Regional ticketing area, back office, veranda, tarmac parking and store at the East Kimberley Regional Airport by Northern Airport Services Pty Ltd (NAS).
2. That Council enter into a lease agreement with NAS as stipulated by the attached Schedule.
3. That Council note the cover letter from Northern Airport Services Pty Ltd and reiterate that the advertised terms and conditions of the tender and lease stand.

### **COUNCIL RESOLUTION**

**Minute No. 7654**

**Moved: Cr J. Buchanan**

**Seconded: Cr R. Devenish-Meaes**

1. **Accept the tender price of \$30,850 for the lease of East Kimberly Regional ticketing area, back office, veranda, tarmac parking and store at the East Kimberley Regional Airport by Northern Airport Services Pty Ltd (NAS).**
2. **That Council enter into a lease agreement with NAS as stipulated by the attached Schedule.**
3. **That Council note the cover letter from Northern Airport Services Pty Ltd and reiterate that the advertised terms and conditions of the tender and lease stand.**

**Carried Unanimously: 9/0**

## THE SCHEDULE

### **Item 1**

Land: The land known as Kununurra Airport being Lot 181 on Deposited Plan 28266 the whole of the land in Certificate of Title Volume 2526 Folio 60

### **Item 2**

Premises: That part of the Land outlined in red on the plan annexed to this Lease.

### **Item 3**

Term: Three (3) YEARS

Date of Commencement: XXXXXX

Date of Expiration: XXXXXX

### **Item 4**

Term of Renewal: Three (3) YEARS

### **Item 5**

Rent:

\$XXXX.XX per annum payable in advance yearly on the first day of each year 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).

### **Item 6**

Use of Premises: Ticketing, baggage handling, equipment storage, administration.

### **Item 7**

Rent Review Dates:

CPI Rent Review Dates:

Market Rent Review Dates:

### **Item 8**

Public Risk Insurance: Ten million dollars (\$10,000,000)

## Item 9

### Outgoings

Outgoings” means all outgoings, costs and expenses of the Lessor, including Rates and Taxes assessed, charged, payable or incurred in respect of the Land or the Premises including, but not limited to, the cost of:

- (a) insuring the Premises or any part of the Premises and any equipment or appliance in the Land or the Premises against fire, explosion, earthquake, aircraft, riot, civil commotion, flood, lightning, storm, tempest, act of God, fusion, smoke, rainwater, water leakage, impact by vehicles, machinery breakdown and malicious acts or omissions, loss of rent, demolition and removal of debris, architects and other consultants fees, claims under Workers Compensation legislation, and statutory liability by employees of the Lessor working in or about the Premises, owners third party liability and all other risks which the Lessor insures against;
- (b) compacting, storing and removing rubbish;
- (c) landscaping and maintaining any part of the Land and the Premises;
- (d) providing, maintaining, repairing, replacing, decorating, managing, administrating, controlling and securing any service or thing which the Lessor considers necessary or expedient or an improvement to the amenities of the Premises or the Land;
- (e) employing and providing facilities for staff for the matters mentioned in this definition;
- (f) cleaning, maintaining, repairing, renovating, replacing, and refurbishing the Premises and the Land except for work of a structural nature;
- (g) providing, operating, maintaining, renovating, repairing, replacing, decorating, refurbishing, managing, administering, controlling, supervising and securing:
  - (i) services to the Premises including lighting, airconditioning, heating and cooling, ventilation, hot water systems, sanitary conveniences and accessories, fire fighting and prevention systems, telephone systems, music and public address systems and emergency generators; and
  - (ii) security systems for the Land or the Premises, including but not limited to alarms and other anti-theft equipment of any kind;
- (h) legal fees and disbursements in relation to the matters mentioned in this definition;
- (i) providing motor vehicles, plant, equipment, tools and materials for the matters mentioned in this definition;
- (j) taxes and statutory charges associated with the matters mentioned in this definition including but not limited to payroll tax, financial institutions duty, bank debits tax, tax on goods or services and taxes of a type not charged at the Commencement Date; and
- (k) fees payable to the Managing Agent.



**Northern Airport Services**  
**PO Box 757**  
**Kununurra WA 6743**

**Phone 08 91681118**  
**Mobile 0417941550**  
**Email**  
**frankr@travelworld.kimberley.net.au**

21st February 2007

Chief Executive Officer  
Shire of Wyndham East Kimberley  
PO Box 614  
Kununurra AW 6743

Re: Tender T05 0607

Dear Peter,

Enclosed is my tender for the lease of the Kununurra ticketing area, back office, veranda, tarmac parking and store.

The proposed tender price is a set \$30,850.00 per annum for rent only with outgoings and Shire legal costs to be paid on presentation of accounts. (See attached pro forma)

Should this tender be successful, the commencement and expiration date of the proposed lease along with the review and payment schedule by the Airlines is negotiable. I would also be open to any discussions with the Shire regarding the Rent price keeping in mind the airlines commitment to the region and our desire to encourage increased use of the airport.

The rent valuation of \$225.00 per sq meter for commercial floor space and \$25.00 per sq meter for ramp area is based on the lower side of similar airport leases and will allow for a gradual increase over 3 years with market rent reviews.

The gross rent of the lettable area as outlined in the tender document will be divided 50/50 between the two airlines as they both utilize the same amount of floor space, i.e. two check-ins each and the same amount of administration and operational areas.

**Northern Airport Services Pty Ltd. ACN 076 642 729**

20 March 2007

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## 12.4 COMMUNITY SERVICES

## 12.5 CHIEF EXECUTIVE OFFICER

### 12.5.1 Use Of Common Seal

<b>DATE:</b>	20 March 2007
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>ATLAS REFERENCE:</b>	N/A
<b>AUTHOR:</b>	Fiona Kuiper, Executive Support Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	60.14.04
<b>ASSESSMENT NO:</b>	N/A

### **PURPOSE**

For Council to receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from the period 1 February to 28 February 2007.

### **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:

- Department of Water Application for 11/17/21A Beds and Banks Permit – Salvinia, Lily Creek Lagoon

### **STATUTORY IMPLICATIONS**

Local Government Act 1995

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

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

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

**Strategy 3:**

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

As does Goal 6 – Legislation:

**Strategy 3:**

*Ensure continued compliance with all relevant legislation through the submission of relevant reports and documents.*

**COMMENT**

It is the Officer's 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 February to 28 February 2007.

**COUNCIL RESOLUTION**

**Minute No. 7655**

**Moved: Cr R. Devenish-Meares**

**Seconded: Cr K. Wright**

**That Council receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from 1 February to 28 February 2007.**

**Carried Unanimously: 9/0**

## 12.5.2 Delegated Authority Report

<b>DATE:</b>	20 March 2007
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>ATLAS REFERENCE:</b>	N/A
<b>AUTHOR:</b>	Fiona Kuiper, Executive Support Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	60.14.04
<b>ASSESSMENT NO:</b>	N/A

### **PURPOSE**

To report to Council on the use of Delegated Authority by Officers for the period 1 January to 28 February 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 January to 28 February 2007.

## **COUNCIL RESOLUTION**

**Minute No. 7656**

**Moved: Cr J. Buchanan**

**Seconded: Cr R. Devenish-Meares**

**That Council receive the Delegated Authority Report for the period 1 January to 28 February 2007.**

**Carried Unanimously: 9/0**



**BUILDING LICENCES ISSUED UNDER DELEGATED AUTHORITY 01/02/2007 – 28/02/2007**

LIC#	DATE	OWNER	ADDRESS	BUILDER	LOCATION	DESCRIPTION	NEW/ADD	LOT AREA	FLOOR AREA	ROOF CLAD	WALL CLAD	EST. VALUE
024/2007	01/02/07	HCJB LEASE/ DEPARTMENT PLANNING & INFRASTRUCTURE	PO BOX 1339 KUNUNURRA	HCJB AUSTRALIA	LOT 3000 PART LOC 512 RES 35289 PACKSADDLE ROAD KUNUNURRA	ONE ANTENNAE STRUCTURE	NEW	6,019	300	N/A	N/A	\$200,000.00
025/2007	01/02/07	INDIGENOUS LAND CORPORATION	GPO BOX 652 ADELAIDE SA 5001	RI-CON CONTRACTORS	LOC 8 & LOC 12 GIBB RIVER ROAD "HOME VALLEY STATION"	WORKSHEP, STABLES, ABLUTION, STAFF ACCOMMODATION & 15 X GUEST CABINS	NEW	246,753		STEEL	STEEL	\$3,500,000.00
026/2007	05/02/07	JAMES WALKER	PO BOX 1669 KUNUNURRA	JAMES WALKER	LOT 140 (1) ROSEWOOD AVENUE KUNUNURRA	VERANDAH & DECK ADDITION TO EXISTING	NEW	0.1860	25	STEEL	N/A	\$5,000.00
027/2007	05/02/07	ARNOLD BROLSMA	PO BOX 673 KUNUNURRA	ARNOLD BROLSMA	LOT 164 (12) GARDENIA	SINGLE DWELLING & DOUBLE	NEW	0.0852	350	STEEL	STEEL	\$265,000.00

			RRA		WAY KUNUNUR RA	GARAGE							
028/ 2007	06/02/ 07	NEIL & BELINDA BUTCHER	PO BOX 776 KUNUNU RRA	NEIL & BELINDA BUTCHER	LOT 1469 (STRATA LOT 2) (2/53) BARRINGT ONIA AVENUE KUNUNUR RA	RE-ROOF EXISTING STRUCTUR E	ADD	0.04 91	29	STEE L	N/A	\$4,000.00	
029/ 2007	06/02/ 07	HCJB AUSTRALIA	PO BOX 1339 KUNUNU RRA	HCJB AUSTRALI A	LOC 579 PACKSADD LE ROAD KUNUNUR RA	ENCLOSUR E OF PORTION OF VERANDAH TO FORM HABITABLE ROOM	ADD	77.0 279	16	EXIS T	FIBRE CEME NT	\$4,000.00	
030/ 2007	07/02/ 07	THE ANGLICAN CHURCH	PO BOX 418 WYNDHA M	PETER PALMER	LOT 988 (RES 27135) KOOLAMA STREET WYNDHAM	ABLUTION & STORAGE SHED ON EXISTING SLAB	NE W	0.25 12	26	STEE L	STEEL	\$10,000.0 0	
031/ 2007	09/02/ 07	PIRANI HOLDINGS PTY LTD	PO BOX 605 KUNUNU RRA	FRANK RODRIGU EZ	LOC 219 RIVERFAR M ROAD KUNUNUR RA	SWIMMING POOL & SHADE SAIL	NE W	4.67 05	30	SHAD E CLOT H	FIBRE GLASS	\$25,000.0 0	

032/ 2007	09/02/ 07	DARRYL & JACQUI PEARCE	PO BOX 342 KUNUNU RRA	DARRYL & JACQUI PEARCE	LOT 1889 (9) CASUARIN A WAY KUNUNUR RA	SWIMMING POOL & SHADE SAIL	NE W	0.08 75	30	SHAD E CLOT H	FIBRE GLASS	\$24,700.0 0
033/ 2007	13/02/ 07	MJ & RG HEGARTY	PO BOX 1768 KUNUNU RRA	MJ & RG HEGARTY	LOT 129 (8) GARRJANG CLOSE KUNUNUR RA	SWIMMING POOL & SHADE SAIL	NE W	0.06 07	30	SHAD E CLOT H	FIBRE GLASS	\$8,000.00
034/ 2007 AE	13/02/ 07	TENNANT CREEK GOLD	PO BOX 1126 SUBIACO	EXISTING	LOT 2 (2) COOLIBAH DRIVE KUNUNUR RA	PA 26/04 ACKNOWL EDGE OFFICE ADDITION & SHED TO EXISTING	ADD	0.24 59	40	STEE L	STEEL	\$25,000.0 0
035/ 2007 AE	15/02/ 07	PAMELA MURPHY	PO BOX 133 KUNUNU RRA	EXISTING	LOT 1042 (18) CARBEEN STREET KUNUNUR RA	ACKNOWL EDGE EXISTING STRUCTUR ES, CARPORT, VERANDAH & PATIO	EXIS T	0.12 34	100	STEE L	N/A	\$0.00
036/ 2007 AE	26/02/ 07	MICHAEL & PAULINE FIELD	PO BOX 16 KUNUNU RRA	EXISTING	LOT 91 (34) IRONWOO D DRIVE, KUNUNUR RA	ACKNOWL EDGE EXISTING STRUCTUR E, DWELLING	EXIS T	0.09 69	0	STEE L	ASBES TOS CEME NT	\$0.00



**1 FEBRUARY 2007 TO 28 FEBRUARY 2007**

<b>App/Del No.</b>	<b>Approval Type</b>	<b>Applicant</b>	<b>Owner</b>	<b>Property Address</b>	<b>Development</b>	<b>Asses. No.</b>	<b>Approval Date</b>
44/06	P Devt	Colin Wilkinson Developments Pty Ltd	Ronald Johnstone & James Indiana Lake Pty Ltd	Lot 2420 Casuarina Way	9 x Grouped Dwellings	5201	20-Feb-07
06/07	P Devt	Claudia Hanrahan	Argyle Diamonds	Lot 2266 Wilga Place	Home Occupation - Physiotherapy	1142	22-Feb-07

### 12.5.3 Urban Renewal

<b>DATE:</b>	20 March 2007
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Various
<b>ATLAS REFERENCE:</b>	Various
<b>AUTHOR:</b>	Peter Stubbs, Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	66.11.25
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to formally consider the proposed urban renewal options for Kununurra suggested to the Department of Housing and Works.

#### **BACKGROUND**

There are aggregations of Department of Housing Works properties in a number of locations in Kununurra and Wyndham. Many of these are in poor condition or have been demolished because of the poor condition they were in.

Around 50% of the Department homes in Weaber Plains Road (Victoria Highway to Barringtonia Street) and Pindan Avenue have been demolished because of the very poor condition they were in. Remaining Departmental homes there are also in mostly in very poor condition.

On current forward estimates for the Department it will be years before they are able to rebuild quality homes in these streets.

The properties are large, generally between 700m and 1,000m<sup>2</sup>. Current Zonings/R Codes are Residential R15R/50 [R15 for Single Dwellings with R50 for Grouped Dwellings] on the western side of Weaber Plain Road, and R15 on the eastern side of Weaber Plain Road. It should be noted that this R15 coding will be modified to R20 in the near future as part of Council's Scheme review. Land around Pindan Park, on the second map, is zoned Residential R20.

The suggested urban renewal in these streets has the following benefits and objectives:

- Increase housing close to town centre;
- Improved community pride and presentation of Kununurra;
- Improved amenity of neighbourhood in key arterial streets;
- Capital for Department of Housing and Works to construct other new homes for its clients; and
- More sustainable use of Pindan Park.

#### **STATUTORY IMPLICATIONS**

Nil

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

The recommended urban renewal targets the need for great accommodation in Kununurra and to revitalise what is otherwise poorly presented neighbourhoods.

