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

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

The Shire President declared the meeting open at 6:01pm.

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

**Attendance**

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

**Gallery**

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

Mr Roger Garland	Mr Darren Spackman
Mr Scott Munro	Mr Geoff Warriner

**Apologies**

Nil

**Leave of Absence (Previously Approved)**

Cr Maxine Middap

### **3 DECLARATION OF INTERESTS:**

- **Financial Interest**

Nil

- **Members Impartiality Interest**

Cr Michele Pucci declared an Impartiality Interest in Item 12.2.3 as her husband is employed by the Water Corporation, which operates the Dam Levels.

Cr Di Ausburn has declared an Impartiality Interest in Item 12.2.1 as she is a minor business associate and Item 12.2.3 as she was a member of the Committee in 2006.

Cr Graham Green has declared an Impartiality Interest in Item 12.2.3 as he is a member of the Foreshore Committee.

Cr Keith Wright has declared an Impartiality Interest in Item 12.2.2 as he is the Director of the Company that is building the tourist accommodation.

- **Proximity Interest**

Nil

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

Nil

### **5 PUBLIC QUESTION TIME**

Scott Munroe asked the question:

What is the policy of Council to upgrade Shire land? Should the private sector be paying for this and does this indulge the payment of hire of the bollards?

Mr Peter Stubbs, Chief Executive Officer responded:

Developer contributions to community infrastructure are common practice around Australia. The Productivity Commission has made comment on this issue and recommends that Local Government should be placing developer contributions such as this, as the issue links directly to the sustainability of Local Government that is a national issue. There are recent examples that can be cited where developers have made these community contributions, for example the Developer of Units in Konkerberry Drive and laid a concrete footpath for public use and landscaped the street verge.

In relation to the second part of your question about hire costs for temporary barriers, my intention is to seek cost recovery for those, consistent with Councils previous resolutions on cost recovery, and for immediate action to be taken to block this driveway exit. That will occur unless Council resolves otherwise.

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7 PETITIONS**

Nil

**8 CONFIRMATION OF MINUTES**

**8.1 CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON TUESDAY 23 JANUARY 2007. (MINUTE NO. 7618)**

**RECOMMENDATION**

**That Council confirm the Minutes of the Ordinary Meeting of Council held on Tuesday 23 January 2007.**

**COUNCIL RESOLUTION**

**Minute No. 7618**

**Moved: Cr K. Wright**

**Seconded: Cr B. Barnes**

**That Council confirm the Minutes of the Ordinary Meeting of Council held on Tuesday 23 January 2007.**

**Carried Unanimously 8/0**

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

Nil

**10 DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

Nil

**11 MINUTES OF COUNCIL COMMITTEE MEETINGS**

Nil

## 12 REPORTS

### 12.1 ENGINEERING SERVICES

### 12.2 DEVELOPMENT SERVICES

#### 12.2.1 BP Ord River Roadhouse Development Compliance (Minute No. 7620)

<b>DATE:</b>	20 February 2007
<b>PROPONENT:</b>	Munners Pty Ltd
<b>LOCATION:</b>	BP Ord River Roadhouse, Messmate Way, Kununurra
<b>ATLAS REFERENCE:</b>	Map 54 A2
<b>AUTHOR:</b>	Dan Hulands, Manager of Technical Services
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	01.0905.02
<b>ASSESSMENT NO:</b>	0905

#### **PURPOSE**

For Council to consider a revised traffic management plan for the Ord River Road House crossover on Bandicoot Drive.

#### **BACKGROUND**

A development application submitted by Munners Pty Ltd for a roadhouse and service station was approved by Council on 19 April 2005, subject to various conditions.

In June 2005 Munners Pty Ltd requested reconsideration of several conditions, however, Council refused to modify the conditions at the 22 June 2006 meeting. Munners Pty Ltd was notified on 4 July 2006.

Further written correspondence was sent to Munners Pty Ltd on 8 September 2006 requesting compliance with all development conditions.

Cr Maxine Middap has requested further action on compliance issues:

*“That the BP 24 hr Service Station be requested to comply within 30 days with the requirements of the development application which has been submitted by that body and accepted by Council.”*

On January 23<sup>rd</sup> 2007 Council passed the following (part) motion  
Minute 7631

- |  |
|--|
| <p><b>5.     <i>That Council will advise Munners Pty Ltd that Council will undertake closure of the crossover in Bandicoot Drive closest to Messmate Way immediately in accordance with the development approval granted 19 April 2005 in the interest of public safety and will recover all costs associated with these works from Munners Pty Ltd.</i></b></p> |
|--|

### **OFFICER COMMENT**

Officers agreed that the traffic management model that was agreed upon at the January 23<sup>rd</sup> meeting (particularly the crossover to Bandicoot Drive) would have a high likelihood of creating a “near miss area” as 2 opposite traffic direction would be directed towards each other.

The Manager of Technical Services brought the amended layout to Council on the 30<sup>th</sup> of January 2007 and now requests confirmation of the amended layout.

### **ATTACHMENTS**

Original traffic management map  
Amended traffic management map

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER RECOMMENDATION**

1. That Council accept the modified traffic management model for the BP Ord River Roadhouse
2. Council advise Munnors Pty Ltd that all other development conditions as per Council resolution Minute No 7613 will apply, including recovering costs should Council be required to do the work.

### **COUNCIL RESOLUTION**

#### **Minute No. 7619**

**Moved: Cr K. Wright**

**Seconded: Cr J. Buchanan**

1. **That Council accept the modified traffic management model for the BP Ord River Roadhouse**
2. **Council advise Munnors Pty Ltd that all other development conditions as per Council resolution Minute No 7613 will apply**
3. **That Council not recover costs of hiring bollards for the interim safety closure**

#### **Minute No. 7620**

**Moved: Cr K. Wright**

**Seconded: Cr J. Buchanan**

**That the above motion lay on the table pending consideration of a rescission motion.**

**Carried Unanimously 8/0**

Cr Keith Wright, Cr Bill Barnes, Cr Roch Devenish-Meares and Cr John Buchanan indicated that they supported consideration of a proposed rescission motion.

**Minute No. 7621**

**Moved: Cr K. Wright**

**Seconded: Cr J. Buchanan**

**That Council rescind dot point 5 of Minute No. 7613 23 January 2007:**

- 5. *That Council will advise Munnors Pty Ltd that Council will undertake closure of the crossover in Bandicoot Drive closest to Messmate Way immediately in accordance with the development approval granted 19 April 2005 in the interest of public safety and will recover all costs associated with these works from Munnors Pty Ltd.***

**Carried 6/2**

**Minute No. 7622**

**Moved: Cr K. Wright**

**Seconded: Cr J. Buchanan**

- 1. That Council accept the modified traffic management model for the BP Ord River Roadhouse, as indicated in the agenda at page 7.**
- 2. Council advise Munnors Pty Ltd that all other development conditions as per Council resolution Minute No 7613 will apply.**
- 3. That Council not recover costs of hiring bollards for the interim safety closure.**
- 4. That the costs of the crossover closure, curb closure and pavement reinstatement be carried out at Shire cost with implementation of the work to be carried out as soon as practicable.**

**Carried 6/2**

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

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

**Against: Cr M. Pucci  
Cr D. Ausburn**

Cr Keith Wright left the room at 6:34pm.





## 12.2.2 Proposed Tourist Accommodation - Loc 206 River Farm Road (Minute No. 7623)

<b>DATE:</b>	20 February 2007
<b>PROPONENT:</b>	Klafine Pty Ltd
<b>LOCATION:</b>	Location 206 River Farm Road
<b>ATLAS REFERENCE:</b>	Map 37 E4
<b>AUTHOR:</b>	Keith Williams, Town Planner
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	01.0068.02
<b>ASSESSMENT NO:</b>	2998

### **PURPOSE**

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

### **BACKGROUND**

An application for 5 Tourist Chalets proposed for Location 206 River Farm Road was submitted on November 15 2006. The application was advertised in accordance with Scheme requirements. Two submissions were received, both being objections in part to the proposed development.

The applicant was requested to provide additional information as a result of information contained within the submissions. This additional information was received from the applicant on February 6, 2007.

### **SITE LOCATION**

The subject land is located on River Farm Road in the Ivanhoe area. The land is flat and has an existing dwelling, caretakers dwelling and shed constructed on it. The land has been partially cultivated with mangoes and citrus trees grown on the property, although it is considered that the agricultural uses on the land have fallen into a state of disrepair, with many trees not being maintained, vines growing over some trees, and numerous pest species such as Neems growing out of control.

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

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

The application is for the development and use of the land for tourist accommodation consisting of 5 Tourist Chalet accommodation units.

### **FINANCIAL IMPLICATIONS**

The application fee of \$300 has been paid.

## **CONSULTATION**

### Town Planning Scheme No. 7

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

Two submissions of objection were received within the advertising period. A schedule of submissions is included in this report.

### Industry Consultation

During consideration of similar applications by Council a number of issues were raised and as a consequence a meeting was held between Council officers, tourism and agricultural industry representatives to address bio-security issues and land use conflict.

Attendees were:

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

Outcomes of the meeting were:

- a) Prior to construction of any accommodation units, the applicant shall submit a management plan detailing measures to manage the following impacts:
  - Visual amenity
  - Dust and noise
  - Bio-security
- b) Prior to construction, all promotional information intended to be displayed shall be submitted to Council for approval.
- c) Prior to occupation, relevant officers shall inspect accommodation to ensure bio-security information is displayed in a prominent place.
- d) Prior to occupation, relevant officers to inspect procedures to ensure that all guests are made aware of the bio-security issues and preventative measures upon check in.
- e) Increasing setbacks between side and rear boundaries to 35 metres.

These issues have been resolved by incorporating appropriate conditions into approvals for these previous assessments.

**SHIRE OF WYNDHAM-EAST KIMBERLEY  
TOWN PLANNING SCHEME NO. 7**

Development Application : Tourist Accommodation, Location 206 River Farm Road

Schedule of Submissions

SUBMISSION AND owner/ property details	NO. OBJECTION OR SUPPORT	SUMMARY OF SUBMISSIONS (all comments typed as received)	COMMENTS	RECOMMENDATION
SUBMISSION 1 Kimberley Green Constructions	12.2.1.1 Objection	(i) <b>Submitter's Comment:</b> The local planning strategy designates the subject land for agricultural purposes. The objective of the strategy is to protect prime agricultural land for horticulture. We would like this application to be compliant to the proposed Scheme Amendment which seek that any applications for tourism remain incidental to the principal agricultural use of the land. As tourism is to be the principal use of this property not the incidental use this is not compliant with the Scheme.	<b>Response:</b> Tourist accommodation units are an SA use in the Rural Agriculture 2 zone, with numbers proposed to be controlled via Amendment 18 to the Scheme. The use class will also change from SA to IP, so that it is subordinate to the primary use of the land for agriculture.	<b>Comment upheld:</b> Tourism Accommodation to be incidental to the primary use of the land for agriculture. Condition approval accordingly:  Limit number of cabins to 3.
	12.3	(ii) <b>Submitter's Comment:</b> River Farm Road is an area of intensive horticulture and has a unique soil type for specific crops. The loss of these soil types to dwellings can never be replaced. The object of the town planning scheme is to ensure the adequate supply of land in localities of adequate water supply and suitable soil types and to promote the use for the production of horticultural crops with a policy to ensure that non agricultural uses do not detrimentally affect the continued use of the land for intensive	<b>Response:</b> The officer recommendation is to limit the number of tourist accommodation units to 3, in accordance with Amendment 18.  A management plan, bio-security education measures	<b>Comment upheld:</b> Limit tourist accommodation units to 3. Impose conditions on approval for a management plan, bio-security education and quarantine bins.

		agricultural purposes.	and quarantine bins will be required as a condition of approval.	
12.4	(iii) <b>Submitter's Comment:</b> This is our principal place of residence we purchased our land zoned rural anticipating a rural lifestyle with natural views and privacy. The locations of all the proposed units are in very close proximity to our existing home and we have major concerns regarding the amount of traffic, noise, privacy and security this will bring. With no fencing for security, no screening for privacy we would experience all the extra noise that a small motel would, having an extra 30+ people on the property with the other two residences and their vehicles in such close proximity. It appears that the proposed cabins are designed for 4 people, but the definition under the scheme would allow 6 persons per cabin.  It should also be noted these Lots are very narrow with all the units being positioned on our boundary side. The increased traffic, noise and dust on the driveway which is directly on the boundary of our land will directly affect us and our property. We would like also to draw to your attention to look closely at the plan of our lots to see that the blocks are only 5.2ha and 100m wide from one boundary to the other with our housing being situated 6m from the boundary of the neighbouring property, as this house was built many years ago. As we already find the traffic noisy it is our intention to construct a new house on our land. We have attached a copy of the site plan of our intended new house. A Shire building application has been lodged for this residence and is currently with the Shire. The proposed cabins will be positioned very close to our new home and will not be separated from the nearest proposed building by a minimum of 70m. This is of great	<b>Response:</b> Tourist accommodation units are an SA use in the Rural Agriculture 2 zone, with numbers proposed to be limited to 3 units via Amendment 18 to the Scheme.  Provisions in Amendment 18 include setbacks of 35 metres to a side boundary, 70 metres between tourist accommodation units and residential buildings, and the planting and maintenance of screening vegetation to shield neighbouring properties. A management plan to protect agricultural activity is also required.  Tourist accommodation is seasonal and will not increase overall population density.	<b>Comment upheld:</b> Limit tourist accommodation units to 3 until Amendment 18 finalised.  Impose conditions on approval for a management plan, setbacks, separation to residences and screening vegetation as per Amendment 18 provisions.  Include conditions of approval to provide adequate separation between the proposed chalets and adjoining residences.	

		concern to us and we have placed this building on hold until Shire has made their decision regarding this issue as this outcome will have a negative affect on us financially.		
	12.5	<p><b>(iv) Submitter's Comment:</b> In addition to the land use conflict. It is known that farming makes a lot of noise particularly in the morning and in the evening this will definitely not fit in well with tourism. Although all spraying of crops is done to the best of our abilities to ensure no drift there is always the perception that spraying is not good. This also does not fit in with tourism development. The increase in tourism traffic on neighbouring properties will increase the dust levels and dust kills plants. The setback proposed of 20m from all boundaries is inadequate given the narrow sites.</p>	<p><b>Response:</b> Tourist accommodation units are already an SA use in the Rural Agriculture 2 zone, with current setbacks at 20 metres to front, side and rear boundaries.  Amendment 18 will increase setbacks to 20m from the front boundary, and 35 metres from the side and rear boundaries.  Limiting chalet numbers to 3 consistent with amendment 18 will also limit impacts.</p>	<p><b>Comment upheld:</b> Impose setbacks equivalent to those proposed in Amendment 18.</p>
Submission 2 S & T Harvey	12.6 OBJECTION	<p><b>(i) Submitter's Comment:</b> Agrees with Amendment 18 to TPS 7 regarding diversified uses in agricultural zones.  Agree that protection of agricultural land and PAL is the MAIN OBJECTIVE and any incidental uses of the land be subordinate and remain subordinate to the agricultural use of the land.</p>	<p><b>Response:</b> Confirms support for Amendment 18. No response required</p>	<p><b>Comment Noted:</b> Confirms support for Amendment 18.</p>
	12.7	<p><b>(ii) Submitter's Comment:</b> Property was purchased by Klafine Pty Ltd in 2004 with the sole intention being to develop the land for tourism and to accommodate clients of the Swiss travel agency Terra Travel + Consulting Ag, owned by the owners of Terra Travel.</p>	<p><b>Response:</b> Note comments.</p>	<p><b>Comment Noted.</b></p>
	12.8	<p><b>(iii) Submitter's Comment:</b> Major works have been undertaken to the principle dwelling without Shire approval to allow accommodation for six people.</p>	<p><b>Response:</b> Note Comments.</p>	<p><b>Note Comments:</b> Undertake compliance audit of principle dwelling.</p>

		<p>Caretakers Dwelling has been approved and constructed and is designed to accommodate six guests.</p> <p>Both existing premises have been used for tourism purposes in the past year without any relevant applications and approvals from the Shire.</p>	<p>Undertake compliance audit of principle dwelling relating to unauthorised works.</p> <p>Condition approval to address use of existing residences for tourism purposes.</p>	<p>Condition approval to require compliance audit of existing principle dwelling.</p> <p>Require statutory declaration confirming existing residences will not be used for tourism purposes <i>prior to commencement of construction.</i></p>
12.9	<p><b>(iv) Submitter's Comment:</b> The orchard on the property has not been farmed or maintained in the past two years as primary use of the land. Representatives from the Department of Agriculture have warned that there is a threat of agricultural pests and diseases from the site. The owners have been informed and of the problems but have done nothing to rectify the issue. Photos submitted showing lack of maintenance.</p> <p><b>(v) Submitter's Comment:</b> There is a massive infestation of the pest Neem Tree on the property. The Neem Tree has become such a prolific pest that Ord Land and Water has sought funding from the government to eradicate them from the valley - OLW brochure attached. We have an ongoing problem with eradicating an infestation on our property, causing an increase in chemical use on our property. This increase in chemical use does not lend itself to tourism.</p> <p>Nothing has been attempted by the owner [of the adjoining property] to eradicate these Neems, and with extra traffic caused by tourism the seed will spread at a faster rate. Photos attached.</p>	<p><b>Response:</b> A site inspection has been undertaken, and the comments are correct. The orchard has not been maintained or farmed.</p> <p><b>Response:</b> Eradication of Neems and other pest species is seen as a priority.</p> <p>Comments relating to chemical use are not relevant to the application submitted. Chemical use is controlled via regulation and external impacts of the submitters use of chemicals is between the landowners.</p>	<p><b>Comment Upheld:</b> Condition approval to require agricultural production on site</p> <p>Condition approval to require tourism use to be subordinate to agricultural uses.</p> <p><b>Comment Upheld:</b> Condition approval to require eradication of Neems, Leucaena, Calatropis.</p> <p><b>Dismiss Comments:</b> Regarding chemical use on submitters property - not relevant to development application submitted.</p>	
12.10				
12.11	<p><b>(vi) Submitter's Comment:</b> With the use of existing dwellings and proposed accommodation the total number of people on the property at any one time would be Forty Two.</p>	<p><b>Response:</b> Tourist accommodation units are already an SA use in the Rural Agriculture 2 zone.</p>	<p><b>Comment Upheld:</b> Condition approval to require compliance audit of existing principle dwelling.</p>	

			<p>Tourist accommodation is seasonal and will not increase overall population density.</p> <p>Transient accommodation associated agricultural uses could potentially have a similar or greater impact.</p>	<p>Require statutory declaration confirming existing residences will not be used for tourism purposes <i>prior to commencement of construction.</i></p>
	12.12	<p><b>(vii) Submitter's Comment:</b> The proposed use will cause noise and pollution. Our shed is located close to the boundary. We would require a management plan to addressing potential conflicts, impacts and compatibility with existing and potential agricultural uses.</p>	<p><b>Response:</b> Tourist accommodation units are already an SA use in the Rural Agriculture 2 zone.</p> <p>Tourist accommodation is seasonal and will not increase overall population density. Transient accommodation associated agricultural uses could potentially have a similar or greater impact.</p> <p>A management plan is required under the provisions contained within Amendment 18 to TPS 7.</p>	<p><b>Comment Upheld:</b> Condition approval to require management plan.</p>

	12.13	<p><b>(viii) Submitter's Comment:</b> Boundary fencing has deteriorated and or been removed due to the proliferation of Neem Trees. Upgraded fencing and signage would be required to ensure tourists and young children do not enter our property.</p>	<p><b>Response:</b> Transient accommodation associated agricultural uses could potentially have a similar or greater impact.</p>	<p><b>Comment Upheld:</b> Condition approval to require fencing and signage to be installed to minimum standards applicable.</p>
	12.14	<p><b>(v) Submitter's Comment:</b> Primary concern is that the land should be used for agriculture and any uses should be subordinate. This is not the case for the proposed development</p>	<p>The condition of boundary fences are an issue between landowners. Only minimum standards apply.</p> <p>Tourist accommodation units are already an SA use in the Rural Agriculture 2 zone.</p> <p>Tourist accommodation is seasonal and will not increase overall population density.</p> <p>Transient accommodation associated agricultural uses could potentially have a similar or greater impact.</p>	<p><b>Comment Upheld:</b> Condition approval to require compliance audit of existing principle dwelling.</p> <p>Require statutory declaration confirming existing residences will not be used for tourism purposes <i>prior to commencement of construction.</i></p>

In response to these matters, the following correspondence has been received:

Email from applicants consultant, Barnaby Chiverton of Chiverton Design, January 29 2007:

*Hi Keith*

*Thankyou for your letter. You have highlighted two issues; the first being the position and number of units. The second being the use of the property.*

*With regard to the first issue; the units are positioned to minimize any conflicts with neighbouring properties while maintaining a picturesque setting. Should council choose to issue a permit with conditions relating to the location of the units we would be grateful if those conditions allowed us to maintain privacy from neighbours and site locations that benefited from the setting. The proposal shows five units, we believe that this would have little or no negative impact on the neighbouring community and would bring economic benefits to the shire. We also believe that any agricultural use of the land would not be affected by the units.*

*With regard to the second issue, the owner will respond directly to you regarding the current land use.*

*Thankyou for your help in this matter.*

*Regards*

*Barnaby*

Letter Submitted by Josy Buergin, via email, January 31 2007:

*Klafine Pty. Ltd.  
P.O. Box 1622  
Kununurra WA 6743*

*Mr. Keith Williams  
Town Planner  
115 Coolibah Drive  
Kununurra,  
PO Box 614  
WA 6743*

*Zürich, January 30, 2007*

***Riverfarm Road 206, Kununurra***

*Dear Keith*

*I refer to your letter of January 26 regarding the application for the building of bungalows on my property.*

***Current use and future use of the caretaker house***

*When I left Kununurra for Switzerland at the end of September I made a contract with Graham and Iris Haynes stating that they stay in the caretaker's house until the end of March and look after my property. Unfortunately due to the illness of Graham's father they left in December. Since middle of December 2006 Trish Muirson is the caretaker of my property and lives there until end of April. It is my intention to have somebody living there on a permanent basis to take care of the main residence, the garden and the orchard. I can give you a statutory declaration as part of your planning permit that states that I am not using the caretaker house for tourist use.*

***Intended future agricultural use***

*When I bought the property 2 years ago the orchard was in very bad shape. Presently we are putting it back into shape and intend to improve it more in the future.*

***Main residence***

*The main residence is only used by me, my family and friends from April until October. I never had and will have tourists staying there.*

***My intention with the new bungalows***

*I was one of the first travel agents who brought tourists to the Kimberley, in fact since 1990. I loved the region from the first moment and still think it's the most beautiful part of Australia. As I know from my clients firsthand, some would love to stay in small exquisite and quiet accommodation which does not exist in Kununurra so far. My dream is to have very few guests staying on my property who do not impact the beauty of the site and who do not disturb the neighbours. This will allow me to present the region to my guests in its best light. I am sure it will be an excellent addition to Kununurra.*

*I am very grateful of your positive consideration of my application.*

*Yours faithfully*

*Josephine Bürgin*

*Copy to Barnaby Chiverton via email*

This correspondence goes some way to answering some of the questions raised in the objections, however, planning conditions are recommended to address remaining issues.

## **PLANNING ASSESSMENT**

### Strategic/Structure Plans

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

In relation to tourist accommodation, the local planning strategy recommends a maximum of two accommodation units in the Rural Agriculture 2 zone. It is recommended that a maximum of three units be approved.

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

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

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

Pursuant to Town Planning Scheme No. 7, the uses of restaurant and chalet accommodation fall within the definition of Tourist Accommodation which means:

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

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

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

On 15 August 2006, Council resolved to initiate an Amendment to Scheme 7 for the purpose of allowing diversified uses within specific agricultural zones, subject to a set of specific criteria. In relation to Tourist Accommodation, the Amendment proposes to modify the permissibility of the use in the Rural Agriculture 2 zone from “SA” to “IP”, and from “X” to “IP” in the Rural Agriculture 1 and General Rural zones. Under the Scheme, “IP” uses are not permitted unless incidental to the predominant use of the land, as determined by Council.

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

The amendment also includes requirements to address bio-security, visual amenity and dust and noise issues:

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

The amendment has been granted final approval by Council, and has been forwarded to the Ministers office for Final Approval by the honourable Minister for Planning and Infrastructure.

### Council Policies

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

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

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

### **CONCLUSION / COMMENT**

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

Given that Amendment 18 has been granted Final Approval by Council and is awaiting final approval from the Minister, it is considered that the current proposal should only be approved at a level that is consistent with Amendment 18.

Accordingly it is recommended that Council permit the development of only 3 chalet accommodation units, instead of the five requested. This will:

a)

Ordinary Council  
20/02/2007 AGENDA

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

In addition, conditions requiring management plans, inspection of promotional material, implementation of appropriate bio-security education measures and restricting the number of occupants to four in each cabin, have also been included as development conditions, reflecting proposed modifications to Amendment 18.

It is also appropriate to ensure that the location of the chalets provides for privacy and protection of amenity for adjoining properties.

Any approval should also address the infestations of Neem Trees and require their removal.

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

### **ATTACHMENTS**

Photos showing the Neem Tree infestations are available for review and will be tabled at the meeting.

### **VOTING REQUIREMENT**

Simple Majority

### **RECOMMENDATION**

1. A compliance audit will be undertaken to determine the extent, if any, of any modifications to the principle dwelling located on Location 206 River Farm Road. Any unauthorised modifications may render part two of this resolution invalid.
2. That Council grants planning consent to Klafine Pty Ltd for the use and development of Location 206 River Farm Road Kununurra for three Tourist Accommodation Chalets, subject to the following conditions:
  - i. All accommodation units shall:
    - a) Be separated from the nearest residential building on an adjacent property by a minimum of 70 metres;
    - b) Have a minimum setback of 35 metres to all boundaries and existing buildings and structure, and
    - c) Have screening vegetation planted and maintained to shield the neighbouring property from accommodation units.
  - ii. No units shall be located between the main residence and the Ord River;

3. The applicant shall submit a management plan ***prior to commencement of construction*** addressing how potential conflicts, impacts and compatibility with existing and potential agricultural land uses – both internal and external to the site – are to be managed as per the requirements of SPP2.5, and including but not limited to the following measures:
- i) Prior to construction of any accommodation units, the applicant shall submit a management plan developed in consultation with the Department of Agriculture and other relevant agencies or stakeholders, detailing measures to manage the following impacts:
    - a) Dust and noise
    - b) Visual amenity
    - c) Bio-security
  - ii) Prior to construction, all promotional information intended to be displayed shall be submitted to Council for approval.
  - iii) Prior to occupation, relevant officers shall inspect accommodation to ensure bio-security information is displayed in a prominent place.
  - iii) Prior to occupation, relevant officers shall inspect procedures to ensure that all guests are made aware of the bio-security issues and preventative measures upon check in.
  - iv) The proposed maintenance and cultivation of the existing orchard, and proposed development of additional orchards or agriculture to ensure the proposed tourism use remains subordinate to the zoning of the land.
  - v) Removal of all Neem, Calatropis and Leucaena vegetation from the site prior to commencement of development.

Failure to submit all of the above information shall render the approval invalid.

4. The proponent shall submit an Agriculture Impact Statement, in accordance with the information prescribed in SPP2.5;
5. The proposed development remains as a subordinate use in scale, scope and intensity to the predominant agricultural nature of the site, and use of the land shall be consistent with the definition of Cabin/Chalet Accommodation in accordance with any Scheme gazetted for the area:

*Cabin/Chalet Accommodation – means a detached accommodation unit for a maximum of 6 occupants used for the temporary accommodation of tourists, visitors and travellers which is fully self contained and not occupied by the same tenant for a continuous period for more than 3 months in any 12 month period, but excludes any chalet or cabin located within an approved caravan park.*

6. A signed and executed Statutory Declaration shall be submitted confirming that the Principle (main) Single and Caretakers Dwellings shall not be used for any other purpose other than as a Single Dwelling and

Caretakers Dwelling, and any use of these dwellings shall render this approval invalid.

7. Signage shall be restricted to the minimum exempted standards of the town planning scheme;
8. The number of occupants in each cabin shall be restricted to a maximum of six persons in accordance with Amendment 18 to Town Planning Scheme No 7 - Kununurra and Environs;
9. All development shall occur in accordance with the submitted plans unless otherwise required or directed by Council or the conditions of approval. Any modifications to the proposed development must be submitted to Council for re-assessment and issuance of a revised planning approval;
10. All boundaries shall be fenced to the minimum standard required by Council's Fencing Local Laws prior to occupation of the tourist accommodation. Signage shall be placed on fencing to the satisfaction of Council indicating that adjoining properties are private property and shall not be entered.
11. Building plans and specifications shall be submitted to Council, including all structural components and details in compliance with the Building Code of Australia, and a building license shall be obtained prior to commencement of construction of the cabin/chalet accommodation units;
12. Compliance with all Council's health requirements, including, but not limited to, specifications for septic tank installation;
13. All parking is to be located within the site, with parking and access areas to be constructed, drained and marked to Council's satisfaction. All employee parking is to be located within the site, and all vehicles associated with the use are to be parked on the site at all times;
14. Car parking spaces are to be provided at a rate of two bays per cabin/chalet - this rate is higher than the standard for chalet accommodation in accordance with the requirements of the Shire of Wyndham - East Kimberley Town Planning Scheme No. 7 (Kununurra and Environs) due to the design of the proposed cabins with two separate rooms.
15. Provision of a bin enclosure area capable of storing a minimum of 2 standard rubbish bins. The enclosure is to be built of the same materials as the walls of the predominant building, and the entrance is to be screened via gates to the satisfaction of Council;
16. Compliance with all the requirements of the appropriate Statutory Authorities;
17. No development shall occur that will cause additional runoff of stormwater to adjacent properties. Stormwater from runoff and any sealed areas shall be mechanically directed into Council's stormwater system in accordance with Council specifications, or disposed of onsite. Stormwater shall not be permitted to pond on the site or against any building or structure.

## **COUNCIL RESOLUTION**

**Minute No. 7623**

**Moved: Cr B. Barnes**

**Seconded: Cr D. Ausburn**

- 1. A compliance audit will be undertaken to determine the extent, if any, of any modifications to the principle dwelling located on Location 206 River Farm Road. Any unauthorised modifications may render part two of this resolution invalid;**
- 2. That Council grants planning consent to Klafine Pty Ltd for the use and development of Location 206 River Farm Road Kununurra for three Tourist Accommodation Chalets, subject to the following conditions:**
  - i. All accommodation units shall:**
    - a) Be separated from the nearest residential building on an adjacent property by a minimum of 70 metres;**
    - b) Have a minimum setback of 35 metres to all boundaries and existing buildings and structure; and**
    - c) Have screening vegetation planted and maintained to shield the neighbouring property from accommodation units;**
  - ii. No units shall be located between the main residence and the Ord River;**
  - iii. The applicant shall submit a management plan *prior to commencement of construction* addressing how potential conflicts, impacts and compatibility with existing and potential agricultural land uses – both internal and external to the site – are to be managed as per the requirements of SPP2.5, and including but not limited to the following measures:**
    - i) Prior to construction of any accommodation units, the applicant shall submit a management plan developed in consultation with the Department of Agriculture and other relevant agencies or stakeholders, detailing measures to manage the following impacts:**
      - a) Dust and noise**
      - b) Visual amenity**
      - c) Bio-security**
    - ii) Prior to construction, all promotional information intended to be displayed shall be submitted to Council for approval;**
    - iii) Prior to occupation, relevant officers shall inspect accommodation to ensure bio-security information is displayed in a prominent place;**
    - iii) Prior to occupation, relevant officers shall inspect procedures to ensure that all guests are made aware of the bio-security issues and preventative measures upon check in;**

iv) The proposed maintenance and cultivation of the existing orchard, and proposed development of additional orchards or agriculture to ensure the proposed tourism use remains subordinate to the zoning of the land; and

v) Removal of all Neem, Calatropis and Leucaena vegetation from the site prior to commencement of development;

Failure to submit all of the above information shall render the approval invalid.

4. The proponent shall submit an Agriculture Impact Statement, in accordance with the information prescribed in SPP2.5;

5. The proposed development remains as a subordinate use in scale, scope and intensity to the predominant agricultural nature of the site, and use of the land shall be consistent with the definition of Cabin/Chalet Accommodation in accordance with any Scheme gazetted for the area:

*Cabin/Chalet Accommodation – means a detached accommodation unit for a maximum of 6 occupants used for the temporary accommodation of tourists, visitors and travellers which is fully self contained and not occupied by the same tenant for a continuous period for more than 3 months in any 12 month period, but excludes any chalet or cabin located within an approved caravan park.*

6. A signed and executed Statutory Declaration shall be submitted confirming that the Principle (main) Single and Caretakers Dwellings shall not be used for any other purpose other than as a Single Dwelling and Caretakers Dwelling, and any use of these dwellings shall render this approval invalid;

7. Signage shall be restricted to the minimum exempted standards of the town planning scheme;

8. The number of occupants in each cabin shall be restricted to a maximum of six persons in accordance with Amendment 18 to Town Planning Scheme No 7 - Kununurra and Environs;

9. All development shall occur in accordance with the submitted plans unless otherwise required or directed by Council or the conditions of approval. Any modifications to the proposed development must be submitted to Council for re-assessment and issuance of a revised planning approval;

10. All boundaries shall be fenced to the minimum standard required by Council's Fencing Local Laws prior to occupation of the tourist accommodation. Signage shall be placed on fencing to the satisfaction of Council indicating that adjoining properties are private property and shall not be entered;

11. Building plans and specifications shall be submitted to Council, including all structural components and details in compliance with the Building Code of Australia, and a building license shall be obtained prior to commencement of construction of the cabin/chalet accommodation units;

- 12. Compliance with all Council's health requirements, including, but not limited to, specifications for septic tank installation;**
- 13. All parking is to be located within the site, with parking and access areas to be constructed, drained and marked to Council's satisfaction. All employee parking is to be located within the site, and all vehicles associated with the use are to be parked on the site at all times;**
- 14. Car parking spaces are to be provided at a rate of two bays per cabin/chalet - this rate is higher than the standard for chalet accommodation in accordance with the requirements of the Shire of Wyndham - East Kimberley Town Planning Scheme No. 7 (Kununurra and Environs) due to the design of the proposed cabins with two separate rooms;**
- 15. Provision of a bin enclosure area capable of storing a minimum of 2 standard rubbish bins. The enclosure is to be built of the same materials as the walls of the predominant building, and the entrance is to be screened via gates to the satisfaction of Council;**
- 16. Compliance with all the requirements of the appropriate Statutory Authorities; and**
- 17. No development shall occur that will cause additional runoff of stormwater to adjacent properties. Stormwater from runoff and any sealed areas shall be mechanically directed into Council's stormwater system in accordance with Council specifications, or disposed of onsite. Stormwater shall not be permitted to pond on the site or against any building or structure.**

**Carried Unanimously 7/0**

Cr Keith Wright returned to the room at 6:44pm. The Shire President advised Cr Wright of the outcome of Item 12.2.2.

**12.2.3 RESERVE 41812 [FORESHORE RESERVE] - COMMERCIAL LEASES REVIEW**

<b>DATE:</b>	20 February 2007
<b>PROPONENT:</b>	SWEK
<b>LOCATION:</b>	Reserve 41812 - various portions
<b>ATLAS REFERENCE:</b>	Various
<b>AUTHOR:</b>	Peter Stubbs, Chief Executive Officer
<b>REPORTING OFFICER:</b>	Keith Williams, Town Planner
<b>FILE NO:</b>	50.09.01
<b>ASSESSMENT NO:</b>	2860

**PURPOSE**

To provide information to Council regarding the four commercial leases on Reserve 41812 so that it can make a determination regarding the provisions of the lease.

**BACKGROUND**

Four commercial leases have been prepared for various portions of Foreshore Reserve 41812. Three of the leases are for Caravan park uses, while the fourth is for a tourism operation:

Lease	Established	Expiry	Term Years	Area M <sup>2</sup>
Kimberleyland Holiday Park	1 Jan 2003	31 Dec 2012	10	16 888
Kona Waters Holiday Park	1 Jan 2003	31 Dec 2012	10	12 507
Lakeside Resort	1 Jan 2003	31 Dec 2012	10	20 438
Celliston Nominees	1 June 2005	31 May 2008	3	1700

The Lake Kununurra Foreshore Plan [adopted by Council in August 2006] recommends that the commercial foreshore leases be modified in accordance with the following:

- q Exclusive use – no public access;
- q Full fee at commercial rate of land value; and
- q No removal of native vegetation.

Council considered the Celliston Nominees lease at the March 2006 Council meeting and resolved to modify the lease, and instructed officers to review all foreshore leases at April briefing session

During this review, officers discovered a discrepancy between leases and due process – the leases need endorsement of the Minister for Lands, and as this was not done, the leases have not been officially effected.

An opportunity was seen to correlate the leases with the recommendations of the Foreshore Plan, and after meeting with Caravan Park owners and discussing these issues with Celliston Nominees, new lease provisions were drafted. The new lease provisions, and Council’s resolution to modify the Celliston Nominees lease, were forwarded to the Department of Water for approval, as co-vestee in the Foreshore Reserve.

The Department of Water has now provided written correspondence that they do not support the leases being converted to exclusive use leases, and this advice is consistent with verbal advice from the Minister. The DoW also do not support extension of the Celliston Nominees lease, other than incremental lease extensions on a year by year basis until the commercial boat facility is constructed. A copy of this advice is attached.

## **STATUTORY IMPLICATIONS**

### Local Government Act

Section 3.58 of the Local Government Act deals with the processes that Council's must follow in relation to the disposition of property [Leasing of land is considered disposition]:

#### ***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 Statewide public notice of the proposed disposition —*

*(i) describing the property concerned;*

*(ii) giving details of the proposed disposition; and*

*(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

*and*

*(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

*(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*

- (a) the names of all other parties concerned;
- (b) the consideration to be received by the local government for the disposition; and
- (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.

(5) This section does not apply to —

- (a) a disposition of land under section 29 or 29B of the Public Works Act 1902 ;
- (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;
- (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
- (d) any other disposition that is excluded by regulations from the application of this section.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Any income received in the form of lease payments would be placed in a Reserve account for the maintenance and development of Reserve 41812. The table below indicates the current lease arrangements:

Lease	Area M <sup>2</sup>	\$ Cost Per m <sup>2</sup>	% of Fee	\$ Cost per m <sup>2</sup> @ 5%	Annual Fee \$
Kimberleyland Holiday Park	16 888	1.44	5%	0.07	1 220
Kona Waters Holiday Park	12 507	0.76	5%	0.04	475
Lakeside Resort	20 438	0.93	5%	0.04	950
Celliston Nominees	1700	3.00	100%	3.00	5 100

Current Income: \$7 645

The table below calculates the fees applicable if the % of fee is charged at 100% of the rental value:

Lease	Area M <sup>2</sup>	\$ Cost Per m <sup>2</sup>	% of Fee	\$ Cost @ 100%
Kimberleyland Holiday Park	16 888	1.44	100%	24 400
Kona Waters Holiday Park	12 507	0.76	100%	9 500
Lakeside Resort	20 438	0.93	100%	19 000
Celliston Nominees	1700	3.00	100%	5 000

The Projected Income from increasing the fees would be in the \$50 - 55k + range, however, it should be noted that this projection is based on 2002 valuations for the three caravan park sites, and may be significantly higher for these sites given the rise in land values in the intervening period.

The cost of seeking any valuations for the lease areas would be borne by the proponent.

## **COMMUNITY CONSULTATION**

The Local Government Act requires state wide public notice given of the intention to dispose of property (including leasing). The Act requires a minimum of 14 days for submissions to be received. Given the proposed changes to the lease provisions are substantive, it is proposed to advertise the modifications for 14 days.

## **COMMENT**

The three existing caravan park leases have not been endorsed by the Minister and have not taken legal effect.

When the Lake Kununurra Foreshore Plan was adopted by Council, the opportunity to effect a recommendation of the Foreshore Plan providing exclusive use of the foreshore at 100% of the rental value of the leases was pursued in the interest of

1. Raising funds for implementation of the foreshore plan [in accordance Lake Kununurra Foreshore Plan recommendations]
2. Providing security for caravan parks by providing exclusive use
3. Providing for management of pest flora species [in accordance Lake Kununurra Foreshore Plan recommendations]
4. recognising that the public does not consider caravan parks as areas for the pursuit of recreational activities
5. to provide for improvements to existing places of recreation along the foreshore [eg Swim Beach]

The Department of Water has advised that it does not support the modification of the leases to provide for exclusive use by the leaseholders.

However, it is apparent that the leases, whether exclusive use or otherwise, are not consistent, and that the caravan park leases do not present good value to ratepayers. Two of the leases are effectively charged at 4 cents per square metre.

To provide consistency as requested by elected members at the April briefing session, it is proposed to modify the caravan park leases to provide 100% of the rental value, to be consistent with the Celliston Nominees lease and to raise funds for the implementation of the Lake Kununurra Foreshore Plan which all leases will benefit from.

It is recommended that this change be phased in to provide the leaseholders with a 'grace period' given that the rental increases may be substantial.

## **ATTACHMENTS**

Correspondence from Department of Water.

## **VOTING REQUIREMENT**

Simple Majority

## **RECOMMENDATION**

That Council obtain current Gross Rental Value valuations from the Valuer Generals Office and advertise its intention to modify the lease over portion of Reserve 41812 for the following leaseholders for 14 days in accordance with section 3.58 of the Local Government Act:

- i) Kona Waters Holiday Park
- ii) Kimberleyland Holiday Park
- iii) Ingle Pty Ltd

In accordance with the modifications listed below:

1. Modify Schedule 1 such that rent shall be charged at 25% of the Gross Rental Value per annum from July 1<sup>st</sup> 2007
2. Modify Schedule 1 such that rent shall be charged at 60% of the Gross rental Value per annum from July 1<sup>st</sup> 2008
3. Modify Schedule 1 such that rent shall be charged at 100% of the Gross Rental Value per annum from July 1<sup>st</sup> 2009
4. Modify lease conditions to require the removal of pest species such as Rain Trees, Leucaena, Calatropis and Neem Trees, and
5. Modify lease conditions to ensure vegetation management is consistent with the Lake Kununurra Vegetation Management Plan [when completed] and the Lake Kununurra Foreshore Plan

## **COUNCIL RESOLUTION**

**Minute No. 7624**

**Moved: Cr K. Wright**

**Seconded: Cr J. Buchanan**

**That Council defer this item pending discussion at a future Briefing Session and that Council request the Shire officers to carry out the following actions to assist consideration at a subsequent briefing session:**

1. **The Shire carry out, or contract to carry out a complete feature survey of the projected lease areas of each entity mentioned below;**
2. **The Shire carry out, or contract to carry out, a complete feature survey of the current leased areas as covered by a duly executed and current lease with the Shire of each entity mentioned below; and**
3. **Produce for Councillors an authentic plan (ex DOLA or others) of each of the entities mentioned below:**
  - i) **Kimberleyland Holiday Park**
  - ii) **Kona Waters Holiday Park**
  - iii) **Lakeside Resort**
  - iv) **Celliston Nominees**

**Carried Unanimously 8/0**

**Attachment: Correspondence from Department of Water:**



**Department of Water**  
Government of Western Australia

Doc No.	057154
Date	10/01/2007
Officer	JP
Response	R2
File	01-2500-02

Your ref: TP542  
Our ref: CEDW82208  
KN758-03 41812 Lease amendments  
Enquiries: Rachel Nelson 9156 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.

1st Fl George Terrace Perth Western Australia 6000  
PO Box 8822 Perth Western Australia 6846  
Telephone: (08) 6364 7600 Fax: (08) 6364 7601  
www.water.wa.gov.au

1/2007

#### 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

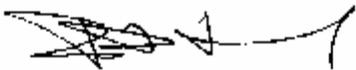
In regards to Council's recommendations for the Celliston Nominees lease, I understand that the lease was entered into to enable the lessee to operate his business from a location that did not impact on the public's use of the boat ramp. This short-term solution recognised that, following development 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

## 12.3. CORPORATE SERVICES

### 12.3.1 Monthly Financial Report (Minute No. 7625)

<b>DATE:</b>	20 February 2007
<b>PROPONENT:</b>	SWEK
<b>LOCATION:</b>	SWEK
<b>ATLAS REFERENCE:</b>	N/A
<b>AUTHOR:</b>	Yale Bolto, Executive Manager Corporate 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 December 2006.

#### **BACKGROUND**

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

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

#### **STATUTORY IMPLICATIONS**

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

34. Financial activity statement report — s. 6.4

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1) (d), for that month in the following detail —
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1) (b) or (c);
  - (b) budget estimates to the end of the month to which the statement relates;
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - (e) the net current assets at the end of the month to which the statement relates.

- (2) Each statement of financial activity is to be accompanied by documents containing —
- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
  - (b) an explanation of each of the material variances referred to in sub regulation (1) (d);
- and
- (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
- (a) according to nature and type classification;
  - (b) by program; or
  - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
- (a) presented to the council —
    - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
    - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting;
- and
- (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.
- (6) In this regulation —

“committed assets” means revenue unspent but set aside under the annual budget for a specific purpose;

“restricted assets” has the same meaning as in AAS 27.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

Nil

## **COMMENT**

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

1. Housing – Minimal expenditure on 67 Koojarra St Wyndham and Airport House, therefore under budget.
2. Health – Timing difference.
3. Welfare – Completion of Child Care Centre will allow the Shire to acquit all grants.
4. Housing – Timing difference, approval for country housing grant received, but no money as SWEK needs to provide a title.
5. Recreation and Culture – Library grant funding still in budget, adjustment needed in December budget review.
6. Transport – Flood damage grant submission finalised in January 2007.
7. Housing – Timing difference on release of land from Landcorp and building of two new shire houses.
8. Recreation and Culture – Timing difference in building and payment of Youth Centre.
9. Transport – Timing difference on large capital projects, to be reviewed in December budget reviews.
10. Transport – Timing difference on trade in of vehicles, purchasing and trading will occur in 2007.

## **ATTACHMENTS**

Monthly Financial Reports for December 2006

## **VOTING REQUIREMENT**

Simple Majority

## **RECOMMENDATION**

1. That Council adopt the Monthly Financial Reports for month end of December 2006.
2. That Council note the following material variances:
  1. Housing – Minimal expenditure on 67 Koojarra St Wyndham and Kununurra Airport House, therefore under budget.
  2. Health – Timing difference.
  3. Welfare – Completion of Child Care Centre will allow the Shire to acquit all grants.
  4. Housing – Timing difference, approval for country housing grant received, but no money as SWEK needs to provide a title.
  5. Recreation and Culture – Library grant funding still in budget, adjustment needed in December budget review.
  6. Transport – Flood damage grant submission finalised in January 2007.
  7. Housing – Timing difference on release of land from Landcorp and building of two new shire houses.

8. Recreation and Culture – Timing difference in building and payment of Youth Centre.
9. Transport – Timing difference on large capital projects, to be reviewed in December budget reviews.
10. Transport – Timing difference on trade in of vehicles, purchasing and trading will occur in 2007.

### **COUNCIL RESOLUTION**

**Minute No. 7625**

**Moved: Cr K. Wright**

**Seconded: Cr J. Buchanan**

1. That Council adopt the Monthly Financial Reports for month end of December 2006.
2. That Council note the following material variances:
  1. Housing – Minimal expenditure on 67 Koojarra St Wyndham and Kununurra Airport House, therefore under budget.
  2. Health – Timing difference.
  3. Welfare – Completion of Child Care Centre will allow the Shire to acquit all grants.
  4. Housing – Timing difference, approval for country housing grant received, but no money as SWEK needs to provide a title.
  5. Recreation and Culture – Library grant funding still in budget, adjustment needed in December budget review.
  6. Transport – Flood damage grant submission finalised in January 2007.
  7. Housing – Timing difference on release of land from Landcorp and building of two new shire houses.
  8. Recreation and Culture – Timing difference in building and payment of Youth Centre.
  9. Transport – Timing difference on large capital projects, to be reviewed in December budget reviews.
  10. Transport – Timing difference on trade in of vehicles, purchasing and trading will occur in 2007.

