



## MINUTES OF ORDINARY COUNCIL MEETING HELD 15 APRIL 2008

I hereby certify that the Minutes of the Ordinary Meeting of Council held 15 April 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  
TO BE HELD ON TUESDAY 15 APRIL, 2008 AT 6:00 PM

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

The Shire President declared the meeting open at 6:02pm.

### 2. RECORD OF ATTENDANCE

Cr Michele Pucci	Shire President
Cr Ralph Addis	Deputy President
Cr Paul Caley	Councillor
Cr Jane Parker	Councillor
Cr Keith Wright	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
Ms Karyn Apperley	Executive Manager Community Services arrived at 6:11pm
Mr Keith Williams	Executive Manager Town Planning arrived at 6:04pm
Miss Kelly Fewster	Environmental Health Officer
Mr Bruce Harding	Building Surveyor
Ms Zoe Akkerman	Customer Service Officer
Ms Fiona Kuiper	Executive Support Officer/Minute Taker

### APOLOGIES

Nil

### LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Nil

### PUBLIC GALLERY

Mr Darren Spackman arrived 6:10pm.

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

- **Financial Interest**

Ms Jo-Anne Ellis declared a Financial Interest in Item 12.2.1 Replacement of Vehicles because one of the vehicles is part of her financial package.

Cr Michele Pucci declared a Financial Interest in Item 12.5.6 Contribution to Investigative Drilling because her partner is employed by the Water Corporation.

- **Members Impartiality Interest**

Mr Peter Stubbs declared an Impartiality Interest in Item 12.3.1 Conversion of Portion of Reserve 29799 because he is a member of the Ord River Magpies Football Club, which holds a lease on a different portion of Reserve 29799.

Cr Di Ausburn declared an Impartiality Interest in Item 12.3.1 Conversion of Portion of Reserve 29799 because she is a Life Member of the Kununurra Agricultural Society, which holds a lease on a different portion of Reserve 29799.

Cr Keith Wright declared an Impartiality Interest in Item 12.3.1 Conversion of Portion of Reserve 29799 because he is a Life Member of the Kununurra Agricultural Society, which holds a lease on a different portion of Reserve 29799.

Cr John Buchanan declared an Impartiality Interest in Item 12.3.1 Conversion of Portion of Reserve 29799 because he is a Life Member of the Kununurra Agricultural Society, which holds a lease on a different portion of Reserve 29799.

Ms Fiona Kuiper declared an Impartiality Interest in Item 12.3.1 Conversion of Portion of Reserve 29799 because she is a Committee Member of the Kununurra Agricultural Society, which holds a lease on a different portion of Reserve 29799.

- **Proximity Interest - Nil**

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

Nil

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

Nil

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7. PETITIONS**

Nil

**8. CONFIRMATION OF MINUTES**

- 8.1. Confirmation of Minutes of the Ordinary Meeting of Council Held on Tuesday 18 March 2008.**

**RECOMMENDATION**

That Council confirm the Minutes of the Ordinary Meeting of Council held on Tuesday 18 March 2008.

**COUNCIL DECISION**

**Minute No. 8152**

**Move: Cr K Wright**

**Seconded: Cr J Parker**

***That Council confirm the Minutes of the Ordinary Meeting of Council held on Tuesday 18 March 2008.***

**Carried Unanimously: 9/0**

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

Nil

**10. DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

Nil

**11. MINUTES OF COUNCIL COMMITTEE MEETINGS**

- 11.1. Note the Unconfirmed Minutes of the Audit Committee Meeting held on Tuesday 7 April 2008.**

**RECOMMENDATION**

That Council note the unconfirmed Minutes of the Audit Committee Meeting held on Tuesday 7 April 2008.

**AUDIT COMMITTEE RECOMMENDATIONS**

1. That the Audit Committee recommend to Council that given the potential administrative and court cost associated with the recovery of the debt owing by debtor 96281 that this debt to the value of \$5,949.96 be written off and debt recovery processes not pursued any further.

2. That the Audit Committee recommend to Council to seek to put wording in staff contracts to ensure that clauses related to reimbursement of relocation costs at early termination are improved to reduce risk of debt in the future.
3. That the Audit Committee recommends to Council to negotiate with FESA to change the Shire of Wyndham East Kimberley administrative option for the ESL Levy to Option B.
4. That the Audit Committee Recommend to Council that the purpose of the Parks Reserve Fund be changed to include the wording "projects utilising funds from the parks reserve should be significantly leveraged be external funding"

### **COUNCIL DECISION**

**Minute No. 8153**

**Move: Cr K Wright**

**Seconded: Cr J Buchanan**

***That Council note the unconfirmed Minutes of the Audit Committee Meeting held on held on Tuesday 7 April 2008 and accept and implement the recommendations of that meeting.***

**Carried Unanimously: 9/0**

## 12. REPORTS

### 12.1. CORPORATE SERVICES

#### 12.1.1. Monthly Financial Report

<b>DATE:</b>	15 April 2008
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Amanda Trengove, Manger Financial Services
<b>REPORTING OFFICER:</b>	Jo-Anne Ellis, Executive Manager Corporate Services
<b>FILE NO:</b>	60.14.04
<b>ASSESSMENT NO:</b>	N/A

*Mr Darren Spackman entered the meeting at 6:10pm*

*Ms Karyn Apperley entered the meeting at 6:11pm*

#### PURPOSE

For Council to note and accept the Monthly Financial Report for February 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**

Rate Setting Statement as at 29 February 2008  
Net Current Assets as at 29 February 2008  
Explanation of Material Variances as at 29 February 2008  
Municipal Bank Reconciliation as at 29 February 2008

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

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

## **COUNCIL DECISION**

Minute No. 8154

Move: Cr J Parker

Seconded: Cr D Ausburn

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

**Carried Unanimously: 9/0**

**Shire of Wyndham East Kimberley**  
**Rate Setting Statement**  
As at 29 February 2008

	2007/08 Budget	YTD Budget 29 February 2008 \$	YTD Actual 29 February 2008 \$	Variance Budget less Actual
<b>Operating</b>				
<i>Recurrent Revenue - Excluding Rates</i>				
Governance	85,050	65,672	65,792	(120)
General Purpose Funding	3,690,170	2,606,126	2,650,925	(44,799)
Law, Order, Public Safety	82,675	42,797	45,082	(2,285)
Health	142,600	97,928	122,559	(24,631)
Education and Welfare	686,523	80,828	90,871	(10,043)
Housing	825,342	49,682	49,205	477
Community Amenities	1,510,100	1,301,103	1,307,673	(6,570)
Recreation and Culture	442,400	205,469	227,876	(22,407)
Transport	109,000	109,000	118,472	(9,472)
Economic Services	141,873	104,776	184,051	(79,275)
Other Property and Services	1,561,304	-	3,086	(3,086)
Airport Operations	1,947,351	1,103,098	1,594,836	(491,738)
	11,224,388	5,766,479	6,460,428	(693,949)
<i>Recurrent Expenditure</i>				
Governance	(838,378)	(370,770)	(380,672)	9,902
General Purpose Funding	(293,776)	(157,792)	(111,604)	(46,188)
Law, Order, Public Safety	(372,021)	(230,586)	(238,028)	7,442
Health	(390,073)	(231,124)	(222,957)	(8,167)
Education and Welfare	(341,969)	(220,269)	(199,627)	(20,642)
Housing	(175,308)	(127,385)	(109,618)	(17,767)
Community Amenities	(2,318,871)	(1,309,785)	(1,360,927)	51,142
Recreation & Culture	(2,796,266)	(1,630,774)	(1,903,692)	272,918
Transport	(2,914,235)	(1,723,092)	(2,068,024)	344,932
Economic Services				8,081

	(612,066)	(365,650)	(373,731)	
Other Property and Services	(74,990)	(840,359)	(869,397)	29,038
Airport Operations	(1,780,344)	(998,969)	(1,070,625)	71,656
	(12,908,296)	(8,206,555)	(8,908,901)	702,346
<b>Capital</b>				
<i>Sale of Assets / Land Held for Resale</i>	3,413,000	2,020,000	2,611,709	(591,709)
<i>Capital Grants/Contributions</i>	3,103,080	1,033,580	634,044	399,536
	6,516,080	3,053,580	3,245,754	(192,174)
<b>Capital Expenditure (by Class)</b>				
Land and Buildings	(1,782,400)	(871,398)	(947,189)	75,791
Infrastructure Assets - Roads	(2,974,200)	(881,320)	(871,128)	(10,192)
Infrastructure Assets - Other	(2,916,890)	(1,104,873)	(247,588)	(857,285)
Plant and Equipment	(944,000)	(522,664)	(544,649)	21,985
Furniture and Equipment	(95,000)	(92,000)	(62,378)	(29,622)
	(8,712,490)	(3,472,255)	(2,672,932)	(799,323)
<b>Adjustments</b>				
Debenture Principal Repayments	(174,039)	(119,377)	(142,237)	22,860
Proceeds from New Debentures	250,000	-	-	-
Community Loans	16,224	6,225	30,940	(24,715)
Transfers from Reserves	689,155	-	-	-
Transfers to Reserves	(1,263,289)	-	-	-
	(481,949)	(113,152)	(111,297)	(1,855)
<b>Adjustments and Accruals</b>				
Depreciation	2,704,800	1,803,200	1,803,200	-
Accruals	-	(140,604)	(140,604)	(0)
Profit/Loss on Sale of Assets	(2,964,676)	-	-	-
Opening Funds - (Deficit) Surplus	498,317	1,889,516	971,686	917,830
Closing Funds - (Deficit) Surplus	218,366	580,209	4,891,415	(4,311,206)
Amount Raised from Rates	4,342,193	-	4,244,082	(4,244,082)

## Shire of Wyndham East Kimberley

### Notes to Statement of Financial Activity

For the Period Ended 29 February 2008

Note 1.	Net Current Assets	YTD Actual 2007/08 \$	Brought Forward 1 July 2007 \$
	<i>Composition of Net Current Asset Position</i>		Audited
	<b>Current Assets</b>		
	Cash - Unrestricted	4,136,862	891,342
	Cash - Reserves	3,167,572	3,167,572
	Cash - Restricted Unspent Grants		
	Investments - Restricted		
	Receivables	1,748,377	964,261
	Inventories	13,037	13,143
	Land Held for Resale	-	-
		9,065,848	5,036,317
	<i>Less</i>		
	<b>Current Liabilities</b>		
	Payables	(1,006,862)	(897,059)
		(1,006,862)	(897,059)
	<i>Less</i>		
	<b>Restricted Reserves</b>		
	Cash	(3,167,572)	(3,167,572)
	Investments	-	-
	<b>Net Current Asset Position</b>	4,891,415	971,686

# Shire of Wyndham East Kimberley

## Notes to Statement of Financial Activity For the Period Ended 29 February 2008

### Explanation of Material Variances

Variances +/- \$80,000

#### **Operating**

##### **Recurrent Revenue - Excluding Rates**

There is a material variance in Airports due to increased income for Head Tax and Landing Fees. There is also an increase in income due to Passenger Screening Fees that were not accounted for in budgeting.

##### **Recurrent Expenditure**

There is a material variance in Recreation and Culture due to increase in service provision. This has caused a general increase in expenditure. The wet season has also resulted in increased mowing in Parks and Gardens.

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.

#### **Capital**

##### **Sale of Assets / Land Held for Resale**

There is a material variance in Sale of Assets / Land held for resales due to the sale of the Ewin Centre and some parks not being finalised to date as estimated when budgeting.

##### **Capital Grants / Contributions**

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

##### **Capital Expenditure (by Class)**

There is a material variance in Infrastructure Assets - Other due to officers budgeting that projects relating to Airport be started prior to Wet Season, however the upgrade to the Carpark will not be started until after the Wet Season and the Upgrade to Taxi Way Foxtrot is awaiting confirmation of grant funding.

##### **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 from our auditors which increase our opening funds figure.

**Shire of Wyndham East Kimberley  
BANK RECONCILIATION AS AT 29/2/08**

Balance as per	
Municipal Fund Bank Account (131)	1,432,491.78
<b>Add</b>	
Outstanding Cheques	14,584.21
Cancelled chqs - timing will clear ~ NIL	
Deposits in bank not in GL ~ NIL	
<b>Less</b>	
Outstanding Deposits ~ Knx & Wyn banking receipted 29/2/08 deposited Mar - will clear Mar (\$908.00 Knx \$49.35 Wyn	957.35
~Wyn Receipting Banking 28/2/08 - will clear in March	19.20
Visa card transactions for Dec ( EMCMS \$3572.16) yet to be entered - waiting receipts	3,572.16
Visa card payment 2/1/08 - transactions yet to be entered - waiting receipts CEO, EMCMS, EMDS)	4,213.53
Visa card payment 4/2/08 - transactions yet to be entered - waiting receipts	7,093.62
15/02/08 - Payroll payment made not showing in 131 - payroll system problem - waiting Nicole & IT Vision	246.91
<b>Account 131 Adjusted total</b>	<b>1,430,973.22</b>
Balance as per Trading Account as per bank statement	<b>1,430,973.22</b>
<b>Variance</b>	<b>-</b>

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

<b>DATE:</b>	15 April 2008
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Sue Dillon, Finance Officer
<b>REPORTING OFFICER:</b>	Jo-Anne Ellis, Executive Manager Corporate Services
<b>FILE NO:</b>	60.14.03
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

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

#### **BACKGROUND**

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

#### **STATUTORY IMPLICATIONS**

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

#### **POLICY IMPLICATIONS**

Delegation 18 – Payment of Creditors

#### **FINANCIAL IMPLICATIONS**

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

#### **STRATEGIC IMPLICATIONS**

##### **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 08316 - 038377 (10 March 2008 to 3 April 2008)	\$121,907.46
EFT 102507to EF T102764 (10 March 2008 to 3 April 2008)	\$1,157,793.59
Payroll (1 to 31 March 2008)	\$207,103.79
Direct bank debits (1 to 31 March 2008)	\$9,925.91
<b>Total</b>	<b>\$1,496,730.75</b>

### **COUNCIL DECISION**

Minute No. 8155

Move: Cr K Wright

Seconded: Cr J Moulden

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

<i>Municipal cheques 08316 - 038377 (10 March 2008 to 3 April 2008)</i>	<i>\$121,907.46</i>
<i>EFT 102507to EF T102764 (10 March 2008 to 3 April 2008)</i>	<i>\$1,157,793.59</i>
<i>Payroll (1 to 31 March 2008)</i>	<i>\$207,103.79</i>
<i>Direct bank debits (1 to 31 March 2008)</i>	<i>\$9,925.91</i>
<i>Total</i>	<i>\$1,496,730.75</i>

**Carried Unanimously: 9/0**

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## List of Accounts Paid Under Delegation 18

### List of accounts submitted to Council 15/04/2008

EFT	Date	Name	Description	Amount
EFT102507	10/03/2008	AIRPORT LIGHTING SPECIALISTS	45W LAMP X 12; 12PAR38 LAMPS S/WINDSOCK	842.16
EFT102508		ALLGEAR MOTORCYCLES	REPAIRS TO BG85 BLOWER, MOWER BLADES	204.00
EFT102509		ALMOST ANYTHING AUDIO	PORTABLE PA SYSTEM FOR AQUA AEROBICS	1,562.00
EFT102510		APPERLEY, KARYN	REIMBURSEMENT OF ELECTRICITY EXPENSES	274.14
EFT102511		ARGYLE MOTORS	50,000 KM SERVICE FOR WY11486	181.55
EFT102512		ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	37.98
EFT102513		AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	194.70
EFT102514		AUSTRALIAN TAXATION OFFICE	BAS PAYMENT JAN 2008	37,018.00
EFT102515		BEAUREPAIRES (KUNUNURRA)	FIT NEW TYRE TO 1BAX455	351.00
EFT102516		BOAB CARPENTRY MAINTENANCE SERVICE	VARIOUS REPAIRS TO WYNDHAM BUILDINGS	897.80
EFT102517		BUSH CAMP SURPLUS STORES	SHORTS & BOOTS, 2 X ESKYS & ICE BOXES FOR FUNCTIONS	1,034.90
EFT102518		CIVIC LEGAL	LEGAL FEES - VARIOUS ITEMS	9,186.81
EFT102519		CORPORATE EXPRESS	STATIONERY ORDER FEB 2008	560.22
EFT102520		COURIER AUSTRALIA	FREIGHT OF MATERIALS FOR EMCPs	675.04
EFT102521		CROCODILE SIGNS	MAGNETIC RANGER SIGNS	72.60
EFT102522		DAY, EMMA	REIMBURSEMENT OF WORKING WITH CHILDREN CHECK	50.00
EFT102523		DRIVEWEST CAR RENTALS	CAR HIRE FOR R WORNES WHILE ON TRAINING	250.40
EFT102524		EAST KIMBERLEY HARDWARE	EXT CORD & 4 OUTLET P/BOARD, CEMENT, CONSUMABLES	251.55
EFT102525		EAST KIMBERLEY PALMS	FAN PALM FOR CELEBRITY TREE PARK	22.00
EFT102526		EAST KIMBERLEY PLUMBING	TURBO VENT FOR EXHAUST	256.30
EFT102527		FEWSTER, KELLY	REIMBURSEMENT OF TELEPHONE EXPENSE SUBSIDY	33.44
EFT102528		FLAMETREE NURSERY	PLANTS AND POTS FOR COMMUNITY SERVICES OFFICE	379.00
EFT102529		GUERINONI & SON	CONCRETE MIX	63.55
EFT102530		JSW HOLDINGS PTY LTD	15 CUBIC METRES CONCRETE AGGREGATE	1,633.50
EFT102531		JUST FRAMED	FRAMING OF CITIZENSHIP CERTIFICATES	96.00
EFT102532		KIMBERLEY INDUSTRIES METALAND	MATERIALS AND LABOUR TO CREATE MOBILE BENCH	397.11
EFT102533		KIMBERLEY KOOL REFRIGERATION	REPAIR AIR CONDITIONERS AT KUNUNURRA AIRPORT	176.00
EFT102534		KIMBERLEY METAL RECYCLERS	MANAGEMENT OF LANDFILL SITES FEB 08 WYNDHAM & KNX	21,587.50

EFT102535	KIMBERLEY MOTORS	FUEL PURCHASED FOR JAN 2008	3,827.03
EFT102536	KIMBERLEY WASTE SERVICES	CONTRACT STREET SWEEPING FOR JAN 2008	11,356.25
EFT102537	KINGS CROWN INSTRUMENTATION & ELECTRICAL	CONNECTION OF WATERCOOLER AT WYNDHAM OFFICE	364.10
EFT102538	KUNUNURRA HOME HARDWARE	VENT FOR POISON CUPBOARD, LOCKABLE LATCH	27.94
EFT102539	KUNUNURRA LOCK & KEY	KEYS CUT FOR COUNCILLOR MAIL BOXES	67.00
EFT102540	KUNUNURRA MOBILE WELDING SERVICE	MODIFICATION TO FLAG POLE AND REPAIR TELSTRA FENCE	462.00
EFT102541	KUNUNURRA PANEL BEATING WORKS WA P/L	PAYMENT OF EXCESS IN REPAIRS TO WY12320	300.00
EFT102542	L.G.R.C.E.U	PAYROLL DEDUCTIONS	15.30
EFT102543	LANGFORD MACHINERY PTY LTD	REPAIRS TO TRUCK 1BAX455 - FIT PUMP AND OTHER PARTS	377.00
EFT102544	LOCK, STOCK & FARRELL LOCKSMITH	PURCHASE OF BOXES AND LOCKED - KEYED ALIKE	903.60
EFT102545	MAKJAP PTY LTD	SURVEYING OF LOT 321 FOR SALE	1,749.00
EFT102546	MCKINLAY, BETTY	REIMBURSEMENT OF TELEPHONE SUBSIDY	31.83
EFT102547	MEGAN HUNT	WEEKLY CLEANING CONTRACT OF WYNDHAM FACILITIES	973.50
EFT102548	MILMAR DISTRIBUTORS	PAPER FOR EFTPOS MACHINE	109.60
EFT102549	NORTHERN IT SERVICES	SEAGATE EXTERNAL HARD DRIVE 250GIG	150.00
EFT102550	OFFICE NATIONAL KUNUNURRA	WHITE AND COLOURED PAPER, OTHER STATIONERY	3,409.87
EFT102551	ORD ELECTRICAL SPARES	ELECTRICAL ITEM FOR LIGHTING MTC	138.31
EFT102552	ORD RIVER CONTRACTING	GRAVEL/BASE COARSE MAT. WEABER PLAINS RD UPGRADE	72,024.48
EFT102553	ORD RIVER ELECTRICS	INSTALL DISHWASHER AT CHILD CARE CENTRE	435.05
EFT102554	ORD VALLEY MUSTER	8 ADDITIONAL TICKETS FOR KIMBERLEY MOON EXPERIENCE	2,450.00
EFT102555	OUR COMMUNITY PTY LTD	SUBSCRIPTION EASY GRANTS NEWSLETTER	330.00
EFT102556	PMP BITUMEN	PRIMER SEAL FOR WEABER PLAINS ROAD	85,910.00
EFT102557	R & R TAPE & SAFETY SUPPLIES	RIGGERS GLOVES - COW HIDE	576.40
EFT102558	RACHEL WORNES	REIMBURSEMENT OF FUEL PURCHASED 21/02/08	40.00
EFT102559	ROYAL LIFE SAVING (WA BRANCH)	COMPLETE AND REQUALIFICATION LIFEGUARD COURSES	645.60
EFT102560	SHERIDAN'S FOR BADGES	NAME BADGES FOR STAFF	54.99
EFT102561	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	245.00
EFT102562	SNOWBALL, MIKE	REIMBURSEMENT OF ELECTRICITY SUBSIDY	105.22
EFT102563	ST JOHN AMBULANCE	SENIOR FIRST AID COURSE	299.00
EFT102564	STUBBS, PETER	ANNUAL TRAVEL ALLOWANCE REIMBURSEMENT	2,545.59
EFT102565	TELFORD INDUSTRIES	BICARBONATE OF SODA AND STABILIZER FOR POOL	1,472.64
EFT102566	TNT AUSTRALIA PTY LIMITED	FREIGHT COSTS FOR WEEK ENDING 08/02/08	948.60

EFT102567		TRENGOVE, AMANDA JANE	REIMBURSEMENT OF ELECTRICITY SUBSIDY	415.73
EFT102568		TRIPP, KATYA MARIE	REIMBURSEMENT OF ELECTRICITY EXPENSES PAID	246.82
EFT102569		TROPIGRO GARDEN PRODUCTS PTY LTD	BAMBOO AND MATTING SQUARES FOR REHABILITATION	167.48
EFT102570		WA LOCAL GOVERNMENT SUPER PLAN	SUPERANNUATION CONTRIBUTIONS	17,827.07
EFT102571		WYNDHAM TELECENTRE	CYCLONE RUBBISH COLLECTION ADVERT	132.00
EFT102572	13/03/2008	AERODROME MANAGEMENT SERVICES	ANNUAL AERODROME INSPECTION OF KNX AND WYNDHAM	7,689.00
EFT102573		AUST GOVT NATIONAL MEASUREMENT INST, COL	ANALYSIS FEES	1,845.69
EFT102574		AUST INSTITUTE OF ENVIRONMENTAL HEALTH	REGISTRATION K FEWSTER - WA STATE CONFERENCE	308.00
EFT102575		AUSTRALIA POST	POSTAGE EXPENSES FEBRUARY 2008	646.43
EFT102576		BEAUREPAIRES (KUNUNURRA)	RIDE ON MOWER TYRE REPAIR	35.00
EFT102577		BLACKWOODS ATKINS PTY LTD	24 X 6VOLT BATTERIES	151.01
EFT102578		BROADCAST AUSTRALIA PTY LTD	POWER RECOVERY OF GWNTV KNX SITE 604002	56.27
EFT102579		BROCK SOLID CABINETS	INSTALL COMPUTER CUTOUTS TO WYNDHAM RECEPTION	742.50
EFT102580		CORPORATE EXPRESS	CANON VALUE PACK INK	99.57
EFT102581		CROCODILE SIGNS	BIN SIGNS, NO SMOKING SIGNS	405.15
EFT102582		EAST KIMBERLEY GLASS	REPAIRS TO SLIDING DOOR AT 3/57 RIVERFIG	156.00
EFT102583		EAST KIMBERLEY HARDWARE	CEMENT, HARDWARE ITEMS	689.85
EFT102584		EAST KIMBERLEY PLUMBING	REPAIRS AT 23 BOOBIALLA & WHITEGUM PARK	310.20
EFT102585		GAULT, JOHN DOUGLAS	REIMBURSEMENT OF ELECTRICITY SUBSIDY PAID	387.17
EFT102586		GULLIVERS TAVERN	CATERING FEB 2008	752.52
EFT102587		GYM CARE	NEW MAT/DECK/WAX BAG FOR TREADMILL	2,249.78
EFT102588		ICEAGE REFRIGERATION & AIRCON	REPAIRS TO AIR CONDITIONER IN ESO OFFICE	77.00
EFT102589		IOR PETROLEUM PTY LTD	6550L DIESEL DELIVERED TO KUNUNURRA DEPOT	9,989.41
EFT102590		JH COMPUTER SERVICES	NEW BACKUP SYSTEMS FOR OFFICE	6,215.00
EFT102591		JSW HOLDINGS PTY LTD	SAND, HIRE OF LOADER AND WATER TRUCK	704.00
EFT102592		K & M ALLCLEAN	CLEANING OF CRAZY CROC CONCRETE AREA FEB 2008	286.00
EFT102593		KIMBERLEY COMMUNICATIONS	SUPPLY AND FIT SMART CARD TO SBS RECEIVER	275.00
EFT102594		KIMBERLEY INDUSTRIES METALAND	GALV SPRAY PAINT FOR GATE AREA TERMINAL BLDG	42.20
EFT102595		KINGS CROWN INSTRUMENTATION & ELECT	REPAIR ELECTRICAL FAULTS - 67 KOOJARRA ST, WYNDHAM	332.75
EFT102596		KNICKEL GARDENING SERVICES	TRACTOR AND OPERATOR FOR SLASHING JAN 2008	17,797.50
EFT102597		KUNUNURRA BETTA ELECTRICAL & GAS	REFRIGERATOR FOR WYNDHAM CHAMBERS	499.00

EFT102598	KUNUNURRA HOME HARDWARE	PALM, PADLOCKS, CLOTHES RACK	384.29
EFT102599	KUNUNURRA MOBILE WELDING SERVICE	CONSTRUCTION OF REAR PERIMETER FENCE AT L/CENTRE	12,320.00
EFT102600	KUNUNURRA REFRIGERATION	REPAIRS TO AIR CONDITIONER AT EWIN CENTRE	264.00
EFT102601	KUNUNURRA SECURITY SERVICE	PASSENGER AND LUGGAGE SCREENING 30/01/08-12/02/08	24,310.00
EFT102602	LG COMMUNITY DEVELOPMENT ASSOC OF WA	2008 MEMBERSHIP FOR KARYN APPERLEY	120.00
EFT102603	MEGAN HUNT	CLEANING SERVICES WYNDHAM FOR WEEK 18-22/02/08	1,023.00
EFT102604	MODERN TEACHING AIDS	CLASS SET 11 BOTTLES PAINT	125.40
EFT102605	OFFICE NATIONAL KUNUNURRA	REPAIRS AND SERVICE TO AIRPORT OFFICE PRINTER	591.90
EFT102606	ORD RIVER ELECTRICS	REPAIR/REPLACE FLURO & DOWN LIGHTS 3B DRYANDRA	253.16
EFT102607	ROGERS MACHINERY SERVICE	SET OF BLADES FOR KUBOTA TRACTOR	99.00
EFT102608	ROYAL LIFE SAVING (WA BRANCH)	BRONZE COURSE FEES FEB 2008	382.80
EFT102609	SEARLES MECHANICAL REPAIRS	REPAIRS TO RADIATOR IN AIRPORT MANAGER'S UTE	74.25
EFT102610	TOLL WEST	FREIGHT COSTS FOR PERIOD 11-17/02/08	94.71
EFT102611	TOP END MOTORS	SERVICE FOR WY10432, WY12320, WY001	2,043.98
EFT102612	TOP END TILT TRAY HIRE	RELOCATE ABANDONDED VEHICLE TO DEPOT	99.00
EFT102613	TRENGOVE, AMANDA JANE	REIMBURSEMENT WATER CHARGES	61.71
EFT102614	14/03/2008 KNICKEL GARDENING SERVICES	MONTHLY PAYMENT FOR GARDENING PROVIDED	32,855.86
EFT102615	20/03/2008 AUSFUEL AFD AUSTRALIAN FUEL DISTRIB	FUEL PURCHASED OF CARDS FOR FEB 2008	1,630.88
EFT102616	AUST GOVT NATIONAL MEASUREMENT INST,COL	ANALYSIS FEES OF STORMWATER SAMPLES	1,582.02
EFT102617	BLACKWOODS ATKINS PTY LTD	GREASE CARTRIDGES, RAGS, MORSE TAPE FOR DEPOT	260.29
EFT102618	BOAB CARPENTRY MAINTENANCE SERVICE	SUPPLY & INSTALL, REGLAZE WINDOW WYNDHAM LIBRARY	682.00
EFT102619	BOC GASES AUSTRALIAN LIMITED	INDUSTRIAL GAS BOTTLE RENTAL FEB 2008	206.02
EFT102620	BRANKO BP MOTORS	FUEL PURCHASES FEB 2008	2,438.94
EFT102621	DAVEY TYRE AND BATTERY SERVICE	SUPPLY AND FIT TYRES BACKHOE, TUBES - RIDE ON MOWER	1,115.84
EFT102622	EAST KIMBERLEY HARDWARE	HAND CLEANER FOR AIRPORT	90.20
EFT102623	EAST KIMBERLEY PLUMBING	REPAIRS ADMIN BLDG, 264C RIVERFIG, SWIM BEACH	923.12
EFT102624	FRONTIER POST & NEWS	PAPERS, POSTAGE AND STATIONERY FOR FEB 2008	82.85
EFT102625	GUERINONI & SON	CONCRETE DELIVERED - ANZAC HILL	364.32
EFT102626	JORRITSMA H & CO	RETICULATION AND PLUMBING FITTINGS	42.35
EFT102627	JSW HOLDINGS PTY LTD	HIRE LOADER RE-STAND BOAB, CONCRETE F/PATH COOLIBAH	554.40
EFT102628	K & M ALLCLEAN	MONTHLY CLEANING OF KUNUNURRA SHIRE FACILITIES	13,374.22
EFT102629	KIMBERLEY COMMUNICATIONS	RESET CLASSIC FM RADIO RECEIVER	55.00

