

# SHIRE OF WYNDHAM-EAST KIMBERLEY

## Minute Summary

ORDINARY COUNCIL MEETING  
TUESDAY 21 OCTOBER 2008 AT 6:00 PM

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### 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 6.00pm.

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

Cr M Pucci	Shire President
Cr R Addis	Councillor/Deputy President
Cr P Caley	Councillor
Cr K Wright	Councillor
Cr F Mills	Councillor
Cr J Moulden	Councillor
Cr J Parker	Councillor
Peter Stubbs	Chief Executive Officer
Keith Williams	Executive Manager of Town Planning
Jo-Anne Ellis	Executive Manager of Corporate Services, arrived 6.03pm
Karyn Apperley	Executive Manager of Community Services
Fiona Kuiper	Executive Support Officer – Minute Taker
Zoe Akkerman	Executive Support Officer Corporate Services Minute Taker – 6.01pm onwards

#### Leave of Absence

Cr D Ausburn

#### Public Gallery

Bevan Spackman	Paul Royce
Kenneth Torres	Kalyn Fletcher
Gordon Tomkin	Kevin Chirgwin
Jeff Hayley	Merrilie Petherick
Clinton Slingsby	Mandy Thorneycroft
Michelle Bickers	Paul Milner
Darren Spackman	Rob Kendrill

### **3. DECLARATIONS OF INTEREST**

- **Financial Interest**

Cr M Pucci declared a Financial Interest in item 12.3.1 Weaber Plain Flood Mitigation Project, as her husband is an employee of the Water Corporation.

Cr R Addis declared Financial Interests in the following items:

12.5.1 Annual Grants, as he is the CEO of Wunan Foundation who is a recommended grant recipient.

12.6.2 Delegations – Building license to Kimberley Wilderness Adventures, as he is the CEO of Wunan Foundation who part owns Kimberley Wilderness Adventures.

- **Members Impartiality Interest**

Nil

- **Proximity Interest**

Mr Peter Stubbs declared a Proximity Interest in item 12.4.1 Proposed Rezoning of Erythrina Street, as he is a joint owner of Lot 4 Sorghum Place which is adjacent to Erythrina Street properties.

Cr K Wright declared a Proximity Interest in item 12.4.2, Bullrun Road Subdivision, as he is an adjacent land owner.

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

Nil

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

Nil

### **6. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

### **7. PETITIONS**

Nil

**8. CONFIRMATION OF MINUTES**

**8.1. Confirmation of Minutes of the Ordinary Meeting of Council Held On Tuesday 16 September 2008.**

**RECOMMENDATION**

That Council adopt the Minutes of the Ordinary Meeting of Council held on Tuesday 16 September 2008.

**COUNCIL DECISION**

**Minute No. 8390**

**Moved: Cr P Caley**

**Seconded: Cr J Moulden**

***That Council adopt the Minutes of the Ordinary Meeting of Council held on Tuesday 16 September 2008.***

**Carried Unanimously 7/0**

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

Cr M Pucci reported as follows:

I would like to record Council's appreciation to the Wunan Foundation for their continued success in hosting this years East Kimberley Aboriginal Achievement Awards held on the 20 September 2008. It was terrific to see so many positive stories about indigenous people emerge from the Awards.

Could I also thank the Wunan Foundation and Mr Bill Lawson, Chairman of the Beacon Foundation, for their wonderful effort in bringing the Australia All Over radio broadcast to Kununurra on the 21 September 2008. The broadcast was a wonderful and creative way to profile and promote our region and its people.

On behalf of Council I extend our congratulations to all those associated with the Natural Resource Management EcoFire project in the Kimberley region which has received the 2008 WA Environment Awards –for the Best Environment Project in WA this year. This is a well deserved achievement in what was a very competitive awards process with 107 Environment Project nominations across 12 Categories. The EcoFire Management Project, was a finalist in 2 of the 12 Categories, and the Winner in the category "Community group for Leadership, commitment and excellence in protection and/or conservation of the Western Australian Environment" as well as being overall winner.

Council received the "Government Leading By Example" award at the 2008 WA Environment Awards –for its work in developing and commencement of implementation of the Lake Kununurra Management Plan. That is a

wonderful achievement and I congratulate Council and staff, in particular Katya Tripp for her work on this project, work which will see much benefit in the few years ahead.

On behalf of Council I extend our congratulations to the Kununurra community on being awarded the GWN Top Tourism Town for 2008. This award recognises the wonderful range of experiences visitors to the town can enjoy. The award builds on the excellent profile the region has enjoyed lately via the publicity around the Kununurra & Wyndham being the Guest towns at the Perth Royal Show, and leads into the publicity now rolling out about the release of the Movie Australia. Council particularly thanks Narelle Brook, Manager of the Kununurra Visitor Centre for developing the Top Tourism Award submission, and taking a lead role in the process.

At the recent Healthway Awards, the Shire of Wyndham East Kimberley was the winner of the category 'Over \$5000 – Project targeting priority population groups' for Sharing our Stories 2005. Congratulations! The other finalists in this category were Tennis West, WA Disabled Sports Association, Junior Speedway Racing Association of WA and Kellerberrin Aboriginal Progress Association. Being not only a winner but also a finalist is a recognition of the terrific work that was completed throughout this project. This is a fabulous achievement and congratulations must be extended to former staff members, Anne Devenish, former Librarian for her initiation of this project and to Jenny Hunter, project officer for 2 years. The Sharing Our Stories project began in 2004 and has continued over the past 2 years with the main event being the showcase Sharing Our Stories Cruise as part of the annual Muster program

Lastly, on behalf of Council I congratulate Keith Williams, Executive Manager of Town Planning and Economic Development who has recently completed with distinctions, the State's leading Public Sector Management development program for senior public sector staff.

I am also advised that today Keith tendered his resignation with the Shire, after nearly 5 years of service. Keith will be heading to Perth mainly for personal reasons. His passion and love for our region are greatly appreciated, and will be missed. We wish Keith the very best and hope to see in him back in the East Kimberley some day.

## **10. DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

Nil

## **11. MINUTES OF COUNCIL COMMITTEE MEETINGS**

### **11.1. CONFIRMATION OF MINUTES OF AUDIT COMMITTEE MEETINGS**

- 11.1.1.** Confirmation of the Minutes of the Audit Committee Meeting of 23 September 2008.

### **RECOMMENDATION**

That Council confirm the Minutes of the Audit Committee Meeting held on held on Tuesday 23 September 2008.

**COUNCIL DECISION**

**Minute No. 8391**

**Moved: Cr R Addis**

**Seconded: Cr K Wright**

***That Council confirm the Minutes of the Audit Committee Meeting held on held on Tuesday 23 September 2008.***

**Carried Unanimously 7/0**

*Karyn Apperley, Executive Manager Community Services entered the room 6.10pm*

- 11.1.2.** Confirmation of the Minutes of the Audit Committee Meeting of 30 September 2008.

**RECOMMENDATION**

That Council note the unconfirmed Minutes of the Audit Committee Meeting held on held on Tuesday 30 September 2008.

**COUNCIL DECISION**

**Minute No. 8392**

**Moved: Cr R Addis**

**Seconded: Cr P Caley**

***That Council note the unconfirmed Minutes of the Audit Committee Meeting held on held on Tuesday 30 September 2008.***

**Carried Unanimously 7/0**

**11.2. CONFIRMATION OF MINUTES OF AIRPORT COMMITTEE MEETINGS**

- 11.2.1.** Confirmation of the Minutes of the Airport Committee Meeting of 14 October 2008.

**RECOMMENDATION**

That Council note the unconfirmed Minutes of the Airport Committee Meeting held on Tuesday 14 October 2008.