**Carried Unanimously 8/0**

**SHIRE OF WYNDHAM EAST KIMBERLEY  
MANAGEMENT REPORT  
01/11/06 - 30/11/06**

	<b>G/L</b>	
<b>NET CURRENT ASSETS</b>		
CASH AT BANK	131	\$ 1,062,880
RESTRICTED CASH	132	\$ 1,949,460
CASH ON HAND	140-150	\$ 1,500
RATES DEBTORS	151	\$ 707,600
DEFERED PENSIONERS		\$ (20,789)
SUNDRY DEBTORS	152	\$ 312,630
ANSETT DEBTOR	155	\$ 163,681
PROVISION FOR DEBTS	153	\$ (220,245)
GST RECEIVABLE	163	\$ 64,968
GST PAYABLE	164	\$ (15,437)
BOND	174	\$ 1,040
ACCRUED INCOME	223	\$ -
PREPAYMENTS	190	\$ -
INVENTORIES	162	\$ (15,419)
SELF SUPPORTING LOAN		\$ 16,912
SUSPENSE		
		<b>\$ 4,008,782</b>
<b>LESS PAYABLES</b>		
SUNDRY CREDITORS	281	\$ -
ESL CONTROL	180-181	\$ 11,261.29
ACCRUED EXPENSES	221	\$ -
SUNDRY CREDITOR ATO/SUPER	261-264-267-268	\$ 61,470.00
ACCRUED INTEREST ON LOANS	232	\$ -
ACCRUED SALARIES AND WAGES	233	\$ -
RETENTIONS	270-272	\$ 11,920.00
RATES REFUND	195	\$ 1,907.00
SUSPENSE		\$ 1,400.00
		<b>\$ 87,958.29</b>
<b>NET UNRESTRICTED CASH ASSETS</b>		<b>\$ 3,920,824</b>

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

	Original Budget	Ammended Budget	December Budget YTD	December Actuals YTD	% Variance	\$ Variance	Note
<b>Operating Expenditure</b>							
General Purpose Funding	362,900	379,812	130,000	122,846	6%	7,154	
Governance	747,600	664,512	330,000	332,524	-1%	(2,524)	
Law, Order and Public Safety	381,505	389,004	191,000	197,948	-4%	(6,948)	
Health	349,405	359,405	159,000	161,321	-1%	(2,321)	
Welfare	322,525	322,525	162,000	156,750	3%	5,250	
Housing	213,705	189,705	115,000	93,255	23%	21,745	1
Community Amenities	1,858,390	1,962,390	820,000	840,123	-2%	(20,123)	
Recreation & Culture	3,111,895	3,133,395	1,460,000	1,478,646	-1%	(18,646)	
Transport	3,959,205	3,897,205	2,270,000	2,254,843	1%	15,157	
Economic Services	402,500	395,000	240,000	222,571	8%	17,429	
Public Works							
Overhead	6,551,315	6,551,315	3,260,000	3,265,767	0%	(5,767)	
Airports	1,484,935	1,484,935	790,000	800,635	-1%	(10,635)	
<b>Total Operating Expenditure</b>	<b>19,745,880</b>	<b>19,729,203</b>	<b>9,927,000</b>	<b>9,927,230</b>			
<b>Operating Revenue</b>							
General Purpose Funding	(7,383,160)	(7,400,260)	(5,650,000)	(5,635,279)	0%	(14,721)	
Governance	(1,250)	(1,250)	(300)	(212)	0%	0	
Law, Order and Public Safety	(74,860)	(52,352)	(24,000)	(22,187)	8%	(1,813)	
Health	(129,600)	(129,600)	(84,000)	(74,147)	13%	(9,853)	2
Welfare	(344,500)	(344,500)	(290,000)	(51,829)	460%	(238,171)	3
Housing	(698,360)	(715,160)	(150,000)	(80,763)	86%	(69,237)	4
Community Amenities	(1,041,800)	(1,123,300)	(950,000)	(904,456)	5%	(45,544)	
Recreation & Culture	(1,741,180)	(1,767,480)	(210,000)	(182,440)	15%	(27,560)	5
Transport	(3,275,240)	(3,136,149)	(250,000)	(92,951)	169%	(157,049)	6
Economic Services	(79,400)	(89,400)	(50,000)	(49,774)	0%	(226)	
Public Works							
Overhead	(6,615,915)	(6,615,915)	(3,850,000)	(3,846,599)	0%	(3,401)	
Airports	(1,868,025)	(1,868,025)	(1,000,000)	(1,007,362)	-1%	7,362	
<b>Total Operating Revenue</b>	<b>(23,253,290)</b>	<b>(23,243,391)</b>	<b>(12,508,300)</b>	<b>(11,947,997)</b>			
<b>Operating Surplus</b>	<b>(3,507,410)</b>	<b>(3,514,188)</b>		<b>(2,020,767)</b>			
<b>Non Operating Expenditure</b>							
General Purpose Funding	140,000	140,000	0	0	0%	0	
Governance	4,500	104,500	300	0	0%	300	
Law, Order and Public Safety	0	0	0	0	0%	0	
Welfare	1,512,300	1,401,350	1,070,000	1,103,912	-3%	(33,912)	
Housing	1,057,900	857,900	100,000	81,280	23%	18,720	7
Community Amenities	145,000	137,000	25,000	0	0%	25,000	
Recreation & Culture	3,286,550	3,290,050	565,000	435,757	30%	129,243	8

Transport	4,184,755	3,881,830	1,000,000	900,120	11%	99,880	9
Economic Services	14,900	14,900	20,000	19,574	2%	426	
Public Works							
Overhead	145,500	145,500	18,000	17,387	4%	613	
Airports	577,445	577,445	30,000	28,353	0%	1,647	
<b>Total Non Operating Expenditure</b>	<b>11,068,850</b>	<b>10,550,475</b>	<b>2,828,300</b>	<b>2,586,383</b>			
<b>Non Operating Income</b>							
Health	0	0	0	0	0%	0	
Welfare	0	0	0	0	0%	0	
Housing	(600,000)	(600,000)	0	0	0%	0	
Community Amenities	(138,415)	(138,415)	0	0	0%	0	
Recreation & Culture	(501,800)	(501,800)	(10,300)	(10,469)	-2%	169	
Transport	(391,060)	(391,060)	(60,000)	(39,990)	50%	(20,010)	10
Economic Services	(14,900)	(14,900)	(20,000)	(19,634)	2%	(366)	
Public Works							
Overhead	(321,100)	(321,100)	(350,000)	(332,655)	5%	(17,345)	
Airports	(194,355)	(194,355)	(50,000)	(50,000)	0%	0	
<b>Total Non Operating Income</b>	<b>(2,161,630)</b>	<b>(2,161,630)</b>	<b>(490,300)</b>	<b>(452,747)</b>			
Depreciation	(2,704,800)	(2,704,800)		(1,349,836)	50%		
(Profit)/Loss on sale	514,000	514,000		0	0%		
	<b>(2,190,800)</b>	<b>(2,190,800)</b>		<b>(1,349,836)</b>	<b>62%</b>		
Surplus B/F	(3,209,010)	(2,683,857)		(2,683,857)	100%		
Surplus C/F	0	0		(3,920,824)			

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

	Original Budget	Ammended Budget	December Actuals YTD	%
<b>Operating Expenditure</b>				
Aboriginal Environmental Health Officer	169,480	179,480	79,552	44%
Airport Manager	1,484,935	1,484,935	800,635	54%
Building Services Inspector	558,440	551,440	263,166	48%
Emergency Services	98,780	94,279	53,387	57%
Environmental Health Officer Executive	177,205	177,205	80,082	45%
Executive Support Officer	684,405	684,405	287,804	42%
Information Coordinator	747,600	664,512	332,524	50%
Manager Community Services	213,375	213,375	110,144	52%
Manager Financial Services	2,909,750	2,928,750	1,355,077	46%
Manager Technical Services	4,535,020	4,551,932	2,236,639	49%
Rangers	7,630,465	7,648,465	4,093,017	54%
Town Planner	282,725	294,725	144,561	49%
<b>Total Operating Expenditure</b>	<b>19,745,880</b>	<b>19,729,203</b>	<b>9,927,230</b>	<b>50%</b>
<b>Operating Revenue</b>				
Aboriginal Environmental Health Officer	(100,950)	(100,950)	(59,327)	59%
Airport Manager	(1,868,025)	(1,868,025)	(1,007,362)	54%
Building Services Inspector	(775,160)	(791,960)	(118,785)	15%
Emergency Services	(49,360)	(26,852)	(8,992)	33%
Environmental Health Officer Executive	(28,650)	(28,650)	(14,820)	52%
Executive Support Officer	(7,500)	(7,500)	(13,331)	178%
Information Coordinator	(1,250)	(1,250)	(212)	17%
Manager Community Services	(1,100)	(1,100)	(73)	7%
Manager Financial Services	(1,962,400)	(1,998,700)	(245,456)	12%
Manager Technical Services	(12,491,560)	(12,508,660)	(8,316,243)	66%
Rangers	(5,908,435)	(5,839,344)	(2,109,132)	36%
Town Planner	(25,500)	(25,500)	(13,195)	52%
<b>Total Operating Revenue</b>	<b>(23,253,290)</b>	<b>(23,243,391)</b>	<b>(11,947,997)</b>	<b>51%</b>
<b>Operating Surplus</b>	<b>(3,507,410)</b>	<b>(3,514,188)</b>	<b>(2,020,767)</b>	<b>58%</b>
<b>Non Operating Expenditure</b>				
Airport Manager	577,445	577,445	28,353	5%
Building Services Inspector	1,147,900	939,900	81,280	9%
Executive	9,800	9,800	0	0%
Executive Support Officer	4,500	104,500	0	0%
Information Coordinator	118,200	118,200	5,233	4%
Manager Community Services	4,467,050	4,359,600	1,550,428	36%
Manager Financial Services	140,000	140,000	3,563	3%
Manager Technical Services	4,603,955	4,301,030	917,527	21%
<b>Total Non Operating Expenditure</b>	<b>11,068,850</b>	<b>10,550,475</b>	<b>2,586,383</b>	<b>25%</b>

**Non Operating Income**

Airport Manager	(194,355)	(194,355)	(50,000)	26%
Building Services Inspector	(630,000)	(630,000)	0	0%
Executive	(316,000)	(316,000)	(332,655)	105%
Information Coordinator	0	0	0	999%
Manager Community Services	(504,200)	(504,200)	(30,103)	6%
Manager Financial Services	(5,100)	(5,100)	0	0%
Manager Technical Services	(511,975)	(511,975)	(39,990)	8%
<b>Total Non Operating Income</b>	<b>(2,161,630)</b>	<b>(2,161,630)</b>	<b>(452,747)</b>	<b>21%</b>
Depreciation	(2,704,800)	(2,704,800)	(1,349,836)	50%
(Profit)/Loss on sale	514,000	514,000	0	0%
	<b>(2,190,800)</b>	<b>(2,190,800)</b>	<b>(1,349,836)</b>	<b>62%</b>
Surplus B/F	(3,209,010)	(2,683,857)	(2,683,857)	100%
Surplus C/F	0	0	(3,920,824)	

## BANK RECONCILIATION AS AT 31/12/06

	\$
Balance as per	
Cash at Bank (131)	1,062,880.46
Restricted Cash	1,949,460.00
<b>TOTAL</b>	<b>3,012,340.46</b>
Balance as per	
Trading Account	1,101,873.31
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>2,964,975.77</b>
Add: Outstanding Deposits	51,060.44
Less: Outstanding Cheques	16,735.54
<b>TOTAL</b>	<b>2,999,300.67</b>
Rounding	
<b>Variance</b>	<b>13,039.79</b>
<b>TOTAL</b>	<b>3,012,340.46</b>

### Variance made up of:

INWARDS DISHONOUR FEE	10.00
CHEQUE	0.10
MCKITTRICK inv 2632	(216.20)
30.08 inv 2685	(133.00)
Rounding 01.09.06	(0.63)
Interest receipted twice	12,363.76
visa payments	12.00

inv 2705	(101.00)
visa advance 26.10	1,000.00
22.11.06 Overpayment	100.00
bill exp	50.56
Bill Express dr to match cr 01.12.06	50.56
returned item naomi harris	(835.55)
29.12 eft	(63.00)
honor fee	38.00
bill exp	344.07
bill exp	420.12
<b>Total</b>	<b>13,039.79</b>

## 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	304.70
37429-37438	1,183.99
37439-37446	330.00
37447-37459	5,548.36
37461-37463	100.00
	<b>16,735.54</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	-2799.38
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
20.12 dr rec	4635.3
21.12 dr rec	2104.44
22.12 dr rec	38447.44
	<b>51,060.44</b>

**12.3.2 Payments and Debtors for the Period Ended 31 January 2007 (Minute No. 7626)**

<b>DATE:</b>	20 February 2007
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<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 31 January 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 037464 to 037514	\$ 95,648.82
• EFT payments numbered EP010614 to EP010823	\$ 545,823.87
• Direct bank debits	\$ 259,678.12
<b>Total Payment of Accounts totalling</b>	<b>\$ 901,150.81</b>

Total cancelled cheques for the month \$ 122.25

Outstanding Invoices at month end \$ 0.00

**Outstanding over 90 days Sundry Debtors as at month end \$ 97,795.78**

**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 31 January 2007 totalling \$901,150.81 (GST inclusive) be received.
2. That the Outstanding Sundry Debtors' over 90 days as at 31 January 2007 totalling \$97,795.78 (GST inclusive) be received.

### **COUNCIL RESOLUTION**

**Minute No. 7626**

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

**Seconded: Cr B. Barnes**

1. That the Accounts for payment as at 31 January 2007 totalling \$901,150.81 (GST inclusive) be received.
2. That the Outstanding Sundry Debtors' over 90 days as at 31 January 2007 totalling \$97,795.78 (GST inclusive) be received.

**Carried Unanimously 8/0**

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

<b>CHEQUE</b>	<b>EFT</b>	<b>CREDITOR</b>	<b>DETAILS</b>	<b>MUNI (\$)</b>	<b>TRUST (\$)</b>	<b>AUTH</b>
37464	8/01/2007	KUNUNURRA AMCAL PHARMACY	SCALPEL HANDLE FOR MAPPING	6.93		EMCPS
37465		GREENING AUSTRALIA	CD GRASSES OF NORTHERN AUSTRALIA	35.00		CEO
37466		COMMANDER AUSTRALIA	PHONE SYSTEM RENTAL	610.24		EMCPS
37467		HOTEL IBIS PERTH	ACCOMMODATION - G OLD TRAINING	387.90		EMCPS
37468		GRAB-A-BARGAIN VARIETY STORE	XMAS TREE FOR KUNUNURRA OFFICE	39.95		CEO
37469		DYMOCKS CASUARINA	BOOKS FOR LIBRARY	32.85		EMCMS
37470		HORIZON POWER	ELECTRICITY ACCOUNTS	1,289.65		EMCPS
37472		RIO TINTO EXPLORATION	RATES REFUND OVERPAYMENT	2,108.66		EMCPS
37473		WARINGARRI ARTS	GIFT VOUCHER FOR RECOGNITION OF SERVICE	300.00		CEO
37474		ORIA ORCHARDS	FLOWER DISPLAY FOR FOYER	40.00		CEO
37475		KUNUNURRA MGM	RESTORE A DISC REPAIR TOOL	99.95		EMCMS
37476		SOCIAL CLUB BOOKS	BOOKS, STATIONERY AND TOYS WYNDHAM CHILD CARE	234.95		EMCMS
37477		KUNUNURRA T WELD	FABRICATE AND SUPPLY GATES FOR SORGHUM PLACE	3,387.50		CEO
37478		TELSTRA	STAFF MOBILE ACCOUNTS NOVEMBER 2006	580.46		EMCPS
37479		WATER CORPORATION	WATER ACCOUNTS	6,785.20		EMCPS
37480		SHIRE OF BROOME	REGISTRATION FOR KIMBERLEY ZONE CONFERENCE	351.92		CEO
37481		CASH - PETTY CASH KUNUNURRA DEPOT	PETTY CASH FLOAT	100.00		EMCPS
37482		FIRE & SAFETY SERVICES	SERVICE AND SUPPLY FIRE SAFETY EQUIPMENT	666.05		CEO
37483		BP ORD RIVER ROADHOUSE	FUEL FOR BILLY GOAT AT LEISURE CENTRE	28.94		EMCMS
37484		AUSTRALIAN INSTITUTE MANAGER	BUDGETING AND PLANNING TRAINING A TRENGOVE	805.00		EMCPS
37485		KUNUNURRA JUNIOR FOOTBALL	REFUND OF OVERPAYMENT	682.00		EMCPS
37486		SHIRE OF WYNDHAM EAST KIMBERLEY	STAFF PAYROLL DEDUCTIONS DECEMBER 2006	894.04		EMCPS
37487		HEART FOUNDATION	BE ACTIVE MERCHANDISE FOR WYNDHAM POOL	16.28		EMCMS
37488		GLOBALSTAR AUSTRALIA	SATELLITE PHONE CHARGES	200.07		EMCPS

37489	12/01/2007	AIRSERVICES AUSTRALIA	REGULATIONS - SPIRAL BOUND	109.65	EMCPS
37490		TRISLEY'S HYDRAULIC SERVICE	SERVICE OF KUNUNURRA POOL	21,559.78	EMCMS
			REGISTRATION FEE FOR WETLANDS		
37491		COCKBURN WETLANDS EDUCATION	CONFERENCE	40.00	EMCPS
37492		PEOPLEMAKING	POSTAGE AND HANDLING FOR RESOURCES	35.00	EMCMS
37493		PETER ELLIS BUILDERS	REPAIR TO AIRPORT TERMINAL	480.70	EMCPS
37494		WYNDHAM COMMUNITY CLUB	CATERING FOR MEETINGS, CHRISTMAS FUNCTION	640.00	EMCMS
37495	19/01/2007	GREEN COUNTRY HOLDINGS	HIRE OF BUS FOR CHRISTMAS FUNCTION	698.50	CEO
37496		AUSSIE STEP	AQUA DUMBBELLS	445.00	EMCMS
37497		DEPARTMENT OF PLANNING	JETTY LICENCES	58.00	CEO
37498		MATT CANTRELL	ELECTRICITY SUBSIDY M CANTRELL	170.80	EMCPS
37499		HORIZON POWER	ELECTRICITY ACCOUNTS	9,710.55	EMCPS
37500		WATER CORPORATION	WATER USAGE ACCOUNTS	1,746.70	EMCPS
37501		HOTEL KUNUNURRA	CATERING - CHRISTMAS FUNCTION	299.00	CEO
37502		CHEMISTRY CENTRE	REPORT ON WATER SAMPLE	165.00	CEO
37503		RIC SPRY	TELEPHONE SUBSIDY R SPRY	67.53	EMCPS
37504		AUSTRALIA POST	ANNUAL INTER AGENCY FEE	13.49	EMCMS
37505	25/01/2007	GRAB-A-BARGAIN VARIETY STORE	CHRISTMAS DECORATIONS FOR FUNCTION	200.70	CEO
37506		DYMOCKS CASUARINA	BOOKS FOR LIBRARY	182.37	EMCMS
37507		GEOFF GUNSON ELECTRICAL	ELECTRICAL REPAIRS TO PUMPS	1,348.60	CEO
37508		HORIZON POWER	ELECTRICITY ACCOUNTS	446.70	EMCPS
37509		ORIA ORCHARDS	FLOWER DISPLAY FOR FOYER	15.00	EMCPS
			BOND REFUND FOR RETURNED AIRPORT		
37510		WADE PEARL AVIATION	SECURITY CARD	50.00	EMCPS
37511		TELSTRA	TELEPHONE ACCOUNTS	2,717.26	EMCPS
37512		WATER CORPORATION	WATER USAGE ACCOUNTS	34,630.45	EMCPS
37513		CASH - PETTY CASH KUNUNURRA AIRPORT	AIRPORT PETTY CASH	107.50	EMCPS
37514		BP ORD RIVER ROADHOUSE	GAS BOTTLE REFILL	27.00	EMCMS
			<b>TOTAL CHEQUE PAYMENTS</b>	<b>95,648.82</b>	
8/01/2007	EP010614	BOC GASES AUSTRALIAN	GAS USAGE AND RENTAL NOVEMBER 2006	184.49	CEO
	EP010615	KIMBERLEY GROUP TRAINING	WAGES - TRAINEESHIP LEISURE CENTRE	2,150.45	EMCMS
	EP010616	KIMBERLEY WASTE SERVICES	WASTE COLLECTION SERVICES NOVEMBER	44,717.16	CEO

<b>EP010617</b>	CREDIPAC AUSTRALIA	CREDIPAC FEES	1,703.07	EMCPS
<b>EP010618</b>	EAST KIMBERLEY HARDWARE	HARDWARE SUPPLIES	1,163.25	CEO
<b>EP010619</b>	QANTEC MCWILLIAM PTY LTD	CONSULTANCY FEES	4,246.00	CEO
<b>EP010620</b>	SADANIK PTY LTD	HD GUARD SOFTWARE LICENCES X 5	385.00	EMCPS
<b>EP010621</b>	KP PUMPS & IRRIGATION	RETICULATION SUPPLIES	92.11	CEO
<b>EP010622</b>	JUST FRAMED	FRAMING FOR AWARD - VOLUNTEER OF THE YEAR	200.00	CEO
<b>EP010623</b>	DIAMONDTECH PLUMBING & GAS	PLUMBING REPAIRS TO STAFF HOUSING REPLACE CHLORINATION FAN, INSTALL SECURITY LIGHT	168.50	CEO
<b>EP010624</b>	KINGS CROWN INSTRUMENTATION		353.96	EMCMS
<b>EP010625</b>	ATO CHILD SUPPORT AGENCY	CHILD SUPPORT CONTRIBUTION	104.54	EMCPS
<b>EP010626</b>	ORD ELECTRICAL SPARES	BOX OF HALOGEN GLOBES	23.76	CEO
<b>EP010627</b>	ATO CHILD SUPPORT AGENCY	CHILD SUPPORT CONTRIBUTION	81.56	EMCPS
<b>EP010628</b>	ATO CHILD SUPPORT AGENCY	CHILD SUPPORT CONTRIBUTION REPAIR AIR CONDITIONER AT WYNDHAM CHILDCARE	490.54	EMCPS
<b>EP010629</b>	BOAB REFRIGERATION	ELECTRICITY SUBSIDY, CONFERENCE REIMBURSEMENT	77.00	CEO
<b>EP010630</b>	KATYA TRIPP		1,143.66	EMCPS
<b>EP010631</b>	ATO CHILD SUPPORT AGENCY	CHILD SUPPORT CONTRIBUTION	107.60	EMCPS
<b>EP010632</b>	JOANNE BARKLA	ELECTRICITY SUBSIDY	341.55	EMCPS
<b>EP010633</b>	CLAYTON UTZ LAWYERS	LEGAL FEES	5,412.00	CEO
<b>EP010634</b>	JENNY'S TUKKA BUS	CATERING FOR COUNCIL FUNCTION	165.00	CEO
<b>EP010635</b>	BRANKO BP MOTORS	MISC HARDWARE FOR WYNDHAM PLUMBING REPAIRS TO STAFF HOUSING & TIP UNIT	752.10	CEO
<b>EP010636</b>	EAST KIMBERLEY PLUMBING		823.68	CEO
<b>EP010637</b>	JSW HOLDINGS PTY LTD	CELEBRITY TREE PLAQUE HOLDERS	2,937.90	CEO
<b>EP010638</b>	KUNUNURRA SECURITY SERVICES	SECURITY SERVICES, OCTOBER, NOVEMBER RETICULATION SUPPLIES INCLUDING OVAL SPRINKLERS	6,705.00	EMCPS
<b>EP010639</b>	KIMBERLEY STOCK-OLIVER		6,216.31	CEO
<b>EP010640</b>	GUERINONI & SON	REMOVE SAND FROM WEABER PLAINS	3,267.00	CEO
<b>EP010641</b>	TNT AUSTRALIA	FREIGHT CHARGES	378.17	EMCPS
<b>EP010642</b>	H JORRITSMA & CO	FITTING FOR FIRE UNITS	299.10	CEO
<b>EP010643</b>	TOP END MOTORS	VEHICLE SERVICING X 3, TRANSPORT BACKHOE	1,033.74	CEO
<b>EP010644</b>	VALUER GENERAL'S OFFICE	RATES VALUATION FEES	58.80	EMCPS

<b>EP010645</b>	SHELF SUPPLY	WORK BOOTS - L KING, DOG FOOD	182.00	CEO
<b>EP010646</b>	ZIPFORM PTY LTD	INVOICE/STATEMENT PAPER	610.50	EMCPS
<b>EP010647</b>	LOCAL HEALTH AUTHORITIES ANALYTICAL COMMITTEE	ADJUSTMENT TO ANNUAL FEE HEALTH SERVICES	40.92	CEO
<b>EP010648</b>	FLAMETREE NURSERY	PLANTS	504.50	CEO
<b>EP010649</b>	WYNDHAM TOURIST INFORMATION	WYNDHAM TOURIST INFORMATION SERVICE	476.66	EMCPS
<b>EP010650</b>	RB DESSERT SEED CO	3 KG GRASS SEED	75.90	CEO
<b>EP010651</b>	KUNUNURRA REFRIGERATION	AIR CONDITIONER REPAIRS	371.80	CEO
<b>EP010652</b>	WYNDHAM SUPERMARKET	POOL NOODLES FOR WYNDHAM POOL, CUPS	58.56	EMCPS
<b>EP010653</b>	COUNTRY CLUB HOTEL	YAC END OF YEAR FUNCTION	783.00	EMCPS
<b>EP010654</b>	CROCODILE SIGNS	WYNDHAM POOL RULES SIGN	169.40	EMCPS
<b>EP010655</b>	AUSFUEL	FUEL PURCHASES NOVEMBER 06	26,215.84	EMCPS
<b>EP010656</b>	JUDIUS PTY LTD	RESOURCES FOR WYNDHAM CHILD CARE	8.03	EMCPS
<b>EP010657</b>	NEAT N TRIM UNIFORMS	UNIFORMS	119.18	CEO
<b>EP010658</b>	TONY'S PLUMBING & EXCAVATION	REPAIRS TO TOILETS IN WYNDHAM	1,305.15	EMCPS
<b>EP010659</b>	L.G.R.C.E.U	UNION CONTRIBUTIONS FOR DECEMBER 2006	30.60	EMCPS
<b>EP010660</b>	AUSTRALIAN SERVICES UNION	UNION CONTRIBUTIONS FOR DECEMBER 2006	275.20	EMCPS
<b>EP010661</b>	ORD RIVER ELECTRICS	ELECTRICAL REPAIRS	13,256.83	CEO
<b>EP010662</b>	ATO CHILD SUPPORT AGENCY	CHILD SUPPORT CONTRIBUTION DECEMBER 2006	139.64	EMCPS
<b>EP010663</b>	TOLL WEST	FREIGHT CHARGES	212.40	EMCPS
<b>EP010664</b>	KIMBERLEY KOOL REFRIGERATION	AIR CONDITIONER SERVICING	847.00	CEO
<b>EP010665</b>	BUSH CAMP SURPLUS STORES	UNIFORMS, HYPE SUPPLIES	1,482.40	EMCPS
<b>EP010666</b>	VANDERFIELD MACHINERY PTY LTD	PARTS FOR JOHN DEERE TRACTOR	133.68	CEO
<b>EP010667</b>	MODERN TEACHING AIDS	GAMES AND TOYS FOR WYNDHAM CHILD CARE	139.21	EMCPS
<b>EP010668</b>	STATE LIBRARY OF WA	LOST AND STOLEN BOOKS	52.80	EMCPS
<b>EP010669</b>	KUNUNURRA NEWSAGENCY	NEWSPAPERS FOR SHIRE OFFICE	111.25	CEO
<b>EP010670</b>	CORPORATE EXPRESS	STATIONERY ORDER	1,945.16	EMCPS
<b>EP010671</b>	KUNUNURRA CAR CARE	REPAIR WINDSCREEN, FIT RANGER SIGN	104.50	CEO
<b>EP010672</b>	WA LOCAL GOVERNMENT ASSOC	TENDER BUREAU SERVICES FOR CHILD CARE MANAGEMENT	1,650.00	CEO
<b>EP010673</b>	TOP END MARINE	OVERPAYMENT OF MAY TIPPING FEE	110.00	EMCPS
<b>EP010674</b>	ORD RIVER MEAT SUPPLY	MEAT FOR CHRISTMAS FUNCTION	519.26	CEO
<b>EP010675</b>	KUNUNURRA VOLUNTEER FIRE BRIGADE	CLEAN DOWN NETBALL COURTS	165.00	EMCPS

	<b>EP010676</b>	JAMES O'KENNY AUCTIONEER	HIRE OF AMENITIES ROOM	3,354.00	EMCMS
	<b>EP010677</b>	SPORTSWORLD OF WA	STOCK FOR SALE AT WYNDHAM POOL	466.29	EMCMS
	<b>EP010678</b>	UHY HAINES NORTON	AUDIT SERVICES YEAR END 2006	9,906.77	EMCPS
	<b>EP010679</b>	BROADCAST AUSTRALIA	POWER RECOVERY GWN TV KUNUNURRA REAMS OF PAPER X 400, PLUS SPECIALTY PAPERS	92.94	EMCPS
	<b>EP010680</b>	RAM PAPER & OFFICE PRODUCTS		2,825.19	EMCPS
	<b>EP010681</b>	SHIRE OF MURRAY	STAFF SALARY DEDUCTION PAYMENT	56.00	EMCPS
<b>12/01/2007</b>	<b>EP010682</b>	ROGERS MACHINERY SERVICE	SPRAY PUMP PLUS PARTS	378.80	CEO
	<b>EP010683</b>	KIMBERLEY WASTE SERVICES	TOWN TIDY LITTER CONTRACT STANDARD EVENT REGISTRATION ORD VALLEY MUSTER	8,954.00	CEO
	<b>EP010684</b>	ORD VALLEY MUSTER		110.00	CEO
	<b>EP010685</b>	KIMBERLEY HYDRAULICS	HYDRAULIC HOSE GRADER	97.46	CEO
	<b>EP010686</b>	AUSTRALIA'S NORTH WEST TOURISM	CORPORATE MEMBERSHIP	11,000.00	CEO
	<b>EP010687</b>	KIMBERLEY INDUSTRIES METALAND	50MM X 6MM X 6M FLAT BAR HARDWARE SUPPLIES INCLUDING PALLET OF CEMENT	36.42	CEO
	<b>EP010688</b>	EAST KIMBERLEY HARDWARE		987.35	CEO
	<b>EP010689</b>	STITCHED UP EMBROIDERY	UNIFORM SHIRTS PLUS LOGO FOR LEISURE CENTRE	297.60	EMCMS
	<b>EP010690</b>	BOAB BOOKS	CHRISTMAS CARDS	30.00	EMCMS
	<b>EP010691</b>	OFFICE NATIONAL KUNUNURRA	MASKING TAPE	9.90	EMCMS
	<b>EP010692</b>	YALE BOLTO	WATER USAGE SUBSIDY	114.20	EMCPS
	<b>EP010693</b>	KELLY FEWSTER	ELECTRICITY SUBSIDY	247.75	EMCPS
	<b>EP010694</b>	KARYN APPERLEY	ANNUAL LEAVE TRAVEL ALLOWANCE	2,600.00	EMCPS
	<b>EP010695</b>	CIVIC LEGAL	LEGAL FEES	852.02	CEO
	<b>EP010696</b>	KUNUNURRA HOME HARDWARE	PICK HANDLE	18.50	CEO
	<b>EP010697</b>	KUNUNURRA ARTS COUNCIL	SERVICE FEE MEASURE UP OF PETER REID HALL	82.50	CEO
	<b>EP010698</b>	NORTHERN AIRPORT SERVICE	KUNUNURRA AIRPORT LOCKUP OF A NIGHT	440.00	EMCPS
	<b>EP010699</b>	DELRON CLEANING PTY LTD	GENERAL CLEANING DECEMBER 2006	5,218.67	CEO
	<b>EP010700</b>	EAST KIMBERLEY PLUMBING	INSTALL INVERTED LEACH DRAIN AT SWIM BEACH GRAVEL, SAND, HIRE OF BATCHING TRUCK, WATER CART	10,850.40	CEO
	<b>EP010701</b>	JSW HOLDINGS PTY LTD		3,261.50	CEO
	<b>EP010702</b>	KUNUNURRA SECURITY SERVICES	SECURITY SERVICES KUNUNURRA AIRPORT	770.00	EMCPS
	<b>EP010703</b>	KIMBERLEY MOTORS	WYNDHAM FUEL OCTOBER 2006	1,522.60	EMCPS

	<b>EP010704</b>	VALUER GENERAL'S OFFICE	VALUER GENERAL FEES	382.40	EMCPS
	<b>EP010705</b>	BLACKWOODS ATKINS PTY LTD	BOX OF SAFETY GLASSES, SAFETY VESTS	172.13	CEO
	<b>EP010706</b>	TELFORD INDUSTRIES	POOL CHEMICALS	248.60	EMCMS
	<b>EP010707</b>	RUMOURS PATISSERIE	CATERING FOR COUNCIL BRIEFING	223.30	CEO
	<b>EP010708</b>	ALLGEAR MOTORCYCLE	NEW GENERATOR, OIL	2,191.50	CEO
	<b>EP010709</b>	JASON SIGNMAKERS	SIGNAGE	139.70	CEO
	<b>EP010710</b>	GULLIVER'S TAVERN	REFRESHMENTS FOR COUNCIL MEETINGS	38.97	CEO
	<b>EP010711</b>	ORD MACHINING	WELDING REPAIRS TO LOADER RAM	308.00	CEO
	<b>EP010712</b>	WESTERN AUSTRALIAN TREASURY	LOAN REPAYMENT	40,758.28	EMCPS
	<b>EP010713</b>	TONY'S PLUMBING	UNBLOCK TOILETS AT LOWER BASTION	165.00	CEO
	<b>EP010714</b>	LAKESIDE BLINDS & MACHINERY	TRENCHER HIRE	165.00	CEO
	<b>EP010715</b>	LANGFORD MACHINERY	REPAIRS JD TRACTOR AND ROAD BROOM	360.00	CEO
	<b>EP010716</b>	BEAUREPAIRES	TYRES FOR MOWER, GRADER, 3 TONNER, WY10401	1,620.15	CEO
	<b>EP010717</b>	KIMBERLEY MARKETING	CONSUMABLES FOR CHRISTMAS FUNCTION	24.62	CEO
	<b>EP010718</b>	KUNUNURRA DIESEL SERVICE	SERVICE GRADER, SUPPLY BATTERIES	1,194.20	CEO
	<b>EP010719</b>	AUTO PRO KUNUNURRA	1 X HALOGEN GLOBE WY9312	16.50	CEO
	<b>EP010720</b>	BOSS FLUID POWER	KIMSOFT COMPACT HAND TOWELS	177.68	CEO
	<b>EP010721</b>	ARGYLE MOTORS	15000KM SERVICE ON WY11590	120.40	CEO
	<b>EP010722</b>	PIERCE POOL SUPPLIES	O-RING FOR PORTABLE HAND VAC	64.90	CEO
	<b>EP010723</b>	EAST KIMBERLEY TOWING	REMOVAL OF ABANDONED VEHICLE	88.00	CEO
	<b>EP010724</b>	NORTHERN INFORMATION TECHNOLOGY	REPLACED NETWORK CARD	55.00	EMCPS
	<b>EP010725</b>	G & J TOMKIN	200 LITRE DRUMS CATAMUL	2,376.00	EMCPS
	<b>EP010726</b>	KIMBERLEY TREE SERVICES	CUT DOWN AND REMOVE TREES	1,540.00	CEO
<b>15/01/2007</b>	<b>EP010727</b>	KIMBERLEY METAL RECYCLERS	LANDFILL MANAGEMENT CONTRACT	21,103.50	CEO
<b>19/01/2007</b>	<b>EP010728</b>	MCLEAN ENTERPRISES	ALUMINIUM RODS, ALUMINIUM FLUX	144.65	CEO
	<b>EP010729</b>	AIR LIQUIDE WA	GAS BOTTLE REFILL	130.99	CEO
	<b>EP010730</b>	ROGERS MACHINERY SERVICE	FILTERS, TRANSMISSION OIL	362.20	CEO
	<b>EP010731</b>	KIMBERLEY WASTE SERVICES	PUMP OUT SEPTICS AT TIP	365.75	CEO
	<b>EP010732</b>	BOAB CARPENTRY MAINTENANCE	REGLAZE 2 WINDOWS WYNDHAM	872.72	CEO
	<b>EP010733</b>	K & M ALLCLEAN	CLEANING CONTRACT DECEMBER 06	7,747.48	CEO
	<b>EP010734</b>	KEITH WILLIAMS	ELECTRICITY SUBSIDY	442.70	EMCPS

<b>EP010735</b>	EAST KIMBERLEY HARDWARE	PALLET OF CEMENT, SHOVELS & RAKES, WIRE GRIPS	2,063.40	CEO
<b>EP010736</b>	HAYTER & CO	COSTS NOTICE - LEGAL FEES	2,500.00	EMCPS
<b>EP010737</b>	OFFICE NATIONAL KUNUNURRA	FILE DIVIDERS AND DIARIES	135.22	EMCPS
<b>EP010738</b>	KUNUNURRA PANEL BEATING	REFINISH 2 WATER TANKS	100.00	CEO
<b>EP010739</b>	KUNUNURRA COURIERS	WATER FOR CHRISTMAS PARTY AND OFFICE TRANSPORT INTERNAL MAIL, DVD HIRE, REC CENTRE	70.00	CEO
<b>EP010740</b>	THORLEY'S STORE		379.40	EMCPS
<b>EP010741</b>	JOHN GAULT	WATER SUBSIDY J GAULT	122.25	EMCPS
<b>EP010742</b>	KARYN APPERLEY	ELECTRICITY SUBSIDY	165.20	EMCPS
<b>EP010743</b>	EARLY CHILDHOOD AUSTRALIA	RESOURCES FOR WYNDHAM CHILD CARE	14.95	EMCMS
<b>EP010744</b>	KUNUNURRA HOME HARDWARE	GARDEN EDGING	277.99	EMCPS
<b>EP010745</b>	BUREAU OF METEOROLOGY	SUPPLY & INSTALL VHF RADIO	8,589.90	CEO
<b>EP010746</b>	FRONTIER POST & NEWS	STATIONERY & POSTAGE FOR WYNDHAM	286.40	EMCPS
<b>EP010747</b>	BRANKO BP MOTORS	TYRE REPAIRS, FUEL NOVEMBER	549.08	CEO
<b>EP010748</b>	EAST KIMBERLEY PLUMBING	REPAIR WATER COOLER, REPAIR TOILETS	658.35	CEO
<b>EP010749</b>	JSW HOLDINGS PTY LTD	LOADER HIRE	7,271.20	CEO
<b>EP010750</b>	KUNUNURRA SECURITY SERVICES	SECURITY SERVICES, ALARM LEASING	549.00	CEO
<b>EP010751</b>	ORD RIVER DIST CO-OP	20 LT ROUND UP	242.00	CEO
<b>EP010752</b>	KIMBERLEY MOTORS	NOVEMBER FUEL, SPRAY GUN KIT	3,334.74	EMCPS
<b>EP010753</b>	AUSTRALIA POST	DECEMBER POSTAGE	581.72	EMCPS
<b>EP010754</b>	WYNDHAM TOURIST INFORMATION	WYNDHAM TOURIST INFO SERVICE	476.66	EMCPS
<b>EP010755</b>	WYNDHAM SUPERMARKET	CONSUMABLES	558.19	EMCPS
<b>EP010756</b>	ALLGEAR MOTORCYCLES	CHAINSAW REPAIRS, WHIPPERSNIPPER REPAIRS	234.10	CEO
<b>EP010757</b>	THE KIMBERLEY ECHO	ADVERTISING	392.75	EMCPS
<b>EP010758</b>	JASON SIGNMAKERS LTD	SIGNAGE	176.00	CEO
<b>EP010759</b>	KIMBERLEY COLLEGE OF TAFE	DOG HEALTH COURSE K FEWSTER	150.00	CEO
<b>EP010760</b>	SARAH GARRETT	AEROBICS/JUNIOR SPORTS	270.00	EMCMS
<b>EP010761</b>	NEAT N TRIM UNIFORMS	UNIFORMS	76.82	EMCPS
<b>EP010762</b>	KUNUNURRA FIBREGLASS	REPAIRS TO FIBREGLASS TANK	114.00	CEO
<b>EP010763</b>	ORD RIVER CONTRACTING	HIRE OF 2 KENWORTH SIDE TIPPERS	2,299.00	CEO
<b>EP010764</b>	KIMBERLEY COMMUNICATIONS	RESET COMMUNICATIONS EQUIPMENT	88.00	CEO
<b>EP010765</b>	TOLL WEST	FREIGHT	469.24	EMCPS

	<b>EP010766</b>	TUCKERBOX/RETRAVISION	NOVEMBER AND DECEMBER ACCOUNT	2,360.17	EMCPS
	<b>EP010767</b>	VANDERFIELD MACHINERY	REPAIR HYDRAULIC HOSE	40.69	CEO
	<b>EP010768</b>	SEARLES MECHANICAL	NARVA INVERTER 600W	210.00	EMCPS
	<b>EP010769</b>	CABCHARGE	CABCHARGE ACCOUNT 2006-11	81.85	EMCPS
	<b>EP010770</b>	BEAUREPAIRES (KUNUNURRA)	SECOND HAND TYRE FOR WY9312	72.50	CEO
	<b>EP010771</b>	KIMBERLEY MARKETING	LOLLIES FOR WYNDHAM POOL	28.19	EMCMS
	<b>EP010772</b>	TOP END TILT TRAY HIRE	TRANSPORT ABANDONED CAR	99.00	CEO
	<b>EP010773</b>	TECSOUND WA P/L	VICTORY PA SYSTEM	3,289.00	EMCMS
	<b>EP010774</b>	CORPORATE PROFILE CLOTHING	12 BLUE BISLEY WORK SHIRTS	432.96	CEO
	<b>EP010775</b>	WESTRALIA AIRPORTS	AVIATION SECURITY ID CARD	150.00	EMCPS
25/01/2007	<b>EP010776</b>	DEPARTMENT OF LAND ADMIN	LAND ENQUIRY FEES	79.70	EMCPS
	<b>EP010777</b>	MCLEAN ENTERPRISES	CRIMP LUG 25MM & WELDING CABLE	88.55	CEO
	<b>EP010778</b>	KIMBERLEY GROUP TRAINING	TRAINEESHIP WAGES	8,315.23	EMCPS
	<b>EP010779</b>	KNICKEL GARDENING SERVICE	GARDENING CONTRACT	28,391.37	CEO
	<b>EP010780</b>	ROGERS MACHINERY SERVICE	BELT, DIAPHRAGM PUMP FOR SPRAY RIG	447.00	CEO
	<b>EP010781</b>	KIMBERLEY WASTE SERVICES	LITTER COLLECTION CONTRACT PAYMENT	44,500.58	CEO
	<b>EP010782</b>	ALLAN PARDOE-BELL	WYNDHAM CONTRACT CLEANING	2,332.00	CEO
	<b>EP010783</b>	CREDIPAC AUSTRALIA	CREDIPAC FEES DECEMBER	85.92	EMCPS
	<b>EP010784</b>	EAST KIMBERLEY HARDWARE	PALLET OF CEMENT, HARDWARE FOR AIRPORT	696.65	EMCPS
	<b>EP010785</b>	OFFICE NATIONAL KUNUNURRA	OFFICE SUPPLIES, CASH BOX, COPY COUNT	6,984.45	EMCPS
	<b>EP010786</b>	AMANDA TRENGOVE	STUDY COSTS, ANNUAL TRAVEL ALLOWANCE	2,900.00	EMCPS
	<b>EP010787</b>	WA SOLAR SUPPLIES	REPAIR SOLAR DUE TO LIGHTING STRIKE	2,070.53	EMCPS
	<b>EP010788</b>	KUNUNURRA HOME HARDWARE	CHAIN, AIR RELEASE VALVE, SCREWDRIVER	104.83	CEO
	<b>EP010789</b>	JOANNE BARKLA	PHONE REIMBURSEMENT J BARKLA	144.48	EMCPS
	<b>EP010790</b>	BRANKO BP MOTORS	HARDWARE CONSUMABLES FOR WYNDHAM	60.30	CEO
	<b>EP010791</b>	KUNUNURRA SECURITY SERVICES	SECURITY SERVICE TO 10/1/07	2,949.00	CEO
	<b>EP010792</b>	TNT AUSTRALIA PTY LIMITED	FREIGHT	639.41	EMCPS
	<b>EP010793</b>	TOP END MOTORS	VEHICLE SERVICING X 5	3,014.07	CEO
	<b>EP010794</b>	VALUER GENERAL'S OFFICE	VALUER GENERAL FEES	176.00	EMCPS
	<b>EP010795</b>	TELFORD INDUSTRIES	POOL CHEMICALS	376.20	EMCMS
	<b>EP010796</b>	CARPET VINYL & TILE CENTRE	DURA GUARD LOW SHEEN	27.72	CEO
	<b>EP010797</b>	KALUMBURU MISSION	DIESEL FUEL	390.25	EMCPS

<b>EP010798</b>	ALLGEAR MOTORCYCLES	ELECTRIC HEDGE TRIMMER - AIRPORT	386.10	EMCPS
<b>EP010799</b>	THE KIMBERLEY ECHO	ADVERTISING	1,278.71	EMCPS
<b>EP010800</b>	GULLIVER'S TAVERN	REFRESHMENTS FOR BRIEFING SESSION	58.00	CEO
<b>EP010801</b>	TONY'S PLUMBING & EXCAVATION	BASTION TOILET REPAIRS	383.35	CEO
<b>EP010802</b>	WA LOCAL GOVERNMENT SUPER	DECEMBER SUPER	27,798.87	EMCPS
<b>EP010803</b>	HELIWORK WA PTY LTD	RADIO LICENCE	220.00	EMCPS
<b>EP010804</b>	ORD RIVER ELECTRICS	LEISURE CENTRE ELECTRICAL WORK	392.56	EMCMS
<b>EP010805</b>	CYNTHIA FISCHER	WYNDHAM CONTRACT CLEANING	2,988.15	CEO
<b>EP010806</b>	TOLL WEST	FREIGHT	1,027.40	EMCPS
<b>EP010807</b>	BUSH CAMP SURPLUS STORES	SAFETY BOOTS AND UNIFORMS	367.00	CEO
<b>EP010808</b>	FRANMOR CONSTRUCTIONS	T08 02/03 CLAIM SHIRE OFFICE UPGRADE	32,001.88	CEO
<b>EP010809</b>	BETTY MCKINLAY	REFUND OVERPAYMENT OF DEBTORS	288.79	EMCPS
<b>EP010810</b>	SEARLES MECHANICAL	2 POWER INVERTERS FOR AIRPORT	420.00	EMCPS
<b>EP010811</b>	CABCHARGE	CAB CHARGES	423.63	EMCPS
<b>EP010812</b>	BEAUREPAIRES	TYRE REPAIRS	2,234.50	CEO
<b>EP010813</b>	KUNUNURRA MOBILE WELDING	REPAIR SECURITY GATE	660.00	CEO
<b>EP010814</b>	AUSTRALIAN TAXATION OFFICE	DECEMBER BAS AND INTEREST CHARGES	25,377.92	EMCPS
<b>EP010815</b>	KUNUNURRA CHAMBER OF COMMERCE	MEMBERSHIP FEE KCCI	275.00	CEO
<b>EP010816</b>	ANNE DEVENISH	LIBRARY GOODS - REIMBURSEMENT	97.70	EMCMS
<b>EP010817</b>	JABIRU PAINTING	PAINTING INTERNAL CEILING WYNDHAM OFFICE	4,620.00	CEO
<b>EP010818</b>	BOSS FLUID POWER	TOILET PAPER	972.72	CEO
<b>EP010819</b>	WA LOCAL GOVERNMENT ASSOC	ADVERTISING	8,140.63	EMCPS
<b>EP010820</b>	JAMES O'KENNY AUCTIONEER	HIRE OF AMENITIES ROOM	3,354.00	EMCMS
<b>EP010821</b>	NORTHERN INFORMATION TECHNOLOGY	COMPUTER REPAIRS & EMAIL ISSUES	283.25	EMCPS
<b>EP010822</b>	SPORTSWORLD OF WA	SPORTS EQUIPMENT FOR SALE	759.00	EMCMS
<b>EP010823</b>	UHY HAINES NORTON	AUDIT COMMITTEE PHONE LINK	220.00	EMCPS

**TOTAL OF EFT PAYMENTS 545,823.87**

**TOTAL PAYMENTS 641,472.69**

**DIRECT DEBITS - JANUARY 2007**

RENT 12/33 KONKERBERRY DRIVE KUNUNURRA	1,126.66
BANK FEES	990.36
MESSAGES ON HOLD	507.00
SALARY AND WAGES	251,977.60
VISA PAYMENT	3,287.92
WESTNET P/L	1,725.98
BILL EXPRESS FEE	27.50
DINERS TRANSACTION FEES	35.10
<b>TOTAL DIRECT DEBITS</b>	<b>259,678.12</b>

**OUTSTANDING INVOICES AS AT 31 JANUARY 2007**

**TOTAL OUTSTANDING 0.00**

**CANCELLED CHEQUES**

**37471 8/01/2007 MIEKE GAULT**

CHQ ISSUED TO INCORRECT CREDITOR NAME 122.25

**TOTAL CANCELLED CHEQUES 122.25**

### Sundry Debtors as of January 2007

Sundry Debtor	Amounts Over 90 Days Outstanding	Balance @ 31 January 2007	Debt Collection Status for Debts over 90 Days
ARGYLE KIMBERLEY RESORT	11750.00	11750.00	Debtor with Administrator
BIRD HEATHER	153.09	153.09	Being paid through debt collector - Credipac
CAVANAGH PAUL & NORMA	5,189.33	5,189.33	Debtor querying Invoice
CHADWICK, STEVE	436.09	5,327.72	Debtor with Credipac
COX, FRANCIS	92.01	92.01	Reminder Notice Issued
DESERT ROSE GARDEN CARE	22.50	75.00	Debt cleared 01/02/07
GILETE G & B CIVIL PTY LTD	215.00	215.00	Company with Administrator.
KIMBERLEY METAL RECYCLERS	30.00	255.00	Reminder Notice Issued
KEN MACDONALD	68.52	68.52	Debtor with Credipac
KUNUNURRA CRUISES	825.00	1,650.00	Reminder Notice Issued
KUNUNURRA HIGH SCHOOL	34.09	1,951.62	Reminder Notice Issued
KUNUNURRA SOCCER CLUB	350.00	89.00	Final Notice Issued
KUNUNURRA SOFTBALL CLUB	1,610.00	1,610.00	Reminder Notice Issued
KUNUNURRA SWIMMING CLUB	978.12	1,527.37	Reminder Notice Issued
KUNUNURRA PEST MANAGEMENT	7.50	7.50	Reminder Notice Issued
NEIL LAVERS	2,010.00	2,010.00	Debtor with Credipac
ORD AIR CHARTER PTY LTD	55,429.45	55,429.45	Debtor with Credipac
ORD RIVER SPORTS CLUB	12,578.43	12,578.43	Monthly Repayments are being made
ORD RIVER TEEBALL ASSOCIATION	170.00	170.00	Payment to be made when two signatories are available
SOSBY JOHN	130.00	130.00	Debtor with Credipac
TATCHELL 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	Monthly Repayments are being made
	<b>97,795.78</b>	<b>105,995.69</b>	

### 12.3.3 Sale of Lot 309 Dusty Rankin Drive, Kununurra Airport (Minute No. 7627)

<b>DATE:</b>	20 February 2007
<b>PROPONENT:</b>	SWEK
<b>LOCATION:</b>	Lot 309 Dusty Rankin Drive, Kununurra Airport
<b>ATLAS REFERENCE:</b>	Map 58 5G
<b>AUTHOR:</b>	Yale Bolto, Executive Manager Corporate Services
<b>REPORTING OFFICER:</b>	Yale Bolto, Executive Manager Corporate Services
<b>FILE NO:</b>	01.0998.09
<b>ASSESSMENT NO:</b>	0998

#### **PURPOSE**

For Council to consider the sale of Lot 309 Dusty Rankin Drive, Kununurra Airport to Mr Kerry Slingsby or associated entity.

