



DISCLAIMER

MINUTES OF ORDINARY COUNCIL MEETING HELD 17 JUNE 2008

I hereby certify that the Minutes of the Ordinary Meeting of Council held 17 June 2008 are a true and accurate record of the proceedings contained therein.

Shire President Confirmed

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SHIRE OF WYNDHAM-EAST KIMBERLEY

MINUTES

OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY 17 JUNE 2008 2008 AT 6:00 PM

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 6.03pm

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

Cr Michele Pucci	Shire President
Cr Ralph Addis	Deputy President
Cr Paul Caley	Councillor
Cr Jane Parker	Councillor
Cr Fred Mills	Councillor
Cr John Moulden	Councillor
Cr John Buchanan	Councillor
Cr Di Ausburn	Councillor
Mr Peter Stubbs	Chief Executive Officer
Ms Jo-Anne Ellis	Executive Manager of Corporate Services
Mr Alex Douglas	Executive Manager Engineering and Regulatory Services
Mr Keith Williams	Executive Manager Town Planning
Ms Zoe Akkerman	Support Officer/Minute Taker
Mrs Lauraine Wanstall	Engineering Support Officer

PUBLIC GALLERY

Terri Connell
Bruce Connell
John Storey
Darren Spackman arrived at 6.37pm

APOLOGIES

Cr K Wright

3. **DECLARATIONS OF INTEREST**

- **Financial Interest**

Nil

- **Members Impartiality Interest**

Cr Michele Pucci declared an Impartiality Interest in Item 13.4.2 Wyndham Swimming Centre Upgrade as she is a member of the CSRFF Board.

- **Proximity Interest**

Lauraine Wanstall declared an Impartiality Interest in Public Question Time and Item 13.2.3 Amendment 18 as she is a neighbour of the proponent of Lot 53 Jabiru Road.

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

Nil

5. **PUBLIC QUESTION TIME**

Date Received- 9 June 2008

Name: John Storey

Ph: 9169 1932

Address: PO Box 366 – Lot 564 Jabiru Rd KUNUNURRA WA 6743

Questions to the president:

At Ordinary Council Meeting 2 May 2008, Council approved an application for "Tourist Accommodation" on Lot 53 Jabiru Rd, under proposed Amendment No. 18. However, the Minister in her letter to council of August 23, 2007 rejected Amendment No. 18 and directed that "Tourist Accommodation" was not allowed and prescribed minimum setbacks for "Incidental Development" of 50m from the side and rear boundaries of "that" block.

On What authority has council overturned a ministerial directive?

RESPONSE FROM PRESIDENT

Tourist Accommodation is currently an SA use in the zoning Table of TPS7. The development was approved accordingly.

The honourable Ministers advice of August 2007 relates specifically to the provisions to Amendment 18, which has not been finalised, but which recommends removing the current permissibility of Tourist Accommodation, and replacing it with Cabins/Chalets.

Until Amendment 18 is approved by the Minister, however, current Scheme provisions remain in place, and Council has the discretionary power to approve Tourist Accommodation in accordance with the current Scheme provisions. Council has not overturned a ministerial directive, as the directive relates to Amendment 18, not the current Scheme.

Amendment 18 has been referred back to the WAPC and Minister to try to resolve issues related to other aspects of the Ministers advice. Depending on the outcome of this process, the amendment should be finalised within 5-6 weeks.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS

8. CONFIRMATION OF MINUTES

8.1. Confirmation of Minutes of the Ordinary Meeting of Council Held On Tuesday 20 May 2008

RECOMMENDATION

That Council confirm the Minutes of the Ordinary Meeting of Council held on Tuesday 20 May 2008.

COUNCIL DECISION

Minute No: 8243

Moved: Cr J Parker

Seconded: Cr D Ausburn

That Council confirm the Minutes of the Ordinary Meeting of Council held on Tuesday 20 May 2008.

Carried Unanimously 8/0

8.2. Confirmation of Minutes of the Special Meeting of Council Held On Tuesday 3 June 2008

RECOMMENDATION

That Council confirm the Minutes of the Special Meeting of Council held on Tuesday 3 June 2008.

COUNCIL DECISION

Minute No: 8244

Moved: Cr P Caley

Seconded: Cr J Parker

That Council confirm the Minutes of the Special Meeting of Council held on Tuesday 3 June 2008.

Carried Unanimously 8/0

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Nil

10. DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

11. MINUTES OF COUNCIL COMMITTEE MEETINGS

11.1. Minutes of the Audit Committee Meeting held on Monday 9 June 2008

RECOMMENDATION

That Council note the unconfirmed Minutes of the Audit Committee Meeting held on Monday 9 June 2008.

COUNCIL DECISION

Minute No: 8245

Moved: Cr J Moulden

Seconded: Cr J Buchanan

That Council note the unconfirmed Minutes of the Audit Committee Meeting held on Monday 9 June 2008.

Carried Unanimously 8/0

11.2. Minutes of the Airport Committee Meeting held on Tuesday 10 June 2008

RECOMMENDATION

That Council note the unconfirmed Minutes of the Airport Committee Meeting held on Tuesday 10 June 2008.

COUNCIL DECISION

Minute No: 8246

Moved: Cr P Caley

Seconded: Cr R Addis

That Council note the unconfirmed Minutes of the Airport Committee Meeting held on Monday 10 June 2008.

Carried Unanimously 8/0

12. BUSINESS ARISING FROM COUNCIL COMMITTEE MEETINGS

12.1. AUDIT COMMITTEE

12.1.1. Status of Corrective Actions Audit 2006/07

DATE:	9 June 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Jo-Anne Ellis, Executive Manager Corporate Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	N/A

PURPOSE

To review progress on corrective actions taken by management in relation to the audit issues relating to the 2006/07 audit.

BACKGROUND

UHY Haines Norton, Council's appointed auditors conducted the annual audit for 2007/08. The result of this audit is an Independent Audit Report and a Management Report. These reports were tabled at the 21 February Audit Committee Meeting. The agenda included details of the management response to audit issues and corrective actions being taken by management.

Based on the information provided the Audit Committee resolved:

Minute No. AC071

Moved: Cr K Wright

Seconded: Cr F Mills

That the Audit Committee;

- 1. notes the Independent Audit Report included in the Financial Report adopted by Council on 5 February 2008.*
- 2. Receives the Management Report for the Year Ended 30 June 2007*
- 3. notes the management response to audit issues and corrective actions being taken by management.*
- 4. recommends to Council to note and receive the Management Report for the Year Ended 30 June 2007.*

As part of the background to the item it was noted that the role of the Audit Committee is to examine and consider the results of the annual audit as well as the management response to any issues raised by auditors.

It follows that the Audit Committee should also ensure the undertaking by managers in the management response has been achieved or adequately progressed. This is the purpose of this agenda item.

STATUTORY IMPLICATIONS

Section 7.12A of the Local Government Act 1995

7.12A. Duties of local government with respect to audits

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

POLICY IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

N/A

STRATEGIC IMPLICATIONS

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

COMMENT

The attached table details the audit issue, the original management response and corrective action. The status column details the current status of the issue.

The Local Government Act requires a local government to examine the reports provided by the auditor and to determine if any matters raised by the reports require action to be taken by the local government; and to ensure that appropriate action is taken in respect of those matters.

ATTACHMENTS

1. Status of Corrective Actions Audit 2006/07

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

The Audit Committee;

1. receive and note the tabled report Status of Corrective Actions Audit 2006/07
2. recommends to Council that
 - a. having examined and considered the audit reports for the 2006/07 audit and that in respect to matters raised corrective actions as outlined in the table Status of Corrective Actions Audit 2006/07 are to be taken.
 - b. the Audit Committee through the report on Status of Corrective Actions Audit 2006/07 is ensuring that appropriate action has been taken in respect of matters raised.
 - c. the report Status of Corrective Actions Audit 2006/07 be forwarded to the Minister of Local Government.

COMMITTEE DECISION

Minute AC083

Moved: Cr Wright

Seconded: Cr Addis

1. receive and note the tabled report Status of Corrective Actions Audit 2006/07
2. recommends to Council that
 - a. having examined and considered the audit reports for the 2006/07 audit and that in respect to matters raised corrective actions as outlined in the table Status of Corrective Actions Audit 2006/07 are to be taken.
 - b. the Audit Committee through the report on Status of Corrective Actions Audit 2006/07 is ensuring that appropriate action has been taken in respect of matters raised.
 - c. the report Status of Corrective Actions Audit 2006/07 be forwarded to the Minister of Local Government.

Carried Unanimously: 4/0

AUDIT COMMITTEE RECOMMENDATION

That Council;

1. Having examined and considered the audit reports for the 2006/07 audit, and that in respect to matters raised, corrective actions as outlined in the table Status of Corrective Actions Audit 2006/07 are to be taken.
2. Notes the Audit Committee through the report on Status of Corrective Actions Audit 2006/07 is ensuring that appropriate action has been taken in respect of matters raised and Council endorses this monitoring.
3. Forwards to the Minister of Local Government the report Status of Corrective Actions Audit 2006/07.

COUNCIL DECISION

Minute No. 8247

Moved: Cr J Buchanan

Seconded: Cr J Moulden

That Council;

- 1. Having examined and considered the audit reports for the 2006/07 audit, and that in respect to matters raised, corrective actions as outlined in the table Status of Corrective Actions Audit 2006/07 are to be taken.***
- 2. Notes the Audit Committee through the report on Status of Corrective Actions Audit 2006/07 is ensuring that appropriate action has been taken in respect of matters raised and Council endorses this monitoring.***
- 3. Forwards to the Minister of Local Government the report Status of Corrective Actions Audit 2006/07.***

Carried Unanimously 8/0

ATTACHMENT 1 STATUS OF CORRECTIVE ACTIONS AUDIT 2006/07

Report/Issue	Management Response – Feb 2008	Corrective Actions – Feb 2008	Status – June 2008
Independent Audit Report			
<i>Auditor's Opinion</i> An unqualified opinion was given on the financial report.			No Further Action Required
<i>Statutory Compliance</i>			
<i>Review of Budget</i>	The deadline for submission of budget review was missed as an oversight.	The deadline will be met for the 2007/08 Budget Review	2007/08 Budget Review was sent to the Department on 28.3.08, ten days after adoption (statutory timeframe is 30 days)
<i>Differential General Rates</i>	The information was not included in the rate notice and budget document as an oversight	Details were included in the 2007/08 Budget as required but were not included in the rate notice. This requirement has been noted and the information will be included with future rates notices as relevant.	Rates notice not issued as at time of reporting.
<i>Other Matters</i> No adverse trends in financial position or financial management practices were noted.			No Further Action Required
Management Report			
Other matters arising during course of audit not required to be included in the Audit Report.			
<i>Bank Reconciliations</i>	With the implementation of Synergy in May 2007 data take-up issues resulted in a delay with the 30 June reconciliation. These issues have been resolved and the January 2008 reconciliation is currently being finalised.	The bank reconciliations are again being performed on a regular timely basis. The reconciliations are performed by the Senior Finance Officer and reviewed by the Finance Manager.	Bank reconciliations are up to date and being performed and reviewed on a timely basis. Additionally they are included in monthly reports to Council.
<i>Reconciliation of Asset Register</i>	The asset register is maintained on an excel spreadsheet. This is less than ideal and has resulted in the classification of assets in the register not reconciling to the Financial Report.	The asset register spreadsheet is being reviewed and formatted for upload into Synergy. Prior to the upload being done a complete review of the classification of assets will be undertaken and an asset stock take will be completed. This will ensure the asset data in Synergy is accurate and complete. This process is time consuming and it is anticipated to be completed by June 2008 to enable any asset adjustments to be presented to Council before the end of the financial year	Officers are in the process of reviewing and balancing the assets spreadsheet. Once balanced the data will be uploaded to synergy so 2007/08 assets can be added in Synergy. A stock take will not be completed as part of this process as it will be too time consuming and will hold up the process. A stock take will need to be completed in 2008/09
<i>Review of Debtors</i>	The self supporting loan repayments have been raised in the debtors system and monthly repayment plans have been entered into.	Ongoing monitoring of self supporting loans to ensure repayments are being made.	Ongoing monitoring of self supporting loans to ensure repayments are being made. Reporting in 90 Day debtors list.
<i>Review of Debtors</i>	Finance staff have undertaken debt recovery procedures on the mining rates debtors with the debt collectors unable to recover the debt.	An agenda item re mining rates considered doubtful is included in this agenda. (21 February 2008)	Refer item 5.12 Debts under Legal Action (Agenda 9 June 2008)
<i>Investment of Funds</i>	Management are unsure who audit spoke to in relation to the credit rating of Savings & Loans Credit Union (SA) Limited. When these funds were invested for the first time the EMCPS investigated and received assurance the investment was in accordance with the Shire's investment policy.	The Finance Manger will ensure the investment complies with the Shire's investment policy each time it is re-invested.	Funds were re-invested on maturity and the Finance Manger confirmed the investment complied with the Shires Investment Policy.

Report/Issue	Management Response – Feb 2008	Corrective Actions – Feb 2008	Status – June 2008
<i>Plan for the Future of the District</i>	Management take The Plan for the Future seriously and rather than publish a document to meet statutory requirements it is intended to develop a meaningful document based on proper consultation and research.	A timetable for the review and completion of the Plan for the Future will be developed with the Budget Adoption Timetable and presented to Council for comment.	Plan for the Future Workshop was held on 13 May 2008. A further workshop was held as part of the briefing session on 3 June 2008. Plan will be adopted with Budget in August 2008.
<i>Compliance Audit Return</i>	The return for 2006 has been lodged. It is noted the 2007 return is due on 31 March 2008.	The Compliance Audit Return for 2007 will be presented to the 18 March Council meeting to ensure the statutory deadline is met.	Return was adopted by Council on 18 March 2008 Lodged with Department on 28 March 2008
<i>Reconciliation of Trust Account</i>	Finance staff believe the Trust Account reconciles to the Trust Cash held.	The trust module in Synergy is being implemented in March 2008. Procedures for reconciliation of the bank balance as well as reconciling Trust Cash to Trust Liabilities will be implemented. These reconciliations will be performed by the Senior Finance Officer and reviewed by the Finance Manager.	Finance staff have re-looked at this issue and understand better the audit comment. The trust module has been activated and staff are in the process of ensuring all amounts that should be held in trust are accounted for and reconciled.
<i>Delegations</i>	The delegations register was adopted on 17 July 2007.	The delegations register will be brought to Council for review at the July 2008 meeting to ensure compliance with legislative requirements.	To be included for review at July 2008 Council Meeting
<i>Convening Elector's Meetings</i>	It is acknowledged the deadlines were not met.	The annual electors meeting to consider the 2006/07 Annual Report was held within the statutory deadline. The meeting date was advertised with the meeting dates for 2008 and local public notice was given following the adoption of the annual report.	Meeting held on 19 February 2008. Statutory deadline is 56 days from acceptance of Annual Report . Annual Report accepted in February 2008.
<i>Tender Register</i>	The Engineering and Development Support Officer is responsible for maintaining the Tender Register. Staff changes in this area resulted in the register maintenance function being delayed while training, handover and settling in to the position occurred.	Tender training has been received by the responsible officer and other officers in the Shire. The importance of keeping tender records is noted.	Ensuring the tender register is up to date is a recurring task for the EDSO and the register is currently up to date for all accepted tenders.
<i>Items Reported following Interim Audit</i> Items have been satisfactorily dealt with, were raised again during final audit and detailed above or are procedural matters listed for follow up in 2007/08 financial year.			No Further Action Required

12.1.2. Differential Rates 2008/09

DATE:	9 June 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Jo-Anne Ellis, Executive Manager Corporate Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	61.22.17

PURPOSE

To recommend to Council to endorse and approve the advertisement of proposed Differential Rate in the Dollar and the Minimum Rates for 2008/09.

BACKGROUND

Before Council can impose differential rate in the dollar, Council must advertise the proposed differential rate for a minimum period of 21 days. The advertising period can occur up to two months prior to adoption of the Budget. This period of advertising allows rate payers the ability to consider the proposed rates in the dollar and make any submissions prior to Council adopting the proposed rate as part of the Budget adoption process.

Currently Council is planning to adopt the 2008/09 Budget at the Council meeting on the 19 August 2008.

Additionally, under the Local Government Act, Council must seek permission from the Minister of Local Government to raise the differential rate where the highest differential rate is more than twice the lowest differential rate.

Advice in recent years from the Western Australian Local Government Association (WALGA) has alerted Councils to the issue that CPI is a good measure of a household's ability to pay but is not a good measure of the increasing costs of a Local Government. The Local Government Cost Index is considered a more appropriate measure as it is a combination of CPI and the Construction Index. CPI for the March 2008 quarter is 4.3% and LGCI is 5.0%.

Additionally the Systemic Sustainability Study commissioned by WALGA noted that some Local Governments are not increasing rates by a sufficient amount and this was causing issues with their ability to maintain ageing and deteriorating infrastructure.

The Audit Committee and Council have previously considered revising the differential rating categories in respect to raising funds to promote the East Kimberley and has considered spot rating. Audit Committee items relating to rating issues were distributed with the Audit Committee agenda as a separate attachment for information purposes.

It is suggested that a revised rating strategy be developed that considers all issues related to rating. During budget meetings Councillors have agreed that funds should be included in the draft budget to engage external resources to facilitate this review. With this in mind it is appropriate to maintain the rating distribution between rating

categories for the current year and apply a uniform percentage increase across the categories.

The rates in the dollar included in this agenda item are relevant to the rates database as at 5 June 2008. A UV revaluation needs to be loaded into the rating system prior to the issue of rates and this may impact on the rate in the dollar required to achieve the overall recommended rate increase. This revaluation should be received from Landgate early in July.

Based on current rates modelling there is one differential rating category that does not comply with section 6.35 of the Local Government Act. UV Mining has 220 assessments and 129 will have minimum rates applied under the current rates model. This is in excess of the 50% allowable under the Act. Approval from the Minister to apply this minimum rate will be sought.

STATUTORY IMPLICATIONS

Local Government Act 1995

6.33. Differential general rates

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics.
 - (a) the purpose for which the land is zoned under a town planning scheme in force under the *Town Planning and Development Act 1928*.
 - (b) the predominant purpose for which the land is held or used as determined by the local government.
 - (c) whether or not the land is vacant land or
 - (d) any other characteristic or combination of characteristics prescribed.
- (2) Regulations may
 - (a) specify the characteristics under subsection (1) which a local government is to use or
 - (b) limit the characteristics under subsection (1) which a local government is permitted to use.
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.
- (4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.

6.36. Local government to give notice of certain rates

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.
- (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).
- (3) A notice referred to in subsection (1)
 - (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency
 - (b) is to contain
 - (i) details of each rate or minimum payment the local government intends to impose
 - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice and
 - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed and
 - (c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.
- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.
- (5) Where a local government -
 - (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a) or
 - (b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),

it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.

6.35. Minimum payment

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.
- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.

- (3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than $\frac{3}{4}$
- (a) 50% of the total number of separately rated properties in the district; or
- (b) 50% of the number of properties in each category referred to in subsection (6),
- on which a minimum payment is imposed.
- (4) A minimum payment is not to be imposed on more than the prescribed percentage of
- (a) the number of separately rated properties in the district; or
- (b) the number of properties in each category referred to in subsection (6),
- unless the general minimum does not exceed the prescribed amount.
- (5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.
- (6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories
- (a) to land rated on gross rental value;
- (b) to land rated on unimproved value; and
- (c) to each differential rating category where a differential general rate is imposed.

POLICY IMPLICATIONS

Council Policy F7 – Significant Accounting Policies

FINANCIAL IMPLICATIONS

The following table illustrates the proposed changes to rates in the dollar

	2007/08		2008/09	
	Cents in the \$	Min Rate \$	Cents in the \$	Min Rate \$
GRV - Townsites	9.8980	700.00	10.6899	750.00
GRV - Other	9.8980	700.00	10.6899	750.00
UV - Rural Agricultural 1	0.5745	750.00	0.6205	750.00
UV - Rural Agricultural 2	0.5780	750.00	0.6243	750.00
UV - Rural Living	0.7665	750.00	0.8279	750.00
UV - Mining	9.1931	750.00	9.9286	750.00
UV - Pastoral	7.5750	750.00	8.1810	750.00

The proposed Rate in the Dollar and Minimum Rate will increase rate revenue by \$349,369, based on current valuations, over and above what would be raised if no increase was imposed.

Should the Council not endorse and advertise the proposed Rate in the Dollar and Minimum Rate, the public comment process will be delayed and the dates rates can be issued will be extended past the current expected date, thus impacting on cash flows.

Rating Increases were discussed at Budget Meeting on 22 April 2008 with general support for an 8% increase.

STRATEGIC IMPLICATIONS

Key Result Area 5 – Governance
Goal 2 – Financial Management
Strategy 2

COMMUNITY CONSULTATION

The Public comment and submission process is designed to ensure consultation with the community and ratepayer base.

COMMENT

The act of advertising these rates in the dollar and minimums does not prohibit Council amending these rates or minimums at Budget Adoption following the period of public comment. The purpose of advertising is to give ratepayers the ability to comment and make a submission prior to the rates being imposed.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

1. Council endorse and arrange to be advertised for 21 days the following proposed Rate in the Dollar and Minimum Rate for 2008/09

	Cents in the \$	Min Rate \$
GRV - Townsites	10.6899	750.00
1. GRV - Other	10.6899	750.00
UV - Rural Agricultural 1	0.6205	750.00
UV - Rural Agricultural 2	0.6243	750.00
UV - Rural Living	0.8279	750.00
UV - Mining	9.9286	750.00
UV - Pastoral	8.1810	750.00

2. That the Minister for Local Government's approval be sought for the imposing of differential rates which are more than twice the lowest differential general rate, in accordance with S6.33(3) of the local Government Act, 1995 and to impose a minimum charge on UV Mining Category that results in over 50% of the differential rating category being rated a minimum rate.

COMMITTEE DECISION

Minute AC085

Moved: Cr Wright

Seconded: Cr Mills

1. Council endorse and arrange to be advertised for 21 days the following proposed Rate in the Dollar and Minimum Rate for 2008/09

	Cents in the \$	Min Rate \$
GRV -Townsites	10.6899	750.00
GRV - Other	10.6899	750.00
UV - Rural Agricultural 1	0.6205	750.00
UV - Rural Agricultural 2	0.6243	750.00
UV - Rural Living	0.8279	750.00
UV - Mining	9.9286	750.00
UV - Pastoral	8.1810	750.00

2. That the Minister for Local Government's approval be sought for the imposing of differential rates which are more than twice the lowest differential general rate, in accordance with S6.33(3) of the local Government Act, 1995 and to impose a minimum charge on UV Mining Category that results in over 50% of the differential rating category being rated a minimum rate.

Carried Unanimously: 4/0

AUDIT COMMITTEE RECOMMENDATION

1. That Council endorse and arrange to be advertised for 21 days the following proposed Rate in the Dollar and Minimum Rate for 2008/09

	Cents in the \$	Min Rate \$
GRV -Townsites	10.6899	750.00
GRV - Other	10.6899	750.00
UV - Rural Agricultural 1	0.6205	750.00
UV - Rural Agricultural 2	0.6243	750.00
UV - Rural Living	0.8279	750.00
UV - Mining	9.9286	750.00
UV - Pastoral	8.1810	750.00

2. That the Minister for Local Government's approval be sought for the imposing of differential rates which are more than twice the lowest differential general rate, in accordance with S6.33(3) of the local Government Act, 1995 and to impose a minimum charge on UV Mining Category that results in over 50% of the differential rating category being rated a minimum rate.

COUNCIL DECISION

Minute No. 8248

Moved: Cr J Moulden

Seconded: Cr J Buchanan

1. *That Council endorse and arrange to be advertised for 21 days the following proposed Rate in the Dollar and Minimum Rate for 2008/09*

	<i>Cents in the \$</i>	<i>Min Rate \$</i>
<i>GRV - Townsites</i>	<i>10.6899</i>	<i>750.00</i>
<i>GRV - Other</i>	<i>10.6899</i>	<i>750.00</i>
<i>UV - Rural Agricultural 1</i>	<i>0.6205</i>	<i>750.00</i>
<i>UV - Rural Agricultural 2</i>	<i>0.6243</i>	<i>750.00</i>
<i>UV - Rural Living</i>	<i>0.8279</i>	<i>750.00</i>
<i>UV - Mining</i>	<i>9.9286</i>	<i>750.00</i>
<i>UV - Pastoral</i>	<i>8.1810</i>	<i>750.00</i>

2. *That the Minister for Local Government's approval be sought for the imposing of differential rates which are more than twice the lowest differential general rate, in accordance with S6.33(3) of the local Government Act, 1995 and to impose a minimum charge on UV Mining Category that results in over 50% of the differential rating category being rated a minimum rate.*

Carried Unanimously 8/0

12.1.3. Budget Adoption 2007/08 – Setting of Materiality Level

DATE:	9 June 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Jo-Anne Ellis, Executive Manager Corporate Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	61.21.07

PURPOSE

To recommend to Council to rectify an error in the minutes relating to Budget Adoption 2007/08.

BACKGROUND

Local Government Act and Regulations require the Council to set the materiality level at which explanations are required for variations between Year to Date Budget and Year to Date Actual figures.

This materiality level was set as part of Budget Adoption but the minute was recorded incorrectly. It appears that the incorrect version of the agenda was used to create the minutes and this error was not picked up at the time.

Budget Agenda

RECOMMENDATION 7.1.14

That materiality level for monthly reporting be set at +/-10% and +/- \$1,000 at account level and +/-8% and +/- \$80,000 at financial statement level.

Minutes

RECOMMENDATION 7.1.15

That materiality level for monthly reporting be set at +/-10% and +/- \$1,000 at account level and +/-10% and +/- \$5,000 at financial statement level.

Recorded Council Decision

Minute No. 7821

Moved: Cr J Buchanan Seconded: Cr M Middap

That materiality level for monthly reporting be set at +/-10% and +/- \$1,000 at account level and +/-10% and +/- \$5,000 at financial statement level.

Carried by Absolute Majority 5/0

The actual decision of Council was;

That materiality level for monthly reporting be set at +/-10% and +/- \$1,000 at account level and +/-8% and +/- \$80,000 at financial statement level.

This can be verified to the hand written notes on the Agenda in the budget file and recollection of the Officers and Councillors present at the meeting.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

COMMENT

The materiality level that has been used in monthly reporting is +/- \$80,000 as this report is at financial statement level.

The error in the minutes needs to be recorded in the official records by way of a minute.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

The Audit Committee recommends to Council to note and record in the minutes of Council an error in the minutes of the Special Meeting on 31 July 2008 being

Minute No. 7821

Moved: Cr J Buchanan Seconded: Cr M Middap

That materiality level for monthly reporting be set at +/-10% and +/- \$1,000 at account level and +/-10% and +/- \$5,000 at financial statement level.

Carried by Absolute Majority 5/0

And that the correct minute should read

Minute No. 7821

Moved: Cr J Buchanan Seconded: Cr M Middap

That materiality level for monthly reporting be set at +/-10% and +/- \$1,000 at account level and +/-10% and +/- \$80,000 at financial statement level.

Carried by Absolute Majority 5/0

COMMITTEE DECISION

Minute AC086

Moved: Cr Wright
Addis

Seconded: Cr

The Audit Committee recommends to Council to note and record in the minutes of Council an error in the minutes of the Special Meeting on 31 July 2008 being

Minute No. 7821

Moved: Cr J Buchanan Seconded: Cr M Middap

That materiality level for monthly reporting be set at +/-10% and +/- \$1,000 at account level and +/-10% and +/- \$5,000 at financial statement level.

Carried by Absolute Majority 5/0

And that the correct minute should read

Minute No. 7821

Moved: Cr J Buchanan Seconded: Cr M Middap

That materiality level for monthly reporting be set at +/-10% and +/- \$1,000 at account level and +/-10% and +/- \$80,000 at financial statement level.

Carried by Absolute Majority 5/0

Carried Unanimously: 4/0

AUDIT COMMITTEE RECOMMENDATION

That Council note and record in the minutes of Council an error in the minutes of the Special Meeting on 31 July 2008 being

Minute No. 7821

Moved: Cr J Buchanan Seconded: Cr M Middap

That materiality level for monthly reporting be set at +/-10% and +/- \$1,000 at account level and +/-10% and +/- \$5,000 at financial statement level.

Carried by Absolute Majority 5/0

And that the correct minute should read;

Minute No. 7821

Moved: Cr J Buchanan Seconded: Cr M Middap

That materiality level for monthly reporting be set at +/-10% and +/- \$1,000 at account level and +/-10% and +/- \$80,000 at financial statement level.

Carried by Absolute Majority 5/0

COUNCIL DECISION

Minute No. 8249

Moved: Cr J Moulden Seconded: Cr J Parker

That Council note and record in the minutes of Council an error in the minutes of the Special Meeting on 31 July 2008 being

Minute No. 7821

Moved: Cr J Buchanan Seconded: Cr M Middap

That materiality level for monthly reporting be set at +/-10% and +/- \$1,000 at account level and +/-10% and +/- \$5,000 at financial statement level.

Carried by Absolute Majority 5/0

And that the correct minute should read;

Minute No. 7821

Moved: Cr J Buchanan Seconded: Cr M Middap

That materiality level for monthly reporting be set at +/-10% and +/- \$1,000 at account level and +/-10% and +/- \$80,000 at financial statement level.

Carried by Absolute Majority 5/0

Carried Unanimously 8/0

Mr Alex Douglas left the meeting at 6.07pm

12.1.4. Rates Incentive Prize

DATE:	9 June 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Amanda McLean, Manager Financial Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	61.22.02

PURPOSE

For the Audit Committee to provide guidance to Officer in regard to how a rates incentive prize as provided by Home Valley Station should be awarded.

BACKGROUND

During the Ord Valley Muster, Home Valley Station requested from the Shire of Wyndham East Kimberley that they be permitted to display a banner advertising their business at the East Kimberley Regional Airport. In return for this privilege they have donated a rates incentive prize for use to use in conjunction with the 08/09 rates. The prize is outlined as follows:

“HV8’s Bindoola Dreaming Experience - SWEK Locals Special, 3 nights – all inclusive, staying in a luxurious Grass Castle, all activities and tours, all meals, all beverages with dinner. Self-drive to Home Valley Station is required, special arrangements can be made for a 4WD transfer if essential. Home Valley Station is open all year except December, prize is valid for 12 months. Also, SWEK residents who register on Home Valley’s new website to receive our newsletter receive 50% off room rates, horse riding, fishing tours and a free 3 month membership when joining our all-new Clay Pigeon Target Shooting Club. Visit www.homevalley.com.au for more details and conditions. Home Valley Station, Locals Love It...! “

Officers have put some thought into how to use this rates incentive prize so that it has a benefit to the Council and also so that it can be fair and equitable and beneficial to our rate payers.

Rates notices are due to be mailed out to rate payers on the 29 August 2008. The due date will be on Monday 06 October 2008. The due date marks the end of the discount period and any payments after this date will incur late payment penalty.

Suggestions from Officers regarding rate payer eligibility for the prize and prize specifics are as follows:

- To be eligible for the prize the rate payer must pay in full with no outstandings by the 19 September. This will benefit Council as it will improve cash flow. In order to enable more of the rate payers to be able to meet this deadline officers suggest an advertising campaign in the local paper to alert ratepayers to the fact that rate notices will be issued on the 29 August and that a competition is running that will require payment by the 19 September 2008.

- Second eligibility criteria could be that payment be made by Bill Express. Bill Express is a wonderful tool from a Council perspective as it reduces cash handling and reduces demands on staffing levels to process payments. At rates time it is a current requirement that Council “free up” staff from other tasks to assist in processing rates payments. Bill Express has proven to be very reliable over recent years and is officers preferred payment method.
- Final eligibility criteria would be that the rate payer was listed on the most recent Electoral Role. We acknowledge that not all rate payers are local residents however we feel that given the nature of the prize (that it is self drive) local residents would be most suited to enjoy the prize. This is a great opportunity for Council to promote the benefits of being listed on the Electoral Role.
- Officers can draw the prize using a program with Synergy as soon as the deadline closes and the prize could be presented by Shire President on the 22 September.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Should eligibility criteria that reduces the payment date Council may see significant benefits in cash flow.

STRATEGIC IMPLICATIONS

Nil

COMMENT

Officers see many benefits to Council through the opportunity that Home Valley Station have provided to reinforces some of Council’s core needs and business. Increased cash flow and reducing demands on officers is a win-win situation for Council. A healthy municipal account enables Council to invest funds earlier in the financial year thus increase returns. Freeing up staff to complete tasks other than receipting cash and cheques is particularly crucial at this time of year with the annual audit due soon after.

Any opportunities outside of election time to encourage residents to enrol to vote are wonderful. Often during election time when most Electoral commission and Local Government Advertising is being done it is still too late for residents to enrol to vote time for the current election.

Also the opportunity to reward the citizens who live within the Shire of Wyndham East Kimberley and are active members in our community is also seen as a wonderful opportunity.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

The Audit Committee request that officers begin advertising the Rates Incentive Prize in July 2008, with eligibility criteria being:

- Must pay in full by 19 September 2008.
- Must pay using Bill Express facilities.
- Must be enrolled on the Current Electoral Role for the Shire of Wyndham East Kimberley.

The presentation of the prize to the winning resident will be made by the Shire President at a time agreed upon by both the President and the recipient.

COMMITTEE DECISION

Minute AC087

Moved: Cr Mills

Seconded: Cr Addis

The Audit Committee recommend to Council that

1. The discount on rates be given where all rates are paid within 14 days of the issue date on the rates notice.
2. A Rates Incentive Prize, donated by Home Valley Station, be included for 2008/09 with the following eligibility criteria:
 - a) All rates are paid in full by the due date,
 - b) The ratepayer(s) must be enrolled on the current Electoral Role for the Shire of Wyndham East Kimberley
3. Public notice be given with details about the change in discount terms, rates incentive prize and eligibility criteria.
4. Presentation of the prize to the winning residents will be made by the Shire President at a time agreed upon by both the President and the recipient.

Carried: 3/1

AUDIT COMMITTEE RECOMMENDATION

1. The discount on rates be given where all rates are paid within 14 days of the issue date on the rates notice.
2. A Rates Incentive Prize, donated by Home Valley Station, be included for 2008/09 with the following eligibility criteria:
 - a) All rates are paid in full by the due date,
 - b) The ratepayer(s) must be enrolled on the current Electoral Role for the Shire of Wyndham East Kimberley
3. Public notice be given with details about the change in discount terms, rates incentive prize and eligibility criteria.
4. Presentation of the prize to the winning residents will be made by the Shire President at a time agreed upon by both the President and the recipient.

COUNCIL DECISION

Minute No. 8250

Moved: Cr J Moulden

Seconded: Cr J Parker

- 1. *The discount on rates be given where all rates are paid within 14 days of the issue date on the rates notice.***
- 2. *A Rates Incentive Prize, donated by Home Valley Station, be included for 2008/09 with the following eligibility criteria:***
 - a) *All rates are paid in full by the due date,***
 - b) *The ratepayer(s) must be enrolled on the current Electoral Role for the Shire of Wyndham East Kimberley***
- 3. *Public notice be given with details about the change in discount terms, rates incentive prize and eligibility criteria.***
- 4. *Presentation of the prize to the winning residents will be made by the Shire President at a time agreed upon by both the President and the recipient.***

Carried Unanimously 8/0

Mr Bruce Connell and Mrs Terri Connell left the meeting at 6.12pm

12.1.5. Standing Item – Leases

DATE:	9 June 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Jo-Anne Ellis, Executive Manager Corporate Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	N/A

PURPOSE

For Audit Committee to receive and note the Lease Schedule.

BACKGROUND

The Shire of Wyndham East Kimberley administers over thirty five leases ranging from Airport leases, community leases and commercial leases.

In December 2007 the Audit Committee resolved:

Minute No. A066

Moved Cr Keith Wright

Seconded Cr Frederic Mills

- 1. That the Audit Committee note that the responsibility for the management of leases and periodical contracts is that of the Executive Manager Corporate Services.*
- 2. That the Audit Committee note that the Executive Manager Corporate Services monitors the leases and coordinates the lease data base and reporting to Executive Managers, the Audit Committee and Council.*
- 3. That the Audit Committee request staff to present an updated Lease Spreadsheet certified by Executive Manager Corporate Services to each Audit Committee meeting as a standing item.*

CARRIED UNANIMOUSLY 4/0

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 3.58

POLICY IMPLICATIONS

There is no formal policy in relation to leases. However the Audit Committee has directed that the Executive Manager Corporate Services is responsible for the effective management of all leases and contracts.

FINANCIAL IMPLICATIONS

Good controls over leasing practices ensures the Shire collects all revenues due in a timely manner.

STRATEGIC IMPLICATIONS

Ongoing review of the leases schedule will help ensure leases are renewed in a timely manner or the property returned back to the Shire's control.

COMMENT

The lease spreadsheet is presented to the Audit Committee as a standing item at every meeting.

ATTACHMENTS

1. Leases Schedule

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

The Audit Committee receive and note the Leases Spreadsheet.

COMMITTEE DECISION

Minute AC088

Moved: Cr Wright

Seconded: Cr Addis

1. That the Audit Committee receive and note the Leases Spreadsheet.
2. That the Audit Committee recommends the Council that a status report on Caravan Park Leases be presented to Council.

Carried Unanimously: 4/0

AUDIT COMMITTEE RECOMMENDATION

That Council requests that a status report on Caravan Park Leases be presented to Council.

COUNCIL DECISION

Minute No. 8251

Moved: Cr F Mills

Seconded: Cr J Buchanan

That Council requests that a status report on Caravan Park Leases be presented to Council.

Carried Unanimously 8/0

ATTACHMENT 1

Leases Schedule

Lease Type	Lessee	Lease Description	Lease Start Date	Lease Expiry Date	Lease Term / Option	Annual Lease Payment	Lease Payment Due	Last Invoice	Notes / Next Action Required	Resp. Officer
Commercial	Celliston Nominees Pty Ltd	Portion of Reserve No. 41812 - Foreshore & Recreation	30/5/2005	31/05/2008	3 years	\$5,100	1/01/2008		Negotiation Current	EMTP
Commercial	Kimberley Tourism Association	Kimberley Tourism House - Kununurra Lot 2446	30/12/1998	29/12/2018	20 years	\$10,000	30/12/2008	14/9/2007		EMTP
Commercial	Kimberley Land Holiday Park	Portion of Reserve No. 41812 - Foreshore & Recreation	1/6/2004	31/12/2012	10years	\$1,342	2/01/2008	31/1/2008		EMTP
Commercial	Kona Lakeside (Warraminga Pty Ltd)	Portion of Reserve No. 41812 - Foreshore & Recreation	1/6/2004	31/12/2012		\$522	1/01/2008	31/1/2008		EMTP
Commercial	Lakeside Resort (Ingle Pty Ltd)	Portion of Reserve No. 41812 - Foreshore & Recreation	1/6/2004	31/12/2012		\$1,045	4/01/2008	31/1/2008		EMTP
Commercial	Margareta Conley	Lot 181 on deposit Plan 28266	17/10/2005	17/10/2008	3 years +3	\$15,000	17/10/2007	2/10/2007	Council approved new lease. Being drawn up (need June CPI)	EMCPS
Community	Kununurra Agricultural Society	Reserve 29799 (Part Lot 77, Kununurra Townsite)	7/6/1992	30/06/2012		\$750	1/7/2008	31/8/2007		EMCMS
Community	Kununurra Child Care Centre	Lot 77 Portion on Deposit Plan P28729	17/7/2007	17/7/2012	5 years +5	\$11,550 \$962 month	monthly	31/8/2007		EMCMS
Community	Kununurra Race Club	Reserve 30290 (Part Lot 707, Kununurra Townsite)	1/7/1991	30/06/2012	21 years +1	\$110	1/7/2008	31/8/2007		EMCMS
Community	Kununurra Speedway Club	Reserve 41793, King Location 735	1/7/1992	30/06/2013	21 years	\$110			No payment since 2002 Recent contact to pay 2002 onwards .	EMCMS
Community	Kununurra Water Ski Club	Portion of Reserves No.29297 & 41812, King Locations 714 & 667 Respectively	1/7/1992	1/07/2013	21 years	\$110	1/7/2008	18/10/2006	No payment since 2006	EMCMS
Community	Lake Kununurra Golf Club Inc	Reserve No. 29167, King Locations 312, 734 & 692	1/7/1991	30/6/2012	21 years	\$110	1/7/2008	31/8/2007		EMCMS
Community	Kununurra Motor Cross Association	Portion of Reserve No. 39391, King Location 633	1/1/2006	31/12/2010	5 years + 5	\$110	1/1/2007		Need to follow up how invoiced Nothing against debtor	EMCMS
Community	Ord River Magpies Club (Sublease)	Reserve 29799 (Part Lot 77, Kununurra Townsite)	1/12/1999	30/06/2012		\$1.10			Paid to Ag Society	EMCMS
Community	Wyndham Community Club	Lot 472 Great Northern Hwy - Wyndham	1/7/2004	30/6/2025	21 years	\$1.10	1/7/2008	14/9/2007		EMCMS
Community	Wyndham Turf Club	Reserve 24857 - Wyndham	1/7/1992	30/06/2013		\$110	1/7/2008	25/1/2002		EMCMS
Airport	Air Services Australia	KNX Aerodrome: NDB & Transmitter, SGS, VOR & DME Sites	23/5/1991	1/05/2017		\$1.10	1/01/2008			EMCPS

Lease Type	Lessee	Lease Description	Lease Start Date	Lease Expiry Date	Lease Term / Option	Annual Lease Payment	Lease Payment Due	Last Invoice	Notes / Next Action Required	Resp. Officer
Airport	Avis Australia	KNX Airport Booth 4 & 6 parking bays	1/10/2004	1/10/2009	5 year	\$3,707	1/01/2008	31/1/2008		EMCPS
Airport	Barra Bar Kiosk	KNX Airport Terminal Café	1/7/2004	3/06/2007	3 year	\$6,942	monthly	31/5/2008		EMCPS
Airport	Busby Investments-Budget	KNX Airport Booth 2 & 6 parking Bays	1/11/2003	31/10/2008	5 years	\$3,380	1/01/2008	31/12/2007		EMCPS
Airport	Mobil Oil Australia	2704m2 Parcel of land situated at Kununurra Airport	1/7/1989	30/06/2010	21 years	\$2,225	1/07/2008	8/2/2008		EMCPS
Airport	Territory Renta Car - Thrifty	KNX Airport Booth 1 & 6 parking bays	1/11/2004	31/10/2009	5 years + 5	\$3,380	1/01/2008	31/12/2007		EMCPS
Airport	Tuffy's Pty Ltd - East Kimberley Hiring - Hertz	KNX Airport Booth 3 & 6 parking bays	1/4/2004	1/04/2009	5 years	\$3,380	1/04/2008	31/3/2008		EMCPS
Airport	Northern Air Services	EKRA ticketing area, back office, verandah, tarmac parking and store	1/5/2007	30/4/2010	3 + 3	\$33,935	31/4/2008	31/1/2008	Paying quarterly	EMCPS
Community	Ord Pistol Club	Portion of Reserve 31780							Lease in perpetuity?	EMCMS
Community	Wyndham Golf Club	Reserve 33685 - Wyndham							FOLDED	EMCMS
Commercial		Leisure Centre Kiosk							Recently out to tender - no tenders received.	EMCMS
Commercial		Wyndham Port Hall							Public Comment	EMCPS
Community	East Kimberley Pistol Club	Reserve Number 30137							FOLDED	EMCMS
Community	Kununurra Historical Society	KNX Lot 2436 Reserve 27591	1/6/ 1998	31/5/2008	10 Year	\$1.00			No Signed copy of lease on File. Expiring end of May 2008	EMCMS

12.1.6. Standing Item - Debts Currently in Legal Process

DATE:	9 June 2008
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Gill Old, Acting Manager Financial Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	60.14.02

PURPOSE

To present an update regarding debts currently in legal process.