EFT102630	KIMBERLEY ECHO-ALBANY ADVERTISER	ADVERTISING COSTS FEB 08	1,401.39
EFT102631	KIMBERLEY INDUSTRIES METALAND	ANGLE IRON FOR POUND, GALV CAPS, JOCKEY WHEEL	259.64
EFT102632	KIMBERLEY KOOL REFRIGERATION	SUPPLY AND FIT NEW SOFT STARTER TO COMPRESSOR UNIT	5,060.00
EFT102633	KIMBERLEY MARKETING	CLEAR PLASTIC CUPS, DRY ICE	371.80
EFT102634	KIMBERLEY METAL RECYCLERS	DISPOSAL OF MEDICAL WASTE FEB 2008	660.00
EFT102635	KINGS CROWN INSTRUMENTATION & ELEC	REPLACE FANS R/CENTRE, ATTACH NAVIGATION AIDE AIRPORT	695.20
EFT102636	KUNUNURRA DIESEL SERVICES	REPAIR AIRCONDITIONER ON 7 TONNE TRUCK 1APW451	607.75
EFT102637	KUNUNURRA HOME HARDWARE	CLOTHES RACK, BLACK BIN	68.11
EFT102638	KUNUNURRA NEWSAGENCY	PURCHASE OF NEWSPAPERS JAN - MAR 2008	83.15
EFT102639	KUNUNURRA T WELD	WELDING REPAIRS ON WACKER PACKER BASE	154.00
EFT102640	LANDGATE	GRV INTERIM VALUES 15/12/07-08/02/08	432.28
EFT102641	MCLEAN ENTERPRISES	BITUMEN EMULSION, COLAS	1,035.00
EFT102642	MEGAN HUNT	WEEKLY CLEANING OF WYNDHAM FACILITIES	973.50
EFT102643	MIRACLE RECREATION	3 X BIN ENCLOSURES FOR WYNDHAM PARKS UPGRADE	6,352.50
EFT102644	NORDIG EARTHMOVING	BOBCAT HIRE TO LEVEL BLUE METAL AT ANZAC MEMORIAL	660.00
EFT102645	NORSIGN PTY LTD	SHIRE LOGO AND LETTERING FOR SHIRE VEHICLES	1,732.50
EFT102646	NORTHERN IT SERVICES	INSTALL 24 PORT HUB TO LIBRARY COMPUTERS	123.75
EFT102647	OFFICE NATIONAL KUNUNURRA	COPY COUNT CHARGES DEC 07 AND JAN 2008	2,917.07
EFT102648	ORDCO	GLYPHOSATE, ROUND UP	2,200.00
EFT102649	ORIA ORCHARDS	WEEKLY DELIVERY OF FLOWERS TO OFFICE	15.00
EFT102650	ROYAL LIFE SAVING (WA BRANCH)	QUALIFICATION OF BRONZE MEDALLION CERTIFICATE	175.80
EFT102651	SHELF SUPPLY	DOG BISCUITS FOR KUNUNURRA AND WYNDHAM POUND	144.00
EFT102652	SMEC AUSTRALIA PTY LTD (PERTH)	FISH PASSAGE INVESTIGATION, REPORTS AND MEETINGS	75,812.00
EFT102653	STUBBS, PETER	REIMBURSEMENT FOR AUST INST COMPANY DIRECTORS	2,891.10
EFT102654	THORLEY'S STORE	TWICE DAILY DELIVERY OF SHIRE BAG	323.40
EFT102655	TOLL WEST	FREIGHT COSTS FOR PERIOD ENDING 24/02/08	899.22
EFT102656	TONY'S PLUMBING & EXCAVATION PTY LTD	REPAIR URINAL IN WYNDHAM AIRPORT TOILETS	308.00
EFT102657	TOP END TILT TRAY HIRE	RECOVERY OF ABANDONED VEHICLE	99.00
EFT102658	TOTAL EDEN - KP PUMPS	RETIC FITTINGS FOR CHILD CARE CENTRE GARDENS	304.24
EFT102659	TUCKERBOX/RETRAVISION	FOOD/REFRESHMENTS, CLEANING ITEMS FEB 2008	2,150.80
EFT102660	VANDERFIELD MACHINERY PTY LTD	SERVICE AND REPAIRS TO KUBOTA RIDE ON MOWER	506.12
EFT102661	WILLIAMS, KEITH	REIMBURSEMENT OF TELEPHONE SUBSIDY PAID	324.17
EFT102662	WYNDHAM SUPERMARKET	MATERIALS FOR BBQ AND HOLIDAY ACTIVITIES	185.55

EFT102663	27/03/2008	ALLGEAR MOTORCYCLES	BLADES FOR RIDE ON MOWER	262.80
EFT102664		ATTORNEY-GENERAL'S DEPARTMENT AUSCHECK	ASIC CHECKS FOR AIRPORT STAFF	628.00
EFT102665		BEAUREPAIRES (KNX)	SUPPLY AND FIT TYRES E/MOVER, LOADER, 1BHW102	3,177.08
EFT102666		BERM BACKHOE HIRE	SLASHING OF SELECTED AREAS, MOWING TABLEDRAINS	10,782.75
EFT102667		BLACKWOODS ATKINS PTY LTD	TRUCKWASH	74.38
EFT102668		BOAB CARPENTRY MAINTENANCE SERVICE	SUPPLY INSTALL & REMOVE FORMWORK RAMP - THORLEY'S	1,400.00
EFT102669		BOAB REFRIGERATION AND AIRCON	1 1/2 HP CARRIER, 2HP CARRIER RACS	1,408.00
EFT102670		BRIDGESTONE AUSTRALIA LTD	SUPPLY OF TYRE FOR WY11634	236.48
EFT102671		COATES HIRE OPERATIONS PTY LTD	HIRE OF DIAMOND WHEEL CUTTING SAW TO CUT FOOTPATH	245.04
EFT102672		DOUGLAS ALEXANDER	REIMBURSEMENT OF ELECTRICITY SUBSIDY PAID	365.94
EFT102673		EAST KIMBERLEY HARDWARE	2 X PALLETS FOR CEMENT, FENCE DROPPERS, HARDWARE	1,728.75
EFT102674		FISCHER, CYNTHIA	CONTRACT CLEANING OF WYNDHAM CONVENIENCES	3,642.37
EFT102675		FLAMETREE NURSERY	PLANTS FOR CHILD CARE FACILITY	735.50
EFT102676		GARRARDS PTY LTD	THERMAL FOG GENERATOR, THERMAL CARRIER, RESLIN	18,500.37
EFT102677		JAB INDUSTRIES	HIRE OF GROOMER/WEED MULCHER AT SKI BEACH	6,600.00
EFT102678		JABIRU PAINTING PTY LTD	ANTI GRAFFITI COAT TO COVER ALL MURALS	1,980.00
EFT102679		JASON SIGNMAKERS LTD	VARIOUS STREET NAME SIGNS - INCLUDING BRACKETS	1,346.68
EFT102680		JSW HOLDINGS PTY LTD	CONCRETE SUPPLIED FOR DISABLED RAMP AT WYNDHAM	1,793.44
EFT102681		KIMBERLEY COMMUNICATIONS	2 X HAND HELD RADIOS	564.00
EFT102682		KIMBERLEY KOOL REFRIGERATION	REPAIRS TO ICE MACHINE AT DEPOT	88.00
EFT102683		KIMBERLEY MOTORS	FUEL PURCHASED FOR FEB 2008	3,027.72
EFT102684		KIMBERLEY WASTE SERVICES	WASTE COLLECTION CONTRACT FEB 2008	37,918.12
EFT102685		KUNUNURRA COURIERS	DELIVERY OF SPRING WATER	47.00
EFT102686		KUNUNURRA HOME HARDWARE	PLANTS FOR CHILD CARE CENTRE GARDENS	259.42
EFT102687		KUNUNURRA MAINTENANCE SERVICE	REPAIRS TO AIRPORT TERMINAL BUILDING - LEAKING ROOF	1,067.00
EFT102688		KUNUNURRA REFRIGERATION	REPAIRS TO FRIDGE AT WYNDHAM CHAMBERS	88.00
EFT102689		KUNUNURRA RURAL TRADERS	SERVICE OF FIRE EXTINGUISHERS AND REFILL AS REQ	2,106.75
EFT102690		KUNUNURRA SECURITY SERVICE	AIRPORT BAGGAGE AND SCREENING FOR 13/02/08-26/02/08	15,038.00
EFT102691		LANDGATE	MINING TENEMENTS CHARGABLE 25/01/08-11/02/08	250.25
EFT102692		MAKJAP PTY LTD	PROVISION OF COMPUTER AIDED DRAFTING SERVICES	220.00
EFT102693		MEGAN HUNT	CONTRACT CLEANING OF WYNDHAM SHIRE SERVICES	1,864.50
EFT102694		NATIONAL HIRE	HIRE OF WHACKER PACKER	64.35

EFT102695		OFFICE NATIONAL KUNUNURRA	COPY COUNT CHARGERS FOR FEB 2008	2,550.63
EFT102696		ORD RIVER ELECTRICS	REPAIRS TO ELECTRICAL CABLES IN COMMUNITY SERVICES	331.64
EFT102697		ORIA ORCHARDS	WEEKLY DELIVERY OF FLOWERS FOR OFFICE	15.00
EFT102698		ROWCON PTY LTD	WYNDHAM EFFLUENT RE-USE INSPECTION AND REPORT	3,854.40
EFT102699		THE MANGROVE HOTEL	ACCOMMODATION AND MEALS FOR CR F MILLS 12-15/03/08	646.50
EFT102700		TNT AUSTRALIA PTY LIMITED	FREIGHT COSTS FOR WEEK ENDING 08/03/08	548.06
EFT102701		TOLL WEST	FREIGHT CHARGES FOR PERIOD ENDING 29/02/08	292.25
EFT102702		TONY'S PLUMBING & EXCAVATION PTY LTD	REPAIR WATER LEAK ON MAIN LAWN AREA AIRPORT	559.90
EFT102703		TOTAL DIGITAL SOLUTIONS	PRINTING & FINISHING - 100 COPIES OF ANNUAL REPORT	3,261.50
EFT102704		TUCKERBOX/RETRAVISION	SUGAR, MILK, COFFEE ETC FOR AIRPORT	86.77
EFT102705		VANDERFIELD MACHINERY PTY LTD	V BELT FOR JOHN DEERE MOWER	161.05
EFT102706		WA LOCAL GOVERNMENT ASSOCIATION WALGA	ADJUSTMENT OF INVOICE INCORRECTLY PAID JUNE 2007	2,936.66
EFT102707		WESTRALIA AIRPORTS CORPORATION PTY LTD,	PURCHASE OF ASIC CARDS FOR AIRPORT STAFF	500.00
EFT102708		WYNDHAM TOURIST INFORMATION CENTRE	TOURIST INFORMATION SERVICES FOR FEB 2008	476.66
EFT102709	03/04/2008	'BLUE' DAVIDSON SIGNS	TEMPORARY SIGN FOR YOUTH CENTRE	760.00
EFT102710		ACCOR ALL SEASONS KUNUNURRA	ACCOMMODATION - CONSULTANT FOR LEISURE CENTRE	159.00
EFT102711		ALLGEAR MOTORCYCLES	DOUBLE HAND BRUSHCUTTER	700.00
EFT102712		ARGYLE MOTORS	PURCHASE OF 2 HILUX UTILITIES - ONE TRADE-IN	49,769.50
EFT102713		ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	79.53
EFT102714		AUST GOVT NATIONAL MEASUREMENT INST COL	ANALYSIS FEES FOR STORMWATER SAMPLES	1,083.72
EFT102715		AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	389.40
EFT102716		AUSTRALIAN TAXATION OFFICE	BAS FOR FEB 2008	200,087.00
EFT102717		AUTO PRO KUNUNURRA	RELAY FOR 3.5TONNE TRUCK 1BAX455	100.00
EFT102718		BLACKWOODS ATKINS PTY LTD	VIBRATING PLATE, GRINDING/CUTTING DISCS/WHEEL	1,727.41
EFT102719		BOAB BOOKS	BOOKS PURCHASED FOR LIBRARY LOCAL COLLECTION	211.95
EFT102720		BRENDAN JOHNS ELECTRICS	REPAIRS TO AIRCRAFT WARNING LIGHT AT KELLY'S KNOB	294.55
EFT102721		CABCHARGE	MONTHLY SERVICE FEE FOR FEB 2008	6.00
EFT102722		CIVIC LEGAL	PROFESSIONAL FEES	553.52
EFT102723		CORPORATE EXPRESS	STATIONERY ORDER FOR MAR 2008	427.51
EFT102724		COUNCILLOR KEITH WRIGHT	REIMBURSEMENT TRAVEL EXPENSES BRIEFING SESSIONS	365.16
EFT102725		DEXION BALCATT	1200 FILES PRINTED WITH SHIRE DETAILS	3,288.97
EFT102726		DOUGLAS, KERRY LYNETTE	REIMBURSEMENT CARAFES FOR LIBRARY FUNCTIONS	51.80

EFT102727	EAST KIMBERLEY HARDWARE	MATERIALS - WYNDHAM AIRPORT & CHILDCARE CENTRE	501.05
EFT102728	EAST KIMBERLEY PALMS	REPLACEMENT TREES AT LEISURE & CHILD CARE CENTRE	3,438.22
EFT102729	EAST KIMBERLEY PLUMBING	INSPECT BLOCKED TOILET, PUMPED OUT SEPTIC TANK	1,703.35
EFT102730	FARMERS FRUIT & VEG - MART	PLATTERS OF FOOD FOR CHILD CARE CENTRE OPENING	650.00
EFT102731	FRANMOR CONSTRUCTIONS PTY LTD	REFIX GLASS SQUASH COURT WALL TO STEEL COLUMN	99.00
EFT102732	GUERINONI & SON	CONSTRUCTION OF CONCRETE PATHS, PRAM RAMP	24,176.40
EFT102733	GYM CARE	PLATFORM MEDICAL SCALES	328.90
EFT102734	HELIWORK WA PTY LTD	FLIGHT CREW LICENSING FOR TONY HREMEVIVE	100.00
EFT102735	K & M ALLCLEAN	CLEANING LEISURE CENTRE FOR 12/07 AND 01/08	1,547.60
EFT102736	KIMBERLEY GROUP TRAINING	HOST EMPLOYERS CONTRIBUTION	510.83
EFT102737	KIMBERLEY METAL RECYCLERS	CONTRACT PAYMENT FOR MANAGEMENT OF LANDFILL SITES	21,573.75
EFT102738	KIMBERLEY WASTE SERVICES	MONTHLY LITTER COLLECTION FEB 2008	16,813.50
EFT102739	KNICKEL GARDENING SERVICES	GENERAL TOWN GARDENING FEB 2008	42,841.70
EFT102740	KUNUNURRA CHAMBER OF COMMERCE & IND	MEMBERSHIP FEE TO 30 JUNE 2008	137.50
EFT102741	KUNUNURRA COUNTRY CLUB RESORT ASPEN PARKS	ACCOMMODATION FOR 1ST AID COURSE	152.00
EFT102742	KUNUNURRA MAINTENANCE SERVICE	REPAVING AROUND POOL IN SUNKEN AREAS	2,442.00
EFT102743	KUNUNURRA PLUMBING & GAS FITTING	REPAIR LEAKING WATER PIPE AT YOUTH CENTRE	88.00
EFT102744	KUNUNURRA POOLS AND SPAS	REPAIR MAIN SLIDE AT KUNUNURRA LEISURE CENTRE	352.00
EFT102745	KUNUNURRA SECURITY SERVICE	PASSENGER AND BAGGAGE SCREENING 27/02/08-11/03/08	13,035.00
EFT102746	KUNUNURRA VISITORS CENTRE	ANNUAL ECO DEV GRANT VISITOR SERVICING 2007-2008	38,500.00
EFT102747	L.G.R.C.E.U	PAYROLL DEDUCTIONS	30.60
EFT102748	MCLEAN ENTERPRISES	SET OF OXY GOGGLES	23.10
EFT102749	MEGAN HUNT	WEEKLY CLEANING SERVICE FOR WYNDHAM FACILITIES	940.50
EFT102750	NATIONAL HIRE	EXTRA DAY HIRE OF WHACKER PACKER	64.35
EFT102751	OFFICE NATIONAL KUNUNURRA	WORK STATION FOR COMMUNITY SERVICES, WHITEBOARD	1,823.93
EFT102752	ORD RIVER ELECTRICS	REPLACE SENSOR AUTODOORS LEISURE CENTRE	719.95
EFT102753	ORIA ORCHARDS	WEEKLY DELIVERY OF FLOWERS FOR SHIRE OFFICE	15.00
EFT102754	RAECO INTERNATIONAL P/L	DISPLAY SHELVES FOR LIBRARY	680.59
EFT102755	ROYAL LIFE SAVING (WA BRANCH)	MANUAL, NOTES ETC FOR LIFESAVING COURSES	774.30
EFT102756	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	490.00
EFT102757	SPORTSWORLD OF WA	GOGGLES PURCHASED FOR SALE	448.80

EFT102758	TOLL WEST	FREIGHT CHARGES FOR WEEK ENDING 09/03/08	295.05
EFT102759	TONY'S PLUMBING & EXCAVATION PTY LTD	REPAIRS AT VARIOUS WYNDHAM BUILDINGS	804.65
EFT102760	TRIPLE J TOURS	REFUND ON INVOICE PAID IN ERROR	199.00
EFT102761	TRISLEY'S HYDRAULIC SERVICE P/L	KELCO FLOW SWITCHES CHECK VALVES	859.10
EFT102762	WA LIBRARY SUPPLIES	WIRE BOOKS EASELS AND LABEL PROTECTORS	127.38
EFT102763	WA LOCAL GOVERNMENT SUPER PLAN	SUPERANNUATION CONTRIBUTIONS	35,107.96
EFT102764	WESTERN LOCKSERVICE	GATE PADLOCKS, KEYS FOR YOUTH CENTRE & AIRPORT	1,015.00
		<b>TOTAL EFT PAYMENTS</b>	<u>1,157,793.59</u>

Chq	Date	Name	Description	Amount
38316	10/03/2008	2 K TOURS	SITE RENTAL CROSSING FALLS BUSH FIRE BRIGADE	1,000.00
38317		AUSTRALASIAN PERFORMING RIGHT ASSOC. LTD	ANNUAL LICENCE FEES FOR KLC AND REID HALL	417.58
38318		AUSTRALIA POST (WYNDHAM)	ANNUAL RENEWAL OF POST OFFICE BOX 188 WYNDHAM	44.00
38319		BCITF	BCITF LEVY PAYMENT FOR JULY 07 - JAN 08	28,547.99
38320		DEPARTMENT OF TREASURY AND FINANCE	RECOVERIES OF LOST AND DAMAGED BOOKS	8.80
38321		PIVOTEL	SATELLITE TELEPHONE CHARGES	184.00
38322		HORIZON POWER	ELECTRICITY SUPPLIED	19,873.20
38323		MICHAEL DAVID PUNTORIERO	RETURN OF BOND FROM HALL HIRE	100.00
38324		MLC THE RETIREMENT PLAN	SUPERANNUATION CONTRIBUTIONS	165.54
38325		CANCELLED CHEQUE	PAID TO WRONG NAME - PAID ON CHEQUE 38367	0.00
38326		REST SUPER	SUPERANNUATION CONTRIBUTIONS	352.81
38327		RICK SPRY	REIMBURSEMENT OF TELEPHONE SUBSIDY	35.04
38328		RIVENLEA INVESTMENTS PTY LTD	REFUND OVERPAYMENT OF RATES	356.51
38329		STATE EMERGENCY SERVICE (KNX)	ESL FUNDING 3RD QUARTER 2007/2008	5,133.02
38330		TELSTRA	MOBILE BROAD BAND FOR PERIOD 06/11/07-06/03/08	479.82
38331		TIMESPAN HOLDINGS PTY LTD	REFUND OVERPAYMENT OF RATES	1,859.41
38332		WATER CORPORATION	SPECIAL METER READING, WATER CHARGES 77 CHESTNUT	457.90
38333	13/03/2008	AUSTRALIA POST(KNX)	POST OFFICE BOX RENEWAL	44.00
38334		BP ORD RIVER ROADHOUSE	FREIGHT OF MICROSCOPE TO BROOME FOR TRAINING	24.00
38335		CD GOUGH	REIMBURSEMENT OF REPAIRS TO PUNCTURED TYRE	370.00
38336		HORIZON POWER	ELECTRICITY SUPPLIED - STREET LIGHTS	7,533.80
38337		KUNUNURRA MAINTENANCE SERVICE	REPAIRS TO LEAKING ROOF OVER STAGE	198.00

38338		RICK SPRY	REIMBURSEMENT OF REPAIRS TO BROKEN GLASSES	197.10
38339	20/03/2008	BUSBY INVESTMENTS T/A BUDGET RENT A CAR	HIRE OF VEHICLE FOR KEITH WILLIAMS IN PERTH	568.92
38340		DUNLOP SPORTS - EQUIPMENT DIVISION	SPORTING EQUIPMENT FOR SALE	1,128.93
38341		GARNDUWA AMBOORNY WIRNAN INCORP	REFUND OF PAYMENT TO INVOICE PAID TWICE	391.00
38342		KUNUNURRA AMCAL PHARMACY	GAUZE SWABS FOR BRONZE COURSE	43.90
38343		KUNUNURRA MARKETS	REFUND OVERCHARGE FOR HIRE OF HALL ON 08/12/07	43.50
38344		MOTOMARA COMMUNICATIONS AUSTRALIA	NEW BATTERIES FOR HAND HELD RADIOS	208.00
38345		TELSTRA	LANDLINE TELEPHONE EXPENSES FOR FEB 2008	4,791.23
38346	27/03/2008	BUSBY INVESTMENTS T/A BUDGET RENT A CAR	HIRE OF VEHICLE FOR M CRUMBLIN WHILE IN PERTH	392.57
38347		DEPT FOR PLANNING & INFRASTRUCTURE	ANNUAL JETTY LICENCES	90.00
38348		CANCELLED CHEQUE	INCORRECTLY PAID - PAID ON CHEQUE 38365	0.00
38349		DONNA SOHNAARS	REIMBURSEMENT FOR WATER BOTTLES FOR EMERGENCY	42.00
38350		FRANK RODRIGUEZ	REIMBURSEMENT FOR RETURN OF ASIC CARD	50.00
38351		GEOFF GUNSON ELECTRICAL	REPAIR POWER POINTS, LIGHTS & FUSE BOX AT DEPOT	1,254.00
38352		HORIZON POWER	ELECTRICITY SUPPLIED TO IVANHOE PUMP	191.70
38353		KING, LESLIE	REIMBURSEMENT FOR REGISTRATION ENQUIRIES	24.00
38354		ORICA AUSTRALIA PTY LTD	MONTHLY SERVICE FEE FOR HIRE OF CHLORINE CYLINDER	293.80
38355		RICK SPRY	REIMBURSEMENT OF TELEPHONE SUBSIDY PAID	34.09
38356		STATE LAW PUBLISHER	ADVERTISING OF FIREBREAK ORDERS IN GAZETTE	418.28
38357		SUPA FRESH HOT BREAD SHOP	CATERING MORNING TEA - J MORGAM FAREWELL	60.00
38358		TAMAS KAPITANY	REFUND OVERPAYMENT OF RATES	91.08
38359		TELSTRA	MOBILE EXPENSES FOR PERIOD 11/02/08 - 10/03/08	754.77
38360		WYNDHAM COMMUNITY CLUB	CATERING FOR COUNCIL BRIEFING 04/03/08	420.00
38361	03/04/2008	AUSTRALIA POST(KNX)	POST OFFICE BOX FOR IVANHOE BUSH FIRE BRIGADE	42.00
38362		CASH - PETTY CASH KNX DEPOT	REIMBURSEMENT OF PETTY CASH	95.40
38363		CASH - PETTY CASH KNX OFFICE	REIMBURSEMENT OF PETTY CASH	127.20
38364		DEPARTMENT OF TREASURY AND FINANCE	RECOVERIES OF LOST AND DAMAGED BOOKS	84.70
38365		DEPT FOR PLANNING & INFRASTRUCTURE	ANNUAL VEHICLE REGISTRATION FEES	5,230.85
38366		DUNLOP SPORTS - EQUIPMENT DIVISION	MINOR SPORTING EQUIPMENT FOR LEISURE CENTRE	259.36
38367		ELIZABETH BROWN	REFUND OF EQUIPMENT HIRE	257.00
38368		G & N SMITH T/A ATTEND	STANDARD LITTER PICKER	557.81
38369		HORIZON POWER	ELECTRICITY SUPPLIED TO KUNUNURRA LEISURE CENTRE	20,756.90
38370		KENYON & COMPANY PTY LTD	PURCHASE OF STROBE LIGHT AND REVOLVING BEACON	847.00

38371	KUNUNURRA NEIGHBOURHOOD HOUSE	2008 INTERNATIONAL WOMEN'S DAY QUICKGRANT	550.00
38372	MLC THE RETIREMENT PLAN	SUPERANNUATION CONTRIBUTIONS	331.08
38373	OCTAGON AUSTRALIA PTY LTD	GRANT FOR THE AUSTRALIAN SAFARI EVENT	7,800.00
38374	PIVOTEL	MONTHLY SATELLITE PHONE CHARGES	184.00
38375	REST SUPER	SUPERANNUATION CONTRIBUTIONS	705.62
38376	STATE EMERGENCY SERVICE (KNX)	ESL FUNDING FOR APRIL TO JUNE 2007/2008	5,133.02
38377	VICSUPER	SUPERANNUATION CONTRIBUTIONS	271.23
		<b>TOTAL CHEQUE PAYMENTS</b>	<u>121,907.46</u>

PAYROLL	12/03/2008	FORTNIGHTLY PAYROLL	105,140.73
PAYROLL	26/03/2008	FORTNIGHTLY PAYROLL	101,963.06
		<b>TOTAL PAYROLL PAYMENTS</b>	<u>207,103.79</u>

DIRECT DEBIT	RENT 12/33 KONKERBERRY DRIVE KUNUNURRA	1,473.33
DIRECT DEBIT	BANK FEES	227.10
DIRECT DEBIT	BILL EXPRESS	27.50
DIRECT DEBIT	VISA PAYMENT	7,668.44
DIRECT DEBIT	WESTNET P/L	529.54
	<b>TOTAL DIRECT DEBIT PAYMENTS</b>	<u>9,925.91</u>

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### 12.1.3. St John Ambulance Patient Transfer Facility at East Kimberley Regional Airport

<b>DATE:</b>	15 April 2008
<b>PROPONENT:</b>	St John Ambulance Kununurra Branch
<b>LOCATION:</b>	East Kimberley Regional Airport
<b>AUTHOR:</b>	Peter Stubbs, Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	01.6820.13
<b>ASSESSMENT NO:</b>	A6820

#### **PURPOSE**

For Council to consider a request by the Kununurra branch of St John Ambulance for it to establish a patient transfer facility on Council owned land at the East Kimberley Regional Airport.

#### **BACKGROUND**

The Kununurra St John Ambulance Sub Centre has approached Council with a request to establish a patient transfer station at the East Kimberley Regional Airport.

It is intended that the transfer station provide shelter and shade for the ambulance, patients and ambulance staff.

The proposal is similar to a patient transfer station that has been established at Broome Airport. This facility the Broome facility was reportedly constructed at an estimated cost of at \$156,000.

The St John Ambulance preferred site for patient transfer facility is on Lot 302 (1,636m<sup>2</sup>) at the airport. This Lot is shown on the attached plan.

Council has a resolution, Minute Number 8013, December 2007 to sell Lot 302 by auction. Preliminary work has been done with agents to progress this, but this has been suspended pending Council consideration of the St John's request.

Minute Number 8013 states:

*"That Council seek to encourage further development of the region's aviation sector by advertising to dispose by public auction of vacant Lots 302, 307 and 313 at the East Kimberley Regional Airport."*

The St John's request is supported by Rick Spry, as Manager of Airport Operations for the following reasons:

- *The current arrangement for RFDS - Ambulance transfers at the airport is that during the day the RFDS plane parks on the apron near gate 13 at the eastern end of the apron and conducts the transfer there with the Ambulance going airside through gate 13 to deliver the patient next to the aircraft.*
- *At night however there is no lighting at the eastern end and so they conduct transfers on the main apron in Bay 3, accessing the apron through emergency*

gate 1. Using the main apron is not ideal as we often require all three bays for the airlines and Bay 3 is often where we like visiting jets to park overnight. This area is also a security restricted area during RPT flights this means we require all passengers entering the apron to go thru security screening.

- It is also not the most aesthetically pleasing having ambulances waiting at the airport in the heat.
- Lot 302 allows easy landside/airside access off the Highway and through gate 13.
- Lot 302 is located at an end of the airport that does not have a lot of aircraft traffic. Nor would it need to mix with parked aircraft.
- Direct access to the Runway off the main taxiway.
- Existing taxi lanes and apron area can accommodate RFDS size aircraft.

### **STATUTORY IMPLICATIONS**

Section 3.58 of the Local Government Act 1995 Relates to Disposing of Property:

#### **3.58 . Disposing of property**

(1) In this section —

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

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

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

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

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

- (a) it gives Statewide public notice of the proposed disposition -
  - (i) describing the property concerned;
  - (ii) giving details of the proposed disposition; and
  - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and
- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include -
- (a) the names of all other parties concerned;
  - (b) the consideration to be received by the local government for the disposition; and
  - (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.
- (5) This section does not apply to -
- (a) a disposition of land under section 29 or 29B of the *Public Works Act 1902*;
  - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;
  - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
  - (d) any other disposition that is excluded by regulations from the application of this section.

**Local Government (Functions and General) Regulations 1996**

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

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
  - (a) the land is disposed of to an owner of adjoining land (in this paragraph called “**the transferee**”) and —
    - (i) its market value is less than \$5 000; and
    - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;
  - (b) the land is disposed of to a body, whether incorporated or not —
    - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
    - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body’s transactions;
  - (c) the land is disposed of to —
    - (i) the Crown in right of the State or the Commonwealth;
    - (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or
    - (iii) another local government or a regional local government;
  - (d) it is the leasing of land to an employee of the local government for use as the employee’s residence;
  - (e) it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land;

- (f) it is the leasing of land to a “medical practitioner” (as defined in section 3 of the *Medical Act 1894*) to be used for carrying on his or her medical practice; or
  - (g) it is the leasing of residential property to a person.
- (2a) A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —
- (a) put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government;
  - (b) the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or
  - (c) the subject of Statewide public notice under section 3.59(4), and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including —
    - (i) the names of all other parties concerned;
    - (ii) the consideration to be received by the local government for the disposition; and
    - (iii) the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.
- (2b) Details (*see section 3.58(4) of the Act*) of a disposition of property under subregulation (2a) must be made available for public inspection for at least 12 months from the initial auction or tender, as the case requires.
- (3) A disposition of property other than land is an exempt disposition if —
- (a) its market value is less than \$20 000; or
  - (b) it is disposed of as part of the consideration for other property that the local government is acquiring for a consideration the total value of which is not more, or worth more, than \$50 000.

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

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Lot 302 is estimated to have a current value in the range of \$120,000 to \$150,000.

Should Council agree to provide this Lot for a patient transfer facility in the management of St John ambulance it should be acknowledge that Council would be making a real financial contribution to the proposed facility.

An option for Council to consider is allowing for the proposed facility but for it be sited such that it allows for potential sub division of Lot 302 into two titled each 818m<sup>2</sup>. This

option provides sufficient land for the requested purpose, potentially reduces Council financial input, and allows for other uses at the airport in the future.

### **STRATEGIC IMPLICATIONS**

Patient transfer and Royal Flying Doctor Services are a vital service in the East Kimberley region.

### **COMMUNITY CONSULTATION**

Nil to date.

If Council agrees in principle to make land available to St Johns for patient transfer it would need advertise its intent under 3.58 of the Local Government Act, and consider any public comment.

### **COMMENT**

Alternative sites have been considered. These include Lots 307 & 313. Both are Lots are located near busy charter companies and have limited infrastructure to accommodate RFDS size aircraft.

### **ATTACHMENTS**

1. St John Ambulance Request
2. East Kimberley Regional Airport Master Plan

### **VOTING REQUIREMENT**

Recommendation 1 - Absolute Majority

Recommendation 2 and 3 - Simple Majority

### **RECOMMENDATION 1**

That Council Rescind Minute No. 8013 "That Council seek to encourage further development of the region's aviation sector by advertising to dispose by public auction of vacant *Lots 302, 307 and 313 at the East Kimberley Regional Airport*"

### **COUNCIL DECISION**

**Minute No. 8156**

**Move: Cr D Ausburn                      Seconded: Cr K Wright  
Third: Cr J Buchanan (Required for Rescission)**

***That Council Rescind Minute No. 8013 "That Council seek to encourage further development of the region's aviation sector by advertising to dispose by public auction of vacant Lots 302, 307 and 313 at the East Kimberley Regional Airport"***

**Carried by Absolute Majority: 9/0**

## **RECOMMENDATION 2**

That Council seek to encourage further development of the region's aviation sector by advertising to dispose by public auction of vacant Lots, 307 and 313 at the East Kimberley Regional Airport.

