

SHIRE OF WYNDHAM-EAST KIMBERLEY

Minute Summary

ORDINARY MEETING OF COUNCIL
TUESDAY 16 SEPTEMBER 2008 AT 6:00 PM

1. DECLARATION OF OPENING

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

2. RECORD OF ATTENDANCE

Cr M Pucci	Shire President
Cr R Addis	Councillor
Cr D Ausburn	Councillor
Cr P Caley	Councillor
Cr K Wright	Councillor
Cr F Mills	Councillor
Peter Stubbs	Chief Executive Officer
Keith Williams	Executive Manager of Town Planning
Jo-Anne Ellis	Executive Manager of Corporate Services
Karyn Apperley	Executive Manager of Community Services
Fiona Kuiper	Executive Support Officer – Minute Taker

PUBLIC GALLERY

Kim Pollard	Brian Lovelock
Craig Dobson	Stewart Dobson
Darren Spackman	

APOLOGIES

Cr Moulden
Cr Parker

LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Nil

3. DECLARATIONS OF INTEREST

Financial Interest

Peter Stubbs declared a Financial Interest in item 12.1.4 Proposal to sell Lots 313 and 317 at East Kimberley Regional Airport, as his wife works for Thrifty Car Hire who have expressed an interest in the lots.

Cr M Pucci declared a Financial Interest in item 12.1.1 Airport Leases, as her son is an employee of Northern Air Services.

Members Impartiality Interest

Cr R Addis declared an Impartiality Interest in item 12.3.4 Rezoning of Residential Land – Pindan Avenue, Kununurra, as he is the Chief Executive Officer of Wunan foundation which owns Lot 705 Pindan Avenue, Kununurra.

Cr M Pucci declared an Impartiality Interest in item 12.3.4 Rezoning of Residential Land – Pindan Avenue, Kununurra, as she is a Life Member of Kununurra Neighbourhood House.

Proximity Interest

Cr K Wright declared a Proximity Interest in item 12.3.6 Proposed Transient Accommodation – Lot 2204, Bullrun Road, Kununurra, as he is an adjacent landowner.

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 19 August 2008.

RECOMMENDATION

That Council confirm the Minutes of the Ordinary Meeting of Council held on Tuesday 19 August 2008.

COUNCIL DECISION

Minute No. 8362

Moved: Cr R Addis

Seconded: Cr F Mills

That Council confirm the Minutes of the Ordinary Meeting of Council held on Tuesday 19 August 2008.

Carried Unanimously 6/0

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

The Shire President made the following announcements:

This past weekend has seen a tragic accident involving a helicopter crash on in our region that has affected many people. On behalf of Council and staff at the Shire of Wyndham East Kimberley, I extend our sincere condolences to the family and friends of those who died in that accident.

On Wednesday 3 September the East Kimberley region proudly hosted a delegation of the Perth Royal Show and media contingent as part of benefits of Wyndham and Kununurra being this year's Guest Towns at the Royal Show. That delegation has resulted in considerable positive media exposure for our region. I thank Cr's Addis and Wright for meeting with the delegation while they were here. The exposure generated is very good forerunner to the coming release of the movie *Australia* in November this year.

On Tuesday 9 September Cr's Ausburn, Wright and I met with the delegation of Federal Liberal parliamentarians in our Chambers, as part of their familiarisation with issues in the East Kimberley. Key issues discussed included: the future of East Kimberley Regional Airport and possible runway extensions, the Infrastructure Australia program, Ord Irrigation expansion, water restrictions, and youth issues.

I would like to record Council's appreciation of Katya Tripp, Environmental Officer with the Shire for her outstanding work, recognised this past week in the Evirons Australia Awards for Outstanding Achievement in Sustainability in rural areas. The work of Council and Katya will be considered in early October for the WA Environment Awards.

10. DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

11. MINUTES OF COUNCIL COMMITTEE MEETINGS

11.1. Note the Unconfirmed Minutes of the Airport Committee Meeting held on Tuesday 9 September 2008.

RECOMMENDATION

That Council note the unconfirmed Minutes of the Airport Committee Meeting held on Tuesday 9 September.

COUNCIL DECISION

Minute No. 8363

Moved: Cr K Wright

Seconded: Cr P Caley

That Council note the unconfirmed Minutes of the Airport Committee Meeting held on held on Tuesday 9 September.

Carried Unanimously 6/0

12. REPORTS

12.1. ITEMS RESULTING FROM COMMITTEES OF COUNCIL

12.1.1. Airport Leases

DATE:	16 September 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Brian Sargeant, Airport Operations Officer
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	N/A

Cr M Pucci declared a Financial Interest in item 12.1.1 Airport Leases, as her son is an employee of Northern Air Services.

Cr Pucci left the meeting at 6:07pm and Deputy Shire President Cr R Addis took the Chair.

PURPOSE

To table a list of current leases at the East Kimberley Regional Airport Terminal and the impact the car park extension and terminal upgrade will have on them.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Committee receive and note the Airport Leases Report.

COMMITTEE DECISION

Minute No: AP 036

Moved: Cr P Caley

Seconded: Cr K Wright

1. That the Committee receive and note the Airport Leases Report.
2. That the Committee recommends to Council to formalise arrangements with the Kununurra Chamber of Commerce (KCC) by offering a \$1.00 per annum lease for light box area in arrivals with the following provisions
 - a. KCC can use the space to raise revenue from advertising'
 - b. The area is to be kept clean and presentable by KCC
 - c. Advertisements are to be current and of professional standards
 - d. The lease expires at such time as the terminal building and/or arrivals area is renovated or by three months notice in writing from either party.

Carried: 3/0

The Committee added point two to formalise an existing arrangement that was not formalised through any documentation

COMMITTEE RECOMMENDATION

That the Committee recommends to Council to formalise arrangements with the Kununurra Chamber of Commerce (KCC) by offering a \$1.00 per annum lease for light box area in arrivals with the following provisions:

- a. KCC can use the space to raise revenue from advertising'
- b. The area is to be kept clean and presentable by KCC
- c. Advertisements are to be current and of professional standards
- d. The lease expires at such time as the terminal building and/or arrivals area is renovated or by three months notice in writing from either party.

COUNCIL DECISION

Minute No. 8364

Moved: Cr K Wright

Seconded: Cr D Ausburn 6/0

That the Committee recommends to Council to formalise arrangements with the Kununurra Chamber of Commerce and Industry (KCCI) by offering a \$1.00 per annum lease for light box area in arrivals with the following provisions:

- a. KCCI can use the space to raise revenue from advertising'***
- b. The area is to be kept clean and presentable by KCC***
- c. Advertisements are to be current and of professional standards***
- d. The lease expires at such time as the terminal building and/or arrivals area is renovated or by three months notice in writing from either party.***

Carried Unanimously 6/0

Cr Pucci returned to the meeting at 6:10pm and was advised of the outcome of the item. Cr Pucci resumed the Chair.