## **COMMENT**

New development in these streets such as that proposed would best be facilitated by the Department selling all land to a developer to give economy of scale and consistency to development.

Individually any one property on its own is likely to have limited appeal to the private sector. Marketing these properties en bloc to the private sector gives the economy of scale needed to trigger larger private investment and frees up much needed land close to the town centre for re-development. The Department gains by having the capital to build new housing.

Left in their current state, these properties contribute very little to the community and detract from the community amenity.

## **ATTACHMENTS**

Advice to the Department of Housing and Works 1 March 2007.

Letter of support from the Kununurra Chamber of Commerce and Industry for the urban renewal proposal.

Maps of proposed urban renewal area, Weaber plains Road and Pindan Avenue, Kununurra.

## **VOTING REQUIREMENT**

Simple Majority

## **RECOMMENDATION**

That Council note and endorse the proposed urban renewal options suggested to the Department of Housing and Works for the Weaber Plains Road and Pindan Avenue neighbourhoods in Kununurra.

**COUNCIL RESOLUTION**

**Minute No. 7657**

**Moved: Cr D. Ausburn      Seconded: Cr K. Wright**

**That Council note and endorse the proposed urban renewal options suggested to the Department of Housing and Works for the Weaber Plains Road and Pindan Avenue neighbourhoods in Kununurra.**

**Carried Unanimously: 9/0**

Our Ref: 43.01.20, 66.11.29

1 March 2007

Shane Hamilton  
Department of Housing and Works  
Private Bag 22  
**EAST PERTH WA 6892**

### **Kununurra - Urban Renewal**

Thankyou for your recent support on the Something Concrete project. It is refreshing to be working with people such as yourself and Cliff Weekes in the public sector who are prepared to be innovative and are committed to make a difference. That is a rare thing. I will follow through on the Something Concrete project in separate correspondence.

The purpose of this letter is to formalise what I have discussed with you and Cliff about exciting and much needed opportunities for urban renewal in Kununurra. I appreciate you taking the time to view this issue first hand on your last visit to Kununurra. The Shire Town Planner, Keith Williams, will be in Perth shortly and he will contact you and Cliff to seek to progress this further. You will find Keith shares your passion for making a difference.

Attached are two maps showing the Department of Housing Works properties in Weaber Plain Road and Pindan Avenue in Kununurra that we have discussed and jointly inspected. As we know there is a considerable concentration of Department owned properties in these two areas. Department houses where they exist on these properties are in mostly in very poor condition. At least 7 of the properties have houses demolished in recent years because of the very poor condition they were in.

The properties are large, generally between 700m and 1,000m<sup>2</sup>. Current Zonings/R Codes are Residential R15R/50 [R15 for Single Dwellings with R50 for Grouped Dwellings] on the western side of Weaber Plain Road, and R15 on the eastern side of Weaber Plain Road. It should be noted that this R15 coding will be modified to R20 in the near future as part of Council's Scheme review. Land around Pindan Park, on the second map, is zoned Residential R20.

These Zonings mean higher density housing is possible on these properties. Higher density housing close to the Kununurra CBD is desirable. A drive around Kununurra (most towns in fact) shows that most people with 700m<sup>2</sup> – 1,000m<sup>2</sup> block do not value properties this large. The yards are mostly neglected, often over grown with weeds, or collecting rubbish. This further degrades a neighbourhood. In this area most people will not have landscaped large properties because of the cost (water, maintenance, damage from vandalism etc) involved.

Weaber Plain Road is a key arterial road for Kununurra leading to significant attractions. Weaber Plain Road connects to Erythina Street, which is the street that has the most Police call outs in Kununurra, and this is related to the pedestrians using this street to access Department homes there and in Weaber Plain.

Both areas are close to the CBD of Kununurra.

As we have discussed, based on current forward estimates it is going to be some years before the Department is able to build a critical mass of modern

new homes on these properties. On the surface of it, that means Kununurra is consigned to the unacceptable status quo. That is not a good outcome for the community, the Department or politically. If that remains the case, it means we all have not done our jobs.

There is a way forward.

*The Shire recommends and requests that the Department dispose of these properties by two tenders, one for Weaber Plain Road and one for Pindan Avenue. That enables critical business mass, for the private sector and maximise the land value to the Department.*

There is strong investor interest in residential development and strong demand for increased housing. In fact, if leadership and innovation is not shown on housing issues in Kununurra now, the community could well face a Karratha scenario by 2009 with rent of \$1,000/week, as major projects are expected to kick in then (eg Expansion of Ord Irrigation Area, Browse Basin gas developments etc).

The properties are only attractive to the private development sector if offered in aggregate.

If the Department is agreeable to this, the Shire will commit to street scaping and park developments close to both areas, further raising standards in these neighbourhoods.

As you can see from the attached letters of support, there is considerable support for this innovation in Kununurra.

It is recognised that one unresolved issue is how current tenants who would be displaced by re development as recommended are accommodated.

Further options for the Department to consider might be to condition tenders such that the successful developer must provide back to the Department an agreed number of new accommodation units within the development consistent with the Departments 1:10 density of Departmental homes. At the very least the Department gains significant capital to re-invest in new housing.

Have no fears about land availability for new Departmental housing. The Shire is meeting with Landcorp and the Satterley group in March to develop a master plan for land release that will see land release accelerated.

It would be appreciated if you could discuss with your Director General in advance of meeting with Keith Williams, to seek his support.

Once completed it will be a success story in urban renewal, that the raises the Departments credibility locally and delivers good news for the State Government.

I look forward the Department's feedback.

Best Wishes

Peter Stubbs  
Chief Executive Officer



**The Kununurra Chamber of Commerce and Industry**

PO Box 171 Kununurra WA 6743

Ph: (08) 91 682 217 Fax: (08) 91 682 241

Email: [executive@ordvalleycommerce.com](mailto:executive@ordvalleycommerce.com)

[www.ordvalleycommerce.com](http://www.ordvalleycommerce.com)

7<sup>th</sup> March 2006

Mr Peter Stubbs  
The Shire of Wyndham East Kimberley  
PO Box 614  
Kununurra WA 6743

Dear Peter

Re: Urban Renewal – Kununurra

The Kununurra Chamber of Commerce and Industry fully support the Shire of Wyndham East Kimberleys recommendations for urban renewal in the older parts of Kununurra.

Some of these areas are on the main entrance roads to some of our most popular tourist attractions like Mirrima National Park and the Hoochery. They do not portray a vibrant developing town and would do little to encourage potential residents or investors to the area who may only be here for a short visit.

They also represent a serious under use of available land as many of the poorer homes sit on blocks which could support higher density development hence relieving the current housing shortage in the town.

The housing shortage has had adverse affects on local businesses for some years now as businesses have found it very difficult to attract staff with the shortage of available housing and high rents. It is also very difficult for Business owners to purchase houses to attract staff as prices and rentals are extremely high and there is currently a serious shortage of homes for sale.

To continue to alleviate this crippling situation in business, available rental and purchase accommodation must continue to come onto the market as the region grows.

As Department of Housing and Works cannot afford to build on some of these vacant blocks where houses have been removed it would be sensible to sell this land on a tender basis for redevelopment by the private sector, thus providing funds for DHW to build more accommodation on some of the retained blocks. This would also fit into DHW's recent policy of inclusion of their homes amongst the private sector.

With the expectation that Ord Stage 2 will commence towards the end of 2007 it is crucial that this situation receives urgent consideration to prepare for the extra increase in the towns population.

Yours truly

A handwritten signature in black ink, appearing to read 'J. Rodriguez', written in a cursive style.

**President**



LOTS TO BE REDEVELOPED FOR GROUP HOUSING



LOTS TO BE REDEVELOPED FOR GROUP HOUSING

Cr Pucci left the room and Cr Barnes assumed the role as Presiding Member at 8:52pm.

#### 12.5.4 Kununurra Picture Gardens

<b>DATE:</b>	20 March 2007
<b>PROPONENT:</b>	Shire Wyndham East Kimberley
<b>LOCATION:</b>	Lot 603 Coolibah, Kununurra
<b>ATLAS REFERENCE:</b>	Map 52, G1
<b>AUTHOR:</b>	Peter Stubbs, Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	01.1072.01
<b>ASSESSMENT NO:</b>	1072

#### **PURPOSE**

For Council to note the advice to the Kununurra Progress Association Inc. regarding the opportunity to create a new Picture Gardens facility for the community.

#### **BACKGROUND**

The concept of creating a new Picture Gardens for the Kununurra community is not new. It was been considered some years ago.

The increased opportunity and benefits for more dense accommodation close to the Kununurra town centre and the low level of utilisation of the current Picture Garden facility mean that options exists for change.

The Minister for Planning and Infrastructure, on a visit to the region in mid 2006, indicated there may be political support to re-develop the current the Picture Gardens and create new Picture Garden facilities.

Communications with the Kununurra Progress Association Inc. about this opportunity has commenced.

#### **STATUTORY IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **STRATEGIC IMPLICATIONS**

There are two strategic implications of note:

1. The opportunity to enable more dense accommodation close to the town centre facilities of Kununurra and or to facilitate expansion of the County Club Motel, which links to the region's ability to accommodate visitors and air services.
2. The opportunity to create a new modern Picture Gardens and locate it between the older suburb of Kununurra and the newer expanding Lakeside suburb.

### **COMMENT**

Nil

### **ATTACHMENTS**

Correspondence to the Kununurra Picture Gardens Committee 19 February 2007

Map of options considered and canvassed with the Kununurra Progress Association Inc. for relocation of Picture Gardens.

### **VOTING REQUIREMENT**

Simple Majority

### **RECOMMENDATION**

That Council note the advice to the Kununurra Picture Gardens Committee regarding the opportunity and community benefits of considering creation of new Picture Garden facilities for the community.

### **COUNCIL RESOLUTION**

**Moved: Cr D. Ausburn**

**Seconded: Cr K. Wright**

**That Council note the advice to the Kununurra Picture Gardens Committee regarding the opportunity and community benefits of considering creation of new Picture Garden facilities for the community.**

**Cr Middap moved an amendment to the motion.**

**Minute No. 7658**

**Moved: Cr M. Middap**

**Seconded: Cr J. Parker**

**That Council note the letter to the Kununurra Progress Association Inc. regarding the opportunity and community benefits of considering creation of new Picture Garden facilities for the community following community consultation.**

**LOST: 4/5**

Amended motion becomes substantive motion.

**COUNCIL RESOLUTION**

Minute No. 7659

Moved: Cr D. Ausburn

Seconded: Cr K. Wright

That Council note the advice to the Kununurra Progress Association Inc regarding the opportunity and community benefits of considering creation of new Picture Garden facilities for the community.

Carried Unanimously: 8/0

**NOTE: Council decision recognises the correct name of Kununurra Progress Association Inc as the organisation operating the Picture Gardens.**

Cr Pucci returned to the room at 8:55pm and resumed the chair.

19 February 2007

Chairman  
Kununurra Progress Association Inc.  
PO Box 66  
**KUNUNURRA WA 6743**

#### New Picture Garden Opportunity

Late in 2006, the Shire's Town Planner, Keith Williams, and I met with a number of representatives of the Progress Association Committee and members in Council Chambers to consider options for the future of Picture Gardens in Kununurra.

These discussions were in the context of the likely changes to the needs of the Kununurra community over the next 40 years.

This meeting was prompted by recognition of a number of factors:

1. The opportunity for the Progress Association to improve Picture Garden facilities for the community and in the process free up some land for much needed development within the Kununurra townsite.
2. The opportunity for the Progress Association to base a Caretaker on site to provide passive security and to take care of maintenance that members currently need to do in lieu of Caretaker rent.
3. The high level of political support for at least some development in and/or around the Picture Gardens.
4. The desire of the Country Club to expand, and in the process deliver significantly more accommodation beds to Kununurra. It is critically important that accommodation bed numbers increase as this issue is linked closely to the frequency and quality of air services to Kununurra. Growth in bed numbers and the tourism sector influence air carrier decisions making in services to regional centres. Clearly everyone benefits from increase air services. The County Club is perhaps Kununurra best short-term option of increasing bed numbers.

The Shire is mindful that past consideration has been given at least some of these issues.

It is recognised and the point was well made at the above meeting that the accessibility of the Picture Gardens is a key community consideration.

In summary, the following proposals were put:

- a) The Progress Association Committee gives consideration to allowing accommodation units/town houses to be built between Coolibah Drive and the Picture Gardens. This option increases higher density living close to the CBD

of Kununurra, which is something most communities are endeavouring to do, because of the sustainability and social benefits. Revenue from the sale of land, (after service costs - surveying, sub division etc) in this scenario would be available to upgrade the Picture Gardens. The attached conceptual plan shows this option, with 14 town houses located. While some concerns were raised at the above meeting about potential noise conflict between the Picture Gardens and residents of town houses, this can be mitigated by use of caveats on property titles and noise abatement technology in building construction.

- b) The Progress Association Committee give consideration to allow the total area of the Picture Gardens to be redeveloped for motel expansion and or high-density housing. Under this scenario all revenue from the sale of land, would be used for the creation of new Picture Garden facility, possibly with other multi use options such as an outdoor amphitheatre. A number of possible locations for potential relocation were canvassed at the above meeting and these are shown on the attached plan. It is understood those present at the meeting were particularly interested in an option of a new Picture Gardens located strategically between the older Kununurra and the rapidly expanding Lakeside suburb. The Lakeside suburb will continue to expand rapidly; with a further six sub divisions pre planned. This location is thought to be suitable in terms negligible light interference for picture screening.

The Shire seeks the views of the Progress Association Committee on whether it wants to proceed with these considerations and if it does, comments on:

- How it wants this consideration to proceed?
- What role if any it wants the Shire to take to assist?

It is understood that option B above seemed to be preferred at the meeting late last year.

There maybe an opportunity for the Shire to assist by gaining funding to coordinate any community consultation, prepare plans and manage the change process.

Your advice by Monday, 12 March 2007 would be appreciated. Keith Williams and or myself are happy to attend meetings should you need further explanation.