## **COUNCIL DECISION**

Minute No. 8157

Move: Cr D Ausburn                      Seconded: Cr J Buchanan

*That Council seek to encourage further development of the region's aviation sector by advertising to dispose by public auction of vacant Lots, 307 and 313 at the East Kimberley Regional Airport.*

Carried Unanimously: 9/0

## **RECOMMENDATION 3**

1. That Council advise the Kununurra branch of St John Ambulance that it supports allocation of approximately 818m2 of land being part of Lot 302 at the East Kimberley Regional Airport for the purpose of construction and operation by St John Ambulance of patient transfer station.
2. That Council establish a 'peppercorn' 21 year lease for 818m2 of land being part of Lot 302 at the East Kimberley Regional Airport for the purpose of construction and operation by St John Ambulance of patient transfer station.

## **COUNCIL DECISION**

Minute No. 8158

Move: Cr D Ausburn                      Seconded: Cr J Buchanan

1. *That Council advise the Kununurra branch of St John Ambulance that it supports allocation of approximately 818m2 of land being part of Lot 302 at the East Kimberley Regional Airport for the purpose of construction and operation by St John Ambulance of patient transfer station.*
2. *That Council establish a 'peppercorn' 21 year lease for 818m2 of land being part of Lot 302 at the East Kimberley Regional Airport for the purpose of construction and operation by St John Ambulance of patient transfer station.*

Carried Unanimously: 9/0

Attachment 1: Letter from St John Ambulance Kununurra

First in First Aid

Doc No:	061459
Date:	6 FEB 2008
Officer:	CEO AM JP
Response:	
File:	36.13.34

01.6820.13



Monday, 25 February 2008

Mr Peter Stubbs  
CEO  
Shire of Wyndham and East Kimberley  
PO Box 614  
KUNUNURRA WA 6743

Dear Sir

St John Ambulance Kununurra Sub Centre would like to inform council of their expression of interest in Lot 302, adjacent to Gate 13 at Kununurra Airport. Should this plot of land become available in the future, we wish to be considered as potential lessees.

St John Ambulance Kununurra, in conjunction with Royal Flying Doctor Service and community involvement, propose to erect an all weather patient transfer facility. It is intended that this facility will provide shelter for transfer of patients from the ambulance to the RTDS aircraft and amenities for patients, RTDS and St John Ambulance personnel.

Should you wish to discuss further, please do not hesitate to contact me on 041R 255 401.

Yours faithfully

A handwritten signature in black ink, appearing to read "Don Learbuch".

Don Learbuch  
Chairman  
Committee  
St John Ambulance Kununurra.

St John Ambulance Australia WA Ambulance Service Inc. | Kununurra Sub-Centre  
PO Box 896 Kununurra WA 6743 | Tel: 08 9168 2844 | Fax: 08 9168 2855  
Emergency: 001 | Email: [stjohn@wambulance.com.au](mailto:stjohn@wambulance.com.au)

Attachment 2: East Kimberley Regional Airport Master Plan



#### 12.1.4. Airport Committee

<b>DATE:</b>	15 April 2008
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Jo-Anne Ellis, Executive Manager Corporate Services
<b>REPORTING OFFICER:</b>	Jo-Anne Ellis, Executive Manager Corporate Services
<b>FILE NO:</b>	60.14.02
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

To correctly establish an Airport Committee as a formal committee of Council.

#### **BACKGROUND**

At the 18 March Ordinary Council meeting an item relating to an Airport Committee was presented to Council. The Managers' recommendation was not to establish a formal committee of Council.

Councillors moved and adopted this alternate motion.

**Minute No: 8113**

**Moved: Cr K Wright**

**Seconded: Cr J Buchanan**

***That Council:***

- 1. Formally constitute a committee of Council under Section 5.9.2(a) of the Local Government Act 1995 and nominate Cr K Wright, Cr F Mills, Cr J Buchanan and Cr P Caley as members of the Committee***
- 2. That the Airport Committee chair be nominated to represent the Shire of Wyndham East Kimberley at meetings (either state or federal) of Australian Airports Association.***
- 3. That the Airport Manager or Airport Operations Officer in lieu of Airport Manager be the responsible officer for the Airport Committee.***
- 4. That the delegated Authority not be awarded to the committee on the complete understanding that should such delegated authority be sought by the committee for any individual matter then council may decide in this direction as per section 5.17 of The Act.***
- 5. The Airport Committee and Council arrange User Group meetings of all interested persons and groups that utilise facilities and or/infrastructure on either the Wyndham or Kununurra Airports. Such meetings are to be held at Kununurra Airport at 1700 hours on a suitable day in March and October of each year.***

The motion refers to the incorrect section of the Local Government Act as committees are to be established under section 5.8 of the Act. The section reference used in the

motion refers to the type of committee being established. Additionally an absolute majority decision of council needs to be recorded in the minutes.

This item is to ensure the committee is correctly established under the provisions of the Local Government Act 1995

## **STATUTORY IMPLICATIONS**

### *Subdivision 2 — Committees and their meetings*

#### **5.8. Establishment of committees**

A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

*\* Absolute majority required.*

#### **5.9. Types of committees**

- (1) In this section —  
“other person” means a person who is not a council member or an employee.
- (2) A committee is to comprise —
  - (a) council members only;
  - (b) council members and employees;
  - (c) council members, employees and other persons;
  - (d) council members and other persons;
  - (e) employees and other persons; or
  - (f) other persons only.

#### **5.10. Appointment of committee members**

- (1) A committee is to have as its members —
  - (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
  - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

*\* Absolute majority required.*
- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the

mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.

- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
- (a) to be a member of the committee; or
  - (b) that a representative of the CEO be a member of the committee,

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

**5.16.** Delegation of some powers and duties to certain committees

- (1) Under and subject to section 5.17, a local government may delegate\* to a committee any of its powers and duties other than this power of delegation.

*\* Absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
- (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
  - (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.
- (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

**5.17.** Limits on delegation of powers and duties to certain committees

- (1) A local government can delegate —
- (a) to a committee comprising council members only, any of the council's powers or duties under this Act except —
    - (i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and
    - (ii) any other power or duty that is prescribed;
  - (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
  - (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —
    - (i) the local government's property; or
    - (ii) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

[Section 5.17 amended by No. 49 of 2004 s. 16(2).]

**5.18.** Register of delegations to committees

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

**5.23.** Meetings generally open to the public

- (1) Subject to subsection (2), the following are to be open to members of the public —
  - (a) all council meetings; and
  - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
  - (a) a matter affecting an employee or employees;
  - (b) the personal affairs of any person;
  - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
  - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
  - (e) a matter that if disclosed, would reveal —
    - (i) a trade secret;
    - (ii) information that has a commercial value to a person; or
    - (iii) information about the business, professional, commercial or financial affairs of a person,where the trade secret or information is held by, or is about, a person other than the local government;
  - (f) a matter that if disclosed, could be reasonably expected to —
    - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
    - (ii) endanger the security of the local government's property; or
    - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
  - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
  - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

A formal committee of Council requires resources in terms of administrative time. The additional administrative effort in creating agendas, recording and distributing minutes and attendance at committee meetings will result in this time being diverted from another area of Councils operations. Council may consider this is reasonable and appropriate or it may consider that strategically the resources are better spent achieving other outcomes.

## **COMMUNITY CONSULTATION**

Nil

## **COMMENT**

The support of three councillors is required to rescind motion 8113.

Currently the Airport Committee has not been established due to reference to the incorrect section in the Act, this item seeks to correct this.

## **ATTACHMENTS**

Nil

## **VOTING REQUIREMENT**

Absolute majority

## **MANAGERS' RECOMMENDATION**

That Council:

1. Rescind minute 8113
2. Formally constitute a committee of Council under Section 5.8 of the Local Government Act 1995 and nominate Cr K Wright, Cr F Mills, Cr J Buchanan and Cr P Caley as members of the Committee
3. That the Airport Committee chair be nominated to represent the Shire of Wyndham East Kimberley at meetings (either state or federal) of Australian Airports Association.
4. That the Airport Manager or Airport Operations Officer in lieu of Airport Manager be the responsible officer for the Airport Committee.
5. That the delegated Authority not be awarded to the committee on the complete understanding that should such delegated authority be sought by the committee

for any individual matter then Council may decide in this direction as per section 5.17 of The Act.

6. The Airport Committee and Council arrange User Group meetings of all interested persons and groups that utilise facilities and or/infrastructure on either the Wyndham or Kununurra Airports. Such meetings are to be held at Kununurra Airport at 1700 hours on a suitable day in March and October of each year.

### **COUNCIL DECISION**

**Minute No. 8159**

**Move: Cr J Buchanan                      Seconded: Cr D Ausburn  
Third: Cr J Parker (Required for Rescission)**

***That Council:***

1. ***Rescind minute 8113***
2. ***Formally constitute a committee of Council under Section 5.8 of the Local Government Act 1995 and nominate Cr K Wright, Cr F Mills, Cr J Buchanan and Cr P Caley as members of the Committee***
3. ***That the Airport Committee chair be nominated to represent the Shire of Wyndham East Kimberley at meetings (either state or federal) of Australian Airports Association.***
4. ***That the Airport Manager or Airport Operations Officer in lieu of Airport Manager be the responsible officer for the Airport Committee.***
5. ***That the delegated Authority not be awarded to the committee on the complete understanding that should such delegated authority be sought by the committee for any individual matter then Council may decide in this direction as per section 5.17 of The Act.***
6. ***The Airport Committee and Council arrange User Group meetings of all interested persons and groups that utilise facilities and or/infrastructure on either the Wyndham or Kununurra Airports. Such meetings are to be held at Kununurra Airport at 1700 hours on a suitable day in March and October of each year.***

**Carried: 8/1**

### 12.1.5. Tender - Information Technology Support and Monitoring Services

<b>DATE:</b>	15 April 2008
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Ken Cotter, Rates Officer Jo-Anne Ellis, Executive Manager Corporate Services
<b>REPORTING OFFICER:</b>	Jo-Anne Ellis, Executive Manager Corporate Services
<b>FILE NO:</b>	66.56.21
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

That Council issue a tender for the Supply of Information Technology Support and Monitoring Services.

#### **BACKGROUND**

The last IT contract was tendered in October 2004 and was in force until November 2007. The tender was offered in two parts – Strategic Maintenance and Fault Maintenance. The Strategic Maintenance contract was not extended in November due to the belief that the Shire was not receiving any value from the contract. The Fault Maintenance contract was extended for 6 months, and expires May 2008.

During the briefing session on 4 March 2008, Council gave support to have a dedicated FTE in house IT resource, supported by an external contractor. The external contractor will provide high level IT advice and support on an ad-hoc needs basis, as well as off-site system monitoring and reporting.

#### **STATUTORY IMPLICATIONS**

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

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

##### ***11. Tenders to be invited for certain contracts***

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100 000 unless sub-regulation (2) states otherwise.*

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

The changes to deliver of IT services will commence on 1 July 2008. The 2008/09 budget will take into account the costs associated with delivery of IT under the new structure. It is not expected the total recurrent costs of IT services will increase

substantially under this new model and there may be scope for some savings given the level of expertise in the current IT officer.

### **STRATEGIC IMPLICATIONS**

An effective IT system is essential for the operations of Council. Timely support and an IT network is needed to ensure officers can use their computers and peripherals without impacting on their ability to deliver an effective service for Council.

### **COMMUNITY CONSULTATION**

Nil

### **COMMENT**

The tender is for the supply of:

- External monitoring of System events, error messages and status, notification and provision of advice on steps to correct and prevent system errors
- External monitoring of Backup results, notification and provision of advice on possible reasons for backup failures, and impending problems with backups
- A yearly, off-site full system restoration test to ensure that backups are viable
- Advice and assistance setting up and maintaining network security, computer security and internet security
- Advice and assistance setting up and maintaining group policy and computer policy
- Advice on development of a disaster recovery plan, fault management policy and hardware replacement policy
- Advice on future requirements in regard to computer software, server hardware and network communications needs, including communication between Shire buildings
- Provision of a help-desk style service within specified response times, to assist fault-finding and correction of problems on networks, servers or computers. Contractors will only be contacted by IT staff; the contractor is not asked to provide a help-desk for the Shire.
- Availability for pre-arranged weekend and after-hours assistance for major projects (eg. Building a new server, migrating services or applications between servers, etc.), or for high priority work (eg. Disaster Recovery).

The tender is offered as an off-site support role with no specific requirement to attend on-site so as to not restrict the tender field to local companies.

The following timeline is recommended:

- Saturday 19 April 2008 – State wide public notice
- Friday 6 June 2008 – Tender close at 4.00pm
- Post Close Tender – Tender assessment
- 17 June 2008 – Tender awarded by Council.
- 01 July 2008 – Contract Commences

Councillors may wish to appoint a Councillor to be on the tender assessment panel. The panel should have three members and it is proposed that the Executive Manager Corporate Services and the Rates Officer (who has been identified to transfer into the new IT role on 1 July 2008) are on the panel. The third panel member can be a

Councillor should there be a member who believes they have the time and expertise to be of assistance to the process. Otherwise the Finance Manager can be the third panel member.

### **ATTACHMENTS**

Nil

### **VOTING REQUIREMENT**

Simple Majority

### **MANAGERS' RECOMMENDATION**

1. That Council issue a tender for the supply of Information Technology Support and Monitoring Services to commence on 1 July 2008 for a period of three (3) years.
2. That Tenders are evaluated based on the capacity of the Tenderers to complete the requirements of the tender including:
  - 2.1. Compliance Criteria (must comply)
    - a) Compliance with Specifications contained in request
    - b) Compliance with Conditions of Tendering contained in request
    - c) Compliance with Quality Assurance requirements in request
    - d) Compliance with Start Date
    - e) Compliance with and completion of Price Schedule
  - 2.2 Qualitative Criteria (used to Rank Tenders)
    - a) Relevant Experience - 30%
    - b) Key Personnel skills and experience - 20%
    - c) Tenderer's Resources - 30%
    - d) Demonstrated Understanding – 20%
  - 2.3. Price Submitted for Tender  
The tendered price along with the qualitative ranking will be used to determine the most advantageous tender to Council.

### **COUNCIL DECISION**

Minute No. 8160

Move: Cr K Wright

Seconded: Cr R Addis

1. ***That Council issue a tender for the supply of Information Technology Support and Monitoring Services to commence on 1 July 2008 for a period of three (3) years.***
2. ***That Tenders are evaluated based on the capacity of the Tenderers to complete the requirements of the tender including:***
  - 2.1. ***Compliance Criteria (must comply)***
    - a) Compliance with Specifications contained in request***
    - b) Compliance with Conditions of Tendering contained in request***
    - c) Compliance with Quality Assurance requirements in request***

- d) Compliance with Start Date**
- e) Compliance with and completion of Price Schedule**

**2.2 Qualitative Criteria (used to Rank Tenders)**

- a) Relevant Experience - 30%**
- b) Key Personnel skills and experience - 20%**
- c) Tenderer's Resources - 30%**
- d) Demonstrated Understanding – 20%**

**2.3. Price Submitted for Tender**

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

**Carried Unanimously: 9/0**

## 12.2. REGULATORY SERVICES

### 12.2.1. Replacement of Vehicles – Prado (P102) and Nissan Tray Top Utility (P328)

<b>DATE:</b>	15 April 2008
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Kununurra
<b>AUTHOR:</b>	Alex Douglas, Executive Manager Engineering and Regulatory Services
<b>REPORTING OFFICER:</b>	Alex Douglas, Executive Manager Engineering and Regulatory Services
<b>FILE NO:</b>	66.41.07
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to consider the obtaining of quotations for two vehicles in advance of the 2008/09 Budget.

#### **BACKGROUND**

The two vehicles listed are near to the 3 year/70,000 km threshold for replacement and are in the list of replacement vehicles for the new budget.

The details and preferred replacement vehicles are listed as follows: -

Plant No.	Description of Preferred Vehicle	Allocation	Mileage	Anticipated Changeover Cost
P102	GXL Auto Prado	EMCpS	68,050	24,000
P328	Hilux Xtra Cab Tray Top Utility	Wyndham Ranger/ARO	67,570	27,000

Generally there is a minimum two or three month delivery timeframe anticipated for these vehicles and it is considered appropriate with that knowledge to obtain quotations and approve replacement prior to adoption of the Budget. This will minimise the vehicle mileage in excess of the 70,000 km threshold and reduce loss of trade value.

#### **STATUTORY IMPLICATIONS**

The Local Government (Functions and General) Regulations 1996 apply.

#### **POLICY IMPLICATIONS**

There are no specific policies relating to this report.

#### **FINANCIAL IMPLICATIONS**

The anticipated replacement cost for the Prado is \$24,000 and for the replacement of the Nissan single cab with a Hilux Extra cab is expected to cost \$27,000; both amounts being net of GST.

The replacement of vehicles, plant and equipment is a component of recurrent budgets so as to maintain the fleet in a suitable condition and value relative to operational requirements.

Whilst the approval process for expenditure is prior to adoption of the budget the requirement will be for delivery to be after 1 July 2008, and so there are budgetary implications for the adopted 2007/08 Budget.

### **STRATEGIC IMPLICATIONS**

Not applicable

### **COMMENT**

A number of light vehicles will be due for replacement based on either age or mileage within the first few months of the financial year.

Two other vehicles are anticipated for changeover (P207 and P327) however there is a proposal to change the vehicle specifications, and this requires debate by Council relative to the budget process whereas the two vehicles listed above are essentially 'like for like' replacement.

The vehicle assigned to the Wyndham Ranger/ARO is proposed to be an Extra Cab rather than a standard Single Cab to allow for items to be stored within the cab (behind the seats). This type of vehicle was agreed by Council for the recent replacement of a Kununurra ranger vehicle. The delivery time on that vehicle was more than two months.

The approval to obtain quotations will allow for Council to consider the quotes at the 20 May Council meeting.

### **ATTACHMENTS**

Nil

### **VOTING REQUIREMENT**

Simple Majority

### **MANAGERS' RECOMMENDATION**

That Council approve the invitation of quotes for the replacement of Plant numbers P102 and P328 and a report be submitted to the 20 May meeting for consideration.

### **COUNCIL DECISION**

**Minute No. 8161**

**Move: Cr J Parker**

**Seconded: Cr F Mills**

***That Council approve the invitation of quotes for the replacement of Plant numbers P102 and P328 and a report be submitted to the 20 May meeting for consideration.***

**Carried Unanimously: 9/0**

### 12.2.2. Tender Evaluation Committee – Delegated Authority to Approve Tenders for Civil Construction Projects

<b>DATE:</b>	15 April 2008
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Kununurra
<b>AUTHOR:</b>	Alex Douglas, Executive Manager Engineering and Regulatory Services
<b>REPORTING OFFICER:</b>	Alex Douglas, Executive Manager Engineering and Regulatory Services
<b>FILE NO:</b>	66.56.13,14,15,16,17
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to consider the establishment of a short term Tender Evaluation Committee comprising three members of Council, the Chief Executive Officer and the Executive Manager Engineering and Regulatory Services.

The purpose of the committee is to allow the timely consideration of tenders due for consideration in respect of the adopted roadworks program where the consideration and acceptance of tenders will be unreasonably delayed by the timing of Council meetings.

#### **BACKGROUND**

There are a number of projects that have been referred to the pre-approved panel of contractors for civil projects. An extract from the 20 November 2007 Minutes reads: -

**Minute No. 7943**

**Moved: Cr J Moulden**

**Seconded: Cr D Ausburn**

***That Council:***

- 2. Accept the listed contractors for the purposes of seeking restricted tenders for the construction of roads, drainage and associated infrastructure to be undertaken within the period of 1 November 2007 to 31 December 2008: -***

***Downer EDI Works  
Central Earthmoving  
JSW Holdings  
Plant Hire Services  
JAB Industries  
Riverlea Corporation***

Three projects have been referred to the contractors, being Coolibah Drive, Konkerberry Drive and Silverbox/Calytrix Ave reconstructions.

The Kalumburu Road re-sheeting (2007/08 and 2008/09) will be issued within two weeks, and other projects such as the Lily Creek Boat Ramp carpark and Airport carpark extension will follow shortly after.

Linking the timing of tender submissions to Council meeting dates will add additional time to acceptance and given that the contractors have been pre-qualified it is considered reasonable to consider the formation of a committee with delegated powers rather than the less favourable option of calling a series of Special Council meetings.

### **STATUTORY IMPLICATIONS**

Tenders have and will be prepared in accordance with the provisions of the Local Government (General and Functions) Regulations 1996.

The recommendation refers to the delegation of authority to an evaluation committee, and the Local Government Act 1995, s5.8 applies: -

#### ***5.8. Establishment of committees***

*A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

*\* Absolute majority required.*

### **POLICY IMPLICATIONS**

There are no specific policies relating to this report.

### **FINANCIAL IMPLICATIONS**

The value of the combined works is approximately \$2.3 million and is included in the adopted Budget and in the case of Kalumburu Rd includes the recurrent funding for the road improvements for 2008/09.

### **STRATEGIC IMPLICATIONS**

Not applicable

### **COMMENT**

The use of a short term committee to consider and approve the preferred contractor/s is considered the most pragmatic means to progress the commencement of these projects.

The methodology will involve the preparation of a report on each of the project submissions with a recommendation which will be distributed to all Councillors. The committee would meet on an as-needs basis following the requirements of notice of meeting times, advertising and distribution of agendas. It is anticipated that the committee would need to meet at least three times over the next 6-8 weeks.

Councillors would be advised of the decisions of the committee by email, and those Councillors not on the committee would be able to attend the meetings as would members of the public.

### **ATTACHMENTS**

Nil

## **VOTING REQUIREMENT**

Absolute Majority

## **MANAGERS' RECOMMENDATION**

That Council, in accordance with the Local Government Act 1995 s5.8, nominate the Shire President, Deputy Shire President and Councillor ..... together with the Chief Executive Officer and Executive Manager Engineering and Regulatory Services as a tender evaluation committee for the purpose of evaluating and accepting the preferred tenderer/s for the listed projects with delegated authority to accept or reject tenders to a maximum value of \$900,000 per project: -

- Coolibah Drive – Messmate Way to Ivanhoe Rd – Reconstruction
- Konkerberry Drive – Nutwood Cres to Leichhardt St – Reconstruction
- Calytrix Ave – Silverbox Ave to Mistletoe St - Reconstruction
- East Kimberley Regional Airport – Construct Carpark
- Kalumburu Road – Reform and Gravel Sheeting various sections
- Lily Creek Boat Ramp – construct and seal carpark
- Parry Creek Road – Reform and Gravel Sheeting

## **COUNCIL DECISION**

Minute No. 8162

Move: Cr K Wright

Seconded: Cr J Buchanan

*That Council, in accordance with the Local Government Act 1995 s5.8, nominate the Shire President, Deputy Shire President and Cr F Mills together with the Chief Executive Officer and Executive Manager Engineering and Regulatory Services as a tender evaluation committee for the purpose of evaluating and accepting the preferred tenderer/s for the listed projects with delegated authority to accept or reject tenders to a maximum value of \$900,000 per project: -*

- *Coolibah Drive – Messmate Way to Ivanhoe Rd – Reconstruction*
- *Konkerberry Drive – Nutwood Cres to Leichhardt St – Reconstruction*
- *Calytrix Ave – Silverbox Ave to Mistletoe St - Reconstruction*
- *East Kimberley Regional Airport – Construct Carpark*
- *Kalumburu Road – Reform and Gravel Sheeting various sections*
- *Lily Creek Boat Ramp – construct and seal carpark*
- *Parry Creek Road – Reform and Gravel Sheeting*

Carried Unanimously: 9/0

## 12.3. DEVELOPMENT SERVICES

### 12.3.1. Conversion of Portion of Reserve 29799 to Freehold for Residential Development

<b>DATE:</b>	15 April 2008
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Reserve 29799, Kununurra
<b>AUTHOR:</b>	Peter Stubbs, Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	60.03.01
<b>ASSESSMENT NO:</b>	N/A

*Mr Peter Stubbs declared an Impartiality Interest in Item 12.3.1 Conversion of Portion of Reserve 29799 because he is a member of the Ord River Magpies Football Club, which holds a lease on a different portion of Reserve 29799.*

*Cr Di Ausburn declared an Impartiality Interest in Item 12.3.1 Conversion of Portion of Reserve 29799 because she is a Life Member of the Kununurra Agricultural Society, which holds a lease on a different portion of Reserve 29799.*

*Cr Keith Wright declared an Impartiality Interest in Item 12.3.1 Conversion of Portion of Reserve 29799 because he is a Life Member of the Kununurra Agricultural Society, which holds a lease on a different portion of Reserve 29799.*

*Cr John Buchanan declared an Impartiality Interest in Item 12.3.1 Conversion of Portion of Reserve 29799 because he is a Life Member of the Kununurra Agricultural Society, which holds a lease on a different portion of Reserve 29799.*

*Ms Fiona Kuiper declared an Impartiality Interest in Item 12.3.1 Conversion of Portion of Reserve 29799 because she is a Committee Member of the Kununurra Agricultural Society, which holds a lease on a different portion of Reserve 29799.*

#### **PURPOSE**

For Council to consider the future use of a portion of Reserve 29799 in Kununurra, to accommodate the increasing housing needs of the community.

#### **BACKGROUND**

Councillors were briefed on this matter at their Briefing Session on 1 April 2008.

1. Reserve 29799 is shown on the attached plan. The total area of the Reserve is 16.06ha in size and consists of the new Kununurra Child Care Facility, Agricultural Showgrounds/Football Oval, Overflow Caravan Park, Equestrian Area and vacant land.



- iii. any relocation of users must be seamless;
  - iv. proximity to town centre and residents;
  - v. costs for any relocation must be borne by developer/s;
  - vi. potential for staging and development of Reserve;
  - vii. timing – probably 5 to 10 years;
- Possible advantages for the Ag Society were canvassed:
    - i. new purpose built facilities;
    - ii. Possible improved cash flow and sustainability of Agricultural Society through ownership of new caravan park leased out.
    - iii. designed better for multiple uses;
    - iv. potentially better locations near customer catchment and or water
8. On 6 December 2007 the Shire President and CEO met with Ministerial staff (Steve Potter and Murray Raven) for Minister MacTiernan about a range of projects and raised the prospects of developing this Reserve to serve the longer term evolution of Kununurra as a regional centre. The concept was well received, and advice was given that Ministerial staff would support a proposal aimed at staged development should Council make one.
  9. In December 2007 Council requested Minister MacTiernan to consider releasing land for two new potential caravan parks. Should the Minister agree and that occur over the next few years, and new caravan parks emerge, then it may diminish the need for the existing overflow caravan park operation run by the KAS.
  10. In December 2007 Council requested the State and Commonwealth consider upgrading the proposed half oval associated with the soon to commence Indigenous Youth Hostel, into a full oval with lighting facilities for night sport that could be used by the community. Should that be agreed to and occur it would diminish the need for sport to be played in the existing oval in Reserve 29799.
  11. Councillors may want to give consideration to requesting the Ministerial support for a land tenure change of the “unused” portion of Reserve 29799 for urban development.
  12. This “unused” portion of the Reserve is a valuable piece of land. It has a bitumen road servicing two sides of it, and services (power, water, sewers, and telecommunication) in close proximity. Council currently maintains this land by regular slashing of grass and litter removal. Rangers have increased their patrols of this area now that the Childcare centre is operational in an effort to keep the amenity of the area appropriate. The area is used by people drinking alcohol under the shade of trees.
  13. This portion of the Reserve is separated from the remainder containing the recreational aspects by a 2m cyclone fence.
  14. The “unused” portion of the land has an area of 4.6ha. It is estimated that approximately 150 residential dwellings could be developed on the site at an average of R30 density. Landcorp advise that it costs in the order of \$120K to \$140K per block to develop a sub division in Kununurra at R15 - R20 Densities. That appears to be an inflated figure, given that Landcorp set the ballot price for land in Lakeside in June 2007 at \$115K to \$120K with the view to making a profit of around \$1M on that sale. The Landcorp estimate may be skewed because of

the additional cost Landcorp has incurred in Lakeside due to poor construction of roads which have had to be re- built (and still have problems). In any event it is considered that development of this land as recommended would make considerable profit and that this profit should be reinvested in the infrastructure and or services needs of the region.

15. While there are some reservations about Landcorp development standards and timeframes, given the land is owned by the State it is reasonable to assume that if Council supported development of this land the State may want its developer to develop. Landcorp after all has a requirement (notwithstanding its community service development obligation) to deliver a dividend to State Treasury from its developments.
16. Should Council agree to development, then it may want to consider packaging any request to the State in ways which secure profit from the development, or at least a significant percentage of the profit, into infrastructure and or services for the region. For example;
  - a specialist infant childcare centre, adjacent the new Childcare, to cater for the already waiting list of 36 infants who cannot get into the new Childcare because it is at its infant capacity;
  - a new Neighborhood house;
  - an aged care facility for the region;
  - an expanded airport runway. There is a precedent for this. In Broome some profit from a Landcorp development was quarantined for the Gubinge Road project.
17. Inclusion of tangible community benefits such as these, funded from a development is effectively cost neutral to the State and replaces what would otherwise use grant funding needed from the State. It may also make any development more acceptable to the public.
18. Should Council agree to development, an option for Council might be for Council to seek approval from the State for Council to buy the land and enter into a joint venture with private developers.

### **STATUTORY IMPLICATIONS**

Nil

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

The recommendations link directly to Council's Strategic Plan and Key Result Areas of increasing and improving infrastructure for the community.

While economic conditions in the East Kimberley region have been very good in recent years, as they have been generally, in Australia, this may not always be the case. It was not long ago in the period 1995 to 2002 that economic climate in this region was not so buoyant. At that time, issues such as unresolved Native Title, the collapse of Ansett, and the move to fly in - fly out workforce by Argyle Diamond Mine conspired to create a flat economy.

It is considered necessary that every opportunity be taken to build the robustness of East Kimberley communities now, in the good times, to make the region more resilient should economic conditions change.

This need combined with the already pressing need for residential land and housing means that Council as a lead governing body region should look to facilitate new developments, such as the proposed development of part of Reserve 29799.

### **COMMUNITY CONSULTATION**

The concept of the development of Reserve 29799 has been discussed with the Kununurra Agricultural Society and Ord River Magpies Football Club in 2007. The concept was introduced more generally to the wider community through Shire display at the Kununurra Agricultural Show held in July 2007.

In terms of identified need for the recommended key community services, an analysis of the need for residential aged care services in Kununurra was completed in October 2000. This analysis made a number of recommendations in regard to service model options. Recently, the Commonwealth Department of Health and Ageing conducted regional consultations, including Kununurra, which continued to identify the need for respite care options for older people and people with a disability.

The Kununurra Neighbourhood House has also discussed with the Shire potential options for their relocation some time in the future due to the condition of the building they currently operate from in Ironwood Drive.

### **COMMENT**

Nil

### **ATTACHMENTS**

Plan of Potential Development Area Reserve 29799

### **VOTING REQUIREMENT**

Simple Majority

### **RECOMMENDATION**

That Council

1. Request the Minister for Planning and Infrastructure to convert the 4.6ha 'unused' portion of Reserve 29799 to freehold title and facilitate its development for residential housing, to increase the density of housing close the town centre of Kununurra and to key services including schools, childcare, hospital and recreational facilities.

2. Request that the Minister for Planning and Infrastructure agree that all net revenue raised from the free holding, development and sale of the land be allocated to the provision of key community services such as aged care, respite and community support services.
3. Request that the Minister for Planning and Infrastructure agree to the excision of the portion of Reserve 29799 that is occupied by the new Kununurra Child Care Facility to create a separate title for this facility.