12.1.2. East Kimberley Regional Airport - Recommended Subdivisions

DATE:	16 September 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Keith Williams, Executive Manager Town Planning
REPORTING OFFICER:	Keith Williams, Executive Manager Town Planning
FILE NO:	N/A

PURPOSE

To provide information to Council so that it can make informed decisions regarding potential short and long term subdivision of land at East Kimberley Regional Airport.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Committee:

1. endorses the Stage 1, 2 and 3 subdivision plans for the East Kimberley Regional Airport.
2. recommends to Council that it requests the Department of Planning and Infrastructure amalgamate adjoining Unallocated Crown Land as identified on Attachment 2 with Lot 181

COMMITTEE DECISION

Minute No: AP 039

Moved: Cr P Caley

Seconded: Cr K Wright

That the Committee

1. endorses the Stage 1, 2 and 3 subdivision plans for the East Kimberley Regional Airport.
2. recommends to Council that it requests the Department of Planning and Infrastructure amalgamate adjoining Unallocated Crown Land as identified on Attachment 2 with Lot 181

Carried: 3/0

COMMITTEE RECOMMENDATION

That Council requests the Department of Planning and Infrastructure amalgamate adjoining Unallocated Crown Land as identified on Attachment 2 with Lot 181.

COUNCIL DECISION

Minute No. 8365

Moved: Cr K Wright

Seconded: Cr P Caley

That Council requests the Department of Planning and Infrastructure amalgamate adjoining Unallocated Crown Land as identified on Attachment 2 with Lot 181.

Carried Unanimously 6/0

12.1.3. East Kimberley Regional Airport - Lot 302 Sale

DATE:	16 September 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Keith Williams, Executive Manager Town Planning
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	N/A

PURPOSE

To provide information to Council so that it can make informed decisions regarding potential short and long term subdivision of land at East Kimberley Regional Airport.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Committee:

1. Provide in principal support to P Letchford for the disposal of 1000m² of Lot 302 Dusty Rankin Drive
2. Request St John Ambulance to clarify its requirements of land from Lot 302 Dusty Rankin Drive to determine if 636m² is sufficient to accommodate a patient transfer facility.
3. Subject to St John Ambulance confirming that 636m² is acceptable, recommend to Council that it dispose of 1000m² to P Letchford via private treaty.

COMMITTEE DECISION

Minute No: AP 040

Moved: Cr P Caley

Seconded: Cr K Wright

That the Committee

1. **Provide in principal support to P Letchford for the disposal of 1000m² of Lot 302 Dusty Rankin Drive**
2. **Request St John Ambulance to clarify its requirements of land from Lot 302 Dusty Rankin Drive to determine if 636m² is sufficient to accommodate a patient transfer facility.**

3. **Recommend to Council, that subject to St John Ambulance and P Letchford confirming that their land use requirements are compatible, to dispose of part of Lot 302 Dusty Rankin Drive to P Letchford via private treaty.**

Carried: 3/0

Part three of the recommendation was changed to enable negotiations to take place in regard to land size requirements without the item having to come back to committee or Council

COMMITTEE RECOMMENDATION

That subject to St John Ambulance and P Letchford confirming that their land use requirements are compatible, Council to dispose of part of Lot 302 Dusty Rankin Drive to P Letchford via private treaty.

COUNCIL DECISION

Minute No. 8366

Moved: Cr D Ausburn

Seconded: Cr Keith Wright

That subject to St John Ambulance and P Letchford confirming that their land use requirements are compatible, Council to dispose of part of Lot 302 Dusty Rankin Drive to P Letchford via private treaty.

Carried Unanimously 6/0

12.1.4. Proposal to sell Lots 313 and 317 at East Kimberley Regional Airport

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

Peter Stubbs declared a Financial Interest in item 12.1.4 Proposal to sell Lots 313 and 317 at East Kimberley Regional Airport, as his wife works for Thrifty Car Hire who have expressed an interest in the lots.

PURPOSE

For Council to consider an offer to sell Lot 313 and Lot 317 at East Kimberley Regional Airport.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That it be recommended to Council:

1. Reject offers received
2. to sell by auction landside Lots 313 and 317 at the East Kimberley Regional Airport.
3. to commission First National Real Estate, Kununurra, to advertise and conduct the sale by auction.
4. to authorise Cr Mills as Chairman of Council's Airport Committee, and the Chief Executive Officer to set the reserve price for each block prior to auction.

COMMITTEE DECISION

Minute No: AP 046

Moved: Cr K Wright

Seconded: Cr P Caley

That it be recommended to Council:

1. ***Reject offers received***
2. ***to sell by auction landside Lots 313 and 317 at the East Kimberley Regional Airport.***

3. *to commission First National Real Estate, Kununurra, to advertise and conduct the sale by auction.*
4. *to authorise Cr Mills as Chairman of Council's Airport Committee, and the Chief Executive Officer to set the reserve price for each block prior to auction.*

Carried: 3/0

COMMITTEE RECOMMENDATION

That Council:

1. reject offers received for Lots 313 and 317 at the East Kimberley Regional Airport.
2. sell by auction landside Lots 313 and 317 at the East Kimberley Regional Airport.
3. commission First National Real Estate, Kununurra, to advertise and conduct the sale by auction.
4. authorise Cr Mills as Chairman of Council's Airport Committee, and the Chief Executive Officer to set the reserve price for each block prior to auction.

COUNCIL DECISION

Minute No. 8367

Moved: Cr P Caley

Seconded: Cr K Wright

That Council:

1. *reject offers received for Lots 313 and 317 at the East Kimberley Regional Airport.*
2. *sell by auction landside Lots 313 and 317 at the East Kimberley Regional Airport.*
3. *commission First National Real Estate, Kununurra, to advertise and conduct the sale by auction.*
4. *authorise Cr Mills as Chairman of Council's Airport Committee, and the Chief Executive Officer to set the reserve price for each block prior to auction.*

Carried Unanimously 6/0

12.1.5. Shire Representation at the Australian Airports Association National Convention

DATE:	16 September 2008
PROPONENT:	Cr Paul Caley
LOCATION:	Perth, Western Australia
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	N/A
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider a recommendation of its Airport Committee in relation to Shire representation at the annual Australian Airports Association National Convention and Technical Workshop to be held in Perth Monday 10 November to Saturday 15 November 2008.

VOTING REQUIREMENT

Simple Majority

AIRPORT COMMITTEE RECOMMENDATION

That Rick Spry, Brian Sargeant and Cr Mills as Chair of Council's Airport Committee attend the 2008 Australian Airports Association National Convention and Technical Workshop to be held in Perth 10 to 15 November 2008.

Moved: Cr P Caley

Seconded: Cr k Wright

That Rick Spry, Brian Sargeant and Cr Mills as Chair of Council's Airport Committee attend the 2008 Australian Airports Association National Convention and Technical Workshop to be held in Perth 10 to 15 November 2008.

Cr P Caley withdrew the motion with the consent of seconder.

COUNCIL DECISION

Minute No. 8368

Moved: Cr P Caley

Seconded: Cr K Wright

That Brian Sargeant and Cr Mills as Chair of Council's Airport Committee attend the 2008 Australian Airports Association National Convention and Technical Workshop to be held in Perth 10 to 15 November 2008.

Carried Unanimously 6/0

Note: Council's decision varied from the Airport Committee Recommendation because Council believed representation was adequate with one staff and one

Councillor representative and the attendance of Brian Sargeant was consistent with Council's succession plan for airport management.