**COUNCIL DECISION**

**Minute No. 8393**

**Moved: Cr P Caley**

**Seconded: Cr J Moulden**

***That Council note the unconfirmed Minutes of the Airport Committee Meeting held on Tuesday 14 October 2008.***

**Carried Unanimously 7/0**

## 12. REPORTS

### 12.1. MATTERS ARISING FROM MEETINGS OF COMMITTEES OF COUNCIL

#### 12.1.1. Airport Committee Status Report

<b>DATE:</b>	21 October 2008
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Brian Sargeant, Airport Operations Officer
<b>REPORTING OFFICER:</b>	Jo-Anne Ellis, Executive Manager Corporate Services
<b>FILE NO:</b>	N/A

#### **PURPOSE**

To monitor the status of Airport Committee recommendations.

#### **BACKGROUND**

Decisions made by the Airport Committee are recorded in a table to enable the actions/outcomes against those decisions to be reported. At the 14 October Airport Committee meeting, a decision was made to present an updated status report to Council.

#### **VOTING REQUIREMENTS**

Simple Majority

#### **RECOMMENDATION**

That Council receive and note the Airport Committee Status Report.

#### **COUNCIL DECISION**

**Minute No. 8394**

**Moved: Cr J Moulden**

**Seconded: Cr K Wright**

***That Council receive and note the Airport Committee Status Report.***

**Carried Unanimously 7/0**

## 12.2. CORPORATE SERVICES

### 12.2.1. Monthly Financial Report

<b>DATE:</b>	21 October 2008
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Gill Old, Manager Financial Services
<b>REPORTING OFFICER:</b>	Jo-Anne Ellis, Executive Manager Corporate Services
<b>FILE NO:</b>	60.14.04
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

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

#### **BACKGROUND**

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

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

That Council accept the Monthly Financial Reports for month end of August 2008.

#### **COUNCIL DECISION**

**Minute No. 8395**

**Moved: Cr P Caley**

**Seconded: Cr J Moulden**

***That Council accept the Monthly Financial Reports for month end of August 2008.***

**Carried Unanimously 7/0**

### 12.2.2. List of Accounts Paid Under Delegation 18

<b>DATE:</b>	21 October 2008
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Sue Dillon, Senior Finance Officer
<b>REPORTING OFFICER:</b>	Jo-Anne Ellis, Executive Manager Corporate Services
<b>FILE NO:</b>	60.14.03

#### **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.

#### **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 38608 - 38643(4 to 26 September 2008)	\$104,779.50
EFT 103845 – EFT 104092 (1 to 26 September 2008)	\$2,241,165.42
Payroll (1 to 30 September 2008)	\$227,783.29
Direct bank debits (1 to 30 September 2008)	\$13,851.72
<b>Total</b>	<b>\$2,587,579.93</b>

**COUNCIL DECISION**

**Minute No. 8396**

**Moved: Cr F Mills**

**Seconded: Cr J Parker**

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

<i>Municipal cheques 38608 - 38643(4 to 26 September 2008)</i>	<b>\$104,779.50</b>
<i>EFT 103845 – EFT 104092 (1 to 26 September 2008)</i>	<b>\$2,241,165.42</b>
<i>Payroll (1 to 30 September 2008)</i>	<b>\$227,783.29</b>
<i>Direct bank debits (1 to 30 September 2008)</i>	<b>\$13,851.72</b>
<b>Total</b>	<b>\$2,587,579.93</b>

**Carried Unanimously 7/0**

## 12.3. ENGINEERING SERVICES

### 12.3.1. Weaber Plain Flood Mitigation Project

<b>DATE:</b>	21 October 2008
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Kununurra
<b>AUTHOR:</b>	Alex Douglas, Executive Manager Engineering and Regulatory Services
<b>REPORTING OFFICER:</b>	Alex Douglas, Executive Manager Engineering and Regulatory Services
<b>FILE NO:</b>	22.09.01
<b>ASSESSMENT NO:</b>	N/A

Cr M Pucci declared a Financial Interest in item 12.3.1 Weaber Plain Flood Mitigation Project, as her husband is an employee of the Water Corporation.

Cr Pucci left the meeting at 6:012pm and Deputy Shire President Cr R Addis assumed the Chair.

#### **PURPOSE**

For Council to consider the possible acceptance of ownership of the additional M1 Channel culverts as a component of the compulsory three party agreement required to access the State Government funding contribution to the project.

#### **VOTING REQUIREMENT**

Simple Majority

#### **MANAGERS' RECOMMENDATION**

That Council:

1. advise the Water Corporation and Ord Irrigation Cooperative that the ownership of the new culverts should be consistent with the present agreement between those two parties, that is the responsibility remain with the Cooperative, and
2. implements the installation of additional culverts under Research Station Road and the balance of funds committed by the State and Federal Governments be made available to the Ord Irrigation Cooperative and Water Corporation for the implementation of improvements to the infrastructure under their management being the D2 Drain and the M1 Channel culverts.

**Moved: Cr P Caley**

**Seconded: Cr J Parker**

**That Council:**

1. advise the Water Corporation and Ord Irrigation Cooperative that the ownership of the new culverts should be consistent with the present agreement between those two parties, that is the responsibility remain with the Cooperative, and
2. implements the installation of additional culverts under Research Station Road and the balance of funds committed by the State and

Federal Governments be made available to the Ord Irrigation Cooperative and Water Corporation for the implementation of improvements to the infrastructure under their management being the D2 Drain and the M1 Channel culverts.

**COUNCIL DECISION**

Minute No. 8397

Moved: Cr K Wright

Seconded: Cr J Parker

*That Council suspend Standing Order 7.5 to allow Councillors to speak more than once on this matter.*

Carried Unanimously 6/0

**FORESHADOWED MOTION**

That Council seek the intervention of the Minister for Water to resolve the impasse that has developed between the Water Corporation and the Ord Irrigation cooperative as well as the Shire.

**COUNCIL DECISION**

Minute No. 8398

Moved: Cr J Parker

Seconded: Cr J Moulden

*That Council resume Standing Order 7.5*

Carried Unanimously 6/0

**COUNCIL DECISION**

Minute No. 8399

Moved: Cr K Wright

Seconded: Cr P Caley

*That Council suspend Standing Order 7.5 to allow Councillors to speak more than once on this matter.*

Carried 4/2

**COUNCIL DECISION**

Minute No. 8400

Moved: Cr J Parker

Seconded: Cr P Caley

*That Council resume Standing Order 7.5*

Carried Unanimously 6/0

**COUNCIL DECISION**

**Minute No. 8401**

**Moved: Cr P Caley**

**Seconded: Cr J Parker**

*That the motion now be put.*

**Carried Unanimously 6/0**

*Shire President put the motion.*

**COUNCIL DECISION**

**Minute No. 8402**

**Moved: Cr P Caley**

**Seconded: Cr J Parker**

**That Council:**

1. advise the Water Corporation and Ord Irrigation Cooperative that the ownership of the new culverts should be consistent with the present agreement between those two parties, that is the responsibility remain with the Cooperative, and
2. implements the installation of additional culverts under Research Station Road and the balance of funds committed by the State and Federal Governments be made available to the Ord Irrigation Cooperative and Water Corporation for the implementation of improvements to the infrastructure under their management being the D2 Drain and the M1 Channel culverts.

**Motion Lost 2/4**

Cr K Wright request that votes for and against be recorded.

