



MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON 17 NOVEMBER 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

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**SHIRE OF WYNDHAM-EAST KIMBERLEY
MINUTES
OF THE ORDINARY COUNCIL MEETING
HELD ON MONDAY, 17 NOVEMBER 2008 AT 6:00 PM**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President opened the meeting at 6.00pm.

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

Cr F Mills	Shire President
Cr R Addis	Deputy President
Cr R Boshammer	Councillor
Cr P Caley	Councillor
Cr J Moulden	Councillor
Cr J Parker	Councillor
Cr K Torres	Councilor
Cr K Wright	Councillor

P Stubbs	Chief Executive Officer
K Williams	Executive Manager Town Planning
J Ellis	Executive Manager Corporate Services
K Apperley	Executive Manager Community Services
A Douglas	Executive Manager Engineering & Regulatory Services
S Russell	Executive Support Officer – Corporate/Minute Taker
F Kuiper	Executive Support Officer

Leave of Absence

Cr D Ausburn	Councillor
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3. DECLARATIONS OF INTEREST

• **Financial Interest**

Cr R Boshammer declared a Financial Interest in item 12.6.2 Proposed new Caravan Park Foreshore Leases as he is a Shareholder and Director of Kimberley Land Caravan Park Pty Ltd.

• **Impartiality Interest**

Cr F Mills declared and Impartiality Interest in item 12.3.1 Request for Early Termination of Landfill Management Contract T12 07/08 as he is a former employee of the Contractor

Executive Manager Corporate Services J Ellis declared an Impartiality Interest in item 12.6.6 Proposed Family Daycare Incentive Package as she is a committee member of the Ewin Centre Management Committee and her child is cared for at the Ewin Centre.

- **Proximity Interest**

Cr K Torres declared a Proximity Interest in item 12.6.2 Proposed new Caravan Park Foreshore Leases as he is a tenant at Kona Caravan Park.

Chief Executive Officer Peter Stubbs declared a Proximity Interest in item 12.4.1 Rezoning of Residential Land – Erythrina Street and Weaber Plain Road, Kununurra as he is a joint owner of adjacent property at Lot 4 Sorghum Place Kununurra

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. PETITIONS

Nil

7. APPLICATIONS FOR LEAVE OF ABSENCE

7.1 Applications for Leave of Absence (8434)

COUNCIL DECISION

Minute No. 8434

Moved:Cr R Addis

Seconded:Cr J Moulden

Cr Paul Caley and Cr Keith Wright be given a leave of absence from the 16 December Meeting

CARRIED: (8/0)

8. CONFIRMATION OF MINUTES

8.1 Confirmation of Minutes of the Ordinary Meeting of Council Held On Tuesday 21 October 2008 (8435)

RECOMMENDATION

That Council Confirm Minutes of the Ordinary Meeting of Council Held on Tuesday 21 October 2008

COUNCIL DECISION

Minute No. 8435

Moved:Cr R Addis

Seconded:Cr K Wright

That Council Confirm Minutes of the Ordinary Meeting of Council Held on Tuesday 21 October 2008

CARRIED: (8/0)

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Could I start by welcoming our new Councillors, Cr Boshammer, and Cr Torres to their first full Ordinary Council meeting and once again congratulate them on being elected.

Tuesday 11th November was Remembrance Day. Cr Wright laid a wreath on behalf of Council at the Kununurra Remembrance Day ceremony, which was well attended by members of the public. I thank our Shire staff Ken Cotter, for leading the ceremony as MC and being Deputy of our local RSL, and Fiona Kuiper for her support in playing the last post.

I attended the Australian Airport Association's conference held in Perth last week, which was a good opportunity to network with industry leaders in aviation in Australia. On behalf of Council of would like to record our congratulations to Mr Michael Bridge, CEO of Airnorth who was named as the Aviations Industries Personality of the Year at the Conference, for his leadership in Regional Aviation across Australia.

Over the past few days Cr Wright and myself have attended the Kimberley Zone meeting, with the three other Kimberley Councils in Kununurra. I thank Councillors. who attended the Zone dinner to interact with our Local Government colleagues across the Kimberley.

On Friday the 21st November the Hon Terry Redman, Minister for Agriculture and Food visited our region and announced the State Government was removing the moratorium on Genetically Modified cotton in the East Kimberley. This is welcome news and consistent with the position adopted by Council in April 2007.

Tomorrow, Tuesday 18th November is a significant day for region, with the premiere screening of the movie *Australia*, to be held at the Kununurra Picture Gardens. On behalf of Council I thank 20th Century Fox, Bazmark Productions and Tourism Western Australia for their collaborative effort in bringing this unique occasion to our region. Could I also thank and acknowledge the work of our staff over the past few weeks, who have undertaken additional work in the recent Local Government election, and in assisting to gain the movie premiere. In particular Fiona Kuiper who has been a key organiser locally to ensure the success of this movie premier event for our region.

A large number of local people have participated in or supported the production of *Australia*, and it is terrific they will have this premiere screening. I welcome the attendance of the;

Hon Colin Barnett, Premier of Western Australia,

Hon Liz Constable, Minister for Tourism

Hon Brendon Grylls, Minister for Regional Development and Lands

Hon Malcolm Turnbull, Leader of the Federal Opposition, at this event.

It is pleasing to see Mr Turnbull in our region specifically to familiarise himself with Ord Irrigation Scheme and the opportunity for the Australian Government to partner with our State and Local Governments in seeking to expand our economic base, and position the East Kimberley region for growth, necessary to bring benefit to Australia and our regions citizens.

This will be the last Council meeting for Executive Manager Town Planning Keith Williams who is leaving the Shire to move into the private sector. On behalf of Council I wish Keith all the best and thank him for his dedication over the past five years.

10. DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

11. MINUTES OF COUNCIL COMMITTEE MEETINGS

11.1. CONFIRMATION OF MINUTES OF AUDIT COMMITTEE MEETINGS

Nil

11.2. CONFIRMATION OF MINUTES OF AIRPORT COMMITTEE MEETINGS

Nil

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

12.2. CORPORATE SERVICES

12.2.1 Monthly Financial Report (8436)

DATE:	17 November 2008
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Gill Old Manager Finance 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 September 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 September 2008.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council accept the Monthly Financial Report for the Month of September 2008.

COUNCIL DECISION

Minute No. 8436

Moved:Cr J Moulden

Seconded:Cr K Wright

That Council accept the Monthly Financial Report for the Month of September 2008.

CARRIED: (8/0)

Shire of Wyndham East Kimberley Statement of Financial Activity Year to Date Actual v Year to Date Budget as at 30 September 2008						
	Year to Date Budget		Year to Date Actual		Variance	
	\$	\$	\$	\$	%	
Revenues		3,232,761		3,209,917		
General Purpose Funding	1,097,265		1,114,182	16,917	2%	
Governance	12,749		25,251	12,502	98%	
Law, Order And Public Safety	21,148		7,903	(13,245)	-63%	
Health	40,689		41,183	494	1%	
Education And Welfare	27,197		26,947	(250)	-1%	
Housing	18,453		30,616	12,163	66%	
Community Amenities	1,077,675		1,024,365	(53,310)	-5%	
Recreation And Culture	91,285		96,701	5,416	6%	
Transport	770,117		810,401	40,284	5%	
Economic Services	73,185		26,710	(46,475)	-64%	
Other Properties And Services	2,998		5,657	2,659	89%	
Expenses		(3,601,804)		(3,538,737)		
General Purpose Funding	(96,540)		(114,046)	(17,506)	18%	
Governance	(239,535)		(193,644)	45,891	-19%	
Law, Order And Public Safety	(122,141)		(126,716)	(4,575)	4%	
Health	(78,967)		(73,692)	5,275	-7%	
Education And Welfare	(107,769)		(101,242)	6,527	-6%	
Housing	(70,539)		(70,238)	301	0%	
Community Amenities	(590,358)		(545,333)	45,025	-8%	
Recreation and Culture	(911,677)		(939,214)	(27,537)	3%	
Transport	(1,143,286)		(1,115,530)	27,756	-2%	
Economic Services	(99,493)		(85,196)	14,297	-14%	
Other Properties And Services	(141,499)		(173,886)	(32,387)	23%	
Adjustments for Cash Budget Requirements						
Non-Cash Expenditure and Revenue		462,149		493,105	30,956	0%
Capital Expenditure and Revenue		(1,683,594)		(1,365,247)		
<i>Purchase for Land Held for Resale</i>	0		0	0		
<i>Purchase Land and Buildings</i>	0		0	0		
<i>Purchase Infrastructure Assets - Roads</i>	(1,749,012)		(1,703,257)	45,755	-3%	
<i>Purchase Infrastructure Assets - Parks</i>	(73,000)		(72,919)	81	0%	
<i>Purchase Infrastructure Assets - Footpaths</i>	(78,000)		(88,760)	(10,760)	14%	
<i>Purchase Infrastructure Assets - Drainage</i>	0		0	0	0%	
<i>Purchase Infrastructure Assets - Other</i>	(759,000)		(475,900)	283,100	-37%	
<i>Purchase Plant and Equipment</i>	(481,248)		(449,950)	31,298	-7%	
<i>Purchase Furniture and Equipment</i>	(10,000)		(21,279)	(11,279)	113%	
<i>Grants / Contributions for Development of Assets</i>	283,250		307,205	23,955	8%	
<i>Proceeds from Disposal of Assets</i>	1,234,750		1,198,848	(35,902)	-3%	
<i>Proceeds from Sale of Land Held for Resale</i>	0		(1,500)	(1,500)		
<i>Repayment of Debentures</i>	(51,334)		(57,734)	(6,400)	12%	
<i>Proceeds from New Debentures</i>	0		0	0		
<i>Self-Supporting Loan Principal Income</i>	0		0	0		
<i>Transfers to Reserves (Restricted Assets)</i>	0		0	0		
<i>Transfers from Reserves (Restricted Assets)</i>	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	4,594,492	4,594,492	5,108,448	5,108,448	513,956	11%
Amount Required to be Raised from Rates	4,736,339	4,736,339	4,869,649	4,869,649	133,310	3%

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity
For the Period Ended 30 September 2008

	YTD Actual 2008/09 \$	Brought Forward 1 July 2008 \$
Net Current Assets	\$	\$
<i>Composition of Net Current Asset Position</i>		
Current Assets		
Cash - Unrestricted	2,319,832	1,386,340
Cash - Reserves	5,962,360	5,962,360
Cash - Restricted Unspent Grants		
Investments - Restricted		
Receivables	4,426,455	1,141,569
Inventories	37,027	7,834
Land Held for Resale	-	-
	12,745,673	8,498,102
<i>Less</i>		
Current Liabilities		
Payables	(1,674,866)	(1,095,984)
	(1,674,866)	(1,095,984)
<i>Less</i>		
Restricted Reserves		
Cash	(5,962,360)	(5,962,356)
Investments		
Net Current Asset Position	5,108,448	1,439,762

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity
For the Period Ended 30 September 2008

Explanation of Material Variances

Variances +/- \$50,000

Operating

Recurrent Revenue - Excluding Rates

Community Amenities: Rubbish Disposal Charges not received for August & September 2008

Recurrent Expenditure

There are no material variances requiring explanation

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 Airpo
Apron & Taxiway upgrades

Shire of Wyndham East Kimberley						
Note to Statement of Financial Activity						
(Budget to Collect / Spend)						
as at 30 September 2008						
	Adopted Budget		Year to Date Actual		Budget Remaining to Collect / (Spend)	
	\$	\$	\$	\$	\$	\$
Revenues		11,628,112		3,209,917		8,418,195
General Purpose Funding	4,180,362		1,114,182		3,066,180	
Governance	47,000		25,251		21,749	
Law, Order And Public Safety	89,600		7,903		81,697	
Health	145,420		41,183		104,237	
Education And Welfare	1,102,519		26,947		1,075,572	
Housing	71,350		30,616		40,734	
Community Amenities	1,877,689		1,024,365		853,324	
Recreation And Culture	486,100		96,701		389,399	
Transport	3,060,150		810,401		2,249,749	
Economic Services	292,285		26,710		265,575	
Other Properties And Services	275,637		5,657		269,980	
Expenses		(15,509,816)		(3,538,737)		(11,971,079)
General Purpose Funding	(358,155)		(114,046)		(244,109)	
Governance	(1,057,900)		(193,644)		(864,256)	
Law, Order And Public Safety	(482,548)		(126,716)		(355,832)	
Health	(339,005)		(73,692)		(265,313)	
Education And Welfare	(414,772)		(101,242)		(313,530)	
Housing	(270,286)		(70,238)		(200,047)	
Community Amenities	(3,128,713)		(545,333)		(2,583,380)	
Recreation and Culture	(3,354,062)		(939,214)		(2,414,847)	
Transport	(5,236,286)		(1,115,530)		(4,120,757)	
Economic Services	(629,627)		(85,196)		(544,430)	
Other Properties And Services	(238,463)		(173,886)		(64,577)	
Adjustments for Cash Budget Requirements						
Non-Cash Expenditure and Revenue		1,276,826		493,105		783,721
Capital Expenditure and Revenue		(3,580,102)		(1,365,247)		(2,214,855)
<i>Purchase for Land Held for Resale</i>	(750,000)		0		(750,000)	
<i>Purchase Land and Buildings</i>	(1,371,000)		0		(1,371,000)	
<i>Purchase Infrastructure Assets - Roads</i>	(3,864,016)		(1,703,257)		(2,160,759)	
<i>Purchase Infrastructure Assets - Parks</i>	(1,000,000)		(72,919)		(927,081)	
<i>Purchase Infrastructure Assets - Footpaths</i>	(147,164)		(88,760)		(58,404)	
<i>Purchase Infrastructure Assets - Drainage</i>	(125,000)		0		(125,000)	
<i>Purchase Infrastructure Assets - Other</i>	(2,418,470)		(475,900)		(1,942,570)	
<i>Purchase Plant and Equipment</i>	(1,783,280)		(449,950)		(1,333,330)	
<i>Purchase Furniture and Equipment</i>	(251,000)		(21,279)		(229,721)	
<i>Grants / Contributions for Development of Assets</i>	4,514,260		307,205		4,207,055	
<i>Proceeds from Disposal of Assets</i>	1,583,053		1,198,848		384,205	
<i>Proceeds from Sale of Land Held for Resale</i>	250,000		(1,500)		251,500	
<i>Repayment of Debentures</i>	(127,300)		(57,734)		(69,566)	
<i>Proceeds from New Debentures</i>	1,071,000		0		1,071,000	
<i>Self-Supporting Loan Principal Income</i>	1,119		0		1,119	
<i>Transfers to Reserves (Restricted Assets)</i>	(968,595)		0		(968,595)	
<i>Transfers from Reserves (Restricted Assets)</i>	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
LESS Estimated Surplus/(Deficit) June 30 C/Fwd		0	5,108,448	5,108,448	(5,108,448)	(5,108,448)
Amount Required to be Raised from Rates	4,736,339	4,736,339	4,869,649	4,869,649	(133,310)	(133,310)

12.2.2 List of Accounts Paid Under Delegation 18 (8437)

DATE:	17 November 2008
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Sue Dillon Senior Finance Officer
REPORTING OFFICER:	Jo-Anne Ellis Executive Manager Corporate Services
FILE NO:	60.14.03
ASSESSMENT NO:	N/A

PURPOSE

To present the listing of accounts 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 38644 - 38672 (2 to 23 October 2008)	\$22,812.12
EFT 104093 – EFT 104297 (2 to 28 October 2008)	\$1,028,900.74
Payroll (1 to 30 October 2008)	\$244,564.68
Direct bank debits (1 to 30 October 2008)	\$29,449.99
Total	\$1,325,727.53

COUNCIL DECISION

Minute No. 8437

Moved:Cr K Wright

Seconded:Cr J Moulden

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

<i>Municipal cheques 38644 - 38672 (2 to 23 October 2008)</i>	<i>\$22,812.12</i>
<i>EFT 104093 – EFT 104297 (2 to 28 October 2008)</i>	<i>\$1,028,900.74</i>
<i>Payroll (1 to 30 October 2008)</i>	<i>\$244,564.68</i>
<i>Direct bank debits (1 to 30 October 2008)</i>	<i>\$29,449.99</i>
<i>Total</i>	<i>\$1,325,727.53</i>

CARRIED: (8/0)

List of Accounts Paid Under Delegation 18

List of accounts submitted to Council 17/11/08

Chq/EFT	Date	Name	Description	Amount
EFT104093	02/10/2008	ARGYLE ENGINEERING	MATERIALS FOR WYNDHAM PONTOON JETTY	2,009.70
EFT104094	02/10/2008	ARGYLE MOTORS	65,000KM SERVICE 1CQN641	277.35
EFT104095	02/10/2008	BAIRSTOW, RACHAEL ELIZA	MEAL & TRANSPORT COSTS TO ATTEND TRAINING HC	139.28
EFT104096	02/10/2008	BLACKWOODS ATKINS PTY LTD	RETICULATION MATERIALS, TERMINAL LIGHTING	937.23
EFT104097	02/10/2008	BOAB CARPENTRY MAINTENANCE SERVICE	INSTALL BASKETBALL BACKBOARDS & RINGS WYN	1,496.00
EFT104098	02/10/2008	CANCELLED		
EFT104099	02/10/2008	CORPORATE EXPRESS	STATIONERY & PRINTER CARTRIDGES	2,869.64
EFT104100	02/10/2008	COMMUNICATION & PROTECTION SOLUTIONS	FIBRE OPTIC DATA LINK TO THE LEISURE CENTRE	3,730.75
EFT104101	02/10/2008	DRYSDALE RIVER STATION	GRADING OF MITCHELL PLATEAU ACCESS RD	21,532.50
EFT104102	02/10/2008	EAST KIMBERLEY HARDWARE	RAPID SET, PVC GLUE	137.30
EFT104103	02/10/2008	EAST KIMBERLEY PLUMBING	REPAIR TOILET & BASIN TAP HALL SIDE TOILETS	282.70
EFT104104	02/10/2008	FLAMETREE NURSERY	RED BEECHES FOR COOLIBAH WORKS	39.95
EFT104105	02/10/2008	GEOFF GUNSON ELECTRICAL	REPAIR C/BREAKER, REPLACE TIME CLOCK - PUMPS	808.50
EFT104106	02/10/2008	HORIZON POWER	ELEC LOT 2370 OLD DARWIN RD CELEBRITY TREE PK	914.30
EFT104107	02/10/2008	JAB INDUSTRIES	RE-SHEET FOR KALUMBURU RD	337,990.95
EFT104108	02/10/2008	JASON SIGNMAKERS LTD	COUNTRY CLUB RESORT SIGN	181.50
EFT104109	02/10/2008	JSW HOLDINGS PTY LTD	FEL TO MOVE GRAVEL FROM CAUSEWAY	893.75
EFT104110	02/10/2008	KIMBERLEY COLLEGE OF TAFE	INTRODUCTION TO WORD COURSE	76.80
EFT104111	02/10/2008	KIMBERLEY PUMPING SERVICE	FIT 37KW, 2 POLE ELEC MOTOR TO MESSMATE PUMP	5,348.56
EFT104112	02/10/2008	KIMBERLEY WASTE SERVICES	WASTE COLLECTION KNX & WYN , INC EXTRA SERVICES	57,007.94
EFT104113	02/10/2008	KUNUNURRA HOME & GARDEN	MORTEIN - ANT PROBLEM IN TIMER BOX	8.20
EFT104114	02/10/2008	KUNUNURRA MAINTENANCE SERVICE	REPLACE BROKEN SEATING NEXT TO SPEEDO CLOCK	495.00
EFT104115	02/10/2008	OFFICE NATIONAL KUNUNURRA	CANON COPY CHARGES JUL & AUG, FAX CARTRIDGE	2,368.01
EFT104116	02/10/2008	ORIA ORCHARDS	FLOWER DELIVERY TO OFFICE	15.00
EFT104117	02/10/2008	PIVOTEL	SATELLITE CALL CHARGES FOR SEPTEMBER	334.94

EFT104118	02/10/2008	RB DESSERT SEED CO	BOX (10 X 1KG BAGS) SPEEDY COUCH SEED, LAWN SEED	423.50
EFT104119	02/10/2008	TOLL EXPRESS	TRANSPORT PLAYGROUND EQUIP, PAINT, STATIONERY	9,809.79
EFT104120	02/10/2008	TOP END MOTORS	15,000KM SERVICE WY12320, 20,000 SERVICE WY12448	581.30
EFT104121	02/10/2008	TRENNY'S REFRIGERATION AND AIR-CON	CONSULT FEE ESTIMATION FOR KLC AIR CON UPGRADE	506.00
EFT104122	02/10/2008	WAYNE RICHARDS	REIMBURSEMENTS FOR POOL OPS COURSE IN DERBY	829.16
EFT104123	02/10/2008	ALLGEAR MOTORCYCLES	CORD, MOWER BLADES, RIDE ON MOWER REPAIRS	1,165.62
EFT104124	02/10/2008	ANN O'BRIEN CONSULTING	ACCESS&INCLUSION PROJECTS-AUDIT & YOUR WELCOME	3,300.00
EFT104125	02/10/2008	AUSTRALIAN TAXATION OFFICE	BAS AUGUST 2008	92,318.00
EFT104126	02/10/2008	AUTO ONE KUNUNURRA	SIDCHROME SOCKETS 2 X SCREWDRIVER SETS	156.00
EFT104127	02/10/2008	BLACKWOODS ATKINS PTY LTD	BAGS RAGS, STRAP RECOVERY SNATCH	298.89
EFT104128	02/10/2008	BUSH CAMP SURPLUS STORES	SAFETY BOOTS	178.00
EFT104129	02/10/2008	EAST KIMBERLEY HARDWARE	BAGS GP CEMENT, KERO, BROOM, TREE STAKES	1,125.30
EFT104130	02/10/2008	FISCHER, CYNTHIA	WYNDHAM PUBLIC CONVENIENCES CLEANING	3,642.37
EFT104131	02/10/2008	FRONTIER POST & NEWS	SUPPLIES CROCODILES 21ST BIRTHDAY	65.10
EFT104132	02/10/2008	GULLIVERS TAVERN	CATERING/WINE WRITERS FESTIVAL, COUNCIL MEETINGS	1,200.00
EFT104133	02/10/2008	ICEAGE REFRIGERATION & AIRCONDITIONING	REPAIR/SERVICE AIR CONS WYN CC & RIVERFIG	984.50
EFT104134	02/10/2008	IOR PETROLEUM PTY LTD	SUPPLY 8,000 LTS OF DIESEL	13,446.40
EFT104135	02/10/2008	JSW HOLDINGS PTY LTD	M N20 CONCRETE TO REPAIR FOOTPATH	272.80
EFT104136	02/10/2008	KIMBERLEY ECHO-ALBANY ADVERTISER	ADVERTISING AUG - POSITIONS VACANT,PUBLIC NOTICES	2,632.63
EFT104137	02/10/2008	KIMBERLEY MOTORS	FUEL PURCHASES ON FUEL CARD	4,096.35
EFT104138	02/10/2008	KIMBERLEY WASTE SERVICES	2 METRE SKIP BIN FOR YOUTH CENTRE.	80.00
EFT104139	02/10/2008	KNX COUNTRY CLUB RESORT ASPEN PARKS	REFUND FOR DISCOUNT OF RATES	2,779.37
EFT104140	02/10/2008	KUNUNURRA HOME & GARDEN	TIDY SHIRE AWARDS 2008, HOSE FITTINGS	772.68
EFT104141	02/10/2008	KUNUNURRA SECURITY SERVICE	AIRPORT BAGGAGE & SCREENING 13/08-26/08/08	22,860.00
EFT104142	02/10/2008	LGIS WORKCARE	WORKCARE SCHEME MEMBERSHIP	62,563.05
EFT104143	02/10/2008	MEGAN HUNT	CLEANING - WYN SHIRE BUILDINGS	2,970.00
EFT104144	02/10/2008	OFFICE NATIONAL KUNUNURRA	COPY COUNT CHARGES FOR AUGUST CANON	504.79
EFT104145	02/10/2008	ORD RIVER ELECTRICS	KNX ADMIN. CHECK & REPAIR FLURO LIGHT	110.00
EFT104146	02/10/2008	PEERLESS JAL PTY LTD	TOILETRIES	1,522.27

EFT104147	02/10/2008	POOMUNDI LANDFILL SERVICES	KNX & WYN LANDFILL MANAGEMENT FEE SEPT 2008	22,018.59
EFT104148	02/10/2008	ROGERS MACHINERY SERVICE	BACKPACK SPRAY APPLICATOR	499.00
EFT104149	02/10/2008	ST JOHN AMBULANCE AUSTRALIA (WA)	COMPLETION OF OXYVIVA SUPPLIES - CFVBFB	29.23
EFT104150	02/10/2008	TOLL EXPRESS	FREIGHT CHARGES FOR STATIONERY AND PARTS	107.76
EFT104151	02/10/2008	TOLL IPEC PTY LTD	FREIGHT FOR WINDSOCKS KNX & WYN	405.72
EFT104152	02/10/2008	TONY'S PLUMBING & EXCAVATION PTY LTD	PLUMBING REPAIRS WYN REC CENTRE	167.20
EFT104153	02/10/2008	TOTAL EDEN – KP PUMPS	DRIPPERS & PIPE	220.45
EFT104154	02/10/2008	WYNDHAM TOURIST INFORMATION CENTRE	TOURIST INFORMATION SERVICE FOR WYN - AUGUST	476.66
EFT104155	16/10/2008	ARGYLE ENGINEERING	WYN PONTOON MATERIALS, RUBBER, BARS BOLTS NUTS	8,510.70
EFT104156	16/10/2008	ARGYLE MOTORS	2008 SR HILUX MANUAL T/DIESEL DUAL CAB	31,191.77
EFT104157	16/10/2008	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	179.00
EFT104158	16/10/2008	BEAUREPAIRES (KUNUNURRA)	NEW TYRE - 12H GRADER, BATTERY, PUNCTURE REPAIR	1,334.58
EFT104159	16/10/2008	BLACKWOODS ATKINS PTY LTD	WARNING LIGHTS - CFVBFB: 1, ASPHALT BLADE	1,251.33
EFT104160	16/10/2008	BOAB REFRIGERATION AND AIRCON	SERVICE AIR CONS DRYANDRA/EUCALYPTUS HOUSES	445.50
EFT104161	16/10/2008	BRANKO BP MOTORS	BLEED FUEL SYS ON AIRPORT BACKUP GENERATOR.	157.00
EFT104162	16/10/2008	BROADCAST AUSTRALIA PTY LTD	GWNR	554.55
EFT104163	16/10/2008	BUSBY INVESTMENTS T/A BUDGET RENT A CAR	HIRE CAR RENTAL JUNE TO SEPT 2008	1,870.76
EFT104164	16/10/2008	CABCHARGE	CAB CHARGE FARE FEES	329.40
EFT104165	16/10/2008	CARPET VINYL & TILE CENTRE	VERTICAL BLINDS 67 KOOJARRA WYN	1,226.50
EFT104166	16/10/2008	CHEMISTRY CENTRE (WA)	REPORT ON ONE WATER SAMPLE RCVD 09 SEP 2008	165.00
EFT104167	16/10/2008	CIVIC LEGAL	PROFESSIONAL FEES	1,372.08
EFT104168	16/10/2008	CORPORATE EXPRESS	SEPT STATIONERY ON BACK ORDER	41.09
EFT104169	16/10/2008	CROCODILE SIGNS	DPI HONOUR BOARD FOR WYN BOAT RAMP	283.80
EFT104170	16/10/2008	CHRISTOPHER KERR	ASIC BOND FEE	50.00
EFT104171	16/10/2008	EAST KIMBERLEY HARDWARE	PAINT, CEMENT, FORM PLY, GAS CYLINDERS, HARDWARE	10,968.95
EFT104172	16/10/2008	ENVIRONMENTAL HEALTH AUSTRALIA	FOODSAFE TRAINING PROGRAM	145.00
EFT104173	16/10/2008	GAULT, JOHN DOUGLAS	ELECTRICITY REIMBURSEMENT AS PER CONTRACT	489.17
EFT104174	16/10/2008	GUERINONI & SON	PINDAN SOIL TO REPAIR WHEEL TRACKS	69.30
EFT104175	16/10/2008	HORIZON POWER	ELECTRICTY CHARGES VARIOUS LOCATIONS	29,929.55
EFT104176	16/10/2008	HUGHIE AH-WON	ARTWORK PURCHASED AT WYN ARTS & CRAFT SHOW	1,200.00