12.2. CORPORATE SERVICES

12.2.1. Monthly Financial Report

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

PURPOSE

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

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

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

COUNCIL DECISION

Minute No. 8369

Moved: Cr K Wright

Seconded: Cr F Mills

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

Carried Unanimously 6/0

12.2.2. List of Accounts Paid Under Delegation 18

DATE:	16 September 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.

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 38572 – 38607 (7 to 28 August 2008)	\$59,522.80
EFT 103622 – EFT 103844 (6 to 28 August 2008)	\$677,119.91
Payroll (1 to 30 August 2008)	\$227,783.29
Direct bank debits (1 to 30 August 2008)	\$17,570.57
Total	\$981,996.57

COUNCIL DECISION

Minute No. 8370

Moved: Cr D Ausburn

Seconded: Cr R Addis

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

<i>Municipal cheques 38572 – 38607 (7 to 28 August 2008)</i>	<i>\$59,522.80</i>
<i>EFT 103622 – EFT 103844 (6 to 28 August 2008)</i>	<i>\$677,119.91</i>
<i>Payroll (1 to 30 August 2008)</i>	<i>\$227,783.29</i>
<i>Direct bank debits (1 to 30 August 2008)</i>	<i>\$17,570.57</i>
<i>Total</i>	<i>\$981,996.57</i>

Carried Unanimously 6/0

12.3. DEVELOPMENT SERVICES

12.3.1. Proposed Transient Accommodation – Lot 1, King Loc 572 Ivanhoe Road, Kununurra

DATE:	16 September 2008
PROPONENT:	Oasis Farms
LOCATION:	Lot 1, King Loc 572 Ivanhoe Road, Kununurra
AUTHOR:	Gary McCarney, Town Planning Officer
REPORTING OFFICER:	Keith Williams, Executive Manager Town Planning
FILE NO:	01.0059.02
ASSESSMENT NO:	0059

PURPOSE

For Council to consider an application for planning consent for the use and development of the subject land with a five bedroom transient accommodation unit and a separate communal amenities unit (kitchen / shower / toilet).

.VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council grants planning consent to Oasis Farms for the development and use of Lot 1 King Location 572, Ivanhoe Road, Kununurra, for transient workers accommodation, in accordance with the submitted plans and subject to the following specific conditions:

1. Provision of a statutory declaration confirming that the transient accommodation units will only be occupied by seasonal workers employed in the agricultural industry, for periods not exceeding 6 months. This is to comply with Scheme requirements.
2. The accommodation shall be limited to a maximum of five workers.
3. All prospective occupants shall be notified at the point of checking into the accommodation that the units are reserved for the exclusive use of seasonal workers, with such notification to be approved by Council officers. This is to ensure that only seasonal workers are accommodated.
4. All prospective occupants shall be notified of the need to comply with all biosecurity requirements
5. All employee parking to be contained on site at all times.
6. The transportable buildings shall be fixed to the ground by footings, as directed by the Council
7. The planting of a vegetation buffer between the accommodation units and Ivanhoe Road.
8. Compliance with all Council's health requirements. These include however may not be limited to installation of an approved effluent disposal system to the satisfaction of Council's Environmental Health Officer.
9. Any conditions issued under delegated authority from Council's Standard Conditions list

COUNCIL DECISION

Minute No. 8371

Moved: Cr D Ausburn

Seconded: Cr K Wright

That Council grants planning consent to Oasis Farms for the development and use of Lot 1 King Location 572, Ivanhoe Road, Kununurra, for transient workers accommodation, in accordance with the submitted plans and subject to the following specific conditions:

- 1. Provision of a statutory declaration confirming that the transient accommodation units will only be occupied by seasonal workers employed in the agricultural industry, for periods not exceeding 6 months. This is to comply with Scheme requirements.***
- 2. The accommodation shall be limited to a maximum of five workers.***
- 3. All prospective occupants shall be notified of the need to comply with all biosecurity requirements***
- 4. All employee parking to be contained on site at all times.***
- 5. The transportable buildings shall be fixed to the ground by footings, as directed by the Council***
- 6. The planting of a vegetation buffer between the accommodation units and Ivanhoe Road.***
- 7. Compliance with all Council's health requirements. These include however may not be limited to installation of an approved effluent disposal system to the satisfaction of Council's Environmental Health Officer.***
- 8. Any conditions issued under delegated authority from Council's Standard Conditions list***

Carried 5/1

12.3.2 Proposed Transient Accommodation – Lot 1547 Poincettia Way, Kununurra

DATE:	16 September 2008
PROPONENT:	Eljay Investments Holdings Pty Ltd
LOCATION:	Lot 1547 Poincettia Way, Kununurra
AUTHOR:	Gary McCarney, Town Planning Officer
REPORTING OFFICER:	Keith Williams, Executive Manager Town Planning
FILE NO:	01.1073.02
ASSESSMENT NO:	1073

PURPOSES

For Council:

1. to consider an application for planning consent for the use and development of the subject land with transient accommodation, (two bedroom transportable dwelling); and
2. to determine whether action should be taken against the Applicant for constructing and occupying the dwelling prior to receiving the required planning, building and health approvals.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council :

1. Direct the CEO not to sign any approval until such time as the additional fees of \$210.00 have been paid to Council, in view of the applicant acting without authority to date.
2. Grants planning consent to Eljay Investments Holdings Pty Ltd for the use and development of Transient Accommodation on Lot 1547 Poincettia Way, Kununurra, in accordance with the submitted plans and subject to the following specific conditions:
 - (i) Compliance with all Council's health requirements. These include however may not be limited to installation of an approved effluent disposal system to the satisfaction of the Department of Health and the Shire's Environmental Health Officer.
 - (ii) Provision of a statutory declaration confirming that the transient accommodation will only be occupied by workers directly associated with the business operating from the site.
 - (iii) All prospective occupants to be notified at the point of checking into the accommodation that the units are reserved for the exclusive use of workers, with such notification to be approved by Council officers

- (iv) The transient accommodation shall be limited to one unit housing a maximum of two workers in total.
 - (v) The transient accommodation shall not be occupied by an individual person for a period in excess of six calendar months.
 - (vi) The transient accommodation unit shall be permanently affixed to the ground by footings as required by Council.
 - (vii) The transient accommodation unit shall be setback a minimum of 9 metres from the front property boundary and 3 metres from the side boundary
 - (viii) All employee parking shall be contained on site at all times.
 - (ix) Any conditions issued under delegated authority from Council's Standard Conditions list.
3. Allows occupation to continue while the approvals are being processed.
 4. Advises Eljay Investment Holdings Pty Ltd that further breaches of the Town Planning Scheme may result in compliance action.