#### **BACKGROUND**

An offer to purchase Lot 309 Dusty Rankin Drive has been received from Mr Kerry Slingsby for the amount of \$53 000 exclusive of GST.

Lot 309 Dusty Rankin Drive, situated at the Kununurra Airport, is owned in freehold title by the Shire and is leased to Slingair Pty Ltd on a twenty one (21) year lease expiring 2009.

The current lease fee payable is \$1953.12.

#### **STATUTORY IMPLICATIONS**

##### **Local Government Act 1995**

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

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

(1) In this section —

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

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

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

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

(a) it gives Statewide public notice of the proposed disposition —

(i) describing the property concerned;

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

(a) the names of all other parties concerned;

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.

(5) This section does not apply to —

(a) a disposition of land under section 29 or 29B of the *Public Works Act 1902* ;

(b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;

(c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or

(d) any other disposition that is excluded by regulations from the application of this section.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

All proceeds will be deposited into the Airport reserve account.

### **STRATEGIC IMPLICATIONS**

Implications on the sale of Airport land are that council will increase its airport reserve for future development of the Kununurra Airport. It also allows the proponent to expand their tourism / airport related business by securing freehold land at the airport.

### **COMMUNITY CONSULTATION**

Nil

## **COMMENT**

An independent valuation was obtained on Lot 309 Dusty Rankin Drive in December 2006 following advice from Mr Slingsby that he was interested in purchasing the property. The current valuation is for \$53,000 exclusive of GST or \$58,300 inclusive of GST.

The current offer is commensurate with the licensed valuation report and previous sales of land at the Kununurra Airport in the past.

Given the nature of the existing lease and use of land it is not considered appropriate to dispose of the property by way of public auction or public tender.

## **ATTACHMENTS**

Letter from Mr Kerry Slingsby.

## **VOTING REQUIREMENT**

Simple majority

## **RECOMMENDATION**

1. That the Chief Executive Officer give Statewide Public Notice of the proposed sale of Lot 309 Dusty Rankin Drive in accordance with Section 3.58 of the Local Government Act.
2. On completion of advertising, should there be no adverse submissions or higher offers, then the CEO be authorised to sell Lot 309 Dusty Rankin Drive to Mr Kerry Slingsby or his associated entity for the amount offered of \$53 000 plus GST.

## **COUNCIL RESOLUTION**

**Minute No. 7627**

**Moved: Cr D. Ausburn**

**Moved: Cr B. Barnes**

1. **That the Chief Executive Officer give Statewide Public Notice of the proposed sale of Lot 309 Dusty Rankin Drive in accordance with Section 3.58 of the Local Government Act.**
2. **On completion of advertising, should there be no adverse submissions or higher offers, then the CEO be authorised to sell Lot 309 Dusty Rankin Drive to Mr Kerry Slingsby or his associated entity for the amount offered of \$53 000 plus GST.**

**Carried Unanimously 8/0**

Heliwork - HeliLife  
PO Box 65  
Kings-King (100-001)  
Phone: (08) 9168 1811  
Fax: (08) 9168 1422

# Heliwork WA

Head Office  
PO Box 165  
Kununurra WA 6743  
Phone: (08) 9168 1811  
Fax: (08) 9168 1422

Website: [www.heliwork.com.au](http://www.heliwork.com.au)  
AUDE: 26 544 351 343 / 6256 00 041 926



Management: [kerry@slingsby.com.au](mailto:kerry@slingsby.com.au)  
Sales & Marketing: [sa@slingsby.com.au](mailto:sa@slingsby.com.au)  
Accounts: [del@workaccounts@slingsby.com.au](mailto:del@workaccounts@slingsby.com.au)

Doc No.	057226
Date	25/1/07
Office	CEO, XMOCS
Respon	
#	01099809

Peter Smiths  
C.E.O.  
Shire Wyndham East Kimberley  
PO Box 614  
Kununurra WA 6743

January 25<sup>th</sup> 2007

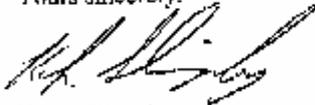
Re : Lot 309 Airport Kununurra

Dear Peter,

As per our previous discussions, Lot 309 at the Kununurra airport is leased to one of my companies. (Heliwork WA Pty Ltd)

I would like to apply for freehold title and hereby make an offer of \$53,000 in the name of Kerry Slingsby or associated entity, for consideration of council.

Yours sincerely,



Kerry Slingsby  
Managing Director  
Slingsby/Heliwork WA

### 12.3.4 Second Quarter Budget Review (Minute No. 7628)

<b>DATE:</b>	20 Febraury 2007
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<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**

To present to Council the results of the December 2007 budget review.

#### **BACKGROUND**

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

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

<b>Schedule</b>	<b>Saving/(Loss)</b>
General Purpose Funding	\$40,000
Governance	(\$20,000)
Law, Order & Public Safety	(\$6,000)
Welfare	(\$106,000)
Community Amenities	(\$35,000)
Recreation and Culture	(\$6,350)
Transport	\$189,570
Economic Services	\$19,500
<b>Total</b>	<b>\$75,720</b>

#### **STATUTORY IMPLICATIONS**

##### **6.2 Local government to prepare annual budget**

(4) The annual budget is to incorporate —

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

## **POLICY IMPLICATIONS**

Policy F7 – Significant Accounting Policies

Objective:

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

## **FINANCIAL IMPLICATIONS**

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

## **STRATEGIC IMPLICATIONS**

Key Result Area 5 - Governance

Goal 2 – Financial Management:

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

## **COMMENT**

The following functions had budget amendments of greater than \$20,000. The Shire of Wyndham East Kimberley is currently working to a budget which is in surplus \$75,720. It is prudent financial management to run a surplus at this time of year as over expenditure may occur due to a number of factors. If the Shire has a cash surplus at the end of the financial year these funds will be transferred into the Shire's reserves, this will be a decision of council.

### General Purpose Funding

A surplus has been recognised due to an Audit committee decision not to introduce Spot Rating through the Shire's rating system in the 2007/2008 financial year.

### Governance

Due to a surplus found in other functions \$20,000 has been allocated to the Shire of Wyndham East Kimberley's Branding project.

### Welfare

Due to the surplus found in other functions additional funds of \$100,000 has been allocated to the completion of the Kununurra Child Care Centre. Approved variations for the Kununurra Child Care Centre stand at \$116,439.30.

### Community Amenities

A deficit was realised due to the success in securing grant funding to assist with rehabilitation along Weaber Plains Road. Grant funding of \$100,000 has been secured with total project cost expected to be \$135,000.

Ordinary Council  
20/02/2007 AGENDA

### Recreation and Culture

A surplus has been realised in this function due to a saving in salaries because of staffing difficulties at the Wyndham Swimming Pool. Projects for parks and gardens in Kununurra have been delayed due to the sale of three parks in Kununurra. The condition of sale on the parks state that profit will be expended on capital improvements in new parks and gardens in Kununurra.

Due to the surplus mentioned above additional funds of \$50 000 will be provided to complete the upgrade of the Wyndham Street Scape, particularly the Croc Park.

An additional \$35,000 was allocated to the Kununurra Youth Centre to cover approved variations to date of \$35,048.45.

### Transport

A surplus has been realised in this function due to the Kununurra Foreshore Walk and the M2 drain & culvert projects being moved to the 2007/2008 financial year.

Due to the surplus found during the budget review, the plant replacement program no longer needs to draw down on the reserve for plant replacement as previously budgeted for.

### Economic Services

A surplus has been realised due to savings in both the Wyndham Administration salaries and the Executive Services salaries. Wyndham Administrations saving is partially due to the employment of a trainee in Council's Wyndham Office. Savings in this area can be off set against Wyndham Administration Refurbishment to ensure that the library can be completed in conjunction with the Administration / Reception area.

## **ATTACHMENTS**

Nil

## **VOTING REQUIREMENT**

Simple Majority

## **RECOMMENDATION**

That Council approve the budget variations as listed below.

<b>Schedule</b>	<b>Saving/(Loss)</b>
General Purpose Funding	\$40,000
Governance	(\$20,000)
Law, Order & Public Safety	(\$6,000)
Welfare	(\$106,000)
Community Amenities	(\$35,000)
Recreation and Culture	(\$6,350)
Transport	\$189,570
Economic Services	\$19,500
<b>Total</b>	<b>\$75,720</b>

Ordinary Council  
20/02/2007 AGENDA

**COUNCIL RESOLUTION**

**Minute No. 7628**

**Moved: Cr K. Wright**

**Seconded: Cr J. Parker**

**That Council approve the budget variations as listed below:**

<b>Schedule</b>	<b>Saving/(Loss)</b>
<b>General Purpose Funding</b>	<b>\$40,000</b>
<b>Governance</b>	<b>(\$20,000)</b>
<b>Law, Order &amp; Public Safety</b>	<b>(\$6,000)</b>
<b>Welfare</b>	<b>(\$106,000)</b>
<b>Community Amenities</b>	<b>(\$35,000)</b>
<b>Recreation and Culture</b>	<b>(\$6,350)</b>
<b>Transport</b>	<b>\$189,570</b>
<b>Economic Services</b>	<b>\$19,500</b>
<b>Total</b>	<b>\$75,720</b>
<b>Carried Unanimously 8/0</b>	

**12.4. COMMUNITY SERVICES**

**12.5. CHIEF EXECUTIVE OFFICER**

**12.5.1 Clean Up the Kimberley (Minute No. 7629)**

<b>DATE:</b>	20 February 2007
<b>PROPONENT:</b>	Clean Up the Kimberley
<b>LOCATION:</b>	Kimberley
<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>	36.19.01, 52.14.01
<b>ASSESSMENT NO:</b>	N/A

**PURPOSE**

For Council to consider a request for funding from the Clean Up The Kimberley Program for development of an educational kit aimed at primary school students and litter prevention.

**BACKGROUND**

Details of the request for funding were presented to Councillors at their Briefing Session on the 6 February 2007, and are provided below. The Shire of Halls Creek has advised it will be contributing \$1,000 and the Shire of Broome has advised it will be contributing \$1,333.34. Funding of \$10,000 from the Keep Australia Beautiful Council WA was approved in November last year.

The project has progressed with the first draft of the kit recently released to selected primary school teachers across the region for comment.

Mr. Peter Stubbs  
CEO  
Shire of Wyndham / East Kimberley  
PO Box 614 Kununurra WA 6743

Dear Peter,

**SMALL CONTRIBUTION NEEDED FOR KIMBERLEY KIDS CLEAN UP KIT**

As you will be aware an important element of the Clean Up the Kimberley Campaign is to develop environmental educational material for primary school students in remote communities of the Kimberley. This material will come in the form of a CD ROM with simple activities and stories written by teachers for teachers of pre-primary to year five students. The Kit will be modelled on Clean Up Australia's highly successful National Kid's Clean Up Kit.

The project is now taking shape and later this year an official working group will be named and will be the consultative committee which will direct the development of this education tool.

I am aware and constantly reminded of the amount of money spent on litter control by local Government in the Kimberley. I am also aware of the rising cost of this type of litter control and suggest that if we do not invest in long term strategies this cost will continue to rise.

The Keep Australia Beautiful Council of Western Australia is keen to partner with Clean Up Australia on this project and I have submitted an application for \$10k to the Litter Prevention Grants round for 2006/7.

The budget for this project is \$15k. Clean Up Australia, as the applicant will contribute \$1000 which leaves a shortfall of \$4000. Hence I am asking three Shire councils to make up this shortfall. The Shire of Derby / West Kimberley have contributed \$8000 to the Kimberley Say NO to Plastic Bags project so that council is excluded from this request. Please find enclosed project brief with budget and timeline.

I look forward to your response  
Yours Sincerely

Jake Zahl  
Campaign Manager  
Clean Up the Kimberley  
Clean Up Australia Ltd.

### **STATUTORY IMPLICATIONS**

Nil

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Council has no specific budget allocation for the Clean Up The Kimberley program. Support is provided to the Clean Up the Gibb River road annually, in the form of Council staff and trucks to remove litter collected. In addition Council invests heavily in litter management in the East Kimberley with litter being cleaned up daily in Wyndham and Kununurra and through its Street Sweeping contract.

Council has a Community Grants Policy, which includes the provision for Quick Grants of up to \$500 and these are handled administratively.

### **STRATEGIC IMPLICATIONS**

The Clean Up The Kimberley program links strongly to the important issues like conservation, tourism and the attractiveness of the Kimberley region to visit and live in.

## **COMMENT**

The Clean Up the Kimberley program is seen as a very worthwhile program throughout the Kimberley region for the strategic reasons described above. In considering the request for funding Council should be mindful of its Community Grants Policy regarding Grants and Sponsorship.

Grant opportunities are advertised each year. The Clean Up the Kimberley program submitted a grant for this financial year seeking \$20,000 for its operations. Council declined to support the application because the funds were primarily for its purpose of staffing costs and administration and the Shire of Wyndham East Kimberley already makes a significant annual in kind contribution to litter reduction through its operation maintenance program and the annual Gibb River Road clean p.

Council may also want to consider this request for sponsorship in the context by which it has handled other, 'out of round' requests. For example the recent request by the Kununurra Chamber of Commerce for \$1,000 sponsorship for the Small Business Awards. In this particular case elected members indicated they felt use of the \$500 Quick Grant option was more appropriate. Consistency by which these "out of round" sponsorship requests are made might be a consideration Council wishes to make.

## **ATTACHMENTS**

Community Grants Policy  
75 page Draft Schools Kit

## **VOTING REQUIREMENT**

Simple Majority

## **RECOMMENDATION**

That Council offer the opportunity to the Clean Up the Kimberley program for use of its Quick Grant policy enabling up to \$500 sponsorship for the support of the Clean Up the Kimberley proposed primary school environmental educational material .

## **COUNCIL RESOLUTION**

**Minute No. 7629**

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

**Seconded: Cr D. Ausburn**

**That Council offer the opportunity to the Clean Up the Kimberley program for use of its Quick Grant policy enabling up to \$500 sponsorship for the support of the Clean Up the Kimberley proposed primary school environmental educational material .**

**Carried 7/1**



**Shire of Wyndham East Kimberley**  
**Council Policy Manual**  
**F3**

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<b>POLICY No:</b>	<b>F3</b>
<b>DIVISION</b>	<b>Finance</b>
<b>SUBJECT:</b>	<b>Community Grants</b>
<b>REPORTING OFFICER:</b>	<b>Executive Manager Corporate &amp; Community Services</b>
<b>ENABLING LEGISLATION:</b>	<b>Local Government Act 1995 Section 6.2 N/A</b>

**OBJECTIVE:**

The objective of Community Grants is to provide consistent and uniform funding opportunities for local community based organisations

**POLICY:**

The purpose of this funding is to offer not for profit community, sporting, cultural, environmental, service groups and associations that are based within the Shire of Wyndham East Kimberley financial assistance to foster high quality programs, community events, facilities and services that provide benefit to the wider community.

Community Grants have been established to support applications for funding in the following two areas:

1. **Quick Grants** - these are small \$500 grants that are quick and easy to access at any time of the year, subject to allocated funding.
2. **Annual Grants** - these are larger grants that require more information from the applicant. They are available annually and are considered prior to the formulation of Council's Annual Budget

**RESOURCING**

- Council shall make an allocation for Community Grants within each annual budget.
- The distribution of the funds shall be via an application process. The process shall involve the following:
  - Community Grants will be promoted through direct distribution to community organisations annually, advertisements in the local newspaper and on community radio broadcasts. Application forms and additional information will be available from the Shire Office.



**Shire of Wyndham East Kimberley**  
**Council Policy Manual**  
**F3**

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- **Quick grants** can be applied for at any time of year but must be submitted at least four weeks prior to project commencing. Only one successful application can be submitted in each financial year.
- **Annual Grants** – On or before the 30 of March each year the Shire will invite submissions from the community. These funds are non-recurrent funding and applications will be received up to 30 April each year.
- Annual Grants shall be assessed on the following criteria:
  1. Demonstrated need for the funding
  2. Benefits to the Community
  3. Ability to source additional funds and/or partnerships
  4. Demonstrated community support for the organisation and the project planned.
- Council's Chief Executive Officer will have delegated authority to administer the Quick Grants program (\$500 or less) and is advised by the Manager of Community Services.
- The Annual Grants will be decided by Council decision with recommendations from the Funding Advisory Group.
- The Funding Advisory Group will consist of:
  - Manager – Community Services
  - Community Development Officer/Recreation Services Co-ordinator
  - 2 Councillors
- Projects and events should be and in keeping with Council's Strategic Direction Goals noted in Council's Strategic Plan.
- All decisions of the Funding Advisory Committee will be presented to Council for consideration.
- All organisations receiving community grants will be required to expend the funds within the financial year that it was awarded. If grants are not utilised within the given time, all grant funds allocated will be forfeited.

**LIMITATIONS**

- Community organisations or events where the primary purpose is to promote political beliefs
- Community organisations or events where the primary purpose is to promote religious beliefs or where people are excluded on religious grounds
- Individuals (or sponsorship of cash prizes for individuals or teams)
- Activities or events that are the responsibility of a state or federal government department
- Project that have already been completed or are currently in progress



**Shire of Wyndham East Kimberley**  
**Council Policy Manual**  
**F3**

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- Funds not to be used for trophies, prizes, insurance or operational expenses (including loan repayments) incurred in the conduct of community activities
- Applicants must seek other funding where available
- Applications must be submitted on Council's prescribed forms
- Council employees, equipment or facilities may be used in lieu of cash distribution and costed against the relevant ledger folio
- All works are to be completed to the satisfaction of Council
- Organisations will be limited to one successful application for funds per financial year
- Council does not intend the Grants to be utilised for monetary profit, but that they help voluntary organisations achieve their objectives
- Applicants must provide evidence of their own initiatives by contributing money towards the project from other sources
- Applicants seeking capital/building funding for a project need to ensure that the project relates to crown reserve or land owned or vested in the Shire of Wyndham East Kimberley. (or Council's discretion.)

# Kimberley Kids

## Clean Up Kit

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# Learning Outcomes Overview

- As outlined in the Outcomes and Standards - Overview, Western Australian Curriculum Framework 2005. The use of this kit will contribute to the following educational outcomes:

<i>Learning Area</i>	<i>Outcome</i>	<i>Aspect</i>
Society and Environment	Investigation, and Participation  Place and Space Resources  Time Continuity and Change  Natural and Social Systems  Active Citizenship	Communication  Planning Conducting Processing and Translating Care of Places Use of Resources Management and Enterprise Understanding the Past Continuity and Change Interpretations and Perspective Natural Systems Political and Legal Systems Economic Systems Ecological Sustainability
English	Speaking and Listening	Use of Texts Contextual Understandings
	Reading	Use of Texts Contextual Understanding
	Writing	Use of Texts Contextual Understandings Conventions Processes and Strategies
Mathematics	Working Mathematically	Mathematical Strategies  Apply and Verify Reason Mathematically
	Measurement	Understand units and Direct Measure

		Indirect Measure Estimate
	Chance and Data	Collect and Process Data  Interpret Data
Science	Investigating	Planning Conducting Processing Data Evaluating
	Energy and Change	Energy and Change
	Life and Living	Life and Living
	Natural and Processed Materials	Natural and Processed Materials
Technology and Enterprise	Technology Process	Investigating Devising Production Evaluating
	Materials	The Nature of Materials  The Selection and Use of Materials
	Information	The Creation of Information
	Systems	The Nature of Systems
The Arts	Art Ideas	
	Art Skills and Processes	

# Activity 1: Clean Up the Kimberley Schools Day

## Lesson

## Aims

Students will participate in Clean Up the Kimberley Schools Day. They will choose a site within the school or local community. They will undertake the necessary event planning activities and collect data on what they find. From this data they will determine some possible sources and solutions to the rubbish problem.

## Learning Outcomes

Society and Environment	Investigation, Communication Participation  Place and Space  Resources  Natural and Social Systems  Active Citizenship	and Planning Conducting Processing and Translating Care of Places Use of Resources Management and Enterprise Natural Systems Ecological Sustainability
English	Speaking and Listening	Use of Texts Contextual Understandings
	Reading	Use of Texts Contextual Understandings
	Writing	Use of Texts Contextual Understandings Processes and Strategies
Mathematics	Working Mathematically	Mathematical Strategies

		Apply and Verify Reason Mathematically
	Measurement	Understand units and Direct Measure  Indirect Measure  Estimate
	Chance and Data	Collect and Process Data  Interpret Data
Science	Investigating	Planning  Conducting  Processing Data  Evaluating
	Natural and Processed Materials	Natural and Processed Materials

## Background Information

A mountain of rubbish was picked up as part of the 2006 Clean Up the Kimberley Weekend. If your school participated you joined another 12 Kimberley schools and over 790 other students. You helped to remove enough rubbish to fill a back yard swimming pool.

Since 2001 over a thousand school students across the Kimberley have participated in the Kimberley Clean Up and recently Clean Up the Kimberley Schools Day in October 2006 to create a healthier environment and learn about ways to conserve our unique part of Australia.

The Clean Up the Kimberley Campaign started as the Kimberley Cleanup in 2001 and received an enormous public response. Since then more than 3000 Kimberley residents and visitors have volunteered their time to help to make a difference to their environment.

The idea of maintaining the environmental integrity of our region has ignited an enthusiasm and desire among the community to get involved and make a difference to problem areas themselves. Since 2001, volunteers on Clean Up the Kimberley Weekend have collected nearly 2000 cubic metres of rubbish – that's enough rubbish to fill an average Kimberley Council Pool four times. Much of this rubbish would have ended up in creeks, rivers or the sea. Organise your class or school for the next Clean Up the Kimberley Schools Day. You can make a mountain of a difference!

## Classroom Activities

Students will break into teams to prepare for the clean up event. If the entire school is participating, break up into class or year groups.

### 1. Preparation

Two weeks prior to the day allocate groups or classes to the following activities:

- Decide where the clean up will take place. Have students identify a site or sites in their town, community or school playground that are a problem; places where rubbish just seem to gather. Give each site a name – if it doesn't already have one.
- Register your site. Each class or group can register their own site on line at [www.cleanup.com.au/kimberley](http://www.cleanup.com.au/kimberley)
- What is the state of the site? Students should describe the condition of the area prior to the clean up event. Take a photo of the site. They could also determine an estimate of how much rubbish will be collected?
- What materials will be needed? Students will need to list what materials will be needed i.e. first aid kit, shade shelters, gloves, hats, bags, buckets, sun cream and water and develop a "What to Bring?" Flyer for each class.
- How will the clean up be publicised? Students will need to draw posters to advertise the event. They may be able to write articles for their school newsletter, send an article to the local newspaper and announce the event at a school assembly.
- How is the rubbish collected going to be disposed of after the clean up? You will need to decide on a central location for your collected rubbish.
- In Kimberley Towns, Shire Councils will remove the bagged rubbish. In remote communities you will need to plan how you will get your rubbish to the tip – trailer, tray backs, utes.

- How will we measure the clean up event? If the school is going to complete Clean Up Australia's Rubbish Survey, contact Clean Up the Kimberley on 9193 5921. Review the survey and decide what resources will be required to complete it.
- How about the results? A class could set up a tally room to record how much rubbish the school collected. Your first tally could be a benchmark from which you could measure any improvement over time.
- Keep a file for each site with all data including your pre-clean up assessment and photos and post-clean up data with rubbish report. These sites can be registered again next year and monitored. By comparing results from different years we can measure any improvement.
- Use the RUBBISH EVERYWHERE poem which follows as a fill in the blank worksheet to create interest in writing your own class poem. The poem could be performed as a musical RAP for your guests on Clean up the Kimberley Day.

## 2. On Clean Up Day

On the morning of the clean up, check weather conditions and review the following safety information with students:

- Do not pick up any sharp objects. (broken glass, needles, jagged metal etc.)
- Wear gloves when collecting rubbish.
- Stay out of dangerous or protected areas. (Outline your own local dangerous or protected areas.)
- Watch out for wildlife and do not approach any animals. Keep watch for snakes and avoid long grass.
- Do not lift anything too heavy.
- Ensure you have hats, sunscreen and water.
- Students under 14 years of age must be supervised.
- What to do if you are injured.
- Any other information that will ensure the safety of your students.

### 3. At the site

I identify an area that each team will cover. Make sure you have adequate supervision for each team. I instruct each team to break up into groups of four children and outline the role of each person in the team:

- Rubbish bag holder.
- Rubbish collector.
- Rubbish bag holder recyclables.
- Rubbish collector recyclables

### 4. Set the boundaries

Set the boundaries of the clean up and inform students of the following:

- Out of bounds areas.
- Set a time for completion and a meeting place.
- I identify a way of telling students when to return e.g. whistle.
- Remind students only to work in their designated area and stay with their group.

### 5. Post Clean Up

Back in the classroom count the rubbish collected using the methodology outlined in the Clean Up Australia Rubbish Survey. (Please note that only one bag in every five needs to be counted.) Analyse the data collected at the site. Individually, in groups or as a class go through all the data surveys. Have students add up the data surveys and total up the results. You may want to organise a BBQ and invite parents along to celebrate the clean up.

### 6. Clean Up Report

Send the Clean Up Australia Day Report and Rubbish Report Survey to Clean Up Australia so it can be used in the annual Rubbish Report.

### 7. Presentation of Results

Choose a way of presenting the class results i.e. pie charts, line or bar graphs and have each group put together posters to display the results in the classroom.

### 8. Discussion

After the presentations, conduct a class discussion that touches on the following questions:

- Where did the rubbish come from?
- Do certain rubbish items indicate specific types of activities?
- How much rubbish collected could be recycled?

- How can the data collected be used to reduce the amount of rubbish?
- How did it make you feel to see the amount of rubbish before the collection?
- How does it make you feel to see the site clean after the collection?
- How can we prevent the same amount of rubbish in the future?

## **9. Action Plan**

Have students formulate a written action plan to keep their site clean. This could involve things such as signage, information in a community paper or newsletter, word of mouth, or regular maintenance. Follow the plan!

## **Extension/ Home Activities**

Students can participate and encourage family members to register for the Clean Up the Kimberley Weekend.

Worksheet:

# Rubbish Everywhere

Unsightly rubbish everywhere,  
It's over here. It's over \_\_\_\_\_.  
People just drop it without a thought,  
It can't be right. I think \_\_\_\_\_!

It only takes a minute wouldn't you say.  
To clean up around us each and \_\_\_\_\_.  
Get rid of the mess. Clear up the clutter.  
Thinking of it now just makes me \_\_\_\_\_.

Cans and bottles, paper and plastic,  
In the right place would be \_\_\_\_\_.  
Have you heard of recycling? It's easy to do.  
Our resources not wasted. It's up to \_\_\_\_\_.

The worms like our leftovers. Lets feed them each day.  
Our veggie and fruit scraps, gone \_\_\_\_\_.  
The rest of our rubbish needs to get in the bins.  
Clean up the Kimberley and everyone \_\_\_\_\_.

Complete this poem by filling in the rhyming words.  
Create your own poem or use this to perform a musical RAP  
about rubbish on Clean up the Kimberley Day.

## Activity 2 - Say NO to Plastic Bags

### Lesson Aims

How many plastic bags does your family use? How can you play a part in reducing the number of plastic bags used in Australia?

Students will complete Clean Up Australia's Say No to Plastic Bags Household Survey and learn about the impact of plastic bags on the environment. They will write a story on their life as a plastic bag and learn about the long life cycle of the plastic bag. Students will research, discuss and make alternatives to plastic bags.

### Learning Outcomes

<i>Learning Area</i>	<i>Outcome</i>	<i>Aspect</i>
Society and Environment	Place and Space	Care of Places
	Resources	Use of Resources Management and Enterprise
	Natural and Social Systems	Natural Systems Political and Legal Systems Economic Systems
	Active Citizenship	Ecological Sustainability
English	Writing	Use of Texts Contextual Understandings Conventions Processes and Strategies
Mathematics	Chance and Data	Collect and Process Data Interpret Data
Science	Life and Living	Life and Living
	Natural and Processed Materials	Natural and Processed Materials

The Arts	Art Ideas	
	Art Skills and Processes	

## Background Information

Plastic bags have only been widely used in Australia in the past few decades but have had a devastating impact on our natural environment. Each year on Clean Up Australia Day plastic bags are identified as a major source of rubbish throughout Australia.

### Did you know?

- Plastic bags are made from polymers derived from petroleum. Just 8.7 plastic checkout bags contain enough embodied petroleum energy to drive a car one kilometre.
- Australians use around 6.9 billion plastic bags per year, nearly half of which are supermarket plastic bags. If they were tied together they would stretch around the world 42.5 times.
- Australians throw away 6.67 billion plastic bags a year. One third are thrown away after a single use.
- Plastic bags will last in the environment up to 1,000 years. Because plastic bags last so long, the number of plastic bags in the litter stream increases each year.
- Plastic bags can entangle and harm aquatic and terrestrial animals. In fact the World Wide Fund for Nature estimates that more than 100,000 whales, seals, turtles, and birds die every year as a result of plastic bags.

### What can you do?

- Refuse: there are alternatives to plastic bags such as calico, string bags, boxes and green bags.
- Reduce: when shopping, decline bags. You may be able to put your shopping into another bag or box. Aim to reduce your use of plastic bags by 50%.
- Reuse: there are many ways of reusing plastic bags and other bags for example packing school lunches.
- Recycle: find out where you can recycle your bags.
- Buy re-usable bags: they're cheap and you can carry all sorts of things in them.

## Classroom Activities

### 1. My life as Plastic Bag Story Writing

- Students write a story about their life as a plastic bag. Students should consider the life cycle of a plastic bag as well as the range of types of plastic bags and their uses. Some things to consider include:

What were you made from?

What were you made for?

Who were you made for? (i.e. a supermarket, fashion shop, corner shop.)

What did you hold?

Where did you go?

Did someone take you home?

Were you stored somewhere?

Where did you end up?

- Encourage students to consider positive environmental outcomes in their stories. Examples include:

The rescued bag that was saved from the swirling waters of a flooded river and disposed of properly

The happy bag that was recycled with his friends to make new bags, garden stakes, flowerpots, outdoor seating or stationery items.

The sad bag that ended up at the rubbish dump because he wasn't recycled.

The lonely bag; it blew away and was stuck on a tree for weeks because it was dropped by a litterbug.

The hurtful bag; it was trapped in a whale's stomach.

### 2. Household Plastic Bag Survey

Ask students to complete Worksheet: "Say NO to Plastic Bags – Household Plastic Bag Survey."

- Allow one week for students to complete the survey.
- When completed the survey will provide data that students can compare and add up to provide an overall class average. As a

class, tally up the results of the plastic bag audit and analyse the results.

- Please also return a summary of your results to Clean Up Australia.
- As part of the survey students were asked if they were surprised at the number of plastic bags collected during the week. Discuss what expectations students had on their usage of plastic bags.
- Students were also asked to consider what they could do in their home to reduce the number of plastic bags. Go through the students' answers and ask the class to think of alternatives to plastic bags or ways of reducing the number of plastic bags they use.

### 3. Alternative Materials

Encourage the students to think of materials that could be used instead of plastic bags and how these materials are more environmentally friendly. You may want to write a list of alternatives to use when shopping and at home.

### 4. Design or make your own reusable bags

Have the students do a design which could be printed on re-usable bags sold at the local store. Hold an art competition. Contact us on 9193 5921 to find out if your local store is participating in the Kimberley Say NO to Plastic Bags Program. If they are the winning design could be printed on your own community re-usable shopping bags. If they are not, ask them why.

Make your own reusable fabric bags by using the following pattern. (If there are no sewing machines available in the school, have students cut out and decorate the fabric and find volunteer parents who might sew up the bags at home.)

Worksheet:

# Clean Up the Kimberley's

## Say NO to Plastic Bags - Household Plastic Bag Survey

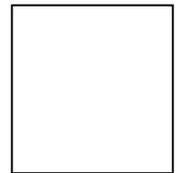
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are needed to see this picture.

### Instructions

1. Collect all the bags you currently have in your home (hidden in the cupboards, kitchen drawers etc.).



2. How many bags do you think your family will collect this week?



### 3. Plastic Bag Diary:

Ask the adult in your house to keep plastic shopping bags they collect each day. Each day count the number of plastic bags and write down the number in the table below. Add the number together at the week and bring it to school.

# Worksheet: Household Plastic Bag Survey

QuickTime™ and a TIFF (LZW) decompressor are needed to see this picture.

Number of bags	Mon	Tues	Wed	Thur	Fri	Sat	Sun	Total
Plastic bags received								
Plastic bags reused*								
Plastic bags used as bin liners*								
Plastic bags taken back to the store for re-use or recycling**								
Plastic bags you saw as litter on the way home								
Other								
Sub Total								
Alternative bags used i.e. calico/paper								
Totals (subtract alternatives)								

\* Reusing plastic bags includes using them again in supermarkets, to freeze food, to pack lunches, store clothing etc. Using plastic bags as bin liners is not classified as reuse.

\*\*Central collection points include plastic bags recycling bins at Coles, Woolworths, Safeway and Bi-Lo stores.

4. Now that you have finished the survey, are you surprised at the number of plastic bags collected this week?

YES / NO (circle one)

5. What do you think you could do in your home to reduce the number of plastic bags?

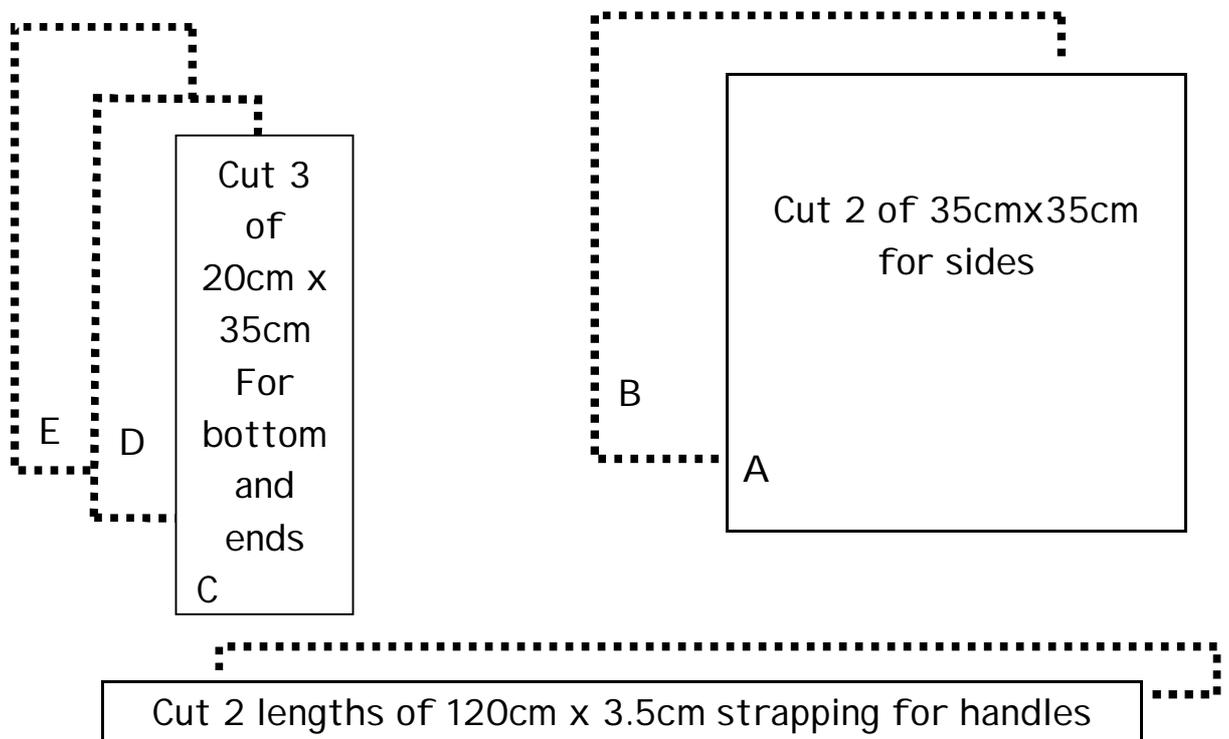
6. Return your responses to your teacher so that they can be sent to Clean Up the Kimberley.

# HOW TO MAKE A REUSABLE FABRIC BAG

## Materials:

Heavy calico fabric, strapping, thread, straight pins, sewing machine, fabric paints or markers.

## Instructions:



1. Cut fabric to number and size shown above.
2. Sew on the straps to the sides (A) and (B).
3. Decorate with fabric paint or fabric markers.
4. Sew the bottom (C) between the sides (A) and (B).
5. Next sew the ends (D), and then (E) to the sides (A) and (B),

# Activity 3 - The Past, the Present and the Future

## Lesson Aims

What is waste? Where does it come from and who puts it there?

Students will investigate the issue of waste, recycling and landfills. They will compare today's lifestyle with that of Aboriginal people before European settlement.

## Learning Outcomes

<i>Learning Area</i>	<i>Outcome</i>	<i>Aspect</i>
Society and Environment	Place and Space	Care of Places
	Resources	Use of Resources Management and Enterprise
	Time Continuity and Change	Understanding the Past Continuity and Change Interpretations and Perspective
	Natural and Social Systems	Natural Systems Economic Systems
	Active Citizenship	Ecological Sustainability
English	Writing	Use of Texts Contextual Understandings Conventions Processes and Strategies
Science	Natural and Processed Materials	Natural and Processed Materials
	Energy and Change	Energy and Change

## Background Information

Before European settlement people in Australia lived a semi-nomadic lifestyle producing very little waste. The waste that was created was completely biodegradable.

In these times of convenience almost everything we consume comes in packaging. This places unacceptable pressure on our town and remote landfill sites.

Australians are the second highest producers of waste, per person, in the world with each of us sending almost 690kgs of waste to landfill each year. At this rate Australia will reach its landfill capacity by 2010.

## Classroom Activities

### 1. Background on Rubbish

- q Discuss what is a raw material?
- q Discuss with the class what happens to rubbish. Ask students if they recycle, reuse and store any of their rubbish. Student responses could be recorded on the white board.
- q Explain the process that happens to rubbish once it enters the rubbish bin. It may enter a rubbish truck, which will take it to a landfill. Once that landfill gets full, room for another one must be found. Ask where our local rubbish goes? Where is the rubbish tip? Has anyone seen it? Describe it.
- q Discuss with the class what happens to rubbish left in the creek or on the riverbank.

### 2. Create a Flow Chart.

Begin by having students do research on what raw materials were necessary to create an object. Check out: <http://manufacturing.stanford.edu/hetm.html> a website which provides downloadable video clips on "How Everyday Things Are Made." There are a series of short videos on 40 different products produced by The Alliance of Innovative Manufacturing at Stanford University, USA.

Next have students do 3 flow charts to show how these raw materials were obtained, the making of the product and energy used, it's marketing and purchase, it's use and then where it ends up when it is no longer needed. The choice of objects is unlimited but it is suggested that the students should be encouraged to choose items that they use in their own lives. Students will complete 3 flow charts: an item from the past, one from the

present and one from the future. See the following worksheet: "THE LIFE OF A \_\_\_\_\_."

### 3. Comparison (Today's lifestyle as opposed to Aboriginal people before European settlement) See the following Worksheet: "PAST AND PRESENT STORY MAP."

Divide the class into 2 groups.

Group 1 represent people in present day Australia.

Group 2 represent people living off the land in the Kimberley 500 years ago.

- q Ask the students to write a short story about the things they did last weekend.
- q Ask them to break down the story into 5 - 10 activities (things they did over the weekend) list all of the resources or products they consumed or used and the subsequent waste created.
- q Compare Group 1 results with group 2

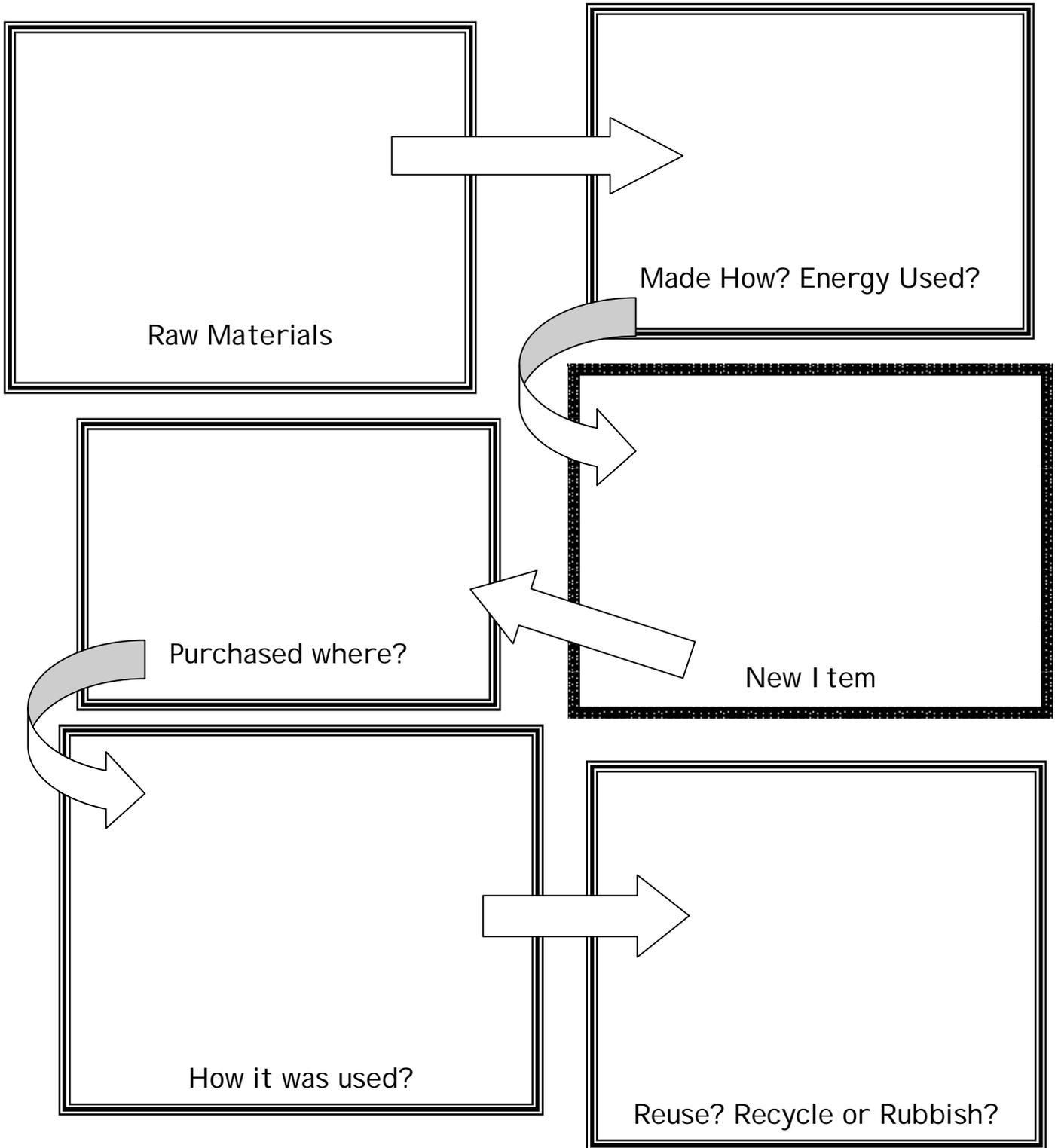
### Extension/Home activities

Ask your parents or grandparents what they did with their rubbish when they were young.

# Worksheet: THE LIFE OF A

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TIFF (LZW) decompressor  
are needed to see this picture.

(Flow Chart)



# Worksheet: Past and Present

## Story Map

Using the chart below, write or draw 5-10 examples of activities, the resources used and the waste created. Use the back of the sheet if you run out of room. An example has been given to get you started. Once you have your ideas down, write your short story.

Weekend Activity	Resources Used	Waste Created
<i>Eg. Fishing</i>	<i>Eg. Fish Wood for Spear Knife</i>	<i>Eg. Fish-bones Broken spear</i>

# Activity 4: A Litterbug Scavenger Hunt

## Lesson Aims

Have you ever been a litterbug?

Students will learn about the school's litter stream and conduct a litter audit in their school. They will compare their results to the Clean Up Australia Day Rubbish Report. The students will develop a positive attitude against littering. They will develop solutions to help prevent and reduce littering.

## Learning Outcomes

<i>Learning Area</i>	<i>Outcome</i>	<i>Aspect</i>
Society and Environment	Place and Space	Care of Places
	Resources	Use of Resources
	Natural and Social Systems	Management and Enterprise
		Natural Systems
		Political and Legal Systems
Active Citizenship	Economic Systems	
		Ecological Sustainability
English	Speaking and Listening	Use of Texts Contextual Understandings
	Writing	Use of Texts Contextual Understandings Conventions Processes and Strategies

Mathematics	Chance and Data	Collect and Process Data Interpret Data
The Arts	Art Ideas Art Skills and Processes	

## Background Information

The most common rubbish in the Kimberley is aluminium cans and plastic bottles and the single most common litter item in Australia is the cigarette butt. Other common forms of litter include paper, food wrappers, fast-food packaging, bottle caps, glass pieces, glass alcohol bottles, plastic straws and soft drink bottles.

What effect does litter have on the environment?

- Kills aquatic life directly (eg. Through choking) and indirectly through its impacts on water quality.
- Causes blockages of the drainage system and flooding
- Dangerous to people particularly when it involves items such as broken glass, rusty metal, needles and syringes.
- Creates a social impact. A clean community means happier and healthier people.
- Decreases the health of the land by releasing toxins.
- Increases the spread of disease.
- May be a fire hazard when lit cigarette butts are thrown on the ground.

How long does litter last?

Litter takes a long time to break down in the environment.

- Glass bottle 1,000,000 years
- Plastic bag up to 1,000 years
- Aluminium cans 80-100 years
- Cigarette butts 1-5 years
- Orange and banana peels 2-5 weeks

Why do people litter?

- People think the item is not litter (cigarettes, food scraps).
- People are not willing to look for a bin.
- Lack of social pressure to do the right thing.
- Absence of realistic penalties or consistent enforcement.
- Social rebellion.
- Lack of knowledge of the environmental effects of littering.

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- Poor packaging design.
- Amount of litter already present at a site.
- Presence and wording of signs referring to litter.
- Number/placement and appearance of bins at/near a site.

## Classroom Activities

### 1. Background Discussion

- Ask the class what "littering" is.
- Ask the class whether any of them have littered. What was littered? Why?
- Do the students know of any areas in or around the school where litter can be found?

### 2. Litterbug Scavenger Hunt

- The goal of the exercise is to collect and analyse all litter located within 10 steps of the bin.
- Draw a map of your school playground and mark where the rubbish bins are located. Choose an area outside the school if appropriate.
- Divide the class into as many groups as the number of bins and assign an area with bins to every group.
- Using some rope or string ask one student to hold the end of the string over a bin. Ask another student to walk 10 steps from the bin in any direction holding the other end of the string. Use the string as a compass to mark a radius of 10 steps around the bin
- Ask each student to pick up one piece of rubbish within the radius and walk to the bin while counting their steps.
- Putting their piece of rubbish in the bin the students are asked to remember what their item of rubbish was and how many steps to the bin
- Use the worksheet: HOW LAZY IS THE LITTERBUG? As a guide.
- Allow 15 - 30 minutes for the litter collection and measurement.