EFT104177	16/10/2008	ICEAGE REFRIGERATION & AIRCONDITIONING	SERVICE/REPAIR AIR CONS HIBISCUS/EUCALYPTUS	390.50
EFT104178	16/10/2008	IT VISION ITV	PAYROLL TRAINING AS PER QUOTE	2,640.00
EFT104179	16/10/2008	IVANHOE VILLAGE CARAVAN RESORT	SAFETY REP TRAINING - ACCOM HUNTER	500.00
EFT104180	16/10/2008	JAB INDUSTRIES	SUPPLY EXCAVATOR FOR BATTERS - LSIDE LINKPATH	2,813.25
EFT104181	16/10/2008	JASON SIGNMAKERS LTD	VARIOUS SIGNS & BRACKETS	958.10
EFT104182	16/10/2008	JSW HOLDINGS PTY LTD	14 CUBIC METRES CONCRETE AGGREGATE, JOINT FLEX	1,563.10
EFT104183	16/10/2008	K & M ALLCLEAN	EXTRA CLEANING FOR LEISURE CENTRE SEPT 08	1,435.00
EFT104184	16/10/2008	KALUMBURU MISSION	ACCOM SEPT 2008	990.00
EFT104185	16/10/2008	KIMBERLEY COLLEGE OF TAFE	RPL COSTS OHS III	618.00
EFT104186	16/10/2008	KIMBERLEY ECHO-ALBANY ADVERTISER	PUBLIC NOTICE - CLOSURE OF DURACK ROAD RESERVE	185.02
EFT104187	16/10/2008	KIMBERLEY HOTEL	ACCOM & MEALS 19-22/09/08	581.00
EFT104188	16/10/2008	KIMBERLEY HYDRAULICS	HYDRAULIC FITTINGS - 12H GRADER	254.42
EFT104189	16/10/2008	KIMBERLEY KOOL REFRIGERATION	SERVICE / REPAIR WATER COOLER	99.00
EFT104190	16/10/2008	KIMBERLEY PROPERTY VALUERS	VALUATIONS	1,650.00
EFT104191	16/10/2008	KIMBERLEY SLATE & STONECRAFT	SLATE & ROCK WORK LANDSCAPING & SEATING	10,126.00
EFT104192	16/10/2008	KUNNERS SWAGS	REPAIRS/MTCE TO VARIOUS GYM EQUIPMENT	1,255.00
EFT104193	16/10/2008	KUNUNURRA AMCAL PHARMACY	AUTOMATIC BLOOD PRESSURE MONITOR	192.41
EFT104194	16/10/2008	KUNUNURRA DIESEL SERVICES	REPAIRS TO BACK RAMPS - LARGE PLANT TRAILER	424.05
EFT104195	16/10/2008	KUNUNURRA MAINTENANCE SERVICE	RESEAL & TILE REPAIR EUGENIA ST	1,222.00
EFT104196	16/10/2008	KUNUNURRA POOLS AND SPAS	6 X 10 LITRE DRUMS OF POOL CHLORINE - WYN POOL	762.00
EFT104197	16/10/2008	KUNUNURRA REFRIGERATION & AIR CON	REPAIR AIR CON STAFF ROOM	343.49
EFT104198	16/10/2008	KUNUNURRA SECURITY SERVICE	NABARLEK CONCERT SECURITY/CROWD CONTROL	1,007.50
EFT104199	16/10/2008	KUNUNURRA TYREPOWER	ROTATE AND BALANCE TYRES ON PRADO WY 001	33.00
EFT104200	16/10/2008	L.G.R.C.E.U	PAYROLL DEDUCTIONS	15.30
EFT104201	16/10/2008	LANDGATE	GROSS RENTAL VALUES CHARGABLE	543.40
EFT104202	16/10/2008	LENNYS LANDSCAPE	REMOVAL OF BOAB TREE ON VERGE - BAUHINIA ST	660.00
EFT104203	16/10/2008	LOCK, STOCK & FARRELL LOCKSMITH	312KA - 0409 MASTER PADDOCKS	1,807.20
EFT104204	16/10/2008	MCLEAN ENTERPRISES	2 X 205L KATAMOLE	1,435.00
EFT104205	16/10/2008	NORTHERN DESIGN CONSULTANTS	DESIGN OBSERVATION PLATFORM LILY CREEK	1,732.50
EFT104206	16/10/2008	OFFICE NATIONAL KUNUNURRA	CD HARD COVERS, STATIONERY	35.50

EFT104207	16/10/2008	ORD RIVER ELECTRICS	REPAIR POOL LIGHTS & POOL CLEANER, ELEC MTCE	2,042.36
EFT104208	16/10/2008	ORIA ORCHARDS	FLOWERS ADMIN OFFICE	30.00
EFT104209	16/10/2008	RACHEL WORNES	HIRE CAR PARKING AND FUEL	78.90
EFT104210	16/10/2008	REGAL APARTMENTS	DPI TRAINING PERTH SEPT 08	822.00
EFT104211	16/10/2008	RICK SPRY	ELECTRICITY REIMBURSEMENT AS PER CONTRACT	181.80
EFT104212	16/10/2008	ROYAL LIFE SAVING (WA BRANCH)	REQUALIFICATION FOR BRONZE MEDALLION COURSE	42.90
EFT104213	16/10/2008	SEARLES MECHANICAL REPAIRS	90,000 KM SERVICE 1BAX455 3 TONNE TRUCK	299.25
EFT104214	16/10/2008	SHIRE OF DERBY-WEST KIMBERLEY	POOL MANAGERS TRAINING	2,407.50
EFT104215	16/10/2008	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	685.00
EFT104216	16/10/2008	SUPA FRESH HOT BREAD SHOP	CATERING FOR STAFF MEETING 22/08/08 WYNDHAM	200.50
EFT104217	16/10/2008	TELFORD INDUSTRIES	1 PALLET OF SODIUM BICARBONATE (PH BUFFER)	912.38
EFT104218	16/10/2008	THE BOAB BOOKSHOP CAFE	CITIZENSHIP CEREMONY GIFT	49.95
EFT104219	16/10/2008	THINKWATER	SUPPLY 1 X SOLENOID VALVE BOX	27.50
EFT104220	16/10/2008	TNT AUSTRALIA PTY LIMITED	TRANSPORT CTN AND ESKIES KNX TO PERTH	186.64
EFT104221	16/10/2008	TOLL EXPRESS	FREIGHT FOR STATIONERY & SIGNS	380.07
EFT104222	16/10/2008	TOLL IPEC PTY LTD	FREIGHT CHARGES FOR WESTRAC PARTS	35.70
EFT104223	16/10/2008	TOP END MOTORS	35,000 KM SERVICE - WY11635	431.59
EFT104224	16/10/2008	TOTAL EDEN – KP PUMPS	SWIMMING POOL SALT - WYNDHAM POOL	555.07
EFT104225	16/10/2008	TOTAL SAFETY & FIRE SOLUTIONS	A2B2 RA GAS & VAPOUR FILTER FOR DRAEGER MASK	100.10
EFT104226	16/10/2008	TUCKERBOX/RETRAVISION	FOOD WYN CROC PARTY, N/PAPERS, CONSUMABLES	1,901.78
EFT104227	16/10/2008	VANDERFIELD MACHINERY PTY LTD	BOLTS AND NUTS FOR MULTI ROLLER/KUN/AIRPORT	55.09
EFT104228	16/10/2008	WA AQUATIC CLUB PTY LTD	VORGEER GOOGLES	963.60
EFT104229	16/10/2008	WA LOCAL GOVT SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	19,945.08
EFT104230	16/10/2008	WANNA WORK LABOUR HIRE SOLUTIONS	RETIC AT KNX YOUTH CENTRE	3,377.00
EFT104231	16/10/2008	WESTRAC EQUIPMENT PTY LTD	BELT - 12H GRADER	73.55
EFT104232	16/10/2008	WILL SPENCE	REIMBURSE EXPENSES - POOL OPS COURSE SEP 08	704.29
EFT104233	16/10/2008	KEITH WILLIAMS	ELECTRICITY REIMBURSEMENT AS PER CONTRACT	159.66
EFT104234	16/10/2008	WUNAN FOUNDATION INC.	QUICK GRANT 'AUSTRALIA ALL OVER' BROADCAST	550.00
EFT104235	21/10/2008	K & M ALLCLEAN	CONTRACT CLEANING FOR KUNUNURRA	13,374.22
EFT104236	23/10/2008	ALLGEAR MOTORCYCLES	SERVICE AND REPAIR PUMP DAMAGED FUEL TANK	323.90

EFT104237	23/10/2008	ARGYLE MOTORS	65,000KM SERVICE & REPAIR GEARS & CLUTCH WY11486	370.80
EFT104238	23/10/2008	ATTORNEY-GENERAL'S DEPT AUSCHECK	AUSCHECK FEES FOR ASIC CLEARANCES	747.00
EFT104239	23/10/2008	AUSTRAL MERCANTILE COLLECTIONS PTY LTD	DEBT COLLECTION	3,323.62
EFT104240	23/10/2008	AUSTRALIA POST,ACCOUNTS RECEIVABLE TEAM	POSTAGE EXPENSES TO 30/09/08	1,281.43
EFT104241	23/10/2008	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	179.00
EFT104242	23/10/2008	BLACKWOODS ATKINS PTY LTD	YELLOW/NAVY SHORT SLEEVED SHIRTS	249.74
EFT104243	23/10/2008	BRANKO BP MOTORS	FIT RADIATOR - TRACTOR, SERVICE 1APW451, DIESEL	2,625.68
EFT104244	23/10/2008	CORPORATE EXPRESS	STATIONERY FOR OCTOBER 2008	1,415.98
EFT104245	23/10/2008	COURIER AUSTRALIA	TRANSPORT SIGNS	315.13
EFT104246	23/10/2008	CO-OPERA INCORPORATED	TICKET SALES OPERA PERFORMANCE	2,984.00
EFT104247	23/10/2008	DAVEY TYRE AND BATTERY SERVICE	NEW TYRES - WY11635, TRACTOR TYRE WY11719	1,367.58
EFT104248	23/10/2008	DEPT OF ENVIRONMENT AND CONSERVATION	KUNUNURRA LANDFILL ANNUAL LICENCE	4,052.16
EFT104249	23/10/2008	EAST KIMBERLEY HARDWARE	RAKE, ELECTRICAL TAPE, SHOVEL	113.80
EFT104250	23/10/2008	EAST KIMBERLEY TROPICAL GARDENS	TIDY SHIRE AWARDS 2008	250.00
EFT104251	23/10/2008	ENVIRONMENTAL HEALTH ASSOCIATION AUS	ENVIRONMENTAL HEALTH ASSOCIATION WORKSHOP	805.00
EFT104252	23/10/2008	FEWSTER, KELLY	TELEPHONE REIMBURSEMENT AS PER CONTRACT	33.66
EFT104253	23/10/2008	GARRARDS PTY LTD	3 X 200L DRUMS THERMAL CARRIER FREIGHT NOT INC	4,620.00
EFT104254	23/10/2008	GUERINONI & SON	M/PINDAN SOIL - TOP DRESS COOLIBAH	46.20
EFT104255	23/10/2008	GULLIVERS TAVERN	CATERING COUNCILLORS BRIEFING/MEETINGS SEPT 08	670.98
EFT104256	23/10/2008	HORIZON POWER	ELECTRICITY ACCOUNT YOUTH CENTRE SEPT 2008	900.55
EFT104257	23/10/2008	JASON SIGNMAKERS LTD	150MM X CURLEW CRT EXTRUSION	572.00
EFT104258	23/10/2008	JOHN BUCHANAN	REIMBURSEMENT OF EXPENSES DURING ROYAL SHOW	2,500.40
EFT104259	23/10/2008	JSW HOLDINGS PTY LTD	WATER CART HIRE - EXTINGUISH FIRE AT TIP	357.50
EFT104260	23/10/2008	K & M ALLCLEAN	CLEANING - 6 OCT 08	286.00
EFT104261	23/10/2008	KIMBERLEY ECHO-ALBANY ADVERTISER	ADVERTISING - POSITIONS VACANT, PUBLIC NOTICES	3,181.95
EFT104262	23/10/2008	KIMBERLEY INDUSTRIES METALAND	15M X 1800MM X CHAIN MESH	393.46
EFT104263	23/10/2008	KIMBERLEY TREE SERVICES PTY LTD	TREE REMOVAL & "TIDY UP" TREE O/SIDE TUCKERBOX	2,145.00
EFT104264	23/10/2008	KIMBERLEY WASTE SERVICES	ANNUAL CLEAN UP PRIOR TO NETBALL GRAND FINAL	1,340.00

EFT104265	23/10/2008	KNX COUNTRY CLUB RESORT ASPEN PARKS	ACCOMMODATION & MEALS G SANTICH	214.50
EFT104266	23/10/2008	KUNUNURRA COURIERS	NEVERFAIL SPRINGWATER	227.50
EFT104267	23/10/2008	KUNUNURRA HOME & GARDEN	30M ROLL TREE TIE	6.90
EFT104268	23/10/2008	KUNUNURRA LOCK & KEY	CUT KEY FOR LAKESIDE PUMP SHED POWER BOX	92.00
EFT104269	23/10/2008	KUNUNURRA MAINTENANCE SERVICE	EXTEND WALL, NEW DOOR & PAINT TO SUIT	2,090.00
EFT104270	23/10/2008	KUNUNURRA MOBILE WELDING SERVICE	FABRICATE & ATTACH LIFTING LUG BUCKET KUBOTA	902.00
EFT104271	23/10/2008	KUNUNURRA REFRIGERATION & AIR CON	FULL SERVICE ON ALL AIR CONSIN KNX ADMIN BLDG	374.00
EFT104272	23/10/2008	L.G.R.C.E.U	PAYROLL DEDUCTIONS	15.30
EFT104273	23/10/2008	LESLIE KING	REIMBURSE GIFT EXPENSE	150.00
EFT104274	23/10/2008	MCLEAN, AMANDA JANE	REIMBURSEMENT OF ELECTRICITY AS PER CONTRACT	161.92
EFT104275	23/10/2008	MERIT LINING SYSTEMS	SUPPLY OF PREFAB LINER EX WORKS	6,177.60
EFT104276	23/10/2008	OFFICE NATIONAL KUNUNURRA	COPY COUNT CHARGES SEPT 2008 CANON	39.77
EFT104277	23/10/2008	ORD RIVER ELECTRICS	SUPPLY 3PHASE POWER AS QUOTED, ELECT REPAIRS	31,379.36
EFT104278	23/10/2008	ORIA ORCHARDS	DELIVERY OF FLOWERS TO OFFICE	15.00
EFT104279	23/10/2008	OUTBACK CLEANING	CLEANING OF YOUTH CENTRE FOR TRAINING EVENT	210.00
EFT104280	23/10/2008	PEERLESS JAL PTY LTD	8 X CTN 5855 COMPACT TOWEL	325.60
EFT104281	23/10/2008	RED ELEVEN - RED 11 PTY LTD	DMC-700SC DLINK 1000BASET-1000BASESX MODULE	1,147.65
EFT104282	23/10/2008	REDWAVE MEDIA PTY LTD	ELECTION ADVERTISEMENTS	1,210.00
EFT104283	23/10/2008	ROY'S RETREAT INC	Q GRANT SOLAR SYSTEM FRIDGE FORMARSUPIAL MILK	550.00
EFT104284	23/10/2008	SEARLES MECHANICAL REPAIRS	70,000 KM SERVICE - 1CIU595	420.75
EFT104285	23/10/2008	SHELF SUPPLY	FENCE DROPPERS, DOG FOOD	268.00
EFT104286	23/10/2008	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	185.00
EFT104287	23/10/2008	SHOAL AIR PTY LTD	1/2 COST FLIGHT - KALUMURU TO KNX	195.00
EFT104288	23/10/2008	THINKWATER	BOXES OF I21 & 130 SPRINKLERS	1,903.00
EFT104289	23/10/2008	TOLL EXPRESS	FREIGHT CHARGES STATIONERY	233.47
EFT104290	23/10/2008	TOTAL EDEN – KP PUMPS	PIPE, FITTINGS, SPRINKLERS, POOL SALT	1,660.34
EFT104291	23/10/2008	VANDERFIELD MACHINERY PTY LTD	SET OF BLADES FOR KUBOTA RIDE ON MOWER	91.91
EFT104292	23/10/2008	WA AQUATIC CLUB PTY LTD	VARIOUS TYPES OF GOOGLES	1,196.80
EFT104293	23/10/2008	WA LOCAL GOVT SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	19,609.81
EFT104294	23/10/2008	WANNA WORK LABOUR HIRE SOLUTIONS	DEMOLITION WORKS TENNIS COURT	15,224.75
EFT104295	23/10/2008	WESTRAC EQUIPMENT PTY LTD	CARTRIDGES OF CAT GREASE	157.21

EFT104296	28/10/2008	MEGAN HUNT	CLEANING - WYNDHAM SHIRE BUILDINGS	1,996.50
EFT104297	28/10/2008	R.KERR CONTRACTING	MAINT GRADING KALUMBURU RD FOR AUG- OCT	29,392.00
TOTAL EFT PAYMENTS				<u>1,028,900.74</u>

Chq/EFT	Date	Name	Description	Amount
38644	02/10/2008	ORICA AUSTRALIA PTY LTD	SERVICE FEE - CHLORINE CYLINDERS	391.81
38645	08/10/2008	CASH - PETTY CASH KNX DEPOT	PETTY CASH	219.33
38646	08/10/2008	CASH - PETTY CASH KNX OFFICE	PETTY CASH	197.15
38647	08/10/2008	HEALTH DEPT ACCOUNTS RECEIVABLE	APPLICATION TO INSTALL SEPTIC APPARATUS	35.00
38648	08/10/2008	TELSTRA	INSTALLATION OF 6 PHONE LINES - YOUTH CENTRE	1,689.60
38649	16/10/2008	ASGARD SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	111.71
38650	16/10/2008	AUSBURN, DI	RETURN DEPOSIT FOR KNX AIRPORT KEY	20.00
38651	16/10/2008	AUSTRALIAN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	55.28
38652	16/10/2008	COUNTRY ARTS WA	CONCERT PERFORMANCE FEE FOR NARBALEK	3,630.00
38653	16/10/2008	DEPT FOR PLANNING & INFRASTRUCTURE	ANNUAL JETTY LICENCE SKULL ROCK RAMP #3226	62.00
38654	16/10/2008	FIRE TRADER	PROTEK 360 ON - OFF HANDLES VBFB UNITS	597.30
38655	16/10/2008	HEWLETT-PACKARD AUSTRALIA P/L	HP SCANJET 8270 SCANNER	1,072.50
38656	16/10/2008	MLC THE RETIREMENT PLAN	SUPERANNUATION CONTRIBUTIONS	329.98
38657	16/10/2008	QUADRANT SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	214.23
38658	16/10/2008	REST SUPER	SUPERANNUATION CONTRIBUTIONS	421.14
38659	16/10/2008	VICSUPER	SUPERANNUATION CONTRIBUTIONS	162.89
38660	23/10/2008	ASGARD SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	103.87
38661	23/10/2008	AUSTRALIAN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	165.85
38662	23/10/2008	DEPT FOR PLANNING & INFRASTRUCTURE	999WY- SPECIAL SERIES PLATES	135.00
38663	23/10/2008	FESA	2007/2008 ESL FIRE & EMERGENCY SERVICES	7,598.33
38664	23/10/2008	MLC THE RETIREMENT PLAN	SUPERANNUATION CONTRIBUTIONS	329.98
38665	23/10/2008	QUADRANT SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	267.79

38666	23/10/2008	REST SUPER	SUPERANNUATION CONTRIBUTIONS	439.45
38667	23/10/2008	SKILLPATH SEMINARS	ADMIN ASSISTANTS CONFERENCE	299.00
38668	23/10/2008	TELSTRA	TELSTRA LANDLINE USAGE	3,415.91
38669	23/10/2008	VICSUPER	SUPERANNUATION CONTRIBUTIONS	162.89
38670	23/10/2008	WATER CORPORATION	2 X CHLORINE GAS BOTTLES WYN EFFLUENT SYSTEM	187.70
38671	23/10/2008	WESTSCHEME	SUPERANNUATION CONTRIBUTIONS	196.43
38672	23/10/2008	ZURICH AUSTRALIAN INSURANCE	PAYMENT OF EXCESS FOR CLAIM# 018575.	300.00
			TOTAL CHEQUE PAYMENTS	<u>22,812.12</u>
PAYROLL		FORTNIGHTLY PAYROLL		115,303.10
PAYROLL		FORTNIGHTLY PAYROLL		129,261.58
			TOTAL PAYROLL PAYMENTS	<u>244,564.68</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	547.95
		DIRECT DEBIT	BPOINT	1,466.10
		DIRECT DEBIT	MERCHANT FEES	6,616.39
		DIRECT DEBIT	VISA PAYMENT	13,875.07
		DIRECT DEBIT	WESTNET P/L	574.49
			TOTAL DIRECT DEBIT PAYMENTS	<u>29,449.99</u>

12.3. ENGINEERING & REGULATORY SERVICES

12.3.1 Request for Early Termination of Landfill Management Contract T12 07/08 (8438)

DATE:	17 November 2008
PROPONENT:	Poomundi Enterprises Pty Ltd
LOCATION:	Reserves R28875, Kununurra And R27724, Wyndham
AUTHOR:	Alex Douglas Executive Manager Engineering and Regulatory Services
REPORTING OFFICER:	Alex Douglas Executive Manager Engineering and Regulatory Services
FILE NO:	66.56.12
ASSESSMENT NO:	

PURPOSE

For Council to consider the request for the early termination of the Landfill Maintenance Contract (T12-07/08) by Poomundi Enterprises Pty Ltd.

BACKGROUND

Poomundi Enterprises Pty Ltd was awarded the three year contract for the maintenance of the Kununurra and Wyndham landfill sites from 1 July 2008.

They have found it difficult to retain suitable staff and as a result have not been able to meet the operational standards required under the contract.

Poomundi Enterprises have also advised of other issues with respect to the contract performance which are considered to be of a confidential nature. The letter from Poomundi Enterprises has been distributed as a confidential attachment to Councillors.

STATUTORY IMPLICATIONS

The contract was awarded in accordance with the provisions of the Local Government (Functions and General) Regulations and the Local Government Act 1995.

The early termination of the contract is possible within the terms of the contract conditions.

POLICY IMPLICATIONS

Not applicable

FINANCIAL IMPLICATIONS

The Council budgets for both the contract payments for the two landfill sites and also budgets for other operational costs not covered under the contract.

The 2008/09 Budget includes the following amounts for site maintenance:

Site	Contract Amount	Other Costs	Total
Kununurra	173,360	110,000	278,360
Wyndham	68,000	30,000	98,000
Total	246,360	140,000	376,360

The contract includes penalties that may be imposed on non-performance and allow for the engagement of other persons to undertake the work at the Contractor's expense as well as liquidated damages.

The recommendation for Council does not include the seeking of penalties as there is no perceived benefit to the Shire in further penalising the Contractor based on the confidential information provided.

STRATEGIC IMPLICATIONS

There are no strategic implications associated with this report.

COMMUNITY CONSULTATION

Not applicable

COMMENT

There are a number of options available to Council and these are outlined as follows:

Option One – Enforce the contract, or

Option Two – Terminate the contract with or without penalties.

With Option Two, the alternatives are: -

1. Re-tender immediately for a start date of 1 January 2009 (or earlier if practical),
2. Re-tender for a start date of 1 July 2009 with an interim arrangement with local Wyndham and/or Kununurra based contractors,
3. An interim arrangement with local Wyndham and/or Kununurra based contractors and the Shire undertakes the landfill maintenance from 1 July 2009,
4. An interim arrangement for the Kununurra Landfill Site using either 2 or 3 above, and the Wyndham Landfill Site being undertaken on an ongoing basis by the Shire.

Realistically, one of the alternatives for Option Two is seen as the most appropriate way forward. There are a number of variations on the theme but the option of enforcing the contract is, as stated previously not considered realistic.

Consideration of any contractor to undertake the interim arrangements would need those contractors to have the equipment already available and with adequate staff to meet the operational requirements. There are a number of local contractors considered suitable and given the likely cost of engagement for the

period to 30 June 2009 this may involve a tender as the cost would exceed \$100,000, except if Alternate 4 is chosen.

The Wyndham site costs for the balance of the financial year will need to cover both Shire staff and equipment together with some contractor involvement. It is anticipated that the site maintenance can be covered by Wyndham based resources.

A further consideration for Council is the development of recycling options currently being evaluated with the intent to submit a report to Council in early 2009.

The review of recycling options includes evaluation of services being provided in the Kimberley region as well as similar size communities in other rural locations in Australia. A report is to be presented to the December Briefing Session which proposes a community survey to be undertaken so as to determine the community responses to a range of options.

The timing of this report is to assist Council in determining the scope of the domestic kerbside collection service (due to end on 30 June 2009). It may also assist in determining options for the landfill management contract.

ATTACHMENTS

Correspondence from Poomundi Enterprises Pty Ltd (Confidential).

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council,

1. Accept the request for early termination of the Kununurra and Wyndham Landfill Management Contract (T12-07/08) without the imposition of penalties on a date to be negotiated but no later than 31 December 2008,
2. Authorise the invitation of quotations for the interim management of the Kununurra Landfill Site period commencing from the termination date of the existing contract until 30 June 2009,
3. Authorise the management of the Wyndham Landfill Site to be undertaken by Shire staff for the period commencing from the termination date of the existing contract until 30 June 2009,
4. Undertake a review of the Kununurra and Wyndham Landfill management options beyond 1 July 2009 by no later than 31 March 2009.

COUNCIL DECISION

Minute No. 8438

Moved:Cr K Wright

Seconded:Cr J Parker

That Council,

- 1. Accept the request for early termination of the Kununurra and Wyndham Landfill Management Contract (T12-07/08) without the imposition of penalties on a date to be negotiated but no later than 31 December 2008,***
- 2. Authorise the invitation of quotations for the interim management of the Kununurra Landfill Site period commencing from the termination date of the existing contract until 30 June 2009,***
- 3. Authorise the management of the Wyndham Landfill Site to be undertaken by Shire staff for the period commencing from the termination date of the existing contract until 30 June 2009,***
- 4. Undertake a review of the Kununurra and Wyndham Landfill management options beyond 1 July 2009 by no later than 31 March 2009.***

CARRIED: (8/0)

12.4. DEVELOPMENT

12.4.1 Rezoning of Residential Land - Erythrina Street & Weaber Plain Road, Kununurra (8439)

DATE:	17 November 2008
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Erythrina Street & Weaber Plain Road, Kununurra
AUTHOR:	Keith Williams, Executive Manager Town Planning
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	43.04.14
ASSESSMENT NO:	Various

PURPOSE

For Council to clarify the intent of a decision at the October Council Meeting that will down code a section of land in Kununurra.

BACKGROUND

Council considered an amendment to rezone land in the Weaber Plain / Erythrina Street area at the October Briefing Session, and resolved

COUNCIL DECISION

Minute No. 8404

Moved: Cr K Wright

Seconded: Cr J Parker

That Council:

1. *Amend the Shire of Wyndham-East Kimberley Planning Scheme No.7 - Kununurra and Environs by:*
 1. *Rezoning Lots 2, 3 997, 1015, 1082, 1083 and 1257 Erythrina Street and Lots 828 - 832, 1016, 1017 and 1077 - 1081 Weaber Plain Road from Residential R15/50 to Residential R40;*
 2. *Rezoning Lots 858 - 861, 1035, 1060 - 1062 and 1073 - 1075 Weaber Plain Road from Residential R15 to Residential R30;*
 3. *Rezoning Lots 401, 862, 873, 1036, 1394 - 1397, 1403 - 1406, 1410 - 1413, 1424, 1425, 1433, 1443 - 1445, 1469, 1620, 1621, 2218- 2220 and 2398 Barringtonia Street; Lots 1434, 1449, 1450, 1470 -1478, 1622, 1625 -1634 and 2262 Dryandra Road; Lots 1451, 1452, 1456, 1481, 1482, 1486 - 1488, 2205 - 2210 and 2266 Wilga Place; Lots 1435, 1441, 1461 - 1466, 2211 - 2217 Mallee Court; Lots 1379 - 1386, 1393, 1398 - 1402 1414, 1415, 1420 - 1422, 1427, 1428, 1431, 1521, 1616 - 1619 and 2231 Boobiulla Way; Lots 1378, 1387 - 1392, 1426 and 1498 - 1501 Acacia Court; Lots 1495 - 1497 and 1502 Calatropis Court;*

Lots 402, 863, 864, 907, 1018 - 1025 and 1038 Greybox Crescent; Lots 1026-1034, 1040 - 1043 and 1063 - 1067 Carbeen Street and Lots 1044 - 1048, 1049 - 1059 and 1068 - 1072 Woollybutt Place from Residential R15 to Residential R20.

2. *Advise the Department of Housing and Works that it is prepared to initiate a rezoning of the following to allow the option of denser residential accommodation in that area close the town centre:*

Lots 2, 3 997, 1015, 1082, 1083 and 1257 Erythrina Street and Lots 828 - 832, 1016, 1017 and 1077 - 1081 Weaber Plain Road from Residential R15/50 to Residential R40:

Lots 858 - 861, 1035, 1060 - 1062 and 1073 - 1075 Weaber Plain Road from Residential R15 to Residential R30

And Lots 401, 862, 873, 1036, 1394 - 1397, 1403 - 1406, 1410 - 1413, 1424, 1425, 1433, 1443 - 1445, 1469, 1620, 1621, 2218-2220 and 2398 Barringtonia Street; Lots 1434, 1449, 1450, 1470 -1478, 1622, 1625 -1634 and 2262 Dryandra Road; Lots 1451, 1452, 1456, 1481, 1482, 1486 - 1488, 2205 - 2210 and 2266 Wilga Place; Lots 1435, 1441, 1461 - 1466, 2211 - 2217 Mallee Court; Lots 1379 - 1386, 1393, 1398 - 1402 1414, 1415, 1420 - 1422, 1427, 1428, 1431, 1521, 1616 - 1619 and 2231 Boobiella Way; Lots 1378, 1387 - 1392, 1426 and 1498 - 1501 Acacia Court; Lots 1495 - 1497 and 1502 Calatropis Court; Lots 402, 863, 864, 907, 1018 - 1025 and 1038 Greybox Crescent; Lots 1026-1034, 1040 - 1043 and 1063 - 1067 Carbeen Street and Lots 1044 - 1048, 1049 - 1059 and 1068 - 1072 Woollybutt Place from Residential R15 to Residential R20

3. *Advise the Department of Housing and Works that draft amendment documentation should be prepared as soon as possible to allow further consideration of the proposed amendment.*

The intent of the original officers' recommendation was to provide for mixed use development, with offices and residential uses.

