



MINUTES OF ORDINARY MEETING OF COUNCIL

HELD ON 16 DECEMBER 2008

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

Shire President Confirmed

Item No	Description	Page No
1.	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	1
2.	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	1
3.	DECLARATIONS OF INTEREST	2
4.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	2
5.	PUBLIC QUESTION TIME	2
6.	PETITIONS	3
7.	APPLICATIONS FOR LEAVE OF ABSENCE	3
	7.1 APPLICATION FOR LEAVE OF ABSENCE (8456)	3
8.	CONFIRMATION OF MINUTES	3
	8.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY 17 NOVEMBER 2008 (8457)	3
9.	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION0. DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	4

11.	MINUTES OF COUNCIL COMMITTEE MEETINGS	5
	11.1. CONFIRMATION OF MINUTES OF AUDIT COMMITTEE MEETINGS	5
	11.1.2 UNCONFIRMED MINUTES OF AUDIT COMMITTEE MEETING HELD ON 16 DECEMBER 2008 (8458)	5
	11.2. CONFIRMATION OF MINUTES OF AIRPORT COMMITTEE MEETINGS	5
	11.2.1 MINUTES OF AIRPORT COMMITTEE MEETING HELD ON MONDAY 17 NOVEMBER 2008 (8459)	5
	11.2.2 UNCONFIRMED MINUTES OF AIRPORT COMMITTEE MEETING HELD ON TUESDAY 9 DECEMBER 2008 (8460)	6
12.	REPORTS	7
	12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL	7
	12.1.1 Auditors Report 2007-08 (8461)	7
	12.1 Annual Report 2007-08 (8462)	21
	12.6.5 Proposed Lease - Diversion Cruises & Hire, Part of Reserve 41812 (8463) (8464) (8465)	24
	12.1.3 Considerations relevant to possible extension of the East Kimberley Regional Airport runway from 1829m to 2500m (8466)	30
	12.1.4 Tender for Project Management of the East Kimberley Regional Airport Terminal Expansion Project (8467)	31
	12.2. CORPORATE SERVICES	36
	12.2.1 Monthly Financial Report (8468)	36
	12.2.2 List of Accounts Paid Under Delegation 18 (8469)	43
	12.2.3 Disposal of Shares in Cambridge Gulf Limited (8470) (8471)	57
	12.3. ENGINEERING & REGULATORY SERVICES	60
	12.3.1 Proclamation of Great Northern Highway Realignments at Dunham River and McPhees Crossing (8472)	60
	12.3.2 RFT T02-08/09 - Design and Installation of Pump Station Upgrade, Mainline and Reticulation of Selected Areas. (8473)	67
	12.3.3 Closure of Portion of Chestnut Avenue Abutting Reserve 29799 (8474)	71
	12.3.4 Provision of Kerbside Recycling Services for Wyndham and Kununurra (8475)	75
	12.4. DEVELOPMENT	86
	12.4.1 Revised Application of Non-conforming Use Rights (Serving of Light Refreshments - Loc 529 River Farm Road, Kununurra (8476)	86
	12.4.2 Proposed Shire Reserve - Emergency Services Reserve - Wyndham (8477)	98
	12.5. COMMUNITY SERVICES	105
	12.6. CHIEF EXECUTIVE OFFICER	106

12.6.1	Use Of Common Seal (8478)	106
12.6.2	Delegated Authority Report (8479)	108
12.6.3	Council Meeting Dates 2009 (8480)	115
12.6.4	Councillor Representation on Committees (8481) (8482) (8483) (8484)	117
12.6.6	Juwulinypany Aboriginal Community - request for restricted area under Liquor Control Act 1998 (8486)	123
12.6.7	Ord River Sports Club Lease (8487) (8488)	125
12.6.8	Australian Government Grant \$532,000 Regional and Local Community Infrastructure Program (8489) (8490) (8491)	160
12.6.9	Proposed Ord River Sailing Club Lease (8492)	167
12.6.10	Proposed Foreshore Lease- Commercial Boating Operations (8493)	174
	12.7. ELECTED MEMBER REPORTS	179
12.7.1	Proposed Transient Accommodation - Lot 103 Packsaddl Road, Kununurra (8494) (8495) (8496) (8497) (8498)	179
13.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	198
14.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	198
15.	URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION	198
16.	MATTERS BEHIND CLOSED DOORS	198
16.1	Advice of Legal Action - Weaber Plain Flooding 2006 (8499) (8500)	199
16.2	Appointment - Employment Contract of a Senior Employee - Executive Manager of Town Planning and Economic Development (8491) (8492) (8493) (8494)	200
17.	CLOSURE	201

SHIRE OF WYNDHAM-EAST KIMBERLEY

MINUTES

OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY 16 DECEMBER 2008 AT 6:00 PM

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

Cr F Mills	Shire President
Cr R Addis	Deputy President
Cr D Ausburn	Councillor
Cr R Boshammer	Councillor
Cr J Moulden	Councillor
Cr J Parker	Councillor
Cr K Torres	Councillor
Cr K Wright	Councillor
A Douglas	Acting Chief Executive Officer
J Ellis	Executive Manager Corporate Services
L Wanstall	Executive Support Officer - Engineering
K Fewster	Environmental Health Officer – Aboriginal Health
B Harding	Building Surveyor
K Tripp	Environment Officer

PUBLIC GALLERY

Trevor Brown	Darren Spackman	Amanda Moncreiff
Dave Munday	Salvin Loge	Tricia Handasyde
Sarah Greenwood	Meghan Barnes	Louise Stelfox
Kellie Lodge	Nadeen Lovell	Jacinta Thompson
Liz Brown	Dominique Breig	Scott Goodson
Jeff Hayley	Chris Robinson	Jade Rags
Andrew Craig	Errol Kruger	Wendy Jones
Mike Britza	Julie Milner	Paul Milner

APOLOGIES

P Stubbs	Chief Executive Officer
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LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Cr P Caley Councillor

3. DECLARATIONS OF INTEREST

- **Financial Interest**

Cr Jane Parker declared a financial interest in item 12.2.3 Disposal of Shares in Cambridge Gulf Limited as her husband works for Cambridge Gulf Limited.

Cr Robert Boshammer declared a financial interest in item 12.2.3 Disposal of Shares in Cambridge Gulf Limited as he is a board member in Cambridge Gulf Limited.

- **Impartiality Interest**

Cr Di Ausburn declared an impartiality interest in item 12.3.4 Provision of Kerbside Recycling Services for Wyndham and Kununurra as her business uses one of the freight companies named in the report.

- **Proximity Interest**

Cr Robert Boshammer declared a financial interest in item 12.6.5 Proposed Lease – Diversion Cruises & Hire, Part of Reserve 41812 as he is a director in a company that leases a part of reserve 41812.

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Response to Written Questions from Mr Jeff Hayley

Q. Could Council please advise the reason for the disparity in pricing on the foreshore leases. There appears to be considerable disparity between the caravan parks, Celliston Nominees and potential operators in the proposed marina.

A. The Council has based the lease amounts on independent valuations. Where there is a phasing in period, this is based on consideration of whether there was a pre-existing use of the land, limitations on development, and public access provisions.

Q. Could Council please advise the methodology used to determine these lease rates.

A. The common factor in the land being proposed for lease is its water frontage. The nature of land use differs significantly. This has been the basis of the methodology – that is there is no common denominator for the lease amounts as they relate to land use. By way of example, there would be no consideration of a caretaker's residence being built on the caravan park or Celliston Nominees leases.

6. PETITIONS

Nil

7. APPLICATIONS FOR LEAVE OF ABSENCE

7.1 Application for Leave of Absence (8456)

COUNCIL DECISION

Minute No. 8456

*Moved: Cr K Wright
Seconded: Cr R Addis*

That a leave of absence is approved for Cr Moulden for the meeting of 20 January 2009, Councillor Parker for the meetings of 20 January 2009 and 17 February 2009, and Councillor Boshammer for the meeting of 17 February 2009.

CARRIED UNANIMOUSLY: (8/0)

8. CONFIRMATION OF MINUTES

8.1 Confirmation of Minutes of the Ordinary Council Meeting held on Tuesday 17 November 2008 (8457)

RECOMMENDATION

That Council confirm the minutes of the Ordinary Council Meeting held on Tuesday 17 November 2008.

COUNCIL DECISION

Minute No. 8457

*Moved: Cr R Addis
Seconded: Cr J Moulden*

That Council confirm the minutes of the Ordinary Council Meeting held on Tuesday 17 November 2008.

CARRIED UNANIMOUSLY: (8/0)

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Representation

29 and 30 November I attended the Thanks a Volunteer breakfast in Wyndham and Kununurra.

3 December – Your Welcome presentation in Kununurra Council Chambers

10 December I met with Minister Robin McSweeney at the Kununurra Youth Centre

12 December – Discussion with Liz Constable from Tourism Council of WA re Royalties for Regions

Meetings attended:

1 December – Kimberley Visitors Centre Committee Meeting

4 December – MG Corporation re working together on common issues

9 December – Airport Committee

12 December – Australia's North West Board Meeting

The Shire President briefed Councillors on the meeting held that morning with the Prime Minister, Hon. Kevin Rudd, Premier Colin Barnett, and Federal Minister for Agriculture, Hon Tony Burke. The meeting was an opportunity for him to present the aspirations and expectations of the East Kimberley community that will come from the Ord Stage II development that is to be jointly funded from State and Commonwealth funds. The Prime Minister advised that the \$195 million does require some conditions to be satisfied and the main discussion topic was finalising the environmental clearances and there would be cooperation between the state and federal agencies to work through these.

The Shire President also spoke of the announcements by the Minister for Regional Development, Brendan Grylls on the Royalties for Regions program. The funds are to be distributed through three categories, being Country Local Government Fund, Regional Community Services Fund, and the Regional Infrastructure and Headworks Fund.

The announcement for the Country Local Government Fund released today provides significant funds for the Shire over the next four years and in 2008/09 means \$1.71 million. Ord Stage II will be allocated \$220 million from the Regional Infrastructure and Headworks Fund. The Regional Community Services may prove to be a source of funding for the upgrading of the airport facilities.

10. DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

11. MINUTES OF COUNCIL COMMITTEE MEETINGS

11.1. Confirmation of Minutes of Audit Committee Meetings

11.1.2 Unconfirmed Minutes of Audit Committee Meeting Held on 16

December 2008 (8458)

RECOMMENDATION

That Council note the unconfirmed minutes of the Audit Committee held on Tuesday 16 December 2008.

COUNCIL DECISION

Minute No. 8458

Moved: Cr K Wright

Seconded: Cr D Ausburn

That Council note the unconfirmed minutes of the Audit Committee held on Tuesday 16 December 2008.

CARRIED UNANIMOUSLY: (8/0)

11.2. Confirmation of Minutes of Airport Committee Meetings

11.2.1 Minutes of Airport Committee Meeting held on Monday 17 November 2008 (8459)

RECOMMENDATION

That Council note the minutes of the Airport Committee held on Monday 17 November 2008.

COUNCIL DECISION

Minute No. 8459

Moved: Cr J Moulden

Seconded: Cr K Wright

That Council note the minutes of the Airport Committee held on Monday 17 November 2008.

CARRIED UNANIMOUSLY: (8/0)

11.2.2 Unconfirmed Minutes of Airport Committee Meeting held on Tuesday 9 December 2008 (8460)

RECOMMENDATION

That Council note the unconfirmed minutes of the Airport Committee held on Tuesday 9 December 2008.

COUNCIL DECISION

Minute No. 8460

Moved:Cr K Wright

Seconded:Cr J Moulden

That Council note the unconfirmed minutes of the Airport Committee held on Tuesday 9 December 2008.

CARRIED UNANIMOUSLY: (8/0)

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

12.1.1 AUDITORS REPORT 2007-08 (8461)

DATE:	16 December 2008
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Jo-Anne Ellis, Executive Manager Corporate Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	61.34.04
ASSESSMENT NO:	N/A

PURPOSE

To review the Independent Audit Report and Management Report for the Year Ended 30 June 2008 issued by the Council Auditors UHY Haines Norton.

BACKGROUND

UHY Haines Norton, Councils appointed auditors conducted the annual audit for 2007/08. The result of this audit is an Independent Audit Report and a Management Report. These documents are an attachment to this agenda and the Independent Audit Report is published with the Annual Report.

The role of the audit Committee is to examine and consider the results of the annual audit as well as the management response to any issues raised by auditors.

STATUTORY IMPLICATIONS

Local Government Act 1995

7.9. Audit to be conducted

- (1) An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to —
 - (a) the mayor or president;
 - (b) the CEO of the local government; and
 - (c) the Minister.
- (2) Without limiting the generality of subsection (1), where the auditor considers that —
 - (a) there is any error or deficiency in an account or financial report submitted for audit;
 - (b) any money paid from, or due to, any fund or account of a local government has been or may have been misapplied to purposes not authorised by law; or

- (c) there is a matter arising from the examination of the accounts and annual financial report that needs to be addressed by the local government, details of that error, deficiency, misapplication or matter, are to be included in the report by the auditor.
- (3) The Minister may direct the auditor of a local government to examine a particular aspect of the accounts and the annual financial report submitted for audit by that local government and to —
 - (a) prepare a report thereon; and
 - (b) forward a copy of that report to the Minister, and that direction has effect according to its terms.
- (4) If the Minister considers it appropriate to do so, the Minister is to forward a copy of the report referred to in subsection (3), or part of that report, to the CEO of the local government to be dealt with under section 7.12A.

7.12A. Duties of local government with respect to audits

- (1) A local government is to do everything in its power to —
 - (a) assist the auditor of the local government to conduct an audit and carry out his or her other duties under this Act in respect of the local government; and
 - (b) ensure that audits are conducted successfully and expeditiously.
- (2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.
- (3) A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to —
 - (a) determine if any matters raised by the report, or reports, require action to be taken by the local government; and
 - (b) ensure that appropriate action is taken in respect of those matters.
- (4) A local government is to —
 - (a) prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and
 - (b) forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.

POLICY IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

N/A

STRATEGIC IMPLICATIONS

Accountability and transparency of the Shire's accounting functions.
The Audit Committee fulfilling the functions and responsibilities of the Committee.

COMMENT

Independent Audit Report

Auditor's Opinion

An unqualified opinion was given on the financial report.

Statutory Compliance

List of Accounts Paid.

Management Response

The payment date was included on the first payment of the group of accounts paid on the same date, it is clear which date the accounts were paid however the interpretation of the Auditor is that this does not comply with the Regulations. The officer preparing the report has been advised of the change of format required in the report to ensure compliance with Financial Management Regulation 13 (1) (c).

Corrective Actions

No further corrective actions required

Monthly Statement of Financial Activity.

Management Response

The accepted practice in the past was for Council to resolve to accept the Annual Financial Report in lieu of the Monthly Statement of Financial Activity. It is acknowledged the Monthly Statement of Financial Activity must be presented for the month of June.

Corrective Actions

No further corrective actions required.

Other Matters

No adverse trends in financial position or financial management practices were noted.

Management Report

Other matters arising during course of audit not required to be included in the Audit Report.

Electronic Payments.

Management Response

Control weaknesses exist in the way Synergy information is transferred to the Bank. For this control weakness to be addressed properly the payment files require encryption by Synergy in an agreed format with the Bank so the payment details can be read by the bank software. This preventative control may take some time to be developed.

The file transfer folders are restricted to ensure access to only those officers who have banking authority. Payment files are loaded into the banking software immediately on creation to reduce the window of opportunity for alteration. Further controls can be developed but these are detective in nature (eg. audit trails of changes to banking details) rather than preventative.

Corrective Actions.

Management investigate and report back to the Audit Committee on adequate software controls including encryption of payment details.
Management investigate, document and implement preventative controls over electronic payments.

Annual Report.

Management Response

Management acknowledges the two disclosures omitted from the 2006/07 Annual Report and have ensured these disclosures are included in the 2007/08 Annual Report.

Corrective Actions

No further corrective actions required.

Employee Files.

Management Response

Management acknowledges that the employee records filing is not adequate in some instances. A new role of Manager Human Resources was included in the 2008/09 Budget in recognition that additional resources and focus is required in Human Resource Management. Staff involved with the filing of Employee Records have been requested to ensure all records are filed appropriately.

Corrective Actions

No further corrective actions required.

Purchase Procedures.

Management Response

In general most officers with purchasing authority comply with the requirement to issue a purchase order prior to the purchase goods and services. There are however a few employees who do not comply with this requirement. These employees have been reminded of the need to comply with purchasing requirements in the past.

Corrective Actions.

Management to issue a memo to all staff with purchasing authority detailing the audit findings in relation to purchasing procedures and direct them to comply with the requirement to issue a purchase order prior to ordering of goods and services or their purchasing authority will be revoked.

Purchasing Policy.

Management Response

Management agrees with the audit finding
Review of the purchasing policy is on the Audit Committee Planner for review.

Corrective Actions.

The purchasing policy review is to be presented to the next Audit Committee meeting.

Tender Register.

Management Response

Improvements have been made to the Tender Register but the register was still not compliant with the requirements of Functions and General Regulation 17 at the time of Audit. All of the required information is included on the individual Tender files but not in the Tender Register file.

Corrective Actions.

That the Tender Register is to be made compliant with Functions and General Regulation 17 and this reported back through the Audit Committee.

Corrected Misstatements.

Management Response

The majority of these corrections arose from the Trial Balance not being finalised when the audit commenced.

Corrective Actions.

No further corrective actions required

ATTACHMENTS

Independent Audit Report to the Electors of the Shire of Wyndham East Kimberley.

Management Report for the Year Ended 30 June 2008.

VOTING REQUIREMENT

Simple Majority

OFFICERS RECOMMENDATION

The Audit Committee

1. Receives the Independent Audit Report the Electors of the Shire of Wyndham East Kimberley.
2. Receives and the Management Report for the Year Ended 30 June 2008
3. Notes the management response to audit issues and corrective actions being proposed by management.
4. Recommends to Council to receive the Independent Audit Report the Electors of the Shire of Wyndham East Kimberley.
5. Recommends to Council to receive Management Report for the Year Ended 30 June 2008
6. Recommends to Council the following actions be taken in relation to the results of Audit for the Year Ended 30 June 2008
 - a. Management investigate and report back to the Audit Committee on adequate software controls including encryption of payment details to ensure security of electronic payments.
 - b. Management investigate, document and implement preventative controls over electronic payments.
 - c. Management issue a memo to all staff with purchasing authority detailing the audit findings in relation to purchasing procedures and direct them to comply with the requirement to issue a purchase order prior to ordering of goods and services or their purchasing authority will be revoked.
 - d. A revised Purchasing Policy is presented to the next Audit Committee meeting.
 - e. The Tender Register is to be made compliant with Functions and General Regulation 17 and this is reported back through the Audit Committee.
7. Recommends to Council that a report on the status of actions taken in relation to the results of Audit for the Year Ended 30 June 2008 is included in the Audit Committee Agenda as a standing item until all issues are resolved.
8. Recommends to Council that the actions in relation the results of Audit for the Year Ended 30 June 2008 are reported to the Minister following the May 2009 Audit Committee Meeting.

COMMITTEE RESOLUTION

Minute AC115

Moved: Cr R Addis

Seconded: Cr D Ausburn

The Audit Committee

1. Receives the Independent Audit Report the Electors of the Shire of Wyndham East Kimberley.
2. Receives and the Management Report for the Year Ended 30 June 2008
3. Notes the management response to audit issues and corrective actions being proposed by management.
4. Recommends to Council to receive the Independent Audit Report the Electors of the Shire of Wyndham East Kimberley.
5. Recommends to Council to receive Management Report for the Year Ended 30 June 2008
6. Recommends to Council the following actions be taken in relation to the results of Audit for the Year Ended 30 June 2008
 - a. Management investigate and report back to the Audit Committee on adequate software controls including encryption of payment details to ensure security of electronic payments.
 - b. Management investigate, document and implement preventative controls over electronic payments.
 - c. Management issue a memo to all staff with purchasing authority detailing the audit findings in relation to purchasing procedures and direct them to comply with the requirement to issue a purchase order prior to ordering of goods and services or their purchasing authority will be revoked.
 - d. A revised Purchasing Policy is presented to the next Audit Committee meeting.
 - e. The Tender Register is to be made compliant with Functions and General Regulation 17 and this is reported back through the Audit Committee.
7. Recommends to Council that a report on the status of actions taken in relation to the results of Audit for the Year Ended 30 June 2008 is included in the Audit Committee Agenda as a standing item until all issues are resolved.
8. Recommends to Council that the actions in relation the results of Audit for the Year Ended 30 June 2008 are reported to the Minister following the May 2009 Audit Committee Meeting.

Carried Unanimously: 4/0

COMMITTEE RECOMMENDATION

1. *That Council receives the Independent Audit Report to the Electors of the Shire of Wyndham East Kimberley.*
2. *That Council receives the Management Report for the Year Ended 30 June 2008*
3. *That the following actions be taken in relation to the results of Audit for the Year Ended 30 June 2008*
 - a. *Management investigate and report back to the Audit Committee on adequate software controls including encryption of payment details to ensure security of electronic payments.*

- b. *Management investigate, document and implement preventative controls over electronic payments.*
 - c. *Management issue a memo to all staff with purchasing authority detailing the audit findings in relation to purchasing procedures and direct them to comply with the requirement to issue a purchase order prior to ordering of goods and services or their purchasing authority will be revoked.*
 - d. *A revised Purchasing Policy is presented to the next Audit Committee meeting.*
 - e. *The Tender Register is to be made compliant with Functions and General Regulation 17 and this is reported back through the Audit Committee.*
4. *That a report on the status of actions taken in relation to the results of Audit for the Year Ended 30 June 2008 is included in the Audit Committee Agenda as a standing item until all issues are resolved.*
 5. *That the actions in relation the results of Audit for the Year Ended 30 June 2008 are reported to the Minister following the May 2009 Audit Committee Meeting.*

COUNCIL DECISION

Minute No. 8461

Moved: Cr K Wright

Seconded: Cr D Ausburn

1. ***That Council receives the Independent Audit Report to the Electors of the Shire of Wyndham East Kimberley.***
2. ***That Council receives the Management Report for the Year Ended 30 June 2008***
3. ***That the following actions be taken in relation to the results of Audit for the Year Ended 30 June 2008***
 - a. ***Management investigate and report back to the Audit Committee on adequate software controls including encryption of payment details to ensure security of electronic payments.***
 - b. ***Management investigate, document and implement preventative controls over electronic payments.***
 - c. ***Management issue a memo to all staff with purchasing authority detailing the audit findings in relation to purchasing procedures and direct them to comply with the requirement to issue a purchase order prior to ordering of goods and services or their purchasing authority will be revoked.***
 - d. ***A revised Purchasing Policy is presented to the next Audit Committee meeting.***
 - e. ***The Tender Register is to be made compliant with Functions and General Regulation 17 and this is reported back through the Audit Committee.***
4. ***That a report on the status of actions taken in relation to the results of Audit for the Year Ended 30 June 2008 is included in the Audit Committee Agenda as a standing item until all issues are resolved.***

5. *That the actions in relation the results of Audit for the Year Ended 30 June 2008 are reported to the Minister following the May 2009 Audit Committee Meeting.*

CARRIED UNANIMOUSLY: (8/0)

11 December 2008

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

Dear Peter

**AUDIT OF SHIRE OF WYNDHAM – EAST KIMBERLEY
FOR THE YEAR ENDED 30TH JUNE 2008**

We advise that we have completed the audit of your Shire for the year ended 30th June 2008 and enclose our Audit Report and a copy of the Management Report.

A copy of the Audit Report and Management Report has also been sent directly to the President as is required by the Act.

We would like to take this opportunity to thank you and your staff for the assistance provided during the audit.

Please contact us if you have any queries.

Yours sincerely



DAVID TOMASI
PARTNER

S:\David\Local Govt\Wyndham - East Kimberley\2008\corro\08 CEO Letter.doc

**INDEPENDENT AUDIT REPORT
TO THE ELECTORS OF THE SHIRE OF WYNDHAM – EAST KIMBERLEY**

Report on the Financial Report

We have audited the accompanying financial report of the Shire of Wyndham – East Kimberley, which comprises the balance sheet as at 30 June 2008 and the income statement by nature or type, income statement by program, statement of changes in equity, cash flow statement, rate setting statement for the year ended on that date and a summary of significant accounting policies and other explanatory notes.

Council's Responsibility for the Financial Report

Council is responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations), the Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended). This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

Our responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Council, as well as evaluating the overall presentation of the financial report.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Independence

In conducting our audit, we have complied with the independence requirements of Australian professional ethical pronouncements.

Auditor's Opinion

In our opinion, the financial report of the Shire of Wyndham – East Kimberley is in accordance with the Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended), including:

- a giving a true and fair view of the Shire's financial position as at 30 June 2008 and of its performance for the year ended on that date; and
- b. complying with Australian Accounting Standards (including the Australian Accounting Interpretations), the Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended).

**INDEPENDENT AUDIT REPORT
TO THE ELECTORS OF THE SHIRE OF WYNDHAM – EAST KIMBERLEY (continued)**

Statutory Compliance

During the course of the audit we became aware of the following instances where the Council did not comply with the Local Government (Financial Management) Regulations 1996 (as amended).

List of Accounts Paid

When presented to Council, the list of accounts paid by the CEO under delegated authority for the months of March through June 2008 did not show the date of the payment as required by Financial Management Regulation 13 (1) (c).

Monthly Statement of Financial Activity

The monthly Statement of Financial Activity for June 2008 was not presented to the Council within two ordinary meetings of the council following the end of the month to which the statement relates, as required by Financial Management Regulation 34 (3) (a).

Other Matters

In accordance with the Local Government (Audit) Regulations 1996, we also report that:

- a) There are no matters that in our opinion indicate significant adverse trends in the financial position or the financial management practices of the Shire.
- b) Except as detailed above, no other matters indicating non-compliance with Part 6 of the Local Government Act 1995 (as amended), the Local Government (Financial Management) Regulations 1996 (as amended) or applicable financial controls of any other written law were noted during the course of our audit.
- c) All necessary information and explanations were obtained by us.
- d) All audit procedures were satisfactorily completed in conducting our audit.

UHY HAINES NORTON
CHARTERED ACCOUNTANTS



DAVID TOMASI
PARTNER

Date: 11 December 2008
Perth, WA

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11 December 2008

The Shire President
Shire of Wyndham – East Kimberley
PO Box 614
KUNUNURRA WA 6743

Dear Cr Mills

MANAGEMENT REPORT FOR THE YEAR ENDED 30TH JUNE 2008

We advise that we have completed our audit procedures for the year ended 30th June 2008 and enclose our Audit Report.

We are required under the Local Government Audit Regulations to report certain compliance matters in our audit report. Other matters which arise during the course of our audit that we wish to bring to Council's attention are raised in this management report.

It should be appreciated that our audit procedures are designed primarily to enable us to form an opinion on the financial statements and therefore may not bring to light all weaknesses in systems and procedures, or all audit matters of interest to Council, which may exist. However, we aim to use our knowledge of the Shire's organisation gained during our work to make comments and suggestions, which, we hope, will be useful to you.

Electronic Payments

We noted insufficient controls over the loading of EFT payments and changing of staff and creditors banking details.

Evidence suggests adequate preventative controls have not yet been established or implemented.

To ensure all payments made are bona fide and appropriately authorised, we recommend further investigation and implementation of appropriate higher level control measures that are preventative (rather than detective) in nature be implemented.

The system should be structured to allow for risk areas to be easily reviewed and these reviews should be routinely conducted by staff independent of the payment process

Annual Report

We note from review of the Annual Report it does not contain the following items required by Section 5.53 of the Act

- Information required by State Records Act 2000
- An overview of the 'plan for the future of the district' made in accordance with Section 5.56 including major initiatives that are proposed to commence or to continue in the next financial year. (We accept that the 'plan for the future of the district' has not been adopted, however there is no reference to this in the Annual Report).

To ensure compliance with the Act we recommend the two abovementioned items be included in future Annual Reports.

Employee Files

From the review of randomly selected employee files, we noted certain instances where the files did not contain authorisation for non-statutory deductions, new pay rates and the initial contract of employment. From the same testing we also found that one employee was not being paid at the rate as specified in his review.

To help ensure the accuracy of record keeping, we recommend a signed copy of the letter of authorisation of new pay rates be maintained within the employee file.

Purchase Procedures

During testing of purchases we noted certain cases where Purchase Orders were raised after receipt of invoices or delivery of goods.

Once issued, purchase orders commit the Shire to expenditure. It is important for the value of the order to be known prior to authorisation to control expenditure and ensure the dollar value limits set for staff are not exceeded. When processing supplier invoices it is advisable for controls to be in place to ensure order values are not exceeded. This will help ensure all goods ordered have been appropriately authorised and also helps ensure budget responsibility.

Purchasing Policy

We noted the purchasing policy did not state recording keeping requirements as required by Functions and General Regulation 11 (3)(b).

To help ensure compliance with the Functions and General Regulation, we recommend the purchasing policy be amended to include these.

Tender Register

As raised in previous years, the tender register did not appear to be up to date in respect of all necessary details required by Functions and General Regulation 17.

We recommend procedures be implemented to help ensure all details are recorded promptly and the register is complete with all necessary requirements.

Corrected Misstatements

We advise we have informed Shire management of certain misstatements which were corrected during the course of our audit and are reflected in the financial report. These corrected misstatements are attached at Appendix 1 to this letter.

Uncorrected Misstatements

We advise that we have informed Shire management that there were no uncorrected misstatements above \$3,000 noted by us during the course of our audit.

We take this opportunity to thank the Chief Executive Officer and all staff for the assistance provided during the audit.

Should you wish to discuss any matter relating to the audit or any other matter, please do not hesitate to contact us.

Yours faithfully



DAVID TOMASI
PARTNER

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SHIRE OF WYNDHAM–EAST KIMBERLEY
APPENDIX 1
FORMING PART OF THE MANAGEMENT REPORT
FOR THE YEAR ENDED 30TH JUNE 2008

Corrected Misstatements

	Debit \$	Credit \$
Sale of Land - Ewin Centre Prepayments	31,500.00	31,500.00
Recognition of prepayment for sale of land		
Sundry Debtors Grant Aboriginal Health GST Payable	37,880.00 3,788.00	41,668.00
Reversal of 08/09 Debtor		
Sundry Creditors Lease Photocopier GST Receivable	22,334.40	20,304.00 2,030.40
Reversal of 08/09 Creditor		
Accrued Interest on Debentures Interest Expense	47,237.00	47,237.00
Being recognition of accrued interest on debentures		
Accumulated Surplus/Deficit Land and Buildings Furniture and Equipment Plant and Machinery Accumulated Depreciation - Plant and Machinery	6,068.35 34,871.68 10,796.96 25,933.38	77,670.37
Agree General Ledger to Asset Register		
Accrued Salaries and Wages Provision for RDO - Current Provision for Annual Leave - Current Provision for Long Service Leave - Current Provision for Annual Leave - Non-Current Provision for Long Service Leave - Non-Current Salaries & Wages Expense	53,933.21 132,234.46 171,173.02	109,172.23 10,929.77 93,429.57 143,809.12
Being Recognition of Employee Liabilities		
Airport General Accum Airport General Reserve - Transfer to Reserve	860,197.00	860,197.00
Reverse equity transfer to Airport Reserve not effected until 08/09		
Municipal Bank Account Reserve Fund Bank Account	860,197.00	860,197.00
Reverse cash transfer to Airport Reserve not effected until 08/09		

12.1 ANNUAL REPORT 2007-08 (8462)

DATE:	16 December 2008
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Jo-Anne Ellis, Executive Manager Corporate Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	60.27.01
ASSESSMENT NO:	N/A

PURPOSE

To recommend to Council the Annual Report of the Shire of Wyndham East Kimberley for the Year Ended 30 June 2008.

BACKGROUND

The Annual report is a statutory requirement and is required to be prepared for the year ending 30 June each year.

STATUTORY IMPLICATIONS

Local Government Act 1995

5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —
 - (a) a report from the mayor or president;
 - (b) a report from the CEO;
 - [(c), (d) deleted]
 - (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;
 - (f) the financial report for the financial year;
 - (g) such information as may be prescribed in relation to the payments made to employees;
 - (h) the auditor's report for the financial year;
 - (ha) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993;
 - (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —
 - (i) the number of complaints recorded in the register of complaints;
 - (ii) how the recorded complaints were dealt with; and
 - (iii) any other details that the regulations may require; and
 - (i) such other information as may be prescribed.

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

* *Absolute majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

6.4. Financial report

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.
- (2) The financial report is to —
 - (a) be prepared and presented in the manner and form prescribed; and
 - (b) contain the prescribed information.
- (3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —
 - (a) the accounts of the local government, balanced up to the last day of the preceding financial year; and
 - (b) the annual financial report of the local government for the preceding financial year.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Accountability and transparency of the Shire's accounting functions.
Reporting information about the Shires operations to stakeholders.

COMMENT

The Annual Report 2007-08 includes the Shire Presidents Report, CEO's Report, Report on Operations, Financial Report for the Year Ended 30 June 2008 and the Independent Audit to the Electors of the Shire of Wyndham East Kimberley.

ATTACHMENTS

Annual Report 2007-08 has been distributed under separate cover.

VOTING REQUIREMENT

Absolute Majority

OFFICERS RECOMMENDATION

That the Audit Committee recommends to Council to accept the Annual Report for the Year Ended 30 June 2008.

COMMITTEE RECOMMENDATION

That Council accepts the Annual Report for the Year Ended 30 June 2008.

COUNCIL DECISION

Minute No. 8462

Moved:Cr K Wright

Seconded:Cr K Torres

That Council accepts the Annual Report for the Year Ended 30 June 2008.

CARRIED BY ABSOLUTE MAJORITY: (8/0)

12.6.5 PROPOSED LEASE - DIVERSION CRUISES & HIRE, PART OF RESERVE 41812 (8463) (8464) (8465)

DATE:	16 December 2008
PROPONENT:	Diversion Cruises
LOCATION:	Lily Creek Lagoon, Reserve 41812
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	66.20.02
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider public comment consistent with Section 3.58 of the Local Government Act, in relation to the proposed lease by private treaty over a portion of reserve 41812 to Diversion Cruises/Celliston Nominees.

BACKGROUND

1. In February 2005 Council resolved to establish a 3 year lease with D. Spackman of Diversion Cruises for a portion of reserve 41812. (Minute No 7068)
2. The intent of the lease with no option of renewal was that a short term lease was appropriate to allow time for an alternative leased site to be identified.
3. This lease expired in May 2008. Notwithstanding that, the Lessee has paid the required fee a year in advance, and is therefore regarded as tenant and will until the end of January 2009.
4. Reserve 41812 is co vested to the Shire of Wyndham east Kimberley and Department of Water, with the power to lease for no more than 21 years.
5. Any lease requires the agreement of both co-vestees and the Minister for Water.
6. Mr D. Spackman is associated with two businesses Diversion Cruise and Hire and Celliston Nominees which records indicate have been used interchangeably over the course of time on this lease issue.
7. At a Special Meeting of Council, 5 June 2007, Council noted under confidential cover its legal advice in relation to the situation with regard to the Diversion Cruise lease and leasing of part of Reserve 41812.
8. At the Special Meeting of Council, 5 June 2007, Council resolved to advise the Department of Water that in agreed principle to amending the terms of Diversion Cruise lease to a 10 Year lease with a 10 year option of extension. The Department of Water advised it would not agree to this without a public expression and or tender process for the proposed lease.

9. At an Ordinary Council Meeting, 19 June 2007, Council (minute No 7776) resolved to advise the Minister for Water, Department of Water and Diversion Cruises that it wished for a new 10 year lease with a 10 year extension option at full commercial rental. This could not be progressed because the Department of Water advised it would not agree to this without public expression and or tender process for the proposed lease.
10. Council was to advertise this new lease immediately upon the Lessee providing evidence that the department of Water and Minister consented to a longer tenure by private treaty as required by Council Minute 7776, AND that Diversion Cruises provide revised development plans to support consideration of a longer tenure by private treaty as required in Council Minute 7776.
11. Diversion has not met these criteria set by Council, and therefore the advertising was not undertaken.
12. At an Ordinary Council Meeting, 18 March 2008, Council resolved to support the existing lease at the time and offer a 1 year lease with a 1 year extension until such time as an alternative site could be agreed upon Department of Water. The Department of Water agreed to this proposed lease arrangement.
13. In May 2008 Diversion Cruises was provided with a proposed new one year lease with extensions has agreed by the Council and Department of Water. This was not progressed or put to public comment, as Diversion Cruises would not confirm it if accepted the Lease Offer.
14. At the Ordinary Council Meeting 18 August 2008 Council resolved to offer by Private Treaty a new 21 year lease to Diversion Cruises/Celliston Nominees being the alternative site (between swim beach and ski beach) for Diversion Cruises to operate its business from and to be located in close proximity to other commercial business operating on Lake Kununurra.
15. Diversion Cruises did not accept that lease offer hence the matter could not be progressed.
16. At the Ordinary Council meeting, 21 October 2008, Council resolved (Minute No 8245) to offer Celliston Nominees a 10 year lease with a 10 year lease extension with the following conditions;
 - Rental to be at the current rate with adjustments on an annual basis by the State CPI.
 - All previous development approvals granted by the Shire and still current are to continue.
 - Lease purpose to be for tourism and commercial purposes.
17. The Department of Water was advised on this Council resolution and agreed to the public advertising proceeding.
18. This proposed lease was advertised for public comment in the Kimberley Echo newspaper 30 October 2008, with public comment closing 27 November 2008.