For: Cr P Caley  
Cr J Parker

Against: Cr J Moulden  
Cr R Addis  
Cr F Mills  
Cr K Wright

**COUNCIL DECISION**

**Minute No. 8403**

**Moved: Cr K Wright**

**Seconded: Cr J Parker**

**That Council seek the intervention of the Minister for Water to resolve the impasse that has developed between the Water Corporation and the Ord Irrigation Cooperative as well as the Shire in regards to the proposed expansion of siphons under the M1 channel and works to increase the capacity of the D2 drain in the vicinity of Lots 7 and 25 Weaber Plain road.**

**Carried 4/2**

Cr K Wright requests that the votes be recorded.

For: Cr K Wright  
Cr J Parker  
Cr F Mills  
Cr P Caley

Against: Cr J Moulden  
Cr R Addis

Cr M Pucci returned to the room at 6.50pm

*Note: Council gave no reason as to why the resolution of Council differed from the Manager's recommendation. It is assumed that Council wanted to explore Ministerial assistance to resolve the matter before making any other determination.*

## 12.4. DEVELOPMENT SERVICES

### 12.4.1. Rezoning of Residential Land – Erythrina Street & Weaber Plain Road, Kununurra

<b>DATE:</b>	21 October 2008
<b>PROPONENT:</b>	Department of Housing and Works
<b>LOCATION:</b>	Erythrina Street & Weaber Plain Road, Kununurra
<b>AUTHOR:</b>	Keith Williams, Executive Manager Town Planning
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	43.04.14
<b>ASSESSMENT NO:</b>	Various

#### **PURPOSE**

For Council to consider a request from Department of Housing and works for rezoning of residential land in the vicinity of Erythrina Street and Weaber Plain Road, Kununurra.

#### **VOTING REQUIREMENT**

Simple Majority

#### **RECOMMENDATION**

That Council:

1. Amend the Shire of Wyndham-East Kimberley Planning Scheme No.7 - Kununurra and Environs by:
  1. Introducing a residential/office zone to Local Planning Scheme No 7 - Kununurra and Environs;
  2. Introducing provisions related to the Residential Office zone to Local Planning Scheme No 7 - Kununurra and Environs;
  3. 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/Office;
  4. Rezoning Lots 858 - 861, 1035, 1060 - 1062 and 1073 - 1075 Weaber Plain Road from Residential R15 to Residential R30/Office;
  5. 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 Woolybutt Place from Residential R15 to Residential R20.

2. Advise the Department of Housing and Works that it is prepared to initiate a rezoning of Lots Erythrina Street and Weaber Plain Road from Residential R15/50 zone to the Residential R30/Office zone and Lots Weaber Plain Road from Residential R15 zone to the Residential R30/Office zone to allow the option of denser residential accommodation in that area close the town centre and Pindan Park and mixed uses compatible with residential uses.
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.

### **Alternate motion**

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 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.
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

### **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 Boobiialla 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 Boobiialla 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**

**Carried 6/1**

Cr M Pucci requested that her against vote be recorded.

*NOTE: Council gave no reason as to why the resolution of Council differed from the Manager's recommendation. It is assumed from the Council debate that Council decision differed out of concern that the option of office use in the proposed re zoning might lead to concern by residents in the area.*

### 12.4.2. Subdivision - Vicinity of Bull Run Road - Crown Land

<b>DATE:</b>	21 October 2008
<b>PROPONENT:</b>	Department of Planning and Infrastructure
<b>LOCATION:</b>	Crown Land Bull Run Road Vicinity
<b>AUTHOR:</b>	Keith Williams, Executive Manager Town Planning
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	43.04.30
<b>ASSESSMENT NO:</b>	Various

Cr K Wright declared a Proximity Interest in Item 12.4.2, Bullrun Road Subdivision, as he is an owner of land in the vicinity.

Cr K Wright left the room at 6.54pm.

#### **PURPOSE**

For Council to consider a request from Department of Planning and Infrastructure to allow amalgamation of Crown Land with existing subdivisions on Bull Run Road, Kununurra.

#### **VOTING REQUIREMENT**

Simple Majority

#### **RECOMMENDATION**

That Council:

1. Advise the Department of Planning & Infrastructure that Council supports the amalgamation of adjoining Crown Land with Lots 101, 102, 1126 & 2204 Bull Run Road, in accordance with the attached plans;
2. Advise the Department of Planning & Infrastructure that the Unallocated Crown Land located between Victoria Highway and Bull Run Road should be subdivided in accordance with the attached plan (identified as option 2) and that access be permitted only from Bull Run Road.
3. Advise the Department of Planning & Infrastructure that as part of the subdivision Bull Run Road should be upgraded to a sealed standard.
4. Advise the Department of Planning & Infrastructure that the subdivision requires rezoning of the Unallocated Crown Land and that any rezoning will require a review of lots 1, 2 & 3 Stockman Road [former AFD site].

**COUNCIL DECISION**

**Minute No. 8405**

**Moved: Cr J Moulden**

**Seconded: Cr P Caley**

**That Council:**

- 1. Advise the Department of Planning & Infrastructure that Council supports the amalgamation of adjoining Crown Land with Lots 101, 102, 1126 & 2204 Bull Run Road, in accordance with the attached plans;**
- 2. Advise the Department of Planning & Infrastructure that the Unallocated Crown Land located between Victoria Highway and Bull Run Road should be subdivided in accordance with the attached plan (identified as option 2) and that access be permitted only from Bull Run Road.**
- 3. Advise the Department of Planning & Infrastructure that as part of the subdivision Bull Run Road should be upgraded to a sealed standard.**
- 4. Advise the Department of Planning & Infrastructure that the subdivision requires rezoning of the Unallocated Crown Land and that any rezoning will require a review of lots 1, 2 & 3 Stockman Road [former AFD site].**

**Carried Unanimously 6/0**

Cr K Wright returned to the room 6.57pm and was advised of the Council decision.

## 12.5. COMMUNITY SERVICES

### 12.5.1. Annual Grants 2008/09 – Second Round

<b>DATE:</b>	21 October 2008
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Various
<b>AUTHOR:</b>	Karyn Apperley, Executive Manager Community Services
<b>REPORTING OFFICER:</b>	Karyn Apperley, Executive Manager Community Services
<b>FILE NO:</b>	36.19.02
<b>ASSESSMENT NO:</b>	N/A

Cr R Addis declared Financial Interests in the following items, 12.5.1 Annual Grants, as he is the CEO of Wunan Foundation who is a recommended grant recipient.

Cr R Addis left the room at 6.59 pm

Cr K Wright expressed an impartiality interest in point number 5 of the recommendation as he does volunteer radio work at Warringarri radio.

#### **PURPOSE**

For Council to consider the recommendations of the Annual Grants Assessment Panel.

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

That Council adopt the recommendations of the Annual Grants Assessment Panel as follows:

1. Lake Kununurra Golf Club - \$11,000 for contribution to the construction of machinery storage shed;
2. Kununurra Motocross Club - \$12,000 for contribution to main track irrigation for safety, environmental and spectator considerations;
3. Ord Valley Muster - \$22,000, being \$17,000 plus \$5,000 in kind, for contribution to public relations and marketing;
4. Australia's North West Tourism - \$17,500 for contribution to a destination marketing campaign, with an East Kimberley focus;
5. Waringarri Radio - \$2,500 for support for news segment, subject to completion of their application.
6. Wunan Foundation - \$2,500 for contribution to promotion of the East Kimberley Aboriginal Achievement Awards