The adopted resolution removed offices from the amendment.

STATUTORY IMPLICATIONS

Rezoning must be undertaken in accordance with the Planning and Development Act 2005.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Key Result Area 2 - Community

To develop the strengths and potential of our community now and into the future through advocacy and leadership focussed on improved outcomes and addressing social issues in our community.

Key Result Area 3 – Economic Development

Work in partnership with Government, community and industry leaders to promote and provide opportunities for economic and social growth across the Shire through Town Planning that guides sustainable land use and development.

COMMUNITY CONSULTATION

Rezoning proposals require public advertising. This will require signage, newspaper advertisements and/or correspondence to all affected parties and adjoining owners.

COMMENT

The effect of removing offices from the amendment is that a number of the lots identified to be rezoned will effectively be down-coded from R50 to R40, resulting in the loss of 1 unit on every 1000 m² lot, from 5 potential dwellings to 4.

All 19 lots west of Weaber Plain Road would be affected. The 11 lots on the eastern side of the Amendment area would not be affected by the removal of offices, as they are currently zoned R15, and will be re-coded to R30 under the adopted amendment. The remaining area colloquially referred to as Hidden Valley residential area also increases in density, from R25 to R20.

The original recommendation included R40 densities as the mixed use development proposed would result in over-development of the land if left at R50 with offices. While offices have been dropped from the amendment, it is not clear whether the down-coding effect of the modified resolution was intended.

Given that offices were removed, it would be appropriate to retain the R50 density coding, however, this was not considered when the original resolution was modified. It is therefore recommended that the amendment be modified to retain the R50 density coding as per current density coding.

There is also a discrepancy with the Local Planning Strategy [LPS], and the LPS therefore requires a variation.

Under the LPS, all the residential zoned land between Weaber Plain Road, Barringtonia Street, Riverfig Avenue, Messmate Way and Victoria Highway was identified to be rezoned from R15/R50 to a single coding of R30 [unless already developed to the R50 density code].

This was intended to create medium densities with consistent lot yields, and reduce the risk of land use conflict caused by high densities adjacent to low densities, which may have resulted in the dual coding of R15/R50.

Recoding to a blanket coding of R50, rather than the current dual coding of R15/50 will still resolve this conflict, while allowing for higher densities and encouraging re-development.

Advice received from the department of Housing and Works indicates that their preference remains mixed use of office and residential [If this was to occur the original recommendation of Office/R40 should be retained, and the original recommendation should be endorsed].

From: Margaret Pearce [mailto:Margaret.PEARCE@dhw.wa.gov.au]
Sent: Wednesday, 12 November 2008 12:29 PM
To: Keith Williams
Cc: Cecil Stapleton
Subject: lots in Kununurra

Dear Keith

Thank you for your correspondence advising of the re-zoning from R15/50 to an R40 Zoning. However for the benefit of efficient land usage and the flexibility of providing mixed usage, it would be advantageous for the re-zoning to include "offices" which would provide a better outcome and a variety of products for all concerned.

From a planning perspective similar land usage (ie. mixed usage) is currently being considered and encouraged in the Pilbara.

The other issue that I would like to raise with your Council, is to consider part closure of Weaber Plain Road. It is felt that the current Road Reserve in it's present state appears to be a waste of land, and the amalgamation of part of the Road Reserves to adjoining lots will provide better land usage, attractive street scapes and overcome the unsightly road reserves.

Thanking you for your consideration.

Please confirm receipt of email

Cecil Stapleton

Margaret Pearce
Project Officer
Land & Housing Development
Dept Housing & Works
99 Plain Street
East Perth 6004 WA

Ph: 9222 4799
Fax: 9222 4533
Email: Margaret.Pearce@dhw.wa.gov.au

Further advice relating to the Departments request to consider road closures will be provided prior to the Council meeting as a separate attachment, as this requires examination of infrastructure located within the road reserve.

ATTACHMENTS

Attachment 1: Plan showing Town centre zoned land

Attachment 2: Plan showing proposed rezoning area

Attachment 3: Plan showing proposed densities

VOTING REQUIREMENT

Resolution 1 requires an absolute majority

Resolution 2, 3 & 4 require a simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Rescind Minute No. 8404.
2. Amend the Shire of Wyndham-East Kimberley Planning Scheme No.7 - Kununurra and Environs by:
 1. Rezoning Lots 2, 3 997, 1015, 1082, 1083 and 1257 Erythrina Street and Lots 828 - 832, 1016, 1017 and 1077 - 1081 Weaber Plain Road from Residential R15/50 to Residential R50;
 2. Rezoning Lots 858 - 861, 1035, 1060 - 1062 and 1073 - 1075 Weaber Plain Road from Residential R15 to Residential R30; and
 3. Rezoning Lots 401, 862, 873, 1036, 1394 - 1397, 1403 - 1406, 1410 - 1413, 1424, 1425, 1433, 1443 - 1445, 1469, 1620, 1621, 2218- 2220 and 2398 Barringtonia Street; Lots 1434, 1449, 1450, 1470 -1478, 1622, 1625 -1634 and 2262 Dryandra Road; Lots 1451, 1452, 1456, 1481, 1482, 1486 - 1488, 2205 - 2210 and 2266 Wilga Place; Lots 1435, 1441, 1461 - 1466, 2211 - 2217 Mallee Court; Lots 1379 - 1386, 1393, 1398 - 1402 1414, 1415, 1420 - 1422, 1427, 1428, 1431, 1521, 1616 - 1619 and 2231 Boobiella Way; Lots 1378, 1387 - 1392, 1426 and 1498 - 1501 Acacia Court; Lots 1495 - 1497 and 1502 Calatropis Court; Lots 402, 863, 864, 907, 1018 - 1025 and 1038 Greybox Crescent; Lots 1026-1034, 1040 - 1043 and 1063 - 1067 Carbeen Street and Lots 1044 - 1048, 1049 - 1059 and 1068 - 1072 Woolybutt Place from Residential R15 to Residential R20.
3. Advise the Department of Housing and Works that it is prepared to initiate a rezoning of the following to allow the option of denser residential accommodation in that area close the town centre:

Lots 2, 3 997, 1015, 1082, 1083 and 1257 Erythrina Street and Lots 828 - 832, 1016, 1017 and 1077 - 1081 Weaber Plain Road from Residential R15/50 to Residential R50;

Lots 858 - 861, 1035, 1060 - 1062 and 1073 - 1075 Weaber Plain Road from Residential R15 to Residential R30; and

And Lots 401, 862, 873, 1036, 1394 - 1397, 1403 - 1406, 1410 - 1413, 1424, 1425, 1433, 1443 - 1445, 1469, 1620, 1621, 2218- 2220 and 2398

Barringtonia Street; Lots 1434, 1449, 1450, 1470 -1478, 1622, 1625 -1634 and 2262 Dryandra Road; Lots 1451, 1452, 1456, 1481, 1482, 1486 - 1488, 2205 - 2210 and 2266 Wilga Place; Lots 1435, 1441, 1461 - 1466, 2211 - 2217 Mallee Court; Lots 1379 - 1386, 1393, 1398 - 1402 1414, 1415, 1420 - 1422, 1427, 1428, 1431, 1521, 1616 - 1619 and 2231 Boobiella Way; Lots 1378, 1387 - 1392, 1426 and 1498 - 1501 Acacia Court; Lots 1495 - 1497 and 1502 Calatropis Court; Lots 402, 863, 864, 907, 1018 - 1025 and 1038 Greybox Crescent; Lots 1026-1034, 1040 - 1043 and 1063 - 1067 Carbeen Street and Lots 1044 - 1048, 1049 - 1059 and 1068 - 1072 Woollybutt Place from Residential R15 to Residential R20.

4. Advise the Department of Housing and Works that draft amendment documentation should be prepared as soon as possible to allow further consideration of the proposed amendment.
5. Modify the Local Planning Strategy to provide for a blanket R50 Density Code over Lots 2, 3 997, 1015, 1082, 1083 and 1257 Erythrina Street and Lots 828 - 832, 1016, 1017 and 1077 - 1081 Weaber Plain Road.

COUNCIL DECISION

Three Councillors agreed to consider rescission motion – Cr Wright, Cr Addis Cr Moulden

Minute No. 8439

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

That Council Rescind Minute No. 8404.

CARRIED BY ABSOLUTE MAJORITY: (8/0)

Minute No: 8440

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

That Council:

1. ***Amend the Shire of Wyndham-East Kimberley Planning Scheme No.7 - Kununurra and Environs by:***
 1. ***Rezoning Lots 2, 3 997, 1015, 1082, 1083 and 1257 Erythrina Street and Lots 828 - 832, 1016, 1017 and 1077 - 1081 Weaber Plain Road from Residential R15/50 to Residential R50;***
 2. ***Rezoning Lots 858 - 861, 1035, 1060 - 1062 and 1073 - 1075 Weaber Plain Road from Residential R15 to Residential R30; and***
 3. ***Rezoning Lots 401, 862, 873, 1036, 1394 - 1397, 1403 - 1406, 1410 - 1413, 1424, 1425, 1433, 1443 - 1445, 1469, 1620, 1621, 2218- 2220 and 2398 Barringtonia Street; Lots 1434, 1449, 1450, 1470 -1478, 1622, 1625 -1634 and 2262 Dryandra Road; Lots 1451, 1452, 1456, 1481, 1482, 1486 - 1488, 2205 - 2210 and 2266 Wilga Place; Lots***

1435, 1441, 1461 - 1466, 2211 - 2217 Mallee Court; Lots 1379 - 1386, 1393, 1398 - 1402 1414, 1415, 1420 - 1422, 1427, 1428, 1431, 1521, 1616 - 1619 and 2231 Boobialla Way; Lots 1378, 1387 - 1392, 1426 and 1498 - 1501 Acacia Court; Lots 1495 - 1497 and 1502 Calatropis Court; Lots 402, 863, 864, 907, 1018 - 1025 and 1038 Greybox Crescent; Lots 1026-1034, 1040 - 1043 and 1063 - 1067 Carbeen Street and Lots 1044 - 1048, 1049 - 1059 and 1068 - 1072 Woollybutt Place from Residential R15 to Residential R20.

- 2. Advise the Department of Housing and Works that it is prepared to initiate a rezoning of the following to allow the option of denser residential accommodation in that area close the town centre:**

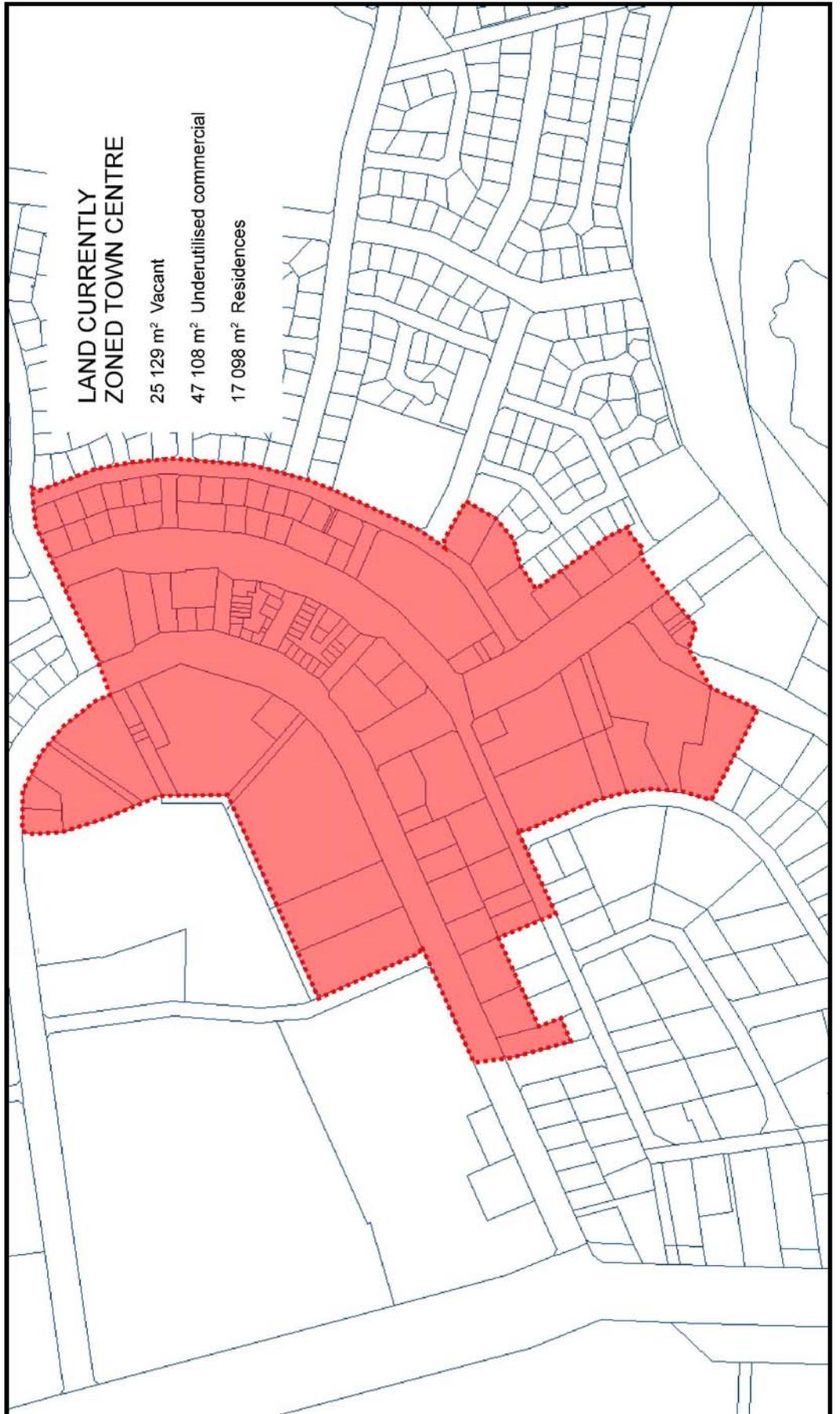
Lots 2, 3 997, 1015, 1082, 1083 and 1257 Erythrina Street and Lots 828 - 832, 1016, 1017 and 1077 - 1081 Weaber Plain Road from Residential R15/50 to Residential R50;

Lots 858 - 861, 1035, 1060 - 1062 and 1073 - 1075 Weaber Plain Road from Residential R15 to Residential R30; and

And Lots 401, 862, 873, 1036, 1394 - 1397, 1403 - 1406, 1410 - 1413, 1424, 1425, 1433, 1443 - 1445, 1469, 1620, 1621, 2218- 2220 and 2398 Barringtonia Street; Lots 1434, 1449, 1450, 1470 -1478, 1622, 1625 - 1634 and 2262 Dryandra Road; Lots 1451, 1452, 1456, 1481, 1482, 1486 - 1488, 2205 - 2210 and 2266 Wilga Place; Lots 1435, 1441, 1461 - 1466, 2211 - 2217 Mallee Court; Lots 1379 - 1386, 1393, 1398 - 1402 1414, 1415, 1420 - 1422, 1427, 1428, 1431, 1521, 1616 - 1619 and 2231 Boobialla Way; Lots 1378, 1387 - 1392, 1426 and 1498 - 1501 Acacia Court; Lots 1495 - 1497 and 1502 Calatropis Court; Lots 402, 863, 864, 907, 1018 - 1025 and 1038 Greybox Crescent; Lots 1026-1034, 1040 - 1043 and 1063 - 1067 Carbeen Street and Lots 1044 - 1048, 1049 - 1059 and 1068 - 1072 Woollybutt Place from Residential R15 to Residential R20.

- 3. Advise the Department of Housing and Works that draft amendment documentation should be prepared as soon as possible to allow further consideration of the proposed amendment.**
- 4. Modify the Local Planning Strategy to provide for a blanket R50 Density Code over Lots 2, 3 997, 1015, 1082, 1083 and 1257 Erythrina Street and Lots 828 - 832, 1016, 1017 and 1077 - 1081 Weaber Plain Road.**

CARRIED: (8/0)



WEABER PLAIN ROAD / ERYTHRINA STREET CURRENT ZONING



- | | |
|--|--|
| RESIDENTIAL R15/R50 | TOWN CENTRE |
| RESIDENTIAL R20 | SUBJECT AREA |
| RESIDENTIAL R15 | |

WEABER PLAIN ROAD / ERYTHRINA STREET PROPOSED REZONING

- CURRENT ZONING**
- RESIDENTIAL R15/R50
 - RESIDENTIAL R20
 - RESIDENTIAL R15
 - TOWN CENTRE
- PROPOSED ZONING**
- R50
 - R30
 - RESIDENTIAL R20



12.4.2 Town Planning Scheme No 7 - Proposed Amendment 23 - King Location 647 (8441)

DATE:	17 November 2008
PROPONENT:	K P Halford
LOCATION:	King Location 647 Crossing Falls
AUTHOR:	Keith Williams Executive Manager Town Planning
REPORTING OFFICER:	Peter Stubbs Chief Executive Officer
FILE NO:	43.31.23
ASSESSMENT NO:	A103

PURPOSE

For Council to consider the adoption of an amendment to Shire of Wyndham East Kimberley Town Planning Scheme No 7 - Kununurra and Environs for the rezoning of King Location 647 Crossing Falls Road from Rural Agriculture 2 to Small Rural Holdings.

BACKGROUND

The proposed rezoning was included in the Local Planning Strategy, and is the culmination of significant progress towards release of land for Rural Small Holdings Purposes.

The amendment was initiated in August 2007, and was advertised after receiving consent from the WAPC and EPA. The amendment proposes to amend the zoning of the land to facilitate subdivision into smaller 'hobby farm' lots, while retaining larger lots for existing viable agricultural purposes.

The amendment documents are available for review on request.

SITE LOCATION

The subject land is located on Crossing Falls Road to the south east of Kununurra, and has an area of 240 hectares.

Land to the north, west and south west is reserved under the Scheme for conservation. Land to the east and south east is zoned General Rural. The proposed zoning is consistent with the Local Planning Strategy.

PROPOSED LAND USE / DEVELOPMENT

The amendment proposes to rezone land that is currently zoned Rural Agriculture 1 to Rural Small Holdings. Subdivision will proceed at the conclusion of the amendment process.

The subdivision process allows for Council to determine road widths, specifications, building envelopes and other detail.

The amendment allows for the release of the land in accordance with the provisions of the LPS, which provides that land identified as suitable for Agricultural purposes is retained for this purpose. A draft structure plan provides

for the retention of agricultural land, and identifies areas that are not suitable for agriculture but are suited for rural small holdings.

The structure plan also identifies that the land can be released with minimal infrastructure upgrades, as eleven of the lots have direct access to Crossing Falls Road.

COMMUNITY CONSULTATION

Community consultation is required when Council resolves to initiate a Town Planning Scheme amendment, under the provisions of the Planning and Development Act 2005. The amendment was advertised for the required 45 days, and no submissions were received.

PLANNING FRAMEWORK

Town Planning and Development Act

The amendment is required to be undertaken in accordance with the provisions of the Planning and Development Act 2005 [the Act].

Council must adopt the amendment in accordance with the provisions of the Act. Accordingly, the amendment documentation and the resolution of this agenda item are set out to conform with the Act.

Local Planning Strategy

Councils adopted Local Planning Strategy [LPS] designates the area as Small Rural Holdings. The amendment conforms to the LPS.

Town Planning Scheme No 7

Provisions regarding the Rural Small Holdings zone were introduced into the Scheme as part of Amendment 22. These provisions are generally consistent with the same provisions as the existing Rural Living and Rural Agriculture zones.

These provisions allow for the release of land

FINANCIAL IMPLICATIONS

An initiation fee of \$500 is payable on initiation of the amendment by Council. A further fee of \$500 is payable on adoption of the amendment.

CONCLUSION

The amendment is consistent with the LPS. A substantial amount of work has gone into the amendment documents, and it is considered that all relevant issues have been addressed. Written confirmation has been provided by the department for agriculture that the land suitable for agriculture is protected, and that the remainder of the land, proposed to be subdivided into lots 4 hectares and larger, is not suited to intensive or extensive agriculture.

No submissions were received during advertising of the amendment, and adoption of the amendment is recommended.

ATTACHMENTS

Amendment documents are available to be viewed on request.
Amendment map is attached as Attachment 1.
Draft Subdivision plan is attached as Attachment 2.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council, in respect to Amendment No. 23 to the Shire of Wyndham East Kimberley Town Planning Scheme No. 7 - Kununurra and Environs:

1. Resolves to adopt for Final Approval without modification, pursuant to Section 75 of the Planning and Development Act 2005 [as amended] the proposed amendment, by:

Amending the Planning Scheme Map so that King Lot 647 Crossing Falls Road, Kununurra, currently zoned Rural Agriculture 1, is amended to Rural Small Holdings zone in accordance with the amendment map.

2. Advise the Western Australian Planning Commission that no submissions were received during advertising of the subject amendment, and that accordingly no changes are recommended to the amendment;
3. Forwards three copies of the signed and sealed Amendment Documents in accordance with Regulation 22(1); and
4. Requests that the Honourable Minister for Planning and Infrastructure grant final consent to Amendment 23 of Town Planning Scheme No 7 – Kununurra and Environs without modifications.

COUNCIL DECISION

Minute No. 8441

Moved:Cr K Wright

Seconded:Cr R Addis

That Council, in respect to Amendment No. 23 to the Shire of Wyndham East Kimberley Town Planning Scheme No. 7 - Kununurra and Environs:

1. ***Resolves to adopt for Final Approval without modification, pursuant to Section 75 of the Planning and Development Act 2005 [as amended] the proposed amendment, by:***

Amending the Planning Scheme Map so that King Lot 647 Crossing Falls Road, Kununurra, currently zoned Rural Agriculture 1, is amended to Rural Small Holdings zone in accordance with the amendment map.

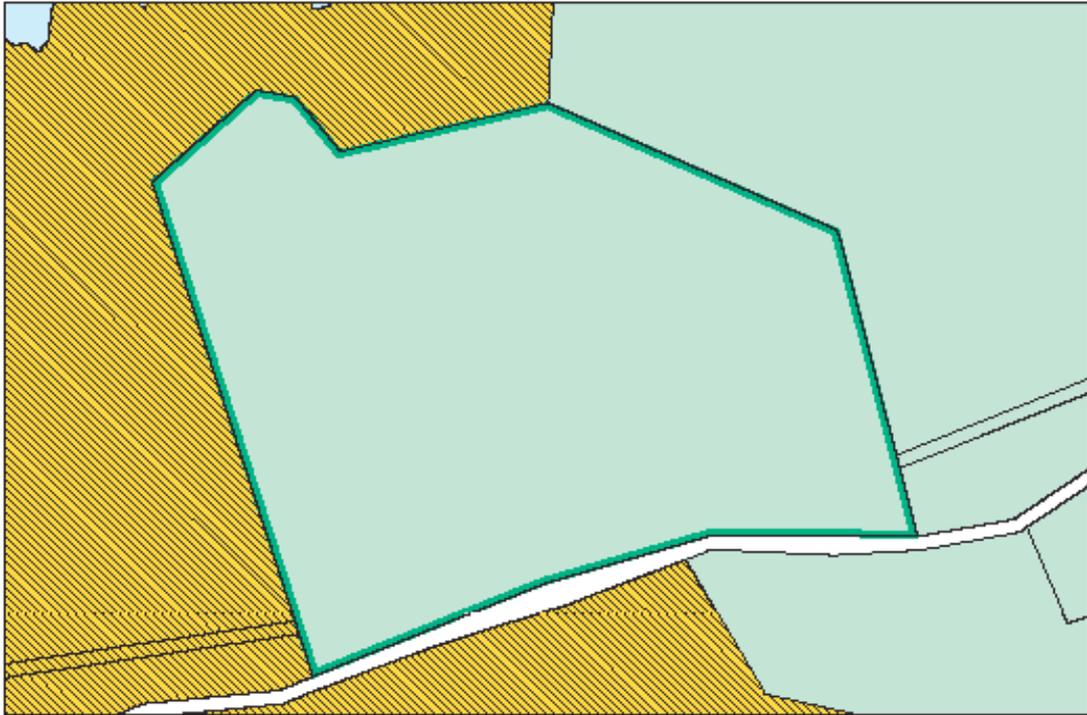
2. ***Advise the Western Australian Planning Commission that no submissions were received during advertising of the subject amendment, and that accordingly no changes are recommended to the amendment;***
3. ***Forwards three copies of the signed and sealed Amendment Documents in accordance with Regulation 22(1); and***
4. ***Requests that the Honourable Minister for Planning and Infrastructure grant final consent to Amendment 23 of Town Planning Scheme No 7 – Kununurra and Environs without modifications.***

CARRIED: (7/1)

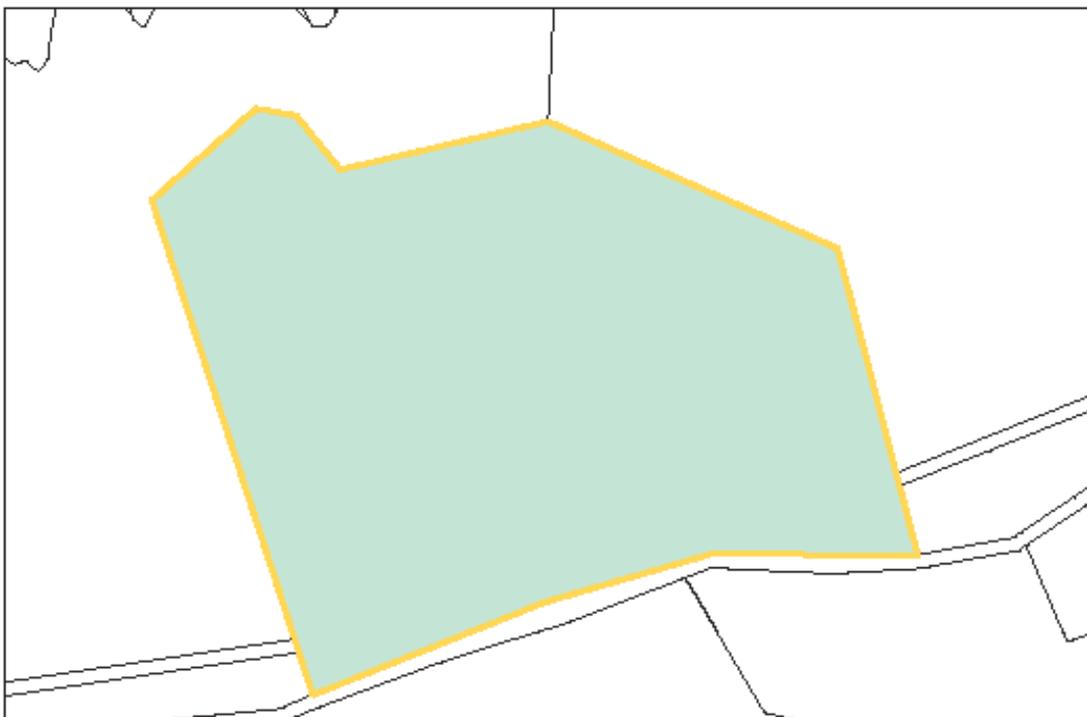
*NOTE: Cr Wright request votes be recorded
Crs Wright, Addis, Caley, Mills, Parker, Torres, and Boshammer voted for motion
Cr Moulden voted against motion*

ATTACHMENT 1 - AMENDMENT MAP

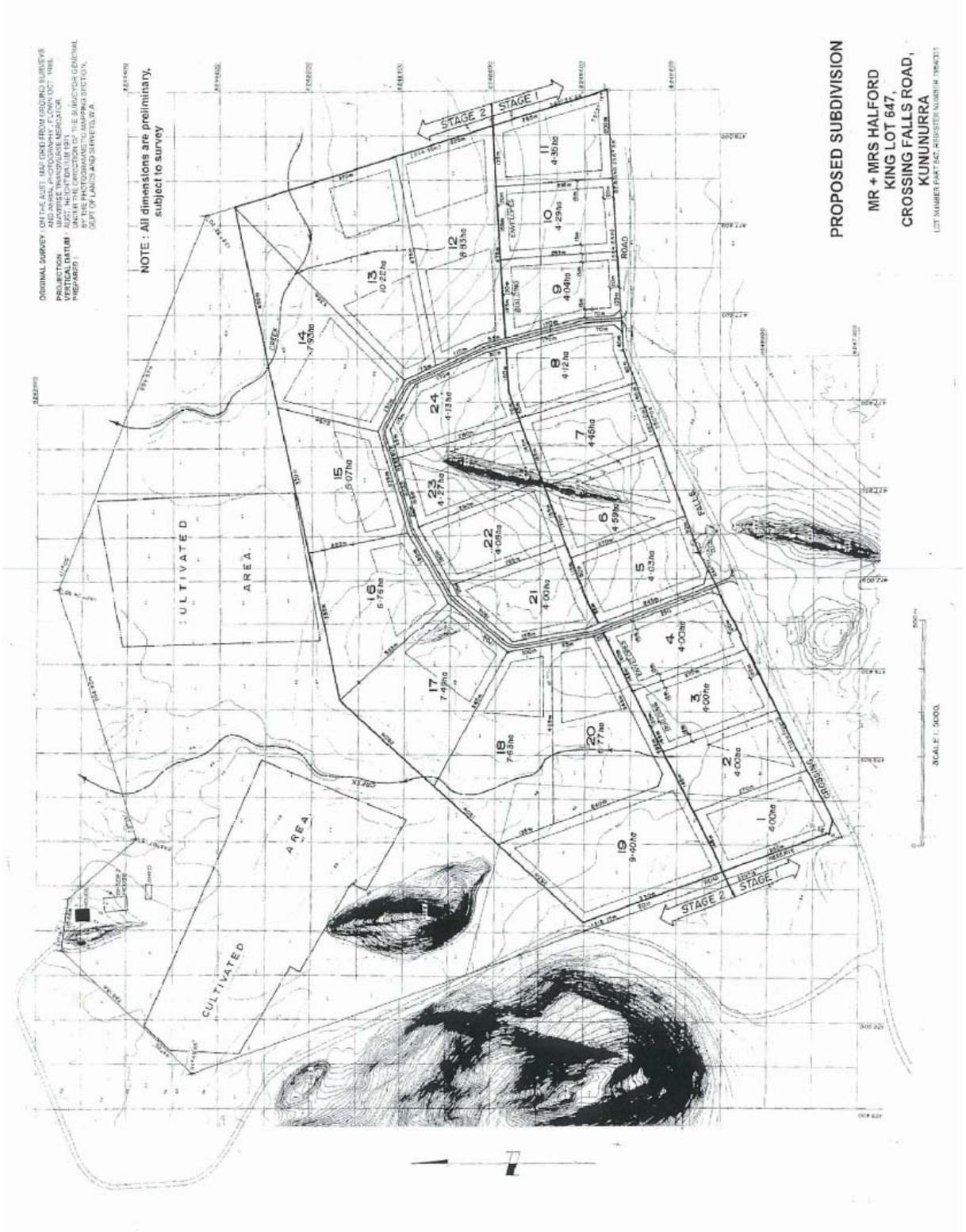
EXISTING ZONING



PROPOSED ZONING



ATTACHMENT 2 - DRAFT SUBDIVISION PLAN



12.5. COMMUNITY SERVICES

12.5.1 Kununurra Youth Centre Regular User Fees (8442)

DATE:	17 November 2008
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Kununurra Youth Centre
AUTHOR:	Karyn Apperley Executive Manager Community Services
REPORTING OFFICER:	Karyn Apperley Executive Manager Community Services
FILE NO:	31.09.02, 61.21.01
ASSESSMENT NO:	N/A

PURPOSE

To consider 2008/09 Fees and Charges relating to the Kununurra Youth Centre and adopt new fees for regular hirers.