BACKGROUND

At the Ordinary Council Meeting, 16 October 2007, Council moved the following resolution:

Minute No. 7936

That Council direct the CEO to provide a written report to Council under confidential cover each month in regard to all debts currently in legal process.

Carried Unanimously 5/0

At the Ordinary Council Meeting, 18 March 2008, Council moved the following resolution:

Minute No: 8148

Moved: Cr J Parker Seconded: Cr F Mills

That Council:

- 1. note the confidential report provided to it in relation to debts owed to Council and under legal action.*
- 2. direct the Executive Manager Corporate Services to provide a written report to the Audit Committee under confidential cover at each Audit Committee meeting in regard to all debts currently in legal process.*
- 3. request the Audit Committee to make recommendations to Council as required and appropriate in relation to the report provided under confidential cover regarding debts currently in legal process.*
- 4. resolve that this requirement replaces the previous requirement on the CEO to report information to Council.*

Carried Unanimously 8/0

This report is therefore presented.

STATUTORY IMPLICATIONS

This item in a Council Meeting needs to be discussed behind closed doors under Section 5.23. (2) (e) (iii) of the Local Government Act 1995 because the item may disclose information about the business, professional, commercial or financial affairs of a person and because the item also contained legal advice to the Council.

As the Audit Committee has no delegated powers it does not need to open to the public and therefore the provisions of Section 5.23 are not relevant.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Legal fees may be incurred to recover debts or revenue written off if debt recovery is considered not economically viable.

STRATEGIC IMPLICATIONS

The costs associated with legal fees to recover debt need to be weighed up against the debt to ensure and economically viable action is being taken.

COMMUNITY CONSULTATION

Nil

COMMENT

Sundry debts in legal action:

1. There are currently no sundry debts under legal action.

Rates debts in legal action:

2. Details were provided to the Audit Committee along with legal advice. This has not been included in the Council Agenda as this information relates to the affairs of a person.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Audit Committee note the confidential report provided to it in relation to debts owed to Council and under legal action, and supports provision of instructions to Machlins Lawyers to proceed with the matter.

COMMITTEE DECISION

Minute AC090

Moved: Cr Addis

Seconded: Cr Wright

That the Audit Committee recommends to Council that;

1. Officers write to the Australian Securities and Investment Commission to express concerns relating to the debts of the now deregistered company requesting further details in relation to any assets of the deregistered company.
2. Legal action not to be proceeded at this stage until advice is received from the Australian Securities and Investment Commission.

Carried Unanimously: 4/0

AUDIT COMMITTEE RECOMMENDATION

1. That officers write to the Australian Securities and Investment Commission to express concerns relating to the debts of the now deregistered company requesting further details in relation to any assets of the deregistered company.
2. That legal action not to be proceeded at this stage until advice is received from the Australian Securities and Investment Commission.

COUNCIL DECISION

Minute No. 8252

Moved: Cr M Pucci

Seconded: Cr D Ausburn

That Council defer this item for discussion at Item 17 – Matters Behind Closed Doors.

Carried Unanimously 8/0

12.2. AIRPORT COMMITTEE

12.2.1. Wyndham Airport Land Sales

DATE:	10 June 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Jo-Anne Ellis, Executive Manager Corporate Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	N/A

PURPOSE

To consider impact of Wyndham Airport Land Sales on Airport Reserve Fund.

BACKGROUND

On 18 December 2007 Council was presented an item in relation to Cole Avenue and subdivision of land at the Wyndham Airport.

Information provided by officers included the following:

Local Planning Strategy

The land is identified in the LPS as Airport. A modification to the LPS would be required to progress the proposed subdivision.

Town Planning Scheme No 6

The land is reserved under TPS 6 for Wyndham Aerodrome. This reservation will be required to be changed to the Rural Living zone, or a similar zone under the new Scheme.

Council resolved:

Minute No. 8002

Moved: Cr J Moulden

Seconded: Cr M Pucci

That Council:

- 1. Dedicate the constructed alignment of Cole Avenue as per the alignment shown on Attachment 1, and reserve the current gazetted alignment of Cole Avenue for drainage purposes;*
- 2. Engage consultants to undertake an Amendment to TPS 6 to modify the reservation of the subject land to the Rural Living zone;*
- 3. Engage consultants to undertake a subdivision of lots 468 and 622 Great Northern Highway in accordance with the indicative subdivision plan attached as attachment 1;*
- 4. Allocate the first \$900,000 from revenue raised from the sale of the subdivided land to the Gouldian Finch project or other future projects in Wyndham with the residual funds being deposited to the Shires Airport Reserve Fund*

5. *Modify the Local Planning Strategy to reflect the land allocation as rural residential.*

Carried Unanimously 8/0

NOTE: Council altered the wording of the recommendation point 4 such that the first \$900,000 revenue from the proposed sub division by allocated to the proposed Gouldian Finch project, with any additional revenue being allocated to Council's Airport Reserve Fund. Council believed additional revenue maybe possible and that if this eventuated it should be allocated back to assist improve aviation services to the region, given the land to be sub divided is currently part of land associated with the Wyndham Airport.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The proposal to develop this land is to fund the redevelopment from the Airport Reserve. The land is currently an asset of Airport Operations. The funds from the sale should be returned to Airport Operations in accordance with the purpose of the Airport General Reserve.

STRATEGIC IMPLICATIONS

Airport Operations requires significant funding for large infrastructure projects. While these projects are at the East Kimberley Regional Airport it is still appropriate that the funds from the sale of airport land be utilised for airports. In the future Council will need to make decisions in relation to resealing the Wyndham Airport landing strip funds will be needed for this from the Airport Reserve..

COMMENT

Council operates Airport Operations like a separate business unit with the Airports Reserve acting as a "float" for transferring the profit or loss on operations of the Airports. (as per purpose of Airport General Reserve).

The Wyndham Airport operations draw from this reserve annually because it runs at a loss. In the 2008/09 budget an operating loss of \$220,000 was estimated. This draw on Airport Reserve funds will continue into the future for as long as the Wyndham Airport is operational unless the operations and activity at the airport changes significantly.

Although not used in airport operations the land is part of the Wyndham Airport. The funds to develop the land to a saleable state are to be drawn from the Airport Reserve Fund.

It is this officers opinion that the funds from sale of Airport assets should be retained in the Airport Reserve.

The Gouldian Finch project has evolved from the time the Council decision was made to allocate the funds to this project and it may be that Council funds are no longer required to ensure this project proceeds for the benefit of Wyndham and the region.

ATTACHMENTS

1. Attachment 1 from Minute No 8002 of 18 December 2007.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION 1.

That the Airport Committee recommends to Council to rescind Minute No. 8002

That Council:

1. Dedicate the constructed alignment of Cole Avenue as per the alignment shown on Attachment 1, and reserve the current gazetted alignment of Cole Avenue for drainage purposes;
2. Engage consultants to undertake an Amendment to TPS 6 to modify the reservation of the subject land to the Rural Living zone;
3. Engage consultants to undertake a subdivision of lots 468 and 622 Great Northern Highway in accordance with the indicative subdivision plan attached as attachment 1;
4. Allocate the first \$900,000 from revenue raised from the sale of the subdivided land to the Gouldian Finch project or other future projects in Wyndham with the residual funds being deposited to the Shires Airport Reserve Fund
5. Modify the Local Planning Strategy to reflect the land allocation as rural residential.

OFFICER RECOMMENDATION 2.

That the Airport Committee Recommend that Council;

1. Dedicate the constructed alignment of Cole Avenue as per the alignment shown on Attachment 1, and reserve the current gazetted alignment of Cole Avenue for drainage purposes;
2. Engage consultants to undertake an Amendment to TPS 6 to modify the reservation of the subject land to the Rural Living zone;
3. Engage consultants to undertake a subdivision of lots 468 and 622 Great Northern Highway in accordance with the indicative subdivision plan attached as attachment 1;
4. Budget for all costs relating to the subdivision to be funded from the Shires Airport General Reserve Fund.
5. Return all profits to the Shires Airport General Reserve Fund.

6. Modify the Local Planning Strategy to reflect the land allocation as rural residential.
- 7.

COMMITTEE DECISION

Minute No: AP 017

Moved: Cr Buchanan

Seconded: Cr Caley

The Airport Committee recommends to Council

A. to rescind Minute No. 8002

That Council:

1. Dedicate the constructed alignment of Cole Avenue as per the alignment shown on Attachment 1, and reserve the current gazetted alignment of Cole Avenue for drainage purposes;
2. Engage consultants to undertake an Amendment to TPS 6 to modify the reservation of the subject land to the Rural Living zone;
3. Engage consultants to undertake a subdivision of lots 468 and 622 Great Northern Highway in accordance with the indicative subdivision plan attached as attachment 1;
4. Allocate the first \$900,000 from revenue raised from the sale of the subdivided land to the Gouldian Finch project or other future projects in Wyndham with the residual funds being deposited to the Shires Airport Reserve Fund
5. Modify the Local Planning Strategy to reflect the land allocation as rural residential.

B. That the Council

1. Dedicate the constructed alignment of Cole Avenue as per the alignment shown on Attachment 1, and reserve the current gazetted alignment of Cole Avenue for drainage purposes;
2. Engage consultants to undertake an Amendment to TPS 6 to modify the reservation of the subject land to the Rural Living zone;
3. Engage consultants to undertake a subdivision of lots 468 and 622 Great Northern Highway in accordance with the indicative subdivision plan attached as attachment 1;
4. Budget for all costs relating to the subdivision to be funded from the Shires Airport General Reserve Fund.
5. Return all profits to the Shires Airport General Reserve Fund.
6. Modify the Local Planning Strategy to reflect the land allocation as rural residential.

Carried Unanimously: 3/0

VOTING REQUIREMENTS

Absolute Majority for Recommendation 1

AIRPORT COMMITTEE RECOMMENDATION 1

The Council rescind Minute No. 8002

That Council:

1. Dedicate the constructed alignment of Cole Avenue as per the alignment shown on Attachment 1, and reserve the current gazetted alignment of Cole Avenue for drainage purposes;
2. Engage consultants to undertake an Amendment to TPS 6 to modify the reservation of the subject land to the Rural Living zone;
3. Engage consultants to undertake a subdivision of lots 468 and 622 Great Northern Highway in accordance with the indicative subdivision plan attached as attachment 1;
4. Allocate the first \$900,000 from revenue raised from the sale of the subdivided land to the Gouldian Finch project or other future projects in Wyndham with the residual funds being deposited to the Shires Airport Reserve Fund
5. Modify the Local Planning Strategy to reflect the land allocation as rural residential.

AIRPORT COMMITTEE RECOMMENDATION 2

The Council:

1. Dedicate the constructed alignment of Cole Avenue as per the alignment shown on Attachment 1, and reserve the current gazetted alignment of Cole Avenue for drainage purposes;
2. Engage consultants to undertake an Amendment to TPS 6 to modify the reservation of the subject land to the Rural Living zone;
3. Engage consultants to undertake a subdivision of lots 468 and 622 Great Northern Highway in accordance with the indicative subdivision plan attached as attachment 1;
4. Budget for all costs relating to the subdivision to be funded from the Shires Airport General Reserve Fund.
5. Return all profits to the Shires Airport General Reserve Fund.
6. Modify the Local Planning Strategy to reflect the land allocation as rural residential.

COUNCIL DECISION

Minute No. 8253

Moved: Cr P Caley

Seconded: Cr F Mills

Supported: Cr J Buchanan

That Council rescind Minute No. 8002;

That Council:

1. *Dedicate the constructed alignment of Cole Avenue as per the alignment shown on Attachment 1, and reserve the current gazetted alignment of Cole Avenue for drainage purposes;*
2. *Engage consultants to undertake an Amendment to TPS 6 to modify the reservation of the subject land to the Rural Living zone;*
3. *Engage consultants to undertake a subdivision of lots 468 and 622 Great Northern Highway in accordance with the indicative subdivision plan attached as attachment 1;*
4. *Allocate the first \$900,000 from revenue raised from the sale of the subdivided land to the Gouldian Finch project or other future projects in Wyndham with the residual funds being deposited to the Shires Airport Reserve Fund*
5. *Modify the Local Planning Strategy to reflect the land allocation as rural residential.*

Carried 7/1

Note: Support from 3 Councillors is required for rescinding of a Minute.

COUNCIL DECISION

Minute No. 8254

Moved: Cr F Mills

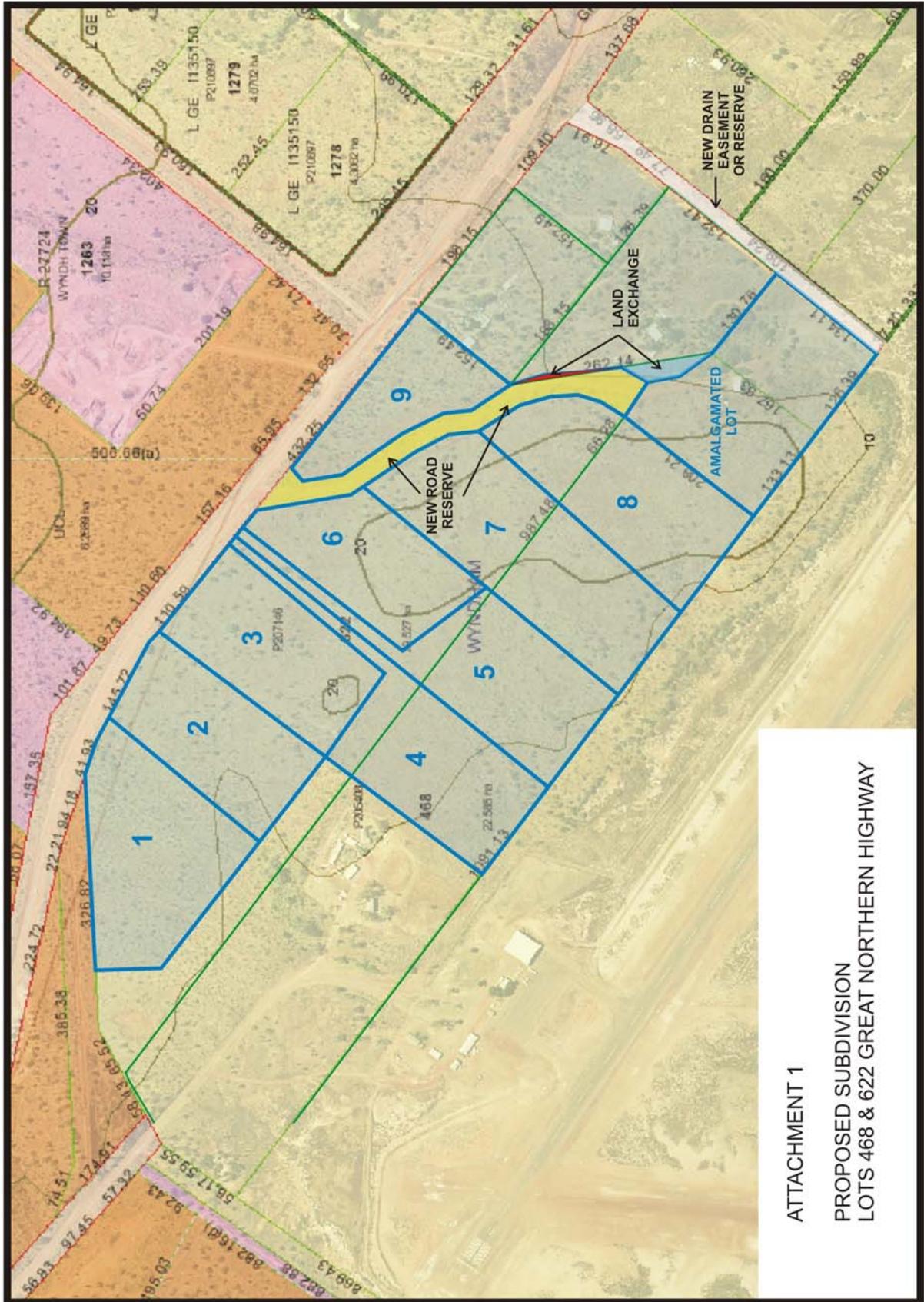
Seconded: Cr J Buchanan

That Council

1. *Dedicate the constructed alignment of Cole Avenue as per the alignment shown on Attachment 1, and reserve the current gazetted alignment of Cole Avenue for drainage purposes;*
2. *Engage consultants to undertake an Amendment to TPS 6 to modify the reservation of the subject land to the Rural Living zone;*
3. *Engage consultants to undertake a subdivision of lots 468 and 622 Great Northern Highway in accordance with the indicative subdivision plan attached as attachment 1;*
4. *Budget for all costs relating to the subdivision to be funded from the Shires Airport General Reserve Fund.*
5. *Return all profits to the Shires Airport General Reserve Fund.*
6. *Modify the Local Planning Strategy to reflect the land allocation as rural residential.*

Carried Unanimously 8/0

ATTACHMENT 1



ATTACHMENT 1
PROPOSED SUBDIVISION
LOTS 468 & 622 GREAT NORTHERN HIGHWAY

12.2.2. Wyndham Airport Infrastructure – Tender 20 07/08

DATE:	10 June 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Jo-Anne Ellis, Executive Manager Corporate Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	N/A

PURPOSE

To make recommendation to Council to dispose of Wyndham Airport Infrastructure under Tender 20 07/08

BACKGROUND

At the Ordinary Council Meeting on 17 July 2007 Council passed the following resolution:

Minute No. 7799

Moved: Cr K. Wright

Seconded: Cr R. Devenish-Mearns

That Council publicly invite tenders from aviation companies for a fixed term five year lease of infrastructure comprising aircraft hangar, office and shed at Council's Wyndham Airport, with the following tender assessment criteria:

- *90% price*
- *10% community benefit*

Carried Unanimously 7/0

Tenders were advertised in the West Australian newspaper on Saturday 21 July 2007 and the Kimberley Echo on Thursday 26 July 2007.

Tenders closed on Monday 6 August 2007 and were opened, with no members of the public present.

Only one tender was received by and it was considered that the market had not adequately been tested and that disposing of this property by lease for a period of five years may not be advantageous to Council in the long term without further testing of the market.

Consequently at a Special Meeting of Council on 18 August 2007 the following was resolved:

Minute No. 7829

Moved: Cr K Wright

Seconded: Cr R Devenish-Meaures

That Council:

1. Does not dispose of the Infrastructure at Wyndham Airport by lease at this time.
2. Requests Officers to bring to a briefing session details and cost estimates of the maintenance/improvements required to the infrastructure at Wyndham Airport.
3. Requests Officers to bring to a briefing session an action plan to encourage more interest in leasing the Infrastructure at the Wyndham Airport.

Carried Unanimously 7/0

At the Ordinary Council Meeting on 18 March 2008 Council resolved to reissue the tender.

Minute No: 8111

Moved: Cr P Caley

Seconded: Cr J Moulden

That Council publicly invite tenders from aviation companies for a fixed term five year lease of infrastructure comprising aircraft hangar, office and shed at Council's Wyndham Airport, with the following tender assessment criteria:

- 90% price
- 10% community benefit

Carried 7/1

STATUTORY IMPLICATIONS

Section 3.58 of the Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The lease of Infrastructure at Wyndham Airport will offset some of the loss incurred in maintaining and running this facility.

Leasing the infrastructure will require some maintenance to the infrastructure to ensure it is of a suitable standard. This has not been costed in detail but is estimated at \$20,000 - \$30,000.

STRATEGIC IMPLICATIONS

Creation of expanded or new business opportunities in the region by leasing infrastructure.

COMMENT

The tender was advertised in the Kimberley Echo on 3 April 2008 with a closing date of 5 May 2008. There was limited call for tender documentation so a further ad was placed in the WA Business News on April 24 2008 and Kimberley Echo on 8 May 2008 with an extended deadline of 19 May 2008. All persons who had requested tender documentation were notified of the extension of the deadline. The Airports Manager also distributed the ad from the WA Business News to all local stakeholders.

Two tenders were received one from Shoal Air and the other from Broome Aviation T/A Northwest Regional Airlines.

The tender that is considered the most advantageous to Council is the tender submission from Broome Aviation T/A Northwest Regional Airlines with a tendered price of \$33,000 incl GST plus annual CPI increase.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Airport Committee recommends to Council to dispose of Infrastructure at Wyndham Airport consisting of aircraft hangar, office and shed by entering into a lease for a period of five years with Broome Aviation T/A Northwest Regional Airlines. The lease fee will be the tendered amount of \$33,000 per annum (including GST) plus annual CPI increase.

COMMITTEE DECISION

Minute No: AP 019

Moved: Cr Caley

Seconded: Cr Buchanan

That the Airport Committee recommends to Council to dispose of Infrastructure at Wyndham Airport consisting of aircraft hangar, office and shed by entering into a lease for a period of five years with Broome Aviation T/A Northwest Regional Airlines. The lease fee will be the tendered amount of \$33,000 per annum (including GST) plus annual CPI increase.

Carried Unanimously: 3/0

AIRPORT COMMITTEE RECOMMENDATION

That Council disposes of Infrastructure at Wyndham Airport consisting of aircraft hangar, office and shed by entering into a lease for a period of five years with Broome Aviation T/A Northwest Regional Airlines. The lease fee will be the tendered amount of \$33,000 per annum (including GST) plus annual CPI increase.

COUNCIL DECISION

Minute No. 8255

Moved: Cr J Moulden

Seconded: Cr P Caley

That Council disposes of Infrastructure at Wyndham Airport consisting of aircraft hangar, office and shed by entering into a lease for a period of five years with Broome Aviation T/A Northwest Regional Airlines. The lease fee will be the tendered amount of \$33,000 per annum (including GST) plus annual CPI increase.

Carried Unanimously 8/0

12.2.3. Auction of Vacant Land at East Kimberley Regional Airport

DATE:	10 June 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

PURPOSE

For the committee to consider a date to hold the auction and to choose from the submissions, an agent to hold the auction.

BACKGROUND

Minute No: AP 010

Moved: Cr Paul Caley

Seconded: Cr Keith Wright

That the Airport Committee recommends to Council that in relation to the disposal by public auction of vacant lots 307 and 313 at the East Kimberley Regional Airport that the Chief Executive Officer and Chairperson of the Airport Committee sets the reserve on the day of the auction

Carried Unanimously: 4/0

Three local agents, Elders, East Kimberley Real Estate and Kimberley First National Real Estate were invited to submit proposals to hold the Auction.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 3.58

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Funds raised from the sale of airport land is returned to the Airport Reserve account for further enhancement of aviation related infrastructure services to the region. Council should seek to maximise the return for the land being sold but needs to be mindful of the amount people are prepared to pay and ensure the commissions involved do not erode the profit substantially.

STRATEGIC IMPLICATIONS

The East Kimberley Regional Airport is the only airport providing jet services to the region. As such, it is a strategic asset in the region. Continued development of the airport and related businesses is considered to be strategically important.

COMMENT

Auction proposals have been received from East Kimberley Real Estate, Elders and Kimberley First National Real Estate.

Timeframe

They all propose a 4 to 6 week promotional and marketing campaign with 1 to 2 weeks lead in time.

Marketing Strategy

All agents have an excellent clientele base with Elders and Kimberley First National Real Estate having access to more extensive national databases.

Each agent proposes campaigns that would include Local and State press media advertising, with two to three adverts per week over the campaign period, along with advertising on a multitude of real estate websites, sale boards and window cards would all ensure a wide spread marketing campaign. All agents are able to tailor there campaigns to our requirements. The Shire of Wyndham East Kimberley is liable for all advertising costs.

Auctioneer

Elders and East Kimberley Real Estate both offer professional auctioneers services from Perth to ensure maximum potential, with the Shire paying for their airfares. Kimberley First National Real Estate's local auctioneer Brad Williams would conduct the auction on their behalf.

The submission details were provided at committee but include commercial details and were removed from the Council Agenda.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council appoint Kimberley First National Real Estate to market the disposal by public auction of vacant Lots 307 and 313 at East Kimberley Regional Airport and to conduct the auction. That the auction date be set in consultation between Kimberley First National Real Estate and the Airport Operations Officer with Saturday 16 August 2008 being suggested as an appropriate date.

COMMITTEE DECISION

Minute No: AP 020

Moved: Cr Buchanan

Seconded: Cr Caley

That Council appoint Kimberley First National Real Estate to market the disposal by public auction of vacant lots 307 and 313 at East Kimberley Regional Airport and to conduct the auction. That the auction date be set in consultation between Kimberley First National Real Estate and the Airport Operations Officer with Saturday 16 August 2008 being suggested as an appropriate date.

Carried Unanimously: 3/0

AIRPORT COMMITTEE RECOMMENDATION

1. That Council appoint Kimberley First National Real Estate to market the disposal by public auction of vacant lots 307 and 313 at East Kimberley Regional Airport and to conduct the auction.
2. That the auction date be set in consultation between Kimberley First National Real Estate and the Airport Operations Officer with Saturday 16 August 2008 being suggested as an appropriate date.

COUNCIL DECISION

Minute No. 8256

Moved: Cr J Moulden

Seconded: Cr D Ausburn

1. ***That Council appoint Kimberley First National Real Estate to market the disposal by public auction of vacant lots 307 and 313 at East Kimberley Regional Airport and to conduct the auction.***
2. ***That the auction date be set in consultation between Kimberley First National Real Estate and the Airport Operations Officer with Saturday 16 August 2008 being suggested as an appropriate date.***

Carried Unanimously 8/0

13. REPORTS

13.1. CORPORATE SERVICES

13.1.1. Elected Members Sacrifice Arrangement

DATE:	17 June 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Gill Old, Senior Finance Officer
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	11.C.04

PURPOSE

For Council to review and adopt changes to policy MC5 – Elected Members Entitlements, and procedural documentation in relation to the Australian Taxation Office (ATO) decision regarding the sacrifice of Elected Members remuneration into a complying Superannuation Fund.

BACKGROUND

In October 2007 the Western Australian Local Government Tax Training & Support Department (TaxEd) provided advice that the ATO had released a decision on the effect of elected members entering into 'salary sacrifice arrangements'.

A summary of the new ATO position provided by TaxEd is:

- "Councillors are not common law employees". "As such a council is:
 - not required to make superannuation contributions for the benefit of councillors in accordance with the Superannuation Guarantee (Administration) Act 1992 (SGAA);
 - not required to withhold under the pay as you go withholding system from payments made to the councillors; and
 - not subject to the Fringe Benefits Tax Assessment Act 1986 in respect of benefits provided to councillors unless the councillors have made the unanimous resolution under section 446-5 of the Taxation Administration Act 1953 (TP-4) to the effect that the Council is an eligible governing body"
- "Tax consequences for councillors of contributions made by the council.
The Tax Office is of the view that councillors can enter an arrangement to effectively sacrifice amounts of their remuneration before they are taken to derive those amounts. To be effective, these sacrifice arrangements would be required to meet the same requirements as salary sacrifice arrangements for employees. This means that the councillor must agree to forego part of his or her remuneration before they have earned the entitlement to receive that amount.
If an effective sacrifice arrangement is entered into by the councillors in return for contributions made to a superannuation fund for their benefit, contributions made by the council will not be taken to have been derived by the councillors and will therefore not be assessable income of the councillors under section 6-5 of the Income Tax Assessment Act 1997 (ITAA1997).
As well, they will not be taken to be a benefit that is allowed, given or granted to the councillors and therefore will not be assessable under section 15-2 of the ITAA 1997.

The ATO notes that councillors cannot claim income tax deductions for contributions made by the council.”

- “Contribution caps.
The ATO notes that from 1 July 2007 contributions made by the council for the benefit of councillors will be subject to the concessional contributions cap of \$50,000.
For people aged 50 and over this cap will be \$100,000 between 1 July 2007 and 30 June 2012. Any contributions made in excess of this cap will be taxed at an additional 31.5%. This includes all contributions made by council for the benefit of the councillors, including any ‘sacrificed’ contributions.”
- “Treatment of contributions in a superannuation fund.
LG Super advised that they have been treating contributions made by the council for the benefit of councillors as taxable contributions to the fund. The ATO has confirmed that this is the correct treatment.”

TaxEd advise the effect of this as follows:

“Amounts paid by a local government council in the form of contributions to a complying superannuation fund that are assessable to the fund under section 295-160 of the ITAA 1997, do not represent assessable income of the councillor for the purposes of the ITAA 1997. It is now possible for elected members to enter into such agreements provided that the agreement satisfies the conditions required to make salary sacrifice agreements by employees, effective.

The effect of such an agreement is as follows:

1. The income sacrificed will not be assessable in the hands of the elected member;
2. There will be no FBT implications as the elected members are still not regarded as employees of Council;
3. The elected member is not entitled to income tax deductions in respect of the contributions;
4. This ruling does not apply to other ‘benefits’ other than superannuation. For instance, this ruling does NOT provide that an elected member can sacrifice an amount of sitting fees for the use of a car.”

On 16th October 2007, TaxEd provided an on-line seminar to which I understand all current Councillors were invited. This was attended by Cr Michelle Pucci, Cr John Buchanan, Cr Di Ausburn & Gill Old (Senior Finance Officer) covering the implications of the ATO decision. As part of this presentation a document called the Local Government Elected Members Guide to Taxation 2007 was issued. This document is available for Councillors on request and has not been included in the agenda due to the introduction and disclaimer at the beginning of the document limiting the usage and distribution of the document.

STATUTORY IMPLICATIONS

Local Government Act 1995 (Division 8, Fees, expenses, allowances)

Income Tax Assessment Act 1997 (ITAA 1997)

Superannuation Guarantee (Administration) Act 1992 (SGAA)

Fringe Benefits Tax Assessment Act 1986

POLICY IMPLICATIONS

MC5 Members of Council Elected Member Entitlements.

FINANCIAL IMPLICATIONS

Minor administrative cost to oversee approval & payment process.

STRATEGIC IMPLICATIONS

Nil

COMMENT

The Local Government Elected Members Guide to Taxation 2007 is a comprehensive document and it is recommended that it be read by Members in its entirety. The following information, where quoted, is extracted piecemeal as required.

Reference in the material is made to eligible & non-eligible local governing bodies. This is an Australian Taxation Office distinction which has implications regarding taxation. The Shire of Wyndham East Kimberly is a non-eligible governing body.

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“This resource has been created by TaxEd Pty Ltd to support Councillors carrying out duties as elected members of local government in Australia. It will also support officers of Local Government to apply correct tax treatment for payments to elected members. The information in this document does not constitute “advice” and is provided to assist the reader in drawing their own conclusions. The publisher and author disclaim any liability and responsibility to any person in respect of anything and of the consequence of anything done or omitted to be done by any person in reliance upon the contents of this publication. This document is protected intellectual property and is provided to individual purchasers. This document cannot be copied, printed or reproduced for the purpose of supplying to other individuals. Recipients have a legal and ethical obligation not to provide this document in any format to other eligible purchasers of this information. This document may be presented to professional tax advisors to support the preparation of individual tax returns, on the understanding that the tax advisor does not retain a copy of the material or apply its content to individuals other than the holder of this publication. Any enquiries or clarifications associated with this document or its permitted use should be emailed to info@taxed.com.au.”

The document explains to Members when income is considered ‘assessable’ income in terms of being subject to tax and provides examples therein.

In relation to the payments made by the Shire of Wyndham East Kimberley, these ‘assessable’ income payments are summarised as follows:

- Meeting Fees “for attending Local Government meetings”, “likewise any other payment or reward for work/services performed”.
- Allowances are a “definite, predetermined amount to cover an estimated expense”. “It is an amount contributed towards an expected expense and is made regardless” of whether the expected expense is incurred. These would include the

Telecommunications Allowance and Information Technology Allowance and Travelling Allowance (rate per KM travelled).

The Guide explains that deductions “may be allowed for certain expenses incurred by you”. “Section 8-1 of the Income Tax Assessment Act 1997 (ITAA 1997) allows a deduction for all losses and outgoing to the extent to which they are incurred in gaining or producing assessable income, except where the outgoings are of a capital, private or domestic nature”. Effectively, some deductions would be claimable against the payments made to Councillors by the Shire of Wyndham East Kimberley.

The ATO ruling is permitting Councillors to ‘sacrifice’ the remuneration they receive from the Shire of Wyndham East Kimberley to superannuation under the following rules:

“A sacrifice arrangement for superannuation must satisfy all of the following requirements to be considered ‘effective’.

- ✓ There is an agreement between the Elected member and your Local Government.
A contract, including details of remuneration and any sacrifice arrangement, between an elected member and your Local government must exist prior to work being performed or services being rendered. It is advisable that all the terms of the arrangement are clearly documented.
- ✓ The arrangement must be made before the Elected Member is entitled to payment.
The sacrifice arrangement must be entered into before the Elected Members becomes entitled to be paid. Subject to the terms of any contract and the provisions of your Local Government Act an Elected Member can renegotiate a sacrifice arrangement at any time.
- ✓ There must be no access to the sacrificed amounts.
The amount being sacrificed must be permanently foregone for the period of the arrangement. Any benefit entitlements paid in cash form part of ordinary income. This includes deposits you make into Elected members bank accounts.
- ✓ Superannuation contributions must be made to a complying superannuation fund.
A complying fund is a superannuation fund which complies with the Federal Government’s rules.”

The terms of reference for an “effective” sacrifice arrangement state the need for a contract existing “prior to work being performed or services rendered” and that the sacrifice agreement is entered into before the Member becomes “entitled” to be paid.

Section 5.98(1) of the Local Government Act states that council members who attend a council meeting or committee meeting is entitled to be paid a meeting fee. Section 5.99 allows the local government to pay this as an annual fee to members who attend council meetings or committee meetings.

Section 5.98(5) states that the President is entitled to a Local Government Allowance and Section 5.98A states that the Local Government may decide to pay a Local Government Allowance to the Deputy President

Council Policy MC5 designates that an annual allowance for Meeting Fees, Telecommunications and Information Technology be paid to elected members as per section 5.98 and 5.99A of the Act.

Current practice is that the Meeting Fees, Telecommunications and Information Technology allowance are physically paid quarterly (retrospectively) to members. These amounts are calculated pro-rata should an election have occurred and membership to Council having changed. The date used to calculate pro-rata payments is the election date.

Members are entitled to meeting fees on attendance at meetings. The practice of paying an annual allowance makes the entitlement question a little more complex. It is suggested the policy in relation to salary sacrificing states that members are entitled to the annual fee on a monthly basis for each month they are in office. Therefore to enter into a contract to salary sacrifice members fees for July the agreement would need to be signed prior to 1 July. To amend an agreement in relation to salary sacrificing members fees the contract must be dated at least in the month prior to when the change will take affect.

Travelling Expenses (rate per kilometre) is paid dependant on travelling expenses incurred attending specific meetings. The Local Government Act Administration Regulation 31 states that travelling costs are to be reimbursed for attendance at Council meetings or Council committee meetings where the councillor is a member of the committee. Travelling expenses and expenses reimbursed are not considered to be amounts that can be included in an effective salary sacrifice arrangement.

ATTACHMENTS

1. Amended Policy MC5 – Elected Members Entitlements
2. Elected Members Agreement to Sacrifice Remuneration Form.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

1. That Council adopt amended policy MC5 Elected Members Entitlements and approve the form Elected Members Agreement To Sacrifice Remuneration
2. That the Local Government Elected Members Guide to Taxation 2007 and the Elected Members Agreement to Sacrifice Remuneration Form be added to the information pack for new Councillors.

COUNCIL DECISION

Minute No. 8257

Moved: Cr R Addis

Seconded: Cr D Ausburn

1. ***That Council adopt amended policy MC5 Elected Members Entitlements and approve the form Elected Members Agreement To Sacrifice Remuneration***
2. ***That the Local Government Elected Members Guide to Taxation 2007 and the Elected Members Agreement to Sacrifice Remuneration Form be added to the information pack for new Councillors.***

Carried 7/1

NOTE: Cr J Parker requested that the votes for and against the motion be recorded.

For:	Cr M Pucci	Against: Cr J Parker
	Cr F Mills	
	Cr R Addis	
	Cr P Caley	
	Cr J Buchanan	
	Cr D Ausburn	
	Cr J Moulden	



Shire of Wyndham East Kimberley
Council Policy Manual
MC5

POLICY NO:	MC5
DIVISION:	Members of Council
SUBJECT:	Elected Member Entitlements
REPORTING OFFICER:	Chief Executive Officer
ENABLING LEGISLATION:	Local Government Act 1995

OBJECTIVE

To establish the Council’s policy in regard to expenses incurred by Councillors and other representatives in the course of representing the community in cases other than that determined by the Local Government Act 1995.

POLICY

Meeting Fees

Councillors will receive an annual allowance to cover attendance at meetings **Entitlement to the annual fee is on a monthly basis for each month the Councillor holds office.** This fee will be set as part of the annual budget each year.

The Shire President **and Deputy Shire President** will receive an additional annual allowance, which will be set as part of the annual budget each year.

Travelling Expenses

All Councillors and ~~Council appointed delegates (who are not Council Members)~~ **are entitled to** be paid the Local Government Officers’ Award rate per kilometre for all travelling expenses incurred in attending the following:

- (a) Committee Meetings; and
- (b) Committee Meeting of Council where a member of the Committee**

Councillors may be paid the Local Government Officers’ Award rate per kilometre for all travelling expenses incurred in attending the following:

- (c) Annual meeting of electors
- (d) Officially called civic receptions
- (e) Council inspection tours
- (f) Special meetings of electors
- (g) General meetings of electors
- (h) Council authorised meetings with Government agencies
- (i) Other Council called meetings of Councillors and staff
- (j) Where a Council vehicle is not available;
- (k) Official meetings as delegates of Council.

The distance is to be calculated on their normal place of abode within the District to the meeting venue. Payment is made on the production of a log in a form to be determined by the Chief Executive Officer. All claims for payment must be received no later than 15 August of the next financial year.

In the event of any dispute arising from a claim, the Chief Executive Officer shall discuss the matter with the Shire President in order to resolve the dispute.

Telecommunications

For the purposes of Section 5.98(2) (a) of the Local Government Act 1995 and Local Government (Administration) Regulation No.32 and 34A, Council will provide each elected member with an annual Telecommunications Allowance to cover all related telecommunications costs including use of modem, fax, mobile and hard wired telephone and supplies for fax machine.

Elected Member Insurance

Council will provide Personal Accident/Travel insurance for Councillors of \$200,000. This will cover Elected Members and their spouses whilst carrying out authorised business of Council or official duties.

Provision of Information Technology

Upon election to office all Councillors will be supplied with a dedicated individual council email address.

Councillors will also receive an Information Technology (IT) allowance, subject to budget considerations and regulations, which will reimburse Councillors the cost of maintaining/upgrading appropriate hardware/software facilities/applications to gain access to this dedicated Council Email address.

When Councillors utilise their dedicated Council email address, though not subject to, guidance should be sourced from the Shire's Information Technology Policy IT 1 Email Facilities, with regards to content and use of the email address.

Salary Sacrifice Elected Members Meeting Fees and Allowances

Elected members of the Shire of Wyndham East Kimberley are permitted to enter into an arrangement to effectively sacrifice amounts of their remuneration to a complying superannuation fund before they are taken to derive those amounts.

Should an elected member wish to undertake this option the following is required:

- Lodgement of an executed agreement (Elected Members Agreement To Sacrifice Remuneration) with the Shire prior to work being performed or services rendered. (ie: prior to the month in which the agreement is to take effect.)
- The amount being sacrificed must be permanently forgone for the period of the arrangement.
- A complying fund is a superannuation fund which complies with the Federal Government's rules.

Subject to consensus between both parties, an Elected Member can renegotiate the agreement at any time during their term.

It is recommended that all Elected Members read the TaxED Local Government Elected Members Guide to Taxation 2007, and consult with their tax advisor regarding personal income tax matters in relation to this arrangement.