Moved: Cr D Ausburn

Seconded: Cr K Wright

That Council:

1. Grants planning consent to Eljay Investments Holdings Pty Ltd for the use and development of Transient Accommodation on Lot 1547 Poincettia Way, Kununurra, in accordance with the submitted plans and subject to the following specific conditions:
 - (i) Compliance with all Council's health requirements. These include however may not be limited to installation of an approved effluent disposal system to the satisfaction of the Department of Health and the Shire's Environmental Health Officer.
 - (ii) Provision of a statutory declaration confirming that the transient accommodation will only be occupied by workers directly associated with the business operating from the site.
 - (iii) The transient accommodation shall be limited to one unit housing a maximum of two workers in total.
 - (iv) The transient accommodation shall not be occupied by an individual person for a period in excess of six calendar months.
 - (v) The transient accommodation unit shall be permanently affixed to the ground by footings as required by Council.
 - (vi) Council accepts the current setback of the building.

- (vii) All employee parking shall be contained on site at all times.
 - (viii) Any conditions issued under delegated authority from Council's Standard Conditions list.
- 2. Allows occupation to continue while the approvals are being processed.
 - 3. Advises Eljay Investment Holdings Pty Ltd that further breaches of the Town Planning Scheme may result in compliance action. Direct the CEO not to sign any approval until such time as the additional fees of \$210.00 have been paid to Council, in view of the applicant acting without authority to date.

COUNCIL DECISION

Minute No. 8372

Moved: Cr P Caley

Seconded: Cr K Wright

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

Carried Unanimously 6/0

After the suspension of Standing Order 7.5 Cr D Ausburn re-inserted point one into the motion with consent of the seconder:

Moved: Cr D Ausburn

Seconded: Cr K Wright

That Council:

- 1. Direct the CEO not to sign any approval until such time as the additional fees of \$210.00 have been paid to Council, in view of the applicant acting without authority to date.
- 2. Grants planning consent to Eljay Investments Holdings Pty Ltd for the use and development of Transient Accommodation on Lot 1547 Poinsettia Way, Kununurra, in accordance with the submitted plans and subject to the following specific conditions:
 - (i) Compliance with all Council's health requirements. These include however may not be limited to installation of an approved effluent disposal system to the satisfaction of the Department of Health and the Shire's Environmental Health Officer.
 - (ii) Provision of a statutory declaration confirming that the transient accommodation will only be occupied by workers directly associated with the business operating from the site.
 - (iii) The transient accommodation shall be limited to one unit housing a maximum of two workers in total.
 - (iv) The transient accommodation shall not be occupied by an individual person for a period in excess of six calendar months.
 - (v) The transient accommodation unit shall be permanently affixed to the ground by footings as required by Council.

- (vi) Council accepts the current setback of the building.
 - (vii) All employee parking shall be contained on site at all times.
 - (viii) Any conditions issued under delegated authority from Council's Standard Conditions list.
- 3. Allows occupation to continue while the approvals are being processed.
 - 4. Advises Eljay Investment Holdings Pty Ltd that further breaches of the Town Planning Scheme may result in compliance action. Direct the CEO not to sign any approval until such time as the additional fees of \$210.00 have been paid to Council, in view of the applicant acting without authority to date.

Cr D Ausburn moved to withdraw motion with consent of seconder. Cr F Mills objected. Under Standing Order 8.14 the motion therefore could not be withdrawn.

Cr K Wright moved that the motion to withdraw be put. The Chair put the motion to withdraw.

COUNCIL DECISION

Minute No. 8373

Moved: Cr D Ausburn

Seconded: Cr K Wright

That the motion on the books be withdrawn.

Lost 2/4

Cr R Addis foreshadowed the following motion:

Foreshadowed Motion

That this matter be deferred until such time as a policy guidelines can be developed for the issue of retrospective development and building approvals and be brought back to the November briefing.

COUNCIL DECISION

Minute No. 8374

Moved: Cr P Caley

Seconded: Cr R Addis

That Council resume Standing Order 7.5.

Carried Unanimously 6/0

COUNCIL DECISION

Minute No. 8375

Moved: Cr D Ausburn

Seconded: Cr K Wright

That Council:

- 1. Direct the CEO not to sign any approval until such time as the additional fees of \$210.00 have been paid to Council, in view of the applicant acting without authority to date.*
- 2. Grants planning consent to Eljay Investments Holdings Pty Ltd for the use and development of Transient Accommodation on Lot 1547 Poincettia Way, Kununurra, in accordance with the submitted plans and subject to the following specific conditions:*
 - (i) Compliance with all Council's health requirements. These include however may not be limited to installation of an approved effluent disposal system to the satisfaction of the Department of Health and the Shire's Environmental Health Officer.*
 - (ii) Provision of a statutory declaration confirming that the transient accommodation will only be occupied by workers directly associated with the business operating from the site.*
 - (iii) The transient accommodation shall be limited to one unit housing a maximum of two workers in total.*
 - (iv) The transient accommodation shall not be occupied by an individual person for a period in excess of six calendar months.*
 - (v) The transient accommodation unit shall be permanently affixed to the ground by footings as required by Council.*
 - (vi) Council accepts the current setback of the building.*
 - (vii) All employee parking shall be contained on site at all times.*
 - (viii) Any conditions issued under delegated authority from Council's Standard Conditions list.*
- 3. Allows occupation to continue while the approvals are being processed.*
- 4. Advises Eljay Investment Holdings Pty Ltd that further breaches of the Town Planning Scheme may result in compliance action. Direct the CEO not to sign any approval until such time as the additional fees of \$210.00 have been paid to Council, in view of the applicant acting without authority to date.*

Carried 5/1

Cr K Wright requested that the votes be recorded.

FOR: Cr M Pucci, Cr d Ausburn, Cr K Wright, Cr P Caley, Cr F Mills

AGAINST: Cr R Addis

Note: Council did not support point 2 (iii) or point 2 (vii) of the Officer Recommendation as it believed these were unnecessary.

12.3.3 Proposed Extension of Non-conforming Use Rights (Serving of Light Refreshments) – Loc 529 River Farm Road, Kununurra

DATE:	16 September 2008
PROPONENT:	Daniel Read (Freshwater Fruits)
LOCATION:	Loc 529 River Farm Road, Kununurra
AUTHOR:	Gary McCarney, Town Planning Officer
REPORTING OFFICER:	Keith Williams, Executive Manager Town Planning
FILE NO:	01.0119.02
ASSESSMENT NO:	0119

PURPOSE

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council grants planning consent to Daniel Read (Freshwater Fruits) for the extension of non-conforming use rights (upgrade of light refreshment facilities) on Lot 529 Riverfarm Road, Ivanhoe Road, Kununurra, in accordance with the submitted plans, and subject to the following conditions:

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

COUNCIL DECISION

Minute No. 8376

Moved: Cr K Wright

Seconded: Cr D Ausburn

That Council grants planning consent to Daniel Read (Freshwater Fruits) for the extension of non-conforming use rights (upgrade of light refreshment facilities) on Lot 529 Riverfarm Road, Ivanhoe Road, Kununurra, in accordance with the submitted plans, and subject to the following conditions:

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

Carried Unanimously 6/0

12.3.4 Rezoning of Residential Land – Pindan Avenue, Kununurra

DATE:	16 September 2008
PROPONENT:	Department of Housing and Works
LOCATION:	Pindan Avenue, Kununurra
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	43.04.14
ASSESSMENT NO:	Various

Cr M Pucci declared an Impartiality Interest in item 12.3.4 Rezoning of Residential Land – Pindan Avenue, Kununurra, as she is a Life Member of Kununurra Neighbourhood House.