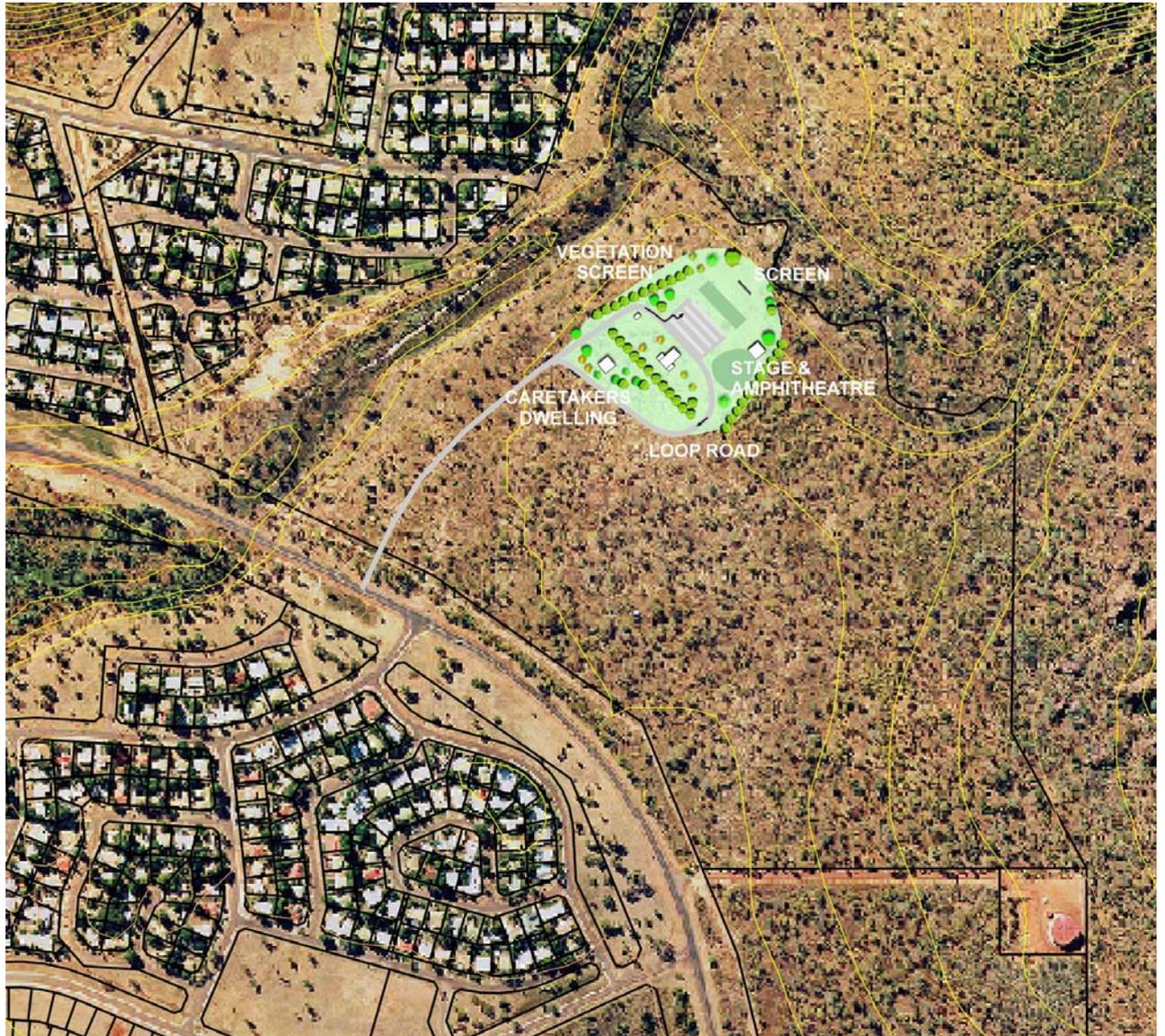
Regards

Peter Stubbs  
Chief Executive Officer

Att

Cc Peter Grigg, Kununurra Visitor Centre  
Jeff Gooding, Kimberley Development Commission  
Trish Murison, Kununurra Chamber of Commerce and Industry

Proposed Potential Site for new Picture Gardens Facility



### 12.5.5 Managed Investment Schemes and Tax Reform

<b>DATE:</b>	20 March 2007
<b>PROPONENT:</b>	Shire Wyndham East Kimberley
<b>LOCATION:</b>	N/A
<b>ATLAS REFERENCE:</b>	N/A
<b>AUTHOR:</b>	Peter Stubbs, Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	60.14.03
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to consider the impacts on the East Kimberley region of the Commonwealth Government's taxation reforms in relation to Managed Investment Schemes.

#### **BACKGROUND**

In the past month the Commonwealth Government has announced changes to taxation laws impacting on Managed Investment Schemes as they apply to the agricultural industries.

In summary, tax deductions will no longer be available to investors for investing in agricultural based managed investment schemes. However, forestry based managed investments schemes (plantation timber, Sandalwood etc) will be exempt and tax deductibility will continue to apply to forestry enterprises.

These changes have attracted national media attention and are likely to continue to do so.

The Ord Irrigation Area has a number of enterprises based on managed investment schemes. The largest of these being mango and red grape fruit plantations owned and managed by the Rewards Group Pty Ltd and the sandalwood plantations owned and managed by Tropical Forestry Services.

#### **STATUTORY IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

Growth in the agricultural sector in the Ord Irrigation Scheme over at least the past 5 years has largely been driven by managed investment schemes. The flow on impact to the East Kimberley region is considerable.

## **COMMENT**

The managed investment schemes in the Ord Irrigation Scheme represent considerable capital investment in the region.

More recently Tropical Forestry Services has announced its purchase, for around \$18M, of the Kingston Rest property with an intention to continue existing agricultural production and as well as diversification into a further 5,000 Ha or so to sandalwood over time.

On the one hand, the argument for the Commonwealth's taxation changes seemed to be based on the notions that tax deductions in agricultural based enterprise like horticulture will lead ultimately:

- to over production
- investor loses
- increased competition for resources (water & land)

On the other hand, the arguments for managed investment schemes seem to be based on the notions that:

- much needed capital is raised for regional investment
- investors are able to further diversify investment portfolios
- increasingly urban Australian's have a vehicle to invest in the food production chain and regional Australia, which helps to bridge the urban rural gap
- investor risk is not greater than other investments, for example mining

The question of the impact of these changes to further expansion of the Ord Irrigation Scheme and the Commonwealth Government's apparent desire to increase agricultural development in northern Australia, needs careful consideration.

The State Government is currently reviewing the Expressions of Interest to develop the Western Australian portion of the M2 area of the Ord Irrigation Scheme. At this stage of that review it is not thought that the managed investment scheme changes will prevent that proposed development. This will however be clarified once the State Government moves to the second stage of inviting Request for Proposal from the chosen Expression of Interest proponents.

The managed investment changes seem to be at odds with the Commonwealth Government's stated intention of developing northern Australia, because the development will require the investment of considerable capital. Managed investment schemes have proven to be effective vehicles to raise this sort of capital. Restricting those options may therefore make agriculture a less effective means of developing northern Australia.

## **ATTACHMENTS**

Letter from the Shire President of the Shire of Dandaragan to the Prime Minister  
Letter from the Shire President of the Shire of Wyndham East Kimberley to the Prime Minister

## **VOTING REQUIREMENT**

Simple Majority

## **RECOMMENDATION**

That Council note the advice provided from the Shire President to the Prime Minister regarding the potential impact on the East Kimberley economy, from Commonwealth taxation reforms on Managed Investment Schemes.

## **COUNCIL RESOLUTION**

**Minute No. 7660**

**Moved: Cr M. Middap**

**Seconded: Cr R. Devenish-Meares**

**That Council note the advice provided from the Shire President to the Prime Minister regarding the potential impact on the East Kimberley economy, from Commonwealth taxation reforms on Managed Investment Schemes.**

**Carried Unanimously: 9/0**

**From:** Kimberley Produce [kimproduce@bordnet.com.au]  
**Sent:** Saturday, 24 February 2007 7:11 AM  
**To:** Peter Stubbs  
**Subject:** FW: Managed Investment Schemes Taxation Law

**Attachments:** Changes\_to\_taxation\_law\_-\_Managed\_investment\_schemes - The Hon John Howard 230207.doc

G'Day Peter,  
Please see below correspondence from Andrew Rado (Rewards Group) below and attached letter.

Could you or Michele Pucci also correspond to the PM?

Please call to discuss.

Regards  
Lach

Kimberley Produce  
P.O. 1231  
Kununurra 6743  
Ph 08 9168 2022 Fax 08 9168 2251  
PLEASE NOTE : NEW EMAIL ADDRESS  
Email: kimproduce@bordnet.com.au  
-----Original Message-----

**From:** Andrew Radomiljac [mailto:andrewr@rewardsgroup.com.au]  
**Sent:** Friday, 23 February 2007 4:23 PM  
**To:** Rewards West Perth Personnel; Rewards External Personnel  
**Cc:** Kimberly Produce; Stewart & Rosalie Dobson; Mano @ Global Produce; David Radomiljac; Alvise & Noalene Brazzale; Alex.C.Bradley@nab.com.au; craigb@ver.com.au; Ian Rennie; info@treetec.com.au; Imeea Svanosio; Joe Pignataro; Willoughby, Jonathan; Les Soutar; murray@mcolvin.com.au; Matthew Todd; Johnson, Peter; Terry Starkie; Peter Stewart  
**Subject:** FW: Managed Investment Schemes Taxation Law

Dear all

Please refer to the attached. This is a superb letter from the President of the Dandaragan Shire to the Prime Minister.

I suggest you continue to encourage, wherever possible, this lobbying effort. The Federal government has got this one very wrong

Regards  
Andrew

**Dr Andrew Rado**  
Managing Director - Rewards Group Ltd

P: + 61 8 9324 1155  
E: [andrewr@rewardsgroup.com.au](mailto:andrewr@rewardsgroup.com.au)

---

**From:** Nikki Norrie [mailto:Secretary@dandaragan.wa.gov.au]  
**Sent:** 23 February 2007 16:11

Ordinary Council MINUTES  
20 March 2007

**To:** Andrew Radomiljac

**Subject:** Managed Investment Schemes Taxation Law

Good afternoon Andrew

Please find attached a letter sent from the Shire of Dandaragan with regard to the Managed Investment Schemes Taxation Law.

Kind regards

**Nikki Norrie**

**Secretary to CEO**

Shire of Dandaragan

PO Box 676

Jurien Bay WA 6516

Phone - 9652 0800

Fax - 9652 1310

Email - [ceosecretary@dandaragan.wa.gov.au](mailto:ceosecretary@dandaragan.wa.gov.au)

Our Ref: AGRICULTURE26  
Your Ref:  
Enquiries: Shane Love - 9652 8058

23 February 2007

The Hon John Howard  
Prime Minister  
PO Box 6022  
Parliament House  
CANBERRA WA 2600

Dear Mr Howard,

**RE: CHANGES TO TAXATION LAW - MANAGED INVESTMENT SCHEMES**

There has been much publicity recently regarding the proposed changes to taxation laws in order to abolish taxation benefits for managed investment schemes in agriculture.

I wish to advise of the Shire of Dandaragan's concerns with respect of these changes. The reason for this concern is that there are currently several projects within the Shire that have been established on the basis of managed investment funds and others are in the process of development currently. There is also a strong likelihood that further projects would occur in the future.

The likelihood of these projects occurring within the Shire of Dandaragan relates mainly to the natural attributes of this area and includes the following;

- Underground water
- Appropriate soil types
- Suitable rainfall and temperatures
- Transport routes
- Closeness to markets
- Relatively cheap land prices for horticultural projects

Already with the existing projects that are under construction, there have been numerous positives for the rural areas of the Shire. If in the future further projects do occur, there will be a direct economic and social impact on the Shire. Economic impacts include the purchase of equipment and farm supplies from local providers such as irrigation equipment, fencing, chemicals etc. Local labour is sourced for many of these projects and will provide long term secure employment. Contractors have also been used in the development of these projects for irrigation, fencing and electrical work. There are also spin offs for the accommodation businesses within the area and for the real estate market as people come to work on these projects.

Apart from these benefits, there are many other positive aspects particularly in respect of improvement of existing infrastructure. Developers have provided upgrades to power supplies and road infrastructure that would normally be provided by Government if the developer had not provided this infrastructure as part of their projects.

The types of projects that have been established within the Shire of Dandaragan are not competing with existing horticulture projects within the area, they have pioneered aspects of horticulture in our region.

Their ability to provide the risk capital necessary to develop these new industries in the Shire of Dandaragan, far outweigh that which can be provided by private investors and existing family farms. Smaller operations can spring up in time to come, because of the initial development by the managed investment funds.

Some good examples of how these developments have assisted other smaller projects to establish are as follows. Large olive farms have had to provide processing works in order to process their crop. Other much smaller olive groves have been established as a result of having direct access to processing facilities and the like. In regard to citrus developments in the Shire, there has now been a stand-alone nursery established in order to provide the necessary seedlings for citrus projects to be established.

As can be seen, the positive benefits of managed investment schemes far outweigh any negative aspects and I would urge Government to seriously re-consider any decision in changing taxation laws with respect of these projects.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Shane Love', written in a cursive style.

**Shane Love**  
**PRESIDENT**

Our Ref: 60.03.01

The Hon John Howard  
Prime Minister  
PO Box 6022  
Parliament House  
**CANBERRA ACT 2600**

Dear Prime Minister

### **Managed Investment Schemes**

The recently announced changes to taxation laws which abolish and reduce the benefits of managed investments schemes in agriculture have the potential to stifle agricultural development. These changes appear to be at odds with the Commonwealth interest to increase agriculture in northern Australia.

In the Ord Irrigation Scheme at Kununurra, Western Australia, managed investment schemes have benefited the regional economy significantly in recent years. Around \$60M of investment has been made in Mango and Red Grape Fruit production, positioning this region to reach its potential in terms of quality food production. It is these investments in Mango and Red Grape Fruit production as well as investment in Sandalwood production that have provided the growth in the economy from the agricultural sector in the Ord Irrigation area in the past 5 years and capitalise on the investment both Commonwealth and State Government have made in the development of the Ord Irrigation Scheme to date.

It is often difficult to get capital investment in remote and regional locations. Managed investment schemes provide alternate benefits for capital raising and investment, which flows into regional economies. In addition, managed investment schemes offer a means by which the increasingly urban Australian population can connect to regional Australia and to agriculture through their investments.

We seek your support in reviewing the potential negative flow on effects that the recent changes for managed investment schemes will have on regional Australia.

The Shire of Wyndham East Kimberley looks forward to working with the Commonwealth on seeking to expand agriculture in northern Australia and encourages the Commonwealth to be mindful of how we best promote agricultural development in the regions.

Yours faithfully,

Michele Pucci  
Shire President

### 12.5.6 Fire Management

<b>DATE:</b>	20 March 2007
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Kimberley Region, Western Australia
<b>ATLAS REFERENCE:</b>	N/A
<b>AUTHOR:</b>	Peter Stubbs, Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	50.03.02
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to consider the impact of fire on the Kimberley region and recommendations to reduce this impact.

#### **BACKGROUND**

Satellite imagery for the Kimberley region shows that up to 50% of the Kimberley land mass is being burned each year.

There is concern about this impact, and this concern can be summarised as:

- Loss of biodiversity;
- Increased soil loss and soil erosion;
- Increased siltation of rivers and water bodies, including Lake Argyle;
- Increased Carbon Dioxide release into the atmosphere from excessive burning, therefore contributing to the climate warming issue;
- Health effects, respiratory issues etc;
- Diminished reputation of Kimberley as a wilderness experience, and therefore negative impact on tourism; and
- Threat to human life and property.

These concerns led the State Minister for the Environment to request the Environmental Protection Authority to commission a report into these impacts in 2006. This report, the *Fire Management in the Kimberley and other Rangeland Regions of Western Australia* was released in December 2006. An extract of the Executive Summary and Recommendations of this report are attachments to this report.