## **COUNCIL DECISION**

**Minute No. 8406**

**Moved: Cr J Parker**

**Seconded: Cr P Caley**

**That Council adopt the recommendations of the Annual Grants Assessment Panel as follows:**

- 1. Lake Kununurra Golf Club - \$11,000 for contribution to the construction of machinery storage shed;**
- 2. Kununurra Motocross Club - \$12,000 for contribution to main track irrigation for safety, environmental and spectator considerations;**
- 3. Ord Valley Muster - \$22,000, being \$17,000 plus \$5,000 in kind, for contribution to public relations and marketing;**
- 4. Australia's North West Tourism - \$17,500 for contribution to a destination marketing campaign, with an East Kimberley focus;**
- 5. Waringarri Radio - \$2,500 for support for news segment, subject to completion of their application.**
- 6. Wunan Foundation - \$2,500 for contribution to promotion of the East Kimberley Aboriginal Achievement Awards**

**Carried Unanimously 6/0**

*Cr R Addis returned to the room at 7pm and was advised of the outcome of the Item.*

**12.5.2. Community Sporting and Recreation Facilities Fund (CSRFF)  
Applications for 2009/2010 Funding Round**

<b>DATE:</b>	21 October 2008
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Wyndham Swimming Pool
<b>AUTHOR:</b>	Jesse Mortensen Manager Recreation and Leisure
<b>REPORTING OFFICER:</b>	Karyn Apperley Executive Manager Community Services
<b>FILE NO:</b>	30.08.03

**PURPOSE**

For Council to consider a submission by the Shire to the Community Sporting and Recreation Facilities Fund (CSRFF) program for improvements to the Wyndham Swimming Pool.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council support the submission of a grant application by the Shire for the proposed Stage 2 upgrade for the Wyndham Swimming Pool to the CSRFF program by 31 October 2008.

That Council

1. That council support the submissions of a grant application by the Shire for the proposed Stage 2 for the Wyndham Swimming Pool to the CSRFF programme by 31 October 2008.
2. That Council note the current \$890,000 being requested from the new minister of housing and works under the Remote Pools Project is the balance of the estimated funds required for both Stage 1 and Stage 2 of the Wyndham pool upgrade.
3. That as per Council Minute 8270 from 17 June 2008 meeting "if the funding gap of \$650,000 is unable to be sourced then the current CSRFF grant funds be relinquished to the Department of Sport and Recreation and a new scope of works be established with the department with the aim of completing the upgrade consistent with the advice from Aquatic Construction Services".

**Alternate recommendation**

**Moved: Cr J Moulden**

**Seconded: Cr F Mills**

1. That council support the submissions of a grant application by the Shire for the proposed Stage 2 for the Wyndham Swimming Pool to the CSRFF programme by 31 October 2008.
2. That Council note the current \$890,000 being requested from the new minister of housing and works under the Remote Pools Project is the

balance of the estimated funds required for both Stage 1 and Stage 2 of the Wyndham pool upgrade.

3. That as per Council Minute 8270 from 17 June 2008 meeting “if the funding gap of \$650,000 is unable to be sourced then the current CSRFF grant funds be relinquished to the Department of Sport and Recreation and a new scope of works be established with the department with the aim of completing the upgrade consistent with the advice from Aquatic Construction Services”.

**COUNCIL DECISION**

**Minute No. 8407**

**Moved: Cr K Wright**

**Seconded: Cr P Caley**

***That Council suspend Standing Order 7.5 to allow Councillors to speak more than once on this matter.***

**Carried Unanimously 7/0**

**COUNCIL DECISION**

**Minute No. 8408**

**Moved: Cr J Parker**

**Seconded: Cr R Addis**

***That Council resume Standing Order 7.5***

**Carried Unanimously 7/0**

**Cr M Pucci put the alternate motion**

**COUNCIL DECISION**

**Minute No. 8409**

**Moved: Cr J Parker**

**Seconded: Cr R Addis**

1. That council support the submissions of a grant application by the Shire for the proposed Stage 2 for the Wyndham Swimming Pool to the CSRFF programme by 31 October 2008.
2. That Council note the current \$890,000 being requested from the new minister of housing and works under the Remote Pools Project is the balance of the estimated funds required for both Stage 1 and Stage 2 of the Wyndham pool upgrade.
3. That as per Council Minute 8270 from 17 June 2008 meeting “if the funding gap of \$650,000 is unable to be sourced then the current CSRFF grant funds be relinquished to the Department of Sport and Recreation and a new scope of works be established with the department with the aim of completing the upgrade consistent with the advice from Aquatic Construction Services”.

**Motion Lost 3/4**

**COUNCIL DECISION**

**Minute No. 8410**

**Moved: Cr K Wright**

**Seconded: Cr P Caley**

- 1. That council support the submissions of a grant application by the Shire for the proposed Stage 2 for the Wyndham Swimming Pool to the CSRFF programme by 31 October 2008.**
- 2. That Council note the current \$890,000 being requested from the new minister of housing and works under the Remote Pools Project is the balance of the estimated funds required for both Stage 1 and Stage 2 of the Wyndham pool upgrade.**
- 3. That as per Council Minute 8270 from 17 June 2008 meeting “if the funding gap of \$650,000 is unable to be sourced then the current CSRFF grant funds be relinquished to the Department of Sport and Recreation and a new scope of works be established with the department with the aim of completing the upgrade consistent with the advice from Aquatic Construction Services”.**

**Carried Unanimously 7/0**

## 12.6. CHIEF EXECUTIVE OFFICER

### 12.6.1. Use of Common Seal

<b>DATE:</b>	21 October 2008
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Fiona Kuiper, Executive Support Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	60.14.04
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from the period 6 September to 10 October 2008.

#### **VOTING REQUIREMENT**

Simple Majority

#### **RECOMMENDATION**

That Council receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from 6 September to 10 October 2008.

#### **COUNCIL DECISION**

**Minute No. 8411**

**Moved: Cr P Caley**

**Seconded: Cr J Parker**

**That Council adopt the report on the application of the Shire of Wyndham East Kimberley Common Seal from 6 September to 10 October 2008.**

**Carried Unanimously 7/0**

### 12.6.2. Delegated Authority Report

<b>DATE:</b>	21 October 2008
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Fiona Kuiper, Executive Support Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	60.14.04
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

To report to Council on the use of Delegated Authority by Officers for 1 September to 8 October 2008.

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

That Council receive the Delegated Authority Report for the period 1 September to 8 October 2008.

#### **COUNCIL DECISION**

**Minute No. 8412**

**Moved: Cr P Caley**

**Seconded: Cr K Wright**

**That Council adopt the Delegated Authority Report for the period 1 September to 8 October 2008.**

**Carried Unanimously 7/0**

### 12.6.3. Status Report Council Decisions July to September 2008

<b>DATE:</b>	21 October 2008
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Fiona Kuiper, Executive Support Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	60.14.04
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to receive and note a report summarising the status of Council decisions for the period July to September 2008.

#### **VOTING REQUIREMENT**

Simple Majority

#### **RECOMMENDATION**

That Council receive and note the Status Report for the period July to September 2008.

#### **COUNCIL DECISION**

**Minute No. 8413**

**Moved: Cr J Moulden**

**Seconded: Cr P Caley**

**That Council adopt and note the Status Report for the period July to September 2008.**

**Carried Unanimously 7/0**

#### 12.6.4. Proposed Lease Sites for Commercial Boat Operators – Lake Kununurra

<b>DATE:</b>	21 October 2008
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Peter Stubbs, Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	43.04.01
<b>ASSESSMENT NO:</b>	N/A

Further information was received from Jeff Hayley of Diversion Cruises and Hire, prior to meeting commencement, 21 October 2008. The information submitted was as follows:

*“Revaluation of lease land. Is this a fair and practical solution for the tour operators. We stand to invest approx. 1 Million dollars on this development plus a lease fee of \$21,000 per year. This development is going to increase land values in the area because of the money ourselves and other boat operators have contributed. This is going to prove difficult in negotiating finance with the banks as we have no idea of values in 4 years time. Council is incorrect to compare lease repayments to fuel and insurance. These affect everyone, however lease repayments affect only those concerned. We do not want to be held ransom to the Council with exorbitant lease rates after making considerable investment.”*

#### **PURPOSE**

For Council to consider feedback on potential commercial leases for commercial tour operators on Lake Kununurra, west of Ski Beach. Further consideration and direction is required prior to drafting of leases and advertising as required for private treaty land disposal by the Local Government Act 1995.