### 3. Collection Results & Analysis

- After the litter collection, have each group examine the collected litter materials. Each group should categorise the litter and determine the most frequent litter components.
- Students will record the data on the worksheet.
- Have each group present its experience to the class. Each group should identify its litter search area on the map.
- Record the data on the board, overhead, or computer.
- After the group presentations, discuss:  
Can any of the littered items be recycled or used in some other way?  
What were the most common types of litter?  
Can the source of the litter i.e. human, water, animal be identified?  
How is litter managed at your school?  
How can the amount of littering be prevented?
- Which locations yielded the most litter and why?
- Compare results to the Clean Up Australia Day Rubbish Report available from the Clean Up website [www.cleanup.com.au](http://www.cleanup.com.au)

#### 4. Create an Anti Litter Campaign

- Ask students if they have seen any anti-littering campaigns on television or through the media. Using the background information discuss:  
  
Why and how do people litter?  
What are the most popular forms of litter in the school and outside of school?  
What will be the key message of the campaign?  
What words can be used to communicate the key message?  
Should the campaign target a type of litter?
- Ask the students to develop an anti-litter campaign. Depending on their ability the campaign might include any of the following activities: Logo or Slogan, TV Commercial, Radio Jingle, Newspaper Advertisement, Letter, Skit.

# Worksheet: HOW LAZY IS THE LITTERBUG?

Use this sheet to tally the information you collected on your litter scavenger hunt. Continue on the back of this sheet if necessary.

Type of Litter	Where it was found	Steps from the Rubbish Bin	Litter Component (eg. Metal, Plastic etc)
----------------	--------------------	----------------------------	---

How lazy was your laziest Litterbug?

---

What was the most common litter component?

---

---

What could you do to help reduce the Litterbugs laziness next time?

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# Activity 5: Crime Scene Investigation

## Lesson Aims

Reduce rubbish in your school or community.

Students will become aware of the various forms of rubbish found in their environment, where the rubbish came from and how it can be prevented, reduced, reused or recycled.

## Learning Outcomes

<i>Learning Area</i>	<i>Outcome</i>	<i>Aspect</i>
Society and Environment	Investigation, Communication and Participation  Place and Space  Natural and Social Systems  Active Citizenship	Planning Conducting Processing and Translating Care of Places Natural Systems Political and Legal Systems Ecological Sustainability
English	Speaking and Listening	Use of Texts Contextual Understandings
	Reading	Use of Texts Contextual Understanding
	Writing	Use of Texts Contextual Understandings Conventions Processes and Strategies

Science	Investigating	Planning Conducting Processing Data Evaluating
The Arts	Art Ideas	
	Art Skills and Processes	

## Background Information

Rubbish in the form of litter is one of the most visible signs of pollution. It is anything that is left where it is not meant to be. Rubbish is unsightly and dangerous. It can cause injury to people and wildlife. It encourages pest animals such as rats, mice and seagulls as well as the spread of germs and disease. Littering is a crime.

*Due to the "ongoing problems with dumping at charity bins and in bush land and vacant land, the Western Australian Government has moved to increase the penalties for illegal dumping of rubbish to up to \$20,000 for corporations and \$10,000 for individuals.*

*Penalties will also be increased for littering, with individuals facing fines of between \$100 and \$5,000."*

ABC NEWS Online 15/04/06

There a number of ways we can reduce the rubbish crime rate including:

- Never dispose of rubbish incorrectly.
- Make sure there are enough rubbish bins.
- Make sure the bins are emptied regularly.
- Ask people to pick up their rubbish.
- Pick up the rubbish of others.
- Organise a classroom rubbish project.
- Talk to your family and friends about ways they can reduce rubbish.

### Sources & Further Information

Clean Up Australia Litter prevention in Schools programme.  
[www.cleanup.com.au/attachments/LPS\\_guide.pdf](http://www.cleanup.com.au/attachments/LPS_guide.pdf)

The Keep Australia Beautiful Council of Western Australia has information on litter.

[kabc@environment.wa.gov.au](mailto:kabc@environment.wa.gov.au)

# Classroom Activities

## 1. Background Discussion

- q Introduce the term rubbish, what it means and what effect it has on the environment. Ask students if they are aware of what happens to people if they are caught throwing away rubbish in the school and wider community?
- q Ask the class if they know of any areas in or around the school where rubbish can be found?
- q Divide the class into small groups. Using student suggestions, select a destination for each group to use as their rubbish 'crime scene'.
- q Depending on their ability and the equipment available ask the students to take photographs or draw the 'crime scene'.
- q Students will now have to collect the rubbish as evidence. Wearing gloves, students should place the evidence into a bag or box so that it can be taken back to the classroom.
- q Once back in the classroom ask each group to examine the evidence. Wearing gloves and using a piece of cardboard each group should display and label their piece of evidence. Ask students to categorise the evidence as plastic, paper, or metal etc. Use the **Worksheet "CRIME SCENE INVESTIGATION"** to outline their thoughts.
- q Have each group present their crime scene to the class. They may want to use a skit as a method of presentation.
- q Using their evidence ask students to draw a picture of the type of behaviour they believe led to the crime. For example:  
'foul shooting litterbug' where rubbish is thrown into a bin, misses the bin and the person walks away or  
'wedging litterbug' where pieces of rubbish are stuffed into gaps between seats and other places. To assist students in understanding how people litter have them complete the **Worksheet: "HOW DO PEOPLE LITTER?"**

## 2. After the group presentations, discuss:

- Can any of the collected items be recycled or used in some other way?
- What types of behaviours may have caused the rubbish crimes?
- Does the school have rules against littering? If so, are the rules enforced? Who has the authority to enforce the rules? What penalties are involved?
- Does the school provide rubbish or recycling bins near the crime scenes?

- How can we reduce the rubbish crime rate? Reinforce positive behaviour, i.e. correct items into recycling bins.

### 3. Create a "WANTED" poster

- q Have students create a "WANTED" poster to catch their criminal. Use the Worksheet "CRIME SCENE INVESTIGATION" as a rough draft.
- q Display the "WANTED" posters around the school.

## Extension / Home activities

### Lower Primary

Invite your local Shire environmental Health Officer to hold a school talk about littering and the benefits of responsible rubbish disposal. Design and paint your school's rubbish bins.

### Middle Primary

Investigate if the rate of litter crime in the school is increasing or decreasing and what is causing the change. Students may need to interview teachers to work out the number of litter penalties occurring.

Design a bumper sticker or a postcard encouraging people not to litter. Send to family and friends.

### Upper Primary

Research the penalties and fines imposed for littering in your state or territory. Information is available from your local council and/or police department. Make the information available to fellow students. Rewards could also be given to students who regularly put rubbish in the bin.

## Worksheet: How do people litter?

There are many types of litterbugs in the world. A study was completed by the Beverage Industry Environment Council which gave names to these litterbugs. Read about some of them below.

<p><b>FOUL SHOOTING LITTERBUG</b> Litter is thrown at the bin, it misses the bin and the person walks away.</p>	<p><b>90%ING LITTERBUG</b> Most of the rubbish is put in the bin, but some is left behind, or smaller items are dropped.</p>	<p><b>GRINDING LITTERBUG</b> Smokers who grind there cigarettes into the ground.</p>
---	--	--

**FLAGRANT  
FLINGING  
LITTERBUG**  
Litter is flung through the air or dropped without any apparent

**UNDERTAKING  
LITTERBUG**  
Litter is buried, often under the sand at the beach.

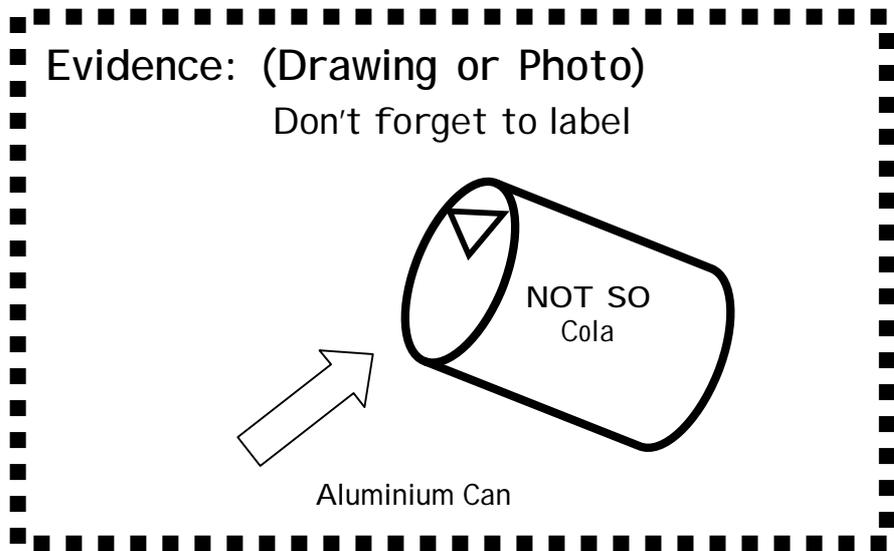
**WEDGING  
LITTERBUG**  
Pieces of litter are stuffed in between seats, tabletops and other places.

**CLEAN  
SWEEPING  
LITTERBUG**  
On arriving at a table where others have littered,

**INCHING  
LITTERBUG**  
Litter is left and the person slowly moves away from it.

Now choose one of the litterbugs and, on the other side of this sheet, draw a picture or cartoon on how they litter.

Example Worksheet: **Crime Scene Investigation**





Notes:

Witness Interview:

Perpetrator:

Penalty Upon Prosecution:

# Activity 6: Remote Recycling

## Lesson Aims

The ultimate aim is to reduce and redirect the amount of landfill by recycling rubbish in a school or community.

Students will learn about what items are recyclable and be encouraged to collect recyclables and create a system for recycling in their school and/or community.

This is a very challenging enterprise. The outcomes sought require societal behavioural change and community involvement. Students investigate the ways people interact with their environments in order to make informed decisions and implement relevant social action.

## Learning Outcomes

<i>Learning Area</i>	<i>Outcome</i>	<i>Aspect</i>
Society and Environment	Investigation, Communication and Participation	Planning Conducting Processing and Translating
	Place and Space Resources	Care of Places Use of Resources Management and Enterprise
	Time Continuity and Change	Understanding the Past Continuity and Change Interpretations and Perspective
	Natural and Social Systems	Natural Systems Political and Legal Systems Economic Systems Ecological Sustainability
English	Active Citizenship	
	Speaking and Listening	Use of Texts Contextual Understandings
	Reading	Use of Texts Contextual Understanding
	Writing	Use of Texts Contextual

		Understandings Conventions Processes and Strategies
Mathematics	Working Mathematically	Mathematical Strategies Apply and Verify Reason Mathematically
	Measurement	Indirect Measure Estimate
	Chance and Data	Collect and Process Data Interpret Data
Technology and Enterprise	Technology Process	Investigating Devising Production Evaluating
	Materials	The Nature of Materials The Selection and Use of Materials
	Information	The Creation of Information
	Systems	The Nature of Systems The Use of Systems The Development of Systems
The Arts	Art Ideas	
	Art Skills and Processes	

## Background Information

- Remote landfill sites in the Kimberley are a big problem with all sorts of waste being mixed together in the same hole. Around 80% of waste in remote landfill sites is recyclable. Broome is the only town in the Kimberley which has a curbside recycling service. Recycling is not always economical but consider that these are recoverable resources and the negative alternative is the pollution of the soil and ground water.
- Waste oil and car batteries are difficult items to dispose of in remote areas and are causing problems in some communities.
- Other info can be found at: Waste Wise Schools  
<http://www.wastewise.wa.gov.au/schools/index.asp>

## Classroom Activities

## 1, Background discussion

- q Answer the question why is recycling a good thing? What types of materials are recyclable? Have students give their views on how it will help the environment. How do we make others (community members) aware of the benefits?

## 2. Do the Math!

- q Wearing gloves analyse the contents of a school bin. Work out the percentage or fraction of rubbish that is recyclable. Info on recycling in your area can be found at <http://recyclingnearyou.com.au>
- q Multiply this information by number bins in the school and number of days in the school year. (Adjust this number if your bins are not emptied every day.) Multiply by the number of schools in the Kimberley. If you wanted the bigger picture, have students go through this exercise at home too. This will give students the scope of the problem of sending everything to landfill. See the following Worksheet: "DO THE MATH!"

## 3. Start a Recycling Program

- q An easy start is to create and maintain a clean paper-recycling depot in the classroom or school to create opportunities to recycle paper that has been used only on one side and to use for other writing or art projects such as paper making or collage. Some paper can be used 3-4 times (create a challenge?). How do we teach people what they need to know to recycle paper? (Learn more about paper-recycling in Activity 9 "THE PAPER CHASE.")

## 4. Inventions

- q Draw or design a mobile recycling machine which can turn recyclable rubbish into anything you like. Draw a picture of the machine or build it out of materials in the classroom.

## Extension (IN REMOTE COMMUNITIES)

## Town Meeting:

This could be a mock town meeting or students might want to take their ideas and put forth a real proposal to their community. (In a mock meeting there would be students representing Community Leaders, Scientific Experts, Environmentalists, and Community Members etc. The teacher would act as the mediator.)

The aim is to create a community recycle program which transports recyclables to nearest recycling centre/town (e.g. Broome in the Kimberley).

1. Students will brainstorm economics, timeline, handling, which recyclables, and transportation and map out the complete system using brainstorming, discussion and problem-solving skills.
2. Students will need to research what items are acceptable for recycling. (It maybe only viable to transport crushed aluminium cans at first.)
3. They would need to think about how they would go about separating recyclables such as paper; aluminium, glass and PET plastics into containers (perhaps decorated SULO bins?) will be done in their community.
4. They would need to educate their families and the community. Create a system in their own home to separate recyclables. Host an information night for their community at their school to kick off the program. Create a recyclables bin flyer to educate the community about the program.
5. Start the program.
6. Monitor the program.

## Worksheet: DO THE MATH!

Number of recyclables in the average school rubbish bin =	Multiply by the number of bins in the school =	<b>REMEMBER THIS JUST REPRESENTS AN ESTIMATE. THERE ARE BUSINESSES, TOURISTS AND OTHER SOURCES OF RUBBISH!</b>
Multiply by the number of days in the <u>school</u> year =	Multiply by the number of schools in the Kimberley =	
		Amount of recyclable items from schools going to landfill in a year =  <b>!</b>

Now try doing this at home and multiply the days of the year and then multiply by number of homes in your community and even the number of homes across the Kimberley!

## Activity 7: WIGGLES & SQUIGGLES!

QuickTime™ and a TIFF (LZW) decompressor are needed to see this picture.

### Lesson Aim

Students will create a worm composting program by creating a worm box to dispose of their leftover food scraps in the classroom and at home.

### Learning Outcomes

<i>Learning Area</i>	<i>Outcome</i>	<i>Aspect</i>
Society and Environment	Investigation, Communication and Participation	Planning Conducting Processing and Translating
	Resources	Use of Resources Management and Enterprise
	Active Citizenship	Ecological Sustainability
Science	Investigating	Planning Conducting Processing Data Evaluating
	Energy and Change	Energy and Change
	Life and Living	Life and Living
	Natural and Processed Materials	Natural and Processed Materials

Technology and Enterprise	Technology Process	Investigating
		Devising
		Production
		Evaluating
	Systems	The Nature of Systems

## Background Information:

Setting up a worm farm is a great way to reduce the amount of food scraps going to landfill. More than 50% of all household waste is made up of food scraps and garden refuse. Worms convert leftover food into high-quality plant food that can be put onto your household plants and garden. It's home recycling at its best and good for fishing enthusiasts who essentially grow their own bait.

Some fascinating worm facts:

- Worms can eat up to their total body weight everyday.
- Compost worms are hermaphrodites- each worm is both male and female at the same time. Mature worms can fertilise themselves or be fertilised by another worm.
- Under ideal conditions, two mature worms can multiply to 1500 in a year - This means they can double their population every few months.
- Worms can live up to 2-3 years.
- Worms have been on this planet for around 600 years.
- There are approximately 300 identified worm species in Australia.
- The red worm or composting worm is the type you will need for vermicomposting. They are available at most garden centres.
- The largest earthworm in the world lives in Australia. It is the Giant Gippsland Worm and can grow up to 3 metres long!
- Check out <http://www.yucky.com/worm/> for more information on worms.

Some exciting information on vermicomposting:

- Worms love to eat coffee grounds, vegetables and fruit scraps.
- Since worm composting is an aerobic process (one that takes place with and a lot of air) and if you keep your worms properly fed they should not produce unpleasant smells.
- Composting household organic waste material has no negative environmental impacts such as fuel consumption, emissions production or energy use.

## Classroom Activities

### 1. Background Discussion

Discuss fascinating facts about worms and why they can reduce our landfill.

## **2. Make a Worm Box**

Set up a vermi-composting box in your classroom. These can be purchased at most good gardening centres. A worm box can be made by following the directions on the Direction Sheet "HOW TO MAKE A WORM BOX". However, the "Red Worm" or the "Composting Worm" are the best composting worms and need to be purchased or maybe borrowed from someone in the community.

Use the worm box to compost leftover lunch and recess snacks. Experiment by putting other 'rubbish into their box to observe their interest. (eg. Small bits of plastic, paper, glass... but make sure they are not toxic to the worms first) Use the worm "castings" as fertiliser for classroom and garden plants.

## **3. Experiment**

Worms are fascinating creatures. Worm structure, behaviour, movement, eating preferences, reproduction etc. can make for a fun and ongoing study. Use the following Worksheet: "CREATE YOUR OWN EXPERIMENT..." as a guide.

## **Extension/ Home Activities**

Students are encouraged to set up and maintain their own worm farm at home to reduce kitchen waste ending up in landfill.

# Directions: **HOW TO MAKE A WORM FARM!**

## Materials;

- 2 polystyrene foam boxes with lids the same size (broccoli boxes from the grocery store are best)
  - A strip of insect screen to fit into the bottom of the boxes
  - Shredded newspaper
  - A bucket of garden soil, or potting mix
  - Water
  - Food scraps
  - 1000 composting worms
- \* NB: These aren't the same as ordinary earthworms. You will need to buy worms with nicknames like "Tigers", "Reds" and "Blues". They're available from most garden centres.

## What you need to do

1. Take one of your boxes, and make some holes with a pen or screwdriver in the lid and in the bottom of the box (about 15 -20 evenly spaced holes). This allows oxygen in and also allows extra water and worm urine to drain out.
2. Cut and spread the insect screen to fit in the bottom, over the holes. This lets the liquid through but stops the worms falling out.
3. Shred and dampen your newspaper with water and then add it to the box. All the newspaper should be soaked through but there should not be extra water collecting in the bottom of the bin. Put some garden soil or potting mix in for grit. This will help your worms digest all the scraps you add to your bin.
4. It's now time to add some worms to the container! How much you put in depends on the amount of food scraps you plan to compost. 1000 worms are enough to start. Your worms will reproduce and multiply if you keep them happy.

Place the container (or box) with the worms over the second box, allowing the water and worm wee to drain down into the second box.

4. Next, add some food scraps to the bin. See the chart below for what is good to compost. Make sure you don't overfeed your worms. Start by putting a small amount in one corner underneath some newspaper. See how long it takes your worms to break it down. This should give you an idea of how much your worms can handle at one time. Place your food scraps in a different spot each time.

5. Keep an eye on your worms. Make sure that the shredded newspaper does not dry out. Lay a sheet of damp newspaper on top of the food scraps and keep a cover on your box. Worms like it better if it's damp and dark. Be careful not to over feed your worms. Over the weeks, the worm urine will collect in the bottom box. You can mix this with water and sprinkle it on your garden. Over the months, a layer of worm castings will build up in the bottom of the top box. If you set up a new box on top, and transfer the worms across into it, you can clean out the worm castings and spread it over your garden. The plants will love it!

**What composting worms like to eat.**

- Plate scrapings (cooked vegetables and stewed fruit leftovers)
- Fruit peelings
- Vegetable scraps and peelings
- Hair clippings and vacuum cleaner dust
- Stale biscuits and cakes
- Bread, rice and pasta
- Coffee grounds and tea bags
- Crushed eggshells
- Soaked cardboard

**Do not give them:**

- Cheese, meat or bones (as this will smell and attract rodents.)
- Onion peels or too much citrus

# Create your own experiment or do research to investigate the answer to some wormy science questions!

Does a worm have teeth?

Do worms have eyes?

How do worms hear?

How do we know if a worm is male or female?

Do worms like the light or do they like the dark?

How do worms move? Do they have legs?

## *Don't forget to:*

1. State the question you are trying to answer.
2. Plan your experiment.
3. Conduct your experiment and collect data.
4. Process data by comparing your results.
5. Evaluate. (Were you able to find out the answer to your question? OR Do you need to start over?)

# Activity 8: NO BUTTS ABOUT IT!

## Lesson Aims

Students will create alternative methods to reduce the disposal of cigarette butts on the ground.

## Lesson Outcomes

<i>Learning Area</i>	<i>Outcome</i>	<i>Aspect</i>
Society and Environment	Investigation, Communication and Participation  Natural and Social Systems	Planning Conducting Processing and Translating Natural Systems
English	Reading	Use of Texts Contextual Understandings
Technology and Enterprise	Technology Process	Investigating Devising Production Evaluating
	Materials	The Nature of Materials The Selection and Use of Materials
	Information	The Creation of Information
	Systems	The Nature of Systems
The Arts	Art Ideas	
	Art Skills and Processes	

## **Background Information:**

Although small, cigarette butts are a big problem. For example, over 54% of all litter surveyed on Port Phillip Bay Beaches, Victoria during the summer of 2001 - 2002 was found to be cigarette butts. An estimated 32 billion cigarette butts are discarded in Australia and 4.5 trillion worldwide every year.

In the water, the toxic chemicals the cigarette filters were designed to trap can leak out into aquatic ecosystems threatening the quality of the water and many aquatic life forms. The risk to wildlife is significant and it is not uncommon to find cigarette butts in the stomachs of fish, birds, whales and other marine creatures that have mistaken them for food.

Cigarette butts take years to decompose as the filters are made of cellulose acetate, a type of plastic.

Source: Keep Australia Beautiful and others.

## **Other Cigarette Butt Facts:**

- Almost 50% of all litter in urban areas is tobacco related products including butts, cellophane wrapping, foil inserts and packaging.
- Cigarette butts on average take 1.5 years to break down. (Twice as long in the ocean than in freshwater)
- Cigarettes accounted for 17% of the total rubbish items collected on 2004 Clean Up Australia Day.
- Cigarette butts and smokers' materials cause over 4,500 fires a year.

## **What chemicals are in a cigarette?**

There are about 600 additives and flavourings in a cigarette. About 4000 chemicals are released when it is smoked. Nicotine is added which acts as a stimulant that increases the heart rate and blood pressure. Acetone is added which is the same ingredient as in nail polish remover. Ammonia is added which is the same ingredient as in floor cleaner. Benzene is added which is used as a solvent in fuel and dies (and known to cause cancer). Cadmium is added and is the same ingredient used to make batteries. This is only to name a few. These chemicals will pollute water and soil when annually 4.35 billion butts go into the water (leaching toxins only 1 hour after hitting the water) and 2.9 billion are tossed on the ground. They pose a serious threat to wildlife.

## Classroom activities

### 1. Background Information

Briefly discuss the some of the above facts about the effects of cigarette butts on the environment to catch your students' interest. Discuss some of the chemicals found in a cigarette butt. Ask: "where do these chemicals go when a cigarette butt is littered?"

### 2. Read All About It!

Students will read the following "Cigarette Butts Fact Sheet" and answer the true and false questions on the Worksheet: "THE TRUTH ABOUT BUTTS".

### 3. Survey the Scene

Do a survey to determine where most butts are dropped. Look at places like bus stops, beaches, and footpaths and around buildings.

### 4. Campaign Trail

Have a "no butts" campaign in your area with elements such as:

- Designing posters with solutions like where to get a personal ashtray.
- Create butt bins (made from old large tin cans and decorated with a slogan) and place in problem areas.
- Designing a personal ashtray (a small, airtight container that would fit in someone pocket for the purpose of cigarette disposal when they are away from a proper disposal bin) to sell at a school fair or community festival. (These used to be made out of old plastic film containers which are difficult to get these days - time to find a new substitute!)

# Cigarette Butts Fact Sheet

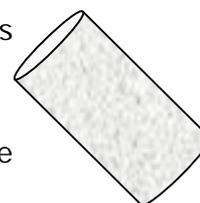
## Cigarette butts and the environment

Since the first Clean Up Australia Day in 1990, cigarette butts have consistently been one of the most common items found by Clean Up volunteers. *Cigarettes accounted for 17% of the total rubbish items collected on 2007 Clean Up Australia Day. Almost 50% of all litter in urban areas is tobacco related products including butts, cellophane wrapping, foil inserts and packaging.*<sup>4</sup>



While most people are aware of the health risks involved in smoking, few seem to realise that cigarettes are also bad for the environment.

Cigarette butts may seem small, but with an estimated 4.5 trillion butts (worldwide) littered every year, the toxic chemicals add up.<sup>1</sup>



Butts contain hazardous chemicals such as cadmium, arsenic and lead that are partially filtered out during the smoking process. When butts are discarded, wind and rain carry them into the water supply. The toxic chemicals they contain are then leached into aquatic ecosystems, threatening the quality of the water and marine life.

## What are butts made of?

Cigarette filters or butts are made from fibrous material designed to trap tar and other toxic chemicals before they reach the smoker's lungs. The filters are made from cellulose acetate (a material similar to rayon) and are coated with paper.

Each butt contains the remnants of tobacco, paper and a filter. The residue in the butts contains toxic, soluble chemicals. These chemicals are deadly and add to the existing cocktail of environmental pollution.

## Environmental impacts of discarded butts:

Cigarette butts have become one of our most important litter issues. The problem has increased in recent years with government legislation for smoking restrictions in public buildings and restaurants forcing smokers outside, where butts are often littered.

Not only do littered butts seriously reduce the aesthetic quality of any environment, but they can cause a great deal of harm. Areas with a high number of littered cigarette butts look dirty and uncared for, which attracts more littering of other rubbish items.

If a butt is simply dropped, it can smoulder for up to 3 hours. Cigarette smoke contains up to 4,000 chemicals so each second the butt is left alight, dangerous

toxins are released into the environment. Flicked butts can cause fires. When thrown from a motor vehicle into dried grass butts can start a grassfire or even a bush fire. The Australian Fire Authorities Council estimates that cigarettes or smoking materials cause more than 12 fires a day, which adds up to over 4,500 fires a year, are caused by cigarettes and smokers' materials.

## Cigarette Butts and Stormwater

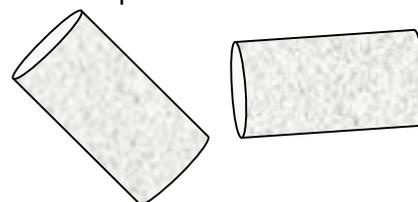
When it rains, cigarette butts lying in our streets and gutters are carried via stormwater directly into our harbours, beaches and rivers. The chemicals contained in these butts and the butts themselves impact on our water quality and can be deadly to marine life.

### The impact of cigarette butts on marine life:

Many people don't realise that when it rains, water flowing through our streets, down our drains and through our stormwater pipes ends up in our harbours, beaches and rivers. Stormwater is not treated so all litter and cigarette butts carried by stormwater are dumped directly into these waterways. In fact, 95% of the litter on beaches comes from suburban streets through the stormwater system. This litter reduces water quality and potentially harms our precious marine life.<sup>4</sup>

Cigarette butts can take up to 1 month to break down in freshwater and up to 5 years to break down in seawater. Birds and aquatic animals can mistake the butts as food, resulting in serious digestive problems that may lead to death. Butts have been found in the stomachs of young birds, sea turtles and other marine creatures.<sup>4</sup>

Another serious concern is that toxic chemicals such as lead and cadmium, which are trapped in the cigarette filter, can leach out in water. Within just one hour of contact with water, the chemicals begin to leach into the aquatic environment and threaten the wellbeing of marine life.



### Fines for cigarette litter:

- \*Cigarette packet: \$60
  - \*Unlit or extinguished cigarettes: \$60
  - \*Lit cigarettes in dangerous circumstances e.g. in dry bush: \$375 for individuals or \$750 for corporations
  - \*Any cigarette item deposited from a motor vehicle: \$200 for individuals or \$400 for corporations
  - \*Lit cigarette not covered by points above: \$200
  - \*In some parts of Australia, if caught littering cigarette butts you can receive a fine of up to \$2,000 if the matter goes to court.<sup>4</sup>
- (Source: NSW EPA 2001)

## References

- 1 Cigarette Litter Org [www.cigarettelitter.org](http://www.cigarettelitter.org)
- 2 No Butts About it Litter Campaign [hometown.aol.com/teamstein/myhomepage/index.html](http://hometown.aol.com/teamstein/myhomepage/index.html)
- 3 NSW Department of Environment and Conservation  
[www.dec.nsw.gov.au](http://www.dec.nsw.gov.au)
- 4 EcoRecycle [www.ecorecycle.vic.gov.au](http://www.ecorecycle.vic.gov.au)
- 5 Keep Australia Beautiful - Victoria [www.kabv.org.au](http://www.kabv.org.au)
- 6 Clean Up Australia 2005 Rubbish Report [www.cleanup.com.au](http://www.cleanup.com.au)

# Worksheet: THE TRUTH ABOUT BUTTS?

After reading "CLEAN UP AUSTRALIA CIGARETTE BUTT FACT SHEET", see if you can answer the following true or false statements:

*Put a tick under the "T" for True or under "F" for false*      T      F

1. We shouldn't worry about a couple of cigarettes thrown on the ground.
2. Cigarette filters will decompose easily.
3. The chemicals from cigarette butts are not that harmful to the environment.
4. Cigarette butts thrown on the ground can attract more littering.
5. Flicked cigarette butts from car windows will blow out before they hit the ground.
6. The number of fires per year started by cigarette butts is high.
7. Most urban areas have 50% of their litter composed of cigarette butts.
8. Stormwater drains carry rubbish from the streets directly into rivers, harbours and oceans.
9. Birds, sea turtles and other marine creatures get sick and can die from eating cigarette butts.
10. People cannot be fined for throwing

cigarette butts on the ground.

## Activity 9: PAPER CHASE

### Lesson Aims

Students will participate in their own paper-recycling program by storing, separating and re-using paper in their classroom. They will make their own paper from paper they have saved.

### Learning Outcomes

<i>Learning Area</i>	<i>Outcome</i>	<i>Aspect</i>
Society and Environment	Investigation, Communication and Participation  Resources  Active Citizenship	Planning Conducting Processing and Translating Use of Resources Management and Enterprise Ecological Sustainability
Science	Natural and Processed Materials	
The Arts	Art Ideas <hr/> Art Skills and Processes	

### Background Information:

Modern paper production involves both mechanical and chemical pulping to convert raw materials into paper products. Both processes consume large amounts of energy and use valuable natural resources including trees and water. For example, statistics show that in 2001-2002 making new paper in Australia used 13.5Gj of energy, 3,456,000 tonnes of wood, 300 cubic metres of fresh water and produced 1.51 tonnes of greenhouse gases. In the following year, approximately 290,000 tonnes of paper was disposed of to landfill. At home, paper makes up about 25% of the waste stream, and most of it can be recycled.

Paper can be recycled approximately 7 times before the fibres are too small to hold together.

Here are some ideas to divert paper from going to landfill sites.

**Refuse:**

- Refuse paper bags because you have brought your own reusable bag.

**Reduce:**

- Avoid using paper plates and cups. (Use re-useable products instead)
- Avoid buying goods with excess packaging. (Try buying in bulk instead)
- Put a NO JUNK MAIL sign on your letterbox.
- Write smaller. Always use both sides of the paper
- Minimise printing and use double sided copying where possible.

**Reuse:**

- Use both sides and as much of each sheet as possible.
- Reuse gift-wrapping paper, paper bags, envelopes, paper boxes, files, posters etc.
- Use shredded paper for packing material.

**Recycle:**

- Support local Shire/City recycling programs by putting the appropriate paper materials in the kerbside recycle bin.
- Support companies that promote recycling programs by buying recycled paper products such as toilet paper, printing paper, cardboard etc. instead of products produced from raw materials.
- Set up a container for recycling paper at home, school and office especially next to photocopiers, printers and fax machines.

For complete information see Paper and Cardboard Clean Up Australia Fact Sheets at [www.cleanup.com.au](http://www.cleanup.com.au)

## **Classroom Activities**

### **1. Background Discussion**

Discuss the above paper information with the students. Next, brainstorm all the things they can think of that are made out of paper. Don't limit yourself to household products. Consider supermarkets, department stores and factories.

## **2. Categorising Paper Use**

Have students use the worksheet titled "It's a Paper Chase" to categorise the list from the class brainstorm. Compare lists and reasons for each category.

## **3. Classroom Paper Recycling**

Set up a reusable paper tray in your classroom. Give an award for the student who is the best paper re-user of the week. Set up a paper-recycling program in your school if there isn't one yet available.

## **4. Making Recycled Paper**

Have students make their own recycled paper from that which is collected in the school. See the following directions on how to create recycled paper.

# Worksheet: IT'S A PAPER CHASE

Try to categorise each one of the list below. Some examples have been given to get you started.

Single-use	Multi-use	Re-usable	Recyclable
	Books	Manilla folders	Envelopes
Tissues		Cloth handkerchief	

Which column should we try to avoid the most? Why?

---

---

Which column is best for the environment? Why?

---

---

# Worksheet: PAPER RECYCLING

In the diagram below:

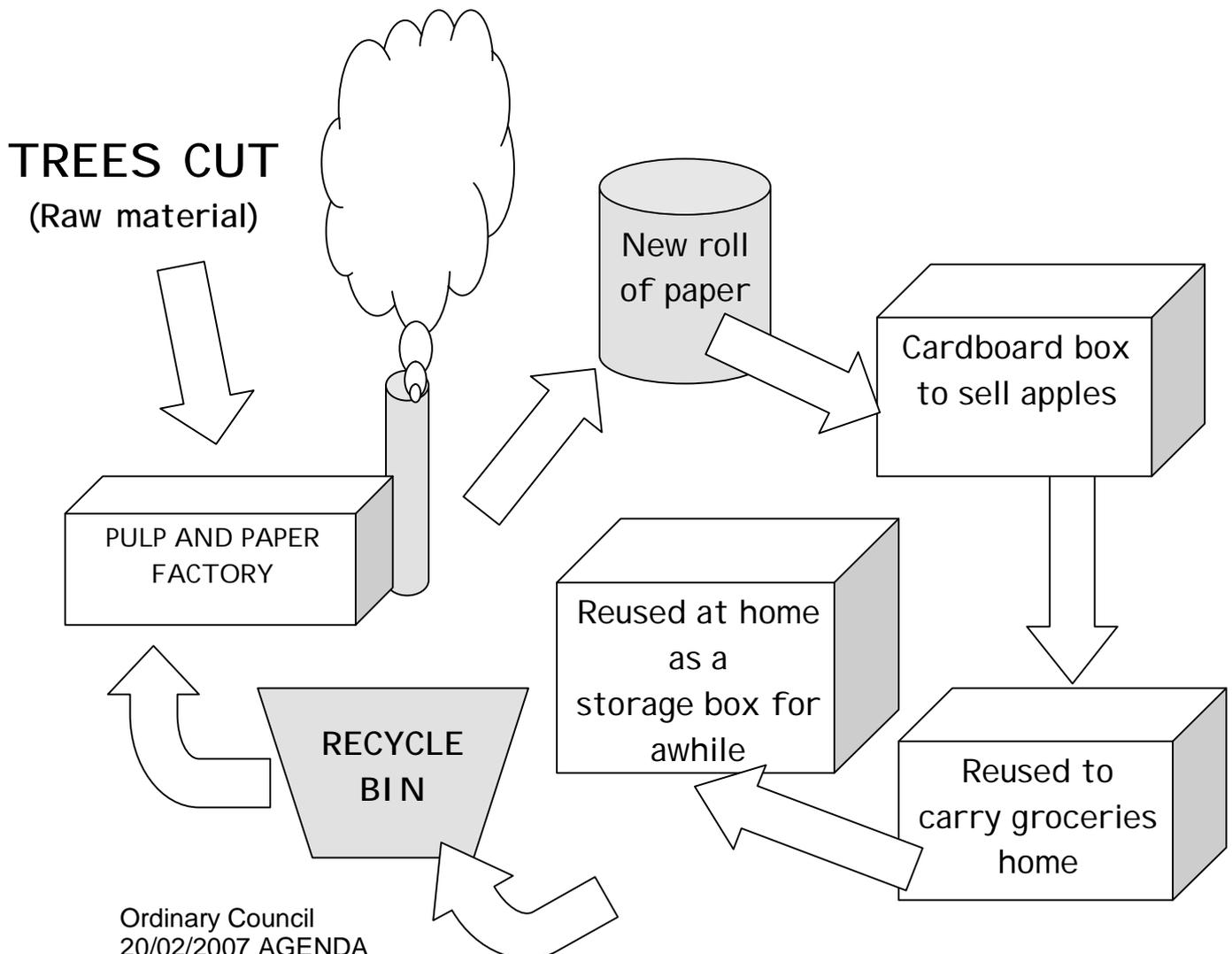
What is the raw material they use to make paper?

How many times is the raw material used if we recycle?

What is the product made from the roll of paper?

How many uses did the product have? List them.

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_



# Directions:      **HOW TO MAKE RECYCLED PAPER**

## A little History:

The ancient Egyptians first invented writing paper. The word "paper" comes from the word "papyrus". Papyrus scrolls were made by taking slices of the inner part of the papyrus stem, flattening then pounded into a hard and thin sheet. A Chinese man, named Ts'ai Lun (in the year A.D. 104), invented the method of making paper that we still use today. It is believed that he mixed hemp, mulberry bark, and rags with water, mashed it into a pulp, pressed out the liquid and hung it to dry in the sun. Paper was born and this humble mixture would set off one of mankind's greatest communication revolutions.

Below you will find a simple paper-recycling recipe. If this is the first time you are making paper, don't be afraid to experiment with different fibers, you don't have to stick with paper related products. Add flower petals to the pulp mixture after it has been through the blender. You can add scraps of yarn, tin foil, even seeds or make smelly paper from spices like cinnamon. It's a great way to have fun express your creativity and help the environment.

Many types of used paper that can be recycled. These include:

- Computer Paper
- Newspaper (Creates a grayish colored paper)
- Magazines
- Egg Cartons
- Old Cards (For heavier paper) Paper Bags
- Non Waxed Boxes (Pre-soak in warm water)
- Office Paper
- Tissue Paper (For finer paper)
- Typing Paper
- Napkins
- Construction Paper

Supplies needed:

- Sponge
- Window Screening cut to the size of the outside edge of your frame
- Wood Frame (an old picture frame can be used ) or cut a frame from the lid of a plastic ice cream tub
- Plastic Basin/Tub (Large enough to totally immerse frame)
- Blender/Food Processor (For making paper pulp)
- White Cotton, Felt or Flannel Fabric (old bed sheets work well)

- Staples or Tacks (For tacking screen on frame)
- Liquid starch (*optional*)

#### Instructions:

1. Select the pieces of paper to be recycled. You can even mix different types to create your own unique paper.

2. (Small children will need supervision to use the blender) Rip the paper into small pieces, and place into the blender. So that it is only about half full. Fill the blender with warm water. Run the blender slowly at first then increase the speed until the pulp looks smooth and well-blended. (30 -40 seconds) It is important to go easy on your blender as it can burn out easily. Check that no flakes of paper remain. If there are, blend longer.

3. The next step is to make a mold. It is made simply by stretching screen (plain old door and window screen) over a wooden frame and stapling or tacking it. It should be as tight as possible. (Cutting a frame from a plastic ice cream lid and stretching pantyhose over it can also make a mold.)

4. Fill the large basin about half way with water. Add a blender load of pulp. (The more pulp you add the thicker the finished paper will be which will take longer to dry and may not be as attractive) Stir the mixture.

5. Now is the time to add the liquid starch for sizing. (This is not necessary but if the paper is going to be used for writing on, you should add some, the starch helps to prevent inks from soaking into the paper fibers.) Stir 2 teaspoons of liquid starch into the pulp.

6. Place the mold into the pulp and then level it out while it is submerged. Gently wiggle it side-to-side until the pulp on top of the screen looks even and not too thick.

7. Slowly lift the frame up until it is above the level of the water. Wait until most of the water has drained from the new paper sheet. If the paper is very thick, remove some pulp from the tub. If it is too thin, add more pulp and stir the mixture again.

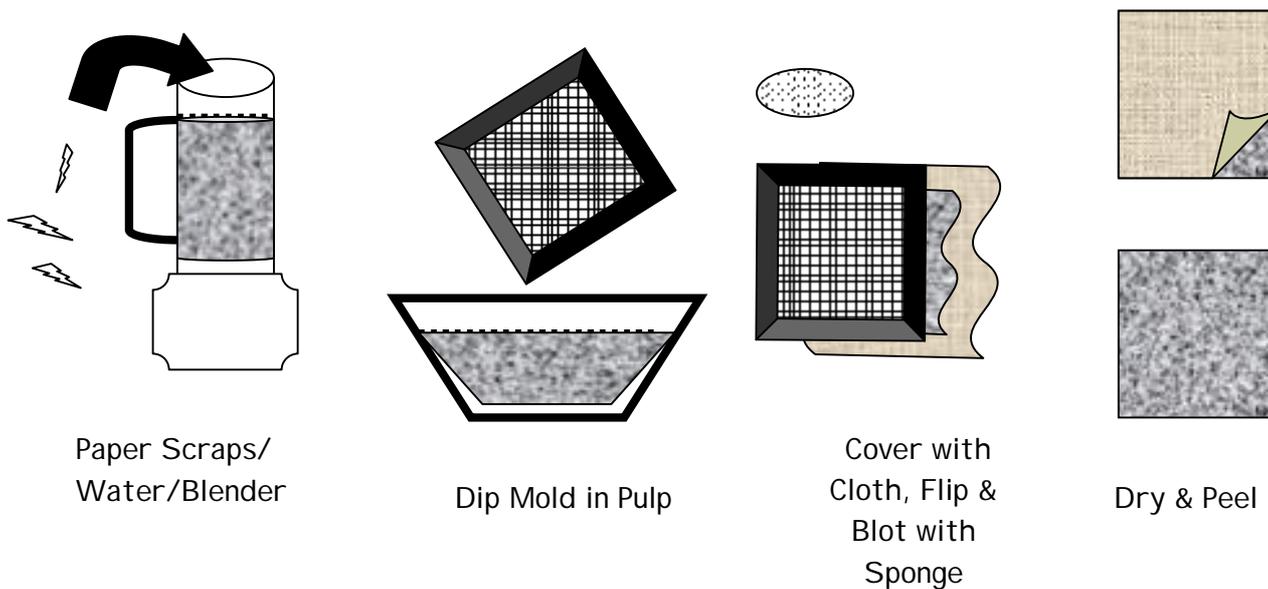
8. When the mold stops dripping, cover with a fabric square. Flip the mold over on to a flat surface, cloth side down. Use a sponge to press out as much water as possible. Wring the excess water from the sponge back into the large plastic tub. Do this several times. (Blot or dab. Do not rub.)

8. Now lift off the mold while holding the fabric down. If it sticks to the mold, you may have pulled too fast or not pressed out enough water. It takes a little

practice. You can gently press out any bubbles and loose edges at this point.

9. Repeat the steps above, and stack the fabric squares on a cookie sheet. Save one fabric square to place on the top of the stack to cover the last piece of paper. Use another cookie sheet to press the remaining water out of the stack. (Do this outside or in the bathtub, it can make a mess)

10. After you press the stack, gently separate the sheets. Hanging them on a clothesline or laying them out on sheets of newspaper can dry the fabric sheets and paper. When they have dried peel them off the fabric.



## Activity 10: A RIVER OF RUBBISH - AN OCEAN IN TROUBLE

### Lesson Aims

To reduce the amount of rubbish in rivers and oceans that can harm and kill wildlife. Students will understand that rubbish is extremely dangerous to both land and sea wildlife and can travel long distances from its source.

## Learning Outcomes

<i>Learning Area</i>	<i>Outcome</i>	<i>Aspect</i>
Society and Environment	Investigation, Communication and Participation  Place and Space  Natural and Social Systems  Active Citizenship	Planning Conducting Processing and Translating Care of Places Natural Systems Ecological Sustainability
English	Reading	Use of Texts Contextual Understandings
	Writing	Use of Texts Contextual Understandings Conventions Processes and Strategies
Mathematics	Working Mathematically	Mathematical Strategies Apply and Verify Reason Mathematically
	Measurement	Understand units and Direct Measure Indirect Measure Estimate
Science	Investigating	Planning Conducting Processing Data Evaluating
	Life and Living	Life and Living

## Background Information

Marine debris is a global problem. Floating litter can float significant distances both down rivers and in the oceans. These have regional and often global consequences.

Plastic bags, bottles, ropes, nets and fishing line trap, choke, starve and drown many thousands of marine animals and sea birds around the world each year. Worldwide people have reported entanglement for over 143 different marine species, including almost all of the world's sea turtles.

60 to 80% of marine debris comes directly from land sources. This includes debris from run-off, storm water drains, air-born debris and irresponsible disposal of rubbish by beach goers and campers. As well, there is a significant amount of debris which comes from ocean-based activities such as fishing lines and nets and recreational and tourist vessel rubbish.

Source: [www.cleanupaustralia.com](http://www.cleanupaustralia.com), Fact Sheet

Great info on plastic pollution around the world can be found at [www.crypticmoth.com](http://www.crypticmoth.com)

### Rubbish kills!

Plastics which generally make up about 60 percent of rubbish are the worst offenders. An estimated 100 000 marine mammals and turtles are killed by plastic litter every year around the world.

With seven billion tonnes of debris entering the world's oceans annually, most of it long-lasting plastic, there's a lot of potential for harm to our birds and marine mammals. Turtles, fish, birds, dolphins, seals and other marine mammals have all fallen victim to plastic.

Fishing line, netting, rope, bait box packaging bands and so on trap and strangle animals. Large marine animals such as seals and dolphins can starve to death when muzzled by plastic litter.

Plastic is also eaten. A dead pygmy sperm whale found on a New South Wales beach had a plug of plastic bags in its gut. Presumably these items were mistaken for squid, the sperm whale's main food. A sperm whale found dead on a North American beach was discovered to have starved to death because a plastic gallon bottle which it had swallowed had plugged its small intestine. The animal was full of plastic material ranging from other plastic bottles to 12m of nylon rope.

Plastic bags on the ocean floor take 10-20 years to decompose. Plastic bottles take much longer. Because of this, one piece can kill more than one animal. An animal killed by swallowing plastic will decompose long before the plastic does, leaving the plastic free to kill again.

The disposal of plastics into the sea is prohibited under the International Convention for the Prevention of Pollution from Ships (known as MARPOL). The disposal of all other types of garbage (including metals, glass and food) is prohibited within 12 nautical miles of nearest land including most of the Great Barrier Reef. The law provides for fines of up to \$1 million for companies and \$200,000 for individuals illegally discharging garbage at sea.

Source: Environmental Protection Agency/ Queensland Parks and Wildlife Agency ([www.epa.qld.gov.au](http://www.epa.qld.gov.au))

## Classroom activities

### 1. Brainstorming the Problem

Use a whiteboard to record items of river and ocean rubbish that the students can brainstorm. (Plastics bags and bottles, fishing nets, fishing line, cigarette butts, motor oil and other chemicals, glass, balloons etc.) Ask students how they think the rubbish arrived in the ocean? (Discuss illegal dumping, littering, and accidents, runoff from sewage and storm water drains and natural watercourses and wind.)

### 2. Study the effects of rubbish on marine creatures.

Students will create their own fact sheets from researching their own marine animal and the impacts of rubbish. See worksheet: " ONLY THE FACTS" as an outline.

Some good websites:

[www.nt.gov.au](http://www.nt.gov.au), fact sheet on marine debris

[www.deh.gov.au/coasts/publications](http://www.deh.gov.au/coasts/publications)

[www.saveourseas.org/whatCanYouDo](http://www.saveourseas.org/whatCanYouDo)

[www.epa.qld.gov.au](http://www.epa.qld.gov.au)

### 3. Beach Clean Up Day

Have an ocean (beach), creek or river based cleanup day. Use the same set up as in Activity 1. Clean Up the Kimberley Schools Day.

\*\*\* However, make sure you increase the supervision of students around water.

### 4. An Info-mural

Create a mural/collage with information the students found on marine animals and rubbish items that you find on the beach.

## Extension – Remote Communities

Using a map of the Kimberley showing creeks and rivers, trace the movement of water in the wet season from your community to the sea.