Cr R Addis declared an Impartiality Interest in item 12.3.4 Rezoning of Residential Land – Pindan Avenue, Kununurra, as he is the Chief Executive Officer of Wunan foundation which owns Lot 705 Pindan Avenue, Kununurra.

Cr R Addis left the meeting at 7:12pm.

PURPOSE

For Council to consider a request from Department of Housing and works for re-zoning of residential land in the vicinity of Pindan Avenue, Kununurra.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Advise the Department of Housing and Works that it is prepared to initiate a rezoning of Lots 683, 684, 685, 686, 705, 707, 711 and 2440 Pindan Avenue, Lots 701, 702, 703, 704 Calytrix Avenue and Lots 712, 713, 714, 715, 716 Pandanus Avenue from Residential R20 zone to Residential R30 zone to allow the option of denser residential accommodation in that area close the town centre and Pindan Park.
2. Advise the Department of Housing and Works that it is prepared to initiate a rezoning of Lots 693 & 694 Leichhardt Street from Residential R20 zone to Residential R30 on receipt of written confirmation that Department of Housing and Works will project manage this project and commit \$100 000 in funds to the relocation of Kununurra Neighbourhood House.
3. Amend the Shire of Wyndham-East Kimberley Planning Scheme No.7 by:

Rezoning of Lots 683, 684, 685, 686, 705, 707, 711 and 2440 Pindan Avenue, Lots 701, 702, 703, 704 Calytrix Avenue, Lots 712, 713, 714, 715, 716 Pandanus Avenue and Lots 693 & 694 Leichhardt Street from the Residential R20 zone to Residential R30 zone.

4. Advise the Department of Housing and Works that amendment documentation should be drafted as soon as possible to allow for the adoption of the amendment, and progression through advertising, as well as submission of the \$500 initiation fee.

COUNCIL DECISION

Minute No. 8377

Moved: Cr F Mills

Seconded: Cr P Caley

That Council:

1. ***Advise the Department of Housing and Works that it is prepared to initiate a rezoning of Lots 683, 684, 685, 686, 705, 707, 711 and 2440 Pindan Avenue, Lots 701, 702, 703, 704 Calytrix Avenue and Lots 712, 713, 714, 715, 716 Pandanus Avenue from Residential R20 zone to Residential R30 zone to allow the option of denser residential accommodation in that area close the town centre and Pindan Park.***
2. ***Advise the Department of Housing and Works that it is prepared to initiate a rezoning of Lots 693 & 694 Leichhardt Street from Residential R20 zone to Residential R30 on receipt of written confirmation that Department of Housing and Works will project manage this project and commit \$100 000 in funds to the relocation of Kununurra Neighbourhood House.***
3. ***Amend the Shire of Wyndham-East Kimberley Planning Scheme No.7 by:***

Rezoning of Lots 683, 684, 685, 686, 705, 707, 711 and 2440 Pindan Avenue, Lots 701, 702, 703, 704 Calytrix Avenue, Lots 712, 713, 714, 715, 716 Pandanus Avenue and Lots 693 & 694 Leichhardt Street from the Residential R20 zone to Residential R30 zone.
4. ***Advise the Department of Housing and Works that amendment documentation should be drafted as soon as possible to allow for the adoption of the amendment, and progression through advertising, as well as submission of the \$500 initiation fee.***

Carried 4/1

Cr R Addis returned to the meeting at 7:15pm and was advised of the outcome of the item.

12.3.5 Waterlily Place - Residential Development Opportunity

DATE:	16 September 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Reserve 41812 Waterlily Place
AUTHOR:	Keith Williams, Executive Manager Town Planning
REPORTING OFFICER:	Keith Williams, Executive Manager Town Planning
FILE NO:	43.04.29
ASSESSMENT NO:	2860

PURPOSE

For Council to consider a proposal to development portion of Reserve 41812 for Residential Development.

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

That Council:

1. Request the DPI excise approximately 1 hectare of land from Reserve 41812 for the purposes of residential development in accordance with the attached plan, and allow Council to purchase the land at the unimproved market value of the land.
2. Request the DPI allocate all revenue from the excision of the portion of Reserve 41812 be allocated to the Department of Water and Shire of Wyndham East Kimberley for management of Reserve 41812, given that the land is currently portion of this Reserve, and that government is currently not funding its obligations in the Foreshore Reserve and Lily Creek Lagoon.
3. That Council develop a business plan for the subdivision and development of the land once the Department of Planning and Infrastructure has agreed to points 1 & 2.
4. Funds raised from the development be directed to Council's Reserve Fund for the replacement of the Kununurra Administration Centre.

COUNCIL DECISION

Minute No. 8378

Moved: Cr D Ausburn

Seconded: Cr R Addis

That Council:

- 1. Request the DPI excise approximately 1 hectare of land from Reserve 41812 for the purposes of residential development in accordance with the attached plan, and allow Council to purchase the land at the unimproved market value of the land.***
- 2. Request the DPI allocate all revenue from the excision of the portion of Reserve 41812 be allocated to the Department of Water and Shire of Wyndham East Kimberley for management of Reserve 41812, given that the land is currently portion of this Reserve, and that government is currently not funding its obligations in the Foreshore Reserve and Lily Creek Lagoon.***
- 3. That Council develop a business plan for the subdivision and development of the land once the Department of Planning and Infrastructure has agreed to points 1 & 2.***
- 4. Funds raised from the development be directed to Council's Reserve Fund for the replacement of the Kununurra Administration Centre.***

Carried Unanimously 6/0

12.3.6 Proposed Transient Accommodation – Lot 2204, Bullrun Road, Kununurra

DATE:	16 September 2008
PROPONENT:	Plant Hire Services
LOCATION:	Lot 2204, Bullrun Road, Kununurra
AUTHOR:	Gary McCarney, Town Planning Officer
REPORTING OFFICER:	Keith Williams, Executive Manager Town Planning
FILE NO:	01.1546.02
ASSESSMENT NO:	1546

Cr K Wright declared a Proximity Interest in item 12.3.6 Proposed Transient Accommodation – Lot 2204, Bullrun Road, Kununurra, as he is an adjacent landowner.

Cr K Wright left the meeting at 7:16pm.

PURPOSE

For Council to consider an application for planning consent for the use and development of the subject land with a transient accommodation unit and an extension to the existing shed.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council grants planning consent to Plant Hire Services for the development and use of Lot 2204 Bullrun Road, Kununurra, for transient workers accommodation and Extension to Existing Shed, in accordance with the submitted plans and subject to the following specific conditions:

1. The accommodation shall be limited to a maximum of four workers.
2. Provision of a statutory declaration confirming that the transient accommodation unit will only be occupied by employees of the business on the site, for periods not exceeding 6 months. This is to comply with Scheme requirements.
3. All prospective occupants shall be notified at the point of checking into the accommodation that the units are reserved for the exclusive use of employees of the business on the site, with such notification to be approved by Council officers.
4. All employee parking to be contained on site at all times.
5. The accommodation unit shall be setback a minimum of 6 metres from the front boundary.
6. The transportable building shall be fixed to the ground by footings, as directed by the Council
7. Compliance with all Council's health requirements. These include however may not be limited to installation of an approved effluent disposal system to the satisfaction of Council's Environmental Health Officer.