#### **VOTING REQUIREMENT**

Recommendations 1, 2 and 3 Simple Majority  
Recommendation 3 Absolute Majority

#### **RECOMMENDATION 1**

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

1. Offer a 10 year lease option to the proposed 21 year leases for commercial operators, BBQ Boat, Triple J, Alligators Airways and Celliston Nominees on Lake Kununurra
2. Shire Rates apply the proposed leases.
3. Revaluations of the lease land are completed at four yearly intervals and lease fees be adjusted according to the revaluations.

*Note: The Chief Executive Officer advised Council that since the drafting of the Agenda Item legal advice has been received that the Vesting Order for Reserve 41812 to Council did not allow Council to lease the Reserve or parts of it for more than 21 years, and Recommendation 1 would therefore need to be amended accordingly.*

## **COUNCIL DECISION**

**Minute No. 8414**

**Moved: Cr K Wright**

**Seconded: Cr P Caley**

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

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

**Carried 5/2**

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

For: Cr K Wright  
Cr F Mills  
Cr P Caley  
Cr J Parker  
Cr J Moulden

Against: Cr R Addis  
Cr M Pucci

*NOTE: Council gave no reason as to why the resolution of Council differed from the Manager's recommendation. It is assumed from the Council debate that Council believed revaluations of the proposed leased land might lead to an unreasonable cost imposition on proposed lessees in the forward years of the lease.*

Karyn Apperley and Fiona Kuiper left the room 7.30

Karyn Apperley and Fiona Kuiper returned to the room 7.33

## **RECOMMENDATION 2**

That Council consideration is given to sealing of the "Ski Beach access road in the formulation of the 2009/10 Council budget.

## **COUNCIL DECISION**

**Minute No. 8415**

**Moved: Cr K Wright**

**Seconded: Cr P Caley**

**That Council consideration is given to sealing of the "Ski Beach access road in the formulation of the 2009/10 Council budget.**

**Carried Unanimously 7/0**

**RECOMMENDATION 3 (absolute majority, 3 Councillors)**

That Council rescind Item 5 and Minute 8337 *“That Council conduct a ballot to determine which of the remaining commercial boat operators are offered which proposed leased sites.”*

*Cr K Wright Cr R Addis Cr J Moulden supported the rescision motion.*

**COUNCIL DECISION**

**Minute No. 8416**

**Moved: Cr K Wright**

**Seconded: Cr J Moulden**

**That Council rescind Item 5 and Minute 8337 “That Council conduct a ballot to determine which of the remaining commercial boat operators are offered which proposed leased sites.”**

**Carried Unanimously 7/0**

**RECOMMENDATION 4**

That the Chief Executive Officer be delegated authority to allocate the lease sites by negotiation with the prospective lessees.

**COUNCIL DECISION**

**Minute No. 8417**

**Moved: Cr K Wright**

**Seconded: Cr J Moulden**

**That the Chief Executive Officer be delegated authority to allocate the lease sites by negotiation with the prospective lessees.**

**Carried Unanimously 7/0**

### 12.6.5. Landbank Proposal - Tourism WA

<b>DATE:</b>	21 October 2008
<b>PROPONENT:</b>	Tourism WA
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Peter Stubbs, Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	60.03.01
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to consider a proposal by Tourism WA to include the two parcels of land that Councils has requested the State Government consider for release for development of new caravan parks in the States Landbank program.

#### **VOTING REQUIREMENT**

Simple Majority

#### **RECOMMENDATION**

That Council advise Tourism WA that it supports the Landbank proposal to facilitate the establishment of two additional caravan parks in Kununurra, to be vested in an appropriate public authority, including the broader evaluation of accommodation needs in the region and the potential of Location 715 as these are strategic initiatives, and that Council allocate \$20,000 for this purpose, with the funding to be identified from the first quarter Budget Review.

#### **COUNCIL DECISION**

**Minute No. 8418**

**Moved: Cr K Wright**

**Seconded: Cr P Caley**

**That Council advise Tourism WA that it supports the Landbank proposal to facilitate the establishment of a further caravan park in Kununurra, (site one, opposite the Lakeside subdivision north of the Victoria Highway) to be vested in an appropriate public authority, including the broader evaluation of accommodation needs in the region and the potential of Location 715 as these are strategic initiatives, and that Council allocate \$20,000 for this purpose, with the funding to be identified from the first quarter Budget Review.**

**Carried 5/2**

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

For: Cr J Parker  
Cr K Wright  
Cr F Mills  
Cr P Caley  
Cr R Addis  
Against: Cr J Moulden  
Cr M Pucci

## **COUNCIL DECISION**

*Cr K Wright Cr P Caley and Cr J Parker supported the decision.*

**Minute No. 8419**

**Moved: Cr P Caley**

**Seconded: Cr J Parker**

**That Council Rescind Council Minute 7995, Part one and three:**

***Minute No. 7995***

***That Council:***

- 1. Adopt Lily Creek Caravan Park and Diversion Caravan Park as preferred sites for the location of any future caravan parks, and amend the Local Planning Strategy accordingly;***
- 3. Request the Department for Planning and Infrastructure to modify the Vesting Order of Reserve 38368 Lot 793 to Caravan Park and Camping Grounds, and to provide the power to lease if not already provided for, in accordance with Attachment 2 - Proposed Diversion Caravan Park.***

**Carried 5/2**

Cr M Pucci requested that the votes for and against are recorded.

For: Cr J Parker  
Cr P Caley  
Cr F Mills  
Cr K Wright  
Cr R Addis

Against: Cr J Moulden  
Cr M Pucci

*NOTE: Council gave no reason as to why the resolution of Council differed from the Manager's recommendation. It is assumed from the Council debate that Council believed its decision Minute Number 7995, 18 December 2008, in which it requested that two potential caravan sites be evaluated, needed review, such that only one site not be evaluated.*

### 12.6.6. Swearing In New Councillors and Election of Shire President

<b>DATE:</b>	21 October 2008
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Peter Stubbs, Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	60.14.12
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to consider the timing of the swearing of newly elected Councillors following the extraordinary election to be held on Friday 7 November 2008 and for the election of the Shire President.

#### **VOTING REQUIREMENT**

Simple Majority

#### **RECOMMENDATION**

1. That Council swear in newly elected Councillors at 5.30pm Tuesday 18 November prior to the commencement of the scheduled Ordinary Council Meeting of that day.
2. That Council elect the Shire President as the first order of business at the scheduled Ordinary Council Meeting on Tuesday 18 November 2008.