#### **STATUTORY IMPLICATIONS**

Bushfire Act, Emergency Services Act.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil to Council

## **STRATEGIC IMPLICATIONS**

Nil

## **COMMENT**

The contemporary approach to fire management in the Kimberley, through FESA, is weighted heavily toward preventative/strategic/burning for fuel reduction reasons, the theory being that the landscape is broken up in terms of fuel load, to reduce large wildfires, which may present greater risk to life and property. The approach is worked up annually by FESA in consultation with land owner/managers.

The Shire understanding in consultation with FESA, if Kimberley Fire Management arrangements:

Under this approach pastoralists pay for flight time on their property with FESA subsidising all other costs of manpower & equipment & shuttle flight times between properties etc. FESA has minimal funding from the Department of Land Information for fuel load reduction / implementation of fire breaks etc for Unallocated Crown Land (UCL). FESA normally works with the district Chief Bush Fire Control Officer to identify any priority UCL in the town that FESA will pay for the implementation of fire breaks etc.

FESA has no direct funding or budget for wildfire / bushfire control, other than the Regions normal operational budget. However FESA does have access to State Government Funding for the control of significant Bushfires, through FESA Executive approval on an incident by incident basis. This is through a sliding scale of cost approval process from the Regional Director through to the CEO. Generally this funding would apply when a Shire has made a full commitment to the control of a bushfire under their responsibility, and has asked FESA for either assistance or has requested FESA to take control of the Fire, if the appropriate triggers have been met (as per the FESA /LGA bushfire handover document).

In the Kimberley FESA support is normally activated when community assets are at risk, or in a Pastoralists case, when they have participated in some form of preparedness or preventative measures of bush fire hazard reduction on their properties, such as the Aerial Control Burn program, implemented fire management strategies and implemented strategic fire breaks on their properties.

Under the Bush Fire Act & Emergency Management Legislation the property owner /occupier of land is also required to implement bush fire preventative measures, and take control of any fire on their property and endeavour to undertake measures to stop any fire from escaping from their property. This would normally be undertaken through the use of defensive measures such as, earth moving equipment and back burning operations as in remote locations their is no immediate access / response from FESA volunteers for offensive fire suppression utilising fire appliances etc.

In consultation with Shires, Pastoralists & FESA, wildfire assistance in controlling these type of pastoral fires is by way of FESA providing financial assistance with fuel for the pastoralists Helicopter if they have one, for aerial recognisance of the fire, earth moving equipment for the implementation of fire breaks, or if the pastoralist doesn't have these assets, the hire of the same if available and if the fire is accessible.

FESA advise they do not have the funding, capacity, capability, contracts or trained personnel in place in the Kimberley, to undertake fixed wing or rotary, aerial fire suppression. Aerial fire suppression capability is one of many recommendations put forward to the State Government for consideration by the recent Environmental Protection Authority review of fire management in the Kimberley & also the Community Development Justice Standing Committee review into FESA..

While this the current approach has a role, the facts are that the Kimberley is burning each year at an alarming rate, as indicated by satellite imagery, with a range of negative consequences described above. The scale of prescribed burning and the State Government's involvement conveys the impression to the public that this practice is acceptable - public attitude being "the Government burns so why shouldn't we?" The problem with this approach is that it is too protracted, meaning fires are large before they are handed over the FESA, often out of control, and making the use of aerial support more difficult and less effective. The principle behind aerial support as advocated in this report is responding to fires quickly before they become large.

There are at least two significant strategies currently not well funded, arguably not funded at all, that are considered important to fire management in Kimberley. They are an aerial capacity to respond to and suppress fires AND a sustained and effective public awareness and education program aimed changing attitudes to fire. The view that fire is good for the country needs to change or the negative impacts on fire the Kimberley will continue.

The Kimberley region is highly regarded internationally for its unique biodiversity. There are well-documented examples of this biodiversity being threatened by the impacts of fire. The impact of fire on Gouldian Finch is one example.

Too frequent burning of the Kimberley landscape at the wrong time of year will inevitably result in large landscape changes. If the Kimberley is to better conserve its unique aspects and remain an attractive tourism destination, it needs to better manage fire. Visitors to the region come with the expectation of seeing pristine wilderness, not blackened landscapes. If the burning continues at current levels the credibility and reputation of Kimberley will be diminished.

Just as use the use of helicopters has become the method of choice for mustering and feral animal control over the past two decades, it will with fire suppression too. The East Kimberley region already has considerable capacity to use helicopters to suppress unwanted fires, if only there was a budget to support this. The region has 4 Bambi Buckets, suitable helicopters and accessible water supplies in many areas. In addition a local fixed wing aerial spraying contractor is setting up a water bombing aircraft with state of the art firefighting equipment that holds 2000 litres of fire retardant. He will have access to a larger 3000 L aircraft if required. These aircraft can get to a fire quickly. They can effectively work a fire within a 120km radius of an airstrip. The contractor has advised that he would also supply a truck and personnel to load water and fuel to the aircraft.

All that is needed are funds to support helicopter and or aircraft hire for fire suppression.

The Department of Environment and Conservation has been using helicopters to protect valuable biodiverse areas in Kimberley in for the last three years in areas such as the Mitchell Plateau, so there is recognition already within at least one agency of its value.

The remoteness of the Kimberley, its access challenges, and the increasing accreditation and liability requirements for volunteers will converge to make it more unrealistic to rely on ground based volunteers to fight unwanted fires in the future. While back burning and use of graders will remain an essential tool for fire suppression, the use of helicopters and Bambi buckets needs to be added to that toolkit. Deployment of helicopters when fires are in their early stages, when helicopters and water are accessible, needs to compliment other fire management techniques.

The second issue requiring resource allocations is the development and implementation of a broad community awareness and education program focussed on changing attitudes to fire. The Kimberley community has become conditioned to accepting the unacceptable - a large percentage of the Kimberly land mass burning each year. That needs to change to reduce the amount of accidental and deliberate fires that are unplanned.

The recommendations made in this report are consistent with many of those and the theme of the recommendations from the EPA report, *Fire Management in the Kimberley and other Rangeland Regions of Western Australia*.

FESA receive \$800,000 ESL Levy from Kimberley and allocate \$2.8 million to Kimberley for total emergency management.

### **ATTACHMENTS**

- Executive Summary of the EPA report *Fire Management in the Kimberley and other Rangeland Regions of Western Australia (December 2006)*.
- CSIRO satellite images 2001-2006 for Kimberley region

### **VOTING REQUIREMENT**

Simple Majority

### **RECOMMENDATION**

That Council recommend to the State Government of Western Australia:

1. That a budget allocation of \$350,000 be provided to FESA annually to support to use of helicopters and aircraft to respond to unwanted fires in the Kimberley region;
2. That an appropriate budget allocation be made to FESA to initiate a well planned and sustained community awareness and education program about the negative impacts of fire of the Kimberley environment;
3. That FESA be requested to make public announcements about prescribed preventative burning it authorises on Kimberley radio so that people in the Kimberley region are informed of strategic burning and better differentiate between strategic preventative burning and unwanted fires; and
4. That this report be referred to the Kimberley Zone meeting to seek broader support for the recommendations from the Kimberley Shires.

## **COUNCIL RESOLUTION**

**Minute No. 7661**

**Moved: Cr B. Barnes**

**Seconded: Cr R. Devenish Meares**

**That Council recommend to the State Government of Western Australia:**

- 1. That a budget allocation of \$350,000 be provided to FESA annually to support to use of helicopters and aircraft to respond to unwanted fires in the Kimberley region;**
- 2. That an appropriate budget allocation be made to FESA to initiate a well planned and sustained community awareness and education program about the negative impacts of fire of the Kimberley environment;**
- 3. That FESA be requested to make public announcements about prescribed preventative burning it authorises on Kimberley radio so that people in the Kimberley region are informed of strategic burning and better differentiate between strategic preventative burning and unwanted fires; and**
- 4. That this report be referred to the Kimberley Zone meeting to seek broader support for the recommendations from the Kimberley Shires.**

**Carried Unanimously: 9/0**

# ATTACHMENT - AGENDA ITEM: FIRE

## **Executive Summary**

Fire is occurring with alarming frequency in most of the Rangeland regions of Western Australia and particularly in the northern Kimberley regions. Late dry season fires, frequently deliberately lit, are burning many areas almost every year. Massive fires, usually caused by lightning, sweep over large areas of the Inland Arid Region, creating fire scars which persist for many years making the long-term survival of plants and animals difficult.

At the request of the previous Minister for the Environment, the Environmental Protection Authority (EPA) has examined the impacts of fire management in the Rangeland regions on biodiversity and has found the frequency, extent and intensity of fires to be of considerable concern. While the complexities of the interactions between fire and ecosystems are not completely understood; there is no doubt that the implications of frequent, large and intense late dry season fires are serious. The Kimberley studies undertaken to date indicate that native plants and animals are being adversely affected, with some communities (eg rainforest) and species (eg grain feeding birds) facing local and possibly regional extinction. There is sufficient evidence that altered fire regimes are resulting in habitat simplification and degradation, and together with increased predators and herbivores, are implicated in the decline and extinction of medium size mammals in the semi-arid and arid zones.

The EPA considers biodiversity conservation to be a priority for fire management, and second only to protecting human life, to prevent major environmental degradation. Taking into account the available data, the EPA has come to the conclusion there is enough evidence to justify urgent action being taken to prevent further loss of the biodiversity values of the Rangeland regions.

The EPA found there is a considerable body of research, mostly undertaken in the Northern Territory, into the links between biodiversity and fire which indicates a precautionary, adaptive approach should be applied to fire management. If long-term biodiversity decline is to be arrested, fire prevention and planning measures must be instituted immediately, and before more definitive information is available.

The EPA has also examined the impact of fires on human health and found there is growing evidence that bushfires have an impact on human health and in particular can exacerbate existing illnesses such as asthma. Savanna fires were also found to contribute to appreciable levels of greenhouse gases.

A common view from the widespread consultation undertaken by the EPA was that the paucity of fire prevention and fire suppression resources in the north of the State would not be tolerated in the south-west. Unallocated Crown Land, a State Government responsibility, is largely unmanaged, due to a lack of resources.

The EPA considers there are inadequate resources in the Rangeland regions to tackle the problem on the scale required and believes a considerable increase is required to address the situation; recommendations are made on the areas where the EPA believes additional support is required.

In accordance with its terms of reference to recommend ways in which the situation can be improved, the EPA is of the view that unless all stakeholders and parties that have a stake in fire management are involved in, and committed to the process, any attempts at improving fire management are likely to fail. The EPA has recommended measures it considers are required to achieve an improved biodiversity focused fire management regime for the Rangelands and urges on-going financial support to achieve the desired outcomes.

## **Summary of recommendations**

### ***Key Strategic Recommendations***

The EPA recommends that:

#### ***1. Communication and Planning***

**A regional Fire Management Committee be established for each of the regions identified in this review:**

- **NW Kimberley;**
- **Central Kimberley;**
- **Ord/Fitzroy Valley;**
- **Dampierland**
- **Pilbara/Murchison;**
- **Goldfields/Nullarbor; and**
- **Interior Arid Zone.**

**The regional committees should be chaired by an appropriate local representative and have a membership comprising suitable local representatives of:**

- **Pastoral industry;**
- **Aboriginal community;**
- **Traditional owners;**
- **Conservation interests; and**
- **Relevant local government.**

**Each regional committee to be supported by the relevant agency to provide administrative and technical support. In addition the committee members should be recompensed for their time and expenses.**

**The regional committees should:**

- **Coordinate fire management planning advice, with a key focus on biodiversity, to land managers and responsible agencies throughout the Rangeland region;**
- **Develop a bushfire biodiversity management strategy for the Region that accommodates the interests of all the stakeholders;**

- Assist landowners in the preparation of fire management plans, in which biodiversity and conservation are a key element;
- Provide advice on the availability and provision of fire fighting resources in the region; and facilitate deployment of those resources on a needs basis, particularly when a rapid response is necessary;
- Disseminate the best current knowledge about appropriate fire management practices, with a focus on biodiversity conservation, to fire managers and all relevant stakeholders;
- Provide advice on monitoring requirements; and
- Advise on the development of appropriate communication and education strategies to ensure the community is fully informed about the use of fire in conservation management.

The chairpersons of the regional committees and senior representatives of:

- Department of Environment and Conservation;
- Fire and Emergency Services Authority;
- Department of Agriculture and Food;
- Aboriginal Lands Trust
- Pastoral Lands Board; and
- Western Australian Local Government Association

meet annually to discuss issues arising from the fire management program and policies, and provide advice on future directions and allocation of resources.

2. *Capacity to manage*

- a) Fire management in Western Australia be urgently provided with significantly increased resources.
- b) Increased resources be provided for fire management in Unallocated Crown Land.

3. *Monitoring and Research*

- a) Appropriate ecological monitoring programmes be developed for all WA rangeland regions, the results of which should be used to adapt an appropriate fire management regime for any region if necessary.
- b) Further research be undertaken into more fully understanding the complex relationships between fire and different ecosystems in Western Australia in the different Rangeland regions.

- c) To achieve the above two recommendations, a substantial increase in funding be made available for research and monitoring into how fires impact on biodiversity in the Rangeland regions of WA.

### ***Supporting Recommendations***

#### ***4. Fire Prevention***

- a) There be more flexibility in the prescribed burning programme; and urgent consideration be given to the availability of helicopters, more aircraft and improved on-ground equipment and personnel.
- b) Fire Teams be established in the four Kimberley regions, to facilitate with on-ground burning and suppression as well as undertake other land management measures such as weed control and provide assistance to pastoralists in their land management.
- c) Funding be provided for the Fire Teams, including remuneration, for an initial period of five years; and that a review of the role and performance of the Fire Teams be undertaken in the fifth year, to determine their value and to consider whether operational adjustments might enhance their value.

#### ***5. Fire Suppression***

Fire suppression measures to protect biodiversity be carried out where possible and when they are likely to be effective.

#### ***6. Fire Management Planning***

Fire management plans, at property and regional scales, be developed, implemented and audited with advice and support from the regional committees.

#### ***7. Fire Management and Biodiversity Conservation***

The adoption of an adaptive management approach to ensure that a fixed prescription approach is not used.

#### ***8. Human Health***

Air quality monitoring is undertaken in Derby and Kununurra by the Department of Environment and Conservation to measure particles of less than 10 microns and less than 2.5 microns concentrations and to assess their potential significance.