Move: Cr D Ausburn                      Seconded: Cr J Moulden

1. Request the Minister for Planning and Infrastructure to convert the 4.6ha 'unused' portion of Reserve 29799 to freehold title and facilitate its development for residential housing, to increase the density of housing close the town centre of Kununurra and to key services including schools, childcare, hospital and recreational facilities with an appropriate allocation and zoning for future aged care needs.
2. Request that the Minister for Planning and Infrastructure agree that all net revenue raised from the free holding, development and sale of the land be allocated to the provision of key community services such as aged care, respite and community support services.
3. Request that the Minister for Planning and Infrastructure agree to the excision of the portion of Reserve 29799 that is occupied by the new Kununurra Child Care Facility to create a separate title for this facility.

Vote:

### **COUNCIL DECISION**

**Minute No. 8163**

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

***That point 1 of the motion be amended to read:***

1. ***Request the Minister for Planning and Infrastructure to convert the 4.6ha 'unused' portion of Reserve 29799 to freehold title and facilitate its development for residential housing together with suitable allocation for aged care facilities, both in close proximity to key services including schools, childcare, hospital and recreational facilities.***

**Carried Unanimously: 9/0**

***The amended motion became the substantive motion. The Shire President put the substantive motion.***

## **COUNCIL DECISION**

Minute No. 8164

Move: Cr D Ausburn                      Seconded: Cr J Moulden

1.     ***Request the Minister for Planning and Infrastructure to convert the 4.6ha 'unused' portion of Reserve 29799 to freehold title and facilitate its development for residential housing together with suitable allocation for aged care facilities, both in close proximity to key services including schools, childcare, hospital and recreational facilities.***
  
2.     ***Request that the Minister for Planning and Infrastructure agree that all net revenue raised from the free holding, development and sale of the land be allocated to the provision of key community services such as aged care, respite and community support services.***
  
3.     ***Request that the Minister for Planning and Infrastructure agree to the excision of the portion of Reserve 29799 that is occupied by the new Kununurra Child Care Facility to create a separate title for this facility.***

Carried Unanimously: 9/0

**Attachment: Plan of Potential Development Area Reserve 29799**



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### 12.3.2. Draft Public Health Bill 2008 - Public Comment Submission

<b>DATE:</b>	15 April 2008
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Kelly Fewster, Environmental Health Officer, Aboriginal Communities
<b>REPORTING OFFICER:</b>	Alex Douglas, Executive Manager Engineering and Development Services
<b>FILE NO:</b>	30.11.02
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For the Shire of Wyndham East Kimberley to consider and provide a submission on the Draft Public Health Bill 2008 currently out for public comment.

#### **BACKGROUND**

On September 7 2001, Cabinet agreed that the *Health Act 1911* be replaced to provide more modern, flexible public health laws that better protect and promote public health as well as prevent injury and illness.

On June 12 2005, Cabinet approved the release of a New Public Health Act for WA: A Discussion Paper. Consultation on the Discussion Paper occurred throughout WA between July and November 2005. On 14 August 2006, Cabinet approved drafting of a Public Health Bill. The Bill emphasizes prevention and promotion rather than reaction and would allow preventative action to be taken where there is a serious risk to public health.

The public, Government agencies, non-Government organisations and businesses are invited to consider the Bill and provide comment by 30 April 2008.

#### **STATUTORY IMPLICATIONS**

It is intended that the new Public Health Act 2008 will replace the current *Health Act 1911*, which was developed to deal with public health issues in the early 20<sup>th</sup> century with reactive rather than preventative strategies. The new Public Health Act replaces the core public health provisions of the Health Act with a risk-based approach to the protection and promotion of public health. This will have major implications for all local governments, including:

- Ø Binding of the Crown. This includes indigenous communities previously excluded from many aspects of the *Health Act 1911*;
- Ø Creation of a duty not to cause risk to public health. All persons must take reasonable and practicable steps to prevent or minimise any harm to public health;
- Ø Removal of nuisances in place of real risks to public health. Local Government should use general local law making powers under the Local Government Act 1995 to deal with local amenity and nuisance issues;

- Ø Local governments to prepare public health plans that identify public health needs of the local government:
  - Include examination of data and statistics relating to health status;
  - Establish objectives and policy priorities for promotion and protection of public health;
  - Describe development and delivery of public health services;
  - Similar provisions require the State to prepare a State public health plan relating to achievement of objectives and establishment of a strategic framework for management of risks to public health;
  - Plans need to be reviewed every 3 years;
- Ø Provisions for registration and licensing of public health risk activities;
- Ø Greater powers for authorised officers to act under during public health emergencies or when there is a serious risk to public health, as declared and authorised by the CEO of Department of Health; and
- Ø Public Health assessments.

Once passed, a two year transitional period will allow State and Local Government to make required changes, including developing subsidiary legislation to support the risk management approach that will replace the numerous regulations that support the current framework.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

It is not envisaged that the New Public Health Bill will have major financial implications for the Shire; however unlike the *Health Act* 1911, the Bill has significant penalties for persons who cause serious harm to the public's health.

For example, penalties for knowingly causing a public health risk are:

- for an individual - \$250 000 fine and 3 years imprisonment
- for a body corporate - \$750 000 fine

Daily penalty

- for an individual - \$50 000
- for a body corporate \$150 000

There are also larger penalties for carrying on a registrable or licensable business without registration or license.

### **STRATEGIC IMPLICATIONS**

A New Public Health Act will allow for a more strategic approach to provision of health services in the Shire. A local public health plan will be developed using data relating to health status and health determinants, which will help identify the real public health needs our community. The plan can be a tool to assist lobbying for improved access to health services, as identified in the Shire's 05/06 strategic plan.

The intent is to incorporate the public health planning process into the existing local government 'future plans' prepared under the *Local Government Act 1995* to integrate public health into existing planning processes and minimise the number of separate planning processes required of local government.

### **COMMUNITY CONSULTATION**

As lead agency the Department of Health has been responsible for consultation with the public and government agencies. Consultation has been a long and thorough process, which commenced June 2005. Comments on the Draft Public Health Bill are being sought from the public, government agencies and non-government organisations.

### **COMMENT**

The Draft Public Health Bill is long overdue and the result of many years of discussion, debate and consultation. Central to the draft Bill is the philosophy of minimising risk to the public's health. The centrepiece of this approach is a proposed statutory duty incumbent on all persons to conduct their activities in a way that does not cause risks to the health of others.

Significant new penalties for persons who cause serious harm to the public's health are proposed. This mirrors the approach taken in environmental protection legislation for those who cause environmental harm.

The purpose of the Public Health Bill is to provide the legislative tools that will advance the public health objective of protecting and promoting the health of communities in the State and reduce the incidence of preventable illness. The draft Bill constitutes the primary legislation that will provide the powers, functions and foundation for a risk management approach to public health risks.

It is anticipated that introduction of this new legislation will have major implications for the Shire of Wyndham East Kimberley; particularly in its capacity to bind the crown. The lack of enforcement options has left Indigenous communities well behind the rest of society in public health standards. While the Bill will not be an easy or quick fix to these complicated issues, it is a positive step in the right direction towards normalised service.

### **ATTACHMENTS**

Attachment 1: Letter announcing launch of A Draft Public Health Bill for Western Australia

Attachment 2: Draft Public Health Bill 2008, Explanatory Paper and Submission Form

Attachment 3: SWEK Response to New Public Health Bill

### **VOTING REQUIREMENT**

Absolute majority

## **RECOMMENDATION**

That Council:

1. Provide comment in accordance with Attachment 3, to the Department of Health on the Draft Public Health Bill 2008;
2. That Council remain proactive and involved in the development of subsidiary legislation and policies supporting the New Public Health Act.

## **COUNCIL DECISION**

**Minute No. 8165**

**Move: Cr J Moulden**

**Seconded: Cr R Addis**

***That Council:***

1. ***Provide comment in accordance with Attachment 3, to the Department of Health on the Draft Public Health Bill 2008;***
2. ***That Council remain proactive and involved in the development of subsidiary legislation and policies supporting the New Public Health Act.***

**Carried Unanimously: 9/0**

**Attachment 1: Letter announcing launch of A Draft Public Health Bill for Western Australia**



Department of Health  
Government of Western Australia

**Launch of A draft Public Health Bill for Western Australia.**

Doc No.	061679
Date	
Created	18 MAR 2005
Response	ENO 2
File	30.11.02

I would like to invite all Western Australians to have their say on a Government Proposal to introduce a Bill to Parliament to protect and promote the health of the public of Western Australia and to reduce the incidence of preventable illness, and for related purposes.

A new Public Health Act will set out the roles and responsibilities of State and Local Governments and will establish the duties and powers that the government requires to protect and promote the public health of Western Australians.

The aim in releasing this draft bill is to generate discussion and to elicit ideas and suggestions from Western Australians in order to shape a new Public Health Act.

This draft Bill has been prepared for public comment but it does not necessarily represent the Government's settled position.

To assist in this process, community input is being actively sought during the current three-month consultation period.

State wide consultation sessions are being scheduled. It is requested that you advise your managers, professional staff, elected members and the general community of these sessions and encourage them to attend and participate by preparing a submission for consideration.

Details of regional and metropolitan consultation sessions will be available on the website once finalised. [www.newpublichealthact.health.wa.gov.au](http://www.newpublichealthact.health.wa.gov.au).

Paper copies of the Bill and explanatory paper with submissions forms are available (pick up only) at State Law Publisher Office- ground floor 10 William St, Perth or via mail by contacting Simon Dennis as detailed below.

The draft Public Health Bill and the explanatory paper with submission forms can be downloaded from [www.newpublichealthact.health.wa.gov.au](http://www.newpublichealthact.health.wa.gov.au). Please use the submission forms at the back of the explanatory paper as a guide in making a submission. The Submission period closes on 30 April 2008.

For further information and lodgement of submissions please contact Simon Dennis Principal Project Officer (Legislation) on 9388 4900 or by email [newpublichealthact@health.wa.gov.au](mailto:newpublichealthact@health.wa.gov.au) or mail to: Simon Dennis Grace Vaughan House PO Box 8172 Perth Business Centre WA 6849.

Dr Tarun Weeramanthri  
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Department of Health  
Government of Western Australia

Delivering a Healthy WA

**DRAFT PUBLIC HEALTH BILL  
2008  
EXPLANATORY PAPER AND  
SUBMISSION FORM**

**PUBLIC HEALTH DIVISION  
DEPARTMENT OF HEALTH  
WESTERN AUSTRALIA**

1

## Western Australia

### EXPLANATORY PAPER Public Health Bill 2008

#### DRAFT BILL FOR PUBLIC COMMENT

The Government proposes to introduce into Parliament a Bill to protect and promote the health of the public of Western Australia and to reduce the incidence of preventable illness, and for related purposes.

This draft Bill has been prepared for public comment but it does not necessarily represent the Government's settled position.

#### FOREWORD

I would like to invite all Western Australians to have their say on a Government Proposal to introduce a Bill into Parliament to protect and promote the health of the public of Western Australia and to reduce the incidence of preventable illness, and for related purposes.

The new Act will provide modern, flexible public health laws that better protect and promote public health as well as prevent injury and illness.

It will ensure that WA has a range of tools for tackling traditional and emerging public health concerns well into the future.

The proposed Act emphasizes prevention and promotion rather than reaction and would allow preventative action to be taken where there is a serious risk to public health.

The Bill also provides the powers that would enable potential health impacts and benefits of proposals to be taken into consideration.

It is underpinned by a belief that the health system of Western Australia should promote and protect the health of the people of Western Australia and reduce inequalities in health status.

On 7 September 2001 Cabinet agreed that the Health Act 1911 ("the Act") be replaced through a phased program of legislative

## EXPLANATORY PAPER Public Health Bill 2008

development, involving a Food Bill, an Infectious Diseases Bill and a Bill dealing with other core public health matters.

On 12 June 2005 Cabinet approved the release of A New Public Health Act for Western Australia: a Discussion Paper ("the Discussion Paper"). The Discussion Paper proposes to replace the core public health provisions of the Health Act with a risk based approach to protect and promote public health, to be administered by the State government and local government. Consultation on the Discussion Paper occurred throughout Western Australia between July and November 2005.

On 14 August 2006, Cabinet approved drafting of a Public Health Bill (exposure draft)

The implementation of Health Impact Assessment in Western Australia is a commitment made by the State Government in relation to a number of separate initiatives.

More recently there have been Government commitments in relation to the Public Health Bill. The Response of the Western Australian Government to the Legislative Assembly Education and Health Standing Committee Inquiry in relation to the cause and extent of lead pollution in the Esperance area accepted the Committee's recommendation (Recommendation 10)

"That there be a legislative requirement for the Department of Health to conduct a health impact assessment as part of the Environmental Assessment Process."

The need for change is recognized in the Department of Health's Strategic Intent 2005-2010 which gives a commitment to "implement a legislative overhaul to underpin WA's Health system".

Submissions are invited from the public, Government Agencies, non Government organizations and businesses and an extensive consultation program is being undertaken from 1st February to 30 April 2008.

**Dr Tarun Weeramanthri**

**Executive Director  
Public Health Division  
Department of Health  
Western Australia**

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## Introduction

The development of a new Public Health Act is a major public health initiative and regulatory reform project for Western Australia. The draft Bill is the result of a consultation process which formally commenced on 12 June 2005 when Cabinet approved the release of a New Public Health Act for Western Australia: a Discussion Paper ("the Discussion Paper"). The Discussion Paper proposed the replacement of the core public health provisions of the Health Act with a risk-based approach to the protection and promotion of public health, to be administered by the State government and local government.

Once passed, a staged approach to implement the new Public Health Act is proposed, with a two year transitional period to allow State and Local Government to make required changes, including developing subsidiary legislation to support the risk management approach that will replace the numerous regulations that support the current framework. It is proposed that emergency powers and notifiable disease provisions will come into effect on proclamation.

## Background

The core public health provisions in the existing *Health Act 1911* ('the Health Act') –

- were developed to deal with public health issues in the early 20th century with reactive rather than preventive strategies for intervention,
- do not have the flexibility to deal with emerging public health issues such as bio-terrorism, changing climactic conditions, a mobile world population, new industries and epidemic chronic disease,
- deal with issues that have since been captured by other legislation including the *Occupational Safety and Health Act 1984* and the *Environmental Protection Act 1986*,
- do not provide for accountability in relation to the setting of public health standards,
- do not provide a definition of 'public health',
- do not provide a framework for dealing with public health emergencies,
- do not provide a balance between coercive powers and rights of individuals, and
- are ineffective in tackling Aboriginal environmental health issues.

Consultation on the Discussion Paper occurred throughout Western Australia between July and November 2005. The policy approaches proposed in the Discussion Paper received wide support and on 14 August 2006 Cabinet approved drafting of a Public Health Bill (Exposure Draft).

On 21 January 2008 Cabinet approved three months public consultation on the Draft Public Health Bill.

The purpose of the Public Health Bill ("the Bill") is to provide the legislative tools that will advance the public health objective of protecting and promoting the health of communities in the State and reduce the incidence of preventable illness. The draft Bill constitutes the primary legislation that will provide the powers, functions and foundation for a risk management approach to public health risks.

## Overview

### *New approach of preventing harm to public health*

Central to the draft Bill is the philosophy of minimising risk to the public's health. The centrepiece of this approach is a proposed statutory duty incumbent on all persons to conduct their activities in a way that does not cause risks to the health of others.

The Discussion Paper envisages that the following elements could be in place to support a 'risk based approach' to the regulation of public health:

- A general duty to protect public health
- Orders to enforce the general duty
- Policies and guidelines spelling out compliance with the duty
- An offence of 'causing a risk to health'

Significant new penalties for persons who cause serious harm to the public's health are proposed. This mirrors the approach taken in environmental protection legislation for those who cause environmental harm.

### *Disease and other public health emergencies*

The Bill adopts the approach advocated by the National Public Health Partnership of a 'staged approach' which provides effective safeguards in cases where a person may be putting others at risk, but which imposes restrictions on the person's activities and liberty in a way that uses the least restrictive options consistent with the protection of the community: more restrictive options only being used when they are considered to be necessary. However, isolation will be available as a last resort. The coercive powers are set within a framework of rights and obligations, explicitly set out in the legislation.

The Bill also provides the powers necessary to deal with public health emergencies e.g. a new influenza epidemic.

The Bill also provides the powers that will enable potential health impacts and benefits to be taken into consideration. The provisions have been carefully constructed with the aim of integrating the assessments into existing Government approvals processes. This part operates where the proposal is subject to a specified assessment, approval, review or other process under another written law.

The Bill will bind the Crown. This means that new Public Health legislation will apply to indigenous communities previously excluded from its operation and provide equal protection for all Western Australians.

## **Principles and objects**

Unlike the existing *Health Act 1911*, the Bill outlines objects and principles to guide the administration of the Act.

Clause 3 sets out the proposed key objects of the Bill:

- to promote public health and wellbeing and to prevent disease, injury, disability and premature death,
- to protect individuals and communities from diseases and other public health risks and to provide, to the extent reasonably practicable, a healthy environment for all Western Australians,
- to inform individuals and communities about public health risks,
- to encourage individuals and their communities to plan for, create and maintain a healthy environment,
- to provide for the prevention or early detection of diseases and other public health risks,
- to support programmes and campaigns intended to improve public health,
- to collect information about the incidence and prevalence of diseases and other public health risks to the State for research or public health purposes,
- to reduce the health inequalities in public health of disadvantaged communities, and
- to provide for functions relating to public health to be performed by the State and local governments, and

The Bill sets out guiding principles to be observed in the administration of the legislation in the Table to clause 3.

In pursuit of the objects of the Act, regard should be paid to the principles set out in the Bill.

### ***1. Are the draft principles and objects appropriate?***

Public Health is defined as the physical, mental and social wellbeing of the community (in clause 4). This is based on the World Health Organisation definition.

## **Binding the Crown**

An important departure from the *Health Act 1911* is the binding of the Crown at clause 6 of the Bill. This will mean that a large number of Aboriginal communities on Crown land or land managed by Crown entities will be subject to important public health standards not currently in force in these communities.

## General public health duty

Part 3 of the Bill creates a duty not to cause a risk to public health. The general duty would be capable of capturing known and current threats as well as new and emerging threats to the public's health.

As outlined in the Discussion Paper, and widely supported in submissions during public consultation, is the requirement that people take reasonable and practicable steps to prevent or minimise any harm to public health that might foreseeably result from anything done or omitted to be done by the person.

The intent of this part is to ensure that people who undertake activities that affect public health are responsible for them. It is intended to assist in preventing public health incidents from occurring such as the Bellevue toxic waste fire and the lead in Esperance issue.

Note should be taken that a breach of the general duty does not of itself give rise to any right or remedy or constitute an offence but may provide grounds for a range of actions to be taken under the Act such as the issuing of an improvement notice or enforcement order.

## Serious and material risks to public health

Part 4 of the Bill outlines a tiered approach to offences similar to that expressed in the *Environmental Protection Act 1986*.

They are defined as serious and material risks to public health.

### Serious risk

A serious risk to public health is defined in clause 4 as a risk of harm to public health that is irreversible, of a high impact or on a wide scale.

The highest offence for a serious risk to public health arises when the person carries on an activity in a manner that the person knows will cause or is likely to cause a serious risk to public health (clause 25(1)).

A lower level offence occurs when the person carries out an activity in a manner that the person ought reasonably to know will cause, or is likely to cause, a serious risk to public health (clause 25(2)).

### Material risk

Material risk to public health is defined at clause 4 as a risk of harm to public health that is neither trivial nor negligible.

The highest offence for a material risk to public health arises when the person carries on an activity in a manner that the person knows will

cause or is likely to cause a material risk to public health (clause 26(1)).

A lower level offence occurs when the person carries on an activity in a manner that the person ought reasonably to know will cause, or is likely to cause, a material risk to public health (clause 26(2)).

## Defence of due diligence

Clause 27 provides for a defence of due diligence based on certain grounds. It is a defence to prove that the person took all reasonable precautions and exercised all due diligence to prevent the commission of the offence.

Without limiting the above, the person must prove that,

- they complied with the requirements of any notice or order under this Act that related to the risk of harm to public health,
- as soon as becoming aware of the circumstances that gave rise to the risk of harm to public health and reported those circumstances to the relevant enforcement agency, and
- took all reasonable steps necessary to prevent or reduce the risk of harm to public health.

Where the defendant is an employer in that due diligence may be met by proof that the person;

- had proper systems and safeguards in place to prevent the circumstances that gave rise to the risk of harm, and
- actively and effectively promoted and enforced compliance with the Act.

## Nuisances

The Bill aims to provide remedies for real risks to public health but not for incidental or nuisance issues that are generally amenity related. There are no powers in the Public Health Bill for local health laws to be created by local governments to regulate such matters within their respective districts rather it is intended that Local Government use their general local law making powers under the Local Government Act 1995 if required to deal with local amenity and nuisance issues.

## Statutory Public Health Policies

A key component to giving effect to the Act will be the Part 5 power to develop statutory Public Health Policies.

The most useful models for such Policies come from environment protection controls. The *WA Environmental Protection Act 1986* has the capacity for making both regulations and policies. Environmental Protection Policies are created by Part III of the Act which sets out a consultative process and also defines the matters that can be covered by these policies.

Whilst the Bill will still provide the power to make regulations this will be confined to administrative aspects such as the prescribing of fees, forms, notifiable diseases etc.

Both Policies and Regulations are subordinate to the Act and draw their validity from it. Both can provide the details and the substance that the Act does not.

Policies would cover fields of regulation, such as those envisaged in the Discussion Paper e.g. public buildings and drinking water.

A public health policy may -

- declare matters that may constitute a breach of the general duty not to cause a risk to public health
- declare matters that do NOT constitute a breach of the general duty
- declare activities to be public health risk activities
- declare public health risks to be serious or material risks to public health
- set requirements in relation to risk management
- regulate or prohibit the manufacture, transport, storage, supply, use or disposal of anything that is a risk to public health
- set conditions on the public health risk activities. (Clause 33)

Policies will also be able to adopt codes of practice that will become mandatory standards for compliance (clause 34).

Policies have a prescribed process of development involving public consultation etc. Involved parties have a greater opportunity to 'own' the resulting document.

The Bill sets out the content of policy including:

- the public health objectives to be achieved by the policy,
- declaring a specified risk of harm to public health,
- requiring things to be done in relation to the prevention, assessment or management of risks of harm to public health, and
- providing guidelines for complying with the general public health duty amongst others.

The Bill sets out the consultation requirements and process required to make a policy, including publishing details of the policy in the Government Gazette and daily newspapers.

The community requires quick response to the protection of public health. In the interests of protecting public health, the Bill allows the Governor to make an interim public health policy that is exempted from the provisions relating to publishing, consulting and submissions.

However for this to occur it must be on the recommendation of the Minister and the Governor needs to be satisfied that it is in the interests of public health for the interim public health policy to come into operation without delay.

There is then a requirement for the CEO to prepare a draft policy following the normal process otherwise the interim public health policy will cease to apply 12 months after it came into effect.

It should be noted that an interim public health policy, in respect of which a draft policy is prepared, ceases to have effect as soon as the draft policy comes into operation as a public health policy.

If the preparation of the draft policy does not result in a public health policy coming into operation, it will cease to be effective at the end of the period of two years after the interim public health policy came into operation, unless it is repealed sooner.

## ***2. Will public health policies provide an effective framework for detailing requirements and standards relating to the objects of the Act and effectively protecting and promoting the health of Western Australians?***

## Public Health Plans

In order to effectively achieve the objects and requirements of the Bill, it is essential that a strategic and forward thinking approach is taken to public health in order to effectively promote and protect public health.

The aim of the State Public Health Plan is to ensure that the focus and efforts in relation to public health;

- meet the public health needs of the State,
- are evidence based,
- establish objectives and policy priorities for the promotion and protection of public health in the State and the development and delivery of public health services in the State,
- define how the objectives and policy priorities are to be achieved, and
- include a strategic framework for the identification, evaluation and management of risks to harm to public health in the State

The aim of local public health plans is for local government to prepare a public health plan that applies to its local government district. The plan is to identify the public health needs of the local government district and,

- include an examination of data relating to health status and health determinants in the local government district,
- establish objectives and policy priorities for the promotion and protection of public health in the local government district, and
- describe the development and delivery of public health services in the local government district.

Similar provisions exist in the State plan relating to the achievement of objectives and policy priorities, and the establishment of a strategic framework for the management of risks of harm to public health.

There is a requirement to include a report on the performance of the local government with regard to its functions under this Act.

The intent is to incorporate the public health planning process into existing local government 'future plans' prepared under the *Local Government Act 1995* to integrate public health into existing planning processes and minimise the number of separate planning processes required of local government.

There are requirements for State and Local government to review their plans.

## Registration and licensing

A key risk management strategy is to be able to identify activities that may pose a risk to public health and be able where necessary to put in place effective measures to prevent and manage public health risks.

A common way to achieve this is through registration and licensing.

Part 8 of the Bill sets out a scheme for registration and licensing of public health risk activities.

A public health risk activity is defined as an activity, or an activity within a class of activities, declared by a public health policy to be a public health risk activity.

The regulations or public health policy may declare that a public health risk activity is registrable or licensable or both registrable and licensable and will set out who are the relevant enforcement agencies in relation to this part.

Registration is intended to relate to activities i.e. to be able to keep a register on activities in the community that pose a risk of harm to public health and to ensure adequate measures are in place to protect public health

The provisions set out the requirements and process for registration, the setting of conditions of registration, the review of conditions and cancellation of registration. There are requirements to notify the relevant enforcement agency of certain changes to a registrable activity or premises.

A similar scheme is set out relating to licensing of persons carrying on licensable or registrable activities

Licensing is intended to relate to individuals who undertake an activity that poses a risk of harm to public health.

Licensing will aim to ensure that individuals who undertake a registrable or licensable activity are competent to undertake the activity

Applicants can apply to the State Administrative Tribunal for a review of decisions in relation to registration and licensing on a number of grounds.

Where licensable or registrable activities may also be licensed or registered under another law, the aim is to integrate the public health protection requirements into existing registration and licensing processes wherever possible.

### ***3. Is the scheme for registration and licensing adequate for the effective identification and control of activities that pose a risk to public health?***

## **Notifiable diseases**

The Bill proposes similar wide ranging powers to those outlined in the existing Act – but also incorporates the principles of best practice from the National Public Health Partnership as well as important checks and balances that do not exist under the current *Health Act 1911*.

In addition to the principles set out in the front of the Bill, this part has additional principles that describe the rights and responsibilities of individuals in relation to notifiable diseases.

These are important as this part seeks to balance the protection of public health with the rights of the individual. Sometimes these rights need to be restricted to protect the public health of the community. However where these rights may be restricted there are requirements and limitations on those persons who may be restricting the rights of an individual.

This part enables regulations to declare a disease to be a notifiable disease, or a notifiable disease to be a serious notifiable disease or a notifiable disease to be a vaccine preventable notifiable disease.

The Minister may, if he or she considers it to be necessary in the interests of public health because of urgent circumstances, by order declare the same as above.

There are requirements to report notifiable diseases to the CEO with protection from civil liability or being in breach of any duty of confidentiality for those notifying the CEO in good faith and in compliance with the requirements set out in the Bill.

Best practice, as set out in this part, requires that a person with a notifiable disease is to be provided with information about preventing the transmission of the disease to any other person, information about the person's rights and any other information prescribed by the regulations.

In addition to a person's rights, a person to whom a public health order applies may apply to the State Administrative Tribunal (SAT) for a review of the decision to make the order. There is a requirement for SAT to hear and determine the application as soon as practicable.

The provisions set out matters that SAT is to consider; these focus on the method of transmission of the serious notifiable disease, the seriousness of risk of transmission, the past and likely behaviour of the person to whom the public health order applies and the extent of the restrictions imposed on the person to whom the order applies.

As people travel extensively throughout the world and within Australia, the scheme seeks to provide for the recognition of public health orders in other jurisdictions within Australia. It is proposed that regulations will set out the requirements in relation to how these orders will be recognised and operate within Western Australia.

There are also accountabilities on the CEO to include information about the number and the types of orders made by the CEO in a financial year, and the reasons for making those orders or authorisations, as part of the Department of Health's reporting requirements under the Financial Management Act 2006 part 5.

### ***4. Does this part provide sufficient balance in protecting public health and ensuring individual rights?***

## **Serious public health incident powers**

For the purposes of preventing, controlling or abating a serious risk to public health the CEO can authorise an officer to exercise any of the serious public health incident powers outlined in this part.

There are provisions that set out the requirements for authorisation to contain certain information and requirements to ensure effective controls of any powers exercised.

These include describing the serious public health incident powers and the period during which the authorisation continues to be in force.

Examples of serious public health incident powers include the option to:

- close any premises,
- direct any person to enter or not to enter or remain at or to leave any premises,
- require information,
- enter and inspect any premises to which the serious risk to public health may extend, and
- take, or direct another person to take, any action that the authorised officer considers is reasonably necessary to prevent, control or abate the serious risk to public health.

## **Public health emergencies**

With the outbreak of Severe Acute Respiratory Syndrome (SARS), the potential for human influenza epidemics, bioterrorism or some unforeseen public health emergency, the Bill seeks to provide the necessary legislative tools to effectively plan against and respond to such public health emergencies.

The provisions complement the *Emergency Management Act 2005*, and State emergency management policies and State emergency management plans made under clauses 17 and 18 respectively of the *Emergency Management Act 2005*.

There is a requirement on the CEO to prepare one or more public health emergency management plans, as the CEO considers necessary.

The plans and any amendments to a plan have effect when approved by the Minister. The CEO can review, amend or replace a public health emergency management plan whenever the CEO considers it appropriate. The CEO can also arrange for a public health emergency plan to be tested whenever the CEO considers it necessary.

Due to the potential significance of a public health emergency, the Bill makes provision for a public authority to be given roles and responsibilities under a public health emergency management plan.

Where this is the case the CEO may, in writing direct a public authority in regard to that role and those responsibilities, and seek assistance of a public authority in the preparation or review or amendment or replacement of the public health emergency management plan; or the testing of the plan.

A public authority is to comply with a direction within the time and in the manner specified in the direction and to comply with the public health emergency management plan.

Only the Minister may declare that a public health state of emergency exists in the whole (or in any area or areas) of the State.

There are requirements on the Minister in making a state of emergency declaration, including:

- considering the advice of the CEO,
- consulting with the person holding the office of State Emergency Coordinator under the Emergency Management Act 2005, and
- being satisfied that an emergency relating to public health has occurred, is occurring or is imminent and
- that the Minister is satisfied that extraordinary measures are required to prevent or minimise the loss of life or prejudice the safety or harm to health of persons or the destruction of or damage to property or any part of the environment.

The Bill sets out requirements for what is to be included in a state of emergency declaration. Generally the duration of a declaration will be seven days. Extensions may be made up to 28 days. The Bill sets out the ability of the Minister to revoke at any time a public health emergency declaration.

There is also the requirement to publish the notice of a declaration for general information.

The CEO may for the purposes of emergency management authorise a relevant person or persons within a class of persons prescribed by the regulations to exercise any of the emergency powers while a state of emergency declaration is in force.

There are requirements for an authorisation to state certain matters.

Once authorised, the powers that may be used relate to the movement and evacuation of people and/or animals within the emergency area, powers to use vehicles and to control or use property.

As a public health emergency may arise from the occurrence of a serious infectious disease, provision is made to provide powers in relation to quarantine and medical examination and authorisation to exchange information for the purposes of emergency management during a state of emergency. Police are also given powers to direct closure of places and the movement and evacuation of people and/or animals.

During a state of emergency the CEO is responsible for coordinating any activities of public authorities that the CEO considers necessary or desirable in order to respond to the public health emergency.