*Note; The Chief Executive Officer referred Councillors to a memorandum he had circulated prior to the meeting, which advised that the recommended date for election of the Shire President of the 18 November was incorrect, as it would not be compliant with the Regulations of the Local Government Act 1995. The election of the Shire President would need to occur within 21 days of the Presidents resignation, and could occur no later than 112<sup>th</sup> November 2008.*

**Moved: Cr J Moulden**

**Seconded:**

***That Council convene a Special Meeting on Wednesday 12 November 2008 at 5.30pm to swear in newly elected councillors and elect the Shire President.***

***Motion lapsed for lack of seconder***

**COUNCIL DECISION**

**Minute No. 8420**

**Moved: Cr K Wright**

**Seconded: Cr P Caley**

**That Council convene a Special Meeting on Saturday 8 November 2008 at 10 am to swear in newly elected councillors and elect the Shire President.**

**Carried Unanimously 7/0**

*NOTE: Council gave no reason as to why the resolution of Council differed from the Manager's recommendation, however it is self evident from the advice of the Chief Executive Officer to Council that the recommendation required to be changed for compliance reasons.*

## 12.7. ELECTED MEMBER REPORTS

<b>Cr Ralph Addis</b>	
25/9/08	Dinner with Top Tourism Town judging panel
8/10/08	Council meeting with Minister Grylls and staff re <i>Royalties for Regions</i>
8/10/08	Dinner with Minister Grylls and local leaders
<b>Cr J Moulden</b>	
22/8/08	Kimberley Economic Forum
7/10/08	Meeting with Brendan Grylls, SWEK
7/10/08	Public meeting, B. Grylls, Kimberley Grande
3/10/08	Police Remembrance Service
<b>Cr B J Parker</b>	
27/8/08	Wyn Arts & Craft Show
30/8/08	Crocs Tail party
7/9/08	Croc 21 <sup>st</sup> Street party
9/9/08	KACC AGM
	Invited to participate in Advisory Committee to the Minister on Telecentres.
<b>Cr D Ausburn</b>	
23/9/08	KDC OIC Water Briefing Audit Committee
25/9/08	LEMC Committee
26/09/08	Police Remembrance Service
30/09/08	Caravan Park Lease Meetings Audit Committee
1/10/08	KCCI Committee
2/10/08	BFAC Committee
7/10/08	Community Grants Committee
9/10/08	LEMAC Committee
14/10/08	Liquor Accord Committee East Kimberley Regional Airport User Group function
<b>Cr F Mills</b>	
	Top Tourism Town assessment of Kununurra
14/10/08	Airport Stakeholders Meeting
	Staff, OIC, Water Corp, KDC – Flood Mitigation
16/10/08	AGM Australia's Northwest in Broome

**COUNCIL DECISION**

**Minute No. 8421**

**Moved: Cr R Addis**

**Seconded: Cr J Parker**

***That Council accept the Elected Member Reports as tabled.***

**Carried Unanimously 7/0**

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

Nil

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

Nil

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

**COUNCIL DECISION**

**Minute No. 8422**

**Moved: Cr K Wright**

**Seconded: Cr P Caley**

**That Council consider the late item 15.1 Valentine Falls Estate Structure Plan and 15.2 Diversion Cruises – Request of Lease Consideration**

**Carried Unanimously 7/0**

## 15.1 Late Item - Valentine Falls Estate, Structure Plan

<b>DATE:</b>	21 October 2008
<b>PROPONENT:</b>	SMEC
<b>LOCATION:</b>	Lot 21 Weero Road
<b>AUTHOR:</b>	Peter Stubbs, Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	01.2460.02
<b>ASSESSMENT NO:</b>	2460

### **PURPOSE**

For Council to received an update on the proposed Valentine Falls Estate sub-division, and consider proposed structure plan changes agreed between the Department of Environment and Conservation (DEC) and the developer, in the interests of progressing the development given the presence of priority flora - *Typhonium*.

### **BACKGROUND**

1. The Valentine Falls sub-division received approval subject to conditions by the Western Australian Planning Commission 10 December 2007.
2. Since that time the developers for the sub-division have been pre-selling land and preparing for sub-division works.
3. The DEC have sought to have the proposed development adjusted so as not to affect known locations of the plant - *Typhonium* species which the DEC regards a priority 1 species.
4. The DEC are moving to have *Typhonium* listed a Rare Plant. This declaration when progressed has the potential to delay the proposed sub-division.
5. A negotiated solution was sought in a meeting between the DEC, developer and Shire CEO Wednesday 15 October 2008, to avoid the issue potentially escalating into legal action, State Administrative Tribunal and or EPA assessments.
6. The DEC and developer have agreed to a compromise solution which would see six proposed Lots (Lots 115 to 119 inclusive) in the sub-division handed to the DEC for amalgamation with adjacent Vacant Crown Land and conversion into a conservation reserve for protection of *Typhonium*. In return the developer seeks Council support to amend the structure plan so that a number of proposed 4ha and 2ha Lots are instead amended into smaller Lots (all 1ha or greater) to maintain the financial viability of the project.
7. The proposed amended Lots are shown on the SMEC Urban Consulting Group plan attached.

8. Failure to resolve this *Typhonium* issue before now has already delayed the sub-division by several months.

### **STATUTORY IMPLICATIONS**

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

It is in the interests of Council to facilitate the proposed sub-division.

Around \$200,000 per annum in additional revenue will result once the sub-division is complete.

### **STRATEGIC IMPLICATIONS**

The proposed sub-division was part of the Local Planning strategy completed in 2004. It has had six years of processes to get it to this point, and has been considered by Council to be strategically important in terms of providing choice for the public in land options for homes.

### **COMMUNITY CONSULTATION**

The proposed sub-division has previously been advertised for public comment.

### **COMMENT**

This item is presented to keep Council fully informed on what is a significant project development for the region.

The compromise reached by the DEC and developer will see *Typhonium* substantially protected, and allow the project to proceed without further delays in this regard.

The structure plan changes to Lot sizes will require Western Australia Planning Commission approval.

It is recommended that Council support the proposed structure changes requested by the developer and DEC.

### **ATTACHMENTS**

1. Letter from SMEC Urban Consulting Group - 20 October 2008
2. Proposed amended structure plan
3. Current approved structure plan

### **VOTING REQUIREMENT**

Simple Majority

## **RECOMMENDATION**

That Council support the agreement between the Department of Conservation and Environment and developers:

1. To protect the plant Typhonium on the Valentine Falls Estate by inclusions of Lots 115 to 119 inclusive with adjacent Vacant Crown Land as a Reserve for this purpose.
2. Amend the structure plan by reducing the amount of 4ha and 2 ha Lots in Valentine Falls Estate in favour of smaller lots as proposed in the Figure 2 Boundary Revisions plan 20/10/2008.

## **COUNCIL DECISION**

**Minute No. 8423**

**Moved: Cr K Wright**

**Seconded: Cr R Addis**

**That Council support the agreement between the Department of Conservation and Environment and developers:**

1. **To protect the plant Typhonium on the Valentine Falls Estate by inclusions of Lots 115 to 119 inclusive with adjacent Vacant Crown Land as a Reserve for this purpose.**
2. **Amend the structure plan by reducing the amount of 4ha and 2 ha Lots in Valentine Falls Estate in favour of smaller lots as proposed in the Figure 2 Boundary Revisions plan 20/10/2008.**

**Carried Unanimously 7/0**

17 October 2008

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

cc  
enc  
project no 3006131  
doc no

Dear Peter  
**Valentine Falls Estate**

**Proposed Reserve for Typhonium**

Thank you for your attendance and input at our recent meeting in Perth with DEC's Mr Daryl Moncrieth and Mr Ken Atkinson and the Valentine Falls Estate's representatives.

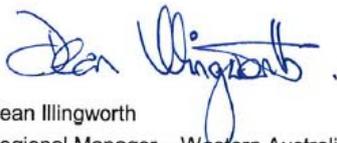
It was agreed at the meeting that proposed lots 115 to 119 inclusive (adjacent to the UCL) shall be transferred to DEC for the land use of 'Reserve' for the ongoing protection of Typhonium.

As part of maintaining the overall project lot yield, we have investigated the realignment of boundaries that would enable the project to be financially viable whilst providing a greater selection of lot sizes to the market.

Please find enclosed for your approval, a plan that shows the proposed subdivision lot layout.

Should you require additional information or clarification please do not hesitate to contact the undersigned.