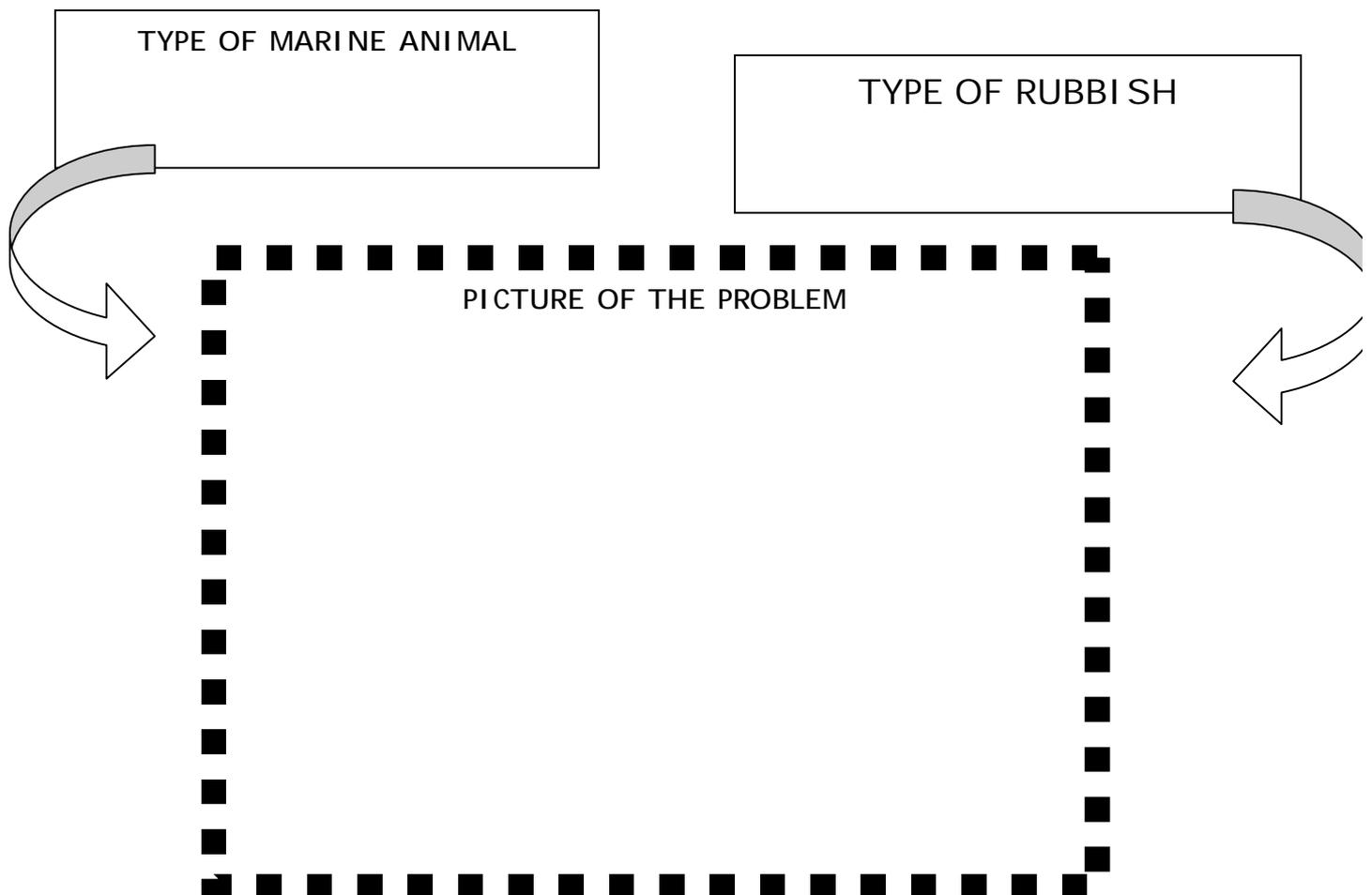
List the names of the creeks and rivers which carry rubbish away in the wet season. Use their traditional names if appropriate.

If you have dividers, measure how many kilometres to the sea and take note of other communities or towns nearby or along the way or in the same catchment area.

Find out the populations of these communities. Do some multiplication to figure out the answer to the following question:

If every person threw just one little piece of rubbish in the river, what is the amount of rubbish that will end up in the ocean?

Worksheet: **ONLY THE FACTS!**



DESCRIPTION OF THE PROBLEM
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## Activity 11: DON'T THROW THAT CAN AWAY!

### Lesson Aims

Students will learn about the ability of metal to be recycled indefinitely. They will explore the world of recyclable materials surrounding them in their daily lives.

### Lesson Outcomes

<i>Learning Area</i>	<i>Outcome</i>	<i>Aspect</i>
Society and Environment	Resources  Natural and Social Systems	Use of Resources Management and Enterprise  Natural Systems Economic Systems
English	Speaking and Listening	Contextual Understandings
Mathematics	Working Mathematically	Mathematical Strategies

		Apply and Verify
Chance and Data		Interpret Data
Science	Investigating	Planning Conducting Processing Data Evaluating
	Energy and Change	Energy and Change
	Natural and Processed Materials	
The Arts	Art Ideas	
	Art Skills and Processes	

## Background Information

Over 1 million tons of steel is recycled every day worldwide. It is one of the world's most recycled products. Australia recycles about 70% of available steel scrap - that's about 1.9 million tonnes of ferrous scrap.

BlueScope Steel, the maker of COLORBOND steel is in partnership with Clean-up the Kimberley and is "committed to recycling as much steel as possible." (<http://www.bluescopesteel.com.au>) Most buildings in the Kimberley are constructed with steel beams and clad with COLORBOND to make them more cyclone resistant. Steel scrap, including everything from old cars to fridges and steel cans, is now a major component in the production of new steel. Making steel from recycled material uses only a ¼ of the energy needed to make steel from raw materials.

Metal has an unlimited lifespan and can be indefinitely recycled. It can actually be considered as a renewable resource. Throughout Australia, each person on average disposes of about seven kilograms of small steel products and cans each year. There are almost 100 facilities around Australia where materials, including cans, are processed for recovery and recycling.

Tin plated steel cans are easily separated from other recycling items by using a large magnet. The cans are then dropped into a hopper, compressed and pushed into bales. Each bale weighs 1 tonne and contains about 14,000 cans. BlueScope Steel then buys these bales to be processed into new steel.

## Classroom Activities

### 1. RAW MATERIALS

Discuss what is a raw material and use a whiteboard to brainstorm what materials are used to make things in your classroom. (eg. Wood for pencils comes from trees and graphite is a mineral mined from the ground.)

### 2. STEEL MAGNETISM

Using a magnet, demonstrate the attraction to steel with a tin can and then, use the magnet to show that it is not attracted to paper. Discuss the properties of steel. (Iron ore is a mineral found in the ground used to make steel which gives it the property of magnetism. Other properties of steel are those of electrical conductivity, and the tendency to corrode (rust).

### 3. MAKING A LIST

Have students make a list of all the different objects made from steel in your classroom. If you have enough magnets in the classroom, have the students check their guesses by testing the magnetism of the items they have listed. Then, have students continue their list by using the magnet to find other items in the school to add to their list. This could be done as a time limited team challenge.

### 4. PERCENTAGES WORKSHEET

Use the worksheet "A PIE MADE OF STEEL" to find out what the percentages of recycled items contribute to scrap metal.

### 5. RECYCLING MY SCHOOL

On the worksheet titled "Recycling My School", have students imagine they own an Eco-Friendly Demolition Company. Have students draw a picture of their school and then label all the structural items that could be considered for recycling. (This should include things like a steel roof, metal window frames, window glass, steel beams, wood etc.)

#### Extension:

Now design a new school out of recyclable materials. Create a model using real recyclables like tin cans to represent steel beams, clear plastic for windows, etc. See how many different recycle bin objects you can use.

Worksheet: **RECYCLING MY SCHOOL!**

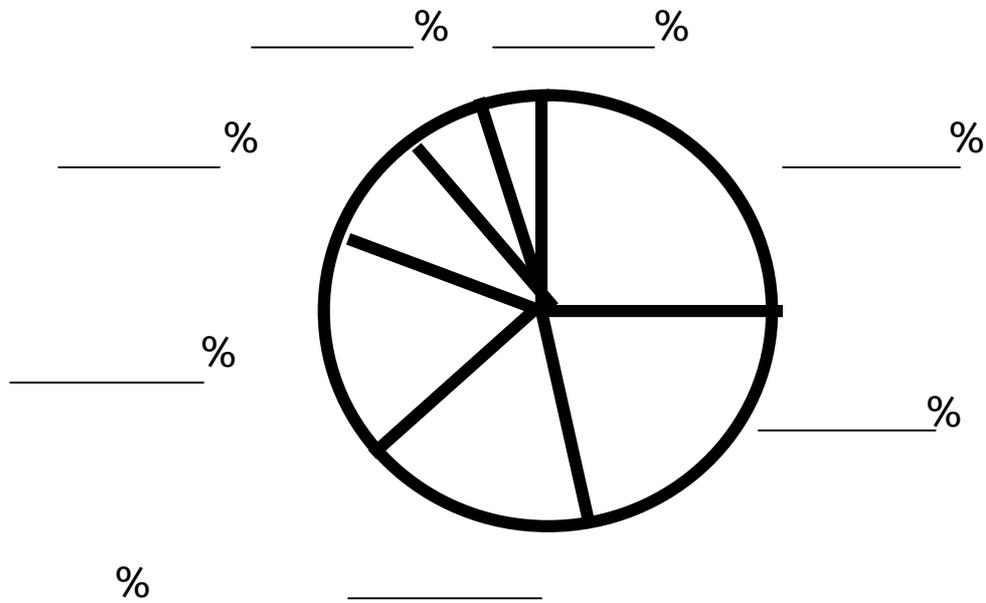
QuickTime™ and a  
TIFF (LZW) decompressor  
are needed to see this picture.



Draw a picture of your school and label all of the structural materials that could be recycled by the Eco-friendly Demolition Company.

A large, empty rectangular box with a double-line border, intended for a drawing of a school. The box is oriented horizontally and occupies most of the lower half of the page.

Worksheet: **A PIE MADE OF STEEL?**



Main Sources of Scrap Metal	
22%	Consumer Durables and Landfill
18%	Demolition (of buildings and industrial plants)
5%	Rails (trains)
25%	Vehicles
11%	Industrial Machinery
5%	Cans
14%	Manufacturing Off-cuts (Leftovers)

1. Fill in the blank percentages (%) on the Pie Chart with the information from the list of Sources of Scrap Metals.

2. From the Pie Chart above:

What is the biggest source of scrap steel for recycling? \_\_\_\_\_

Which item can you recycle at home contributes to 5% of steel recycled? \_\_\_\_\_

## Activity 12: **JUST FOR FUN**

### **CLEAN UP THE KIMBERLEY WORDSEARCH**

R L A I W S R E L R L U F O  
E I I S L R E G R E L T T T  
N R I T S S L N B T E I R R  
P L A S T I C I L E R T E H  
T U A W T E N L R E F U S E  
A L G E M E R C E S A I T O  
G I R E P A P Y S A B L A I  
M T B T T E T C O B N N C S  
U S P N U C E E U E S U E R  
S U G S R U I R R N E T P S  
B T S S I D I S C I S U T A  
S T T U B E T T E R A G I C  
U T N W O R M S S A B L S R  
W H E A R W A W U M R N S E

### **UP, DOWN & DIAGONAL!**

RESOURCES

LITTER

RUBBISH

RAW MATERIALS

CLEAN UP

RECYCLING

REUSE

REDUCE

REFUSE

STEEL

PAPER

GLASS

PLASTIC

CIGARETTE BUTTS

MARINE

WORMS

### **WORDLINK MASTER!**

Instructions:

Ordinary Council  
20/02/2007 AGENDA

Use only the letters from the words in the wordlink key (refuse, reduce, reuse, recycle) to fill in the wordlink grid to make words across and down. Each letter has points so try to use letters with the higher points in the words you make. When you have finished, total your score by adding the value of the points in each row and entering them in the score column. Then add the score column to get your total score.

**WORDLINK KEY:**

**R E F U S E R E D U C E R E U S E R E C Y C L E**  
**1 1 8 2 1 1 1 1 2 2 2 1 1 1 2 1 1 1 1 2 4 2 2 1**

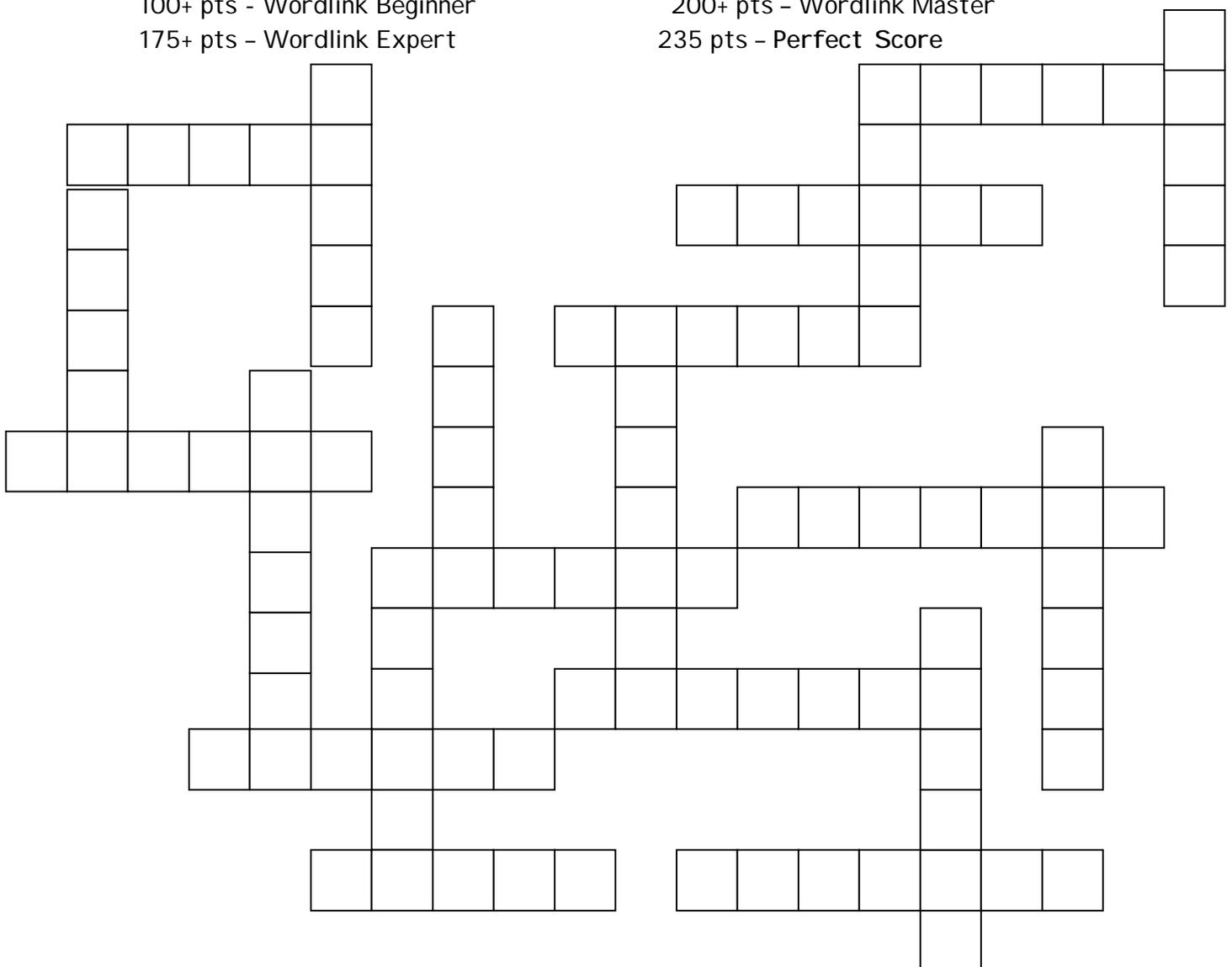
Rating:

100+ pts - Wordlink Beginner

175+ pts - Wordlink Expert

200+ pts - Wordlink Master

235 pts - Perfect Score





#### 12.4.2 Delegated Authority Report (Minute No. 7630)

<b>DATE:</b>	20 February 2006
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<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 2007 to 31 January 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 2007 to 31 January 2007.

### **COUNCIL RESOLUTION**

**Minute No. 7630**

**Moved: Cr B. Barnes**

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

**That Council receive the Delegated Authority Report for the period 1 January 2007 to 31 January 2007.**

**Carried Unanimously 8/0**

**BUILDING LICENCES ISSUED UNDER DELEGATED AUTHORITY 01/01/2007 – 31/01/2007**

LIC#	DATE	OWNER	ADDRESS	BUILDER	LOCATION	DESCRIPTION	NEW/ ADD	LOT AREA	FLOOR AREA	ROOF CLAD	WALL CLAD	EST. VALUE
001/ 2007	08.01.07	GREG CUMMINGS & TANJA MIJOVIC	PO BOX 849 KUNUNURRA	GREG CUMMINGS & TANJA MIJOVIC	LOT 82 (16) IRONWOOD DRIVE KUNUNURRA	DECK & PATIO ADDITION	ADD	0.0974	36	STEEL	N/A	\$5,000.00
002/ 2007	09.01.07	JOANNE WALLACE	C/- PO BOX 1366 KUNUNURRA	PAUL CLARK	LOT 1775 (55) CASUARINA WAY KUNUNURRA	ABOVE GROUND POOL & SHADE SAIL	NEW	0.0796	25	SHADE CLOTH	VINYL	\$5,000.00
003/ 2007	09.01.07	DEANE SPURGE	PO BOX 126 WAROONA WA 6215	DEANE SPURGE	LOC 462 CROSSING FALLS ROAD KUNUNURRA	ABOVE GROUND POOL & SHADE SAIL	NEW	1.0145	72	SHADE CLOTH	VINYL	\$10,000.00
004/ 2007	09.01.07	BOZANA & LAZO DOSLOV	C/- KIMBERLEY FIRST NATIONAL PO BOX 1366 KUNUNURRA	GORDON LAMB	LOT 951 (31) POINCIANA WAY KUNUNURRA	SHADE STRUCTURE & SAILS	NEW	0.6409	75	SHADE CLOTH	SHADE CLOTH	\$4,000.00
005/ 2007	10.01.07	STANLEY & ARLENE BOWIE	PO BOX 327 KUNUNURRA	STANLEY & ARLENE BOWIE	LOT 1632 (26) DRYANDRA ROAD KUNUNURRA	DOUBLE GARAGE	NEW	0.0810	52.5	STEEL	STEEL	\$12,000.00
006/ 2007	10.01.07	BROOKE DULEY	218 ATTUNGA ROAD YOWIE BAY NSW 2228	COLIN WILKINSON DEVELOPMEN TS PTY LTD	LOT 133 STRATA LOT 2 (2/15) ROSEWOOD AVENUE KUNUNURRA	VERANDAH EXTENSION	NEW	0.0523	15	STEEL	N/A	\$8,000.00
007/ 2007	10.01.07	DANIEL THORNE	PO BOX 381 KUNUNURRA	DANIEL THORNE	LOT 4 (144) COOLIBAH DRIVE KUNUNURRA	SWIMMING POOL & SHADE SAIL	NEW	0.0964	23	SHADE CLOTH	FIBRE GLASS	\$20,000.00
008/ 2007	11.01.07	LAKEZONE NOMINEES PTY LTD leased to BESTON PARKS MANAGEMENT	PO BOX 2111 KUNUNURRA	KENT CORPORATIO N	LOT 274 & LOT 441 LAKEVIEW DRIVE KUNUNURRA	9 X SHORT STAY PARK HOME ACCOMMODATI ON UNITS	NEW		602	STEEL	STEEL	\$708,730.00
009/ 2007	16.01.07	GILL & DARREN OLD	PO BOX 2254 KUNUNURRA	GILL & DARREN OLD	LOT 2218 (57) BARRINGTONIA AVENUE KUNUNURRA	1.500 METRE HIGH FRONT FENCE	NEW	0.0900	N/A	N/A	STEEL	\$5,000.00
010/ 2007	17.01.07	KGC ENTERPRISES PTY LTD	PO BOX 701 KUNUNURRA	KGC ENTERPRISES PTY LTD	LOT 149 (2) DERRINDING WAY	SINGLE DWELLING	NEW	0.0773	309	STEEL	STEEL	\$372,000.00

					KUNUNURRA							
011/ 2007	17/01/07	VERONICA & GLEN McARDLE, HELEN & ANTHONY MYNARD	PO BOX 1078 KUNUNURRA	V & G McARDLE & H & A MYNARD T/a CARPET VINYL & TILE CENTRE	LOT 2434 (66) COOLIBAH DRIVE KUNUNURRA	CARPORT/ STORE	NEW	0.2200	59	STEEL	STEEL	\$16,500.00
012/ 2007	18/01/07	PETINA PITT- LANCASTER	PO BOX 1571 KUNUNURRA	PETINA PITT- LANCASTER	LOT 1684 (88) CASUARINA WAY KUNUNURRA	DOUBLE GARAGE	NEW	0.0778	36	STEEL	STEEL	\$5,000.00
013/ 2007	18/01/07	PAUL & FRANCIE WAINWRIGHT	PO BOX 537 KUNUNURRA	PAUL & FRANCIE WAINWRIGHT	LOT 1939 (19) EUCALYPTUS CLOSE KUNUNURRA	DOUBLE GARAGE	NEW	0.1067	35	STEEL	STEEL	\$7,000.00
014/ 2007	18/01/07	BERNICE & BEVAN SPACKMAN	PO BOX 941 KUNUNURRA	BERNICE & BEVAN SPACKMAN	LOT 201 COTTONTREE AVENUE KUNUNURRA	BOTTLESHOP DRIVE-THRU EXTENSION	ADD	0.1846	69	STEEL	N/A	\$79,000.00
015/ 2007	23/01/07	SHANE FITZGERALD & VESNA MANDICH	PO BOX 175 KUNUNURRA	SHANE FITZGERALD & VESNA MANDICH	LOT 1666 (2) EUGENIA STREET KUNUNURRA	SWIMMING POOL & SHADE SAIL & RELOCATION OF EXISTING SHED	NEW	0.0769	40	SHADE CLOTH	FIBRE GLASS	\$24,000.00
016/ 2007	23/01/07	DEPARTMENT OF HOUSING & WORKS	99 PLAIN STREET EAST PERTH	FRONITER FENCING	LOT 156 (41) BARDING LOOP KUNUNURRA	FRONT FENCE AT 1.500 METRES HIGH	NEW	0.0851	0	N/A	STEEL	\$5,000.00
017/ 2007	23/01/07	DEPARTMENT OF HOUSING & WORKS	99 PLAIN STREET EAST PERTH	FRONITER FENCING	LOT 158 (45) BARDING LOOP KUNUNURRA	FRONT FENCE AT 1.500 METRES HIGH	NEW	0.0851	0	N/A	STEEL	\$5,000.00
018/ 2007	23/01/07	FRANCES KOFOD	PO BOX 1918 KUNUNURRA	PJ & T ELLIS BUILDERS	LOT 84 (20) IRONWOOD DRIVE KUNUNURRA	DISABLED ABLUTION	NEW	0.0974	7	STEEL	STEEL	\$8,000.00
019/ 2007	24/01/07	CHIRSTIE INCERTI & KYLIE MILNE	PO BOX 5454 CABLE BEACH WA 6726	COLIN WILKINSON DEVELOPMEN TS PTY LTD	LOT 166 (8) GARDENIA DRIVE KUNUNURRA	SINGLE DWELLING	NEW	0.0851	242	STEEL	STEEL	\$304,973.00
020/ 2007	29/01/07	DAVID SCHUBERT	PO BOX 2172 KUNUNURRA	DAVID SCHUBERT	LOT 101 BULLRUN ROAD KUNUNURRA	DOUBLE GARAGE	NEW	2.2410	36	STEEL	STEEL	\$6,000.00
021/ 2007	30/01/07	STEPHEN & GILLIAN LEFMANN	PO BOX 396 KUNUNURRA	HANK VAN DEN DOLDER	LOT 1676 - STRATA LOT 1 (4B) ALBA STREET KUNUNURRA	SINGLE CARPORT	NEW	0.0456	18	STEEL	N/A	\$2,565.20

Ordinary Council  
20/02/2007 AGENDA

022/ 2007	30/01/07	COMMISSIONER OF MAIN ROADS	PO BOX 138 KUNUNURRA	FRANMOR CONSTRUCTI ONS	LOT 1782 (43) CASUARINA WAY KUNUNURRA	GARDEN SHED	NEW	0.0779	18	STEEL	STEEL	\$12,000.00
023/ 2007	31/01/07	DEPARTMENT OF HOUSING & WORKS	99 PLAIN STREET EAST PERTH	FRANMOR CONSTRUCTI ONS	LOT 1176 (1) MYRMIDON STREET WYNDHAM	GROUP DWELLING (DUPLEX)	NEW	0.1054	320	STEEL	FIBRE CEMENT / STEEL	\$730,000.00
												<b>\$2,354,768.20</b>

**THERE WERE NO SIGN LICENCES ISSUED UNDER DELEGATED AUTHORITY 01/01/2007 – 31/01/2007.**

**THERE WERE NO DEMOLITION LICENCES ISSUED UNDER DELEGATED AUTHORITY 01/01/2007 – 31/01/2007.**

## 12.5. ELECTED MEMBER REPORTS

Cr Keith Wright had discussion with Bill Lawson regarding the Something Concrete project. Cr Keith Wright also attended and opened the Writer's Festival on the Shire Presidents behalf.

Cr John Buchanan travelled to Broome to attend the QANTAS/Tourism. (Written report by Yale Bolto Executive Manager of Corporate Services attached.)

Cr Di Ausburn attended the Roadwise Meeting on 8 February. The Driver Reviver is to take launch at a date to be determined. Cr Ausburn also attend the Writer's Festival and the Liquor Accord Meeting. Next week Cr Ausburn will be attending the Thinking Drinking conference which will be held in Melbourne.

Broome 6<sup>th</sup> February 2007

Cr John Buchanan  
XMCS Yale Bolto

### TOURISM WA / QANTAS/ AUSTRALIAS NORTH WEST MEETING

#### Councillors

Cr Buchanan and myself travelled to Broome to attend the above mentioned meeting, also attending from Kununurra was Peter Grigg (Knx Visitor Centre) and Frank Rodriguez (Kununurra Chamber of Commerce).

Main discussion of meeting was around Qantas Airways review of 2006 and plans for 2007. Qantas are now producing a profit on the Perth – Broome leg, thus this leg will continue and Airnorth will link their flights from Knx with these flights. Qantas lost around \$500,000 from July to November 2006 on the Perth – Kununurra leg, with the loss of the BA 146 late in 2006 it has put Qantas in a position to review its services. Thus Qantas will not be providing a service to Kununurra in 2007.

Qantas will continue to code share with Airnorth into the future and thus provide Kununurra with the important exposure of Qantas holidays.

Qantas commented on constraints on the aircraft they will be flying in the future being the 717, with the extreme weather conditions in the East Kimberley and runway restrictions it is not viable for them to introduce another service. Ian Gay (Regional General Manager ) commented that restrictions aside the larger concern for Qantas was that Skywest has taken their market. Skywest is under written by Argyle Diamond mines and thus can fly this route profitably. Qantas management believe that three airlines flying to Kununurra was never going to work, to much competition not enough demand. Two airlines is not ideal and they believe that one airline is optimal.

Another item which was brought up with Qantas was the security equipment they currently run at the Kununurra airport. I spoke with Caroline Hofman (Manager Customer Service Delivery), she stated that Qantas will be approaching Skywest asking them to purchase and run the security. I asked her to hold of until I had a chance to talk with Council on their views. CEO of Broome International Airport suggests we become master of our own destiny and purchase the equipment ourselves. If this was to happen we would contract staffing out to Kununurra security and work out a charge rate per head.....this is the direction we are taking with tender for baggage handling about to close.

Qantas will be upgrading their 717 to create more thrust and allow more capacity into areas that have restrictions with heat and runway length, this is scheduled to happen in August 2007. Although it is very unlikely that they will fly these upgraded planes into Kununurra in direct competition with SkyWest's F100 and Airnorth's new Embraer 170. It is predicted that the 717 with extra thrust will be able to make it from Knx – Perth non stop if they are to fly in future. Ian Gay stated in the meeting that the main reason Qantas are leaving Knx is increased competition, thus the extra thrust being added to the 717 will not necessarily see them back in 2008.

Airnorth will start flights with their Embraer 170 around August 2007. Flight times are

Knx – Broome 67 minutes  
Knx – Darwin 46 minutes  
Knx – Perth 182 minutes (3hrs 2min)

It will take 74 passengers and fly Darwin – Knx – Broome return on Monday – Wednesday – Friday at the following predicted times.

11.20 – 10.50 Drw – Knx  
11.20 – 12.45 Knx – Brm  
13.30 – 14.50 Brm – Knx  
15.20 – 17.50 Knx- Drw

Flights from Drw – Knx – Perth are likely to be on a Saturday and Sunday on the following predicted times.

8.00 – 7.30 Drw – Knx  
8.00 – 11.30 Knx – Perth  
12.00 – 3.05 Perth – Knx  
3.35 – 6.05 Knx - Drw

Other main topics discussed were funding for Australia's North West, this went back to \$10,000 in 06/07 from \$20,000 in 05/06 as they did not apply for funding through our economic grant process. Also discussed was funding to the Kununurra Visitor Centre and future use of the East Kimberley Tourism house if the Visitors centre moves to a new location.

We also discussed differential rating on commercial and tourism properties in Kununurra and Wyndham as a way to raise extra revenue for the promotion of the East Kimberley as per Broome model. I suggest we look into this at our next audit committee meeting as we have already discussed pros and cons of split and spot rating.

If you require any further information please do not hesitate to contact myself. I am sure Cr Buchanan would be happy to clarify any issues / queries as well.

Regards

Yale Bolto

**13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Nil

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

**COUNCIL RESOLUTION**

**Minute No. 7631**

**Moved: Cr B. Barnes**

**Seconded: Cr J. Parker**

**That Council accept the late Items:**

**15.1 Something Concrete Project**

**15.2 Town Planning Scheme no7 Amendment 18**

**15.3 Town Planning Scheme no7 Amendment 19**

**Carried Unanimously 8/0**

## 15.1 Something Concrete Project (Minute No. 7632)

<b>DATE:</b>	23 February 2007
<b>PROPONENT:</b>	SWEK
<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>	41.12.07
<b>ASSESSMENT NO:</b>	N/A

### PURPOSE

For Council to reconsider its support for the Something Concrete project which aims to increase housing in the region, create a new business in pre-caste concrete and create Indigenous employment.

### BACKGROUND

Council is aware of the Something Concrete through the Briefing Session on 16 May 2006 and the Special Council Meeting on 4 July 2006, where Council resolved the following:

#### **MINUTE NO 7466**

**Moved Cr Keith Wright      Seconded Cr John Buchanan**

***That in the interest of providing in kind support for local indigenous employment Council:***

- 1) Give statewide public notice of its proposed lease of approximately 1,500 square metres of its Kununurra Depot, Lot 595 Bandicoot Drive Kununurra, to the Beacon Foundation for period of 3 years, at remuneration of \$500 per annum.***
- 2) That draft conditions of lease for this land include:***
  - a. The requirement of the Beacon Foundation to have separate access to this portion of land off Rivergum Avenue.***
  - b. The land to be internally fenced with 2m chain link mesh fencing to segregate the land from the remainder of the Shire Depot facility.***
  - c. That power and water costs over above the average monthly usage of the Shire Depot to charged to the Beacon Foundation.***
  - d. The the Shire and Becaon Foundation operations to remain completely independent of each other.***

***CARRIED (7/0)***

The Something Concrete project emerged through a partnership of the Beacon and Wunan Foundations, who share similar aims about advancing the combined key goals of improving housing availability and durability, as well as increasing Indigenous involvement in industry and economic development.

The Something Concrete project has built a pre-cast concrete 2-bedroom unit in Eugenia Street, Kununurra. The Wunan Foundation owns this unit. This unit was chosen as the site for the signing of the East Kimberley Regional Partnership Agreement (RPA), which also aims to increase the engagement of Indigenous people in employment, and to which Council is a signatory. Federal Minister Mal Brough inspected the Unit in Eugenia Street at the time of the RPA signing in October 2006.

Following the construction of the Eugenia Street unit the project moved on to commence construction of three units in Pindan Avenue Kununurra, with the support of a Department of Housing and Works contract for these units. Those units are still under construction, and have 3 to 4 months of work yet before completion.

In late 2006 the Wunan Foundation lost two key personnel associated with the Something Concrete project and came to the view that it wished to change the project into either conventional steel framed steel clad homes or to focus on house maintenance and repairs via Department of Housing and Works contracts. The Department of Housing and Works however wanted the concrete units in Pindan Avenue to be completed as per the contract for them and that is occurring. The Wunan Foundation advised the Beacon Foundation that it did not wish to continue the partnership focussed on pre-cast concrete construction.

The Beacon Foundation, via its Chairman Bill Lawson, then approached the Shire of Wyndham East Kimberley about its willingness to 'host' the project in a similar role as the Wunan Foundation held, in an effort to capitalise on what had been started with the project, on what had been achieved to date and what the potential for the project might be.

The Chief Executive Officer met in Perth with Cliff Weekes and Shane Hamilton from the Department of Housing and Works about the status of the project in late January 2007 and convened a meeting in Kununurra on 14 February 2007 to seek ways in which the project might proceed. Attending that meeting was:

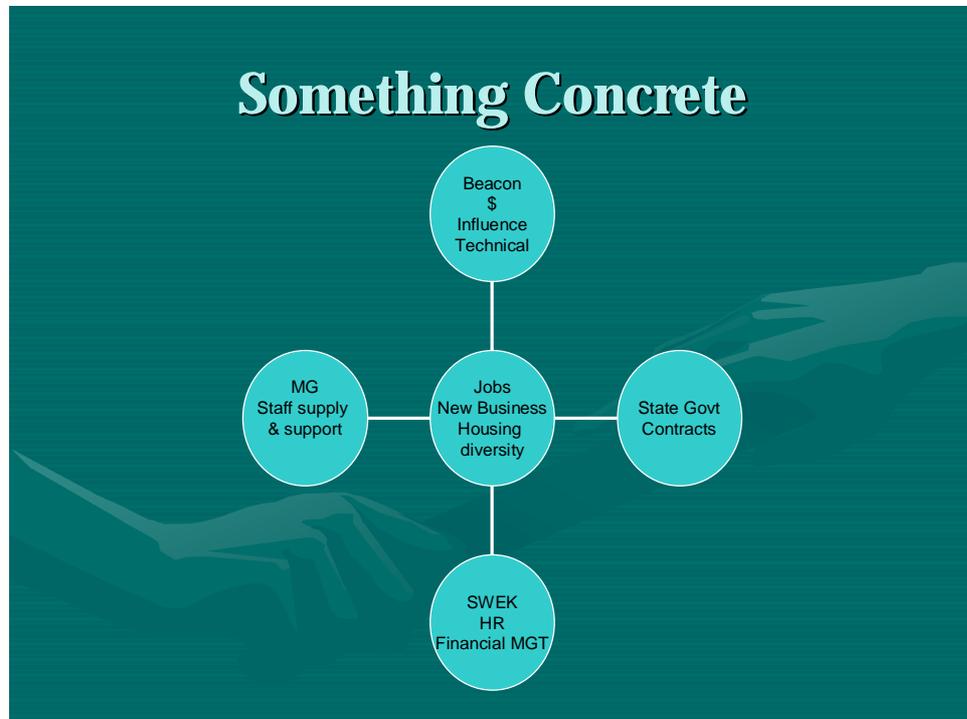
Tony Richman	CEO, Shire of Halls Creek
Shane Hamilton	Department of Housing and Works
Bill Lawson	Beacon Foundation
Peter Yu	Consultant, Halls Creek Housing Issues
Debbie Jones	Halls Creek, Housing Officer

The State Minister for Housing and Indigenous Affairs, the Hon Michelle Roberts visited the Something Concrete project and construction site in Pindan Avenue on the evening of 14 February 2007.

As advised to Elected Members at their Briefing Session on 6 February 2007, the CEO advised the above meeting that no recommendation would be made to Council for it to consider playing a host role for the project unless the State Government committed to and provided forward contracts for housing to give the project certainty and direction that could be budgeted around. The State Government has considered this and confirmed that it will provide contracts for 10 houses for the project subject to Council hosting Human Resource functions and financial management of the project.

The CEO has met with representatives of Mirriwung Gajerrong and advised that the MG Corporation would need to provide staff and support, including advertising and recruitment, to maintain suitable staffing levels to ensure project viability and continuity.

The proposed model put forward at the above meetings is provided below:



### **STATUTORY IMPLICATIONS**

Nil

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

There is an estimated 0.5 FTE equivalent required to support the proposed Shire involvement in the project. This input would be in the form of staff managing payroll, and Human Resource issues, payment of project accounts, preparation of financial reports and governance time from Shire Managers. This level of support is similar to that involved in other projects that the Shire manages - (e.g. the Lake Kununurra Management project employs Katya Tripp on external funding).

### **STRATEGIC IMPLICATIONS**

The Something Concrete project links directly with the key regional needs of housing and Indigenous employment.

Over and above that, the partnerships and relationships with other organisations including but not limited to Readimix, Rio Tinto and John Holland who are collaborating to support the project, are potentially very significant for the region.

## **COMMENT**

Should Council agree to host the Human Resource functions and financial management of the project, and the recommended conditions are met, the project would rapidly move to a production line facility as per Council's previous resolution of Minute No. 7466, on 4 July 2006. This would involve laying a \$60,000 concrete slab in Council's depot facility which will become the Council's long-term asset and the use of the Something Concrete's donated Komatsu bobcat for community work through until August 2007 when the bobcat's future is reconsidered by Komatsu.

The involvement of the MG Corporation is consistent with the objectives of the Ord Enhancement Scheme emanating out of the Native Title agreement in October 2005, the Ord Final Agreement, and provides another opportunity for the Shire to partner with MG Corporation to assist in delivering shared goals.

## **ATTACHMENTS**

Something Concrete Project Brochure

## **VOTING REQUIREMENT**

Simple Majority

## **RECOMMENDATION**

That Council advise the Beacon Foundation, Department of Housing and Works and the Mirriwung Gajerrong Corporation that it supports the Something Concrete project and offer to host the project via Memorandums of Understanding subject to:

1. The Department of Housing and Works providing written confirmation that it will provide critical mass (for concrete housing construction) and forward direction for the project, including contracts for the construction of 10 houses in the East Kimberley region over the 2007/08 and 2008/09 years.
2. Mirriwung Gajerrong Corporation providing written confirmation that it will support the Something Concrete project by sourcing staff for the project and supporting those staff including public acknowledgement of the project, its partners and its staff via the media, at civic occasions and through monthly site visits.
3. The Beacon Foundation provide written confirmation that it will continue to provide strategic direction to the Something Concrete project, including liaisons with the corporate sector and partners and governments, technical supervision of the project and recruitment and support for the project Site Supervisor.
4. The Beacon Foundation providing written confirmation that it will establish two scholarships for Students from Kununurra District High School for training pathways into drafting careers, linked to the Something Concrete project so that expertise is developed for the project moving forward into an eventual business footing.
5. The Wunan Foundation providing written consent to transfer the Something Concrete staff from the Wunan Foundation to the Shire of Wyndham East Kimberley to ensure continuity of the project and continued skills development of the staff.
6. The Wunan Foundation providing written consent that the Bobcat donated to the Something Concrete project is available for use at no cost other than fuel to the Shire of Wyndham East Kimberley for community benefit.

7. A full review of the achievements, financial performance, and benefits of the project occurring in the second half of the 2008/09 financial year, after the projecting has been operating from an assembly production line facility for 18 months.
8. On the assumption that the review shows the project is progressing and will continue to grow, the review is to include recommended strategies to replace the Shire's involvement with another party yet to be identified.

### **COUNCIL RESOLUTION**

**Minute No. 7632**

**Moved: Cr B. Barnes**

**Seconded: Cr K. Wright**

**That Council advise the Beacon Foundation, Department of Housing and Works and the Mirriwung Gajerrong Corporation that it supports the Something Concrete project and offer to host the project via Memorandums of Understanding subject to:**

1. **The Department of Housing and Works providing written confirmation that it will provide critical mass (for concrete housing construction) and forward direction for the project, including contracts for the construction of 10 houses in the East Kimberley region over the 2007/08 and 2008/09 years.**
2. **Mirriwung Gajerrong Corporation providing written confirmation that it will support the Something Concrete project by sourcing staff for the project and supporting those staff including public acknowledgement of the project, its partners and its staff via the media, at civic occasions and through monthly site visits.**
3. **The Beacon Foundation provide written confirmation that it will continue to provide strategic direction to the Something Concrete project, including liaisons with the corporate sector and partners and governments, technical supervision of the project and recruitment and support for the project Site Supervisor.**
4. **The Beacon Foundation providing written confirmation that it will establish two scholarships for Students from Kununurra District High School for training pathways into drafting careers, linked to the Something Concrete project so that expertise is developed for the project moving forward into an eventual business footing.**
5. **The Wunan Foundation providing written consent to transfer the Something Concrete staff from the Wunan Foundation to the Shire of Wyndham East Kimberley to ensure continuity of the project and continued skills development of the staff.**
6. **The Wunan Foundation providing written consent that the Bobcat donated to the Something Concrete project is available for use at no cost other than fuel to the Shire of Wyndham East Kimberley for community benefit.**
7. **A full review of the achievements, financial performance, and benefits of the project occurring in the second half of the 2008/09 financial year, after the projecting has been operating from an assembly production line facility for 18 months.**

- 8. On the assumption that the review shows the project is progressing and will continue to grow, the review is to include recommended strategies to replace the Shire's involvement with another party yet to be identified.**
- 9. That project contracts be managed such that they are cost neutral to the Shire.**

**Carried Unanimously 8/0**

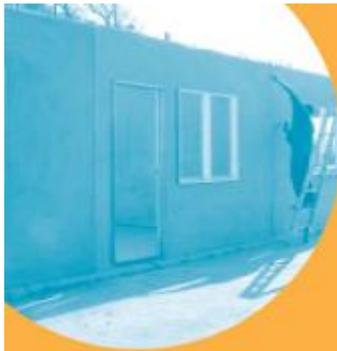
# SOMETHING CONCRETE

Building houses and making  
Jobs in the East Kimberley



**Wunan Foundation**  
Building a stronger future in the East Kimberley





**"Something Concrete"** is the goal, the philosophy and a literal description of an innovative yet highly practical project to improve the job prospects of young Aboriginal people and the housing for Aboriginal families in the East Kimberley.

#### **A new enterprise to solve two urgent problems**

It is not difficult to understand the problems which arise when an average of twelve people live in each house as they do in many East Kimberley communities.

And the effect on young people of living in such a crowded home environment is an extra hurdle when real job prospects can be very limited in this remote part of Australia.

A new enterprise making precast concrete wall units to build Aboriginal homes promises 'something concrete' to meet both these urgent needs. As important as the goal to build comfortable, attractive, durable and affordable homes is the aim to have an equally robust local company established after twelve months.

Local young Aboriginal people will be employed in the new enterprise as trainees for the first 12 months before becoming employees of the ongoing enterprise. They may also have the opportunity of becoming their own boss as contract suppliers to the new business.

#### **Kununurra, a community with both the problems and solutions**

For big city dwellers the remoteness of Kununurra is summed up best when Melbourne's are told, "If you felt like a Big Mac you'd have to drive to Sydney..." or vice versa. Like other East Kimberley communities Kununurra has an Indigenous population growing more rapidly than suitable housing can be provided, with building costs spiralling ahead of field government investment. And even the modest career starts that fast food outlets give kids in the city are absent here.



Unlike other communities Kununurra enjoys a measure of prosperity from tourism, mining and the Ord River scheme, plus sufficient infrastructure to support 'Something Concrete'. More particularly it is the home of Wunan Foundation one of the most effective Indigenous organisations in Northern Australia.

#### **'Something Concrete', a project supported by solid Foundations**

This is a project which has both its heart and its head in the right place.

'Something Concrete' combines the unique strengths, experience and networks of the Wunan Foundation ([www.wunan.org.au](http://www.wunan.org.au)) and the Beacon Foundation ([www.beaconfoundation.net](http://www.beaconfoundation.net)) for a better chance of creating a successful and sustainable commercial local enterprise. Wunan is well placed and connected regarding local and Indigenous issues in the East Kimberley. Beacon's 'Real Jobs' and 'No Dole' templates have a good track record in establishing commercially sustainable, socially focussed enterprises as well as assisting young people to choose against welfare dependence.

**With precast concrete much of the material and almost all of the labour can be locally supplied. It is relatively simple to learn with good results being rapidly achievable.**

#### **Why precast concrete?**

Precast concrete is a highly versatile, durable material widely used in almost all types of building and construction. Though "utilitarian" perceptions have limited its use in single dwellings, those who cannot see beyond the brick veneer convention forget that five star hotels are built of precast concrete. It lends itself to modern rendered/textured finishes like no other material. And despite the image of multi-storey buildings and giant cranes, precast concrete has many characteristics both in construction and use which make it ideal for 'something concrete' in remote Kununurra.

Conventionally, the level of participation by Aboriginal people in the critical area of housing has been negligible. Contractors with the required skills typically fly in and fly out with minimal opportunity for real job pathways for local people.

With precast concrete much of the material and almost all of the labour can be locally supplied. It is relatively simple to learn with good results being rapidly achievable. It is well suited to meeting the needs of Indigenous housing in respect to both cost and maintenance. Under the direction of Project Manager Gisham Lovell the young team will begin with the simple 'tilt-up' technique in which the concrete is cast on the ground where formwork is simple, quick and cheap and where steel reinforcement and liquid concrete handling is easy. Once set the solid concrete wall unit is tilted to the vertical plane.

The advent of 'tilt up' walls has followed the increasing availability and capability of mobile hydraulic cranes which travel long distances at speed limits and can be ready to lift within an hour of arrival on site.

### Graham Lovell Project Manager



No-one holds the success or failure of this project in his demonstrably capable hands the way Project Manager, Graham Lovell does. He has proven leadership and technical skills directing hundreds of workers on major civil engineering and construction sites in Tasmania and Victoria over more than 25 years.

In recent years construction of the award winning Nyenika Nyunpu Cultural Centre and Art Gallery brought Graham to Tennant Creek as Site Manager and to a "life altering" experience which awakened a sense of his own Aboriginal heritage and a desire to contribute his experience and personal skills. These attributes will be invaluable in the task of moulding a raw young indigenous work force into a commercially successful enterprise.

### Three steps to the goal of commercial success

**Stage 1** - construction of 3 precast concrete units on a residential lot in Kununurra. The land is identified and under purchase by Wunan. This stage will be site cast 'tilt up' project and the one on which the Trainees will learn under the expert supervision of Tasmanian Aboriginal, Graham Lovell who combines vast technical knowledge and skills with proven Indigenous awareness and credibility.

**Stage 2** - off site precasting on a slab to be cast in a suitable commercial location near Kununurra. Wall panels will be cast for road transport to site at local communities throughout the East Kimberley.

**Stage 3** - off site casting in a full factory situation incorporating casting beds, overhead cranes and yard storage.

It is envisaged that the Trainees will move through Stage 1 and into Stage 2 during their 12 month Traineeships and be able to participate as employees and potentially entrepreneurs in Stage 3.

Funding for Stage 1 is secured to the extent that the project is now planned to start in March 2006 with recruitment in late 2005 and initial training starting in January 2006.

### Beacon's 'Real Jobs' Template has a proven track record

Beacon's 'Real Jobs' Template is a proven and successful approach to creating a new enterprise with a primary focus on a social dividend of creating new local jobs ahead of a secondary focus on a financial dividend of making money. The Template has been successfully applied by Beacon in the past in mainstream local youth employment projects but this will be its first use against Aboriginal youth unemployment and welfare dependence.

The Template seeks to fulfil the following requirements:

- Establishment of a wholly new Enterprise in a local region with a focus on making sustainable (real) local jobs for local unemployed young people ahead of making money - but not losing money.
- A committed, local project host, ideally the local Council or similar entity - Wunan Foundation in this case.
- Heavy subsidy from all available sources during the 12 month establishment, training and learning phase in order to allow un-pressured learning without fear of failure due to commercial and time pressures.



d) The new Enterprise is to:

- 'fit' with the local community's commercial culture
  - yield a significant number of suitable jobs, albeit low level, with a real potential to lead to a wider set of career options for local young people; that is, not 'dead end' jobs.
  - require and fit with accredited and transportable skills and knowledge training, ideally Traineeships.
  - not require a large capital injection at inception.
  - not compete with an established local enterprise.
- e) At the end of the notional 12 month establishment period, the newly created local Enterprise and its associated (real) jobs are to be cut free of all subsidies and external props and required to stand and trade alone in a wholly commercial manner. In order to achieve this very challenging transition, planning for it must be undertaken at the project outset in order to fully engage and integrate the process with the 12 month establishment phase.



It is envisaged that the Trainees will move through Stage 1 and into Stage 2 during their 12 month Traineeships and be able to participate as employees and potentially entrepreneurs in Stage 3.

## 15.2 Town Planning Scheme No 7 - Amendment 18 (Minute No. 7633)

<b>DATE:</b>	20 February 2007
<b>PROPONENT:</b>	SWEK
<b>LOCATION:</b>	N/A
<b>ATLAS REFERENCE:</b>	N/A
<b>AUTHOR:</b>	Keith Williams, Town Planner
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	43.31.18
<b>ASSESSMENT NO:</b>	N/A

### **PURPOSE**

For Council to consider the adoption of an amendment to Shire of Wyndham East Kimberley Town Planning Scheme No 7 - Kununurra and Environs relating to diversified uses in agricultural zones.

### **BACKGROUND**

Council resolved to adopt the amendment in December, but officers have been advised that due to technical reasons, the amendment is required to be adopted with a modified resolution. The original agenda item and the schedule of submissions are attached.

### **ATTACHMENTS**

- Attachment 1: Original Agenda Item
- Attachment 2: Amendment Documentation
- Attachment 3: Schedule of Submissions

### **CONCLUSION AND COMMENT**

The recommendation adopted by Council in December was not worded correctly, and required a new resolution to ensure compliance with the Act. The resolution must include the same amendment text and provisions as the previous resolution and only the adopting words have been modified.