ADOPTED: 15/08/2002
REVIEWED: 17/05/05
AMENDED: 17/05/05

ELECTED MEMBERS AGREEMENT TO SACRIFICE REMUNERATION



I..... hereby request the Shire of Wyndham East Kimberley to remit any payments owing to me during my term of office, in the form of:

Description of Payment	Please tick box for payments to be included in agreement
Meeting Fees Allowance	<input type="checkbox"/>
Local Government Allowance (Shire President and Deputy Only)	<input type="checkbox"/>
Telecommunications Allowance	<input type="checkbox"/>
Information Technology Allowance	<input type="checkbox"/>

to the following Superannuation Fund. I confirm that this fund is a complying fund under Federal requirements.

Superannuation Fund
Name: _____

Individuals Name on
Fund: _____

Account Details: _____

I have received a copy of the TaxED Local Government Elected Members Guide to Taxation 2007. _____ (please initial).

I understand it is my responsibility to obtain independent advice from a Tax Advisor regarding my personal taxation situation.

_____ (please initial).

Signature of Elected Member:.....

Date:.....

Office Use Only:
 Date received:.....
 Record number:.....
 File number:.....
 Date copy provided to Creditors Officer:.....

13.1.2. Rates Write Off – Policy F12

DATE:	17 June 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Ken Cotter, Finance Officer
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	61.23.03

PURPOSE

For Council to write off the value of \$1,014.51 in outstanding rates and penalties as required by policy F12 – Rate Collection Policy.

BACKGROUND

On 22/01/2008 Council reviewed and adopted the current F12 Rate Collection Policy.

The objective of this policy is “To establish a uniform approach to the collection of rates and to minimise Council’s outstanding rate debtors.”

This policy states “That properties with outstanding rates of \$20.00 or less be written off and this write off reported to Council”

STATUTORY IMPLICATIONS

Local Government Act 1995

- 6.12 Power to defer, grant discounts, waive or write off debts
- (1) Subject to subsection (2) and any other written law, a local government may –
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money,

which is owed to the local government.

**absolute majority required*

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

POLICY IMPLICATIONS

On 22/1/08 Council reviewed and adopted Rate Collection Policy – F12.

This Policy states:

- That properties with outstanding rates of \$20.00 or less be written off and this write off reported to Council.

- The Chief Executive Officer be given delegated authority to initiate the necessary action under this policy (with the exception of the sale, or the reverting of property back to the Shire).

FINANCIAL IMPLICATIONS

Council incurred an expense of \$989.61 as a write off (\$24.90 in ESL penalties is an expense to FESA).

STRATEGIC IMPLICATIONS

Nil

COMMENT

A report generated on 6 June 2008 indicated that there were a total of 336 properties with an outstanding balance of \$20.00 or less.

The total value of \$1,014.51 that has been written off consists of rates of \$168.96 interest of \$820.65 and ESL Penalties of \$24.90.

The highest value written off against any individual property was \$19.79

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER'S RECOMMENDATION

That Council note that a total value of \$1,014.51 has been written off in accordance with policy F12 Rate Collection Policy.

COUNCIL DECISION

Minute No. 8258

Moved: Cr D Ausburn

Seconded: Cr F Mills

That Council note that a total value of \$1,014.51 has been written off in accordance with policy F12 Rate Collection Policy.

Carried Unanimously 8/0

13.1.3. Monthly Financial Reports

DATE:	17 June 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Amanda McLean, 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 April 2008.

BACKGROUND

Council is required to adopt Monthly Financial Reports, the minimum requirement, as stated in the Local Government (Financial Management) Regulations 1996, is to prepare a "Financial Activity Statement Report". Options were put to the Audit Committee in October 2006 to determine what was to be presented to Council. At this meeting, the Committee decided to present to Council every month the following information:

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

STATUTORY IMPLICATIONS

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

34. Financial activity statement report — s. 6.4

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

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

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

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Nil

COMMENT

Nil

ATTACHMENTS

1. Rate Setting Statement as at 30 April 2008
2. Net Current Assets as at 30 April 2008
3. Explanation of Material Variances as at 30 April 2008
4. Municipal Bank Reconciliation as at 30 April 2008

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

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

COUNCIL DECISION

Minute No. 8259

Moved: Cr J Moulden

Seconded: Cr R Addis

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

Carried Unanimously 8/0

**Shire of Wyndham East Kimberley
Rate Setting Statement
As at 30 April 2008**

Operating	2007/08 Adopted Budget \$	Budget Review Projected Budget \$	YTD Budget 30 April 2008 \$	YTD Actual 2008 \$	Variance Budget less Actual \$
<i>Recurrent Revenue - Excluding Rates</i>					
Governance	85,050	89,950	67,090	70,552	(3,462)
General Purpose Funding	3,690,170	3,665,670	2,885,993	2,891,533	(5,540)
Law, Order, Public Safety	82,675	84,675	55,688	60,070	(4,382)
Health	142,600	142,600	121,422	124,608	(3,186)
Education and Welfare	686,523	1,109,023	89,712	110,107	(20,395)
Housing	825,342	71,929	60,798	58,856	1,942
Community Amenities	1,510,100	1,809,600	1,382,636	1,368,146	14,490
Recreation and Culture	442,400	428,400	321,346	334,819	(13,473)
Transport	109,000	1,092,310	109,000	134,105	(25,105)
Economic Services	141,873	292,873	174,316	231,228	(56,913)
Other Property and Services	1,561,304	1,736,904	1,688,638	1,692,725	(4,087)
Airport Operations	1,947,351	2,386,351	1,507,052	1,923,124	(416,072)
	11,224,388	12,910,285	8,463,691	8,999,874	(536,184)
<i>Recurrent Expenditure</i>					
Governance	(838,378)	(793,378)	(609,159)	(544,127)	(65,032)
General Purpose Funding	(293,776)	(261,776)	(225,774)	(178,277)	(47,497)
Law, Order, Public Safety	(372,021)	(420,021)	(295,736)	(309,108)	13,372
Health	(390,073)	(397,073)	(316,444)	(297,644)	(18,800)
Education and Welfare	(341,969)	(346,669)	(288,245)	(255,218)	(33,027)
Housing	(175,308)	(168,808)	(154,045)	(148,278)	(5,767)
Community Amenities	(2,318,871)	(2,525,871)	(1,753,343)	(1,684,057)	(69,286)
Recreation & Culture	(2,796,266)	(3,052,066)	(2,263,518)	(2,341,736)	78,218
Transport	(2,914,235)	(3,469,235)	(2,229,590)	(2,549,335)	319,745
Economic Services	(612,066)	(765,466)	(518,782)	(480,001)	(38,781)
Other Property and Services	(74,990)	(12,590)	(527,181)	(589,759)	62,579
Airport Operations	(1,780,344)	(1,930,644)	(1,381,523)	(1,354,533)	(26,990)
	(12,908,296)	(14,143,596)	(10,563,340)	(10,732,074)	168,735

**Shire of Wyndham East Kimberley
Rate Setting Statement
As at 30 April 2008**

	2007/08 Adopted Budget \$	Budget Review Projected Budget \$	YTD Budget 31 March 2008 \$	YTD Actual 31 March 2008 \$	Variance Budget less Actual \$
Capital					
<i>Sale of Assets / Land Held for Resale</i>	3,413,000	3,335,500	2,398,000	2,084,587	313,413
<i>Capital Grants/Contributions</i>	3,103,080	3,262,080	1,108,580	660,144	448,436
	6,516,080	6,597,580	3,506,580	2,744,731	761,849
Capital Expenditure (by Class)					
Land and Buildings	(1,782,400)	(1,133,400)	(901,398)	(950,157)	48,759
Infrastructure Assets - Roads	(2,974,200)	(3,211,900)	(929,000)	(881,721)	(47,279)
Infrastructure Assets - Other	(2,916,890)	(2,815,660)	(1,351,318)	(310,798)	(1,040,520)
Plant and Equipment	(944,000)	(1,102,814)	(549,830)	(612,353)	62,523
Furniture and Equipment	(95,000)	(95,000)	(92,000)	(65,247)	(26,753)
	(8,712,490)	(8,358,774)	(3,823,546)	(2,820,275)	(1,003,271)
Adjustments					
Debenture Principal Repayments	(174,039)	(174,039)	(143,946)	(142,237)	(1,709)
Proceeds from New Debentures	250,000	250,000	-	-	-
Community Loans	16,224	16,224	14,337	30,940	(16,603)
Transfers from Reserves	689,155	718,969	-	-	-
Transfers to Reserves	(1,263,289)	(2,204,289)	-	-	-
	(481,949)	(1,393,135)	(129,610)	(111,297)	(18,312)
Adjustments and Accruals					
Depreciation	2,704,800	2,704,800	2,254,000	2,028,600	225,400
Accruals	-	-	(140,604)	(140,604)	(0)
Profit/Loss on Sale of Assets	(2,964,676)	(2,928,863)	(1,688,638)	(1,688,638)	(0)
Opening Funds - (Deficit) Surplus	498,317	971,686	498,317	971,686	(473,369)
Closing Funds - (Deficit) Surplus	218,366	754,175	2,719,043	3,495,887	(776,844)
Amount Raised from Rates	4,342,193	4,394,193	4,342,193	4,243,884	98,309

Shire of Wyndham East Kimberley

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

Note 1.	Net Current Assets	YTD Actual 2007/08 \$	Brought Forward 1 July 2007 \$
	Composition of Net Current Asset Position		Audited
	Current Assets		
	Cash - Unrestricted	2,789,446	891,342
	Cash - Reserves	3,658,758	3,167,572
	Cash - Restricted Unspent Grants		
	Investments - Restricted		
	Receivables	760,560	964,261
	Inventories	10,299	13,143
	Land Held for Resale	-	-
		7,219,063	5,036,317
	<i>Less</i>		
	Current Liabilities		
	Payables	(555,605)	(897,059)
		(555,605)	(897,059)
	<i>Less</i>		
	Restricted Reserves		
	Cash	(3,167,572)	(3,167,572)
	Investments	-	-
		-	-
	Net Current Asset Position	3,495,887	971,686

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity

For the Period Ended 30 April 2008

Explanation of Material Variances

Variances +/- \$80,000

Operating

Recurrent Revenue - Excluding Rates

Airport Operations \$416,072 additional revenues

This increased income for relates to Head Tax (\$130,000), Landing Fees (\$154,000) and unbudgeted income of \$167,000 from Passenger Screening Fees. Offset by a reduction of \$44,000 in fuel sales at Wyndham Airport.

These variances were included in the Budget Review adopted by Council on 18 March 2008

Recurrent Expenditure

Transport \$317,745 additional expenditure

There is a material variance in Transport due to seasonal expenditure in the areas of Road Maintenance and Drainage Maintenance prior to the Wet Season exceeding expectations. This will result in a \$300,000 spend over original budget as per Budget Review adopted by Council on 18 March 2008.

These variances were included in the Budget Review adopted by Council on 18 March 2008

Capital

Sale of Assets / Land Held for Resale

\$313,413 less revenue

There is a material variance in Sale of Assets / Land held for resales due to the sale of the Ewin Centre not being finalised to date as estimated when budgeting. Finance has been approved for the purchaser and settlement is expected early July.

This is offset by additional unbudgeted revenues for sale of plant of \$62,500 (as per Budget Review)

Increased revenue from sale of parks of \$150,000 and Airport Land of \$120,000

These variances were included in the Budget Review adopted by Council on 18 March 2008

Capital Grants / Contributions

\$448,436 less revenue

There is material variance in Capital Grants / Contributions due to some capital grants having not been received as estimated when budgeting due to project delays

Capital Expenditure (by Class)

There are no material variances requiring explanation

Adjustments

There are no material variances requiring explanation

Adjustments and Accruals

There is a material variance in our opening surplus due to the finalisation of audited figures by audit which increase the estimated opening funds figure.

Shire of Wyndham East Kimberley

BANK RECONCILIATION

As at 30 April 2008

Balance as per Municipal Fund Bank Account (131)	860,336.87
Add	
Outstanding Cheques	11,237.63
Deposits in bank not in GL	
Trust Account Banking Banked in Error to Municipal Account Reverse May	293.75
EFT LC Banked April, Receipt in May	396.00
Less	
Outstanding Deposits	
~ Kununurra banking receipted 30/4/08 will clear May	2,356.72
~Wyn Receipting Banking - will clear in May	10.15
Visa card transactions for Dec (TP) yet to be entered - waiting receipts	1,326.70
Visa card payment 2/1/08 - transactions yet to be entered - TP waiting receipts	96.40
Interest Municipal Fund Term Entered April will clear in May	512,320.35
Bill Express Receipted April will clear in May	1,506.72
Correction Receipt posted. Will clear in May	-.01
Account 131 Adjusted total	354,647.22
Balance as per Trading Account as per bank statement	354,647.22
Variance	0.00

13.1.4. List of Accounts Paid Under Delegation 18

DATE:	9 June 2008
PROponent:	N/A
LOCATION:	N/A
AUTHOR:	Sue Dillon, Finance Officer
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	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.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

Delegation 18 – Payment of Creditors

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

5.5 Key Result Area 5 – Governance Goal 2 – Financial Management

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

COMMUNITY CONSULTATION

N/A

COMMENT

In accordance with statutory requirements and delegated authority, each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled each month

showing: the payee's name, amount of payment, date of payment and sufficient information to identify the transaction. The list is to be presented to Council at the next ordinary meeting of the Council following the preparation of the list and is to be recorded in the minutes of the meeting at which it is presented.

ATTACHMENTS

List of Accounts Paid Under Delegation 18.

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

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

Municipal cheques 038416 - 038482 (8 May to 5 June 2008)	\$193,863.20
EFT 102918 to EFT103187 (8 May to 5 June 2008))	\$832,253.55
Payroll (7 to 21 May 2008))	\$226,124.05
Direct bank debits (1 to 31 May 2008)	\$13,017.64
Total	\$1,265.258.44

COUNCIL DECISION

Minute No. 8260

Moved: Cr J Parker Seconded: Cr J Buchanan

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

<i>Municipal cheques 038416 - 038482 (8 May to 5 June 2008)</i>	<i>\$193,863.20</i>
<i>EFT 102918 to EFT103187 (8 May to 5 June 2008))</i>	<i>\$832,253.55</i>
<i>Payroll (7 to 21 May 2008))</i>	<i>\$226,124.05</i>
<i>Direct bank debits (1 to 31 May 2008)</i>	<i>\$13,017.64</i>
<i>Total</i>	<i>\$1,265.258.44</i>

Carried Unanimously 8/0

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List of Accounts Paid Under Delegation 18

List of accounts submitted to Council 17/06/2008

Chq/EFT	Date	Name	Description	AMOUNT
EFT102918	08/05/2008	ALLGEAR MOTORCYCLES	OIL, FILTERS, BLADES, REPAIRS TO BRUSHCUTTER	682.70
EFT102919		ARGYLE ENGINEERING	INSTALL ALUMINIUM PANELS TO CLIMBING WALLS	662.20
EFT102920		BOAB REFRIGERATION AND AIRCON	SUPPLY & INSTALL 2 NEW AIR CONS KNX ADMIN	8,937.50
EFT102921		BRANKO BP MOTORS	HOSE FITTINGS, OIL - TRACTOR, REPAIRS TO MOWER	422.30
EFT102922		BRENDAN JOHNS ELECTRICS	ELECTRICAL WORK INSTALL NEW AIR CONS KNX ADMIN	441.30
EFT102923		CABCHARGE	CAB CHARGES USED - MARCH 2008	117.15
EFT102924		CHEMISTRY CENTRE (WA)	REPORT ON WATER AND SOIL SAMPLES RECEIVED	660.00
EFT102925		CORPORATE EXPRESS	FURNITURE FOR NEW OFFICE	908.60
EFT102926		CROCODILE SIGNS	ARTWORK/SIGNS INT. SHELTER, STICKERS, SIGNAGE	1,550.45
EFT102927		EAST KIMBERLEY GLASS	REPAIRS TO BROKEN WINDOW - KNX AIRPORT	420.00
EFT102928		EAST KIMBERLEY HARDWARE	PALLET OF CONCRETE, TOOLS, RETIC, HARDWARE	2,344.50
EFT102929		EAST KIMBERLEY PLUMBING	REPAIR WATER COOLER - SPORTS HALL	189.20
EFT102930		FARMERS FRUIT & VEG - MART	FOOD FOR MANAGER'S BUDGET MEETING	61.50
EFT102931		FISCHER, CYNTHIA	MONTHLY CLEANING OF WYNDHAM CONVENIENCES	3,642.37
EFT102932		FRONTIER POST & NEWS	POSTAGE & STATIONERY APRIL 2008	266.90
EFT102933		GYM CARE	ECONOMY SPEEDBALL KIT	165.00
EFT102934		ICEAGE REFRIGERATION	REPAIRS TO AIR CONDITIONER - 3 EUCALYPTUS	308.00
EFT102935		JSW HOLDINGS PTY LTD	CONCRETE WYN DISABLED RAMP,DEL WATER,LANDFILL	1,938.20
EFT102936		K & M ALLCLEAN	CLEANING OF KNX FACILITIES APRIL 2008	13,374.22
EFT102937		KIMBERLEY COMMUNICATIONS	RESET TRIPLE J TRANSMITTER	55.00
EFT102938		KIMBERLEY HYDRAULICS	MANUFACTURE HYDRAULIC HOSE BACKHOE & GRADER	165.60
EFT102939		KIMBERLEY INDUSTRIES METALAND	GLOVES, SPRAY CANS, JOCKEY WHEEL, DRILL SETS	161.60
EFT102940		KIMBERLEY KOOL REFRIGERATION	REPLACE SEIZED MOTOR & REPAIR AIR CONS -KLC	1,892.00
EFT102941		KIMBERLEY METAL RECYCLERS	MANAGEMENT OF LANDFILL SITES APRIL 2008	21,103.50
EFT102942		KIMBERLEY WASTE SERVICES	CONTRACT PAYMENT FOR STREET SWEEPING	8,195.00
EFT102943		KNX CHAMBER OF COMMERCE	SPONSORSHIP FOR THE 2008 ECONOMIC FORUM	5,500.00
EFT102944		KUNUNURRA HOME HARDWARE	WATERING CAN, PLANT FOOD	105.31

EFT102945		KUNUNURRA LOCK & KEY	SUPPLY LOCKS & REPAIR BARRA BAR ROLLER DOORS	751.00
EFT102946		KUNUNURRA NEWSAGENCY	PURCHASE OF NEWSPAPERS APRIL TO JULY 2008	115.30
EFT102947		KUNUNURRA PANEL BEATING WORKS	EXCESS PAYABLE ON REPAIRS - WY11590	300.00
EFT102948		KUNUNURRA REFRIGERATION	REPLACE AIR CONDITIONER - 3B DRYANDRA ROAD	2,746.70
EFT102949		KUNUNURRA SECURITY SERVICE	REFUND OF DEPOSIT ON ASIC CARD	50.00
EFT102950		LANDGATE	LAND ENQUIRIES - MARCH 2008	128.50
EFT102951		LEISURE INST OF WA - AQUATICS	R BAIRSTOW FEES - NORTH WEST POOL SEMINAR	85.00
EFT102952		MODERN TEACHING AIDS	MATERIALS FOR WYNDHAM CHILD CARE CENTRE	181.17
EFT102953		NOMAD CONCRETING	REPLACE CONCRETE APRON AT KDHS	2,108.00
EFT102954		OFFICE NATIONAL KUNUNURRA	CREDENZA COUNCIL CHAMBERS, WORK STN, CABINET	2,793.71
EFT102955		ORD RIVER ELECTRICS	INSTAL & REPAIR XMAS LIGHTS, ELECT REPAIRS ADMIN	2,619.24
EFT102956		ORDCO	4 X 20L DRUMS OF GLYPHOSATE	1,232.00
EFT102957		ROCK	REFUND PLANNING FEE	13.00
EFT102958		ROGERS MACHINERY SERVICE	SLASHER BLADES, BOLTS, NUTS, BUSHES	75.00
EFT102959		SOUTHSIDE PAINTING SERVICE	PAINTING AIRPORT MANAGER'S HOUSE (EXTERIOR)	4,425.00
EFT102960		TNT AUSTRALIA PTY LIMITED	FREIGHT COSTS	114.29
EFT102961		TOLL EXPRESS	FREIGHT COSTS WEEK ENDING 13/04/08	1,152.53
EFT102962		TOP END MOTORS	70,000KM SERVICE - WY1	666.79
EFT102963		TOTAL DIGITAL SOLUTIONS	GRAPHICS/DESIGN PRINTING BANNER EMPLOY. EXPO	1,067.00
EFT102964		WA LOCAL GOVERNMENT ASSOC	MONTHLY ADVERTISING	2,946.90
EFT102965		WESTERN AUST. TREASURY	LOAN 116 INTEREST PAYMENT - SS LOAN	2,004.60
EFT102966	15/05/2008	ALL PARK PRODUCTS PTY LTD	SUPPLY 3 X BBQ MODEL MOD-G-04 22/04/2008	30,107.00
EFT102967		ALLGEAR MOTORCYCLES	MATERIALS FOR PLANT & EQUIPMENT IVBFB	216.85
EFT102968		AUSFUEL AFD AUSTRALIAN FUEL	FUEL PURCHASED APRIL 2008	1,204.45
EFT102969		AUSTRALIA POST	POSTAGE CHARGES APRIL 2008 - KNX	598.04
EFT102970		AUSTRALIAN COMMUNICATIONS	BROADCASTING RENEWAL	230.00
EFT102971		AUSTRALIAN TAXATION OFFICE	BAS PAYMENT APRIL 2008	56,581.00
EFT102972		AVDATA SERVICES	AVDATA BROADCAST RECORDER FOR KNX AIRPORT	1,477.27
EFT102973		BRENDAN JOHNS ELECTRICS	REPLACEMENT OF FANS IN LEISURE CENTRE GYM	806.25
EFT102974		CANNON HYGIENE AUSTRALIA P/L	KNX ADMIN - COMM SERV - SANITARY BIN 29/04/2008	211.35
EFT102975		CIVIC LEGAL	PROFESSIONAL FEES	573.36

EFT102976		CORPORATE EXPRESS	REDIFORM CONTINUOUS INVOICE PAPER	296.82
EFT102977		COUNCILLOR JANE PARKER	COUNCILLOR MEETING FEES	2,100.00
EFT102978		COUNCILLOR JOHN BUCHANAN	COUNCILLOR MEETING FEES	2,100.00
EFT102979		COUNCILLOR KEITH WRIGHT	COUNCILLOR MEETING FEES	2,100.00
EFT102980		CREDIPAC AUSTRALIA	COMMISSIONS & LEGAL FEES FOR DEBT	933.74
EFT102981		DARWIN AIRPORT RESORT	ACCOMMODATION - RICK SPRY – AAA MEETING	160.00
EFT102982		DERRICK STEENSON	REPAIR TO SLASHER AT WYNDHAM AIRPORT	187.00
EFT102983		EAST KIMBERLEY HARDWARE	FORM PLY WEABER PLAIN RD, CLEANING ITEMS	1,013.45
EFT102984		EAST KIMBERLEY PLUMBING	INSTALL PRESSURE PUMP SWIM BEACH ABLUTION	876.70
EFT102985		FRANMOR CONSTRUCTIONS PTY LTD	REPLACE WINDOW ADMINISTRATION	84.33
EFT102986		FRONTIER POST & NEWS	STATIONERY APRIL 2008	382.55
EFT102987		GUERINONI & SON	GRADER HIRE WYN F/BREAKS, SUPPLY CONCRETE	4,837.25
EFT102988		GULLIVERS TAVERN	CATERING FOR MEETING APRIL 2008	975.98
EFT102989		GYM CARE	EXCHANGE MOTOR - GYM TREADMILL 21/04/2008	1,171.01
EFT102990		IOR PETROLEUM PTY LTD	DELIVERY OF 7800L DIESEL TO SHIRE DEPOT	12,948.00
EFT102991		IT VISION ITV	RECORDS ADMINISTRATION TRAINING	1,485.00
EFT102992		JABIRU PAINTING PTY LTD	GRAFFITI REMOVER & PAINTING CHILD CARE CENTRE	385.00
EFT102993		JH COMPUTER SERVICES	INSTALLATION OF COMPUTER SOFTWARE 09/04/2008	5,846.01
EFT102994		K & M ALLCLEAN	CLEAN AFTER DISCO 21/04/2008	220.00
EFT102995		KIMBERLEY ECHO-ALBANY ADVERT	ADVERTISING IN ECHO - APRIL 2008	2,112.00
EFT102996		KIMBERLEY TREE SERVICES PTY LTD	REMOVE TREE IN FRONT OF LEISURE CENTRE	1,005.95
EFT102997		KNICKEL GARDENING SERVICES	CONTRACT PAYMENT SLASHING - MARCH 2008	9,675.00
EFT102998		KUNUNURRA DIESEL SERVICES	MAJOR SERVICE - 1BHW102	761.85
EFT102999		KUNUNURRA HOME HARDWARE	REPLACEMENT FOLDING TABLES FOR HIRE	800.00
EFT103000		KNX MOBILE WELDING SERVICE	REPAIR BROKEN FOOTBALL POST	184.80
EFT103001		KUNUNURRA SECURITY SERVICE	AIRPORT BAGGAGE AND SCREENING 26/03/08-08/04/08	12,925.00
EFT103002		LANDGATE	MINING TENEMENTS / TITLE SEARCHS	283.94
EFT103003		MCLEAN ENTERPRISES	DRUMS OF CATAMUL EMULSION	690.00
EFT103004		ORD MACHINING	SET OF BEARINGS FOR SLASHER	46.55
EFT103005		ORD RIVER ELECTRICS	REPLACE LIGHTS ADMIN, ELECT REPAIRS LEISURE CTR	678.28
EFT103006		ORDCO	GLYPHOSATE & COMET FOR FIRE BREAKS	2,662.00

EFT103007		PETER FOX	SLASHER HIRE - FIREBREAKS MULLIGANS LAGOON	1,260.00
EFT103008		R.KERR CONTRACTING	OPENING GRADE OF KALUMBURU ROAD	18,562.50
EFT103009		SEARLES MECHANICAL REPAIRS	50,000KM SERVICE- 1CU1595, AIR FILTER - PVBFB	282.00
EFT103010		STEWART & HEATON CLOTHING CO.	FIRE FIGHTING TROUSERS - FIRE BRIGADE	673.64
EFT103011		STITCHED UP EMBROIDERY SERV	STAFF UNIFORM SAMPLES	2,179.00
EFT103012		THE JAFFA ROOM / ARTISTRALIA	SCREENING OF THE BRIDGE TO TERABITHIA 11/10/07	243.10
EFT103013		THORLEY'S STORE	TRANSPORT & DELIVERY OF SHIRE BAG APRIL 2008	360.40
EFT103014		TOLL EXPRESS	FREIGHT COSTS PERIOD ENDING 20/04/08	1,191.07
EFT103015		TUCKERBOX/RETRAVISION	ADJUSTMENT OF PAYMENT - SEPTEMBER 2007	72.50
EFT103016		TYRE MARKETERS	SUPPLY & FIT 2 NEW TYRES TO WY11650	494.96
EFT103017		VANDERFIELD MACHINERY PTY LTD	NOZZLES & FITTINGS FOR FIRE CONTROL SPRAY RIG	34.71
EFT103018		WA BUSINESS NEWS	ADVERTISING - TENDER AT WYNDHAM AIRPORT	839.30
EFT103019		WA LOCAL GOVERNMENT ASSOC	CONTRIBUTION TO ADVERTISING FOR CAREERS EXPO	60.50
EFT103020		WESTRALIA AIRPORTS CORPORATION	PRINTING ASIC CARDS FOR AIRPORT STAFF	450.00
EFT103021	20/05/2008	AUSTRALIAN TAXATION OFFICE	FBT RETURN	8,190.00
EFT103022	22/05/2008	ACCOR ALL SEASONS KUNUNURRA	ACCOMMODATION - RORY MILLER - STAGECRAFT	624.00
EFT103023		ARGYLE AUTO AIR	AIR CONDITIONER REPAIRS ON TRACTOR	684.70
EFT103024		ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	41.55
EFT103025		AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	407.10
EFT103026		BERM BACKHOE HIRE	RURAL ROAD SLASHING - 37 HRS	4,884.00
EFT103027		BOAB CARPENTRY MAINTENANCE	REGLAZE WINDOW - WYNDHAM CHILD HEALTH FLAT	208.70
EFT103028		BOC GASES AUSTRALIAN LIMITED	INDUSTRIAL BOTTLE RENTAL - APRIL 08	213.16
EFT103029		BRANKO BP MOTORS	FUEL PURCHASED APRIL 2008	1,406.01
EFT103030		CARPET VINYL & TILE CENTRE	4 LITTER COLOUR BOND MIST GREEN 24/04/2008	72.27
EFT103031		CHEMISTRY CENTRE (WA)	REPORT FOR TWO WATER SAMPLES RECEIVED	231.00
EFT103032		CORPORATE EXPRESS	CREDENZA, 4 DRAWER PEDESTAL & CHAIRMAT	1,232.35
EFT103033		COURIER AUSTRALIA	FREIGHT OF CLOTHING FROM STEWART & HEATON	130.09
EFT103034		EAST KIMBERLEY HARDWARE	TUBES OF SILICON TO SEAL FINANCE WINDOWS	14.60
EFT103035		EAST KIMBERLEY PLUMBING	REMOVE BLOCKAGE AT SWIM BEACH ABLUTIONS	212.74
EFT103036		FEWSTER, KELLY	REIMBURSEMENT OF TELEPHONE SUBSIDY	30.51
EFT103037		FLAMETREE NURSERY	PLANTS FOR VERGE AT CHILD CARE CENTRE	385.00
EFT103038		FRANMOR CONSTRUCTIONS PTY LTD	INSTALL FRAMEWORK TO PLUMBING DUCT KNX ADMIN	1,553.20

EFT103039		FURNEAUX PRE CAST CONCRETE	AIRFARES,LABOUR&SUPERVISION LAKESIDE LINKPATH	4,737.25
EFT103040		GARRARDS PTY LTD	20L RESLIN AND FREIGHT	1,908.28
EFT103041		GULLIVERS TAVERN	REFRESHMENTS FOR COUNCIL MEETING	12.99
EFT103042		IOR PETROLEUM PTY LTD	DELIVERY OF 4600L DIESEL TO DEPOT	7,923.04
EFT103043		JO-ANNE ELLIS	REIMBURSEMENT OF ANNUAL TRAVEL ALLOWANCE	2,600.00
EFT103044		JSW HOLDINGS PTY LTD	HIRE OF TRUCKS TO CART SHALE TO CAVE SPRINGS	638.00
EFT103045		K & M ALLCLEAN	EXTRA CLEANING AT LEISURE CENTRE MARCH 2008	1,294.25
EFT103046		KIMBERLEY COMMUNICATIONS	REPAIRS TO DEPOT VHF BASE STATION RADIO	264.00
EFT103047		KIMBERLEY FIRST NATIONAL REAL	PAYMENT OF RENT OUTSTANDING FROM INCREASE	658.81
EFT103048		KIMBERLEY GROUP TRAINING	HOST EMPLOYEES CONTRIBUTION	185.76
EFT103049		KIMBERLEY HYDRAULICS	REPLACEMENT OF 2 HYDRAULIC HOSES - GRADER	139.65
EFT103050		KIMBERLEY INDUSTRIES METALAND	REPAIR SLASHER, MESH/BARS WEABER DRAINAGE	1,389.49
EFT103051		KIMBERLEY MARKETING	CLEAR PLASTIC CUPS FOR GYM SUPPLIES	214.10
EFT103052		KIMBERLEY METAL RECYCLERS	DISPOSAL OF ASBESTOS AND MEDICAL WASTE	943.50
EFT103053		KIMBERLEY PROPERTY VALUERS	RENTAL VALUATION OF PROPOSED AIR BP LEASE	1,100.00
EFT103054		KIMBERLEY WASTE SERVICES	WASTE SERVICES - APRIL 2008	48,630.80
EFT103055		KINGS CROWN INSTRUMENTATION	FIX FAULTY LIGHTING IN WYN CHILD CARE CENTRE	1,069.20
EFT103056		KNICKEL GARDENING SERVICES	GENERAL GARDENING MARCH 2008	40,314.81
EFT103057		KUNUNURRA COURIERS	DELIVERY OF NEVERFAIL WATER	89.00
EFT103058		KUNUNURRA DIESEL SERVICES	20,000KM SERVICE - WY12352	723.60
EFT103059		KUNUNURRA LOCK & KEY	RE-KEY LOCKS AT TOWN OVAL CHANGEROOMS	259.00
EFT103060		KUNUNURRA MAINTENANCE SERVICE	REPAVING, REMOVE TREE BRANCH AROUND POOL	412.50
EFT103061		KNX PLUMBING & GAS FITTING	LOCATE & REPAIR BURST PIPE AT YOUTH CENTRE	622.25
EFT103062		KUNUNURRA SECURITY SERVICE	AIRPORT BAGGAGE & SCREENING 09/04/08-22/04/08	13,365.00
EFT103063		KUNUNURRA TYREPOWER	REPLACE TYRE - WY001	362.00
EFT103064		KUNUNURRA VOL FIRE BRIGADE	CLEANING OF NETBALL COURTS	165.00
EFT103065		L.G.R.C.E.U	PAYROLL DEDUCTIONS	30.60
EFT103066		MAIN ROADS DEPARTMENT	VEHICLE PERMIT RENEWAL - WY11160	50.00
EFT103067		MCKINLAY, BETTY	REIMBURSEMENT OF TELEPHONE SUBSIDY PAID	37.23
EFT103068		MEGAN HUNT	WEEKLY CLEANING OF WYNDHAM SHIRE FACILITIES	3,294.50
EFT103069		NATIONAL HIRE	DAY HIRE OF CONCRETE VIBRATOR	204.69
EFT103070		OFFICE NATIONAL KUNUNURRA	COPY COUNT CHARGES APRIL 2008	1,529.56

EFT103071		ORD RIVER ELECTRICS	CHECK & REPAIR SOLAR LIGHTING - BASTION LOOKOUT	1,429.26
EFT103072		ORDCO	GLYPHOSATE & COMET 400, ROUNDUP, KEMBA PLUS	4,369.80
EFT103073		ORIA ORCHARDS	WEEKLY DELIVERY OF FLOWERS TO ADMINISTRATION	15.00
EFT103074		PLANT HIRE SERVICES PTY LTD	SUPPLY&CARTAGE P/GRAVEL MTCE PACKSADDLE RD	40,942.00
EFT103075		PRITCHARD BOOK BINDERS	BINDING OF COUNCIL MINUTES - 6 BOOKS	308.00
EFT103076		RAECO INTERNATIONAL P/L	SHELF LABELS FOR LIBRARY	377.55
EFT103077		RED SUN SPORTS	PRIZES FOR TRIATHLON	418.40
EFT103078		ROYAL LIFE SAVING (WA BRANCH)	LIFEGUARD SHIRTS, SIGNS, AIRWAY COMPLETE PACK	990.00
EFT103079		SEARLES MECHANICAL REPAIRS	SERVICE TO IVBFB FAST ATTACK VEHICLE & PUMP	643.10
EFT103080		SHELF SUPPLY	DOG FOOD FOR POUND	43.00
EFT103081		SWEK	PAYROLL DEDUCTIONS	290.00
EFT103082		STITCHED UP EMBROIDERY SERV	INITIAL STAFF UNIFORM SAMPLE	1,274.00
EFT103083		SYLEX ERGONOMICS	TABLE SECTIONS FOR WYNDHAM FURNITURE	2,956.80
EFT103084		THORLEY'S STORE	MONTHLY TRANSPORTATION OF BAG WYN TO KNX	387.00
EFT103085		TOLL EXPRESS	FREIGHT COSTS FOR WEEK ENDING 30/04/08	1,746.68
EFT103086		TONY'S PLUMBING & EXCAVATION	MTCE WORKS WYN PORT/CEMETERY/ 67 KOOJARRA ST	891.55
EFT103087		TOTAL EDEN - KP PUMPS	POOL LEAF SCOOP 29/04/2008	39.49
EFT103088		TRAVELWORLD KUNUNURRA	AIRFARES J MORTENSEN & D JONES,K SEARLE - TRAINING	3,431.45
EFT103089		TRIPP, KATYA MARIE	REIMBURSEMENT OF ELECTRICITY SUBSIDY PAID	246.68
EFT103090		TROPICAL PEST CONTROL	TERMITE TREATMENT TREES WYN LEISURE CENTRE	528.00
EFT103091		TUCKERBOX/RETRAVISION	PURCHASE OF GOODS, L/CENTRE PROG APRIL 2008	2,056.61
EFT103092		WA LIBRARY SUPPLIES	SECURITY STRIPS FOR LIBRARY BOOKS	720.69
EFT103093		WANNA WORK LABOUR HIRE	LABOUR HIRE FOR LINK PARK, NICHOLSON PARK	19,881.75
EFT103094		WESTRAC EQUIPMENT PTY LTD	PARTS FOR 12H GRADER	851.11
EFT103095		WYNDHAM SUPERMARKET	FOOD APRIL 2008, MEETINGS, PROGRAMS ETC	375.70
EFT103096	29/05/2008	AERODROME MANAGEMENT SERV	TRAINING COURSE, FLIGHTS, ACCOMMODATION	2,758.02
EFT103097		ALLGEAR MOTORCYCLES	WHIPPER SNIPPER CORD, REPAIR CHAINSAW, BELTS	385.00
EFT103098		ARGYLE ENGINEERING	FINISHING LINE FRAME FOR TRIATHLON	2,145.00
EFT103099		ARGYLE IRRIGATION PTY LTD	PURCHASE OF HONDA FIRE FIGHTING PUMP	950.00
EFT103100		ATTORNEY-GENERAL'S DEPARTMENT	ASIC CHECKS FOR NEW AIRPORT STAFF	420.00
EFT103101		AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	17.70

EFT103102		BAIRSTOW, RACHEL ELIZA	REIMBURSEMENT OF EXPENSES FOR AQUATIC COURSE	104.85
EFT103103		BEAUREPAIRES (KUNUNURRA)	REPLACEMENT TYRE ON IVBFB FAST ATTACK VEHICLE	549.00
EFT103104		BOAB BOOKS	BOOKS FOR LIBRARY LOCAL COLLECTION	98.85
EFT103105		BRANKO BP MOTORS	SERVICE & TEST RUN ON FOGGER	93.00
EFT103106		BROADCAST AUSTRALIA PTY LTD	POWER RECOVERY GWN AND SBS TRANSMITTERS	620.22
EFT103107		CABCHARGE	CABCHARGE FEES APRIL 2008	79.70
EFT103108		CORPORATE EXPRESS	STATIONERY ORDER MAY 2008	1,599.15
EFT103109		CROCODILE SIGNS	SIGN PLATES FOR 4WD VEHICLES	158.40
EFT103110		DOUGLAS ALEXANDER	REIMBURSEMENT OF ELECTRICITY EXPENSES	44.60
EFT103111		EAST KIMBERLEY PLUMBING	REPAIR TAP AT BASIN IN FEMALE TOILETS SWIM BEACH	110.00
EFT103112		FRANMOR CONSTRUCTIONS PTY LTD	REPAIRS TO DOORS AT LEISURE CENTRE	653.40
EFT103113		IT VISION ITV	MAPPING MODULE INSTALLATION & LICENCES	11,467.50
EFT103114		JH COMPUTER SERVICES	LEXMARK PRINTER, INCLUDES TONERS AND CORDS	2,534.07
EFT103115		KIMBERLEY COMMUNICATIONS	SUPPLY & INSTALL UHF BASE RADIO AND ANTENNA	521.00
EFT103116		KIMBERLEY INDUSTRIES METALAND	BLACK ROD FOR COMMUNITY LITTER MANAGEMENT	31.77
EFT103117		KIMBERLEY MOTORS	FUEL PURCHASED APRIL 2008	4,793.46
EFT103118		KIMBERLEY PROPERTY VALUERS	VALUATION ON LOT 2420 CASUARINA WAY	2,200.00
EFT103119		KIMBERLEY STOCK-OLIVER	SPRINKLERS, VALVE ADAPTORS FOR HWY VERGES	2,277.50
EFT103120		KIMBERLEY TREE SERVICES PTY LTD	CLEARANCE TREE PRUNING RIVERFIG/MANGO ST	1,045.00
EFT103121		KIMBERLEY WASTE SERVICES	SHIRE STREET SWEEPING APRIL 2008	11,137.50
EFT103122		KUNUNURRA HOME HARDWARE	MATERIALS FOR LEISURE CENTRE MAINTENANCE	37.67
EFT103123		KUNUNURRA PEST MANAGEMENT	ANNUAL TERMITE INSPECTION AT 3B DRYANDRA ROAD	110.00
EFT103124		KUNUNURRA SECURITY SERVICE	SECURITY SERVICES APRIL 2008	2,032.20
EFT103125		LANDGATE	RECTIFIED AERIAL IMAGERY, LAND SEARCHES	998.15
EFT103126		LENNOX HOLDINGS PTY LTD	STORY TELLER FEES SOS MUSTER CRUISE	550.00
EFT103127		MEGAN HUNT	WEEKLY CLEANING OF WYNDHAM SHIRE FACILITIES	973.50
EFT103128		MIRIMA COUNCIL, LANGUAGE	REIMBURSE DEVELOPMENT OF FISHWAYS STUDY	12,932.82
EFT103129		MT ELIZABETH STATION	ACCOMMODATION & MEALS 06/05/2008 LCDC MEETING	70.00
EFT103130		NATIONWIDE NETMAKERS PTY LTD	BALL SCREEN NET FOR LEISURE CENTRE	374.88
EFT103131		NORTHERN IT SERVICES	CABLING TO THE LEISURE CENTRE	499.00
EFT103132		OFFICE NATIONAL KUNUNURRA	PRINTER CARTRIDGE FOR COMMUNITY SERVICES	256.20