Yours faithfully  
**SMEC Urban**



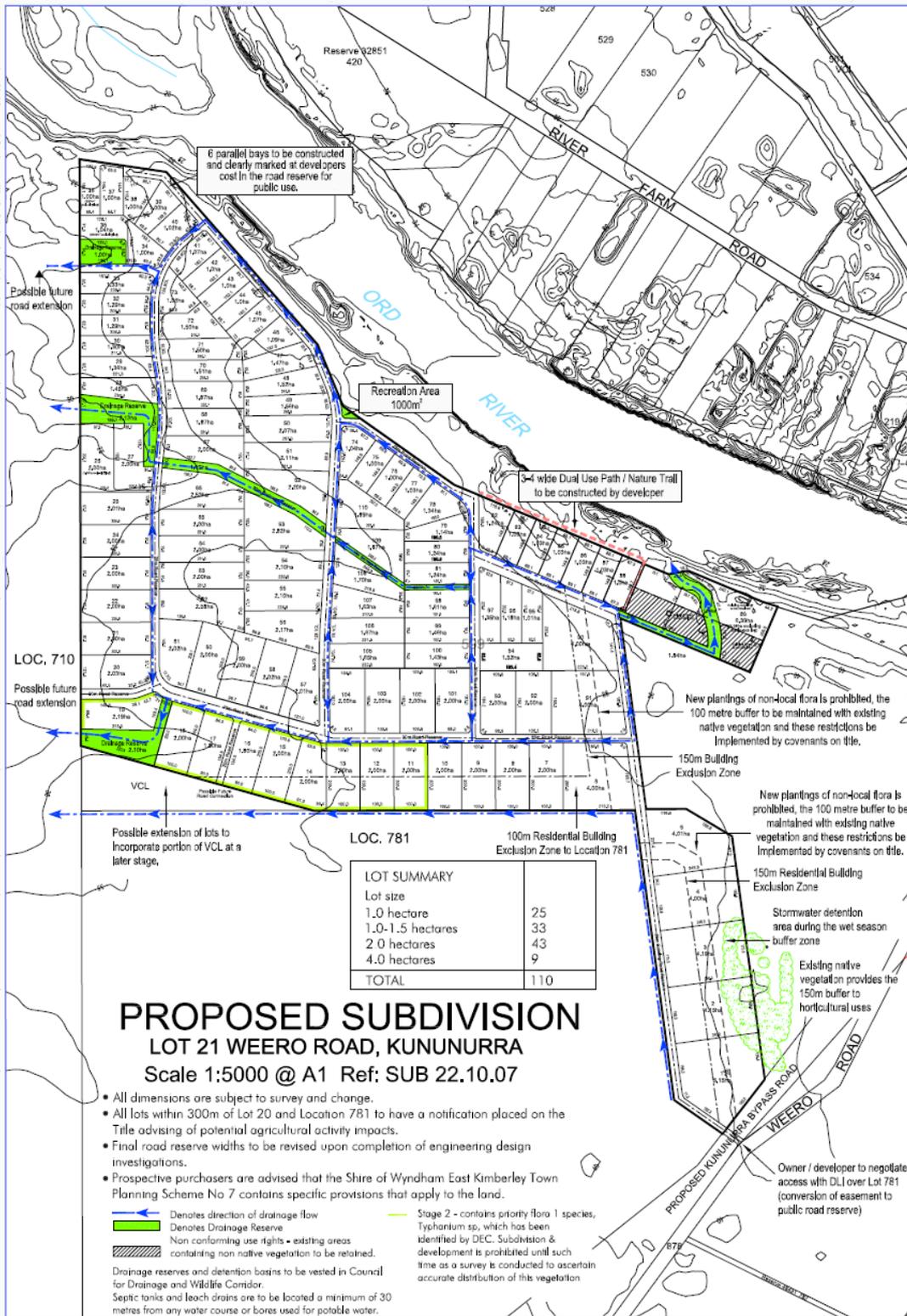
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Our Ref:







## 15.2 Late Item - Diversion Cruises - Request of Lease consideration

<b>DATE:</b>	21 October 2008
<b>PROPONENT:</b>	Diversion Cruises and Hire
<b>LOCATION:</b>	Portion of Reserve 41812
<b>AUTHOR:</b>	Peter Stubbs, Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	01.2860.04
<b>ASSESSMENT NO:</b>	2860

### **PURPOSE**

For Council to consider accepting a Late Item, being a request by Diversion Cruises and Hire for the Council to reconsider its decision to offer a one year lease with a one year extension for a portion of Reserve 41812, at the end of Messmate Way, Kununurra.

### **BACKGROUND**

1. Diversion Cruises made a written request to Council received 7 October 2008, for Council to re consider its decision to offer a one year lease, with one year extension to it.
2. Council established a 3 year lease, with Mr D. Spackman, Diversion Cruises, in 2005 (Minute Number 7068). The lease schedule is attached.
3. The lease expired in 31 May 2008.
4. On 5 June 2007, Minute Number 7737, Council resolved to offer a new 10 year lease with a 10 year option to Diversion Cruises. This was not progressed because the Department of Water who are a co-vestee of Reserve 41812, would not agree the new lease.
5. On 19 June 2007, Minute Number 7776, Council again resolved to offer a new 10 year lease with a 10 year option, subject to Diversion Cruises gaining the consent of the Department of Water and Minister for Planning and Infrastructure, and that Council consider revised development plans from Diversion cruises. This was not progressed because Diversion Cruises have not provided written approval from the Department and Minister of approval for the proposed new lease.
6. On 18 March 2008. Minute Number 8119, Council resolved to not support calling an Expression of Interest to develop the lease site until the proposed new Kununurra Visitor Centre has been completed and commissioned, AND that it supported Diversion Cruises occupying the then leases site for a further one year with a one year extension until such time as an alternative site can be agreed upon with the co vestee, the Department of Water.
7. In May 2008, Diversion Cruises was offered the new one year lease with one year extension as per Minute Number 8119. Diversion Cruses has not taken up that offer.

8. On 26 August 2008 the Shire offered Diversion Cruises a 21 year lease on Lake Kununurra, in part of Reserve 41812, between Swim Beach and the Ski Club consistent with Minute Number 8337. Similar leases were offered to other commercial Lake users - BBQ Boat, Alligator Airways, and Triple J Tours. On 2 September 2008 Diversion Cruises advised they were not able to respond to at that point in time. There has been no response since.

### **STATUTORY IMPLICATIONS**

“**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**

Rent/lease fees are proposed to contribute to management of Reserve 41812.

### **STRATEGIC IMPLICATIONS**

The portion of Reserve 41812 near the end of Messmate Way may have strategic value in the future and staff have previously recommended on two occasions that the market be tested on this by a tender process. Council has not support that recommendation and has further resolved that *“not support calling and Expression of Interest to develop the lease site until the proposed new Kununurra Visitors Centre has been completed and commissioned.”*

### **COMMUNITY CONSULTATION**

Lease of land is defined under the Local Government act is disposal of land. Disposal of land by private treaty via lease requires adverting for public comment, and for Council to consider that comment.

Advertising has not occurred yet because lease details are still being agreed, and these details need to be advertised.

### **COMMENT**

I would prefer to have not put this Item to Council without it having gone before an elected member Briefing Session to enable fuller consideration by Councillors. Particularly as there is no new information presented and the applicant has not complied with previous decisions of Council.

There would be potential criticism had the matter not been tabled at the Ordinary Council meeting however.

In any event the issues should be one Councillors are familiar with the regularity with which it has been before Council.

The original lease to Diversion Cruises in 2005 was built around the notion of the lease being a short term until an suitable alternative could be found.