BACKGROUND

Fees for the Kununurra Youth Centre were adopted at the Special Meeting held 1 July 2008.

Minute No. 8281

Moved Cr P Caley

Seconded: Cr K Wright

3. That Council add the Kununurra Youth Centre Fees to the 2008/09 Fees and Charges as follows

KUNUNURRA YOUTH CENTRE	\$ Effective 1 July 2008	
<i>Activity utilising Full Building (per hour)</i>	35	
<i>Activity utilising Half Building (per hour)</i>	20	
<i>Bond</i>	500	
<i>Meeting Room – Community Use (per hour)</i>	20	
<i>Hire fees for groups other than youth and community groups, youth and community service providers or not for profit organization will incur a 40% surcharge.</i>		

Carried Unanimously 8/0

At this time, no specific consideration was given to the fees applicable to regular hirers of the Youth Centre facilities. However, the report received by Council at the 1 July 2008 Special Meeting noted that:

The proposed Youth Centre fees and charges are based on comparative analysis of the Shire's 2008/09 fees and charges schedule with reference to similar types of facility functions and uses. It is acknowledged that full operation of the Youth Centre may identify the need for additional fees and charges not currently proposed or modifications to the proposed fees and charges. In this situation,

consideration of changes to fees and charges for the Youth Centre would be done in accordance with the provision of the Local Government Act 1995.

STATUTORY IMPLICATIONS

Local Government Act 1995 Sections 6.16 – 6.19

Subdivision 2 — Fees and charges

6.16. Imposition of fees and charges

- (1) *A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

- (2) *A fee or charge may be imposed for the following —*
- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*
 - (b) supplying a service or carrying out work at the request of a person;*
 - (c) subject to section 5.94, providing information from local government records;*
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*
 - (e) supplying goods;*
 - (f) such other service as may be prescribed.*
- (3) *Fees and charges are to be imposed when adopting the annual budget but may be —*
- (a) imposed* during a financial year; and*
 - (b) amended* from time to time during a financial year.*

** Absolute majority required.*

6.17. Setting the level of fees and charges

- (1) *In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —*
- (a) the cost to the local government of providing the service or goods;*
 - (b) the importance of the service or goods to the community; and*
 - (c) the price at which the service or goods could be provided by an alternative provider.*
- (2) *A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.*

- (3) *The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —*
- (a) *under section 5.96;*
 - (b) *under section 6.16(2)(d); or*
 - (c) *prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.*
- (4) *Regulations may —*
- (a) *prohibit the imposition of a fee or charge in prescribed circumstances; or*
 - (b) *limit the amount of a fee or charge in prescribed circumstances.*

6.18. Effect of other written laws

- (1) *If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —*
- (a) *determine an amount that is inconsistent with the amount determined under the other written law; or*
 - (b) *charge a fee or charge in addition to the amount determined by or under the other written law.*
- (2) *A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.*

6.19. Local government to give notice of fees and charges

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

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Fees and Charges at appropriate levels assist the financial sustainability of a Local Government. However, fees which may present a barrier to use of facilities or services can diminish overall use of that facility or service. Therefore a balance between cost recovery and community access must be determined.

The proposed fee of 60% of the current Youth Centre scheduled fees for regular use by youth and community groups may be considered to provide both a contribution to the facility's operational costs and an 'affordability' weighting for regular hirers of the Centre.

STRATEGIC IMPLICATIONS

Imposing an appropriate fee or charge for the goods and services provided by Council is in keeping with the provisions of the Local Government Act, Competition Policy and good corporate governance. In addition, consideration of fee structures that support regular facility use by community groups and support community groups to achieve their objectives within the community are also in keeping with the provisions of the Local Government Act, good local leadership and the support of the local community.

COMMUNITY CONSULTATION

Local public notice would be provided in accordance with the *Local Government Act 1995 Section 6.19*:

6.19 Local government to give notice of fees and charges

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

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

COMMENT

One written enquiry and two verbal enquiries have been received in relation to a 'discounted' or lower fee being applicable to regular hire of the Youth Centre as some groups are seeking to base their regular programs and activities at the Youth Centre.

The regular hire of the Youth Centre by local community groups and organisations for the purpose of implementing regular programs and activities is to be supported to enhance use of the Youth Centre and facilitate the provision of services for young people.

It is suggested that regular use could be defined as at least once per week for a period of at least 8 weeks. This would provide for programs and activities of a weekly nature, short programs and those which are based on school terms, which are currently offered by a number of local service providers. It is acknowledged that however regular use is determined, some groups and their activity structure will not meet the definition of 'regular hire', however some parameters must be provided to enable the fee structure to be applied consistently. As it is also necessary to facilitate equitable access to the Centre and responsive youth service delivery, it is further suggested that regular bookings should not exceed 12 weeks for any given booking request.

A hire booking form and conditions of hire have been developed and are currently in use under a Shire booking system. This system and conditions of hire would remain applicable to regular hire bookings.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council advertise its intent to adopt a Regular Use Fee for the Kununurra Youth Centre for weekly bookings of parts of the Centre for a period of at least 8 weeks and not longer than 12 weeks at a rate of 60% of the usual applicable fee and that this fee comes into effect as of 1 January 2009.

COUNCIL DECISION

Minute No. 8442

Moved:Cr K Wright

Seconded:Cr J Parker

That Council advertise its intent to adopt a Regular Use Fee for the Kununurra Youth Centre for weekly bookings of parts of the Centre for a period of at least 4 weeks and not longer than 15 weeks at a rate of 60% of the usual applicable fee and that this fee comes into effect as of 1 January 2009.

CARRIED: (8/0)

NOTE: Period changed to provide increased flexibility

12.6. CHIEF EXECUTIVE OFFICER

12.6.1 Plan for the Future 2008/2010 (8443)

DATE:	17 November 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:	20.09.05
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider adopting the Plan for the Future for the Shire of Wyndham East Kimberly for 2008/2010.

BACKGROUND

Elected members have workshopped and reviewed the draft Plan for the Future several times.

The draft Plan has been proof read by Cr Wright and Cr Moulden, who volunteered to do this.

The draft Plan is structured to differentiate both short and long term key projects and those projects which Council can predominately lead or where Council plays more of support role. This support role is often vitally important and recognises that there are a range of strategic projects beyond the resources of Council to under take, but which leadership lobby and support for is needed by Council.

At Councils Ordinary Council meeting 19 August 2008 the following resolution was passed:

Minute No. 8345

Moved: Cr R Addis

Seconded: Cr J Moulden

That Council adopt the draft Plan for the Future for the Shire of Wyndham East Kimberley including the following provision for community consultation:

- 1. Community comment period closing 18 September 2008,*
- 2. A public meeting to discuss the draft plan to held in Kununurra 5.30pm, 28 August, and*
- 3. A public meeting to discuss the draft plan to held in Wyndham 5.30pm, 1 September.*

Carried Unanimously 7/0

STATUTORY IMPLICATIONS

The Local Government Act 1995 – section 5.56 Planning for the Future:

- (1) A local government is to plan for the future of the district
(2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

The associated regulations described below determine the form and content of the plan.

- The Plan is to set out broad objectives of the local government for the period plan is to be for a minimum of a 2 year period.
- The plan is to be reviewed every 2 years.
- The plan may be modified or extended by the local government, through a Council resolution passed by absolute majority.
- Electors of the district are to be consulted during development of the plan or when changes are proposed.
- The plan should detail involvement of electors in its development.
- The plan shall apply to financial years it covers.

Local public notice stating a Plan for the Future of the district has been adopted (or modified) has been adopted by the Council and details regarding the availability of the Plan are to be given.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Plan for the Future documents for Local Government link closely to Strategic Plans and are key document providing direction for major initiatives a Local Government seeks to facilitate. Plans for the Future provide direction and continuity for elected members and staff in Local Governments and this aspect is particularly important with changes to Council and staff over time.

COMMUNITY CONSULTATION

The following community consultation was held:

1. Community comment period closing 18 September 2008,
2. Public meetings to discuss the draft plan were scheduled for Kununurra and Wyndham. No members of the public attended.

The timing of the recommended public meetings also provided an opportunity for Council to interact with the community on more specific projects to be delivered as part of Council's 2008/09 annual budget.

The Department of Water provided the only comment.

COMMENT

The Draft Plan for the Future has already been provided to Councillor's and a further proofread draft was distributed to Councillors with this agenda, and is available to the public on the Council's website, www.thelastfrontier.com.au

Councillors have given feedback they prefer the proposed Marlgu Interpretive Centre project concept to be based in the Wyndham Town site.

ATTACHMENTS

Department of Water comment.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the Plan for the Future, noting that the proposed Marlgu Interpretive Centre project is supported, with the project being based in the Wyndham town site.

COUNCIL DECISION

Minute No. 8443

Moved:Cr R Addis

Seconded:Cr P Caley

That Council adopt the Plan for the Future, noting the comments from Department of Water and noting that the proposed Marlgu Interpretive Centre is supported, with the project being based in the Wyndham Town Site

CARRIED: (8/0)

NOTE: Change to acknowledge consideration of Department of Water submission



Department of Water
Government of Western Australia

WRD 49320.

Your ref:
Our ref: SWEK Future Plan
Enquiries: Kellie Loge Ph: 9166 4113

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

Dear Mr Stubbs

Shire of Wyndham East Kimberley Draft Plan for the Future 2008 - 2010

Thank you for referring the Shire of Wyndham East Kimberley, Draft Plan for the Future 2008 – 2010 to the Department of Water (DoW) for comment. DoW is supportive of the draft Plan however requests the following amendments:

- Lake Kununurra Boat Facility – amend to reflect the most recent decisions including the Department of Water's contribution of \$15,000 towards excavation.
- Vegetation Management Plan – amend the financial contribution from DoW from \$40,000 to \$15,000

The Department of Water would also like to be added as a partner to the following projects:

- Kununurra Visitor Centre
- Fish Ladder
- Weaber Plain Road Stormwater Catchment Management

In addition, the draft Plan makes mention of a proposed boat ramp facility near the Race Course. The Department of Water is unaware of these plans and would like to discuss the location of the proposed boat ramp with the Shire at the next Foreshore Reserve 41812 Advisory Committee meeting.

If you require further information please contact Kellie Loge in the Kununurra Office on 9166 4113.

Yours sincerely

Dave Munday
Regional Manager – Kimberley

18 September 2008

Kimberley Region
Lot 225 Bandicoot Drive Kununurra Western Australia 6743
PO Box 625 Kununurra Western Australia 6743
Telephone (08) 9166 4100 Facsimile (08) 9426 4818
www.water.wa.gov.au

XPW/LGT

Cr Boshammer and Cr Torres left the meeting at 6.31

COUNCIL DECISION

Minute No. 8444

Moved:Cr K Wright Seconded:Cr R Addis

That Cr Torres be allowed to return to the meeting and enter the debate.

CARRIED BY ABSOLUTE MAJORITY: (6/0)

The Chief Executive Officer left the meeting at 6.33

Cr Torres and the Chief Executive Officer returned to the meeting at 6.33

12.6.2 Proposed new Caravan Park Foreshore Leases (8445)

DATE:	17 November 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:	66.20.05, 66.20.06, 66.20.01
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider proposed new adjacent Lily Creek Lagoon for Kimberley Land and Lakeside Caravan Parks and for Kona Waters Holiday Park adjacent Lake Kununurra.

BACKGROUND

Proposed new commercial leases have been prepared for various portions of Foreshore Reserve 41812, related to caravan park use.

Lease	Established	Expiry	Term Years	Area M²
Kimberley land Holiday Park	1 Jan 2003	31 Dec 2012	10	16, 888
Kona Waters Holiday Park	1 Jan 2003	31 Dec 2012	10	12, 507
Lakeside Resort	1 Jan 2003	31 Dec 2012	10	20, 438

The Lake Kununurra Foreshore Plan, adopted by Council in August 2006, recommends that the commercial foreshore leases (to expire in 2012) be modified in accordance with the following:

- Exclusive use – no public access;

- Full fee at commercial rate of land value; and
- No removal of native vegetation.

During this review, officers discovered a discrepancy between leases and due process. The leases need endorsement of the Minister for Lands, and as this was not done, the leases have not been officially effected. Notwithstanding this, the Lessees are considered to be tenants at will, given that they would have the expectation that the leases would have been executed properly, and that they have been paying lease fees for the duration of this period.

An opportunity was seen to correlate the leases with the recommendations of the Foreshore Plan, and after meeting with Caravan Park Owners and discussing a range of issues, new lease provisions were drafted. The new lease provisions were forwarded to the Department of Water (DOW) for approval, as co-vestee in the Foreshore Reserve.

The DOW has advised that they do not support the leases being converted to exclusive use leases.

At a meeting attended by Councillors - Pucci, Ausburn, Mills, Addis and Moulden on the 29th August 2008 it was stated the objective of proposed new leases was to:

“Maximise value to community subject to there being reasonable value to lessees”

Representatives from the three caravan parks attended that meeting.

At that meeting the proposed new lease parameters were suggested as:

1. Development (construction, buildings, concrete bays, footpaths, BBQ's etc) of leased land cannot be closer than 5m from water edge or edge of lease.
2. Water, power and sewerage can be approved in the lease area with written approval of vestees.
3. Sewerage must be connected to the network.
4. Removable structures (Caravans, camping, Cabins when on-stumps/skids, chairs etc) allowed when approved by vestees.
5. Leased area will not be exclusive. i.e. public have access.
6. 21 year lease tenure
7. 50% lease fee for first 2 years, thereafter 75%.
8. Development Plans required by DOW.

There remains disagreement between Council and lessees on the proposed new caravan park foreshore leases.

As a result of the October Briefing Session, Councillors requested new lease valuations considering the DOW decision to allow greater commercial use of lease sites. Valuations are attached.

In summary;

Previous DOW valuations: restrictions:		New Valuations given DOW consent to less commercial
Lakeside	\$28,000 per annum	\$35,000 per annum
Kona	\$ 12,500 pa	\$16,100
Kimberley	\$25,000 pa	\$ 30,800

STATUTORY IMPLICATIONS

Local Government Act

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

Disposing of property

3.58 . Disposing of property

(1) In this section —

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

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

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

(a) the highest bidder at public auction; or

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

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

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

(i) describing the property concerned;

(ii) giving details of the proposed disposition; and

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

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

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

(a) the names of all other parties concerned;

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

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

(5) This section does not apply to —

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

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

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

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

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

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

Lease	Area M²	\$ Cost Per m²	% of Fee	\$ Cost per m² @ 5%	Annual Fee per annum \$
Kimberley land Holiday Park	16 888	1.44	5%	0.07	1 220
Kona Waters Holiday Park	12 507	0.76	5%	0.04	475
Lakeside Resort	20 438	0.93	5%	0.04	950

Current Income: \$2,645

Recent valuation information is:

Lease	Market Rental Valuation \$	Valuation \$ @ 25%, March 2008, given restricted commercial use	Valuation Oct 2008, given less commercial restrictions by DOW.
Kimberley land Holiday Park	100 000	\$25, 000	\$35,000
Kona Waters Holiday Park	50 000	\$12, 500	\$16,100
Lakeside Resort	112 000	\$28, 000	\$30,800

STRATEGIC IMPLICATIONS

It is the interest of the broader community that Council obtain value from the leased foreshore to allow reinvestment back into enhancing public open space associated with the Lake Kununurra foreshore.

COMMUNITY CONSULTATION

The Local Government Act requires state wide public notice be given of the intention to dispose of property (including leasing). The Act requires a minimum

of 14 days for submissions to be received. Given the proposed changes to the lease provisions are substantive, it is proposed to advertise the modifications for 14 days.

Lessees have been consulted and provided feedback to the Foreshore Committee. The committee considered the feedback and agreed to some of the changes. The leases have been modified accordingly. Many of the changes were not substantive, and were not included in the modified lease document.

COMMENT

The three existing caravan park leases have not been endorsed by the Minister for Lands and have not taken legal effect. Notwithstanding that, the lessees are likely to be regarded in law as tenants at will.

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

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

The current leases do not represent good value to ratepayers. Two of the leases are effectively charged at 4 cents per square metre. It is proposed to modify the leases to charge the October 2008 valuation lease fees.

The value of the leases is reduced due to limitations to the lease areas:

- in most cases the entire lease site is not available,
- permanent development of the leasehold land is prohibited,
- public access to the site is protected under the lease documents.

The DOW however have consented to allow increased commercial use of the leased site to within 5m of the water edge. It is recommended that this be pulled back to 10m to allow for the opportunity of dual use paths in the future should Council want that option.

Revenue from the leases consistent with the October 2008 valuations which recognise the above restrictions but also recognise the DOW supported enhanced commercial use of the lease sites is estimated at \$81,900 per annum.

There are several issues that require consideration when determining the leases.

The leases require significant management and administration.

The leases have an inherent value to the community, as they present a loss of amenity to the community, and a benefit to the leaseholder. That is, the effect of not having the leases - if the caravan park operators had to contain all their operations within their freehold title and were not able to utilise the land there would be considerable disadvantage to them - is greater than the simple market value of the lease, especially if amenity is a key issue to their operation.

Considering this, there is still significant commercial value in the leases, and although they are constrained by the limitations referred to previously, the October 2008 valuations are recommended to be adopted by Council.

This issue needs to be brought to resolution at least for the time being. Lessees have made it clear they are not prepared to pay for more than 25% of the March 2008 valuation price, and they have other concerns.

It is therefore recommended that Council offer new 21 year leases on terms, and at the October 2008 valuations. Should that offer be taken up in writing within one month it is recommended that the offer lapse and the issue not be re visited until December 2009.

ATTACHMENTS

1. October 2008 Valuations.
2. Letter Lakeside Caravan Park 30th September 2008.
3. Letter Kona Water Holiday Park 10th September 2008.
4. Email Kona Waters Holiday Park, 27 October 2008.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

1. That Council advise the owners of Kimberley Land Caravan Park, Lakeside Caravan Park and Kona Water Holiday Park that it is prepared to offer new foreshore leases on the following basis:
 - a) Development (construction, buildings, concrete bays, footpaths, BBQ's etc) of leased land cannot be closer than 10m from water edge or edge of lease adjacent to the water.
 - b) Water, power and sewerage can be approved in the lease area with written approval of the co-vestees.
 - c) Sewerage must be connected to the sewer network.
 - d) Removable structures (Caravans, camping, Cabins when on-stumps/skids, chairs etc) to be allowed with the written permission of co-vestees.
 - e) Leased area will not be exclusive i.e. public will have access.
 - f) 21 year lease tenure to apply.
 - g) Shire rates to apply the leased area.
 - h) Revaluations of the lease land are to be completed at four yearly intervals and lease fees be adjusted according to the revaluations.
 - i) Perth CPI lease fee adjustments to apply in years when valuations are not done.
 - j) Lease fees to be set at the valuation estimates October 2008 of \$35,000 for Kimberley Land Caravan Park, \$16,100 for Kona Waters Holiday Park, and \$30,800 for Lakeside Caravan Park.
 - k) Development and Management Plans required to the satisfaction of the DOW.
2. That should the offer of the new leases not be accepted in writing by the 17th December 2008, then the offer will lapse and Council will not re consider the matter again until December 2009.

COUNCIL DECISION

Minute No. 8445

**Moved:Cr K Wright
Seconded:Cr P Caley**

1. ***That Council advise the owners of Kimberley Land Caravan Park, Lakeside Caravan Park and Kona Water Holiday Park that it is prepared to offer new foreshore leases on the following basis:***
 - a) ***Development (construction, buildings, concrete bays, footpaths, BBQ's etc) of leased land cannot be closer than 10m from water edge or edge of lease adjacent to the water.***
 - b) ***Water, power and sewerage can be approved in the lease area with written approval of the co-vestees.***
 - c) ***Sewerage must be connected to the sewer network.***
 - d) ***Removable structures (Caravans, camping, Cabins when on-stumps/skids, chairs etc) to be allowed with the written permission of co-vestees.***
 - e) ***Leased area will not be exclusive i.e. public will have access.***
 - f) ***21 year lease tenure to apply.***
 - g) ***Shire rates to apply the leased area.***
 - h) ***Perth CPI lease fee adjustments to apply in years when valuations are not done.***
 - i) ***Lease fees to be set at the valuation estimates October 2008 of \$30,800 for Kimberley Land Caravan Park, \$16,100 for Kona Waters Holiday Park, and \$35,000 for Lakeside Caravan Park.***
 - j) ***Development and Management Plans required to the satisfaction of the DOW.***

2. ***That should the offer of the new leases not be accepted in writing by the 17th December 2008, then the offer will lapse and Council will not re consider the matter again until December 2009.***

CARRIED: (5/2)

NOTE: Resolution differs from Officer Recommendation as Council believed revaluations were inappropriate and CPI adjustments were sufficient. Valuation estimates were recorded incorrectly in Officer Recommendation.

*Crs Wright and Addis requested the votes be recorded
Crs Mills, Wright, Moulden, Caley and Torres voted for the motion
Crs Addis and Parker voted against the motion*

Cr Boshammer returned to the meeting at 6.41

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KIMBERLEY
PROPERTY
VALUERS

"Serving the Kimberley Region"

23rd October 2008

Peter Stubbs
Shire of Wyndham – East Kimberley

Via Email: ceo@thelastfrontier.com.au

Dear Peter

**RE: RENTAL VALUATION OF: PORTION OF RESERVE 41812 ADJOINING LAKESIDE
RESORT, KUNUNURRA, W.A.**

Rental Valuation Approach

This rental valuation is made on the basis of "Market Rental Value" as adopted by the Australian Property Institute from International Assets Valuations Standards Committee definition. That is:

"Market Rental Value is the Estimated amount for which a premises should rent, as at the relevant date, between a willing Lessor and a willing Lessee in an arm's length transaction, wherein the parties had each acted knowledgeably, prudently and without compulsion, and having regard to usual market terms and conditions for Leases of similar premises."

Purpose of Valuation

To establish the current market ground rental value for lease negotiation/rent review purposes.

Date of Valuation

22nd October 2008.

Date of Inspection

22nd October 2008.

Description of Premises

The subject property comprises an irregular shaped land parcel which we have been advised has an area of 2.0439 hectares. The Land has a moderate cross fall from East to West and has a drop off at the Lake's edge. The actual land involved is best described through viewing the plan attached to the rear of this report. We understand that the Lessee has filled in a portion of Lake Kununurra (effectively extending the foreshore) that was previously vegetated with Cumbungi. For the purpose of this report we have assessed the Land as contained on the plan attached to the Lease (2.0439 hectares).

LICENSED VALUERS AND PROPERTY CONSULTANTS
Bottswee Pty Ltd T/as Kimberley Property Valuers ACN 088 064 724

Page 2 of 12



RENTAL VALUATION REPORT CONTINUED

ADDRESS: PORTION OF RESERVE 41812 ADJOINING LAKESIDE RESORT, KUNUNURRA, WA

Lease Details

Premises: The portion of the Land (Reserve 41812) hatched in black annexed to the Lease (attached to this Report)
Lessor: Shire of Wyndham-East Kimberley and Department of Water
Lessee: Ingle Pty Ltd
Lease Term: 10 years.
Commencement Date: 1st January 2003
Commencement Rent: \$950 per annum
Rent Reviews: Annually to CPI (all groups Perth).
Outgoings: Tenant pays all outgoings relating to the Land.
Use of Premises: Camping, boat launching and mooring and other ancillary uses associated with the operation of a Holiday Park and consistent with the purpose of the Reserve vesting, but subject to local government, and other statutory approvals being first obtained prior to any development of the premises.

In addition to the above main terms we note that there are fairly stringent guidelines pertaining to the use of land particularly in reference to modifications and improvements on the land as set out in Section 3.7 of the Lease. Furthermore, Section 3.9(e) stipulates that public access must be maintained to the site at all times technically rendering this site non-exclusive access to the tenant.

General Comments / Market Commentary

The subject property has a prime location being on the foreshore of Lake Kununurra providing for an aesthetically pleasing boating and ancillary use area. The land has extensive water views along its western frontage as well as some water front vegetation along its northern frontage.

We note that the lease has approximately 50% of its 10 year Term remaining. 5 years is not considered to offer long term security to the Lessee. There are no options in the lease. We understand that the Vestees are intending on creating a new lease with a 21 year term which will offer better security of tenure.

The Lessee's utility of the subject land is somewhat limited by development and permitted use constraints. We have been advised that; no permanent structures can be constructed on the foreshore (including sewerage and concrete pads etc.), power and water lines may be permitted with the approval of the Vestees, no development is to be within 5 metres of the waters edge and any development is to be in accordance with a Lease Development Plan. From verbal discussions with Mr Peter Stubbs we have proceeded on the basis that removable structures such as cabins and chalets will be permitted up to 5 metres from the waters edge. We further point out that no sewage can be emitted from these structures.

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RENTAL VALUATION REPORT CONTINUED

ADDRESS: PORTION OF RESERVE 41812 ADJOINING LAKESIDE RESORT, KUNUNURRA, WA

General Comments / Market Commentary (Cont'd)

We have then reduced the current market rental by 60% to reflect the limitations affecting the site and lease. These being in particular;

- Non-exclusive use;
- No likely alternative tenants/occupants;
- No permanent structures can be constructed on the foreshore lease;
- No development permitted within 5 metres of the waters edge.

In terms of defining the market or capital value of the land we advise that there is only limited sales evidence which provides any sort of comparison given the subject land's unique characteristics of unusual dimensions and prime location with water views. In order to give perspective as to value we have however looked at a broad range of available evidence.