EFT103133		ORIA ORCHARDS	WEEKLY DELIVERY OF FLOWERS TO ADMINISTRATION	45.00
EFT103134		PEERLESS JAL PTY LTD	CLEANING SUPPLIES, TOILET ROLLS & HAND TOWELS	1,627.00
EFT103135		ROGERS MACHINERY SERVICE	2 SETS SLASHER BLADES	150.00
EFT103136		STUBBS, PETER	REIMBURSEMENT OF TELEPHONE EXPENSES	46.50
EFT103137		TIMO DIEDERICHSEN	REIMBURSEMENT OF REFILL GAS BOTTLE AND HOOKS	34.05
EFT103138		TNT AUSTRALIA PTY LIMITED	FREIGHT OF WATER SAMPLES TO PERTH	396.26
EFT103139		TOTAL EDEN - KP PUMPS	DAVEY VORTEX SUMP PUMP	312.84
EFT103140		TROPICAL PEST CONTROL	MOSQUITO FOGGING APRIL & MAY 2008	3,850.00
EFT103141		UHY HAINES NORTON (WA) PTY LTD	2008 FINANCIAL REPORTING MANUAL & CD	660.00
EFT103142		WA LOCAL GOVERNMENT ASSOC	ADVERTISING OF INFORMATION TECHNOLOGY TENDER	526.28
EFT103143		WESTRAC EQUIPMENT PTY LTD	REPLACEMENT SEAT PART FOR GRADER	5.24
EFT103144		WYNDHAM TOURIST INFORMATION	SUPPLY OF TOURIST INFORMATION APRIL 2008	476.66
EFT103145	05/06/2008	AERODROME MANAGEMENT SERV	AMS TRAINING COURSE FOR REPORTING OFFICER	4,840.00
EFT103146		ARGYLE MOTORS	10,000KM SERVICE - WY12646	230.75
EFT103147		AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	159.30
EFT103148		BEAUREPAIRES (KUNUNURRA)	REPLACEMENT TYRE - WY11590	274.00
EFT103149		BLACKWOODS ATKINS PTY LTD	2 BAGS OF RAGS	90.55
EFT103150		BOAB CARPENTRY MAINTENANCE	REGLAZE WINDOWS ADMIN, REPLACE DOORS AT PORT	3,298.30
EFT103151		CHEFMASTER AUSTRALIA	ORANGE LITTER BAGS	5,312.55
EFT103152		CORPORATE EXPRESS	CREDENZA, STAMP	516.30
EFT103153		FARMERS FRUIT & VEG – MART	CATERING FOR ROAD WISE MEETING	108.60
EFT103154		GAULT, JOHN DOUGLAS	PERTH ACCOMMODATION EXPENSES - TRAINING	724.30
EFT103155		GILBARCO AUSTRALIA PTY LTD	SWIVEL FOR HIGH FLOW NOZZLE - DEPOT BOWSER	160.81
EFT103156		GUERINONI & SON	MULTI WHEELED ROLLER HIRE PACKSADDLE RD MTCE	3,300.00
EFT103157		HALLMARK EDITIONS	SUBSCRIPTION TO COUNCIL MANAGER MAGAZINE	330.00
EFT103158		INSTITUTE OF PUBLIC WORKS	DIPLOMA OF PUBLIC WORKS MODULE 2 - J GAULT	660.00
EFT103159		IOR PETROLEUM PTY LTD	DELIVERY OF 5500LITRES DIESEL TO SHIRE DEPOT	10,164.00
EFT103160		IT VISION ITV	ONLINE PAYROLL TRAINING SYNERGY	990.00
EFT103161		JAB INDUSTRIES	HIRE OF EXCAVATOR LILLY CREEK	3,278.00
EFT103162		JSW HOLDINGS PTY LTD	DELIVERY OF CONCRETE LAKESIDE FOOTBRIDGE	5,883.63
EFT103163		KIMBERLEY COLLEGE OF TAFE	MS, EXCEL COURSE, CHILDREN SERVICES ENROL FEES	3,649.80

EFT103164		KIMBERLEY GROUP TRAINING	HOST EMPLOYEE CONTRIBUTIONS	371.50
EFT103165		KIMBERLEY INDUSTRIES METALAND	TRAILER FOR ENVIRONMENTAL HEALTH	12,076.42
EFT103166		KIMBERLEY METAL RECYCLERS	PAYMENT FOR MANAGEMENT OF LANDFILL SITES	21,103.50
EFT103167		KIMBERLEY WASTE SERVICES	HIRE OF STREET SWEEPER AND LITTER VAC AIRPORT	1,470.00
EFT103168		KNX BETTA ELECTRICAL & GAS	DISHWASHER - 3 EUCALYPTUS	799.00
EFT103169		KUNUNURRA DIESEL SERVICES	STROBE BEACON - WY12352	168.55
EFT103170		KUNUNURRA HOME HARDWARE	PLANTS, SEEDS, GLOVES, SPRINKLERS, TOOLBOX	380.57
EFT103171		KUNUNURRA MOBILE WELDING SERV	REPAIRS TO FENCING AT KNX LEISURE CENTRE	261.25
EFT103172		KUNUNURRA PANEL BEATING WORKS	SUPPLY & FIT WINDSCREEN - WY12646	374.00
EFT103173		KUNUNURRA SECURITY SERVICE	AIRPORT BAGGAGE & PASSENGER SCREENING	13,640.00
EFT103174		L.G.R.C.E.U	PAYROLL DEDUCTIONS	15.30
EFT103175		MCLACHLAN, SHARON	ANNUAL TRAVEL ALLOWANCE FOR 2007/2008	2,600.00
EFT103176		MIRIMA COUNCIL, LANGUAGE	CULTURAL AWARENESS COURSE	264.00
EFT103177		OCE-AUSTRALIA LIMITED	PURCHASE OF BLUE CARTRIDGES FOR HP5/800	128.59
EFT103178		OFFICE NATIONAL KUNUNURRA	CHAIR WHEELS FOR STAFF CHAIRS	10.00
EFT103179		ORIA ORCHARDS	WEEKLY DELIVERY OF FLOWERS TO ADMINISTRATION	30.00
EFT103180		PLANT HIRE SERVICES PTY LTD	HIRE OF VARIOUS MACHINERY - ROAD MAINTENANCE	86,332.40
EFT103181		ROGERS MACHINERY SERVICE	SERVICE AND REPAIRS TO RIDE ON MOWER	4,869.74
EFT103182		SWEK	PAYROLL DEDUCTIONS	245.00
EFT103183		ST JOHN AMBULANCE	CONTRIBUTION TO KNX ST JOHN EMERGENCY SERVICES	1,000.00
EFT103184		TOLL EXPRESS	FREIGHT CHARGES WEEK ENDING 11/05/08	1,565.47
EFT103185		TOP END MOTORS	SERVICES - WY11590, WY12324 & WY1	1,493.03
EFT103186		WA LOCAL GOVERNMENT SUPER	SUPERANNUATION CONTRIBUTIONS	35,788.65
EFT103187		WESTRALIA AIRPORTS CORPORATION	ASIC PRINTING	150.00
			TOTAL EFT PAYMENTS	832,253.55
Chq/EFT	Date	Name	Description	AMOUNT
38416	08/05/2008	BCITF	BCITF LEVY PAYMENT FEBRUARY TO APRIL 2008	37,395.06
38417		DEPT FOR PLANNING	ANNUAL REGISTRATION - WY7524	15.90
38418		DR GRAEME JOHNSON	PRE-EMPLOYMENT MEDICAL	140.00
38419		HORIZON POWER	ELECTRICITY SUPPLIED	26,089.55

38420		IAN MCKENNA	REFUND ON EXCESS FEES CHARGED ON BUILDING	83.00
38421		JULIE GALLAGHER	REFUND OF BOND FROM RECEIPT 357949	65.00
38422		MERCURE INN BROOME	ACCOMMODATION & MEALS - ALEX DOUGLAS	565.00
38423		PIVOTEL	MONTHLY CHARGES FOR SATELLITE PHONES	184.00
38424		T & L WESTWOOD	SLASHING OF FIREBREAKS AT CROSSING FALLS	440.00
38425		WARINGARRI ABORIGINAL CORP	REIMBURSEMENT OF BOND PAID FOR HIRE OF HALL	331.10
38426		WATER CORPORATION	WATER USAGE	5,568.75
38427		WYNDHAM EXCAVATIONS	PART PAYMENT FOR WYNDHAM BOAT RAMP	20,000.00
38428		ZURICH AUSTRALIAN INSURANCE	REFUND OF CHEQUE 15232 RECEIVED IN ERROR	500.00
38429	15/05/2008	ANDREW THOMAS TREZONA	RATES REFUND	167.12
38431		BUSBY INVEST T/A BUDGET RENT	HIRE OF VEHICLE FOR 20/02/08-18/04/08	2,155.09
38432		PETTY CASH WYNDHAM OFFICE	CONSUMABLES PURCHASED FOR WYNDHAM	189.15
38433		COUNCILLOR DI AUSBURN	COUNCILLOR MEETING FEES	2,100.00
38434		COUNCILLOR MICHELE PUCCI	COUNCILLOR MEETING FEES	5,850.00
38435		FRED MILLS	COUNCILLOR MEETING FEES	2,100.00
38436		HENDRICKSE, JUDY	DANCE LESSON HOLIDAY PROGRAM AT LEISURE CTRE	50.00
38437		HORIZON POWER	ELECTRICITY SUPPLIED	2,134.05
38438		JOHN HAMILTON MOULDEN	COUNCILLOR MEETING FEES	2,100.00
38439		PAUL CALEY	COUNCILLOR MEETING FEES	2,100.00
38440		RALPH ADDIS	COUNCILLOR MEETING FEES	2,725.00
38441		RIO TINTO EXPLORATION PTY LTD	RATES REFUND	224.03
38442		WATER CORPORATION	WATER SUPPLIED	1,042.30
38443	22/05/2008	BRANDY, PETER	PERFORMANCE FEE SOS MUSTER BOAT CRUISE	550.00
38444		BUSBY INVEST T/A BUDGET RENT	HIRE OF VEHICLE S RUSSELL TRAINING	212.41
38445		CAPRICORN EXTINGUISHER SERVICE	SERVICING OF EXTINGUISHERS AT PVBFB	279.40
38446		CASH - PETTY CASH KNX AIRPORT	REIMBURSEMENT OF PETTY CASH FOR AIRPORT	77.75
38447		CLARK RUBBER BALCATT	40 MULTIPURPOSE MATS	720.00
38448		DEPT CONSUMER & EMPLOYMENT	DANGEROUS GOODS LICENCE 2008-2011	540.00
38449		GREAT EASTERN MOTOR LODGE	ACCOMM AIRPORT CONFERENCE CR MILLS, R SPRY	1,094.90
38450		HB DISPLAYS	WALL MOUNTED BROCHURE HOLDERS KNX ADMIN	640.81
38451		HORIZON POWER	ELECTRICITY SUPPLIED	10,858.35
38452		MLC THE RETIREMENT PLAN	SUPERANNUATION CONTRIBUTIONS	331.08

38453		ORICA AUSTRALIA PTY LTD	SERVICE FEE 70KG & 920KG CYLINDER OF CHLORINE	303.93
38454		REST SUPER	SUPERANNUATION CONTRIBUTIONS	691.97
38455		RI-CON CONTRACTORS PTY LTD	REFUND OF OVERPAYMENT OF BUILDING LICENCE	18.18
38456		SHIRE OF ROEBOURNE	TRANSFER OF LONG-SERVICE LEAVE	2,819.89
38457		TELSTRA	LANDLINE TELEPHONE EXPENSES APRIL 2008	4,403.83
38458		VICSUPER	SUPERANNUATION CONTRIBUTIONS	314.67
38459		WA POLICE LEGACY (INC)	GRANT GIBB RIVER RD MOUNTAIN BIKE CHALLENGE	550.00
38460		WATTLEUP TRACTORS	CANCELLED CHEQUE	0.00
38461	29/05/2008	BISLAND LIBRARY CONSULTANTS	TECHNICAL SUPPORT 31/05/08 - 30/05/09	500.00
38462		BUSBY INVEST T/A BUDGET RENT	HIRE OF VEHICLE AIRPORT CONFERENCE CR MILLS	159.09
38463		CASH - PETTY CASH KNX DEPOT	REIMBURSEMENT OF PETTY CASH EXPENSES PAID	95.00
38464		DEPARTMENT OF TREASURY	LOST & DAMAGED BOOKS WYNDHAM LIBRARY	17.60
38465		HORIZON POWER	ELECTRICITY SUPPLIED	281.55
38466		IVANHOE VILLAGE CARAVAN RESORT	ACCOMM PROJECT MGR SOMETHING CONCRETE	10,455.00
38467		JTAGZ	SUPPLY OF 500 DOG TAGS	176.00
38468		PIVOTEL	SATELLITE PHONE CHARGES APRIL 2008	184.00
38469		RICK SPRY	REIMBURSEMENT OF TELEPHONE EXPENSES SUBSIDY	33.63
38470		STAR TRACK EXPRESS PTY LTD	FREIGHT OF SIGNS FROM PERTH FOR DEPOT	133.06
38471	05/06/2008	COMM AND PROTECTIVE SOLUTIONS	REROUTING OF DPI PHONE IN WYNDHAM SHIRE OFFICE	1,655.36
38472		DEPT FOR PLANNING	ANNUAL LICENCE FEE -1CQN641	231.40
38473		GREAT EASTERN MOTOR LODGE	ACCOMMODATION & MEALS - R BAIRSTOW	135.00
38474		HORIZON POWER	ELECTRICITY SUPPLIED	1,345.25
38475		MLC THE RETIREMENT PLAN	SUPERANNUATION CONTRIBUTIONS	165.54
38476		PIVOTEL	SATELLITE PHONES & CAR KIT PURCHASED	4,390.00
38477		REST SUPER	SUPERANNUATION CONTRIBUTIONS	372.26
38478		STATE LAW PUBLISHER	PURCHASE OF MANUALS FOR ENGINEERING	296.45
38479		VICSUPER	SUPERANNUATION CONTRIBUTIONS	157.34
38480		VOCAM PTY LTD	TRAINING VIDEO & MANUALS	792.00
38481		WATER CORPORATION	WATER SUPPLIED	726.40
38482		WYNDHAM EXCAVATIONS	PART PAYMENT WYN BOAT RAMP, ADDITIONAL ROCKS	32,840.00
			TOTAL CHEQUE PAYMENTS	193,863.20

PAYROLL				
PAYROLL	07/05/2008	FORTNIGHTLY PAYROLL		110,074.89
PAYROLL		ADDITIONAL PAYROLL		1,569.52
PAYROLL	21/05/2008	FORTNIGHTLY PAYROLL		114,479.64
			TOTAL PAYROLL PAYMENTS	226,124.05
		DIRECT DEBIT	RENT 12/33 KONKERBERRY DRIVE KUNUNURRA	1,478.13
		DIRECT DEBIT	BANK FEES	189.70
		DIRECT DEBIT	BILL EXPRESS	27.50
		DIRECT DEBIT	MERCHANT FEES	370.19
		DIRECT DEBIT	VISA PAYMENT	9,972.73
		DIRECT DEBIT	WESTNET P/L	979.39
			TOTAL DIRECT DEBIT PAYMENTS	13,017.64

13.2. DEVELOPMENT SERVICES

13.2.1. Proposed Transient Accommodation – Loc 568 Ivanhoe Road, Kununurra

DATE:	17 June 2008
PROPONENT:	Darryl & Susanne Smith
LOCATION:	Loc 568 Ivanhoe Road, Kununurra
AUTHOR:	Gary McCarney, Town Planning Officer
REPORTING OFFICER:	Keith Williams, Executive Manager Town Planning
FILE NO:	01.0136.02
ASSESSMENT NO:	A0136

PURPOSE

For Council to consider an application for planning consent for the use and development of the subject land with transient accommodation for up to 15 seasonal workers.

BACKGROUND

The proposed site is used by Ivanhoe Farms for intensive agriculture. There is a residence plus a storage shed / shop and two further large sheds located in the southern corner of the site.

The owners lodged an application in May 2008 for transient workers accommodation to house their seasonal agricultural workers.

SITE LOCATION

The subject site is located on the eastern side of Ivanhoe Road, immediately to the north of the M1 Irrigation channel. There is a drainage reserve between the site and the channel.

The land is zoned Rural Agricultural 1 and forms the southern boundary of the prime agricultural land on the east side of Ivanhoe Road.



PROPOSED LAND USE / DEVELOPMENT

The applicant is seeking approval for the development of the subject land with:

One 5 single bedroom unit

One 4 single bedroom unit

One communal amenities unit comprising kitchen/dining area, laundry and three bathroom/toilets, (one of which would have disabled access).

Three double bedroom cabins (8 metres by 3.5 metres)

The accommodation would be located in the southern corner of the lot, adjacent to the existing buildings. The three units would be covered by a gabled roofed shade structure. The separate cabins would have living and sleeping areas plus a kitchenette and bathroom/toilet. They would have a gabled roof, be fixed to the ground and have a timber decked verandah.

The location and layout of the buildings on the site are shown on Attachment 1 with the building details shown on Attachments 2 – 7.

FINANCIAL IMPLICATIONS

The Application Fee of \$400.00 has been paid.

COMMUNITY CONSULTATION

Under Town Planning Scheme No. 7 – Kununurra and Environs, transient accommodation is an AA use meaning that there are no advertising requirements. Officers do not have delegated authority to approve this AA use. Accordingly, the application is to be considered by Council.

ATTACHMENTS

1. Site plan
2. Five bedroom transient accommodation unit
3. Four bedroom transient accommodation unit
4. Kitchen & ablution unit
5. Roof / shade structure
6. Cabin plan
7. Cabin elevations

PLANNING ASSESSMENT

Strategic/Structure Plans

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

Town Planning Scheme No. 7 – Kununurra and Environs

The land is located within the Rural Agriculture 1 zone. Clause 5.17 of the town planning scheme states that the objectives of this zone are:

That the land be retained for extensive agriculture and/or horticulture. The land shall be retained in viable farm sized lots to prevent subdivision and subsequent loss of this limited resource.

The development of the land with transient accommodation complies with Scheme objectives.

Under the Scheme, transient accommodation is defined in Appendix 1 as:

Any habitable building permanently affixed to the ground by footings as required by Council and includes any caravan, transportable dwelling or any structure used for habitation for the purposes of accommodation for a period not exceeding 6 months.

The transient accommodation is intended to house seasonal workers.

CONCLUSION / COMMENT

The proposed transient accommodation would support the prime agricultural use of the site, allowing a local agricultural operator to accommodate seasonal workers. The proposal is consistent with the Town Planning Scheme.

The zoning table specifies transient accommodation to be an AA use but there is no guidance in the Scheme as to an appropriate density of transient accommodation in the Rural Agriculture 1 zone.

It is considered that the development of transient accommodation on this site to house up to 15 workers is appropriate.

It is recommended that the application be approved with the following conditions to ensure that the accommodation is used as intended:

- 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.
- The accommodation shall be limited to a maximum of 15 workers.
- 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.
- All employee parking to be contained on site at all times.
- The transportable buildings shall be fixed to the ground by footings, as directed by the Council
- The planting of a vegetation buffer between the accommodation units and Ivanhoe Road
- 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.
- Any conditions issued under delegated authority from Council's Standard Conditions list

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council grants planning consent to Darryl and Susanne Smith for the development and use of Lot 568 Ivanhoe Road,, Kununurra, for transient workers accommodation:

Subject to the following conditions:

- 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.
- The accommodation shall be limited to a maximum of 15 workers.
- 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.
- All employee parking to be contained on site at all times.
- The planting of a vegetation buffer between the accommodation units and Ivanhoe Road.
- 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.
- Any conditions issued under delegated authority from Council's Standard Conditions list

COUNCIL DECISION

Minute No. 8260

Moved: Cr J Buchanan

Seconded: Cr J Moulden

That Council grants planning consent to Darryl and Susanne Smith for the development and use of Lot 568 Ivanhoe Road,, Kununurra, for transient workers accommodation:

Subject to the following conditions:

- ***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.***
- ***The accommodation shall be limited to a maximum of 15 workers.***
- ***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.***
- ***All prospective occupants of the transient accommodation shall be notified of the need to comply with all biosecurity requirements.***
- ***All employee parking to be contained on site at all times.***
- ***The planting of a vegetation buffer between the accommodation units and Ivanhoe Road.***
- ***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.

- *Any conditions issued under delegated authority from Council's Standard Conditions list*

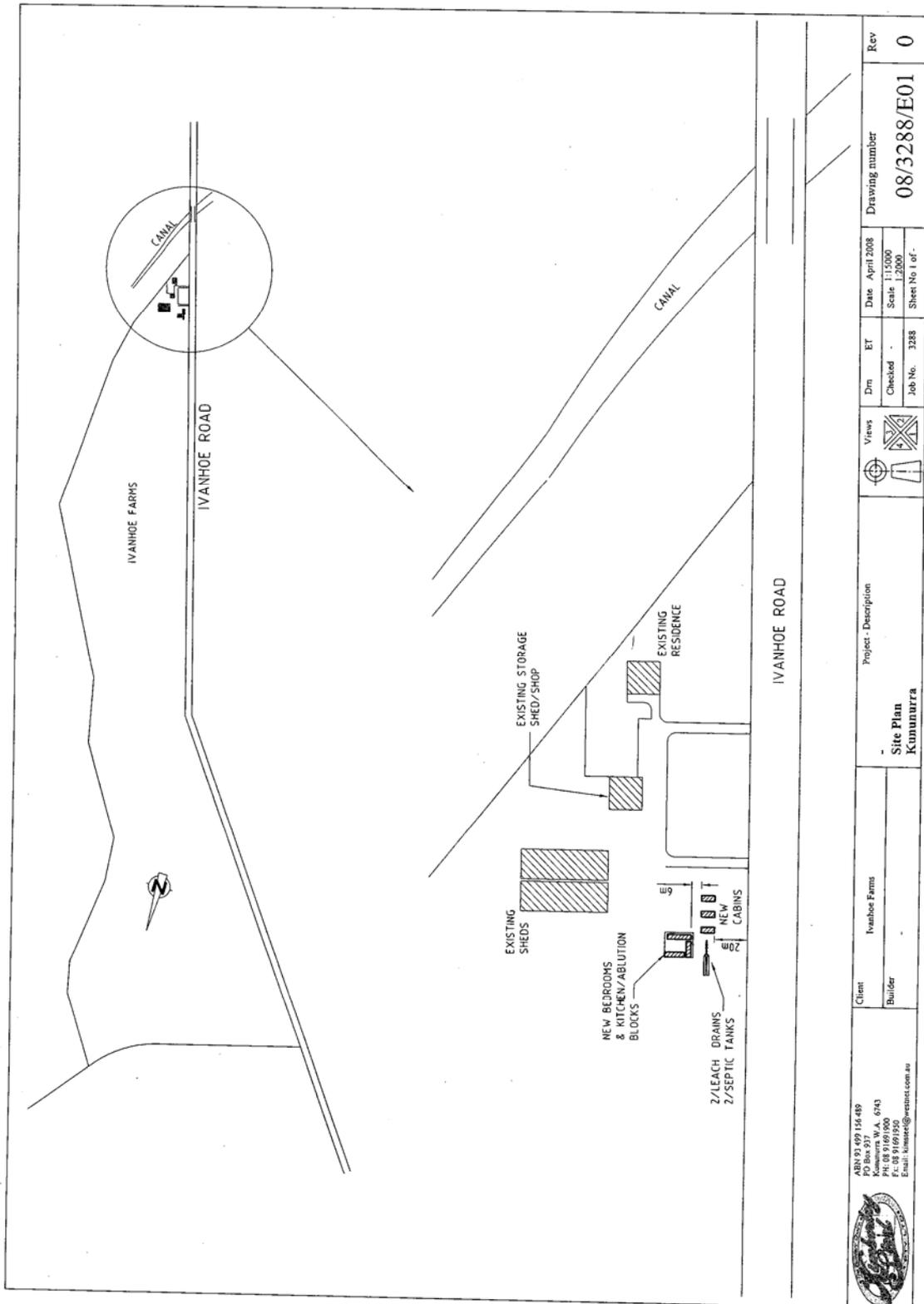
Carried Unanimously 8/0

Note: Council added the point "All prospective occupants of the transient accommodation shall be notified of the need to comply with all biosecurity requirements."

Mrs Jo-Anne Ellis left the meeting at 6.34pm

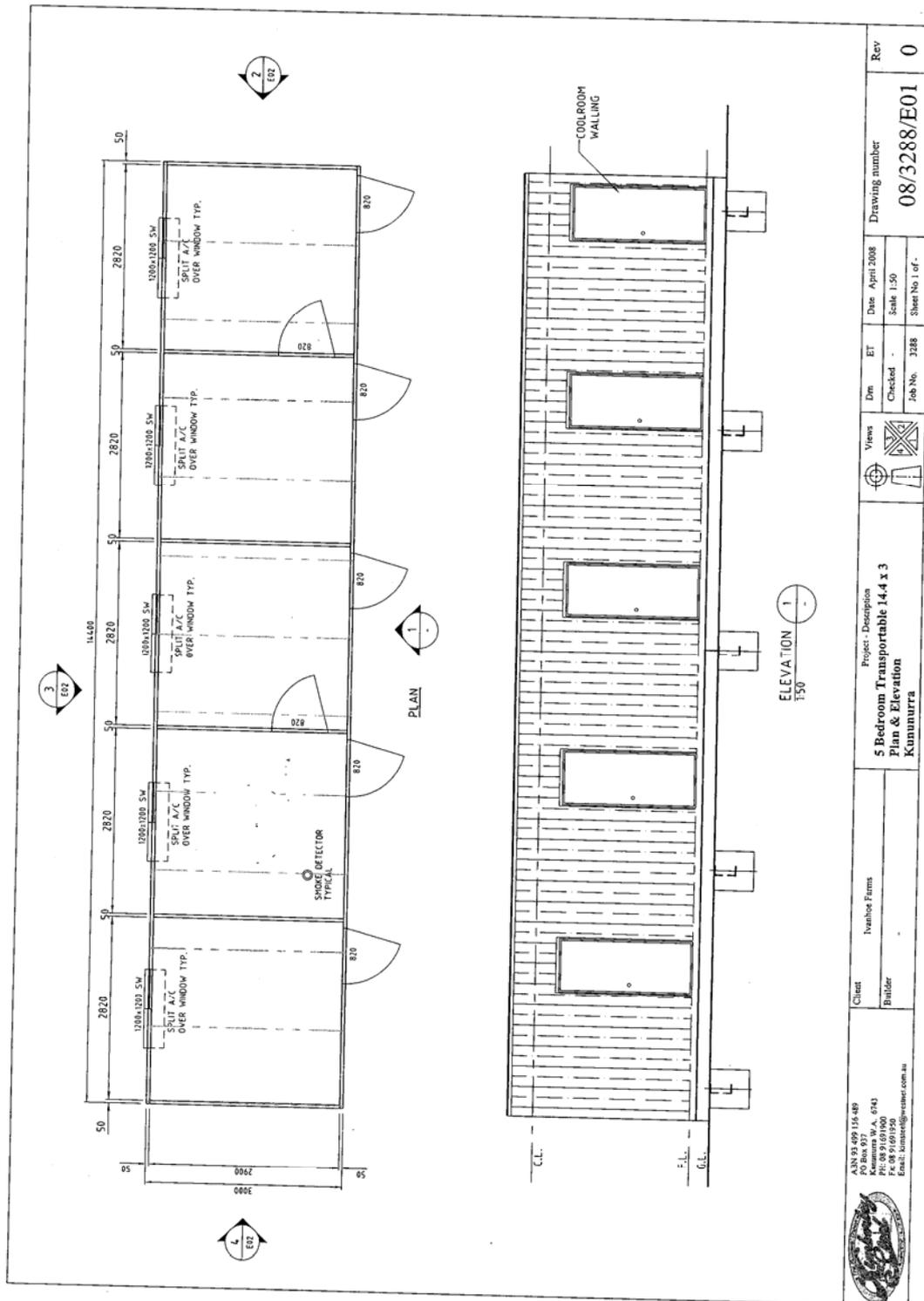
Mr Darren Spackman and Miss Katya Tripp entered the meeting at 6.37pm

ATTACHMENT 1- SITE PLAN



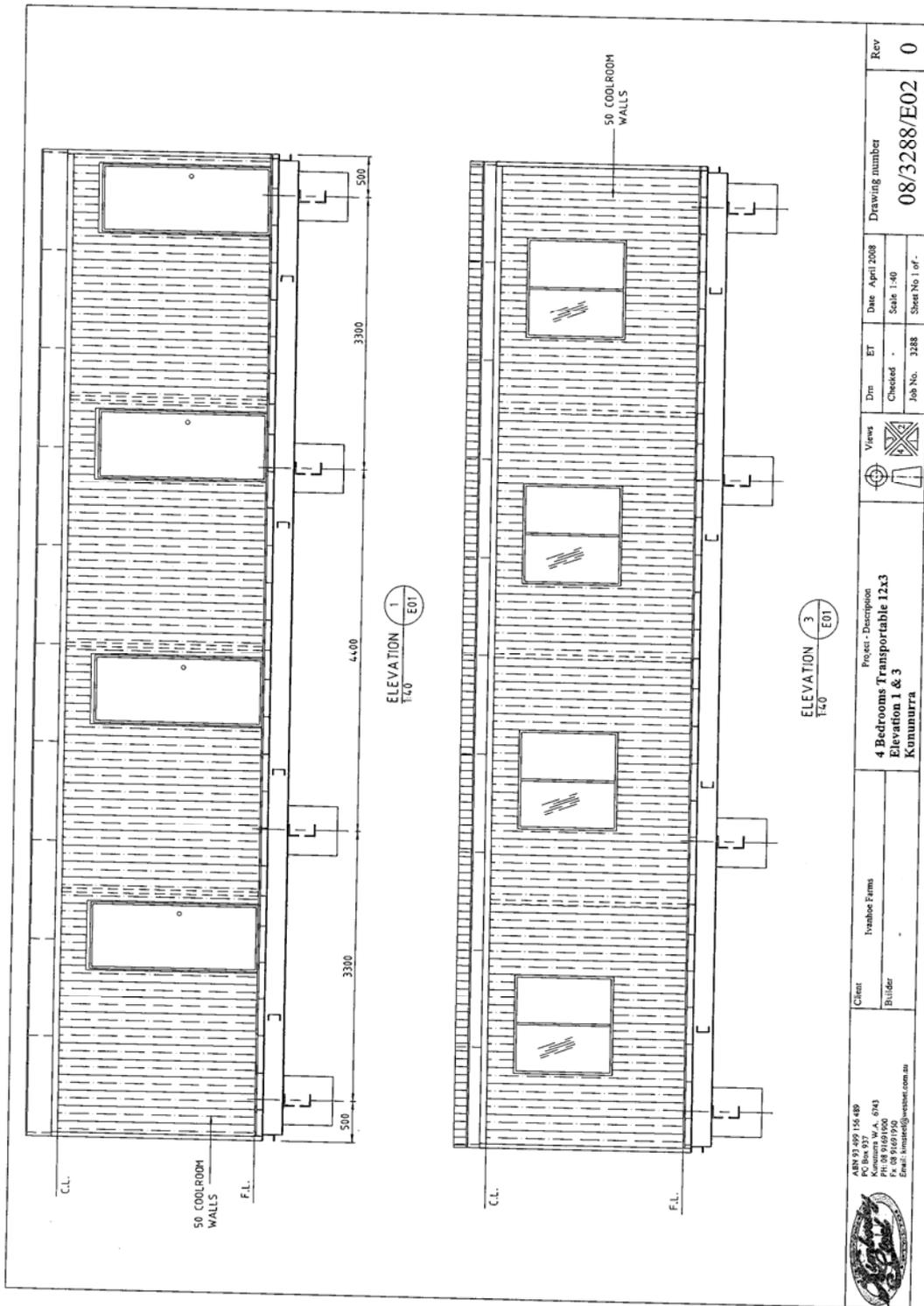
ABN 93 09 156 489 Ivanhoe Farms Kununurra, W.A. 6743 PH: 08 9169 0000 FX: 08 9169 0000 Email: iuvms@perinet.com.au	Client	Ivanhoe Farms	Project - Description Site Plan Kununurra	Views		Dm Checked Job No. 3288	ET State 1:15,000 Sheet No 1 of 1	Date April 2008 State 1:2500 Sheet No 1 of 1	Drawing number 08/3288/E01	Rev 0
	Builder									

ATTACHMENT 2 - FIVE BEDROOM TRANSIENT ACCOMMODATION UNIT

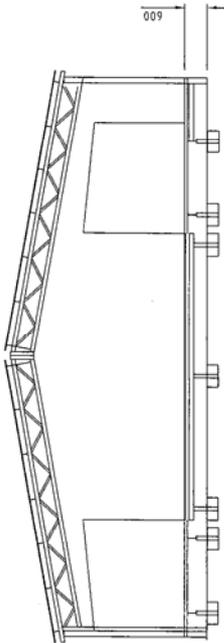


	Client: Ivanhoe Farms Builder:	Project - Description: 5 Bedroom Transportable 14.4 x 3 Plan & Elevation Kununurra	Views: 	Dim: ET Checked: Job No. 3288	Date: April 2008 Scale: 1:50 Sheet No: 1 of 1	Drawing number: 08/3288/E01	Rev: 0
	ABN 91 499 156 489 PO Box 937 Kununurra W.A. 6743 Ph: 08 91 09 1500 Email: kimsnet@ivanhoe.com.au						

ATTACHMENT 3 - FOUR BEDROOM TRANSIENT ACCOMMODATION UNIT

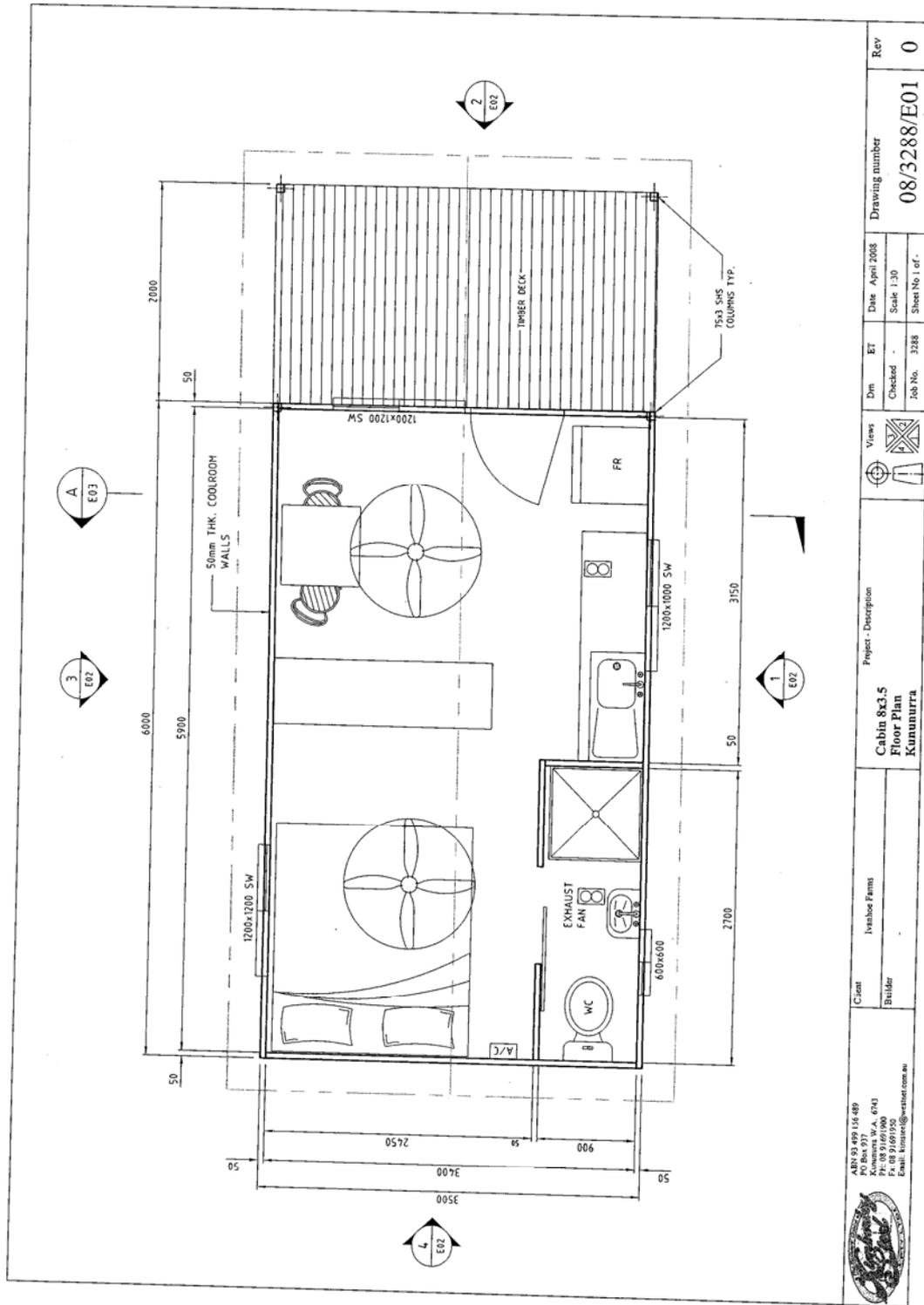


ATTACHMENT 5 – ROOF / SHADE STRUCTURE



Views	Dm	IM	Date	Oct 2007	Drawing number	08/0000/01	Rev	0
	Checked	-	Scale	NTS	Sheet No 1 of -			
					Project - Description	PROPOSED TROPICAL ROOF		
Client:		Ivanhoe Farms Builder						
ABN 93 499 156 489 PO Box 917 Ivanhoe Park VIC 3045 PH: 08 9349 1950 FX: 08 9349 1950 Email: kumar@wehnet.com.au								

ATTACHMENT 6 – CABIN PLAN



 <p> ABRN 93 499 156 489 100/1000 SW Koolberrin WA 6743 Ph: 08 91691900 Fax: 08 91691950 Email: tim@minet.com.au </p>	Client Ivanhoe Farms	Project - Description Cabin 8x3.5 Floor Plan Kununurra	Views 	Dm Checked	ET Job No. 2288	Date April 2008 Scale 1:30 Sheet No 1 of 1	Drawing number 08/3288/E01	Rev 0
	Builder Minet							

ATTACHMENT 7 – CABIN ELEVATIONS

ELEVATION 1
1:50
E01

ELEVATION 2
1:50
E01

ELEVATION 3
1:50
E01

ELEVATION 4
1:50
E01

50 COOLROOM WALLS

DECK

C.L.

F.L.

G.L.

50 COOLROOM WALLS

C.L.

F.L.

G.L.

Client: Ivanhoe Farms
Builder:

Project - Description
Cabin 8x3.5 Elevations Kununurra

Views: [North Arrow, Section Symbols]

Checked: [] Job No. 2388
Date: April 2008
Scale: 1:50
Drawing number: 08/3288/E02
Rev: 0

ASB 91 499 156 489
Box 979 W.A. 6743
PH: 08 9160 9500
FX: 08 9160 9500
Email: kumar@victoria.com.au

13.2.2. Proposed Shire Reserve - Heritage Park - Wyndham

DATE:	17 June 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Great Northern Highway
AUTHOR:	Keith Williams, Executive Manager Town Planning
REPORTING OFFICER:	Keith Williams, Executive Manager Town Planning
FILE NO:	01.2525.02
ASSESSMENT NO:	A2525

PURPOSE

For Council to consider a proposal to establish a reserve vested in Council for the housing of the Wyndham Meatworks Flywheel and Ammonia Compressor.

BACKGROUND

Cambridge Gulf Limited [CGL] lease and operates the Wyndham Port. Part of it's landholdings are also located within the port area. The old Wyndham Meatworks and Power Station are located on Lot 2 Barytes Road.

The meatworks and Power Station sites are on Council's Municipal Heritage Inventory.

Although previously identified as a site of heritage significance to be assessed, the Heritage Council of Western Australia [HCWA], a State Government agency, has recently advised that no formal assessment will be undertaken. Advice on the best way to recognise the significance of the meatworks to Wyndham's history will be provided by the HCWA.

It is recognised that the site has some local historical significance, and this needs to be protected to allow interpretation and understanding of Wyndham's history, and the significance that the meatworks played.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

COMMUNITY CONSULTATION

Some discussions have occurred with members of the Wyndham Historical Society, and discussion has also occurred with the Heritage Council of Western Australia.

STRATEGIC IMPLICATIONS

Nil

COMMENT

The Wyndham meatworks played an important role and are a significant part of Wyndham's history, and are recognised as such by their inclusion in Council's Municipal Heritage Inventory. CGL has advised that it will relocate the ammonia compressor flywheel at the time of demolition of the existing structures at the old Wyndham Meatworks and power station site.

Advice from the HCWA is that ideally it is better to interpret items in their original location, although pragmatism and practicality can mean that some items may be better recognised if relocated to allow access to the community.

The HCWA also advises that the site is not going to be assessed for inclusion on the State Register of Heritage Places.

If left on site the flywheel will cause operational disruption to CGL, and will have little value to the community as public access to the site will be prohibited.

It is therefore recommended that the flywheel be relocated to a suitable site.

After discussions with members of the Wyndham Historical Society, a suitable site has been identified. This site is crown land that will be required to be vested in an appropriate agency. It is recommended that the Reserve be vested in Council to house the flywheel, subject to CGL bearing all costs associated with the relocation of the flywheel. Portion of Council's pathway network goes through the site already.

It is also recommended that Maxwell Street be closed and amalgamated with the proposed reserve.

Other elements of the site will be discussed with CGL and the Historical Society.

ATTACHMENTS

1. Site Plan - Proposed Reserve.

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

That Council:

1. Request the Department for Planning and Infrastructure vest Unallocated Crown Land Lots 168 & 169 as a Reserve vested in Council for the purposes of Parks and Recreation;
2. Advertise the closure of Maxwell Street so that it can be incorporated into the created reserve
3. Advise Cambridge Gulf Limited that it must agree in writing to construct a base for and relocate the Ammonia Compressor flywheel as a condition of issuing a demolition license for Lot 2 Barytes Road.