19. Public comments were collated and circulated to elected members 28 November 2008 in them the Elected Briefing session held on 2 December 2008.

20. Public comments are attachment to this agenda item (file 60.20.02)

STATUTORY IMPLICATIONS

1.1.1. LOCAL GOVERNMENT ACT 1995 - SECT 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 local 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.

[Section 3.58 amended by No. 49 of 2004 s. 27.]

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council stands to gain revenue from any lease, the amount dependant on the lease finally agreed too. Revenue is proposed to be used better manage the Lily Creek Lake Kununurra environment and to assist implement the Lake Kununurra Foreshore Plan.

STRATEGIC IMPLICATIONS

Lily Creek lagoon and Lake Kununurra are unique assets to Kununurra. How they are used, developed, and managed is important to the future of Kununurra.

COMMUNITY CONSULTATION

This proposed lease was advertised for public comment in the Kimberley Echo newspaper 30 October 2008, with the public comment closing 27 November 2008.

Comments submitted were in the form of emails, letter and petitions. The petitions were not in the standard petition format. Notwithstanding and structural deviation from the normal petition template that the intent of the petitions is clear, and they should be considered.

In summary, there were 167 submissions, with 19 being in support of the proposed lease and 148 being opposed to it in current form.

COMMENT

1. At the Ordinary Council meeting 21 March 2006 it was recommended to Council that in keeping with the original 3 years lease with no lease extension there be no new lease by private treaty, but rather a public tender process be used to determine any future commercial use of the that portion of Reserve 41812.
2. This approach was again recommended to Council at the Ordinary Council meeting 20 March 2007.
3. On both occasions Council has opted for a new lease to be established by private treaty.
4. It is the exception rather than the rule that there is substantial public comment on an issue
5. It remains the recommendation of the Officer that the best interests of the community are served by disposal of this portion of Reserve 41812 by a public process – expression of interest and or tender, if this land is to be used for commercial purposes.
6. A public tender process allows the community and Council to consider the full context of any commercial proposals and to comment on that. It

represents the best course of action to secure the best outcome from commercial use in the local economy.

7. Alternatively if the land is not to be used for commercial purposes it is recommended that the no new lease be established, and the present infrastructure be removed at Council's expense and land be returned to public open space.
8. Passions run high on this issue in the community. In that environment good governance is easily corrupted or overlooked. It is therefore recommended that any tender process, if that is supported by Council be managed externally to Kununurra to enhance public confidence in that process and ensure proper process.
9. These recommended approaches are consistent with previous recommendations to Council and much of the public comment received.
10. It is noted that some views are put forward that the proposed lessee cannot hire paddle craft from the alternative offered site between Swim Beach and Ski Beach on Lake Kununurra, due to proximity of powered craft etc. There is a clear precedent to manage and accommodate this. Council has already issued a licence for paddle craft to operate by a different business from Celebrity Tree Park. Licenses as opposed to a lease area are sufficient to accommodate this style of business operation. And are commonly used on Water front for similar business' around Australia.

ATTACHMENTS

Public Comments Reference (File 66.20.02)

VOTING REQUIREMENT

Simple Majority

Three Councillors required to support any rescission motion before it can be considered.

OFFICER'S RECOMMENDATION 1

That Council rescind Minute 8245 to offer Celliston Nominees a 10 year lease with a 10 year lease extension.

OFFICER'S RECOMMENDATION 2

That Council request;

1. The support of the Minister and Department of Water to call on expressions of interest/tender process for the proposed commercial use of the portion of Reserve 41812, formerly used by Diversion Cruises and Hire and or Celliston Nominees.
2. That subject to above support the Western Australian Local Government Association tender Bureau service be commissioned to manage any

expression or interest/tender process, so assist build confidence into that project.

ALTERNATE OFFICER'S RECOMMENDATION 3

Should recommendation 2, for commercial use of the portion of Reserve 41812 not be supported, then Council adopt to remove the current infrastructure owned by Diversion Cruises and or Celliston Nominees, at Council's expense, returning materials to Diversion Cruises and or Celliston Nominees, and returning that portion of Reserve 41812 to public open space.

Minute No: 8463

Moved:Cr K Wright

Seconded:Cr J Parker

That Council suspend Standing Order 7.5 to enable Councillors to speak more than once in relation to matter being debated.

CARRIED UNANIMOUSLY: (8/0)

Standing Order 7.5 was suspended at 6.22pm

Minute No: 8464

Moved:Cr J Moulden

Seconded:Cr K Wright

That Council resume standing Order 7.5

CARRIED UNANIMOUSLY: (8/0)

Standing Order 7.5 resumed at 6.23pm

Minute No: 8465

Moved:Cr K WRIGHT

Seconded:Cr J Parker

That due to information that has come to hand that the matter be deferred until a Special Meeting of Council on a date within 7 - 10 days to be determined by the Shire President.

CARRIED: (5/3)

Cr K Wright requested the votes be recorded

Cr K Wright, J Parker, K Torres, D Ausburn and F Mills voted for the motion

Cr R Addis, J Moulden and R Boshammer voted against the motion

NOTE: The Council decision was different from the Officers Recommendation because some Councillors believe that new information that may substantially change Councils decision is not included in the agenda item. This information was not disclosed at the meeting.

12.1.3 CONSIDERATIONS RELEVANT TO POSSIBLE EXTENSION OF THE EAST KIMBERLEY REGIONAL AIRPORT RUNWAY FROM 1829M TO 2500M (8466)

DATE:	16 December 2008
PROPONENT:	N/A
LOCATION:	East Kimberley Regional Airport
AUTHOR:	Jo-Anne Ellis Executive Manager Corporate Services
REPORTING OFFICER:	Jo-Anne Ellis Executive Manager Corporate Services
FILE NO:	60.14.13
ASSESSMENT NO:	N/A

PURPOSE

To give guidance in a timely manner regarding the priorities in Airport Infrastructure Upgrade to the Royalties for Regions Submission.

VOTING REQUIREMENT

Simple Majority

COMMITTEE RESOLUTION

That it be recommended that Council request the State Government to allocate \$7 million from Royalties to Regions in 2009 for the East Kimberley Regional Airport Terminal Upgrade and Expansion Project and \$7 million for runway extensions at East Kimberley Regional Airport at the earlier of 2010 or where a sufficient business case for the project is forthcoming.

COMMITTEE RECOMMENDATION

That Council request the State Government to allocate \$7 million from Royalties to Regions in 2009 for the East Kimberley Regional Airport Terminal Upgrade and Expansion Project and \$7 million for runway extensions at East Kimberley Regional Airport at the earlier of 2010 or where a sufficient business case for the project is forthcoming.

COUNCIL DECISION

Minute No. 8466

***Moved:Cr J Moulden
Seconded:Cr J Parker***

That Council request the State Government to allocate \$7 million from Royalties to Regions in 2009 for the East Kimberley Regional Airport Terminal Upgrade and Expansion Project and \$7 million for runway extensions at East Kimberley Regional Airport at the earlier of 2010 or where a sufficient business case for the project is forthcoming.

CARRIED UNANIMOUSLY: (8/0)

12.1.4 TENDER FOR PROJECT MANAGEMENT OF THE EAST KIMBERLEY REGIONAL AIRPORT TERMINAL EXPANSION PROJECT (8467)

DATE:	16 December 2008
PROPONENT:	East Kimberley Regional Airport
LOCATION:	East Kimberley Regional Airport
AUTHOR:	Jo-Anne Ellis Executive Manager Corporate Services
REPORTING OFFICER:	Jo-Anne Ellis Executive Manager Corporate Services
FILE NO:	60.14.13
ASSESSMENT NO:	N/A

PURPOSE

To consider and recommend to Council specifications for appointment of Consultant / Project Manager for East Kimberley Regional Airport Terminal Expansion.

BACKGROUND

17 June 2008

Minute No: AP 028

Moved: Cr Caley

Seconded: Cr Buchanan

That the Airport Committee;

- 1. having reviewed the draft timeline for extension to the East Kimberley Regional Airport Terminal Building endorsed the consultation phase of the project,*
- 2. requests officers to bring back to committee the criteria/specification for the tender of consultant/project manager for the East Kimberley Regional Airport Terminal Extension.*

Carried Unanimously: 3/0

STATUTORY IMPLICATIONS

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

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

11. Tenders to be invited for certain contracts

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is*

- (2) *expected to be, more, or worth more, than \$100 000 unless sub-regulation states otherwise.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

This project is estimated at over \$8 million to be funded from Royalties for Regions, Reserve Funds and Loan if required.

STRATEGIC IMPLICATIONS

Airport statistics show that the usage of the East Kimberley Regional Airport Terminal is increasing. Additionally the strategic outlook to encourage interstate and international jet services requires a terminal building with a greater capacity to cater for the needs of the travelling public.

COMMENT

The recommendation in relation to managing this project is to tender for a consultant/project manager who has experience with similar projects in the aviation industry. The tender will include requirements to:

- develop project timeline detail/milestones for Council approval (including details of staging of project to allow airport operation to continue with minimal disruption)
- commission final plans
- present final plans to airport stakeholders
- undertake quantity surveys
- develop a detailed budget for project
- develop tender specifications for construction
- call tenders
- project manage the construction process to handover on completion.
- Sign off on final project

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

1. *That the Airport Committee recommends to Council to issue a Request for Tender for Project Management of the East Kimberley Regional Airport Terminal Expansion Project.*
2. *That Tenders are evaluated based on the capacity of the Tenderers to complete the requirements of the tender including:*

2.1. *Compliance Criteria (must comply)*

- a) *Specifications*
- b) *Conditions of Tendering*
- c) *Quality Assurance*
- d) *Start Date*
- e) *Completion of Price Schedule*

2.2 *Qualitative Criteria (used to Rank Tenders)*

- a) *Previous experience and satisfactory performance in managing an Airport Terminal Expansion/Redevelopment project – 40%*
- b) *Sufficient and appropriate resources to manage the project from consultation, and tender selection through to completed construction - 40%*
- c) *Understanding of project timeline including requirement for the airport to remain operational and functional - 20%*

2.3. *Price Submitted for Tender*

The tendered price along with the qualitative ranking will be used to determine the most advantageous tender to Council.

COMMITTEE RESOLUTION

1. That the Airport Committee recommends to Council to issue a Request for Tender for Project Management of the East Kimberley Regional Airport Terminal Expansion Project.
2. That Tenders are evaluated based on the capacity of the Tenderers to complete the requirements of the tender including:

2.1. *Compliance Criteria (must comply)*

- a) *Specifications*
- b) *Conditions of Tendering*
- c) *Quality Assurance*
- d) *Start Date*
- e) *Completion of Price Schedule*

2.2 *Qualitative Criteria (used to Rank Tenders)*

- a) *Previous experience and satisfactory performance in managing an Airport Terminal Expansion/Redevelopment project – 40%*
- b) *Sufficient and appropriate resources to manage the project from consultation, and tender selection through to completed construction - 40%*
- c) *Understanding of project timeline including requirement for the airport to remain operational and functional - 20%*

2.3. *Price Submitted for Tender*

The tendered price along with the qualitative ranking will be used to determine the most advantageous tender to Council.

COMMITTEE RECOMMENDATION

1. That Council to issue a Request for Tender for Project Management of the East Kimberley Regional Airport Terminal Expansion Project.

2. That Tenders are evaluated based on the capacity of the Tenderers to complete the requirements of the tender including:
 - 2.1. Compliance Criteria (must comply)
 - a) Specifications
 - b) Conditions of Tendering
 - c) Quality Assurance
 - d) Start Date
 - e) Completion of Price Schedule
 - 2.2 Qualitative Criteria (used to Rank Tenders)
 - a) Previous experience and satisfactory performance in managing an Airport Terminal Expansion/Redevelopment project – 40%
 - b) Sufficient and appropriate resources to manage the project from consultation, and tender selection through to completed construction - 40%
 - c) Understanding of project timeline including requirement for the airport to remain operational and functional - 20%
 - 2.3. Price Submitted for Tender
The tendered price along with the qualitative ranking will be used to determine the most advantageous tender to Council.

COUNCIL DECISION

Minute No. 8467

Moved:Cr J Moulden
Seconded:Cr K Wright

1. That Council to issue a Request for Tender for Project Management of the East Kimberley Regional Airport Terminal Expansion Project.
2. That Tenders are evaluated based on the capacity of the Tenderers to complete the requirements of the tender including:
 - 2.1. Compliance Criteria (must comply)
 - a) Specifications
 - b) Conditions of Tendering
 - c) Quality Assurance
 - d) Start Date
 - e) Completion of Price Schedule
 - 2.2 Qualitative Criteria (used to Rank Tenders)
 - a) Previous experience and satisfactory performance in managing an Airport Terminal Expansion/Redevelopment project – 40%
 - b) Sufficient and appropriate resources to manage the project from consultation, and tender selection through to completed construction - 40%
 - c) Understanding of project timeline including requirement for the airport to remain operational and functional - 20%

2.3. Price Submitted for Tender

The tendered price along with the qualitative ranking will be used to determine the most advantageous tender to Council.

CARRIED BY ABSOLUTE MAJORITY: (8/0)

12.2. CORPORATE SERVICES

12.2.1 MONTHLY FINANCIAL REPORT (8468)

DATE:	16 December 2008
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Gillian Old Manager Financial Services
REPORTING OFFICER:	Jo-Anne Ellis Executive Manager Corporate Services
FILE NO:	60.14.04
ASSESSMENT NO:	N/A

PURPOSE

For Council to note and accept the Monthly Financial Report for October 2008.

BACKGROUND

Council is required to prepare Monthly Financial Reports as required by the Local Government (Financial Management) Regulations 1996.

STATUTORY IMPLICATIONS

Section 6.4 Local Government Act 1995
Regulation 34, Local Government (Financial Management Regulations) 1996

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

Key Result Area 5 – Governance

Council's financial position and forward planning is sound.

COMMUNITY CONSULTATION

Nil.

COMMENT

Comment in relation to budget to actual variances are included as a note in the Financial Report.

ATTACHMENTS

Monthly Financial Report for October 2008.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council accept the Monthly Financial Report for the month of October 2008.

COUNCIL DECISION

Minute No. 8468

Moved:Cr D Ausburn

Seconded:Cr K Wright

That Council accept the Monthly Financial Report for the month of October 2008.

CARRIED UNANIMOUSLY: (8/0)

**Shire of Wyndham East Kimberley
Statement of Financial Activity
Year to Date Actual v Year to Date Budget
as at 31 October 2008**

	Year to Date Budget		Year to Date Actual		Variance		
	\$	\$	\$	\$	\$		
Revenues		3,792,570		3,766,083			
General Purpose Funding	1,138,007		1,150,975		12,968	1%	
Governance	12,749		29,100		16,351	128%	
Law, Order And Public Safety	32,689		20,168		(12,521)	-38%	
Health	41,433		41,949		516	1%	
Education And Welfare	36,028		43,847		7,819	22%	
Housing	26,282		40,410		14,128	54%	
Community Amenities	1,143,087		1,101,848		(41,239)	-4%	
Recreation And Culture	142,273		129,818		(12,455)	-9%	
Transport	1,135,778		1,169,906		34,128	3%	
Economic Services	80,830		30,728		(50,102)	-62%	
Other Properties And Services	3,414		7,335		3,921	115%	
Expenses		(4,800,739)		(4,662,144)			
General Purpose Funding	(115,822)		(133,338)		(17,516)	15%	
Governance	(317,348)		(255,383)		61,965	-20%	
Law, Order And Public Safety	(162,844)		(182,447)		(19,603)	12%	
Health	(107,318)		(101,270)		6,048	-6%	
Education And Welfare	(142,980)		(141,644)		1,336	-1%	
Housing	(85,473)		(97,585)		(12,112)	14%	
Community Amenities	(805,804)		(768,083)		37,721	-5%	
Recreation and Culture	(1,200,727)		(1,210,245)		(9,518)	1%	
Transport	(1,526,685)		(1,491,058)		35,627	-2%	
Economic Services	(173,628)		(113,978)		59,650	-34%	
Other Properties And Services	(162,110)		(167,114)		(5,004)	3%	
Adjustments for Cash Budget Requirements							
Non-Cash Expenditure and Revenue		(981,153)		710,950	1,692,103	0	
Capital Expenditure and Revenue		(1,407,859)		(1,096,807)			
Purchase for Land Held for Resale	0		0		0		
Purchase Land and Buildings	0		(6,057)		(6,057)	0%	
Purchase Infrastructure Assets - Roads	(1,749,012)		(1,703,257)		45,755	-3%	
Purchase Infrastructure Assets - Parks	(125,000)		(129,568)		(4,568)	4%	
Purchase Infrastructure Assets - Footpaths	(92,384)		(99,263)		(6,879)	7%	
Purchase Infrastructure Assets - Drainage	0		0		0	0%	
Purchase Infrastructure Assets - Other	(824,000)		(509,807)		314,193	-38%	
Purchase Plant and Equipment	(481,664)		(449,950)		31,714	-7%	
Purchase Furniture and Equipment	(38,000)		(24,192)		13,808	-36%	
Grants / Contributions for Development of Assets	600,900		590,549		(10,351)	-2%	
Proceeds from Disposal of Assets	1,234,750		1,198,848		(35,902)	-3%	
Proceeds from Sale of Land Held for Resale	125,000		93,624		(31,376)	0%	
Repayment of Debentures	(58,449)		(57,734)		715	-1%	
Proceeds from New Debentures	0		0		0		
Self-Supporting Loan Principal Income	0		0		0		
Transfers to Reserves (Restricted Assets)	0		0		0		
Transfers from Reserves (Restricted Assets)	0		0		0		
ADD	Estimated Surplus/(Deficit) July 1 B/Fwd	1,448,641	1,448,641	1,439,762	1,439,762	(8,879)	-1%
LESS	Estimated Surplus/(Deficit) June 30 C/Fwd	2,787,799	2,787,799	4,987,710	4,987,710	2,043,502	79%

Amount Required to be Raised from Rates	4,736,339	4,736,339	4,829,866	4,829,866	93,527	2%
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Shire of Wyndham East Kimberley
Notes to Statement of Financial Activity
For the Period Ended 31 October 2008

	YTD Actual 2008/09 \$	Brought Forward 1 July 2008 \$
Net Current Assets		
Composition of Net Current Asset Position		
Current Assets		
Cash - Unrestricted	3,472,943	1,386,340
Cash - Reserves	5,962,360	5,962,360
Cash - Restricted Unspent Grants		
Investments - Restricted		
Receivables	2,725,552	1,141,569
Inventories	22,999	7,834
Land Held for Resale	-	-
	12,183,853	8,498,102
Less		
Current Liabilities		
Payables	(1,233,784)	(1,095,984)
	(1,233,784)	(1,095,984)
Less		
Restricted Reserves		
Cash	(5,962,360)	(5,962,356)
Investments		
	4,987,710	1,439,762
Net Current Asset Position		

Shire of Wyndham East Kimberley
Notes to Statement of Financial Activity
For the Period Ended 31 October 2008

Explanation of Material Variances

Variances +/- \$50,000

Operating

Recurrent Revenue - Excluding Rates

Economic Services - Nil activity on Something Concrete Project due to Dept Housing & Works not advanced contracts for construction. Negotiations stalled. Variance also reflected in expenditure.

Recurrent Expenditure

Governance - Website Development year to date budget expected to be expensed early 2009, Asset Management year to date budget expected to be expensed early 2009.

Economic Services - Nil activity on Something Concrete Project due to Dept Housing & Works not advanced contracts for construction. Negotiations stalled. Variance also reflected in revenue.

Capital

Non-Cash Expenditure and Revenue

There are no material variances requiring explanation

Capital Expenditure and Revenue

Purchase Infrastructure Assets - Other: Savings on constructions costs East Kimberley Regional Airport Apron & Taxiway upgrades

**Shire of Wyndham East Kimberley
Note to Statement of Financial Activity
(Budget to Collect / Spend)
as at 31 October 2008**

	Adopted Budget		Year to Date Actual		Budget Remaining to Collect / (Spend)	
	\$	\$	\$	\$	\$	\$
Revenues		11,628,112		3,766,083		7,862,029
General Purpose Funding	4,180,362		1,150,975		3,029,387	
Governance	47,000		29,100		17,900	
Law, Order And Public Safety	89,600		20,168		69,432	
Health	145,420		41,949		103,471	
Education And Welfare	1,102,519		43,847		1,058,672	
Housing	71,350		40,410		30,941	
Community Amenities	1,877,689		1,101,848		775,841	
Recreation And Culture	486,100		129,818		356,282	
Transport	3,060,150		1,169,906		1,890,244	
Economic Services	292,285		30,728		261,557	
Other Properties And Services	275,637		7,335		268,302	
Expenses		(15,509,816)		(4,662,144)		(10,847,672)
General Purpose Funding	(358,155)		(133,338)		(224,817)	
Governance	(1,057,900)		(255,383)		(802,518)	
Law, Order And Public Safety	(482,548)		(182,447)		(300,101)	
Health	(339,005)		(101,270)		(237,735)	
Education And Welfare	(414,772)		(141,644)		(273,128)	
Housing	(270,286)		(97,585)		(172,701)	
Community Amenities	(3,128,713)		(768,083)		(2,360,630)	
Recreation and Culture	(3,354,062)		(1,210,245)		(2,143,817)	
Transport	(5,236,286)		(1,491,058)		(3,745,228)	
Economic Services	(629,627)		(113,978)		(515,648)	
Other Properties And Services	(238,463)		(167,114)		(71,350)	
Adjustments for Cash Budget Requirements						
Non-Cash Expenditure and Revenue		1,276,826		710,950		565,876
Capital Expenditure and Revenue		(3,580,102)		(1,096,807)		(2,483,295)
Purchase for Land Held for Resale	(750,000)		0		(750,000)	
Purchase Land and Buildings	(1,371,000)		(6,057)		(1,364,943)	
Purchase Infrastructure Assets - Roads	(3,864,016)		(1,703,257)		(2,160,759)	
Purchase Infrastructure Assets - Parks	(1,000,000)		(129,568)		(870,432)	
Purchase Infrastructure Assets - Footpaths	(147,164)		(99,263)		(47,901)	
Purchase Infrastructure Assets - Drainage	(125,000)		0		(125,000)	
Purchase Infrastructure Assets - Other	(2,418,470)		(509,807)		(1,908,663)	
Purchase Plant and Equipment	(1,783,280)		(449,950)		(1,333,330)	
Purchase Furniture and Equipment	(251,000)		(24,192)		(226,808)	
Grants / Contributions for Development of Assets	4,514,260		590,549		3,923,711	
Proceeds from Disposal of Assets	1,583,053		1,198,848		384,205	
Proceeds from Sale of Land Held for Resale	250,000		93,624		156,376	
Repayment of Debentures	(127,300)		(57,734)		(69,566)	
Proceeds from New Debentures	1,071,000		0		1,071,000	
Self-Supporting Loan Principal Income	1,119		0		1,119	
Transfers to Reserves (Restricted Assets)	(968,595)		0		(968,595)	
Transfers from Reserves (Restricted Assets)	1,806,291		0		1,806,291	

ADD	Estimated Surplus/(Deficit) July 1 B/Fwd	1,448,641	1,448,641	1,439,762	1,439,762	8,879	8,879
	Estimated Surplus/(Deficit) June 30						
LESS	C/Fwd		0	4,987,710	4,987,710	(4,987,710)	(4,987,710)
	Amount Required to be Raised from Rates	4,736,339	4,736,339	4,829,866	4,829,866	(93,527)	(93,527)

12.2.2 LIST OF ACCOUNTS PAID UNDER DELEGATION 18 (8469)

DATE:	16 December 2008
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Sue Dillon Senior Financial Officer
REPORTING OFFICER:	Jo-Anne Ellis Executive Manager Corporate Services
FILE NO:	60.14.03
ASSESSMENT NO:	NA

PURPOSE

To present the listing of accounts paid under delegated authority in accordance with the requirements of the Local Government (Financial Management) Regulations 1996.

BACKGROUND

Delegation 18 – Payment of Creditors was adopted by Council on 17 July 2007. This delegation gives authority to make payments from the Municipal Fund or Trust Fund to the Chief Executive Officer. There is a sub delegation to the Executive Manager Corporate Services, Manager Financial Services and Financial Officers.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 5.42
Local Government (Financial Management) Regulations 1996 – Regulations 12 and 13

POLICY IMPLICATIONS

Delegation 18 – Payment of Creditors

FINANCIAL IMPLICATIONS

Ongoing management of Council funds by providing Council with sufficient information to monitor and review payments made.

STRATEGIC IMPLICATIONS

Key Result Area 5 – Governance
Council's financial position and forward planning is sound

COMMUNITY CONSULTATION

N/A

COMMENT

In accordance with statutory requirements and delegated authority, each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled each month showing: the payee's name, amount of payment, date of payment and sufficient information to identify the transaction. The list is to be presented to Council at the next ordinary meeting of the Council following the preparation of the list and is to be recorded in the minutes of the meeting at which it is presented.

ATTACHMENTS

List of Accounts Paid Under Delegation 18.

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

That Council receives and accepts the listing of payments approved under Delegation 18 - Payment of Creditors, being:

Municipal cheques 38673 - 38747 (7 to 21 November 2008)	\$762,988.33
EFT 104298 – EFT 104531 (7 to 27 November 2008)	\$861,389.15
Payroll (1 to 30 November 2008)	\$274,335.21
Direct bank debits (1 to 30 November 2008)	\$25,160.50
Total	\$1,923,873.19

COUNCIL DECISION

Minute No. 8469

Moved:Cr D Ausburn
Seconded:Cr K Torres

That Council receives and accepts the listing of payments approved under Delegation 18 - Payment of Creditors, being:

Municipal cheques 38673 - 38747 (7 to 21 November 2008)	\$762,988.33
EFT 104298 – EFT 104531 (7 to 27 November 2008)	\$861,389.15
Payroll (1 to 30 November 2008)	\$274,335.21
Direct bank debits (1 to 30 November 2008)	\$25,160.50
Total	\$1,923,873.19

CARRIED UNANIMOUSLY: (8/0)

List of Accounts Paid Under Delegation 18

List of accounts submitted to Council 16/12/08

Chq/EFT	Date	Name	Description	Amount
EFT104298	07/11/2008	ALLGEAR MOTORCYCLES	1 X HRU216 SELF PROPELLED LAWN MOWER	1,703.28
EFT104299	07/11/2008	ANN O'BRIEN CONSULTING	YOU'RE WELCOME PROJECT - INTERIM PAYMENT	14,850.00
EFT104300	07/11/2008	AUSTRALIAN TAXATION OFFICE	BAS SEPTEMBER 08	14,255.00
EFT104301	07/11/2008	BANNERS R US	BANNERS FOR COUNCIL ELECTIONS	1,094.50
EFT104302	07/11/2008	BASKETBALL RINGLEADER	BASKETBALL FIXTURES NICHOLSON PARK PROJECT	2,728.00
EFT104303	07/11/2008	BLACKWOODS ATKINS PTY LTD	CRANE BACKSAVER BOOM MANUAL - 3 TONNE TRUCK	1,601.11
EFT104304	07/11/2008	BRANKO BP MOTORS	TAP ADAPTORS AND JOINERS	4.40
EFT104305	07/11/2008	BUSBY INVESTMENTS T/A BUDGET RENT A CAR	HIRE CAR - P STUBBS VALENTINE FALLS ESTATE MEETING	169.98
EFT104306	07/11/2008	C & S JOLLY ELECTRICS	A/H CALLOUT – REPAIR A/PORT AIRCON NOT WORKING	1,400.40
EFT104307	07/11/2008	CROCODILE SIGNS	TIDY SHIRE - STREET SIGNS FOR BBQ	407.00
EFT104308	07/11/2008	COMMUNICATION & PROTECTIVE SOLUTIONS	CONNECTION OF DATA AND PHONE LINES	363.00
EFT104309	07/11/2008	DAVEY TYRE AND BATTERY SERVICE	NEW TYRES WY12352	1,181.16
EFT104310	07/11/2008	DOUGLAS ALEXANDER	ANNUAL AIRFARE ALLOWANCE 31/10/2008	2,600.00
EFT104311	07/11/2008	DRYSDALE RIVER STATION	MTCE GRADING - DOONGAN ST TO GIBB RIVER RD	5,445.00
EFT104312	07/11/2008	DY-MARK (WA) PTY LTD	CARTONS OF 350GM CANS WHITE SPOT MARKING PAINT	580.80
EFT104313	07/11/2008	EAST KIMBERLEY HARDWARE	CEMENT, DRILL, COMPOST & TUMBLER BINS, PAINT,H/WARE	3,338.54
EFT104314	07/11/2008	EAST KIMBERLEY PLUMBING	PLUMBING REPAIRS KNX ADMIN, AIRPORT & WHITEGUM	837.49
EFT104315	07/11/2008	EAST KIMBERLEY TROPICAL GARDENS	PLANTS & POTS FOR SHIRE OFFICES	2,204.73
EFT104316	07/11/2008	FEWSTER, KELLY	ELECTRICITY SUBSIDY AS PER CONTRACT	206.12
EFT104317	07/11/2008	FIONA KUIPER	REIMBURSEMENT OF DINNER - COUNCIL MEETING	172.40
EFT104318	07/11/2008	GARRARDS PTY LTD	2 X 20L RESLIN - MOSQUITO CONTROL	3,736.57
EFT104319	07/11/2008	HORIZON POWER	ELECTRICITY CHARGES KLC, ADMIN, AIRPORT	27,548.55
EFT104320	07/11/2008	HOST DIRECT	CATERING EQUIPMENT FOR WYNDHAM CHAMBERS	794.06
EFT104321	07/11/2008	ICEAGE REFRIGERATION & AIRCONDITIONING	SERVICE/CLEAN AIR CONS WYN CCC & WYN DEPOT	1,028.50
EFT104322	07/11/2008	IT VISION ITV	RATES & PROPERTY TRAINING LINTHORNE & DILLON	1,485.00
EFT104323	07/11/2008	JAB INDUSTRIES	HIRE EXCAVATORS-INSTALL CULVERT L/SIDE LINKPATH	6,734.75
EFT104324	07/11/2008	JSW HOLDINGS PTY LTD	WATER CARTAGE FIRE CONTROL, LOADER HIRE	4,760.81

Chq/EFT	Date	Name	Description	Amount
EFT104325	07/11/2008	KIMBERLEY COMMUNICATIONS	INSTALL SATELLITE PHONE - RANGERS VEHICLE	319.00
EFT104326	07/11/2008	KIMBERLEY ECHO-ALBANY ADVERTISER	ADVERTISEMENT FOR CALL FOR NOMINATIONS	555.06
EFT104327	07/11/2008	KIMBERLEY EXCAVATIONS PTY LTD	EXCAVATOR & SKIDSTEER - CULVERT L/SIDE LINKPATH	1,782.00
EFT104328	07/11/2008	KIMBERLEY GROUP TRAINING	HOST EMPLOYERS CONTRIBUTION - J STREATFIELD	371.52
EFT104329	07/11/2008	KIMBERLEY HYDRAULICS	TRAILER RAMP REPAIRS/GRADER HYD HOSE & FITTINGS	1,344.35
EFT104330	07/11/2008	KIMBERLEY INDUSTRIES	CRANE & DOGMAN UNLOAD CULVERTS RESEARCH STN RD	660.00
EFT104331	07/11/2008	KIMBERLEY INDUSTRIES METALAND	REINFORCING MESH AND BAR RESEARCH STN RD	8,041.91
EFT104332	07/11/2008	KIMBERLEY KOOL REFRIGERATION	SERVICE & REPAIR AIRCONDITIONERS AT DEPOT	506.00
EFT104333	07/11/2008	KIMBERLEY MOTORS	DIESEL PURCHASED BY CARD	4,715.02
EFT104334	07/11/2008	KIMBERLEY PROPERTY VALUERS	LEASE VALUATIONS (4)	2,200.00
EFT104335	07/11/2008	KIMBERLEY TREE SERVICES PTY LTD	TREE CUTTING & CHIPPING KNX AIRPORT CARPARK & KLC	8,441.50
EFT104336	07/11/2008	KIMBERLEY WASTE SERVICES	DOMESTIC SULO COLLECTION, SKIP BINS	55,742.54
EFT104337	07/11/2008	KUNUNURRA DIESEL SERVICES	REPAIRS TO P332 3.5T TIPPER	243.85
EFT104338	07/11/2008	KUNUNURRA LOCK & KEY	KNX ADMIN - UNLOCK CABINETS, CHANGE DOOR LOCK	99.00
EFT104339	07/11/2008	KUNUNURRA REFRIGERATION & AIR CON	QRTLY SERVICE AIR CON UNITS IN A/PORT TERMINAL	143.00
EFT104340	07/11/2008	KUNUNURRA SECURITY SERVICE	AIRPORT BAGGAGE & SCREENING 30/07/08 - 12/08/08	17,216.20
EFT104341	07/11/2008	KATHERINE TREE MAINTENANCE	MULCHING OF GREEN WASTE AT KNX TIP SITE	34,080.20
EFT104342	07/11/2008	LAKESIDE BLINDS & MACHINERY	SUPPLY & INSTALL BLINDS KNX CHILD CARE FACILITY	4,337.48
EFT104343	07/11/2008	LGIS LIABILITY	MUNICIPAL LIABILITY SCHEME 2ND INSTALLMENT	35,506.35
EFT104344	07/11/2008	MEGAN HUNT	CLEANING WYN SHIRE OFFICE, REC HALL, PR HALL	973.50
EFT104345	07/11/2008	MT ELIZABETH STATION	ACCOM CONTRACTORS FOR SHEETING WORKS	720.00
EFT104346	07/11/2008	OFFICE NATIONAL KUNUNURRA	COPY COUNT CHARGE FOR SEPT, STAMPS	385.98
EFT104347	07/11/2008	ORD IRRIGATION COOPERATIVE	SHEET PILING & LABOUR CULVERT EXCAVATIONS L/SIDE P/LINK	7,904.79
EFT104348	07/11/2008	ORD MACHINING	RETHREAD FITTING FOR GANTRY HOIST	132.00
EFT104349	07/11/2008	ORD RIVER CONTRACTING	WATER CART HIRE - EXTINGUISH FIRE KNX LANDFILL SITE	2,216.50
EFT104350	07/11/2008	ORD RIVER MEAT SUPPLY	TIDY SHIRE - CATERING FOR BBQ	212.87
EFT104351	07/11/2008	ORIA ORCHARDS	FLOWERS FOR OFFICE	30.00
EFT104352	07/11/2008	ORICA AUSTRALIA PTY LTD	SERVICE FEE - 920KG CYLINDER - CHLORINE	379.17
EFT104353	07/11/2008	PIERCE POOL SUPPLIES	900 MM X 900 MM PLAIN FACE PACE CLOCK	921.80
EFT104354	07/11/2008	PIVOTEL	SATELLITE PHONE CHARGES OCT 08	113.90