Sales Evidence

We provide the following summary of sales evidence which we consider represents the best cross section of evidence available for valuation purposes:

Address	Date	Rental/Week (\$)
1. Lot 313 Peter Reid Drive, Kununurra Land Area: 1,906m ² Zoning: Special site – Airport Comprises an approximate 1,906m ² allotment located landside of the airstrip. The site is unimproved, rectangular and level to road grade. Sold by auction. • Sale price reflect \$47 per m ² based on land area.	10/08	\$90,000 exc GST
2. Lot 307 Dusty Rankin Drive, Kununurra Land Area: 1,713m ² Zoning: Special site – Airport Comprises an approximate 1,713m ² allotment located airside. The site is unimproved, rectangular and level to road grade. Sold by auction. • Sale price reflect \$64 per m ² based on land area.	10/08	\$110,000 exc GST

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RENTAL VALUATION REPORT CONTINUED

ADDRESS: PORTION OF RESERVE 41812 ADJOINING LAKESIDE RESORT, KUNUNURRA, WA

Sales Evidence (Cont'd)

Address	Date	Sale Price (\$)
7. Lot 2420 Casuarina Way	12/05	\$818,181 exc GST
<p>Land Area: 1.0560Ha Zoning: Residential R30 Comprises an irregular shaped parcel of land with moderate crossfalls located on adjoining the foreshore reserve and overlooking Lake Kununurra (Lily Creek Lagoon). Zoning permits up to 35 grouped dwellings. Construction started on a 23 survey strata subdivision in late 2007.</p> <ul style="list-style-type: none"> • The sale reflects \$23,377 per unit site based on 35 unit development. • The sale price reflects \$35,573 per unit site based on 23 unit development. • The sale price reflects \$77 per m² of land area. 		
8. Lot 100 River Fig Avenue	07/07	\$900,000 exc GST
<p>Land Area: 3,361m² Zoning: Town Centre Comprises a relatively large development site within the town centre precinct of Kununurra. The property has a main frontage to River Fig Avenue opposite Kununurra's main shopping centre plus a rear frontage to Rosella Close within Kununurra's residential precinct. The zoning permits a variety of commercial and residential uses with potential for up to 18 residential units.</p> <ul style="list-style-type: none"> • Sale price reflects \$268 per m² of land area • Sale price reflects \$50,000 per unit site 		
9. Lot 2451 Konkerberry Drive	02/08	\$1,125,000 plus GST
<p>Land Area: 2,147m² Zoning: Town Centre Comprises a rectangular parcel of land in the heart of Kununurra's Town Centre precinct with a frontage of approximately 60m² to Konkerberry Drive. The zoning permits a variety of commercial and residential uses with potential for up to 11 residential units. The site currently comprises a childcare centre which will be demolished at the purchaser's expense. The site appeared to transact above market levels.</p> <ul style="list-style-type: none"> • Sale price based on rate per m² of land area \$524 per m² • Sale price based on number of units permitted \$102,273 per unit 		



RENTAL VALUATION REPORT CONTINUED

ADDRESS: PORTION OF RESERVE 41812 ADJOINING LAKESIDE RESORT, KUNUNURRA, WA

Summary of Analysis

In determining an unimproved land value we have had regard to the above evidence which ranges from \$24m² for small Special Site – Airport blocks (which have limited permitted uses) to \$524m² for prime located development sites in the middle of town. The sale of Lot 2420 Casuarina Way for \$77m² was during a lower market level and although it is in a comparable location is much smaller and of more functional shape. In terms of size and location we are of the opinion that the most comparable sale is that of 16 Bandicoot Drive which sold in a lower market level for \$1,800,000 (\$97m²).

Having regard to the sales evidence listed, its unique location, irregular shape and lack of services we are of the opinion that the subject land (assuming encumbrance free Certificate of Title and land size of 2.0439 hectares) has a market value of \$1,250,000 (\$61m²).

Applying a rate of return of 7% a current market rental of \$87,500 is realised. We have reduced the current market rental amount by 60% to reflect the limitations of the Lease as previously mentioned.

We therefore recommend a reduced rental amount of \$35,000 per annum excluding GST and outgoings.

We point out that the above rental has been calculated assuming the land can be utilised to its development potential. This may include replacing existing caravan and overflow sites with more substantial cabin/chalet structures. We acknowledge that while there is the potential for development of these structures it may not be economically viable. If the lessee/park operator chooses not to develop the land then the Shire may need to provide a mechanism within the lease whereby the assessed rental amount can be reduced.

This valuation advice is effective as at the date of inspection being 6th March 2008.

Rental Valuation

Having regard to current market rental evidence and to the subject lease details, including the stated rent review clause we have assessed the market rental value of the property known as Portion of Reserve 41812 adjoining Lakeside Resort, Kununurra in the sum of **\$35,000 (THIRTY FIVE THOUSAND DOLLARS)** per annum plus GST and outgoings. Our valuation is effective as at 22nd October, 2008.

.....
Certified Practising Valuer 44320– Benjamin Farquhar

LICENSED VALUERS AND PROPERTY CONSULTANTS
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RENTAL VALUATION REPORT CONTINUED

ADDRESS: PORTION OF RESERVE 41812 ADJOINING LAKESIDE RESORT, KUNUNURRA, WA

ATTACHMENTS

1. PLAN.
2. ADDITIONAL PHOTOGRAPHS.
3. COPY OF INSTRUCTION.

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2. ADDITIONAL PHOTOGRAPHS.



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KIMBERLEY
PROPERTY
VALUERS

"Serving The Kimberley Region"

23rd October 2008

Peter Stubbs
Shire of Wyndham – East Kimberley

Via Email: ceo@thelastfrontier.com.au

Dear Peter

**RE: RENTAL VALUATION OF: PORTION OF RESERVE 41812 ADJOINING KONA
WATERS HOLIDAY PARK, KUNUNURRA, W.A.**

Rental Valuation Approach

This rental valuation is made on the basis of "Market Rental Value" as adopted by the Australian Property Institute from International Assets Valuations Standards Committee definition. That is:

"Market Rental Value is the Estimated amount for which a premises should rent, as at the relevant date, between a willing Lessor and a willing Lessee in an arm's length transaction, wherein the parties had each acted knowledgeably, prudently and without compulsion, and having regard to usual market terms and conditions for Leases of similar premises."

Purpose of Valuation

To establish the current market ground rental value for lease negotiation/rent review purposes.

Date of Valuation

6th March 2008.

Date of Inspection

6th March 2008

LICENSED VALUERS AND PROPERTY CONSULTANTS
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RENTAL VALUATION REPORT CONTINUED
PORTION OF RESERVE 41812 ADJOINING KONA WATERS HOLIDAY PARK, KUNUNURRA, WA

Lease Details

Land: All that portion of Reserve No. 41812 comprising 1.2507 hectares shown in green on the Plan annexed to the Lease (attached to this Report)

Lessor: Shire of Wyndham-East Kimberley and Department of Water
Lessee: Beston Parks Management Pty Ltd (Previously Warraminga Pty Ltd)

Lease Term: 10 years.
Commencement Date: 1st January 2003
Commencement Rent: \$475 per annum
Rent Reviews: Annually to CPI (all groups Perth).
Outgoings: Tenant pays all outgoings relating to the Land.
Use of Land: The Lease recognises past use (use prior to Kununurra Water Reserve Water Source Protection Plan, 2003) of the Reserve by the caravan park can continue. This use includes for passive recreation, along with minor works such as tree lopping, planting, bank stabilisation, weed control and other works associated with the continuation of past caravan park use, which are consistent with the purpose of drinking water protection through best practice water quality measures.

In addition to the above main terms we note that there are fairly stringent guidelines pertaining to the use of land particularly in reference to modifications and improvements on the land as set out in Section 3.7 of the Lease. In the Purpose/ Limitations of Lease it states, "This Lease does not support any development of the Reserve that would result in added risks of contamination to Kununurra's only existing drinking water source. Buildings will not be permitted on the site."

General Comments / Market Commentary

The subject property has a prime location being on the foreshore of Lake Kununurra providing for an aesthetically pleasing boating and ancillary use area. The land has water views from various vantage points as well as extensive water front vegetation. The Lessee has some improvements overlapping the freehold boundary onto the leasehold land indicating willingness to use the site for commercial purposes however the relatively narrow dimensions of the leasehold land together with the current site layout of the freehold area limits extensive further development of the area.

We note that the lease has approximately 50% of its 10 year Term remaining. 5 years is not considered to offer long term security to the Lessee. There are no options in the lease. We understand that the Vestees are intending on creating a new lease with a 21 year term which will offer better security of tenure.

LICENSED VALUERS AND PROPERTY CONSULTANTS
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**RENTAL VALUATION REPORT CONTINUED
PORTION OF RESERVE 41812 ADJOINING KONA WATERS HOLIDAY PARK, KUNUNURRA, WA**

General Comments / Market Commentary (Cont'd)

Our method of valuation is therefore to establish the capital value of the land and assess the current market rental at 7% – this which represents what we consider to be an acceptable return to a prudent investor.

We have then reduced the current market rental by 60% to reflect the limitations affecting the site and lease. These being in particular;

- Non-exclusive use;
- No likely alternative tenants/occupants; and
- No permanent structures can be constructed on the foreshore lease.
- No development permitted within 5 metres of the waters edge.

In terms of defining the market or capital value of the land we advise that there is only limited sales evidence which provides any sort of comparison given the subject land's unique characteristics of unusual dimensions and prime location with water views. In order to give perspective as to value we have however looked at a broad range of available evidence.

Sales Evidence

We provide the following summary of sales evidence which we consider represents the best cross section of evidence available for valuation purposes:

Address	Date	Rental/Week (\$)
1. Lot 313 Peter Reid Drive, Kununurra	10/08	\$90,000 excluding GST
Land Area: 1,906m ² Zoning: Special site – Airport Comprises an approximate 1,906m ² allotment located landside of the airstrip. The site is unimproved, rectangular and level to road grade. Sold by auction.		
<ul style="list-style-type: none"> • Sale price reflect \$47 per m² based on land area. 		
2. Lot 307 Dusty Rankin Drive, Kununurra	10/08	\$110,000 excluding GST
Land Area: 1,713m ² Zoning: Special site – Airport Comprises an approximate 1,713m ² allotment located airside. The site is unimproved, rectangular and level to road grade. Sold by auction.		
<ul style="list-style-type: none"> • Sale price reflect \$64 per m² based on land area. 		

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**RENTAL VALUATION REPORT CONTINUED
PORTION OF RESERVE 41812 ADJOINING KONA WATERS HOLIDAY PARK, KUNUNURRA, WA**

Sales Evidence (Cont'd)

Address	Date	Rental/Week (\$)
8. Lot 100 River Fig Avenue Land Area: 3,361m ² Zoning: Town Centre Comprises a relatively large development site within the town centre precinct of Kununurra. The property has a main frontage to River Fig Avenue opposite Kununurra's main shopping centre plus a rear frontage to Rosella Close within Kununurra's residential precinct. The zoning permits a variety of commercial and residential uses with potential for up to 18 residential units. <ul style="list-style-type: none"> • Sale price reflects \$268 per m² of land area • Sale price reflects \$50,000 per unit site 	07/07	\$900,000 excl GST
9. Lot 2451 Konkerberry Drive Land Area: 2,147m ² Zoning: Town Centre Comprises a rectangular parcel of land in the heart of Kununurra's Town Centre precinct with a frontage of approximately 60m ² to Konkerberry Drive. The zoning permits a variety of commercial and residential uses with potential for up to 11 residential units. The site currently comprises a childcare centre which will be demolished at the purchaser's expense. The site appeared to transact above market levels. <ul style="list-style-type: none"> • Sale price based on rate per m² of land area \$524 per m² • Sale price based on number of units permitted \$102,273 per unit 	02/08	\$1,125,000 plus GST
10. 16 Bandicoot Drive Land Area: 1.8473Ha Zoning: Tourist Property comprises a substantial development site situated along Victoria Highway, which is a major thoroughfare through Kununurra. The zoning permits a variety of tourist type uses such as accommodation, restaurants, shops, roadhouse and other associated land uses and some residential component. We understand the property was sold to interstate purchasers. Subsequent discussions with the selling agent has indicated that there has been further interest in the site with offers approximately 10% higher than the sale price <ul style="list-style-type: none"> • The sale reflects approximately \$97m² of land excluding GST. 	05/07	\$1,800,000 plus GST
11. Lots 2 & 3 Caves Road, Dunsborough Land Area: 41,151m ² Zoning: Tourist Undulating land traversed by a creek line and features attractive strands of remnant vegetation. Development approval for 41 chalets applies. Sale reflects \$73,171 per unit site or \$73 per m ² .	05/07	\$3,000,000

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**RENTAL VALUATION REPORT CONTINUED
PORTION OF RESERVE 41812 ADJOINING KONA WATERS HOLIDAY PARK, KUNUNURRA, WA**

Summary of Analysis (Cont'd)

We point out that the above rental has been calculated assuming the land can be utilised to its development potential. This may include replacing existing caravan and overflow sites with more substantial cabin/chalet structures. We acknowledge that while there is the potential for development of these structures it may not be economically viable. If the lessee/park operator chooses not to develop the land then the Shire may need to provide a mechanism within the lease whereby the assessed rental amount can be reduced.

This valuation advice is effective as at the date of inspection being 23rd October 2008.

Rental Valuation

Having regard to current market rental evidence and to the subject lease details, including the stated rent review clause we have assessed the market rental value of the property known as Portion of Reserve 41812 adjoining Kona Waters Holiday Park, Kununurra in the sum of **\$16,100 (SIXTEEN THOUSAND, ONE HUNDRED DOLLARS)** per annum plus GST and outgoings. Our valuation is effective as at 23rd October, 2008.

.....
Certified Practising Valuer 44320- Benjamin Farquhar

Assumptions, Conditions and Limitations

General Disclaimers

This valuation is current as at the date of valuation only. The value assessed herein may change significantly, unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value. Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of three months from the date of valuation, or such earlier date if we become aware of any factors that have any effect on the valuation.

Except as specifically set out in this report, the valuation is given on the basis that:

1. The client has made a full and frank disclosure of all material information
2. The improvements if any, comply with the requirements of relevant authorities.

Neither the whole nor part of this report, nor any reference thereto may be included in any document, circular or statement without our written approval of the form and context in which it will appear.

LICENSED VALUERS AND PROPERTY CONSULTANTS
Bottswée Pty Ltd T/as Kimberley Property Valuers ACN 088 064 724

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RENTAL VALUATION REPORT CONTINUED
PORTION OF RESERVE 41812 ADJOINING KONA WATERS HOLIDAY PARK, KUNUNURRA, WA

ATTACHMENTS

1. PLAN.
2. ADDITIONAL PHOTOGRAPHS.
3. COPY OF INSTRUCTION.

LICENSED VALUERS AND PROPERTY CONSULTANTS
Bottswee Pty Ltd T/as Kimberley Property Valuers ACN 088 064 724

Page 12 of 12

2. ADDITIONAL PHOTOGRAPHS.



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**KIMBERLEY
PROPERTY
VALUERS**

"Serving The Kimberley Region"

23rd October 2008

Peter Stubbs
Shire of Wyndham – East Kimberley

Via Email: ceo@thelastfrontier.com.au

Dear Peter

**RE: RENTAL VALUATION OF: PORTION OF RESERVE 41812 ADJOINING
KIMBERLEYLAND HOLIDAY PARK, KUNUNURRA, W.A.**

Rental Valuation Approach

This rental valuation is made on the basis of "Market Rental Value" as adopted by the Australian Property Institute from International Assets Valuations Standards Committee definition. That is:

"Market Rental Value is the Estimated amount for which a premises should rent, as at the relevant date, between a willing Lessor and a willing Lessee in an arm's length transaction, wherein the parties had each acted knowledgeably, prudently and without compulsion, and having regard to usual market terms and conditions for Leases of similar premises."

Purpose of Valuation

To establish the current market ground rental value for lease negotiation/rent review purposes.

Date of Valuation

23rd October 2008.

Date of Inspection

23rd October 2008

LICENSED VALUERS AND PROPERTY CONSULTANTS
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RENTAL VALUATION REPORT
PORTION OF RESERVE 41812 ADJOINING KIMBERLEYLAND HOLIDAY PARK, KUNUNURRA, WA

Lease Details

Land: All that portion of Reserve No. 41812 containing approximately 1.6888 hectares shown bordered green on the plan annexed to the Lease (attached to this Report)

Lessor: Shire of Wyndham-East Kimberley and Department of Water

Lessee: Kimberleyland Holiday Park Pty. Ltd.

Lease Term: 10 years.

Commencement Date: 1st January 2003

Commencement Rent: \$1,220 per annum

Rent Reviews: Annually to CPI (all groups Perth).

Outgoings: Tenant pays all outgoings.

Use of Land: Camping, boat launching and mooring and other ancillary uses associated with the operation of the holiday park and consistent with the designated purpose for which the reserve is reserved under Section 41 of the *Land Administration Act 1997*, but subject to all Local Government and other approvals required by law being first obtained by the Lessee prior to commencement of any development of the Land by the Lessee.

In addition to the above main terms we note that there are fairly stringent guidelines pertaining to the use of land particularly in reference to modifications and improvements on the land as set out in Section 3.7 of the Lease. Furthermore, Section 3.8 stipulates that public access must be maintained to the site at any time technically rendering this site non-exclusive access to the tenant.

General Comments / Market Commentary

The subject property has a prime location being on the foreshore of Lake Kununurra providing for an aesthetically pleasing boating and ancillary use area. The land has water views from various vantage points as well as extensive water front vegetation. We do however note that the land is of irregular shape.

There is no main service infrastructure connected to the site independently though note that vehicular access could be gained from the adjoining public boat ramp.

We note that the lease has approximately 50% of its 10 year Term remaining. 5 years is not considered to offer long term security to the Lessee. We understand that the Vestees are proposing a new 21 year lease which will offer a higher level of security to the lease.

We note that the Lessee's utility of the subject land is somewhat limited by development and permitted use constraints. We have been advised that; no permanent structures can be constructed on the foreshore (including sewerage and concrete pads etc.), power and water lines may be permitted with approval of the Vestees, no development is to be within 5 metres of the waters edge and any development is to be in accordance with a Lease Development Plan. From verbal discussions with Mr Peter Stubbs we have proceeded on the basis that removable structures such as cabins and chalets will be permitted up to 5 metres from the waters edge. We further point out that no sewage can be emitted from these structures.

LICENSED VALUERS AND PROPERTY CONSULTANTS
Bottswee Pty Ltd T/as Kimberley Property Valuers ACN 088 064 724

Page 4 of 12



**RENTAL VALUATION REPORT
PORTION OF RESERVE 41812 ADJOINING KIMBERLEYLAND HOLIDAY PARK, KUNUNURRA, WA**

General Comments / Market Commentary (Cont'd)

We have then reduced the current market rental by 60% to reflect the limitations affecting the site and lease. These being in particular;

- Non-exclusive use;
- No likely alternative tenants/occupants; and
- No permanent structures can be constructed on the foreshore lease.
- No development permitted within 5 metres of the waters edge.

In terms of defining the market or capital value of the land we advise that there is only limited sales evidence which provides any sort of comparison given the subject land's unique characteristics of unusual dimensions and prime location with water views. In order to give perspective as to value we have however looked at a broad range of available evidence.

Sales Evidence

We provide the following summary of sales evidence which we consider represents the best cross section of evidence available for valuation purposes:

Address	Date	Rental/Week (\$)
1. Lot 313 Peter Reid Drive, Kununurra Land Area: 1,906m ² Zoning: Special site – Airport Comprises an approximate 1,906m ² allotment located landside of the airstrip. The site is unimproved, rectangular and level to road grade. Sold by auction. • Sale price reflect \$47 per m ² based on land area.	10/08	\$90,000 exc GST
2. Lot 307 Dusty Rankin Drive, Kununurra Land Area: 1,713m ² Zoning: Special site – Airport Comprises an approximate 1,713m ² allotment located airside. The site is unimproved, rectangular and level to road grade. Sold by auction. • Sale price reflect \$64 per m ² based on land area.	10/08	\$110,000 exc GST



"Serving The Kimberley Region"

**RENTAL VALUATION REPORT
PORTION OF RESERVE 41812 ADJOINING KIMBERLEYLAND HOLIDAY PARK, KUNUNURRA, WA**

Sales Evidence (Cont'd)

Address	Date	Sale Price (\$)
7. Lot 2420 Casuarina Way	12/05	\$818,181 exc GST
Land Area: 1.0560Ha Zoning: Residential R30 Comprises a irregular shaped parcel of land with moderate crossfalls located on adjoining the foreshore reserve and overlooking Lake Kununurra (Lily Creek Lagoon). Zoning permits up to 35 grouped dwellings. Construction started on a 23 survey strata subdivision in late 2007.		
<ul style="list-style-type: none"> • The sale reflects \$23,377 per unit site based on 35 unit development. • The sale price reflects \$35,573 per unit site based on 23 unit development. • The sale price reflects \$77 per m² of land area. 		
8. Lot 100 River Fig Avenue	07/07	\$900,000 exc GST
Land Area: 3,361m ² Zoning: Town Centre Comprises a relatively large development site within the town centre precinct of Kununurra. The property has a main frontage to River Fig Avenue opposite Kununurra's main shopping centre plus a rear frontage to Rosella Close within Kununurra's residential precinct. The zoning permits a variety of commercial and residential uses with potential for up to 18 residential units.		
<ul style="list-style-type: none"> • Sale price reflects \$268 per m² of land area • Sale price reflects \$50,000 per unit site 		
9. Lot 2451 Konkerberry Drive	02/08	\$1,125,000 plus GST
Land Area: 2,147m ² Zoning: Town Centre Comprises a rectangular parcel of land in the heart of Kununurra's Town Centre precinct with a frontage of approximately 60m ² to Konkerberry Drive. The zoning permits a variety of commercial and residential uses with potential for up to 11 residential units. The site currently comprises a childcare centre which will be demolished at the purchaser's expense. The site appeared to transact above market levels.		
<ul style="list-style-type: none"> • Sale price based on rate per m² of land area \$524 per m² • Sale price based on number of units permitted \$102,273 per unit 		

LICENSED VALUERS AND PROPERTY CONSULTANTS
Bottswee Pty Ltd T/as Kimberley Property Valuers ACN 088 064 724

Page 8 of 12



**RENTAL VALUATION REPORT
PORTION OF RESERVE 41812 ADJOINING KIMBERLEYLAND HOLIDAY PARK, KUNUNURRA, WA**

Summary of Analysis

In determining an unimproved land value we have had regard to the above evidence which ranges from \$24m² for small Special Site – Airport blocks (which have limited permitted uses) to \$524m² for prime located development sites in the middle of town. In terms of size and location we are of the opinion that the most comparable sale is that of 16 Bandicoot Drive which sold in a period of higher market activity for \$1,800,000 (\$97m²).

Having regard to the sales evidence listed, its unique location, irregular shape and lack of services we are of the opinion that the subject land (assuming encumbrance free certificate of title) has a market value of \$1,100,000 (\$65m²).

Applying a rate of return of 7% a current market rental of \$77,000 is realised. We have reduced the current market rental amount by 60% to reflect the limitations of the Lease as previously mentioned.

We therefore recommend a reduced rental amount of \$30,800 per annum excluding GST and outgoings.

We point out that the above rental has been calculated assuming the land can be utilised to its development potential. This may include replacing existing caravan and overflow sites with more substantial cabin/chalet structures. We acknowledge that while there is the potential for development of these structures it may not be economically viable. If the lessee/park operator chooses not to develop the land then the Shire may need to provide a mechanism within the lease whereby the assessed rental amount can be reduced.

This valuation advice is effective as at the date of inspection being 23rd October 2008.

Rental Valuation

Having regard to current market rental evidence and to the subject lease details, including the stated rent review clause we have assessed the market rental value of the property known as Portion of Reserve 41812 adjoining Kimberleyland Holiday Park, Kununurra in the sum of **\$30,800 (THIRTY THOUSAND EIGHT HUNDRED DOLLARS)** per annum plus GST. Our valuation is effective as at 23rd October, 2008.

.....
Certified Practising Valuer 44320– Benjamin Farquhar

LICENSED VALUERS AND PROPERTY CONSULTANTS
Bottswee Pty Ltd T/as Kimberley Property Valuers ACN 088 064 724

Page 10 of 12



"Servicing The Kimberley Region"

RENTAL VALUATION REPORT
PORTION OF RESERVE 41812 ADJOINING KIMBERLEYLAND HOLIDAY PARK, KUNUNURRA, WA

ATTACHMENTS

1. PLAN.
2. ADDITIONAL PHOTOGRAPHS.
3. COPY OF INSTRUCTION.

LICENSED VALUERS AND PROPERTY CONSULTANTS
Bottswee Pty Ltd T/as Kimberley Property Valuers ACN 088 064 724

Page 12 of 12

2. ADDITIONAL PHOTOGRAPHS.



KUNUNURRA LAKESIDE RESORT

Telephone 08 91691092
Fax 08 91682741
Email lakeside@comswest.net.au

Casuarina Way
P O Box 1129
KUNUNURRA WA 6743

DATE:30/9/08

TO; The CEO
Peter Stubbs
S.W.E.K
Fax

Re; Proposed New Foreshore Lease

As requested we submit our written points for consideration at the next meeting to be held on the 1st October incorporating commercially unviable land detail requested by the 25th September 2008.

Kimberley Property Valuations;

The rental valuation recommends that due to the limitations of the lease, that is, non exclusive use rights, inability to construct permanent buildings on site and the limited tenant market, under these constraints the annual rent be set at 25%, **to this we agree.**

The document makes no mention of adjustments annually to 50% and 75% of the valuation as proposed by council, nor does it refer to revaluations bi-annually, **to this we do not agree.**

Item 3 Option of renewal states;

Renewal of Lease after expiry date is subject to agreement between the lessee and the lessor.

Needs to read; following expiration of the lease an option of a further 21yrs exists.

Land area commercially unviable;

Land having a grade too great for commercial use, road frontages unsuitable for development, road reserves etc and land deemed protection buffer, are to be exempted from the lease area.

UCL area outside of lease

We have had advise from the DPI they are proceeding with the process for the inclusion of the UCL land into reserve 41812. Once the amendment is complete it becomes the responsibility of the SWEK and DoW for the land to be included into the foreshore lease. (see enclosed correspondence)

To this end we would recommend a clause be inserted into the lease that acknowledges this intent.

Insurance

A clear understanding is required of insurance needs.

Rates and Taxes

It is understood no Council or state rates or taxes will apply to the lease land.

TDP and ALMP

Any cost associated with these items, is to be deducted from lease payments.

A protocol needs to be developed for inspection visits by the Dept of Water or SWEK with any resulting costs deducted from the lease payments.

Yours truly,

Laurie McKenzie

Doc No.	063382
Date	17 SEP 2008
Officer	CEO TP
Response	
File	01-2860.02
Cross Ref.	



Wednesday, September 10, 2008

Mr Peter Stubbs
 Chief Executive Officer
 Shire of Wyndham East Kimberley
 P.O Box 614
 Kununurra
 WA 6743

Dear Sir,

Re: Portion of Reserve 41812 Adjoining Kona Waters Holiday Park, Kununurra WA

We refer the recent debate over the granting of term leases over Kununurra Waterfront Reserve lands and the associated rentals proposed.

Several written communications have been prepared by Discovery Parks in regard to this issue and lodged with council.

Most recently, we have been made aware of the base assumptions of the Kona valuation and it with this as background that we again write to council.

As Council is aware, the Kona Foreshore Reserve is a thin parcel of land with no road access, limited (if any) development potential and is not exclusive to the park operation. We understand that in arriving at what has been considered as the most comparable supporting evidence, the valuer has selected the property of 16 Bandicoot Drive, a Tourist zoned property of size and dimension supporting viable development and enjoying direct frontage to Victoria Highway.

We fail to see how this property could possibly be used in comparison to the Kona land

As a consequence of prior restrictions placed on the development of the Foreshore Reserve, the Kona Waters Holiday Park has seen two cabin developments completed within the past 18 months, the positioning of these developments (both of which fully approved by Council) effectively closing off any further development potential of the widest sections of the Foreshore Reserve. While under proposed new regulations we could certainly have made better use of the space available we will now be unable to utilize the space afforded without significant cost in the repositioning of cabins. The balance of the land is so narrow in dimension that it is unable to accommodate even minimum footprint caravan sites. It is on this basis that the foreshore reserve offers little to no commercial value to Discovery Parks whatsoever.

Head Office - Level 10, 11-19 Grenfell Street, Adelaide, South Australia, 5000 Phone: (08) 8219 3000 Fax: (08) 8231 2877
 ABN 50 111 782 846 ACN 111 782 846

In addition, while we continue to maintain the land, new management and auditing requirements introduced will increase the cost of the maintenance of the land. This, combined with our inability to derive revenue from the land, points to a poor commercial bargain in any estimation.

While for the reasons outlined above we believe the sworn valuation to be a substantially flawed document we agree the valuers conclusion that as a consequence of the extremely limited commercial value of the land a rental of \$12,500pa should be applied irrespective of the highly subjective rationale adopted to arrive at this point.

Irrespective of the fact that the rental for the site has been determined at \$12500, if we are to follow the valuation rationale adopted and enter councils debate over the percentage of market value to be adopted (under which Council disagree the valuation commissioned for this purpose) then for council to seek to apply any higher rental to the land it could only be on the basis of an assumed higher commercial value for the land.

On this basis we challenge Council to demonstrate to us how we can possibly obtain a higher commercial value from the land in question.

Discovery Parks will continue (at our cost) to maintain the land and are prepared to accept the new audit and land management requirements proposed on the proviso that initial rectification works associated with erosion and maintenance of the bank are bought up to an acceptable standard from commencement.

We are not in agreement to the payment of any higher rental than the valuers determination of \$12,500p.a. and submit that any debate to derive a higher rental is self serving and without commercial foundation.

We request that this correspondence be tabled at the next council meeting and anticipate councils response to the issues raised.

Yours faithfully,



Ben G Rosser
Chief Development Officer

From: Peter Stubbs
Sent: Tuesday, 28 October 2008 8:15 AM
To: 'Ben Rosser'
Subject: RE: Leases - Reserve 41812

Ben,
The views of Discovery Park are well known to the Council from previous meetings, and there is an appreciation that there are some difference in circumstances between the caravan park leases concerned.
Councillors requested new valuations, and for completeness I have asked they be done for all park leases.
This communication will be tabled for Councillors once the valuations are at hand, and when Councillors consider the matter again.

Regards
Peter Stubbs
CEO

From: Ben Rosser
Sent: Monday, 27 October 2008 6:47 PM
To: emailceo@Athelastfrontier.com.au
Subject: Leases - Reserve 41812

Dear Peter,

We are in receipt of your fax dated 20th of October advising of a fresh valuation to be conducted for the foreshore leases the result of the Department of Water allowing temporary buildings – cabins/chalets to within 5m of the waters edge. Perusal of the current valuation indicates the valuer having applied a heavy discount due to the following factors;

1. Non exclusive use
2. No likely alternative tenants/occupants
3. Inability to place permanent structures

As inspection of our site will indicate, the allowing of development to within 5 meters of the waters edge will have no effect whatsoever on the Kona valuation due primarily to the narrowness of the Kona foreshore land. Further, items 1 & 2 above remain unaffected by this most recent change.