COUNCIL DECISION

Minute No. 8261

Moved: Cr J Parker Seconded: Cr J Buchanan

That Council:

1. ***Request the Department for Planning and Infrastructure vest Unallocated Crown Land Lots 168 & 169 as a Reserve vested in Council for the purposes of Parks and Recreation;***
2. ***Advertise the closure of Maxwell Street so that it can be incorporated into the created reserve***
3. ***Advise Cambridge Gulf Limited that it must agree in writing to construct a base for and relocate the Ammonia Compressor flywheel as a condition of issuing a demolition license for Lot 2 Barytes Road.***

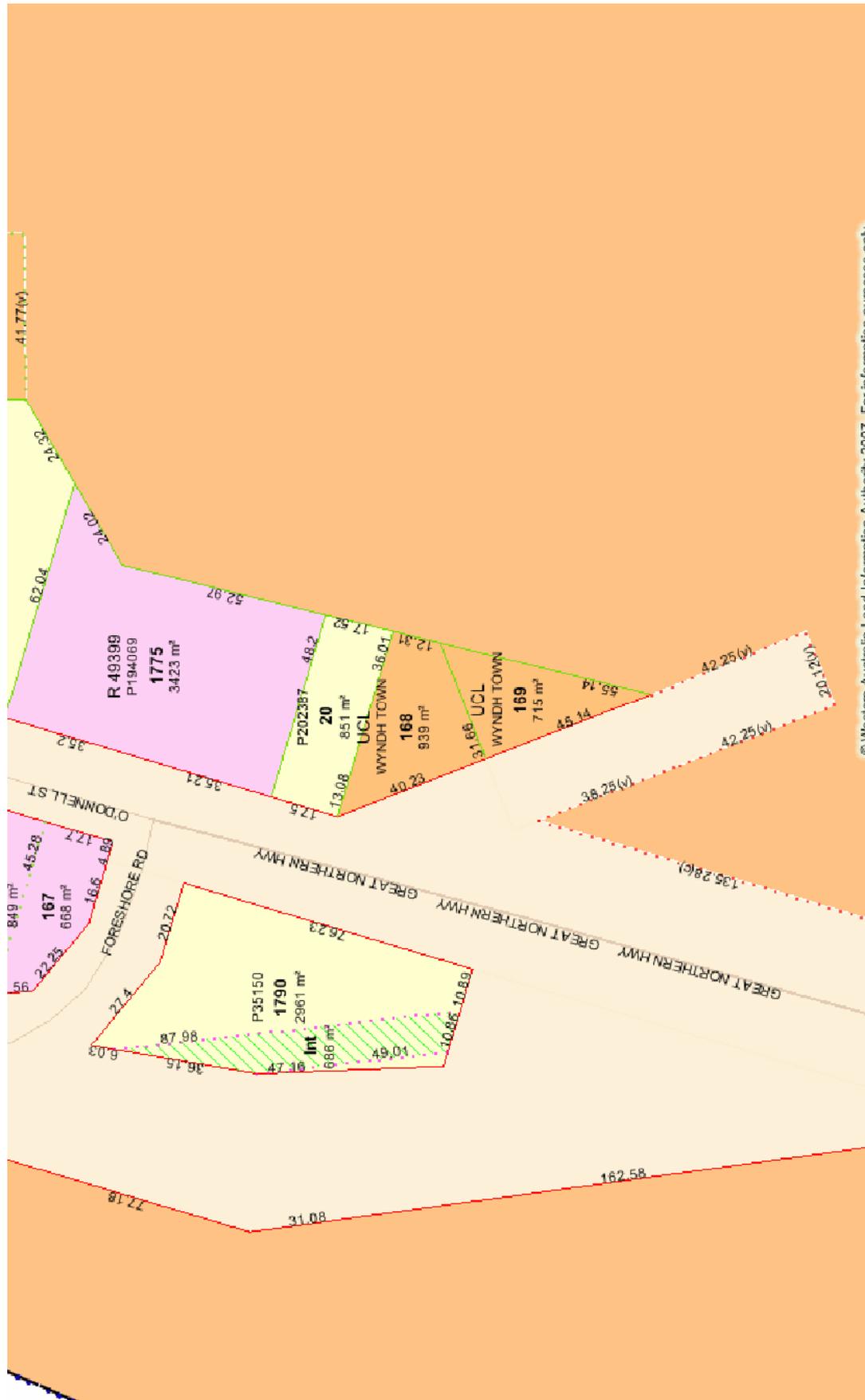
Carried Unanimously 8/0

Ms Jo-Anne Ellis returned to the meeting at 6.41pm

ATTACHMENT 1 SITE PLAN



ATTACHMENT 2 LAND TENURE PLAN



13.2.3. Amendment 18 - Advice to Minister

DATE:	19 December 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	NA
AUTHOR:	Keith Williams, Executive Manager Town Planning
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	43.31.18
ASSESSMENT NO:	NA

PURPOSE

For Council to note the advice to the Minister for Planning and Infrastructure regarding Amendment 18 to Town Planning Scheme No 7 to allow diversified land uses within the agricultural zones.

BACKGROUND

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

This amendment was approved by Council on 19 December 2006. In August 2007, advice was received from the WAPC and Ministers office regarding changes to the amendment documentation.

SITE LOCATION

This amendment applies to all agricultural zones within the Planning Scheme boundary.

PROPOSED LAND USE / DEVELOPMENT

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

FINANCIAL IMPLICATIONS

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

CONSULTATION

Town Planning Scheme No. 7

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

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

The main basis of the objection is summarised as:

- a) Threats to Biosecurity;
- b) Protecting the primary use of the land for horticulture;
- c) Increasing costs of agricultural land through diversification of uses;
- d) Land use conflict between tourism uses and agricultural uses;
- e) Increasing population density in the agricultural areas; and
- f) Compliance with the local planning strategy.

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

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

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

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

Industry Consultation

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

Attendees were:

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

Outcomes of the meeting were:

Bio-security issues:

- a) Prior to construction of any accommodation units, the applicant shall submit a management plan detailing measures to manage the following impacts:
 - a. Dust and noise
 - b. Visual amenity
 - c. Bio-security

- b) Prior to construction, all promotional information intended to be displayed shall be submitted to Council for approval.
- c) Prior to occupation, relevant officers shall inspect accommodation to ensure bio-security information is displayed in a prominent place.
- d) Prior to occupation, relevant officers shall inspect procedures to ensure that all guests are made aware of the bio-security issues and preventative measures upon check in.
- e) Increasing setbacks between side and rear boundaries to 35 metres.
- f) Imposing management plan provisions on transient accommodation.

Other issues:

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

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

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

These issues have all been incorporated into the amendment.

CONCLUSION

The amendment has been adopted by Council, and advice regarding the amendment has been received from the Ministers office. Three matters raised in the advice are considered onerous, and the response to the Minister requests the minister to reconsider these directions.

It should be noted that until the amendment is adopted, the advice from the Ministers office is only advice, and does not override current Scheme provisions or decisions made under current Scheme provisions.

The majority of the advice from the Minister is accepted, however, in accordance with the direction of Council at the May Briefing Session, there are several matters that the Minister has been requested to reconsider [a resolution of Council is not

required as these matters are consistent with the decision of Council in adopting the amendment, and there is no formal avenue under the Act for reconsideration]:

1. Restaurant in Agricultural zones

The WAPC advice directs the amendment be modified to prohibit the use class of restaurant in agricultural zones.

The correspondence requests that Restaurant be considered as an IP use as originally recommended, or as an SA use, similar to Schemes for:

Shire	Scheme	Permissibility	Use Class
Augusta Margaret River	11	SA	Eating House & Licensed Restaurant
Gingin	8	AA	Restaurant
Swan	17	D [discretionary]	Restaurant
Albany	3	P	Tavern
Carnarvon	11	AA	Restaurant

In conjunction with the significant requirements of Amendment 18 relating to protection of Agriculture, consideration of a Restaurant use as an IP or SA is considered sufficient to ensure that potential conflicts are minimised.

2. Setbacks

The introduction of 50 metre setbacks for diversified uses in the Rural Agriculture 2 zone will render the amendment redundant, as the predominant width of lots in this zone is 100 metres [most measure

This would clearly cause significant problems, as the cabins and chalets proposed to be permitted under the provisions of Amendment 18 would need to be 0 metres wide!

It should be noted that under current Scheme provisions Tourist Accommodation can be permitted by Council in the Rural Agriculture 2 zone, and approvals have been granted for this use for cabins in this zone. Introducing this setback conflicts with setbacks approved under these current Scheme provisions, and is consistent with setbacks agreed with the agricultural sector for this zone.

Combined with specific setback requirements for diversified uses of 70 metres to existing residential uses, this 35 metre setback will ensure conflicts are minimised, given that current setbacks for dwellings is only 20 metres. It should also be noted that there is a relatively low number of properties under this zone [Approximately 60].

3. Prohibition of Winery & Brewery

The correspondence identifies that there is also some concern about prohibiting winery and brewery in agricultural zones, although it is accepted that these may be able to be considered as additional uses via Scheme Amendments, or reviewed further as part of the Review of Town Planning Schemes 6 & 7.

Final Approval Process

The Minister may accept that the advice from the WAPC warrants reconsideration and uphold the request, or determine that the advice stands.

In either situation the Minister will provide advice, and the amendment documents will be required to be modified and returned for Final Approval.

The request for reconsideration is only a request, and if the minister decides not to uphold the request, the Shire will have no other option than to make the modifications.

ATTACHMENTS

The advice to the Minister is attached as Attachment 1.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council note the advice to the minister regarding Amendment 18.

COUNCIL DECISION

Minute No. 8262

Moved: Cr D Ausburn

Seconded: Cr J Moulden

That Council note the advice to the minister regarding Amendment 18.

Carried Unanimously 8/0

ATTACHMENT 1 ADVICE TO MINISTER

Our Ref: 43.31.18
Your Ref: 853/7/5/9 Pt 18

Enquiries: Keith Williams

Honourable Minister for Planning and Infrastructure
Alannah MacTiernan
13th Floor, Dumas House
2 Havelock Street
WEST PERTH 6005

VIA Facsimile: 08 9213 6401

Dear Ms MacTiernan,

SHIRE OF WYNDHAM EAST KIMBERLEY - TOWN PLANNING SCHEME No 7 - KUNUNURRA & ENVIRONS - AMENDMENT No 18

This letter refers to the above described Town Planning Scheme amendment. This matter was originally considered by Council at the Ordinary Meeting held on 19 December 2006, and advice regarding the amendment was received from the WAPC on 29 August 2007.

The majority of the advice is accepted, however, there are several matters that we would like reconsidered.

1. Council would like to retain the ability to approve a Restaurant in Agricultural zones proposed under Amendment 18. The WAPC advice referred to above directs the amendment be modified to prohibit the use class of restaurant in agricultural zones.

As you are aware the Ord Irrigation Scheme is a unique and special location. While it is accepted that the introduction of use classes such as restaurants in agricultural areas in places such as the Swan Valley or Margaret River might conflict with agricultural uses, the Ord Valley's remote location and isolation, low population base, and relatively limited agricultural variety mean that these conflicts are less likely to occur.

Council requests that Restaurant be considered as an IP use as originally recommended, or as an SA use, similar to Schemes for:

Shire	Scheme	Permissibility	Use Class
Augusta Margaret River	11	SA	Eating House & Licensed Restaurant
Gingin	8	AA	Restaurant
Swan	17	D [discretionary]	Restaurant
Albany	3	P	Tavern
Carnarvon	11	AA	Restaurant

In conjunction with the significant requirements of Amendment 18 relating to protection of Agriculture, consideration of a Restaurant use as an IP or SA is considered sufficient to ensure that potential conflicts are minimised.

2. The introduction of 50 metre setbacks for diversified uses in the Rural Agriculture 2 zone will render the amendment redundant, as the predominant width of lots in this zone is 100 metres [most measure

This would clearly cause significant problems, as the cabins and chalets proposed to be permitted under the provisions of Amendment 18 would need to be 0 metres wide!

It should be noted that under current Scheme provisions Tourist Accommodation can be permitted by Council in the Rural Agriculture 2 zone, and approvals have been granted for this use for cabins in this zone. Introducing this setback conflicts with setbacks approved under these current Scheme provisions, and is consistent with setbacks agreed with the agricultural sector for this zone.

Combined with specific setback requirements for diversified uses of 70 metres to existing residential uses, this 35 metre setback will ensure conflicts are minimised, given that current setbacks for dwellings is only 20 metres. It should also be noted that there is a relatively low number of properties under this zone [Approximately 60].

3. Council also has some concern about prohibiting winery and brewery in agricultural zones, although it is accepted that these may be able to be considered as additional uses via Scheme Amendments, or reviewed further as part of the Review of Town Planning Schemes 6 & 7.

When considering this advice, please take into account that the purpose of the amendment is to permit diversified uses in the agricultural zones [General Rural, Rural Agriculture 1, Rural Agriculture 2]. The amendment will allow commercial agricultural operators to use their land for other subordinate land uses to supplement their primary agricultural income, within a limited range of land uses, and with specific stringent controls.

Importantly, under the current Scheme provisions Tourist Accommodation is an SA use in the Rural Agriculture 2 Zone, with no specific controls that would reduce conflict with Agricultural uses, allowing for approval of uses such as Backpacker Hostels. The amendment introduces provisions that prohibit Tourist Accommodation in this zone.

We point out that this amendment has undergone a rigorous consultation process, including specific discussion with key agriculture and tourism sector representatives, and direct discussion with the department of Agriculture and Food.

The amendment contains, to our knowledge, the only Scheme provisions in the state that address the issue of bio-security, and these provisions have been prepared in close consultation with the agricultural sector.

We look forward to your further consideration of the amendment and endorsement of the documentation.

Please do not hesitate to contact Council's Planner, Keith Williams, on 9168 4100 should you have any further enquires regarding this determination.

Yours faithfully,

KEITH WILLIAMS
EXECUTIVE MANAGER TOWN PLANNING

27 May 2008

enc.

Secretary
Western Australian Planning Commission
469 Wellington Street
PERTH WA 6000

13.2.4. Proposed Garden Centre – Loc 591 River Farm Road, Kununurra

DATE:	17 June 2008
PROponent:	Kirsten Stoldt
LOCATION:	Loc 591 River Farm Road, Kununurra
AUTHOR:	Gary McCarney, Town Planning Officer
REPORTING OFFICER:	Keith Williams, Executive Manager Town Planning
FILE NO:	01.0132.02
ASSESSMENT NO:	A0132

PURPOSE

For Council to consider an application for planning consent for the use and development of the subject land with a garden centre.

BACKGROUND

The proposed site and the adjacent lot (Loc 245) are owned by the applicant and are used for intensive agriculture. There is a residence plus a large shed and ancillary outbuildings in the southern corner of Loc 591. Loc 245 has an existing transient accommodation unit with five single bedrooms and a separate amenities block with kitchen, laundry, two showers and two toilets.

The owners lodged an application in May 2008 to operate a small garden centre on the lot. Note that the proponent has also lodged an application for transient workers accommodation on its adjacent lot, Loc 591. That application is the subject of a separate item.

SITE LOCATION

The subject lot is located on the north western end of River Farm Road.

It is just over 24 hectares in area with the adjacent lot, Loc 245, nearly 48 hectares. Both are zoned Rural Agricultural 1. The remaining lots on River Farm Road are significantly smaller and are zoned Rural Agriculture 2.



PROPOSED LAND USE / DEVELOPMENT

The applicant is seeking approval to operate a small garden centre on the lot, selling garden ornaments and features, fountains and statues. The existing garden area adjacent to the house would be used with pathways established for customers to walk through. No new buildings / structure are proposed.

The proposed location and site layout are shown on Attachments 1 and 2 respectively.

FINANCIAL IMPLICATIONS

The Application Fee of \$90.00 has been paid.

COMMUNITY CONSULTATION

Under Town Planning Scheme No. 7 – Kununurra and Environs, a garden centre is an AA use meaning that there are no advertising requirements. Officers do not have delegated authority to approve this AA use. Accordingly, the application is to be considered by Council.

ATTACHMENTS

1. Site Location
2. Layout Plan

PLANNING ASSESSMENT

Strategic/Structure Plans

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

Town Planning Scheme No. 7 – Kununurra and Environs

The land is located within the Rural Agriculture 1 zone. Clause 5.17 of the town planning scheme states that the objectives of this zone are:

That the land be retained for extensive agriculture and/or horticulture. The land shall be retained in viable farm sized lots to prevent subdivision and subsequent loss of this limited resource.

The proposed garden centre would be located at the southern end of the site adjacent to the house and outbuildings. It would not adversely impact on the agricultural viability of the site.

Under the Scheme, garden centre is defined in Appendix 1 as:

Land and buildings used for the sale and display of garden products including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of pre-fabricated garden buildings.

It is considered that the proposal is consistent with the Scheme.

Access issues

The site is located at the end of River Farm Road, a cul-de-sac. The last 500 metres of River Farm Road is unsealed. Whilst the traffic generated by the garden centre would be unlikely to be significant, there may be dust issues during the dry season, particularly for the lot adjacent to the unsealed section, Loc 528.

It is considered that approval should be conditional upon the applicant undertaking dust suppression treatment to the satisfaction of the Council, eg. regular watering or a molasses, or equivalent, surface treatment.

CONCLUSION / COMMENT

The proposed garden centre use would be incidental to, and would have no adverse impact on, the use of the subject land for intensive agriculture. The proposal is consistent with the Town Planning Scheme.

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

- Obtain separate Council approval for the erection of any advertising signs.
- The undertaking of regular dust suppression treatment to the satisfaction of the Council.
- No parking is permitted within the road reserve or on verges, and any vehicles associated with the use shall be parked on the subject land.
- No goods shall be stored, displayed or offered for sale within Council's road reserve
- Compliance with all Council's health requirements
- Any conditions issued under delegated authority from Council's Standard Conditions list

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council grants planning consent to Kirsten Stoldt for the development and use of Lot 591 River Farm Road, Kununurra, for garden centre:

Subject to the following conditions:

- Obtain separate Council approval for the erection of any advertising signs.
- The undertaking of regular dust suppression treatment to the satisfaction of the Council.
- No parking is permitted within the road reserve or on verges, and any vehicles associated with the use shall be parked on the subject land.
- No goods shall be stored, displayed or offered for sale within Council's road reserve
- Compliance with all Council's health requirements
- Any conditions issued under delegated authority from Council's Standard Conditions list

COUNCIL DECISION

Minute No. 8263

Moved: Cr J Moulden

Seconded: Cr J Buchanan

That Council grants planning consent to Kirsten Stoldt for the development and use of Lot 591 River Farm Road, Kununurra, for garden centre:

Subject to the following conditions:

- *Obtain separate Council approval for the erection of any advertising signs.*
- *The undertaking of regular dust suppression treatment to the satisfaction of the Council.*
- *No parking is permitted within the road reserve or on verges, and any vehicles associated with the use shall be parked on the subject land.*
- *No goods shall be stored, displayed or offered for sale within Council's road reserve*
- *Compliance with all Council's health requirements*
- *If it is intended to offer for sale live plants which have been sourced from outside the Ord River Irrigation Area the proponent is to prepare a Bio security plan covering the importation of plants from interstate and from within WA*
- *Any conditions issued under delegated authority from Council's Standard Conditions list*

Carried Unanimously 8/0

Note: Council added a point to the recommendation in order to assist protection of the ORIA Biosecurity.

13.2.5. Proposed Transient Accommodation – Loc 245 River Farm Road, Kununurra

DATE:	17 June 2008
PROPONENT:	Kirsten Stoldt
LOCATION:	Loc 245 River Farm Road, Kununurra
AUTHOR:	Gary McCarney, Town Planning Officer
REPORTING OFFICER:	Keith Williams, Executive Manager Town Planning
FILE NO:	01.0132.02
ASSESSMENT NO:	A0132

PURPOSE

For Council to consider an application for planning consent for the use and development of the subject land with six 1 bedroom transient accommodation units.

BACKGROUND

The proposed site and the adjacent lot (Loc 591) are owned by the applicant and are used for intensive agriculture. There is a residence plus a large shed and ancillary outbuildings in the southern corner of Loc 591. Loc 245 has an existing transient accommodation unit with five single bedrooms and a separate amenities block with kitchen, laundry, two showers and two toilets.

The owners lodged an application in May 2008 for additional transient workers accommodation to house their seasonal agricultural workers. The proponent has also lodged an application for a garden centre on its adjacent lot, Loc 591. That application is covered by a separate item.

SITE LOCATION

The subject lot is located on the north western end of River Farm Road.

It is nearly 48 hectares in area with the adjacent lot, Loc 591, just over 24 hectares. Both lots are zoned Rural Agricultural 1. The remaining lots on River Farm Road are significantly smaller and are zoned Rural Agriculture 2.



PROPOSED LAND USE / DEVELOPMENT

The applicant is seeking approval for the development of the subject land with six tented transient accommodation units. Each tent is 6.3 metres long by 3.5 metres wide and could accommodate up to two persons. The tents contain a sleeping / living area and a kitchenette. No bathroom / toilet facilities are proposed. The existing ablutions block would be used.

Each tent would be located on a permanent deck structure (10.5 metres x 4.4 metres) with verandahs at either end. They would be occupied from March to November with no tenant staying for longer than six months. The tent components would be dismantled and removed during the wet season.

The location and layout of the buildings on the site are shown on Attachment 1 with the tented accommodation details shown on Attachments 2 – 5.

The applicant provided a significant amount of additional information on the proposal including a management plan and the following:

A safety and other information form for new employees – seasonal casual
A biosecurity information pamphlet
Accommodation agreement

These three forms are provided to casual workers staying in the existing transient accommodation and would be supplied to workers staying in the proposed accommodation.

FINANCIAL IMPLICATIONS

The Application Fee of \$100.00 has been paid.

COMMUNITY CONSULTATION

Under Town Planning Scheme No. 7 – Kununurra and Environs, transient accommodation is an AA use meaning that there are no advertising requirements. Officers do not have delegated authority to approve this AA use. Accordingly, the application is to be considered by Council.

ATTACHMENTS

1. Site Location
2. Layout Plan
3. a, b & c - Tented accommodation unit
4. Permanent deck structure

PLANNING ASSESSMENT

Strategic/Structure Plans

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

Town Planning Scheme No. 7 – Kununurra and Environs

The land is located within the Rural Agriculture 1 zone. Clause 5.17 of the town planning scheme states that the objectives of this zone are:

That the land be retained for extensive agriculture and/or horticulture. The land shall be retained in viable farm sized lots to prevent subdivision and subsequent loss of this limited resource.

The development of the land with transient accommodation complies with Scheme objectives.

Under the Scheme, transient accommodation is defined in Appendix 1 as:

Any habitable building permanently affixed to the ground by footings as required by Council and includes any caravan, transportable dwelling or any structure used for habitation for the purposes of accommodation for a period not exceeding 6 months.

The applicant advises the transient accommodation is intended to house seasonal workers between March and November.

CONCLUSION / COMMENT

The proposed transient accommodation would support the prime agricultural use of the site, allowing a local agricultural operator to accommodate additional seasonal workers. The proposal is consistent with the Town Planning Scheme.

The zoning table specifies transient accommodation to be an AA use but there is no guidance in the Scheme as to an appropriate density of transient accommodation in the Rural Agriculture 1 zone.

It is considered that the development of transient accommodation on this site to house up to 12 additional workers (17 in total) is appropriate.

It is recommended that the application be approved with the following conditions to ensure that the accommodation is used as intended:

- 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.
- The accommodation shall be limited to a maximum of twelve workers.
- 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.
- All employee parking to be contained on site at all times.
- The transportable buildings shall be fixed to the ground by footings, as directed by the Council
- 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.
- Any conditions issued under delegated authority from Council's Standard Conditions list

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council grants planning consent to Kirsten Stoldt for the development and use of Lot 245 River Farm Road, Kununurra, for transient workers accommodation :

Subject to the following conditions:

- 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.
- The accommodation shall be limited to a maximum of twelve workers.
- 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.
- All employee parking to be contained on site at all times.
- The transportable buildings shall be fixed to the ground by footings, as directed by the Council
- 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.
- Any conditions issued under delegated authority from Council's Standard Conditions list

COUNCIL DECISION

Minute No. 8264

Moved: Cr J Moulden

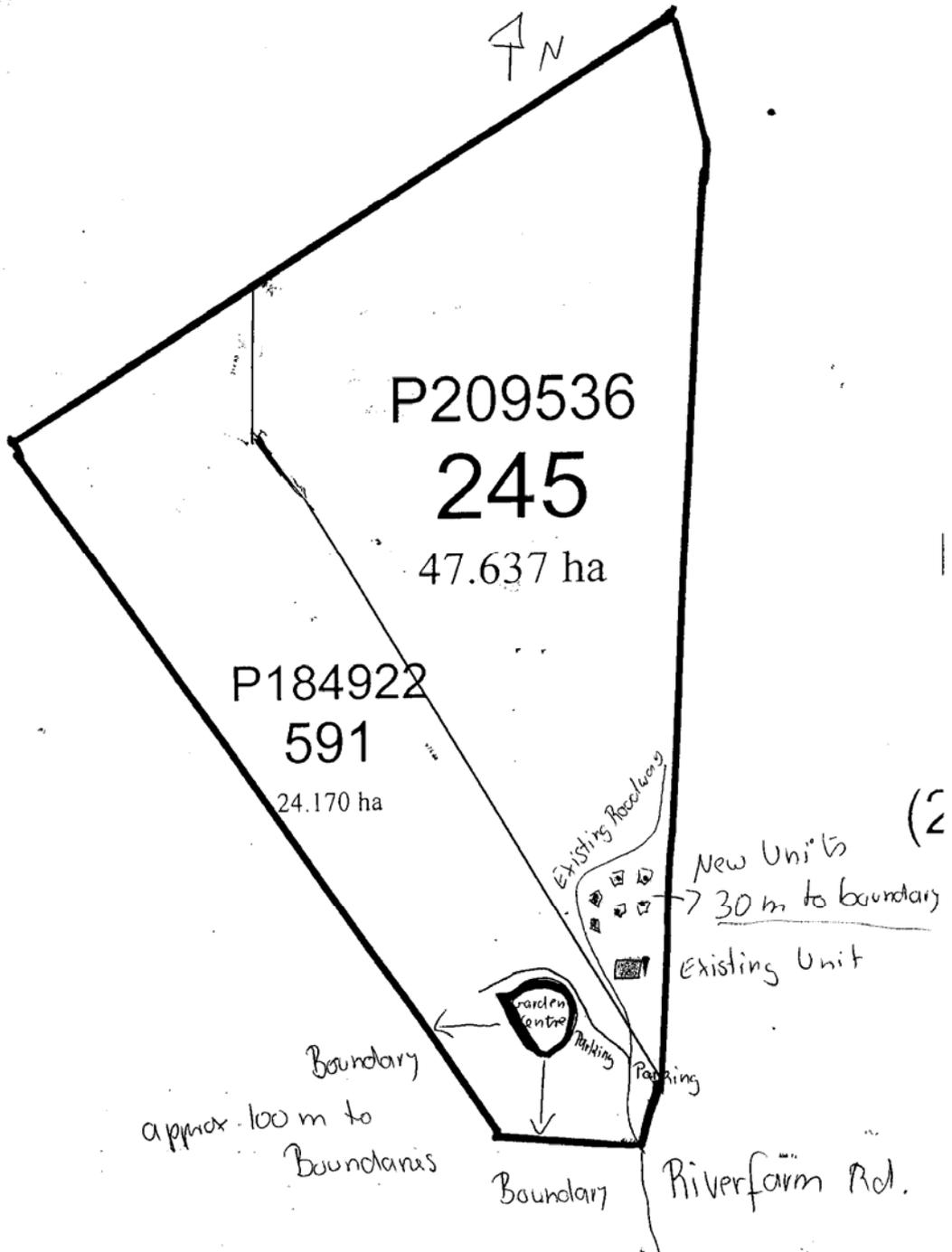
Seconded: Cr J Parker

- *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.*
- *The accommodation shall be limited to a maximum of twelve workers.*
- *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.*
- *All employee parking to be contained on site at all times.*
- *The transportable buildings shall be fixed to the ground by footings, as directed by the Council*
- *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.*
- *Any conditions issued under delegated authority from Council's Standard Conditions list*
- *All prospective occupants of the transient accommodation shall be notified of the need to comply with all biosecurity requirements.*

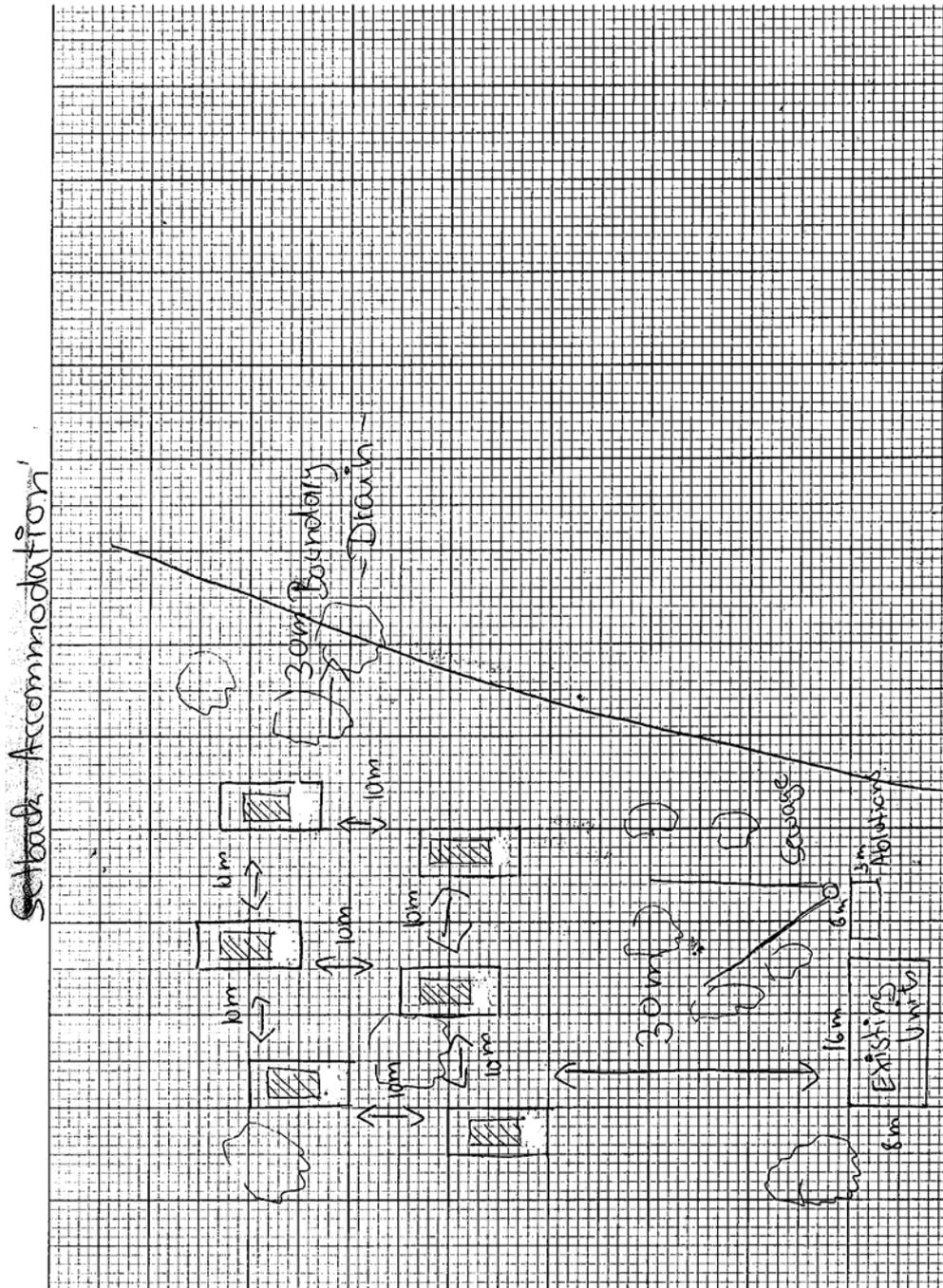
Carried Unanimously 8/0

Note: Council added the point “All prospective occupants of the transient accommodation shall be notified of the need to comply with all biosecurity requirements.”

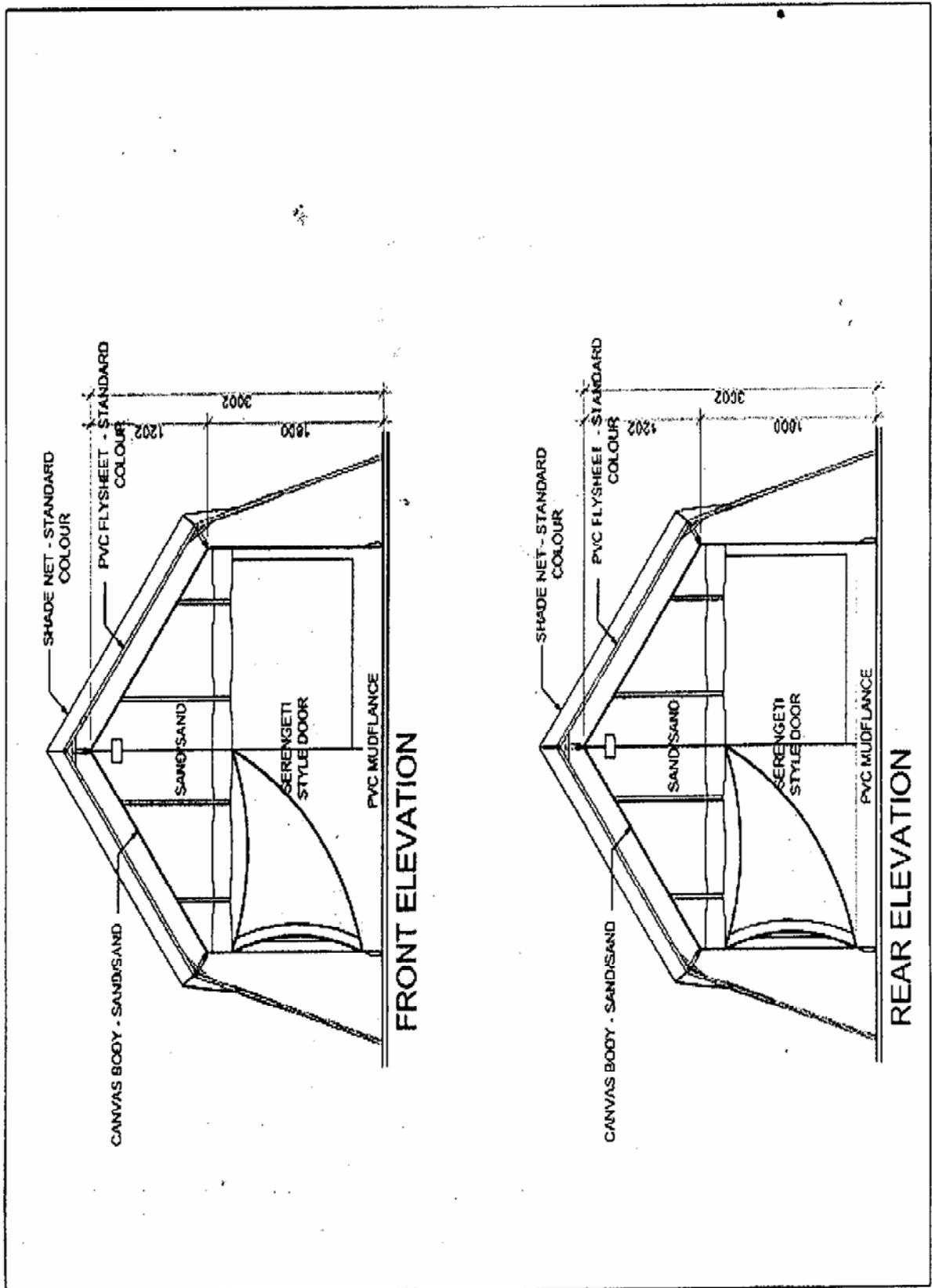
ATTACHMENT 1- SITE LOCATION



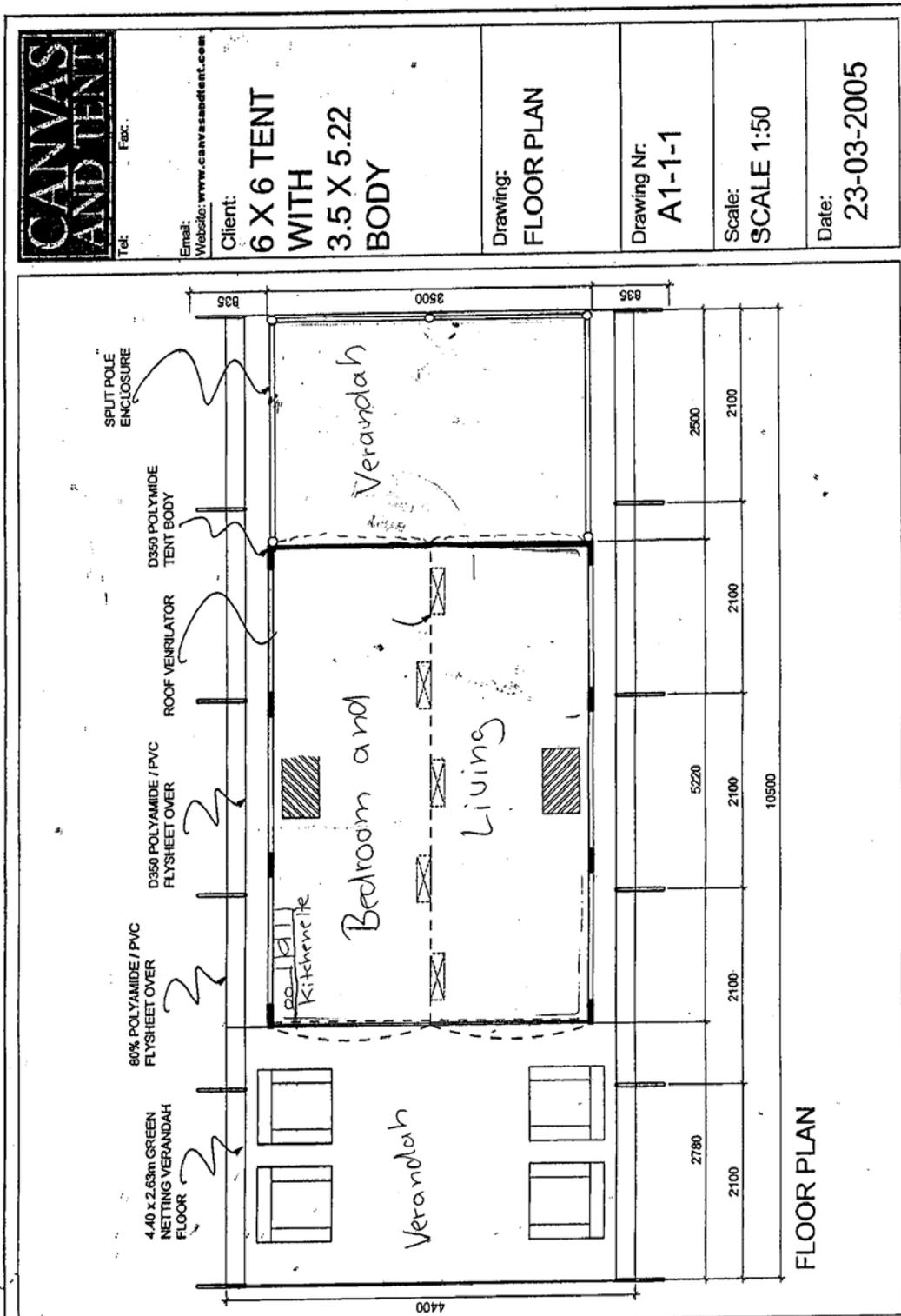
ATTACHMENT 2 – LAYOUT PLAN



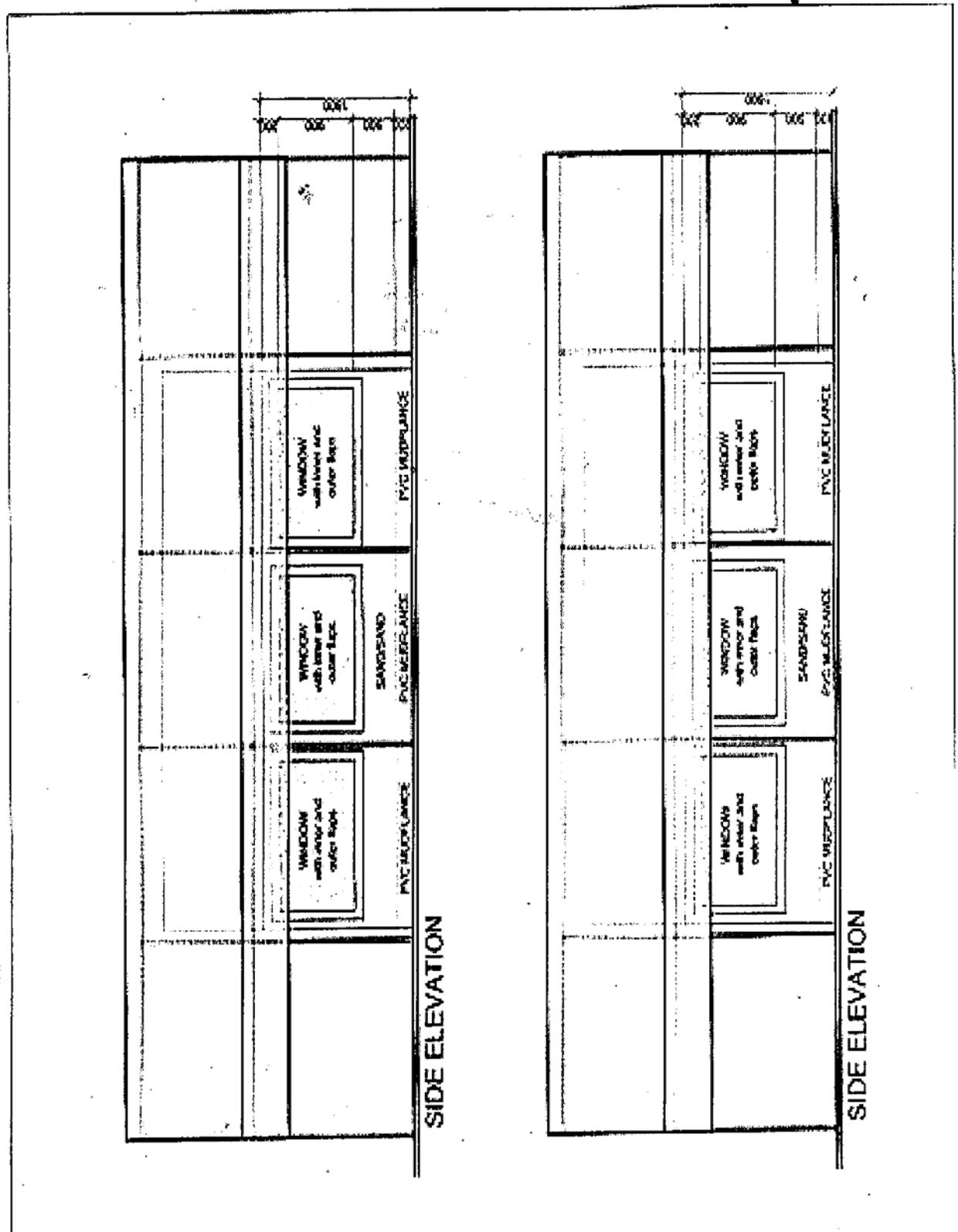
ATTACHMENT 3A - TENTED ACCOMMODATION UNIT