EFT104355	07/11/2008	POOMUNDI LANDFILL SERVICES	DRUM MUSTER PROCESS & INSPECTION FEES JULY & AUG	998.20
EFT104356	07/11/2008	R.KERR CONTRACTING	MTCE GRADE KALUMBURU RD AUG - OCT 08	21,824.00
EFT104357	07/11/2008	RACHEL WORNES	REIMBURSEMENT OF ELECTRICITY	209.86
EFT104358	07/11/2008	RED ELEVEN - RED 11 PTY LTD	NETGEAR READYNAS 1100 RNR4475	3,129.48
EFT104359	07/11/2008	ROGERS MACHINERY SERVICE	1087 HR SERVICE - RIDE ON MOWER, REPAIR ROAD BOOM	1,131.95
EFT104360	07/11/2008	RAPISCAN SYSTEMS AUSTRALIA PTY LTD	RAPISCAN SYSTEMS SILVER LEVEL X-RAY SYSTEM	10,395.00
EFT104361	07/11/2008	SEASONS OF PERTH	2 NIGHTS ACCOM STATE ENVIRON AWARDS K TRIPP	295.00
EFT104362	07/11/2008	SLINGAIR PTY LTD	HIRE AIRCRAFT 29/7/08 KALUMBURU ROAD INSPECTION	1,535.00
EFT104363	07/11/2008	THE BOAB BOOKSHOP CAFÉ	BOOKS FOR THE LIBRARY	121.36
EFT104364	07/11/2008	TOLL EXPRESS	TRANSPORT/FREIGHT	1,961.71
EFT104365	07/11/2008	TONY'S PLUMBING & EXCAVATION PTY LTD	PLUMBING REPAIRS 67 KOOJARRA ST, WYN TOILETS	377.30
EFT104366	07/11/2008	TOP END MOTORS	15,000KM SERVICE WY12324, CLUTCH REPAIRS WY11486	443.14
EFT104367	07/11/2008	TOTAL EDEN - KP PUMPS	RETIC REPAIRS, RETIC FITTINGS FOR SWEK GARDEN	246.47
EFT104368	07/11/2008	TRIPP, KATYA MARIE	TAXI CHARGES FOR AWARDS CEREMONY IN PERTH	50.80
EFT104369	07/11/2008	TROPICAL PEST CONTROL	SPRAY FOR ANTS & SPIDERS VARIOUS LOCATIONS	2,057.00
EFT104370	07/11/2008	VANDERFIELD MACHINERY PTY LTD	NEW LID FOR FIRE FIGHTING TANK	74.05
EFT104371	07/11/2008	WESTERN AUST. TREASURY CORPORATION	LOAN 116	1,153.89
EFT104372	07/11/2008	WHELANS	CONTOUR SURVEY FOR LANDFILL SITE	1,936.00
EFT104373	07/11/2008	WUNAN FOUNDATION INC.	CONTRIB EAST KIM ABORIGINAL ACHIEVEMENT AWARDS	2,750.00
EFT104374	07/11/2008	WYNDHAM TOURIST INFORMATION CENTRE	SUPPLY TOURIST SERVICES INFO FOR WYNDHAM	476.66
EFT104375	14/11/2008	ANNA MCDONALD	WORKPLACE/ERGONOMIC ASSESSMENT	206.25
EFT104376	14/11/2008	APPERLEY, KARYN	ELECTRICITY SUBSIDY AS PER CONTRACT	82.23
EFT104377	14/11/2008	AUSFUEL AFD AUSTRALIAN FUEL DIST	FUEL PURCHASES ON CARD OCTOBER 08	2,760.06
EFT104378	14/11/2008	AUSTRALIA POST	POSTAGE COSTS OCTOBER 08	890.60
Chq/EFT	Date	Name	Description	Amount
EFT104379	14/11/2008	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	179.00
EFT104380	14/11/2008	BEAUREPAIRES (KUNUNURRA)	NEW TYRES WY12646 & ICQN641	1,608.32
EFT104381	14/11/2008	BLACKWOODS ATKINS PTY LTD	2X20 LITRES OF DISTILLED WATER KNX AIRPORT	65.47
EFT104382	14/11/2008	BUSH CAMP SURPLUS STORES	PAIR WORK BOOTS	113.00
EFT104383	14/11/2008	COUNCILLOR JANE PARKER	COUNCILLOR FEES	2,162.50
EFT104384	14/11/2008	COUNCILLOR KEITH WRIGHT	COUNCILLOR FEES	2,162.50

EFT104385	14/11/2008	DIMENSION DATA LEARNING SOLUTIONS	MANAGING & MTCE MICROSOFT WINDOWS SERVER	3,400.00
EFT104386	14/11/2008	EAST KIMBERLEY HARDWARE	BBQ, PADLOCK, CABLE TIES, SAW, DUST MASKS	1,347.55
EFT104387	14/11/2008	EAST KIMBERLEY PLUMBING	REPAIRS DRAINAGE BAUHINIA & TOILET REPAIR WHITEGUM	1,012.00
EFT104388	14/11/2008	FRONTIER POST & NEWS	POSTAGE, A4 LAMINATOR, PRINTER CARTRIDGES	268.20
EFT104389	14/11/2008	GAULT, JOHN DOUGLAS	ELECTRICITY SUBSIDY AS PER CONTRACT	280.68
EFT104390	14/11/2008	HELIWORK WA PTY LTD	HIRE BAMBI BUCKET - EXTINGUISH FIRES WEABER PLAINS	4,563.00
EFT104391	14/11/2008	HORIZON POWER	ELECTRICITY CHARGES - STREET LIGHTING	8,127.45
EFT104392	14/11/2008	ICEAGE REFRIGERATION & AIRCONDITIONING	WYN ADMIN REPAIR WATER FOUNTAIN	484.00
EFT104393	14/11/2008	IOR PETROLEUM PTY LTD	7000 LITRES OF DIESEL TO SHIRE DEPOT	10,714.90
EFT104394	14/11/2008	IT VISION ITV	ONLINE TRAINING GL, WORKS & PLANT	1,655.26
EFT104395	14/11/2008	JASON SIGNMAKERS LTD	PUMPHOUSE CAFE-RESTAURANT SIGNAGE	187.00
EFT104396	14/11/2008	PAYMENT CANCELLED		0
EFT104397	14/11/2008	JSW HOLDINGS PTY LTD	10 TONNES X 5MM BLUE METAL, WHITE SAND, EXP RUBBER	855.80
EFT104398	14/11/2008	KATHY LINTHORNE	REIMBURSEMENT OF COSTS AT RATES COURSE	160.00
EFT104399	14/11/2008	KEITH WILLIAMS	ELECTRICITY SUBSIDY AS PER CONTRACT	168.05
EFT104400	14/11/2008	KIMBERLEY INDUSTRIES METALAND	AIRCRAFT CABLE ANCHOR POINTS, CLAMPS,TURNBUCKLES	1,421.63
EFT104401	14/11/2008	KIMBERLEY KOOL REFRIGERATION	RECHECK SPLIT UNITS KNX DEPOT	99.00
EFT104402	14/11/2008	KIMBERLEY WASTE SERVICES	MONTHLY SKIP BIN EMPTYING CHARGE KYC	80.00
EFT104403	14/11/2008	KINGS CROWN INSTRUMENTATION & ELEC	ELEC REPAIRS 67 KOOJARRA ST, WYN AIRPORT & PRH	872.74
EFT104404	14/11/2008	KUNUNURRA COURIERS	4 X 15L SPRING WATER BOTTLES.	89.00
EFT104405	14/11/2008	KUNUNURRA CYCLE CLUB INC / TRIHARDS	QUICK GRANT - CONTRIB ACCOM MASTERS GAMES 08	550.00
EFT104406	14/11/2008	KUNUNURRA HOME & GARDEN	4M ROLLS BLACK PLASTIC - D2 DRAIN STRUCTURE	580.00
EFT104407	14/11/2008	KUNUNURRA MOBILE WELDING SERVICE	KLC TEC SCREW FENCE PANELS REPLACE 3 PINS	440.00
EFT104408	14/11/2008	KUNUNURRA PEST MANAGEMENT	2 TERMITE HOUSE INSPECTION & WRITTEN REPORT	220.00
EFT104409	14/11/2008	KUNUNURRA REFRIGERATION & AIR CON	WYN REC CENTRE REPAIR COLD WATER FOUNTAIN	523.16
EFT104410	14/11/2008	KUNUNURRA SECURITY SERVICE	LATE TO CLOSE KNX ADMIN BUILDING	68.00
EFT104411	14/11/2008	L.G.R.C.E.U	PAYROLL DEDUCTIONS	15.30
EFT104412	14/11/2008	LANDGATE	RENTAL VALUATIONS	1,670.73
EFT104413	14/11/2008	MCKINLAY, BETTY	ELECTRICITY SUBSIDY AS PER CONTRACT	150.13
EFT104414	14/11/2008	MCLEAN ENTERPRISES	SHARED COST OF 2 DRUMS OF EMULSION	770.00
EFT104415	14/11/2008	MEGAN HUNT	CLEANING WYN SHIRE OFFICE, REC HALL, PR HALL	973.50

Chq/EFT	Date	Name	Description	Amount
EFT104416	14/11/2008	ORDCO	20L GLYOPHOSATE EHW COMMUNITY PROGRAM	308.00
EFT104417	14/11/2008	ORIA ORCHARDS	FLOWERS FOR A GIFT	45.00
EFT104418	14/11/2008	R & R TAPE & SAFETY SUPPLIES	BOX (144 PAIR) RIGGERS GLOVES, CANVAS HATS	865.92
EFT104419	14/11/2008	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	295.00
EFT104420	14/11/2008	STUBBS, PETER	ELECTRICITY SUBSIDY AS PER CONTRACT	420.85
EFT104421	14/11/2008	SUSAN DILLON	REIMBURSEMENT OF CAR RENTAL - RATES TRAINING PERTH	750.92
EFT104422	14/11/2008	THINKWATER	STORAGE CONTAINER FOR SHIRE BANNER.	24.02
EFT104423	14/11/2008	THORLEY'S STORE	TRANSPORT OF SHIRE BAG WYN/KNX	448.00
EFT104424	14/11/2008	THUNDELARRA EXPLORATION LTD	RATES REFUND MINING TENEMENT	1,763.15
EFT104425	14/11/2008	TOLL EXPRESS	FREIGHT CHARGES	197.75
EFT104426	14/11/2008	TOTAL EDEN - KP PUMPS	PVC SOC FLANGE, ELBOWS, VALVE BOX, COUPLINGS, ETC	366.70
EFT104427	14/11/2008	TRIPP, KATYA MARIE	ELECTRICITY SUBSIDY AS PER CONTRACT	104.43
EFT104428	14/11/2008	TROPICAL PEST CONTROL	TERMITE INSPECTION & REPORT KNX ADMIN BUILDING	165.00
EFT104429	14/11/2008	WA LOCAL GOVT SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	19,030.29
EFT104430	14/11/2008	WANNA WORK LABOUR HIRE SOLUTIONS	REMOVE TREES & INTERNAL FENCING AT TENNIS CRT	5,872.50
EFT104431	14/11/2008	WAYNE RICHARDS	ELECTRICITY SUBSIDY AS PER CONTRACT	338.08
EFT104432	14/11/2008	WESTRALIA AIRPORTS CORPORATION PTY LTD,	ASIC CARDS PRINTED	350.00
EFT104433	17/11/2008	BUSH CAMP SURPLUS STORES	1 X PAIR BOOTS, 3 X WORK PANTS	595.70
EFT104434	21/11/2008	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	133.66
EFT104435	21/11/2008	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	179.00
EFT104436	21/11/2008	AUSTRALIAN TAXATION OFFICE	PENALTY - LATE LODGEMENT OF BAS	220.00
EFT104437	21/11/2008	BLACKWOODS ATKINS PTY LTD	BOX (100) ELECTRICAL CONNECTORS,	78.99
EFT104438	21/11/2008	EAST KIMBERLEY DINGO	PART PAYMENT WYNDHAM MULTI PURPOSE COURT	27,949.27
EFT104439	21/11/2008	EAST KIMBERLEY HARDWARE	HOSE ATTACHMENTS, CAULKING GUN RATCHET, ADAPTORS	108.20
EFT104440	21/11/2008	HORIZON POWER	ELECTRICITY - LIBRARY	1,547.05
EFT104441	21/11/2008	IVANHOE VILLAGE CARAVAN RESORT	ACCOMODATION FOR MELTON. 27/09/08 - 12/10/08	1,800.00
EFT104442	21/11/2008	JAB INDUSTRIES	REMOVAL OF GRUB TREES AT KNX AIRPORT CARPARK	6,448.53
EFT104443	21/11/2008	JASON SIGNMAKERS LTD	KOOLPARN CRT & BEEFWOOD RD SIGNS	214.50
EFT104444	21/11/2008	CANCELLED PAYMENT		0
EFT104445	21/11/2008	K & M ALLCLEAN	CLEANING AT SHIRE OFFICE, KLC, AIRPORT OCTOBER 08	13,374.22

EFT104446	21/11/2008	KIMBERLEY COMMUNICATIONS	RESET CLASSIC FM AFTER POWER OUTAGE	55.00
EFT104447	21/11/2008	KIMBERLEY ECHO-ALBANY ADVERTISER	JOB VACANCIES, PUBLIC NOTICES - ADVERTISEMENTS	1,572.68
EFT104448	21/11/2008	KIMBERLEY MECHANICAL & TILT TRAY SERVICE	REMOVAL OF CRASHED VEHICLE	90.00
EFT104449	21/11/2008	KUNUNURRA DIESEL SERVICES	BLADE FUSES	14.00
EFT104450	21/11/2008	KUNUNURRA MOBILE WELDING SERVICE	SUPPLY & FIT NEW GATE NORTH END IVANHOE CROSSING	2,013.00
EFT104451	21/11/2008	L.G.R.C.E.U	PAYROLL DEDUCTIONS	15.30
EFT104452	21/11/2008	MCLEAN ENTERPRISES	TRANSPORT OF CULVERTS	7,700.00
EFT104453	21/11/2008	MEGAN HUNT	CLEANING WYN SHIRE OFFICE, REC HALL, PR HALL	2,298.17
EFT104454	21/11/2008	OFFICE NATIONAL KUNUNURRA	CASH TIN (SAFE DEPOSIT BOX) FOR THE BANK	58.00
EFT104455	21/11/2008	ORD VALLEY TURF	SUPPLY TURF, MACHINERY HIRE KNX CCC	8,550.00
EFT104456	21/11/2008	ROGERS MACHINERY SERVICE	SERVICE KUBOTA TRACTOR WY11719	1,509.15
EFT104457	21/11/2008	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	295.00
EFT104458	21/11/2008	SNOWBALL, MIKE	ELECTRICITY SUBSIDY AS PER CONTRACT	320.55
EFT104459	21/11/2008	TUCKERBOX/RETRAVISION	CORDLESS PHONE FOR KLC	379.99
EFT104460	21/11/2008	WA LOCAL GOVT SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	20,123.06
EFT104461	21/11/2008	WANNA WORK LABOUR HIRE SOLUTIONS	SUPPLY & INSTALL RETAINER BETWEEN COURTS & KYC	5,174.40
EFT104462	24/11/2008	KEITH WILLIAMS	TERMINATION PAY	11,137.51
Chq/EFT	Date	Name	Description	Amount
EFT104463	24/11/2008	AUSTRALIAN TAXATION OFFICE	BAS OCTOBER 2008	51,405.00
EFT104464	24/11/2008	MORTENSEN, JESSE	REIMBURSEMENT ELECTRICITY EXPENSES 08/09	1,114.96
EFT104465	24/11/2008	TUCKERBOX/RETRAVISION	INCORRECT REVERSAL OF CREDIT FOR FRIDGE	4,902.91
EFT104466	27/11/2008	AIRPORT LIGHTING SPECIALISTS	LED VEHICLE LIGHTS	198.00
EFT104467	27/11/2008	AMART ALLSPORTS	9 HELMETS, 13 BLADES	1,030.30
EFT104468	27/11/2008	ATTORNEY-GENERAL'S DEPT AUSCHECK	ASIC CHECKS	431.00
EFT104469	27/11/2008	AUSFUEL AFD AUSTRALIAN FUEL DIST	2X20 LITRES OF COOLANT FOR MASSEY TRACTOR	246.60
EFT104470	27/11/2008	BOAB REFRIGERATION AND AIRCON	WYN ADMIN CLEAR BLOCKED AIRCON	137.50
EFT104471	27/11/2008	BOC GASES AUSTRALIAN LIMITED	INDUSTRIAL BOTTLE RENTAL - SEP & OCT 08	580.85
EFT104472	27/11/2008	BRANKO BP MOTORS	SERVICE WY11633, WY10904, REPAIRS TO PLANT, H/WARE	1,995.72
EFT104473	27/11/2008	BUSBY INVESTMENTS T/A BUDGET RENT A CAR	RENTAL CAR FOR CR MILLS	64.75
EFT104474	27/11/2008	CIVIC LEGAL	PROFESSIONAL FEES	12,851.96
EFT104475	27/11/2008	DAVEY TYRE AND BATTERY SERVICE	TYRE PRESSURE GAUGES	40.00

EFT104476	27/11/2008	DORMA MOVEABLE WALLS PTY LTD	SUPPLY HANDLES FOR MODERN FOLD WALLS	117.80
EFT104477	27/11/2008	EAST KIMBERLEY HARDWARE	JACK HAMMER, FORMPLY, SIGNS, CLEANER, H/WARE	3,862.85
EFT104478	27/11/2008	EAST KIMBERLEY PLUMBING	REPAIR WATER LEAK OUTSIDE OF 25M POOL PLANT ROOM	176.00
EFT104479	27/11/2008	ENVIRONS AUSTRALIA	NOMINATION 08 LAKE KNX PROJECT SUSTAINABILITY	110.00
EFT104480	27/11/2008	FISCHER, CYNTHIA	WYNDHAM PUBLIC CONVENIENCES CLEANING	3,642.37
EFT104481	27/11/2008	GAULT, JOHN DOUGLAS	ANNUAL AIRFARE ALLOWANCE 08	2,600.00
EFT104482	27/11/2008	GULLIVERS TAVERN	DINNER COUNCIL MEETING OCTOBER 2008	331.00
EFT104483	27/11/2008	HART SPORT	STOPWATCHES, DUMPELL, FREIGHT	304.00
EFT104484	27/11/2008	HORIZON POWER	ELECTRICITY CHARGES VARIOUS LOCATIONS	3,462.90
EFT104485	27/11/2008	ICEAGE REFRIGERATION & AIRCONDITIONING	NEW POWER BOARD FOR AIRCONDITIONER IN WYN OFFICE	330.00
EFT104486	27/11/2008	JAB INDUSTRIES	CYCLONE CLEAN UP 52 HRS	7,150.00
EFT104487	27/11/2008	JASON SIGNMAKERS LTD	WATTLE ST SIGN	143.00
EFT104488	27/11/2008	JOHN BUCHANAN	COUNCILLOR FEES	720.83
EFT104489	27/11/2008	JORRITSMA H & CO	150MM MILNES JOINER	219.00
EFT104490	27/11/2008	JSW HOLDINGS PTY LTD	HIRE WATER CART WEABER PLAIN RD, FILL TIP WATER TANK	640.20
EFT104491	27/11/2008	K & M ALLCLEAN	EXTRA CLEANING OF LEISURE CENTRE	885.00
EFT104492	27/11/2008	KIMBERLEY EXCAVATIONS PTY LTD	SUPPLY & LEVEL SAND BEACH VOLLEYBALL COURT	957.00
EFT104493	27/11/2008	KIMBERLEY GROUP TRAINING	HOST EMPLOYERS CONTRIBUTION	464.39
EFT104494	27/11/2008	KIMBERLEY INDUSTRIES METALAND	BOLTS, NUTS, SHACKLES-MANUAL LIFTER 3 TONNER	51.57
EFT104495	27/11/2008	KIMBERLEY MECHANICAL & TILT TRAY SERVICE	REMOVE ABANDONED VEHICLE	90.00
EFT104496	27/11/2008	KIMBERLEY PROPERTY VALUERS	RENTAL VALUATIONS	3,300.00
EFT104497	27/11/2008	KIMBERLEY WASTE SERVICES	TOWN TIDY LITTER COLLECTION	17,865.50
EFT104498	27/11/2008	KUNUNURRA MAINTENANCE SERVICE	REPAIR LEAK KLC ROOF ABOVE STAGE	93.50
EFT104499	27/11/2008	KUNUNURRA PEST MANAGEMENT	TERMITE INSPECT, CONC SLAB INJECTIONS VAR LOCATIONS	8,305.00
EFT104500	27/11/2008	KUNUNURRA POOLS AND SPAS	2 X POOL THERMOMETER	39.00
EFT104501	27/11/2008	LENNYS LANDSCAPE	REMOVE & CUT BACK RAIN TREES IN LEICHHARDT ST	1,815.00
EFT104502	27/11/2008	LGIS WORKCARE	SCHEME MEMBERSHIP WORK CARE	62,563.05
EFT104503	27/11/2008	MCLEAN ENTERPRISES	4TH SHARE OF 2 DRUMS OF EMULSION	770.00
EFT104504	27/11/2008	MEGAN HUNT	CLEANING WYN SHIRE OFFICE, REC HALL, PR HALL	2,035.00
Chq/EFT	Date	Name	Description	Amount
EFT104505	27/11/2008	METAL ARTWORK CREATIONS	DESK NAME PLATE & JARRAH BASE - COUNCILLORS	94.60

EFT104506	27/11/2008	MIRIMA COUNCIL, LANGUAGE & CULTURE CTR	FEE FOR NON ATTENDANCE	33.00
EFT104507	27/11/2008	NORTHERN MACHINERY SALES	FULL MAINTENANCE GRADE OF DUNCAN RD	25,493.82
EFT104508	27/11/2008	ORD ELECTRICAL SPARES	PAR 38 DUAL LAMP HOLDER FOR WIND INDICATOR	161.40
EFT104509	27/11/2008	ORD RIVER ELECTRICS	VAR ELECT REPAIRS - WHITEGUM PK,KNX CCC,DRYANDRA	1,416.58
EFT104510	27/11/2008	ORD RIVER TRENCHING	LOCATE TELSTRA SERVICE D2 DRAIN CROSSING	429.00
EFT104511	27/11/2008	ORIA ORCHARDS	FLOWER DELIVERY FOR OFFICE	15.00
EFT104512	27/11/2008	ORICA AUSTRALIA PTY LTD	920KG AND 6 X 70KG CHLORINE GAS	2,234.31
EFT104513	27/11/2008	OUTBACK CLEANING	FULL CLEAN OF WHOLE YOUTH CENTRE	1,848.00
EFT104514	27/11/2008	PIERCE POOL SUPPLIES	FUN RAFT, GAME DIVE RINGS, DIVE STIX	89.76
EFT104515	27/11/2008	PLAYRIGHT AUSTRALIA PTY LTD	SKATE PARK	60,388.40
EFT104516	27/11/2008	RAW DANCE COMPANY	MUSIC A WAY OF LIFE PROJECT	16,500.00
EFT104517	27/11/2008	RICK SPRY	TELEPHONE REIMBURSEMENT AS PER CONTRACT	37.27
EFT104518	27/11/2008	ROGERS MACHINERY SERVICE	SERVICE KUBOTA TRACTOR WY112283	813.80
EFT104519	27/11/2008	SHERIDAN'S FOR BADGES	NAME BADGES	80.19
EFT104520	27/11/2008	SQUASH MAGIC COMPANY	JUNIOR SQUASH EQUIPMENT FOR NOV COACHING CLINIC	593.00
EFT104521	27/11/2008	TAFEWA GREAT SOUTHERN	ENROLMENT FEES IN CERT III OF OHS	450.00
EFT104522	27/11/2008	THINKWATER	SUPPLY OVAL RETIC PUMP WYN, REPAIR MESSMATE PUMP	2,147.07
EFT104523	27/11/2008	TOLL EXPRESS	FREIGHT WYN CCC, CHEMICALS, STATIONERY ITEMS	2,303.07
EFT104524	27/11/2008	TOP END MOTORS	REPLACE FRONT LEFT BOOT ON AXLE WY11590	1,184.62
EFT104525	27/11/2008	TOTAL EDEN - KP PUMPS	PVC, VAL/BERMAD GLOBE, SOLENOID VALVE	530.53
EFT104526	27/11/2008	TRIPP, KATYA MARIE	REIMBURSEMENT OF EXPENSES DARWIN CONFERENCE	107.54
EFT104527	27/11/2008	URBAN DESIGN & LANDSCAPE ARCHITECTURE	SITE SETOUT PLAN FOR ROTARY CENTENARY PARK	1,925.00
EFT104528	27/11/2008	UHY HAINES NORTON (WA) PTY LTD	REGISTRATION NUTS & BOLTS,WALGA TAX TRAINING G OLD	1,045.00
EFT104529	27/11/2008	WA TELECENTRE KUNUNURRA	VIDEO CONFERENCING FEE FOR HEALTHWAY GRANTS	261.50
EFT104530	27/11/2008	WHELANS	BOUNDARY SURVEY AIR BP LEASE	2,849.00
EFT104531	27/11/2008	WYNDHAM SUPERMARKET	CONSUMABLES YOUNG GIRLS GROUP SLEEP OVER	343.12
			TOTAL EFT PAYMENTS	<u>861,389.15</u>

Chq/EFT	Date	Name	Description	Amount
38673	07/11/2008	5 RIVERS PLUMBING & GAS	INSTALL 3 X COMMERCIAL BBQ'S BASTION LOOKOUT	800.80
38674	07/11/2008	AVIATION COMPONENTS PTY LTD	12 MONTHLY SERVICE INSPECTION ON AVGAS BOWSER	1,358.19

38675	07/11/2008	BAILEY'S FERTILISERS	PROVISION SOIL SAMPLES KNX CHILD CARE CENTRE	462.00
38676	07/11/2008	BEAU ROBINSON	PAYMENT FOR HALF OF A 3M CROSSOVER	826.65
38677	07/11/2008	CASH - PETTY CASH KNX OFFICE	REIMBURSEMENT OF PETTY CASH	108.05
38678	07/11/2008	CEMEX AUSTRALIA PTY LTD (HUMES)	SUPPLY OF 20 CONCRETE BOX CULVERTS	29,286.40
38679	07/11/2008	CULLEN BAY SERVICED APARTMENTS	ACCOMODATION 2 X ADMIN ASSISTANTS CONFERENCE	980.00
38680	07/11/2008	DEPARTMENT OF TREASURY AND FINANCE	RECOVERIES OF LOST AND DAMAGED BOOKS	50.60
38681	07/11/2008	DUROMER PRODUCTS PTY LTD	GUIDE POSTS	5,087.50
38682	07/11/2008	EDUCATIONAL EXPERIENCE PTY LTD	STORY TIME ITEMS AS PER ORDER, PLUS FREIGHT	230.23
38683	07/11/2008	EK LASER AND DESIGN	LASER WORK ON DRAIN NEAR TAXIWAY FOXTROT	1,453.24
38684	07/11/2008	LOOKOUT GRADER HIRE	GRADER HIRE - FIRBREAKS	6,199.88
Chq/EFT	Date	Name	Description	Amount
38685	07/11/2008	MOONLIGHT BAY APARTMENTS	ACCOMODATION FOR FIRE FORUM	332.00
38686	07/11/2008	SUPALUX	SPOTTING AND LINE MARKING OF WEABER PLAIN RD	2,683.34
38687	07/11/2008	WYNDHAM EXCAVATIONS	5m3 CONCRETE FOR BANNER POLES	1,250.00
38688	14/11/2008	CANCELLED PAYMENT		0.00
38689	14/11/2008	CANCELLED PAYMENT		0.00
38690	14/11/2008	AUSTRALIAN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	92.13
38691	14/11/2008	CANCELLED PAYMENT		0.00
38692	14/11/2008	CANCELLED PAYMENT		0.00
38693	14/11/2008	CANCELLED PAYMENT		0.00
38694	14/11/2008	CANCELLED PAYMENT		0.00
38695	14/11/2008	CANCELLED PAYMENT		0.00
38696	14/11/2008	CR RALPH ADDIS	COUNCILLOR FEES 08	2,818.75
38697	14/11/2008	CANCELLED PAYMENT		0.00
38698	14/11/2008	CANCELLED PAYMENT		0.00
38699	14/11/2008	FULTON HOGAN PTY LTD	CEMENT STABILISE, COMPACT AND TWO COAT SEAL	482,543.33
38700	14/11/2008	FUJI XEROX AUSTRALIA PTY LTD	APEOSPORT 11 C6500 COPY COUNT CHARGES SEPT 08	3,466.89
38701	14/11/2008	CANCELLED PAYMENT		0.00
38702	14/11/2008	CANCELLED PAYMENT		0.00
38703	14/11/2008	CANCELLED PAYMENT		0.00
38704	14/11/2008	KIMBERLEY GREEN CONSTRUCTION	AIRPORT BAGGAGE SCREENING AREA EXTENSION	181,500.00

38705	14/11/2008	CANCELLED PAYMENT		0.00
38706	14/11/2008	CANCELLED PAYMENT		0.00
38707	14/11/2008	CANCELLED PAYMENT		0.00
38708	14/11/2008	CANCELLED PAYMENT		0.00
38709	14/11/2008	CANCELLED PAYMENT		0.00
38710	14/11/2008	CANCELLED PAYMENT		0.00
38711	14/11/2008	A SHADE	SHADE DOME FOR NEW SAND PIT AREA	5,236.00
38712	14/11/2008	ASGARD SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	105.83
38713	14/11/2008	COUNCILLOR DI AUSBURN	COUNCILLOR FEES 08	2,162.50
38714	14/11/2008	COUNCILLOR MICHELE PUCCI	COUNCILLOR FEES 08	8,133.33
38715	14/11/2008	CR FRED MILLS	COUNCILLOR FEES 08	2,162.50
38716	14/11/2008	CR JOHN HAMILTON MOULDEN	COUNCILLOR FEES 08	2,162.50
38717	14/11/2008	CR PAUL CALEY	COUNCILLOR FEES 08	2,162.50
38718	14/11/2008	EWIN CENTRE CHILDREN SERVICES	REIMBURSE ELECTRICAL COSTS EXTERNAL SPOTLIGHTS	750.00
38719	14/11/2008	FOOD STARS P/L	TRAINERS HANDWASHING KIT, GLITTERBUG	324.90
38720	14/11/2008	HEALTH DEPT ACCOUNTS RECEIVABLE	3 X WASTEWATER DISPOSAL APPLICATION FEES	105.00
38721	14/11/2008	INSTITUTE OF PUBLIC WORKS ENGINEERING	TRAINING J GAULT - DIPLOMA PUBLIC WORKS	660.00
38722	14/11/2008	KENYON & COMPANY PTY LTD	MAGNETIC REVOLVING BEACON FOR WY12926, WY12647	319.00
38723	14/11/2008	MEEGAN SCHELL	REFUND OF UNUSED LESSON AS LEAVING TOWN	26.25
38724	14/11/2008	MLC THE RETIREMENT PLAN	SUPERANNUATION CONTRIBUTIONS	329.98
38725	14/11/2008	QUADRANT SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	267.79
38726	14/11/2008	REST SUPER	SUPERANNUATION CONTRIBUTIONS	390.46
Chq/EFT	Date	Name	Description	Amount
38727	14/11/2008	VICSUPER	SUPERANNUATION CONTRIBUTIONS	162.89
38728	14/11/2008	WESTSCHEME	SUPERANNUATION CONTRIBUTIONS	130.95
38729	21/11/2008	ASGARD SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	137.18
38730	21/11/2008	AUSTRALIAN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	36.85
38731	21/11/2008	FUJI XEROX AUSTRALIA PTY LTD	DC1055CPSF COPY COSTS	14.13
38732	21/11/2008	MLC THE RETIREMENT PLAN	SUPERANNUATION CONTRIBUTIONS	329.98
38733	21/11/2008	QUADRANT SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	267.79
38734	21/11/2008	REST SUPER	SUPERANNUATION CONTRIBUTIONS	406.88

38735	21/11/2008	VICSUPER	SUPERANNUATION CONTRIBUTIONS	162.89
38736	21/11/2008	WA ELECTORAL COMMISSION	POLLING BOOTH SCREENS COUNCIL ELECTIONS	75.00
38737	21/11/2008	WESTSCHEME	SUPERANNUATION CONTRIBUTIONS	103.51
38738	21/11/2008	WYNDHAM EXCAVATIONS	SUPPLY CONCRETE FOR WYNDHAM SKATE PARK	11,495.00
38739	21/11/2008	CANCELLED PAYMENT		0.00
38740	21/11/2008	CAITLYN QUINN	RETURN OF BOND FROM FUNCTION	540.00
38741	21/11/2008	CASH - PETTY CASH KNX AIRPORT	PETTY CASH REIMBURSEMENT	71.87
38742	21/11/2008	CASH - PETTY CASH KNX OFFICE	PETTY CASH REIMBURSEMENT	188.40
38743	21/11/2008	DEPT FOR PLANNING & INFRASTRUCTURE	2008 JPAPAS BOXTOP PLAT NUMBER 1TJA137	327.50
38744	21/11/2008	HEALTH DEPT ACCOUNTS RECEIVABLE	2 X WASTEWATER DISPOSAL APPLICATION FEES	70.00
38745	21/11/2008	Q RESORTS CASCADE GARDENS	ACCOMMODATION FOR K TRIPP 08/07/08-13/07/08	475.00
38746	21/11/2008	TELSTRA	SWEK MOBILE PHONE ACCOUNT - OCTOBER	1,058.34
38747	21/11/2008	WATER CORPORATION	WATER CHARGES FOR UNIT 1470 DRYANDRA RD	105.65
			TOTAL CHEQUE PAYMENTS	<u>762,988.33</u>
		PAYROLL	FORTNIGHTLY PAYROLL	120,795.39
		PAYROLL	FORTNIGHTLY PAYROLL	122,913.69
		PAYROLL	ONE OFF PAY	6,302.95
		PAYROLL	ONE OFF PAY	3,163.90
		PAYROLL	ONE OFF PAY	2,031.19
		PAYROLL	TERMINATION PAYS	19,128.09
			TOTAL PAYROLL PAYMENTS	<u>274,335.21</u>
		DIRECT DEBIT	RENT 12/33 KONKERBERRY DRIVE KUNUNURRA	1,733.33
		DIRECT DEBIT	RENT 4 BOOBIALLA WAY	2,383.33
		DIRECT DEBIT	RENT 20 BARRINGTONIA WAY	2,253.33
		DIRECT DEBIT	BANK FEES	896.75
		DIRECT DEBIT	BPOINT	52.99
		DIRECT DEBIT	VISA PAYMENT	9,705.70
		DIRECT DEBIT	MASTERCARD	6,968.88

DIRECT DEBIT
DIRECT DEBIT

MERCHANT FEE
WESTNET P/L
TOTAL DIRECT DEBIT PAYMENTS

586.70
579.49
25,160.50

12.2.3 DISPOSAL OF SHARES IN CAMBRIDGE GULF LIMITED (8470) (8471)

DATE:	16 December 2008
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Jo-Anne Ellis Executive Manager Corporate Services
REPORTING OFFICER:	Jo-Anne Ellis Executive Manager Corporate Services
FILE NO:	66.13.03
ASSESSMENT NO:	NA

Crs J Parker and R Boshammer left the meeting at 6.33pm

PURPOSE

To recommend disposal of 4,061 shares in Cambridge Gulf Limited.

BACKGROUND

At the Ordinary Council Meeting on 19 August 2008 Council resolved:

Minute No. 8314

Moved: Cr J Moulden

Seconded: Cr K Wright

That Council:

- a. Council retain the current shares held with the Co-operative and continue to do business with the Co-operative to benefit from the dividends and the rebate when issued; and*
- b. Council dispose of the current shares held with Cambridge Gulf Limited by public expression of interest with such sale to be ratified by the board of Cambridge Gulf Limited.*

Carried Unanimously 6/0

STATUTORY IMPLICATIONS

Section 3.58 of the Local Government Act 1995: Disposal of property.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Proceeds from sale of shares was not included in 2008-09 Budget.

STRATEGIC IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil required

COMMENT

An Expression of Interest for the acquisition of 4,061 shares in Cambridge Gulf Limited was advertised in the Kimberley Echo on 20 November 2008 with a closing date of 8 December 2008.

At the close of the submission period one offer was received. This offer was for \$3.50 per share signed by Mr John Buchanan on behalf of Cuckoona Park Superannuation Fund.

It is considered that this is below market value and that the shares should not be sold for less than \$5.00 at this time.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council having considered the offer received from Cuckoona Park Superannuation Fund to purchase 4,061 shares in Cambridge Gulf Limited for \$3.50 per share makes a counter offer to sell the shares at a value of \$5.00 per share with the offer expiring at 4.00pm on Monday 12 January 2009.

COUNCIL DECISION

Minute No. 8470

Moved:Cr K Wright

Seconded:Cr K Torres

That Council make no further moves to sell the shares in Cambridge Gulf Limited at this time

LOST: (2/4)

Minute No: 8471

Moved:Cr J Moulden

Seconded:Cr R Addis

That Council having considered the offer received from Cuckoona Park Superannuation Fund to purchase 4,061 shares in Cambridge Gulf Limited for \$3.50 per share makes a counter offer to sell the shares at a value of \$5.00 per share with the offer expiring at 4.00pm on Monday 12 January 2009

CARRIED: (4/2)

Cr K Wright requested the votes be recorded

Crs J Moulden, R Addis, F Mills and D Ausburn voted for the motion

Crs K Wright and K Torres voted against the motion

Crs J Parker and R Boshammer returned to the meeting at 6.41pm

12.3. ENGINEERING & REGULATORY SERVICES

12.3.1 PROCLAMATION OF GREAT NORTHERN HIGHWAY REALIGNMENTS AT DUNHAM RIVER AND MCPHEES CROSSING (8472)

DATE:	16 December 2008
PROPONENT:	Main Roads Department
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Alex Douglas, Executive Manager Engineering and Regulatory Services
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering and Regulatory Services
FILE NO:	21.11.01
ASSESSMENT NO:	N/A

PURPOSE

The purpose of this report is to formalise responsibility for two realigned sections of Great Northern Highway.

BACKGROUND

Main Roads WA have written to seek the resolution of Council to allow the formal process of proclaiming two new sections of the highway at the Dunham River and McPhees Crossing, and de-proclaiming the old alignments which will be tyned and returned to natural surface.

A section of the old highway alignment which now forms portion of the Glen Hill Road is to be formally transferred to the Shire.

Drawings outlining the locations and sections are attached to this report, being drawings 9522-008-01, 0821-362 and 0821-363.

STATUTORY IMPLICATIONS

The requirements of Section 13, Main Roads Act apply.

The provisions of Sections 13A (2), Main Roads Act apply if the Council wishes to object to the proposal.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no specific financial implications for the Shire as a result of approving the proclamation an de-proclamation of the sections of highway and the addition of portion to Glen Hill Road.

STRATEGIC IMPLICATIONS

No specific strategic implications apply.

COMMUNITY CONSULTATION

Not considered applicable.

COMMENT

The section of highway at the new Dunham River crossing is a procedural matter, and the section near McPhees Crossing is to correct an administrative oversight from the early 1990s that has come to notice through the process of dealing with the Dunham River Bridge section.