In our prior correspondence to you dated 10/September/2008, we have already raised a number of questions in regard to the highly subjective original valuation of Kimberley Property Valuers and have yet to receive a response from the Shire. In our view the entire process adopted is substantially flawed and end driven and will be highly scrutinized should Kimberley Property Valuers find any justification to alter the highly questionable current valuation.

We would be appreciative of some dialogue from the Shire on the issued raised both current and prior.

Yours sincerely,
Ben G Rosser
Chief Development Officer
Level 10, 11-19 Grenfell Street
ADELAIDE SA 5000
T: 08 8219 3000 E: brosser@discoveryparks.com.au
D: 08 8219 3020 W: www.discoveryparks.com.au

12.6.3 Road Dedications supporting Freehold Title to Consolidated Pastoral Company, consistent with the Ord Final Agreement. (8446)

DATE:	17 November 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:	42.09.01
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider dedication and naming of roads leading to proposed Consolidated Pastoral Company (CPC) Freehold lands, consistent with the Ord Final Agreement.

BACKGROUND

Council resolved as follows at its Ordinary Council meeting 19 August 2008.

Minute No. 8344

Moved: Cr K Wright

Seconded: Cr R Addis

1. *That Council adopt the proposed Draft Deed prepared by Council's appointed legal representation in this matter, Civic Legal as the basis for a mechanism to enable road dedication to support release of freehold title to Consolidated Pastoral Company consistent with the Ord Final Agreement.*
2. *That the Council's Audit Committee and The Chief Executive Officer be given delegated authority to:*
 - a. *obtain advice from Civic Legal on any further terms to be amended, deleted or included in the Draft Deed; and*
 - b. *finalise the terms of the Draft Deed in keeping with the general principles of there being no cost to Council associated with the initial road dedication and road upgrade to support road dedication, and ensuring appropriate mechanisms for Consolidated Pastoral Company or other owners of other affected freehold land to contribute to road improvements should land use change in ways which increase traffic volumes.*

Carried Unanimously 7/0

Since this resolution the State Government has confirmed in writing its commitment of up to \$360,000 toward proposed road improvements considered necessary to support road dedication.

CPC have provided written confirmation of their acceptance of proposed Deed of Covenants (attached), specifying financial contributions they will contribute to the required road improvements. The Deed of Covent in the (Carlton Hill Station) contains change of land use provisions which bind CPC to future road contributions should road traffic patterns increase in the future with changed land use. This requirement was not seen as necessary of the proposed Ivanhoe and Mantinea freehold lands because the road usage there is substantially different, with higher public use, and roads improvements linked to broader agricultural developments associated with the Ord Irrigation Expansion (Mantinea and West Bank).

Councillors are aware of the need to have Carlton Hill Road and Parry Creek Road dedicated to enable freehold land to be granted to Consolidated Pastoral Company (CPC) under the Ord Final Agreement.

In return for this land CPC will surrender the M2 future irrigation area and 6 conservation reserves out of its pastoral lease. The reserves will be vested to MG Corporation.

Freehold land to CPC cannot be granted until there are dedicated roads leading to these parcels of lands. The State Government require a resolution of Council to dedicate the roads. This resolution will trigger the process for release of freehold titles.

The Shire through the Executive Manager of Engineering and Regulatory Service has indentified the following works required to address public safety issues prior to road dedication;

Carlton Hill Road alignment

CPC will contribute \$65,000 and the State Government \$135,000 for these works.

Parry Creek Road Alignment

To connection with eastern boundary of CPC Mantinea freehold lot (being Lot 5001 on Deposited Plan 56582),

Estimated Parry Creek road works needed;

- \$116,000 to replace four gates with appropriate cattle grids (\$29,000 each);
- \$ 35,000 to seal 100 metres of the alignment at its terminus with Victoria Highway (to ameliorate dust and safety concerns);
- \$ 20,000 miscellaneous works (widening etc).
- \$171,000 Total**

CPC's position is that CPC costs under this proposed Deed are:

- 20% of the cost of one of the gate replacements** \$ 5,800
 - Contribution to conversion of 3 gates to grids \$17,400
 - 20% of \$55,000 (sealing and miscellaneous) \$11,000
- Total
- \$34,200

The State Government has agreed to fund the balance of \$136,800. (\$171,000 - \$34,200 = \$136,800.)

STATUTORY IMPLICATIONS

The Deeds are intended to provide the legal ability for Council to ensure immediate road upgrades associated with dedication of the roads, and to provide a mechanism to ensure future contributions to road improvements should land use change and justify the need to road upgrades.

The Ord Final Agreement imposes statutory requirements on its signatories, including CPC.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil to Council.

STRATEGIC IMPLICATIONS

The release of 16,000 Ha of freehold land to CPC is a major strategic decision. How this land is used in the future has the potential to influence the destiny of agricultural industries and the economy in the East Kimberley Region.

The current Ord Irrigation area is just 14,000Ha and so the release of this land if it is ultimately developed for intensive agriculture gives scale to any potential development and industry.

The Ord Irrigation scheme has been constrained for decades by the lack of freehold land to allow expanded industry and production. This land release has the potential to significantly address that.

COMMUNITY CONSULTATION

Not Applicable.

COMMENT

CPC have agreed to pay their contribution upon signing of the Deed. This coupled with the State funding approved will allow the Shire to commission the works to support road dedication as soon as possible. Work is likely to be done in May 2009. Road access will be closed due to wet season constraints at some time in the coming months.

ATTACHMENTS

1. Draft Deed of Covenant (for upgrading road servicing Carlton Hill Station)
2. Draft Deed of Covenant (Ivanhoe and Mantinea)
3. Deposited Plan 56602 - Carlton Hill Road
4. Deposited Plan 57347 - Valentine Springs- Parry Creek Road

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

1. That Council, adopt to dedicate the road corridor for Carlton Hill Road as per Deposited Plan 56602, subject to Consolidated Pastoral Company signing the Deed of Covenant related to this road and freehold land proposal.
2. That Council adopt to dedicate the road corridor for Valentine Springs and Parry Creek as per Deposited Plan 57347, subject to Consolidated Pastoral Company signing the Deed of Covenant related to this road and Ivanhoe and Mantinea freehold land proposal.
3. That Council request the State Geographic Names Committee to rename Valentine Springs Road to Parry Creek Road, so that the dedicated road has a single name from Victoria Highway to Great Northern Highway.
4. That Council request the State Geographic Names Committee to name the road leading to Lot 5000 on Deposited Plan 56602 (Carlton Hill Freehold Lot) as Carlton Hill Road.

COUNCIL DECISION

Minute No. 8446

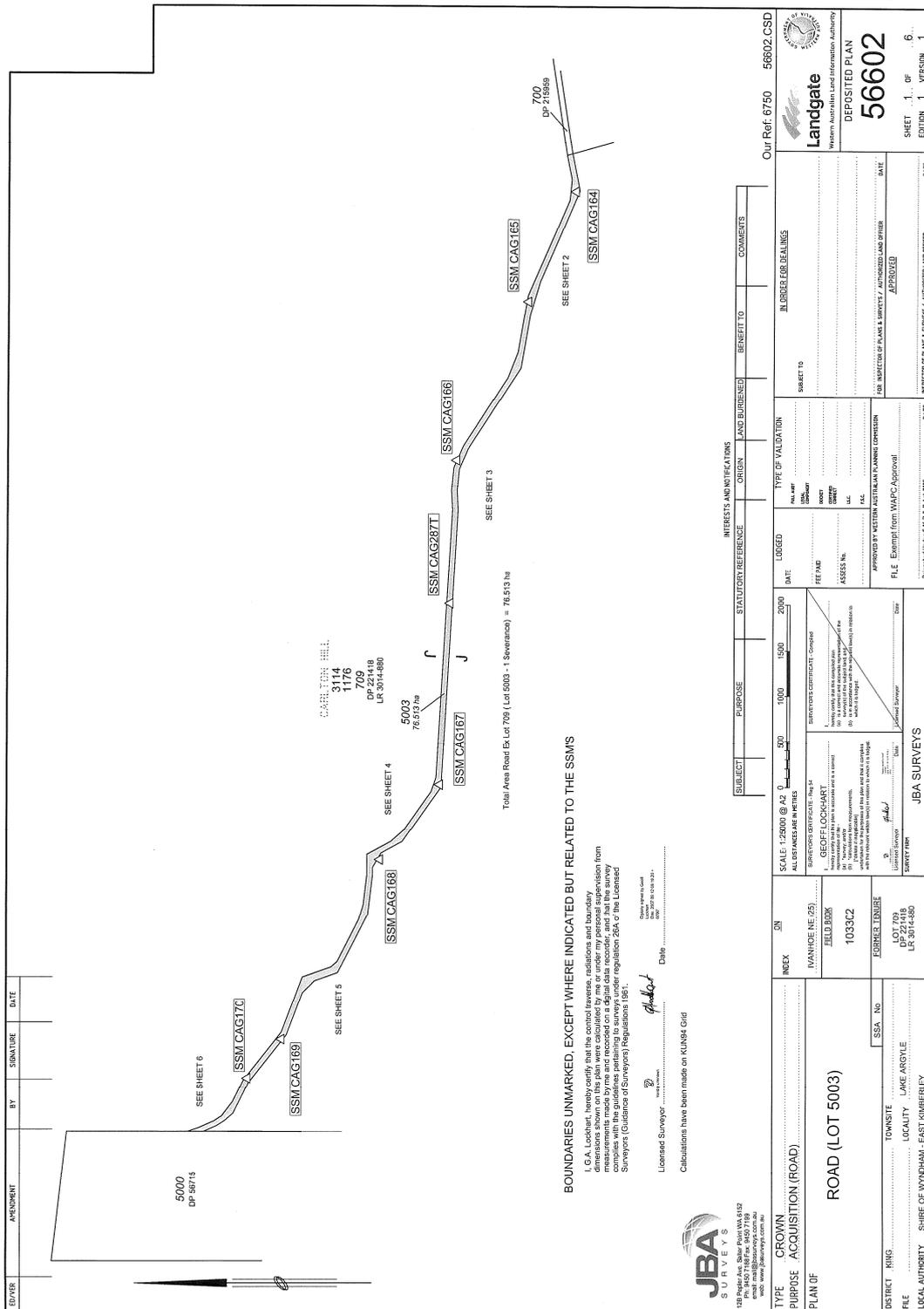
Moved:Cr K Wright

Seconded:Cr J Parker

1. ***That Council, adopt to dedicate the road corridor for Carlton Hill Road as per Deposited Plan 56602, subject to Consolidated Pastoral Company signing the Deed of Covenant related to this road and freehold land proposal.***
2. ***That Council adopt to dedicate the road corridor for Valentine Springs and Parry Creek as per Deposited Plan 57347, subject to Consolidated Pastoral Company signing the Deed of Covenant related to this road and Ivanhoe and Mantinea freehold land proposal.***
3. ***That Council request the State Geographic Names Committee to name the road from Victoria Highway to SSM CAG158 (Deposited Plan 57347) as Valentine Springs Road and the road from SSM CAG158 (Deposited Plan 57347) to Great Northern Highway as Parry Creek Road***
4. ***That Council request the State Geographic Names Committee to name the road leading to Lot 5000 on Deposited Plan 56602 (Carlton Hill Freehold Lot) as Carlton Hill Road.***

CARRIED: (8/0)

NOTE: Change made because Council wanted to retain the history of Valentine Springs Road name.



BOUNDARIES UNMARKED, EXCEPT WHERE INDICATED BUT RELATED TO THE SSMs

I, G.A. Lockhart, hereby certify that the control traverse, relations and boundary dimensions shown on this plan were calculated by me or under my personal supervision from measurements taken in the field by me or under my personal supervision and that the survey complies with the guidelines pertaining to surveys under regulation 26a of the Land Surveyors (Guidance of Surveyors) Regulations 1981.

Licensed Surveyor
 Date: 11/11/08
 G.A. Lockhart

Calculations have been made on KUNINGA Grid



ED/VER	AMENDMENT	BY	SIGNATURE	DATE														
<p>Our Ref: 6750 56602.CSD</p> <p>Landgate Western Australian Land Information Authority</p> <p>DEPOSITED PLAN 56602</p> <p>SHEET 1 OF 6 EDITION 1, VERSION 1</p>																		
<p>TYPE: CROWN PURPOSE ACQUISITION (ROAD)</p> <p>PLAN OF: ROAD (LOT 5003)</p>		<p>DISTRICT: RINKS</p> <p>TOWNSITE: LOT 709 DP 221416 LR 3014480</p> <p>LOCAL AUTHORITY: SHIRE OF WYNDHAM - EAST-KIMBERLEY</p>																
<p>INDEX</p> <p>PLANHO (NE 25)</p> <p>FIELD BOOK: 103302</p> <p>FORBES TENURE: LOT 709 DP 221416 LR 3014480</p>		<p>INTERESTS AND NOTIFICATIONS</p> <table border="1"> <tr> <th>SUBJECT</th> <th>PURPOSE</th> <th>STATUTORY REFERENCE</th> <th>ORIGIN</th> <th>LAND BURNEED</th> <th>BENEFIT TO</th> <th>COMMENTS</th> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURNEED	BENEFIT TO	COMMENTS							
SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURNEED	BENEFIT TO	COMMENTS												
<p>SCALE: 1:25000 @ A2 0 300 1000 1500 2000</p> <p>ALL DISTANCES IN METRES</p> <p>SURVEYORS CONTRACTUAL CODES</p> <p>1. GEOFF LOCKHART Having verified that the information contained in this plan is true and correct and that the survey complies with the guidelines pertaining to surveys under regulation 26a of the Land Surveyors (Guidance of Surveyors) Regulations 1981, I hereby certify that the information contained in this plan is true and correct.</p>		<p>APPROVED BY WESTERN AUSTRALIAN PLANNING COMMISSION</p> <p>FILE: Exempt from WAPC Approval</p> <p>APPROVED</p>																



**DEED OF COVENANT
(Ivanhoe and Mantinea)**

SHIRE OF WYNDHAM-EAST KIMBERLEY
("Shire")

AND

CONSOLIDATED PASTORAL COMPANY PTY LTD
(ACN 010 080 654)
("CPC")

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THIS DEED is made the _____ day of _____ 2008

BETWEEN

SHIRE OF WYNDHAM-EAST KIMBERLEY of PO Box 614, Kununurra, Western Australia ("Shire");

AND

CONSOLIDATED PASTORAL COMPANY PTY LTD (ACN 010 080 654) of Level 3, 54-58 Park Street, Sydney, NSW ("CPC").

RECITALS

- A. Pursuant to an agreement entered into between CPC, the State of Western Australia (**State**) and certain native title holders (**Ord Final Agreement**) CPC will acquire a freehold estate in all that piece of land described in the Ord Final Agreement as the CPC Freehold Area (**CPC Freehold Area**).
- B. CPC has an obligation under the Ord Final Agreement to provide public road access to each parcel that comprises the CPC Freehold Area.
- C. The land (**Land**) described in Schedule 1 currently provides access to the Ivanhoe Freehold Area and the Mantinea Freehold Area for CPC and its officers, employees, contractors, servants, agents and invitees from Victoria Highway as well as providing access to various other places for tourists, Aboriginal persons and other local residents.
- D. CPC asserts that the Land (commonly known as Valentine Springs Road and Parry Creek Road) is, at law, a public road within the meaning of the Ord Final Agreement, an assertion which has not been accepted by the State which has requested that the Land become a dedicated road managed by the Shire.
- E. The governing council of the Shire has resolved that, subject to certain upgrading works to the Land being undertaken by the Shire without cost to the Shire and subject to CPC entering into this Deed, the Shire will seek the dedication by the Minister of the Land as a road as defined in the Land Administration Act (**Dedicated Road**) on the terms and conditions contained in this Deed.
- F. Without prejudice to its assertion in recital D, CPC is prepared to pay a portion of the costs of those upgrading works.
- G. The parties have agreed that CPC will contribute now to the costs of upgrading the Land in accordance with this Deed.

BY THIS DEED

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

In this document:

Commission means the Western Australian Planning Commission established by section 7 of the *Planning and Development Act 2005* (WA);

CPC Freehold Area has the meaning ascribed in recital A;

CPC Contribution means the sum of thirty four thousand, two hundred dollars (\$34,200.00) plus GST;

Dedicated Road has the meaning ascribed in recital E;

Default Notice means a notice given by the Shire under clause 5.1;

Default Rate means the Shire's bank overdraft interest rate for amounts in excess of \$100,000.00;

Ivanhoe Freehold Area means the land described as the Ivanhoe Parcel in the CPC Freehold Area in the Ord Final Agreement;

Land has the meaning ascribed in recital C;

Land Administration Act means the *Land Administration Act 1997* (WA);

LEADR means the organisation known as LEADR of Level 9, 15-17 Young Street, Sydney, NSW;

Mantinea Freehold Area means the land described as the Mantinea Parcel in the CPC Freehold Area in the Ord Final Agreement;

Minister means the Minister to whom the administration of the *Land Administration Act* is from time to time committed by the Governor;

Ord Final Agreement has the meaning ascribed in recital A;

Works means the road construction works described in schedule 2; and

Written Law has the same meaning as given to that term in the *Interpretation Act 1984*.

1.2 General

In this Deed, unless the context requires otherwise:

- (a) references to any legislation or legislative provision include any statutory modification or re-enactment of, or any legislative provision substituted for, and any statutory instrument issued under, that legislation or legislative provision;

- (b) words denoting the singular number include the plural number and vice versa;
- (c) words denoting individuals or persons include corporations, authorities, governments and governmental agencies and vice versa;
- (d) words denoting any gender include all genders;
- (e) headings and bolding are for convenience only and do not affect interpretation;
- (f) the meaning of general words or phrases is not limited by specific examples introduced by 'including', 'for example' or similar expressions;
- (g) references to clauses, schedules and annexures are to clauses, schedules and annexures of or to this Deed;
- (h) references to any agreement or document are to that agreement or document as amended, novated, supplemented or replaced from time to time;
- (i) references to any party to this Deed, or any other document or arrangement, include that party's executors, administrators, substitutes, successors and permitted assigns. For the avoidance of doubt, this means that a reference to CPC is a reference to the registered proprietor from time to time of the Carlton Hill Freehold Area and a reference to the Shire is a reference to the local government (as defined in the Local Government Act) from time to time relevant to the Carlton Hill Freehold Area;
- (j) where a term is assigned a particular meaning other grammatical forms of that term have a corresponding meaning;
- (k) a rule of construction does not apply to the disadvantage of a party because the party was responsible for the preparation of this Deed or any part of it;
- (l) an obligation, representation or warranty in favour of two or more persons:
 - (i) is for the benefit of them jointly and severally; and
 - (ii) binds them jointly and severally; and
- (m) a reference to a '\$' or 'dollar' is a reference to Australian dollars.

2. **AGREEMENT**

2.1 **Covenant**

The parties covenant with each other on the terms and conditions of this Deed.

2.2 Discretion of the Shire

The parties agree and acknowledge that nothing in this Deed shall fetter or be construed as an attempt to fetter the discretion or the powers of the Shire under any Written Law.

2.3 Conditional upon State payment

The parties agree that their respective rights and obligations and the operation of this Deed are subject to and conditional upon the Shire being satisfied that the State will pay the balance of the costs of the Works remaining after CPC's Contribution.

3. SHIRE'S COVENANTS

3.1 Dedication of the Land

Following the execution of this Deed and as soon as possible after the Shire is satisfied that the State will pay the balance of the costs of the Works after CPC's contribution and after payment having been made by CPC in accordance with clause 4.1 herein, the Shire will, pursuant to section 56 of the Land Administration Act, request the Minister to dedicate the Land as a road as defined in the Land Administration Act. The Shire will use its best endeavours to secure that dedication as soon as possible.

3.2 Shire's works

As soon as is reasonably practicable after the Land has been dedicated by the Minister as a road as defined in the Land Administration Act, the Shire will perform the Works. The Works shall be performed by the Shire in accordance with the Shire's Guidelines for Rural Road Design and Construction Technical Specifications as published by the Shire in October 2006.

4. CPC'S COVENANTS

4.1 CPC Contribution to Works

Upon execution of this Deed CPC shall pay to the Shire by electronic transfer to the Shire's bank account (BSB No. 306045, Account No. 5356458) the sum of \$34,200.00 plus GST as CPC's contribution to funding the cost of the Works.

4.2 Default Interest

CPC shall pay interest to the Shire on the daily balance of any amounts payable by CPC to the Shire that are overdue at the Default Rate of Interest from the date the monies are due and payable by CPC to the Shire until payment in full has been made to the Shire.

4.3 Acknowledgement and representation

CPC acknowledges that it will not have or accrue, and warrants that it will not assert, any legal or equitable interest in the Dedicated Road by virtue of its contribution to the Works.

5. **DEFAULT**

5.1 **Default notice**

If CPC fails to observe or perform any of the covenants of this Deed binding upon it, then the Shire may give CPC a notice specifying the matters that are required to be done to rectify the default.

5.2 **Indemnity for costs**

CPC shall indemnify the Shire against all costs and expenses incurred by the Shire including all legal costs incurred on an indemnity basis by reason of a default by CPC in observing or performing any of the covenants in this Deed.

5.3 **Payment of costs**

- (a) The parties agree that the Shire may demand from CPC the payment of all costs and expenses owing by CPC to the Shire under clause 5.2, and CPC shall within 7 days of its receipt of the demand pay the costs and expenses to the Shire in full.
- (b) The parties agree that if CPC does not comply with its obligation under clause 5.3(a), the Shire may recover from CPC the costs and expenses demanded as a liquidated debt in a court of competent jurisdiction.

6. **CHARGE**

Not Applicable

7. **CAVEAT**

Not Applicable

8. **FUTURE USE OF DEDICATED ROAD**

Not Applicable

9. **MISCELLANEOUS**

9.1 **Road Traffic Act**

Nothing in this Deed shall constitute or be deemed to constitute an agreement within the meaning of section 85(2) of the *Road Traffic Act 1974 (WA)* nor shall anything in this Deed constitute or be deemed to constitute an agreement within the meaning of any similar legislation enacted now or in the future that has or will have the effect of restricting or removing a right that the Shire would otherwise be entitled to if it had not entered into this Deed.

9.2 **Notices**

- (a) Any notice, demand, consent or other communication which must be given in connection with this Deed:
 - (i) must be in writing in order to be valid;
 - (ii) is sufficient if executed by the party giving the notice or on its behalf by any director, secretary, duly authorised officer or solicitor of such a party;

- (iii) in order to be valid shall be given to a party as follows:
 - (A) delivered or sent by prepaid post to, or left at, the 'notice details' address of that party as set out in this Deed;
 - (B) sent to the facsimile number of that party as set out in this Deed; or
 - (C) delivered to, sent by prepaid post to, or left at another address or facsimile number as notified in writing by that party to the other parties from time to time; and
- (iv) if given in accordance with clause 9.2(a)(iii), will be deemed to take effect as follows:
 - (A) in the case of prepaid post, on the second business day after the date of posting;
 - (B) in the case of facsimile, on receipt of a transmission report from the sending machine confirming successful transmission; and
 - (C) in the case of delivery by hand, on delivery.
- (b) For the purposes of this Deed, the facsimile number of the Shire is (08) 9168 1798 and CPC is (08) 9168 7876.

9.3 Costs of Agreement

- (a) CPC shall pay:
 - (i) to the Shire on demand, the Shire's costs and expenses of and incidental to the negotiations for and the preparation, execution and stamping of this Deed determined in accordance with the Costs Agreement between the Shire and Civic Legal executed on behalf of the Shire on 17 April 2008;
 - (ii) all duty payable on this Deed and any duplicates;
 - (iii) to the Shire on demand, the Shire's costs and expenses of and incidental to the preparation, lodging and withdrawal of any caveats on the Carlton Hill Freehold Area in accordance with this Deed; and
 - (iv) all other fees and charges which are reasonably and necessarily incurred or required to be incurred to give effect to the terms of this Deed.

9.4 Severability

If any provision of this Deed is void or unenforceable, that provision is void and unenforceable only to the extent of that voidness or unenforceability, without invalidating the remaining provisions which shall remain in full force and effect.

9.5 Amendments

This Deed may not be modified, amended or varied except by a document in writing signed by or on behalf of the parties.

9.6 Waiver

No waiver of one breach of any term or condition of this Deed will operate as a waiver of any other breach of the same or any other term or condition of this Deed.

9.7 Laws of Western Australia apply

This Deed shall be construed and interpreted in accordance with the laws of the State of Western Australia and the parties agree to submit to the jurisdiction of the courts of that State and of courts competent to hear appeals therefrom.

9.8 Dispute resolution

- (a) If a dispute arises between the parties in connection with this Deed, then a party must give notice of the dispute to the other party identifying the dispute and providing details of it. Within 7 days of receipt of a notice under this clause 9.8(a), the parties agree that a representative of each party must meet together to resolve the dispute in good faith and acting reasonably. Both parties are committed to using their reasonable endeavours to resolving any dispute under this clause without first resorting to litigation.
- (b) If a dispute is not resolved between the parties within 14 days of a notice under clause 9.8(a) being given, then the parties shall, subject to clause 9.8(g), endeavour to settle the dispute by mediation to be conducted by a mediator independent of the parties appointed by agreement of the parties within 35 days of a notice in clause 9.8(a) being given or, failing agreement, by a person appointed by the chair of LEADR or her or his nominee.
- (c) The mediation rules of the Law Society of NSW shall apply to the mediation.
- (d) Subject to clause 9.8(g), it is a condition precedent to the right of any party to arbitrate or litigate the dispute that it first has complied with the mediation process in accordance with this clause.
- (e) Each party may be represented by a qualified legal practitioner or other representative in any mediation proceedings.
- (f) The parties must continue to comply with their obligations under the Deed notwithstanding any dispute being referred to mediation, unless agreed otherwise by the parties in writing.
- (g) The parties are not required to mediate a dispute which relates to the non-payment of any amounts of money owed by one party to another party under this Deed.

- (h) Notwithstanding the foregoing provisions of this clause 9.8 nothing contained herein shall prevent or restrict the rights of the parties from seeking injunctive relief from a court of competent jurisdiction.

10 **GST**

10.1 **Interpretation**

In this clause:

- (a) "GST" means:
 - (i) the same as in the GST Law;
 - (ii) any other value added tax, goods and services tax, or any tax applying to this Deed in a similar way; and
 - (iii) any additional tax, penalty tax, fine, interest or other charge under a law of such a tax;
- (b) "GST Act" means the A New Tax System (Goods and Services Tax) Act 1999 as it stands from time to time;
- (c) "GST law" means the GST Act and associated legislation including without limitation delegated legislation; and
- (d) any expression used that is defined in the GST law has that defined meaning.

10.2 **GST Generally**

- (a) Unless expressly included, the consideration for any supply under or in connection with this Deed does not include GST.
- (b) To the extent that any supply made under or in connection with this Deed is a taxable supply for which the supplier is liable for GST, the recipient must pay, in addition to the consideration provided under this Deed for that supply (unless it expressly includes GST) an amount equal to the amount of that consideration multiplied by the rate at which GST is imposed in respect of the supply. The recipient must pay that additional amount at the same time as the consideration to which it is referable.
- (c) Whenever an adjustment event occurs in relation to any taxable supply to which clause 1.2(b) applies:
 - (i) the supplier must determine the amount of the GST component of the consideration payable; and
 - (ii) if the GST component of that consideration differs from the amount previously paid, the amount of the difference must be paid by, refunded to or credited to the recipient, as the case may be.

10.3 Tax Invoices

The supplier must issue a Tax Invoice, to the recipient of a supply to which clause 1.2 applies as a prerequisite to payment of the GST inclusive consideration for that supply under that clause.

10.4 Reimbursements

If either Party is entitled under this Deed to be reimbursed or indemnified by the other Party for a cost or expense incurred in connection with this Deed, the reimbursement or indemnity payment must not include any GST component of the cost or expense to the extent that the cost or expense is the consideration for a creditable acquisition made by the Party being reimbursed or indemnified, or by its representative member.

SCHEDULE 1 – ROAD RESERVE

- (a) Lot 5004 on Deposited Plan 57347;
- (b) Lot 5005 on Deposited Plan 57347;
- (c) Lot 5006 on Deposited Plan 57347;
- (d) Lot 5007 on Deposited Plan 57347;
- (e) Lot 5008 on Deposited Plan 57347;
- (f) Lot 5009 on Deposited Plan 57347;
- (g) Lot 5010 on Deposited Plan 57347; and
- (h) Lot 5011 on Deposited Plan 57347;

SCHEDULE 2 – SPECIFICATIONS OF THE WORKS

1. Widen existing cattle grid (at approximately 10 SLK) to provide an adequate trafficable road width
2. Reconstruct and seal approximately 100 metres (by 7.2 metres wide) for highway intersection to provide a safe approach to Victoria Highway.