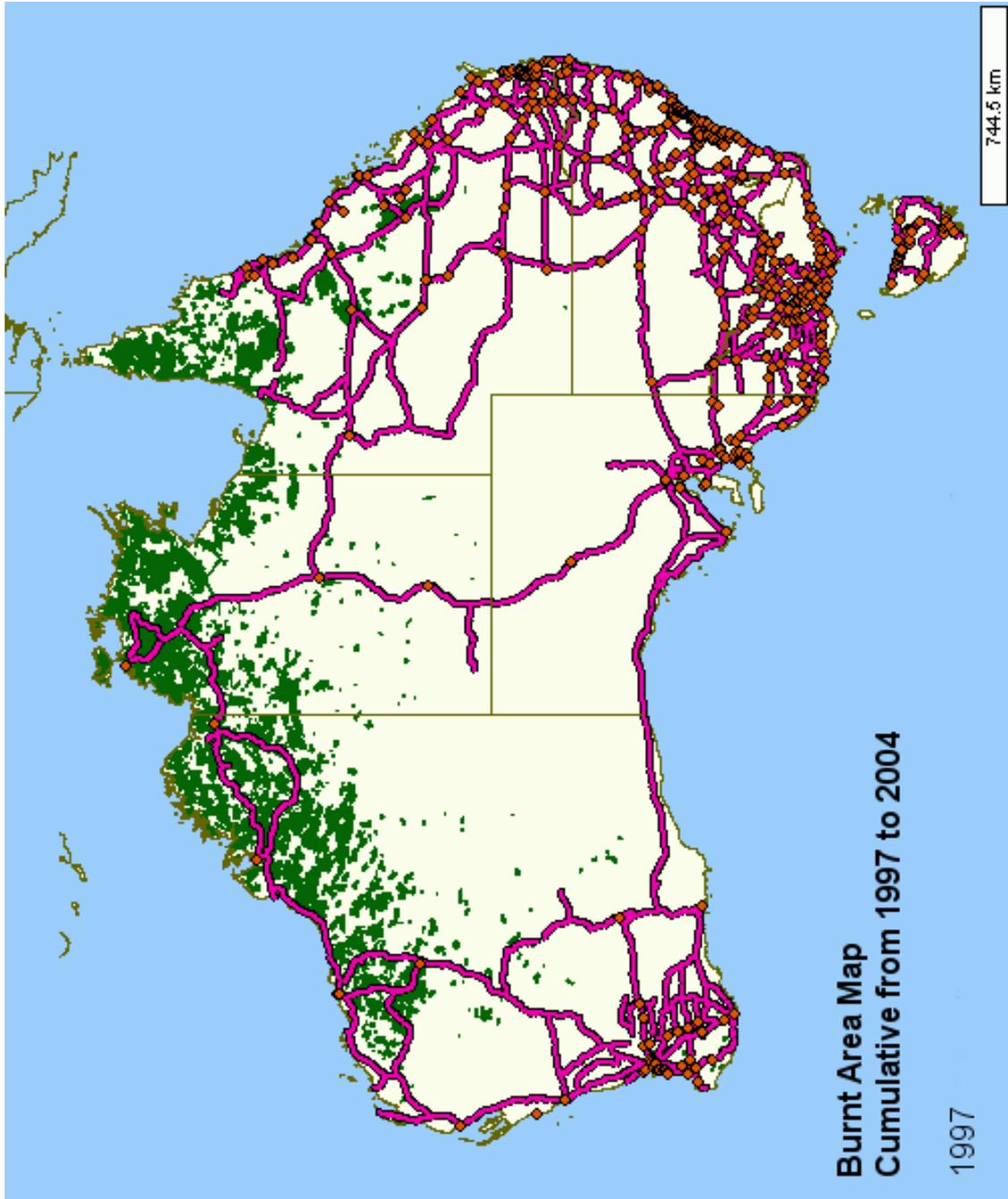
#### ***9. Other Threats***

- a) The Pastoral Lands Board ensures no further introductions of gamba grass in Western Australia.

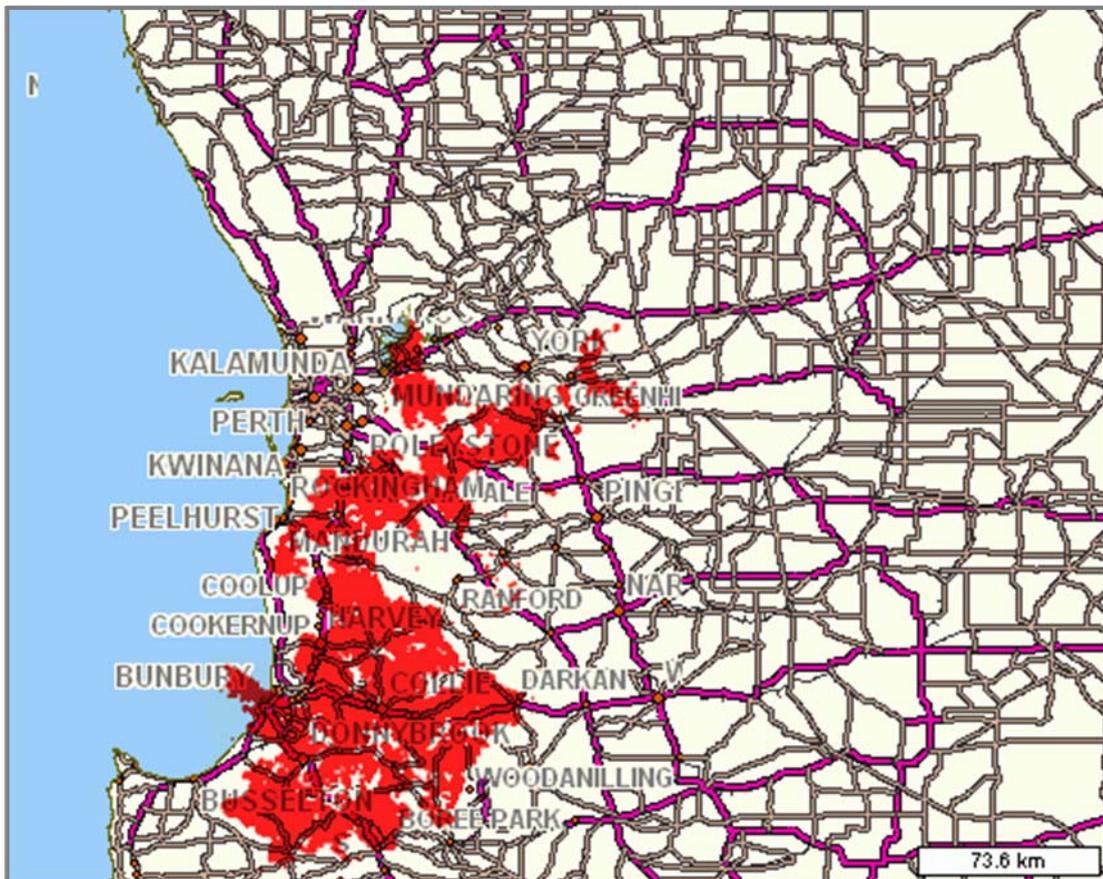
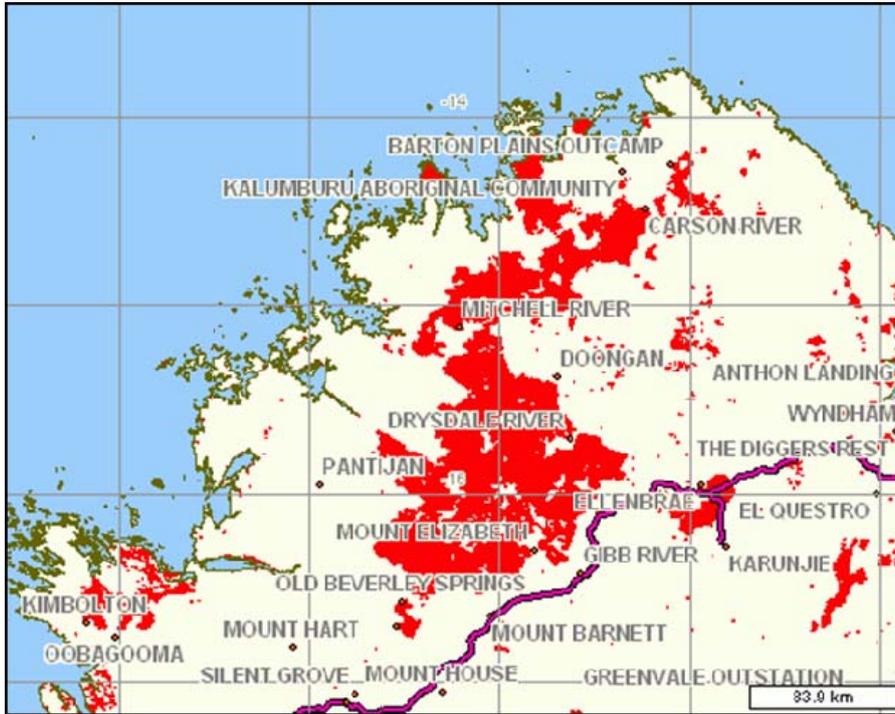
- b) **The Department of Agriculture and Food declares gamba grass as a noxious weed and undertakes the removal of existing plants as a matter of urgency.**
- c) **The Department of Planning and Infrastructure and Tourism WA carefully consider the implications of any proposals to upgrade the Gibb River Road particularly as it relates to fire control; and local governments and Main Roads WA consider better roadside facilities, particularly in the Kimberley and Pilbara regions.**
- d) **Trials be undertaken on clearing strips each side of major roads in the Kimberley region, to determine whether this is effective in reducing the number of fires started accidentally or deliberately.**

**10. *Community Engagement, Communication and Information***

- a) **A Bushfire Management Information Strategy to explain current fire management practices to the community, be developed based on a needs analysis identifying key messages and target audiences. Information relevant to WA Rangeland regions should be developed and delivered to the relevant communities.**
- b) **Electronic information such as Fire Fax and Fire Watch be made freely available to land owners and land managers; and training in the use of such information be conducted through the regional committees in conjunction with fire management planning.**



**Burnt Area Maps  
Cumulative from 1997 to 2004**



### 12.5.7 East Kimberley Marketing Strategy

<b>DATE:</b>	20 March 2007
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	N/A
<b>ATLAS REFERENCE:</b>	N/A
<b>AUTHOR:</b>	Peter Stubbs, Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	40.03.01
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to consider leading a strategy to improve the brand of the East Kimberley region and market the region to further drive the development of services for the region, particularly air services.

#### **BACKGROUND**

Marketing of the East Kimberley region has come through a variety of means. Many local businesses do their own marketing which reflects well for the region as a whole.

In recent years, Council has provided the following direct support to marketing the region:

- \$20,000 annual allocations to Australia's Northwest Tourism (ANW) (\$10,000 in 2006/07)
- Cheaper than market rent of the East Kimberley Tourism House (Kununurra Visitor Centre building) to ANW enabling this organisation to sub lease it, raising approximately \$70,000 to support marketing of the region.
- Preparation of Tidy Towns and Top Tourism Town submissions.

ANW have focussed efforts for the East Kimberley on the *GO WILD* campaign.

Elected members considered the issues put forward in this report at their Briefing Session on the 6 March 2007.

Council's Audit Committee considered how a marketing strategy might be funded into the future at its meeting on 13 March 2007 and the Audit Committee recommendation is included with this report.

#### **STATUTORY IMPLICATIONS**

Local Government Act 1995

#### **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

\$160,000 per annum invested to implement the recommended marketing strategy, funded 50% through general rates, and 50% through operating profit from the East Kimberley Regional Airport.

Council's Audit Committee considered this funding model at its meeting on the 13 March 2007 and resolved to support and recommend it to Council.

This level of investment is approximately what the Broome community currently invests in marketing each year, through a differential rates model via the Shire of Broome.

## **STRATEGIC IMPLICATIONS**

Raise the profile, investment and visitation rates to the East Kimberley region.

## **COMMENT**

New or improved services and facilities in communities are linked to the resident population demographics and the number of visitors to a region.

The East Kimberley will best gain a wider or improved range of services and facilities by growing its resident population and by increasing the number of visitors to the region. These things are particular drivers of air services, and air services are critical to the development of the region.

There are a number of ways the East Kimberley region can stimulate development and new opportunities for its people, including increasing mineral and energy developments; increasing agricultural production and value adding; and increasing tourism of all varieties.

Council is supporting agricultural expansion in a variety of ways including support for the Ord Stage 2 process.

Whatever the merits of the current marketing that occurs, the outcome is the current level of visitors to the region that is experienced now. Council knows that the number of people flying in and out of the East Kimberley Regional Airport is currently around 55,000 people per year and these numbers are back to where it was in 2001 when Ansett collapsed. Council knows the number of people who use the Kununurra Visitor Centre is currently 80,000 per year.

As exciting as the opportunities and attractions of the East Kimberley are, they will not market themselves. Collectively the marketing impact is currently indicated by 55,000 people through the East Kimberley Regional Airport and 80,000 people through the Kununurra Visitor Centre.

Leadership and investment is needed to grow these numbers and therefore services.

The brand, reputation and appeal of a region are rarely an accident. Brand reputation and appeal is built by a strategic and sustained approach to marketing a region and is backed up by meeting the expectations of people who visit it.

It is recommended that Council in partnership with industry and governments develop a 10 year marketing strategy to significantly grow the East Kimberley region so that the likelihood of improved services and opportunities is increased.

### **ATTACHMENTS**

- Letter from the Kununurra Chamber of Commerce and Industry supporting Council taking the lead to increased marketing of the region.
- Proposed timeline for development of recommended marketing strategy.

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER'S RECOMMENDATION**

That Council:

1. Seek grant funding to develop a sustainable marketing strategy, in partnership with industry and governments, to raise the profile of the region and increase visitor numbers to the region over the next 10 years;
2. Develop draft tender documentation in consultation with industry and government for the potential engagement of appropriate support to develop a 10 year marketing strategy for the region aimed at substantially increasing visitor numbers to the region and improving air services to the region;
3. That the draft tender documentation be presented to Council for its consideration and adoption; and
4. Include provision in its draft 2007/08 budget and Plan for the Future document \$160,000 per annum invested to implement the recommended marketing strategy, funded 50% through the rates system and 50% through operating expenditure from the East Kimberley Regional Airport.

### **AUDIT COMMITTEE RECOMMENDATION**

That it be recommended to Council that following a request from the Kununurra Chamber of Commerce and Industry, Council raise funds to implement an East Kimberley Marketing Strategy with \$80,000 being allocated annually from the East Kimberley Regional Airport operating expenditure, \$40,000 being allocated from general rate revenue and \$40,000 being raised from a differential rate on East Kimberley businesses.