ATTACHMENTS

1. Main Roads WA cover letter page 1
2. Main Roads WA cover letter page 2
3. Drawing 9522-008-01
4. Drawing 0821-362
5. Drawing 0821-363

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council endorse the proclamation and de-proclamation of portions of Great Northern Highway as shown on MRWA Drawings 9522-008-01, 0821-362 and 0821-363 and accepts the transfer to the Shire of Wyndham East Kimberley of portion of the de-proclaimed Great Northern Highway now forming portion of Glen Hill Road.

COUNCIL DECISION

Minute No. 8472

Moved:Cr D Ausburn

Seconded:Cr K Wright

That Council endorse the proclamation and de-proclamation of portions of Great Northern Highway as shown on MRWA Drawings 9522-008-01, 0821-362 and 0821-363 and accepts the transfer to the Shire of Wyndham East Kimberley of portion of the de-proclaimed Great Northern Highway now forming portion of Glen Hill Road.

CARRIED UNANIMOUSLY: (8/0)



Government of
Western
Australia

Enquiries: Ray Tollefsen on (08) 9323 4473
Our Ref: 06/4834
Your Ref:

Doc No.	063751
Date	30 OCT 2008
Office	XMERS
Response	
File	241-01
Cr. Ref.	



MAIN ROADS
Western Australia

ABN: 50 860 676 021

23 October 2008

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

Dear Mr Stubbs

**PROCLAMATION OF GREAT NORTHERN HIGHWAY REALIGNMENTS AT
DUNHAM RIVER AND MCPHEES CROSSING**

The realignment of Great Northern Highway and construction of a high level bridge at Dunham River was completed in 2007.

To formalise responsibility for the road, the Commissioner of Main Roads intends making a recommendation to the Hon Minister for Transport to proclaim the road as shown on Drawings 9522-008-01 and 0821-362 as a 'highway' in accordance with Section 13 of the Main Roads Act, and to deproclaim the old alignment. Footpaths will be excluded from the proclamation and where they exist, will therefore be the responsibility of your Council. Notwithstanding this general exclusion, Main Roads will be responsible for the footpath on the Dunham River Bridge and its associated approach paths.

While making arrangements to formally proclaim the new alignment at Dunham River, it came to our attention that proclamation formalities had not been undertaken for an earlier nearby realignment of the highway at McPhees Crossing in the early 1990s. Part of the old McPhees alignment has been incorporated into Glen Hill Road, which is the responsibility of your Council.

To formalise the transfer of responsibility for the section of Great Northern Highway now included in Glen Hill Road, it is intended to include it in the proclamation/deproclamation action for the Dunham River realignment. Footpaths will be excluded from the proclamation and where they exist, will therefore be the responsibility of your Council. It is emphasised that this proclamation will have no impact on road management responsibilities which have been in place since the highway realignment was completed.

Before making the recommendations to the Minister to proclaim the Dunham River and McPhees Crossing realignments of Great Northern Highway, the Commissioner seeks formal endorsement by Council of the enclosed proclamation drawings, in duplicate.

Subject to Council's agreement, will you please arrange to have the drawings endorsed with details of the Council's resolution in support of the proposal and return one signed set to Main Roads, marked to the attention of Road Classification Manager, Ray Tollefsen. The other set should be retained as Council's interim record, pending formal proclamation. Following proclamation, a copy of the final drawings showing gazettal details will be sent to Council for its records.

In the event that Council does not support the changes, Section 13A (2) of the Main Roads Act makes provision for it to object to the Commissioner. Any objection needs to be lodged with Main Roads by 19 December 2008.



Australian Business
Excellence Awards
Bronze Award 2007

Don Aitken Centre, Waterloo Crescent, East Perth or PO Box 6202 EAST PERTH Western Australia 6892
Telephone: (08) 9323 4111 Facsimile: (08) 9323 4547 TTY: (08) 9428 2230
Email: dac@mainroads.wa.gov.au Website: www.mainroads.wa.gov.au
D08172356

If you require any further information regarding the proclamation action, please contact Ray Tollefsen on (08) 9323 4473. Any enquiries relating to management of the road and delineation of responsibility between Main Roads and your Council should be addressed to our Regional Manager Kimberley, Peter Podlaha, in our Derby office on 9158 4333.

I await receipt of Council's response.

Yours sincerely



G. J. Norwell
EXECUTIVE DIRECTOR
PLANNING AND TECHNICAL SERVICES

encl.

AMENDMENTS

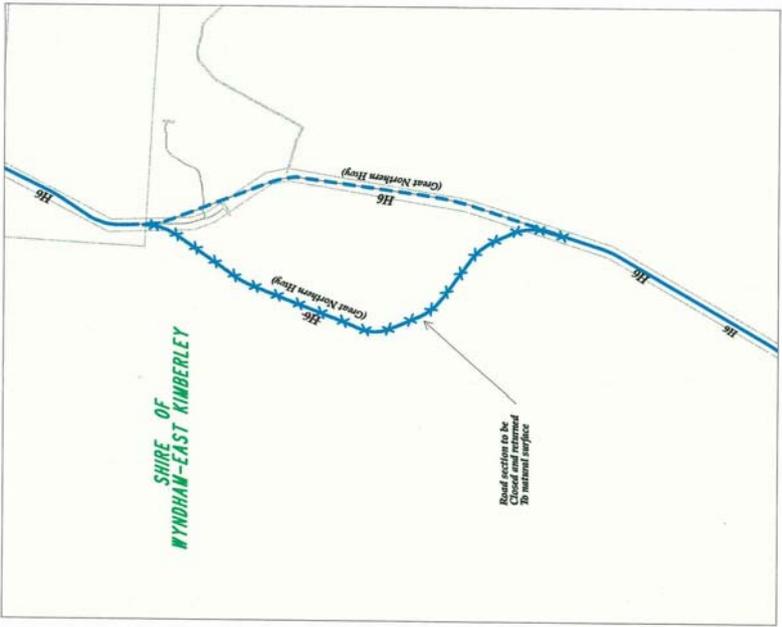
LEGEND

- EXISTING PROCLAIMED ROUTE
- H16** Highway
- M462** Main Road
- M466** Main Road
- M468** Main Road
- M468** Main Roads Controlled Paths
- SECTION TO BE DE-PROCLAIMED
- H16** Highway
- M466** Main Road
- M468** Main Roads Controlled Paths
- SECTION TO BE PROCLAIMED
- H16** Highway
- M466** Main Road
- M468** Main Roads Controlled Paths

* Main Roads Western Australia controlled paths referred to as "toppaths" in Section 1(1) of the Main Roads Act 1930, as amended.
 Main Roads Western Australia controlled paths shown in this drawing are those for which Main Roads Western Australia has approved the Main Roads Western Australia controlled paths. The responsibility of other entities are not shown.
 A. Landgate approved local usage name.

This is to certify that Council endorses the proposal shown on this plan.
 Council Resolution: of
 Council Meeting Held On:
 Chief Executive Officer
 Date:
 Gazette:
 Page No:

* NOTE
 Road to be closed in accordance with section 56 of the Land Administration Act.



SHIRE OF WYNDHAM-EAST KIMBERLEY
 Local Government Boundary
 Local Road

This Drawing Supersedes:

DATE OF ORIGINAL ISSUE: 12 Sep 05
 DRAWING NUMBER: 24/10/08
 APPROVED: [Signature]
 DATE: 22.10.08



PROCLAMATION PLAN
 Declared Roads
 H6 - Dumham Realignmnet
 SHIRE OF WYNDHAM-EAST KIMBERLEY - LG No. 4

MAIN ROADS WESTERN AUSTRALIA
 SHEET NO. 064854
 SCALE 20:00
 SHEET 1 of 2
 0821-362

AMENDMENTS

LEGEND

- EXISTING PROCLAIMED ROUTE
- H6** Highway
 - M62** Main Road
 - M63** Main Road
 - P78** Main Roads Controlled Path
- SECTION TO BE DE-PROCLAIMED
- M62** Main Road
 - P78** Main Roads Controlled Path
- SECTION TO BE PROCLAIMED
- H6** Highway
 - M66** Main Road
 - P78** Main Roads Controlled Path

* Main Roads Western Australia controlled paths referred to as "together" in Section 13(1) of the Main Roads Act 1930, as amended.
 Main Roads Western Australia is not applying on this plan as those for which Main Roads Western Australia is responsible. Paths the responsibility of other entities are not shown.
 A legend approved local usage name.

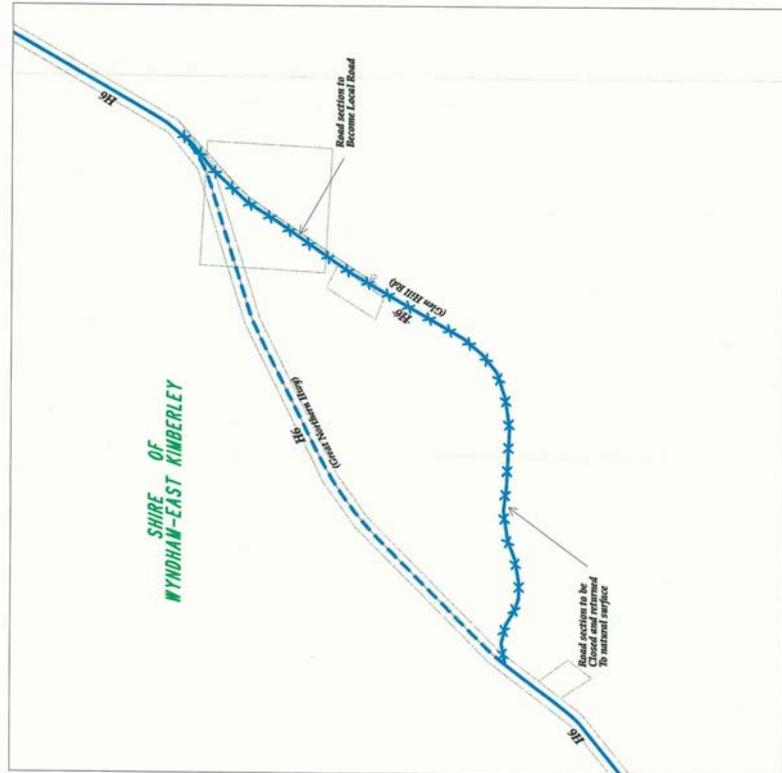
This is to certify that Council endorses the proposal shown on this plan.

Council Resolution: of
 Council Meeting Held On:

Chief Executive Officer
 Date:

Gazette:

Page No:



* NOTE
 Road to be abandoned in accordance with section 58 of the Land Administration Act.



SHIRE OF WYNDHAM-EAST KIMBERLEY

Local Government Boundary
 Local Road

DATE OF REGIONAL ORDER: 12 Sep 08
 DRAINAGE APPLICANT DATE: Ben Bevan MRA 24/10/08

Ben Bevan MRA 24/10/08
 22/10/08

This Drawing Supersedes:

0 1 2 Kilometres

PROCLAMATION PLAN
 District Roads
 H6 - MacPhees Realignment
 SHIRE OF WYNDHAM-EAST KIMBERLEY - LG No. 4

SHR. NO. 0821-363
 SHEET 2 of 2

MAIN ROADS WESTERN AUSTRALIA
 SHE. TYPE: 20.00
 FILE NO.: 004834

12.3.2 RFT T02-08/09 - DESIGN AND INSTALLATION OF PUMP STATION UPGRADE, MAILINE AND RETICULATION OF SELECTED AREAS. (8473)

DATE:	16 December 2008
PROPONENT:	Shire Of Wyndham-East Kimberley
LOCATION:	Various Parks And Streets, Kununurra
AUTHOR:	Alex Douglas, Executive Manager Engineering and Regulatory Services
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering and Regulatory Services
FILE NO:	66.57.02
ASSESSMENT NO:	N/A

PURPOSE

For Council to accept a contractor for the works as specified in the request for tender to upgrade the pump stations at Messmate Way and Casuarina Way, install new mainlines to provide irrigation water to various parks and street verges, and the installation of the reticulation systems within those areas.

BACKGROUND

Tenders were publicly invited on 30 October 2008 (Kimberley Echo) and 1 November 2008 (West Australian). The closing date was extended at the request of several prospective tenderers to 2PM 28 November 2008.

At the close of the submission period, five complying tenders and one alternate tender had been received.

STATUTORY IMPLICATIONS

The requirements of the Local Government (Functions and General) Regulations were satisfied.

POLICY IMPLICATIONS

No specific policy implications apply.

FINANCIAL IMPLICATIONS

The projects are to be funded from the monies received from the sale of land, which had been identified through the Parks Plan.

A total of \$780,000 has been allocated in the 2008/09 Budget for the following projects: -

Pindan Park	\$150,000
Rotary Centenary Park	\$380,000
Weaber Plain Rd Mainline	\$150,000
Casuarina Way verges and parks	<u>\$100,000</u>
Total	\$780,000

The budgeted amounts include all associated works such as earthworks, paths, fencing, plantings etc as well as the installation of reticulation.

The recommended tender is estimated to total \$450,000 with variations.

The balance of the funds (\$330,000) is considered sufficient to complete the required works within the Rotary and Pindan Parks together with spreading of grass seed and some soil conditioning required for the Casuarina Way street verge and park areas.

STRATEGIC IMPLICATIONS

There are no specific strategic implications associated with this report.

COMMUNITY CONSULTATION

Community consultation has taken place over a number of years and in relation to specific areas.

COMMENT

The summary of tenders received is detailed as follows: -

	Total Eden	Custom Irrigation	Water Dynamics	Water Dynamics Alternate	Kimberley Plumbing	Thinkwater
Messmate Way Pump Station Upgrade	69,850.00	94,431.70	75,858.75	75,858.75	94,431.70	111,694.00
			79,048.75	79,048.75		
			62,231.13	62,231.13		
			65,421.12	65,421.12		
Weaber Plain Road Reticulation Main Line	121,330.00	99,911.57	482,344.65	404,837.06	194,797.90	186,329.00
Pindan Park Reticulation	14,135.00	23,283.17	43,063.68	43,063.68	39,103.90	28,435.00
Rotary Centenary Park Retic	234,410.00	70,196.03	132,230.73	132,230.73	78,294.70	69,825.80
Casuarina Way Pump Station Upgrade	25,080.00	28,018.10	34,490.50	34,490.50	28,018.10	33,621.50
			36,470.50	36,470.50		
			30,749.13	30,749.13		
			32,729.13	32,729.13		
NOTE: shaded cells not included in cost total						
Casuarina Way Verge Retic	103,620.00	106,458.07	145,385.34	145,385.34	116,147.90	108,119.00
	568,425.00	422,298.64	913,373.65	835,866.06	550,794.20	538,024.30

As can be seen, the price range is quite large.

The lowest complying tender is Custom Irrigation (based in Perth). Based on an evaluation of the tenders with respect to the pump station upgrade details (pump and filtration details), mainline pipe material and sizing, reticulation materials sizing of stations and watering schedule estimates concludes that the price difference between the lowest and other tenders is difficult to quantify. However, across the five tenderers there are examples of similar pricing for the particular components.

Custom Irrigation and Thinkwater have both nominated Kimberley Pumping Service to provide the pump station upgrades.

Custom Irrigation have nominated fewer stations per reticulated area, and it is considered that these should be increased to improve coverage and minimise loss of efficiency issues over the life of the pumps and pipelines.

In addition Custom Irrigation has requested that the Shire undertake the re-surfacing of the road crossings (at our cost) and the provision of traffic

management (at their cost). The estimated value of the cost of additional stations, and the cost of resurfacing is \$20,000 - \$25,000.

The price difference is still significant and is considered reasonable to justify recommending Custom Irrigation for the reticulation and mainline works, and using Kimberley Pumping Service for the pump station upgrades.

A comparison of the pumps, filtration and control systems proposed by Kimberley Pumping Service (KPS) with the other tenders yields that the KPS system is fit for the purpose and offers a less sophisticated control system with reduced maintenance costs, but may incur higher operating costs for the Messmate Way pump station due to the pump motor sizing. This is seen as a reasonable trade-off when considering the difficulty in servicing or accessing parts for sophisticated electronic equipment in a remote location.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the tender as submitted by Custom Irrigation for RFT T02-08/09 being for the upgrading of pump stations, design and installation of a reticulation mainline, and installation of reticulation to the designated street verges and parks be accepted as the most advantageous to Council for the base amount of \$422,298.64 and an estimated total of variations to a value of \$25,000.

REPLACEMENT OFFICER'S RECOMMENDATION

That the following tenders be accepted as the most advantageous to Council for the nominated works for RFT T02-08/09:-

- a) Custom Irrigation to design and install reticulation mainlines and reticulated areas as specified for the sum of \$299,848.84 (including GST) plus estimated variations to a value of \$25,000; and
- b) Kimberley Plumbing Service for the design and installation of pump station upgrades for Messmate Way and Casuarina Way as specified for the sum of \$122,449.80 (Including GST)

COUNCIL DECISION

Minute No. 8473

Moved:Cr K Wright

Seconded:Cr R Boshammer

That the following tenders be accepted as the most advantageous to Council for the nominated works for RFT T02-08/09:-

- a) **Custom Irrigation to design and install reticulation mainlines and reticulated areas as specified for the sum of \$299,848.84 (including GST) plus estimated variations to a value of \$25,000; and**
- b) **Kimberley Plumbing Service for the design and installation of pump station upgrades for Messmate Way and Casuarina Way as specified for the sum of \$122,449.80 (Including GST)**

CARRIED UNANIMOUSLY: (8/0)

A replacement Officers Recommendation was tabled to make the recommendation more clearly reflect the preferred tenderers submission.

A replacement Officers Recommendation was tabled to make the recommendation more clearly reflect the preferred tenderers submission.

12.3.3 CLOSURE OF PORTION OF CHESTNUT AVENUE ABUTTING RESERVE 29799 (8474)

DATE:	16 December 2008
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Chestnut Avenue, Kununurra
AUTHOR:	Alex Douglas, Executive Manager Engineering and Regulatory Services
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering and Regulatory Services
FILE NO:	21.09.06
ASSESSMENT NO:	N/A

PURPOSE

For Council to adopt the intent to close portion of Chestnut Avenue and for the process under the Land Administration Act 1997 to be initiated.

BACKGROUND

At the 16 September 2008 Council meeting, as part of the resolution with respect to the new multi-purpose courts it was resolved that: -

Minute No. 8381

3 That Council

- a. note that to allow for the inclusion of 2 basketball courts in the Multipurpose Court Facility, a reduction of the Chestnut Ave road reserve is required by up to 6 meters along the boundary of the southern bank of courts, at an approximate length of 40m, and*
- b. instruct officers to amend the road reserve accordingly.*

STATUTORY IMPLICATIONS

In order to proceed with the implantation of 3b, it is necessary to comply with the provisions of S58, Land Administration Act 1997 which reads as follows: -

58. Closure of roads

(1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.

(2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.

(3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.

(4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —

(a) by order grant the request;

(b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction;
or

(c) refuse the request.

(5) If the Minister grants a request under subsection (4) —

(a) the road concerned is closed on and from the day on which the relevant order is registered; and

(b) any rights suspended under section 55(3)(a) cease to be so suspended.

(6) When a road is closed under this section, the land comprising the former road

(a) becomes unallocated Crown land; or

(b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.

POLICY IMPLICATIONS

No specific policies apply.

FINANCIAL IMPLICATIONS

The estimated cost of survey and advertising is \$3,500, and will be debited against the Engineering Consultancies budget allocation.

STRATEGIC IMPLICATIONS

No strategic implications apply.

COMMUNITY CONSULTATION

Consultation is required by way of advertising of the proposed closure and advice to utility service providers, and the consideration of any submissions.

COMMENT

Whelans Surveyors were engaged to survey the area and identify an appropriate boundary adjustment. A sketch plan has been prepared as follows: -

OFFICER'S RECOMMENDATION

That Council approve the advertising in accordance with the provisions of S58, Land Administration Act 1997 the intent to close portion of Chestnut Avenue as shown in the sketch plan and for the closed portion to be amalgamated with Reserve 29799.

COUNCIL DECISION

Minute No. 8474

Moved:Cr J Moulden

Seconded:Cr D Ausburn

That Council approve the advertising in accordance with the provisions of S58, Land Administration Act 1997 the intent to close portion of Chestnut Avenue as shown in the sketch plan and for the closed portion to be amalgamated with Reserve 29799.

CARRIED UNANIMOUSLY: (8/0)

12.3.4 PROVISION OF KERBSIDE RECYCLING SERVICES FOR WYNDHAM AND KUNUNURRA (8475)

DATE:	16 December 2008
PROPONENT:	Shire Of Wyndham-East Kimberley
LOCATION:	Wyndham And Kununurra Townsites
AUTHOR:	Alex Douglas, Executive Manager Engineering and Regulatory Services
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering and Regulatory Services
FILE NO:	52.09.01
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider the provision of kerbside recycling services within Wyndham and Kununurra.

BACKGROUND

The Shire and the waste services contractor receive frequent enquiries regarding kerbside recycling services. The broad response is that transport costs and that of a recycling service would be too expensive.

Whilst there anecdotal evidence based on costs in other Kimberley and Pilbara towns, the case for recycling has not recently been considered relative to Kununurra and Wyndham.

The opportunity to recycle various materials/products (e.g. steel, aluminium, used oil, tyres, car batteries), primarily by diverting them from landfill is available in the two towns but requires individuals to make those arrangements for transport.

A kerbside recycling service is seen as another opportunity for the community to avoid landfilling materials suitable for recycling and makes that opportunity more convenient.

STATUTORY IMPLICATIONS

There are no legislative requirements for local government to provide a recycling service.

POLICY IMPLICATIONS

Not applicable

FINANCIAL IMPLICATIONS

The scale of the recycling service has a direct relationship to the cost to the community. The following options are referred to through this report but a summary of costs for a number of options is provided as follows: -

1. Contract out building and operation of MRF (Materials Recovery Facility) and collection of recycling from kerbside.

- Cost of contract: an indicative cost has been given to the Shire of \$200 per rate payer. With just over 3000 rate payers the approx cost of this contract would be \$600,000 per annum.

Total = \$600,000

Note: If this was to occur then there is an option of the contractor utilising their own land on which to build the MRF. This would mean SWEK would have no ownership over the property or business.

2. SWEK to build simple MRF then contract out operation and collection of recycling from kerbside.

- Cost to build MRF plant – (\$200,000 inc skip bins, glass grinder, small loader/bobcat, baler, pallets, shed, forklift, tipping/sorting floor). 50% funded through DEC and national Packaging Forum. *needs to be better calculated
- Cost of operation contract inc transport (\$200,000/yr) *needs to be better calculated
- Cost of collection contract (\$80,000/yr KNX and Wyndham or \$1.7/bin)
- Education (\$10,000 grant)

Total = \$490,000

Total minus funding \$380,000

Approx yearly expense once facility established \$280,000

3. SWEK to build and operate MRF and contract out collection of recycling from kerbside.

- Cost to build (\$200,000 inc skip bins, small loader/bobcat, glass grinder, baler, pallets, shed, forklift, tipping/sorting floor). 50% funded through DEC and National Packaging Forum. *needs to be better calculated
- Cost to operate (\$100,000/yr) 2 part time sorters (prison farm labour an option), electricity, water) *needs to be better calculated
- Cost of collection contract (\$80,000/yr KNX and Wyndham)
- Cost of project management – depot manager – 0.1 FTE (\$20,000) data entered by depot admin.
- Cost of transport (\$100 tonne = \$30,000, income of \$15,000)
- Education (\$10,000 grant)

Total = \$440,000

Total minus funding and income \$315,000

Approx yearly expense once facility established \$215,000

4. No sorting facility in the Shire. Contract for kerbside collection only. Material collected then goes into SWEK owned trailer for delivery to Cleanaway in Darwin where a fee is paid for sorting and recycling.

- Cost of collection contract (\$80,000/yr)
- Cost of transport (\$200/tonne = \$60,000) *needs to be better calculated
- Cleanaway's gate fee (\$152.30 per tonne to accept recycling materials into the MRF based on current commodities values = \$45,690)
- Purpose built loading facility (\$50,000)
- Trailers x 2 (\$140,000)
- Education (\$10,000 grant)

Total = \$385,690

Approx yearly expense once facility established \$185,690

Note: with contamination, especially initially, we will be effectively paying to transport a % of our refuse to Darwin for disposal.

To each of the above options, the cost of purchasing the 240L bins is to be added. If the full estimate of 2100 properties were services, the total estimated cost is \$270,000. This cost would be amortised over ten years.

Funding schemes

The National Packaging Covenant provides funding assistance for the implementation of kerbside recycling with a main focus on glass, aluminium, plastic and steel containers. This fund has previously funded education programs and MRF equipment such as balers, conveyors etc. Max funding is \$500,000.

Strategic Waste Initiative Scheme will fund initiatives which focus on Greenwaste, Construction & Demolition (C & D), Plastics, Used Tyres, Hazardous Waste from Households. This scheme is unlikely to be very useful for residential kerbside recycling but will more likely assist with industrial recycling.

Argyle Diamond Mine is interested in contributing to the building of an MRF for the benefit of the community and the environment.

The cost of the community survey via post box and direct mail will be debited against the Engineering Consultancy budget allocation, and is estimated to cost between \$7-8,000.

STRATEGIC IMPLICATIONS

There are no strategic implications associated with this report.

COMMUNITY CONSULTATION

Community consultation is seen as a key element in the decision making process. A survey would be undertaken to both provide generic and detailed information on the merits and costs of recycling to gauge community support.

If Council considered recycling to worth further consideration a survey would be undertaken in February 2009 and the results presented to Council in March 2009.

COMMENT

Staff have undertaken a review of a number of reports prepared over the past five years, and a summary of their conclusions is provided.

Cardno Report

In June 2008 The Department of Environment published an independent review of kerbside collection systems and drop off facilities for recyclables and development of preferred service models. This report by Cardno BSD concluded that:

- Kerbside recycling was best delivered through a comingled 240L recycle bin collected fortnightly. The one bin system is preferred of over different bags and crates due to convenience, amenity and health and safety,
- Minimum recycling yields in WA should be 4kg/hh/wk whilst other states work on a minimum yield of 3-4kg/hh/wk,
- Drop off facilities were only recommended where less than 400 pick ups could be achieved in a 8hr working day yet it recommended drop off services be provided at all waste infrastructure facilities within the region (pg 41) for use by those residents not included in the kerbside recycling scheme.

Other relevant and interesting information was also found throughout the body of the report:

- In rural domestic waste streams, approximately 75% of all materials presented at the kerbside for collection can be diverted from landfill and/or composting (Cardno pg 9)
- In NZ best practice procurement of recycling services encourages the separation of recyclable collection contract from the sorting of recyclables contract. This separation allows for pricing to be more transparent
- The average household within a rural area presents 17.85kg of domestic waste at kerbside for collection each week. On a materials stream level 38% is recyclable, 37% is compostable 24% is non recoverable and 0.5% is hazardous.
- 5 year contracts are recommended.
- In rural areas the costs per yield averaged out at \$251 per tonne. Cost per yield relates to the total costs (including collection, transportation and processing at Materials Recovery Facility) of the recyclable materials recovered.

In the financial analysis the report (pg 18) found that:

- Service costs per rural household average at between \$45-55/hh/yr;
- 25-30% of all recyclables at the kerbside is lost due to contamination; and
- An average cost of \$62 a tonne to process materials at a rural MRF.

BSD Meinhardt Report

Another report prepared for the Department of Environment in February 2005 explored the regional transport economics for kerbside recycling: This report was prepared by BSD Meinhardt Joint Venture and concluded that:

- road transport costs for a 24tonne container excluding GST and fuel levy from Kununurra to Darwin to be \$1604-\$1890 in comparison to Perth which was \$2,756-\$6,044.
- There is an option of shipping from Wyndham to Darwin with Patrick Norwest Shipping.
- Sorting prior to long distance transport is more efficient and compacting or crushing is more cost effective as the higher densities achieved reduce transport costs and may also improve market price.(BSD report 2005)
- MRFs become cost effective at around 40,000 tonnes/year but are used for quantities as low as 10,000tonnes/year.
- The BSD report found that should recycling occur in the East Kimberley that Darwin would be the most attractive market. Darwin's only MRF is owned by Wastemaster a subsidiary of Cleanaway Australia (pg 51)
- The BSD report has a model which when ran for Kununurra found that kerbside recycling would be environmentally viable provided yields were good (36kg/person/year) Drop off facilities are only recommended for northern communities of 1-2000 people. I ran this model for Kununurra to Darwin. Results are attached.

Glass

- Glass is one of the hardest materials to recycle and often attracts a cost rather than a rebate. All glass goes to Adelaide. SWEK would be best placed to look at crushing and reusing glass rather than paying for transport and disposal. Collie tip recently reused glass as road base. It can also be used as an aggregate or for landfill cover. Even if not reused it would be far more economical to crush glass and bury in the landfill than pay for transport and disposal.

Through the desk top research and the community survey the Council will undertake a complete analysis of recycling for the Shire. This process will also inform the community of the real logistics and costs behind implementing recycling in Kununurra and Wyndham. Until the concept of recycling within Kununurra and Wyndham has been thoroughly researched, presented and a decision made then the issue will continue to arise and circulate. Formal investigation and analysis into the topic will enable a sound and justified decision to be made with the evidence to back it up.

There will be some income from the sale of goods and this will help to offset the cost but will not negate it. What the Shire and the community will get from recycling is the environmental benefits and the reduced volumes of waste to landfill (see attachment 1).

Kerbside recycling in SWEK

- No economic gain, rather a cost to rate payers for the service. Income received from sale of goods will only help to off set a small percentage of costs.
- There would be reduced volumes of waste to landfill as well as other environmental benefits (see attachment 1).
- Transport to Darwin with McLean Enterprises is around \$110/tonne based tonnage, a volumetric rate has not been sought at this time.
- Cleanaway in Darwin has agreed to take the baled or co-mingled material.
- SWEK can expect to receive between 8-12kg per household/fortnight (based on Broome and Darwin experiences). This equates to approx 230 tonnes/year from Kununurra only.

- ELQ, Home Valley & Argyle Diamond Mine are keen to participate in recycling which would boost volumes. We can expect another 198 tonne/yr from Argyle Diamond Mine but minus the glass this equates to \$84 tonne/yr.
- Initially contamination will be high but it will reduce over time. A waste education program will need to be developed and will assist with this.
- The most logical place for the location of MRF (Materials Recovery Facility) is at the Shire's Kununurra Landfill Site.
- Collection is best done fortnightly as this will allow time to sort material.
- Sorting will be very basic with part time employees sorting truck loads from a floor as they come in. Sorted material will then need to be baled.
- Glass to be crushed and reused locally as road base or land fill top cover.

Should Council proceed with the community survey, the intended timing is for the survey to be conducted during February 2009, and a report to Council at the March Council meeting. This allows consideration of the survey results and the chosen action to be considered in framing the 2009/10 Budget.

ATTACHMENTS

1. WA Regional Recycling Viability Assessment Model

VOTING REQUIREMENT

Simple

OFFICER'S RECOMMENDATION

That Council adopt in principle the provision of recycling services for Wyndham and Kununurra for the purposes of staff undertaking a community survey to establish support for recycling based on Option 4 where the co-mingled material is transported to Darwin for sorting, bins are purchased by the Shire and the anticipated cost per rateable residential property is in the range of \$180 - \$200 per annum, with the charge to cover operating expenditure and amortisation of capital costs.

COUNCIL DECISION

Minute No. 8475

Moved:Cr J Moulden

Seconded:Cr D Ausburn

That Council adopt in principle the provision of recycling services for Wyndham and Kununurra for the purposes of staff undertaking a community survey to establish support for recycling based on Option 4 where the co-mingled material is transported to Darwin for sorting, bins are purchased by the Shire and the anticipated cost per rateable residential property is in the range of \$180 - \$200 per annum, with the charge to cover operating expenditure and amortisation of capital costs.

CARRIED UNANIMOUSLY: (8/0)

WA REGIONAL RECYCLING VIABILITY ASSESSMENT MODEL

Introduction

MODEL SCOPE AND CHARACTERISTICS

This model estimates the financial costs and environmental benefits of recycling in regional WA. It assumes a typical, standardised suite of materials is either collected from kerbsides or dropped off by residents, then prepared for transport, stored and transported to Perth by road when a full trailer load has been accumulated.

The financial costs depend on user selections for catchment population, the distance from Perth, the yield per capita, the type of recycling system (kerbside or drop off), the cost of landfill and whether or not a state rebate is available. The environmental benefits are related largely to yield but also take into account the greenhouse costs of road transport.

INSTRUCTIONS

Go to the 'Input & Results' Worksheet and enter the following information:

- Enter Catchment Population
- Enter Distance from Perth
- Select Kerbside or Drop off Collection
- Select Yield Estimate (Typical, Good or Excellent)
- Select Landfill Type (Basic Rural or Standard)
- Select RRRS Rebate

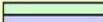
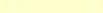
The model will calculate the most efficient compaction rate under both high and low transport cost scenarios

The model will calculate the financial and net viability of the selected recycling system under:

- A high transport cost scenario
 - A low transport cost scenario
 - A charity-based scenario (applicable for drop-off systems only)
- High and Low transport cost estimates are based on equations derived from actual quotes.