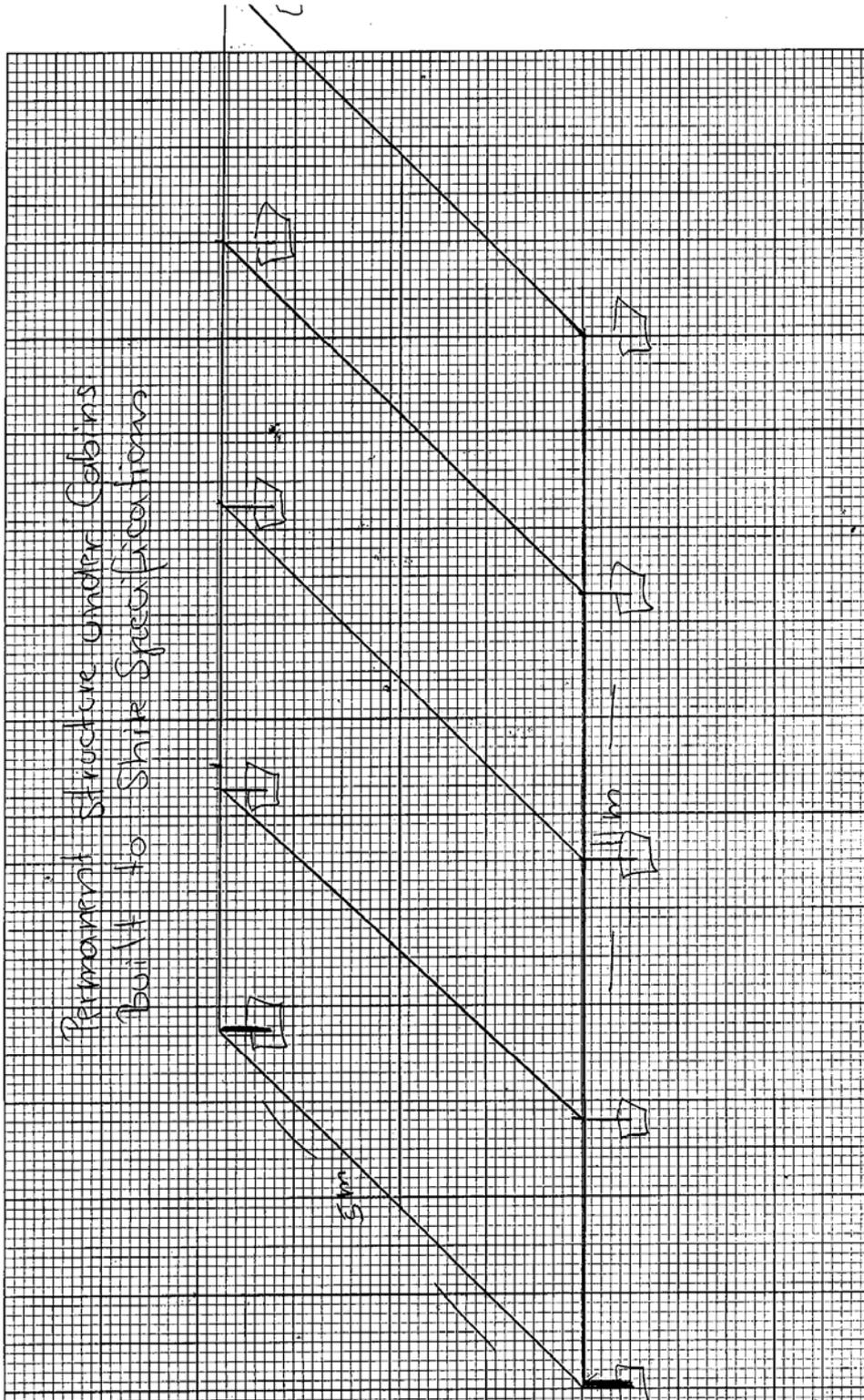
ATTACHMENT 3B - TENTED ACCOMMODATION UNIT



ATTACHMENT 3C - TENTED ACCOMMODATION UNIT



ATTACHMENT 4 – PERMANENT DECK STRUCTURE



13.2.6. Proposed Corrective Services Work Camp – Reserve 33685

DATE:	17 June 2008
PROPONENT:	Department of Corrective Services
LOCATION:	Great Northern Highway
AUTHOR:	Keith Williams, Executive Manager Town Planning
REPORTING OFFICER:	Keith Williams, Executive Manager Town Planning
FILE NO:	01.5612.02
ASSESSMENT NO:	A5612

PURPOSE

For Council to consider a proposal from the Department of Corrective Services to use portion of Reserve 33685 [Wyndham Golf Club] for development of a new work camp.

BACKGROUND

Department of Corrective Services officers met with the CEO, Town Planner and Executive Manager of Engineering and Development Services to discuss the Department's intention of developing a new work camp.

A number of potential sites were identified, and the department consequently reviewed all the identified sites. Some of the sites reviewed include:

- Kingston Rest
- Doon Doon
- Old Fork Creek community
- Current site

The Department has determined that the site with the most potential is Reserve 33685, which is vested in the Shire, and currently used for the Wyndham Golf Club. This site is 171.8454 ha in size. The Department requires 50 hectares of land for a 40 bed work camp, as per the request below:

Contact: 08 9264 6278

Email: kim.pszczola@correctiveservices.wa.gov.au

Ref: CAD2007/01058

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

Dear Mr Stubbs

East Kimberley Work Camp - Site Investigation

Further to the briefing provided by Kim Pszczola and Kathy Csaba at the recent Shire Council briefing session, I am writing to seek Council approval for the Department of Corrective Services to access Wyndham Town Lot 1349 to conduct site investigation into its potential use for a new East Kimberley work camp.

The existing Wyndham work camp is nearing the end of its structural life and the Department's intention to expand the work camp make the existing site unsuitable. Wyndham Town Lot 1349 has been determined as the most suitable site at this stage for the replacement of the existing work camp facility. Its initial assessment as being suitable is due to the size of the developable area (with appropriate buffers), access to major transport routes, and its location in proximity to work / training opportunities, as well as being located further away from the Wyndham town site, discouraging pedestrian traffic to the work camp.

The Department intends to progress further assessment of the proposed site's suitability through an Aboriginal Heritage Survey, a planning study, and a desktop engineering/environmental study. Following determination of the suitability of the land from an environmental and engineering perspective, the Department will engage in a rigorous community consultation process to allow community feedback into the development. A favourable outcome from the community consultation and the site assessment studies will result in the Department of Corrective Services being able to pursue a change in purpose and management orders for a portion of the site. For the development of the work camp, the Department only requires use of approximately 50ha of the 170ha block, allowing for the co-location of the golf course on the site. This will enable Wyndham to continue to have use of this amenity in the future should the community resume use of it.

Locating the work camp near Wyndham will enable the work camps program to continue to bring benefits to the local community by providing reparation opportunities to minimum security prisoners through community work. Past examples of prisoner work projects in Wyndham include:

- upgrading the local turf club in preparation for winter race meetings;
- fencing of the Wyndham Picture Gardens;
- upgrading the Historical Society Museum;
- building of shelters and barbeques for the local football club;
- painting the Women's Safe House;
- ongoing maintenance at the police station, women's safe house; St John's Ambulance depot and golf club;
- upgrading the existing cycle path and building heritage walk trails;
- upgrading tourist facilities at the Bastion and Grotto; and
- Identifying and placing plaques on unmarked graves at the local cemetery.

The new facility will increase work camp capacity from 22 minimum security prisoners to 40, bringing increased staff to the region, and will also require additional products and services to operate. The work camp will serve as a base camp enabling small groups of prisoners to travel to other areas in the East Kimberley to engage in meaningful community work and enable other communities to benefit from the development.

To progress site investigation, I ask that you seek Council endorsement for the Department and its consultants to access Wyndham Town Lot 1349 to assess its suitability as Western Australia's first purpose built work camp. Further, would you please provide the Department with written confirmation of Councils resolution.

Yours sincerely,

Christine Ginbey
A/Assistant Commissioner
CORPORATE SUPPORT

5 June 2008

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There is no specific direct financial benefit to Council, however, the local economy and community are likely to benefit significantly from the redevelopment and relocation of the work camp.

Additionally, there could be financial benefit to Council once the Work Camp is relocated, as the current camp is constructed on Council property, and this site could yield two lots if included in the proposed Wyndham Airport Rural Residential subdivision.

It is understood that the structures on the site belong to Department, with the exception of a residential dwelling on the site.

COMMUNITY CONSULTATION

Community consultation will be undertaken by the Department once the site assessment has been undertaken.

STRATEGIC IMPLICATIONS

Nil

COMMENT

Should the relocation of the work camp proceed, there are a number of significant benefits resulting from the use of portion of Reserve 33685 for a relocated work camp.

Zoning issues can be resolved as part of the Scheme review, and in any event the Department is exempt from the requirement to comply with the Town Planning Scheme [notwithstanding the Departments desire to be fully transparent and co-operative].

Initial work, however, requires the site to be assessed to determine it's suitability for the proposed purpose.

It is recommended that Council support the site investigations that are required to prove up the site.

ATTACHMENTS

1. Site Plan - Reserve.

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

That Council:

1. Allows the Department of Corrective Services undertake site assessment of Reserve 33685 to determine if portion of the site is suitable as a location of a new corrective services work camp;
2. request the Department of Corrective Services conduct a comprehensive community consultation process should the site be determined to be suitable for a new work camp; and
3. Inform the Department of Corrective Services that an excision from Reserve 33685 will require the consent of Council after the consideration of the site evaluation and the community consultation process.
4. Request the Department of Corrective Services clarify its intent for the infrastructure at the current work camp.

COUNCIL DECISION

Minute No. 8265

Moved: Cr J Parker

Seconded: Cr D Ausburn

1. ***Allows the Department of Corrective Services undertake site assessment of Reserve 33685 to determine if portion of the site is suitable as a location of a new corrective services work camp;***
2. ***request the Department of Corrective Services conduct a comprehensive community consultation process should the site be determined to be suitable for a new work camp; and***
3. ***Inform the Department of Corrective Services that an excision from Reserve 33685 will require the consent of Council after the consideration of the site evaluation and the community consultation process.***
4. ***Request the Department of Corrective Services clarify its intent for the infrastructure at the current work camp.***

Carried Unanimously 8/0

ATTACHMENT 1: PLAN



13.3. REGULATORY SERVICES

13.3.1. Lily Creek Lagoon Interpretative Shelter

DATE:	17 June 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Kununurra
AUTHOR:	Alex Douglas, Executive Manager Engineering and Regulatory Services
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering and Regulatory Services
FILE NO:	01.2860.02
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider options for the placement an interpretative shelter for Lily Creek Lagoon near the boat ramp.

BACKGROUND

At the Council meeting held on 18 September 2008, Council resolved: -

Minute No. 7870

Moved: Cr M. Middap Seconded: Cr D. Ausburn

- 3) ***That Council approve the siting of the Interpretative Shelter as detailed in Option One as the preferred option where the shelter is located over the water. Where Option One does not receive required approvals or sufficient external funding is not forthcoming to enable the project to be completed in this financial year, Option Two will be implemented.***

Carried Unanimously 6/0

Councillors were provided a verbal briefing of the status of the project earlier this year, and there was discussion with respect to options that could be considered in the light of the difficulties in obtaining federal or state funds.

It is now clear that the external funding is not to be forthcoming and Council needs to resolve the placement of the shelter, and the costs of the options.

STATUTORY IMPLICATIONS

Where the shelter is sited over a portion of the water or where earthworks may disturb the bed or banks of the Lagoon a permit is required from the Dept of Water.

If cumbungi is to be cleared then a permit from the Department of Environment and Conservation is required. This permit has been received pending a permit from the Dept. of Water.

Discussions have been held with the dept of Water whom are in support of the project over the water yet a formal application cannot be submitted until the final decision on the location of the shelter has been decided.

POLICY IMPLICATIONS

There are no specific policies relating to this report.

FINANCIAL IMPLICATIONS

Funding for the shelter and signs has been through a National Action Plan for Salinity and Water Quality (NAP) Project totalling \$10,000.

There are three siting options for consideration, being: -

- 1) Over water – sited near the boat ramp and approximately 10 metres from the water's edge.

Cost for construction (and removal) of temporary groyne, fabrication and placement walkway and shelter base, erection of shelter, and connecting footpath to carpark is \$120,000.

- 2) Land based – sited near boat ramp approximately 20 metres from the water's edge.

Cost for minor earthworks, concrete slab, shelter erection and connecting footpath to car park is \$8,000

- 3) Land-backed – sited over water but connected to the bank

Cost for fabrication and placement of the shelter base, erection of shelter, and connecting footpath to carpark is \$46,000.

Options 1 and 3 include estimates of \$18,000 for the driving of piles for the shelter base.

The costs listed for each of the options are for Shire funds and excludes the shelter structure and signage.

STRATEGIC IMPLICATIONS

Not applicable

COMMENT

Option 3 was suggested when the Council met on-site to discuss a number of Celebrity Tree Park and Lily Creek Lagoon issues in April 2008.

At that time there was uncertainty with respect to the pending grant applications, and the new option provided a compromise to have the shelter 'connecting' with the lagoon.

The preferred option is Option 3, with the funds to be drawn from the Parks Reserve account.

Procedurally it could be argued that the Minute Number 7870 should be rescinded however the proposed option is not in conflict with the intent of the previous resolution.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

That Council approves the implementation of Option Three as an appropriate placement of the Interpretative Shelter to provide a land-backed facility with a footpath connecting to the boat ramp car park at an estimated cost to Council of \$46,000 with funds to be debited against the Parks Reserve.

COUNCIL DECISION

Minute No. 8266

Moved: Cr R Addis

Seconded: Cr D Ausburn

That Council approves the implementation of Option Three as an appropriate placement of the Interpretative Shelter to provide a land-backed facility with a footpath connecting to the boat ramp car park at an estimated cost to Council of \$46,000 with funds to be debited against the Parks Reserve.

Carried 6/2

13.3.2. Cumbungi and Aquatic Weed Removal – Lily Creek Lagoon

DATE:	17 June 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Kununurra
AUTHOR:	Alex Douglas, Executive Manager Engineering and Regulatory Services
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering and Regulatory Services
FILE NO:	01.2860.02
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider options and responsibilities for the removal of cumbungi and other aquatic weeds from Lily Creek Lagoon.

BACKGROUND

Over many years Council has taken an active role in removing cumbungi from the lagoon foreshore (particularly Celebrity Tree Park) in response to community concerns.

Council's actions have generally been as a result of inaction from a number of government agencies that have varying degrees of responsibility for weed control within the Lagoon. The inundated land east of the 'old' Darwin Road reserve is Unallocated Crown Land, whereas the Lagoon to the west of the reserve is designated as a water body.

The standard means of removal has, and for the foreseeable future will be by excavator operating from the foreshore whereby the cumbungi is scooped out and transported by truck to disposal sites. Expenditure has varied but in recent years has been approximately \$30,000 per annum.

At the 3 June 2008 Briefing Session advice was provided on the applications for vegetation clearing permits by the Shire (for land based removal) and Kimberley Environmental Solutions (for water based removal). A report to Council was requested in order to formally consider available options to progress the removal of weed from the Lagoon.

STATUTORY IMPLICATIONS

A number of state government agencies have responsibility for the control weeds and water quality within the Lagoon.

- Dept of Environment and Conservation (DEC) has three roles, they are the lead agency for the management of Ramsar wetlands, they regulate the clearing of native vegetation, and they are responsible for the management of weeds on Unallocated Crown Land.
- Dept of Water (DoW) has responsibility for the quality of water within the lagoon.

- Water Corporation (WC) has responsibility for the water levels (to ensure the availability of irrigation water via the Packsaddle pump station and M1 channel gravity intake.
- Dept of Planning and Infrastructure (DPI) has management of unallocated Crown Land.

POLICY IMPLICATIONS

There are no specific policies relating to this report.

FINANCIAL IMPLICATIONS

There are varying degrees of financial implications for the Shire subject to the preferred option. Amounts have been included in the Comment section of this report.

As stated, the Shire has expended around \$30,000 per annum for cumbungi removal. The extent of work has been limited by the occasional challenges from the DEC and DoW with respect to the work occurring and also the difficulty of successfully accessing certain sections of the Celebrity Tree Park foreshore and to the east around the Shire's Messmate Way pump station. The Lake Kununurra Vegetation Management Plan was born out of the need for a comprehensive plan to manage weed within and on the land adjoining the Lake and Lagoon.

A water-based annual removal/harvesting program will be expensive due to the operating costs of the harvester, removal truck/s and labour costs. With the Shire not having a statutory obligation, the activity of weed removal undertaken in the absence of state government action would appear to be reasonable only when there are no other priorities related to the Shire's statutory obligations.

STRATEGIC IMPLICATIONS

Not applicable

COMMENT

Council has been supportive of the evaluation program that Kimberley Environmental Solutions (KES) has been pursuing over several years. KES plans to harvest aquatic weed to convert it to stock feed. The vegetation clearing permit that KES is due to be issued with is for the removal of Cumbungi and other aquatic weeds from within designated areas of the Lagoon up to 3 metres from the foreshore and in a patch work pattern with individual cleared areas being no greater than 1Ha. The combined areas include the 'channel' from the boat ramp to Lake Kununurra, across the frontages of the two caravan parks and the bulk of the area is east of the 'old' Darwin Road reserve alignment.

In past discussions with KES, Shire staff have indicated that the Shire is likely to be able to provide a small amount of financial support similar to the historic levels of funds used for cumbungi removal, on the basis that KES has approval to remove the weed and the areas of removal were consistent with the Shire's objectives (Lake Kununurra Vegetation Management Plan etc). KES has advised that their plans to use a harvester from the Peel region may not eventuate and they are looking at alternative machines, including one from the USA.

Due to their current incomplete status of a machine and grant applications KES are seeking to contract to the Shire for specified clearing works and not undertake any stock feed evaluation trials. At an estimated cost of \$70,000 KES would transport a machine to and from Kununurra and undertake 4 weeks of removal work. It should be noted that they do not have a harvester and are uncertain as to when they will.

With KES obtaining a vegetation clearing permit from DEC there is a potential issue for clearing of cumbungi within the permit area. That is, a clearing permit is issued to an individual or group and the Shire could not without KES approval (and DEC presumably) undertake clearing work in the Lagoon.

The irony of the management of weed within the Lagoon is that the Shire does not have a statutory obligation and the government agency that does (DEC) has issued a permit to a private company for work that DEC should be responsible.

It has been stated to the Shire that DEC allocates \$50,000 per annum for weed control across the Kimberley Region. It is no wonder that DEC did not object to the proposal from KES.

Last year when the Premier, on a visit to the Kununurra, expressed disappointment at the amount of weed growth within the Lagoon Shire staff obtained an estimate from the City of Palmerston, Northern Territory to undertake cumbungi and weed removal and their indicative cost was around \$100,000. A letter was sent to the Premier but no subsequent response was received and has been subsequently followed up without success.

An alternative to contracting the work is for the Shire to purchase a harvester. With estimates ranging from \$300,000 to \$500,000 plus operating costs there does not appear to be a sound argument to pursue this option, particularly when the matter of an organisation other than KES having the ability to clear is yet to be resolved.

The Shire does have a vegetation clearing permit to remove cumbungi around portions of the Lagoon foreshore but the area is outside of the area approved for KES and because the applications are based on plans and written description there is no ability to apply an 'intent' beyond the approved area and conditions.

Given the changing circumstances with KES the obvious issue to be addressed is the clearing permit and it's portability to another organisation and whether KES will consider that option. A request for information in respect of portability has been sent to DEC but at the time of completing this report the information had not been received. Again, it is to be noted that the government agency issuing the permit is the agency responsible for management of Ramsar wetlands within the state and weed management for the greater portion of the Lagoon (the UCL).

The recommendation is aimed at addressing a number of topics. It is anticipated that a response from DEC will be tabled at the meeting.

ATTACHMENTS

1. KES Vegetation Clearing Permit
2. SWEK Vegetation Clearing Permit.

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

That Council:

1. include an allocation of \$50,000 in the Draft 2008/09 Budget for weed management within the Lagoon, and
2. lobbies the State Government to resolve the aesthetic and navigational issues associated with the uncontrolled growth of cumbungi and other aquatic weeds within Lily Creek Lagoon through the government agencies having statutory responsibility for weed management on Unallocated Crown Land.
3. advises Kimberley Environmental Solutions (KES) and the Department of Environment and Conservation (DEC) that the clearing approved by the vegetation clearing permit issued for Lily Creek Lagoon should be undertaken as proposed by KES or the permit withdrawn and the work undertaken by the State Government through the DEC or Department of Water.

COUNCIL DECISION

Minute No: 8267

Moved: Cr D Ausburn

Seconded: Cr J Buchanan

That Council: -

1. ***include an allocation of \$50,000 in the Draft 2008/09 Budget for weed management within the Lagoon, and***
2. ***lobbies the State Government to resolve the aesthetic and navigational issues associated with the uncontrolled growth of cumbungi and other aquatic weeds within Lily Creek Lagoon through the government agencies having statutory responsibility for weed management on Unallocated Crown Land.***
3. ***advises Kimberley Environmental Solutions (KES) and the Department of Environment and Conservation (DEC) that the clearing approved by the vegetation clearing permit issued for Lily Creek Lagoon should be undertaken as proposed by KES or the permit withdrawn and the work undertaken by the State Government through the DEC or Department of Water.***

Lost 3/5

Mr John Storey left the meeting at 7.05pm

Cr R Addis moved an alternate motion;

COUNCIL DECISION

Minute No. 8268

Moved: Cr R Addis

Seconded: Cr J Parker

That Council: -

1. ***will consider in the budget for 0809 a financial allocation if the state government takes a lead role for weed management within the Lagoon, and***
2. ***lobbies the State Government to resolve the aesthetic and navigational issues associated with the uncontrolled growth of cumbungi and other aquatic weeds within Lily Creek Lagoon through the government agencies having statutory responsibility for weed management on Unallocated Crown Land.***
3. ***advises Kimberley Environmental Solutions (KES) and the Department of Environment and Conservation (DEC) that the clearing approved by the vegetation clearing permit issued for Lily Creek Lagoon should be undertaken as proposed by KES or the permit withdrawn and the work undertaken by the State Government through the DEC or Department of Water.***

Carried 7/1



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Purpose Permit Number: 2194/1
File Number: DEC5397
Duration of Permit: From 15 June 2008 to 15 June 2013

PERMIT HOLDER

Kimberley Environmental Solutions Pty Ltd

LAND ON WHICH CLEARING IS TO BE DONE

WATER FEATURE
UNALLOCATED CROWN LAND
VICTORIA ROAD RESERVE
OLD DARWIN ROAD RESERVE
LOT 716 ON PLAN 217491
LOT 668 ON PLAN 217491 - RESERVE 41812
LOT 3004 ON PLAN 46759 - RESERVE 41812
KING LOCATION 715
LOT 2370 ON PLAN 189289 - RESERVE 42371
LOT 2371 ON PLAN 189289 - RESERVE 41812
LOT 2466 ON PLAN 33378 - RESERVE 41812

PURPOSE FOR WHICH THE CLEARING MAY BE DONE

Clearing for the purposes of harvesting aquatic native flora for stockfeed.

CONDITIONS

1. The Permit Holder must not clear more than 15 hectares of aquatic native vegetation at any one time within the areas cross-hatched yellow on Plan 2194/1.
2. The vegetation to be cleared under this permit shall be cut at between 100 millimetres and 150 millimetres above the roots.
3. The entire aquatic native plant may only be cleared where the plant is not attached to the soil, lagoon bed or bank substrate.
4. No clearing is permitted within 3 metres of the shoreline of Lily Creek Lagoon.
5. The area of clearing containing the aquatic native vegetation shall be no more than 100 metres in length.
6. At least 100 metres of aquatic native vegetation shall be retained between those cleared areas referred to in Condition 5.
7. No clearing is permitted within 3 metres of drainage outlets.

8. Records must be kept

The Permit Holder must maintain the following records for activities undertaken pursuant to this Permit:

- (i) the species composition, structure and density of the area to be cleared prior to clearing;
- (ii) the location where the clearing occurred, recorded using Geocentric Datum Australia 1994;
- (iii) the date that the area was cleared;
- (iv) the size of the area cleared (in hectares); and
- (v) the species composition, structure and density of harvested aquatic native vegetation at least six months after the date of clearing and within 12 months of the clearing.

9. Reporting

The Permit Holder must provide to the CEO, on or before 30 June of each year, a written report of records required under condition 8, and activities undertaken by the Permit Holder pursuant to this Permit between 1 January and 31 December of the preceding year.



Sarah McEvoy
Manager
Native Vegetation Conservation Branch

*Officer delegated under Section 20
of the Environmental Protection Act 1986*

15 May 2008



1. Application details

1.1. Permit application details

Permit application No.: 2194/1
 Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Kimberley Environmental Solutions Pty Ltd

1.3. Property details

Property:
 WATER FEATURE (KUNUNURRA 6743)
 UNALLOCATED CROWN LAND (KUNUNURRA 6743)
 LOT 716 ON PLAN 217491 (KUNUNURRA 6743)
 LOT 668 ON PLAN 217491 (KUNUNURRA 6743)
 LOT 3004 ON PLAN 46759 (KUNUNURRA 6743)
 KING LOCATION 715 (KUNUNURRA 6743)
 ROAD RESERVE (KUNUNURRA 6743)
 LOT 716 ON PLAN 217491 (KUNUNURRA 6743)
 LOT 2370 ON PLAN 189289 (House No. 1 OLD DARWIN KUNUNURRA 6743)
 LOT 2371 ON PLAN 189289 (KUNUNURRA 6743)
 LOT 2466 ON PLAN 33378 (KUNUNURRA 6743)
 ROAD RESERVE (KUNUNURRA 6743)

Local Government Area: Shire Of Wyndham-East Kimberley
 Colloquial name:

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
15		Cutting	Miscellaneous
		Cutting	Miscellaneous
		Cutting	Miscellaneous

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description	Clearing Description	Vegetation Condition	Comment
<p>Lily Creek Lagoon is a man made wetland where, due to constantly maintained water levels, native aquatic vegetation has become well established.</p> <p>Aerial imagery of Lily Creek Lagoon shows extensive areas on the southern and western sides are intact and undisturbed.</p> <p>Native aquatic vegetation types found within the waterbody of Lake Kununurra include <i>Typha domingensis</i> (cumbungi) and <i>Nymphaea</i> spp., <i>Ipomea aquatica</i>.</p>	<p>The proposal is for the purpose of controlling the spread of native aquatic vegetation within Lily Creek Lagoon. The proposed clearing will involve the cutting back to reduce the biomass levels of native vegetation that due to the ideal condition within the lagoon tend to overdominate. Typha will be excavated to 100mm above the roots and floating plants removed completely.</p>	<p>Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery 1994)</p>	<p>The description of the vegetation under application was obtained from the application (KES, 2007) and aerial photography.</p>

3. Assessment of application against clearing principles

(a) Native vegetation should not be cleared if it comprises a high level of biological diversity.

Comments	<p>Proposal is not likely to be at variance to this Principle</p> <p>The application is to harvest 15 hectares of native aquatic vegetation (predominately <i>Typha domingensis</i>) from Lily Creek Lagoon, a man made wetland (KES, 2007). Lily Creek Lagoon is classified a RAMSAR and ANCA wetland (DEWR, 2007). Native aquatic vegetation has become established in the lake as a result of stable water levels (maintained by the Department of Water). The current conditions within the lake are optimal for rapid establishment of <i>Typha</i>, with slow flowing, shallow water, warm temperatures and high nutrient levels (VMP, 2008, p34). <i>Typha</i> is a prolific seed producer and can colonise from both seeds and rhizomes. Harvesting during the cool dormant periods leads to less growth and recovery minimising <i>Typha</i> and other aquatic vegetation over colonisation of Lily Creek Lagoon (VMP, 2008)</p> <p>The lake is recognised as having a high level of biological diversity and significant community value. Allowing <i>Typha</i> to become established in the lake would deleteriously affect the biodiversity of the wetland. Acknowledging this, a vegetation management plan has been put in place by the Shire of Wyndham East-Kimberley (SWEK), to better conserve the wetland. SWEK have highlighted areas of significant <i>Typha</i> colonisation for immediate and on-going removal in the plan (VMP, 2008). Therefore, the proponent has applied for a permit to remove <i>Typha</i> within the areas designated by SWEK shown in figure 12 and 13 of the Lake Kununurra and Lake Lily Creek Lagoon Vegetation Management Plan (2008).</p> <p>Given the application area and purpose for clearing is in line with the conservation values of Lily Creek Lagoon and the Vegetation Management Plan (2008), the proposal is not likely to be at variance to this principle.</p>
Methodology	<p>DEWR (2007) KES (2007) VMP (2008) GIS Layers: - Kununurra 50cm Orthomosaic - RAMSAR, Wetlands - ANCA, Wetlands</p>

(b) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna indigenous to Western Australia.

Comments	<p>Proposal is not likely to be at variance to this Principle</p> <p>A desktop survey found two priority species occur within a 10km radius of Lake Kununurra and Lily Creek Lagoon:</p> <ul style="list-style-type: none">* Little Bittern (<i>Ixobrychus minutus</i>) - P4* Water-rat (<i>Hydromys chrysogaster</i>) - P4 <p>The Little Bittern inhabits dense reeds and rushes bordering swamps, lakes and watercourses (Simpson & Day, 2004). The Water-rat is a nocturnal, territorial rodent preferring permanent fresh or brackish water, which forage close to the shoreline and nests in burrows in banks (Menkhorst & Knight, 2004). Both these species may occur within Lily Creek Lagoon. <i>Typha</i> 'provides cover, food, nesting places and habitat for water birds, aquatic insects, native fishes, freshwater invertebrates and frog etc' (VMP, 2008). The application is to cut <i>Typha</i> between 100mm-150mm above the roots and remove from the water (KES, 2007). The proponent intends to cut the vegetation in a patchwork pattern (cutting an area 100 metres by 100 metres and leaving an area of equal size undisturbed on each side of the cut area) in order to provide sanctuary for fauna such as those mentioned above. Furthermore, the proponent intends to keep a 3m buffer of vegetation around the entire shoreline unharvested (KES, 2007). This is in line with recommendations in the Lake Kununurra and Lily Creek Lagoon Vegetation Management Plan (2008). The plan also states that an area of no less than 10 metres be left between harvested stands of <i>Typha</i> (VMP, 2008)</p> <p>Given the above, it is unlikely that the application is at variance to this principle.</p>
Methodology	<p>KES (2007); VMP (2008); Simpson & Day (2004) Menkhorst & Knight (2004) GIS Layers: SAC Bio Datasets (090408) - Fauna</p>

(c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.

Comments	<p>Proposal is not likely to be at variance to this Principle</p> <p>There are no known records of rare flora, but numerous occurrences of priority flora within a 10km radius of Lily Creek Lagoon. None were sighted within the Lily Creek Lagoon.</p>
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The proponent has committed to monitor and report any sightings of plants nominated by the Department of Environment and Conservation (DEC) and avoid disturbing the area surrounding these nominated plants (KES, 2007).

Given this, the removal of 15 hectares of native aquatic vegetation from Lily Creek Lagoon in order to control its range is not at variance to this principle.

Methodology KES (2007);
GIS Layer:
SAC Bio Datasets (100408) - WA Herbarium - Kimberley

(d) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of a threatened ecological community.

Comments **Proposal is not likely to be at variance to this Principle**
There are no known threatened or priority ecological communities within a 10km radius of Lily Creek Lagoon.

Given this, the proposal is not likely to be at variance to this principle.

Methodology GIS Layers:
SAC Bio Datasets (100408) - Threatened Ecological Communities and - Priority Ecological Communities

(e) Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.

Comments **Proposal is not likely to be at variance to this Principle**
Aerial imagery of Lily Creek Lagoon shows extensive areas on the southern and western sides are intact and undisturbed.

Typha domingensis is a native aquatic plants which is currently not threatened and found all throughout Western Australia (WA Herb, 2008). The perimeter of Lily Creek Lagoon was over 75% *Typha* free in 1978, by 1993 though, almost the entire perimeter was colonised (Watkins 1997). *Typha* has become established throughout Lily Creek Lagoon due to the maintenance of stable water level conditions in the man made wetland (VMP, 2008).

The current extent of *Typha* within Lily Creek Lagoon is estimated at 71.43ha or 52.91% of the total Lily Creek Lagoon area. The proponent has applied to harvest 15ha of native aquatic vegetation which is approximately 20% of the total *Typha* colony. Harvesting as per the vegetation management plan, is recommended in lengths of no more than 100m and no stands of less than 10m in length be left in between the harvested areas (VMP, 2008). The proponent intends on leaving 100m between stands (KES, 2007). Furthermore, 'where floating areas of *Cubungi* occur, KES (the proponent) will remove the entire plants to within 3 metres of the shoreline' (KES, 2007).

Given the large population size of *Typha* within Lily Creek Lagoon, it is unlikely that the application to remove 15 hectares of native aquatic vegetation is likely to be at variance to this principle.

Methodology KES (2007)
VMP (2008)
WA Herb (2008)
Watkins (1997)
GIS Layer:
- Kununurra 50cm Orthomosaic
- Pre-European Vegetation - DA 01/01

(f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.

Comments **Proposal is at variance to this Principle**
Lily Creek Lagoon is listed as a part of a Ramsar and ANCA wetland (DEWR, 2007). Allowing *Typha* and other native aquatic vegetation to become established and spread through the lagoon has the potential to affect the ecological character of the site and thus have a significant impact on the Ramsar values.

In stating this though, *Typha* plants strip nutrients from run off (VMP, 2008) which is an important process to help maintain the nutrient level within a wetland. Therefore, it is recommended that removal of *Typha* from around drains be avoided (VMP, 2008).

The application and purpose of the vegetation clearing is in line with the Lake Kununurra and Lily Creek Lagoon Vegetation Management Plan (2008), and therefore it is unlikely that the application will have a detrimental impact on the natural values of the wetland. But as the application includes the removal of native vegetation growing in or in association with a wetland or watercourse the proposal is at variance to this principle.

Page 3

Methodology DEWR (2007);
KES (2007);
VMP (2008);
GIS Layers:
- ANCA Wetland
Hydrography, linear
- RAMSAR, Wetlands - CALM 14/02/03

(g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.

Comments Proposal is not likely to be at variance to this Principle

Typha stands stabilise banks and prevent erosion by aiding in sediment control (VMP, 2008). The maintenance of Typha stands around the shore line reduce erosion. Given this, the proponent intends to keep a 3m buffer of vegetation around the entire shoreline unharvested (KES, 2007). This is in line with recommendations in the Lake Kununurra and Lily Creek Lagoon Vegetation Management Plan (2008).

The proponent has stated that the method of removal will involve leaving the roots and stem to 100mm in the lagoon bed (KES, 2007), therefore bed disturbance will not be an issue.

Given the above, the proposal is not likely to cause or exacerbate appreciable land degradation.

Methodology KES (2007)
VMP (2008)

(h) Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area.

Comments Proposal is not likely to be at variance to this Principle

Mirima National Park is adjacent to the Lily Creek Lagoon near the town of Kununurra. The park is located upstream of the Lagoon, and will not be affected by any vegetation removal activities within the lake.

Lily Creek Lagoon is a Ramsar and ANCA wetland. The establishment and spread of Typha and other native aquatic vegetation in the Lagoon has the potential to over run the wetland and reduce the vegetation biodiversity. Allowing Typha to become established in the lake would negatively impact on the conservation values of the Lagoon. The Lake Kununurra and Lily Creek Lagoon Vegetation Management Plan (2008) states that the area within Figure 12 of the plan which is 7.6% of the total area currently colonised by cumbungi, is recommended for immediate and ongoing removal. The plan goes on to state that 'Kimberley Environmental Solutions has expressed interest in providing a service by contract to harvest cumbungi and other aquatic weeds...such a commercial venture would be welcomed' (VMP, 2008).

Harvesting of Typha is the method most preferred, as it has the least physical impact and does not add chemical residue or decomposing biomass to the water (VMP, 2008)

There is an existing protection buffer as agreed upon by the Department of Water (DoW) and the Shire of Wyndham East-Kimberley on the shoreline of Reserve 41812 (Lease area). Kimberley Environmental Solution have committed to conserving existing buffers and their procedures allow for re-growth of cut areas effectively providing a continuous buffer (KES, 2007). If the permit is granted, Kimberley Environmental Solutions should liaise with the shire and DoW to ensure that protection buffer zones are not impinged on by harvesting works.

The removal of 15 hectares of native aquatic vegetation from Lily Creek Lagoon in order to control Typha is unlikely to have a detrimental impact on the Ramsar and ANCA values of the Lagoon and surrounding conservation areas.

Methodology KES (2007)
GIS Layers:
- CALM Managed Lands and Waters - CALM 1/07/05
- RAMSAR, Wetlands - CALM 14/02/03
- ANCA Wetlands

(i) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water.

Comments Proposal is not likely to be at variance to this Principle

The proposed clearing will occur within the water body of Lily Creek Lagoon. The establishment and spread of Typha in the Lagoon has the potential to over run the wetland and reduce the vegetation biodiversity. By harvesting the conservation levels are likely to be maintained.

The Public Drinking Water Source area (PDWSA), consisting of a P1 protection zone, is located adjacent to the

Page 4

area where the clearing is proposed. However, the direction of groundwater flow into the PDWSA is from Lake Kununurra in the south, moving northwards (DoE, 2003), therefore the proposed clearing will be 'downstream' of the PDWSA and is not likely to impact upon the quality of the groundwater.

Uncontrolled Typha stands may detrimentally impact on the water quality of Lily Creek Lagoon by restricting or blocking water flow and outcompeting weeds, subsequently leading to decaying vegetation (VMP, 2008). The proponent has completed tests which have shown that water quality does not change when harvesting is carried out in the manner prescribed (KES, 2007). The proponent goes on to state that 'turbidity will be avoided by cutting the plants above the roots and leaving the lower fronds of the plant intact. Eutrophication of the waterbody will be eliminated by removing all harvested plant matter from the water on the day it is cut' (KES, 2007).

The removal of 15 hectares of native aquatic vegetation to control Typha levels in Lily Creek Lagoon, in accordance with the Lake Kununurra and Lily Creek Lagoon Vegetation Management Plan, is not likely to change the quality of surface or ground water.

Methodology KES (2007)
VMP (2008)
DoE (2003)
GIS Layers:
- Hydrography, linear - DOE 1/2/04
- Public Drinking Water Source Areas (PDWSAs) - DOW

(j) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.

Comments Proposal is not likely to be at variance to this Principle

The proposed clearing will occur within the water body of Lily Creek Lagoon. The purpose of the application is for the harvesting of 15ha of native vegetation (predominately Typha). Currently, Lily Creek Lagoon is estimated at containing 71.43ha of Typha (VMP, 2008). The application involves the removal of the Typha shoots only, from 100mm above the roots (KES, 2007), this will minimise the increase in water level.

Additionally, the water levels of the lake are regulated and managed by the Water Corporation (VMP, 2008). Such regulation of the water flow in and out of the lagoon ensures that flooding is minimal.

The proposed removal of 15 hectares of Typha is not likely to influence the incidence or intensity of any flooding in Lily Creek Lagoon.

Methodology KES (2007)
VMP (2008)
GIS Layers:
- Rainfall, Mean Annual - BOM 30/09/01
- Hydrography, linear - DOE 1/2/04

Planning instrument, Native Title, Previous EPA decision or other matter.

Comments

Much of the lake is Unallocated Crown Land for which the Department of Planning and Infrastructure (DPI) has responsibility. The Department has allowed Kimberley Environmental Solutions (KES) access to DPI lots (DEC TRIM Ref: DOC42527).

The Department of Water is the co-vestee of Reserve 41812, in conjunction with the Shire of Wyndham-East Kimberley, surrounding much of Lake Kununurra. The Department has shown support for this work and allowed access to the lot (TRIM REF: DOC41371).

A submission was received by the Shire of Wyndham East-Kimberley. The shire supports the application (DEC TRIM Ref: DOC43270).