### **COUNCIL RESOLUTION**

**Minute No. 7662**

**Moved: Cr J. Buchanan**

**Seconded: Cr K. Wright**

**That this item be deferred to the April Briefing Session.**

**Carried Unanimously: 9/0**



Doc No.	055689
Date	
Officer	CEO
Response	
File	41-12-04

**The Kununurra Chamber of Commerce and Industry**

PO Box 171 Kununurra WA 6743  
Ph: (08) 91 682 217 Fax: (08) 91 682 241  
Email: [executive@ordvalleycommerce.com](mailto:executive@ordvalleycommerce.com)  
[www.ordvalleycommerce.com](http://www.ordvalleycommerce.com)

4<sup>th</sup> September 2006

Mr Peter Stubbs  
Shire of Wyndham East Kimberley  
PO Box 614  
Kununurra WA 6743

Dear Peter

The Kununurra Chamber of Commerce and Industry have for some time now been active in seeking out funding for the promotion of the East Kimberley through the "Go Wild Campaign". This has included funding from the Shire as well as door knocking on all businesses for their support. Convincing the business community about the benefits of contributing small amounts of money towards a combined marketing strategy proved to be very successful at the time. It did result in an increase in Airlines flying into Kununurra and also passenger numbers steadily increasing. For this momentum to continue and to allow for a fair and equitable means of involving the whole community, there needs to be a more professional way of achieving this. The Chamber therefore strongly support the concept of Council introducing of a differential rating system being applied to businesses for the purposes of promoting the East Kimberley.

Broome have been raising funds through this system and have been successful in raising \$140,000 per year which, leveraged through Australias North West contributes \$600,000 toward the marketing of Broome and the stimulation of it's economy. Kununurra definitely needs to follow in the same direction to allow the tourist dollar to generate further growth and to promote the East Kimberley as a major destination. Every one will benefit regardless of what sector or industry they belong to.

The East Kimberley offers a unique tourist destination to the local and international traveller as outlined in the your background paper to Council. With all of these attractions Kununurra only recorded 55,000 people through the airport during 2005 as opposed to Broome which recorded 240,000 people. With the Broome airport being upgraded to receive international flights next year and Darwin being only a 1 hour flying time to our North we have the opportunity of attracting visitors from all parts of the world to our adventure destination. This combined with increased industry in the mining, agricultural and business sectors, Kununurra is well placed to expand its passenger numbers substantially provided we are all proactive in making this happen and to give the Airlines the profitability and sustainability they need to maintain their services.

**Tourism Funding Timeline**

**2006/2007**

**-\$40,000**

<b>22/02/2007</b>	<b>13/03/2007</b>	<b>19/03/2007</b>	<b>20/03/2007</b>	<b>6/04/2007</b>	<b>17/04/2007</b>	<b>30/05/2007</b>	<b>9/06/2007</b>
Meeting of Heads - discussion on Tourism funding for the East Kimberley  Mr Peter Grigg - KVC  Mr Frank Rodriguez - KCCI Cr John Buchanan / KVC Board member  Mr Peter Stubbs - CEO Mr Yale Bolto - XMCS	Audit Committee meeting of Council. Discussion to be had on differential rating and funding of Tourism and Airport Involvement. XMCS - CEO to attend  KCCI and KVC to report to SWEK on outcomes the East Kimberley wish to achieve through Tourism Funding for 2007-2017	CEO to have completed grant to Commonwealth requesting \$40,000 funding for Marketing Strategy.	Council Meeting - Agendas discussing 1.Short term funding - 2006/2007 GO WILD  2.Description of project - Tourism Funding 2007-2017	Meeting of Heads - GEKO? Guidelines for Tender	Tender to Council for approval	Grant process finished outcomes of grant - \$	Tender advertised 4 week tender period

**2007/2008**

**Total**

**\$80,000**

**\$80,000**

**\$120,000**

<b>6/07/2007</b>	<b>17/07/2007</b>	<b>Feb 2008</b>	<b>March 2008</b>
Tender process closes	Tender to counsel awarded	Results of Marketing Strategy to GEKO and Council.	Implement Marketing Strategy 50% March - 30 June 2008



### 12.5.8 Go Wild 2007

<b>DATE:</b>	20 March 2007
<b>PROPONENT:</b>	Kununurra Chamber of Commerce and Industry
<b>LOCATION:</b>	N/A
<b>ATLAS REFERENCE:</b>	N/A
<b>AUTHOR:</b>	Peter Stubbs, Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	41.12.03
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to consider a request from the Kununurra Chamber of Commerce and Kununurra Visitor Centre to partner in funding an extension of the *GO WILD* campaign through 2007, to support the increasing air services to the region and to profile the region.

#### **BACKGROUND**

In recent years, Council has provided the following direct support to marketing the region:

- \$20,000 annual allocations to Australia's Northwest Tourism (ANW) (\$10,000 in 2006/07)
- Cheaper than market rent of the East Kimberley Tourism House (Kununurra Visitor Centre building) to ANW enabling this organisation to sub lease it, raising approximately \$70,000 to support marketing of the region.
- Preparation of Tidy Towns and Top Tourism Town submissions.

ANW have focussed efforts for the East Kimberley on the *GO WILD* campaign.

The Kununurra Chamber of Commerce and Industry have raised funds from the business community to initiate and sustain the *GO WILD* campaign.

Elected members were briefed on this funding request at their Briefing Session on the 6 March 2007.

#### **STATUTORY IMPLICATIONS**

Local Government Act 1995

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

\$20,000

Should Council support the recommendation, it is recommended this be allocated from the budget for Australia's Northwest in Economic Development.

## **STRATEGIC IMPLICATIONS**

It is considered strategically valuable for the region to take some action to build on the *GO WILD* campaign until and a broader 10 year marketing strategy is in place, particularly with a changing air service market.

## **COMMENT**

Council has recently considered other out of round applications for funding, for example the requests for support for the Kimberley Clean Up Kit and Regional Business Awards. Council's decision on those occasions was to decline the request on the basis that the request was an out of round request and offer the \$500 Quick Grant. \$500 for the proposed Go Wild marketing extension would not be a substantial contribution.

Other considerations Council may want to make are:

- The likelihood of fully booked accommodation this dry season;
- Additional impact of Bazmark Films production, cast and crew July to September; and
- Option of budgeting for extension of the Go Wild campaign targeted at 2007/08 wet season, with 07/08 budget allocation and bridging the gap leading to a more targeted and sustained marketing strategy as proposed.

## **ATTACHMENTS**

Letter from Kununurra Chamber of Commerce and Industry requesting Council consideration of funding to partner with them in extending the *GO WILD* campaign for 2007

## **VOTING REQUIREMENT**

Absolute Majority

## **RECOMMENDATION**

That Council allocate \$20,000 from the budget for Australia's Northwest in Economic Development, to partner with the Kununurra Chamber of Commerce and Industry and Kununurra Visitor Centre to sustain the *GO WILD* marketing campaign for 2007, aimed at increasing visitation rates to the region and supporting improved air services.

## **COUNCIL RESOLUTION**

**Minute No.**

**Moved: Cr K. Wright**

**Seconded: Cr R. Devenish-Meares**

**That the item be deferred for Budget 2007/08 consideration.**

**The Mover and Seconder withdrew the motion with no dissention.**

## **COUNCIL RESOLUTION**

**Minute No. 7663**

**Moved: Cr M. Middap**

**Seconded: Cr J. Parker**

**That Council do not allocate \$20,000 in the 2006/07 budget and encourages the Kununurra Chamber of Commerce and Industry to plan for their Go Wild campaign and apply for funding support from Council through the existing Community and Economic Grant channels.**

**Carried Unanimously: 9/0**

**Note: Council noted comments in the report that:**

Other considerations Council may want to make are:

- The likelihood of fully booked accommodation this dry season;
- Additional impact of Bazmark Films production "Australia", cast and crew July to September; and
- Option of budgeting for extension of the Go Wild campaign targeted at 2007/08 wet season, with 07/08 budget allocation and bridging the gap leading to a more targeted and sustained marketing strategy as proposed.

**and decided not to support the officers recommendation for these reasons.**



## **The Kununurra Chamber of Commerce and Industry**

PO Box 171 Kununurra WA 6743

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[www.ordvalleycommerce.com](http://www.ordvalleycommerce.com)

13<sup>th</sup> March 2007

Mr Peter Stubbs  
CEO  
Shire of Wyndham East Kimberley  
Kununurra WA 6743

Dear Peter

*Re: Go Wild Kununurra- Marketing Campaign 2007*

Further to our first meeting between yourself, Yale Bolto and John Buchanan to discuss the future marketing of our region, we suggested that there needs be a short and long term marketing plan implemented to achieve any increase in tourism numbers to the East Kimberley.

Following that meeting a combined group of business and tourism operators met to discuss this issue and at the recent Growing East Kimberley Organization monthly meeting, a proposal by this group outlining our key objectives were presented to the Shire for consideration. We are aware that this long term proposal is currently being debated by Council and the outcome will be made public after your March meeting.

As suggested, a short term plan is also needed and the continuation of our current Go Wild Campaign is vitally important to ensure we capitalize on the increase in passenger numbers to Kununurra to date. The Shire, KVC, KCCI, ANWT, KDC, Airlines and Tourism Wholesalers have all contributed to this campaign over the last two years and we need to keep the momentum going during this important year of exposure that the region will be experiencing.

We are suggesting that a Go Wild promotion targeting the WA market be rolled out during the next two months to entice tourist to visit the East Kimberley during the shoulder months of August, September and October 2007. This will also coincide with the introduction of Airnorths' new direct jet air services from Perth and Broome and the possible introduction the new international flights from Singapore to Broome that are proposed start around that time. The Go Wild campaign will be important in helping to fill accommodation beds during our shoulder period.

During our previous marketing campaigns, the Shire matched dollar for dollar money raised by the tourism and business sectors in Kununurra and a combined total of \$40,000 was raised each year. This amount was then matched by ANWT, the Airlines and tourism Wholesalers that raised a total of approximately \$100,000 each year for the GO Wild Campaign.

We are seeking a similar amount of \$20,000 this year from the Shire to continue the Go Wild Campaign during 2007 that will be matched by the tourism and businesses sectors in Kununurra.

Glen Chidlow from Australia's North West Tourism will coordinate and manage the campaign under the ANWT banner and he will liaise with other players in the industry to secure funding.

This is a crucial year for the marketing of the East Kimberley considering the world wide exposure we will receive with the Baz Lurrhman movie and other important projects that are happening in the area. A combined marketing approach will ensure that we are well placed to capitalize on any short and long term benefits for our region. This campaign will offer broad appeal to the intending travelling market be it by air or road

In addition to the proposed Go Wild Campaign, Australia's North West Tourism and other whole sale operators are currently conducting extensive marketing campaigns/holiday packages to the East Kimberley in partnership with local tourism providers.

We look forward to a favourable response from the Shire that will provide ongoing major benefits for the whole community.

Yours truly

A handwritten signature in black ink, appearing to read 'F.J. Rodriguez', with a stylized flourish at the end.

F.J.Rodriguez

*Kununurra Chamber of Commerce & Growing East Kimberley Organization*

### 12.5.9 Lake Argyle Tourist Village Development

<b>DATE:</b>	20 March 2007
<b>PROPONENT:</b>	Shire Wyndham East Kimberley
<b>LOCATION:</b>	Lot 617 Lake Argyle Road
<b>ATLAS REFERENCE:</b>	Map 29 - see enlargement [lot no's have changed]
<b>AUTHOR:</b>	Peter Stubbs, Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	01.0630.02
<b>ASSESSMENT NO:</b>	0630

#### **PURPOSE**

For Council to consider issues related to the proposed re-development of Lake Argyle Tourist Village and to consider expressing concern about the lack of progress of the development to the Minister.

#### **BACKGROUND**

The State Government called for Expressions of Interest to redevelop the Lake Argyle Tourist Village in 2004.

Rights to redevelop this facility were granted to Lake Argyle Pty Ltd through a lease with a 5 year term, which will roll into a 50 year lease at the end of that 5 year term, subject to achievement of agreed redevelopment milestones being met.

Some of the development milestones were:

- Preparation and delivery of a development plan;
- Obtaining all approvals, licences, consents and permits - including Local Government; and
- Completion of development of the entire resort within 5 years of the commencement date of the lease.

Among various clauses related to milestones, the lease states the lessee must construct and complete the new resort:

*“With all due diligence and expedition in a proper and workmanlike manner with the best materials . . . “*

The lease is now 2 years into its initial 5 year term and the only development that has occurred is removal of the existing dilapidated infrastructure and the only approvals obtained are for two ablution blocks.

Recent feedback on the issue from Mr Charlie Sharpe is provided below as further background:

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**From:** Peter Stubbs  
**Subject:** FW: LAKE ARGYLE

*Thank you Charlie,*

*The feedback is appreciated. Whatever the issues, and clearly there are some, the outcome of a much improved facility and services at the Lake Argyle Tourist Village has not progressed as was intended. My understanding from the Lease is that project milestones are well behind. This impact's on the region's ability to service visitors and on growth in the regional economy via tourism.*

---

***From:** Charlie Sharpe [mailto:charlie@lakeargyle.com]  
**To:** Peter Stubbs  
**Cc:** Dixon, Ray; Vaughan Davies; Manager - KVC  
**Subject:** LAKE ARGYLE*

*Hello Peter,*

*I would like to take this opportunity to bring you up to date with regard to the Lake Argyle Tourist Village redevelopment.*

*It has become apparent that there are several rumours doing the rounds in Kununurra which fortunately for us, we do not hear much about out here. Several "friends" have called over the last week or so to advise me of these murmurs as they were curious to hear it from "the horses mouth" so to speak.*

*The truth of it is that after regrettable delay, we are pressing ahead with the redevelopment as many of our concerns with the following appear to be moving closer to resolve.*

- 1. **Surrounding Area Land Use:** There remain some concerns with the unapproved use of the Lake Argyle Industries Aquaculture lease (Lot 3003) as a tourism facility. This was in contradiction to all previous correspondence from DPI regarding the permitted use of this lot and our lease obligations to accommodate existing tour operators. Due to its proximity to the Tourist Village lease, the precedent being set by such a lack of enforcement toward the unauthorised use of lot 3003 was cause for much concern, as should this trend continue, it would likely impact future planning, visitor convenience and overall viability of the proposed development. As we were less than 12 months into our lease when this occurred it was reason to pause and seek assurance from DPI that there should be a resolution in place that ensures some stability of adjacent lots, as not to impede on design criteria and overall functionality of the proposed resort facility. DPI has now confirmed that this issue will be satisfactorily resolved prior to May 31st this year.*
  
- 2. **The Lease with DPI:** Discussions were held with DPI late last year regarding the term of our lease and the implications on our financing obligations. It has been agreed that the lease shall be amended back to the original term of 21 + 21 years, with the existing development milestones to remain unchanged. It was agreed that this should be finalised when the following plans and building applications are lodged with SWEK:*
  - o A shed and works depot to be developed for local tour operators.*
  - o Caravan Park Ablution block final plans.*
  - o 4 - 6 New cabins/rooms.*

*(We are unfortunately still waiting on these documents from suppliers and would expect such to be available within the next few weeks)*

- 3. **Water Supply:** This has been ongoing for more than 2 years. When lodging our final expression of interest for the Lake Argyle Tourist Village Redevelopment in July 2004, we also began discussion with the Water Corporation in regard to an affordable solution to the extraordinary cost of Water at Lake Argyle. It has been calculated that if we were to use the desired volume of Water annually this would cost in excess of \$290,000. p.a.!!!! In 2005/06 the cost of Water consumption and rates was in excess of \$65,000 of which 85% was consumed from June to September under strict self imposed restrictions. We are now finally edging closer to an agreement with the Corporation which will allow for much greater volumes of water being available at a far more reasonable rate.*

*Given the above we are now a little more comfortable with future prospects of the Development and have placed preliminary orders for several structures and authorised design finalisation of the main resort complex, pool and administration facility. We are eager to make up for lost time on the development and aim to have the capacity to accommodate coach groups no later than May 2009.*

*I now seek your support on all of the above issues as to ensure there shall be minimal further disruption to these plans.*

*Please do not hesitate to contact me should further detail or explanation be required.*

*Regards,*

*Charlie Sharpe  
Lake Argyle Pty Ltd*

*CC: Ray Dixon - DPI Kununurra, Cr. Michele Pucci, Cr. Bill Barnes, Cr. Jane Parker, Cr. John Buchanan, Cr. Di Ausburn, Cr. Maxine Middap, Cr. Keith Wright, Cr. Roch Devenish-Meares, Cr. Graham Green, Vaughan Davies - TNW, Peter Griggs - KVC*

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### **STATUTORY IMPLICATIONS**

Nil

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

Lake Argyle Resort is a key opportunity linked to the success of the East Kimberley region tourism industry because of its proximity to Lake Argyle and the interest the public have in the Lake and dam.