Net viability incorporates environmental benefits
All cost data excludes GST

KEY

Input datum	Red text
Assumed / constant datum (see report for selection justification)	Black text
Derived datum (i.e. will vary with input datum)	Blue text
Comment (hold mouse over the cell to read)	
Low transport cost scenario	
High transport cost scenario	
Low compaction (not applicable to kerbside collected materials)	
Higher compaction	
Viability - net cost	
Viability - net benefit	

FORMULAE

Input & Results Worksheet

Total Yield (tonnes / year) = yield (kg / person / year) * population / 1000
 Total Financial benefit or cost (\$ / year) = value of materials + offset landfill costs + rrs rebate - pre-transport costs - transport costs
 Per capita financial benefit or cost (\$ / person / year) = (Total Financial benefit or cost) / population
 Net Cost (including environmental benefits) (\$ / person / year) = Financial cost - environmental benefit + environmental cost of transport

Quantities Worksheet

Tonnes recovered per material (tonnes / year) = total yield (tonnes / year) * weight % per material
 Volume recovered per material (m³ / year) = tonnes recovered per material / material density (tonnes / m³)
 Total volume recovered (m³ / year) = sum of volume recovered per material
 Volume % per material (vol %) = volume per material / total volume * 100
 Average density (standard recyclables mix) (tonnes / m³) = total tonnes recovered / total volume recovered
 Number of loads per material (if density < 0.333 tonnes / m³) = tonnes recovered per material / (effective truck volume * material density)
 Number of loads per material (if density > 0.333 tonnes / m³) = tonnes recovered per material / maximum allowable transport weight

Costs Worksheet

Low Transport Delivery Cost Equation (\$ / truckload) = 0.5 * distance (km) + 580
 High Transport Delivery Cost Equation (\$ / truckload) = 1.667 * distance (km) + 630
 Pre-transport costs per material (\$ / year) = Total pre-transport costs * volume % per material
 Transport costs per material (\$ / year) = Number of loads per material * (delivery costs per load + loading cost)
 Total transport costs (\$ / year) = Total number of loads * (delivery costs per load + loading cost)

Benefits Worksheet

Value per material (\$ / year) = unit value per material * tonnes recovered per material
 Total value of materials (\$ / year) = sum (value per material)
 Value of materials (\$ / mixed tonne) = total value of materials / total tonnes recovered
 Offset landfill cost (\$ / year) = unit offset landfill cost * total tonnes recovered
 RRRS rebate (\$ / year) = unit RRRS rebate * total tonnes recovered
 Environmental benefit (total) (\$ / year) = unit environmental benefit (\$ / kg) * total tonnes recovered * 1000
 Environmental cost of transport (\$ / year) = (distance from Perth - 300) * 0.0022

Input & Results

PRIMARY INPUT DATA

Enter information here

Enter Catchment Population (pop)	6,000
Enter Distance from Darwin (km)	800
Select Kerbside Collection or Drop-off	Kerbside collection
Select Yield	Typical
Select Landfill Type	Basic rural
Select RRRS Rebate	No rebate
	35 kg/person/yr
	8 \$/t
	0 \$/t

RESULTS

	LOW TRANSPORT COST SCENARIO	HIGH TRANSPORT COST SCENARIO	CHARITY-BASED SCENARIO
Total Yield (tonnes / year)	210	210	N/A
Efficient Compaction Rate	HIGHER (assumed)	HIGHER (assumed)	N/A
Number of truckloads per year	8.8	8.8	N/A
Total Financial benefit or cost (-)	-\$115,176	-\$123,958	N/A
Total Environmental benefit	\$90,231	\$90,231	N/A
Per Capita Financial benefit or cost (-) (\$/person/yr)	-\$19.20	-\$20.66	N/A
Net Per Capita benefit or cost (-) (\$/person/yr)	-\$4.16	-\$5.62	N/A
FINANCIAL COSTS (\$ / year)			
Pre-Transport Costs	\$123,000	\$123,000	N/A
Transport Costs	\$10,150	\$18,832	N/A
FINANCIAL BENEFITS (\$ / year)			
Value of Materials	\$16,294	\$16,294	N/A
Offset Landfill Costs	\$1,680	\$1,680	N/A
RRRS Rebate	\$0	\$0	N/A
BENEFIT OR COST (-) CONTRIBUTION OF SPECIFIC MATERIALS (\$ / YEAR)			
Newsprint & other paper	-\$61,202	-\$66,234	N/A
Cardboard	-\$28,483	-\$30,200	N/A
Liquid Paperboard	-\$257	-\$284	N/A
Glass	-\$18,402	-\$19,930	N/A
Steel cans	-\$2,031	-\$2,207	N/A
Aluminium	\$1,640	\$1,459	N/A
PET	-\$2,744	-\$2,981	N/A
HDPE	-\$4,152	-\$4,431	N/A

WA REGIONAL RECYCLING VIABILITY ASSESSMENT MODEL

Quantities

TRANSPORT CONFIGURATION DATA

Minimum assumed density for transport costing (t/m^3)	0.333
Maximum allowable transport weight(t)	24
Assumed dead space in truck	10%
Truck volume (m^3)	80
Effective truck volume (m^3 , allowing 10% dead weight)	72

Recyclable material	Weight %	Tonnes recovered t/yr	LOW COMPACTION				HIGHER COMPACTION			
			Density t/m^3	Volume recovered m^3/yr	Volume %	Loads per year	Density t/m^3	Volume recovered m^3/yr	Volume %	Loads per year
Newsprint & other paper	57.3%	120.3	0.3	401.1	52.6%	5.6	0.45	267.4	50.2%	5.0
Cardboard	17.6%	37.0	0.2	184.8	24.2%	2.6	0.3	123.2	23.1%	1.7
Liquid Paperboard	0.3%	0.6	0.3	2.1	0.3%	0.0	0.45	1.4	0.3%	0.0
Glass	17.4%	36.5	0.45	81.2	10.6%	1.5	0.45	81.2	15.2%	1.5
Steel cans	2.0%	4.2	0.3	14.0	1.8%	0.2	0.45	9.3	1.8%	0.2
Aluminium	1.7%	3.6	0.15	23.8	3.1%	0.3	0.275	13.0	2.4%	0.2
PET	1.7%	3.6	0.14	25.5	3.3%	0.4	0.21	17.0	3.2%	0.2
HDPE	2.0%	4.2	0.14	30.0	3.9%	0.4	0.21	20.0	3.8%	0.3
TOTAL	100.0%	210.0		762.5	100.0%	10.6		532.5	100.0%	8.8
Average Density (ρ_{av}) (standard mix of recyclables)			0.275				0.384			

WA REGIONAL RECYCLING VIABILITY ASSESSMENT MODEL

Costs

PRE-TRANSPORT COSTS (COLLECTION & SORTING)

KERBSIDE COLLECTION

Pick up cost (\$ per drive by)

- if population is between 5,000 and 7,500	\$1.00
- if population is between 7,500 and 10,000	\$0.85
- if population is greater than 10,000	\$0.70
MRF sorting cost (\$ / tonne)	\$100

DROP-OFF

Labour costs (\$ / year)

- if material throughput < 125 tonnes / year	\$6,000
- if material throughput is between 125 and 300 tonnes / year	\$12,000
- if material throughput is > 300 tonnes / year	\$24,000
Infrastructure cost - Low compaction	\$1,200
Infrastructure cost - Higher compaction	\$2,700

ROAD TRANSPORT DATA & CALCULATIONS

	LOW TRANSPORT COST SCENARIO	HIGH TRANSPORT COST SCENARIO	CHARITY-BASED SCENARIO
Delivery cost equation (\$ / truckload, where d = distance from Perth)	Cost = 0.5 (d) + 560	Cost = 1.887 (d) + 630	
Delivery costs per load (\$ / truckload)	\$860	\$1,864	\$480
Loading cost (\$)	\$200	\$200	\$0
LOW COMPACTION			
Pre-transport costs, standard recyclables mix (\$/yr)	\$13,200	\$13,200	\$1,200
Total Number of loads per year	10.6	10.6	10.6
Total Transport Costs	\$12,285	\$22,913	\$5,083
Specific materials (rough estimate)	<u>Pre-transport</u>	<u>Transport</u>	<u>Transport</u>
Newsprint & other paper	\$8,944	\$6,482	\$12,053
Cardboard	\$3,199	\$2,977	\$5,553
Liquid Paperboard	\$36	\$34	\$63
Glass	\$1,406	\$1,766	\$3,294
Steel cans	\$242	\$226	\$421
Aluminium	\$412	\$383	\$715
PET	\$441	\$411	\$766
HDPE	\$519	\$483	\$902
TOTAL PRE-TRANSPORT AND TRANSPORT COSTS	\$26,465	\$36,113	\$6,283
HIGHER COMPACTION			
Pre-transport costs, Drop-off recycling (\$/yr)	\$14,700	\$14,700	N/A
Pre-transport costs, Kerbside recycling (\$/yr)	\$123,000	\$123,000	N/A
Total Transport Costs	\$10,150	\$18,932	N/A
Specific materials (rough estimate)	<u>Pre-transport</u>	<u>Transport</u>	<u>Transport</u>
Newsprint & other paper	\$81,764	\$5,816	\$10,848
Cardboard	\$20,457	\$1,985	\$3,702
Liquid Paperboard	\$323	\$30	\$57
Glass	\$18,756	\$1,766	\$3,294
Steel cans	\$2,158	\$203	\$379
Aluminium	\$2,898	\$208	\$380
PET	\$3,927	\$274	\$511
HDPE	\$4,820	\$322	\$601
TOTAL PRE-TRANSPORT AND TRANSPORT COSTS	\$24,850	\$33,632	N/A

WA REGIONAL RECYCLING VIABILITY ASSESSMENT MODEL

Benefits

VALUE OF MATERIALS

Recyclable material	Unit value of materials (\$/tonne)	Value of materials collected (\$)	Value of mixed tonne of material (\$/mixed tonne)
Total (standard mix of recyclables)		\$16,294	\$78
Specific materials			
Newsprint and other paper	\$45	\$5,415	
Cardboard	\$45	\$1,663	
Liquid paperboard	\$145	\$91	
Glass	\$50	\$1,827	
Steel cans	\$70	\$294	
Aluminium	\$1,350	\$4,820	
PET	\$400	\$1,428	
HDPE	\$180	\$756	

OFFSET COSTS AND REBATES

Recyclable material	Offset Landfill costs (\$)	RRRS Rebate (\$)
Unit cost / rebate (\$ / t)	8	0
Total (standard mix of recyclables)	\$1,680	\$0
Specific materials		
Newsprint and other paper	\$963	\$0
Cardboard	\$296	\$0
Liquid paperboard	\$5	\$0
Glass	\$292	\$0
Steel cans	\$34	\$0
Aluminium	\$29	\$0
PET	\$29	\$0
HDPE	\$34	\$0

ENVIRONMENTAL BENEFITS CALCULATION (standard recyclables mix)

Environmental benefit of recycling from regional Australia	
\$ / household / yr (from Nolan-ITU)	\$56
Average yield (kg / household / week)	2.50
\$/kg	\$0.43
Total value	\$90,462
Additional env. cost of transport (function of distance) (\$/t)	\$1.10
Total value	\$231.00
Net environmental benefit (\$/yr)	\$90,231
\$/person/yr	\$15.04

12.4. DEVELOPMENT

12.4.1 REVISED APPLICATION OF NON-CONFORMING USE RIGHTS (SERVING OF LIGHT REFRESHMENTS - LOC 529 RIVER FARM ROAD, KUNUNURRA (8476))

DATE:	16 December 2008
PROPONENT:	D R Read (Freshwater Fruits)
LOCATION:	Loc 529 River Farm Road, Kununurra
AUTHOR:	Jennifer Ninyette, Town Planning Officer
REPORTING OFFICER:	Jennifer Ninyette, Town Planning Officer
FILE NO:	01.0119.02
ASSESSMENT NO:	A119

Cr R Addis left the meeting at 6.59pm

PURPOSE

For Council to consider a revision to an application for planning consent for the extension of non-conforming use rights to allow an upgrade of existing facilities for the serving of light refreshments.

BACKGROUND

The proposed site is used by Freshwater Fruits for the growing of tropical fruit. The site contains the Top Rocks Gallery which also provides light refreshments, including locally grown produce. The Gallery and associated light refreshments have been running for many years and pre-date the town planning scheme.

In July 2000 Council granted planning approval for an extension of non-conforming use rights for a proposed upgrade of the light refreshment facilities. The proponent commenced construction of the footings and floor slab but the development was not completed, and therefore both the planning and building approval periods lapsed.

The proponent again applied for the renewal of planning approval on 1 August 2008 for an extension of non-conforming use rights issued in July 2000, to allow for an upgrade of existing light refreshment facilities.

The proposed upgrade was for the development a transportable unit containing a kitchen and a product display/sales area providing light refreshments and produce grown on site, with seating would be provided outdoors adjacent to the unit.

Extension of a non-conforming use by more than 20% of the area existing at the time of gazettal of the Scheme requires Council approval.

Although it is difficult to determine the exact pre-existing area of the non-conforming use, the proposal was considered to be a significant enough change to the existing development to require referral to Council.

Accordingly, this proposal was considered and approval was granted at the Ordinary Council meeting of 16 September 2008 with the following conditions:

1. *A building licence shall be obtained for the upgrade of the facilities.*
2. *The fit out and operation of the transportable unit shall comply with the Health (Food Hygiene) Regulations 1993.*
3. *Employee parking shall be contained on site at all times.*
4. *The transportable building shall be fixed to the ground by footings, as directed by the Council.*
5. *Compliance with all Council's health requirements. These include however may not be limited to installation of an approved effluent disposal system to the satisfaction of Council's Environmental Health Officer.*
6. *Any conditions issued under delegated authority from Council's Standard Conditions list.*

The proponent was advised of this outcome, and Planning Approval 66/08 was granted on 26 September 2008.

However, the proponent has recently submitted modified plans for a permanent structure, to replace the approved transportable unit, which will contain a kitchen, storeroom, and product display/sales area.

The proposed permanent building has an area of approximately 88m², which is an increase by more than a 100% of the approved transportable unit area of 40m², and is therefore considered to be a significant enough change to require referral to Council.

SITE LOCATION

The site is located near the end of River Farm Road, on the eastern side. The land is zoned Rural Agricultural 2.



PROPOSED LAND USE / DEVELOPMENT

The applicant is seeking the revision of planning approval for an extension of non-conforming use rights issued in September 2008, to allow the upgrade of existing light refreshment facilities.

The proponent has submitted modified plans for a permanent building to be constructed and used as a stall/kitchen, instead of the transportable unit previously approved by Council.

The permanent building will contain a kitchen, store room, and a product display/sales area providing light refreshments and produce grown on site, with seating still to be provided outdoors adjacent to the above stall/kitchen.

The proponent advises that the modification is to cater for larger visitor groups, particularly tour bus groups.

The location and layout of the stall/kitchen on the site is shown on Attachments 2 and 3, with the building floor plan and elevations shown on Attachments 4 and 5.

The floor plan of the transportable unit that was approved in the original application is shown on Attachment 6.

FINANCIAL IMPLICATIONS

The Application Fee of \$100.00 has previously been paid.

COMMUNITY CONSULTATION

Under Town Planning Scheme No. 7 – Kununurra and Environs, extension of a non-conforming use by more than 20% of the area existing at the time of gazettal of the Scheme requires Council approval but does not need to be advertised.

PLANNING ASSESSMENT

Strategic/Structure Plans

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

Town Planning Scheme No. 7 – Kununurra and Environs

The land is located within the Rural Agriculture 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 intense agriculture 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*

Approval was granted by Council in July 2000 for an extension of non-conforming use rights. The Scheme defines a non-conforming use as:

Any use of land or building which was lawful immediately prior to the coming into operation of the Scheme, but is not now in conformity with the provisions of the Scheme.

The Gallery and associated light refreshments have been running for many years and pre-date the town planning scheme. They therefore have non-conforming use rights.

The Council resolution of 16 September 2008 approved the formalisation and upgrade of the light refreshment area, which complements the adjacent gallery.

This proposal is for Council to reassess the modified development plans, given that there is a significant increase in area for the proposed stall/kitchen.

COMMENT

The proponent is applying for the revision of Planning Approval 66/08 granted in September 2008 for an extension of non-conforming use rights to allow the upgrade of the light refreshment area, which complements the adjacent gallery.

The proposal meets the requirements of a non-conforming use under the Scheme. As it is essentially an upgrade of an existing use, incidental to the gallery, it is not likely to have any impacts on surrounding landowners.

It is recommended that the application be approved with the following conditions:

1. A building licence shall be obtained for the upgrade of the facilities.
2. The fit out and operation of the building shall comply with the Health (Food Hygiene) Regulations 1993
3. All visitor and employee parking shall be contained on site at all times.
4. Compliance with all Council's health requirements. These include however may not be limited to installation of an approved effluent disposal system to the satisfaction of Council's Environmental Health Officer.
5. Any conditions issued under delegated authority from Council's Standard Conditions list

ATTACHMENTS

Attachment 1 - Letter from Dan Read

Attachment 2 - Site Plan

Attachment 3 – Site Layout

Attachment 4 – Modified Floor Plan

Attachment 5 – Modified Building Elevations

Attachment 6 – Approved Floor Plan (Approved Transportable Unit)

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council grants revised planning consent to Daniel Read (Freshwater Fruits) for the extension of non-conforming use rights (upgrade of light refreshment facilities) on Lot 529 Riverfarm Road, Kununurra:

Subject to the following conditions:

1. A building licence shall be obtained for the upgrade of the facilities.
2. The fit out and operation of the building shall comply with the Health (Food Hygiene) Regulations 1993
3. All visitor and employee parking shall be contained on site at all times.
4. Compliance with all Council's health requirements. These include however may not be limited to installation of an approved effluent disposal system to the satisfaction of Council's Environmental Health Officer.
5. Any conditions issued under delegated authority from Council's Standard Conditions list

COUNCIL DECISION

Minute No. 8476

Moved:Cr K Wright

Seconded:Cr K Torres

That Council grants revised planning consent to Daniel Read (Freshwater Fruits) for the extension of non-conforming use rights (upgrade of light refreshment facilities) on Lot 529 Riverfarm Road, Kununurra:

Subject to the following conditions:

- 1. A building licence shall be obtained for the upgrade of the facilities.**
- 2. The fit out and operation of the building shall comply with the Health (Food Hygiene) Regulations 1993**
- 3. All visitor and employee parking shall be contained on site at all times.**
- 4. Compliance with all Council's health requirements. These include however may not be limited to installation of an approved effluent disposal system to the satisfaction of Council's Environmental Health Officer.**
- 5. Any conditions issued under delegated authority from Council's Standard Conditions list**

CARRIED UNANIMOUSLY: (7/0)



DAN READ
 P/O Box 348 Kununurra
 Phone (08) 91691632
 Fax (08) 91691630
 Mobile 0408 353728

Jennifer Ninyette
 Council's Town Planner
 Shire Wyndham East Kimberley
 P/o Box 614
 Kununurra 6743

24/11/2008

Re; Upgrade of facilities at Top Rocks Lot 529 Riverfarm Road Kununurra.

Dear Jennifer,

On 26/9/2008 approval was granted by the council for the upgrade of facilities at Top Rocks Gallery. The upgrade was to improve existing facilities, serving tea and coffee and light refreshments to visitors of the Gallery.

I now wish to proceed with this development, but find that the proposed 40 square meter Building is not going to be large enough to cater for a bus full of visitors all wanting light refreshments.

I propose to increase the size to 88 square meters as per drawings attached.

This increase in size gives staff a more acceptable and safer sized workspace.

Regards

Dan Read

Doc No.	064060
Date	25 NOV 2008
Officer	TPO
Response	
File	01-0119-02
Cross Ref.	

Quality fresh mangoes, free from pesticides, grown in the Kimberly sunshine



12.4.2 PROPOSED SHIRE RESERVE - EMERGENCY SERVICES RESERVE - WYNDHAM (8477)

DATE:	16 December 2008
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Foreshore Road, Wyndham
AUTHOR:	Jennifer Ninyette, Town Planning Officer
REPORTING OFFICER:	Jennifer Ninyette, Town Planning Officer
FILE NO:	43.04.31
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider a proposal to establish a reserve for the purpose of 'Emergency Services' to be vested in Council, and lease the reserve to the Wyndham Sea Rescue group.

BACKGROUND

The Wyndham Sea Rescue group has been looking for a suitable site to construct a shed to store their equipment and rescue boat.

The organisation was originally interested in obtaining a lease of the Wyndham Port Hall Site, given it's proximity to the boat ramp, however following a submission from the Save the Gouldian Finch Foundation, Council resolved to lease the hall to the Foundation, and that an alternative site should be found for the Sea Rescue group.

This was addressed at the Ordinary Council Meeting of 20 May 2008 whereat it was resolved:

Minute No. 8228

Moved: Cr P Caley

Seconded: Cr D Ausburn

That Council assist the Wyndham Sea and Rescue Group to construct a purpose built storage shed, for their needs in the Port vicinity at Wyndham.

This assistance to include:

Identification and vesting of land

Support in the preparation and securing of grant funding

Council budget consideration of the balance of funds in 08/09

The Chief Executive Officer to confirm with the Sea and Rescue Group their offer of in-kind contribution.

Carried Unanimously: 8/0

NOTE: Council included wording to clarify the type of assistance it would provide to the proposed Wyndham Sea and Rescue Shed.

Following this resolution, the Town Planner in consultation with the Wyndham Sea Rescue group identified an unconstructed portion of Foreshore road as a

suitable site, due to its proximity to the boat ramp, which would enable fast and easy response to rescues.

The proposed site was also chosen due to its current status of dedicated road, which will enable suitable land tenure to be achieved more expediently.

STATUTORY IMPLICATIONS

In order to effect the road closure, it is a requirement under the Land Administration Act 1997 (LAA) that the Local Government Authority advertises the proposal for a period of 35 days, following which Council is required to pass a resolution to close the road.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council may incur some minor costs associated with reservation of the land, such as surveying fees.

Council has previously resolved to assist the group by identifying and vesting of land and support in the preparation and securing of grant funding.

Council has allocated \$40,000 in its 08/09 budget to support the new Sea & Rescue facility.

The Wyndham Sea Rescue Group are a not for profit volunteer organisation, and have previously requested a 21 year peppercorn lease arrangement, nominating a lease rental of \$100 per annum. Therefore minimal revenue will be raised from this proposal.

STRATEGIC IMPLICATIONS

Foreshore Road is a Reserve for the purpose of Major Road in the Shire of Wyndham – East Kimberley Town Planning Scheme 6 – Wyndham Townsite (the Scheme).

Clause 2.2 of the Scheme states that:

Where an application for planning consent is made in respect to land within a Reserve, the Council shall have regard to the ultimate purposes intended for the Reserve and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that Authority prior to granting consent.

Foreshore Road was originally earmarked as one of five small heavy haulage route options around Wyndham to better accommodate traffic associated with movement to and from the Port.

A sixth alternative Port Access route north of the Bastion Range, referred to as the Bastion Loop Road, has been proposed which would provide a bypass of the

entire town and would provide fewer traffic conflicts, however is a much longer proposal than the five smaller townsite bypasses.

The Bastion Loop Road has been identified as a key infrastructure result area in the draft Shire of Wyndham East Kimberley Plan for the Future document as it will improve access to the Wyndham Port for heavy haulage of export-import products.

Currently heavy haulage vehicles pass through the Wyndham settlements and this is considered to be undesirable and unsustainable given the conflict of public use of the settlements, and vibration damage to historical properties adjacent to the current road alignment.

Therefore it appears that the use of Foreshore Road as a heavy haulage route is not supported by Council, and it is recommended that a review of the heavy haulage route options should be instigated as part of the Town Planning Scheme Review that is currently underway.

It should also be noted that the draft Shire of Wyndham East Kimberley Plan for the Future document also identifies the Wyndham Sea Rescue shed as a key infrastructure result area under the category of public buildings expansion.

COMMUNITY CONSULTATION

The proposed road closure was advertised in the Kimberley Echo on 13 November 2008. The submission period will be for 35 days in line with requirements of the *Land Administration Act 1997* (LAA).

In line with Clause 2.2 of the Scheme, written advice is being sought from Main Roads WA on this matter.

Advice letters have also been sent to service agencies and adjoining landowners, seeking comment.

COMMENT

The Wyndham Sea Rescue group are a non-profit volunteer organisation that provides a valuable service to the boating community using the Cambridge Gulf. Securing a permanent base for their needs will improve their ability to assist vessels in distress, promote boating safety and will be of immeasurable benefit to the general public.

The Sea Rescue group has recently acquired a new rescue boat conditional on the provision of suitable undercover storage. Therefore an appropriate site for the shed needs to be established to allow the boat to be housed securely prior to the upcoming wet season. The temporary storage site is not fully enclosed and does not offer sufficient protection from the elements.

Although Foreshore Road is reserved in the Scheme for the purposes of a future heavy haulage route option, it is recommended that this should be reconsidered and reviewed as part of the Town Planning Scheme review.

ATTACHMENTS

1. Proposed Reserve Area.
2. Land Tenure Plan

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Resolve to close a portion of Foreshore Road, subject to no objections being received during the advertising period.
2. Following completion of the advertising period, request the Department for Planning and Infrastructure (DPI) to close an approximately 1,000m² portion of the Foreshore Road, to be reserved for the purpose of 'Emergency Services' and issue a management order in the name of the Shire of Wyndham East Kimberley with the power to lease.
3. Agree to Lease the proposed reserve to the Wyndham Sea Rescue group for a term of 21 years and nominal rental amount.
4. Subject to no objections being received and with the written approval of Department for Planning and Infrastructure, allow the Wyndham Sea Rescue group to apply for building approval to construct a shed on an unconstructed portion of Foreshore Road prior to land tenure being formalised.

COUNCIL DECISION

Minute No. 8477

That Council:

1. **Resolve to close a portion of Foreshore Road, subject to no objections being received during the advertising period.**
2. **Following completion of the advertising period, request the Department for Planning and Infrastructure (DPI) to close an approximately 1,000m² portion of the Foreshore Road, to be reserved for the purpose of 'Emergency Services' and issue a management order in the name of the Shire of Wyndham East Kimberley with the power to lease.**
3. **Agree to Lease the proposed reserve to the Wyndham Sea Rescue group for a term of 21 years and nominal rental amount.**
4. **Subject to no objections being received and with the written approval of Department for Planning and Infrastructure, allow the**

Wyndham Sea Rescue group to apply for building approval to construct a shed on an unconstructed portion of Foreshore Road prior to land tenure being formalised.

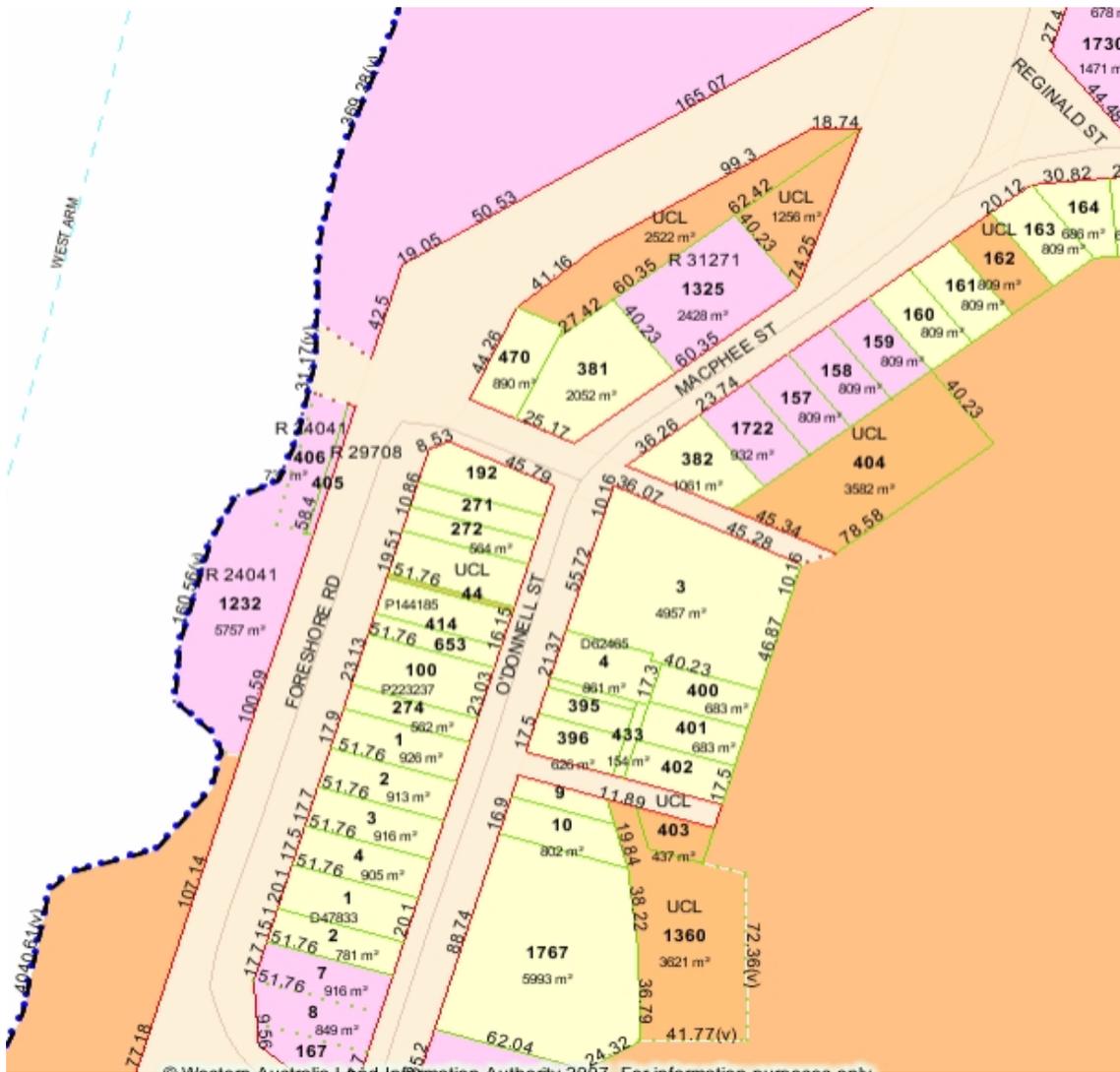
***Moved:Cr D Ausburn
Seconded:Cr J Moulden***

CARRIED UNANIMOUSLY: (7/0)

ATTACHMENT 1: PROPOSED RESERVE AREA



ATTACHMENT 2: LAND TENURE PLAN



12.5. COMMUNITY SERVICES

Nil

12.6. CHIEF EXECUTIVE OFFICER

12.6.1 USE OF COMMON SEAL (8478)

DATE:	16 December 2008
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Fiona Kuiper, Executive Support Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	60.14.04
ASSESSMENT NO:	N/A

PURPOSE

For Council to receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from the period 11 November to 8 December 2008.

BACKGROUND

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

- Transfer of Land Lot 307 on Plan 21745 – 1 copy
- Lease – Shire of Wyndham East Kimberley – Margret Conley Lot 181 on Deposited Plan 28255 – 2 copies
- Lease Wyndham Port Hall – SWEK and Save The Gouldian Fund – 2 copies
- Program Funding Agreement n- East Kimberley Youth Service Network – Indigenous Coordination Centre – SWEK – one copy
- Transfer of Land – Lot 317 Laine Jones Drive Kununurra to Marsarmatt Holdings Pty Ltd - one copy
- Transfer of Land – Lot 313 Peter Reid Drive Kununurra to Melon Garm (NT) Pty Ltd – one copy

STATUTORY IMPLICATIONS

Local Government Act 1995

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This report aligns with Council's focus on Governance, Key Result Area 5, in Council's Strategic Plan.

COMMENT

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

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from 11 November to 8 December 2008.

COUNCIL DECISION

Minute No. 8478

Moved:Cr J Moulden

Seconded:Cr D Ausburn

That Council receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from 11 November to 8 December 2008.

CARRIED UNANIMOUSLY: (7/0)

12.6.2 DELEGATED AUTHORITY REPORT (8479)

DATE:	16 December 2008
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Fiona Kuiper, Executive Support Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	60.14.04
ASSESSMENT NO:	N/A

PURPOSE

To report to Council on the use of Delegated Authority by Officers for the period 11 November to 8 December 2008.

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.

It should be noted that the table includes a number of delegated planning approvals for February not reported at March 18 meeting.

STATUTORY IMPLICATIONS

LOCAL GOVERNMENT ACT 1995 - SECT 5.46

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

GOVERNANCE
Key Result Area 5

Compliance with legislative requirements.

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

OFFICER'S RECOMMENDATION

That Council receive the Delegated Authority Report for the period 11 November to 8 December 2008.

COUNCIL DECISION

Minute No. 8479

***Moved:Cr D Ausburn
Seconded:Cr J Parker***

That Council receive the Delegated Authority Report for the period 11 November to 8 December 2008.

CARRIED UNANIMOUSLY: (7/0)

Cr R Addis returned to the meeting at 7.01pm

Attachment: Delegated Authority Report

BUILDING LICENCES ISSUED UNDER DELEGATED AUTHORITY – 1 – 30 November 2008

LIC#	DATE	OWNER	ADDRESS	BUILDER	LOCATION	DESCRIPTION	NEW /ADD	LOT AREA	FLOOR AREA	EST. VALUE
147 /2008	11/11/2008	Department of Housing & Works	99 Plain St East Perth	Maglion Enterprises	Lot 182 Corkwood Kununurra	Single Dwelling with verandah & carport	New	675	219	\$338,162.00
148 /2008	10/11/2008	Department of Housing & Works	99 Plain St East Perth	Maglion Enterprises	Lot 188 Quondong, Kununurra	Single Dwelling with verandah & carport	New	675	216	\$338,162.00
149 /2008	10/11/2008	Department of Housing & Works	99 Plain St East Perth	Maglion Enterprises	Lot 198 Quondong, Kununurra	Single Dwelling with verandah & carport	New	629	165	\$335,662.00
150/ 2008	10/11/2008	Frigebol Pty Ltd	PO Box 20 Kununurra	Robert Boshammer	Lot 552 Papuana Street Kununurra	Class 5 & 10A Extension to existing office	Add		44	\$20,000.00
151/ 2008	11/11/2008	Tropical Forestry	PO Box 628 Kununurra	Glendale Homes Pty Ltd	King Loc 385 Packsaddle Road Kununurra	Class 1A dwelling	New		92	\$194,232.00
152/ 2008	11/11/2008	B&N Robinson	PO Box 1103 Kununurra	K.G.C Enterprises Pty Ltd	Lot 186 Quondong st Kununurra	Single Dwelling with verandah & carport	New		179	\$362,000.00
153/ 2008	12/11/2008	E Duff	PO Box 100 Kununurra	Ed Duff	Lot 110 Pardalote Way	Non Habitable Shed	New	2.13 ha	21.7	\$10,000.00
154/ 2008	12/11/2008	GREEN COUNTRY HOLDINGS PTY LTD	PO Box 1019 Kununurra	Glendale Homes Pty Ltd	Lot 102 Bullrun Road Kununurra	Two Storey Dwelling	New	2.02 ha	245	\$422,885.00

THERE WERE NO SIGN LICENCES ISSUED UNDER DELEGATED AUTHORITY – 1 – 30 November 2008

DEMOLITION LICENCES ISSUED UNDER DELEGATED AUTHORITY – 1 – 30 November 2008

Licence Number	Date	Assess No	Property Address	Premises	Owner	Builder/ Contractor	Contact Details	Comments (Asbestos)
11/2008	6/11/2008	260	Lot 2 Barytes Road Wyndham	Meat Works & Port Power Station Buildings	Cambridge Gulf Limited	P & C Welding	70 Kookaburra Drive Howard Springs NT	Steelframe - steel clad & concrete
12/2008	18/11/2008	1311	Lot 714 (8) Pandanus Street Kununurra	Single Dwelling	Department of Housing & Works	Colin Wilkinson Developments Pty Ltd	PO Box 3112 Broome WA	Timber frame - asbestos clad

TOWN PLANNING DELEGATED AUTHORITY APPROVALS - 11 November 2008 - 8 December 2008

Application / Delegation Number	Approval Type	Date Received	Applicant	Owner	Property Address	Proposed Development	Assess't Number	Approval Date
82/08	P	11-Nov-08	Callum & Fiona McDonald	Callum & Fiona McDonald	Lot 129 Whimbrel Rd, Kununurra	Single Dwelling & Shed	6997	17-Nov-08
78/08	P	01-Nov-08	Franco Carozzi Architects	GROH	Lot 1216 Delamere St, Wyndham	3 x Group Dwellings	180	21-Nov-08
84/08	P	18-Nov-08	Franmor Constructions	Michael Thomas	Lot 94 Bandicoot Dr, Kununurra	Office Extension	6000	25-Nov-08
83/08	P	11-Nov-08	Dennis Prior	Dennis Prior	Lot 538 packsaddle Rd, Kununurra	Packing Shed with Mezzanine Floor	611	28-Nov-08
85/08	P	18-Nov-08	Adrian & Kylie Roxburgh	Adrian & Kylie Roxburgh	Lot 105 Bull Run Rd, Kununurra	Extensions to Shed & Residence	6998	28-Nov-08
86/08	IP	24-Nov-08	Phil Flick	Phil Flick	Lot 452 Crossing Falls Rd, Kununurra	Troical Roof & Verandah addition to ancillary accommodation	2399	4-Dec-08

COMMUNITY QUICK GRANTS DELEGATED AUTHORITY APPROVALS - 12 November to 5 December 2008

Approval Date	Organisation	Purpose of Quick Grant	Total Project Cost	Amount Requested	Amount Approved
17 Nov 08	Kununurra Progress Association	Community screening – AUSTRALIA the movie	\$6,000	\$500	\$500

12.6.3 COUNCIL MEETING DATES 2009 (8480)

DATE:	16 December 2008
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Jo-Anne Ellis, Executive Manager Corporate Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	60.14.02
ASSESSMENT NO:	N/A

PURPOSE

To adopt Council Meeting dates for 2009.

BACKGROUND

Council Meeting dates are adopted and advertised annually.

STATUTORY IMPLICATIONS

Section 5.3 & 5.4 Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Council Meetings are the forum for Council to make strategic decisions to direct the focus and

COMMUNITY CONSULTATION

Nil

COMMENT

The meeting dates proposed have been discussed at the Briefing Session on 2 December 2008. The discussion included details of briefing session, Audit Committee and Airport Committee dates. A formal Council decision is required in relation to the Council Meeting dates only.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt and advertise the following meeting dates for 2009

Date	Location	Time
20 January 2009	Kununurra	6.00pm
17 February 2009	Kununurra	6.00pm
17 March 2009	Wyndham	6.00pm
21 April 2009	Kununurra	6.00pm
19 May 2009	Home Valley	6.00pm
16 June 2008	Kununurra	6.00pm
21 July 2009	Kununurra	6.00pm
18 August 2009	Wyndham	6.00pm
15 September 2009	Kununurra	6.00pm
20 October 2009	Kununurra	6.00pm
17 November 2009	Wyndham	6.00pm
15 December 2008	Kununurra	6.00pm

COUNCIL DECISION

Minute No. 8480

***Moved:Cr D Ausburn
Seconded:Cr J Parker***

That Council adopt and advertise the following meeting dates for 2009

<i>Date</i>	<i>Location</i>	<i>Time</i>
<i>20 January 2009</i>	<i>Kununurra</i>	<i>6.00pm</i>
<i>17 February 2009</i>	<i>Kununurra</i>	<i>6.00pm</i>
<i>17 March 2009</i>	<i>Wyndham</i>	<i>6.00pm</i>
<i>21 April 2009</i>	<i>Kununurra</i>	<i>6.00pm</i>
<i>19 May 2009</i>	<i>TBA</i>	<i>6.00pm</i>
<i>16 June 2008</i>	<i>Kununurra</i>	<i>6.00pm</i>
<i>21 July 2009</i>	<i>Kununurra</i>	<i>6.00pm</i>
<i>18 August 2009</i>	<i>Wyndham</i>	<i>6.00pm</i>
<i>15 September 2009</i>	<i>Kununurra</i>	<i>6.00pm</i>
<i>20 October 2009</i>	<i>Kununurra</i>	<i>6.00pm</i>
<i>17 November 2009</i>	<i>Wyndham</i>	<i>6.00pm</i>
<i>15 December 2008</i>	<i>Kununurra</i>	<i>6.00pm</i>

CARRIED: (7/1)

NOTE: The decision differs from the officers recommendation because the Council would like to determine cost of holding meeting at Home Valley prior to adopting this as a meeting venue

12.6.4 COUNCILLOR REPRESENTATION ON COMMITTEES (8481) (8482) (8483) (8484)

DATE:	16 December 2008
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Fiona Kuiper, Executive Support Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	60.14.02
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider its delegates and representations to various committees.

BACKGROUND

Council is involved with a large number of community committees. Councillor Representation on Committees was last considered at the Ordinary Meeting of Council on 19 August 2008. Since this time, Cr M Pucci has resigned and an Extraordinary Election has seen the election of two new Councillors, Cr R Boshammer and Cr K Torres.