8. Any conditions issued under delegated authority from Council's Standard Conditions list.

COUNCIL DECISION

Minute No. 8379

Moved: Cr D Ausburn

Seconded: Cr R Addis

That Council grants planning consent to Plant Hire Services for the development and use of Lot 2204 Bullrun Road, Kununurra, for transient workers accommodation and Extension to Existing Shed, in accordance with the submitted plans and subject to the following specific conditions:

- 1. The accommodation shall be limited to a maximum of four workers.***
- 2. Provision of a statutory declaration confirming that the transient accommodation unit will only be occupied by employees of the business on the site, for periods not exceeding 6 months. This is to comply with Scheme requirements.***
- 3. All prospective occupants shall be notified at the point of checking into the accommodation that the units are reserved for the exclusive use of employees of the business on the site, with such notification to be approved by Council officers.***
- 4. All employee parking to be contained on site at all times.***
- 5. The accommodation unit shall be setback a minimum of 6 metres from the front boundary.***
- 6. The transportable building shall be fixed to the ground by footings, as directed by the Council***
- 7. Compliance with all Council's health requirements. These include however may not be limited to installation of an approved effluent disposal system to the satisfaction of Council's Environmental Health Officer.***
- 8. Any conditions issued under delegated authority from Council's Standard Conditions list.***

Carried Unanimously 5/0

Cr K Wright returned to the meeting at 7:18pm and was advised of the outcome of the item.

12.3.7 Proposed Transient Accommodation – Lot 103 Packsaddle Road, Kununurra

DATE:	16 September 2008
PROPONENT:	The Ark Fund Limited
LOCATION:	Lot 103 Packsaddle Road, Kununurra
AUTHOR:	Keith Williams, Executive Manager Town Planning
REPORTING OFFICER:	Keith Williams, Executive Manager Town Planning
FILE NO:	01.6993.02
ASSESSMENT NO:	6993

PURPOSE

For Council to consider an application for planning consent for the use and development of the subject land temporary transient accommodation units.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council

1. Grants planning consent to The Ark Fund for the development and use of Loc 383 Packsaddle Weaber Plain Road, Kununurra, for transient workers accommodation, in accordance with the submitted plans, and subject to the to the following specific conditions:
 1. Provision of a Statutory Declaration signed by the company directors confirming that the transient accommodation units will only be occupied by seasonal workers employed on site, for periods not exceeding 6 months, to ensure compliance with Scheme provisions.
 2. Provision of a Statutory Declaration signed by the company directors confirming that the proposed development is temporary and will be removed and replaced with more appropriate permanent development within three years.
 3. The Temporary Transient Accommodation shall be occupied by a maximum of twenty four [24] people.
 4. All prospective occupants to be notified at the point of checking into the accommodation that the units are reserved for the exclusive use of seasonal workers, with such notification to be approved by Council officers. This is to ensure that only seasonal workers are accommodated.
 5. All employee parking to be contained on site at all times.
 6. The transportable buildings shall be fixed to the ground by footings, as directed by the Council.

7. The planting of a vegetation buffer between the accommodation units and Jabiru Road to the satisfaction of the Chief Executive Officer.
 8. Landscaping in accordance with the submitted landscaping plan.
 9. Obtaining an *Approval to construct or install an apparatus for the treatment of sewerage* from the Department of Health.
 10. Compliance with all Council's health requirements. These include however may not be limited to installation of an approved effluent disposal system to the satisfaction of Council's Environmental Health Officer.
 11. Any conditions issued under delegated authority from Council's Standard Conditions list
2. Advise The Ark Fund that the approval is for Temporary use of the land, and that at the expiry of three years a new application must be made for the use of the site for Temporary Transient Accommodation, or the development shall be removed, and that failure to re-apply or remove the accommodation will result in action to effect compliance.

COUNCIL DECISION

Minute No. 8380

Moved: Cr D Ausburn

Seconded: Cr K Wright

That Council

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

6. *The planting of a vegetation buffer between the accommodation units and Jabiru Road to the satisfaction of the Chief Executive Officer.*
 7. *Landscaping in accordance with the submitted landscaping plan.*
 8. *Obtaining an Approval to construct or install an apparatus for the treatment of sewerage from the Department of Health.*
 9. *Compliance with all Council's health requirements. These include however may not be limited to installation of an approved effluent disposal system to the satisfaction of Council's Environmental Health Officer.*
 10. *Any conditions issued under delegated authority from Council's Standard Conditions list.*
2. *Instructs officers to investigate and develop draft Policy Guidelines for the development of Transient Accommodation in the Rural Agricultural 1, Rural Agricultural 2 and General Rural zones and report back to Council with draft policy guidelines at the November Briefing Session.*

Carried Unanimously 6/0

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

12.4 COMMUNITY SERVICES

12.4.2 Kununurra Hard Courts

DATE:	16 September 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Kununurra Hard Courts/Reserve 29799
AUTHOR:	Karyn Apperley, Executive Manager Community Services
REPORTING OFFICER:	Karyn Apperley, Executive Manager Community Services
FILE NO:	30.14.23
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider options regarding asset maintenance strategies for the Kununurra outdoor netball/basketball courts for current and future community needs within Council's current strategic direction.

VOTING REQUIREMENT

Recommendation 1, 3 and 4 – Simple Majority
Recommendation 2 – Absolute Majority

MANAGERS' RECOMMENDATION

1. That Council authorise officers to liaise with the approved tenderer to develop 2 basketball courts incorporated into the Multipurpose Court Facility and re-surfacing 1 existing basketball/netball court to
 - a. maintain basketball court facilities and consolidate hard courts
 - b. cater for casual and community use, and
 - c. capitalise on the existing competitive price estimate Council has received on re-surfacing and availability of contractors in the area.
2. That Council raise a bridging loan of up to \$80,000 to be repaid in 2009/2010, to implement the consolidation of hard court assets and maintain 3 outdoor basketball courts in multipurpose settings.
3. That Council
 - a. note that to allow for the inclusion of 2 basketball courts in the Multipurpose Court Facility, a reduction of the Chestnut Ave road reserve is required by up to 6 meters along the boundary of the southern bank of courts, at an approximate length of 40m, and
 - b. instruct officers to amend the road reserve accordingly.
4. That Council decommission 2 of the existing outdoor netball/basketball courts by removing court furniture and fencing (on 2 boundaries only to maintain oval security) to allow car parking on the site but reserve the site for future hard court expansion when the need for additional courts is demonstrated.