#### ***5. Do the provisions provide the necessary legislative tools to effectively plan against and respond to public health emergencies?***

#### **Compensation and insurance**

The Bill seeks to provide for fair compensation and insurance for any loss or damage suffered by a person or persons because of the exercise, or purported exercise of:

- a serious public health incident power or
- an emergency power or
- a power under Part 11 Division 6.

There are grounds where compensation is not payable such as where the amount for the loss or damage is recovered or recoverable under a policy of insurance, where the conduct of the person contributed to the loss or where the loss or damage would have happened in any event.

A person may apply to the Minister for compensation in relation to the exercise of any of the above powers.

Applications need to be made in writing within 90 days after the person suffers the loss or damage.

The Bill sets out requirements for applications for compensation, information the Minister may request and timeframes for information to be provided.

Extensions to timeframes can be given by the Minister.

The Minister decides each application and the Bill requires the Minister to give the applicant a written notice stating the decision and the reasons for it, amounts and how they were assessed. The Minister is to advise that the applicant may apply for a review of the decision and how the applicant may apply for the review.

Review of decision as to payment of compensation is heard by the State Administrative Tribunal.

If damage is caused to a property because of the exercise by a person in good faith of a power mentioned above and provided that a power is exercised for the purpose of protecting the property from damage or a person or an animal from death or injury then, for the purposes of the policy of insurance, the damage is to be taken as to be damage caused by the happening of an event for which the policy provides insurance cover.

A term of a policy of insurance that purports to vary or exclude the operation of the above is void.

**6. Do these provisions provide a fair process for compensation and insurance?**

**Public health assessments**

The intention to implement Health Impact Assessments in Western Australia is a commitment made by the State arising from the State Sustainability Strategy, the response to the Parliamentary Inquiry into the Bellevue Hazardous Waste Fire and commitments to putting into effect the National Environmental Health Strategy (NEHS).

More recently there have been Government commitments in relation to the Public Health Bill. The *Response of the Western Australian Government to the Legislative Assembly Education and Health Standing Committee Inquiry in relation to the cause and extent of lead pollution in the Esperance area* accepted the Committee's recommendation (Recommendation 10)

"that there be a legislative requirement for the Department of Health to conduct a health impact assessment as part of the Environmental Assessment Process."

Part 7 - Public Health Assessments provide for the consideration of impacts both negative and positive of proposals on public health. The term 'public health assessment' has been deliberately used instead of health impact assessment as an agreement was made with Government that Health Impact Assessments would apply only to new proposals. There may be circumstances where existing activities require assessment. The term Public Health Assessments provides for the use of a range of assessment tools and options and moderates the potentially negative implications associated with the term "Impact Assessment. A public health assessment aims to establish the net benefit to public health.

The provisions have been carefully constructed with the aim of integrating the assessment procedures into existing Government approvals processes. This part operates where the proposal is subject

to a specified assessment, approval, review or other process under another written law.

A statutory public health policy will be developed that sets out what proposals will require public health assessments under this section and the level of assessment required. The CEO may require the public health assessment to be carried out in conjunction with an assessment, approval, review or other process to which the proposal is subject under another written law.

The Minister may request the CEO to conduct an inquiry into other proposals (see Clause 48) and the CEO must comply with this request.

Where a public health assessment is required there is a provision that the CEO shall provide to the decision making authority a report on the public health assessment, which may include, but is not limited to

- the public health impacts, both positive and negative of the proposal,
- whether the proposal should proceed,
- any restrictions or conditions under which the proposal should proceed, and
- the management regime under which the proposal should proceed.

The decision making authority is not to give effect to a proposal until the CEO has provided the report required above.

The relevant public authority is to have regard to the report in giving effect to any proposal.

Public health assessments for activities other than those assessed through formal Government approvals processes can also be dealt with under Part 14 -Inquiries.

**7. Do these provisions provide an effective framework for public health assessment on identified proposals?**

**Powers of entry, inspection and seizure**

This part sets out the general powers of authorised officers for the purposes of the Act. These generally relate to powers of entry and inspection along with powers to take samples, examine any records or documents, take photographs, films or audio or visual recordings, require a person to provide information or answer questions.

Authorised officers may also be given assistance in exercising a power.

Other provisions address self incrimination and inadmissibility of evidence against a person in criminal proceedings.

Authorised officers may also apply for warrants and the requirements and process for obtaining and executing warrants are set out in the Bill.

Other provisions detail matters in relation to items seized by authorised officers and compensation to be paid in certain circumstances.

**8. Are the powers of authorised officers adequate for protecting public health bearing in mind the principles to be applied at the beginning of the Bill (such as the principle of proportionality)?**

**Improvement notices and enforcement orders**

The main legislative mechanism to prevent, manage or mitigate public health risks will be through the issuing of improvement notices and enforcement orders.

These will be issued in relation to public health policies that will set out the public health standards required for activities that pose a risk of harm to public health.

Improvement notices will be able to be issued on a number of grounds, including the carrying on of a public health risk activity that contravenes any provision of the Act, or the undertaking of an activity that poses a risk of harm to public health by an individual or organisation that has failed to take reasonable and practicable steps to prevent or minimise any harm to public health.

The Bill sets out the required contents of an improvement notice. Examples of the requirement include the authorised officer stating the beliefs for issuing the notice and specifying the action that the person given the notice is required to take in order to comply with the notice and the period within which the person is to take that action.

There are matters that the authorised officer is required to consider in determining the action the notice requires to be taken; these include:

- the degree or the potential degree of the risk of the damage to public health from the activities specified in the notice,
- any measures taken or that have failed to be taken to avoid or to minimise the consequences or potential consequences of that risk to public health, and
- the principle of proportionality or other matters prescribed in regulations.

Authorised officers are required to issue a notice of compliance when an improvement notice has been complied with. Or, if the officer is not satisfied that an improvement notice has been complied with, must issue a notice setting out the reasons why the officer is not satisfied.

Authorised officers can extend the timeframe for compliance of an improvement notice.

Failure to comply with an improvement notice is not an offence as subsequent prosecution would not remove the risk. The next appropriate action is to issue an enforcement order which is designed to prevent and mitigate the risk. It is an offence not to comply with an enforcement order.

Enforcement orders are the next level of enforcement available. These orders are more significant than improvement notices and will be issued by the appropriate enforcement agency.

The grounds for issuing an enforcement order include non compliance with an improvement notice or because the issuing of the order is necessary to prevent or mitigate a serious risk to public health.

The Bill sets out requirements for the content of an enforcement order. These are generally prohibitive actions.

Like improvement notices, enforcement orders are required to state the grounds on which the order is given and consider the same matters above for improvement notices.

An enforcement agency may implement an enforcement order where the person has not complied with the order and the amount of any costs incurred by or on behalf of the enforcement agency is taken to be a debt due to the enforcement agency.

A person given an enforcement order may apply to the State Administrative Tribunal for a review of the decision of the enforcement agency that gave the order not to give a certificate of clearance to the person.

There are provisions which provide for compensation if certain criteria are met, such as there being insufficient grounds for issuing the enforcement order.

If an applicant for compensation is dissatisfied with the determination for compensation by the enforcement agency, they may apply to the State Administrative Tribunal for a review of the determination.

**9. Does the proposed scheme of improvement notices and enforcement orders provide effective mechanisms to prevent and mitigate risks to public health?**

**Administration**

The Bill sets out the functions of the CEO and other enforcement agencies.

Statutory public health policies will further set out roles and functions in relation to specific areas under the Act. For example a policy regulating a particular public health risk activity might define which agency is responsible for registration and licensing functions.

To support the administration of the Bill, a draft agreement between the CEO and Local Government is being developed that provides further clarity in relation to the roles and functions of the CEO and Local Government.

Wherever possible it is the intent that consultation will occur in relation to any area of disagreement or in relation to significant public health risks.

Failing the above, the Bill provides that the CEO may give directions to local government if the CEO considers there is or is likely to be a risk of significant harm to public health in a local government district and the CEO is unable to reach agreement with the local government as to the measures to be taken by the local government to prevent, control or abate that risk.

The CEO may direct the local government in writing to take the measures that the CEO considers are necessary to prevent, control or abate the risk.

A local government that is given a direction may apply to the State Administrative Tribunal for a review of the decision to give the direction.

Subject to the above, the CEO can act in default of a local government and recover the costs from a local government that has failed to comply with the direction.

If the CEO considers the circumstances of the risk of significant harm to public health are sufficiently urgent the CEO may do anything that the CEO considers necessary to prevent, control or abate that risk without having first sought to reach agreement with the local government.

The Bill makes provision for the ability for the CEO to delegate certain functions only to an authorised officer or member of staff and other functions to a local government or the holder of an office prescribed by the regulations.

The CEO can, after consultation with another enforcement agency, impose conditions or limitations on the performance of functions under this Act by the enforcement agency.

This part also provides for the appointment or designation of authorised officers.

The CEO may make guidelines in relation to the appropriate qualifications and experience of a person to be appointed or designated to be an authorised officer.

Each enforcement agency is to issue certificates of authority to each authorised officer who is then required to produce the certificate of authority if asked to do so.

The Minister may establish advisory committees to assist the CEO in the performance of the CEO's functions under this Act.

#### ***10. Do these provisions provide an adequate framework for the administration of the Bill?***

#### **Inquiries**

The Bill makes provision for the CEO to conduct an inquiry into any matter relating to public health on the CEO's own initiative or at the request of the Minister.

Prior to conducting any inquiry, the CEO must inform the Minister in writing of the CEO's intention to conduct an inquiry.

These provisions are intended to enable effective investigations into public health issues that warrant an inquiry.

In conducting an inquiry the CEO is to act with as little formality as possible and may inform himself or herself of any matter in any manner the CEO considers is appropriate. The CEO is not bound by the rules of evidence and may receive written or oral submissions and may consult any person the CEO considers appropriate.

The other provisions provide for the CEO to be able to determine the procedure of an inquiry, the conduct of hearings, and the CEO's powers in relation to an inquiry.

The CEO's powers include requiring a person to attend the inquiry, requiring a person to produce a document that is in the possession or under the control of that person, requiring the taking of oath or affirmation and requiring a person to answer any question put to that person.

There are offences for failure to comply with a notice and in relation to being sworn or making an affirmation, failing to answer a question, disrupting an inquiry and giving false information.

As soon as practicable after completing an inquiry, the CEO is to prepare a written report relating to the inquiry and give the report to the Minister.

The report is to include the CEO's findings and conclusions and any recommendations that the CEO wishes to make arising from the inquiry and the reasons for those recommendations and any matter prescribed by the regulations.

As soon as practicable after receiving the report the Minister is to cause a copy of it to be laid before each House of Parliament.

**11. Do the inquiry powers provide effective investigation and reporting arrangements in relation to matters that might be the basis of a public health inquiry?**

**Procedural and evidentiary provisions**

This part provides details in relation to infringement notices, institution of proceedings, offences by employees and the liability of employers, offences by bodies corporate, the liability of directors and others, the liability of employees and agents, disclosure by witnesses, documentary evidence of certain matters and the ability of a court to order costs and expenses.

**Miscellaneous provisions**

This part provides for local governments to fix and recover fees and charges under the *Local Government Act 1995*.

There are also provisions enabling the Minister to delegate powers or duties with the exception of declaring a public health state of emergency.

Protection from liability and wrong doing is also afforded where a person has undertaken in good faith the performance or purported performance of a function under this Act.

Further provisions set out the requirements in relation to information sharing.

Part 18 Division 2 of the Bill provides that regulations may be made prescribing all matters that are required or permitted by the Bill or are necessary for giving effect to the purposes of the Bill.

Finally, Part 18 Division 3 of the Bill requires the Minister to review the Act after 5 years and prepare a report based on each review and is to cause the report to be laid before each House of Parliament as soon as is practicable after it is prepared.

It is believed that the Bill provides the legislative tools to prevent risks to public health whereas the existing Health Act only allows limited and prescriptive responses once the risk to health has occurred.

**12. Does the Bill provide the appropriate tools to prevent risks to public health?**

**Making a submission**

A copy of the Bill and an explanatory document can be obtained from the following website.

<http://www.newpublichealthact.health.wa.gov.au/home/>

Hard copies of both documents are available **for pick up only** at State Law Publisher  
Ground Floor, 10 William St., Perth 6000  
Office Hours: 8.30 a.m. to 4.30 p.m. Mon.-Fri.

Requests for hard copies **via post** can be directed to the contact person below.

Responses to questions raised in this Explanatory Paper are requested along with any other comments you wish to make in relation to the Bill.

**Please use the attached submission sheets.**

Submissions can be made by email, fax or by posting your response to the contact details below.

***Submissions must be received by 5pm 30 April 2008***

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**Acknowledgements**

The Minister for Health Hon Jim McGinty has driven the development of a new public health Act for Western Australia. The development of the draft bill has been achieved through the efforts of many dedicated people under the leadership of Jim Dodds Director Environmental Health Directorate.

The invaluable contribution of Dr Chris Reynolds School of Law Flinders University who provided the foundation and principles for the Bill. Mary Adam, Senior Legal advisor and instructing officer, Chris Drew who drafted the Bill, along with the team of people in Public Health-Trevor Davies, John Hardy, Simon Denniss, Irene Morgan, Dr Andy Robertson, Dr Richard Lugg, Dr Margaret Stevens, Dr Paul Van Buynder, Dr Shirley Bowen, Dr Mandy Seel.

## Submission Form-Public Health Bill 2008-Q1-6

Please use extra pages if required.

**1. Are the draft principles and objects appropriate?**

Yes or No

Comments

**2. Will public health polices provide an effective framework for detailing requirements and standards relating to the objects of the Act and effectively protecting and promoting the health of Western Australians?**

Yes or No

Comments

**3. Is the scheme for registration and licensing adequate for the effective identification and control of activities that pose a risk to public health?**

Yes or No

Comments

**4. Does this part relating to Notifiable diseases provide sufficient balance in protecting public health and ensuring individual rights?**

Yes or No

Comments

**5. Do the provisions provide the necessary legislative tools to effectively plan against and respond to public health emergencies?**

Yes or No

Comments

**6. Do these provisions provide a fair process for compensation and insurance?**

Yes or No

Comments

## Submission Form-Public Health Bill 2008 Q7-12

Please use extra pages if required

**7. Do these provisions provide an effective framework for public health assessment on identified proposals?**

Yes or No

Comments

**8. Are the powers of authorised officers adequate for protecting public health bearing in mind the principles to be applied at the beginning of the Bill (such as the principle of proportionality)?**

Yes or No

Comments

**9. Does the proposed scheme of improvement notices and enforcement orders provide effective mechanisms to prevent and mitigate risks to public health?**

Yes or No

Comments

**10. Do these provisions provide an adequate framework for the administration of the Bill?**

Yes or No

Comments

**11. Do the inquiry powers provide effective investigation and reporting arrangements in relation to matters that might be the basis of a public health inquiry?**

Yes or No

Comments

**12. Does the Bill provide the appropriate tools to prevent risks to public health?**

Yes or No

Comments

**Attachment 3: SWEK Response to New Public Health Bill**

**SHIRE OF WYNDHAM EAST KIMBERLEY**  
**COMMENTS & SUBMISSION**  
**DRAFT PUBLIC HEALTH BILL 2008**

The Shire of Wyndham East Kimberley supports the development of a new Public Health Act and makes the following submission for consideration.

**1. *Are the draft principles and objects appropriate?***

Yes. The Shire supports key objects and guiding principles set out in clause 3 of the Bill.

SWEK strongly supports the clause 6 'Binding of the Crown'. A major shortfall of the current *Health Act 1911* has been that the crown and its entities (aboriginal communities, land owned & managed by crown agencies) had no responsibility of requirement to comply with important public health standards of the Act.

**2. *Will public health polices provide an effective framework for detailing requirements and standards relating to the objects of the Act and effectively protecting and promoting the health of Western Australians?***

Yes. The Shire supports development of meaningful and prescriptive policies that are effective in protecting the health of all Western Australians.

**3. *Is the scheme for registration and licensing adequate for the effective identification and control of activities that pose a risk to public health?***

Yes. There must be thorough consultation in the development of policies and regulations that determine what activities are registered or licensed and how it is carried out.

SWEK strongly agrees that, wherever possible, there should be integration between public health registrable activities and licensed or registered activities under another law (building, planning, environmental).

**4. *Does this part relating to Notifiable diseases provide sufficient balance in protecting public health and ensuring individual rights?***

Yes. The Shire of Wyndham East Kimberley strongly agrees with provisions relating to notifiable diseases. In particular section 71 and 72, which places a greater responsibility of medical practitioners to notify the CEO if they suspect a patient may have a notifiable disease, and requires sufficient information be provided. There needs to be greater consistency in the notification and investigation of notifiable diseases, than current practise.

It is important that public health practitioners are fully informed of their responsibilities under the Public Health Bill, and that these sections of the Bill are monitored on a regular basis to ensure compliance throughout WA.

**5. Do the provisions provide the necessary legislative tools to effectively plan against and respond to public health emergencies?**

Yes. SWEK strongly supports provisions and powers relating to response to public health emergencies.

**6. Do these provisions provide a fair process for compensation and insurance?**

Yes. The Shire agrees with the provisions for compensation and insurance.

**7. Do these provisions provide an effective framework for public health assessment on identified proposals?**

Yes, however the Shire has reservations about the ability of the CEO or delegate of CEO, i.e. departmental officer, to assess a proposal and arrive at an informed decision without input from local government.

There MUST be a clear framework for consultation with local government when assessing public health assessments.

**8. Are the powers of authorised officers adequate for protecting public health bearing in mind the principles to be applied at the beginning of the Bill (such as the principle of proportionality)?**

Yes. Powers for authorised officers are concise and thorough.

The Shire strongly supports the need for guidelines relating to appropriate qualifications and experience for a person to be designated as an authorised officer.

**9. Does the proposed scheme of improvement notices and enforcement orders provide effective mechanisms to prevent and mitigate risks to public health?**

Yes. In particular, SWEK supports the provision that an authorised officer may decide not to give an improvement notice if there is a reasonable alternative. Officers should be encouraged to use their judgement and common sense in their decision making rather than forcing a particular action that may not be sensible or workable.

**10. Do these provisions provide an adequate framework for the administration of the Bill?**

Yes. The Shire strongly supports the development of an agreement between the CEO and Local Government to provide clarity in relation to their roles and functions.

Careful consideration needs to be given to the extent in which the CEO can give orders to and recover costs from Local Government if they fail to abate a significant public health risk. The decision must take into account the scale of the risk and be fair in its expectations of local government abilities.

**11. Do the inquiry powers provide effective investigation and reporting arrangements in relation to matters that might be the basis of a public health inquiry?**

Yes. SWEK strongly supports the inquiry provisions.

**12. Does the Bill provide the appropriate tools to prevent risks to public health?**

Yes. However the requirement for Local Government to develop Public Health Plans will be an onerous task for many local governments who are already resource and time deprived. The Shire strongly recommends that appropriate assistance is available to local government to assist them in implementing a plan. This may be in the form of guidelines or templates agreed upon by the State and Local Government. There also needs to be adequate training of Local Government Officers and elected members on the function of Public Health Plans.

The Shire strongly supports penalty rates set out in the Bill, and believes they are a satisfactory reflection of the importance that should be placed on public health risks.

### 12.3.3. Town Planning Scheme No 7 - Proposed Amendment 25 - Casuarina Way

<b>DATE:</b>	15 April 2008
<b>PROPONENT:</b>	P Manners, P Woodhead & S King
<b>LOCATION:</b>	Lots 1833, 1834 & 1835 Casuarina Way, Kununurra
<b>AUTHOR:</b>	Gary McCarney, Town Planning Officer
<b>REPORTING OFFICER:</b>	Keith Williams, Executive Manager Town Planning
<b>FILE NO:</b>	43.31.25
<b>ASSESSMENT NO:</b>	NA

#### **PURPOSE**

For Council to consider the adoption of an amendment to the Shire of Wyndham East Kimberley Town Planning Scheme No 7 - Kununurra and Environs for the rezoning of lots 1833, 1834 & 1835 Casuarina Way, Lakeside, Kununurra.

#### **BACKGROUND**

The amendment proposes rezoning the subject lots from Residential R15 to Residential R15/R30 to allow future redevelopment of the land at a higher density.

Council resolved to initiate the proposal in September 2007. It was then forwarded to the Western Australian Planning Commission (WAPC) and Environmental Protection Authority (EPA) prior to advertising.

The advertising period closed on 20 March 2008 and the proposed amendment is presented to Council for consideration for final approval.

#### **SITE LOCATION**

The owners of the lots are P. Manners, P. Woodhead and S. King. The subject land comprises lots 1833, 1834 & 1835 Casuarina Way, Kununurra which total 2663m<sup>2</sup> in size and have a combined street frontage of 70m. The lots are located on the southern side of the road approximately 20m east of the Bossea Street intersection.



### **PROPOSED LAND USE / DEVELOPMENT**

The amendment proposes to rezone land that is currently zoned Residential R15 to Residential R15/R30. The amendment will potentially facilitate the redevelopment of the land with a maximum of 8 dwellings.

Development of all three lots is unlikely to occur as soon as the amendment is finalised, and is likely to take some years, given the substantial dwellings already constructed on the site. The application states:

*The applicable lot areas for residential zoned land is set by the Residential Design Codes of WA (R-Codes). With respect to land coded R30, the R-Codes specify a minimum lot area of 270m<sup>2</sup> and an average lot area of 300m<sup>2</sup>. This means that an area of land 2663m<sup>2</sup> in size has a maximum potential for 8 lots.*

*As the land is already developed with single residences, redevelopment will only be realised when demolition of the existing housing stock becomes feasible. At that time Council will assess any application for development in light of any current and appropriate policy.*

## **WAPC / EPA ADVICE**

The WAPC acknowledged receipt of the amendment documents and noted the Council's intent to advertise.

The EPA advised that the amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* and that it was not necessary to provide any advice or recommendations.

## **CONSULTATION**

The amendment was advertised for 42 days from 7 February to 20 March 2008 with an advertisement placed in the Kimberley Echo, notification at the Shire offices, a notice erected on site and notices posted to surrounding land owners and relevant service agencies.

Three submissions were received, two from service agencies who advised that they had no comments on or objections to the proposed amendment and an objection from an adjacent landowner. The submissions are detailed in Attachment 1 – Submissions.

### Objectors' Concerns

The objectors concerns are set out in Attachment 1 under submission 3. The main concerns are the impact of additional traffic, access issues, reduced privacy and the change in character of the area due to this and other recent higher density developments. Officer comments on the concerns are:

Traffic impact - The proposed rezoning would allow an increase from the current three dwellings to a maximum of eight dwellings, ie. a maximum of an additional five dwellings. A residential dwelling generates in the region of 10 vehicle trips per day and 1 vehicle trip in each of the AM and PM peak hours. (Note that, in traffic terminology, a trip is a one way trip. For example, a journey from home to the shops and home again is two trips not one. *RTA NSW Guide to Traffic Generating Developments, WAPC Transport Assessment Guidelines for Developments*)

The additional five dwellings would therefore generate around 50 additional trips per day or 5 trips per peak hour. This equates to one additional vehicle trip every 12 minutes in the peaks. This level of traffic increase would have no discernible impact on the surrounding road network.

Access – Access would be assessed during the Development Application stage to ensure safety is maintained. The existing lots currently have an individual access point each and it is expected that these would be retained, or if relocated would be limited to a single access point for each lot. If the lots are amalgamated it is likely that the number of access points would be reduced.

Privacy – Privacy would be addressed during the Development Application stage. Any development would be required, via conditions, to satisfy the privacy requirements contained in the Residential Design Codes of WA (R Codes).

Change in character – The proposed rezoning would, in itself, have only a minor impact on the character of Lakeside. It should also be noted that there are already lots in Lakeside zoned R15/R50, a number of which are developed to a higher density than proposed under this amendment.

## **PLANNING FRAMEWORK**

### Planning and Development Act

Amendments to the local planning scheme are required to be undertaken in accordance with the provisions of the Planning and Development Act 2005 [the Act]. Council is therefore required to resolve to adopt the amendment in accordance with the provisions of the Act.

Accordingly, the amendment documentation and the resolution of this agenda item are set out to conform to the Act.

### Local Planning Strategy

Council's adopted Local Planning Strategy [LPS] designates the area as Residential and states that there is both a housing shortage and a dearth of appropriate housing types to adequately meet demographics because single dwellings are the predominant housing style. The LPS further states that this inadequacy has resulted in a relatively significant number of ad-hoc and informal housing developments within the mixed business and light industrial zones.

The LPS suggests ways and means of overcoming the housing shortage and lack of choice with the following recommendations:

- Up-coding residential densities to slightly higher densities where lot sizes allow;
- Encouraging a variety of housing forms that promote climate sensitivity and sustainability;
- Providing for infill development opportunities where they do not conflict with prevailing densities and amenity; and
- Modifying provisions and R-Coding in the Scheme to provide more flexibility in the creation of housing styles and type.

Notwithstanding this, the LPS also states that densities within existing parts of Lakeside should remain at R15, with areas of higher densities to be determined by structure planning of new subdivisional areas.

### Town Planning Scheme No 7

The Scheme does not currently allow for the redevelopment of the lots. The amendment has been proposed by the applicants to allow for the development of grouped housing in the form of duplexes on the lots.

## **FINANCIAL IMPLICATIONS**

An initiation fee of \$500 has been paid. A further fee of \$500 is payable upon Council's adoption of the final amendment

## **CONCLUSION**

The amendment was initiated by Council in August 2007. Neither the WAPC nor the EPA has raised any objections to the proposed rezoning. An objection was raised by an adjacent landowner, whose main concerns were increased traffic, access, privacy and change in character. The first issue would be negligible and the second and third

would be addressed during the planning application stage. The proposed rezoning, in itself, would have minimal impact on the character of the area.

No modifications to the amendment are proposed.

It is therefore recommended that the Council give final approval to the amendment.

### **ATTACHMENTS**

Attachment 1 – Summary of Submissions

### **VOTING REQUIREMENT**

Simple Majority

### **RECOMMENDATION**

That Council resolves to:

- a) Amend, pursuant to Section 75 of the Planning and Development Act 2005 [as amended], the Shire of Wyndham-East Kimberley Town Planning Scheme No. 7 - Kununurra and Environs, by:
  - 1/ Rezoning Lots 1833, 1834 & 1835 CASUARINA WAY, KUNUNURRA from “Residential R15” to Residential “R15/30”, and
  - 2/ Amending the Scheme Maps accordingly.
- b) Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation.
- c) Forward the Schedule of Submissions to the Western Australian Planning Commission.
- d) Forward three copies of the signed and sealed Amendment Documents to the Western Australian Planning Commission.
- e) Request that the Honourable Minister for Planning and Infrastructure grants final approval to Amendment 25 of town Planning Scheme No. 7 – Kununurra and Environs.

### **COUNCIL DECISION**

**Minute No. 8166**

**Move: Cr J Buchanan**

**Seconded: Cr D Ausburn**

***That Council resolves to:***

- a) ***Amend, pursuant to Section 75 of the Planning and Development Act 2005 [as amended], the Shire of Wyndham-East Kimberley Town Planning Scheme No. 7 - Kununurra and Environs, by:***

- 1/ **Rezoning Lots 1833, 1834 & 1835 CASUARINA WAY, KUNUNURRA from “Residential R15” to Residential “R15/30”, and**
  - 2/ **Amending the Scheme Maps accordingly.**
- b) **Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation.**
  - c) **Forward the Schedule of Submissions to the Western Australian Planning Commission.**
  - d) **Forward three copies of the signed and sealed Amendment Documents to the Western Australian Planning Commission.**
  - e) **Request that the Honourable Minister for Planning and Infrastructure grants final approval to Amendment 25 of town Planning Scheme No. 7 – Kununurra and Environs.**

**Carried: 8/1**

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## Attachment 1 - Schedule of Submissions

### SHIRE OF WYNDHAM-EAST KIMBERLEY - TOWN PLANNING SCHEME NO. 7

#### Amendment No. 25: Rezoning Lots 1833, 1834 & 1835 Casuarina Way, Kununurra from Residential R15 to R15/R3

SUBMISSION NO. AND OWNER/ PROPERTY DETAILS	OBJECTION OR SUPPORT	SUMMARY OF SUBMISSIONS (all comments typed as received)	COMMENTS	RECOMMENDATION
<b>SUBMISSION 1</b>  Department of Environment & Conservation PO Box 942 Kununurra WA 6743	<b>Comment</b>	1. The Department of Environment and Conservation has no objection to the proposed rezoning...  2. ..and would like to advise that any development of the land will need to take into consideration the requirements of the <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i> .	1. Noted  2. Noted. Will be addressed as appropriate via a condition of planning approval	1. Note  2. Note
<b>SUBMISSION 2</b>  Water Corporation PO Box 84 Karratha WA 6714	Comment	1. The Water Corporation has no comments or objections to the above proposal.	1. Noted	1. Note

<p><b>SUBMISSION 3</b></p> <p>M &amp; R Guerinoni 18 Bossea Way Kununurra WA 6743</p>	<p>Objection</p>	<p>Strongly disagree with the rezoning for the following reasons:</p> <ol style="list-style-type: none"> <li>1. Casuarina Way is a main road into Lakeside and already has more than enough traffic coming and going</li> <li>2. Lakeside Resort is only a couple of hundred metres away and there is already heavy traffic due to the comings and going of caravans, Prime movers towing low loaders, trucks of various sizes, and the likes with a major increase of traffic during the Tourist Season</li> <li>3. Traffic Island situated directly in front of the Lots.</li> <li>4. Adjacent to Waterlily Place, a T-intersection</li> </ol>	<p>1. &amp; 2. The proposed rezoning would increase the number of dwellings from the existing 3 to a maximum of 8. The additional 5 dwellings would generate up to 50 additional trips per day or up to 5 in the AM or PM peak hours. This equates to an additional vehicle every 12 minutes in the peaks. This level of increase would have no discernable impact on the surrounding roads.</p> <p>3. &amp; 4. Noted. Access to the lots would be assessed, and if required conditioned, during the planning application stage to ensure safety is maintained.</p>	<p>1. &amp; 2. Dismiss - the traffic impact would be negligible.</p> <p>3. &amp; 4. Dismiss - access would be addressed during the planning application stage as required.</p>
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		<p>5. With another multistory develop in the process of being built, around the corner next to Lakeside Resort the traffic situation will only get worse and increase the safety hazard for our children e.g. using the school bus and riding of bikes.</p> <p>6. We do not want people continuously staring into our backyard. We like our privacy</p> <p>7. Lakeside is a lovely quite suburb and we do not want it to be turned into a suburb of Perth.</p> <p>8. Have DOLA release more land.</p>	<p>5. See comment 1. &amp; 2. above</p> <p>6. Dismiss. The privacy issue would be addressed during the planning application stage to ensure the any development meets the privacy requirements of the R codes of WA.</p> <p>7. Noted.</p> <p>8. Noted. Future stages of Lakedside are progressing.</p>	<p>5. Note that the traffic impact would be negligible.</p> <p>6.. Dismiss - privacy would be addressed during the planning application stage as required</p> <p>7. Note</p> <p>8. Note proposed future residential land releases in Lakeside.</p>
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#### 12.3.4. Proposed Motocross Track Shade Structure – Location 633 Ivanhoe Road, Kununurra

<b>DATE:</b>	15 April 2008
<b>PROPONENT:</b>	Kununurra Motorcross Club
<b>LOCATION:</b>	Loc 633 Ivanhoe Road, Kununurra
<b>AUTHOR:</b>	Gary McCarney, Town Planning Officer
<b>REPORTING OFFICER:</b>	Keith Williams, Executive Manager Town Planning
<b>FILE NO:</b>	01.5616.02
<b>ASSESSMENT NO:</b>	A5616

#### **PURPOSE**

For Council to consider a planning application for a shade structure at the Kununurra motocross track.