There are sites of Aboriginal significance within the area proposed to clear. It is the proponent's responsibility to comply with the Aboriginal Heritage Act 1972 and ensure that no Aboriginal Sites of Significance are damaged through the clearing process.

Methodology DEC TRIM Ref: DOC42527
DEC TRIM REF: DOC41371
DEC TRIM Ref: DOC43270
GIS Layers:
- Native Title Claims - DLI
- Aboriginal Sites of Significance - DIA
- Environmental Impact Assessments

4. Assessor's comments

Comment

The proposal was found to be at variance to principle (f) and not likely to be at variance to all other principles.

5. References

- DEWR, 2007. Commonwealth Department of Environment and Water Resources. Sited at www.dewr.gov.au
- DoE, 2003. Department of Environment Kununurra Water Reserve - Drinking Water Source Protection Plan. Kununurra Town Water Supply. Water Resource Protection Series No WRP 51.
- EPA (2000) Environmental protection of native vegetation in Western Australia. Clearing of native vegetation, with particular reference to the agricultural area. Position Statement No. 2. December 2000. Environmental Protection Authority.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- KES, 2007. Application for permit to Harvest Flora from Lily Creek Lagoon for Commercial Purposes. Kimberley Environmental Solutions Pty Ltd. November 2007
- Menkhorst, P. and Knight, F. 2004. A Field Guide to the Mammals of Australia. 2nd Edition. Oxford University Press.
- Shepherd, D.P., Beeston, G.R. and Hopkins, A.J.M. (2001) Native Vegetation in Western Australia, Extent, Type and Status. Resource Management Technical Report 249. Department of Agriculture, Western Australia.
- Simpson, K. and Day, N. 2004. Field Guide to the Birds of Australia. 7th Edition. Penguin Books Ltd.
- VMP, 2008. Lake Kununurra and Lily Creek Lagoon Vegetation Management Plan 2008. Kununurra TAFE and Shire of Wyndham East Kimberley. January 2008
- Watkins, D., et al, 1997. Management Planning for Ramsar Sites in the Kimberley Region of Western Australia, Department of Conservation and Land management, WA.

6. Glossary

Term	Meaning
BCS	Biodiversity Coordination Section of DEC
CALM	Department of Conservation and Land Management (now BCS)
DAFWA	Department of Agriculture and Food
DEC	Department of Environment and Conservation
DEP	Department of Environmental Protection (now DEC)
DoE	Department of Environment
DoIR	Department of Industry and Resources
DRF	Declared Rare Flora
EPP	Environmental Protection Policy
GIS	Geographical Information System
ha	Hectare (10,000 square metres)
TEC	Threatened Ecological Community
WRC	Water and Rivers Commission (now DEC)

Plan 2194/1



LEGEND

- Clearing Instruments**
-  Areas Approved to Clear
 -  Road Centrelines
 -  Cadastre
 -  Kyninurra 50cm Orthomosaic - DLG



Scale 1:9076
 (Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

John Cuy Date 15/5/08
 S.McEvoy
 Officer with delegated authority under Section 20 of the Environmental Protection Act 1986

Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.



Department of Environment and Conservation

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Department of Environment and Conservation

Doc No.	062520
Date	09 JUN 2008
Operation	EO
Response	
File	101 2860.13

Your ref:
 Our ref:
 Enquiries:
 Phone: CPS 1913/1
 Fax: S Greenwood
 Email: 9168 4200

50 10 13

Katya Tripp
 Shire Of Wyndham-East Kimberley
 PO Box 614
 KUNUNURRA WA 6743

Dear Ms Tripp

Permit to Clear Native Vegetation under the Environmental Protection Act 1986

Thank you for your application to clear 1 hectares of native vegetation within Lot 501 on Plan 57127, Lot 2371 on Plan 189289, Road Reserve (Pin 1315329, Old Darwin Road), Unallocated Crown Land (PIN 638581), Kununurra (reference CPS 1913/1).

Please find enclosed your permit to clear native vegetation granted under s.51E of the *Environmental Protection Act 1986*. This authorisation gives you approval to clear, subject to certain terms, conditions or restrictions. A copy of your permit is now available for the public to view, as required by the regulations.

A copy of the Decision Report is attached for your information. The Decision Report is also available for the public to view.

Please read your permit carefully. If you do not understand your permit, contact the Department of Environment and Conservation (DEC) immediately. Be aware that there are penalties for failing to comply with the requirements of your permit.

If you are aggrieved by this decision an appeal may be lodged with the Minister for the Environment. If you choose to appeal, it must be in writing, clearly set out the grounds of your appeal, and be received by the Minister within 28 days. More information on lodging an appeal is available from the Office of the Appeals Convenor on telephone 9221 8711. Completed appeals should be posted or delivered to:

Office of the Appeals Convenor
 13th Floor, Allendale Square
 77 St Georges Terrace, PERTH WA 6000
 Tel: 9221 8711 Fax: 9221 8244
 Email: admin@appealsconvenor.wa.gov.au
 Web: <http://www.appeals.dpc.wa.gov.au>

Third parties may also appeal against the issue of this permit.

Please note that clearing must not commence until the date stated on the permit, or in the event of an appeal, after the appeal has been determined and you have been notified that you may proceed.

DIRECTOR GENERAL AND ENVIRONMENTAL SERVICES DIVISIONS: The Atrium, 168 St Georges Terrace, Perth, Western Australia 6000
 Phone: (08) 6364 6500 Fax: (08) 6467 5513 TTY: 1880 555 630

PARKS AND CONSERVATION SERVICES DIVISIONS: Executive: Corner of Australia II Drive and Hackett Drive, Crawley, Western Australia 6009
 Phone: (08) 9442 0300 Fax: (08) 9386 1578 Operations: 17 Dick Perry Avenue, Technology Park, Kensington, Western Australia 6151
 Phone: (08) 9334 0333 Fax: (08) 9334 0498 TTY: 9334 0546

POSTAL ADDRESS FOR ALL DIVISIONS: Locked Bag 104, Bentley Delivery Centre, Western Australia 6983
www.dec.wa.gov.au

XPBCL001

Be aware also that compliance with the terms, conditions or restrictions of this permit does not absolve the Permit Holder from responsibility for compliance with the requirements of all Commonwealth and State legislation.

It has been noted that you have obtained an undertaking from the Department of Water that a Bed and Banks Permit will be issued, subject to obtaining a clearing permit from DEC and approval from Main Roads. Please note, a Bed and Banks permit must be obtained prior to works commencing under the clearing permit.

It has been noted that this permit covers an area in which there exists three registered Indigenous Heritage Sites. It is the responsibility of the proponent to ensure that no Aboriginal Sites of Significance are damaged through the clearing process. In implementing this permit please liaise with the Department of Indigenous Affairs regarding your obligations under the *Aboriginal Heritage Act 1972*.

If you have any queries regarding this decision, please do not hesitate to contact the Department's Kimberley office on 9168 4200.

Yours sincerely



Sarah McEvoy
MANAGER
NATIVE VEGETATION CONSERVATION BRANCH

29 May 2008

Enc: Clearing Permit and Decision Report.
Fact Sheet: Complying with your Clearing Permit



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Purpose Permit Number: 1913 / 1
File Number: DEC3362
Duration of Permit: From 29 June 2008 to 29 June 2013

PERMIT HOLDER

Shire of Wyndham-East Kimberley

LAND ON WHICH CLEARING IS TO BE DONE

Lot 501 on Plan 57127
Lot 2371 on Plan 189289
Road Reserve (PIN 1315329, Old Darwin Road)
Unallocated Crown Land (PIN 638581, adjacent to Lot 2371 on Plan 189289)

PURPOSE FOR WHICH THE CLEARING MAY BE DONE

For the purposes of maintaining infrastructure and access to Lily Creek Lagoon.

CONDITIONS

1. The permit holder must not clear more than 1 hectare of aquatic native vegetation within the area hatched yellow on attached Plan 1913/1.

2. Records must be kept
The Permit Holder must maintain the following records for activities undertaken pursuant to this Permit:

- (i) the species composition, structure and density of the area to be cleared prior to clearing;
- (ii) the location where the clearing occurred, recorded using Geocentric Datum Australia 1994;
- (iii) the date that the area was cleared;
- (iv) the size of the area cleared (in hectares); and

3. Reporting

The Permit Holder must provide to the CEO, on or before 30 June of each year, a written report of records required under condition 2, and activities undertaken by the Permit Holder pursuant to this Permit between 1 January and 31 December of the preceding year.


Sarah McEvoy
Manager
Native Vegetation Conservation Branch

*Officer delegated under Section 20
of the Environmental Protection Act 1986*

29 May 2008



1. Application details

1.1. Permit application details

Permit application No.: 1913/1
 Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Shire of Wyndham-East Kimberley

1.3. Property details

Property:
 ROAD RESERVE (KUNUNURRA 6743)
 LOT 2371 ON PLAN 189289 (KUNUNURRA 6743)
 UNALLOCATED CROWN LAND (KUNUNURRA 6743)
 ROAD RESERVE (KUNUNURRA 6743)
 WATER FEATURE (KUNUNURRA 6743)
 LOT 3000 ON PLAN 46759 (KUNUNURRA 6743)
 UNALLOCATED CROWN LAND (KUNUNURRA 6743)
 WATER FEATURE (KUNUNURRA 6743)
 LOT 711 ON PLAN 220360 (KUNUNURRA 6743)
 LOT 711 ON PLAN 220360 (KUNUNURRA 6743)

Local Government Area: Shire Of Wyndham-East Kimberley

Colloquial name: Lily Creek Lagoon and part Lake Kununurra

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
1		Mechanical Removal	Miscellaneous

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description	Clearing Description	Vegetation Condition	Comment
<p>The area under application consists of aquatic and terrestrial environments. The aquatic environment consists of a variety of plants including <i>Nymphoides indica</i> (Water snowflake), <i>Cyperus difformis</i> (Rice sedge), <i>Typha</i> spp. (Cumbungi), <i>Chara</i> spp. (Stonewort), <i>Najas graminea</i> and <i>Sesbania formosa</i> (white dragon tree), Kimberley fern and an unidentified algae (Kenneally et al, 1996; Sainy and Jacobs, 1988). The terrestrial environment at the jetty consists of <i>Sesbania formosa</i>, <i>Eucalypt</i> spp and <i>Pandanus spiralis</i> (<i>Pandanus</i> palm).</p> <p>Weeds identified throughout the application area include introduced grass at the parkland area, <i>Passiflora foetida</i> (Wild passionfruit), <i>Azadirachta indica</i> (Neem tree), <i>Tribulus cistoides</i> (Caltrop)</p>	<p>The proposed area to be cleared is 1 hectare for the purpose of maintaining access to the water body at Celebrity Tree Park on Lily Creek Lagoon, and to maintain the jetty infrastructure. The area has previously been disturbed by historical removal of aquatic vegetation from the riparian zone and parkland clearing of the foreshore area.</p> <p>The aquatic environment retains a structure that is generally in good condition. The removal of cumbungi (<i>Typha</i> sp.) from the foreshore area has resulted in the significant alteration of the vegetation structure, however since clearing activities have been restricted over approximately the last 18 months, cumbungi and other aquatic vegetation have regenerated in the area.</p>	<p>Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery 1994)</p>	<p>The description of the vegetation to be cleared was obtained during a site visit by DEC staff on 16 October 2007 (DEC TRIM Ref: DOC39257).</p>

The priority 4 listed Little Bittern (*Ixobrychus minutus*) (Wildlife Conservation (Specially Protected Fauna) Notice 2006(2)) has been located 5.3km south of the proposal area. The Little Bittern inhabits dense reeds and rushes bordering swamps and creeks (Simpson and Day, 2004), the same habitat present within the application area.

The aquatic vegetation was seen to provide a feeding habitat for numerous bird and fish species, and crocodiles (*Crocodylus johnstoni*), turtles (*Chelodina rugosa* and *Elseya dentata*) and bandicoots are known to occur in the immediate area. Crocodile nesting holes were not observed during a site visit, however the area is known to be the territory of freshwater crocodiles (DEC, 2007).

Turtles tend to nest between February and May (Greer, 2006), however extensive areas of aquatic habitat exist outside the application area that would also serve as turtle nesting areas.

Portions of the proposal area have been subject to previous clearing. Those areas that remain vegetated are valuable remnant vegetation in a landscape that has been extensively cleared, therefore the vegetation is significant habitat for native fauna. The proponent has excluded areas from the application to clear, to increase habitat retention in the local area. Therefore, the potential impact of the clearing upon the Water Rat, the Burdekin Duck, and the Little Bittern, as well as other locally found fauna species, is reduced.

Therefore, the proposal is not likely to be at variance to this principle.

Methodology Wildlife Conservation (Specially Protected Fauna) Notice 2006(2);
Strahan (1995);
Menkhorst and Knight (2004);
DEC (2007);
Simpson and Day (2004);
Greer (2006);
SAC Biodatasets (090707)

(c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.

Comments **Proposal is not likely to be at variance to this Principle**
There are no known records of rare flora within the local area (10km radius).

Therefore, the proposal is not likely to be at variance to this principle.

Methodology FloraBase (2007);
SAC Biodatasets (090707)
GIS Database:
- Soils, Statewide

(d) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of a threatened ecological community.

Comments **Proposal is not likely to be at variance to this Principle**
There are no recorded occurrences of threatened or priority ecological communities within the local area (10km radius).

Therefore, the proposal is not likely to be at variance to this principle.

Methodology SAC Biodatasets (090707)

(e) Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.

Comments **Proposal is not likely to be at variance to this Principle**
The aquatic and riparian vegetation of Lake Kununurra has not been mapped to determine measurable extents. Aerial imagery of Lily Creek Lagoon shows extensive areas on the southern and western sides are intact and undisturbed.

However the northern side, where the current clearing is proposed, has been extensively cleared by past land management and recreational activities. This has resulted in the destruction of the riparian zone along the foreshore (DEC 2007), thereby placing a greater ecological importance on the remaining aquatic vegetation. Portions of the proposal area have been subject to previous clearing. Those areas that remain vegetated are valuable remnant vegetation in a landscape that has been extensively cleared.

The proponent has excluded areas from the application to clear, to increase the retention of vegetation within the local area. Therefore, the proposal is not likely to be at variance to this principle.

(I) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water.

Comments Proposal is not likely to be at variance to this Principle

The area that is proposed to be cleared is located within the Canning-Kimberley groundwater sub-area, proclaimed under the Rights in Water and Irrigation Act 1914. The Public Drinking Water Source (PDWS) area, consisting of a P1 protection zone, is located 0.4km west of Celebrity Tree Park. However, the direction of groundwater flow into the PDWS area is from Lake Kununurra in the south, moving northwards (Department of Environment, 2003), therefore the proposed clearing will be 'downstream' of the PDWS area and is not likely to impact upon the quality of the groundwater.

The areas proposed to be cleared have experienced historical disturbance from previous clearing methods, and the proposed works have the potential to cause deterioration in the quality of surface water via localised sedimentation and turbidity due to the disturbance of soils (Boulton and Brock, 1999).

However, the proponent proposes to clear five areas of the lagoon foreshore, whilst retaining strips of vegetation between the cleared areas. The retained vegetation will protect the foreshore and minimise water movement, thereby ensuring any sedimentation remains in the local area and quickly settles out of suspension.

Therefore, the proposal is not likely to be at variance to this principle.

Methodology Department of Environment (2003);
Boulton and Brock (1999);
GIS Database:
- Kununurra 50cm Orthomosaic
- Hydrology
- Public Drinking Water Source Protection Area

(J) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.

Comments Proposal is not likely to be at variance to this Principle

The proposed clearing of 1 hectare is not likely to influence the incidence or intensity of any flooding in the lake.

Therefore, the proposal is not likely to be at variance to this principle.

Additionally, the water levels of the lake are regulated and managed by the Water Corporation. Such regulation of the water flow in and out of the lagoon ensures that flooding is minimal.

Methodology GIS Databases:
- Hydrography, linear
- Hydrography, linear (hierarchy)

Planning Instrument, Native Title, Previous EPA decision or other matter.

Comments

The proposal is to perform clearing for the purpose of maintaining access to the water body and the jetty. The area proposed to be cleared is located on unallocated Crown land (PIN 638581) vested with the Water Corporation and managed by the Department for Planning and Infrastructure, and on Reserve 41812 jointly managed by the Department of Water and the Shire of Wyndham East Kimberley.

The proponent has obtained an undertaking from the Department of Water that a Bed and Banks permit will be issued, subject to obtaining a clearing permit from DEC.

The Department for Planning and Infrastructure does not object to the proposed clearing, provided that the proponent has obtained all other approvals.

The Water Corporation has not commented on the proposed clearing.

Main Roads WA gives permission for the proponent to apply for a clearing permit within their road reserve, however the road alignment has been altered so the water body of the lagoon is totally enclosed in Reserve 41812. Therefore, the Shire does not need further approvals from Main Roads to perform the works

The area under assessment falls under the jurisdiction of a Vegetation Management Plan adopted by the Shire of Wyndham East Kimberley. Consultation and negotiation has occurred between the Shire and the Department of Environment and Conservation (DEC), Department of Water (DoW), Department for Planning and Infrastructure and Ord Land and Water plus extensive public consultation to determine the scope of the plan. The plan is an approved, funded project of the National Action Plan for Salinity and Water Quality. DEC has provided comments on the draft plan, which includes the retention and regrowth of aquatic vegetation in certain areas along the northern foreshore of Lily Creek Lagoon to increase habitat extent and variation for native

Page 5

6. Glossary

Term	Meaning
BCS	Biodiversity Coordination Section of DEC
CALM	Department of Conservation and Land Management (now BCS)
DAFWA	Department of Agriculture and Food
DEC	Department of Environment and Conservation
DEP	Department of Environmental Protection (now DEC)
DoE	Department of Environment
DoIR	Department of Industry and Resources
DRF	Declared Rare Flora
EPP	Environmental Protection Policy
GIS	Geographical Information System
ha	Hectare (10,000 square metres)
TEC	Threatened Ecological Community
WRC	Water and Rivers Commission (now DEC)



Complying with your Clearing Permit

Environmental Protection Act 1986

Please read the following information carefully before commencing any works under your Clearing Permit:

The Permit Holder

As the holder of a Clearing Permit, you are responsible for ensuring the requirements of the Clearing Permit are followed. To assist in understanding your Clearing Permit, please read through the following important points.

If you do not understand your Clearing Permit, please contact the Department of Environment and Conservation (DEC) immediately.

Clearing Permits are granted by the Chief Executive Officer (CEO) or a Delegated Officer from DEC under section 51E of the *Environmental Protection Act 1986*.

Your Clearing Permit should be stored in a secure place, as it will provide a historical record of the authorised activity.

If you disagree with the decision

You may lodge an appeal with the Minister for the Environment if you are aggrieved by one of the following decisions by DEC:

- Refusal to grant a Clearing Permit
- Specification by the CEO of any condition in the Clearing Permit
- Amendment, the revocation or suspension of the Clearing Permit

If you choose to appeal, it must be in writing (clearly set out the grounds of your appeal) and be received by the Minister within 28 days from the date of the decision. Please fax, post or deliver your appeal to the Appeals Convenor, Office of the Minister for the Environment, 13th Floor, Allendale Square, 77 St George's Terrace, Perth WA 6000 or fax (08) 9221 8244.

Third party appeals

Third parties also have rights of appeal where the third party disagrees with:

- Refusal of a Clearing Permit
- Specification of a condition of a Clearing Permit
- Amendment, revocation or suspension of a Clearing Permit
- The granting of a Clearing Permit

If an appeal is lodged by a third party, the Appeals Convenor will notify you. The Clearing Permit shall be deemed not to have been granted until the appeal is determined. Do not commence clearing until the outcome of any appeal related to the Clearing Permit.

Public records

Regulations require DEC to notify the public of the decision to grant a Clearing Permit. Third parties can obtain copies of your Clearing Permit and the reasons why the decision was made.

Before commencing clearing

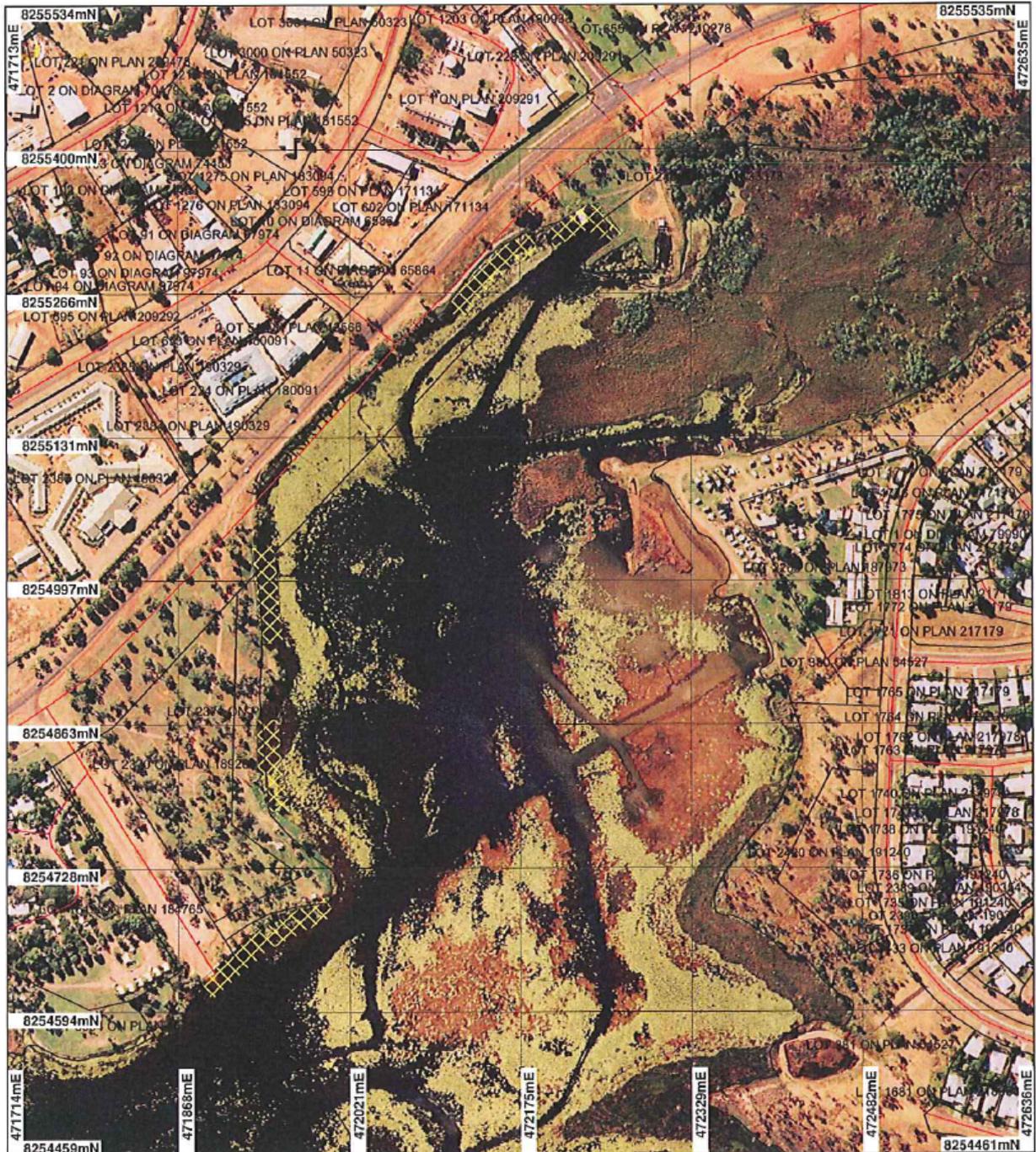
Clearing Permits are granted for a specific time period and often apply to a particular parcel of land. Before commencing clearing, ensure you fully understand the following items on the Clearing Permit:

- **Duration of Clearing Permit**
Clearing must not commence until the date stated on the Clearing Permit, or where there is an appeal against the grant of the Clearing Permit, until notified of the outcome of the appeal. If the Clearing Permit has expired, and additional clearing is planned, a new Clearing Permit is required.
- **Land on which clearing is to be done**
Ensure the clearing is conducted on the land described under this section of the Clearing Permit.
- **Authorised activity**
Ensure your clearing activity is one that is described under this section of the Clearing Permit.



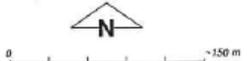
www.dec.wa.gov.au/nvc

Plan 1913/1



LEGEND

- Clearing Instruments
- Road Centrelines
- Towns
- Kuyunurra 50cm Orthomosaic
- DL105
- Cadastre for labelling



Scale 1:5000
(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

Jamie McEvoy Date 29/5/08

Officer with delegated authority under Section 20 of the Environmental Protection Act 1986

Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.



* Project Data. This data has not been quality assured. Please contact map author for details.

13.4. COMMUNITY SERVICES

13.4.1. Grants Scheme Policy Review

DATE:	17 June 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Karyn Apperley, Executive Manager Community Services
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	36.19.02
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider the amendment of current policies related to the implementation of Annual Community and Economic Development Grants and the adoption of the draft *Annual Grants Scheme* Policy to remove existing anomalies, provide greater consistency of annual grant conditions and provide improved access to the Annual Grants Scheme.

BACKGROUND

From 2003 to 2005 Council's Policy F3 related to *Grants to Community Arts, Cultural & Recreational Organisations*.

In September 2005, Council adopted Policy F3 *Community Grants* which outlines the policy for the Community Quick Grants and Annual Community Grants.

In addition, Council has adopted Policy F16 *Economic Development Policy* in September 2004.

Both these policies (attached) have provided the framework and guidance to the operation of the Annual Community and Economic Development Grants Schemes.

The practice over the past 5 years has been that the Grants Assessment Panel (Funding Advisory Group) assesses both Annual Community Grant applications and Annual Economic Development Grant applications and its recommendations are presented at a Council Budget Workshop for consideration and then included in the budget adoption process.

Council received the recommendations of the 2008/09 Annual Grant Assessment Panel at its Budget Workshop held 22 April 2008 and received information regarding the policy review at the May and June briefing sessions.

STATUTORY IMPLICATIONS

There are no specific legislative provisions regarding local government and the administration of a grants scheme or a donations policy. However, the *Local Government Act 1995* provides for the provision of services and facilities by a local government as follows;

3.18. Performing executive functions

- (2) *In performing its executive functions, a local government may provide services and facilities.*
- (3) *A local government is to satisfy itself that services and facilities that it provides —*
 - (a) *integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body;*
 - (b) *do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and*
 - (c) *are managed efficiently and effectively.*

The administration of a local grants scheme may be considered part of Council's service provision under *Section 3.18*.

POLICY IMPLICATIONS

Policy F3 *Community Grants* which outlines the policy for the Community Quick Grants and Annual Community Grants.

Policy F16 *Economic Development Policy* which outlines a range of economic development activities to be undertaken by Council, including grant applications.

It is recommended that Council amend Policy F3 to provide for Community Quick Grants, revoke Policy F16 as the provisions are dealt with through other documents and adopt the draft policy *Annual Grants Scheme*. The draft *Annual Grants Scheme* policy combines the conditions of the two current Policies related to Community and Economic Development Annual Grants, provides for up to three grant assessment dates annually and the establishment of an annual funding pool to resource an Annual Grants Scheme.

FINANCIAL IMPLICATIONS

For the past three years, Council has allocated between \$80,000 and \$120,000 to local organisations through the Annual Grants processes.

It is proposed that Council nominate an amount of \$120,000 for Annual Grants funding pool for the 2008/09 financial year and in each subsequent financial years, apply the same percentage increase to the funding pool amount as the rate percentage increase. This will allow the Annual Grants funding pool to be established at annual budget adoption and funds to be distributed at regular intervals throughout the year.

STRATEGIC IMPLICATIONS

Council's draft Strategic Plan identifies the key result areas of

- Community – to develop the strengths and potential of our community now and into the future
- Economic Development – work in partnership with Government, community and industry leaders to promote and provide opportunities for economic and social growth across the Shire.

COMMUNITY CONSULTATION

Various informal feedback has been received from grant applicants during the Annual Grant processes from comments regarding the layout of the application forms to the length of time between submitting an application and advice of the application outcome.

COMMENT

1. The matter of determining successful applications is addressed in both policies through the submission and assessment of applications against specified criteria.

In addition, the Community Grants Policy states;

“The Annual Grants will be decided by Council decision with recommendations from the Funding Advisory Group.”

The practice over the past 5 years has been that the Grants Assessment Panel (Funding Advisory Group) assesses both Annual Community Grant applications and Annual Economic Development Grant applications and its recommendations are presented at a Council Budget Workshop for consideration and then included in the budget adoption process.

This means that the Grant Assessment Panel (Funding Advisory Group) usually meets in April to assess the applications and formulate recommendations to the Council in a Budget Workshop in April for inclusion in the annual budget adoption in July or August. Therefore applicants are not able to be notified of the outcome of their applications until 4 to 5 months after the grant round closes.

There is nothing contained within the policies to prevent the recommendations of the Grants Assessment Panel (Funding Advisory Group) from being considered by Council at an ordinary Council meeting rather than through the budget adoption process, provided that an Annual Grants funding pool is established and adopted as part of the annual budget development and adoption (refer to Point 2.)

Should Council choose to enact such a practice of considering the recommendations of the Grant Assessment Panel at an ordinary Council meeting, then:

- Applicants could be notified within 1-2 months of the grant application closing date.
- Two grant submission and assessment dates could be established, thereby allowing community and economic development organisations to access the Annual Grants Scheme throughout the year, dependent on the available funding pool. It is acknowledged that Council currently receives requests for financial support outside of the current single Annual Grant round.

2. The matter of resourcing of the Annual Grants is slightly inconsistent through the current policy framework.

The Community Grants Policy states;
"The Council shall make an allocation for Community Grants within each annual budget".

The Economic Development Policy states;
"The Shire will provide the following resources to assist in the implementation of this policy:

- Each Financial Year 1% of the Budgeted Operating Expenditure will be allocated to an Economic Development fund. The fund will be used for:

- 1. Contributions to Economic Development Organisations*
- 2. Promotional Activities*
- 3. Economic Development Related Planning Activities*
- 4. Incidental Projects that arise throughout the financial year."*

And;

"In addition to the 1% commitment, Council will allocate \$15,000 per annum for one-off special economic development projects that may arise throughout the year.

In the event that all of the '1% funding' is not expended via the application process, excess funds will be allocated to Economic Development Promotional Activities, Economic Development Planning Initiatives and/or miscellaneous Economic Development activities that may arise throughout the year. (i.e. Funds will be added to the additional \$15,000 allocation)

In-kind support and/or Council officer time will also be made available to economic development activities where appropriate."

The practice has been to consider all applications for Annual Grants within a resource allocation of 1% of budgeted operating expenditure.

3. During the Panel Assessment in April 2008, discussion was had in regard to the option of providing a second grant round at a later stage in the year to enable community groups and other organisations to access grants at different times. There are many examples of other grants programs that have one, two, three or more rounds during a 12 month period. At the Council Briefing Sessions on 6 May and 3 June 2008, discussions included the proposal for two annual dates to be set for the submission and assessment of Annual Grants. This approach would improve access to the Annual Grants for various community and economic development organisations.

It is acknowledged that Council receives requests for donations and assistance for significant local and regional projects or events throughout the year. Often these requests relate to projects and events that have not fitted into the current Annual Grants round due to them being a new initiative or a response to an emerging opportunity. Recent examples include the Kimberley Economic Forum and the International Sandalwood Conference.

The adoption of a policy framework to provide for up to three grant submission and assessment periods per financial year would assist to address these issues.

Should Council consider additional grant rounds to the current Annual Community and Economic Development Grants, acknowledgement of the increased resourcing by staff and Councillors should also be considered.

Therefore, it would be appropriate to consider two grant submission closing dates throughout the year, being 30 May and 31 August in recognition that many community organisations operate with a peak activity time during the dry season and that this timing allows for the traditional wind down of activity and annual holidays during the wet season.

4. The amendment of the current Policy F3 to provide for Community Quick Grants and the adoption of a new policy for the Annual Grants Scheme which combines the current conditions for the administration of direct or annual grants provides for the desired policy framework would address the matters raised in this report. Revoking Policy F16 is considered appropriate as the conditions related to direct funding or annual grants are addressed in the draft *Annual Grants Scheme* policy and the Council's draft Strategic Plan includes the key result area of Economic Development, the activities and strategies for which are further outlined in the draft Plan for the Future 2008-2010.

ATTACHMENTS

1. Policy F3 *Community Grants*
2. Draft Policy *Community Quick Grants*
3. Policy F16 *Economic Development Policy*
4. Draft Policy *Annual Grants Scheme*

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council;

1. amend Policy F3 Community Grants to remove the Annual Community Grants conditions and reflect only the conditions of the Community Quick Grants Scheme and rename accordingly as Policy Cx Community Quick Grants as per Attachment 2.
- 2 revoke Policy F16 Economic Development Policy given that the objectives and conditions provided are either contained in the draft Policy Annual Grants Scheme or are contained in the draft Strategic Plan and the draft Plan for the Future 2008-2010.
3. adopt the draft Policy Cxx Annual Grants Scheme as per Attachment 4 which combines the conditions of the previous Policies F3 and F16 related to the administration of Community and Economic Development Annual Grants, so that this new policy provides for;
 1. two grant submission and assessment dates annually,

2. the establishment of an annual funding pool to resource an Annual Grants Scheme
3. provisions related to the administration of the Annual Grants Scheme.

COUNCIL DECISION

Minute No. 8269

Moved: Cr J Parker

Seconded: Cr D Ausburn

That Council;

1. ***amend Policy F3 Community Grants to remove the Annual Community Grants conditions and reflect only the conditions of the Community Quick Grants Scheme and rename accordingly as Policy Cx Community Quick Grants as per Attachment 2.***
2. ***revoke Policy F16 Economic Development Policy given that the objectives and conditions provided are either contained in the draft Policy Annual Grants Scheme or are contained in the draft Strategic Plan and the draft Plan for the Future 2008-2010.***
3. ***adopt the draft Policy Cxx Annual Grants Scheme as per Attachment 4 which combines the conditions of the previous Policies F3 and F16 related to the administration of Community and Economic Development Annual Grants, so that this new policy provides for;***
 1. ***two grant submission and assessment dates annually,***
 2. ***the establishment of an annual funding pool to resource an Annual Grants Scheme***
 3. ***provisions related to the administration of the Annual Grants Scheme.***

Carried Unanimously 8/0

ATTACHMENT 1 - Policy F3 *Community Grants*

POLICY No:	F3
DIVISION	Finance
SUBJECT:	Community Grants
REPORTING OFFICER:	Executive Manager Corporate & Community Services
ENABLING LEGISLATION:	Local Government Act 1995 Section 6.2

OBJECTIVE:

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

POLICY:

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

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

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

RESOURCING

- Council shall make an allocation for Community Grants within each annual budget.
- The distribution of the funds shall be via an application process. The process shall involve the following:
 - Community Grants will be promoted through direct distribution to community organisations annually, advertisements in the local newspaper and on community radio broadcasts. Application forms and additional information will be available from the Shire Office.
 - **Quick grants** can be applied for at any time of year but must be submitted at least four weeks prior to project commencing. Only one successful application can be submitted in each financial year.

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

LIMITATIONS

- Community organisations or events where the primary purpose is to promote political beliefs.
- Community organisations or events where the primary purpose is to promote religious beliefs or where people are excluded on religious grounds
- Individuals (or sponsorship of cash prizes for individuals or teams).
- Activities or events that are the responsibility of a state or federal government department.
- Project that have already been completed or are currently in progress.
- Funds not to be used for trophies, prizes, insurance or operational expenses (including loan repayments) incurred in the conduct of community activities.
- Applicants must seek other funding where available.
- Applications must be submitted on Council's prescribed forms.
- Council employees, equipment or facilities may be used in lieu of cash distribution and costed against the relevant ledger folio.
- All works are to be completed to the satisfaction of Council.
- Organisations will be limited to one successful application for funds per financial year
- Council does not intend the Grants to be utilised for monetary profit, but that they help voluntary organisations achieve their objectives.
- Applicants must provide evidence of their own initiatives by contributing money towards the project from other sources.

- Applicants seeking capital/building funding for a project need to ensure that the project relates to crown reserve or land owned or vested in the Shire of Wyndham East Kimberley (or at Council's discretion).

ADOPTED: 22nd September 2005

AMENDED: 24th August 2007

ATTACHMENT 2 – Draft Policy *Community Quick Grants*

POLICY No:	XX
DIVISION	Community Services
SUBJECT:	Community Quick Grants
REPORTING OFFICER:	Executive Manager Community Services
ENABLING LEGISLATION:	Local Government Act 1995 Section 6.2

OBJECTIVE:

The objective of Community Quick Grants is to provide consistent, equitable and accessible funding opportunities for local community based organisations in a timely manner for minor projects and activities.

POLICY:

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

Community Quick Grants are small grants (up to \$500 per application) that are quick and easy to access at any time of the year, subject to allocated funding.

RESOURCING

- Council shall make an allocation for Community Quick Grants within each annual budget.
- The distribution of the funds shall be via an application process. The process shall involve the following:
 - Community Quick Grants will be promoted through direct distribution to community organisations, promotion in the local newspaper and on community radio broadcasts. Application forms and additional information will be available from the Shire Office and the Shire's website.
 - Community Quick Grants can be applied for at any time of year but must be submitted at least four weeks prior to project commencing. Only one successful application per organisation can be approved in each financial year.
 - Council's Chief Executive Officer will have delegated authority to administer the Quick Grants program (\$500 or less) and is advised by the Executive Manager of Community Services.
 - Projects and events should be in keeping with Council's Strategic Direction Goals noted in Council's Strategic Plan.

- All organisations receiving Community Quick Grants will be required to expend the funds within the financial year that it was awarded. If grants are not utilised within the given time, all grant funds allocated will be forfeited.

LIMITATIONS

- Community organisations or events where the primary purpose is to promote political beliefs.
- Community organisations or events where the primary purpose is to promote religious beliefs or where people are excluded on religious grounds.
- Individuals (or sponsorship of cash prizes for individuals or teams).
- Activities or events that are the responsibility of a state or federal government department.
- Project that have already been completed or are currently in progress.
- Funds not to be used for trophies, prizes, insurance or operational expenses (including loan repayments) incurred in the conduct of community activities.
- Applicants must seek other funding where available.
- Applications must be submitted on Council's prescribed forms.
- Council employees, equipment or facilities may be used in lieu of cash distribution and costed against the relevant ledger folio.
- All works are to be completed to the satisfaction of Council.
- Organisations will be limited to one successful application for funds per financial year
- Council does not intend the Grants to be utilised for monetary profit, but that they help voluntary organisations achieve their objectives.
- Applicants must provide evidence of their own initiatives by contributing money towards the project from other sources.
- Applicants seeking capital/building funding for a project need to ensure that the project relates to crown reserve or land owned or vested in the Shire of Wyndham East Kimberley (or at Council's discretion).

ADOPTED:

ATTACHMENT 3 – Policy F16 *Economic Development Policy*

POLICY No:	F16
DIVISION	CEO/Corporate & Community Services
SUBJECT	Economic Development Policy
REPORTING OFFICER	Chief Executive Officer
ENABLING LEGISLATION	N/A

OBJECTIVE

To establish the Council's position in relation to its role and financial contribution in relation to Economic Development activities within the Shire.

POLICY POSITION

The Shire of Wyndham East Kimberley acknowledges that Economic Development is a key role and activity of the Council.

The Shire commits to assisting in the growth and development of the local economy through the following activities:

Direct Funding

The Shire will consider providing direct funding to organisations who are aiming to promote economic development in their various industry sectors (see funding criteria below).

Infrastructure Development

Council commits to contributing to the provision of infrastructure that will assist in the economic development of the Shire. Economic development infrastructure projects will be assessed as a component of the Shires annual budget processes.

Investment Attraction

The Shire will undertake the following investment attraction initiatives:

- Information/Advice: The Shire will provide information on demographics, procedural requirements and/or available industry data to existing and prospective investors.
- Promotional Activity: The Shire will contribute to promotional campaigns that aim to increase investment within the Shire. Funds for promotional activities will be sourced from specifically targeted funds from Council's budget (see below).
- Advocacy: The Shire will actively pursue governmental support and action (where necessary) to progress the development of businesses and/or industries in the Shire.

Planning Initiatives

Council will contribute to planning projects that progress economic development activities in the Shire. Funds for economic development planning initiatives will be sourced from specifically targeted funds from Council's budget (see below).

RESOURCING

- The Shire will provide the following resources to assist in the implementation of this policy:
 - Each Financial Year 1% of the Budgeted Operating Expenditure will be allocated to an Economic Development Fund. The fund will be used for:
 1. Contributions to Economic Development Organisations
 2. Promotional Activities
 3. Economic Development Related Planning Activities
 4. Incidental Projects that arise throughout the financial year.
- The distribution of the funds to Economic Development organisations shall be via an application process. This process shall involve the following:
 - On or before the 30th of March each year the Shire shall place an invitation for submissions from groups/organisations seeking funds to undertake Economic Development Activities. These funds are non-recurrent funding for the organisation/s. Funding success does not guarantee Council contribution in future years.
 - Applications shall received up until 30 April each year.
 - Each application shall be assessed on the following criteria:
 1. Demonstrated need for the funding.
 2. The organisation's history of achieving measurable economic development outcomes for the community.
 3. Proposed economic activity outcomes for the Shire in the forthcoming Financial Year.
 4. Ability to source additional funds and/or partnerships to assist with economic development activities.
 5. Demonstrated community support for the organisation and the project/s planned for the upcoming financial year.
 - All organisations receiving economic development funds will be required to provide an annual report to Council that details the use of Councils funds over the previous 12 months and the economic development outcomes that have been achieved.
- In addition to the 1% commitment, Council will allocate \$15,000 per annum for one-off special economic development projects that may arise throughout the year.
- In the event that all of the '1% funding' is not expended via the application process, excess funds will be allocated to Economic Development Promotional Activities, Economic Development Planning Initiatives and/or miscellaneous Economic Development activities that may arise throughout the year. (ie. Funds will be added to the additional \$15,000 allocation)
- In-kind support and/or Council officer time will also be made available to economic development activities where appropriate.