Tabled below is a list of the committees and current representation:

	Committee Name	Representative/s
1	Audit Committee	Cr Addis, Cr Mills, Cr Wright, Cr Ausburn
2	CEO Review and Selection Panel	Cr R Addis Cr D Ausburn Cr M Pucci
3	Airport Committee	Cr Mills, Cr Wright, Cr Caley, Cr Moulden,
4	Local Emergency Management Committee (LEMC)	Cr D Ausburn Cr J Parker
5	Bush Fire Advisory Committee (BFAC)	Cr D Ausburn Cr F Mills
6	WALGA Kimberley Zone Council Delegates (2 required)	Cr F Mills Cr M Pucci
7	Kimberley Regional Road Funding Group	Cr K Wright Cr F Mills
8	Annual Community and Economic Development Grants Assessment Panel/ Australia Day/Citizenship/Volunteer Awards	Cr D Ausburn Cr J Parker
9	Kununurra Community Library Committee	Cr K Wright Cr M Pucci
10	Disability Access and Inclusion Planning Committee	Cr D Ausburn Cr J Parker
11	North Kimberley Land Care District Council (LCDC).	Cr F Mills Cr J Moulden
12	Halls Creek and East Kimberley Land Care District Council (LCDC)	Cr J Moulden
13	Zone Control Authority (ZCA)	Cr J Moulden

14	Ord Guard Board	Cr J Moulden
15	Road wise Committee	Cr D Ausburn
16	East Kimberley Visitor Centre	Cr F. Mills
17	Australian Airport Owners Association	Cr F. Mills
18	Kununurra/Wyndham Townscape Committee Working Group	Cr J Moulden Cr J Parker
19	Community Consultancy Council for Save the Children	Cr J Parker
20	Liquor Accord Kununurra	Cr D Ausburn
21	Liquor Accord Wyndham	Cr P Caley

STATUTORY IMPLICATIONS

Appointment to official Committees of Council are bound by the rules and regulations of the Local Government Act (1995) Section 5.10.

POLICY IMPLICATIONS

Council policies in relation to reimbursements of costs incurred while undertaking the role of Councillor are relevant to this matter.

FINANCIAL IMPLICATIONS

There are no specific financial implications of selecting Councillor representatives for various committees.

STRATEGIC IMPLICATIONS

Many of the Council committees outlined above are specifically (or implicitly) referred to in the Shire's Strategic Plan.

COMMENT

For Council to remain 'in touch' with the community it is imperative that Councillors remain involved with key community groups and associations. It is important that Council remain abreast of all key community issues and representation on key community groups, particularly those that align with the Strategic Plan.

Cr Parker has indicated that she would like to retain her existing committees and nominate to the Kimberley Development Commission. It should be noted that while Council can support a nomination, the Minister makes the appointments to the /Kimberley Development Commission.

Cr Ausburn has indicated that she no longer wants to sit on the Roadwise Committee.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Absolute Majority required for Audit, Airport and CEO Review committees

Simple Majority required for remaining committees

OFFICER'S RECOMMENDATION

That Council having considered Councillor representation on Committees appoints the following Councillors to Committees:

	Committee Name	Representative/s
1	Audit Committee	
2	CEO Review and Selection Panel	
3	Airport Committee	
4	Local Emergency Management Committee (LEMC)	
5	Bush Fire Advisory Committee (BFAC)	
6	WALGA Kimberley Zone Council Delegates (2 required)	Cr F Mills
7	Kimberley Regional Road Funding Group	
8	Annual Community and Economic Development Grants Assessment Panel/ Australia Day/Citizenship/Volunteer Awards	
9	Kununurra Community Library Committee	
10	Disability Access and Inclusion Planning Committee	
11	North Kimberley Land Care District Council (LCDC).	Cr F Mills Cr J Moulden
12	Halls Creek and East Kimberley Land Care District Council (LCDC)	Cr J Moulden
13	Zone Control Authority (ZCA)	Cr J Moulden
14	Ord Guard Board	
15	Roadwise Committee	
16	East Kimberley Visitor Centre	Cr F. Mills
17	Australian Airport Owners Association	Cr F. Mills
18	Kununurra/Wyndham Townscape Committee Working Group	
19	Community Consultancy Council for Save the Children	Cr J Parker
20	Liquor Accord Kununurra	
21	Liquor Accord Wyndham	

COUNCIL DECISION

Minute No. 8481

Moved:Cr D Ausburn

Seconded:Cr K Wright

That Council suspend Standing Order 7.5 to enable Councillors to speak more than once in relation to matter being debated.

CARRIED UNANIMOUSLY: (8/0)

Standing Order 7.5 was suspended at 7.08pm

Minute No: 8482

**Moved:Cr D Ausburn
Seconded:Cr J Parker**

That Council resume standing Order 7.5

CARRIED UNANIMOUSLY: (8/0)

Standing Order 7.5 resumed at 7.15pm

Minute No: 8483

**Moved:Cr K Wright
Seconded:Cr J Moulden**

That under section 5.10 of the Local Government Act 1995 Councillors F Mills, R Addis and D Ausburn are appointed to the CEO Review Committee and Selection Panel.

CARRIED BY ABSOLUTE MAJORITY: (8/0)

Minute No: 8484

**Moved:Cr K WRIGHT
Seconded:Cr J Moulden**

- 1. That the following Councillors are appointed to represent Council**
 - Cr F Mills and Cr K Torres as WALGA Kimberley Zone Council Delegates**
 - Cr P Caley and Cr D Ausburn ad proxy members on the WALGA Kimberley Zone**
 - Cr K Wright and Cr R Boshammer to the Kununurra Community Library Committee**
 - Cr R Boshammer to Roadwise Committee Kununurra**
 - Cr P Caley to the Roadwise Committee Wyndham**
- 2. That Council nominates Cr Parker to the Minister for consideration as a board member on the Kimberley Development Commission.**

CARRIED UNANIMOUSLY: (8/0)

COUNCIL DECISION

Minute No. 8485

Moved:Cr R Addis

Seconded:Cr K Wright

That the Council Meeting be adjourned for the Electors Meeting.

CARRIED UNANIMOUSLY: (8/0)

The Meeting was adjourned at 7.26pm

The Meeting resumed at 7.40pm

12.6.6 JUWULINYpany ABORIGINAL COMMUNITY - REQUEST FOR RESTRICTED AREA UNDER LIQUOR CONTROL ACT 1998 (8486)

DATE:	16 December 2008
PROponent:	Juwulinypany Aboriginal Corporation
LOCATION:	Juwulinypany Aboriginal Community (Bow River)
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	01.2569.13
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider a request for comment by the Minister for Racing and Gaming in reference to a proposed implementation of a restricted area regulation under section 175(1a) of the Liquor Control Act 1988, for the Juwulinypany Aboriginal Community (Bow River).

BACKGROUND

On the 27 November 2008 Council was invited to make comment to the Minister for Racing and Gaming on a proposed implementation of a restricted area regulation under section 175(1a) of the Liquor Control Act 1988, for the Juwulinypany Aboriginal Community (Bow River).

The Minister has advised that the restriction has been requested by the Community

STATUTORY IMPLICATIONS

Section 175(1a) of the Liquor Control Act 1988

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

COMMENT

The impact of misuse of alcohol in many communities is well recognised. Where aboriginal communities request support to manage this, it is considered appropriate that Council support their requests.

This is the second request of this type in past 3 months. The first was in relation to the Oombulgurri community in that instance the Shire President wrote the Minister advising Council would support the State's decision.

It considered useful for Council to adopt a standing position, to negate the need to bring forward future similar issue on a one by one basis.

ATTACHMENTS

Letter from the Minister for Racing and Gaming 24 November 2008 (Record Number 064094)

VOTING REQUIREMENT

Simple majority

OFFICER'S RECOMMENDATIONS

1. That Council advise the Minister for Racing and Gaming that it supports the request by the Juwulinypanny Aboriginal Community (Bow River) for implementation of Liquor restrictions around its community.
2. That Council advise the Minister Racing and Gaming that it has a standing position of supporting requests or liquor restrictions around remote aboriginal communities where communities request this.

COUNCIL DECISION

Minute No. 8486

1. ***That Council advise the Minister for Racing and Gaming that it supports the request by the Juwulinypanny Aboriginal Community (Bow River) for implementation of Liquor restrictions around its community.***
2. ***That Council advise the Minister Racing and Gaming that it has a standing position of supporting requests or liquor restrictions around remote aboriginal communities where communities request this.***

Moved:Cr D Ausburn

Seconded:Cr K Torres

1. *That Council advise the Minister for Racing and Gaming that it supports the request by the Juwulinypanny Aboriginal Community (Bow River) for implementation of Liquor restrictions around its community.*
2. *That Council advise the Minister Racing and Gaming that it has a standing position of supporting requests or liquor restrictions around remote aboriginal communities where communities request this.*

CARRIED UNANIMOUSLY: (8/0)

12.6.7 ORD RIVER SPORTS CLUB LEASE (8487) (8488)

DATE:	16 December 2008
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Chestnut Drive, Kununurra
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	66.20.37
ASSESSMENT NO:	N/A

PURPOSE

For Council to review the current Ord River Spots Club lease due to expire in April 2009.

BACKGROUND

1. The Ord River Sports Club site in Kununurra is vested to Council through a Management Order (attached). The Management Order gives Council the Power to Lease the Reserve for any term not exceeding 21 years.
2. It is understood that Council has had the Management Order for many years, dating back to the early development of the Kununurra town site.
3. A lease between Council and the Ord River Sports Club (Inc) was established 5 September 1973. This lease described the Shire at the time raising a loan of \$100,000 to construct the initial Sport Club, with the Ord River Sports Club (Inc) agreeing to pay back the loan. Clause 5 (w) of this lease required the Club to yield up the Clubhouse and all other buildings erected at the determination of the tenancy. This lease is attached.
4. In 1989 a new lease was signed between the Shire and Ord River Sports Club. This lease scheduled shows a commencement date for the lease of 28 April 1988, with the lease being for 21 years. On that basis the lease is due to expire 28 April 2009. This Lease between Council and Ord River Sports Club Inc is also attached.
5. In 1999 Council raised a Loan of \$123,000 to assist the Ord River Sports Club refurbish the building. The loan is self funding and currently has a balance of \$13,703.53 outstanding.
6. The Reserve also contains the bowling greens; an "indoor" cricket shed, and practice cricket wickets.
7. The Ord River Sports Club (Inc) main business is bar and TAB services.
8. The issue of the pending lease expiry was been advised to elected members at the April and December 2008 Briefing Sessions.



STATUTORY IMPLICATIONS

Section 3.58 of the Local Government Act 1995 prescribe options for Council to dispose of land including by lease.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

At 14 November 2008 the Club had a remaining outstanding debt to Council of \$13,703.53. The commitment given by the Club was that this outstanding debt would be cleared by 31 December 2008, and any other debts incurred since discussions in June 2008 would be addressed within the normal payment terms.

As at 13 November 2008, the Club had an outstanding rates and services debt of \$5,830.17, which is incurring penalties at 11% per annum on any outstanding balance. Rates are raised annually and notices this year were issued in August 2008, with payment (either in full or installments) required by 6 October 2008.

STRATEGIC IMPLICATIONS

The Ord River Sports Club is a key site in Kununurra, close to all amenities and soon to have medium density residential housing opposite it. The emergence of the Club as a vibrant facility is considered important to the community.

COMMUNITY CONSULTATION

It is recommended an extensive community consultation process be engaged in terms of the future of the Sports Club site.

COMMENT

It is presumed that Council may have originally assumed the Management Order because of community benefit in facilitating a venue for community members for socialising in the early years of the Kununurra town site. In the decades since then, Kununurra has developed considerably and there are now a range of commercial facilities for community to members to socialise and access.

Therefore the previous need for Council involvement with Reserve 3312, in terms of the Sports Club, seem to have diminished.

Council should be mindful that, notwithstanding seasonal use of the Club by sports organisations the major services provided the Club are bar and TAB services both functions provided by alternate private sector business in the community.

Council may therefore want to consider its strategic need/value in continuing its role the current arrangement.

A new lease and continuation of the Sports Club in its current style for a further decade is probably not a great outcome for the community. A new approach is suggested. Given the history and potentially controversial nature of any considered change there would be a need for well managed public consultation.

Council is making a considerable community investment by expanding and improving the Tennis, Netball and Basketball Courts, and construction of the new Youth Centre.

The Rewards Group Pty Ltd are continuing to seek progression of the Agate Lane re-development proposal and if this proceeds, combined with the work Council is already committed to in this vicinity, and likely urban development of a portion of Reserve 29799, then it may be worth considering how the Ord River Sports Club can be improved or changed over the longer term for increased community benefit.

To promote discussion the following options are suggested:

	Options	Implications
1	Excise Club site out of the Recreation Reserve and advise State Government that Council does not want vesting of Club site.	Leaves the matter between State & Club.
2	Ask the State Government to excise the Club site from the Reserve & sell it freehold, with funds raised being provided to the Council to re-invest in community infrastructure for community benefit.	Private ownership may encourage re- development of Club & site. Rateable property. Funds raised for asset improvement.
3	Issue a new 2 year lease with Club, on	Requires skilled leadership on public

	<p>the proviso:</p> <ul style="list-style-type: none"> • That Club enters into agreement with Council to undertake a Master Planning exercise for the future of site as a community asset • That the Club re-structure its Board/constitution to include Councillor positions, and external Board members to facilitate a broader more strategic community approach 	<p>consultation from Council. Master Plan developed to lead to improved facility and community benefit. Short time frame to focus all parties.</p>
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It is recommended that option 3 in the table above be the adopted position of Council and should that not be agreeable to the Ord River Sports Club (Inc) that option 2 be implemented.

Like many Clubs the Ord River Sports Club (Inc) has had very successful years and others where it has struggled. Currently it has significant debts and financial challenges.

Change is needed to see the Ord River Sports Club re-energise find increase community benefit. It is considered this change is unlikely unless discrete and targeted measures such as those recommended in option 3 are adopted.

Option 3 represents a chance for the Club and community to undertake analysis of the future relevance of the facility.

ATTACHMENTS

Lease - 1988 to 2009
Lease - 1973 to 1988
Plan of the area

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION 1

That Council assist the Ord River Sports Club (Inc) in their assessment of the Club's future, by providing clarity on the Club lease tenure and invite the Ord River Sports Club to accept a new 2 year lease from 26 April 2009 to 26 April 2011, subject to the Club:

- a) entering into a written agreement with Council to undertake a Master Planning exercise for the future of site as a community asset; and
- b) Agreeing in writing to re-structuring its Board and constitution to include Councillor positions, and external Board members to facilitate a broader more strategic community approach to the Club future.

OFFICER'S RECOMMENDATION 2

That subject to Council adoption of Recommendation 1, Councillor Wright be appointed to lead the public consultation process required to deliver a Master Planning exercise with completed report to be tabled to Council by October 2009.

OFFICER'S RECOMMENDATION 3

That should recommendation 1 not be acceptable to Council and or the Ord River Sports Club (Inc) then Council requests the State Government to excise the Club site from the Reserve 33112 and sell it freehold, with funds raised being provided to the Council to re-invest in community infrastructure for community benefit.

COUNCIL DECISION

Minute No. 8487

Moved:Cr J Moulden

Seconded:Cr D Ausburn

That Council assist the Ord River Sports Club (Inc) in their assessment of the Club's future, by providing clarity on the Club lease tenure and invite the Ord River Sports Club to accept a new 2 year lease from 26 April 2009 to 26 April 2011, subject to the Club:

- a) entering into a written agreement with Council to undertake a Master Planning exercise for the future of site as a community asset; and***
- b) Agreeing in writing to re-structuring its Board and constitution to include Councillor positions, and external Board members to facilitate a broader more strategic community approach to the Club future.***

CARRIED UNANIMOUSLY

Minute No: 8488

Moved:Cr J Moulden

Seconded:Cr D Ausburn

That Council appoint Councillor Wright to lead the public consultation process required to deliver a Master Planning exercise with completed report to be tabled to Council by June 2009.

CARRIED UNANIMOUSLY: (8/0)

The Officers Recommendation was changed because Cr Wright believe that June 2009 was an achievable and more appropriate deadline

ORIGINAL
LEASE

SHIRE OF WYNDHAM - EAST KIMBERLEY

- to -

ORD RIVER SPORTS CLUB (INC:)

=====

L E A S E

=====



THIS INDENTURE made the ~~fifteenth~~ ^{third} day of ~~February~~ ^{September} ..
One thousand nine hundred and seventy ~~two~~ B E T W E E N ..
SHIRE OF WYNDHAM - EAST KIMBERLEY of Koolama Street ..
Wyndham in the State of Western Australia (hereinafter re -
ferred to as "the Shire") of the one part and the ORD RIVER
SPORTS CLUB (INC:) of Kununurra aforesaid ..
(hereinafter referred to as "the Club") of the other part ..

PKK
PKK
PKK
PKK
PKK

WHEREAS:

(a) Pursuant to the provisions of Section 33 of "The Land Act 1933 - 1962" ALL THAT Piece of land being part...
Kununurra Lot 77 the subject of Reserve Number 29799...
Comprising 1 acre or thereabouts but subject to survey
was vested in the Shire in trust for the purpose of ..
Public Recreation with power to the Shire ..
to lease the same or any part thereof for a period ..
not exceeding Twenty-one (21) years from the date of ..
the lease but subject to the written approval of the ..
Minister. ..

(b) The Club has requested the Shire to erect a Club House
on the said Reserve and for such purpose to raise a ..
loan of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) and
when completed to grant to it a lease of the said ..
Reserve and the said Club House which the Shire has
agreed to do subject to the consents of the Governor
and of the Minister and upon the Club undertaking to

repay the said sum with interest thereon as hereinafter provided and at the rental and upon the terms and conditions hereinafter contained

NOW THIS INDEMNITY WITNESSETH as follows:

1. The Shire shall forthwith sign execute and do all such applications .. notices and things as may be necessary pursuant to the provisions of "The Local Government Act 1960-71" to raise a loan of ONE HUNDRED THOUSAND .. DOLLARS (\$100,000.00) for the purposes of erecting a Club House on the ... said Reserve Number 29799 (hereinafter referred to as "the said land") and to obtain the consents of the Governor and of the Minister to lease the .. said land and Club House to the Club for a period of Twenty (20) years and for an Order relieving the Shire from submitting the said land for letting by public tender
2. The Shire will upon the Consent and Order being given by the Governor. as aforesaid receive the plans and specifications for the Club House from. the Club for approval and upon such approval being granted will at the ... expense of the Shire and with all due despatch build and complete the Club House and other facilities on the said land in accordance with the said .. plans and specifications therefore
3. The Club shall repay to the Shire the said sum of one hundred thousand dollars (\$100,000.00) borrowed by the Shire and expended by it on the erection and provision of the said Club House and other facilities as aforesaid together with interest thereon at the rate of Seven Dollars and Ten Cents per centum per annum (\$7.10) during the period of the lease by . the payments on the dates and in accordance with the Schedule of Payments. set out in the Schedule hereto
4. In consideration of the sums payable under Clause 3 hereof and the ... rents and covenants of the Club hereinafter reserved and contained the ... Shire INDULGENTLY AGREES TO LEASE to the Club and the Club AGREES to take on. lease ALL THAT portion of Reserve No. 29799 comprising Kaminurra lot 77 and being that part bordered red on the plan annexed hereto TOGETHER WITH all other buildings and erections thereon and the facilities provided therewith (hereinafter referred to as "the devised premises") TO BE HELD. by the Club for a term of TWENTY YEARS (20) years commencing on the Fifteenth day of February 1972 YIELDING AND PAYING therefore the clear yearly rental subject however as provided in Clause 7 (c) of ONE DOLLAR. (\$1.00) payable on the First day of July in each and every year the first. of such payments to be made on the First day of July One thousand nine ... hundred and seventy two SUBJECT to the covenants and powers implied in . "The Transfer of Land Act 1893" and "The Land Act 1933 - 1962" (unless. hereby negatived or modified) and also to the covenants and conditions .. hereinafter contained

5. The Club for itself and its successors and assigns ..
and to the intent that the obligations may continue throughout
the term hereby created HEREBY COVENANTS with the
Shire as follows:

- (a) To pay the rent hereinbefore reserved at the times and ..
in the manner hereinbefore mentioned without any deduct -
ion whatsoever
- (b) To bear pay and discharge all existing and future rates .
taxes charges assessments and impositions imposed on ..
or payable by the owner or occupier of the demised ..
premises in respect thereof
- (c) To insure and keep insured in the name of the Shire ..
and the Club in the full insurable value thereof the ..
Club House and all other buildings on the demised pre - .
mises and when required deposit the policy of insurance .
with the Shire
- (d) To provide an maintain at all times the electrical ..
sanitary and water supply services and to pay punctually.
for all electricity and water used by the Club on ..
the said premises
- (e) To use the demised premises for a Club House and Sports .
Club only and not to use or suffer the same to be used ..
for any other purpose whatsoever without the previous ..
consent in writing of the Shire first had and obtained ..
- (f) To carry on the Sporting Club in accordance with the ..
most approved methods and at all times to the satisfac -
tion of the Shire and to comply with and obey the provi-
sions of all statutes and orders of whatsoever kind to ..
be made relating thereto
- (g) Not without the previous consent in writing of the ..
Shire first had and obtained to erect or suffer to ..
be erected any building on the demised premises or to ..
make or suffer to be made any alteration in or to the ..
buildings on the demised premises or cut main or injure .
or suffer to be cut maimed or injured any of the walls .
or timbers thereof
- (h) Not to alter the character or interfere with the present.
state of the demised premises further than may be nec- ..
essary for laying out and maintaining the same as a ..
proper Sporting Club
- (i) Not without the previous consent in writing of the Shire.
or its Clerk or Engineer cut down any trees or sell re- .
move or otherwise dispose of any clay, gravel, timber .
or other materials from the demised premises

- (j) To keep and maintain the demised premises and all .. buildings and other improvements thereon and all fences and gates in good and tenantable repair order and condition and properly cleansed and to the satisfaction of the Shire and to maintain and uphold in good order and condition and keep in proper playing order all sporting facilities constructed upon the said land
- (k) To comply with and obey the provisions of all lawful .. and valid regulations notices orders and bylaws which . may from time to time be made or given with respect to. or affecting the demised premises or any part thereof . or any buildings thereon or the use or occupancy thereof under the provisions of "The Health Act 1911" The.. Local Government Act 1960" "The Fire Brigades Act 1942" or any Act or Acts amending the same or any other Statute order regulation or by-law now or hereafter in .. force or made or given by any Minister, Department, .. Health Board, Shire Council, Waterworks Board, Sewerage or Drainage Board, Fire Brigade Board or other competent authority or person
- (l) Not to suffer the said premises to be used in such a .. manner as to become a nuisance or to cause annoyance .. or inconvenience to anyone in the district and not to .. allow any offensive conduct thereon and not to permit .. or suffer the use or sale of spiritous or fermented .. liquors on the leased premises unless authorised to do . so pursuant to the provisions of "The Licensing Act .. 1911" and then only upon such part of the demised .. premises in which the sale and consumption of such .. liquors is authorised by the said Licensing Act
- (m) To cut water and properly maintain all such hedges as .. shall from time to time be planted on the demised premises and to water and properly maintain all gardens as.. shall from time to time be laid out and planted on the.. demised premises and where necessary to replace such .. shrubs and plants as have died or been destroyed
- (n) To comply with and observe all the provisions of "The .. Licensing Act 1911 - 1963" and its amendments relating . to Clubs in the event of the Club obtaining a Club .. License for any portion of the demised premises
- (o) To paint or colour the inside of the Club House erected on the demised premises as often as may be reasonably .. required by the Shire and with such colours and .. materials as may be approved by the Shire in writing ..
- (p) To permit the Shire and its Clerk, Engineer, Architect and contractors with or without workmen and others as ..

- 7a
- given by the Shire to repair in accordance therewith .
- (q) To permit the Shire its Clerk, Engineer, Architect .
Contractors and their servants and agents with all ..
necessary plant and materials at all times to have ..
access to the demised premises and the right to remain
thereon to carry out any alterations improvements or .
work whether structural or otherwise which the Shire .
may be required or desire to effect to the demised ..
premises
- (r) To repair and make good the demised premises or any ..
building or structure thereon in accordance with not-
ices received from the Shire and in accordance with ..
the covenants herein contained
- (s) That all work to be done by the Club in pursuance of .
this lease shall be done under the supervision and to.
the satisfaction of the Clerk or Engineer of the Shire
and in the event of any dispute the Certificate of ..
Clerk or Engineer shall be final
- (t) Not to assign nor to underlet or part with possession.
of the demised premises or any part thereof without ..
the consent in writing of the Shire ^{and the Hon. Minister for Lands} first had and ob-
tained PROVIDED THAT the discretion of the Shire shall
be absolute and all the provisions of Section 4 of "The
Landlord and Tenant Act 1912" are hereby expressly ex-
cluded
- (u) In the event of the Club being entitled to remove all.
or any buildings or structures erected on the demised.
premises but only with the written consent of the Shire
to pull down and remove the same in a workmanlike ..
manner so as not to cause any damage to the demised ..
premises and forthwith after such removal to restore .
the sites thereof so far as possible to the present ..
condition thereof
- (v) To pay the costs of and incidental to the preparation.
and stamping of this lease and to pay all costs char-
ges and expenses (including Solicitor's costs and Ar-
chitect's fees) incurred by the Shire for the purpose
of or incidental to the preparation and service of ..
the notice under Section 3 of "The Landlord and Ten-
ant Act 1912" requiring the Club to remedy a breach ..
of any of the covenants hereinbefore contained not -
withstanding forfeiture for such breach shall be ..
avoided otherwise than by relief granted by the ..
Court

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

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

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

(a) That if the Club shall fail or neglect to pay any of . the sums mentioned in Clause 3 hereof or any part .. thereof or any instalments of rent within fourteen .. (14) days after the same shall have become due whether formally demanded or not or if the Club shall fail in. the performance or observance of any of the covenants. on its part hereinbefore contained or if the Club shall cease to exist as a Club or to use the demised premis- es as a Sports Club as aforesaid it shall be lawful for the Shire to re-enter on the demised premises and .. thereupon the term hereby granted shall be determined. but without prejudice to the right of action of the .. Shire in respect of any breach of the Club's covenants herein contained

(b) In the event of the Club making default in the payment of any rates taxes or other outgoings or insurance premiums payable by it hereunder or in complying with. any requisitions notices or orders or in the perform- ance or observance of any covenant or condition cont- ained or implied hereunder it shall be lawful for but not obligatory upon the Shire to pay all such rates.. taxes and other outgoings or premiums comply with any such regulations notices or orders effect any repairs and do all such work and things in respect of which . default has been made by the Club and all moneys so . paid together with interest thereon at the rate of .. EIGHT DOLLARS (\$8) per centum per annum calculated .. from the date when such moneys were paid or expended. respectively shall be repaid by the Club to the Shire on demand and until paid shall be added to the rent . hereby reserved and be recoverable as rent in arrears

8. These presents are entered into subject to and conditionally upon the Shire being able to raise the said loan of .. One hundred thousand dollars (\$100,000.00) and upon the consent and Order of the Governor referred to in Clause 2 hereof being obtained and to the consent of the Minister for Lands to this lease being granted and in the event of the Club being unable to raise the said loan or the consents and Order of the Governor and/or Minister for Lands being for any reason refused .. then these presents shall be absolutely null and void and of no force and effect

IN WITNESS whereof the parties hereto have hereunto set their hands and seals the day and year first .. hereinbefore written

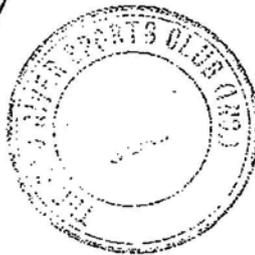
THE COMMON SEAL of SHIRE)
OF WYNDHAM-EAST KIMBERLEY)
was hereunto affixed in)
the presence of:



[Handwritten Signature]
.....
PRESIDENT

[Handwritten Signature]
.....
SHIRE CLERK

THE COMMON SEAL OF THE
ORD RIVER SPORTS CLUB (INC:) was)
hereunto affixed in the)
presence of:)



[Handwritten Signature]
.....
PRESIDENT

[Handwritten Signature]
.....
VICE PRESIDENT

[Handwritten Signature]
.....
SECRETARY

[Handwritten Signature]
APPROVED

ORD RIVER SPORTS CLUB INC.

SHIRE OF WYNNHAM-EAST KIMBERLEY

LOAN NUMBER 34

PRINCIPAL 100000.00 REPAYMENT PERIOD 20.0 YEARS INTEREST RATE 7.1000

SCHEDULE OF DEBENTURE

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN	FOURTH COLUMN	FIFTH COLUMN	SIXTH COLUMN
NUMBER OF PAID	PRINCIPAL OUTSTANDING AT THE BEGINNING OF EACH HALF-YEAR	PORTION OF HALF-YEARLY PAYMENT APPLIED TO INTEREST	PORTION OF HALF-YEARLY PAYMENT APPLIED TO PRINCIPAL	TOTAL HALF-YEARLY PAYMENT SECURED BY DEBENTURE	DATE PAYABLE
	\$	\$	\$	\$	
1	100,000.00	3,550.00	1,169.11	4,719.11	15. 0.72
2	98,830.89	3,508.50	1,210.61	4,719.11	15. 0.73
3	97,620.28	3,465.52	1,253.59	4,719.11	15. 0.73
4	96,368.69	3,421.02	1,298.09	4,719.11	15. 0.74
5	95,068.60	3,374.94	1,344.17	4,719.11	15. 0.74
	93,734.43	3,327.22	1,391.89	4,719.11	15. 0.75
	92,332.54	3,277.31	1,441.30	4,719.11	15. 0.75
	90,891.24	3,226.64	1,492.47	4,719.11	15. 0.76
	89,398.77	3,173.66	1,545.45	4,719.11	15. 0.76
	87,853.32	3,118.79	1,600.32	4,719.11	15. 0.77
	86,253.00	3,061.98	1,657.13	4,719.11	15. 0.77
	84,595.07	3,003.15	1,715.90	4,719.11	15. 0.78
	82,879.91	2,942.24	1,776.57	4,719.11	15. 0.78
	81,109.04	2,879.16	1,839.95	4,719.11	15. 0.79
	79,269.09	2,813.84	1,905.27	4,719.11	15. 0.79
	77,357.32	2,746.20	1,972.91	4,719.11	15. 0.80
	75,364.91	2,676.18	2,042.95	4,719.11	15. 0.80
	73,341.06	2,603.64	2,115.47	4,719.11	15. 0.81
	71,226.49	2,528.54	2,190.57	4,719.11	15. 0.81
	69,035.92	2,450.78	2,268.33	4,719.11	15. 0.82
	66,767.59	2,370.25	2,348.86	4,719.11	15. 0.82
	64,418.73	2,286.96	2,432.25	4,719.11	15. 0.83
	61,986.48	2,200.52	2,518.59	4,719.11	15. 0.83
	59,467.89	2,111.11	2,608.00	4,719.11	15. 0.84
	56,859.89	2,018.53	2,700.58	4,719.11	15. 0.84
	54,159.31	1,922.66	2,796.45	4,719.11	15. 0.85
	51,362.86	1,823.38	2,895.73	4,719.11	15. 0.85
	48,467.13	1,720.58	2,998.53	4,719.11	15. 0.86
	45,468.60	1,614.14	3,104.97	4,719.11	15. 0.86
	42,363.93	1,503.91	3,215.20	4,719.11	15. 0.87
	39,148.43	1,389.77	3,329.34	4,719.11	15. 0.87
	35,819.09	1,271.58	3,447.53	4,719.11	15. 0.88
	32,371.56	1,149.19	3,569.92	4,719.11	15. 0.88
	28,801.64	1,022.46	3,696.65	4,719.11	15. 0.89
	25,104.99	891.23	3,827.38	4,719.11	15. 0.89
	21,277.11	755.34	3,963.77	4,719.11	15. 0.90
	17,313.34	614.62	4,104.49	4,719.11	15. 0.90
	13,208.95	468.91	4,250.20	4,719.11	15. 0.91
	8,962.88	318.82			

51

- 1 9 8 9 -

SHIRE OF WYNDHAM/EAST KIMBERLEY

- and -

ORD RIVER SPORTS CLUB (INC.)

L E A S E

NORTHMORE HALE DAVY & LEAKE

Dup 42
OK 15 -

THIS AGREEMENT is made the 12th day of July 1989

B E T W E E N :

WESTERN AUSTRALIA STAMP DUTY
05/12/89 7448240 078 *****2.00
7448240 078 5.00

The persons or bodies specified in Item 1 of the Schedule ("the Lessor")

and

The persons or bodies specified in Item 2 of the Schedule ("the Lessee")

W H E R E A S :

- A. The land described in Item 3 of the Schedule ("the Land") is vested in the Lessor for the purpose specified in Item 4 of the Schedule.
- B. The Lessor leased to the Lessee ("the Former Lease") the land together with all buildings, improvements, fixtures and fitting thereon ("the premises") at the rental and on the terms and conditions therein contained.
- C. The Lessee is now desirous of surrendering the premises and entering into a new Lease and the Lessor has agreed to accept surrender of the premises and grant a new Lease ("the Lease") of the premises subject to the giving of all approvals required by law at the rental and on the terms and conditions herein contained.
- D. The Minister of Land Administration has granted approval of the Lease by the Lessor to the Lessee of the premises.
- E. The Lessee requested the Lessor to raise three loans for the purpose of development and improvements to the premises on the land which the Lessor agreed to do subject to the consent of the Governor and the Minister and upon the

TAXATION
STATE 31 AUG 1989 DEPT.
WEST. AUST.

Lessee undertaking to repay the loans with interest. The Lessor has paid to the Lessee the amount raised by the loans and by a Deed dated the *12th day of July* 1989 between the Lessor and the Lessee ("the Deed") the Lessee has agreed to pay to the Lessor all instalments of principal and interest due with respect to the loans.

NOW THIS AGREEMENT WITNESSES as follows:-

SURRENDER

1. In consideration of the premises the Lessee hereby conveys and surrenders to the Lessor the premises to the intent that the term of years granted by the Former Lease shall from and including the 26th day of April 1988 be extinguished in the reversion expectant thereon.

LESSEE'S OBLIGATIONS

2. Nothing herein contained or done or omitted to be done hereunder or otherwise shall release or discharge the Lessee from or prejudice or affect the obligations and the liability to observe perform fulfil and keep all and singular the covenants agreements and conditions on the part of the Lessee in the Former Lease with respect to the premises up to the date of surrender specified in clause 1 hereof.

LEASE

3. The Lessor HEREBY LEASES the premises to the Lessee for the term specified in Item 5 of the Schedule commencing on the date specified in Item 6 of the Schedule the Lessee YIELDING AND PAYING THEREFOR an annual rental of ONE DOLLAR (\$1.00) payable on demand.

LESSEE'S COVENANTS

4. The Lessee HEREBY COVENANTS with the Lessor as follows:

Payment of Rent

- (a) To pay the Lessor the rent hereby reserved at the times and in the manner provided herein.

Rates, Taxes & Outgoings

- (b) To pay and discharge all rates and taxes including land tax assessed or charged in respect of the premises and all other outgoings, including without limitation all telephone, electricity, gas, water, rubbish collection and sewerage charges, levied, charged or imposed upon the premises or any part thereof or arising out of the use thereof and whether expressed to be payable by the owner or occupier thereof.

Maintenance, Repairs & Painting

- (c) To keep and maintain every part of the premises and all additions thereto and all lighting and electrical installations and all drainage and all other fixtures and fittings in good and substantial repair, order and condition to a standard acceptable to the Lessor (and to effect such structural alterations as are necessary) and to paint all such parts of the exterior and interior of any building forming part of the premises as are now painted or are usually painted at such times and in accordance with the directions of the Lessor.

Cleaning

- (d) At its own expense during the term at all times to

keep and maintain the premises well cleansed and drained and in good sanitary condition to a standard acceptable to the Lessor and properly disinfected, free from rubbish, refuse and disused material of any kind.

Entry by Lessor to View

- (e) To permit the Lessor, its officers, members or agents at all reasonable times with or without workmen or others to enter the premises to view the state of repair and condition thereof and to forthwith carry out any repairs, cleaning, painting or other works for which the Lessee is responsible under this Lease in accordance with any notice in writing given to the Lessee or left on the premises by the Lessor.

Abatement of Nuisances

- (f) Not to do or leave undone any act matter or thing which may be or be deemed to be a nuisance within the meaning of the Local Government Act, the Health Act, the Factories and Shops Act or any other Act or under any by-laws or regulations applicable to the premises or the use or occupation thereof by the Lessee and forthwith to abate any such nuisance or alleged nuisance.
- (g) To ensure that the premises are not used in any manner which may be or become a nuisance disturbance or annoyance to the quiet and comfort of any occupier of any land in the vicinity of the premises and on being required to do so by the Lessor a member of the Lessor's Council or any officer of the Lessor to forthwith abate any such nuisance, disturbance or annoyance.

Pests

- (h) To keep all buildings on the premises free of ants, pests and vermin.

Disorderly Behaviour

- (i) To prevent disorderly behaviour and indecent language in the premises at all times during the day and night.

Compliance with Statutes

- (j) At its own expense to comply with, carry out and perform the requirements of the Local Government Act, the Health Act and all other Acts, town planning schemes, by-laws or regulations or of any requisitions or orders thereunder applicable to the premises or the use or occupation thereof.

Permitted Use

- (k) To use the premises solely for the purpose specified in Item 7 of the Schedule.