#### **BACKGROUND**

An application for the erection of a shade structure on the motocross track has been submitted by the Kununurra Motocross Club. The track is situated on land zoned as Reserve – Parks and Recreation and vested in the Shire of Wyndham East Kimberley. Approval of the Council is therefore sought.

#### **SITE LOCATION**

The subject site is located at the end of Ivanhoe Road, adjacent to Ivanhoe Crossing. (See Attachment 1 – Site Location) The land is zoned Reserve – Parks and Recreation. Reserve 39391 was vested in the Shire in March 1986 for the purpose of Motocross Track

#### **PROPOSED LAND USE / DEVELOPMENT**

The applicant is seeking approval to erect a large shade structure (23.4 metre by 5.5 metre), to provide shade for competitors and their equipment. Plans showing the location within the site and details of the structure are provided in Attachments 2 and 3 respectively.

#### **FINANCIAL IMPLICATIONS**

The applicant has requested that the application fee of \$90.00 be waived as the Club is a non-profit community organization. A copy of the letter is provided as Attachment 4.

#### **COMMUNITY CONSULTATION**

Under the Town Planning Scheme, community consultation is not required for buildings/structures on reserves where the use is directly related to the purpose for which the subject land is reserved.

## **ATTACHMENTS**

Submitted development plans attached as:

- Attachment 1 – Site location
- Attachment 2 – Site plan
- Attachment 3 – Shade structure details
- Attachment 4 – Letter requesting fee waiver

## **PLANNING ASSESSMENT**

### Local Planning Strategy

The Local Planning Strategy recognises that:

*“Kununurra is continuing to grow and has established itself as a sub-regional centre within the Kimberley with a high standard of services and facilities for its relatively modest, yet expanding population”.*

There is a need to improve and expand existing recreational/sporting facilities to meet the increasing demand and expectations. The proposal would improve the existing facility and would therefore be consistent with the LPS.

### Town Planning Scheme No. 7 – Kununurra and Environs

The subject land is zoned Reserve – Parks and Recreation, vested in the Shire for the specific purpose of motocross track. The proposed shade structure is for the use of competitors and their equipment, ie. is directly related to the reserve purpose.

The proposal is therefore consistent with the TPS.

## **CONCLUSION / COMMENT**

The applicant is requesting approval to erect a shade structure to improve amenity and comfort at the existing motocross track. The land is zoned Reserve – Parks and Recreation, vested in the Shire for the purpose of motocross and approval of the Council is required for the structure.

The proposal is consistent with the local planning strategy and the town planning scheme and would have no impact on adjacent land uses. It is recommended that the structure be approved.

The applicant has requested that the application fee of \$90 be waived, as the Club is a non-profit community organisation.

## **VOTING REQUIREMENT**

Recommendation 1 Simple Majority

Recommendation 2 Absolute Majority

## **RECOMMENDATION**

That Council:

1. Grants planning consent to Kununurra Motocross Club to for the development of a Shade Structure on Loc 633, Ivanhoe Road, Reserve 39391, subject to standard conditions, from Council's adopted standard conditions list, issued under delegated authority.
2. Approves the request to waive the planning application fee, given the non-profit nature of the club and significant investment in the site by the club.

## **COUNCIL DECISION**

**Minute No. 8167**

**Move: Cr K Wright**

**Seconded: Cr J Moulden**

That Council:

1. **Grants planning consent to Kununurra Motocross Club to for the development of a Shade Structure on Loc 633, Ivanhoe Road, Reserve 39391, subject to standard conditions, from Council's adopted standard conditions list, issued under delegated authority.**
2. **Approves the request to waive the planning application fee, given the non-profit nature of the club and significant investment in the site by the club.**

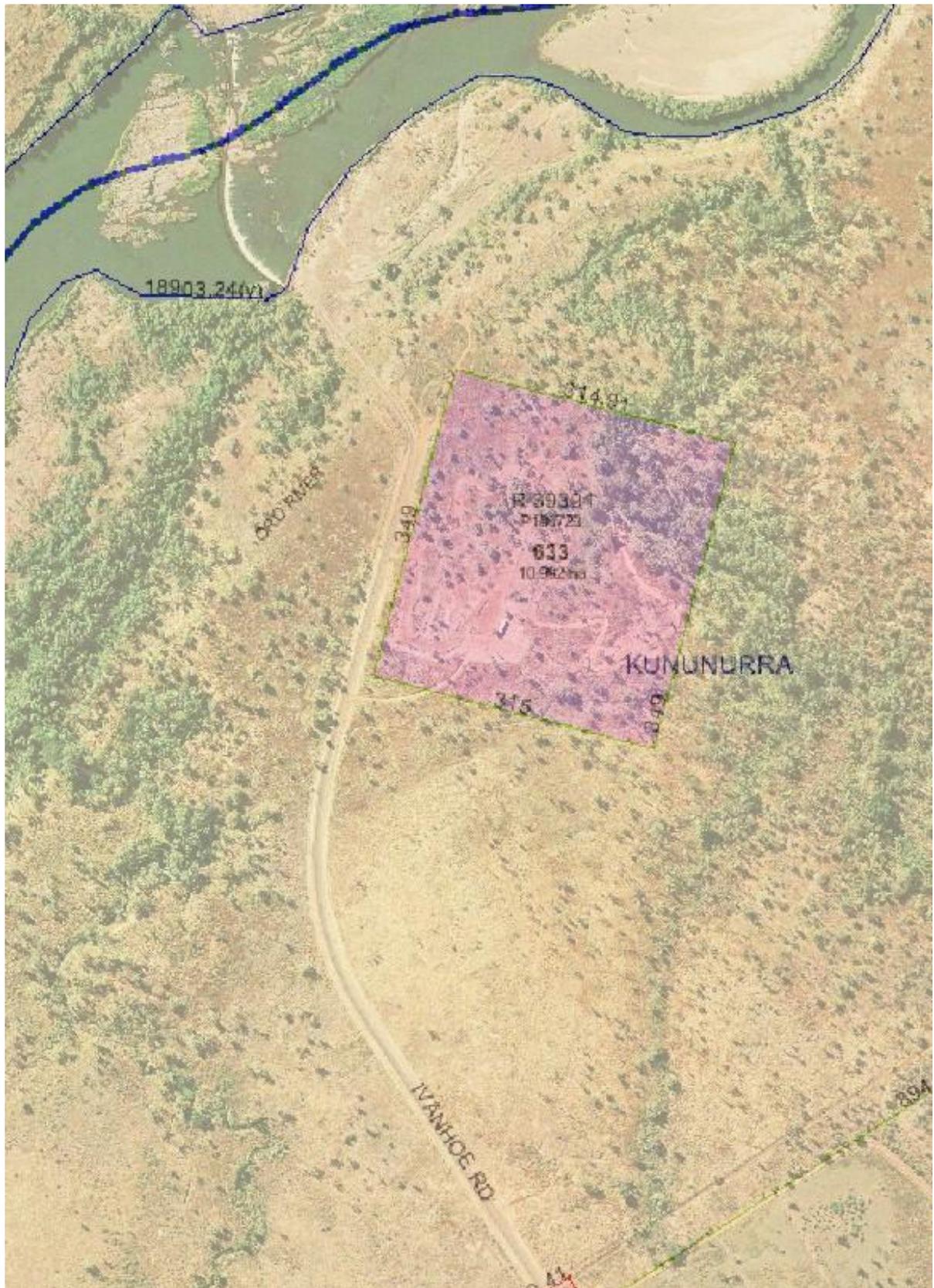
**Carried: 8/1**

***Cr K Wright requested that the votes be recorded.***

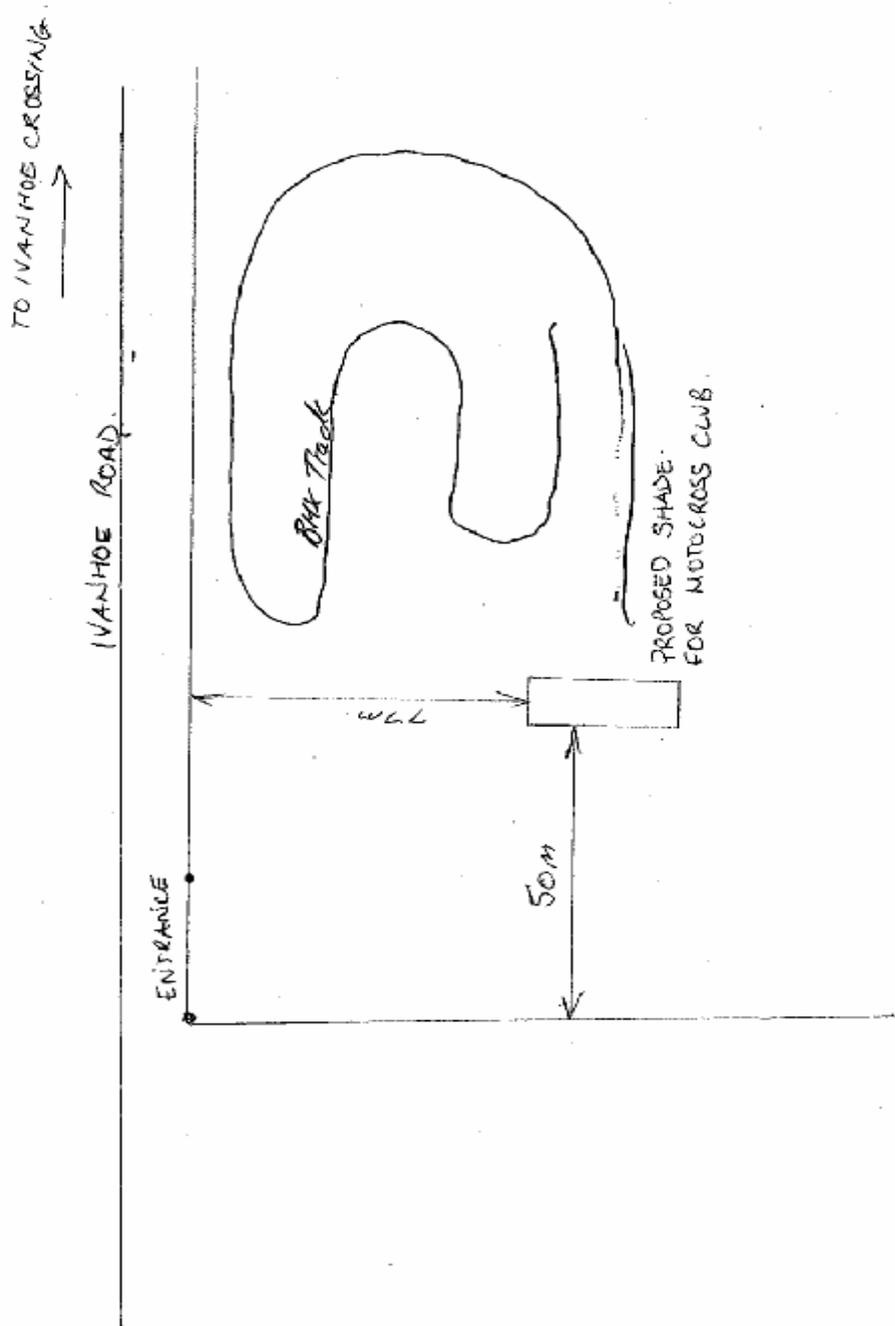
***For: Cr K Wright, Cr J Moulden, Cr r Addis, Cr D Ausburn, Cr J Buchanan,  
Cr F Mills, Cr J Parker, and Cr P Caley***

***Against: Cr M Pucci***

**Attachment 1: Site Location**



Attachment 2: Site Plan





**Attachment 4 – Letter Requesting Fee Waiver**

**Attention: Peter Stubbs**

Shire of Wyndham East Kimberley  
PO BOX 614  
KUNUNURRA WA 6743

Dear Sir

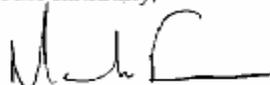
**RE: PROPOSED SHADE STRUCTURE  
RESERVE - MOTOCROSS CLUB/TRACK  
IVANHOE ROAD, KUNUNURRA**

Enclosed are applications for Planning and Building seeking Shire approval for the erection of a shade structure adjacent to the motocross track located off Ivanhoe Road, Kununurra.

The Motocross Club is a non-profit community organization and hereby requests Council's consideration in waiving the Shire fees for both Planning and Building approvals.

It is understood that statutory fees and levies by external authorities remain payable.

Yours faithfully,



Mark Furini  
**KUNUNURRA MOTOCROSS CLUB**  
PO BOX 1886  
KUNUNURRA

11 March 2008

### 12.3.5. Reserve 29167 Victoria Highway Kununurra - Proposed Extensions to Golf Club Shed

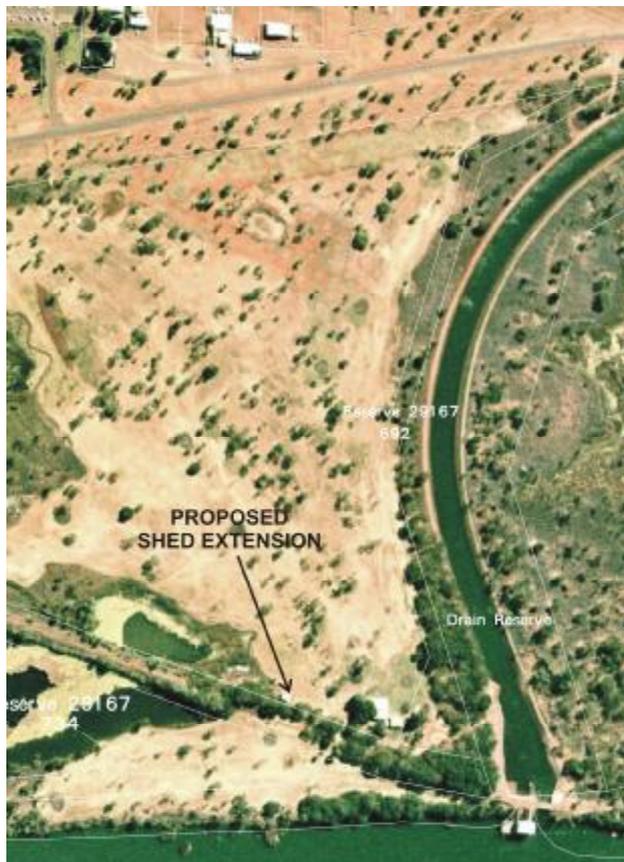
<b>DATE:</b>	15 April 2008
<b>PROPONENT:</b>	Kununurra Golf Club
<b>LOCATION:</b>	Reserve 29167 Location 312 Victoria Highway, Kununurra
<b>AUTHOR:</b>	Keith Williams, Executive Manager Town Planning
<b>REPORTING OFFICER:</b>	Keith Williams, Executive Manager Town Planning
<b>FILE NO:</b>	01.4993.02
<b>ASSESSMENT NO:</b>	A4993

#### **PURPOSE**

For Council to consider a planning application for extensions to an existing shed at Reserve 29167, the Kununurra Golf Club.

#### **BACKGROUND**

An application for extensions to an existing shed on the Kununurra Golf Course has been submitted by the Kununurra Golf Club. The shed is located on Reserve 29167 Location 312. The land is reserved under the Scheme for Parks and Recreation and vested in the Shire of Wyndham East Kimberley. Approval of the Council is therefore required.



## **SITE LOCATION**

The subject site is located on the Kununurra Golf Course, adjacent to the existing club rooms. Reserve is vested in Council for the purposes of recreation - Golf Course.

## **PROPOSED LAND USE / DEVELOPMENT**

The applicant is seeking approval to extend an existing shed. The shed will be used for the housing of maintenance equipment and golf carts.

The existing shed was constructed in 1999, and is located 93 metres from the club house. With the new extensions, the shed will be located 77 metres from the club house.

## **FINANCIAL IMPLICATIONS**

The applicant has requested that the application fee of \$90.00 be waived as the Club is a non-profit recreation and community organisation, and the development is effectively infrastructure improvements to public land.

## **COMMUNITY CONSULTATION**

Under the Town Planning Scheme, community consultation is not required for buildings/structures on reserves where the use is directly related to the purpose for which the subject land is reserved.

## **ATTACHMENTS**

Submitted development plans attached as:

- Attachment 1 – Site plan
- Attachment 2 – Shed details

Larger copies are available on request.

## **PLANNING ASSESSMENT**

### Local Planning Strategy

The Local Planning Strategy designates the land for Parks and Recreation purposes. The proposed extensions are for the purpose of housing equipment required for the maintenance and operation of the Golf Club. The proposed use is therefore consistent with the LPS.

### Town Planning Scheme No. 7 – Kununurra and Environs

The subject land is Reserved under TPS 7 as a Reserve for Parks and Recreation, vested in the Shire for the specific purpose of Golf Course. Development of land Reserved under the Scheme requires the consent of Council. The proposed extensions are for the purpose of housing equipment required for the maintenance and operation of the Golf Club.

The proposal is therefore consistent with the TPS.

## **CONCLUSION / COMMENT**

The applicant is requesting approval to extend an existing shed used to house maintenance equipment and golf carts.

The proposal is consistent with the local planning strategy and the town planning scheme and would have no impact on adjacent land uses. It is recommended that the structure be approved.

The applicant has requested that the application fee of \$90 be waived, as the Club is a non-profit community organisation, and the infrastructure will provide an improvement to public land.

This type of development, where it is consistent with the purpose of the vesting order, is currently required to be approved by Council, and this process causes delays for relatively minor applications, that would be approved if the development was on land not reserved under the Scheme.

## **VOTING REQUIREMENT**

Recommendation 1 and 3	Simple Majority
Recommendation 2	Absolute Majority

## **RECOMMENDATION**

That Council:

1. Grants planning consent to Kununurra Golf Club to commence development of extensions to the existing shed on Reserve 29167 submitted by Kununurra Golf Club subject to standard conditions issued under delegated authority in accordance with Council's standard conditions list
2. Approves the request to waive the planning application fee on the basis that the proposed development consists of an improvement to public land.
3. Delegates the approval for outbuildings on Council reserves that are consistent with the purpose of the reserve vesting order to the Chief Executive Officer, where the value of the outbuildings is less than \$100 000.

## **COUNCIL DECISION**

**Minute No. 8168**

**Move: Cr P Caley**

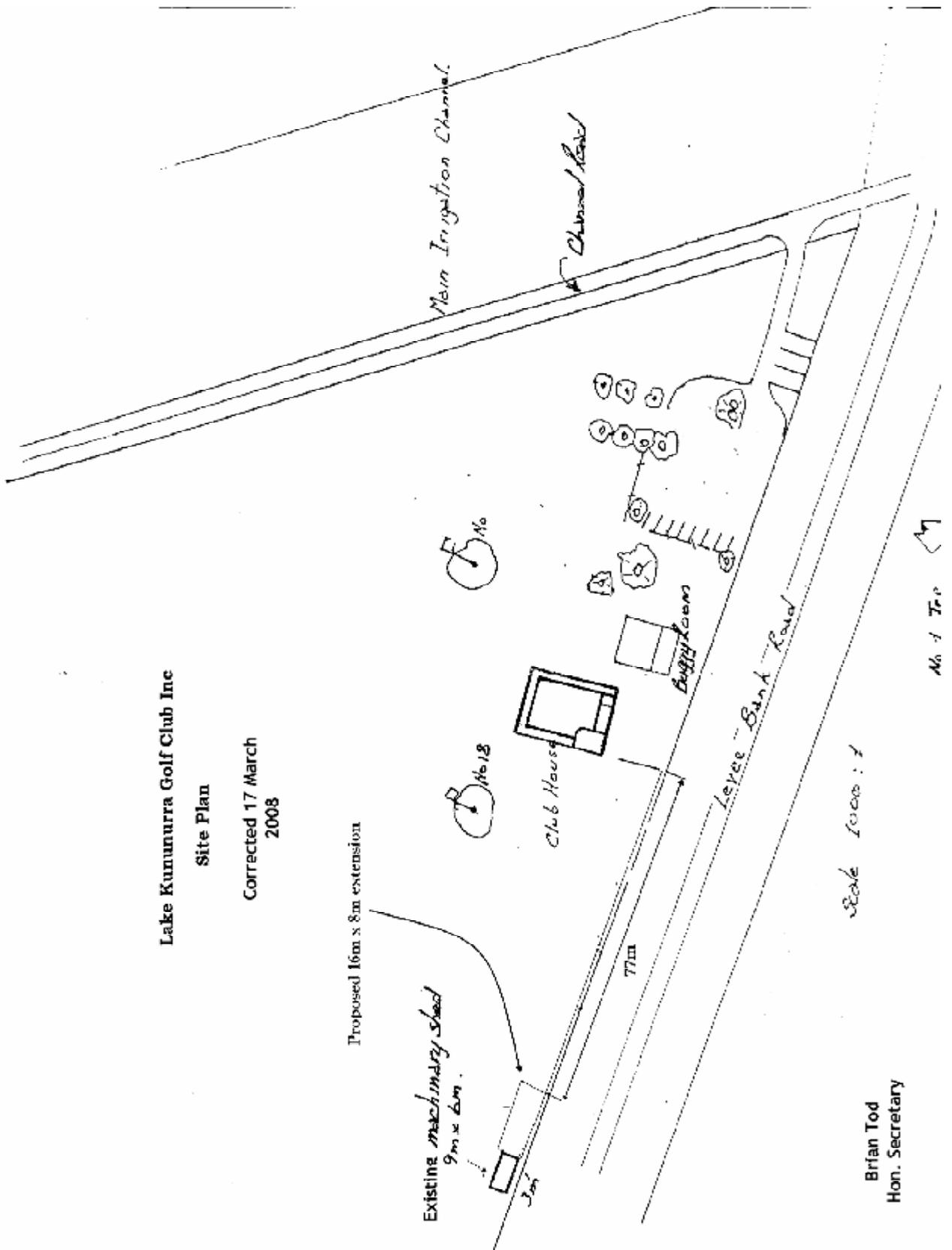
**Seconded: Cr J Moulden**

***That Council:***

1. ***Grants planning consent to Kununurra Golf Club to commence development of extensions to the existing shed on Reserve 29167 submitted by Kununurra Golf Club subject to standard conditions issued under delegated authority in accordance with Council's standard conditions list***

2. ***Approves the request to waive the planning application fee on the basis that the proposed developemnt consists of an improvement to public land.***
3. ***Delegates the approval for outbuildings on Council reserves that are consistent with the purpose of the reserve vesting order to the Chief Executive Officer, where the value of the outbuildings is less than \$100,000.***

**Carried: 8/1**

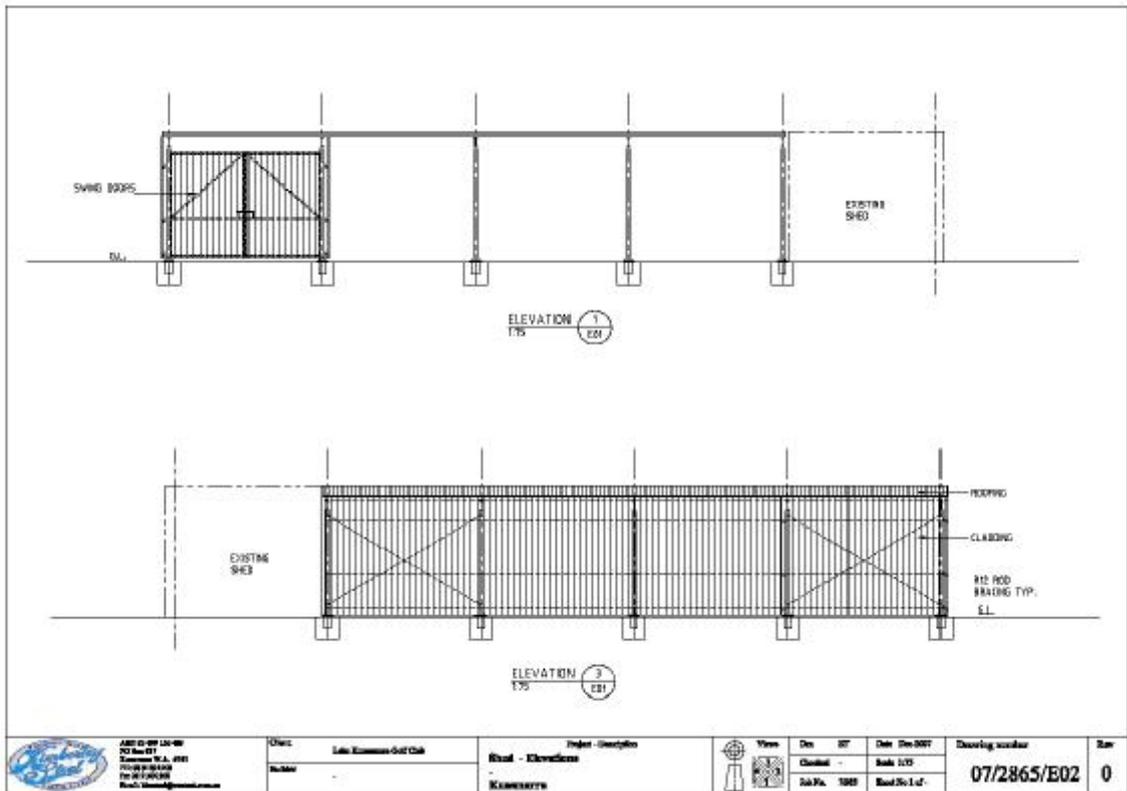
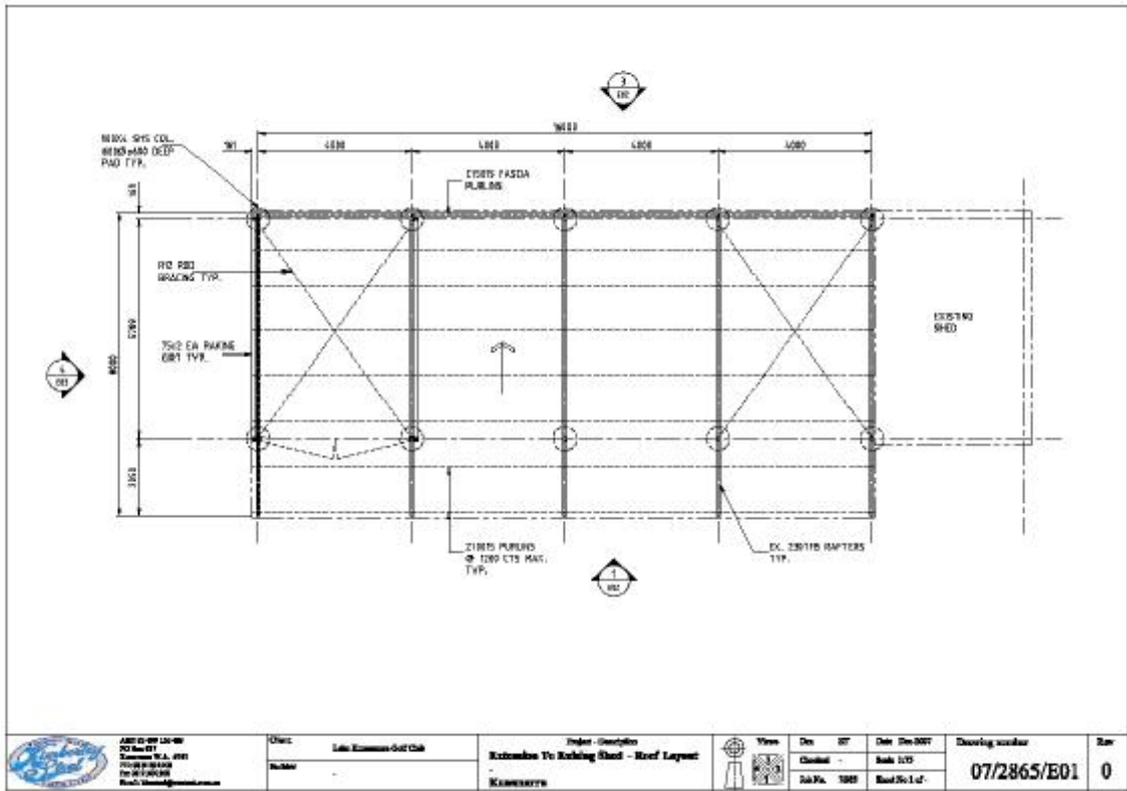


Lake Kununurra Golf Club Inc  
Site Plan

Corrected 17 March  
2008

Brian Tod  
Hon. Secretary

Attachment 2 – Shed details





### 12.3.6. Proposed Fence – Lot 1779 Koolama Street, Wyndham

<b>DATE:</b>	15 April 2008
<b>PROPONENT:</b>	B & N Robinson
<b>LOCATION:</b>	Lot 1779 Koolama Street, Wyndham
<b>AUTHOR:</b>	Keith Williams, Executive Manager Town Planning
<b>REPORTING OFFICER:</b>	Keith Williams, Executive Manager Town Planning
<b>FILE NO:</b>	01.5229.02
<b>ASSESSMENT NO:</b>	A5229

#### **PURPOSE**

For Council to re-consider an application for a fence that doesn't conform to the specifications of Council's *Local Laws Relating to Fencing 2003*.

#### **BACKGROUND**

An application for a 1.8 metre high cyclone fence was submitted by Beau and Natalie Robinson on 17 January 2008. The fence was constructed prior to consideration of the application at the 18 March Council meeting. The constructed fence does not comply with the maximum height or construction material specifications within the Shire's fencing Local Laws.

A house has also been constructed on the subject site.

Council resolved to refuse the application at the 18 March Council meeting.

**Minute No. 8129**

**Moved: Cr K Wright**

**Seconded: Cr P Caley**

***That Council***

- 1. refuse the application for a 1.8 metre wire mesh fence on Lot 1779 Koolama Street, Wyndham, on the basis that it does not comply with Council's Local Laws relating to Fencing.***
- 2. Advise the proponent B & N Robinson to remove the fence which has already been erected.***

**Carried 5/3**

The applicant has requested reconsideration of the application, and the Shire President has directed the CEO to add the reconsideration to the agenda.

#### **SITE LOCATION**

The subject site is located within the centre of three Mile, Wyndham and is zoned R15. On the opposite side of the road is a Parks and Recreation reserve.

## **PROPOSED DEVELOPMENT**

The applicant sought approval for the construction of a 1.8 metre high cyclone mesh fence along the front boundary and western side boundaries and half of the eastern boundary. (The other half of the eastern boundary has an existing 1.6 metre high colour bond fence).

A double gate was included within the front fence.

## **FINANCIAL IMPLICATIONS**

The Application Fee of \$90.00 for the original application has been paid.



## **COMMUNITY CONSULTATION**

No community consultation is required for fences under the Town Planning Scheme. Council can choose to advertise an application where it considers there is a public interest.

## **ATTACHMENTS**

Attachment 1 - Additional Information Provided to Council  
Attachment 2 - Fencing Plan

## **PLANNING ASSESSMENT**

### Strategic/Structure Plans

Not applicable

### Town Planning Scheme No. 6 – Wyndham

The land is located within the Residential zone. Clause 5.5.1 sets out the objectives of the zone. The key one relevant to this application is:

- ii) promote and safeguard health, safety, convenience, the general public welfare and amenity of the residential area.*

The main consideration is therefore whether or not the proposed fence would impact on the amenity of the surrounding area. The Scheme does not have any direct requirements regarding fencing. These are covered by a Local Law.

### Local Laws Relating to Fencing 2003

The Shire's fencing requirements are covered by the *Local Laws Relating to Fencing 2003*. The relevant sections cover the height and construction materials as follows:

#### **Local Laws relating to Height**

*In a residential zone a person shall not, without the prior approval of the local government in writing erect or commence to erect –*

*A fence higher than 1000mm on the thoroughfare alignment or within the front setback area;*

The proposed fence is 1.8 metres high and the section within the front setback therefore requires Council approval.