EXECUTED BY THE PARTIES AS A DEED

The common seal of)
SHIRE OF WYNDHAM-EAST KIMBERLEY)
was affixed in the presence of)

President

Chief Executive Officer

EXECUTED for and on behalf of)
CONSOLIDATED PASTORAL)
COMPANY PTY LTD)
(ACN 010 080 654))
by authority of its Directors in)
accordance with section 127 of the)
Corporations Act 2001 (Cth))

Director

Director/Secretary

DEED OF COVENANT
(for upgrade to road servicing
Carlton Hill Station)

SHIRE OF WYNDHAM-EAST KIMBERLEY
("Shire")

AND

CONSOLIDATED PASTORAL COMPANY PTY LTD
(ACN 010 080 654)
("CPC")

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THIS DEED is made the

day of

2008

BETWEEN

SHIRE OF WYNDHAM-EAST KIMBERLEY of PO Box 614, Kununurra, Western Australia ("Shire");

AND

CONSOLIDATED PASTORAL COMPANY PTY LTD (ACN 010 080 654) of Level 3, 54-58 Park Street, Sydney, NSW ("CPC").

RECITALS

- A. Pursuant to an agreement entered into between CPC, the State of Western Australia (**State**) and certain native title holders (**Ord Final Agreement**) CPC will acquire a freehold estate in all that piece of land described in the Ord Final Agreement as the CPC Freehold Area (**CPC Freehold Area**).
- B. CPC has an obligation under the Ord Final Agreement to provide public road access to each parcel that comprises the CPC Freehold Area.
- C. The land (**Land**) described in Schedule 1 currently provides access to Carlton Hill Station for CPC and its officers, employees, contractors, servants, agents and invitees from the south western corner of Lot 355 on Deposited Plan 211675 as well as providing access to Carlton Hill Station and various other places for tourists, Aboriginal persons and other local residents.
- D. CPC asserts that the Land (commonly known as Carlton Hill Road) is, at law, a public road within the meaning of the Ord Final Agreement, an assertion which has not been accepted by the State which has requested that the Land become a dedicated road managed by the Shire.
- E. The governing council of the Shire has resolved that, subject to certain upgrading works to the Land being undertaken by the Shire without cost to the Shire and subject to CPC entering into this Deed, the Shire will seek the dedication by the Minister of the Land as a road as defined in the Land Administration Act (**Dedicated Road**) on the terms and conditions contained in this Deed.
- F. Without prejudice to its assertion in recital D, CPC is prepared to pay a portion of the costs of those upgrading works.
- G. The parties have agreed, for the purposes of this Deed, that current usage of the Land is as follows:
 - (i) The eastern most portion of the Land is utilised at the rate of an average 40 vehicle movements per day of which eighty (80) percent is by the general public and twenty (20) percent is solely by CPC and its officers, employees, contractors servants, agents and invitees.
 - (ii) The western most portion of the Land is utilised at the rate of an average 13 vehicle movements per day of which sixty (60) percent is by the general public and forty (40) percent is solely by CPC and its officers, employees, contractors servants, agents, and invitees.
- H. The parties have agreed that CPC will contribute now to the costs of upgrading the Land in accordance with this Deed and have also agreed that, in certain

circumstances, CPC may in the future contribute to the costs of further upgrading the Dedicated Road.

BY THIS DEED

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

In this document:

Carlton Hill Freehold Area means the land described as the Carlton Hill Parcel in the CPC Freehold Area in the Ord Final Agreement;

Commission means the Western Australian Planning Commission established by section 7 of the *Planning and Development Act 2005 (WA)*;

CPC Freehold Area has the meaning ascribed in recital A;

CPC Contribution means the sum of sixty five thousand dollars (\$65,000.00) plus GST;

Dedicated Road has the meaning ascribed in recital E;

Default Notice means a notice given by the Shire under clause 5.1;

Default Rate means the Shire's bank overdraft interest rate for amounts in excess of \$100,000.00;

Development Application has the same meaning as the term is defined in the *Planning and Development Act 2005 (WA)*;

Land has the meaning ascribed in recital C;

Land Administration Act means the *Land Administration Act 1997 (WA)*;

LEADR means the organisation known as LEADR of Level 9, 15-17 Young Street, Sydney, NSW;

Minister means the Minister to whom the administration of the *Land Administration Act* is from time to time committed by the Governor;

Ord Final Agreement has the meaning ascribed in recital A;

Works means the road construction works described in schedule 2; and

Written Law has the same meaning as given to that term in the *Interpretation Act 1984*.

1.2 General

In this Deed, unless the context requires otherwise:

- (a) references to any legislation or legislative provision include any statutory modification or re-enactment of, or any legislative provision substituted

for, and any statutory instrument issued under, that legislation or legislative provision;

- (b) words denoting the singular number include the plural number and vice versa;
- (c) words denoting individuals or persons include corporations, authorities, governments and governmental agencies and vice versa;
- (d) words denoting any gender include all genders;
- (e) headings and bolding are for convenience only and do not affect interpretation;
- (f) the meaning of general words or phrases is not limited by specific examples introduced by 'including', 'for example' or similar expressions;
- (g) references to clauses, schedules and annexures are to clauses, schedules and annexures of or to this Deed;
- (h) references to any agreement or document are to that agreement or document as amended, novated, supplemented or replaced from time to time;
- (i) references to any party to this Deed, or any other document or arrangement, include that party's executors, administrators, substitutes, successors and permitted assigns. For the avoidance of doubt, this means that a reference to CPC is a reference to the registered proprietor from time to time of the Carlton Hill Freehold Area and a reference to the Shire is a reference to the local government (as defined in the Local Government Act) from time to time relevant to the Carlton Hill Freehold Area;
- (j) where a term is assigned a particular meaning other grammatical forms of that term have a corresponding meaning;
- (k) a rule of construction does not apply to the disadvantage of a party because the party was responsible for the preparation of this Deed or any part of it;
- (l) an obligation, representation or warranty in favour of two or more persons:
 - (i) is for the benefit of them jointly and severally; and
 - (ii) binds them jointly and severally; and
- (m) a reference to a '\$' or 'dollar' is a reference to Australian dollars.

2. AGREEMENT

2.1 Covenant

The parties covenant with each other on the terms and conditions of this Deed.

2.2 Discretion of the Shire

The parties agree and acknowledge that nothing in this Deed shall fetter or be construed as an attempt to fetter the discretion or the powers of the Shire under any Written Law.

2.3 Conditional upon State payment

The parties agree that their respective rights and obligations and the operation of this Deed are subject to and conditional upon the Shire being satisfied that the State will pay the balance of the costs of the Works remaining after CPC's Contribution.

3. SHIRE'S COVENANTS

3.1 Dedication of the Land

Following the execution of this Deed and as soon as possible after the Shire is satisfied that the State will pay the balance of the costs of the Works after CPC's contribution and after payment having been made by CPC in accordance with clause 4.1 herein, the Shire will, pursuant to section 56 of the Land Administration Act, request the Minister to dedicate the Land as a road as defined in the Land Administration Act. The Shire will use its best endeavours to secure that dedication as soon as possible.

3.2 Shire's works

As soon as is reasonably practicable after the Land has been dedicated by the Minister as a road as defined in the Land Administration Act, the Shire will perform the Works. The Works shall be performed by the Shire in accordance with the Shire's Guidelines for Rural Road Design and Construction Technical Specifications as published by the Shire in October 2006.

4. CPC'S COVENANTS

4.1 CPC Contribution to Works

Upon execution of this Deed CPC shall pay to the Shire by electronic transfer to the Shire's bank account (BSB No. 306045, Account No. 5356458) the sum of \$65,000.00 plus GST as CPC's contribution to funding the cost of the Works.

4.2 Default Interest

CPC shall pay interest to the Shire on the daily balance of any amounts payable by CPC to the Shire that are overdue at the Default Rate of Interest from the date the monies are due and payable by CPC to the Shire until payment in full has been made to the Shire.

4.3 Acknowledgement and representation

CPC acknowledges that it will not have or accrue, and warrants that it will not assert, any legal or equitable interest in the Dedicated Road by virtue of its contribution to the Works.

5. **DEFAULT**

5.1 **Default notice**

If CPC fails to observe or perform any of the covenants of this Deed binding upon it, then the Shire may give CPC a notice specifying the matters that are required to be done to rectify the default.

5.2 **Indemnity for costs**

CPC shall indemnify the Shire against all costs and expenses incurred by the Shire including all legal costs incurred on an indemnity basis by reason of a default by CPC in observing or performing any of the covenants in this Deed.

5.3 **Payment of costs**

- (a) The parties agree that the Shire may demand from CPC the payment of all costs and expenses owing by CPC to the Shire under clause 5.2, and CPC shall within 7 days of its receipt of the demand pay the costs and expenses to the Shire in full.
- (b) The parties agree that if CPC does not comply with its obligation under clause 5.3(a), the Shire may recover from CPC the costs and expenses demanded as a liquidated debt in a court of competent jurisdiction.

6. **CHARGE**

In order to better secure the observance and performance of CPC's obligations under clauses 7.3 and 8 of this Deed, CPC charges the Carlton Hill Freehold Area in favour of the Shire.

7. **CAVEAT**

7.1 **Registered caveat**

CPC agrees that the Shire may register an absolute caveat against the certificate or certificates of title for the whole or any part of the Carlton Hill Freehold Area to protect the charge granted to the Shire under clause 6.

7.2 **Withdrawal of caveat**

As soon as possible after CPC's request in that regard, the Shire shall withdraw any caveat registered under clause 7.1 for the purpose of enabling CPC to effect:

- (a) a lease over part or all of the Carlton Hill Freehold Area;
- (b) a transfer of the whole or any part of the Carlton Hill Freehold Area provided that the deed referred to in clause 7.3(a) has been delivered to the Shire by the transferee under clause 7.3(a);
- (c) a mortgage over part or all of the Carlton Hill Freehold Area provided that the deed referred to in clause 7.3(b) has been delivered to the Shire by the mortgagee under clause 7.3(b).

The Shire shall be entitled to relodge an absolute caveat over the whole or any part of the Carlton Hill Freehold Area for the purposes referred to in

clause 7.1 following registration of any of the documents referred to in sub-clauses 7.2(a), (b) and (c)

7.3 Restriction on transfer or mortgage of Carlton Hill Freehold Area

- (a) CPC shall not transfer the whole or any part of the Carlton Hill Freehold Area unless CPC procures the execution by the person to whom any such interest is to be transferred of a deed with the Shire whereby such transferee covenants to observe and perform the covenants of CPC under this Deed as if the transferee had been CPC under this Deed. Such deed is to be in a form approved by and prepared by the Shire's solicitors at the expense of CPC.
- (b) CPC shall not mortgage the whole or any part of the Carlton Hill Freehold Area unless CPC procures the execution by the mortgagee of a deed with the Shire whereby such mortgagee covenants that on exercise of its power of sale under the mortgage it will procure the execution by the transferee of a deed with the Shire whereby such transferee covenants to observe and perform the covenants of CPC under this Deed as if that transferee had been CPC under this Deed. Such deed is to be in a form approved by and prepared by the Shire's solicitors at the expense of CPC.
- (c) If the transferee mentioned in paragraph (a) or paragraph (b) is a company the Shire may require the directors or substantial shareholders of the company to guarantee to the Shire the observance and performance of all the transferee's obligations under this Deed.
- (d) If CPC transfers the whole of its interest in the Carlton Hill Freehold Area and the transferee mentioned in paragraph (a) or paragraph (b) executes and delivers to the Shire a deed pursuant to clause 7.3(a) or (b), CPC shall be deemed to be released from any obligations under this Deed arising after the delivery of such deed (or such other date as may be agreed between CPC and the Shire).

8. FUTURE USE OF DEDICATED ROAD

8.1 Change in use

The parties agree that if at any time after the execution of this Deed there is a subsequent change in the use of the whole or any part of the Carlton Hill Freehold Area, the following provisions shall apply.

8.2 Subdivision of Carlton Hill Freehold Area

In the event that there is a change of use in the whole or any part of the Carlton Hill Freehold Area arising as a consequence of an approval by the Shire, the Minister or the Commission to an application for subdivision of the whole or any part of the Carlton Hill Freehold Area, nothing in this Deed shall constitute or be deemed to constitute a fetter on the Shire's rights or powers to require CPC or their successors in title to the whole or any part of the Carlton Hill Freehold Area to comply with any new or further conditions with respect to the Dedicated Road which conditions may require CPC or their successors in title to the whole or any part of the Carlton Hill Freehold Area to contribute to costs or pay costs or engage in maintenance or upgrade works to the Dedicated Road or any part of the Dedicated Road. Such Shire rights and powers shall be in addition to any rights or powers contained in this Deed.

8.3 Development Application

In the event that there is a change of use in the whole or any part of the Carlton Hill Freehold Area arising as a consequence of an approval by the Shire, the Minister or the Commission to a Development Application with respect to the whole or any part of the Carlton Hill Freehold Area, nothing in this Deed shall constitute or be deemed to constitute a fetter on the Shire's rights or powers to require CPC or their successors in title to the whole or any part of the Carlton Hill Freehold Area to comply with any new or further conditions with respect to the Dedicated Road which conditions may require CPC or their successors in title to the whole or any part of the Carlton Hill Freehold Area to contribute to costs or pay costs or engage in maintenance or upgrade works to the Dedicated Road or any part of the Dedicated Road. Such Shire rights and powers shall be in addition to any rights or powers contained in this Deed.

8.4 Change of Use

In the event that the whole or any part of the Carlton Hill Freehold Area is subsequently rezoned with respect to either its permitted use or its minimum lot size or any combination of these and whether or not CPC is the initiator of the rezoning, ALTERNATIVELY, in the event that CPC change the way in which the whole or any part of the Carlton Hill Freehold Area is used, whether by a change in intensity, production or capacity of its present use or whether by a change in its present type of use or any combination of these, notwithstanding that such change or changes comply with the Carlton Hill Freehold Area's current zoning, then:

- (a) the Shire may elect to conduct road traffic testing of the number of movements (**Movements**) of vehicles including trucks per day passing along the Eastern Portion or the Western Portion of the Dedicated Road or along both portions to determine whether road usage has changed from the levels mentioned in recital G; and
- (b) where such road traffic testing reveals an increase in traffic compared with the levels mentioned in recital G; and
- (c) where such increase in traffic numbers indicate that an upgrade to the Dedicated Road is necessary pursuant to and in accordance with the Shire's engineering policy no. E5 (**the E5 Policy**) a copy of which is set out in Schedule 3 herein; and
- (d) the Shire determines to perform upgrade works (**the Future Upgrade Works**) to the Dedicated Road; then

CPC will contribute to the costs of the Future Upgrade Works calculated on the basis of the formula contained in clause 8.5.

The Shire will conduct the road traffic testing in an appropriately scientific manner so as to obtain an accurate reflection of road usage and will provide CPC with a copy of the results.

Any such Future Upgrade Works and the CPC Future Upgrade Works Contribution shall be separately calculated for the Eastern Portion and the Western Portion.

The Shire will provide such verification as CPC (acting reasonably) requires of the cost of the Future Upgrade Works.

8.5 Formula

CPC Future Upgrade Works Contribution = CPC Percentage x Total Cost of Future Upgrade Works.

Where:

CPC Future Upgrade Works Contribution = the amount in dollars that CPC must pay to the Shire.

CPC Percentage = the number of Movements passing along the Relevant Portion that are owned or operated by CPC and/or CPC's contractors, officers, employees, servants, agents, invitees and/or any tenants of the Carlton Hill Freehold Area or any part thereof and/or the contractors, officers, employees, servants, agents, invitees of such tenants, such number being as determined by the Shire's road measuring tests, less 16 Movements, expressed as a percentage of the total number of Movements passing along the Relevant Portion.

Eastern Portion means the eastern most portion of the Dedicated Road as shown on the map annexed as Schedule 4 herein.

Relevant Portion means the Eastern Portion or the Western Portion as the case requires.

Total Cost of Future Upgrade Works = the cost of the Future Upgrade Works determined as follows:

- (a) Where the Shire has or seeks to engage outside contractors to perform the whole or any part of the Future Upgrade Works, the contractor's costs (plus GST) (Contractor's Costs) shall be in accordance with the contractor's quotes as provided to and accepted by the Shire;
- (b) The cost (plus GST) as estimated by the Shire for the provision of its own labour, materials, plant, equipment and administrative overheads (Shire's Own Costs) shall be calculated in accordance with the Shire's usual accounting principles.
- (c) The total sum of the Contractor's Costs and the Shire's Own Costs, as determined pursuant to sub paragraphs (a) and (b) above shall constitute the Total Cost of the Future Upgrade Works.

Western Portion means the western most portion of the Dedicated Road as shown on the map annexed as Schedule 4 herein.

8.6 Manner of CPC Payment

- (a) The Total Cost of Future Upgrade Works will be provided to CPC by the Shire in the form of an estimate (Forward Estimate) prior to the commencement by the Shire of the Future Upgrade Works. A sum equivalent to the Forward Estimate multiplied by

the CPC Percentage shall be payable by CPC within 14 days of receipt by CPC of the Shire's notice of its Forward Estimate amount, which estimate shall include copies of the relevant contractor's quotes, a timetable for the Future Upgrade Works and a precise calculation of the Shire's Own Costs.

- (b) Following completion of the Future Upgrade Works the Shire will calculate an adjustment (if applicable) to the Forward Estimate to identify any difference between the Forward Estimate and the actual total cost of the Future Upgrade Works as incurred by the Shire. The difference (if any) between the Forward Estimate and the actual cost of the Future Upgrade Works as incurred by the Shire (and as adjusted by the CPC Percentage) shall be credited to or payable by CPC (as is applicable) within 14 days of the receipt by CPC of the Shire's adjustment notice."

9. **MISCELLANEOUS**

9.1 **Road Traffic Act**

Nothing in this Deed shall constitute or be deemed to constitute an agreement within the meaning of section 85(2) of the *Road Traffic Act 1974 (WA)* nor shall anything in this Deed constitute or be deemed to constitute an agreement within the meaning of any similar legislation enacted now or in the future that has or will have the effect of restricting or removing a right that the Shire would otherwise be entitled to if it had not entered into this Deed.

9.2 **Notices**

- (a) Any notice, demand, consent or other communication which must be given in connection with this Deed:
 - (i) must be in writing in order to be valid;
 - (ii) is sufficient if executed by the party giving the notice or on its behalf by any director, secretary, duly authorised officer or solicitor of such a party;
 - (iii) in order to be valid shall be given to a party as follows:
 - (A) delivered or sent by prepaid post to, or left at, the 'notice details' address of that party as set out in this Deed;
 - (B) sent to the facsimile number of that party as set out in this Deed; or
 - (C) delivered to, sent by prepaid post to, or left at another address or facsimile number as notified in writing by that party to the other parties from time to time; and
 - (iv) if given in accordance with clause 9.2(a)(iii), will be deemed to take effect as follows:
 - (A) in the case of prepaid post, on the second business day after the date of posting;

(B) in the case of facsimile, on receipt of a transmission report from the sending machine confirming successful transmission; and

(C) in the case of delivery by hand, on delivery.

(b) For the purposes of this Deed, the facsimile number of the Shire is (08) 9168 1798 and CPC is (08) 9168 7876.

9.3 Costs of Agreement

(a) CPC shall pay:

(i) to the Shire on demand, the Shire's costs and expenses of and incidental to the negotiations for and the preparation, execution and stamping of this Deed determined in accordance with the Costs Agreement between the Shire and Civic Legal executed on behalf of the Shire on 17 April 2008;

(ii) all duty payable on this Deed and any duplicates;

(iii) to the Shire on demand, the Shire's costs and expenses of and incidental to the preparation, lodging and withdrawal of any caveats on the Carlton Hill Freehold Area in accordance with this Deed; and

(iv) all other fees and charges which are reasonably and necessarily incurred or required to be incurred to give effect to the terms of this Deed.

9.4 Severability

If any provision of this Deed is void or unenforceable, that provision is void and unenforceable only to the extent of that voidness or unenforceability, without invalidating the remaining provisions which shall remain in full force and effect.

9.5 Amendments

This Deed may not be modified, amended or varied except by a document in writing signed by or on behalf of the parties.

9.6 Waiver

No waiver of one breach of any term or condition of this Deed will operate as a waiver of any other breach of the same or any other term or condition of this Deed.

9.7 Laws of Western Australia apply

This Deed shall be construed and interpreted in accordance with the laws of the State of Western Australia and the parties agree to submit to the jurisdiction of the courts of that State and of courts competent to hear appeals therefrom.

9.8 Dispute resolution

(a) If a dispute arises between the parties in connection with this Deed, then a party must give notice of the dispute to the other party identifying the

dispute and providing details of it. Within 7 days of receipt of a notice under this clause 9.8(a), the parties agree that a representative of each party must meet together to resolve the dispute in good faith and acting reasonably. Both parties are committed to using their reasonable endeavours to resolving any dispute under this clause without first resorting to litigation.

- (b) If a dispute is not resolved between the parties within 14 days of a notice under clause 9.8(a) being given, then the parties shall, subject to clause 9.8(g), endeavour to settle the dispute by mediation to be conducted by a mediator independent of the parties appointed by agreement of the parties within 35 days of a notice in clause 9.8(a) being given or, failing agreement, by a person appointed by the chair of LEADR or her or his nominee.
- (c) The mediation rules of the Law Society of NSW shall apply to the mediation.
- (d) Subject to clause 9.8(g), it is a condition precedent to the right of any party to arbitrate or litigate the dispute that it first has complied with the mediation process in accordance with this clause.
- (e) Each party may be represented by a qualified legal practitioner or other representative in any mediation proceedings.
- (f) The parties must continue to comply with their obligations under the Deed notwithstanding any dispute being referred to mediation, unless agreed otherwise by the parties in writing.
- (g) The parties are not required to mediate a dispute which relates to the non-payment of any amounts of money owed by one party to another party under this Deed.
- (h) Notwithstanding the foregoing provisions of this clause 9.8 nothing contained herein shall prevent or restrict the rights of the parties from seeking injunctive relief from a court of competent jurisdiction.

10 **GST**

10.1 **Interpretation**

In this clause:

- (a) "GST" means:
 - (i) the same as in the GST Law;
 - (ii) any other value added tax, goods and services tax, or any tax applying to this Deed in a similar way; and
 - (iii) any additional tax, penalty tax, fine, interest or other charge under a law of such a tax;
- (b) "GST Act" means the A New Tax System (Goods and Services Tax) Act 1999 as it stands from time to time;

- (c) "GST law" means the GST Act and associated legislation including without limitation delegated legislation; and
- (d) any expression used that is defined in the GST law has that defined meaning.

10.2 GST Generally

- (a) Unless expressly included, the consideration for any supply under or in connection with this Agreement does not include GST.
 - (b) To the extent that any supply made under or in connection with this Deed is a taxable supply for which the supplier is liable for GST, the recipient must pay, in addition to the consideration provided under this Deed for that supply (unless it expressly includes GST) an amount equal to the amount of that consideration multiplied by the rate at which GST is imposed in respect of the supply. The recipient must pay that additional amount at the same time as the consideration to which it is referable.
- (c) Whenever an adjustment event occurs in relation to any taxable supply to which clause 1.2(b) applies:
 - (i) the supplier must determine the amount of the GST component of the consideration payable; and
 - (ii) if the GST component of that consideration differs from the amount previously paid, the amount of the difference must be paid by, refunded to or credited to the recipient, as the case may be.

10.3 Tax Invoices

The supplier must issue a Tax Invoice, to the recipient of a supply to which clause 1.2 applies as a prerequisite to payment of the GST inclusive consideration for that supply under that clause.

10.4 Reimbursements

If either Party is entitled under this Deed to be reimbursed or indemnified by the other Party for a cost or expense incurred in connection with this Deed, the reimbursement or indemnity payment must not include any GST component of the cost or expense to the extent that the cost or expense is the consideration for a creditable acquisition made by the Party being reimbursed or indemnified, or by its representative member.

SCHEDULE 1 – ROAD RESERVE

- (a) Lot 5003 on Deposited Plan 56602; and
- (b) Lot 700 on Deposited Plan 215959.

SCHEDULE 2 – SPECIFICATIONS OF THE WORKS

1. **Realign 900 metres of road (13.34 to 14.24)**
To remove double curve with poor sight lines.

2. **Reform and sheet road (16.6 to 21.6) Grade**
Grade to reform and cart and spread gravel/shale 100mm thick.

SCHEDULE 3 – THE E5 POLICY



Shire of Wyndham East Kimberley
Council Policy Manual
E5

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

OBJECTIVE:

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

POLICY:

Road Widths and Standards

Residential and Commercial

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

Industrial

- 9 metre seal between kerbs.

Rural

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

Rural Residential

- 9 metre gravel formation 6 metre seal

Date Printed 13/11/2008

Drainage Standards

Townsites

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

Kerbing Standards

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

Footpath Standards

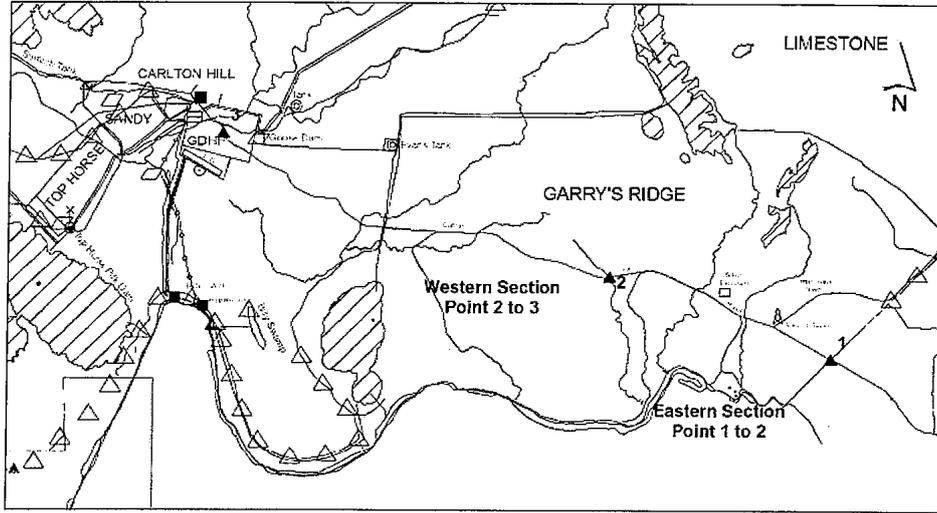
- Main Thoroughfares - dual use concrete paths 2.4 metres wide are to be installed on major urban thoroughfares. Paths to be constructed at back of kerblines but must not interfere or obstruct access to service utilities.
- All Other Thoroughfares - Concrete paths are to be installed, 2.1 metres wide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

ADOPTED: 20 July 2004
REVIEWED:
AMENDED:

Date Printed 13/11/2008

SCHEDULE 4 – THE MAP

Carlton Hill Road - Sections Dedicated for Freeholding



Reproduced from WADA mapping under licence
MIB Consulting 23 October 2008

EXECUTED BY THE PARTIES AS A DEED

The common seal of)
SHIRE OF WYNDHAM-EAST KIMBERLEY)
was affixed in the presence of)

President

Chief Executive Officer

EXECUTED for and on behalf of)
CONSOLIDATED PASTORAL)
COMPANY PTY LTD)
(ACN 010 080 654))
by authority of its Directors in)
accordance with section 127 of the)
Corporations Act 2001 (Cth))

Director

Director/Secretary

12.6.4 Use of Common Seal (8447)

DATE:	17 November 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 17 October to 10 November 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

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

RECOMMENDATION

That Council receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from 17 October to 10 November 2008.

COUNCIL DECISION

Minute No. 8447

Moved:Cr R Addis

Seconded:Cr J Moulden

That Council receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from 17 October to 10 November 2008.

CARRIED: (8/0)

12.6.5 Delegated Authority Report (8448)

DATE:	17 November 2008
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Fiona Kuiper
REPORTING OFFICER:	Peter Stubbs
FILE NO:	60.14.04
ASSESSMENT NO:	N/A

PURPOSE

To report to Council on the use of Delegated Authority by Officers for 1 October to 10 November 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.

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

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

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 1 October to 10 November 2008.

COUNCIL DECISION

Minute No. 8448

***Moved:Cr K Torres
Seconded:Cr P Caley***

That Council receive the Delegated Authority Report for the period 1 October to 10 November 2008.