Prohibited Use

- (l) Not to use the premises for any business or commercial use without the prior written consent of the Lessor or for any illegal or immoral purpose.

Insurance

- (m) To pay to the Lessor on demand the cost to the Lessor of insuring and keeping insured for the full value thereof all buildings, erections or other improvements comprised in the premises including any plate glass therein (if any) in the names of the Lessor and the Lessee for their respective interests

with an insurance company nominated by the Lessor against fire, storm, tempest, earthquake, malicious damage and such other risks as the Lessor shall determine and to allow the Lessor to hold every insurance policy therefor.

- (n) To effect and keep in force throughout the term a public risk policy of insurance in an amount of not less than ONE MILLION DOLLARS (\$1,000,000.00) and to produce to the Lessor on request a certificate of the currency of that policy.
- (o) Not to do or suffer to be done anything whereby any policy of insurance in respect of the premises may become void or voidable or whereby the rate or premium thereon may be increased and if any increased premium shall be payable by reason of any acts or defaults of the Lessee (including absence from the premises) under this sub-clause then to pay to the Lessor on demand the amounts by which such premium shall be increased.
- (p) At its own expense to make such amendments alterations and additions to the premises as shall be required by any requisitions or requirements of the Insurance Council of Australia or other body or authority having power or control over electrical installations or fixtures or dealing with insurance matters.

Indemnity

- (q) To indemnify the Lessor and keep the Lessor indemnified from and against all claims, demands, writs, summonses, actions, suits, proceedings, judgments, orders, decrees, damages, costs, losses and expenses of any nature whatsoever which the Lessor may suffer or incur in connection with the loss of life, personal injury or damage to property arising from or out of any occurrence in upon or at the premises or

the use by the Lessee of the premises or any part or to any person or the property of any person using or entering or near any entrance to the premises or occasioned (wheresoever it may occur) wholly or in part by any act, neglect, default or omission by the Lessee its agents, contractors, servants, workmen, customers, members or any other person or persons using or upon the premises with its consent or approval expressed or implied.

Alterations & Improvements

- (r) Not without the prior written consent of the Lessor to erect or suffer to be erected any building or structure on the premises or to make or suffer to be made any alteration in or additions to any building or any other improvements to the premises or to remove any such improvements or to cut maim or injure or suffer to be cut maimed or injured any of the walls or timbers thereof.

Sale of Liquor

- (s) Not to sell or permit the sale of any spiritous or fermented liquors on the premises or any part thereof other than under a valid licence issued in pursuance of the Liquor Licensing Act 1988, and then only with the prior written consent of the Lessor.

Assignment or Subletting

- (t) Not to assign, sublet or part with the possession of the premises or any part thereof without the consent in writing of the Lessor and the Minister for Lands first had and obtained and it is HEREBY DECLARED that Sections 80 and 82 of the Property Law Act 1969 are expressly excluded.

Signs

- (u) Not without the prior written consent of the Lessor to affix or exhibit or permit to be affixed to or exhibited upon any part of the exterior of the premises or in any place visible from beyond the premises any placard, sign, poster, hoarding or advertisement.

Legal Costs

- (v) To pay the costs (on the scale applicable to the Lessor) of and incidental to the negotiations and instructions for and the preparation, completion and stamping of this Lease (including stamp duty) and all counterparts and copies thereof and also all costs, charges and expenses (including solicitors' costs and surveyors' fees) incurred by the Lessor for the purpose of or incidental to the preparation and service of any notice under Section 81 or any other section of the Property Law Act 1969 requiring the Lessee to remedy a breach of any of the covenants herein contained.

Delivery Up of Possession

- (w) At the expiry or sooner determination of the term peaceably and quietly to deliver up possession of the premises and all furniture, fixtures and fittings belonging thereto in such good and tenantable repair, order and condition as shall be consistent with the covenants herein contained in that behalf PROVIDED THAT forthwith upon the expiry or sooner determination of the term the Lessee shall remove any tenant's fixtures and fittings and shall make good any damage caused to the premises in so doing.

Disposal of Waste Water

- (x) To ensure that waste water and effluent are disposed of in a manner approved by the Lessor.

Connection with Sewer

- (y) To forthwith comply with any demand made by the Lessor (or the relevant local authority) to the Lessee that the premises be drained into a sewer and that drains and fittings be constructed to connect with the sewer.

Septic Disposal System

- (z) To ensure that any septic disposal system is installed in the manner and place and generally in accordance with the directions of the Lessor.

Removal of Trees, Shrubs and Plants

- (aa) Not to remove or interfere with in any way any tree, shrub or plant on the premises unless in accordance with the approval of the Lessor.

Removal of Rocks and Earth

- (bb) Not to excavate or remove any rock, stone, clay, sand, gravel or earth from the premises without the approval of the Lessor.

Provision of Vehicle Parking

- (cc) To forthwith comply with the directions of the Lessor to provide and maintain areas on the premises for vehicle parking and not to provide any such areas other than in accordance with the directions of the Lessor.

Access by Approved Roads and Ways

(dd) To ensure that access by vehicles to, from and across the premises is only by means of roads or ways approved by the Lessor.

Disused Vehicles, Machinery, Boats and Materials

(ee) Not to deposit, leave or store any vehicle, machinery, boat or material which is disused or which in the opinion of the Lessor detracts from the aesthetic visual impact of the premises and to forthwith comply with the director of the Lessor for the removal of the same.

Directions Relating to Town Planning Scheme Objectives

(ff) To forthwith comply with any direction of the Lessor for the achievement of any objective expressed in any town planning scheme in force with respect to the premises or any land including the premises.

LESSOR'S COVENANT - QUIET POSSESSION

5. The Lessor HEREBY COVENANTS with the Lessee that the Lessee paying the rental hereby reserved and observing and performing the covenants herein expressed and implied and on the Lessee's part to be observed and performed shall during the term and any extension thereof quietly enjoy the use and occupation of the premises without interruption by the Lessor or any person lawfully claiming through or under the Lessor.

MUTUAL AGREEMENTS

6. IT IS HEREBY MUTUALLY AGREED as follows:

Default by Lessee

(a) If:

- (i) any rent hereby reserved or any part thereof shall at any time be in arrears for fourteen (14) days after the same shall have become due (whether or not any formal or legal demand is made therefor);
- (ii) (subject to the provisions of the Bankruptcy Act 1966) the Lessee becomes bankrupt or suffers the Lessee's interest in this Lease to be taken in execution or being a company calls a meeting of its creditors, has a receiver appointed, goes into liquidation or has any order made against it for winding up of the Lessee;
- (iii) the Lessee calls a meeting of the Lessee's creditors or makes any composition or arrangement with or assignment for the benefit of its creditors or suffers any execution under any legal process to issue or be levied upon or against any of the Lessee's goods or chattels;
- (iv) the Lessee breaches or fails to observe or perform any other covenant condition or stipulation in the Deed expressed or implied and on the part of the Lessee to be observed or performed;
- (v) the Lessee breaches or fails to observe and perform any covenant condition or stipulation herein expressed or implied and on the part of the Lessee to be observed or performed and the Lessee fails to remedy such breach if it is capable of remedy and to make reasonable compensation in money to the Lessor for the breach within fourteen (14) days (which the

parties hereto expressly agree shall be a reasonable period) or such further time as the Lessor may allow after the service of the notice required by Section 81 of the Property Law Act; or

- (vi) the Lessee (being an incorporated association) makes or resolves to make any alteration, amendment or addition to its objects without the prior written approval of the Lessor,

THEN this Lease and the term shall at the option of the Lessor cease, determine and be absolutely void and the Lessor may thereupon without notice re-enter upon, occupy and resume possession of the premises in the name of the whole but without releasing the Lessee from liability for rent accrued up to such determination or for any antecedent breach of covenant and for the purpose of such re-entry the Lessor and all persons authorised by the Lessor may break open any inner or outer door, gate or fastening or obstruction and forcibly eject or put out the Lessee and any licensee and all furniture, property or thing belonging to the Lessee and the Licensee found thereon without being liable to any action for trespass, assault or other proceedings whatsoever for so doing but with liberty to plead the leave and licence hereby given in bar of any such action or proceedings if any such action or proceedings is brought or instituted.

Destruction of Premises

- (b) Subject to paragraph (c) of this Clause, if the premises or any part thereof shall be burned down, destroyed or damaged by fire so as to render the same unfit for the purpose permitted by this Lease then in such case (unless the insurance of the premises shall have been forfeited or become null or void or the payment of any moneys payable under such insurance be refused or withheld through any act or default of the

Lessee or its members, agents, servants, invitees or licensees) the rental hereby reserved or a fair and just proportion thereof according to the nature and extent of the damage sustained shall cease to be payable until the premises shall have been rebuilt and rendered fit for the purpose permitted by this Lease. In case of difference touching this paragraph such difference shall be referred to the award of a single arbitrator if the parties can agree upon one and otherwise to two arbitrators one to be appointed by the Lessor and the other by the Lessee and their umpire (to be appointed before proceeding with the arbitration) and in either case in accordance with the provisions of the Commercial Arbitration Act 1985 or any modification or re-enactment thereof for the time being in force PROVIDED THAT in the event of such difference no part of the said rental shall be allowed by the Lessor to the Lessee as aforesaid but the Lessee shall continue to pay the rental in full until the date of the award of such arbitrator whereupon the Lessor shall refund to the Lessee free of interest any rental which according to such award shall have been overpaid. In any such arbitration each party shall be entitled to be represented by a duly qualified legal practitioner and this Clause shall be deemed to be the agreement in writing referred to in Section 20 of the Commercial Arbitration Act 1985 in respect of such representation.

- (c) If the premises or any substantial part thereof be burnt down, destroyed or damaged so as to be wholly unfit for occupation or use this Lease may at the option of the Lessor (such option to be declared in writing within twenty eight (28) days after such destruction) be determined the Lessee in that event paying the rental hereby reserved up to such determination and all moneys paid or payable under any policy of insurance effected in respect of the premises shall belong to the Lessor absolutely.

Entry by Lessor

- (d) (i) If the Lessee shall fail to duly and punctually observe or perform any covenant, condition or agreement herein expressed or implied and on the part of the Lessee to be observed and performed the Lessor shall be entitled to carry out the observance or performance of such covenant, condition or agreement and for such purpose the Lessor the Lessor's agents, workmen or architects may if necessary, enter the premises or any part thereof and the cost and expense incurred in such observance or performance together with the interest shall be a debt due by the Lessee to the Lessor and shall be payable on demand and may be recovered by the Lessor in the same manner as if such debt were for rent due under this Lease in arrear by action in law and such cost expense and interest shall be a charge on the term.
- (ii) The interest referred to in sub-paragraph (i) shall be calculated from and including the date on which payment is demanded to and including the actual date of payment at the rate of interest charged on the date of demand by the Lessor's bankers for overdraft accommodation equal to the amount outstanding.

Holding Over

- (e) If the Lessee shall upon the expiration of the term hold over the demised premises a tenancy from year to year shall not thereby be presumed but the tenancy shall in such event be and continue to be a tenancy from week to week at the rental then payable but otherwise upon the terms and conditions herein contained insofar as they are applicable and shall be

determinable at the expiration of one week's notice by either party to the other at any time.

Service of Notices

- (f) All notices, consents and approvals or any demand to be given to or made upon the Lessee shall be in writing and may be signed by the Lessor or its solicitors or agents and all such notices or demands shall be considered as having been properly served upon the Lessee if delivered to the Lessee at the premises or posted to the Lessee by prepaid registered post addressed to the premises and if served by post shall be conclusively deemed to be served upon and be received by the Lessee at the expiration of the next day following the day when the same shall be posted.

Headings

- (g) The headings appearing in this Lease are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of the clauses of this Lease nor in any way affect this Lease.

Definitions

- (h) Whenever herein appearing unless repugnant to the sense or context:
"Lessee" shall include each person or body named in this Lease as Lessee and where two or more persons are Lessees shall include them jointly and severally.
"Lessor" shall include each person or body named in this Lease as Lessor.
Words importing the masculine gender shall include the feminine gender and shall also have application to corporations.
Words importing the plural number shall include the singular number and words importing the singular number shall include the plural number.

References to statutes shall include all statutes amending the statutes referred to or passed in lieu thereof.

ESSENTIAL TERMS

7. The covenants by the Lessee hereinbefore contained to pay rent and rates, taxes and outgoings in respect of the premises at the time and in the manner therein respectively prescribed are essential terms of this Lease and any breach of any of those covenants shall be regarded by the Lessor and the Lessee as a fundamental breach by the Lessee of this Lease. Should the Lessor determine this Lease following such a breach then (without prejudicing or limiting any other right or remedy of the Lessor arising from such breach or otherwise under this Lease) the Lessor shall be entitled to recover from the Lessee and the Lessee hereby covenants to pay to the Lessor as and by way of liquidated damages for such breach the rent, rates, taxes and outgoings which would have been payable by the Lessee for the unexpired residue of the term of this Lease remaining after such determination after making allowance therefor which the Lessor by taking reasonable steps to relet the premises obtains or could reasonably be expected to obtain by reletting the premises for such unexpired residue of the term hereof on reasonable terms as to rental and otherwise PROVIDED THAT :
- (a) any such reletting shall not be required to be on like terms as are herein expressed and implied;
 - (b) the acceptance by the Lessor of arrears or any late payment of the rent, rates, taxes or outgoings shall not constitute a waiver of the essentiality of the Lessee's obligations to make such payments;
 - (c) the Lessor's entitlement to recover damages as aforesaid shall not be prejudiced or limited if :

- (i) the Lessee abandons or vacates the premises;
 - (ii) the Lessor elects to re-enter the premises or to determine this Lease;
 - (iii) the Lessor accepts the Lessee's repudiation of this Lease; or
 - (iv) the parties' conduct constitutes a surrender by operation of law;
- (d) the Lessor shall be entitled to institute proceedings to recover damages as aforesaid either before or after any of the events or matters referred to in sub-paragraph (c);
- (e) any conduct by the Lessor to mitigate damages shall not of itself constitute acceptance of the Lessee's breach or repudiation or a surrender by operation of law; and
- (f) nothing herein expressed or implied shall be construed to mean that no other covenant herein on the part of the Lessee to be observed or performed may be an essential term.

EXECUTED as a Deed.

THE SCHEDULE

Item 1

Lessor's Name & Address

Shire of Wyndham - East Kimberley
PO Box 614
KUNUNURRA WA 6743

Item 2

Lessee's Name & Address

Ord River Sports Club Inc.
PO Box 54
KUNUNURRA WA 6743

Item 3

Description of the Land

Reserve No. 33112, Kununurra

Item 4

Purpose for Which the Land is Vested

Club and Club premises site.

Item 5

Term of the Lease

21 years

Item 6

Commencement Date

26th April 1988

Item 7

Permitted Use

Sporting Club & Associated Activities

THE COMMON SEAL of SHIRE OF
WYNDHAM-EAST KIMBERLEY was
hereunto affixed in the
presence of:

Alan Bradley
Shire President

Bruce
Shire Clerk



THE COMMON SEAL of THE ORD
RIVER SPORTS CLUB (INC.) was
hereunto affixed by order of
the Committee in the presence
of:

[Signature]
President

[Signature]
Vice President Secretary



Lease

APPROVED
13 DEC 1989
[Signature]
BY ORDER OF THE
MINISTER FOR LANDS

12.6.8 AUSTRALIAN GOVERNMENT GRANT \$532,000 REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM (8489) (8490) (8491)

DATE:	16 December 2008
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	61.37.04
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider how to allocate and use a \$532,000 grant from the Australian Government's Regional and Local Community Infrastructure Program.

BACKGROUND

1. As advised to Councillors by email 20th Nov 2008 the Australia Government has approved a grant of \$532,000 to Council under its Regional and Local Government Community Infrastructure program.
2. The Australian Government expects all grants from this program to assist stimulate the economy, and for that reason requires the funding to be expended and committed by September 2009.
3. An extract from the Australian Governments website in relation to this funding is provide below:

Guidelines

**Regional and Local Community Infrastructure Program
2008-09**

1. INTRODUCTION

Under the Regional and Local Community Infrastructure Program (RLCIP) the Australian Government will provide one-off funding of \$250 million in 2008-09 to local councils to stimulate additional growth and economic activity in Australia as part of the Australian Government's contribution to address the global economic crisis.

These funds will be available for additional and ready-to-proceed community infrastructure projects and for additional stages of projects that are currently underway.

The funding will be provided directly to local governments as a one-off payment. The RLCIP will be administered by the Department of Infrastructure, Transport, Regional Development and Local Government (the Department).

2. PROJECT ELIGIBILITY

2.1 What can the funding be spent on?

The RLCIP will provide funding to local governments for community infrastructure including new construction and major renovations or refurbishments of assets such as:

- social and cultural infrastructure (e.g. art spaces, gardens);
- recreational facilities (e.g. swimming pools, sports stadiums);
- tourism infrastructure (e.g. walkways, tourism information centres);
- children, youth and seniors facilities (e.g. playgroup centres, senior citizens' centres);
- access facilities (e.g. boat ramps, footbridges); and
- environmental initiatives (e.g. drain and sewerage upgrades, recycling plants).

Projects that can be funded need to be consistent with the attached list at Annexure A.

Funding can be used for:

- construction or fit-out;
- preparatory work such as necessary engineering and geotechnical studies;
- land surveys and site investigations; and
- project management costs.

2.2 What will not be funded?

Funding will not be available for activities such as ongoing costs (e.g. operational costs and maintenance); transport infrastructure, such as roads; or related infrastructure covered by the Roads to Recovery or Black Spots programs.

3. FUNDING ARRANGEMENTS

Each Council or Shire will receive a base component of \$100,000 with the balance of the \$250 million to be distributed on a basis of a methodology which includes relative need, population and growth. Funding amounts for each Council are detailed at www.infrastructure.gov.au/local/index.aspx

Councils will be required to provide the Department with details of projects that will be funded by **30 January 2009**. Councils will be required to enter into an agreement prior to receipt of the payment. Funding must be expended by **30 September 2009**.

3.1 Payments

Requests for additional funding from the Australian Government will not be approved.

Payments will be structured to schedule the release of 100 per cent of funds to Councils on signing the agreement.

All funding must be expended by **30 September 2009**, unless an extension of time has been agreed by the Minister for Infrastructure, Transport, Regional Development and Local Government.

3.2 Progress reports

Once funding is confirmed the Council will be required to actively manage the project. It is recommended that Councils consider appropriate project management arrangements proportionate to the size and nature of the project.

The Department will monitor the project's progress and expenditure of the funding through reports received under the agreement and may conduct site visits.

By **30 May 2009**, Councils will be required to provide a progress report on these projects.

By **30 November 2009**, Councils will be required to provide details of progress on these projects; to provide a final report on the expenditure of Australian Government funding; and to demonstrate that they have spent the funding in accordance with the Guidelines. Action may be taken by the Department to recover funds where requirements have not been met.

Annexure A

Examples of Community Infrastructure

Social and cultural infrastructure

- Town halls
- Community centres
- Libraries
- Local heritage sites
- Museums
- Cultural centres
- Enhancement of main streets and public squares
- Theatre/music/art spaces
- Historic buildings
- Parks and gardens
- Internet kiosk infrastructure
- Kitchens for organisations
- Community market areas

Recreation facilities

- Sports grounds and facilities
- Sports stadiums
- Community recreation spaces
- Playgrounds
- Rail trails
- Swimming pools
- Walking tracks and bicycle paths
- Skate Parks
- BMX/Mountain Bike parks/trails
- Surf lifesaving clubs

Tourism infrastructure

- Convention or trade centres
- Memorial halls/walkways
- Tourism information centres
- Local infrastructure to support or provide access to tourist facilities
- Community public attractions
- Buildings for exhibits

Children, youth and seniors facilities

- Playgroup centres
- Youth centres
- Scout/guide halls
- Senior citizens' centres

Access facilities

- Disabled access infrastructure
- Footbridges
- Bus/rail terminal upgrade
- Jetties/wharves/piers/pontoons
- Foreshore development
- Boat ramps

Environmental Initiatives

- Water source and treatment
- Drain and sewerage upgrades
- Water conservation infrastructure
- Waste management and processing infrastructure
- Wastewater infrastructure
- Water recycling plants
- Water catchments
- Recycling plants

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The \$532,000 is additional to Council 2008/09 budget.

STRATEGIC IMPLICATIONS

Council has a key strategic goal of ensuring that sustainable asset management for infrastructure under the Shire's control is implemented.

COMMUNITY CONSULTATION

Nil

COMMENT

There are a range of projects Council has started, but not completed which could be considered in terms of this funding. For example:

- ~ \$200K funding gap for hard court projects currently underway PLUS \$180K additional loan funding approved by Council in September
- \$890K funding needed to refurbish Wyndham Pool.
- Potential \$250K (approx) needed to modifications to Childcare Building to allow increased babies and 3-4 year olds. To be confirmed.
- ~ \$600K needed for new Neighbourhood House. The Shire has \$100K of this confirmed via DHW as per Council resolution, and could reasonably attract an additional grant of \$150K – Lotterywest.

- Possibly \$50K needed to complete Wyndham Sea & Rescue base. \$160K funding is approved for this.
- Kununurra Visitor Centre is keen to renew signage and tourism information bays at the entrance of towns, given the depreciated nature of these, Australia movie market awareness, and Kununurra Top Tourism Town Award.

Summary of some options:

Project	Funding Required	Other Sources	Funding	Possible Considerations
Hard Court Projects	~ \$380K	\$180K loan funds to 09/10 budget Larger corporate sponsorship component?		Immediate need Additional components
Signage & Info Bays Renewal including relocation to Diversion Dam	~\$200K	WA Tourism grant?		Upcoming need due to visitation & marketing strategies
Wyndham Pool Upgrade	\$890K	Remote Pools Program 2 nd stage CSRFF grant pending		Immediate need Possible alternate funding
Child Care Building Modifications	~ \$250K			Immediate need Awaiting advice from Licensing Alternate child care arrangements e.g. Family Day Care strategy
Neighbourhood House	~ \$600K	Grants – e.g. \$150K Lotterywest		Bets case would be a building contract in place by Sept 09.
Wyndham Sea & Rescue	~ \$50K			Construction ready.
Youth Centre Fitout	\$100K	Lotterywest		Realistic opportunity to gain funding from other sources

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER'S RECOMMENDATION

That Council provide the Department of Infrastructure, Transport, Regional Development and Local Government with advice that the following projects are submitted for funding under the Regional and Local Community Infrastructure Program 2008-09:

- Basketball Court Upgrade and addition of Basketball Courts in Multipurpose Court Project Kununurra \$ 250,000
- Multipurpose Court Facility Wyndham \$110,000
- Relocation of Visitor Information Bay to Diversion Dam and upgrade of Visitor Information Signage and Town Entry Statements \$172,000

COUNCIL DECISION

Minute No. 8489

Moved:Cr J Parker

Seconded:Cr D Ausburn

That Council suspend Standing Order 7.5 to enable Councillors to speak more than once in relation to matter being debated.

CARRIED UNANIMOUSLY: (8/0)

Standing Order 7.5 was suspended at 7.50pm

Standing Order 7.5 was suspended at 7.50pm

Minute No: 8490

Moved:Cr D Ausburn

Seconded:Cr J Moulden

That Council resume standing Order 7.5

CARRIED UNANIMOUSLY: (8/0).

Standing Order 7.5 resumed at 7.55pm

Minute No: 8491

Moved:Cr K Wright

Seconded:Cr J Moulden

That Council provide the Department of Infrastructure, Transport, Regional Development and Local Government with advice that the following projects are submitted for funding under the Regional and Local Community Infrastructure Program 2008-09:

- ***Basketball Court Upgrade and addition of Basketball Courts in Multipurpose Court Project Kununurra \$ 250,000***
- ***Multipurpose Court Facility Wyndham \$110,000***
- ***Extension of power to the commercial boating facility \$172,000***

CARRIED UNANIMOUSLY: (8/0)

NOTE: The Council decision differed from the Officers Recommendation as Councillors believed the extension of power to the commercial boat facility had higher priority than the visitor information bays.

NOTE: The Council decision differed from the Officers Recommendation as Councillors believed the extension of power to the commercial boat facility had higher priority than the visitor information bays.

12.6.9 PROPOSED ORD RIVER SAILING CLUB LEASE (8492)

DATE:	16 December 2008
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Lake Kununurra Foreshore
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	01.2860.06
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider a request by the Ord River Sailing Club for a new lease on the Lake Kununurra Foreshore between Swim Beach and Ski Beach.

BACKGROUND

The Ord River Sailing Club had a lease on the Lake Kununurra Foreshore between Swim Beach and Ski Beach from 1 March 1982

The lease expired in 2003.

At the Ordinary Council Meeting 19 August 2008 Council resolved as follows (Minute No 8337):

“That in surveying proposed lease areas allowance be made for the option of a future lease to accommodate the Kununurra Sailing Club at the site indicated on the map in attachment 4 and that all infrastructure be relocated or replaced at no cost to the Kununurra Sailing Club.”

The Ord River Sailing Club wrote to Council 24 November 2008 seeking to progress a future lease as per the Council resolution, and advising of its preferred terms of lease.

This request was provided to elected members at the 2 December 2008 Briefing Session.

Surveying of lease sites has occurred and the Shire is currently waiting on surveyed diagrams.

STATUTORY IMPLICATIONS

Section 3.58 of the Local Government Act 1995 prescribes how the disposal of land including leases is to occur.

Local Government (Functions and General) Regulations 1996, Part 6 - Miscellaneous

Sec 30. Dispositions of property to which section 3.58 of Act does not apply

(1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.

(2) A disposition of land is an exempt disposition if

- (a) the land is disposed of to an owner of adjoining land (in this paragraph called **the transferee**) and
 - (i) its market value is less than \$5 000; and
 - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;
 - (b) the land is disposed of to a body, whether incorporated or not
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;
 - (c) the land is disposed of to
 - (i) the Crown in right of the State or the Commonwealth;
 - (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or
 - (iii) another local government or a regional local government;
 - (d) it is the leasing of land to an employee of the local government for use as the employee's residence;
 - (e) it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land;
 - (f) it is the leasing of land to a □medical practitioner (as defined in section 3 of the *Medical Act 1894*) to be used for carrying on his or her medical practice; or
 - (g) it is the leasing of residential property to a person.
- (2a) A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been
- (a) put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government;
 - (b) the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or
 - (c) the subject of Statewide public notice under section 3.59(4), and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including
 - (i) the names of all other parties concerned;
 - (ii) the consideration to be received by the local government for the disposition; and
 - (iii) the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.
- (2b) Details (*see section 3.58(4) of the Act*) of a disposition of property under subregulation (2a) must be made available for public inspection for at least 12 months from the initial auction or tender, as the case requires.
- (3) A disposition of property other than land is an exempt disposition if
- (a) its market value is less than \$20 000; or
 - (b) it is disposed of as part of the consideration for other property that the local government is acquiring for a consideration the total value of which is not more, or worth more, than \$50 000.

[Regulation 30 amended in Gazette 25 Feb 2000 p. 974-5; 28 Apr 2000 p. 2041; 31 Mar 2005 p. 1055-6.]

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Council resolution, Minute 8337, makes it clear that there is to be no cost of establishing a new lease and premise for the Ord River Sailing Club. It is presumed based on this resolution that Council is prepared to fund those costs, possibly with grant assistance.

STRATEGIC IMPLICATIONS

Under Council's Strategic Plan, Key Result Area 2 – Community, Council has acknowledged the desire to develop the strengths and potential of the community now and into the future.

While the Sailing Club membership is understood to be small at present, development of the lease site could be argued as future proofing matter.

COMMUNITY CONSULTATION

Nil

COMMENT

The Ord River Sailing Club preferred lease conditions are considered inconsistent with other community leases.

It is considered reasonable that given the Council resolution 8337 that a like for like premise is provided, albeit with a new rather than depreciated shed.

The Shire for example does not provide ground maintenance for other Clubs with leased sites. It is considered a responsibility of any functioning Club that it maintains its own leased site.

Likewise it is reasonable for Clubs to manage their own waste via the normal options in the community.

The Cub had allowed the previous inlet it originally had access to to become overgrown with vegetation. No purpose built boat ramp existed at the previous expired lease site.

No fence, gate, or flag pole existed at the previous site.

There was no reticulated grass at the previous leased site.

ATTACHMENTS

Letter - Ord River Sailing Club 24 November 2008 (Record No 064036)

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council offer a new 21 year lease to the Ord River Sailing Club on the following terms:

1. \$100 per year lease fee with CPI indexation.
2. Lease fee to be paid by 30 May each year.

That Council will fund:

- the surveying and preparation of the lease,
- construction of a new shed no more than 20% larger than the existing shed,
- inclusion of a toilet in the shed, effluent disposal acceptable to the Department of Water.
- pump and water connection to the shed.
- Strategic tree planting for shade.

COUNCIL DECISION

Minute No. 8492

Moved:Cr R Addis

Seconded:Cr K Wright

That Council defer this item until the January Council Meeting pending further investigation of financial impact of recommendation.

CARRIED UNANIMOUSLY: (8/0)

Doc No.	063960
Date	18 NOV 2008
Officer	ced
Response	
File	01.2860.06
Cross Ref.	



ORD RIVER SAILING CLUB

P.O. Box 223,
KUNUNURRA, W.A. 6743.

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

Dear Mr Stubbs

ORD RIVER SAILING CLUB LEASE & RELOCATION REQUIREMENTS

Further to Michele Pucci, the former Shire President's approach to the Ord River Sailing Club (ORSC) on 17 August, your facsimile of 28 October and my meeting with Katya Tripp and Alex Douglas on 3 November, the ORSC understands the following:

- that contrary to the Council's decision minuted in the Ordinary Council Minutes of the 18 March 2008 (Minute: 8126 moved by Cr J Buchanan and seconded by Cr K Wright):

"That Council:

- 6. Advertise the proposed Licence agreement for the use portion of Reserve 41812 by the Lake Kununurra Sailing Club for the figure of \$100 per year for 10 years in accordance with section 3.58(3) of the Local Government Act, subject to submission of AGM, incorporation, indemnity Insurance and membership details."*

the Shire of Wyndham East Kimberley (SWEK) now proposes to relocate the Ord River Sailing Club to a new lease to allow for commercial leases on the Lake Kununurra foreshore;

- the Shire has surveyed four commercial leases but not yet that proposed for the ORSC; and
- the Shire has requested the Club advise its preferred terms of a new sailing club lease.

The ORSC also understands that the Shire is prepared to replace the Club's developments and facilitate the Club's move to the new site. Whilst preferring to remain at the site which it has occupied for thirty years, the ORSC has considered and provides its requirements for relocation herewith:

Lease area:

- to be surveyed by ORSC and SWEK at no cost to ORSC including a launching inlet and a launching ramp directly in to the river; and
- the area identified by the ORSC's Committee roughly corresponds with the area proposed on page 66 of the Ordinary Council Agenda, 19 August 2008.

Lease conditions:

- all relevant approvals and licenses obtained at no cost to ORSC, including those from the Department of Water;
- 21 year **renewable** lease term;
- peppercorn lease;
- the lease and any infrastructure to be established in the ORSC's name;
- grounds maintenance to be provided by the Shire (facilitated by the proposed ORSC lease area's proximity to the newly extended Swim Beach); and
- waste removal.

Design and size of shed:

- the same design apart from slightly increased dimensions to the ORSC's current boat shed, to include an internal toilet to reduce the risk of vandalism associated with an external toilet block;
- toilet system in boat shed;
- roof insulation and overhang together with shaded verandah to compensate for the loss of shade trees planted by members at the original site;
- boat racks, consistent with current shed;
- five lockable roller doors;

Inlet and launching ramp:

- location, depth, width and water depth to be surveyed by ORSC and SWEK and approved by DoW and any other relevant authorities.

Vegetation:

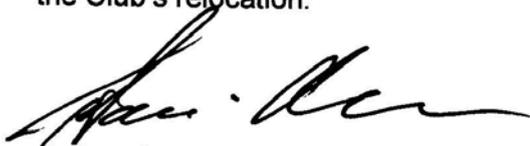
- existing native trees to be preserved where possible and additional shade trees to be planted by SWEK in consultation with ORSC; and
- regrassing of the block within a reasonable time frame after construction.

Other matters:

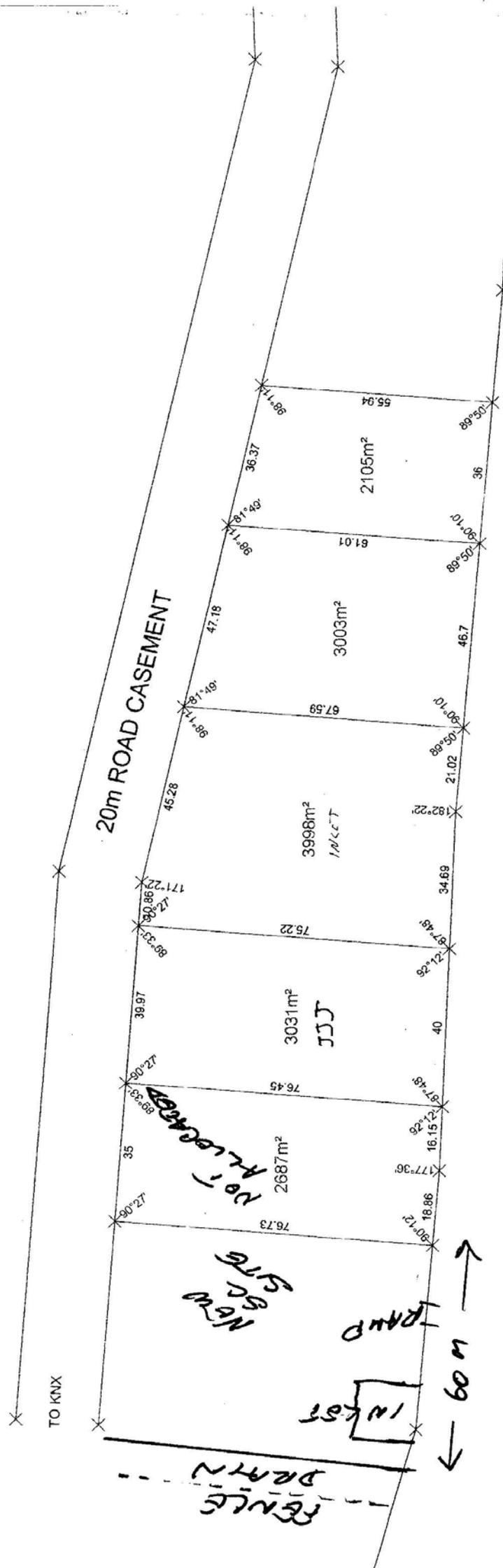
- reticulation, pump, flag pole, fence and gate to be included in the preparation of the new site;
- SWEK to be responsible for the project management under ORSC guidance; and
- physical assistance with the relocation.

The ORSC would require a seamless relocation, with minimal inconvenience to its members and total readiness of the new site and facilities prior to the ORSC having to vacate its current facilities.

I look forward to your earliest response to this matter and reassurance that the commercial beneficiaries of the ORSC's original, volunteer constructed, facilities and inlet will bear the full cost of the Club's relocation.



Torben Sass Nielsen
Commodore
Ord River Sailing Club
15 November 2008



LAKE KUNUNURRA

12.6.10 PROPOSED FORESHORE LEASE- COMMERCIAL BOATING OPERATIONS (8493)

DATE:	16 December 2008
PROPONENT:	Various
LOCATION:	Lake Kununurra Foreshore
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	43.04.01
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider public comments associated with the advertised proposed leases for commercial boating operations, on Lake Kununurra.

BACKGROUND

At the Ordinary Council Meeting 19 August 2008 Council resolved as follows:

Minute No. 8337

Moved: Cr J Parker

Seconded: Cr K Wright

1. *That Council offer by private treaty 21 year leases to the following companies; Triple J, BBQ Boat, Alligator Airways and Celliston Nominees, to facilitate establishment of their business on the Lake Kununurra Foreshore in the area indentified as Proposed Leases Stage 1 on Map 1 attached, with the following conditions:
 - a. *That the rental rate shall be \$7 per square metre.*
 - b. *That lease fees be set at 50% of market rate in year one of the proposed lease, 75% of the market rate in year two, and 100% in year three.*
 - c. *That fees are payable annually in advance.*
 - d. *That leases are reviewed annually, with cpi adjustments to apply.**
2. *That Council engage Western Australian Local Government Association to provide probity advice for the disposal process, to ensure independent and transparent processes.*
3. *That Alligator Airways be positioned on the eastern side of the existing inlet from the Sailing Club.*
4. *That Council conduct a ballot to determine which of the remaining commercial boat operators are offered which proposed leased sites.*
5. *That subject to acceptance in principle by companies of those proposed leases, the proposed leases be advertised for public comment.*
6. *That Council consider any public comment received before making a final decision on adopting the proposed leases.*

7. *That in surveying proposed lease areas allowance be made for the option of a future lease to accommodate the Kununurra Sailing Club at the site indicated on the map in attachment 4 and that all infrastructure be relocated or replaced at no cost to the Kununurra Sailing Club.*

Carried Unanimously 7/0

The map/plan associated with resolution is attached to this report.