## **COMMENT**

The East Kimberley region can benefit substantially by improved facilities at Lake Argyle Resort. The lease between the State Government and Lake Argyle Pty Ltd in March 2005 provides for significant investment in Lake Argyle, however to date has failed to make significant progress and is behind in meeting agreed milestones.

The applicant contends that there are three reasons why milestones have not been met.

The applicant has stated:

*"...that there is concern with the 'unapproved use' of the Lake Argyle Industries Aquaculture lease (Lot 3003) as a tourism facility. This was in contradiction to all previous correspondence from DPI regarding the permitted use of this lot and our lease obligations to accommodate existing tour operators. Due to its proximity to the Tourist Village lease, the precedent being set by such a lack of enforcement toward the unauthorised use of lot 3003 was cause for much concern, as should this trend continue, it would likely impact future planning, visitor convenience and overall viability of the proposed development. As we were less than 12 months into our lease when this occurred it was reason to pause and seek assurance from DPI that there should be a resolution in place that ensures some stability of adjacent lots, as not to impede on design criteria and overall functionality of the proposed resort facility. DPI has now confirmed that this issue will be satisfactorily resolved prior to May 31st this year."*

All land within 1 kilometre of Lake Argyle is covered by an Interim Development Order and the IDO has no zoning for the lake or the land adjacent. All development requires approval under the provisions of the IDO and a compliant application was lodged by Argyle Cruises and consequently approved by Council, with the consent of the land owner, the DPI. The argument that the use is unapproved is therefore incorrect, as the use and development of the land was approved by Council.

Part of the reason the application was supported was because the tourist village was closed down, which left Lake Argyle Cruises with no place from which to operate. This was considered untenable, as the tours are a valuable tourism product for the region and an alternate site was required to allow the tours to continue.

Given the use was existing, it was approved on the basis that there has to be some capacity for Lake Argyle Cruises to operate from somewhere - the most obvious place being the existing aquaculture site.

The argument that this issue has held up development for a significant period of time is erroneous, as there was no expectation or suggestion by Council or the DPI that additional tour operators would be allowed to operate from the aquaculture site, or from any other site other than the tourism lease area, as provided for by Lake Argyle Pty Ltd's lease.

Any conflict between the proponents of these separate businesses and the individual leases they do or do not hold is between the DPI and the leaseholders and should not be used as a reason for not progressing development.

The applicant contends that new lease provisions will provide lease terms that will allow the raising of capital for continuation of development and is negotiating with the DPI to modify the lease terms to 21 +21 year terms, however, the EOI was meant to attract developers that would have the capacity to proceed with substantial development within the five year time frame and new lease provisions, even with milestones, are counter to the intent of this requirement.

If the lease is modified, the milestones should not simply 'restart' with a new 5 year term.

Additionally, the applicant has stated that initial works will consist of:

- A shed and works depot to be developed for local tour operators.
- Caravan Park Ablution block final plans.
- 4 - 6 New cabins/rooms.

This is considered to be insufficient development and non-compliant with the intent of the EOI and lease provisions.

While it is accepted that water supply is an issue, this could be addressed concurrently with development approvals and development planning.

In keeping with the interest Council has in providing leadership to assist advance the region it is recommended that Council convey it's concern to the State Government and leaseholder about the lack of progress and the adverse impact this has on the region.

## **ATTACHMENTS**

Press Release: Business News - Regional Accommodation Push, 8 March 2007

## **VOTING REQUIREMENT**

Simple Majority

## **RECOMMENDATION**

1. That Council express its concern to the Ministers for Planning and Infrastructure, Tourism, Regional Development and Kimberley and to the Local Member for Kimberley, and the Department for Planning and Infrastructure about the lack of progress of agreed milestones for the re development of the Lake Argyle Resort, and the adverse impact on the regional economy that this lack of progress is causing.
2. That Council request the Minister for Planning and Infrastructure to cancel the current lease for Lake Argyle Resort should agreed redevelopment milestones not be back on track by the 30 June 2007, and for the State Government to call tenders for this lease and development opportunity.

## **COUNCIL RESOLUTION**

**Minute No. 7664**

**Moved: Cr K. Wright**

**Seconded: Cr J. Parker**

**That Council not partake in the discussion of the lease between Lake Argyle Resort and Department for Planning and Infrastructure.**

**Carried: 5/4**

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

**For:**  
    **Cr B. Barnes**  
    **Cr K. Wright**  
    **Cr J. Buchanan**  
    **Cr M. Middap**  
    **Cr J. Parker**

**Against:**  
    **Cr M. Pucci**  
    **Cr D. Ausburn**  
    **Cr R. Devenish-Meares**  
    **Cr G. Green**

**Note: Council differed from the Officers Recommendation and decided it had no role in discussion of the lease between Lake Argle Resort and the Department for Planning and Infrastructure.**

### 12.5.10 Future Planning Forum

<b>DATE:</b>	20 March 2007
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	East Kimberley, Western Australia
<b>ATLAS REFERENCE:</b>	N/A
<b>AUTHOR:</b>	Peter Stubbs, Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	60.14.03
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to consider facilitating a Future Planning Forum for the East Kimberley region. A Future Planning Forum will assist to focus opportunities for the region, investment into the region and to capitalise on emerging developments such as the expansion of the Ord Irrigation Scheme, tourism and mining.

#### **BACKGROUND**

The strategic environment for the East Kimberley is has changed considerably in the last 5 years. Argyle Diamond mine has made the decision to mine underground, indicating the direction of that business and its implication for the region. The Ord Final Agreement has seen significant Native Title issues resolved and created new opportunities. The State Government is again encouraging expansion of the Ord Irrigation Scheme. The Commonwealth Government has announced its intention to foster agricultural development in northern Australia, in the context of Australia's water challenges. Considerable interest is being shown in other mineral and gas developments including the Browse Basin development. These and other matters indicate the changing strategic landscape.

With this change occurring the Shire President has suggested this report to Council for consideration of Council leading a process to seek further and wider clarification of strategic issues for the East Kimberley to better focus investment on opportunities and needs of the region.

#### **STATUTORY IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **STRATEGIC IMPLICATIONS**

A well planned and implemented Future Forum for the East Kimberley region has the potential to lay a blue print for development in the region that can assist focus investment and further raise the profile of the region.

### **COMMENT**

This item recommends that Council seek to lead and initiate a Future Forum with support from the State Government. There is convergence of opportunity occurring for the region and Council can play a constructive role by seeking to clearly identify future needs and opportunities and develop a 'Blue Print' for the region for the next 40 years.

It is proposed that with support from the State Government Council develop a tender brief and call tenders to this process of development of a Future Plan to be delivered externally under coordination of the Council.

### **ATTACHMENTS**

Nil

### **VOTING REQUIREMENT**

Simple Majority

### **RECOMMENDATION**

That Council request support from the State Government for funding to implement a Future Forum for the East Kimberley region in 2007, with the objective of focussing investment on the needs and opportunities of the region over the next 40 years.

### **COUNCIL RESOLUTION**

**Minute No. 7665**

**Moved: Cr D. Ausburn**

**Seconded: Cr K. Wright**

**That Council request support from the State Government for funding to implement a Future Forum for the East Kimberley region in 2007, with the objective of focussing investment on the needs and opportunities of the region over the next 40 years.**

**Carried Unanimously: 9/0**

## **12.6 ELECTED MEMBER REPORTS**

Cr Keith Wright along with Manager Technical Services, Dan Hulands and John Gault attended a Regional Road Group Meeting. One of items discussed was the funding for Coolibah Drive, its drainage issues and the costs associated with drainage works

Cr Maxine Middap attended the INPEX Briefing Session on the 12 March for the Environmental Approvals Process, Dinner Mike Fidler Gouldian Finch.

Cr Jan Parker attended the INPEX Briefing Session on the 12 March for the Environmental Approvals Process, Dinner Mike Fidler Gouldian Finch.

## **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**

**Minute No. 6766**

**Moved: Cr K. Wright**

**Seconded: Cr D. Ausburn**

**That the Late Items 15.1, 15.2, 15.3 and 15.4 be accepted as essential late items.**

**Carried Unanimously: 9/0**

## 15.1 Biosecurity Levy Cap

<b>DATE:</b>	20 March 2007
<b>PROPONENT:</b>	Kununurra Crop Pest Control Committee
<b>LOCATION:</b>	Ord Valley Irrigation Area
<b>ATLAS REFERENCE:</b>	N/A
<b>AUTHOR:</b>	Yale Bolto, Executive Manager Corporate Services
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	50.08.01
<b>ASSESSMENT NO:</b>	N/A

### **PURPOSE**

For Council to consider capping the Biosecurity Levy, introduced by Council to assist the agricultural sector in the East Kimberley manage Biosecurity threats, at its present level of \$100,000.

### **BACKGROUND**

At the Council Meeting held on 15 March 2005 Council considered the raising of a Biosecurity Levy. The following minute is a record of this decision –

*Minute No 7077*

*Moved Cr J Nelson/J Buchanan*

*That:*

- 1. Council agree in principal to the concept of implementing a rating structure whereby rate funds are specifically collected for the implementation of regional bio-security programs and initiatives.*
- 2. Prior to the adoption of the 2005/06 Shire Budget, officers work with the Kununurra Crop Pest Control Committee to develop a proposal that is both financially and legally feasible.*

**CARRIED UNANIMOUSLY (7-0)**

As a consequence of the above minute Council has raised \$50,000 in the 2005/2006 budget and \$50,000 in the 2006/2007 budget.

In 2005/2006 the \$50,000 was put in Trust as this would allow a rapid response. If it was put in a Reserve it would need a Council resolution to draw on the funds. The Shire auditors advised that the funds need to be held in Reserve and not Trust, thus as at 30/06/2007 the shire will have a Biosecurity Reserve with a balance of \$100,000. This reserve will attract interest of around \$6,000 per year compounding.

### **STATUTORY IMPLICATIONS**

Nil

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

At present \$50,000 is raised through rates, the Shire has a Reserve with \$100,000 which will attract interest into the future.

### **STRATEGIC IMPLICATIONS**

Council is aware of the implications of raising a Biosecurity Levy for the East Kimberley . This report is not to discuss the benefits of the levy but to discuss the capping of the levy.

If Council is to cap the levy then it will have an additional \$50,000 to put into strategic projects for the 2007/2008 budget.

### **COMMUNITY CONSULTATION**

Nil

### **COMMENT**

The Shire of Wyndham East Kimberley has many pressures over the allocation of limited resources throughout the community. Council needs to make the decision if it wishes to allocate more resources to this Reserve or allow the interest to compound and the Reserve will increase through this mechanism.

This report is not to discuss the positives or negatives of the Biosecurity Levy; it is simply for Council to decide on a cap to the levy.

In the 2006/2007 budget Council allocated 1.3% of its rates income towards the Biosecurity Levy. In 2007/2008 as the rates base increases it will allocate between 1% – 1.3% of its rates income towards the Bio Security Reserve fund.

The issue of capping the Biosecurity Levy was considered by Council's Audit Committee at its Committee meeting on Tuesday 13<sup>th</sup> March 2007. The Audit Committee recommendation to Council is included with this report along with the Officer Recommendation.

### **ATTACHMENTS**

Nil

**VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION**

That Council cap the Biosecurity Reserve at \$100,000 and do not raise a Biosecurity Levy through rates in the 2007/2008 budget.

**AUDIT COMMITTEE RECOMMENDATION**

*Moved: Cr Keith Wright*

*Seconded: John Buchanan*

*That it be recommended to Council that the Biosecurity levy continue until such time as the Bio Security reserve attains \$200,000.*

*Carried: 3/1*

**COUNCIL RESOLUTION**

**Moved: Cr D. Ausburn**

**Seconded: Cr M. Middap**

**That Council cap the Biosecurity Reserve at \$100,000 and do not raise a Biosecurity Levy through rates in the 2007/2008 budget.**

**Motion withdrawn with the consent of the mover and seconder.**

**Minute No. 7667**

**Moved: Cr M. Middap**

**Seconded: Cr D. Ausburn**

**That the item be deferred until the April Council Meeting.**

**Carried Unanimously: 9/0**

**Note: Council decided further consideration was needed.**

## 15.2 Retention of Contract Staff

<b>DATE:</b>	20 March 2007
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>ATLAS REFERENCE:</b>	N/A
<b>AUTHOR:</b>	Amanda Trengove, Manager Financial Services
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	60.14.03
<b>ASSESSMENT NO:</b>	N/A

### **PURPOSE**

To discuss implementing a policy that addresses the issues of retention of contract staff who are entitled to Council housing and reduction in the housing shortage.

### **BACKGROUND**

Council currently provide Council owned housing for some positions within the contract staff team. At present all of the houses owned by the Council have a position allocated to that property. We also have a staff member who is eligible to live in a Council owned house but is living in their own home and receiving a housing allowance and another staff member living in a house that is rented by the Council for that position.

We have two houses that have been ear marked for upgrade this financial year.

Staff retention remains an issue within contract staff, with four out of the twelve positions that are provided housing turning over within the next 4 months.

The attached Draft Policy is intended to both improve staff retention and to relieve the housing shortage within the Shire. This policy is not intended as a tool to sell off council property rather to increase Economic Development within the Shire of Wyndham East Kimberley.

### **STATUTORY IMPLICATIONS**

Nil

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Expenses -\$12,000 cash in hand expense plus PAYG or FBT depending on employees' contract type as negotiated under the expertise of the Executive Manager Corporate Services.

Savings - Relocation, Corporate Knowledge and Economic Development will incur savings, however placing a value on these are kinds of savings is difficult.

Total cost to Council will vary depending on marginal tax and Fringe Benefits rates but with current tax rates, Fringe Benefits Rates and Fringe Benefits Gross Up rates it will not exceed \$17,500.