COUNCIL DECISION

Minute No. 8381

Moved: Cr F Mills

Seconded: Cr P Caley

- 1. That Council authorise officers to liaise with the approved tenderer to develop 2 basketball courts incorporated into the Multipurpose Court Facility and re-surfacing 1 existing basketball/netball court to
 - a. maintain basketball court facilities and consolidate hard courts
 - b. cater for casual and community use, and
 - c. capitalise on the existing competitive price estimate Council has received on re-surfacing and availability of contractors in the area.*
- 2. That Council raise a bridging loan of up to \$80,000 to be repaid in 2009/2010, to implement the consolidation of hard court assets and maintain 3 outdoor basketball courts in multipurpose settings.*
- 3. That Council
 - a. note that to allow for the inclusion of 2 basketball courts in the Multipurpose Court Facility, a reduction of the Chestnut Ave road reserve is required by up to 6 meters along the boundary of the southern bank of courts, at an approximate length of 40m, and
 - b. instruct officers to amend the road reserve accordingly.*
- 4. That Council decommission 2 of the existing outdoor netball/basketball courts by removing court furniture and fencing (on 2 boundaries only to maintain oval security) to allow car parking on the site but reserve the site for future hard court expansion when the need for additional courts is demonstrated.*

Carried 5/1

Cr K Wright asked that the votes be recorded.

FOR: Cr M Pucci, Cr R Addis, Cr D Ausburn, Cr F Mills, Cr P Caley

AGAINST: Cr K Wright

12.4.3 Wyndham Hard Courts

DATE:	16 September 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Wyndham Hard Courts/Wyndham Recreation Centre
AUTHOR:	Karyn Apperley, Executive Manager Community Services
REPORTING OFFICER:	Karyn Apperley, Executive Manager Community Services
FILE NO:	30.14.26
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider options regarding asset maintenance strategies for the Wyndham Hard Courts for current and future community needs within Council's current strategic direction.

VOTING REQUIREMENT

Recommendation 1, 2 and 4 - Simple Majority

Recommendation 3 - Absolute Majority

MANAGERS' RECOMMENDATION

1. That Council authorise officers to liaise with the approved tenderer to develop one multipurpose outdoor hard court for basketball, netball and tennis in Wyndham to
 - c. cater for casual and community use, and
 - d. capitalise on the existing competitive price estimate Council has received on re-surfacing and availability of contractors in the area.
2. That Council convert the existing two depreciated outdoor basketball courts at Wyndham for use as a BMX track, to increase the diversity of activities for the community, including young people, and to rationalise future asset maintenance and replacement costs.
3. That Council raise a bridging loan of up to \$140,000 to be repaid in 2009/2010, to implement the development of a new outdoor multipurpose court and BMX track asset renewal project for Wyndham.
4. That Council officers convene a forum in Wyndham prior to end of September to provide community members with an understanding of the asset renewal and transition that is to occur.

Moved: Cr Paul Caley

Seconded: Cr K Wright

1. That Council authorise officers to liaise with the approved tenderer to develop one multipurpose outdoor hard court for basketball, netball and tennis in Wyndham to
 - a. cater for casual and community use, and
 - b. capitalise on the existing competitive price estimate Council has received on re-surfacing and availability of contractors in the area.
2. That Council convert the existing two depreciated outdoor basketball courts at Wyndham for use as a BMX track (including perimeter bollards and provision of shade subject to external funding), to increase the diversity of activities for the community, including young people, and to rationalise future asset maintenance and replacement costs.
3. That Council raise a bridging loan of up to \$150,000 to be repaid in 2009/2010, to implement the development of a new outdoor multipurpose court and BMX track asset renewal project for Wyndham.
4. That Council officers convene a forum in Wyndham prior to end of September to provide community members with an understanding of the asset renewal and transition that is to occur.

Cr R Addis foreshadowed the following motion:

1. That Council authorise officers to liaise with the approved tenderer to develop one multipurpose outdoor hard court for basketball, netball and tennis in Wyndham to
 - a. cater for casual and community use, and
 - b. capitalise on the existing competitive price estimate Council has received on re-surfacing and availability of contractors in the area.
2. That Council seek supporting funding to convert the existing two depreciated outdoor basketball courts at Wyndham for use as a BMX track (including perimeter bollards and provision of shade), to increase the diversity of activities for the community, including young people, and to rationalise future asset maintenance and replacement costs, with a view to completing this work in the 09/10 year.
3. That Council raise a bridging loan of up to \$110,000 to be repaid in 2009/2010, to implement the development of a new outdoor multipurpose court project for Wyndham.
4. That Council officers convene a forum in Wyndham prior to end of September to provide community members with an understanding of the asset renewal and transition that is to occur.

COUNCIL DECISION

Minute No. 8382

Moved: Cr P Caley

Seconded: Cr K Wright

1. *That Council authorise officers to liaise with the approved tenderer to develop one multipurpose outdoor hard court for basketball, netball and tennis in Wyndham to*
 - c. *cater for casual and community use, and*
 - d. *capitalise on the existing competitive price estimate Council has received on re-surfacing and availability of contractors in the area.*
2. *That Council convert the existing two depreciated outdoor basketball courts at Wyndham for use as a BMX track (including perimeter bollards and provision of shade subject to external funding), to increase the diversity of activities for the community, including young people, and to rationalise future asset maintenance and replacement costs.*
3. *That Council raise a bridging loan of up to \$150,000 to be repaid in 2009/2010, to implement the development of a new outdoor multipurpose court and BMX track asset renewal project for Wyndham.*
4. *That Council officers convene a forum in Wyndham prior to end of September to provide community members with an understanding of the asset renewal and transition that is to occur.*

Lost 2/4

Cr P Caley requested that the votes be recorded.

FOR: Cr P Caley, Cr K Wright

AGAINST: Cr M Pucci, Cr R Addis, Cr D Ausburn, and Cr F Mills

COUNCIL DECISION

Minute No. 8383

Moved: Cr R Addis

Seconded: Cr D Ausburn

1. *That Council authorise officers to liaise with the approved tenderer to develop one multipurpose outdoor hard court for basketball, netball and tennis in Wyndham to*
 - a. *cater for casual and community use, and*
 - b. *capitalise on the existing competitive price estimate Council has received on re-surfacing and availability of contractors in the area.*
2. *That Council seek supporting funding to convert the existing two depreciated outdoor basketball courts at Wyndham for use as a BMX track (including perimeter concrete bollards and provision of shade), to increase the diversity of activities for the community, including young people, and to rationalise future asset maintenance and replacement costs, with a view to completing this work in the 09/10 year.*

3. *That Council raise a bridging loan of up to \$110,000 to be repaid in 2009/2010, to implement the development of a new outdoor multipurpose court project for Wyndham.*
4. *That Council officers convene a forum in Wyndham prior to end of September to provide community members with an understanding of the asset renewal and transition that is to occur.*

Carried Unanimously 6/0

Note: Council decision varied from the Managers' Recommendation as Council believed the creation of a BMX track was a new initiative and external funding to support the initiative should be sought in the first instance.

12.5 CHIEF EXECUTIVE OFFICER

12.5.2 Use of Common Seal

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

PURPOSE

For Council to receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from the period 11 August to 5 September 2008.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from 11 August to 5 September 2008.

COUNCIL DECISION

Minute No. 8384

Moved: Cr D Ausburn

Seconded: Cr K Wright

That Council receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from 11 August to 5 September 2008.

Carried Unanimously 6/0

12.5.3 Delegated Authority Report

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

PURPOSE

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

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

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

COUNCIL DECISION

Minute No. 8385

Moved: Cr K Wright

Seconded: Cr P Caley

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

Carried Unanimously 6/0

12.5.4 Status Report Council Decisions June to August 2008

DATE:	16 September 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 and note a report summarising the status of Council decisions for the period June to August 2008.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council receive and note the Status Report for the period June to August 2008.