Council made the following resolution at its Ordinary Council meeting 21 October 2008 (Minute Number 8414)

Moved: Cr K Wright

Seconded: Cr P Caley

That Council adopt the following additional provisions in the Lease Schedule:

1. *Offer a 21 year lease to the commercial operators, BBQ Boat, Triple J, Alligators Airways and Celliston Nominees on Lake Kununurra*
2. *Shire Rates apply the proposed leases.*
3. *Rent shall be reviewed on an annual basis with the rent to increase by the State CPI. Should the application of CPI result in a reduction in rent the current rent shall be charged.*

Carried 5/2

Following that resolution, the proposed leases were advertised in the Kimberley echo newspaper for public comment. Public comment closed 27 November 2008.

The public comment received is attached. There were three submissions. One from the Kununurra Water Ski Club, one letter signed by 14 people- requesting a re-design of the proposed leases in relation to the Lake Kununurra Foreshore, and letter from Kununurra Cruises- The BBQ Boat advising the proposed leased conditions were too onerous on it as business.

STATUTORY IMPLICATIONS

Section 3.58 of the Local Government Act 1995 - Disposing of property

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Department of Water has agreed to contribute \$15,000 to establishing the proposed leases, and the Department has been invoiced for this.

Surveying and legal fees to prepare the leases are being incurred.

Revenue will be received form the proposed leases and the amount of this will depend on the final leases adopted by Council

STRATEGIC IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Public advertising has occurred and submission are attached to this report.

COMMENT

Kununurra Ski Club

The Ski Club has advised of this concern about potential paddle craft passing through a gazetted ski zone.

There is no intent to have paddle craft hire vehicle located at the proposed lease sites. Councils already has a precedent for operation of paddle craft in Lily Creek Lagoon via a licence system, and this considered adequate for this type of business.

Letter from Members of the Public

The letters requests the opportunity to comment on matter such as the location of potential caretaker's residence, boat ramps, refuelling and sullage management on the proposed lease. These matters can be adequately accommodated via the agency approvals required for each of them.

The letter asks for re-consideration of the alignment of the leases. The alignment was a deliberate decision of Council after much debate and it was adopted on the 19 August 2008. Given the past difficulties with this issue and negotiations with the Department of Water on it, it is recommended that Council continue with the current layout. Deviations from the adopted layout would incur additional survey costs.

Kununurra Cruises- The BBQ Boat

There is an appreciation that this business is an integral part of the Kununurra tourism and business industry. The proprietors of this business submit that the Council proposed lease fees are too onerous on them, and they have requested between 3 and 5 years free of lease fees, given the headwork's and other capital costs to them of establishing a businesses presence on the proposed lease site. They have further requested a "reasonable" lease fee. The proprietors have been asked to clarify what reasonable in their view, and to comment on other strategies such as the Council considering a common users site on licence to operators who may want too or cannot afford their own leased site.

While the view of Kununurra Cruises- The BBQ Boat is noted, it is recommended to Council that \$7/m2 lease fee for what amounts to limited land on Lake Kununurra for development represents value for money.

Council should be mindful as well that revenue raised from any Foreshore leases is potentially what drive improved management and amenity of the Foreshore. The lower the revenue the, the lower the management of the Foreshore.

Summary

The issue of legitimised tenure for the operation of these businesses from Lake Kununurra has been bubbling around for years. It needs to be bought to conclusion, hence the recommended timeframe requiring written confirmation of acceptance of the leases by 30 January 2009. This approach is broadly consistent with that taken by Council recently on the proposed new Foreshore leases for caravan parks.

ATTACHMENTS

1. Register of Public Comment.
2. Map/Plan showing lease layout adopted by Council 19 August 2008.

VOTING REQUIREMENT

Simple majority

OFFICER'S RECOMMENDATION

That after consideration of public comment:

1. *Council offer by private treaty 21 year leases to the following companies; Triple J, Kununurra Cruises- The BBQ Boat, Alligator Airways and Diversion Cruises & Hire - Celliston Nominees, to facilitate establishment of their business on the Lake Kununurra Foreshore in the area indentified as Proposed Leases Stage 1 on Map 1 attached, with the following conditions:*
 - e. *That the rental rate shall be \$7 per square metre.*
 - f. *That lease fees be set at 50% of market rate in year one of the proposed lease, 75% of the market rate in year two, and 100% in year three.*
 - g. *That fees are payable annually in advance.*
 - h. *Rent shall be reviewed on an annual basis with the rent to increase by the State CPI. Should the application of CPI result in a reduction in rent the current rent shall be charged*
 - i. *Shire rate to apply to lease.*
2. Council advise the proprietors for Triple J, Kununurra Cruises - The BBQ Boat, Alligator Airways and Diversion Cruises & Hire - Celliston Nominees that should the offer of the lease not be confirmed in writing to the Council by the 30 January 2009, then the offer of the leases will lapse, and Council will reconsider its options including disposal of the proposed leased areas by public tender and or auction.

COUNCIL DECISION

Minute No. 8493

***Moved:Cr J Moulden
Seconded:Cr J Parker***

That after consideration of public comment:

- 1. Council offer by private treaty 21 year leases to the following companies; Triple J, Kununurra Cruises- The BBQ Boat, Alligator Airways and Diversion Cruises & Hire - Celliston Nominees, to facilitate establishment of their business on the Lake Kununurra Foreshore in the area indentified as Proposed Leases Stage 1 on Map 1 attached, with the following conditions:**
 - a. That the rental rate shall be \$7 per square metre.***
 - b. That lease fees be set at 50% of market rate in year one of the proposed lease, 75% of the market rate in year two, and 100% in year three.***
 - c. That fees are payable annually in advance.***
 - d. Rent shall be reviewed on an annual basis with the rent to increase by the State CPI. Should the application of CPI result in a reduction in rent the current rent shall be charged***
 - e. Shire rate to apply to lease.***

- 2. Council advise the proprietors for Triple J, Kununurra Cruises - The BBQ Boat, Alligator Airways and Diversion Cruises & Hire - Celliston Nominees that should the offer of the lease not be confirmed in writing to the Council by the 30 January 2009, then the offer of the leases will lapse, and Council will reconsider its options including disposal of the proposed leased areas by public tender and or auction.**

CARRIED: (7/1)

Cr K Wright requested the votes be recorded

Cr K Wright, J Parker, K Torres, D Ausburn R Addis, J Moulden and R Boshammer voted for the motion

Cr F Mills voted against the motion

12.7. ELECTED MEMBER REPORTS

12.7.1 PROPOSED TRANSIENT ACCOMMODATION - LOT 103 PACKSADDLE ROAD, KUNUNURRA (8494) (8495) (8496) (8497) (8498)

DATE:	16 December 2008
PROPONENT:	The Ark Fund
LOCATION:	Lot 103 Packsaddle Road, Kununurra
AUTHOR:	Peter Stubbs Chief Executive Officer
REPORTING OFFICER:	Peter Stubbs Chief Executive Officer
FILE NO:	01.6993.02
ASSESSMENT NO:	A6993

PURPOSE

For Council to re-consider, at the request of the Shire President, an application for planning consent for the use and development of the subject land for temporary transient accommodation units.

BACKGROUND

Council considered this matter at the Ordinary Council meeting 16 September 2008 and made the following decision:

Minute No. 8380

Moved: Cr D Ausburn

Seconded: Cr K Wright

That Council

1. *Grants planning consent to The Ark Fund for the temporary development and use of Loc 383 Packsaddle Weaber Plain Road, Kununurra, for transient workers accommodation, in accordance with the submitted plans, and subject to the to the following specific conditions:*
 - a) *Use and development of the land shall be for six months from date of approval, and use of the site and all development shall be removed from the site by 10 April 2009.*
 - b) *Provision of a Statutory Declaration signed by the company directors confirming that the transient accommodation units will only be occupied by seasonal workers employed on site, for periods not exceeding 6 months, and use of the site and all development shall be removed from the site by 10 April 2009, to ensure compliance with Scheme provisions.*
 - c) *The Temporary Transient Accommodation shall be occupied by a maximum of twenty four [24] people.*

- d) *All employee parking to be contained on site at all times.*
 - e) *The transportable buildings shall be fixed to the ground by footings, as directed by the Council.*
 - f) *The planting of a vegetation buffer between the accommodation units and Jabiru Road to the satisfaction of the Chief Executive Officer.*
 - g) *Landscaping in accordance with the submitted landscaping plan.*
 - h) *Obtaining an Approval to construct or install an apparatus for the treatment of sewerage from the Department of Health.*
 - i) *Compliance with all Council's health requirements. These include however may not be limited to installation of an approved effluent disposal system to the satisfaction of Council's Environmental Health Officer.*
 - j) *Any conditions issued under delegated authority from Council's Standard Conditions list.*
2. *Instructs officers to investigate and develop draft Policy Guidelines for the development of Transient Accommodation in the Rural Agricultural 1, Rural Agricultural 2 and General Rural zones and report back to Council with draft policy guidelines at the November Briefing Session.*

Carried Unanimously 6/0

Note: Council amended the Officer Recommendation to strengthen the decision relating to the 6 month limitation on the use and development of the land for transient accommodation and the requirement to remove the accommodation by 10 April 2009.

The following information was provided when Council considered this matter at the Ordinary Meeting of Council 17 June 2008:

The proposed site is used by the Rewards Group for intensive agriculture. In June 2007 approval was given to the Rewards Group for a fruit packing shed with offices, lunch room and ablutions. The shed has since been constructed.

A number of compliance issues were identified after the planning approval for the shed, office, lunch room and ablutions was issued:

- A building licence application for the shed and transient accommodation was submitted, however, complications with approvals from the Department of Health delayed the assessment of the Building Licence and Health approvals.
- Transient Accommodation was included in the Building Licence, but was identified as not having Planning Approval. The building licence was further delayed while this issue was resolved.
- In November 2007 it was identified that Transient Accommodation had been developed without consent. The applicant was advised in writing

that a retrospective planning application would be required, and officers were advised that an application would be submitted. The application fees were submitted, however, no record of a planning application form being submitted prior to development exists.

- These forms have recently been submitted, and this development will now be advertised and assessed, then presented to Council for consideration.
- The building licence has now been approved for the packing shed only.
- Building licence approval for the current application and the existing transient accommodation remain pending consideration by Council and an amended septic application.
- Internal tracking and assessment processes did not address the issues with the non-compliance. Systems are now being established to ensure that assessment is not held up while Council's various development departments are resolving issues, and to improve cross-assessment processes.

The proponent has now lodged an application for temporary transient workers accommodation to house its seasonal agricultural workers. The proposed development is temporary, to allow for accommodation of workers while further detailed planning for permanent accommodation is progressed.

It should be noted that for the purposes of assessment of the planning application, the non-compliance matters should be set aside and the current application assessed on its merits.

SITE LOCATION

The subject site is located on the eastern side of Packsaddle Road, (see attachment 1 – site location). It is bounded by Jabiru Road to the south and there is an irrigation channel on the southern part of its eastern boundary. This lot was created specifically to house the packing shed, creating a separate lot for agriculture and the packing shed.

The site is zoned Rural Agriculture 1. Surrounding zones and land uses include Rural Agriculture 1 & 2 zones and land uses.

PROPOSED LAND USE / DEVELOPMENT

The applicant is seeking approval for the development of the subject land with six dongas for bedrooms, and one kitchen facility. Existing ablution facilities will be utilised.

Each bedroom unit is capable of sleeping 4 people, creating enough accommodation for 24 people.

The units are located on the northern most boundary of the property, as far away from Rural Agriculture 2 land uses as possible.

The proposed development will bring to 80 the number of people able to be accommodated on the subject land.

FINANCIAL IMPLICATIONS

The Application Fee of \$90.00 has been paid.

COMMUNITY CONSULTATION

Under Town Planning Scheme No. 7 – Kununurra and Environs, transient accommodation is an AA use meaning that there are no advertising requirements. Notwithstanding this, the application was advertised for 14 days to gauge any public interest in this matter.

The standard advertising requirement of the Scheme is 21 days, however, given the AA use class and no statutory requirement to advertise, 14 days, the minimum specified under the Act, was chosen to ensure the application was not unduly delayed.

This allowed for public comment as well as timely assessment of the application.

Three submissions were received during advertising.

An assessment of these submissions is attached, as well as the three submissions.

ATTACHMENTS

- Attachment 1 - Site Plan
- Attachment 2 - Landscaping Plan
- Attachment 3 - Assessment of Submissions
- Attachment 4 - Submissions

PLANNING ASSESSMENT

Strategic/Structure Plans

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

Town Planning Scheme No. 7 – Kununurra and Environs

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

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

The development of the land with transient accommodation complies with Scheme objectives.

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

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

The transient accommodation is intended to house seasonal workers.

Officers do not have delegated authority to approve an AA use. Accordingly, the application is to be considered by Council.

CONCLUSION / COMMENT

It is understood that some Councillors want to re consider the Council decision Council minute 8380, with a possible view to removal of the requirement of the proponent to remove the transient accommodation by the 10 April 2009.

That is it is understood that condition a) of this approval may be rescinded.

a) Use and development of the land shall be for six months from date of approval, and use of the site and all development shall be removed from the site by 10 April 2009.

The Officers recommendation will remain as per the recommendation 16 September 2008.

The proposed transient accommodation would support the prime agricultural use of the site, allowing a local agricultural operator to accommodate seasonal workers. The proposal is consistent with the Town Planning Scheme, and Council can approve the use.

The zoning table specifies transient accommodation to be an AA use but there is no guidance in the Scheme as to an appropriate density of transient accommodation in the Rural Agriculture 1 zone.

The use has been located to have minimal impact on adjoining Rural Agriculture 2 zones, with access off Packsaddle Road, proposed landscaping, and the location of the proposed accommodation away from adjoining properties.

The site has been cleaned up significantly during construction of the packing shed, with old vehicles and rubbish removed from the site.

Three submissions relating to the development have been received, with two being objections. It is not considered, however, that these objections relate to the substantive issue of whether the use is appropriate for the zoning of the land, rather that they raise issues of due process which have subsequently been or are currently being addressed.

It is considered that the development of temporary transient accommodation on this site to house up to twenty four workers is appropriate, and it is recommended that the application be approved with conditions to ensure that the accommodation is used as intended.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council

1. Grants planning consent to The Ark Fund for the development and use of Loc 383 Packsaddle Weaber Plain Road, Kununurra, for transient workers accommodation, in accordance with the submitted plans, and subject to the to the following specific conditions:
 1. Provision of a Statutory Declaration signed by the company directors confirming that the transient accommodation units will only be occupied by seasonal workers employed on site, for periods not exceeding 6 months, to ensure compliance with Scheme provisions.
 2. Provision of a Statutory Declaration signed by the company directors confirming that the proposed development is temporary and will be removed and replaced with more appropriate permanent development within three years.
 3. The Temporary Transient Accommodation shall be occupied by a maximum of twenty four [24] people.
 4. All prospective occupants to be notified at the point of checking into the accommodation that the units are reserved for the exclusive use of seasonal workers, with such notification to be approved by Council officers. This is to ensure that only seasonal workers are accommodated.
 5. All employee parking to be contained on site at all times.
 6. The transportable buildings shall be fixed to the ground by footings, as directed by the Council.
 7. The planting of a vegetation buffer between the accommodation units and Jabiru Road to the satisfaction of the Chief Executive Officer.
 8. Landscaping in accordance with the submitted landscaping plan.
 9. Obtaining an *Approval to construct or install an apparatus for the treatment of sewerage* from the Department of Health.
 10. Compliance with all Council's health requirements. These include however may not be limited to installation of an approved effluent disposal system to the satisfaction of Council's Environmental Health Officer.
 11. Any conditions issued under delegated authority from Council's Standard Conditions list

2. Advise The Ark Fund that the approval is for Temporary use of the land, and that at the expiry of three years a new application must be made for the use of the site for Temporary Transient Accommodation, or the development shall be removed, and that failure to re-apply or remove the accommodation will result in action to effect compliance.

COUNCIL DECISION

Minute No. 8494

**Moved:Cr D Ausburn
Seconded:Cr K Torres**

That Council suspend Standing Order 7.5 to enable Councillors to speak more than once in relation to matter being debated.

CARRIED UNANIMOUSLY: (8/0)

Standing Order 7.5 was suspended at 8.23pm

Minute No: 8495

**Moved:Cr R Boshammer
Seconded:Cr D Ausburn**

That Council resume standing Order 7.5

CARRIED UNANIMOUSLY: (8/0)

*Standing Order 7.5 resumed at 8.35pm
Three Councillors required to support recission motion - Cr D Ausburn, Cr R Addis, Cr R Boshammer*

Minute No: 8496

**Moved:Cr J Moulden
Seconded:Cr D Ausburn**

That Council rescind minute 8380

CARRIED UNANIMOUSLY: (8/0)

Minute No: 8497

**Moved:Cr K WRIGHT
Seconded:Cr D Ausburn**

That Council

1. ***Grants planning consent to The Ark Fund for the development and use of Loc 383 Packsaddle Weaber Plain Road, Kununurra, for***

transient workers accommodation, in accordance with the submitted plans, and subject to the to the following specific conditions:

- a) Provision of a Statutory Declaration signed by the company directors confirming that the transient accommodation units will only be occupied by seasonal workers employed on site, for periods not exceeding 6 months, to ensure compliance with Scheme provisions.***
 - b) The Temporary Transient Accommodation shall be occupied by a maximum of twenty four [24] people.***
 - c) All prospective occupants to be notified at the point of checking into the accommodation that the units are reserved for the exclusive use of seasonal workers, with such notification to be approved by Council officers. This is to ensure that only seasonal workers are accommodated.***
 - d) All employee parking to be contained on site at all times.***
 - e) The transportable buildings shall be fixed to the ground by footings, as directed by the Council.***
 - f) The planting of a vegetation buffer between the accommodation units and Jabiru Road to the satisfaction of the Chief Executive Officer.***
 - g) Landscaping in accordance with the submitted landscaping plan.***
 - h) Obtaining an Approval to construct or install an apparatus for the treatment of sewerage from the Department of Health.***
 - i) Compliance with all Council's health requirements. These include however may not be limited to installation of an approved effluent disposal system to the satisfaction of Council's Environmental Health Officer.***
 - j) Any conditions issued under delegated authority from Council's Standard Conditions list***
- 2. Advise The Ark Fund that the approval is for Temporary use of the land, and that at the expiry of three years a new application must be made for the use of the site for Temporary Transient Accommodation, or the development shall be removed, and that failure to re-apply or remove the accommodation will result in action to effect compliance.***
- 3. should local Police report an increase in lawlessness at the site that a report to Council be tabled and that Council reserves the right to revoke or amend the approvals.***

LOST: (5/3)

*Cr K Wright requested the votes be recorded
Cr K Wright, D Ausburn, and J Moulden voted for the motion
Cr R Addis, J Parker, K Torres, F Mills and R Boshammer voted against the motion*

Minute No: 8498

**Moved:Cr D AUSBURN
Seconded:Cr R Addis**

That Council

- 1. Grants planning consent to The Ark Fund for the development and use of Loc 383 Packsaddle Weaber Plain Road, Kununurra, for transient workers accommodation, in accordance with the submitted plans, and subject to the to the following specific conditions:**
 - a) Provision of a Statutory Declaration signed by the company directors confirming that the transient accommodation units will only be occupied by seasonal workers employed on site, for periods not exceeding 6 months, to ensure compliance with Scheme provisions.**
 - b) The Temporary Transient Accommodation shall be occupied by a maximum of twenty four [24] people.**
 - c) All prospective occupants to be notified at the point of checking into the accommodation that the units are reserved for the exclusive use of seasonal workers, with such notification to be approved by Council officers. This is to ensure that only seasonal workers are accommodated.**
 - d) All employee parking to be contained on site at all times.**
 - e) The transportable buildings shall be fixed to the ground by footings, as directed by the Council.**
 - f) The planting of a vegetation buffer between the accommodation units and Jabiru Road to the satisfaction of the Chief Executive Officer.**
 - g) Landscaping in accordance with the submitted landscaping plan.**
 - h) Obtaining an Approval to construct or install an apparatus for the treatment of sewerage from the Department of Health.**
 - i) Compliance with all Council's health requirements. These include however may not be limited to installation of an approved effluent disposal system to the satisfaction of Council's Environmental Health Officer.**

j) Any conditions issued under delegated authority from Council's Standard Conditions list

- 2. Advise The Ark Fund that the approval is for Temporary use of the land, and that at the expiry of three years a new application must be made for the use of the site for Temporary Transient Accommodation, or the development shall be removed, and that failure to re-apply or remove the accommodation will result in action to effect compliance.***

CARRIED: (6/2)

Cr K Wright requested the votes be recorded

Cr R Addis, D Ausburn, J Parker, K Torres, F Mills and R Boshammer voted for the motion

Cr K Wright and J Moulden voted against the motion

ATTACHMENT 1 - SITE PLAN



ATTACHMENT 2 - LANDSCAPE PLAN



ATTACHMENT 3 - SUMMARY OF SUBMISSIONS:

Submitted By:	Nature of Submission:	Comment:	Recommendation:
1. RP & AL Sippel Darwin	Comment and enquiry		
	No kitchen in application	The application includes a transportable kitchen	Note comment
	Do the units have to be approved each year?	It is proposed to approve the units for three years. At the conclusion of this period, the units will be required to be removed unless an application is submitted and approved to allow them to be retained	Note enquiry
	Temporary uses often become permanent	Agreed. Recommended that development be approved with conditions relating to temporary nature	Include conditions relating to temporary nature of development.
	Large groups of transient people living together does not work very well - who will police this 'community'	Social activities of employees is not a planning matter	Dismiss comment
	Security may be compromised due to large groups of workers exploring surroundings.	Social activities of employees is not a planning matter	Dismiss comment
	Require assurance that development will not impact on property prices on Jabiru Road	Not a planning matter. Use can be approved by Council	Dismiss comment
	Indigenous people should be offered employment.	Employment options of applicant is a matter for the applicant	Dismiss comment
	Alternative locations should be used for accommodating staff.	Use can be approved by Council. Applicant has the right to seek consent	Dismiss comment
J Storey Jabiru Road	Objection		
	Objects to density of development	Scheme provides no guidance. Accommodation is seen as fit for purpose, and suitable for zoning of land.	Dismiss objection

	Existing dongas do not have consent	Action being taken to correct this. Applicant advised some 10 months ago of requirement for consent. Due process requires submission of application, which has now occurred. Matter will be put to council after advertising.	Uphold objection. Applicant is required to submit retrospective planning Approval for existing accommodation.
	No building licence approved for development	Building licence has been issued for shed. Building licence for existing accommodation can only be issued after consideration of retrospective planning application by Council.	Note comment
	Developers wish to construct prior to Council meeting	Developers have been advised Council consent must be obtained. Action will be taken if development proceeds without consent.	Note comment.
	Objects to the way the development has been handled.	Agreed. Failure to ensure existing accommodation is not approved is an error, and will be corrected as soon as possible. Action currently being taken to address this matter.	Uphold objection. Applicant is required to submit retrospective planning Approval for existing accommodation.
	Current application should be deferred until all development considered by Council and building licences issued	Building licence has been issued for shed. Building licence for existing accommodation can only be issued after consideration of retrospective planning application by Council. Current application subject to statutory timeframes - must be considered by Council.	Uphold objection. Applicant is required to submit retrospective planning Approval for existing accommodation.
P & K Debont	Objection		
	Compromises health, safety and convenience of Packsaddle area	No evidence of detrimental impact on health, safety or convenience. Packsaddle area is zoned for Agricultural uses, application is for an agricultural use.	Dismiss objection

	Applicant already has 4 houses plus 8 room transportable on site.	Packsaddle area is zoned for Agricultural uses, application is for an agricultural use. Land is owned by applicant, and applicant has right to seek consent.	Dismiss objection
	Other options available for accommodating workers.	Packsaddle area is zoned for Agricultural uses, application is for an agricultural use. Land is owned by applicant, and applicant has right to seek consent.	Dismiss objection
	Comments about agricultural management practices of applicant, including labour issues and supply of mangoes.	Not planning matters	Dismiss objection
	Current application only part of applicants overall need for workers accommodation	Applicant is required to obtain consent for all development. While an error has been made with assessment of existing units, non-compliance will be addressed.	Dismiss objection
	Imported, young and non skilled workers will have an impact on social well being of Packsaddle	Skills, age and cultural background of workers is not a relevant planning matter.	Dismiss objection
	Security may be compromised due to large groups of workers exploring surroundings.	Social activities of employees is not a planning matter	Dismiss comment

ATTACHMENT 4 - SUBMISSIONS

RP and AL Sippel
7 Phoenix Street
Nightcliff NT 0810

Chief Executive Officer
Shire Of Wyndham East Kimberley
PO Box 614
Kununurra WA 6743

Dear Sir

With reference to the development notice published in the Kimberley Echo 21st August 2008 and subsequent document forwarded to me by your office.

The company applying for the consent seems to have been very thorough in the presentation to Council however I do have some questions.

The letter to Council states that the container accommodation will be temporary in nature and able to be removed at the completion of the season. I noted that there is no kitchen on the floor plans and there is no reference to kitchen facilities in the submission letter. Does this mean that there is a kitchen large enough to cater for 22+ persons in the existing shed?

After the season will the developer have to reapply each year to put the containers back on the site and if not and who will check that these are of a suitable standard and do not increase in number over the years, given that they have already said that they will be employing at least 80 staff for the season.

Once you give temporary approval for this type of thing then it seems very easy to just move to the next step and make them a permanent fixture. Will the Packsaddle community be advised if this is to become the case or will it just evolve without consultation?

It seems very likely that if the temporary containers are allowed then in the future we could be looking at a full backpackers, which is quite likely if Rewards decide to house all their workers on the same site.

We would like some assurance from Council that this will not develop into a full blown community right at our doorstep. I have lived and worked in Orchard type workers accommodation before and putting large groups of transient people together usually does not work very well. Who will oversee this community or will they be left to their own devices outside work hours.

We are owners of Lot 201 Jabiru Road and as such are concerned about transients wandering about to suit themselves. What are they going to do in their spare time and they will have some time over the allotted period where they are able to explore their surroundings. We enjoy a secure safe environment on Packsaddle road due to our relative isolation from town. Bringing these persons literally to our backyards, in my opinion will jeopardize our feeling of security as some of the persons to be employed as in previous years will be from different cultures to ours and my not understand the concept of Private Property.

Are you able to assure that this development will not impact the price of our property, as you would no doubt be aware the prices for blocks on Jabiru Road are premium for the Kimberley and I am very concerned that this development will detract from this.

I know that Kununurra must diversify to survive but The submission letter says there is a labour shortage in Kununurra and to quote our Shire President from an article in the Echo last week “we should be encouraging local employment and focusing on employing some of our indigenous. It also takes business away from the town. We have some very conscientious backpacker owners willing to have a go. If it is only 24 staff then have they tried the facilities in town to accommodate them or maybe they could live closer to the managers at Weero Road.

Yours Faithfully

Richard and Angela Sippel
Lot 201 Jabiru Road Kununurra

28 August 2008

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

Doc No.	063229
Date	- 2 SEP 2008
Officer	CEO, TP
Response	
File	01.6993.02
Cross Ref.	

John Storey
PO Box 366
KUNUNURRA WA 6743

Dear Sir

SUBMISSION ON TRANSIENT ACCOMMODATION
LOT 103 PACKSADDLE ROAD KUNUNURRA

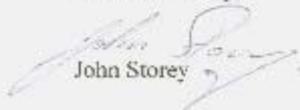
I refer to your notice in the Kimberley Echo of August 22nd inviting submissions on the above. Shire documents show that the above proposal is for temporary accommodation for 24 workers for 14 weeks. It is noted that the proposal is for 6 x 4 room dongas to be placed on the site. Whilst in principal, I do not have a problem with such temporary accommodation for the fruit picking season, I object strongly to the way in which this is being carried out and the ever increasing accommodation density on this block.

It is noted from the submitted plans that the extra six dongas will be attached to two existing permanent four room dongas. These two existing dongas were constructed eight months ago and to this day do not have a building licence nor Council approval. Additionally, there has been no action by any Shire Officer to have these illegal dongas removed. Now you are wanting us to agree to another six dongas attached to the two illegal ones. The answer is no - especially when the block already contains four permanent houses, and now falls beyond the number allowed by the State Planning Policy 2.5.

To make matters worse, this huge packing shed and development also to this day does not have a building licence, nor did it go to Council for Planning Approval. Again, it has been constructed for over eight months! It is also noted from the submitted documents that the developers wish to place the dongas there from the 15th September. Yet this will not go to a Council Meeting until the 16th September! So do the developers again construct illegal dwellings!

I strongly object to the way this whole development has been handled and will not agree to any further accommodation being constructed until the entire development has been to Council for proper consideration of all relating factors, to its siting and effect on neighbouring farms, and the appropriate building licences being granted.

Yours Faithfully,


John Storey

Doc No.	063269
Date	5 SEP 2008
Officer	CEO, TP
Response	
File	01.6993.02
Cross Ref.	

3rd September, 2008

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

RE: DEVELOPMENT PROPOSAL – LOT 103, PACKSADDLE ROAD
 REWARDS GROUP 'TEMPORARY STRUCTURES' FOR 24 PEOPLE

We refer to the above proposed development to supply transient accommodation for casual harvest staff.

We wish to submit our very strong **OBJECTION to this proposal**, as we believe this development would not promote & safeguard the health, safety, convenience and general welfare of the amenities of the Packsaddle area nor its inhabitants.

Plus Rewards Group already own 4 houses plus an 8 room (16 man) transportable unit located on their farm at Packsaddle. If they need further accommodation for 'transient' harvest staff – let them utilise the existing accommodation outlets in town, designed specifically for 'transient' workers. There are also several preferred alternatives open to them: purchase houses in town, locate transient accommodation on Dobson's citrus operation at Valentine Falls, or buy one of Oliver's blocks on sale near Toils Freight yard. The last option is the better alternative, as having 'temporary' accommodation units located just 'out of town' causes no impact to townspeople, and Reward's workers would be within walking distance to town to utilise all the facilities Kunururra has to offer on their time off. Police would also be closer to hand to provide a quick response to quell any trouble that they may cause.

Rewards management team were well aware of the existing shortage in harvest workers in Kunururra when they planted out one of their farms to 150,000 mango trees – they created a 'glut' in an already oversupplied mango market, showed no regard for livelihoods of the existing small and large mango growers in the region and the impact harvesting their extensive crop would have on both the labour needs of other mango operations and market prices of mangoes on existing local, regional and Australian markets. All horticultural operators know that if you can't make a profit in your own country, you won't make a profit exporting to overseas markets as costs are already too high to be viable in your own country.

They also knew there was no 'labour' of the magnitude they would be needing available in Kunururra at this time of year – so why didn't they develop their operation in East Timor, where their large scaled operation would no social impact and where they now plan to import harvest workers from.

All Packsaddle residents currently enjoy a low security, hassle free lifestyle. The Reward Group's proposal will change this as their initial contact with the Shire in July was for ablation requirements for 200 workers. This current proposal to house 24 'transient' workers for a 14 week period from 15 September until 1 December is only Stage One of their plans and would then be extended in the future to include pruning work in their mangoes and citrus operations when they will also need 'transient' accommodation for their workers during that crop's picking season.

In the end we would have up to 200 or more, 'imported' transient, non skilled 'youth' harvest workers (from East Timor I'm led to believe) for an 'extended' period – and this would have a tremendous social impact on ALL the residents at Packsaddle.

What are 200 unsupervised 'youth' workers going to do at Packsaddle during their time away from the field? Wander around up and down the Packsaddle Road and get up to mischief

that's what! And when trouble brews between them any Police support are at least 1 hour away – the time it would take to organise a response team to travel the 15 kms from town in the event of trouble.

East Timorese people have ruined their own country with their inability to live in harmony, in-fighting among community groups and killing rampages (by machete wielding marauding gangs) – now the Rewards Group want to bring them over here to ruin ours! If only 1% have any criminal intent – this equates to 2-3 people who will cause havoc to the residents at Packsaddle.

Are they going to be 'housed' in secure compounds? Or are we going to be the ones living in compounds like Europeans do in East Timor? We moved out to Packsaddle to escape the escalating unstoppable youth criminal activity in town – now Rewards Group want to bring it right to our doorstep

Rewards Group 'stuffed up' our livelihood with their extensive scaled mango operation – now they want to 'stuff up' our lifestyle too!

Why should we change our lifestyle – let the Rewards Group move their planned mass accommodation operation to a better suited location in town and provide transport from town to their farming operations.

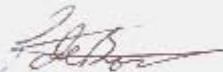
If Rewards Group's proposal is approved the ripple effect will not only be felt at Packsaddle but all around the Valley. Immediately other large scale operators will want to do the same thing including Tropical Forestry Services, who have large scale forestry operations at Packsaddle and other areas within the district around Kununurra. Where does this sort of proposal stop once a precedent is set.

All farmers depend on seasonal 'backpacker' workers for harvest work and their presence here is of benefit to Kununurra. Imported workers who are housed 15 kms from town and employed on a flown in and flown out basis will have no direct benefit to the businesses in Kununurra. **The only ones to benefit from this arrangement for harvest workers (transient or imported) are the Reward Group's wealthy, out-of-town 'tax minimising' investors who will not be experiencing any degradation in their lifestyles.**

The Shire and its Councillors have a duty to ALL its ratopayers and residents to see that this should not be allowed to happen! **Ask yourself one question – "Would you like 200-300 unsupervised youths living next door, or down the road from yourself?"**

Your paper based decisions can have long term negative impact on Packsaddle residents. Please do not downgrade our quality of life or one of our biggest investments in our lives – our homes - by voting yes to this proposal. This will become a reality if this development receives your approval.

We strongly urge ALL councillors to **say NO to this proposal** as it is not in the best interests for the residents of Packsaddle.



Peter de Bont



Kay de Bont

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

Nil

16. MATTERS BEHIND CLOSED DOORS

COUNCIL DECISION

Minute No. 8499

Moved:Cr R Addis

Seconded:Cr D Ausburn

Item 16.1 Advice of Legal Action Weaber Plain Flooding and Item 16.2 Appointment, Employment Contract of a Senior Employee, Executive Manager of Town Planning and Economic Development be discussed Behind Closed Doors under Section 5.23 (2) (a), (b) (c) and (d) as these are matters that affects:

(a) a matter affecting an employee or employees;

(b) the personal affairs of any person;

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting

CARRIED UNANIMOUSLY: (8/0)

Ms K Fewster and Mr B Harding left the meeting at 8.57pm

The meeting was closed to the Public at 8.57pm

16.1 ADVICE OF LEGAL ACTION - WEABER PLAIN FLOODING 2006 (8499) (8500)

DATE:	16 December 2008
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Weaber Plain
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	66.42.18
ASSESSMENT NO:	N/A

This item will be discussed Behind Closed Doors under Section 5.23 (2) (d) as this is a matter that affects:

- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;

Minute No: 8500

Moved:Cr J Moulden

Seconded:Cr J Parker

That Council note the pending claim for damages of \$422,921.13 associated with the March 2006 flood event in the Weaber Plain catchment and that Councillors should not comment on the matter, pending the due processes (insurance, legal action) to be followed.

CARRIED UNANIMOUSLY: (8/0)

**16.2 APPOINTMENT - EMPLOYMENT CONTRACT OF A SENIOR EMPLOYEE -
EXECUTIVE MANAGER OF TOWN PLANNING AND ECONOMIC
DEVELOPMENT (8491) (8492) (8493) (8494)**

DATE:	16 December 2008
PROPONENT:	Mr Ian D’Arcy
LOCATION:	Kunununurra
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	60.14.02
ASSESSMENT NO:	N/A

This item will be discussed Behind Closed Doors under Section 5.23 (2) (a) (b) and (c) as this is a matter that affects

- (a) a matter affecting an employee or employees;
- (b) the personal affairs of any person;
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

Details related to proposed appointment are documented under confidential cover.

COUNCIL DECISION

Minute No. 8501

***Moved:Cr D Ausburn
Seconded:Cr K Torres***

That Council suspend Standing Order 7.5 to enable Councillors to speak more than once in relation to matter being debated.

CARRIED UNANIMOUSLY: (8/0)

Standing Order 7.5 was suspended at 9.03pm

Minute No: 8502

***Moved:Cr J Moulden
Seconded:Cr D Ausburn***

That Council resume standing Order 7.5

CARRIED UNANIMOUSLY: (8/0)

Standing Order 7.5 resumed at 9.19pm

***Moved:Cr K Wright
Seconded:***

That the item be delayed until the CEO returns from leave

LAPSED

Minute No: 8503

Moved:Cr R BOSHAMMER

Seconded:Cr D Ausburn

That Council offer a 5 year employment contract, as per the draft contract under confidential cover, for the position of Executive Manager for Town Planning and Economic Development Services to Mr Ian D'Arcy, subject to submission of a National Police Clearance and satisfactory medical certificate.

CARRIED: (6/2)

Minute No: 8504

Moved:Cr J PARKER

Seconded:Cr D Ausburn

That having completed business behind closed doors opens the meeting to the public

CARRIED UNANIMOUSLY: (8/0)

The meeting was opened to the public at 9.22pm

17. CLOSURE

The Acting CEO wished the Council a Merry Christmas on behalf of the staff

With all business having been completed The Shire President wished all Councillors and Staff a safe and happy festive season and closed the meeting at 9.23pm.