CARRIED: (8/0)

Attachment: Delegated Authority Report

BUILDING LICENCES ISSUED UNDER DELEGATED AUTHORITY – 1 – 31 October 2008

LIC #	DATE	OWNER	ADDRESS	BUILDER	LOCATION	DESCRIPTION	NEW/ADD	LOT AREA	FLOOR AREA	EST. VALUE
130/2008	6/10/2008	M Powell & D Scott	PO Box 2141 Kununurra WA	M Powell & D Scott	Lot 8 (152) Coolibah Drive Kununurra	Class 10b - Swimming Pool & Shade Sail	New	0.0926	30	\$30,000.00
131/2008	9/10/2008	David & Louise Schubert	PO Box 2175 Kununurra WA	David & Louise Schubert	Loc 533 River farm Road	Class 10b - Swimming Pool & Shade Sail	New	9.0793	30	\$20,000.00
132/2008	13/10/2008	Peter & Martina Manners	PO BOX 671 kununurra WA 6743	Peter Manners	Lot 179() Corkwood Kununurra	Class 1a House with class 10a verandahs and carport	New	0.0774	347	\$300,000.00
133/2008	14/10/2008	Ian McKenna	PO BOX 937 Kununurra WA 6743	Ian McKenna	Lot 145 Wimbrel Rd	Class 10b Decking	New			\$5,000.00
134/2008	14/10/2008	Ngnowar Aerwah Aboriginal Corporation	PO Box 250 Wyndham WA	Ngnowar Aerwah Aboriginal Corporation	Lot 471 Great Northern Highway Wyndham	Class 10b Flagpole	New		0	\$1,000.00
135/2008	14/10/2008	Ngnowar Aerwah Aboriginal Corporation	PO Box 250 Wyndham WA	Ngnowar Aerwah Aboriginal Corporation	Lot 1370 Great Northern Highway Wyndham	Class 10b Flagpole	New		0	\$1,000.00
136/2008	14/10/2008	Ngnowar Aerwah Aboriginal Corporation	PO Box 250 Wyndham WA	Ngnowar Aerwah Aboriginal Corporation	Lot 1780 Koolama Street Wyndham	Class 10b Flagpole	New		0	\$1,000.00
137/2008	15/10/2008	Wyndham aged & disabled services	Level 8, 222 Pitt St Sydney NSW	Southern Cross services	Lot 1735 Coverley St Wyndham	Fire Separation being put into existing class 3 Building	Alt			\$308,200.00

138/ 2008	15/10/2008	SWEK	PO Box 614 Kununurra WA 6743	SWEK	827-828 Koolama st Wyndham	Shade structure(free standing)	Add			\$5,000.00
139/ 2008	17/10/2008	L C Biorac	PO BOX 135 Kununurra WA	L C Biorac	Lot 1148 Dianella Way	Awning roof Extension to Warehouse	New		46	\$5,000.00
140/ 2008	17/10/2008	John Moulden	PO Box 2077 Kununurra WA	John Moulden	Loc 473 Crossing Falls Road Kununurra	Reframe & reclad existing building (revalidation of BL 128/2004)	Add			\$50,000.00
141 /200 8	20/10/2008	Jaine Seaton	PO Box 753 Kununurra WA	Darren Fulcher	LOT 187 Quondong Street Kununurra	Single Dwelling with verandah & Carport	New			\$350,000.00
142 /200 8	23/10/2008	Department of Housing & Works	99 Plain St East Perth	Maglion Enterprises	Lot 176 Corkwood Court Kununurra	Single Dwelling with verandah & Carport	New	666	205	\$335,662.00
143/ 2008	23/10/2008	Franmor Constructions	PO Box 702 Kununurra	Franmor Constructions	Lot 196 Qundong Street Kununurra	Single Dwelling with verandah & Carport	New		300	\$210,000.00
144/ 2008	27/10/2008	Franmor Constructions	PO Box 702 Kununurra	Franmor Constructions	Lot 201 Flametree Street Kununurra	Single Dwelling with verandah & Carport	New		300	\$210,000.00
145/ 2008	27/10/2008	Kim Moore	PO Box 1896 Kununurra	Kim Moore	Lot 104 Hibiscus Drive Kununurra	Patio	New		27	\$5,000.00
146/ 2008	21/10/2008	Department of Housing & Works	99 Plain St East Perth	Maglion Enterprises	Lot 203 Flametree, Kununurra	Single Dwelling with verandah & Carport	New	662	170	\$335,662.00
										\$2,172,524.00

THERE WERE NO SIGN LICENCES ISSUED UNDER DELEGATED AUTHORITY – 1 – 31 October 2008

DEMOLITION LICENCES ISSUED UNDER DELEGATED AUTHORITY – 1 – 31 October 2008

Licence Number	Date	Assess No	Property Address	Premises	Owner	Builder/ Contractor	Contact Details	Comments (Asbestos)
10/2008	7/10/2008	1391	Lot 997 (13) Erythrina Street, Kununurra	2 storey Town Houses (5 units)	Department of Housing & Works	Noosa Demolition (WAD226)	39 Eumundi Road Noosaville 4566 QLD	Block veneer

TOWN PLANNING DELEGATED AUTHORITY APPROVALS - 9 October 2008 to 10 November 2008

Application / Delegation Number	Approval Type	Date Received	Applicant	Owner	Property Address	Proposed Development	Assess't Number	Approval Date
73/08	P	11-Sep-08	Daniel Read	Daniel Read	Lot 529 River Farm Rd, Kununurra	Extension to Shed	119	16-Oct-08
75/08	P	08-Oct-08	Anna Price	Anna Price	Lot 61 Kurrajong St, Kununurra	Home Occupation - Environmental Consultant	1099	13-Oct-08
76/08	P	21-Oct-08	William & Andrea Brogmus	William & Andrea Brogmus	Lot 21 River Farm Rd, Kununurra	Shed	50	27-Oct-08
77/08	P	28-Oct-08	Mandy Thorneycroft	Mandy Thorneycroft	Lot 24 Curlew Court, Kununurra	Shed	6884	24-Nov-08

COMMUNITY QUICK GRANTS DELEGATED AUTHORITY APPROVALS - 9 October to 12 November 2008

Approval Date	Organisation	Purpose of Quick Grant	Total Project Cost	Amount Requested	Amount Approved
20 Oct 08	Kimberley Toad Busters	Contribution to educational materials	\$4,800	\$500	\$500

**12.6.6 Proposed Family Day Care Incentive Package (8449) (8450)
(8451) (8452) (8453)**

DATE:	17 November 2008
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Kununurra Child Care Centre
AUTHOR:	Peter Stubbs
REPORTING OFFICER:	Peter Stubbs
FILE NO:	31.09.04
ASSESSMENT NO:	

PURPOSE

For Council to consider a partnership approach with the local business community to increase availability of childcare in the Kununurra community.

BACKGROUND

1. The current Kununurra Child Care Centre was completed by Council in July 2007. It is designed to cater for 105 children in care. It is currently licensed to accommodate 72 children and is operated at this level by the Ewin Centre Childcare Parent Committee. The current licences can be increased if the Ewin Centre Children's Services Inc Parent Committee applies for the licence, if the correct staff ratios can be established and if there is adequate developmental equipment onsite to cater for all ages and numbers of children attending the service. The Ewin Centre Children's Services Inc is interested in considering After School Care being picked up by Family Day Care or another provider, so that it can focus on other demands. That would require some changes to the building. It may be possible to increase the capacity of the Centre in stages - the first of which may require only minimal building modifications. It may be possible to take 2 to 3 year olds in the big kids room and 3 to 4 year olds into the after school care room.
2. Based on an audit of the Ewin Centre, infrastructure adjustments will also need to be made to meet demand. Such changes will require time and funding but are necessary in addressing the current sub optimal levels of operation. These sub optimal operational levels further weaken any case of additional Government resources for more infrastructure for child care at this point in time, as does the recent Government funding provided for the new Child Care Centre in 2005-07.
3. Staffing ratios required in licensed child care centres are:
 - 1 carer for every 4 children aged 0-2 years
 - 1 carer for every 5 children aged 2-3 years
 - 1 carer for every 10 children aged 3+ years
4. Current waiting list to access the Ewin Centre services is reportedly (source Ewin Centre) as follows;

0-2 years = 60 children – would require 5 qualified staff & 10 unqualified staff
2-3 years = 14 children - would require 1 qualified staff & 2 unqualified staff
3-4 years = 20 children - would require 1 qualified staff and 1 unqualified staff
5+ years = 0

It is not clear whether these are full time needs or what percentage might be part time needs only.

5. There are currently two Family Day Care operators in Kununurra. This will be further reduced with one operator ceasing business in 2009.
6. Family Day Care can be operated from residential homes, with the consent of Council and provided homes meet the Child Care licensing standards. A Family Day Care operator can care for up to seven children and is not required to have formal childcare qualifications. However, limitations on ratios do exist, for example no more than two 0-2 year olds can make up the total seven.
7. Average costs to adapt a home to meet licensing standards are around \$10,000, which is made up of (but not exclusively) child play and other equipment requirements, modifications to house, local Shire fees, insurance and Family Day Care Scheme membership. There is a grant available through DEEWR for \$5,000. This grant is only paid to the applicant after a licence is granted.
8. A reference group of Government and businesses met on the 3 October 2008 to review the status and above scenario and considered what actions were best done to improve the situation.
9. The reference group recognised the very considerable work of the Council in facilitating the transition from the old 42 registered place child care site in Konkerberry Drive Kununurra to the new 105 place Child Care Centre in Chestnut Drive.
10. The reference group considered strategies used in the Pilbara where child care needs are even more acute than Kununurra. These strategies included a program known as “*Kids Matter*” which aims to grow Family Day Care Centres, as well as other subsidies and support to attract and retain staff in the child care industry (*Childcare Services Incentive Scheme*, a Woodside, Rio Tinto and Shire of Roebourne initiative, July 2008).
11. In May 2008 the Australian Prime Minister held a press conference and said “If you look across Australia there is a national shortage of childcare workers. By 2013 we predict a shortfall of 7,000 workers in the early childhood sector. There are 700,000 parents in Australia who rely on childcare and we have a worsening childcare worker shortage.” The PM went on to announce further training places, vocational education and increases in childcare rebates.
12. A shortage of child care is a constraint on economic growth. It affects all businesses in their ability to attract and retain staff.

13. In Western Australia the former ALP Government through former Minister Sue Ellery Minister for Child Protection; Communities; Women's Interests; Seniors and Volunteering, had proposed to introduce new Childcare Regulations. A report and recommendations for new Regulations was released in February 2008. Of note is the recommendation that new regulations are expected to require all staff that have child contact in the child care industry to have at least a TAFE Certificate 3 in Children's Services.
14. Low wages and salaries are a blight on the child care industry. The minimum wage of an unqualified child care worker is around \$14.80 per hour, and for a Diploma qualified worker around \$21.00 per hour.

STATUTORY IMPLICATIONS

Children and Community Services Regulations 2006

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Total costing for Family Day Care Operator (as determined by local child care reference group);

Budget Items	Per operator	Per 5 operators	Total
Promotion of Package			\$15,690
Shire fees (12 months)	\$100	\$500	\$500
Equipment estimate (including home modifications)	\$4,000	\$20,000	\$20,000
Toy Library Fee (12 months)	\$60	\$300	\$300
Business Insurance (12 months)	\$498.20	\$2,491	\$2,491
Existing FDC operator incentive	\$2,329.10	\$11,645.50	\$11,645.50
			\$50,626.50

An incentive for existing operators is suggested to ensure equity for them. Again it is suggested that there be a provision that they remained in business for 12 months.

Total Package	Council contribution	KCCI contribution	Subsidy DEEWR grant –
5 new Family Care operators	\$12,500	\$12,500	\$25,000
15 Certificate 3 trained staff	\$15,000	\$15,000	-
Fee waiver 5 FDC	\$500	-	-
Total Contributions	\$28,000	\$27,500	\$25,000

STRATEGIC IMPLICATIONS

A shortage of childcare is a constraint on economic growth. It affects all businesses in their ability to attract and retain staff.

COMMUNITY CONSULTATION

The proposed model has been developed with input from the Ewin Centre Committee, State Government and some businesses. The Kununurra Chamber of Commerce has provided an email response on 11 November 2008 stating that; "The KCCI supports any efforts to increase child care capacity, and will participate wherever we are able."

COMMENT

Kununurra is a growing and young community. It can reasonably be expected that the demand for child care will continue to grow.

The scenario of child care staff shortages nationally and the growing demand in Kununurra warrants local action sooner rather than later in Kununurra, if the impact on business is not to be felt more acutely.

At a capacity of 105 children and capital cost of \$2.2M the new Kununurra childcare represents a capital investment of \$23,000 per child place.

More child care centres of the type currently in Kununurra may be needed in the medium term future. Now is not the time for that. Other innovative strategies can be considered at the local level to alleviate current demand.

Regulations

The proposed new Child Care Regulations in WA requiring all staff with child contact to have at least a Certificate 3 in Children's Services is seen as a further disincentive to people entering the industry, and counter productive to the skilled work needs.

It is recommended that Council express about this matter to the State Government and Kimberley Local Governments through the Zone.

Family Day Care

Family Day Care for example, is cheaper and quicker to establish and is not required to have qualified staff. Once an application has been completed and lodged with the Child Care Licensing and Standards Unit, it can take up to 3 months for a Family Day Care license to be issued.

It is recommended that Council offer to partner with the business community *through the Kununurra Chamber of Commerce and Industry to promote the increase of Family Day operators in Kununurra to assist in meeting the growing childcare need by:*

Offering up to a \$2,500 subsidy for up to five new Family Day Care operators to commence in Kununurra.

Recommended conditions for the offer to include:

That the offer expire 20 December 2009.

That the offer be matched by the KCCI.

That any new Family Day Centre accepting the offer, accept a written agreement that 50% of the total subsidy will be repaid if the Centre closes within 2 years.

That Department of Community coordinate the offer and process.

That Council Planning and or Building Fees be waived for the proposed five new Family Care operators.

The recommendation is aimed at removing the financial start up cost as an incentive to get people into establishing Family Day Care's quickly as a cost effective strategy of increasing child care availability.

If 5 new Family Day Care Centres can be achieved in 2009, then available child care would have increased by up 35 places.

Strategic Evaluation

It is recommended that Council request the Kimberley Development Commission to assist in evaluating Kununurra's child care needs by conducting a Strategic Plan for Child Care with community and business input to identify practical strategies to ensure child needs out to 2020 are met in Kununurra.

Brendan Grylls MLA, Minister for Regional Development has indicated his support of increased child care services in the area. He has expressed interest in attending the next reference group meeting to evaluate the current situation, needs going forward and how he can assist in implementing programs.

Kununurra Child Centre- maximising capacity

It is recommended that Council instruct Officers to cost potential modifications to the Ewin Centre with a view to replacing the After School Care allocation with 0-2 year old places to better meet the communities current and long term demands.

Skills Shortage

It is recommended that Council offer to partner with the business community through the Kununurra Chamber of Commerce and Industry to promote entry of people into Childcare Training via TAFE to assist in meeting the growing child care needs by:

Offering a \$1,000 subsidy for up 15 new people who complete Certificate 3 in Children's Services training in Kununurra.

Wages

Child Care employees can choose to pay above award wages and other incentives the same as any employer. Presumably they will do this if they believe it is needed for their business and if their business can afford it.

There is no role for the Council in this matter.

ATTACHMENTS

Executive Summary Report on Children's Services Regulations Review

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION 1

That Council express concern about the proposed requirement under in the Children's Services Regulations Review for all child care workers to acquire a Certificate 3 in Children's Services within the next 5 years to the State Government and Kimberley Local Governments through the Zone, as this will make it even harder for the child care industry to attract and retain workers in this region.

RECOMMENDATION 2

That Council offer to partner with the business community through the Kununurra Chamber of Commerce and Industry to promote the increase of Family Day operators in Kununurra to assist in meeting the growing child care need by offering a \$2,500 subsidy for up to five new Family Day Care operators to commence in Kununurra.

On the following conditions:

- 1. That the offer expire 20th December 2009.*
- 2. That the offer be matched by the KCCI.*
- 3. That any new Family Day Centre accepting the offer, accept a written agreement that 50% of the total subsidy will be repaid if the Centre closes within 2 years.*
- 4. That Department of Community coordinate the offer and process.*
- 5. That Council Planning and or Building Fees be waived for the proposed five new Family Care operators.*

RECOMMENDATION 3

That Council request the Kimberley Development Commission to assist in evaluating Kununurra's child care needs by conducting a Strategic Plan for Child Care with community and business input to identify practical strategies to ensure child care needs out to 2020 are met in Kununurra.

RECOMMENDATION 4

It is recommended that Council instruct Officers to cost potential modifications to the Ewin Centre with a view to replacing the After School Care allocation with 0-2 year old places to better meet the community's current and long term demands.

RECOMMENDATION 5

That Council offer to partner with the business community through the Kununurra Chamber of Commerce and Industry to promote entry of people into Child care Training via TAFE to assist met the growing childcare needs by offering a \$1,000

subsidy for up to 15 new people who complete Certificate 3 Children's Services training in Kununurra with the following conditions:

1. That the offer expire 20th December 2009.
2. That the offer be matched by the KCCI.
3. That any staff accepting the offer, accept a written agreement that 50% of the total subsidy will be repaid if they chose not to work in childcare in the East Kimberley for 2 years.

COUNCIL DECISION

Minute No. 8449

**Moved:Cr P Caley
Seconded:Cr K Wright**

That Council suspend standing orders to enable Councillors to speak more than once

CARRIED UNANIMOUSLY: (8/0)

Standing Orders Suspended at 6.50

Minute No: 8450

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

That Council resumes Standing Orders

CARRIED UNANIMOUSLY: (8/0)

Standing Orders Resumed at 7.02

Minute No: 8451

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

That Council express concern about the proposed requirement under in the Children's Services Regulations Review for all child care workers to acquire a Certificate 3 in Children's Services within the next 5 years to the State Government and Kimberley Local Governments through the Zone, as this will make it even harder for the child care industry to attract and retain workers in this region.

CARRIED: (6/2)

*Cr Caley requested the votes be recorded
Cr's Mills, Addis, Moulden, Wright, Boshammer and Torres voted for the motion
Cr's Caley and Parker voted against the motion*

Minute No: 8452

Moved: Cr K Wright

Seconded: Cr J Moulden

That Council offer to partner with the business community through the Kununurra Chamber of Commerce and Industry to promote the increase of Family Day operators in Kununurra to assist in meeting the growing child care need by offering a \$2,500 subsidy for up to five new Family Day Care operators to commence in Kununurra.

On the following conditions:

- 1. That the offer expire 20th December 2009.**
- 2. That the offer be matched by the KCCI other businesses or persons.**
- 3. That any new Family Day Centre accepting the offer, accept a written agreement that 50% of the total subsidy will be repaid if the Centre closes within 2 years.**
- 4. That Department of Community coordinate the offer and process.**
- 5. That Council Planning and or Building Fees be waived for the proposed five new Family Care operators.**

CARRIED: (7/1)

Note: The Officer Recommendation was amended to give the opportunity for offer to be matched by persons or businesses other than KCCI

Cr Caley requested the votes be recorded

Cr's Mills, Addis, Moulden, Wright, Boshammer, Torres and Parker voted for the motion

Cr Caley voted against the motion

Minute No: 8453

Moved: Cr R Addis

Seconded: Cr R Boshammer

That Council request the Kimberley Development Commission to assist in evaluating Kununurra's child care needs by conducting a Strategic Plan for Child Care with community and business input to identify practical strategies to ensure child care needs out to 2020 are met in Kununurra.

CARRIED: (7/1)

Cr Caley requested the votes be recorded

Cr's Mills, Addis, Moulden, Wright, Boshammer, Torres and Parker voted for the motion

Cr Caley voted against the motion

Minute No: 8454

Moved Cr R Addis
Seconded: Cr K Wright

That Council instruct Officers to cost potential modifications to the Ewin Centre with a view to replacing the After School Care allocation with 0-2 year old places to better meet the community's current and long term demands

CARRIED: (7/1)

Cr Caley requested the votes be recorded
Cr's Mills, Addis, Moulden, Wright, Boshhammer, Torres and Parker voted for the motion
Cr Caley voted against the motion

Minute No: 8455

Moved: Cr R Boshhammer
Seconded: Cr R Addis

That Council offer to partner with the business community through the Kununurra Chamber of Commerce and Industry to promote entry of people into Child care Training via TAFE to assist meet the growing childcare needs by offering a \$1,000 subsidy for up 15 new people who complete Certificate 3 Children's Services training in Kununurra with the following conditions:

- 1. That the offer expire 20th December 2009.***
- 2. That the offer be matched by the KCCI other businesses or persons.***
- 3. That any staff accepting the offer, accept a written agreement that 50% of the total subsidy will be repaid if they chose not too work in childcare in the East Kimberley for 2 years.***

CARRIED: (7/1)

Note: The Officer Recommendation was amended to give the opportunity for offer to be matched by persons or businesses other than KCCI

Cr Caley requested the votes be recorded
Cr's Mills, Addis, Moulden, Wright, Boshhammer, Torres and Parker voted for the motion
Cr Caley voted against the motion

Recommendations

Please note: Recommendations apply to licensed child care services of all types unless otherwise noted with an asterisk (*) above the recommendation.

REGULATING CHILDREN'S SERVICES

Streamlining and clarification

Recommendation 1 That the regulations for re-licensing a service are written in such a way as to minimise the need for services to lodge repeated copies of documentation.

Outcomes-focused regulation

Recommendation 2 That the regulations should be outcomes-focused to the maximum extent possible commensurate with effective regulation, with each regulation considered on a case-by-case basis.

QUALIFICATIONS

**Child Care Services (Child Care) Regulations 2006*

**Child Care Services (Family Day Care) Regulations 2006*

Recommendation 3 That a minimum qualification should be required for child contact staff in all service types except for OSHC, with this being set at Certificate III in Children's Services or equivalent and that this is phased in over a period of five years, and with an exemption for current workers aged 45 and over at the time of introduction of the requirement and consideration of a probation period and traineeship requirements.

Recommendation 4 That the range of prescribed qualifications outlined in the child care regulations be broadened to include qualifications with comparable skills, with the requirement for a bridging course and/or assessment of experience if appropriate.

IN-SERVICE TRAINING

Recommendation 5 That there should be a regulatory requirement for child care staff in all service types to undertake training on child protection and child development issues and that this regulation requires the training to be updated at regular intervals.

WORKING CONDITIONS

**Child Care Services (Child Care) Regulations 2006*

**Child Care Services (Outside School Hours Care) Regulations 2006*

Recommendation 6 That a regulation is developed to ensure a rest break from the children apart from a lunch break for staff who are working a shift for longer than five hours in total. That this requirement be phased in over a three year period.

Recommendation 7 That the definition of 'on duty' be amended so that a contact staff member is 'on duty' while they are having a rest break, provided that the rest break is no longer than 15 minutes and the staff member remains on call at the place.

INDUCTIONS

Recommendation 8 That a regulation is developed to require industry inductions for new child care service staff and that the Department for Communities support this regulation with resources, information and education.

Recommendation 9 That the Department for Communities consults with the LHMU and employers and other sector stakeholders to develop the induction programs.

HEALTH AND SAFETY

Recommendation 10 That any health and safety standards removed from the accreditation requirements of the National Childcare Accreditation Council be considered with a view to amending the regulations for child care under the *Child Care Services Act 2007* to ensure that health and safety standards in Western Australia child care services are not diminished.

RESTRAINT

Recommendation 11 That the regulations in respect to restraint of a child should be revised in line with the following principles:

- restraint should be defined in the regulations
- restraint should be permitted only to the minimum necessary to safeguard children and staff
- restraint should not be used as a regular method of behaviour management
- that any restraint which constitutes assault under the Criminal Code is prohibited.

Recommendation 12 That regulations be developed to prohibit withholding food or water from children as a form of punishment or behaviour management.

SUPERVISING OFFICER

Recommendation 13 That the regulations prescribing the role of the supervising officer/person to act in place of a supervising officer (PAPO) be amended to allow for certification of an individual person as a supervising officer or PAPO for a particular service type. The effect would be to allow these certifications to be portable between workplaces. However, the principle would remain that a person could not serve as the supervising officer or PAPO of more than one service at a time.

**Child Care Services (Child Care) Regulations 2006*

**Child Care Services (Outside School Hours Care) Regulations 2006*

Recommendation 14 That the regulations be amended to allow for a supervising officer or PAPO to be responsible for more than one service if the services are within the same place.

**Child Care Services (Child Care) Regulations 2006*

Recommendation 15 That the required qualification for a supervising officer is a current first aid certificate *and* one of the qualifications listed in r. 7 (2) (a-e) of the *Child Care Services (Child Care) Regulations 2006*. That the new requirement be phased in over two years.

CRIMINAL RECORDING SCREENING; LICENSE RENEWALS; MANAGERIAL OFFICER

Recommendation 16 At the next opportunity, the *Child Care Services Act 2007* be amended to include requirements for record screening and other checks to be more closely targeted to position holders ('managerial officers') within managerial committees who have specific functions with privileged access to premises or information.

Recommendation 17 That the child care regulations should not require managerial officers to have criminal record checks so long as *Working with Children Checks* are required for managerial officers under the *Working with Children Checks (Criminal Record Checking) Act 2004*.

Recommendation 18 That the child care regulations be amended to permit employment of staff with pending *Working with Children Check* applications, consistent with the *Working with Children (Criminal Record Checking) Act 2004*.

Recommendation 19 That criminal record checking undertaken for managerial officers for one licensed service should not be required to be resubmitted if that person is also the managerial officer for one or more other services.

PROGRAMMING

**Child Care Services (Child Care) Regulations 2006;*

**Child Care Services (Child Care) Regulations 2006;*

Recommendation 20 That the requirements for programming be expanded to include the equivalent of a minimum of two hours per week for programming in each room to be provided within working hours. That this requirement be phased in over a three-year period.

**Child Care Services (Outside School Hours Care) Regulations 2006*

Recommendation 21 That in before school and after school care the responsible staff member be allocated two hours per week to write up the program after consulting with staff and children. In vacation care, core staff should be paid a minimum of four hours per program one week prior to the vacation period. That this requirement be phased in over a three year period.

RURAL AND REMOTE

Recommendation 22 That the development of alternative regulations for rural and remote child care services continue, with a view to increasing the capacity of operators to provide flexible, high standard services.

SESSIONAL CHILD CARE

**Child Care Services (Child Care) Regulations 2006*

Recommendation 23 That the *Child Care Services (Child Care) Regulations 2006* be considered for occasional care to ensure that they take into account:

- the sessional nature of the occasional care
- their lack of control over premises
- the nutritional needs of the children
- the shorter shift staffing requirements for sessional care
- the demands to plan appropriately for staffing requirements due to a casual booking system and the need for a call up period
- pre-set play based programming
- complexities involved with providing multi aged group care

and to consider whether a separate set of regulations for occasional care services is required.

Recommendation 24 That the *Child Care Services (Child Care) Regulations 2006* be examined for pre-kindergarten to ensure that they take into account:

- the sessional nature of the pre-kindergarten service
- their lack of control over premises
- the age range they cater for
- the shorter shift staffing requirements (including the supervising officer role)
- the school education-style programming and curriculum implemented

and to consider whether a separate set of regulations for pre-kindergarten services is required.

FAMILY DAY CARE

**Child Care Services (Family Day Care) Regulations 2006*

Recommendation 25 That the regulations for PAPO in FDC be clarified to allow for flexibility and portability.

Recommendation 26 That the regulations provide a definition of relief carer for FDC.

Recommendation 27 That the minimum age for FDC carers be 21 years.

BUILDINGS AND THEIR ENVIRONMENT

Recommendation 28 That the regulations for building and environment remain with the regulations for child care under the *Child Care Services Act 2007* rather than being transferred to the Building Code of Australia.

MINORITY RECOMMENDATIONS

Minority Recommendation A That the regulatory definition of 'on duty' be that staff, during their scheduled shift, who are on the premises and engaged in duties related to the care and education of children, be deemed to be 'on duty'.

Minority Recommendation B

**Child Care Services (Child Care) Regulations 2006*

That staff to child ratios be amended as follows:

Age	Staff to Child ratio
0-1 years	1 : 3
1-2 years	1 : 4
2-3 years	1 : 5
3-4 years	1 : 8
4-6 years	1 : 10

Peter Stubbs

From: Brad Williams [brad.williams@kimberleyfirstnational.com.au]
Sent: Tuesday, 11 November 2008 11:40 AM
To: Peter Stubbs
Cc: John Gault; Tony Chafer
Subject: RE: Draft Agenda Item- Childcare

Hi Peter,

The KCCI supports any efforts to increase child care capacity, and will participate wherever we are able.

The recent and necessary hive off of the Ord Valley Muster means that the KCCI effectively have no source of income other than our base membership fees and the airport signage, which is barely enough to maintain 0.5 FTE for our admin assistant and meet our other overheads. Addressing the KCCI revenue situation is a key priority for the KCCI over the coming year, and we hope to have capacity to offer financial support for similar projects in the future.

The KCCI will certainly promote any initiative such as a "Kids Matter" program through our membership and the wider community wherever able. As a suggestion, there is good likelihood that local business would individually "sponsor" the \$1000 training grants suggested in your proposal in exchange for obtaining some recognition at the child care centre on an honor board or through some similar public relations method. Certainly our own business would be pleased to help in this way and I imagine that obtaining 14 others would be a doable task for the KCCI.

Regards,

□ Brad Williams
Commercial / Sales Specialist
Kimberley First National Real Estate
Telephone: (08) 9168 2666
Facsimile: (08) 9168 2605
Mobile: 0429 194 920

From: Peter Stubbs [mailto:CEO@thelastfrontier.com.au]
Sent: Monday, 10 November 2008 3:47 PM
To: Brad Williams
Subject: FW: Draft Agenda Item- Childcare

From: Peter Stubbs
Sent: Friday, 10 October 2008 12:51 PM
To: 'Rebecca.Baldwin@communities.wa.gov.au'
Subject: FW: Draft Agenda Item- Childcare

fyi

11/11/2008

12.7. ELECTED MEMBER REPORTS

Cr Wright

11 November - Remembrance Day Commemoration, Library Committee Meeting

13 November – Kimberley Zone Meeting

14 November – Luncheon with Minister Tony Redmond, RRG Meeting
Re-elected as Kimberley Chair of RRG.

Cr Caley

Road Wise meeting

Wyndham Tourism Committee Meeting

Kimberley Zone Dinner

Cr Mills

11 November - Remembrance Day Commemoration

13 November – Kimberley Zone Meeting and Dinner

Selected by Kimberley Zone as zone delegate the Australia's North West Board

14 November – Luncheon with Minister Tony Redmond

Cr Addis

4 November - Royalties to Regions workshop in Kununurra

14 November – Luncheon with Minister Tony Redmond,

Cr Parker

Kimberley representative of Telecentre Network – lobbying for money for Telecentres from Royalties for Regions

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

Nil

17. CLOSURE

The Shire President Declared the Meeting Closed at 7.25

Councillors congratulated Cr Mills on his first meeting as Chair