The reconsideration of the resolution is a correction only and does not represent an opportunity to modify the documentation or text of the amendment.

### **RECOMMENDATION**

That Council Rescinds Minute No 7586 and:

- A. Makes the recommendations included in the Schedule of Submission as per Attachment 1 – Schedule of Submissions, and forwards a copy of the Schedule of Submissions to the Western Australian Planning Commission.
- B. Resolves to adopt for Final Approval with modifications, pursuant to section 75 of the Planning and Development Act 2005, the proposed amendment by:

- Amending the Zoning Table to modify the use class permissibility of Bed and Breakfast, Farm Stay, Reception Centre, Restaurant, Shop and Wayside Stall to an Incidental Use (to be designated as “IP”) in the General Rural, Rural Agriculture 1 and Rural Agriculture 2 zones, as follows:

USE CLASSES	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2
<b>COMMERCIAL</b>			
Bed and Breakfast	IP	IP	IP
Farm Stay	IP	IP	IP
Reception Centre	IP	IP	IP
Restaurant	IP	IP	IP
Shop	IP	IP	IP
Wayside Stall	IP	IP	IP

- Amending the Zoning Table to modify the description of Nursery – Plant to Plant Nursery and to modify the use from a Discretionary Use (designated as “AA”) and Permissible Use (designated as “P”) to an Incidental Use (to be designated as “IP”) in the General Rural, Rural Agriculture 1 and Rural Agriculture 2 zones, and “X” in the Rural Living zone, as follows:

USE CLASSES	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2	RURAL LIVING
<b>COMMERCIAL</b>				
Plant Nursery	IP	IP	IP	X

- Amending the Zoning Table to modify the use class permissibility of Tourist Accommodation from an ‘SA’ use in the Rural Agriculture 2 zone to an ‘X’ use, as follows:

USE CLASSES	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2
<b>COMMERCIAL</b>			
Tourist Accommodation	X	X	X

4. Amending the Zoning Table to include the use class Art and Craft Centre, Museum and Cabin/Chalet Accommodation as commercial uses, as follows:

USE CLASSES	TOWN CENTRE	LOCAL CENTRE	TOURIST	RESIDENTIAL	RESIDENTIAL DEVELOPMENT	LIGHT INDUSTRY	MIXED BUSINESS	RURAL INDUSTRY	COMPOSITE INDUSTRY	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2	RURAL LIVING	SPECIAL SITE
<b>COMMERCIAL</b>														
Art and Craft Centre	P	X	P	X	X	X	SA	IP	SA	IP	IP	IP	X	PREDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2
Museum	P	X	P	X	X	X	X	X	X	IP	IP	IP	X	
Cabin/Chalet Accommodation	X	X	P	X	X	X	X	X	X	IP	IP	IP	X	

5. Amending the Zoning Table to modify the use class permissibility of Art Gallery as a commercial use, as follows:

USE CLASSES	TOWN CENTRE	LOCAL CENTRE	TOURIST	RESIDENTIAL	RESIDENTIAL DEVELOPMENT	LIGHT INDUSTRY	MIXED BUSINESS	RURAL INDUSTRY	COMPOSITE INDUSTRY	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2	RURAL LIVING	SPECIAL SITE
<b>COMMERCIAL</b>														
Art Gallery	P	X	P	X	X	X	SA	IP	SA	IP	IP	IP	X	PREDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2

6. Amending the Zoning Table to modify the use class permissibility of Winery and Brewery as a commercial use, as follows:

USE CLASSES	TOWN CENTRE	LOCAL CENTRE	TOURIST	RESIDENTIAL	RESIDENTIAL DEVELOPMENT	LIGHT INDUSTRY	MIXED BUSINESS	RURAL INDUSTRY	COMPOSITE INDUSTRY	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2	RURAL LIVING	SPECIAL SITE
<b>COMMERCIAL</b>														
Winery	X	X	X	X	X	X	X	AA	X	IP	IP	IP	X	PREDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2
Brewery	X	X	X	X	X	X	X	AA	X	IP	IP	IP	X	

7. Introduce a new definition to the Scheme:

*Cabin/Chalet Accommodation – means a detached accommodation unit for a maximum of 6 occupants used for the temporary accommodation of tourists, visitors and travellers which is fully self contained and not occupied by the same tenant for a continuous period for more than 3 months in any 12 month period, but excludes any chalet or cabin located within an approved caravan park.*

8. Delete the definition for Nursery from Appendix 1 - Definitions.
9. Amending Clause 5.21 to include additional clauses relating to setbacks for agricultural and incidental development, as follows:

5.21.1 (a) Setbacks for Agricultural Development

TABLE 3 – ALL RURAL ZONES			
Zone	Building Setbacks (m)		
	Front	Side	Rear
General Rural	20	10	20
Rural Agriculture 1	20	20	20
Rural Agriculture 2	20	20	20
Rural Living	10	5	10

5.21.1 (b) Setbacks for Incidental Development

<b>TABLE 3A – GENERAL RURAL, RURAL AGRICULTURE 1 AND 2 ZONES</b>			
<b>Zone</b>	<b>Building Setbacks (m)</b>		
	<b>Front</b>	<b>Side</b>	<b>Rear</b>
General Rural	20	100	100
Rural Agriculture 1	20	100	100
Rural Agriculture 2	20	35	35

10. Amending Clause 5.21 to include additional clauses relating to development controls for incidental development, as follows:

5.21.1 Other Incidental Uses

Council may permit the development and use of the land for the following uses:

- Art and Craft Centre
- Art Gallery
- Bed and Breakfast
- Brewery
- Cabin/Chalet Accommodation
- Farm Stay
- Museum
- Reception Centre
- Restaurant
- Shop
- Winery

provided that:

- a) The applicant submit a management plan addressing how potential conflicts, impacts and compatibility with existing and potential agricultural land uses – both internal and external to the site – are to be managed as per the requirements of SPP2.5, and including but not limited to the following measures:
  - i. Prior to construction of any accommodation units, the applicant shall submit a management plan developed in consultation with the Department of Agriculture and other relevant agencies or stakeholders, detailing measures to manage the following impacts:
    - a) Dust and noise
    - b) Visual amenity
    - c) Bio-security
  - ii. Prior to construction, all promotional information intended to be displayed shall be submitted to Council for approval.
  - iii. Prior to occupation, relevant officers shall inspect accommodation to ensure bio-security information is displayed in a prominent place.

- iv. Prior to occupation, relevant officers shall inspect procedures to ensure that all guests are made aware of the bio-security issues and preventative measures upon check in.
  - b) The proponent submit an Agriculture Impact Statement, in accordance with the information prescribed in SPP2.5;
  - c) The proposed development remains as a subordinate use in scale, scope and intensity to the predominant agricultural nature of the site;
  - d) The proposed development is advertised;
  - e) Signage within the agricultural zones to be restricted to the minimum exempted standards of the town planning scheme;
  - f) A maximum of 3 units is permitted on lots in the Rural Agriculture 2 zone, while a maximum of 7 units is permitted in the Rural Agriculture 1 and General Rural zones;
  - g) All accommodation units shall:
    - i. be separated from the nearest residential building on an adjacent property by a minimum of 70 metres; and
    - ii. comply with the setback provisions in the Scheme; and
    - iii. have screening vegetation planted and maintained to shield the neighbouring property from accommodation units.
  - h) Where a property boundary abuts unallocated crown land the setback may be reduced at Council's discretion, provided adequate separation distances to any waterway, public open space or park are maintained as per the requirements of relevant agencies, e.g. Department of Water and Department of Health.
11. Modify the definition of Transient Accommodation by replacing "used for habitation for the purposes of accommodation for a period not exceeding 6 months" to "used for habitation for the purposes of accommodation and not occupied by the same tenant for a continuous period for more than 6 months in any 12 month period."
12. Modify Clause 5.21.2 (a) to read as follows:
- (a) "That any occupant is directly employed in the agricultural sector."

13. Amending Clause 5.21.2 by adding a Clause (e):

- (e) The applicant submit a management plan addressing how potential conflicts, impacts and compatibility with existing and potential agricultural land uses – both internal and external to the site – are to be managed as per the requirements of SPP2.5, and including but not limited to the following measures:
- i. Prior to construction of any transient accommodation units, the applicant shall submit a management plan developed in consultation with the Department of Agriculture and other relevant agencies or stakeholders, detailing measures to manage the following impacts:
    - a) Dust and noise
    - b) Visual amenity
    - c) Bio-security
  - ii. Prior to construction, all promotional information intended to be displayed shall be submitted to Council for approval.
  - iii. Prior to occupation, relevant officers shall inspect accommodation to ensure bio-security information is displayed in a prominent place.
  - iv. Prior to occupation, relevant officers shall inspect procedures to ensure that all guests are made aware of the bio-security issues and preventative measures upon check in.

C. Forwards three copies of the signed and sealed Amendment Documents in accordance with Regulation 22(1); and

D. Requests that the Honourable Minister for Planning and Infrastructure grant final approval to Amendment 18 of Town Planning Scheme No 7 – Kununurra and Environs with modifications set out in the Schedule of Submissions.

### **COUNCIL RESOLUTION**

**Minute No. 7633**

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

**Seconded: Cr D. Ausburn**

**That Council, pursuant to section 75 of the Planning and Development Act 2005, amend the Shire of Wyndham-East Kimberley Planning Scheme No.7 by:**

- 1. Amending the Zoning Table to modify the use class permissibilities of Bed and Breakfast, Farm Stay, Reception Centre, Restaurant, Shop and Wayside Stall to an Incidental Use (to be designated as “IP”) in the General Rural, Rural Agriculture 1 and Rural Agriculture 2 zones, as follows:**

<b>USE CLASSES</b>	<b>GENERAL RURAL</b>	<b>RURAL AGRICULTURE 1</b>	<b>RURAL AGRICULTURE 2</b>
<b>COMMERCIAL</b>			
<b>Bed and Breakfast</b>	<b>IP</b>	<b>IP</b>	<b>IP</b>
<b>Farm Stay</b>	<b>IP</b>	<b>IP</b>	<b>IP</b>
<b>Reception Centre</b>	<b>IP</b>	<b>IP</b>	<b>IP</b>
<b>Restaurant</b>	<b>IP</b>	<b>IP</b>	<b>IP</b>
<b>Shop</b>	<b>IP</b>	<b>IP</b>	<b>IP</b>
<b>Wayside Stall</b>	<b>IP</b>	<b>IP</b>	<b>IP</b>

2. Amending the Zoning Table to modify the description of Nursery – Plant to Plant Nursery and to modify the use from a Discretionary Use (designated as “AA”) and Permissible Use (designated as “P”) to an Incidental Use (to be designated as “IP”) in the General Rural, Rural Agriculture 1 and Rural Agriculture 2 zones, and “X” in the Rural Living zone, as follows:

USE CLASSES	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2	RURAL LIVING
COMMERCIAL				
Plant Nursery	IP	IP	IP	X

3. Amending the Zoning Table to modify the use class permissibility of Tourist Accommodation from an ‘SA’ use in the Rural Agriculture 2 zone to an ‘X’ use, as follows:

USE CLASSES	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2
COMMERCIAL			
Tourist Accommodation	X	X	X

4. Amending the Zoning Table to include the use class Art and Craft Centre, Museum and Cabin/Chalet Accommodation as commercial uses, as follows:

USE CLASSES	TOWN CENTRE	LOCAL CENTRE	TOURIST	RESIDENTIAL	RESIDENTIAL DEVELOPMENT	LIGHT INDUSTRY	MIXED BUSINESS	RURAL INDUSTRY	COMPOSITE INDUSTRY	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2	RURAL LIVING	SPECIAL SITE
COMMERCIAL														
Art and Craft Centre	P	X	P	X	X	X	SA	IP	SA	IP	IP	IP	X	PREDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2
Museum	P	X	P	X	X	X	X	X	X	IP	IP	IP	X	
Cabin/Chalet Accommodation	X	X	P	X	X	X	X	X	X	IP	IP	IP	X	

5. Amending the Zoning Table to modify the use class permissibilities of Art Gallery as a commercial use, as follows:

USE CLASSES	TOWN CENTRE	LOCAL CENTRE	TOURIST	RESIDENTIAL	RESIDENTIAL DEVELOPMENT	LIGHT INDUSTRY	MIXED BUSINESS	RURAL INDUSTRY	COMPOSITE INDUSTRY	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2	RURAL LIVING	SPECIAL SITE
COMMERCIAL														
Art Gallery	P	X	P	X	X	X	SA	IP	SA	IP	IP	IP	X	PREDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2

6. Amending the Zoning Table to modify the use class permissibilities of Winery and Brewery as a commercial use, as follows:

USE CLASSES	TOWN CENTRE	LOCAL CENTRE	TOURIST	RESIDENTIAL	RESIDENTIAL DEVELOPMENT	LIGHT INDUSTRY	MIXED BUSINESS	RURAL INDUSTRY	COMPOSITE INDUSTRY	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2	RURAL LIVING	SPECIAL SITE
COMMERCIAL														
Winery	X	X	X	X	X	X	X	AA	X	IP	IP	IP	X	PREDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2
Brewery	X	X	X	X	X	X	X	AA	X	IP	IP	IP	X	

7. Introduce a new definition to the Scheme:

**Cabin/Chalet Accommodation** – means a detached accommodation unit for a maximum of 6 occupants used for the temporary accommodation of tourists, visitors and travellers which is fully self contained and not occupied by the same tenant for a continuous period for more than 3 months in any 12 month period, but excludes any chalet or cabin located within an approved caravan park.

8. Delete the definition for Nursery from Appendix 1 - Definitions.

9. Amending Clause 5.21 to include additional clauses relating to setbacks for agricultural and incidental development, as follows:

5.21.2 (a) Setbacks for Agricultural Development

TABLE 3 – ALL RURAL ZONES			
Zone	Building Setbacks (m)		
	Front	Side	Rear
General Rural	20	10	20
Rural Agriculture 1	20	20	20
Rural Agriculture 2	20	20	20
Rural Living	10	5	10

5.21.1 (b) Setbacks for Incidental Development

TABLE 3A – GENERAL RURAL, RURAL AGRICULTURE 1 AND 2 ZONES			
Zone	Building Setbacks (m)		
	Front	Side	Rear
General Rural	20	100	100
Rural Agriculture 1	20	100	100
Rural Agriculture 2	20	35	35

10. Amending Clause 5.21 to include additional clauses relating to development controls for incidental development, as follows:

5.21.3 Other Incidental Uses

Council may permit the development and use of the land for the following uses:

- Art and Craft Centre
- Art Gallery
- Bed and Breakfast
- Brewery
- Cabin/Chalet Accommodation
- Farm Stay
- Museum
- Reception Centre
- Restaurant
- Shop
- Winery

provided that:

- a) The applicant submit a management plan addressing how potential conflicts, impacts and compatibility with existing and potential agricultural land uses – both internal and external to the site – are to be managed as per the requirements of SPP2.5, and including but not limited to the following measures:

- i. **Prior to construction of any accommodation units, the applicant shall submit a management plan developed in consultation with the Department of Agriculture and other relevant agencies or stakeholders, detailing measures to manage the following impacts:**
  - a)Dust and noise
  - b)Visual amenity
  - c)Bio-security
- ii. **prior to construction, all promotional information intended to be displayed shall be submitted to Council for approval.**
- iii. **Prior to occupation, relevant officers shall inspect accommodation to ensure bio-security information is displayed in a prominent place.**
- iv. **Prior to occupation, relevant officers shall inspect procedures to ensure that all guests are made aware of the bio-security issues and preventative measures upon check in.**
  - **the proponent submit an Agriculture Impact Statement, in accordance with the information prescribed in SPP2.5;**
  - **the proposed development remains as a subordinate use in scale, scope and intensity to the predominant agricultural nature of the site;**
  - **the proposed development is advertised;**
  - **signage within the agricultural zones to be restricted to the minimum exempted standards of the town planning scheme;**
  - **a maximum of 3 units is permitted on lots in the Rural Agriculture 2 zone, while a maximum of 7 units is permitted in the Rural Agriculture 1 and General Rural zones;**
  - **All accommodation units shall:**
    - i. **be separated from the nearest residential building on an adjacent property by a minimum of 70 metres; and**
    - ii. **comply with the setback provisions in the Scheme; and**
    - iii. **have screening vegetation planted and maintained to shield the neighbouring property from accommodation units. Where a property boundary abuts unallocated crown land the setback may be reduced at Council’s discretion, provided adequate separation distances to any waterway, public open space or park are maintained as per the requirements of relevant agencies, e.g. Department of Water and Department of Health.**
11. **Modify the definition of Transient Accommodation by replacing “used for habitation for the purposes of accommodation for a period not exceeding 6 months” to “used for habitation for the purposes of accommodation and not occupied by the same tenant for a continuous period for more than 6 months in any 12 month period.”**
12. **Modify Clause 5.21.2 (a) to read as follows:**
  - (a) **“That any occupant is directly employed in the agricultural sector.”**
13. **Amending Clause 5.21.2 by adding a Clause (e):**

- (e) The applicant submit a management plan addressing how potential conflicts, impacts and compatibility with existing and potential agricultural land uses – both internal and external to the site – are to be managed as per the requirements of SPP2.5, and including but not limited to the following measures:**
- ii. Prior to construction of any transient accommodation units, the applicant shall submit a management plan developed in consultation with the Department of Agriculture and other relevant agencies or stakeholders, detailing measures to manage the following impacts:**
  - iii.**
    - a)Dust and noise**
    - b)Visual amenity**
    - c)Bio-security**
  - i. prior to construction, all promotional information intended to be displayed shall be submitted to Council for approval.**
  - ii. Prior to occupation, relevant officers shall inspect accommodation to ensure bio-security information is displayed in a prominent place.**
  - iii. Prior to occupation, relevant officers shall inspect procedures to ensure that all guests are made aware of the bio-security issues and preventative measures upon check in.**

**Carried Unanimously 8/0**

## **ATTACHMENT 1: ORIGINAL AGENDA ITEM:**

### **PURPOSE**

For Council to consider an amendment to Town Planning Scheme No 7 to allow diversified land uses within the agricultural zones.

### **BACKGROUND**

The Local Planning Strategy (LPS) includes recommendations to modify the Scheme to allow diversified uses in the General Rural, Rural Agriculture 1 and Rural Agriculture 2 zones. Amendment 18 was prepared to insert provisions into the Scheme to reflect the LPS recommendations.

Council resolved to advertise the Amendment for public comment at the meeting of 15 August 2006. The advertising period has now concluded and the Amendment can be considered for final approval.

There have been two development applications (Lot 533 River Farm Road, Lot 619 Packsaddle Road) for the diversified uses of tourist accommodation which have received approval to develop 2 units each, with the development of further units pending the outcome of this Amendment. Council is also in receipt of an application to develop 5 units on Lot 206 River Farm Road, which will shortly commence advertising.

### **SITE LOCATION**

This amendment applies to all agricultural zones within the Planning Scheme boundary, but does not apply to Rural Living zones.

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

The purpose of the amendment is to allow diversified uses within specific agricultural zones, subject to a set of specific criteria. No specific development is proposed, however, the amendment will result in the ability of some landowners to undertake development subject to compliance with appropriate criteria.

### **FINANCIAL IMPLICATIONS**

The amendment is proposed by Council. No fee is therefore required.

### **CONSULTATION**

#### **Town Planning Scheme No. 7**

Under the Planning and Development Act 2005, Amendments to a Scheme must be advertised for a period of 42 days. The proposal was advertised in the Kimberley Echo requesting comment from 12 October 2006 to 24 November 2006.

Three submissions were received within the advertising period (1 objection, 1 of support and objection, 1 of no comment) as detailed on the attached schedule.

The main basis of the objection is summarised as:

- o Threats to bio-security;
- o Protecting the primary use of the land for horticulture;
- o Increasing costs of agricultural land through diversification of uses;
- o Land use conflict between tourism uses and agricultural uses;
- o Increasing population density in the agricultural areas; and
- o Compliance with the local planning strategy.

An applicant whose development proposal is shortly to be advertised and will be affected by the limits to tourist accommodation offered:

- b) Support for items requiring management plans, agriculture impact statements, and proposed development being a subordinate use to agriculture;
- c) Objection to restrictions on the number of accommodation units.

The Department of Water (DoW) advised no comment as the Amendment was referred to the EPA prior to advertising, at which time DoW provided comment.

The Department of Agriculture provided a late submission advising that productive agricultural land should not be taken out of production and that the main income from the land should still be agricultural. Buffers and bio-security management plans are also necessary. The Amendment accords with this advice.

#### Industry Consultation

A meeting was held between Council officers, tourism and agricultural industry representatives to address bio-security issues and land use conflict concerns that the Amendment, particularly in relation to tourist accommodation, has raised.

Attendees were:

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

Outcomes of the meeting were:

#### Bio-security issues:

- f) Prior to construction of any accommodation units, the applicant shall submit a management plan detailing measures to manage the following impacts:
  - Dust and noise
  - Visual amenity
  - Bio-security
- g) Prior to construction, all promotional information intended to be displayed shall be submitted to Council for approval.
- h) Prior to occupation, relevant officers shall inspect accommodation to ensure bio-security information is displayed in a prominent place.

- i) Prior to occupation, relevant officers shall inspect procedures to ensure that all guests are made aware of the bio-security issues and preventative measures upon check in.
- j) Increasing setbacks between side and rear boundaries to 35 metres.
- k) Imposing management plan provisions on transient accommodation.

Other issues:

- l) Management plan provisions must address various land use planning issues, including visual amenity, noise and dust.
- m) No distinction to be made between Rural Agriculture 1 and Rural Agriculture 2 zones in relation to number of units.
- n) Limit number of units to 3 below 6ha and 5 above 6ha, regardless of whether Rural Agriculture 1 or Rural Agriculture 2 zone.
- o) Review / revise Scheme definitions for nursery.
- p) Caravan parks and camping grounds to be 'X' uses.

Additional issues raised during the consultation period have resulted in proposed modifications to the Amendment, including:

- q) Introducing setback provisions addressing amenity issues to neighbouring residences, including screening vegetation.
- r) Introduce a new Scheme use and permissibilities for Cabin/Chalet Accommodation as an 'IP' use and designate Tourist Accommodation as an 'X' use in the agricultural zones.

## **PLANNING ASSESSMENT**

### **Local Planning Strategy**

Council's Local Planning Strategy recommends allowing diversified uses within agricultural zones to provide viability to producers, subject to specific criteria. The proposed scheme amendment is a product of the following key findings of the LPS:

#### *5.10.1.1 Diversified Uses in Agriculture Zones*

*...where farmers and producers are seeking to supplement incomes to ensure viability of the principal agricultural land use, there is some scope for allowing subordinate land uses only, or uses that are wholly incidental or dependant on the principal agricultural use of the land. The issues are different for different (agricultural) zones, as discussed (in sections 5.10.1.2 and 5.10.1.3)*

#### *5.10.1.2 Pastoral / General Industry zones*

*There is significant demand for and growth in tourist uses in the pastoral regions of the Kimberley, arising from the many unique natural features and sites that are located on pastoral leases, and pastoral leases themselves offer a unique, and authentic, outback and wilderness experiences. It is considered that some tourism*

*uses do not conflict with pastoral uses and can co-exist, and that an opportunity exists to diversify income as well as control unmanaged access to sensitive environmental features such as rivers, waterfalls and gorges.*

*The demand for an outback adventure and access to these unique landforms has seen the rapid rise in tourist accommodation and associated facilities, especially along the Gibb River and Kalumburu Roads, however, it is important to ensure that this increasing development is controlled to ensure impacts are minimised.*

*The LPS should encourage diversified tourism uses that do not conflict with pastoral uses, whilst recognising the need for and including development requirements for tourism uses in the subsequent Scheme. Currently there are no planning scheme controls, and the scale, nature and standard of development varies. The LPS therefore proposes to allow low key and eco tourism development, restrict accommodation that requires significant resources or infrastructure or has a significant impact on landscape values.*

#### 5.10.1.3 Rural Agriculture 1 and Rural Agriculture 2 Zones

*The Rural Agricultural zones are more sensitive to the intrusion of other land uses than the pastoral zone for a number of reasons. They are a finite and infrastructure intensive resource, and the availability of additional land requires significant subsidisation. These areas also require the use of machinery and chemicals that are not compatible with other uses, and due to the climate and operational hours may also be incompatible with the introduction of other uses.*

*There is however, some capacity, with appropriate development controls, to introduce some subordinate land uses to diversify the income of farmers and ensure their economic viability.*

*Typical Scheme land use and development controls appropriate for these zones to ensure that uses remain subordinate are:*

- Limit accommodation to low key uses such as bed and breakfast or farm stay;*
- Prohibit larger scale accommodation uses such as Caravan Parks or Camping Grounds;*
- Control accommodation numbers via Scheme provisions [One accommodation unit or bedroom in Rural Agriculture 1 zone, Two accommodation units or bedrooms in Rural Agriculture 2 zone];*
- Limit uses to those that are subordinate to agricultural uses to ensure that principal use of the site remains agriculture in subsequent Scheme;*
- Allow related non conflicting uses [such as Wayside Stall, Plant Nursery, and Art Studio];*
- Include minimum distances from agricultural land uses on the property and on adjoining or adjacent properties for all non agricultural uses in new DPS;*
- Allow uses such as Brewery or Winery subject to buffer distances from adjoining properties [minimum 500 metres];*
- Allow Eating House or Restaurant only where it is associated with the product of the subject property or it is incidental to a use such as a brewery or winery;*
- Allow uses such as Art Gallery, Museum, Café, in Rural Ag 1 zones subject to buffer distances from adjoining properties [minimum 100 metres];*

*No flexibility or diversification should be permitted without these land use and development controls.*

Furthermore, the LPS includes the following objectives, policy statements and recommended specific actions relating to the diversity of uses in agricultural zones:

*Agriculture  
Objective*

*To identify and protect land that is suitable for agriculture (including horticulture and pastoral development) and to facilitate the development of land for that use.*

*Policy*

*Land that is considered to be PAL should not be developed for anything that may prejudice its continued use for these purposes. Consultation in relation to the identification of PAL will be conducted in conjunction with the Department of Agriculture.*

*Other uses may be permitted within these areas provided that they are subordinate to, are incidental to, or relate to the predominant agricultural use of the land. These uses must not have a detrimental impact on the operations of or threaten the productivity of agricultural land use and development in the locality. Assessment would need to include consideration of access, scale, buffer distances and issues of sustainability, and any other relevant factors.*

*Advertising shall be restricted to that which is necessary to identify the use of the land and sited so as to minimise the impact on the locality.*

*Specific Actions*

*Provide clear assessment criteria in the planning scheme for non-agricultural development within agricultural land. This should include provisions relating to the types of uses permitted, the number of accommodation units, buffer distances and the distances of proposed uses to boundaries of adjoining properties. These issues will need to be addressed separately for specific zones. (SWEK, DPI, AgWa)*

*Identify mechanisms to consider and provide for value-adding opportunities associated with the agricultural industry by providing flexibility within the agricultural zones with regard to subordinate additional uses and development. (SWEK, DPI)*

*Ensure diversified uses are not permitted unless subordinate to principal agricultural uses, and are not permitted unless there is a clear benefit to providing viability to a site under existing cultivation. (SWEK, DPI, AgWA)*

*Restrict advertising within agricultural zones to the minimum exempted standards of the Planning Scheme. (SWEK)*

Compliance with the LPS

The proposed scheme amendment is consistent with the objectives, policy statements and recommended specific actions relating to agriculture in the LPS. The proposed scheme amendment includes specific development controls, as recommended by the LPS, to ensure that additional uses remain subordinate to the agricultural use of the land.

**The Shire of Wyndham-East Kimberley Town Planning Scheme No.7 - Kununurra and Environs (2001 as amended)**

Diversity of land use in agricultural zones in the SWEK is discouraged in TPS No.7 due to the potential for other development to diminish agricultural production, the mainstay of the local regional economy. The rationale for this is that the undertaking of other land uses in agricultural areas has the potential to not only restrict agriculture on the land in question, but can also affect the operations of other, third party agricultural operations in the locality.

It should be noted that Council has considered 2 development approvals (Lot 533 River Farm Road, Lot 619 Packsaddle Road) for tourism accommodation in the Rural Agriculture 2 zone during the advertising period of this Amendment and approved 2 units on each property, with advice to the applicants that more units may be approved pending the outcome of Amendment 18. An application for the development of 5 units on Lot 206 River Farm Road is currently being advertised.

Zone Objectives

The following zone objectives are relevant to the proposed scheme amendment.

**GENERAL RURAL ZONE**

*5.17.1 Objectives*

*to permit the continued use of the land for grazing and agricultural purposes;*

*to prohibit any industrial or urban development or land use which may adversely affect the above*

**RURAL AGRICULTURE 1 ZONE**

*5.18.1 Objectives*

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

**RURAL AGRICULTURE 2 ZONE**

*Objectives*

*To ensure the adequate supply of land for intensive agricultural and horticultural holdings in localities of adequate water supply and suitable soil types;*

*To promote the use of these lots for the production of horticultural crops and associated uses.*

The proposed scheme amendment is not at variance with these zone objectives.

Permissibility within the Zoning Table

The TPS limits the range of land uses that could conceivably be used for commercial purposes in the General Rural, Rural Agriculture 1 and Rural Agriculture 2 zones. The excerpt below from Table 1 of the TPS identifies the uses that may be possible. All other uses are prohibited.

	<b>General Rural</b>	<b>Rural Agriculture 1</b>	<b>Rural Agriculture 2</b>
Abattoir	AA	SA	x
Airfield	AA	AA	x
Aquaculture	SA	SA	SA
Bed and Breakfast	X	X	AA
Car Park	IP	IP	X
Cottage Industry	AA	AA	SA
Equestrian Centre	P	AA	SA
Extractive Industry	AA	AA	x
Farm Stay	SA	SA	SA
Garden Centre	AA	AA	AA
Home Business	AA	AA	AA
Home Occupation	P	P	P
Intensive Agriculture	P	P	p

Kennels/Cattery	SA	SA	SA
Market	AA	X	X
Milk Depot	AA	SA	SA
Nursery – Plant	AA	P	P
Office	IP	IP	IP
Piggery	AA	AA	x
Poultry Farming	AA	AA	SA
Restaurant	IP	X	X
Rural Industry	P	SA	SA
Rural Pursuit	P	P	P
Tourist Accommodation	X	X	SA
Transient Accommodation	AA	AA	AA
Transport Depot	X	SA	x
Wayside Stall	AA	AA	AA
Zoological Gardens	AA	AA	SA

Most of the above uses, whilst permissible, would require significant capital and by their nature be of a scale that may not be able to co-exist with agriculture. In other words, these uses are not of a type that they can be efficiently and relatively easily incorporated within an existing commercial agricultural operation for the purposes of supplementing income.

### Changes proposed to Amendment as a result of advertising and industry consultation

#### Permissibility within the Zoning Table

The advertised scheme amendment modified and introduced the following commercial uses and permissibilities for diversification in the agricultural zones:

	General Rural	Rural Agriculture 1	Rural Agriculture 2
Art and Craft Centre	IP	IP	IP
Art Gallery	IP	IP	IP
Bed and Breakfast	IP	IP	IP
Brewery	IP	IP	IP
Farm Stay	IP	IP	IP
Museum	IP	IP	IP
Nursery – Plant	IP	IP	IP
Reception Centre	IP	IP	IP
Restaurant	IP	IP	IP
Shop	IP	IP	IP
Tourist Accommodation	IP	IP	IP
Wayside Stall	IP	IP	IP
Winery	IP	IP	IP

These incidental uses are to allow for landowners to adapt their land and operations to suit growing market areas, particularly those relating to tourism, with relatively little capital cost. They represent a more realistic opportunity to supplement existing agricultural earnings. They are also uses that can be controlled in size, scale and management so that they remain subordinate to the principal agricultural use of the site.

TPS No.7, consistent with the provisions of the Model Scheme Text, describes an incidental use as:

*“a use of premises which is ancillary and subordinate to the predominant use.”*

By ensuring development is consistent with this definition, coupled with additional development standards to be inserted within Clause 5.21, these supplementary income opportunities will protect the predominant use of the land for agricultural purposes.

Changes to permissibilities following advertising are proposed as follows:

### Nursery definition

An anomaly has been identified between the zoning table and Scheme definitions in relation to a Plant Nursery. The Scheme has definitions for a Nursery and a Plant Nursery which are similar, as follows:

*Nursery – means land and buildings used for the propagation, rearing and sale of products associated with horticultural and garden décor.*

*Plant Nursery – means any land or buildings used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden activities.*

It is proposed to delete the definition for Nursery, retain the definition for Plant Nursery and modify the Zoning Table to refer to a Plant Nursery instead of Nursery – Plant. Permissibilities will be modified to an ‘IP’ use in the agricultural zones, as per the advertised Amendment, and an ‘X’ use instead of the advertised ‘P’ use in the Rural Living zone.

### Tourist Accommodation

Tourist Accommodation is a use that is currently permitted within the Scheme in the Rural Agriculture 2 zone (‘SA’ use) and there are no provisions included in the Scheme relating to development controls or maximum numbers. The LPS recommends maximums of one accommodation unit in the Rural Agriculture 1 zone and two accommodation units in the Rural Agriculture 2 zone. However, the advertised Amendment increased these limits from 1 to 2, and from 2 to 5 respectively, to provide a limit in the Rural Agriculture 2 zone where currently no limit applies, whilst providing viability to tourism as a subordinate use in all zones.

Under TPS 7, the definition of Tourist Accommodation permits a variety of uses:

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

Some of the uses contained within the Tourist Accommodation definition are not complementary to the intent of this Amendment and would introduce undesirable elements into the agricultural zones, e.g backpackers accommodation. It is therefore proposed to:

- make Tourist Accommodation an ‘X’ use in the General Rural, Rural Agriculture 1 and Rural Agriculture 2 zones; and
- b) introduce as an ‘IP’ use in the General Rural, Rural Agriculture 1 and Rural Agriculture 2 zones, a new definition to the Scheme as follows:

*Cabin/Chalet Accommodation – means a detached accommodation unit for a maximum of 6 occupants used for the temporary accommodation of tourists, visitors and travellers which is fully self contained and not occupied by the same tenant for a continuous period for more than 3 months in any 12 month period, but excludes any chalet or cabin located within an approved caravan park.*

This change in definition will have no effect on the previously approved development proposals for tourist accommodation as they have been legally approved under the existing scheme provisions, and the applications would comply with the definition of Chalet Accommodation. In relation to Barra Barra (Lot 533 River Farm Road) a Restaurant would be able to be considered but as a separate use to the Chalet Accommodation.

#### Minor changes

Other minor changes to the advertised Amendment are proposed as follows:

- modify Art and Craft Centre to be an 'SA' use in the Composite Industry zone instead of the advertised modification to 'IP', an 'X' use in the Local Centre zoned instead of the advertised modification to 'AA', and an X use in the Rural Living zoned instead of the advertised modification to 'IP';
- modify Art Gallery to be an 'SA' use in the Composite Industry zone instead of the advertised modification to 'IP', an 'X' use in the Local Centre zoned instead of the advertised modification to 'AA', and an X use in the Rural Living zoned instead of the advertised modification to 'IP'; and
- modify Museum to be an 'X' use in the Local Centre zoned instead of the advertised modification to 'AA'.

#### Tourist Accommodation issues

##### Bio-security:

Issues relating to bio-security have been addressed through additional Scheme provisions formulated through industry consultation. They are as per development conditions that were imposed on the recent development applications, including:

- Prior to construction of any accommodation units, the applicant shall submit a management plan detailing measures to manage the following impacts:
  - Dust and noise
  - Visual amenity
  - Bio-security
- Prior to construction, all promotional information intended to be displayed shall be submitted to Council for approval.
- Prior to occupation, relevant officers shall inspect accommodation to ensure bio-security information is displayed in a prominent place.
- Prior to occupation, relevant officers shall inspect procedures to ensure that all guests are made aware of the bio-security issues and preventative measures upon check in.

##### Density:

In relation to density, the current Amendment document for Council to consider for final approval accords with the industry consultation group recommendation of making no distinction between the Rural Agriculture 1 or Rural Agriculture 2 zones.

The industry group recommended limiting accommodation units by lot size rather than zoning, with a maximum of 3 units permitted on lots of less than 6ha and a maximum of 5 units permitted on lots above 6ha.

The selection of 6ha is an arbitrary delineation. An assessment of the effect of lot sizes on the development potential for Chalet Accommodation in the Rural Agriculture 2 zone reveals:

Rural Agriculture 2 Zone	Number of Lots				Approximate Average Lot Size
	<6ha	<8ha	<10ha	>10ha	
Weaber Plain Road	3	6	7	11	9.2ha
River Farm Road	22	0	7	1	6.8ha
Packsaddle Road	11	10	17	12	8.5ha
Total	36	16	31	23	8.2ha

The above table shows that:

*Weaber Plain Road:*

Increasing the cut off point to 8ha from 6ha reduces the development potential of an additional 6 lots. Increasing the delineation to 10ha would restrict accommodation units to 3 on a further 7 lots, permitting only 11 lots in the area to develop to the maximum of 5 units per lot.

*River Farm Road:*

There is no difference between a 6ha and 8ha delineation in River Farm Road. Increasing the cut off point to 10ha would mean that accommodation units are limited to a maximum of 3 per lot in the entire River Farm Road area.

In relation to the recent Barra Barra application (Lot 533 River Farm Road, 2 units approved), an increase to 8ha would permit the development of an additional 3 units on the site, while an increase to 10ha would permit the development of only 1 additional unit.

*Packsaddle Road:*

Increasing from a 6ha to an 8ha delineation in Packsaddle Road will restrict the number of lots with potential to develop over 3 units from 11 to 21. A 10ha cut off point would reduce the development potential of a further 17 lots, restricting the development of 5 accommodation units to 12 lots in total.

In relation to the recent Mango Farm application (Lot 619 Packsaddle Road, 2 units approved), an additional 3 units will be permitted on site regardless of an 8ha or 10ha delineation, as the lot size is 12ha.

*Overall:*

If all lots in all areas were developed to their maximum potential at the industry recommended 6ha cut off, there would be 70 out of 106 lots able to develop 5 accommodation units. At 8ha, a total of 54 lots would be able to develop 5 units, and at 10ha a total of 23 lots would be able to develop to the maximum.

It is considered that the industry recommendation to differentiate accommodation units by lot size instead of zoning is arbitrary and it is preferable to implement development control through zoning. Therefore, the Amendment proposes to permit 3 units in the Rural Agriculture 2 zone and 7 units in the Rural Agriculture 1 and General Rural zones. The increase to 7 units from the advertised 5 units is in recognition of the larger lot sizes that prevail in the Rural Agriculture 1 and General Rural zones.

Transient Accommodation:

As a result of industry consultation, management plan provisions are proposed in relation to bio-security issues for transient accommodation for seasonal workers. To effect this, it is proposed to insert the same provisions that relate to other incidental uses at Clause 5.21.2 e) with provisions relating to a management plan. It is proposed to retain Transient Accommodation as an AA use in the agricultural zones, meaning that advertising is not required.

It is also proposed to modify Clause 5.21.2 a) to remove the requirement for occupants of transient accommodation to be employed “in the business or activity carried out on the lot” to be employed “in the agricultural sector”. This is to take account of larger enterprises which conduct agricultural activity over more than one lot where it would be undesirable to have Transient Accommodation scattered over productive agricultural land. A better quality of development is likely to result and there may be opportunities for smaller landowners to utilise Transient Accommodation facilities developed on a larger holding.

An adjustment to the definition of Transient Accommodation is also proposed to clarify that a unit cannot be occupied by the same tenant for more than 6 months. This is to ensure the use is for seasonal workers and longer term residential habitation does not develop in the area.

Setbacks:

The proposed scheme amendment seeks to expand on existing development controls to ensure additional uses remain incidental to the principal agricultural use of the land by amending the setback provisions to include incidental uses, as follows:

5.21.1 (a) Setbacks for Agricultural Development

<b>TABLE 3 – ALL RURAL ZONES</b>			
<b>Zone</b>	<b>Building Setbacks (m)</b>		
	<b>Front</b>	<b>Side</b>	<b>Rear</b>
General Rural	20	10	20
Rural Agriculture 1	20	20	20
Rural Agriculture 2	20	20	20
Rural Living	10	5	10

5.21.2 (b) Setbacks for Incidental Development

<b>TABLE 3A – GENERAL RURAL, RURAL AGRICULTURE 1 AND 2 ZONES</b>			
<b>Zone</b>	<b>Building Setbacks (m)</b>		
	<b>Front</b>	<b>Side</b>	<b>Rear</b>
General Rural	20	100	100
Rural Agriculture 1	20	100	100
Rural Agriculture 2	20	35	35

To ensure that the amenity of neighbouring properties is not affected, particularly in the Rural Agriculture 2 zone, the Amendment proposes the following additional provisions:

- All accommodation units must:
  - be separated from the nearest residential building on an adjacent property by a minimum of 70 metres; and
  - comply with the setback provisions in the Scheme; and

- o screening vegetation must be planted and maintained to shield the neighbouring property from accommodation units.

In cases where a property boundary abuts unallocated crown land or a reserve, e.g. Foreshore Reserve, the setback may be reduced at Council's discretion, provided adequate separation distances to any waterway, public open space or park are maintained as per the requirements of relevant agencies, e.g. Department of Water and Department of Health.

#### Proposed Scheme Provisions for Development Control

The proposed scheme amendment includes the following provisions relating to development control:

##### 5.21.1 Other Incidental Uses

Council may permit the development and use of the land for the following uses:

- Art and Craft Centre
- Art Gallery
- Bed and Breakfast
- Brewery
- Cabin/Chalet Accommodation
- Farm Stay
- Museum
- Reception Centre
- Restaurant
- Shop
- Winery

provided that:

- (a) The applicant submit a management plan addressing how potential conflicts, impacts and compatibility with existing and potential agricultural land uses – both internal and external to the site – are to be managed as per the requirements of SPP2.5, and including but not limited to the following measures:
  - a. Prior to construction of any accommodation units, the applicant shall submit a management plan developed in consultation with the Department of Agriculture and other relevant agencies or stakeholders, detailing measures to manage the following impacts:
    - i. Dust and noise
    - ii. Visual amenity
    - iii. Bio-security
  - b. Prior to construction, all promotional information intended to be displayed shall be submitted to Council for approval.
  - c. Prior to occupation, relevant officers shall inspect accommodation to ensure bio-security information is displayed in a prominent place.
  - d. Prior to occupation, relevant officers shall inspect procedures to ensure that all guests are made aware of the bio-security issues and preventative measures upon check in;

- (b) the proponent submit an Agriculture Impact Statement, in accordance with the information prescribed in SPP2.5;
- (c) the proposed development remains as a subordinate use in scale, scope and intensity to the predominant agricultural nature of the site;
- (d) the proposed development is advertised;
- (e) signage within the agricultural zones to be restricted to the minimum exempted standards of the town planning scheme;
- (f) a maximum of 3 units is permitted on lots in the Rural Agriculture 2 zone, while a maximum of 7 units is permitted in the Rural Agriculture 1 and General Rural zones;
- (g) All accommodation units shall:
  - i. be separated from the nearest residential building on an adjacent property by a minimum of 70 metres; and
  - ii. comply with the setback provisions in the Scheme; and
  - iii. have screening vegetation planted and maintained to shield the neighbouring property from accommodation units.
- (h) Where a property boundary abuts unallocated crown land the setback may be reduced at Council's discretion, provided adequate separation distances to any waterway, public open space or park are maintained as per the requirements of relevant agencies, e.g. Department of Water and Department of Health.

### **Final Approval Process**

The amendment will modify TPS 7 to allow additional uses within agricultural zones, in accordance with the recommendations of the LPS.

The process from adoption for final approval is as follows:

- § Referral to the Western Australian Planning Commission for recommendation to the Minister of final approval;
- § Consideration by the Hon. Minister for Planning and Infrastructure for final approval

If the Hon Minister grants final approval, then:

- § The Amendment is gazetted and changes to the Scheme effected; and
- § Development Applications for Lot 533 River Farm Road and Lot 619 Packsaddle Road may need to be reconsidered.

### **CONCLUSION**

The amendment has been prepared in accordance with Council's Local Planning Strategy. The amendment will allow diversification in Agricultural zones, whilst protecting the right to farm, by inclusion of specific provisions designed to ameliorate potential conflicts.

Extensive consultation with affected landowners and industry consultation has been conducted, resulting in changes to the Amendment for final approval which have addressed concerns.

It is recommended that Council adopt the amendment for final approval.

**ATTACHMENTS**

Amendment documents are attached as ATTACHMENT 1.

**VOTING REQUIREMENT**

Simple Majority.

## **RECOMMENDATION**

That Council, pursuant to section 75 of the Planning and Development Act 2005, amend the Shire of Wyndham-East Kimberley Planning Scheme No.7 by:

1. Amending the Zoning Table to modify the use class permissibilities of Bed and Breakfast, Farm Stay, Reception Centre, Restaurant, Shop and Wayside Stall to an Incidental Use (to be designated as “IP”) in the General Rural, Rural Agriculture 1 and Rural Agriculture 2 zones, as follows:

USE CLASSES	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2
<b>COMMERCIAL</b>			
Bed and Breakfast	IP	IP	IP
Farm Stay	IP	IP	IP
Reception Centre	IP	IP	IP
Restaurant	IP	IP	IP
Shop	IP	IP	IP
Wayside Stall	IP	IP	IP

2. Amending the Zoning Table to modify the description of Nursery – Plant to Plant Nursery and to modify the use from a Discretionary Use (designated as “AA”) and Permissible Use (designated as “P”) to an Incidental Use (to be designated as “IP”) in the General Rural, Rural Agriculture 1 and Rural Agriculture 2 zones, and “X” in the Rural Living zone, as follows:

USE CLASSES	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2	RURAL LIVING
<b>COMMERCIAL</b>				
Plant Nursery	IP	IP	IP	X

3. Amending the Zoning Table to modify the use class permissibility of Tourist Accommodation from an ‘SA’ use in the Rural Agriculture 2 zone to an ‘X’ use, as follows:

USE CLASSES	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2
<b>COMMERCIAL</b>			
Tourist Accommodation	X	X	X

**4. Amending the Zoning Table to include the use class Art and Craft Centre, Museum and Cabin/Chalet Accommodation as commercial uses, as follows:**

USE CLASSES	TOWN CENTRE	LOCAL CENTRE	TOURIST	RESIDENTIAL	RESIDENTIAL DEVELOPMENT	LIGHT INDUSTRY	MIXED BUSINESS	RURAL INDUSTRY	COMPOSITE INDUSTRY	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2	RURAL LIVING	SPECIAL SITE
<b>COMMERCIAL</b>														
Art and Craft Centre	P	X	P	X	X	X	SA	IP	SA	IP	IP	IP	X	PREDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2
Museum	P	X	P	X	X	X	X	X	X	IP	IP	IP	X	
Cabin/Chalet Accommodation	X	X	P	X	X	X	X	X	X	IP	IP	IP	X	

**5. Amending the Zoning Table to modify the use class permissibilities of Art Gallery as a commercial use, as follows:**

USE CLASSES	TOWN CENTRE	LOCAL CENTRE	TOURIST	RESIDENTIAL	RESIDENTIAL DEVELOPMENT	LIGHT INDUSTRY	MIXED BUSINESS	RURAL INDUSTRY	COMPOSITE INDUSTRY	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2	RURAL LIVING	SPECIAL SITE
<b>COMMERCIAL</b>														
Art Gallery	P	X	P	X	X	X	SA	IP	SA	IP	IP	IP	X	PREDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2

**7. Amending the Zoning Table to modify the use class permissibilities of Winery and Brewery as a commercial use, as follows:**

USE CLASSES	TOWN CENTRE	LOCAL CENTRE	TOURIST	RESIDENTIAL	RESIDENTIAL DEVELOPMENT	LIGHT INDUSTRY	MIXED BUSINESS	RURAL INDUSTRY	COMPOSITE INDUSTRY	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2	RURAL LIVING	SPECIAL SITE
<b>COMMERCIAL</b>														
Winery	X	X	X	X	X	X	X	AA	X	IP	IP	IP	X	PREDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2
Brewery	X	X	X	X	X	X	X	AA	X	IP	IP	IP	X	

#### 8. Introduce a new definition to the Scheme:

Cabin/Chalet Accommodation – means a detached accommodation unit for a maximum of 6 occupants used for the temporary accommodation of tourists, visitors and travellers which is fully self contained and not occupied by the same tenant for a continuous period for more than 3 months in any 12 month period, but excludes any chalet or cabin located within an approved caravan park.