COUNCIL DECISION

Minute No. 8386

Moved: Cr D Ausburn

Seconded: Cr K Wright

That Council receive and note the Status Report for the period June to August 2008.

Carried Unanimously 6/0

12.6 ELECTED MEMBER REPORTS

Cr P Caley	
29 Aug	Croctail Party, Wyndham
9 Sept	Airport Committee Meeting
	Elected to the Kimberley Area Consultative Committee
Cr F Mills	
29 Aug	Croctail Party, Wyndham
5 Sep	Kununurra Visitor Centre and Kununurra Chamber of Commerce Meetings – funding options and proposed Extreme Games 2010
Cr R Addis	
20 Aug	DLGRD Council Training
21-22 Aug	Kimberley Economic Forum – pre-event dinner and conference
3 Sep	Function for Royal Agricultural Society (WA) re Guest Town Initiative, hosted by SWEK and KVC
Cr K Wright – as tabled	
Cr Ausburn – as provided – Fiona follow up!!! Lost email – check with Ken	

COUNCIL DECISION

Minute No. 8387

Moved: Cr D Ausburn

Seconded: Cr P Caley

That Council accept the Councillors Reports as tabled.

Carried Unanimously 6/0

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. 8388

Move: Cr F Mills

Seconded: Cr P Caley

That Council consider the late item 15.1 Proposed Lease Bristow Helicopters Australia.

Carried Unanimously 6/0

15.3 Late Item - Proposed Lease Bristow Helicopters Australia

DATE:	16 September 2008
PROPONENT:	Bristow Helicopters Australia
LOCATION:	East Kimberley Regional Airport
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	20.18.01
ASSESSMENT NO:	N/A

PURPOSE

For Council to a request by Bristow Helicopters Australia to lease a portion of the vacant building at East Kimberley Regional Airport, known as the "Airservices" Building for a period of 6 months, commencing in October 2008.

BACKGROUND

Bristow Helicopters Australia have expressed interest by email (Monday 15 September 2008) to operate out of the East Kimberley Regional Airport to service offshore oil and gas exploration, with a focus on the coming wet and cyclone season.

The company is uncertain about its long term needs.

In the short term, the company is looking for a site to process its passengers before moving off shore.

STATUTORY IMPLICATIONS

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

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

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

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

(a) the land is disposed of to an owner of adjoining land (in this paragraph called **“the transferee”**) and —

(i) its market value is less than \$5 000; and

(ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;

(b) the land is disposed of to a body, whether incorporated or not —

(i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and

(ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;

(c) the land is disposed of to —

(i) the Crown in right of the State or the Commonwealth;

(ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or

(iii) another local government or a regional local government;

(d) it is the leasing of land to an employee of the local government for use as the employee's residence;

(e) it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land;

(f) it is the leasing of land to a **“medical practitioner”** (as defined in section 3 of the *Medical Act 1894*) to be used for carrying on his or her medical practice; or

(g) it is the leasing of residential property to a person.

(2a) A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —

(a) put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government;

(b) the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or

(c) the subject of Statewide public notice under section 3.59(4), and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including —

(i) the names of all other parties concerned;

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

(iii) the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.

(2b) Details (*see section 3.58(4) of the Act*) of a disposition of property under subregulation (2a) must be made available for public inspection for at least 12 months from the initial auction or tender, as the case requires.

(3) A disposition of property other than land is an exempt disposition if —

(a) its market value is less than \$20 000; or

(b) it is disposed of as part of the consideration for other property that the local government is acquiring for a consideration the total value of which is not more, or worth more, than \$50 000.

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Lease fees applicable would contribute to the Airport Reserve Fund.

STRATEGIC IMPLICATIONS

Support of a business like Bristow Helicopters Australia into the East Kimberley Regional Airport is consistent with Council's strategic goal to expand aviation services and support economic development in the broader region.

COMMUNITY CONSULTATION

Not applicable. The proposed use is for less than 2 years and would not be for exclusive use of the property, as the building is used partly by Airservices Australia for communications equipment and the Shire of Wyndham East Kimberley for archive storage. The proposed use therefore is exempt from public advertising consistent with

Regulation 30 (2) (e) of the [Local](#) Government (Functions and General) Regulations 1996.

COMMENT

The expression of interest to lease part of this building, advises a lease commencement in October 2008. Given this short time frame and simplistic nature of the proposed lease, it is recommended that Council authorise Cr Fred Mills as Chairman of Council's Airport Committee and the Chief Executive Officer to finalise lease negotiations with Bristow Helicopters Australia for a short term 6 month leased of the vacant "Airservices" building at East Kimberley Regional Airport, to facilitate offshore oil and gas exploration, with lease fees to contribute to Council's Airport Reserve Fund.

ATTACHMENTS

Letter of Expression of Interest from Bristow Helicopters Australia

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council authorise Cr Fred Mills as Chairman of Council's Airport Committee and the Chief Executive Officer to finalise lease negotiations with Bristow Helicopters Australia for a short term 6 month leased of the vacant "Airservices" building at East Kimberley Regional Airport, to facilitate offshore oil and gas exploration, with lease fees to contribute to Council's Airport Reserve Fund.

COUNCIL DECISION

Minute No. 8389

Moved: Cr D Ausburn

Seconded: Cr P Caley

That Council authorise Cr Fred Mills as Chairman of Council's Airport Committee and the Chief Executive Officer to finalise lease negotiations with Bristow Helicopters Australia for a short term 6 month leased of the vacant "Airservices" building at East Kimberley Regional Airport, to facilitate offshore oil and gas exploration, with lease fees to contribute to Council's Airport Reserve Fund.

Carried Unanimously 6/0



Doc No.	063375
Date	16 SEP 2008
Officer	CEO
Response	
File	20.18.01
Cross Ref.	

Shire of Wyndham-east Kimberly
PO Box 614
Kununurra, WA 6743

Attn: Peter Stubbs
Chief Executive Officer

15 September 2008

Dear Peter,

Expression of Interest to Lease Air services Building:

I would like to take the opportunity to thank you for providing the time to meet with me last Monday.

As discussed, Bristow Helicopters Australia has expressed an interest to operate out of Kununurra Airport and provide air support for our client's passengers in the offshore Oil and Gas industry.

In the short term, Bristow is seeking a base for our operations in Kununurra particularly during the cyclone season and possibly longer depending on the drilling operations of our clients. We have met with Sling Air who have in principle agreed to lease their hanger to Bristow during the cyclone season.

On order to process passengers, the area of office space available in the existing Air Services Building would be ideal due to its proximity to the main terminal and Sling Airs hanger. We would like to express our interest in leasing it in the short term beginning October 2008 for about 6 months.

I look forward to your reply.

Yours sincerely

Ron Scherpenzeel
Commercial Manager
Bristow Helicopters Australia
130 Fauntleroy Avenue
Redcliffe
Western Australia 6104
www.bristowgroup.com

16 MATTERS BEHIND CLOSED DOORS

Nil

17 CLOSURE

With all matters of business complete the Shire President closed the meeting at 8:22pm.