#### **Local Laws relating to Construction materials**

*3.3.1 A person shall not, without the prior approval of the local government in writing, erect or commence to erect a fence –*

*(a) Constructed of a material other than timber, fibre-cement, brick, concrete, masonry, wrought iron, tubular steel, colorbond, bound brushwood or any other material specified in whichever of the First, Second or Third Schedules related to the zone in which the fence is to be erected;*

The First Schedule relates to residential zones and allows a corrugated metal fence to be erected in areas other than the front setback.

The proposed cyclone mesh construction material therefore also requires Council approval.

The Local Laws state:

*The local government shall not grant its approval under subclause (1) (a) unless it is satisfied that the proposed fence will complement the streetscape and not detract from the amenity of the locality.*

## **CONCLUSION / COMMENT**

The applicant has submitted additional information regarding the fence, and the Shire President has agreed to reconsideration of the application in light of the new information. In summary, the applicant states:

- § A wire mesh fence provides better protection during cyclones
- § The fence is secure
- § The fence could be neatened with a top rail
- § A 1.8 metre fence provides for keeping of dogs
- § Wire mesh allows for breezes
- § The nature and extent of similar fences to the one constructed.

The applicant also provides a justification for construction of the fence without consent.

A solid wire type fence, such as that below, would comply with the Local Laws and will also address all the issues raised by the applicant.



It is true that there are many fences similar to the one constructed by the applicant within Wyndham. However, Council adopted its Fencing Local Laws in 2004 to provide clarity regarding sufficient standards of fencing. The fence does not comply with relevant Local Laws. Local Laws are developed with contemporary standards and it is not considered that the new information provides sufficient justification to allow this type of fence at this height.

It is recommended that the application be refused.

## **VOTING REQUIREMENT**

Simple Majority

## **MANAGERS' RECOMMENDATION**

That Council

1. Refuse the application for a 1.8 metre wire mesh fence on Lot 1779 Koolama Street, Wyndham, on the basis that it does not comply with Council's Local Laws relating to Fencing, and is detrimental to residential amenity.
2. Advise the proponent B & N Robinson to remove the fence which has already been erected.

## **COUNCIL DECISION**

Minute No. 8169

Moved: Cr P Caley                      Seconded: Cr J Buchanan

Third: Cr K Wright (required for rescission)

*That Council:*

1. *Rescind Minute No 8129*
2. *To approve the application of the fence.*
3. *That the fence be made more pleasing to the streetscape by adding a top rail and bottom rail to match the fence.*
4. *For Council to revise and revamp specifications of local laws relating to fencing 2003 by the end of October 2008.*

Carried: 5/4

*Cr K Wright requested that the votes be recorded.*

*For: Cr K Wright, Cr J Buchanan, Cr F Mills, Cr J Parker, and Cr P Caley*

*Against: Cr M Pucci, Cr J Moulden, Cr R Addis, and Cr D Ausburn*

*Karyn Apperley left meeting at 6:58pm.*

*Cr K Wright requested that the following be noted:*

*That the CEO indicated that the Local Laws relating to fences will be revamped and gazetted by the end of October 2008.*

# EAST KIMBERLEY MARINE

B&N ROBINSON PTY LTD

ACN: 112 758 291 ABN: 93 112 625 169

7 Bandicoot Drive  
Po Box 1103 Kununurra WA  
6743  
Ph: 08 91691822 Fax: 08  
91691833  
E mail: [ekmarine@bigpond.net.au](mailto:ekmarine@bigpond.net.au)

April 8, 2008

To the Councillors of the Shire of Wyndham East Kimberley,

Ref: Lot 1779 Koolama Street Wyndham 1800mm chainmesh fence application.

Firstly thank you for taking the time to hear my reasons for wanting to erect a 6 foot chainmesh fence around the property.

As discussed I believe chainmesh is a safe effective form of fencing. Being that Wyndham is classed as a cyclone area & we had to have our new house engineered to meet C2 standards, I consider chainmesh to be the ideal form of fencing in a cyclone rated area as:

1/ It has virtually no wind resistance thus will not become flying debris in the event of a cyclone, as opposed to other forms of fencing.

2/ provides a protective barrier around the property to stop debris flying from my yard or into my yard in the event of a cyclone.

3/ provides an effective security barrier around the property.

4/ 1800mm is a reasonable height to contain most dogs to a yard, thus preventing 'at large' animals, at the same time giving children a safe place to play.

5/ it sustains good neighbour relationships as you can see other people rather than hide inside a solid metal compound.

6/ it allows the breeze to pass through. It's hot enough in the wet season without having a solid barrier around your yard to hinder the movement of wind. In fact if we get enough breeze we may not have to turn our air conditioners on all the time. The planet wins too!

7/ is a cost effective form of fencing, that most people can afford.

Which would explain the wide spread use of chain mesh in Wyndham. I would go so far as to say approx 70% of the homes in Wyndham have chainmesh fences at varying heights.

The cost for pool fencing or netascreen is \$145 per metre installed with no firm quotes being given 'as Wyndham has very rocky ground, so will probably cost more.'

That would take the cost of putting a fence around Lot 1779 to anything from \$12,000-\$15,000 which is only 2.5 sides, as the back fence was existing (half of that is chainmesh) as was half of the neighbours side fence.

If I had to fence every boundary, that would take the cost up to \$18,000-\$21,000 this is very hard to justify when the average home in Wyndham sells for 250k.

I feel the 6 foot chain mesh fence that surrounds Lot 1779 fits in to the surrounding area very well, most of the yards on Koolama Street are constructed of chainmesh and the Shire Recreation centre (which can be seen from my yard) has 8 foot chainmesh with 3 strands of barbed wire at the top.

The picture gardens next door has a dilapidated iron fence, which is of absolute no doubt, a major hazard should Wyndham be so unfortunate as to have a cyclone.

The fence surrounding our property is neat and tidy and is brand new, it is fitting for the area and blends in with the all the other chainmesh fences. We would be happy to place a rail at the top of the fence, as was expressed by one councillor, in order to 'finish' the front fence.

On to the reason the fence was put in place before receiving Shire approval.

I would like to stress that we did not put in an application for a fence one week and erect the fence the next.

We lodged our application for the fence on the 17<sup>th</sup> January 2008  
Receipt #357009 at the shire office in Kununurra.

This application went before council on the 18<sup>th</sup> March 2008, two months after it was lodged.

Beau and I made a judgment call based on the safety of the neighbourhood children. Who were playing in the yard, which was effectively a building site.

There were 6x1200mm deep holes in the ground for the construction of a double carport and there was metal custom orb, metal fascia's and metal flashings laid out over the back yard. The house had been on site for two weeks when we made the decision that we would erect the fence so the children would not have easy access to a potentially dangerous area.

This perhaps may be a decision that bites us in the back pocket, if we are made to take down the fence. Having said that, this is not a decision we regret, it was the right decision at the time and as a result, no children were injured.

We will be reticulating and grassing the gardens as well as the front verge. The house and gardens will be very attractive when completed and can only enhance the visual appeal of the street.

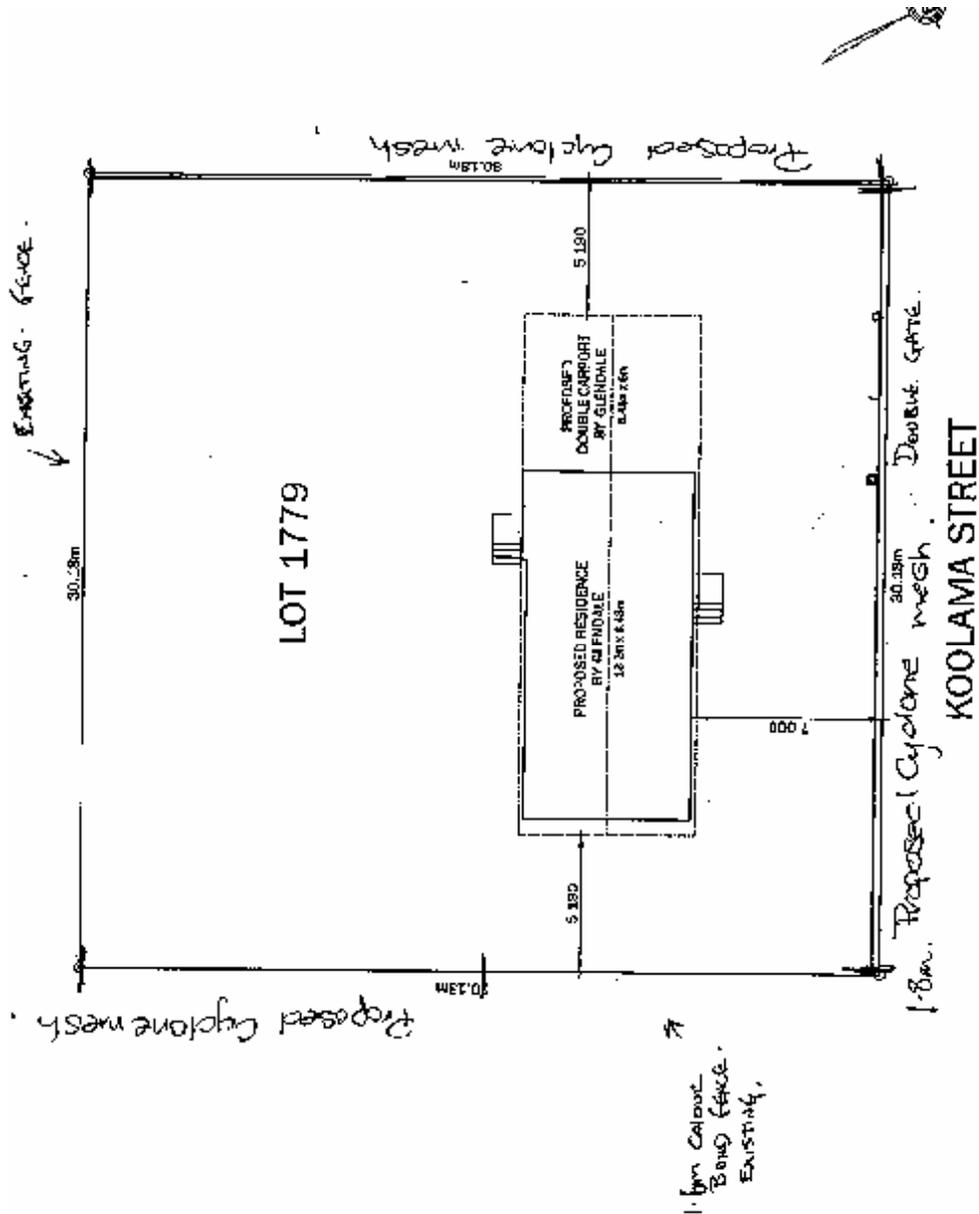
If the decision to remove the front fence remains in place, it will impact on the development of the gardens and the front verge. Every new home has a budget and the removal and replacement of the fence will impact greatly on ours.

It is my opinion that a prettier fence does not surpass green reticulated cared for gardens in terms of visual appeal.

I hope this application can be revisited and hopefully approved.

Yours Sincerely,  
Natalie Robinson

Attachment 2 - Fencing Plan



### 12.3.7 Non-Compliant Fence – Lot 1431 Boobiulla Way, Kununurra

<b>DATE:</b>	15 April 2008
<b>PROPONENT:</b>	S Sianipar
<b>LOCATION:</b>	Lot 1431 Boobiulla Way Kununurra
<b>AUTHOR:</b>	Keith Williams, Executive Manager Town Planning
<b>REPORTING OFFICER:</b>	Keith Williams, Executive Manager Town Planning
<b>FILE NO:</b>	01.1449.02
<b>ASSESSMENT NO:</b>	A1449

#### **PURPOSE**

For Council to re-consider an application for a fence that doesn't conform to the specifications of Council's *Local Laws Relating to Fencing 2003*.

#### **BACKGROUND**

An application for a 1.8 metre high cyclone fence was submitted by S Sianipar on 13 February 2008. Fees were not submitted, and assessment of the application was stopped until fees were submitted. The fees have now been submitted.

The fence has already been constructed. The constructed fence does not comply with the maximum height or construction material specifications within the Shire's fencing Local Laws.

#### **SITE LOCATION**

The subject site is located at the end of Boobiulla Way in the Hidden Valley neighbourhood of Kununurra. A Parks and Recreation Reserve is located on an adjoining boundary.

The land is owned by the Department for Housing and Works, which has countersigned the application.

#### **PROPOSED DEVELOPMENT**

The applicant seeks retrospective approval for the construction of a 1.8 metre high cyclone mesh fence along the front boundary.

A double gate is included within the front fence.

#### **FINANCIAL IMPLICATIONS**

The Application Fee of \$90.00 for the original application has been paid.

#### **COMMUNITY CONSULTATION**

No community consultation is required for fences under the Town Planning Scheme. Council can choose to advertise an application where it considers there is a public interest.



**ATTACHMENTS**

Attachment 1 - Fencing Plan

**PLANNING ASSESSMENT**

Strategic/Structure Plans

Not applicable

Town Planning Scheme No. 7 – Kununurra & Environs

The land is located within the Residential zone. Provisions of TPS 7 relating to the Residential Zone are as follows:

5.8 *RESIDENTIAL ZONE*

5.8.1 *Objectives*

- (a) *to allocate a density coding for the Residential zone throughout the Scheme Area designed to:*
  - (i) *provide sufficient land in appropriate locations for residential development to meet the needs of the*

*Scheme Area's anticipated growth and population without unduly restricting the choice of sites;*

- (ii) promote and safeguard health, safety, convenience, the general public welfare and the amenity of the residential areas;*
- (iii) Allow redevelopment opportunities for areas of older housing stock.*

The main consideration is therefore whether or not the proposed fence would impact on the amenity of the surrounding area. The Scheme does not have any direct requirements regarding fencing. These are covered by a Local Law.

### Local Laws Relating to Fencing 2003

The Shire's fencing requirements are covered by the *Local Laws Relating to Fencing 2003*. The relevant sections cover the height and construction materials as follows:

#### **Local Laws relating to Height**

*In a residential zone a person shall not, without the prior approval of the local government in writing erect or commence to erect –*

*A fence higher than 1000mm on the thoroughfare alignment or within the front setback area;*

The proposed fence is 1.8 metres high and the section within the front setback therefore requires Council approval.

#### **Local Laws relating to Construction materials**

*3.3.1 A person shall not, without the prior approval of the local government in writing, erect or commence to erect a fence –*

*(a) Constructed of a material other than timber, fibre-cement, brick, concrete, masonry, wrought iron, tubular steel, colorbond, bound brushwood or any other material specified in whichever of the First, Second or Third Schedules related to the zone in which the fence is to be erected;*

The First Schedule relates to residential zones and allows a corrugated metal fence to be erected in areas other than the front setback.

The proposed cyclone mesh construction material therefore also requires Council approval.

The Local Laws state:

*The local government shall not grant its approval under subclause (1) (a) unless it is satisfied that the proposed fence will complement the streetscape and not detract from the amenity of the locality.*

## **CONCLUSION / COMMENT**

Council adopted its Fencing Local Laws in 2004 to provide clarity regarding sufficient standards of fencing. The constructed fence does not comply with relevant Local Laws. Local Laws are developed with contemporary standards and it is not considered that sufficient justification has been provided to allow this type of fence at this height.

A solid wire type fence, such as that below, would comply with the Local Laws.



It is recommended that the application be refused.

## **VOTING REQUIREMENT**

Simple Majority

## **MANAGERS' RECOMMENDATION**

That Council

1. Refuse the application for a 1.8 metre wire mesh fence on Lot 1431 Boobiulla Way Kununurra submitted by S Sianipar on the basis that it does not comply with Council's Local Laws relating to Fencing, and is detrimental to residential amenity.
2. Advise the proponent S Sianipar and the Department for Housing and Works that the fence must be removed within 42 days.

**COUNCIL DECISION**

**Minute No. 8170**

**Moved: Cr P Caley**

**Second: Cr K Wright**

***That Council:***

- 1. To approve the application of the fence.***
- 2. For Council to revise and revamp specifications of local laws relating to fencing 2003 by the end of October 2008.***

**Carried: 5/4**

***Alex Douglas left the meeting at 7:01pm.***

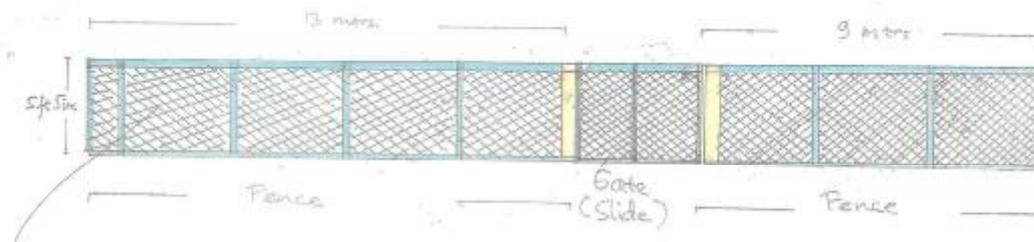
***Karyn Apperley returned to the meeting at 7:03pm.***

**Attachment 1 - Fencing Plans**



Note:  
 Gate on pictures is temporary only. It will be no bars wire & slide open.

From  
 (what Simpson  
 12/12/08)



→ Cyclone Fencing Wire.

- = Steel Pipe 5 cms
- = Steel Pipe 9 cms.

### 12.3.8 Proposed Tourist Accommodation - Loc 511 Riverfarm Road – Item Withdrawn

<b>DATE:</b>	15 April 3008
<b>PROPONENT:</b>	Mrs Judith Hughes
<b>LOCATION:</b>	Loc 511 River Farm Road
<b>AUTHOR:</b>	Gary McCarney, Town Planning Officer
<b>REPORTING OFFICER:</b>	Keith Williams, Executive Manager Town Planning
<b>FILE NO:</b>	01.0065.02
<b>ASSESSMENT NO:</b>	A0065

#### **PURPOSE**

For Council to re-consider an application for planning consent for Location 511 Riverfarm Road for tourist accommodation comprising a single 2 bedroom cabin/chalet.

#### **BACKGROUND**

The finalisation of Amendment 14 to Town Planning Scheme No. 7 – Kununurra and Environs introduced the use class of Tourist Accommodation as an SA use in the Rural Agriculture zone.

The current application seeks approval of three cabins located on Loc 511 Riverfarm Road.

Applications have been approved for similar uses on Riverfarm Road and Packsaddle Road. In these instances, a limit of two cabins was placed on approvals, based on the progression of Amendment 18, which has since been considered by the WAPC. These approvals were subject to a number of conditions, similar to conditions proposed for this application.

This application was deferred following the passing of Mr Jim Hughes. The CEO has been personally advised by Mrs Judith Hughes that the application should be processed as per the application.

#### **SITE LOCATION**

Location 511 is located on River Farm Road in the Ivanhoe area, at the point where it turns through 90 degrees (See attachment 1). Its southern boundary backs onto the Ord River.

The land is flat and has an existing dwelling and a shed constructed on it. It also has a tennis court and a swimming pool. The property has been partially cultivated in mango trees.

The subject lot is zoned Rural Agriculture 2, as are the lots to the northwest. To the northeast, the lots are significantly larger and are zoned Rural Agriculture 1. On its southern and eastern boundaries, the site is bounded by the special foreshore reserve and a reserve set aside for Quarry purposes.

## **PROPOSED LAND USE / DEVELOPMENT**

The application is for the development and use of the land for tourist accommodation comprising:

- 1 x transportable 2 bedroom cabin/chalet

The proposed location of the cabin is shown on attachment 2 – site plan, with the cabin/chalet details shown on attachments 3a,b & c.



## **FINANCIAL IMPLICATIONS**

The application fee of \$100 has been paid.

## **CONSULTATION**

Under Town Planning Scheme No. 7 (Kununurra and Environs) tourist accommodation in a Rural Ag 2 area is an SA use. The Scheme therefore requires the proposal to be advertised before Council exercises discretion to permit the use.

Under the provisions of Clause 11.2 of the Scheme, the proposal was advertised in the Kimberley Echo on 17 January 2008 and letters sent out to surrounding landowners requesting comment within a 21 day period.

Three submissions were received. Two submissions were objections, while the third was comment on concerns about the proposed development.  
A Schedule of submissions is attached.

### Industry Consultation

Prior to consideration of previous applications, a stakeholder consultation process was undertaken. A meeting was held between Council Officers, tourism and agricultural industry representatives to address bio-security issues and land use conflict concerns that this kind of proposal 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  
Lincoln Heading, Kununurra Primary Industry Association Representative  
Zoe Higgins, Chairperson, Kununurra Primary Industry Association  
Laughlin Dobson Primary Industry Association Representative  
John Moulden, Department of Agriculture & Food

Agreed outcomes of the meeting were that there is some scope for Tourism in Agricultural zones, but that it should be used to supplement Agricultural revenue, and accordingly should be subordinate to Agricultural uses.

That is, if there is no agriculture, there should be no tourism. It was also agreed that the following conditions should be placed on approvals. These recommendations formed the basis of the provisions of Amendment 18 to TPS7:

- 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.

## **PLANNING ASSESSMENT**

### Strategic/Structure Plans

The Local Planning Strategy designates the subject land for agricultural purposes. The objective of the strategy is to protect prime agricultural land, with strategies permitting subordinate land uses incidental to the primary agricultural use of the land.

In relation to tourist accommodation, the local planning strategy recommends a maximum of two accommodation units in the Rural Agriculture 2 zone. By comparison, only one unit is recommended in the Rural Agriculture 1 zone.

#### Town Planning Scheme No. 7 – Kununurra & Environs

The land is located within the Rural Agriculture 2 Zone. Clause 5.19 of the Town Planning Scheme states that the objectives of this zone are:

- (a) *to ensure the adequate supply of land for intensive agricultural and horticultural holdings in localities of adequate water supply and suitable soil types;*
- (b) *to promote the use of these lots for the production of horticultural crops and associated uses.*

Pursuant to Town Planning Scheme No. 7, the use of chalet accommodation falls within the definition of Tourist Accommodation which means:

*a building or group of buildings substantially used for the temporary accommodation of tourists, visitors and travellers which may have facilities for the convenience of patrons such as restaurants, convention areas, and the like, and includes backpackers accommodation, chalets and guest houses, but does not include a building or place elsewhere specifically defined in this schedule or a building or place used for a purpose elsewhere specifically defined in this schedule.*

As a result of Amendment 14 to Scheme 7 (gazetted 13 June 2006), Tourist Accommodation was introduced into the Rural Agriculture 2 zone as an SA use, meaning that the Council may exercise discretion and permit the use after advertising the proposal.

#### Amendment 18 to Town Planning Scheme No. 7 – Kununurra & Environs

On 15 August 2006, Council resolved to initiate an Amendment to Scheme 7 for the purpose of allowing diversified uses within specific agricultural zones, subject to a set of specific criteria. In relation to Tourist Accommodation, the Amendment proposes to modify the permissibility of the use in the Rural Agriculture 2 zone from “SA” to “IP”, and from “X” to “IP” in the Rural Agriculture 1 and General Rural zones. Under the Scheme, “IP” uses are not permitted unless incidental to the predominant use of the land, as determined by Council.

Following industry consultation, further changes to the advertised Amendment were approved by Council.

Until adoption, the proposed Amendment is not enforceable under the Scheme and serves mainly to indicate Council’s intent for development in the agricultural areas. However, Council can and should still have regard for the Amendment and ensure that proposals to develop cabin/chalet accommodation are not approved at a density that would exceed that permitted once the Amendment is gazetted.

#### Council Policies

The subject land is located within Precinct 22 – River Farm Rural Agriculture 2 Area, for which the objective is to retain the area for intensive horticulture, with a policy to:

*Ensure that non-agricultural uses do not detrimentally affect the continued use of the land for intensive agricultural practices.*

The proposed use of the land for Tourist Accommodation complies with the policy as it is a subordinate use to the predominant agricultural use of the land, and specifically requires the use of the site for agriculture to remain subordinate.

### **CONCLUSION / COMMENT**

The proposed use of the land for cabin/chalet accommodation is consistent with the definition of Tourist Accommodation, Scheme 7 objectives, the local planning strategy, and proposed Amendment 18 to the Scheme.

#### Number of Units

It is recommended that Council approve the single proposed cabin/chalet, as this is consistent with Amendment 18.

#### Location of Cabin/chalet

The cabin/chalet does not meet the setback requirements of either the Scheme or those proposed in Amendment 18.

Notwithstanding this, the site of the proposed cabin adjoins a reserve for the purposes of a Quarry. It is expected that this reserve will eventually revert to a foreshore reserve once the extractive industries are exhausted, or when the boundary of the reserve is reviewed.

Accordingly it is recommended that a reduced setback can be supported.

#### Management conditions

Conditions requiring management plans, inspection of promotional material, implementation of appropriate bio-security education measures and restricting the number of occupants to five per cabin, have also been included as development conditions, reflecting the provisions of Amendment 18.

#### Recommendation

While it is recognised that there are some potential land use conflicts, the use is currently able to be approved by Council, and if refused can be subject to appeal rights. Additionally, provisions of amendment 18 and development conditions are designed to encourage agriculture, and in fact it is a specific requirement that tourism uses can only occur on lots that have agricultural production, and is not permitted on land that isn't used for agriculture.

It is expected that farmers that propose Tourism uses will not jeopardise their own agricultural land uses.

This application was deferred following the passing of Mr Jim Hughes. The CEO has been advised personally by Mrs Judy Hughes that the application should be processed as per the application. Mrs Hughes owns the property.

It is recommended that the proposed use and development of the site for a single chalet/cabin should be approved by Council, subject to conditions.

#### **ATTACHMENTS**

Attachment 1	Site Plan
Attachment 2	Cabin Floorplan
Attachment 3	Cabin Elevation
Attachment 4	Schedule of Submissions

#### **VOTING REQUIREMENT**

Simple Majority

#### **MANAGERS' RECOMMENDATION**

That Council grants planning consent to J Hughes for the use and development of Location 511 Riverfarm Road, Kununurra for Tourist Accommodation consisting of 1 cabin/chalet, in accordance with the submitted plans and subject to the following conditions:

1. All development shall occur in accordance with the submitted plans unless otherwise required or directed by the following conditions. Any modifications to the proposed development must be submitted to Council for re-assessment and issuance of a revised planning approval.
2. Prior to construction of the units, all promotional information intended to be displayed to be submitted to Council for approval.
3. The number of occupants in the cabin/chalet is to be restricted to a maximum of five persons.
4. The proposed development shall remain a subordinate use in scale, scope and intensity to the predominant agricultural nature of the site, shall not be occupied for residential purposes and shall be used for the temporary accommodation of tourists, visitors and travellers only. The cabin/chalet/s shall not be occupied by the same tenant for a continuous period for more than 3 months in any 12 month period.
5. Prior to construction of the unit, provide Council with a management plan detailing measures to manage impacts between tourism and agricultural uses. This shall include measures to notify prospective tenants that they will be staying in an Agricultural zone and may be impacted on by noise and other impacts of agricultural land uses.
6. Any change of use of the buildings shall be subject to further Council consent.
7. Submit building plans and specifications to Council, including all structural components and details in compliance with the Building Code of Australia, and obtain a building license prior to commencement of construction of the chalet accommodation units.

8. Compliance with all Council's health requirements, including, but not limited to, specifications for septic tank installation.
9. All parking is to be located within the site, with parking and access areas to be constructed, drained and marked to Council's satisfaction. All employee parking is to be located within the site, and all vehicles associated with the use are to be parked on the site at all times.
10. Car parking spaces are to be provided for the chalet/cabin accommodation at a rate of one bay per two bedrooms in accordance with the requirements of the Shire of Wyndham - East Kimberley Town Planning Scheme No. 7 -Kununurra and Environs.
11. Compliance with the Liquor Licensing Act 1988.
12. Provision of a bin enclosure area capable of storing a minimum of 1 standard rubbish bin/s. The enclosure is to be built of the same materials as the walls of the predominant building, and the entrance is to be screened via gates to the satisfaction of Council.
13. Compliance with all the requirements of the appropriate Statutory Authorities.
14. No development shall occur that will cause additional runoff of stormwater to adjacent properties. Stormwater from runoff and any sealed areas shall be mechanically directed into Council's stormwater system in accordance with Council specifications, or disposed of onsite. Stormwater shall not be permitted to pond on the site or against any building or structure.
15. A biosecurity plan prepared in conjunction with Council officers, consisting of the following minimum requirements, shall be implemented:
  - A. All prospective occupants of the chalets shall be notified of the need to comply with all biosecurity requirements at the point of checking in to accommodation;
  - B. Biosecurity information shall be displayed in a prominent location within all chalets; and
  - C. All non-compliant fruit and vegetable matter shall be disposed of in accordance with Department of Agriculture and Food requirements.
16. Dust suppression measures shall be implemented to ensure dust does not leave the site.
17. Screening vegetation shall be planted and maintained along the boundary/s to adjoining lots to ensure the visual impact of the Tourist Accommodation is ameliorated, to the satisfaction of the Shire.
18. All chalets/cabins shall be located a minimum of 70 metres from any dwelling on any other property.
19. A foreshore access plan shall be prepared and implemented, in conjunction with Council officers, for access to the Crown Land foreshore consisting of the following minimum requirements:
  - A. Access to the foreshore UCL shall be restricted to pedestrian access only;

- B. All prospective occupants of the chalets shall be notified that access to properties adjoining the foreshore is restricted;
  - C. Foreshore access information shall be displayed in a prominent location within all chalets; and
  - D. Access to the foreshore UCL shall be via existing access points only.
20. Any other conditions issued under delegated authority in accordance with Council's adopted Standard Conditions List.
21. All boundaries to private property shall be fenced to the satisfaction of the Shire.