#### 9. Delete the definition for Nursery from Appendix 1 - Definitions.

#### 9. Amending Clause 5.21 to include additional clauses relating to setbacks for agricultural and incidental development, as follows:

##### 5.21.4 (a) Setbacks for Agricultural Development

TABLE 3 – ALL RURAL ZONES			
Zone	Building Setbacks (m)		
	Front	Side	Rear
General Rural	20	10	20
Rural Agriculture 1	20	20	20
Rural Agriculture 2	20	20	20
Rural Living	10	5	10

##### 5.21.3 (b) Setbacks for Incidental Development

<b>TABLE 3A – GENERAL RURAL, RURAL AGRICULTURE 1 AND 2 ZONES</b>			
<b>Zone</b>	<b>Building Setbacks (m)</b>		
	<b>Front</b>	<b>Side</b>	<b>Rear</b>
General Rural	20	100	100
Rural Agriculture 1	20	100	100
Rural Agriculture 2	20	35	35

**10. Amending Clause 5.21 to include additional clauses relating to development controls for incidental development, as follows:**

5.21.5 Other Incidental Uses

Council may permit the development and use of the land for the following uses:

- Art and Craft Centre
- Art Gallery
- Bed and Breakfast
- Brewery
- Cabin/Chalet Accommodation
- Farm Stay
- Museum
- Reception Centre
- Restaurant
- Shop
- Winery

provided that:

- a) The applicant submit a management plan addressing how potential conflicts, impacts and compatibility with existing and potential agricultural land uses – both internal and external to the site – are to be managed as per the requirements of SPP2.5, and including but not limited to the following measures:
  - i. Prior to construction of any accommodation units, the applicant shall submit a management plan developed in consultation with the Department of Agriculture and other relevant agencies or stakeholders, detailing measures to manage the following impacts:
    - a) Dust and noise
    - b) Visual amenity
    - c) Bio-security
  - ii. prior to construction, all promotional information intended to be displayed shall be submitted to Council for approval.
  - iii. Prior to occupation, relevant officers shall inspect accommodation to ensure bio-security information is displayed in a prominent place.

- iv. Prior to occupation, relevant officers shall inspect procedures to ensure that all guests are made aware of the bio-security issues and preventative measures upon check in.
- the proponent submit an Agriculture Impact Statement, in accordance with the information prescribed in SPP2.5;
- the proposed development remains as a subordinate use in scale, scope and intensity to the predominant agricultural nature of the site;
- the proposed development is advertised;
- signage within the agricultural zones to be restricted to the minimum exempted standards of the town planning scheme;
- a maximum of 3 units is permitted on lots in the Rural Agriculture 2 zone, while a maximum of 7 units is permitted in the Rural Agriculture 1 and General Rural zones;
- All accommodation units shall:
  - i. be separated from the nearest residential building on an adjacent property by a minimum of 70 metres; and
  - ii. comply with the setback provisions in the Scheme; and
  - iii. have screening vegetation planted and maintained to shield the neighbouring property from accommodation units.
- Where a property boundary abuts unallocated crown land the setback may be reduced at Council's discretion, provided adequate separation distances to any waterway, public open space or park are maintained as per the requirements of relevant agencies, e.g. Department of Water and Department of Health.

**12. Modify the definition of Transient Accommodation by replacing “used for habitation for the purposes of accommodation for a period not exceeding 6 months” to “used for habitation for the purposes of accommodation and not occupied by the same tenant for a continuous period for more than 6 months in any 12 month period.”**

**13. Modify Clause 5.21.2 (a) to read as follows:**

- (a) “That any occupant is directly employed in the agricultural sector.”

**14. Amending Clause 5.21.2 by adding a Clause (e):**

- (e) The applicant submit a management plan addressing how potential conflicts, impacts and compatibility with existing and potential agricultural land uses – both internal and external to the site – are to be managed as per the requirements of SPP2.5, and including but not limited to the following measures:

- i. Prior to construction of any transient accommodation units, the applicant shall submit a management plan developed in consultation with the Department of Agriculture and other relevant agencies or stakeholders, detailing measures to manage the following impacts:
  - a) Dust and noise
  - b) Visual amenity
  - c) Bio-security
  
- i. prior to construction, all promotional information intended to be displayed shall be submitted to Council for approval.
  
- ii. Prior to occupation, relevant officers shall inspect accommodation to ensure bio-security information is displayed in a prominent place.
  
- iii. Prior to occupation, relevant officers shall inspect procedures to ensure that all guests are made aware of the bio-security issues and preventative measures upon check in.

**ATTACHMENT 2: TPS AMENDMENT 18**

SHIRE OF WYNDHAM-EAST KIMBERLEY



**TOWN PLANNING SCHEME NO.7**

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**AMENDMENT NO. 18**

**Allowing for Diversified Uses in the Agricultural Zones**

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**PLANNING AND DEVELOPMENT ACT 2005**  
**RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME**

**SHIRE OF WYNDHAM-EAST KIMBERLEY**

**TOWN PLANNING SCHEME NO.7**

**AMENDMENT NO. 18**

That the Council, pursuant to section 75 of the Planning and Development Act 2005, amend the Shire of Wyndham-East Kimberley Planning Scheme No.7 by:

1. Amending the Zoning Table to modify the use class permissibilities of Bed and Breakfast, Farm Stay, Reception Centre, Restaurant, Shop and Tourist Accommodation to an Incidental Use (to be designated as "IP") in the General Rural, Rural Agriculture 1 and Rural Agriculture 2 zones, as follows:

USE CLASSES	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2
<b>COMMERCIAL</b>			
Bed and Breakfast	IP	IP	IP
Farm Stay	IP	IP	IP
Reception Centre	IP	IP	IP
Restaurant	IP	IP	IP
Shop	IP	IP	IP
Tourist Accommodation	IP	IP	IP

2. Amending the Zoning Table to modify Wayside Stall from a Discretionary Use (designated as "AA") to an Incidental Use (to be designated as "IP") in the General Rural, Rural Agriculture 1 and Rural Agriculture 2 zones, as follows:

USE CLASSES	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2
<b>COMMERCIAL</b>			
Wayside Stall	IP	IP	IP

3. Amending the Zoning Table to modify Nursery – Plant from a Discretionary Use (designated as "AA") and Permissible Use (designated as "P") to an Incidental Use (to be designated as "IP") in the General Rural, Rural Agriculture 1 and Rural Agriculture 2 zones, as follows:

USE CLASSES	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2
<b>COMMERCIAL</b>			
Nursery - Plant	IP	IP	IP

4. Amending the Zoning Table to include the use class Art and Craft Centre as a commercial use, as follows:

USE CLASSES	TOWN CENTRE	LOCAL CENTRE	TOURIST	RESIDENTIAL	RESIDENTIAL DEVELOPMENT	LIGHT INDUSTRY	MIXED BUSINESS	RURAL INDUSTRY	COMPOSITE INDUSTRY	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2	RURAL LIVING	SPECIAL SITE
<b>COMMERCIAL</b>														
Art and Craft Centre	P	AA	P	X	X	X	SA	IP	IP	IP	IP	IP	IP	PREDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2

5. Amending the Zoning Table to modify the use class permissibilities of Art Gallery as a commercial use, as follows:

USE CLASSES	TOWN CENTRE	LOCAL CENTRE	TOURIST	RESIDENTIAL	RESIDENTIAL DEVELOPMENT	LIGHT INDUSTRY	MIXED BUSINESS	RURAL INDUSTRY	COMPOSITE INDUSTRY	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2	RURAL LIVING	SPECIAL SITE
<b>COMMERCIAL</b>														
Art Gallery	P	AA	P	X	X	X	SA	IP	IP	IP	IP	IP	IP	PREDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2

- i. Amending the Zoning Table to include the use class Museum as a commercial use, as follows:

USE CLASSES	TOWN CENTRE	LOCAL CENTRE	TOURIST	RESIDENTIAL	RESIDENTIAL DEVELOPMENT	LIGHT INDUSTRY	MIXED BUSINESS	RURAL INDUSTRY	COMPOSITE INDUSTRY	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2	RURAL LIVING	SPECIAL SITE
<b>COMMERCIAL</b>														
Museum	P	AA	P	X	X	X	X	X	X	IP	IP	IP	X	PREDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2

7. Amending the Zoning Table to modify the use class permissibilities of Winery and Brewery as a commercial use, as follows:

USE CLASSES	TOWN CENTRE	LOCAL CENTRE	TOURIST	RESIDENTIAL	RESIDENTIAL DEVELOPMENT	LIGHT INDUSTRY	MIXED BUSINESS	RURAL INDUSTRY	COMPOSITE INDUSTRY	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2	RURAL LIVING	SPECIAL SITE
<b>COMMERCIAL</b>														
Winery	X	X	X	X	X	X	X	AA	X	IP	IP	IP	IP	PREDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2
Brewery	X	X	X	X	X	X	X	AA	X	IP	IP	IP	IP	

**8. Amending Clause 5.21 to include additional clauses relating to setbacks for agricultural and incidental development, as follows:**

5.21.1 (a) Setbacks for Agricultural Development

<b>TABLE 3 – ALL RURAL ZONES</b>			
<b>Zone</b>	<b>Building Setbacks (m)</b>		
	<b>Front</b>	<b>Side</b>	<b>Rear</b>
General Rural	20	10	20
Rural Agriculture 1	20	20	20
Rural Agriculture 2	20	20	20
Rural Living	10	5	10

5.21.1 (b) Setbacks for Incidental Development in Rural Agriculture 1 and Rural Agriculture 2 zones

<b>TABLE 3A – RURAL AGRICULTURE 1 AND RURAL AGRICULTURE 2 ZONES</b>			
<b>Zone</b>	<b>Building Setbacks (m)</b>		
	<b>Front</b>	<b>Side</b>	<b>Rear</b>
Rural Agriculture 1	20	100	100
Rural Agriculture 2	20	25	25

**9. Amending Clause 5.21 to include additional clauses relating to development controls for incidental development, as follows:**

5.21.2 Other Incidental Uses

Council may permit the development and use of the land for the following uses:

- Art and Craft Centre
- Art Gallery
- Bed and Breakfast
- Brewery
- Farm Stay
- Museum
- Nursery - Plant
- Reception Centre
- Restaurant
- Shop
- Tourist Accommodation
- Wayside Stall
- Winery

provided that:

- (a) The applicant submit a management plan addressing how potential conflicts, impacts and compatibility with existing and potential agricultural land uses – both internal and external to the site – are to be managed as per the requirements of SPP2.5;

- (b) the proponent submit an Agriculture Impact Statement, in accordance with the information prescribed in SPP2.5;
- (c) the proposed development remains as a subordinate use in scale, scope and intensity to the predominant agricultural nature of the site;
- (d) the proposed development is advertised;
- (e) signage within the agricultural zones to be restricted to the minimum exempted standards of the town planning scheme;
- (f) accommodation units in the Rural Agriculture 1 zone shall be limited to a maximum of two; and
- (g) accommodation units in the Rural Agriculture 2 zone shall be limited to a maximum of five.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

**PROPOSAL TO AMEND A TOWN PLANNING SCHEME.**

- 1) LOCAL AUTHORITY** : SHIRE OF WYNDHAM-EAST KIMBERLEY
- 2) DESCRIPTION OF TOWN PLANNING SCHEME** : TOWN PLANNING SCHEME NO.7
- 3) TYPE OF SCHEME** : LOCAL PLANNING SCHEME
- 4) SERIAL NUMBER OF AMENDMENT** : AMENDMENT No. 18
- 5) PURPOSE** :

1. **Amend the Zoning Table to modify the use class permissibilities of Bed and Breakfast, Farm Stay, Reception Centre, Restaurant, Shop and Tourist Accommodation to an Incidental Use (to be designated as "IP") in the General Rural, Rural Agriculture 1 and Rural Agriculture 2 zones.**
2. **Amend the Zoning Table to modify Wayside Stall from a Discretionary Use (designated as "AA") to an Incidental Use (to be designated as "IP") in the General Rural, Rural Agriculture 1 and Rural Agriculture 2 zones.**
3. **Amend the Zoning Table to modify Nursery – Plant from a Discretionary Use (designated as "AA") and Permissible Use (designated as "P") to an Incidental Use (to be designated as "IP") in the General Rural, Rural Agriculture 1 and Rural Agriculture 2 zones.**
4. **Amend the Zoning Table to include the use class Art and Craft Centre as a commercial use.**
5. **Amend the Zoning Table to modify the use class permissibilities of Art Gallery as a commercial use.**
6. **Amend the Zoning Table to include the use class Museum as a commercial use.**
7. **Amend the Zoning Table to modify the use class permissibilities of Winery and Brewery as a commercial use.**
8. **Amend Clause 5.21 to include additional clauses relating to setbacks for agricultural and incidental development.**

9. **Amend Clause 5.21 to include additional clauses relating to development controls for incidental development.**

12.2.1.1.1

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12.2.1.1.17 SCHEME REPORT

## REASON FOR AMENDMENT

The protection of agricultural land, particularly Prime Agricultural Land (PAL), is one of the key objectives of the Shire of Wyndham East Kimberley (SWEK) 2005 Local Planning Strategy (LPS). However, Council's LPS recognises that agricultural operations are vulnerable to fluctuating product prices and world market trends. Therefore, In order to protect and facilitate the long term viability of this vital industry sector, the proposed scheme amendment will allow commercial agricultural operators to use their land for other subordinate land uses to supplement income.

### 12.2.1.2 PLANNING CONTEXT

The following planning documents are relevant to the proposed scheme amendment to permit greater land use diversity in the agricultural zones.

#### Statement of Planning Policy 2.5 – Agriculture and Rural Land Use

The general principle of SPP2.5 is to protect productive agricultural land from any activity that will threaten its productivity whilst accepting *“a need to accommodate expanding urban areas and other uses of State significance”*. This policy arose from the rapid rate of agricultural land being converted to other uses which, in turn, has threatened the productivity of this significant sector of the State economy. The basis of the policy is guided by the following specific principals:

The State's priority agricultural land resource should be protected;

Rural settlement opportunities should be provided if sustainable and of benefit to the community;

The potential for land use conflict should be minimised; and

The State's natural resources should be carefully managed.

#### Diversity in Agricultural Zones

SPP2.5 advises that town planning schemes may allow for some diversification provided that the above principals are met. For instance, *Clause 5.2 Town Planning Scheme Provisions for Agricultural Land*, with regard to PAL zones, states the following:

*5.2.1(iv) Town Planning scheme provisions may be appropriate within the “Priority Agriculture” zone to allow small scale tourist activities, including farm stay chalets, and bed and breakfast, where these are incidental uses to the primary agricultural use of the land. All impacts associated with these tourist activities must be contained on-site.*

And with regard to General Agriculture zones:

*5.2.2 (iii) Town Planning scheme provisions should be included within the “General Agriculture” zone to allow tourist activities, including farm stay, chalets, and bed and breakfast, where these are complementary uses to agricultural use of the land. Impacts associated with these tourist activities should be contained on-site.*

#### Proponents to Provide Further Information

SPP2.5 advises that development within rural areas must have regard to both on-site and off-site impacts. *Clause 5.2.3 Town Planning Scheme Provisions to Avoid Land Use Conflicts* states that development proposals should be accompanied by information addressing the following:

- 5.2.3 (a) *environmental values and any environmental risks;*
- (b) *the potential for land use conflict;*
- (c) *the potential impacts and restrictions on allowed uses on adjacent or nearby locations; and*
- (d) *the separation distances and/or buffers relating to a potentially incompatible land use which need to be provided on-site and the appropriate conditions relating to subdivision and development.*

SPP2.5 also provides Guidelines for *Preparing an Agriculture Impact Statement*. This statement, to be submitted by the proponent, is to provide information about the potential loss of agricultural land by the development, if any, and should examine land capability and the potential for land use conflict.

#### Compliance with SPP2.5

The proposed scheme amendment is consistent with the principles of SPP2.5 in that it proposes the same kind of incidental and complementary land uses as described in the policy. The proposed scheme amendment is also consistent with the policy in that it requires the submission of further information relating to potential conflicts, impacts and compatibility.

#### **The SWEK Local Planning Strategy (2005)**

The SWEK Local Planning Strategy (LPS) has recently received endorsement by the Western Australian Planning Commission. The LPS was prepared to provide background analysis and strategic direction for the Shire, specifically the towns of Wyndham and Kununurra. The document included a factual and comprehensive account of the issues currently facing the SWEK, one of which was the issue for the need to allow commercial agricultural operators the opportunity to supplement their uneven incomes through additional subordinate uses.

#### Key Findings of the LPS relating to Diversity in Agricultural Zones

The proposed scheme amendment is a product of the following Key Findings of the LPS:

##### *5.10.1.1 Diversified Uses in Agriculture Zones*

*...where farmers and producers are seeking to supplement incomes to ensure viability of the principal agricultural land use, there is some scope for allowing subordinate land uses only, or uses that are wholly incidental or dependant on the principal agricultural use of the land. The issues are different for different (agricultural) zones, as discussed (in sections 5.10.1.2 and 5.10.1.3 below)*

##### *5.10.1.2 Pastoral / General Industry zones*

*There is significant demand for and growth in tourist uses in the pastoral regions of the Kimberley, arising from the many unique natural features and sites that are located on pastoral leases, and pastoral leases themselves offer a unique, and authentic, outback and wilderness experiences. It is considered that some tourism uses do not conflict with pastoral uses and can co-exist, and that an opportunity exists to diversify income as well as control unmanaged access to sensitive environmental features such as rivers, waterfalls and gorges.*

*The demand for an outback adventure and access to these unique landforms has seen the rapid rise in tourist accommodation and associated facilities, especially along the Gibb River and Kalumburu Roads, however, it is important to ensure that this increasing development is controlled to ensure impacts are minimised.*

*The LPS should encourage diversified tourism uses that do not conflict with pastoral uses, whilst recognising the need for and including development requirements for tourism uses in the subsequent Scheme. Currently there are no planning scheme controls, and the scale, nature and standard of development varies. The LPS therefore proposes to allow low key and eco tourism development, restrict accommodation that requires significant resources or infrastructure or has a significant impact on landscape values.*

#### 5.10.1.3 Rural Agriculture 1 and Rural Agriculture 2 Zones

*The Rural Agricultural zones are more sensitive to the intrusion of other land uses than the pastoral zone for a number of reasons. They are a finite and infrastructure intensive resource, and the availability of additional land requires significant subsidisation. These areas also require the use of machinery and chemicals that are not compatible with other uses, and due to the climate and operational hours may also be incompatible with the introduction of other uses.*

*There is however, some capacity, with appropriate development controls, to introduce some subordinate land uses to diversify the income of farmers and ensure their economic viability.*

*Typical Scheme land use and development controls appropriate for these zones to ensure that uses remain subordinate are:*

- *Limit accommodation to low key uses such as bed and breakfast or farm stay;*
- *Prohibit larger scale accommodation uses such as Caravan Parks or Camping Grounds;*
- *Control accommodation numbers via Scheme provisions [One accommodation unit or bedroom in Rural Agriculture 1 zone, Two accommodation units or bedrooms in Rural Ag 2 zone];*
- *Limit uses to those that are subordinate to agricultural uses to ensure that principal use of the site remains agriculture in subsequent Scheme;*
- *Allow related non conflicting uses [such as Wayside Stall, Plant Nursery, and Art Studio];*
- *Include minimum distances from agricultural land uses on the property and on adjoining or adjacent properties for all non agricultural uses in new DPS;*
- *Allow uses such as Brewery or Winery subject to buffer distances from adjoining properties [minimum 500 metres];*
- *Allow Eating House or Restaurant only where it is associated with the product of the subject property or it is incidental to a use such as a brewery or winery;*
- *Allow uses such as Art Gallery, Museum, Café, in Rural Ag 1 zones subject to buffer distances from adjoining properties [minimum 100 metres];*

*No flexibility or diversification should be permitted without these land use and development controls.*

It should be noted that Tourist Accommodation is a use that is currently permitted within the Scheme in the Rural Agriculture 2 zone and there are no provisions included in the Scheme relating to development controls or maximum numbers. The LPS recommends maximums of one accommodation unit in the Rural Agriculture 1 zone and two accommodation units in the Rural Agriculture 2 zone, however, the Amendment increases these limits from 1 to 7, and from 2 to 3 respectively. This will provide a limit where currently no limit applies, whilst providing viability to tourism as a subordinate use.

Furthermore, the LPS includes the following objectives, policy statements and recommended specific actions relating to the diversity of uses in agricultural zones:

## **6.1 Agriculture**

### *Objective*

*To identify and protect land that is suitable for agriculture (including horticulture and pastoral development) and to facilitate the development of land for that use.*

### *Policy*

*Land that is considered to be PAL should not be developed for anything that may prejudice its continued use for these purposes. Consultation in relation to the identification of PAL will be conducted in conjunction with the Department of Agriculture.*

*Other uses may be permitted within these areas provided that they are subordinate to, are incidental to, or relate to the predominant agricultural use of the land. These uses must not have a detrimental impact on the operations of or threaten the productivity of agricultural land use and development in the locality. Assessment would need to include consideration of access, scale, buffer distances and issues of sustainability, and any other relevant factors.*

*Advertising shall be restricted to that which is necessary to identify the use of the land and sited so as to minimise the impact on the locality.*

### *Specific Actions*

*Provide clear assessment criteria in the planning scheme for non-agricultural development within agricultural land. This should include provisions relating to the types of uses permitted, the number of accommodation units, buffer distances and the distances of proposed uses to boundaries of adjoining properties. These issues will need to be addressed separately for specific zones. (SWEK, DPI, AgWa)*

*Identify mechanisms to consider and provide for value-adding opportunities associated with the agricultural industry by providing flexibility within the agricultural zones with regard to subordinate additional uses and development. (SWEK, DPI)*

- *Ensure diversified uses are not permitted unless subordinate to principal agricultural uses, and are not permitted unless there is a clear benefit to providing viability to a site under existing cultivation. (SWEK, DPI, AgWA)*
- *Restrict advertising within agricultural zones to the minimum exempted standards of the Planning Scheme. (SWEK)*

## Compliance with the LPS

The scheme amendment is consistent with the objectives, policy statements and recommended specific actions relating to agriculture in the LPS. The proposed scheme amendment includes specific development controls, as recommended by the LPS, to ensure that additional uses remain subordinate to the agricultural use of the land.

**The Shire of Wyndham-East Kimberley Town Planning Scheme No.7 - Kununurra and Environs (2001 as amended)**

Diversity of land use in agricultural zones in the SWEK is discouraged in TPS No.7 due to the potential for other development to diminish agricultural production, the mainstay of the local regional economy. The rationale for this is that the undertaking of other land uses in agricultural areas has the potential to not only restrict agriculture on the land in question, but can also affect the operations of other, third party agricultural operations in the locality.

Zone Objectives

The following zone objectives are relevant to the proposed scheme amendment.

**5.17 GENERAL RURAL ZONE**

**5.17.1 Objectives**

- *to permit the continued use of the land for grazing and agricultural purposes;*
- *to prohibit any industrial or urban development or land use which may adversely affect the above*

**5.18 RURAL AGRICULTURE 1 ZONE**

**5.18.1 Objectives**

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

**5.19 RURAL AGRICULTURE 2 ZONE**

**5.19.1 Objectives**

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

The proposed scheme amendment is not at variance with these zone objectives.

Permissibility within the Zoning Table

The TPS limits the range of land uses that could conceivably be used for commercial purposes in the General Rural, Rural Agriculture 1 and Rural Agriculture 2 zones. The excerpt below from Table 1 of the TPS identifies the uses that may be possible. All other uses are prohibited.

	<b>General Rural</b>	<b>Rural Agriculture 1</b>	<b>Rural Agriculture 2</b>
Abattoir	AA	SA	x
Airfield	AA	AA	x
Aquaculture	SA	SA	SA
Bed and Breakfast	X	X	AA
Car Park	IP	IP	X
Cottage Industry	AA	AA	SA
Equestrian Centre	P	AA	SA
Extractive Industry	AA	AA	x

Farm Stay	SA	SA	SA
Garden Centre	AA	AA	AA
Home Business	AA	AA	AA
Home Occupation	P	P	P
Intensive Agriculture	P	P	p
Kennels/Cattery	SA	SA	SA
Market	AA	X	X
Milk Depot	AA	SA	SA
Nursery – Plant	AA	P	P
Office	IP	IP	IP
Piggery	AA	AA	x
Poultry Farming	AA	AA	SA
Restaurant	IP	X	X
Rural Industry	P	SA	SA
Rural Pursuit	P	P	P
Tourist Accommodation	X	X	SA
Transient Accommodation	AA	AA	AA
Transport Depot	X	SA	x
Wayside Stall	AA	AA	AA
Zoological Gardens	AA	AA	SA

Most of the above uses, whilst permissible, would require significant capital and by their nature be of a scale that may not be able to co-exist with agriculture. In other words, these uses are not of a type that they can be efficiently and relatively easily incorporated within an existing commercial agricultural operation for the purposes of supplementing income.

The advertised scheme amendment modified and introduced the following commercial uses and permissibilities for diversification in the agricultural zones:

	General Rural	Rural Agriculture 1	Rural Agriculture 2
Art and Craft Centre	IP	IP	IP
Art Gallery	IP	IP	IP
Bed and Breakfast	IP	IP	IP
Brewery	IP	IP	IP
Farm Stay	IP	IP	IP
Museum	IP	IP	IP
Nursery – Plant	IP	IP	IP
Reception Centre	IP	IP	IP
Restaurant	IP	IP	IP
Shop	IP	IP	IP
Tourist Accommodation	IP	IP	IP
Wayside Stall	IP	IP	IP
Winery	IP	IP	IP

These incidental uses are to allow for landowners to adapt their land and operations to suit growing market areas, particularly those relating to tourism, with relatively little capital cost. They represent a more realistic opportunity to supplement existing agricultural earnings. They are also uses that can be controlled in size, scale and management so that they remain subordinate to the principal agricultural use of the site.

TPS No.7, consistent with the provisions of the Model Scheme Text, describes an incidental use as:

*“a use of premises which is ancillary and subordinate to the predominant use.”*

By ensuring development is consistent with this definition, coupled with additional development standards to be inserted within Clause 5.21, these supplementary income opportunities will protect the predominant use of the land for agricultural purposes.

Changes to permissibilities following advertising are proposed as follows:

#### Nursery definition

An anomaly has been identified between the zoning table and Scheme definitions in relation to a Plant Nursery. The Scheme has definitions for a Nursery and a Plant Nursery which are similar, as follows:

*Nursery – means land and buildings used for the propagation, rearing and sale of products associated with horticultural and garden décor.*

*Plant Nursery – means any land or buildings used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden activities.*

It is proposed to delete the definition for Nursery, retain the definition for Plant Nursery and modify the Zoning Table to refer to a Plant Nursery instead of Nursery – Plant. Permissibilities will be modified to an 'IP' use in the agricultural zones, as per the advertised Amendment, and an 'X' use instead of the advertised 'P' use in the Rural Living zone.

#### Tourist Accommodation

Tourist Accommodation is a use that is currently permitted within the Scheme in the Rural Agriculture 2 zone ('SA' use) and there are no provisions included in the Scheme relating to development controls or maximum numbers. The LPS recommends maximums of one accommodation unit in the Rural Agriculture 1 zone and two accommodation units in the Rural Agriculture 2 zone. However, the advertised Amendment increased these limits from 1 to 7, and from 2 to 3 respectively, to provide a limit in the Rural Agriculture 2 zone where currently no limit applies, whilst providing viability to tourism as a subordinate use in the Rural Agriculture 1 and General Rural zones.

Under TPS 7, the definition of Tourist Accommodation permits a variety of uses:

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

Some of the uses contained within the Tourist Accommodation definition are not complementary to the intent of this Amendment and would introduce undesirable elements into the agricultural zones, e.g backpackers accommodation. It is therefore proposed to:

- make Tourist Accommodation an 'X' use in the General Rural, Rural Agriculture 1 and Rural Agriculture 2 zones; and
- b) introduce as an 'IP' use in the General Rural, Rural Agriculture 1 and Rural Agriculture 2 zones, a new definition to the Scheme as follows:

Cabin/Chalet Accommodation – means a detached accommodation unit for a maximum of 6 occupants used for the temporary accommodation of tourists, visitors and travellers which is fully self contained and not occupied by the same tenant for a continuous period for more than 3 months in any 12 month period, but excludes any chalet or cabin located within an approved caravan park.

#### Minor changes

Other minor changes to the advertised Amendment are proposed as follows:

- modify Art and Craft Centre to be an 'SA' use in the Composite Industry zone instead of the advertised modification to 'IP', an 'X' use in the Local Centre zoned instead of the advertised modification to 'AA', and an X use in the Rural Living zoned instead of the advertised modification to 'IP';
- modify Art Gallery to be an 'SA' use in the Composite Industry zone instead of the advertised modification to 'IP', an 'X' use in the Local Centre zoned instead of the advertised modification to 'AA', and an X use in the Rural Living zoned instead of the advertised modification to 'IP'; and
- modify Museum to be an 'X' use in the Local Centre zoned instead of the advertised modification to 'AA'.

#### Tourist Accommodation issues

##### Bio-security:

Issues relating to bio-security have been addressed through additional Scheme provisions formulated through industry consultation. They are as per development conditions that have been imposed on recent development applications, including:

- Prior to construction of any accommodation units, the applicant shall submit a management plan detailing measures to manage the following impacts:
  - Dust and noise
  - Visual amenity
  - Bio-security
- Prior to construction, all promotional information intended to be displayed shall be submitted to Council for approval.
- Prior to occupation, relevant officers shall inspect accommodation to ensure bio-security information is displayed in a prominent place.
- Prior to occupation, relevant officers shall inspect procedures to ensure that all guests are made aware of the bio-security issues and preventative measures upon check in.

##### Density:

In relation to density, the current Amendment document for Council to consider for final approval accords with the industry consultation group recommendation of making no distinction between the Rural Agriculture 1 or Rural Agriculture 2 zones.

The industry group recommended limiting accommodation units by lot size rather than zoning, with a maximum of 3 units permitted on lots of less than 6ha and a maximum of 5 units permitted on lots above 6ha.

The selection of 6ha is an arbitrary delineation. An assessment of the effect of lot sizes on the development potential for Chalet Accommodation in the Rural Agriculture 2 zone reveals:

Rural Agriculture 2 Zone	Number of Lots				Approximate Average Lot Size
	<6ha	<8ha	<10ha	>10ha	
Weaber Plain Road	3	6	7	11	9.2ha
River Farm Road	22	0	7	1	6.8ha
Packsaddle Road	11	10	17	12	8.5ha
Total	36	16	31	23	8.2ha

The above table shows that:

*Weaber Plain Road:*

Increasing the cut off point to 8ha from 6ha reduces the development potential of an additional 6 lots. Increasing the delineation to 10ha would restrict accommodation units to 3 on a further 7 lots, permitting only 11 lots in the area to develop to the maximum of 5 units per lot.

*River Farm Road:*

There is no difference between a 6ha and 8ha delineation in River Farm Road. Increasing the cut off point to 10ha would mean that accommodation units are limited to a maximum of 3 per lot in the entire River Farm Road area.

*Packsaddle Road:*

Increasing from a 6ha to an 8ha delineation in Packsaddle Road will restrict the number of lots with potential to develop over 3 units from 11 to 21. A 10ha cut off point would reduce the development potential of a further 17 lots, restricting the development of 5 accommodation units to 12 lots in total.

*Overall:*

If all lots in all areas were developed to their maximum potential at the industry recommended 6ha cut off, there would be 70 out of 106 lots able to develop 5 accommodation units. At 8ha, a total of 54 lots would be able to develop 5 units, and at 10ha a total of 23 lots would be able to develop to the maximum.

It is considered that the industry recommendation to differentiate accommodation units by lot size instead of zoning is arbitrary and it is preferable to implement development control through zoning. Therefore, the Amendment proposes to permit 3 units in the Rural Agriculture 2 zone and 7 units in the Rural Agriculture 1 and General Rural zones. The increase to 7 units from the advertised 5 units is in recognition of the larger lot sizes that prevail in the Rural Agriculture 1 and General Rural zones.

Transient Accommodation:

As a result of industry consultation, management plan provisions are proposed in relation to bio-security issues for transient accommodation for seasonal workers. To effect this, it is proposed to insert the same provisions that relate to other incidental uses at Clause 5.21.2 e) with provisions relating to a management plan. It is proposed to retain Transient Accommodation as an AA use in the agricultural zones, meaning that advertising is not required.

It is also proposed to modify Clause 5.21.2 a) to remove the requirement for occupants of transient accommodation to be employed “in the business or activity carried out on the lot” to be employed “in the agricultural sector”. This is to take account of larger enterprises which conduct agricultural activity over more than one lot where it would be undesirable to have Transient Accommodation scattered over productive agricultural land. A better quality of development is likely to result and there may be opportunities for smaller landowners to utilise Transient Accommodation facilities developed on a larger holding.

An adjustment to the definition of Transient Accommodation is also proposed to clarify that a unit cannot be occupied by the same tenant for more than 6 months. This is to ensure the use is for seasonal workers and longer term residential habitation does not develop in the area.

Setbacks:

The proposed scheme amendment seeks to expand on existing development controls to ensure additional uses remain incidental to the principal agricultural use of the land by amending the setback provisions to include incidental uses, as follows:

5.21.2 (a) Setbacks for Agricultural Development

<b>TABLE 3 – ALL RURAL ZONES</b>			
<b>Zone</b>	<b>Building Setbacks (m)</b>		
	<b>Front</b>	<b>Side</b>	<b>Rear</b>
General Rural	20	10	20
Rural Agriculture 1	20	20	20
Rural Agriculture 2	20	20	20
Rural Living	10	5	10

5.21.4 (b) Setbacks for Incidental Development

<b>TABLE 3A – GENERAL RURAL, RURAL AGRICULTURE 1 AND 2 ZONES</b>			
<b>Zone</b>	<b>Building Setbacks (m)</b>		
	<b>Front</b>	<b>Side</b>	<b>Rear</b>
General Rural	20	100	100
Rural Agriculture 1	20	100	100
Rural Agriculture 2	20	35	35

To ensure that the amenity of neighbouring properties is not affected, particularly in the Rural Agriculture 2 zone, the Amendment proposes the following additional provisions:

- All accommodation units must:
  - be separated from the nearest residential building on an adjacent property by a minimum of 70 metres; and
  - comply with the setback provisions in the Scheme; and
  - screening vegetation must be planted and maintained to shield the neighbouring property from accommodation units.

In cases where a property boundary abuts unallocated crown land or a reserve, e.g. Foreshore Reserve, the setback may be reduced at Council's discretion, provided adequate separation distances to any waterway, public open space or park are maintained as per the requirements of relevant agencies, e.g. Department of Water and Department of Health.

#### Proposed Scheme Provisions for Development Control

The proposed scheme amendment includes the following provisions relating to development control:

##### 5.21.2 Other Incidental Uses

Council may permit the development and use of the land for the following uses:

- Art and Craft Centre
- Art Gallery
- Bed and Breakfast
- Brewery
- Cabin/Chalet Accommodation
- Farm Stay
- Museum
- Reception Centre
- Restaurant
- Shop
- Winery

provided that:

- (a) The applicant submit a management plan addressing how potential conflicts, impacts and compatibility with existing and potential agricultural land uses – both internal and external to the site – are to be managed as per the requirements of SPP2.5, and including but not limited to the following measures:
  - i. Prior to construction of any accommodation units, the applicant shall submit a management plan developed in consultation with the Department of Agriculture and other relevant agencies or stakeholders, detailing measures to manage the following impacts:
    - a) Dust and noise
    - b) Visual amenity
    - c) Bio-security
  - ii. Prior to construction, all promotional information intended to be displayed shall be submitted to Council for approval.
  - iii. Prior to occupation, relevant officers shall inspect accommodation to ensure bio-security information is displayed in a prominent place.
  - iv. Prior to occupation, relevant officers shall inspect procedures to ensure that all guests are made aware of the bio-security issues and preventative measures upon check in;
- (b) the proponent submit an Agriculture Impact Statement, in accordance with the information prescribed in SPP2.5;

- (c) the proposed development remains as a subordinate use in scale, scope and intensity to the predominant agricultural nature of the site;
- (d) the proposed development is advertised;
- (e) signage within the agricultural zones to be restricted to the minimum exempted standards of the town planning scheme;
- (f) a maximum of 3 units is permitted on lots in the Rural Agriculture 2 zone, while a maximum of 7 units is permitted in the Rural Agriculture 1 and General Rural zones;
- (g) All accommodation units shall:
  - i. be separated from the nearest residential building on an adjacent property by a minimum of 70 metres; and
  - ii. comply with the setback provisions in the Scheme; and
  - iii. have screening vegetation planted and maintained to shield the neighbouring property from accommodation units.
- (h) Where a property boundary abuts unallocated crown land the setback may be reduced at Council's discretion, provided adequate separation distances to any waterway, public open space or park are maintained as per the requirements of relevant agencies, e.g. Department of Water and Department of Health.

#### Compliance with the Planning Scheme

The proposed scheme amendments are consistent with the objectives of the TPS relating to the General Rural, Rural Agriculture 1 and Rural Agriculture 2 zones. The proposed development controls are consistent with the Key Findings of the LPS and complement existing development control provisions in the TPS.

#### **Shire of Wyndham-East Kimberley Kununurra Townsite Policy Areas**

The Shire of Wyndham-East Kimberley has identified 23 defined precincts within the Kununurra town area that are to be developed in accordance with specific policy measures. The following precincts are relevant to this proposed scheme amendment:

##### Precinct 17 - Packsaddle Agricultural 2 Area

*Objective To retain the area for intensive horticulture*

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

##### Precinct 18 – Rural Agriculture 1 and General Rural Areas

*Objective To retain the area for Broadacre Intensive Agriculture*

*Policies Development will be limited to uses of an agricultural nature or ancillary to the principal use of Broadacre Intensive Agriculture in accordance with the Scheme.*

##### Precinct 20 – Weaber Plain Road Rural Agriculture 2 Area

*Objective To retain the area for intensive horticultural use*

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

*Precinct 22 – River Farm Rural Agriculture 2 Area*

*Objective To retain the area for intensive horticultural use*

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

*Precinct 23 – Old Darwin Road Precinct*

*Objective To provide for future subdivision and development based on an adopted structure plan for the area*

*Policies Land uses are to be limited to farm stay tourist development, agricultural development and other tourist and agricultural pursuits in accordance with an approved structure plan.*

*Structure planning is to ensure that any subdivision and/or development is compatible with continued broadacre pursuits that exist in the precinct.*

*Future use of prime agricultural land is not to be compromised by incompatible or inappropriate land uses.*

Compliance with the Townsite Policy Areas

The proposed scheme amendment is consistent with the objectives and policies of these townsite areas.

## **CONCLUSION**

The proposed scheme amendment to allow for greater diversity of uses within agricultural zones is consistent with the principals and objectives of the existing state and local planning framework.

Furthermore, the proposed development controls will ensure that additional uses within Agricultural zones are subordinate to the predominant use of the site, are non-intrusive - within and external to - existing and future agricultural operations in the locality, and are of a scale and nature that are deemed to be appropriate and in keeping with the recommendations of the Local Planning Strategy.

**PLANNING AND DEVELOPMENT ACT 2005**  
**RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME**

**SHIRE OF WYNDHAM-EAST KIMBERLEY**

**TOWN PLANNING SCHEME NO.7**

**AMENDMENT NO. 18**

That the Council, pursuant to section 75 of the Planning and Development Act 2005, amend the Shire of Wyndham-East Kimberley Planning Scheme No.7 by:

1. Amending the Zoning Table to modify the use class permissibilities of Bed and Breakfast, Farm Stay, Reception Centre, Restaurant, Shop and Wayside Stall to an Incidental Use (to be designated as “IP”) in the General Rural, Rural Agriculture 1 and Rural Agriculture 2 zones, as follows:

USE CLASSES	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2
COMMERCIAL			
Bed and Breakfast	IP	IP	IP
Farm Stay	IP	IP	IP
Reception Centre	IP	IP	IP
Restaurant	IP	IP	IP
Shop	IP	IP	IP
Wayside Stall	IP	IP	IP

2. Amending the Zoning Table to modify the description of Nursery – Plant to Plant Nursery and to modify the use from a Discretionary Use (designated as “AA”) and Permissible Use (designated as “P”) to an Incidental Use (to be designated as “IP”) in the General Rural, Rural Agriculture 1 and Rural Agriculture 2 zones, and “X” in the Rural Living zone, as follows:

USE CLASSES	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2	RURAL LIVING
COMMERCIAL				
Plant Nursery	IP	IP	IP	X

3. Amending the Zoning Table to modify the use class permissibility of Tourist Accommodation from an ‘SA’ use in the Rural Agriculture 2 zone to an ‘X’ use, as follows:

USE CLASSES	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2
COMMERCIAL			
Tourist Accommodation	X	X	X

**4. Amending the Zoning Table to include the use class Art and Craft Centre, Museum and Cabin/Chalet Accommodation as commercial uses, as follows:**

USE CLASSES	TOWN CENTRE	LOCAL CENTRE	TOURIST	RESIDENTIAL	RESIDENTIAL DEVELOPMENT	LIGHT INDUSTRY	MIXED BUSINESS	RURAL INDUSTRY	COMPOSITE INDUSTRY	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2	RURAL LIVING	SPECIAL SITE
<b>COMMERCIAL</b>														
Art and Craft Centre	P	X	P	X	X	X	SA	IP	SA	IP	IP	IP	X	PREDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2
Museum	P	X	P	X	X	X	X	X	X	IP	IP	IP	X	
Cabin/Chalet Accommodation	X	X	P	X	X	X	X	X	X	IP	IP	IP	X	

**5. Amending the Zoning Table to modify the use class permissibilities of Art Gallery as a commercial use, as follows:**

USE CLASSES	TOWN CENTRE	LOCAL CENTRE	TOURIST	RESIDENTIAL	RESIDENTIAL DEVELOPMENT	LIGHT INDUSTRY	MIXED BUSINESS	RURAL INDUSTRY	COMPOSITE INDUSTRY	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2	RURAL LIVING	SPECIAL SITE
<b>COMMERCIAL</b>														
Art Gallery	P	X	P	X	X	X	SA	IP	SA	IP	IP	IP	X	PREDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2

**9. Amending the Zoning Table to modify the use class permissibilities of Winery and Brewery as a commercial use, as follows:**

USE CLASSES	TOWN CENTRE	LOCAL CENTRE	TOURIST	RESIDENTIAL	RESIDENTIAL DEVELOPMENT	LIGHT INDUSTRY	MIXED BUSINESS	RURAL INDUSTRY	COMPOSITE INDUSTRY	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2	RURAL LIVING	SPECIAL SITE
<b>COMMERCIAL</b>														
Winery	X	X	X	X	X	X	X	AA	X	IP	IP	IP	X	PREDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2
Brewery	X	X	X	X	X	X	X	AA	X	IP	IP	IP	X	

**10. Introduce a new definition to the Scheme:**

Cabin/Chalet Accommodation – means a detached accommodation unit for a maximum of 6 occupants used for the temporary accommodation of tourists, visitors and travellers which is fully self contained and not occupied by the same tenant for a continuous period for more than 3 months in any 12 month period, but excludes any chalet or cabin located within an approved caravan park.

**11. Delete the definition for Nursery from Appendix 1 - Definitions.**

**9. Amending Clause 5.21 to include additional clauses relating to setbacks for agricultural and incidental development, as follows:**

5.21.6 (a) Setbacks for Agricultural Development

TABLE 3 – ALL RURAL ZONES			
Zone	Building Setbacks (m)		
	Front	Side	Rear
General Rural	20	10	20
Rural Agriculture 1	20	20	20
Rural Agriculture 2	20	20	20
Rural Living	10	5	10

5.21.5 (b) Setbacks for Incidental Development

<b>TABLE 3A – GENERAL RURAL, RURAL AGRICULTURE 1 AND 2 ZONES</b>			
<b>Zone</b>	<b>Building Setbacks (m)</b>		
	<b>Front</b>	<b>Side</b>	<b>Rear</b>
General Rural	20	100	100
Rural Agriculture 1	20	100	100
Rural Agriculture 2	20	35	35

**10. Amending Clause 5.21 to include additional clauses relating to development controls for incidental development, as follows:**

5.21.7 Other Incidental Uses

Council may permit the development and use of the land for the following uses:

- Art and Craft Centre
- Art Gallery
- Bed and Breakfast
- Brewery
- Cabin/Chalet Accommodation
- Farm Stay
- Museum
- Reception Centre
- Restaurant
- Shop
- Winery

provided that:

- d) The applicant submit a management plan addressing how potential conflicts, impacts and compatibility with existing and potential agricultural land uses – both internal and external to the site – are to be managed as per the requirements of SPP2.5, and including but not limited to the following measures:
  - ii. Prior to construction of any accommodation units, the applicant shall submit a management plan developed in consultation with the Department of Agriculture and other relevant agencies or stakeholders, detailing measures to manage the following impacts:
    - a) Dust and noise
    - e) Visual amenity
    - f) Bio-security
  - v. prior to construction, all promotional information intended to be displayed shall be submitted to Council for approval.
  - vi. Prior to occupation, relevant officers shall inspect accommodation to ensure bio-security information is displayed in a prominent place.

- vii. Prior to occupation, relevant officers shall inspect procedures to ensure that all guests are made aware of the bio-security issues and preventative measures upon check in.
- b) the proponent submit an Agriculture Impact Statement, in accordance with the information prescribed in SPP2.5;
- c) the proposed development remains as a subordinate use in scale, scope and intensity to the predominant agricultural nature of the site;
- d) the proposed development is advertised;
- e) signage within the agricultural zones to be restricted to the minimum exempted standards of the town planning scheme;
- f) a maximum of 3 units is permitted on lots in the Rural Agriculture 2 zone, while a maximum of 7 units is permitted in the Rural Agriculture 1 and General Rural zones;
- g) All accommodation units shall:
  - ii. be separated from the nearest residential building on an adjacent property by a minimum of 70 metres; and
  - ii. comply with the setback provisions in the Scheme; and
  - iii. have screening vegetation planted and maintained to shield the neighbouring property from accommodation units.
- h) Where a property boundary abuts unallocated crown land the setback may be reduced at Council's discretion, provided adequate separation distances to any waterway, public open space or park are maintained as per the requirements of relevant agencies, e.g. Department of Water and Department of Health.

**14. Modify the definition of Transient Accommodation by replacing “used for habitation for the purposes of accommodation for a period not exceeding 6 months” to “used for habitation for the purposes of accommodation and not occupied by the same tenant for a continuous period for more than 6 months in any 12 month period.”**

**15. Modify Clause 5.21.2 (a) to read as follows:**

- (a) “That any occupant is directly employed in the agricultural sector.”

**16. Amending Clause 5.21.2 by adding a Clause (e):**

- (f) The applicant submit a management plan addressing how potential conflicts, impacts and compatibility with existing and potential agricultural land uses – both internal and external to the site – are to be managed as per the requirements of SPP2.5, and including but not limited to the following measures:

- i. Prior to construction of any transient accommodation units, the applicant shall submit a management plan developed in consultation with the Department of Agriculture and other relevant agencies or stakeholders, detailing measures to manage the following impacts:
  - 1. Dust and noise
  - 2. Visual amenity
  - 3. Bio-security
- iv. prior to construction, all promotional information intended to be displayed shall be submitted to Council for approval.
- v. Prior to occupation, relevant officers shall inspect accommodation to ensure bio-security information is displayed in a prominent place.
- vi. Prior to occupation, relevant officers shall inspect procedures to ensure that all guests are made aware of the bio-security issues and preventative measures upon check in.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

## **ADOPTION**

Adopted by Resolution of the Council of the Shire of Wyndham-East Kimberley at the Ordinary Meeting of the Council held on the 15<sup>th</sup> day of August , 2006.