### **STRATEGIC IMPLICATIONS**

Nil

### **COMMENTS**

Encouraging contract staff to purchase property within the Shire of Wyndham East Kimberley has two enormous benefits to Council and the growth within the Shire of Wyndham East Kimberley

Firstly, if contract staff are encouraged to purchase a property in which to live in they are more likely to think of the Shire of Wyndham East Kimberley as their place of permanent residence. This would increase the chance of those staff members staying in their position for the full duration of their contract and longer.

Secondly, if Council are able to sell a property with the intention of reinvesting that money into building another property within the Shire the number of houses available in the community increases.

These benefits place the Shire of Wyndham East Kimberley as a leader in encouraging Economic Development within the building sector and as a an Employer of choice within the Professional Employment Market. Whilst the Broome Shire offers an opportunity for staff to purchase or rent their own property they do not also offer the choice as we do for employees to Salary Sacrifice rental payments of Shire owned property.

As tax rates and Fringe Benefits Rates and Gross Ups are changing every two to three years it would be prudent to review this policy every two years.

### **ATTACHMENTS**

Draft Retention of Contract Staff Policy

### **AUDIT COMMITTEE RECOMMENDATION**

The Audit Committee recommend that staff present the proposed Retention of Contract Staff Policy to Council for adoption.

*Moved: KW*

*Seconded: JB*

*The Audit Committee recommend that staff present the proposed Retention of Contract Staff Policy to council for adoption, with the following word changes to point 2 of the proposed policy; The employee provides a certificate of title to the Executive Manager of Corporate Services with the name of either the employee or a representative entity of which the employee is a recognised beneficiary on the title.*

Vote: 3/2

*Motion passed with the casting vote from the Chair.*

**RECOMMENDATION**

That Council accept the Retention of Contract Staff Policy with changes as suggested by Audit Committee.

**COUNCIL RESOLUTION**

**Minute No. 7668**

**Moved: Cr K Wright**

**Seconded: Cr J. Parker**

**That the Item be deferred to the April Council Meeting.**

**Carried Unanimously: 9/0**

<b>POLICY No:</b>	<b>HR 21</b>
<b>DIVISION:</b>	<b>Human Resources</b>
<b>SUBJECT:</b>	<b>Retention of Contract Staff</b>
<b>REPORTING OFFICER:</b>	<b>Chief Executive Officer</b>
<b>ENABLING LEGISLATION:</b>	<b>Local Government Act 1995 Section 5.36</b>

## **OBJECTIVE**

To improve retention of contract staff within the Shire of Wyndham East Kimberley whilst at the same time making a positive contribution to relieving the housing shortage in the Shire of Wyndham East Kimberley.

## **POLICY**

Staff who are eligible to have a Council residence provided to them through their contract of employment are:-

Chief Executive Officer  
 Executive Manager Corporate Services  
 Executive Manager Engineering & Development  
 Executive Manager Community Services  
 Manager Financial Services  
 Manager Technical Services  
 Town Planners  
 Building Surveyors  
 Environmental Health Officers  
 Wyndham Operations Coordinator  
 Wyndham Child Care Coordinator

The above listed staff will be given the option of residing in a Council owned house and paying rent to Council at 40% of the Gross Rental Value. The contract employee who is entitled to a Council residence will be given the option to purchase their own property within the Shire of Wyndham East Kimberley. If it is used as their permanent place of residence the staff member will receive an increase in salary to the after tax value of \$12,000 to compensate for that choice. The increase in salary, of \$12,000 tax free, will replace the \$8000 housing allowance. The employee must first contact the Executive Manager of Corporate Services to ensure that the cost to Council will not exceed \$17,500 in PAYG or FBT including the \$12,000 tax free payment. This amount (\$12,000) will be made payable to the employee through payroll on a fortnightly basis when -

1. The employee moves out of their Council owned residence.
2. The employee provides a certificate of title to the Executive Manager of Corporate Services with the name of either the employee or a representative entity of which the employee is a recognised beneficiary on the title.

## **ADOPTED:**

Ordinary Council MINUTES  
 20 March 2007

**Cr Pucci left the room and Cr Barnes assumed the role of Presiding Member at 9:35pm.**

### **15.3 Fish Passage Tenders**

<b>DATE:</b>	20 March 2007
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Diversion Dam, Lake Kununurra
<b>ATLAS REFERENCE:</b>	Map 39 E1
<b>AUTHOR:</b>	Peter Stubbs, Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	40.04.02
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to consider tenders received for the design of a fish passage over or past the Diversion Dam at Lake Kununurra.

#### **BACKGROUND**

The concept of a fish ladder allowing the migration of fish up and down stream along the Ord River past the Diversion Dam wall, whilst still preventing the migration of estuarine crocodiles and bull sharks, has been considered for a number of years.

Fish passages are common practice today in most rivers that are dammed and many rivers in Australia that have been dammed have had subsequent fish passages installed.

Council resolved (Minute No 3521) in 2000 to establish a Fish Stock Enhancement Committee in Lake Kununurra, to investigate ways in which Lake Kununurra could be made into a world class recreational fishery.

Since that time there have been numerous forums and efforts to advance that concept and aim.

This has included extensive environmental and biological work to assess the impact of this proposal. For example: Ecological and Social Issues concerning the establishment of a recreational barramundi fishery in Lake Kununurra, Murdoch University May 2003.

Over 4 years of ecological and biological research has been completed. This culminated in a major forum held in Kununurra in early 2005, which explored the origins and benefits of the project proposal.

Recognising the extensive ecological work completed, the Shire of Wyndham East Kimberley in partnership with the Miriuwung Gajerrong Corporation submitted a grant application to the Commonwealth Recreational Community Fishing Grants Program for funding to complete design work for the proposed fish passage. Funding of \$97,000 was approved, with the project receiving the most grant funds of any project in that grant round and being judged to be one of four projects to be of national significance.

Grant funds were approved in June 2006. Council is the recipient and custodian of this grant funding, even though the Diversion Dam is an asset owned by the Water Corporation of Western Australia.

In recognition of the need for the Water Corporation involvement and that of other State agencies including the Department of Fisheries, a collaborative approach was established to determine the way forward to complete design works with the grant funding.

Tender documents were established for this purpose with the input of agencies.

The tender criteria included recognition of number of factors including:

- Any design must take into account all ecological work conducted underpinning the behaviours of fish species;
- Design must exclude migration of estuarine crocodiles and bull sharks, to assist maintain Lake Kununurra free of these species as far is possible;
- Design must not compromise the operations of the Diversion Dam for the Water Corporation; and
- Designs must not compromise the prospect of future Hydro power production.

Tenders were called for the design work in January 2007, with tenders closing on 23 February 2007.

An interagency tender evaluation team consisting of the Department of Water, Department of Fisheries, Shire of Wyndham East Kimberley, Miriuwung Gajerrong Corporation, Water Corporation and the Queensland Department of Primary Fisheries and Industries was established to review the tender. The Water Corporation subsequently advised it would not participate in this tender evaluation. The Queensland Department of Primary Fisheries and Industries was included because of its experience with fish passages and this agency has had considerable input into the evolution of this project across the past few years.

A summary of the tenders received and evaluation against tender criteria is provided below:

Tenderer	Price, inclusive of GST	Value for Money/Price 50%	Experience 20%	Methodology 20%	Timeframe 10%	Total
<b>SMEC &amp; Fishway Consulting Services</b>	\$75,812	45	20	20	10	95
GHD	\$90,493	30	15	20	10	75
Parsons Brinckerhoff Australia Pty Ltd	\$97,900	25	15		10	65
Maunsell/AECOM	\$96,548	25	10		10	75
Earth Tec	\$73,200	45	10		10	75
WH Projects	\$95,500	--	--		-	0

The information presented in the WH Projects tender was considered to be insufficient in detail to warrant detailed consideration.

Tenders indicated design work is expected to be completed by the end of July to mid August 2007. All tenders indicated the ability to completed work within that time frame.

### **STATUTORY IMPLICATIONS**

Tender Regulations

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil to Council. Fully grant funded.

### **STRATEGIC IMPLICATIONS**

The conversion of Lake Kununurra into a world class recreational fishery is considered to have strategic importance because of its recognised positive environmental, social and economic effects. Recreational fishing is one Australia's largest recreational industries.

### **COMMENT**

It is recommended that Council as the recipient of the grant funding award the design for the fish passage tender to SMEC & Fish way Consulting Services for the amount of \$75,812 inclusive of GST.

This tender demonstrated a competitive price within budget and had what was considered to be the best mix and experience to deliver the project. It included a thorough methodology of how the tendered proposed to carry out project and design and identifying consultation and essential tender criteria to be met.

Once the design is complete and agreed to by all State agencies including and most importantly the Water Corporation and cost estimates are identified, the challenge will be to gain capital funding for the implantation of the fish passage.

### **ATTACHMENTS**

Nil

### **VOTING REQUIREMENT**

Simple Majority

## **RECOMMENDATION**

1. That Council note the Water Corporation advice of its withdrawal from the tender evaluation process.
2. That Council express concern to the Director of the Water Corporation, and Ministers for Kimberley, Regional Development, and Water about the Water Corporations withdrawal from the tender evaluation process and emphasise the critical need for the Water Corporation to contribute positively to the fish passage project, in a whole of government approach to delivering this project, because of its environmental, social and economic benefit to the East Kimberley region.
3. That Council accept the recommendation of the interagency tender evaluation panel consisting of the, Department of Water, Department of Fisheries, Mirwuing Gajerrong Corporation, Queensland Department of Primary Fisheries and Industries, and Shire of Wyndham East Kimberley to award the tender for design of the fish passage over or past the Diversion Dam to SMEC & Fish way Consulting Services for the amount of \$75,812 inclusive of GST.

## **COUNCIL RESOLUTION**

**Minute No. 7669**

**Moved: Cr K. Wright**

**Seconded: Cr J. Buchanan**

1. That Council note the Water Corporation advice of its withdrawal from the tender evaluation process.
2. That Council express concern to the Director of the Water Corporation, and Ministers for Kimberley, Regional Development, and Water about the Water Corporations withdrawal from the tender evaluation process and emphasise the critical need for the Water Corporation to contribute positively to the fish passage project, in a whole of government approach to delivering this project, because of its environmental, social and economic benefit to the East Kimberley region.
3. That Council accept the recommendation of the interagency tender evaluation panel consisting of the, Department of Water, Department of Fisheries, Mirwuing Gajerrong Corporation, Queensland Department of Primary Fisheries and Industries, and Shire of Wyndham East Kimberley to award the tender for design of the fish passage over or past the Diversion Dam to SMEC & Fish way Consulting Services for the amount of \$75,812 inclusive of GST.

**Carried Unanimously: 8/0**

**Cr Pucci returned to the meeting room 9:38pm.**

#### 15.4 Late Item – Structure Plan – 21 Weero Road Kununurra

<b>DATE:</b>	20 May 2007
<b>PROPONENT:</b>	J & P Kirby
<b>LOCATION:</b>	Lot 21 Weero Road
<b>ATLAS REFERENCE:</b>	Map 37 D5
<b>AUTHOR:</b>	Keith Williams - Town Planner
<b>REPORTING OFFICER:</b>	Peter Stubbs - Chief Executive Officer
<b>FILE NO:</b>	01.2462.02
<b>ASSESSMENT NO:</b>	2462

#### **PURPOSE**

For Council to note progress with assessment of the Structure Plan for Lot 21 Weero Road.

#### **BACKGROUND**

Council considered the draft structure plan for Lot 21 Weero Road at the February 2007 briefing session. At that stage documentation supporting the structure plan had not been submitted. A structure plan report and an engineering report have subsequently been submitted. The engineering assessment was submitted on Monday 12 March, and the structure plan report was submitted Thursday 15 March.

Stakeholder cut off dates for submission of items for consideration by Council was 5 March.

#### **Site Location**

The subject site is located on Weero Road, and constitutes the Weero Road Rural Living Area.

#### **Proposed land Use / Development**

The structure plan will provide for the subdivision and development of the site for Rural Residential purposes.

#### **FINANCIAL IMPLICATIONS**

NA.

#### **PLANNING ASSESSMENT**

##### Local Planning Strategy

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

##### Town Planning Scheme No 7

The land is located within the Weero Road Rural Living Area. The structure plan promotes land uses and development that are consistent with this zoning.

### **CONSULTATION**

No public consultation has taken place.

### **CONCLUSION / COMMENT**

The Lot 21 Weero Road Structure Plan and documentation has been submitted for consideration by Council. A review of the plans and documentation by Council's Planning and engineering departments has identified a number of concerns with the structure plan, specifically related to drainage issues. Given that the reports were received after agenda cut off dates and the amount of information contained within the reports, a detailed assessment has not been able to be undertaken.

Furthermore, the Shire does not have staff that can make a detailed and accurate assessment of the design of road drainage, detention basins or stormwater drains and swales. Accordingly, advice will be sought from SMEC to determine the adequacy of the report and plan with specific regard to the following issues:

- Drainage and stormwater disposal locations
- Design of drainage and stormwater disposal drains and channels
- Design of roadside drains
- Design and location of detention basins

It should be noted that the purpose of obtaining this advice is to ensure that all potential issues are addressed, especially given the direction from elected members to staff at the briefing session regarding the assessment of drainage and stormwater, and to provide impartial third party advice where Council doesn't have the capacity to make such an assessment.

The advice from SMEC will be received to ensure that the Structure Plan will be presented to Council for consideration at the April 17 2007 Council Meeting.

### **ATTACHMENTS**

NA. Plans and reports will be attached to the agenda item when the structure plan is considered for approval/refusal.

### **VOTING REQUIREMENT**

Simple Majority.

### **RECOMMENDATION**

That Council note the referral of the Lot 21 Weero Road Structure Plan to SMEC for assessment and advice regarding the structure plan.

**Minute No. 7670**

**Moved: B. Barnes**

**Seconded: Cr R. Devenish-Meaers**

**That Council note the referral of the lot 21 Weero Road structure plan to SMEC for assessment and advice regarding the structure plan.**

**Carried Unanimously: 9/0**

## 16 MATTERS BEHIND CLOSED DOORS

**Minute No. 7670**

**Moved: Cr R. Devenish-Meares**

**Seconded: Cr M. Middap**

**That the meeting moves into camera for matters behind closed doors.**

**Carried Unanimously: 9/0**

The Shire President announced the resignation of Cr Graham Green effective 20 April 2007, reading his letter of resignation and thanking him for his service as a Councillor.

**Minute No. 7671**

**Moved: Cr B. Barnes**

**Seconded: cr R. Devenish-Meares**

**That Council seek approval from the Western Australian Electoral Commission to operate Council with one Councillor vacancy through until the general Local Government Election on the 20 October 2007.**

**Carried Unanimously: 9/0**

Cr Di Asuburn thanked staff for their effort for this evening's meeting.

## 17 CLOSURE

With all items of business complete the Shire President closed the meeting at 9:47pm.