ADOPTED: 21 September 2004

ATTACHMENT 4 – Draft Policy *Annual Grants Scheme*

POLICY No:	XX
DIVISION	Community Services
SUBJECT:	Annual Grants Scheme
REPORTING OFFICER:	Executive Manager Community Services
ENABLING LEGISLATION:	Local Government Act 1995 Section 6.2

OBJECTIVE:

The objective of Annual Grants Scheme is to provide consistent, equitable and accessible funding opportunities for local community based organisations for the purposes of community and economic development activities, events and projects.

POLICY:

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

ADMINISTRATION AND RESOURCING

- Council shall make an allocation for Annual Grants within each annual budget. This funding pool shall be an amount of \$120,000 in 2008/09 and shall be increased inline with the adopted rate increase each subsequent year.
- The distribution of the funds shall be via an application process. The process shall involve the following:
 - Annual Grants will be promoted through direct distribution to community organisations annually, promotion in the local newspaper and on community radio broadcasts. Application forms and additional information will be available from the Shire Offices and on the Shire's website.
 - Each year the Shire will invite submissions from the community. These funds are non-recurrent funding and applications will be received in two rounds with submission closing dates of 30 May and 31 August each year.
 - Annual Grants shall be assessed on the following criteria:
 - Demonstrated need for funding.
 - Benefits to the community, including community development and/or economic development outcomes.
 - Demonstrated partnerships and ability to source additional funds and/or partnerships.
 - Demonstrated community support for the organisation and the project or activities planned.
 - The organisation's demonstrated ability or capacity to achieve measurable outcomes for the community.

- Demonstration of links to Council's Strategic Direction and Objectives.
- The Annual Grants will be decided by Council decision based on recommendations from the Grants Assessment Panel
- The Grants Assessment Panel will consist of:
 - A minimum of 2 Councillors
 - Executive Manager Community Services
 - One other Shire staff member as appropriate
- Projects, activities and events should be in keeping with Council's Strategic Direction and Objectives as noted in Council's Strategic Plan.
- All recommendations of the Grants Assessment Panel will be presented to Council for consideration.
- All organisations receiving community grants will be required to expend and acquit the funds within 12 months of the grant being approved at an Ordinary Council Meeting.

LIMITATIONS

- Community organisations or events where the primary purpose is to promote political beliefs.
- Community organisations or events where the primary purpose is to promote religious beliefs or where people are excluded on religious grounds.
- Individuals (or sponsorship of cash prizes for individuals or teams).
- Activities or events that are the core responsibility of a state or federal government department, though contribution to components that expand on the core responsibilities may be considered.
- Projects that have already been completed or are currently in progress.
- Funds not to be used for trophies, prizes, insurance or operational expenses (including loan repayments) incurred in the conduct of community activities.
- Applicants must seek other funding where available.
- Applications must be submitted on Council's prescribed forms.
- Council employees, equipment or facilities may be used in lieu of cash distribution and costed against the relevant ledger folio.
- All works are to be completed to the satisfaction of Council.
- Organisations will be limited to one successful application for funds per financial year.
- Council does not intend the Grants to be utilised for monetary profit, but that they help not for profit to achieve their objectives and provide benefits to the community.
- Applicants must provide evidence of their own contribution (financial and in-kind) as well as contributions from other sources towards the project.
- Applicants seeking capital/building funding for a project need to ensure that the project relates to crown reserve or land owned or vested in the Shire of Wyndham East Kimberley (or at Council's discretion).

ADOPTED:

13.4.2. Wyndham Swimming Centre Upgrade

DATE:	10 June 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Jesse Mortensen, Manager Recreation and Leisure
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	30.09.03
ASSESSMENT NO:	N/A

Cr M Pucci declared a Financial Interest in Item 13.4.2 as she is a member of the CSRFF Board.

Cr M Pucci left the meeting at 7.14pm and Cr R Addis assumed the chair.

PURPOSE

To establish direction for the refurbishment of the Wyndham Swimming Centre

BACKGROUND

In 2002 Council commissioned a report from Geoff Ninnes Fong & Partners recommending upgrades to the Wyndham Swimming Centre. Following on from this report GHD conducted a facility assessment as part of a state wide review of aquatic facilities. This report recommended significant upgrades to pool plant and filtration systems to comply with the Department of Health Aquatic Facility Regulations of 1965.

Shire Officers submitted a grant application in the 2007/2008 Community Sport and Recreation Facility Fund (CSRFF), with a project scope of upgrade to pool plant and filtration systems budgeted at \$400,000. The shire was awarded \$160,000 over two years, with \$100,000 being granted in 2007/2008 and the remaining \$60,000 being granted in 2008/2009. \$10,000 of the 2007/2008 funds was to be utilized to develop and cost a detailed scope of works for the centre to comply with the newly adopted Department of Health (Aquatic Facility) Regulations 2007.

The Kimberley Development Commission granted \$50,000 towards this project with Shire budget allocations of \$140,000 in 2007/2008 and a requested \$50,000 in 2008/2009 the total confirmed project budget is \$350,000

In April 2008 Aquatic Services Consultants (the consultant approved by the State Government) completed a detailed scope of works for required work to achieve compliance with current regulations and enabling disability access. This report recommended a total of \$1.0 million, and included the upgrading of filtration and water circulation systems, the installation of a balance tank, the installation of a chlorine gas system and the associated plant housing facility. These required works leave a budget deficit of \$650,000.

One option yet to be tested is to approach the Department of Housing and Works Remote Pools Program, which has built a facility in Warmun costing \$2.7 million and committed to build in Fitzroy Crossing to the value of approximately \$3.3 million. Additionally at Fitzroy Crossing, this program is funding operating costs of \$350,000 annually for the next 5 years.

Given the State Government support for Aquatic Facilities in these communities it seems a reasonable request that the support of \$650,000 be provided to bring the Wyndham Pool into State Government compliance.

STATUTORY IMPLICATION

Compliance with the Department of Health (Aquatic Facility) Regulations 2007 is mandatory and proposed all proposed works will achieve effective compliance and ensure community safety from water chemical filtration.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

With a project budget deficit of \$600,000 to achieve compliance with the Department of Health (Aquatic Facility) Regulations 2007 the options for project progression are:

Funding	Option 1	Option 2	Options 3	Option 4
SWEK	140,000	390,000	305,000	0
CSRFF	160,000	160,000	440,000	0
DHW RPP	650,000	0	0	3.5 million
KDC	50,000	50,000	50,000	0
OTHER	0	400,000	305,000	0
Total	\$1.0 million	\$1.1 million	\$1.1 million	\$3.5 million

Option 1: Go ahead with project in 2008/2009

Retain existing pool, and upgrade circulation and filtration systems using committed funds from the 2007/2008 financial year and request the additional \$650,000 needed for the project from the Department of Housing and Works Remote Pools Project.

Option 2: Staged upgrade of Wyndham Swimming Centre

Carry out essential improvements to water circulation estimated at \$500,000 in 2008/2009 and \$500,000 for remaining work in 2009/2010. This would result in an additional \$150,000 of Shire funds being allocated to this project in 2008/2009, and \$100,000 in 2009/2010. Approximately \$400,00 would need to be secured from sources yet to be identified.

Option 3: Return CSRFF Grand Funds

Enter into an agreement with the Department of Sport and Recreation to relinquish current funds and endorse the Shire's application in September 2008 for the Wyndham Swimming Centre at a full project cost of \$1.1 million. If successful the remaining budget could be allocated at \$50,000 from the Kimberley Development Commission (already secured), \$170,000 to \$270,000 from Councils 2009/2010 budget and the remaining \$300,000 to \$400,000 from funds yet to be determined.

Option 4: Expand project to full refurbishment upgrade in 2009/2010

With comparative new pool costs of \$2.7 million for the newly opened Warmun Swimming Centre and approximately \$3.3 million for the proposed Fitzroy Crossing Swimming Centre the option for a full centre refurbishment under the Remote Pools Project is possible. Funded by the Department of Housing and Works this project funds new swimming centres in small, predominantly indigenous communities. To secure inclusion in the remote pools project would result in a large proportion of total pool refurbishment being secured.

STRATEGIC IMPLICATIONS

This action is consistent with Council strategic policy key result area 2. To improve service delivery and provide equitable access to recreational and cultural services, and promote and maintain healthy communities

COMMUNITY CONSULTATION

Nil

COMMENT

The Remote Pools Project is administered by the Royal Life Saving Society of Western Australia (RLSSWA) and funded entirely by the Western Australian Department of Housing and Works. Initial discussions with RLSSWA indicate our eligibility in this project if sufficient political prudence is demonstrated. Other eligibility criteria such as a predominantly indigenous population and a population under 1000 people are demonstrated.

Further discussions with the Department of Housing and Works are needed to establish their level of support for Wyndham's inclusion in the project.

If Option 1 is realised consideration will still need to be given to the ancillary facilities (changerooms, kiosk, office) and their possible interface with the existing Recreation Centre as it is acknowledged that these facilities are aged and do require work.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

That Council take further steps to secure refurbishment of the Wyndham Swimming Centre by:

1. Approach the Department of Housing and Works to secure the additional \$650,000 required through the remote pools project for the upgrade consistent with the advise from the Aquatic Construction Services.
2. 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 advise from Aquatic Construction Services.

COUNCIL DECISION

Minute No. 8270

Moved: Cr D Ausburn

Seconded: Cr J Parker

That Council take further steps to secure refurbishment of the Wyndham Swimming Centre by:

- 1. Approach the Department of Housing and Works to secure the additional \$650,000 required through the remote pools project for the upgrade consistent with the advise from the Aquatic Construction Services.***
- 2. 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 advise from Aquatic Construction Services.***

Carried Unanimously 7/0

Cr M Pucci returned the meeting and assumed the Chair at 7.17pm and was advised the outcome of the item.

13.5. CHIEF EXECUTIVE OFFICER

13.5.1. Draft Strategic Plan

DATE:	17 June 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	60.04.01
ASSESSMENT NO:	N/A

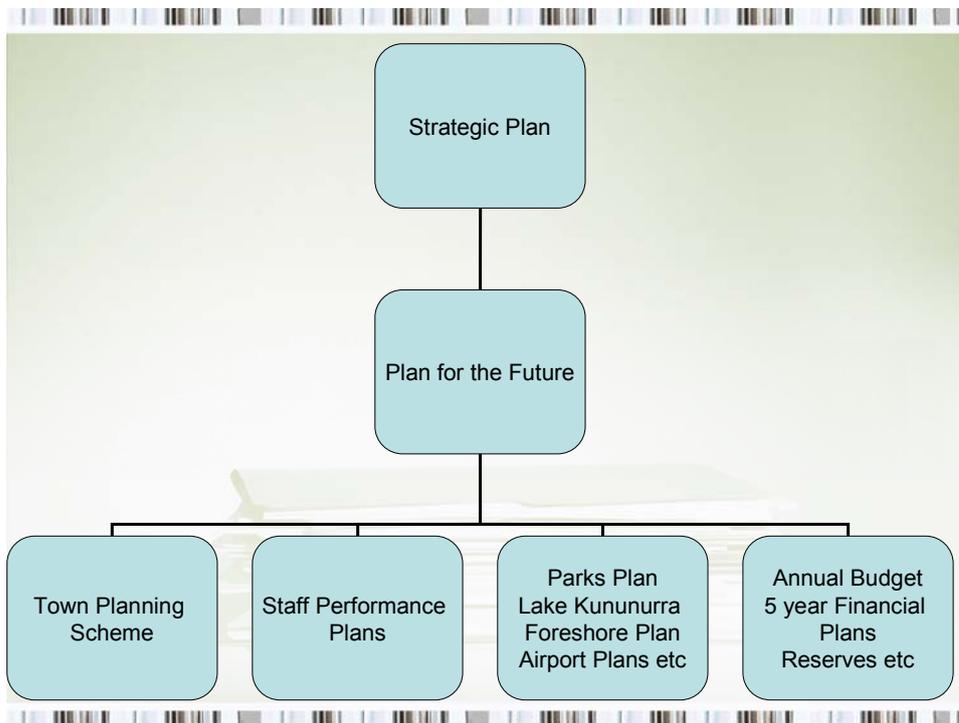
PURPOSE

For Council to consider adopting a Strategic Plan, setting a framework for its focus and work going forward

BACKGROUND

Council's draft Strategic Plan was reviewed by Councillors present at a workshop on the Tuesday 25 March.

The following diagram highlights the linkages between the levels of planning and documents in the Shire:



STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Plans provide a focus for the organisation and framework through which resources are directed to achieve the mission and vision of Council.

COMMUNITY CONSULTATION

The draft Strategic Plan was available for public comment in 2007. Councillors were available at shopping centre in Kununurra to interact with the public on the draft plan.

COMMENT

The draft Strategic Plan presented has had outcome statements reworded from previous drafts that Councillors have seen, taken into account Councillors comments that the draft could be improved by inclusion of outcome statements, as opposed to project specific matters. The effect of this change has been wording the draft in a manner which leads to increased relevance to Local Government, longevity of the Plan, and its relationship with the draft Plan for the Future which Councillors reviewed at their June 3 Briefing Session.

ATTACHMENTS

1. Public Comment on draft Strategic Plan
2. Draft Strategic Plan – separate A3 attachment

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council adopt the draft Strategic Plan presented.

COUNCIL DECISION

Minute No. 8271

Moved: Cr D Ausburn

Seconded: Cr J Moulden

That Council adopt the draft Strategic Plan presented.

Carried Unanimously 8/0

ATTACHMENT 1: PUBLIC COMMENT ON DRAFT STRATEGIC PLAN

Shire of Wyndham East Kimberley
Strategic Plan - Public Comments
Council has a duty of course to the people of Wyndham & the people of remote communities that are serviced by Wyndham to maintain an Operative airport so that the Royal Flying Doctors Service can evancuate seriously ill and dying Shire residents to major
Wyndham Community needs an alcohol free community venue to be available for events like the art show, school concerts Etc. This would be jepordized by moving the community club to the hall. Why not let the community club be operated by a private company i
Representing the AOG Church in Wyndham we register our strong protest about the community club being moved into town, into a community hall, opposite a school, the copmmunity hall being used commercially
KEEP THE COMMUNITY CLUB where its always out of town. Moving the club to the shire community hall is the worst ever suggestion I have ever heard. The St Josephs Catholic School has been there for years and its not about to move. Children will actually be
The Community of Wyndham will be at total loss if the Airport is closed. The Airport has been in operation since the 1940's. Since then the airport is servicing the outlaying communities and also the recently opened Truscott. People have been relying on
Keep Wyndham Airport open - KNX airport can afford to subsidise essential services that are needed in Wyndham - R.F.D.S & Mail. The Wyndham community Club should remain where it is - NOT across the road from St Josephs school. Alcohol should not be served
How has SWEK come to the idea that the Wyndham airport should be shut/downgraded? The impact of closing the Wyndham Airport would have wide ranging consequences to the Wyndham community on many levels. Loss of a doctor (no more oombi or Kalumburu clinic r
You state your "aim to develop and maintain the shires infrastructure and assetts to a high standard". We ask of you to honour this for Wyndham, Oombulgurri, Kalumburu AND all other communities in the area. All businesses and communities DEPEND on the air
The glossy brochure is not necessary, expensive & environmentally unsustainable - KRA4. Expand on pathways on major access notes - KRA1. Does not mention equitable access for disabled people - KRA2. Impose safety of existing facilities to meet Australian
More work is required at Kununurra Airport. 1. More car park space 2. New security area 3. new inbound lounge 4. Extensions to the runway 12/30 by 671 metres (2500 Metres) ASAP. Swim Beach needs a Face Lift.
Cannot see this strategic plan working without a qualified engineer on board.

HAVE YOUR SAY: SEND YOUR COMMENTS TO:

Chief Executive Officer
Shire of Wyndham East Kimberley

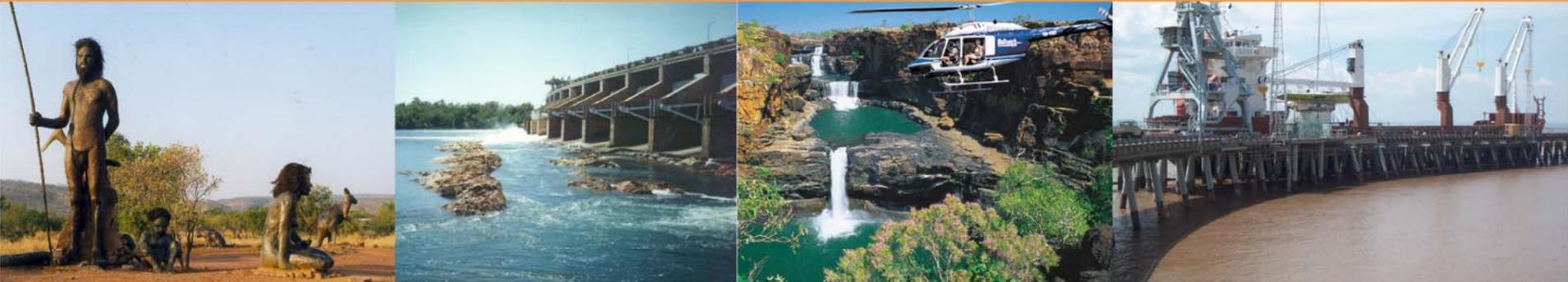
By post: PO Box 614 KUNUNURRA 6743
In person: 115 Coolibah Drive KUNUNURRA
Koolama Street WYNDHAM
By email: mail@thelastfrontier.com.au
By fax: 9193 5651

By close of business:



Shire of
Wyndham East Kimberley

DRAFT STRATEGIC PLAN



VISION

For the Shire to be a thriving and vibrant Community with unlimited opportunities.

MISSION

To develop the Shire in a manner that will achieve the best possible social, cultural and economic outcomes for all.

COMMITMENT

Council and staff will make decisions with Integrity, Transparency and Consistency.

INFRASTRUCTURE

KEY RESULT AREA 1

To develop and maintain the Shire's infrastructure and assets to a high

- Sustainable asset management for infrastructure under the Shire's control.
- Road network that is safe and meets its functional requirements;
- Airport services meet the need of the growing region;
- Public open space provides for a range of activities;
- Cycle ways and footpaths link to key community assets;
- Drainage network that achieves its functional requirements;
- A range of quality public facilities that meet a diversity of interests.

COMMUNITY

KEY RESULT AREA 2

To develop the strengths and potential of our community now and into the future.

- Advocacy and leadership focussed on improved outcomes and services;
- Equitable access to quality recreational facilities and services;
- Provide and promote public library services;
- Quality child care facilities and services;
- Partnerships in youth service delivery;
- Effective crime prevention partnerships;
- Provide community and cultural development;
- Partnerships addressing social issues in our community.

ECONOMIC DEVELOPMENT

KEY RESULT AREA 3

Work in partnership with Government, community and industry leaders to promote and provide opportunities for economic and social growth across

- Partnerships in tourism strategies that promote opportunities for economic growth;
- Advocate for opportunities unique to the region;
- Promote and facilitate economic opportunities;
- Town Planning that guides sustainable land use and development;
- Effective partnerships with the public and private sectors.

ENVIRONMENT

KEY RESULT AREA 4

Ensure that the Shire contributes to the unique environment in a sustainable and realistic manner.

- Facilitate community participation;
- Waste management services meet legislative and sustainable objectives;
- Urban environment is enhanced to reflect our unique environment;
- Implementation of Shire Plans that focus on our unique environment;
- Remediate and improve areas impacted through Shire activity
- Partnerships to improve fire management;
- Reduce the Shire's carbon footprint.

GOVERNANCE

KEY RESULT AREA 5

That Council works in a co-operative way in delivering its obligations and to communicate well with the community.

- Leadership and advocacy on issues relevant to the region;
- Council decisions are consistent with policies and strategies;
- Council accepts responsibility for decisions;
- Compliance with legislative requirements;
- Council's financial position and forward planning is sound;
- Revenue is diversified and maximised;
- Council provides a quality work environment that achieves effective recruitment, retention, progression, succession and performance;
- Council has effective relationships with external organisations;
- Communication of Council roles and activities;
- Effective Emergency Management strategies and partnerships.



13.5.2. Future Involvement in Lake Kununurra Commercial Boating Facility

DATE:	2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Lake Kununurra
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	43.04.01
ASSESSMENT NO:	A2860

PURPOSE

For Council to reconsider the options available to facilitate the establishment of boat facility on Lake Kununurra to enable commercial boat operators to conduct refuelling, maintenance and servicing of their operations.

BACKGROUND

1. For the past three years at least Council has attempted to lead a process to see the establishment of boat facility on Lake Kununurra to enable commercial boat operators to conduct refuelling, maintenance and servicing of their operations.
2. Commercial boat operators and the Kimberley Development Commission have supported this concept through financial contributions.
3. It has been understood that commercial boat operators and State Agencies supported this concept as it legitimised their operations for insurance purposes, gave security, and environmental best practice.
4. Considerable consultation on the concept as occurred with Government Agencies, commercial boat operators, and the public.
5. The proposed site for the boat facility is near the ex Sailing Club lease on Reserve 41812, which is co-vested with the Department of Water and Shire of Wyndham East Kimberley.
6. A design and feasibility plan by SKM consultants for the concept was completed in 2007.
7. Following completion of the feasibility plan, and using this plan a grant for \$1M was prepared and submitted to the Commonwealth's Regional Partnership Program in October 2007. The grant along with many others across Australia was assessed but not processed, due the change of Commonwealth Government, and the Commonwealth has since advised the Regional Partnership Program has been cancelled, and is due to be replaced. Projects seeking funding will need re submit under the new Program.
8. On the 19 December 2008 Council resolved as follows to offer short term leases to commercial boat operators, to provide some certainty in the short term. The operators have rejected that offer in their letter attached to this report;

That Council:

1. *Advise Triple J Tours, Kununurra Cruises - The BBQ Boat and Alligator Airways that it agrees to enter into leases over portions of Reserve 41812 and Reserve 29297 with Triple J, Kununurra Cruises - The BBQ Boat and Alligator Airways in accordance with Standard Lease Provisions, the following schedule and the lease areas as per Modified Attachment 1 (BBQ Boat Lease area to be east of proposed Alligator Lease area) - Short Term Lease Areas - Reserve 41812 & Reserve 29297;*
 1. *Short term lease shall be for 2 years, with the capacity for 1 year extensions as required, until such time as the proposed Lake Kununurra Boat Harbour is constructed, as per attachment 1;*
 2. *Lease fees shall be charged at 100% of the Commercial Lease Value;*
 3. *Use of the land shall be restricted to the following:*
 - i) *Embarking and Disembarking of passengers*
 - ii) *Loading of goods required for passenger services [eg food and beverages]*
 - iii) *Operation of tourism related motor powered vessels [or aircraft in the case of Alligator Airways]*
 - iv) *Refuelling of passenger vessels*
 - v) *Disposal of rubbish and sullage from vessels*
 - vi) *Parking of vehicles directly associated with the land use*
 - vii) *Any other use granted with the written consent of the co-vestees*
 4. *All rubbish shall be removed from the lease area by the lessee.*
 5. *Short term leases shall be reviewed on an annual basis*
 6. *The removal of native vegetation shall not be permitted without the express written consent of both co-vestees.*
 7. *No development shall occur without the written consent of the co-vestees*
2. *Request the Department of Water to approve leases in accordance with the lease schedule and areas as per Recommendation 1 above; and*
3. *That council earmark an appropriate section of land to the westerly side of the proposed short term leases, such land to be utilised for a future sailing club which complies with the Incorporation Act regarding AGM's and Membership.*
 1. *Advise Commercial Operators that Council will enter into discussion regarding the provision of Long term leases up to 21 years with a commercial option of up to an additional 21 years, on approval of the development of the Lake Kununurra Boat Harbour. Locations of future leases will be subject to Council and Community consultation with long term leases being decided by Public Tender.*

Carried 7/1

In December 2007 Council made submission to the State Government budget process for its 2008/09 budget, as well for funding for this proposed boat facility. The State did not fund it.

Councillors reviewed the project concept at their Briefing Session on the 3 June 2008, and specially considered two options being: 1) Council undertake an Expression of Interest process to determine interest from the private sector to construct and operate the proposed facility, 2) Council request the State Government undertake an Expression of Interest process to determine interest from the private sector to construct and operate the proposed facility, and that Landcorp, DPI or DOW be requested to manage this process

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no financial implications to Council associated with the recommendation in this report.

STRATEGIC IMPLICATIONS

The proposed boat facility is part of Council's Plan for the Future and links to Council's Strategic focus on Economic Development.

COMMUNITY CONSULTATION

Considerable consultation on the concept as occurred with Government Agencies, commercial boat operators, and the public.

COMMENT

Neither the State Government budget submission for this project or the \$1M grant to the Commonwealth Regional Partnership program have been successful.

Further, there continues to be discontent from commercial boat operators about the project as indicated in their attached letter received 26 March 2008 (attachment 1). In particular there is discontent in relation to proposed short term lease tenure as per Council's resolution Minute Number 8031.

From the written advice of boat operators 1 November 2007, it is clear the operators are interested in developing a boat facility at their own cost, but subject to land for this being freehold title in their favour.

The needs of the boat operators have not emerged in the short term, but have accumulated over time. It is incumbent on the boat operators as commercial businesses to resolve their issues and needs.

Councillor's gave candid comments in their Plan for the Future workshop 13 May 2008 about a range of strategic projects for the region. This included acknowledging that it may be prudent for Council to be more deliberate about its involvement in a variety of projects and issues so as to not spread itself too thinly.

Given the problematic issues of gaining funding for this project and the timeframes likely to be involved, it is recommended that if Council believes this project is still worth pursuing, consideration is given to the following options:

1. Council undertake an Expression of Interest process to determine interest from the private sector to construct and operate the proposed facility.
2. Request the State Government undertake an Expression of Interest process to determine interest from the private sector to construct and operate the proposed facility, and that Landcorp, DPI or DOW be requested to manage this process.

While either of these approaches could have been tried in the first instance there has been strong support for a Council constructed and managed facility. Without State and or Commonwealth funding, however, this is unrealistic, and new options need to be explored.

It is recommended that option 2 above be pursued, as State Government Agencies want the boat facility and yet the State has chosen not to contribute funding for it. Given the State's ownership of the land in question (Lake Kununurra Foreshore) it is recommended that the State be requested to initiate and manage an Expression of Interest process to build and operate the proposed boat facility.

The State through its Agencies such Landcorp, Department of Water and Department of Planning and Infrastructure has considerable experience in these processes and in boat facilities. The State in fact leads processes such as this in other communities (e.g. Landcorp - Exmouth Marina development, Landcorp Australian Marine Complex)

Further, Council has requested the State to consider releasing land adjacent to the proposed boat facility site for a new Caravan Park development, to enhance this Region's ability to cater for the growing caravan park industry. The opportunity could be there for the State to leverage both the proposed new caravan park and boat facility together. An option such as that might make both proposed more attractive to the commercial sector.

Option 1 above is not recommended given the workloads of Council, its current resource levels, and the protracted nature of communications that would necessary with State Agencies given that the State has the controlling interest in the lands in question.

It is noted that there has been a view that public ownership through leasehold rather than freehold land ownership in the boat facility is preferred by Council. This remains in conflict with the views of the commercial operators. The State however has vast experience at leveraging developments in partnership with the private sector and this further underlies the recommendations in this report.

ATTACHMENTS

1. Letter Boat Operators 26 March 2008.
2. Letter Boat Operators 1 November 2008.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

1. That given the support for a proposed Boat Facility for commercial boat operators on Lake Kununurra, by State Government Agencies, and the State Governments failure to provide funding for the proposal to date, that Council request the State Government to undertake an Expression of Interest process to determine interest from the private sector to construct and operate the proposed facility.
2. That given the State Government owns the land, on which both the proposed new caravan park and boat facility requested by Council are recommended to be located on, and the possible synergies between these two proposed projects, that Councils recommends to the State Government that consideration be given by the State to imitating these projects simultaneously to give the market the opportunity to consider a larger commercial option and in so doing maximising the opportunity for the commercial sector to make the investment required to deliver both needed projects.

COUNCIL DECISION

Minute No. 8272

Moved: Cr P Caley Seconded: Cr J Parker

That Council defer this item until the next briefing session for further discussion.

Carried Unanimously 8/0



Alligator Airways

P.O. Box 10 Kununurra WA 6743 Ph: (08) 9168 1333 Fax: (08) 9168 2704

Doc No.	061801
Date	28 MAR 2008
Officer	
Response	
File	

Attention Mr. K. Williams
Shire of Wyndham and East Kimberley

Dear Keith

We are extremely disappointed by your letter offering short term leases (Ref 01.2860.02:TP873) sent to Triple J and ourselves.

Alligator Airways & Triple J have worked with the shire and given funds to help make the marina a reality, and now you say it will all be up for public tender!

After previous discussions with the shire, we thought it was made quite clear that we would not commit to a short term lease due to the level of investment that Triple J and ourselves would have to commit.

We therefore strongly decline your offer of short term leases and have decided to seek alternative arrangements to the marina.

Regards

Rob Kendrick
Alligator Airways

Jeff Hayley
Triple J Tours

fly@alligatorairways.com.au ♦ www.alligatorairways.com.au

Landplane and Floatplane Charter, Bungle Bungles and Scenic Tours
Kununurra Airport, Kununurra Western Australia
ABN 85 504 766 783 ACN 009 061 536

Doc No	060788
Date	1 NOV 07
Officer	CEO SP
Response	
File	43.04.01

01.2860.02

Triple J Cruises

1B Coolibah Drive
Kununurra

Alligator Airways

Hangar 5
Dusty Rankin Drive

Kununurra Cruises

22 Dryandra Road
Kununurra

Chief Executive Officer
Cr M Pucci
Shire of Wyndham-East Kimberley
PO Box 614
Kununurra
WA 6743

1 November 2007

Dear Michelle,

COMMERCIAL MARINA DEVELOPMENT

Further to the Shire Meeting regarding interim arrangements for a commercial marina development, we have put together our proposal for a long term solution to this issue which could be operational for next season.

Our proposal would be for the existing disused Sail Club site be made available for the commercial operators to make usable for our joint operations. We are aware that Mr Torben Sass-Nielsen has objections to this based on the historical use of this site, but we should look at the situation as it is today. By the admission of Mr Sass-Nielsen ,at an impromptu meeting called by him at the site, there has been no activity from this site for over five years, with the exception of illegal camping. The current membership is very limited (four?) with some members no longer resident in Western Australia. There is no evidence of children using this facility. Mr. Sass-Nielsen has recently become spokesperson after the previous incumbent acceded to the discontinuation of the club from lack of membership and use, as conveyed to Mr Jeff Hayley. We are therefore confused as to the basis of Mr Sass-Nielsens objections

to our use of this site. When consideration is given to such a decision we appreciate that the Shire takes the concerns of anyone who would be inconvenienced by such a decision, however we believe there is no-one inconvenienced in this instance. With regard to historical significance of the building, we only mention that the building is unkempt and littered with graffiti. It should also be noted that the inlet is no longer usable in any way as it is infested with weeds and completely inaccessible. We can only suggest that we are provided with the minutes of all recent meetings of the Sail club and that a urgent meeting be convened with the members to ascertain the interest, if any, that anyone may legitimately have regarding this site.

We, as a group, that are struggling to find a way to operate without adequate facilities, are agreeable to taking over this site and undertaking the works required to make the area operational, at our own cost, provided the land is made available to us free-hold. This would therefore also relieve the shire of any ongoing insurance, maintenance and development funding issues.

We noted with concern the lease hold return of \$20 per square meter, suggested by the Shire at the meeting, is at a rate far in excess of any comparable leasehold facility in Perth, and beyond reasonable economic viability for our companies. We understand that the Shire has proposed a larger facility than our current requirements and that a return must be made for the development of the site, however we may not be in a position to accept leases at that rate.

It seems to us that the solution is for us to purchase the land freehold to develop at our expense, and obviously with Shire approval, to meet our requirements. Precedent has been set for such a situation in recent Perth foreshore developments.



Jeff Hayley
For Triple J Cruises



Rob Kendrick
For Alligator Airways

13.5.3. Delegated Authority Report

DATE:	20 May 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 May 2008 to 31 May 2008.

BACKGROUND

Use of Council approved Delegated Authority by Officers is reported to Council on a monthly basis.

The attached tables outline use of Delegated Authority by relevant officers for the above period.

STATUTORY IMPLICATIONS

LOCAL GOVERNMENT ACT 1995 - SECT 5.46

5.46. Register of, and records relevant to, delegations to CEO's and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The Governance KRA of the Shire's Strategic Plan includes a strategy, which is relevant to this item:

Goal 2 – Decision Making, Strategy 1 – To have established procedures and protocols that facilitate timely, effective decision making by the Council.

COMMUNITY CONSULTATION

Not Applicable

COMMENT

The attached reports outline use of Delegated Authority by relevant Council Officers for endorsement by Council.

ATTACHMENTS

Delegated Authority Report

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receive the Delegated Authority Report for the period 1 May 2008 to 31 May 2008.

COUNCIL DECISION

Minute No. 8273

Moved: Cr J Moulden

Seconded: Cr P Caley

That Council receive the Delegated Authority Report for the period 1 May 2008 to 31 May 2008.

Carried Unanimously 8/0

TOWN PLANNING DELEGATED APPROVALS

Application / Delegation Number	Approval Type	Date Received	Applicant	Owner	Property Address
20/08	P	18-Mar-08	Ri-Con Contractors Pty Ltd	Ri-Con Developments No. 2 Pty Ltd	Lot 638, Packsaddle Road
27/08	AA	02-Apr-08	Monsoon Architects	DHW	Lot 746, Spinifex Street
29/08	P	10-Apr-08	Waringarri Aboriginal Corporation	Waringarri Aboriginal Corporation	Lot 2229, Button Drive
31/08	IP	14-Apr-08	Bothkamp Australia P/L	Bothkamp Australia P/L	KL 607, Mulligan's Lagoon Rd
32/08	P	21-Apr-08	Wayne & Debbie Freer	Wayne & Debbie Freer	Lot 136, Whimbrel Road
33/08	P	22-Apr-08	Dave & Cathy Hasted	Dave & Cathy Hasted	Lot 82, Weaber Plain Road
35/08	P	02-May-08	Graham & Julie Fysh	Graham & Julie Fysh	Lot 10, Weaber Plain Road
36/08	P	12-May-08	Scott & Helen Munro	Scott & Helen Munro	Lot 111, Kestrel Place
38/08	P	13-May-08	Peter Pegg	Peter Pegg	Loc 232, Research Station Road
41/08	AA	28-Apr-08	Laurie McKenzie	Ingle Pty Ltd	Lot 2263, 50 Casuarina Way
48/08	P	07-May-08	Elders / Valentine Falls Estate	MRWA (Road Reserve)	Road reserve corner of Victoria Highway / Weero Road

Attachment: Delegated Authority Report

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

LIC#	DATE	OWNER	ADDRESS	BUILDER	LOCATION	DESCRIPTION	NEW/ ADD	LOT AREA	FLOOR AREA	EST. VALUE
054/ 2008	2/05/2008	B Robinson	PO Box 1103 Kununurra	B Robinson	Lot 1779 KOOLAMA STREET WYNDHAM	Chain Mesh Fence			N/A	\$5,000.00
055/ 2008	7/05/2008	Golf club/SWEK	PO Box 6743 Kununurra	Golf Club	Lot 312 LEVEE BANK RD KUNUNURRA	Extension to Class 10a Storage Shed			128	\$9,500.00
056/ 2008	8/05/2008	Water Corporation	Leederville West Perth	Thomas Breig	Lot 3005 LAKE VIEW DRIVE KUNUNURRA	Conversion of Existing Building to Restaurant				\$450,000.00
057/ 2008	21/05/2008	Cecilia & Jason Gault	PO BOX 875 Kununurra	Jason Gault	LOT 2220 (61) BARRINGTONIA AVENUE KUNUNURRA	Alterations, Carport Pegola				\$15,000.00
058/ 2008	14/05/2008	Mark Recklies	50 Harrier close Kununurra	Ed Duff	LOT 50 HARRIER CLOSE KUNUNURRA	Verandah Addition				\$15,000.00
059/ 2008	15/05/2008	Indigenous Co ordination KNX	2250 Coolibah Drive Kununurra	Maglion Enterprises Pty Ltd	Lot 1893(2) MELALEUCA DRIVE KUNUNURRA	Verandah Addition				\$15,495.20
060/ 2008	16/05/2008	Kalumburu Aboriginal Corporation (WA Health)	Gallipoli Barracks Enoggera	21st sqn Construction	LOC 21 COMMUNITY LOT137 KALUMBURU BOULEVARDE KALUMBURU	Toilet Block	NEW		44.5	\$75,000.00

061/ 2008	19/05/2008	Claire Maree Stuetzel	PO Box 1470 Kununurra	Claire Stuetzel	LOT 1976 CASUARINA WAY KUNUNURRA	Shed	NEW		36	\$10,000.00
062/ 2008	22/05/2008	Kununurra Motor Cross Club	PO Box 1886 Kununurra	M Furini	LOC 633 IVANHOE RD KUNUNURRA	Shed	NEW		128.5	\$9,000.00
063/ 2008	28/05/2008	Bothkamp Australia	PO BOX 632 Kununurra	Gabi Bloecker	LOC 607 MULLIGANS LAGOON RD	Class 5 Office	NEW		72	\$100,000.00
064/ 2008	28/05/2008	Heritage Pioneer Developments Pty Ltd	3/15 KEATES ROAD ARMADALE	Daly-Shaw Building Pty Ltd	LOT 1004 SORGHUM PLACE KUNUNURRA	Class 1A Group Dwellings (4 units)	NEW	0.1626	650	\$1,000,000. 00
065/ 2008	28/05/2008	Sue Burnett	PO BOX 1519 Kununurra	Sue Burnett	LOT 3(14) ERYTHRINA ST KUNUNURRA	Shed	NEW		140.4	\$20,000.00
066/ 2008	28/05/2008	Gina Fewster	125 NOLAN ROAD MUCHEA WA 6501	Gina Fewster	106(28) HIBISCUS DRIVE KUNUNURRA	Shed	NEW		48	\$7,500.00
067/ 2008	28/05/2008	Scott Munro	PO BOX 1450 Kununurra	Scott Munro	111 KESTRAL PLACE KUNUNURRA	Shed	NEW		84	\$15,000.00
068/ 2008	29/05/2008	Wayne Freer	PO BOX 983 Kununurra	Wayne Freer	Lot 136 WIMBREL RD KUNUNURRA	Canopy roof, retaining walls & Shade Sail	NEW		135 (Inc)	\$21,000.00
										\$1,767,495.20

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

Licence Number	Date	Assess No	Property Address	Premises	Owner	Builder/ Contractor	Contact Details	Comments (Asbestos)
03/2008	29/05/2008	5665	LOT 138 KALUMBURU BVD KALUMBURU	TIMBER FRAMED DWELLING	DEPT HEALTH GOV WA PO BOX 8172 PERTH	21 CONSTRUCTION SQN DEPT OF DEFENCE	GALLIPOLI BARRACKS ENOGERA QLD 4051	timber frame with block cladding

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

13.6. ELECTED MEMBER REPORTS

Cr D Ausburn attended a Local Emergency Management Committee, Roadwise Meeting, the opening of the Department of Water building and a Liquor Accord Meeting.

Cr J Parker WA Telecentre Advisory Council Meeting in Perth, a meeting for the Wyndham Crocodile 21st Birthday Celebrations Working Group, and a Kimberley Area Consultative Meeting.

Cr J Buchanan attended the East Kimberley Visitors Centre Committee meeting.

COUNCIL DECISION

Minute No. 8274

Moved: Cr D Ausburn

Seconded: Cr P Caley

That Council accept the Elected Member Reports as tabled.

Carried Unanimously 8/0

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

15. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

16. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil

17. MATTERS BEHIND CLOSED DOORS

12.1.6 Standing Item - Debts Currently in Legal Process

DATE:	9 June 2008
PROPONENT:	N/A
LOCATION:	N/A
AUTHOR:	Gill Old, Acting Manager Financial Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	60.14.02

PURPOSE

To present an update regarding debts currently in legal process.

COUNCIL DECISION

Minute No. 8275

Moved: Cr J Buchanan

Seconded: Cr D Ausburn

- 1. That officers write to the Australian Securities and Investment Commission to express concerns relating to the debts of the now deregistered company requesting further details in relation to any assets of the deregistered company.***
- 2. That legal action not to be proceeded at this stage until advice is received from the Australian Securities and Investment Commission.***

Carried Unanimously 8/0

17.1. CPC – ROAD CONTRIBUTION AGREEMENT

DATE:	2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Carlton Hill Lands
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	N/A

This item will be discussed behind closed doors under Section 5.23. (2) (e) (iii) of the Local Government Act 1995 because the item may disclose information about the business, professional, commercial or financial affairs of a person and because the item also contained legal advice to the Council.

PURPOSE

For Council to consider under confidential cover a draft legal Deed prepared by Councils solicitors to reach agreement with Consolidated Pastoral Company (CPC) and the State Government for road upgrades considered necessary to support public dedication of roads leading to lands to be granted freehold to CPC under the Ord Final Agreement.

COUNCIL DECISION

Minute No. 8276

Moved: Cr J Moulden

Seconded: Cr J Buchanan

That Council note the report and supplementary information tabled at meeting.

Carried Unanimously 8/0

COUNCIL DECISION

Minute No. 8277

Moved: Cr J Parker

Seconded: Cr D Ausburn

That Council come out of camera and reopen the meeting to the public at 7.30pm.

Carried Unanimously 8/0

Miss Zoe Akkerman and Mrs Lauraine Wanstall returned to the chambers at 7.31pm.

18. CLOSURE

With all matters of business complete the Shire President closed the meeting at 7.32pm.