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**CHIEF EXECUTIVE OFFICER**

**Final Approval**

Adopted for Final Approval by Resolution of the Shire of Wyndham-East Kimberley at the \_\_\_\_\_ Meeting of Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

The Common seal of the Shire of Wyndham-East Kimberley was hereunto affixed in the presence of:

\_\_\_\_\_  
**CHIEF EXECUTIVE OFFICER**

\_\_\_\_\_  
**SHIRE PRESIDENT**

**Recommended/ Submitted for Final Approval**

\_\_\_\_\_  
**CHAIRPERSON OF THE WESTERN AUSTRALIAN PLANNING COMMISSION.**

Date: \_\_\_\_\_

**Final Approval Granted**

\_\_\_\_\_  
**MINISTER FOR PLANNING AND INFRASTRUCTURE**

Date: \_\_\_\_\_

**ATTACHMENT 3: SCHEDULE OF SUBMISSIONS:**

**SHIRE OF WYNDHAM-EAST KIMBERLEY  
TOWN PLANNING SCHEME NO. 7**

Amendment No. 18: Allowing for Diversified Uses in the Agricultural Zones

**Schedule of Submissions**

SUBMISSION NO. AND 13 OWNER/ PROPERTY DETAILS	OBJECTION OR SUPPORT	SUMMARY OF SUBMISSIONS (all comments typed as received)	COMMENTS	RECOMMENDATION
<p><b>SUBMISSION 1</b> John and Ann Storey</p>	<p><b>12.2.1.3</b> <b>Objection</b></p>	<p><b>(i) Submitter's Comment</b></p> <p><u>Biosecurity</u></p> <p>The Ord Valley enjoys 'Freedom Status' from the need to chemically spray or dip produce going to market, in relation to Mediterranean Fruit Fly. Continuing costly monitoring programs ensures this status is maintained. This monitoring has regularly detected fruit fly outbreaks just before the mango seasons. These outbreaks have always occurred in fruit trees around town, in and near caravan parks and tourist accommodation. The last outbreak also occurred at HCJB on Packsaddle which again resulted from fruit flies introduced by tourists. To date, timely but costly (the last outbreak \$30,000) eradication action has ensured continuance of the 'freedom status' but largely because the outbreaks were in a central area with low numbers of fruit trees.</p> <p>Packsaddle now contains over 140,000 mango trees, which is over half of the valley's mango trees and includes the largest mango plantation in the Shire. In addition to this are two of the</p>	<p><b>Response</b></p> <p>Tourist accommodation units are already an SA use in the Rural Agriculture 2 zone, but have no control over the number of units. Amendment 18 will introduce such control.</p> <p>A management plan, bio-security education measures and quarantine bins will be required as a condition of approval.</p>	<p><b>Submission 1</b></p> <p>Limit accommodation units to 3 for lots below 10ha and to 7 for lots greater than 10ha.</p> <p>Impose conditions of approval for a management plan, bio-security education measures and quarantine bins.</p>

		<p>valley's only remaining banana farms and other large scale horticultural production.</p> <p>As it is clearly evident from foregoing years, fruit fly introduction comes nearly entirely from tourists bringing in contaminated fruit and vegetables from the south. It is foolhardy indeed, and courting disaster, to allow tourist accommodation development in horticultural areas especially Packsaddle. Any pest outbreak in the middle of the valley's orchard plantations would be extremely costly – if not impossible to eliminate. The then loss of 'area free status' for all farmers follows, with massive costs for chemical treating of fruit leaving the valley. This also limits the number of markets that growers are able to access.</p> <p>Additionally, the Shire now collects the Bio-security Levy and holds the funds, thus making the Shire responsible for controlling any outbreaks. To deliberately put the farming area in such jeopardy by allowing tourist accommodation to be developed is not good decision making for the valley's future.</p> <p>The Ord Lot 533 Riverfarm road is in the prime horticulture area of the ORIA and is totally surrounded by farms that are reliant on the "Area Freedom" from Mediterranean Fruit Fly status of the region for market access.</p>		
		<p><u>Safeguards and History</u></p> <p>Amendment No. 18 to TPS 7 plans for strict conditions on many of the proposed allowable incidental activities on the Rural 2 blocks, particularly tourist accommodation. Whilst such conditions carry high ideals, history shows us that no local or State Authority will ever adhere to, or enforce, such conditions. In my 26 years in Kununurra there have been many recorded cases of this.</p> <p>When the original blocks in Packsaddle were released they were 'Land Grants'. There were strict conditions on the grants, which required the farmers to carry out certain improvements and developments within two years. Once this was achieved, the</p>	<p>Tourist accommodation units are already an SA use in the Rural Agriculture 2 zone, but there are no controls over the number of units. Amendment 18 will introduce such control and increase setbacks required to neighbouring residences and property boundaries.</p> <p>A management plan, bio-</p>	<p>Limit accommodation units to 3 for lots below 10ha and to 7 for lots greater than 10ha and impose setbacks.</p> <p>In the zoning and development table, permit tourist accommodation only as incidental to the primary use of the land for horticulture.</p>

		<p>freehold title would be given to the land holder for a very nominal sum. The majority of people did the right thing and worked hard developing their land. Then there were a few who did nothing, and speculated on the land, selling it for high prices. Instead of resuming and reallocating these blocks, as was required under the grant conditions, the Government department of the time took no action except to raise the freehold title price (as the land was in demand) thereby penalising the genuine land owners who had worked hard to comply with the conditions!</p> <p>The same continues to happen today. For example, the 'caravan park' on the property known as Zebra Rock. Despite complaints from other Packsaddle and town residents over the years and the fact that the 'caravan park' is illegal, no action has ever come from the Shire to close it down. It is this same park that now promotes the rationalisation that 'as it has operated here for so many years ... why can't others have some tourist accommodation'. So – how long do we keep rationalising, creeping the regulation? What will be allowed next?</p> <p>Conditions in the amendment specifically state 'No caravan parks!' They also state that tourist accommodation will only be allowed on properties actually farming and producing. So what happens if a property stops producing, be it through a farmer's change of life or a sale? Will the Shire immediately step in and have them remove the tourist accommodation which would then be illegal under the by-laws. I hardly think so! So why create this dilemma in the first place.</p> <p>Additionally, if the property is sold having tourist accommodation on it, it would unequivocally lead to false expectations from the new buyer, and probably attempts to develop it further. Yet this is horticultural land! Allowing any sort of tourist development can only lead to continuing and escalating problems.</p>	<p>security education measures and quarantine bins will be required as a condition of approval.</p> <p>Once Amendment 18 is finalised, tourist accommodation must be incidental to the primary use of the land for horticulture.</p>	<p>Impose conditions of approval for a management plan, bio-security education measures and quarantine bins.</p>
		<p><u>Farming Cycles and Future Generations</u></p> <p>In the rationalisation arguments of those wishing to change the farming land use, it has been stated that many people are not 'totally farming anymore and/or have other jobs'. Whilst this is</p>	<p>Tourist accommodation units are already an SA use in the Rural Agriculture 2 zone, but there are no controls</p>	<p>Limit accommodation units to 3 for lots below 10ha and 7 for lots above 10ha.</p>

		<p>true on the surface, the true reasons are quite different. Packsaddle horticultural blocks were once nearly all thriving banana farms. Wet season storms and fluctuating prices saw most of these plantations pull out of bananas. Some, due to high debts or poor financial management, sold out whilst others tried different crops, such as mango and citrus. Both crops take years to establish thereby requiring, and allowing, owners to gain and carry out other work. This does not mean that they are 'not farming' or are not developing crops and property in more sustainable way. Indeed, since its inception the whole valley has seen its cycles as crops come and go and new crops are tried until the right ones are found. There are of course, those on the land that are now too old and not interested in the hard work of farming. But farming is a way of life and our children who are coming on, and indeed young couples now, still have the desire and enthusiasm that we did twenty years ago, to have land and farm.</p> <p>Australia needs this food production, and we desperately need to protect our Prime Agricultural Land on a long term basis and prevent it being continually eroded by other interests and speculation constantly pushing the land prices up out of the reach of our children coming on. To allow many of the proposed incidental uses will only erode our farming future.</p>	<p>over the number of units. Amendment 18 will introduce such control and increase setbacks required to neighbouring residences and property boundaries.</p> <p>A management plan, biosecurity education measures and quarantine bins will be required as a condition of approval.</p> <p>Once Amendment 18 is finalised, tourist accommodation must be incidental to the primary use of the land for horticulture.</p>	<p>In the zoning and development table, permit tourist accommodation only as incidental to the primary use of the land for horticulture.</p> <p>Impose conditions of approval for a management plan, biosecurity education measures and quarantine bins.</p>
		<p><u>The land and the right to farm</u></p> <p>Packsaddle and other horticultural areas zoned Rural 2 are Prime Agricultural Land. A number of the proposed allowable incidental uses are far from compatible with farming. The obvious conflict from tourist accommodation is the farmer's lifestyle of early starts, early to bed and machinery noise. In addition to these, the need to spray crops with chemicals in what could be very close proximity to tourist accommodation. An restaurant, if it were operated at night, would certainly impact on farmer's retiring and working times. Conflict would arise and it must be remembered that the farmer is in the right here. He has the right to farm.</p> <p>It is further argued, that having tourist accommodation is no</p>	<p>Tourist accommodation units are already an SA use in the Rural Agriculture 2 zone, but there are no controls over the number of units. Amendment 18 will introduce such control and increase setbacks required to neighbouring residences and property boundaries.</p> <p>Once Amendment 18 is finalised, tourist</p>	<p>Limit accommodation units to 3 for lots below 10ha and 7 for lots above 10ha.</p> <p>Require management plan, biosecurity education measures and quarantine bins as conditions of approval.</p> <p>In the zoning and development table, permit tourist accommodation only as</p>

		<p>different from farm workers accommodation. The truth is that there is a huge difference. Farm workers, when accommodated, tend to stay for longer periods and are involved in farming activities. Therefore, their times and pursuits are a part of the farm operation. The farmer also exercises strict controls over any fruit or vegetables entering onto the farm property. In the case of tourist accommodation, stays are shorter and turnover higher. Therefore quarantine controls are hard to put in place and even harder to enforce. In addition, times and activities often conflict with farming activities. Bed and Breakfast or farm stay on the other hand, in their very wording of the accommodation type, already focuses on the farm and farm activities.</p> <p>In addition, it needs to be realised that a person's 'right to farm' is not limited to just daily operations. Indeed any farming activity requires long term commitment and investment. Farmers buy their properties in good faith knowing they are zoned for horticultural or broad acre agriculture and need to plan long term with finances, crop and farm development. This is the right to farm. A farmer cannot make such plans if he (or she) is continually having to deal with a Shire and people attempting to change the land use criteria from the purposes for which it is zoned and purchased. Indeed the Shire has a duty to, not only protect PAL but also safeguard the farmer's right to farm by ensuring long term continuation of farm land for the purpose for which it was zoned and purchased.</p>	<p>accommodation must be incidental to the primary use of the land for horticulture.</p>	<p>incidental to the primary use of the land for horticulture.</p>
		<p><u>Population Densities</u></p> <p>The proposed Amendment No. 18 to TPS 7 recommends, in relation to tourist accommodation, up to two dwellings on Rural 1 and up to five dwellings on Rural 2. At this stage I cannot understand the reasoning for the greater number of units on the smaller land holding. Never the less, if we look at five units on an 8 hectare horticultural block, plus residential house and maybe staff – and if many adjoining properties building such units (and there is nothing contained in the proposed amendment to disallow this) then you very quickly get to population densities greater than 'Rural Living' subdivision. This would impact dramatically on genuine farming operations, not only on Rural 2</p>	<p>Tourist accommodation is seasonal and will not increase overall population density.</p> <p>Proposed increase to 35 metre setback from side and rear boundaries and 70 metres from the nearest residential building on an adjacent property, with screening vegetation to be planted.</p>	<p>Comment dismissed.</p> <p>Increase setbacks to 35 metres from side and rear boundaries, and 70 metres from the nearest residential building on an adjacent property, with screening vegetation in Amendment 18.</p>

		<p>farms but also on the adjoining Rural 1 areas. In addition, the proposed setback of buildings is considerably inadequate. When one considers the workings of a farm with machinery and sprays, a 25m setback is grossly inadequate and indeed very probably brings dwellings closer than they would be in Rural Living areas. Such small setbacks would, without question lead to complaints from both parties, again impinging on the farmer's right to farm.</p>		
		<p><u>Conflict with Local Planning Strategy</u></p> <p>It needs to be pointed out here that Section 5.10.1.3 of the Local Planning Strategy adopted by Council last year and approved by the WA Planning Authority, specifically states in relation to subordinate land uses:-</p> <ul style="list-style-type: none"> <li>• Limit accommodation to low key uses such as bed and breakfast or farm stay.</li> <li>• Prohibit larger scale accommodation uses such as caravan parks or camping grounds.</li> <li>• Control accommodation numbers via scheme provisions (one accommodation unit or bedroom in Rural 1 zone and two accommodation units or bedrooms in Rural 2 zone).</li> <li>• Limit uses to those that are subordinate to agricultural uses to ensure that principal uses of the site remains agricultural in the subsequent scheme.</li> <li>• Allow related non conflicting uses (such as wayside stall, plan nursery and art studio).</li> </ul> <p>This section also states a minimum of 500m buffer for a brewery or winery in Rural Zone 1 and 10m for art gallery, café and museum. Furthermore, the LPS states in Section 6.1 land that is considered PAL should not be developed for anything that may prejudice its continued use for agricultural purposes. I reinforce that this was only agreed to last year!</p> <p>Clearly, proposed Amendment No. 18 does not comply with these accepted conditions of the LPS. The number of accommodation units and buffer distances do not conform with the current LPS and thereby the WA Planning Commission.</p>	<p>Tourist accommodation units are already an SA use in the Rural Agriculture 2 zone, but there are no controls over the number of units. Amendment 18 will introduce such control and increase setbacks required to neighbouring residences and property boundaries.</p> <p>Further consideration of appropriate numbers of units deviates from the local planning strategy based on tourism and agricultural industry advice.</p> <p>Once Amendment 18 is finalised, tourist accommodation must be incidental to the primary use of the land for horticulture.</p>	<p>Limit accommodation units to 3 for lots below 10ha and 7 for lots above 10ha.</p> <p>Require management plan, biosecurity education measures and quarantine bins as conditions of approval.</p> <p>In the zoning and development table, permit tourist accommodation only as incidental to the primary use of the land for horticulture.</p>

		<p><u>Summary</u></p> <p>The list of allowable incidental activities contained in the proposed amendment No. 18 includes bed 7 breakfast, farm stay and nursery. These activities normally utilise existing buildings, and are compatible with and often form part of a farming operation. Other proposed incidental activities such as the gallery, arts &amp; craft centre, museum and wayside stall or shops are day time activities and would not greatly impinge on farming activities. However, the same can definitely not be said for a restaurant, brewery and especially tourist accommodation. As well as being in conflict with, and impinging upon, farming activities and land use, using the term 'tourist accommodation' and allowing units to be specifically built for such use immediately changes the focus and reasons for the use of that land. This also gives false expectations to current and future owners of those properties. In addition, it opens the door for further development of other associated tourist activities which will eventually be rationalised and allowed. If permitted, these proposed amendments to Rural 2 areas can only be the start of continual erosion of our primary and most precious resource – our farm land.</p>	Noted.	Comments noted.
<p><b>SUBMISSION 2</b> Department of Water</p>	<p>12.8.1.1 Comment</p>	<p><b>(i) Submitter's Comment</b></p> <p>The Department of Water (DoW) will not be providing comment on this scheme amendment as it is required to be referred to the Environmental Protection Authority (EPA) under the <i>Environmental Protection Act 1986</i>. The DoW provides comments, as required, on scheme amendments as part of the EPA's process.</p>	<p><b>Response</b></p> <p>Noted. EPA advised changes are not significant enough to warrant formal assessment.</p>	<p><b>Submission 2</b></p> <p>Noted.</p>
<p><b>SUBMISSION 3</b> Chiverton Design Pty Ltd</p>	<p>12.8.1.1 Comment</p>	<p><b>(i) Submitter's Comment</b></p> <p>As discussed we are submitting an application to the Shire of Wyndham East Kimberley for the construction of 5 small holiday units on a property at 206 River Farm Road in Kununurra. I understand that this type of development will be affected by Amendment No 18 to the Shire's planning scheme and that we have the opportunity to put forward comments regarding the scheme up until November 24th.</p>	<p><b>Response</b></p> <p>Council to note that the application has been received.</p>	<p><b>Submission 3</b></p> <p>Noted.</p>

		I have read through the amendment and its accompanying 'scheme report' and would like to put forward the following comments with regards to Clause 5.21.2.		
	<i>12.8.1.1</i>	Clause 5.21.2 has a series of sub-clauses labelled (a) – (g).  Items (a) and (b) allow a land owner to put forward an argument for developing their land based on how it impacts their own and neighbouring property. This allows Council to assess the merits of the development in terms of the Statement of Planning Policy and use their discretion to assess the application on a case by case basis.	Noted.	Noted.
	<i>12.8.1.2</i>	Item (c) allows the designer or architect to use his skill to minimise the bulk of any development. It also, again, allows the land owner to put forward an argument for their development based on its intensity and allows Council to use their skill to assess the benefit of a development in terms of the planning scheme.	Noted.	Noted.
	<i>12.8.1.3</i>	Items (f) and (g) are prescriptive and do not allow Council to consider situations where a planning submission by an owner puts forward a case for a larger development that may benefit the community and that is considerate of neighbouring uses.	Tourist accommodation uses are to be subordinate to agricultural uses. It is not considered that larger scale developments will comply with this requirement.  In addition, consultation with industry groups and the community has identified limits to the number of units are important development controls.	Dismissed.

	12.8.1.4	We believe that items (a) – (c) allow Council to limit the scale of development and can work in the same way as items (f) and (g). Items (a) – (c) give Council flexibility to increase or decrease tourist development based on the local economy and the way Kununurra grows over time and we would ask that items (a) – (c) are used to determine any development and that items (f) and (g) should be deleted or reconsidered to allow greater flexibility.	Tourist accommodation uses are to be subordinate to agricultural uses. It is not considered that larger scale developments will comply with this requirement.  In addition, consultation with industry groups and the community has identified limits to the number of units are important development controls.	Dismissed.
<b>SUBMISSION 4 Department of Agriculture</b>	12.8.1.5  <i>Comment</i>	(i) Submitter's Comment  The main concern in regard to this proposal is that the purpose of the land is for agricultural use, so any amendment should not conflict with this purpose. This should also not be taking productive agricultural land out of production. The main income from the land should still be agricultural production.	<b>Response</b>  The use is to be incidental to the primary purpose of the land for agriculture.	<b>Submission 4</b>  Accommodation units are to be an IP use.
	12.8.1.6	Any proposed accommodation will need to have a set back or buffer strip from the boundary of the agricultural property so there will be no impact from the agricultural practices such noise, possible spray drift and other agricultural practices. Also there should be no impact from the tourist enterprise on the agricultural operations with excessive dust being generated due to increased vehicle movement.	Proposed increase to 35 metre setback from side and rear boundaries and 70 metres from the nearest residential building on an adjacent property, with screening vegetation to be planted.	Increase setbacks to 35 metres from side and rear boundaries, and 70 metres from the nearest residential building on an adjacent property, with screening vegetation in Amendment 18.
	12.8.1.7	There will need to be implemented biosecurity planning for these tourist areas to ensure that there is no introduction of pests or diseases that may impact on the agricultural practices carried out in the area. There will need to be regular auditing carried out of the biosecurity management plans to ensure that the plans are implemented	A management plan, biosecurity education measures and quarantine bins will be required as a condition of approval.	Impose conditions of approval for a management plan, biosecurity education measures and quarantine bins.

### 15.3 Town Planning Scheme No 7 - Amendment 19 - Parks Plan (Minute No. 7634)

<b>DATE:</b>	20 February 2007
<b>PROPONENT:</b>	SWEK
<b>LOCATION:</b>	N/A
<b>ATLAS REFERENCE:</b>	N/A
<b>AUTHOR:</b>	Keith Williams - Town Planner
<b>REPORTING OFFICER:</b>	Peter Stubbs - Chief Executive Officer
<b>FILE NO:</b>	01.5498.02, 01.2192.02 & 01.6001.02
<b>ASSESSMENT NO:</b>	5498, 2192 & 6001

#### **PURPOSE**

For Council to consider the adoption of an amendment to Shire of Wyndham East Kimberley Town Planning Scheme No 7 - Kununurra and Environs relating to Councils Parks Plan.

#### **BACKGROUND**

Council resolved to adopt the amendment in December, but officers have been advised that due to technical reasons, the amendment is required to be adopted with a modified resolution. The original agenda item and the schedule of submissions are attached.

#### **ATTACHMENTS**

- Attachment 1: Original Agenda Item
- Attachment 2: Amendment Documentation
- Attachment 3: Schedule of Submissions

#### **CONCLUSION AND COMMENT**

The recommendation adopted by Council in December was not worded correctly, and required a new resolution to ensure compliance with the Act. The resolution must include the same amendment text and provisions as the previous resolution and only the adopting words have been modified.

The reconsideration of the resolution is a correction only and does not represent an opportunity to modify the documentation or text of the amendment.

#### **RECOMMENDATION**

That Council Rescinds Minute No 7587 and:

- A. Makes the recommendations included in the Schedule of Submissions as per Attachment 1 – Schedule of Submissions, and forwards a copy of the Schedule of Submissions to the Western Australian Planning Commission.
- B. Resolves to adopt for Final Approval without modification, pursuant to section 75 of the Planning and Development Act 2005, the proposed amendment by:

1. Reclassifying Lot 1039 Greybox Crescent, Kununurra, from Parks and Recreation reservation, to the Residential R30 zone;
  2. Reclassifying Lot 1004 Sorghum Place, Kununurra, from Parks and Recreation reserve, to the Residential R30 zone;
  3. Reclassifying Lot 1292 Barringtonia Avenue, Kununurra, from Residential R15/50, to Parks and Recreation reserve; and
  4. Amend the Planning Scheme map accordingly.
- C. Forwards three copies of the signed and sealed Amendment Documents in accordance with Regulation 22(1); and
- D. Requests that the Honourable Minister for Planning and Infrastructure grant final approval to Amendment 19 of Town Planning Scheme No 7 – Kununurra and Environs without modifications.

### **COUNCIL RESOLUTION**

**Minute No. 7634**

**Moved: Cr D. Ausburn**

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

**That Council Rescinds Minute No 7587 and:**

1. **Makes the recommendations included in the Schedule of Submissions as per Attachment 1 – Schedule of Submissions, and forwards a copy of the Schedule of Submissions to the Western Australian Planning Commission.**
2. **Resolves to adopt for Final Approval without modification, pursuant to section 75 of the Planning and Development Act 2005, the proposed amendment by:**
  - i. **Reclassifying Lot 1039 Greybox Crescent, Kununurra, from Parks and Recreation reservation, to the Residential R30 zone;**
  - ii. **Reclassifying Lot 1004 Sorghum Place, Kununurra, from Parks and Recreation reserve, to the Residential R30 zone;**
  - iii. **Reclassifying Lot 1292 Barringtonia Avenue, Kununurra, from Residential R15/50, to Parks and Recreation reserve; and**
  - iv. **Amend the Planning Scheme map accordingly.**
3. **Forwards three copies of the signed and sealed Amendment Documents in accordance with Regulation 22(1); and**
4. **Requests that the Honourable Minister for Planning and Infrastructure grant final approval to Amendment 19 of Town Planning Scheme No 7 – Kununurra and Environs without modifications.**

**Carried Unanimously 8/0**

## **ATTACHMENT 1: ORIGINAL AGENDA ITEM:**

### **PURPOSE**

For Council to consider an amendment to Town Planning Scheme No 7 for final approval. The Amendment will reclassify two parks in order that they can be sold, and will reclassify one parcel of land to facilitate development as a park.

### **BACKGROUND**

The Shire of Wyndham-East Kimberley prepared and adopted a Parks Plan in 2004 that rationalises the existing parks within the town and identifies specific strategies for their future management. A key recommendation of the Plan is that two local parks, which are the subject of this amendment (ie Lot 1039 Greybox Crescent and Lot 1004 Sorghum Place) be sold and utilised for residential purposes with the sale proceeds contributing towards the development of new parks, such as that proposed for Lot 1292 Barringtonia Avenue.

The Honourable Minister for Planning and Infrastructure recently granted consent for the land to be transferred to freehold title in the name of the Shire of Wyndham East Kimberley, to effect the sale of the land in accordance with the Parks Plan.

The Amendment was advertised for 42 days from 12 October 2006 to 24 November 2006, and is now ready to be considered for final approval.

### **SITE LOCATION**

The three sites that are the subject of this amendment are as follows:

#### **Lot 1039 Greybox Crescent, Kununurra**

The site is currently a Parks and Recreation Reserve [Reserve 34890] located in a residential area of predominantly detached dwellings at a density of R15. Title to the land is anticipated to be issued in September 2006. It is bordered immediately to its north, west and eastern boundaries by single detached residential development.

The site itself is relatively flat with an area of 2,627m<sup>2</sup> in an irregular wedged shape. Access to the site is from Greybox Crescent, along its southern boundary. The site has immediate access to all essential services and infrastructure.

Three sides of the site are fenced, and as such it has poor passive surveillance, and is subject to anti-social behaviour. The park is prone to graffiti and litter, and has few facilities. Significantly, other better serviced parks are located within close proximity.

Rezoning to Residential R30 will potentially achieve 8 grouped dwellings unit yield.

#### **Lot 1004 Sorghum Place, Kununurra**

This lot is also currently a reserve [Reserve 31512], with titles anticipated to be issued in September / October 2006 to formalise the sale of the land. The site is currently a Parks and Recreation Reserve located at the end of a cul de sac within a predominantly residential locality. All surrounding land is zoned R15/R50. The site is bordered to its northern, and eastern boundaries with predominantly single, detached dwellings. To its immediate west is a large grouped dwelling development developed at the R50 density. All land surrounding the site is zoned R15/R50.

The site is relatively flat and has an area of 1,627m<sup>2</sup> in an irregular, L-shaped lot. Vehicle access is taken from Sorghum Place. A pedestrian walkway forms part of the park, connecting the southern portion of the lot southward to Erythrina Street. It is anticipated this walkway will be amalgamated with adjoining lots. The site has immediate access to all essential services and infrastructure.

This park is prone to graffiti and litter, and has no facilities. Again, other better serviced parks are located within close proximity.

Rezoning to Residential R30 will potentially achieve 5 grouped dwellings unit yield.

### **Lot 2458 Barringtonia Avenue, Kununurra**

The site is currently zoned R15/50 and is located at the corner of Barringtonia Avenue and Greybox Crescent. The site is surrounded by predominantly residential development, with single detached dwellings developed to a density of R15. The site is bordered to its eastern boundary by residential development of this nature and across a drain reserve to its immediate west there is residential development also developed to a density of R15. The Kununurra Cemetery and a large natural bushland reserve are located immediately to the north, on the other side of Barringtonia Avenue.

The site is low lying and has an area of 4274m<sup>2</sup> within a triangular shaped allotment. The site has access from Barringtonia Avenue, as well as pedestrian access through drain reserves that border the western boundary of the site.

The site was originally zoned Public Purposes Reserve, but was rezoned to Residential R15/R50 in the hope that it would be developed to assist to ameliorate a land shortage within Kununurra. However, given that large portions of the site are un-developable, the site has never been sold or developed on.

The land tenure of this land will need to be modified to a reserve, vested in Council for parks, recreation and drainage.

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

It is proposed that the land will be rezoned and that consequent development will consist of grouped dwelling development developed to the R30 density code [a density somewhere between a single dwelling, and the three townhouses that Council has recently constructed on Riverfig Avenue].

### **FINANCIAL IMPLICATIONS**

The amendment is proposed by Council. No fee is therefore required.

### **PLANNING ASSESSMENT**

#### Local Planning Strategy

The SWEK Local Planning Strategy (LPS) has recently received endorsement by the Western Australian Planning Commission. The purpose of the LPS is to provide background analysis and strategic direction for the Shire, including specifically the towns of Wyndham and Kununurra. The document included a factual and comprehensive account of the issues currently facing the SWEK, one of which was the issue of land availability for residential purposes in Kununurra. While there are opportunities to expand the existing residential areas, these are subject to

resolving environmental and servicing issues. The LPS therefore encourages any opportunity for infill development in the short term.

The LPS differentiates the residential urban area within Kununurra into several precincts. The subject sites of this scheme amendment fall into two of these precincts. Sorghum Place falls within the Barringtonia Avenue Precinct. The sites at Greybox Crescent and Barringtonia Avenue fall within the Hidden Valley Precinct.

The LPS recommends the following for the future development of these precincts:

*Barringtonia Avenue Precinct*

*“...This precinct is currently dual coded R15/50. While there is a relatively high density area located within this precinct, the majority of the precinct consists of single residential development at approximately R15. No opportunities exist to increase the area of this precinct, however, due to its proximity to the town centre, density increases up to R30 are encouraged.”*

*Hidden Valley Precinct*

*“...this precinct is zoned R15 and is developed to this density. No significant density increase is warranted to discourage the intrusion of high densities into this relatively low density area...”*

These findings are further identified as objectives and recommended specific actions in the LPS.

**6.3 Urban Residential Development**

**Objective**

*To ensure an adequate supply of residential land within close proximity to established population centres and to encourage a range of development styles that reflect the Kimberley climate and lifestyle.*

**Specific Actions**

*Residential densities in Kununurra shall be defined as distinct precincts and shall reflect predominant densities:*

- *Ironwood Drive Precinct at R20;*
- *Barringtonia Avenue Precinct at R30;*
- *Hidden Valley Precinct at R15;*
- *Lakeside Precinct at R15;*
- *Future Lakeside stages in accordance with structure planning.*

The proposed scheme amendment is consistent with the objectives and recommended actions with regard to creating a residential density of R30 within the Barringtonia Avenue Precinct. However, the Greybox Crescent site is proposing a higher density than that recommended for the Hidden Valley Precinct.

Town Planning Scheme No 7

The proposed amendment will not result in any corresponding change to the text of TPS No.7. The subject sites (Lot 1039 Greybox Crescent and Lot 1004 Sorghum Place) will merely be incorporated within the accompanying Planning Scheme Map as having a Residential zone with a Residential Density classification of R30.

The objectives of this zone are as follows:

## 5.8 RESIDENTIAL ZONE

### 5.8.1 Objectives

- (a) *to allocate a density coding for the Residential zone throughout the Scheme Area designed to:*
  - (i) *provide sufficient land in appropriate locations for residential development to meet the needs of the Scheme Area's anticipated growth and population without unduly restricting the choice of sites;*
  - (ii) *promote and safeguard health, safety, convenience, the general public welfare and the amenity of the residential areas;*
  - (iii) *allow redevelopment opportunities for areas of older housing stock.*

The proposed scheme amendment is consistent with these objectives in encouraging infill development and accommodating the anticipated growth of the town.

### Final Approval Process

The amendment will modify TPS 7 to reclassify two local parks (Lot 1039 Greybox Crescent and Lot 1004 Sorghum Place) to allow for sale and use of the land for residential purposes, and will reclassify one parcel of land (Lot 1292 Barringtonia Avenue) to facilitate development as a park, utilising the proceeds of the land sales,

The process from adoption for final approval is as follows:

- § Referral to the Western Australian Planning Commission for recommendation to the Minister of final approval;
- § Consideration by the Hon. Minister for Planning and Infrastructure for final approval

If the Hon Minister grants final approval, then:

- § The Amendment is gazetted and changes to the Scheme effected; and
- § The transferred lots can be sold and developed accordingly.

### **CONSULTATION**

Under the Town Planning and Development Act 2005, Amendments to a Scheme must be advertised for a period of 42 days. The proposal was advertised in the Kimberley Echo requesting comment from 12 October to 24 November 2006.

There were two submissions received during the advertising period:

1. The Department of Water advised of no need to comment as the EPA will assess the proposal; and
2. The Department of Health advised of the requirement to connect to reticulated sewerage.

The proposal is within the reticulated sewerage network and will comply with health requirements.

## **CONCLUSION**

The amendment has been prepared in accordance with Council's Parks Plan. The honourable Minister for Planning has approved the transfer of the land to Council in order that the land can be sold.

The land is currently reserved under the Scheme of Parks and Recreation. Prior to sale and consequent development the land will need to be rezoned to facilitate residential development.

To maximise the dwelling yield and consequently the benefit to the community with regard to addressing the land shortage within Kununurra, it is proposed to re-zone both parcels of land Residential R30.

It is recommended that Council adopt the Amendment for final approval.

## **ATTACHMENTS**

Amendment documents are attached as AMENDMENT 19 ATTACHMENT 1.

## **VOTING REQUIREMENT**

Simple Majority.

## **RECOMMENDATION**

That Council, pursuant to section 75 of the Planning and Development Act 2005, amend the Shire of Wyndham-East Kimberley Planning Scheme No.7 by:

1. Reclassifying Lot 1039 Greybox Crescent, Kununurra, from Parks and Recreation reservation, to the Residential R30 zone;
2. Reclassifying Lot 1004 Sorghum Place, Kununurra, from Parks and Recreation reserve, to the Residential R30 zone;
3. Reclassifying Lot 1292 Barringtonia Avenue, Kununurra, from Residential R15/50, to Parks and Recreation reserve; and
4. Amend the Planning Scheme map accordingly.

ATTACHMENT 2: TPS AMENDMENT 18

SHIRE OF WYNDHAM-EAST KIMBERLEY



**TOWN PLANNING SCHEME NO.7**

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**AMENDMENT NO. 19**

**Rezoning of Lots 1039 Greybox Crescent, 1004 Sorghum Place and 2458 Barringtonia Avenue in accordance with the Shire of Wyndham East Kimberley Parks Plan Policy**

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**PLANNING AND DEVELOPMENT ACT 2005**  
**RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME**

**SHIRE OF WYNDHAM-EAST KIMBERLEY**

**TOWN PLANNING SCHEME NO.7**

**AMENDMENT NO. 19**

That the Council, pursuant to section 75 of the Planning and Development Act 2005, amend the Shire of Wyndham-East Kimberley Planning Scheme No.7 by:

- 1 Reclassifying Lot 1039 Greybox Crescent, Kununurra, from Parks and Recreation reservation, to the Residential R30 zone;**
- 2 Reclassifying Lot 1004 Sorghum Place, Kununurra, from Parks and Recreation reserve, to the Residential R30 zone;**
- 3 Reclassifying Lot 2458 Barringtonia Avenue, Kununurra, from Residential R15/50, to Parks and Recreation reserve; and**
- 4 Amend the Planning Scheme map accordingly.**

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

**PROPOSAL TO AMEND A TOWN PLANNING SCHEME.**

- 1) LOCAL AUTHORITY** : SHIRE OF WYNDHAM-EAST KIMBERLEY
- 2) DESCRIPTION OF TOWN PLANNING SCHEME** : TOWN PLANNING SCHEME N0.7
- 3) TYPE OF SCHEME** : LOCAL PLANNING SCHEME
- 4) SERIAL NUMBER OF AMENDMENT** : AMENDMENT No. 19
- 5) PURPOSE:**
- 1 Reclassifying Lot 1039 Greybox Crescent, Kununurra, from Parks and Recreation reservation, to the Residential R30 zone;
  - 2 Reclassifying Lot 1004 Sorghum Place, Kununurra, from Parks and Recreation reserve, to the Residential R30 zone;
  - 3 Reclassifying Lot 2458 Barringtonia Avenue, Kununurra, from Residential R15/50, to Parks and Recreation reserve; and
  - 4 Amend the Planning Scheme map accordingly.

**12.8.1.7.1**

**12.8.1.7.2**

**12.8.1.7.3**

**12.8.1.7.4**

**12.8.1.7.5**

**12.8.1.7.6**

**12.8.1.7.7**

**12.8.1.7.8**

## 12.8.1.7.9 SCHEME REPORT

### REASON FOR AMENDMENT

The Shire of Wyndham-East Kimberley prepared and adopted a Parks Plan in 2004 that rationalises the existing parks within the town and identifies specific strategies for their future management. A key recommendation of the Plan is that two local parks which are the subject of this amendment (ie Lot 1039 Greybox Crescent and Lot 1004 Sorghum Place) be sold and utilised for residential purposes with the sale proceeds contributing towards the development of new parks, such as that proposed for Lot 1292 Barringtonia Avenue.

The Honourable Minister for Planning and Infrastructure recently granted consent for the land to be transferred to freehold title in the name of the Shire of Wyndham East Kimberley, to effect the sale of the land in accordance with the Parks Plan.

To maximise the dwelling yield and consequently the benefit to the community with regard to addressing the land shortage within Kununurra, it is proposed to re-zone both parcels of land Residential R30.

### DESCRIPTION OF SITES

The three sites that are the subject of this amendment are as follows:

#### **Lot 1039 Greybox Crescent, Kununurra**

The site is currently a Parks and Recreation Reserve [Reserve 34890] located in a residential area of predominantly detached dwellings at a density of R15. Title to the land is anticipated to be issued in September 2006. It is bordered immediately to its north, west and eastern boundaries by single detached residential development.

The site itself is relatively flat with an area of 2,627m<sup>2</sup> in an irregular wedged shape. Access to the site is from Greybox Crescent, along its southern boundary. The site has immediate access to all essential services and infrastructure.

Three sides of the site are fenced, and as such it has poor passive surveillance, and is subject to anti-social behaviour. The park is prone to graffiti and litter, and has few facilities. Significantly, other better serviced parks are located within close proximity.

Rezoning to Residential R30 will potentially achieve 8 grouped dwellings unit yield.

#### **Lot 1004 Sorghum Place, Kununurra**

This lot is also currently a reserve [Reserve 31512], with titles anticipated to be issued in September / October 2006 to formalise the sale of the land. The site is currently a Parks and Recreation Reserve located at the end of a cul de sac within a predominantly residential locality. All surrounding land is zoned R15/R50. The site is bordered to its northern, and eastern boundaries with predominantly single, detached dwellings. To its immediate west is a large grouped dwelling development developed at the R50 density. All land surrounding the site is zoned R15/R50.

The site is relatively flat and has an area of 1,627m<sup>2</sup> in an irregular, L-shaped lot. Vehicle access is taken from Sorghum Place. A pedestrian walkway forms part of the park, connecting the southern portion of the lot southward to Erythrina Street. It is anticipated this walkway will be amalgamated with adjoining lots. The site has immediate access to all essential services and infrastructure.

This park is prone to graffiti and litter, and has no facilities. Again, other better serviced parks are located within close proximity.

Rezoning to Residential R30 will potentially achieve 5 grouped dwellings unit yield.

#### **Lot 2458 Barringtonia Avenue, Kununurra**

The site is currently zoned R15/50 and is located at the corner of Barringtonia Avenue and Greybox Crescent. The site is surrounded by predominantly residential development, with single detached dwellings developed to a density of R15. The site is bordered to its eastern boundary by residential development of this nature and across a drain reserve to its immediate west there is residential development also developed to a density of R15. The Kununurra Cemetery and a large natural bushland reserve are located immediately to the north, on the other side of Barringtonia Avenue.

The site is low lying and has an area of 4274m<sup>2</sup> within a triangular shaped allotment. The site has access from Barringtonia Avenue, as well as pedestrian access through drain reserves that border the western boundary of the site.

The site was originally zoned Public Purposes Reserve, but was rezoned to Residential R15/R50 in the hope that it would be developed to assist to ameliorate a land shortage within Kununurra. However, given that large portions of the site are un-developable, the site has never been sold or developed on.

The land tenure of this land will need to be modified to a reserve, vested in Council for parks, recreation and drainage.

#### *12.8.1.8 BACKGROUND*

The Shire of Wyndham-East Kimberley recently finalised a Parks Plan that seeks to rationalise the existing parks within the towns of Kununurra and Wyndham and identifies specific strategies for their future management. Parks were assessed in terms of their current use, condition, suitability, location and facilities. Recommendations were then made as to how best concentrate the Shire's resources to maximise recreational benefits to the community. Arising from this, several existing parks were identified as being surplus to requirements, with other areas identified as being more appropriate locations for new parks.

Lot 1039 Greybox Crescent and Lot 1004 Sorghum Place are two existing parks that have been identified as being unsuitable ongoing concerns for the Shire. They are underutilised, not reticulated, have little or poor quality playground equipment, encourage litter and antisocial behaviour and have poor visibility opportunities for supervision. The Parks Plan proposes that these two lots be sold, with the proceeds of their sale to contribute to the development and maintenance of other parks.

Lot 2458 Barringtonia Avenue, currently zoned for residential purposes, has been identified as a suitable location for a new park. This lot was previously a Public Purpose Reserve for drainage purposes but was rezoned some time ago in the hope that it may provide opportunity for additional housing. However, the irregular shape and drainage constraints associated with the site have seen it remain undeveloped and unsold even in a period where demand for housing has been at a high. The Parks Plan proposes that the site is better suited as a Neighbourhood Park.

Specifically, the site will provide a reticulated and grassed open space area for informal games and sports, shade, seating and playground equipment.

The Parks Plan, including the above recommended actions, was publicly advertised in 2004 and was adopted at the December 2004 meeting of Council.

### *12.8.1.9 PLANNING CONTEXT*

The following planning documents are relevant to the proposed scheme amendment.

#### **The Shire of Wyndham-East Kimberley Town Planning Scheme No.7 - Kununurra and Environs (2001 as amended)**

The proposed amendment will not result in any corresponding change to the text of TPS No.7. The subject sites (Lot 1039 Greybox Crescent and Lot 1004 Sorghum Place) will merely be incorporated within the accompanying Planning Scheme Map as having a Residential zone with a Residential Density classification of R30.

Lots 1039 Greybox Crescent and 1004 Sorghum Place will be incorporated within the Residential Zone of the TPS. The objectives of this zone are as follows:

#### *5.9 RESIDENTIAL ZONE*

##### *5.9.1 Objectives*

- (b) to allocate a density coding for the Residential zone throughout the Scheme Area designed to:*
  - (i) provide sufficient land in appropriate locations for residential development to meet the needs of the Scheme Area's anticipated growth and population without unduly restricting the choice of sites;*
  - (ii) promote and safeguard health, safety, convenience, the general public welfare and the amenity of the residential areas;*
  - (iii) allow redevelopment opportunities for areas of older housing stock.*

The proposed scheme amendment is consistent with these objectives in encouraging infill development and accommodating the anticipated growth of the town.

### **The Shire of Wyndham East Kimberley Local Planning Strategy (2005)**

The SWEK Local Planning Strategy (LPS) has recently received endorsement by the Western Australian Planning Commission. The purpose of the LPS is to provide background analysis and strategic direction for the Shire, including specifically the towns of Wyndham and Kununurra. The document included a factual and comprehensive account of the issues currently facing the SWEK, one of which was the issue of land availability for residential purposes in Kununurra. While there are opportunities to expand the existing residential areas, these are subject to resolving environmental and servicing issues. The LPS therefore encourages any opportunity for infill development in the short term.

The LPS differentiates the residential urban area within Kununurra into several precincts. The subject sites of this scheme amendment fall into two of these precincts. Sorghum Place falls within the Barringtonia Avenue Precinct. The sites at Greybox Crescent and Barringtonia Avenue fall within the Hidden Valley Precinct.

The LPS recommends the following for the future development of these precincts:

#### *Barringtonia Avenue Precinct*

*“...This precinct is currently dual coded R15/50. While there is a relatively high density area located within this precinct, the majority of the precinct consists of single residential development at approximately R15. No opportunities exist to increase the area of this precinct, however, due to its proximity to the town centre, density increases up to R30 are encouraged.”*

#### *Hidden Valley Precinct*

*“...this precinct is zoned R15 and is developed to this density. No significant density increase is warranted to discourage the intrusion of high densities into this relatively low density area...”*

These findings are further identified as objectives and recommended specific actions in the LPS.

### *6.3 Urban Residential Development*

#### *Objective*

*To ensure an adequate supply of residential land within close proximity to established population centres and to encourage a range of development styles that reflect the Kimberley climate and lifestyle.*

*Specific Actions*

*Residential densities in Kununurra shall be defined as distinct precincts and shall reflect predominant densities:*

- *Ironwood Drive Precinct at R20;*
- *Barringtonia Avenue Precinct at R30;*
- *Hidden Valley Precinct at R15;*
- *Lakeside Precinct at R15;*
- *Future Lakeside stages in accordance with structure planning.*

The proposed scheme amendment is consistent with the objectives and recommended actions with regard to creating a residential density of R30 within the Barringtonia Avenue Precinct. However, the Greybox Crescent site is proposing a higher density than that recommended for the Hidden Valley Precinct.

**Parks Plan Policy**

The Shire of Wyndham-East Kimberley Parks Plan was prepared as a recommendation of the Shire's Strategic Plan 2004-2008. The objective of the Parks Plan is to improve the quality and usefulness of the Shire's open space assets that best suits the unique needs and aspirations of the local community. The plan considers best practice in park development, reviews existing parks in the town and makes recommendations as to their future development, removal, upgrading and maintenance accordingly.

Specifically, the plan recommends that the Public Open Space (POS) areas within Greybox Crescent and Sorghum Place (two of the subject sites of this scheme amendment) be sold, with the proceeds used to create, upgrade and maintain other, more appropriate POS areas within the Shire, such as that identified at Lot 2458 Barringtonia Avenue (the other subject site of this amendment).

The proposed scheme amendment is therefore consistent with this policy.

**Shire of Wyndham-East Kimberley Kununurra Townsite Policy Areas**

The Shire of Wyndham-East Kimberley has identified 23 defined precincts within the Kununurra town area that are to be developed in accordance with specific policy measures. The following precinct is relevant to this proposed scheme amendment:

*Precinct 8 – Residential Precinct*

*Objective To provide for a range of residential densities and redevelopment opportunities.*

*Policies Promote Residential R50 development adjacent to Town Centre Precinct.*

*Enable redevelopment of existing housing stock in Barringtonia/Ironwood Drive area to an R20 development level.*

*Carry out traffic rationalisation/calming techniques on Barringtonia Avenue to reduce impacts of town centre orientated traffic on residential amenity.*

*Investigate a direct link between Barringtonia Avenue and Konkerberry Drive.*

The proposed scheme amendment is not inconsistent with the objectives and policies of this policy document.

### **Summary**

The proposed scheme amendments are consistent with the local planning policy framework, with the minor exception of the increased zoning proposed for Greybox Crescent. This is located within the Hidden Valley Precinct of the LPS, an area that is predominantly R15. This is discussed in the section below.

### **COMMENT**

The sites at Sorghum Place and Greybox Crescent are proposed to be rezoned to residential densities of R30. These will be, essentially, spot zonings within localities that are predominantly R15/50 and R15 respectively. However, given the context of each site, and the benefits that higher densities will bring to Kununurra [given significant land shortages], it is considered these densities can be supported and will not have a detrimental impact on the character or amenity of their respective localities.

Both sites are larger than normal and are shaped such that they will not lend themselves to subdivision into regular shaped – or sized – allotments. A density coding of R30 will allow for grouped dwelling developments that will be of a scale that they are unlikely to create a negative impact on the amenity or character of the locality. To the contrary, developing these sites for residential purposes will represent a higher and better use for land that is currently underutilised, is visually unappealing and has been found to encourage antisocial behaviour.

The creation of a Neighbourhood Park at Lot 2458 Barringtonia Avenue will also represent a higher and better use for a site that has not received market support for residential development. As a park it is of a size, shape and location that will allow for great functionality and casual supervision to accommodate the needs of its locality.

The rezoning and consequent development of these lots will create 13 grouped dwellings that will contribute significantly to housing shortage within Kununurra.

**PLANNING AND DEVELOPMENT ACT 2005**

**RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME**

**SHIRE OF WYNDHAM-EAST KIMBERLEY**

**TOWN PLANNING SCHEME NO.7**

**AMENDMENT NO. 19**

The Shire of Wyndham-East Kimberley, under and by virtue of the powers conferred upon it on behalf of section 75 of the Planning and Development Act 2005, hereby amends the above Town Planning Scheme by:

- 1. Reclassifying Lot 1039 Greybox Crescent, Kununurra, from Parks and Recreation reservation, to the Residential R30 zone;**
- 2. Reclassifying Lot 1004 Sorghum Place, Kununurra, from Parks and Recreation reserve, to the Residential R30 zone;**
- 3. Reclassifying Lot 2458 Barringtonia Avenue, Kununurra, from Residential R15/50, to Parks and Recreation reserve; and**
- 4. Amend the Planning Scheme map accordingly.**



EXISTING ZONING



PROPOSED ZONING

- LEGEND**
- PARKS AND RECREATION
  - PUBLIC PURPOSE
  - RESIDENTIAL
  - CONSERVATION / ENVIRONMENTAL PROTECTION



SHIRE OF WYNDHAM-EAST KIMBERLEY  
TOWN PLANNING SCHEME No.7  
AMENDMENT No.19

## **ADOPTION**

Adopted by Resolution of the Council of the Shire of Wyndham-East Kimberley at the Ordinary Meeting of the Council held on the fifteenth day of August 2006.

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**CHIEF EXECUTIVE OFFICER**

**Final Approval**

Adopted for Final Approval by Resolution of the Shire of Wyndham-East Kimberley at the \_\_\_\_\_ Meeting of Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

The Common seal of the Shire of Wyndham-East Kimberley was hereunto affixed in the presence of:

\_\_\_\_\_  
**CHIEF EXECUTIVE OFFICER**

\_\_\_\_\_  
**SHIRE PRESIDENT**

**Submitted for Final Approval**

\_\_\_\_\_  
**CHAIRPERSON OF THE WESTERN AUSTRALIAN PLANNING COMMISSION.**

Date: \_\_\_\_\_

**Final Approval Granted**

\_\_\_\_\_  
**MINISTER FOR PLANNING AND INFRASTRUCTURE**

Date: \_\_\_\_\_

**ATTACHMENT 3: SCHEDULE OF SUBMISSIONS:**

**SHIRE OF WYNDHAM-EAST KIMBERLEY  
TOWN PLANNING SCHEME NO. 7**

**Amendment No. 19: Rezoning of lots in accordance with the Shire of Wyndham East Kimberley Parks Plan Policy**

**Schedule of Submissions**

<b>SUBMISSION NO.</b>	<b>OBJECTION OR SUPPORT</b>	<b>SUMMARY OF SUBMISSIONS</b>	<b>COMMENTS</b>	<b>RECOMMENDATION</b>
Owner/ Property Details <b>SUBMISSION 1</b> Department of Water	<i>12.8.1.10 C</i> <i>o</i> <i>m</i> <i>m</i> <i>e</i> <i>n</i> <i>t</i>	<b>(i) Submitter's Comment</b> The Department of Water (DoW) will not be providing comment on this scheme amendment as it is required to be referred to the Environmental Protection Authority (EPA) under the <i>Environmental Protection Act 1986</i> . The DoW provides comments, as required, on scheme amendments as part of the EPA's process.	<b>Response</b> Noted. EPA advised changes are not significant enough to warrant formal assessment.	<b>Submission 1</b>  Noted.
<b>SUBMISSION 2</b> Department of Health	<i>12.8.1.11 C</i> <i>o</i> <i>m</i> <i>m</i> <i>e</i> <i>n</i> <i>t</i>	<b>(i) Submitter's Comment</b> The DOH has no objection to the proposed Amendment subject to the provision of reticulated sewerage to the R30 developments in order to comply with the Country Sewerage Policy.	<b>Response</b> Noted. The lots are able to be serviced with reticulated sewerage.	<b>Submission 2</b>  Noted.

**16. MATTERS BEHIND CLOSED DOORS**

Nil

**17. CLOSURE**

With all items of business complete the Shire President closed the meeting at 7:12pm.