The Department of Water as co vestee of the Reserve agrees with Council that a suitable alternate site is as per Council Minute 8337 - a lease area between Swim Beach and Ski Beach on the bank of Lake Kununurra.

Council and the Department of Water have already offered a one year lease on the expired lease site and one year extension to Diversion Cruises as an interim measure until an alternative site can be found.

It is recommended that Council stick to its current lease offers - of a one year lease on part of Reserve 41812 near the end of Messmate Way, and a 21 year lease on as per Council Minute 8337.

### **ATTACHMENTS**

Letter of request from Diversion Cruises.

### **VOTING REQUIREMENT**

Simple Majority

### **RECOMMENDATION 1**

That Council not reconsider its decision 18 March 2008, Minute Number 8119 being the offer of a one year lease with a one year extension to the portion of Reserve 41812 near the end of Messmate Way, Kununurra, to Diversion Cruises, because:

1. There is no new information presented in regards to the matter.
2. Diversion Cruises has not provided evidence that the Department of Water and Minister consent to a longer tenure by private treaty as required in Council Minute 7776, 19 June 2007.
3. Diversion Cruises has not provided revised development plans to support consideration of a longer tenure by private treaty as required in Council Minute 7776, 19 June 2007.

### **RECOMMENDATION 2**

1. That Council advise Diversion Cruises that its offer of a one year lease with a one year extension will be withdrawn if it is not accepted by Diversion Cruises by 12 November 2008.
2. In the event that the offer is withdrawn because it has not been accepted by Diversion Cruises, legal advice be sought to return this portion of Reserve 41812 to public open space.

**COUNCIL DECISION**

**Minute No. 8424**

**Moved: Cr J Moulden**

**Seconded: Cr R Addis**

**That Council proceed to the next Item of Business.**

**Lost 2/5**

**COUNCIL DECISION**

**Minute No. 8425**

**Moved: Cr K Wright**

**Seconded: Cr P Caley**

**That Council offer Celliston Nominees a ten plus ten year lease with the following conditions:**

- 1. rental to be at the current rate with adjustments on an annual basis by the State CPI.**
- 2. all previous developmental approvals granted by the Shire and still current are to continue.**
- 3. lease purpose to be for tourism and commercial purposes.**

**Carried 4/3**

Cr R Addis requested that the votes for and against be recorded.

For: Cr P Caley  
Cr J Parker  
Cr F Mills  
Cr K Wright

Against: Cr J Moulden  
Cr M Pucci  
Cr R Addis

*NOTE: Council gave no reason as to why the resolution of Council differed from the Manager's recommendation. It is assumed from the Council debate that Council believed the Department of Water might now support a new lease longer than a one year lease with a one year option.*

Doc No.	063561
Date	- 7 OCT 2008
Officer	CLB
Response	
File	OL 2860 04
Cross Ref.	

**DIVERSION CRUISES & HIRE**  
**PO Box 303 Kununurra WA 6743**  
**Ph: (08) 91683 333 Fax (08) 91693 333**  
**Mobile: 0418 681 100**

6th October 2008

Shire of Wyndham & East Kimberley  
CEO-Peter Stubbs  
PO Box 604  
Kununurra WA 6743

Dear Peter

Re: Lease renewal for part reserve 41812

As we have a new Government, it will take some time to gather information required to contest previous decisions through the appeals process.

To simplify the process for the new Government could we ask Council if they would reconsider the 1 year lease that has been offered to us and agree to a 21 year lease or equivalent lease for tourism purposes?  
If council agrees to this, we will apply to Department of Water and DPI for their approval as well.

I realise this has been a long process however if Council agrees to a longer term lease it will then be viable for us to continue operating.  
We will reserve our right of appeal should we be unable to gain a reasonable term lease.

We would appreciate if it could be presented to Council for the October meeting.  
Please feel free to contact me for any clarification on 0418 681 100.

Thanks



Darren Spackman

## 16. MATTERS BEHIND CLOSED DOORS

A report prepared by the Chief Executive Officer Review Committee documenting the 360 degree performance appraisal and review of the Chief Executive Officer over the past year was presented under confidential cover for consideration by Council.

The report is unavailable to the public and not listed in the Council minutes as staff reviews are of a confidential nature. All such reports are filed on staff personnel records.

### **COUNCIL DECISION**

**Minute No. 8426**

**Moved: Cr R Addis**

**Seconded: Cr P Caley**

**That council Move into Camera for *this confidential item under Section 5.23 (2)(a) of the Local Government At 1995 as this is a matter that affects an employee.***

**Carried Unanimously 7/0**

### **RECOMMENDATION OF THE CEO REVIEW COMMITTEE**

- 1 *That Council endorse the CEO review committee recommendation that the CEO performance meets expectations and that the Key Performance Area's have been achieved to a satisfactory standard.*
- 2 *That the new Shire President in collaboration with the CEO Review Committee, Council and CEO determine the Key Performance Areas for 2009. This should be undertaken no later than 1<sup>st</sup> December 2008.*

### **COUNCIL DECISION**

**Minute No. 8427**

**Moved: Cr P Caley**

**Seconded: Cr J Parker**

- 1 ***That Council endorse the CEO review committee recommendation that the CEO performance meets expectations and that the Key Performance Area's have been achieved to a satisfactory standard.***
- 2 ***That the new Shire President in collaboration with the CEO Review Committee, Council and CEO determine the Key Performance Areas for 2009. This should be undertaken no later than 1 December 2008.***

**Carried Unanimously 7/0**

## **COUNCIL DECISION**

**Minute No. 8428**

**Moved: Cr P Caley**

**Seconded: Cr J Parker**

***That Council accept a Late Item from Cr R Addis acknowledging the retirement of the Shire President and Councillor M Pucci.***

**Carried Unanimously 7/0**

*Cr Addis read a testimony to Cr Pucci as retiring Shire President.*

“As you all know, this is a very important night with Michele departing as Shire President.

Michele has served this Council and our community since being elected in 2001, and has been President since 2004.

In this time, Michele has been a tireless and passionate advocate for the East Kimberley, and has worked with Councillors and staff to make the SWEK a stronger and more effective body to promote the interests of our community.

In this time, Michele has contributed to many significant achievements, including:

- › Significantly increased investment by Council in services and opportunities for our youth, most importantly the new Kununurra Youth Centre
- › The transition to the new Kununurra Childcare Centre.

Just as importantly, Michele has earned broad respect both within our community, and with the many politicians, business and community leaders with whom SWEK does business.

Michele’s ability to build strong relations with these key people, and to speak so eloquently and passionately about SWEK’s vision for the East Kimberley, has provided great benefits and opportunities for Council, and has been a key to delivering many of the practical outcomes achieved in this time.

Michele, you leave Council at a unique and exciting time for the East Kimberley. For the first time in many years, there is a sense of opportunity and urgency for our region, particularly around some of the issues, like Ord Stage 2 and social development, for which you have been such a strong advocate.

For those of us remaining with Council, you have set a high benchmark in terms of your integrity and courage, and the very professional manner in which you have carried the office of President.

I trust that we will be able to continue and build on the achievements of the last seven years, and to grasp the opportunities before us with the same sense of vision and leadership that you have brought to Council.

On behalf of your fellow Councillors, I want to place on the public record our appreciation for your contributions to this Council and our organisation, but most importantly to our community, and to wish you and your family the very best in your future endeavours.

Cr Pucci responded wishing Council, Councillors and staff the very best for the future and thanking them for their support since her election as a Councillors in 2001, and as Shire President in 2005.”

## **17. CLOSURE**

With all matters of Business complete Cr M Pucci, Shire President declared the meeting closed at 8.50pm.