***This Item was withdrawn from the agenda.***

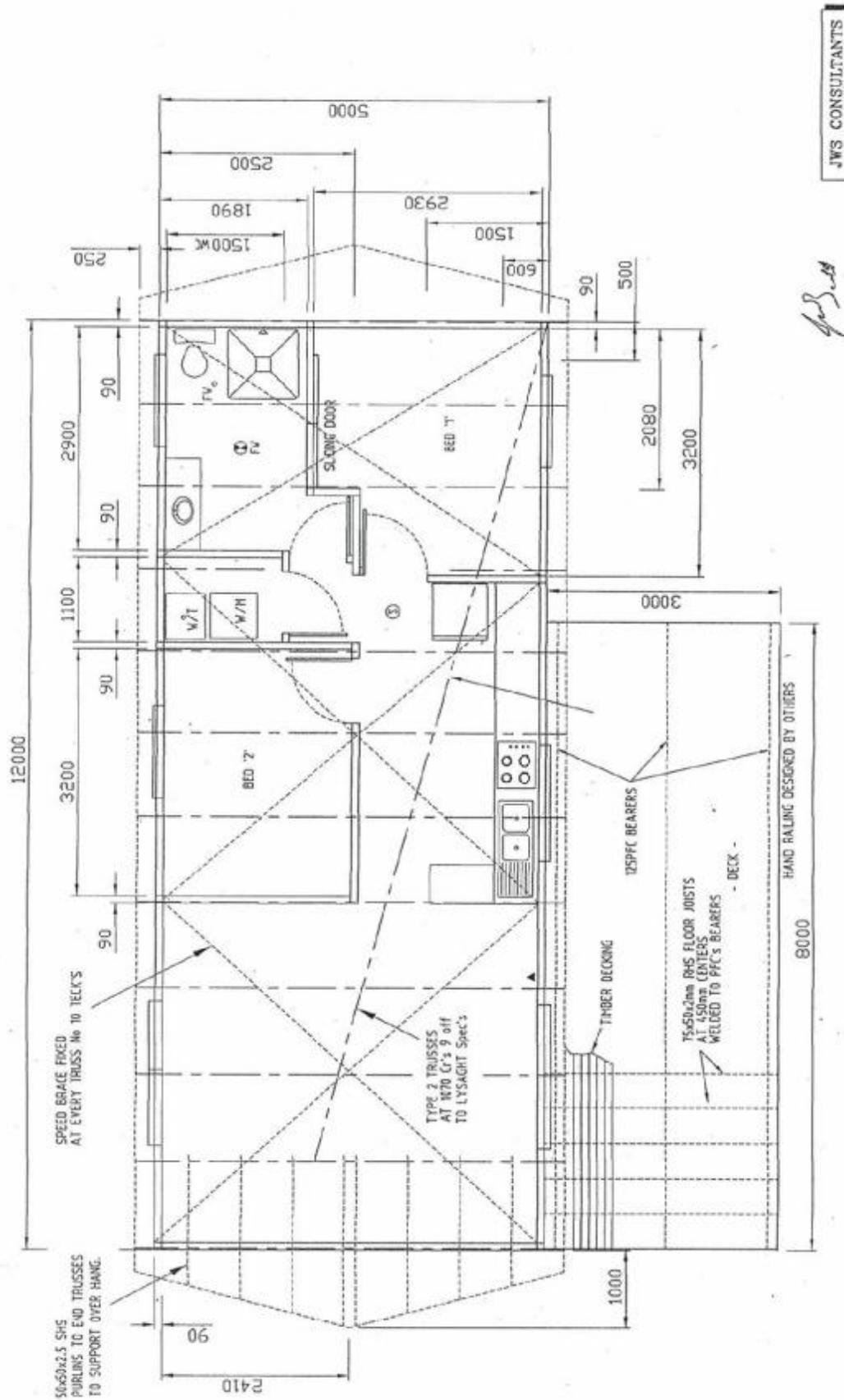
***Cr J Parker and Keith Williams left the meeting at 7:08pm.***

***Keith Williams returned to the meeting at 7:09pm.***

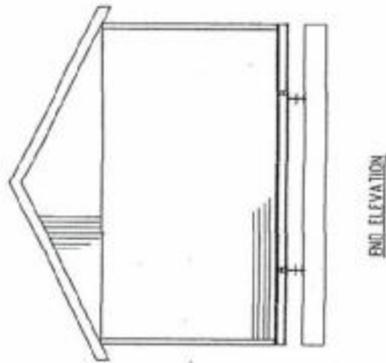
***Cr J Parker returned to the meeting at 7:10pm.***



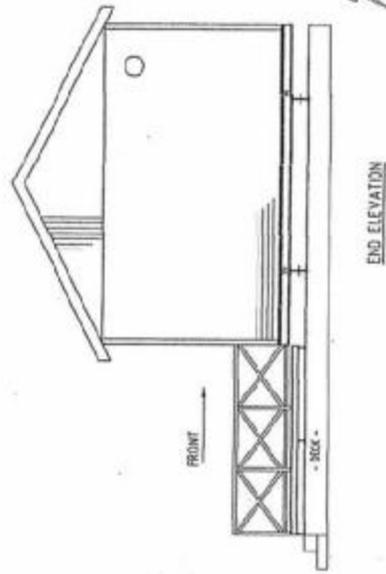
Attachment 2 Floor Plan



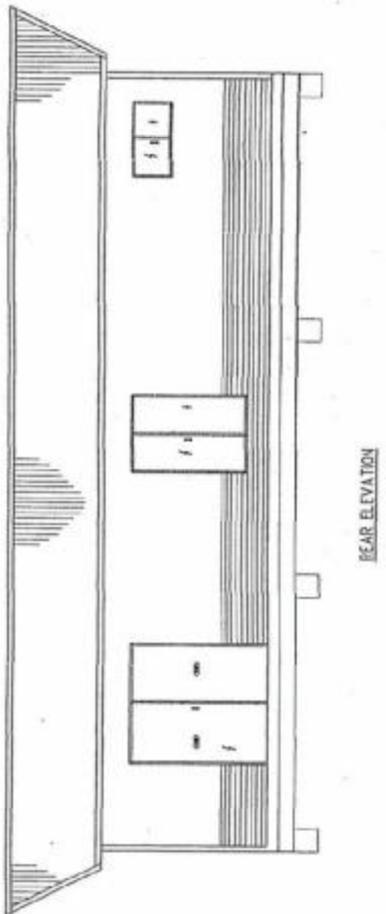
Attachment 3 Elevation



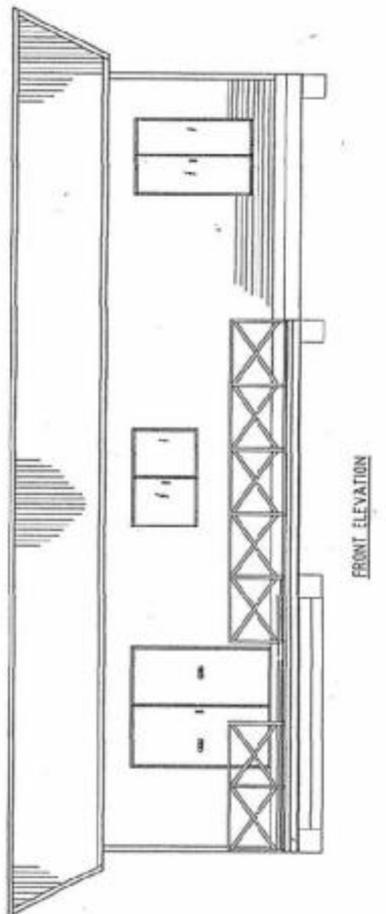
REAR ELEVATION



FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION

**SHIRE OF WYNDHAM-EAST KIMBERLEY  
TOWN PLANNING SCHEME NO. 7**

**PROPOSED CABINS/CHALETS - LOCATION 511 RIVERFARM ROAD  
Schedule of Submissions**

SUBMISSION NO. AND OWNER STREET	OBJECTION OR SUPPORT	SUMMARY OF SUBMISSIONS [Provided as a summary only - original submissions are available for review on request]	COMMENTS	RECOMMENDATION
SUBMISSION 1  G Harding Riverfarm Road	OBJECTION	Agricultural land is a finite resource Proposed use conflicts with surrounding agricultural uses Does not comply with SPP 2.5 Does not comply with KWADS Bio-security will be compromised Tourism is not compatible and is inconsistent with strategies Potential land use conflicts Concern regarding use during off peak tourism periods Local Government must recognise incompatibility Land use will impact on agricultural practices and processes	SPP 2.5 is a policy. Councils Scheme provisions override these provisions, and Tourist Accommodation is an SA use, and is therefore able to be permitted at Council's discretion.  KWADS has been replaced by LPS  Biosecurity and land use conflicts resolved as part of land use being required to be subordinate to predominant agricultural uses.	Dismiss objection

<p>SUBMISSION 2</p> <p>J &amp; A Storey Jabiru Road</p>	<p>OBJECTION</p>	<p>Agricultural land is a finite resource Proposed use conflicts with surrounding agricultural uses Does not comply with SPP 2.5 - Tourist development is therefore illegal Does not comply with KWADS Bio-security will be compromised Tourism is not compatible and is inconsistent with strategies Potential land use conflicts Local Government must recognise incompatibility Land use will impact on agricultural practices and processes</p>	<p>SPP 2.5 is a policy. Councils Scheme provisions override these provisions, and Tourist Accommodation is an SA use, and is therefore able to be permitted at Council's discretion.</p> <p>KWADS has been replaced by LPS</p> <p>Biosecurity and land use conflicts resolved as part of land use being required to be subordinate to predominant agricultural uses.</p>	<p>Dismiss Objection</p>
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<p>SUBMISSION 3</p> <p>D Smith Ivanhoe Road</p>	<p>COMMENT</p>	<p>Application should comply with standards Land use will impact on agricultural practices and processes Access should only be from Loc 511 Should be limited to one cabin</p>	<p>Land use conflicts resolved as part of land use being required to be subordinate to predominant agricultural uses.</p> <p>Reduced setback to Foreshore is reasonable given that it has no impact on adjoining owners</p> <p>Access is from Loc 511</p>	<p>Note Comment</p>
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## 12.4 COMMUNITY SERVICES

### 12.4.1 Kununurra Leisure Centre Kiosk Lease

<b>DATE:</b>	15 April 2008
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Kununurra Leisure Centre
<b>AUTHOR:</b>	Jesse Mortensen, Manager Recreation and Leisure
<b>REPORTING OFFICER:</b>	Karyn Apperley, Executive Manager Community Services
<b>FILE NO:</b>	01.2211.10
<b>ASSESSMENT NO:</b>	A2211

#### **PURPOSE**

For Council to further consider lease arrangements and operation of the Kununurra Leisure Centre Kiosk.

#### **BACKGROUND**

On 22 January 2008, Council resolved to publicly advertise the tender for the lease of the Kununurra Leisure Centre Kiosk. During the month of February tender documents were prepared and the resultant tender period occurred between 18 February and 20 March 2008. During this tender period two requests for tender documents were received and were set out accordingly, however no tenders were received by the closing date of 20 March 2008.

At its briefing session on 1 April 2008 Council was presented with possible options for action for the delivery of service of the Kununurra Leisure Centre Kiosk. These options were:

- Option 1: Call for tenders
- Option 2: Provide kiosk services “in-house”
- Option 3: Purchase or lease vending machines
- Option 4: Cease all food and drink services at the Leisure Centre

At this briefing session Council indicated it did not support options 3 or 4, due to the Council’s stated objectives for service delivery to the community.

#### **STATUTORY IMPLICATIONS**

Local Government Act 1995, Section 3.58.

*3.58 . Disposing of property*

*(1) In this section —*

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

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

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

(a) the highest bidder at public auction; or

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

Should Council decide to provide the kiosk services through an 'in-house' model, then National Competition Policy will not apply, as Council has already been to market which has failed to deliver the required services.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Option 1: Call for tenders.

Cost to Council: Advertising of approximately \$500.

Option 2: Provide "in-house"

Cost to Council: Between \$70,000 and \$170,000 depending on business success

Option 3: Purchase of lease vending machines

Cost to Council: Cost Neutral

Option 4: Cease all food and drink services

Cost to Council: Nil

### **STRATEGIC IMPLICATIONS**

The provision of kiosk services within the Kununurra Leisure Centre is consistent with Council's draft strategic plan.

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**

Many other Council owned Leisure and Aquatic Centres run kiosk services but most integrate kiosk, facility entry and administration in one hub. The current design of the Kununurra Leisure Centre necessitates separate staff, separate operations and sales areas.

The leasing of management of the Kununurra Leisure Centre Kiosk by an external body is preferable to reduce management load and maximise the expertise of the service provider. The readvertising for tenders using a higher profile and diverse advertising strategy will be undertaken and include approaches such as public notices, press releases, further contact with the Small Business Centre and other strategies as identified.

As Council is committed to service delivery, should no tenders be forthcoming the next best option to ensure high standards of service is to commence plans to provide the kiosk services in-house. This will require greater levels of resources including management input than what has been required by the leasing of the provision of kiosk services.

The possible timeline for the tender process is provided below:

- Tenders open – Thursday 24 April
- Tenders close – Friday 9 May
- Tender assessment process 2 weeks
- Possible approval date – 23 May

The possible timeline for “in house” management is outlined below:

- Tenders close – Friday 9 May
- Catering Officer recruitment period commences – Friday 16 May
- Catering officer appointment – Friday 13 June
- Catering Officer Commencement – Monday 14 July
- Kiosk Services commence – Monday 21 July

## **ATTACHMENTS**

Nil

## **VOTING REQUIREMENT**

Recommendation 1: Simple Majority

Recommendation 2: Simple Majority

## **RECOMMENDATION**

### **Recommendation 1**

That Council publicly advertise the tender for the lease of the Kununurra Leisure Centre Kiosk consistent with the following previously resolved lease terms:

1. Hours of operation to be a minimum of 7 days per week, 10am to 5pm
2. Public holiday hours of operation by negotiation
3. Annual lease to be a minimum of \$4,000 annually
4. By negotiation the lessee is to ensure adequate food serving/preparation space is to be held outside the lessee’s normal trading hours.
5. The Lessee shall erect two signs to clearly advertise the minimum opening hours of the kiosk

## **Recommendation 2**

That if at the conclusion of the advertised tender period no tender expressions have been received, Council commence implementation of an in-house management model for the provision of kiosk services at the Kununurra Leisure Centre.

***Keith Williams left the meeting and Jo-Anne Ellis returned to the meeting 7:15pm.***

### **COUNCIL DECISION**

**Minute No. 8171**

**Move: Cr J Moulden                      Seconded: Cr P Caley**

***That Council publicly advertise the tender for the lease of the Kununurra Leisure Centre Kiosk consistent with the following previously resolved lease terms:***

- 1. Hours of operation to be a minimum of 7 days per week, 10am to 5pm***
- 2. Public holiday hours of operation by negotiation***
- 3. Lease fees and further terms to be negotiated***
- 4. By negotiation the lessee is to ensure adequate food serving/preparation space is to be available outside the lessee's normal trading hours.***
- 5. The Lessee shall erect two signs to clearly advertise the minimum opening hours of the kiosk***

***That if at the conclusion of the advertised tender period no tender expressions have been received, Council commence development of an in-house management model for the provision of kiosk services at the Kununurra Leisure Centre.***

**Carried: 8/1**

***Peter Stubbs left the meeting 7:18pm.  
Peter Stubbs returned to the meeting 7:20pm.***

## 12.5 CHIEF EXECUTIVE OFFICER

### 12.5.1 Use of Common Seal

<b>DATE:</b>	15 April 2008
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Fiona Kuiper, Executive Support Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	60.14.04
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from the period 11 March to 7 April 2008.

#### **BACKGROUND**

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

- Change of supervising officer/'person to act in place' application, Department for Communities/Child Care Licensing and Standards Unit – 1 copy
- Request for Proposal (RFP011/07) Services for Young People at Risk Wyndham - Department for Child Protection – 1 copy

#### **STATUTORY IMPLICATIONS**

Local Government Act 1995

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

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **STRATEGIC IMPLICATIONS**

Goal 2 – Decision making within the Governance KRA of the Strategic Plan includes a strategy which is relevant to this item:

**Strategy 3:**

*Establish succinct monthly reports that graphically indicate key data for financial, human resource, risk and operational management.*

As does Goal 6 – Legislation:

**Strategy 3:**

Ensure continued compliance with all relevant legislation through the submission of relevant reports and documents.

**COMMENT**

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

**ATTACHMENTS**

Nil

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

That Council receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from 11 March to 7 April 2008.

**COUNCIL DECISION**

**Minute No. 8172**

**Move: Cr K Wright**

**Seconded: Cr P Caley**

***That Council receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from 11 March to 7 April 2008.***

**Carried Unanimously: 9/0**

### 12.5.2 Delegated Authority Report

<b>DATE:</b>	15 April 2008
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Fiona Kuiper, Executive Support Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	60.14.04
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

To report to Council on the use of Delegated Authority by Officers for the period 1 March to 7 April 2008.

#### **BACKGROUND**

Use of Council approved Delegated Authority by Officers is reported to Council on a monthly basis.

The attached tables outline use of Delegated Authority by relevant officers for the above period.

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

#### **STATUTORY IMPLICATIONS**

LOCAL GOVERNMENT ACT 1995 - SECT 5.46

5.46. Register of, and records relevant to, delegations to CEO's and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **STRATEGIC IMPLICATIONS**

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.

In an effort to improve delegated authority reporting, the Quick Grants register is included for the first time and reflects the period from 1 July 2007 to 31 March 2008. Quick Grants are approved under delegated authority by the Chief Executive Officer and will be included in the monthly Delegated Authority Report hencewith.

**ATTACHMENTS**

Delegated Authority Report

**VOTING REQUIREMENT**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council receive the Delegated Authority Report for the period 1 March to 7 April 2008.

**COUNCIL DECISION**

Minute No. 8173

Move: Cr J Moulden                      Seconded: Cr R Addis

*That Council receive the Delegated Authority Report for the period 1 March to 7 April 2008.*

**Carried Unanimously: 9/0**

**Attachment: Delegated Authority Report**

**BUILDING LICENCES ISSUED UNDER DELEGATED AUTHORITY 1 - 31 March 2008**

LIC#	DATE	OWNER	ADDRESS	BUILDER	LOCATION	DESCRIPTION	NEW/ ADD	LOT AREA Ha	FLOOR AREA	EST. VALUE
028/ 2008	1/03/2008	AUSTRALIA POST	LEVEL 2, 1 CAMBRIDGE STREET WEST LEEDERVILLE	DEVLYN CONSTRUCTION	LOT 227 (89) COOLIBAH DRIVE KUNUNURRA	SHOP FIT-OUT INTERNAL REFURBISHMENT	ADD	0.1936	EXIST	\$300,000.00
029/ 2008	3/03/2008	MARK DAVEY	PO BOX 575 KUNUNURRA	MARK DAVEY	LOT 131 WHIMBREL ROAD KUNUNURRA	SINGLE DWELLING	NEW	0.2002	680	\$275,000.00
030/ 2008	10/03/2008	DENNIS RIPPS	PO BOX KUNUNURRA	DENNIS RIPPS	LOT 1824 BOSSEA STREET KUNUNURRA	SHED and CARPORT	NEW			\$20,000.00
031/ 2008	11/03/2008	ROBIN DRENDEL subleased to GEOSCIENCE AUSTRALIA	HINDMARSH DRIVE SYMONSTON ACT 2609	VUKISK & BORRICH	LOC 651 MULLIGANS LAGOON ROAD KUNUNURRA	TSUNAMI WARNING STATION SHED	NEW		3.24	\$100,000.00
032/ 2008	16/03/2008	PHILLIP FLICK & KYM SLYNN	PO BOX 1364 KUNUNURRA	PHILLIP FLICK & KYM SLYNN	LOT 452 CROSSING FALLS ROAD KUNUNURRA	TRANSPORTABLE ACCOMMODATION & BALCONY ADDITION TO EXISTING SHED	NEW	1.5757	70	\$5,000.00
033/ 2008	16/03/2008	SARAH BRETT	PO BOX 339 KUNUNURRA	BRUCE CAREY	LOT 306 (10) LEICHHARDT STREET KUNUNURRA	EXTENSION TO EXISTING VETERINARY CLINIC	ADD			\$140,000.00
034/ 2008	18/03/2008	KALDOR PTY LTD	PO BOX 913 KUNUNURRA	KALDOR PTY LTD	LOT 145 WHIMBREL ROAD KUNUNURRA	GAMES ROOM	ADD		112	\$83,000.00

035/ 2008	28/03/2008	PETER & JORDIE ROCK	PO BOX 1265 KUNUNURRA	PETER & JORDIE ROCK	LOT 1659 (16) EUGENIA STREET KUNUNURRA	VERANDAH EXTENSION TO EXISTING	NEW	0.0813	24	\$10,000.00
036/ 2008	31/03/2008	DEPARTMENT OF HOUSING & WORKS	99 PLAIN STREET EAST PERTH	COLIN WILKINSON DEVELOPMENTS	LOT 169 (48) HIBISCUS DRIVE KUNUNURRA	GROUP DWELLING (DUPLEX)	NEW	0.1039		\$532,180.00
										<b>\$1,465,180.00</b>

**THERE WERE NO DEMOLITION LICENCES ISSUED UNDER DELEGATED AUTHORITY – 1 – 31 MARCH 2008**

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

**TOWN PLANNING DELEGATED AUTHORITY APPROVALS - 2 March 2008 to 7 April 2008**

Application / Delegation Number	Approval Type	Date Received	Applicant	Owner	Property Address	Proposed Dev't	Assess't Number	Approval Date
02/08	P	16-Jan-08	Sherie Lethbridge	Sherie Lethbridge	Lot 438, Old Darwin Road	Shed	3021	13-Feb-08
03/08	IP	17-Jan-08	Tom Vickers	Tom Vickers	Lot 6, Weaber Plains road	New Dwelling & existing converted to caretakers	1983	13-Feb-08
06/08	P	25-Jan-08	Valda Woodward	John & Valda Woodward	Lot 128 Whimberal Rd	New shed & Carport	5762	13-Feb-08
10/08	P	19-Feb-08	Lars Moir (Ritzcorp Investments )	Ritzcorp Pty Ltd	Lot 2429, Coolibah Drive	Extension to dentist / medical practice	5836	21-Feb-08

95/07	P Devt	06-Dec-07	Stephen Kidd	Ri-Con	Lot 100, Riverfig St	Commercial & residential	5486	07-Mar-08
13/08	P	26-Feb-08	FE & WH Mills	FE & WH Mills	Lot 631 Crossing Falls Road	Studio	5992	18-Mar-08
18/08	P	31-Mar-08	Kaldor Ltd	Kaldor Ltd	Lot 145, Weaber Plain Road	Games Room	6031	31-Mar-08
07/08	AA	21-Jan-08	Maglion Enterprises Pty Ltd	Mark Graham & Matt Roberts	Lot 262, 67, Riverfig Ave	4 x group dwellings	1281	02-Apr-08

**NOTE: Table includes a number of delegated approvals for February not reported at March 18 meeting**

#### **COMMUNITY SERVICES DELEGATED AUTHORITY APPROVALS 3 JULY 2007 – 4 MARCH 2008**

<b>Date</b>	<b>Organisation</b>	<b>Project</b>	<b>Amount</b>
3-Jul-07	Country Medical Foundation	Scholarships	\$500.00
4-Jul-07	East Kimberley Job Pathways	Hip Hop Workshops	\$500.00
26-Jul-07	Wyndham Picture Gardens	Repainting screen	\$500.00
23-Aug-07	Jordie Rock	Pink Ribbon Breast Cancer Awareness	\$500.00
16-Oct-07	Garnduwa Amboorny Wirnan Inc	Softball Carnivals for Schools EK	\$500.00
25-Feb-08	Kununurra Neighbourhood House	2008 International Women's Day	\$500.00
27-Feb-08	Youthcare Kununurra	Basketball Program - Term 2	\$400.00
4-Mar-08	WA Police Legacy	Gibb River Road Mountain Bike Challenge	\$500.00

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### 12.5.3 Representation at the Ord Valley Muster Sponsors Event

<b>DATE:</b>	15 April 2008
<b>PROPONENT:</b>	Argyle Diamonds Ord Valley Muster
<b>LOCATION:</b>	The Kimberley Grande, Kununurra
<b>AUTHOR:</b>	Peter Stubbs, Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	34.14.16
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to consider its representation at the Sponsors Cocktail event, for the 2008 Argyle Diamonds Ord Valley Muster to be held 6pm Friday 16 May at The Kimberley Grande, Kununurra.

#### **BACKGROUND**

The Sponsors Cocktail event associated with the Kimberley Moon Experience, and the Muster program is a major event on the social calendar of the East Kimberley region.

As a sponsor of the 2008 Argyle Diamonds Ord Valley Muster, Council is offered 8 complimentary tickets to the Sponsors Cocktail event.

#### **STATUTORY IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

Council's sponsorship of the 2008 Argyle Diamonds Ord Valley Muster program is \$10,000 cash and \$10,000 in kind support.

#### **STRATEGIC IMPLICATIONS**

The Cocktail event is a networking opportunity for Council.

#### **COMMUNITY CONSULTATION**

Nil

#### **COMMENT**

Nil

**ATTACHMENTS**

Nil

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

That Council nominate the following eight people to represent Council at the Sponsors Cocktail event, for the 2008 Argyle Diamonds Ord Valley Muster to be held 6pm Friday 16 May at the Kimberley Grande, Kununurra:

- 1.....
- 2.....
- 3.....
- 4.....
- 5.....
- 6.....
- 7.....
- 8.....

**COUNCIL DECISION**

Minute No. 8174

Move: Cr D Ausburn

Seconded: Cr F Mills

*That Council nominate the following eight people to represent Council at the Sponsors Cocktail event, for the 2008 Argyle Diamonds Ord Valley Muster to be held 6pm Friday 16 May at the Kimberley Grande, Kununurra:*

- 1. Cr M Pucci**
- 2. Cr R Addis**
- 3. Cr J Parker**
- 4. Cr K Wright**
- 5. Cr J Moulden**
- 6. Cr P Caley**
- 7. Mr P Stubbs**
- 8. The President will allocate this last ticket**

**Carried Unanimously: 9/0**

#### 12.5.4 Representation at the Sandalwood Conference 13-15 May 2008

<b>DATE:</b>	15 April 2008
<b>PROPONENT:</b>	Tropical Forestry Services
<b>LOCATION:</b>	Kununurra
<b>AUTHOR:</b>	Peter Stubbs, Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	60.03.01
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to consider its potential representation at the Sandalwood Conference to be held in Kununurra, 13 - 15 May 2008.

#### **BACKGROUND**

The Sandalwood Conference is being coordinated and hosted by Tropical Forestry Services (TFS), one of the major sandalwood companies operating and investing in the East Kimberley region.

Sandalwood is now the dominant landuse of terms of irrigated agricultural and is set for further expansion. Reportedly, plantations of sandalwood in the region are the largest such plantations in the world at this time.

TFS have forecast their intent to establish a processing plant for sandalwood oil commencing in 2010.

The Conference program is attached.

Council has budgeted \$5,000 sponsorship for the event, given the emerging importance of the sandalwood industry to the region and the international exposure the event may attract to the region.

In return for the sponsorship TFS are offering Council:

- Invitation for two (2) representatives to attend the whole conference at no charge, plus an additional invitation for the Shire President, Cr Michele Pucci to attend the whole conference at no charge.
- Invitation for Six (6) representatives in total to attend the welcome Cocktail Function.

Any further councillors wishing to attend the conference are invited to receive 50% discount on the registration fee (making it \$600 each, instead of \$1,200 each).

The CEO has registered/paid attendance for the Conference.

#### **STATUTORY IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Council adopted as part its 2007/08 a \$5,000 sponsorship of the Sandalwood Conference in view of the emerging importance of the industry and the wider interest the conference might attract in the region.

Cost per delegate to participate in the Conference is \$1,200. Council has been extended an offer of 2 complimentary registrations and a 50% discount on the registration fee for further participants.

Cost per social function only is \$285. An invitation has been extended for 6 complimentary guests to attend the welcome Cocktail Function.

**STRATEGIC IMPLICATIONS**

As one of the leading agricultural pursuits in the region and with the potential for value adding in the short term, it is considered strategic for Council to have some representation through the Conference.

**COMMUNITY CONSULTATION**

Nil

**COMMENT**

Nil

**ATTACHMENTS**

Conference Program

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

1. That given the emerging importance of the sandalwood industry in the region, Council nominates Cr\_\_\_\_\_ and Cr\_\_\_\_\_ to participate in the Sandalwood Conference to be held Kununurra on 13 - 15 May 2008.
2. That given the emerging importance of the sandalwood industry in the region, Council nominates the following 6 people to participate in the welcome Cocktail Function for the Sandalwood Conference to be held Kununurra on the 13 - 15 May 2008:
  - 1.....
  - 2.....
  - 3.....
  - 4.....
  - 5.....
  - 6.....

## **COUNCIL DECISION**

Minute No. 8175

Move: Cr M Pucci

Seconded: Cr D Ausburn

1. *That given the emerging importance of the sandalwood industry in the region, Council nominates Cr J Moulden and Cr P Caley to participate in the Sandalwood Conference to be held Kununurra on 13 - 15 May 2008.*
2. *That given the emerging importance of the sandalwood industry in the region, Council nominates the following 6 people to participate in the welcome Cocktail Function for the Sandalwood Conference to be held Kununurra on the 13 - 15 May 2008:*
  1. *Cr Pucci*
  2. *Cr Wright*
  3. *Mr Peter Stubbs*
  4. *Cr R Addis**and the Shire President will allocate the last two tickets.*

**Carried Unanimously: 9/0**

# Revolutionising the Global Indian Sandalwood Supply

Creating a sustainable supply of Indian Sandalwood oil & wood



**SANDALWOOD CONFERENCE 2008**  
The Kimberley Grande, Kununurra, Western Australia  
13 to 15 May 2008



Photo: Part of the 1200 hectares of TFS Indian Sandalwood plantation

By creating a sustainable, ethical and environmentally-responsible supply of Indian Sandalwood (*Santalum album*), the plantation-grown Indian Sandalwood industry is revolutionising the global Sandalwood market.

Hosted by industry pioneer TFS Corporation, this conference aims to showcase the features of Western Australia's plantation-grown Indian Sandalwood industry, and highlight the industry potential to bring stability to the supply of high quality *Santalum album* oil in large commercial quantities.

## INVITED GUEST SPEAKERS INCLUDE:

- Minister for Regional Development, the Kimberley, Pilbara and the Gascoyne, the Honorable Jon Ford MLC
- Eminent global experts in Sandalwood – Mr Anantha Padmanabha and Mr Peter Kimber
- A range of Indigenous speakers
- Australian Test Cricketer Adam Gilchrist

## WHY SHOULD YOU ATTEND THE CONFERENCE?

Anyone involved with the use of Sandalwood oil and wood or the Sandalwood industry will find this Conference very useful as we tell the story of *Santalum album* in Western Australia, its future, how it can help you, investment in the industry and how you can access it.

There will be a range of topics covered, including

### Growing *Santalum album* in plantation

- Results of research and testing of *Santalum album* in plantation (Santalol levels, yields, testing to date, harvest times, future scientific trials to support claims)
- Improving the product by tree breeding
- Research presentations – Australian and overseas, including genetics, heartwood development, siccicultural techniques
- Clean and green Sandalwood – environmental standards and initiatives



SUSTAINABLE • ENVIRONMENTALLY RESPONSIBLE  
ETHICAL • SOCIALLY RESPONSIBLE

Presented by





#### Market reports and sustainable development

- Comparison of the composition of plantation-grown *Santalum album* oil to *Santalum album* oil grown in the wild by a leading Australian scientist in olfactory chemistry
- Overview of the international fragrance market
- Removing the risk: creating a reliable supply, setting standards & meeting customer needs
- The use of naturals in fragrance and the growth in this sector

#### Indigenous involvement and regional development

- Planning for the future in the Sandalwood industry
- Creating a sustainable industry – community involvement, indigenous participation and environmental responsibility
- Regional development and value-adding opportunities for the industry in the Kimberley region internationally

#### Round table

- Opportunities for sustainable supplies of other ingredients – opportunities for plantation development of other endangered fragrance ingredients in the Kimberley
- Standards and quality control

#### Plantation tour

The plantation tour at the Conference includes a site visit to the TFS *Santalum album* plantations in Kununurra. These plantations include approximately 1200 hectares of established Indian Sandalwood plantation and ongoing plans to add to this, including an additional 550 hectares planned for 2008.

You will also visit the seed orchard and nursery to see how the plantations are established and the quality and commitment to the sustainability of the industry.

A trade show will also accompany the Conference. This will feature stands from growers, stakeholders in the industry and Government.

#### KUNUNURRA

Kununurra, the location for the Conference, is an untamed and adventurous gateway to some of Western Australia's remarkable natural attractions. Red soil, wide open blue skies and rugged bush scenery create a landscape you will never forget. It is the heart of a community supported by agriculture, tourism and mining industries. The landscape features gorges, waterfalls and cattle stations the size of small European countries.

The attractions include scenic flights over the area, boat cruises on the Ord River, Lake Argyle and Lake Kununurra and

four wheel drive tours to nationally and internationally acclaimed attractions like the Bungle Bungle, Mitchell Falls, Argyle Diamond Mine and the Gibb River Road.

This is the heart land of the Miriuwung Gajerrong people who are the traditional owners of this land and have maintained their existence to their culture and land for thousands of years.



#### WHO SHOULD ATTEND THE CONFERENCE?

- Perfume companies
- Essential oils and fragrance companies
- Producers of products containing Sandalwood oil and timber products
- Producers of Sandalwood oil
- Merchants and buyers
- Growers of Sandalwood
- Government
- Researchers

To showcase the stunning environment, culture and community of the Kimberley, the conference will be held during the Ord Valley Muster, a regional festival that attracts national dignitaries and entertainers. TFS is a proud sponsor of the Ord Valley Muster alongside companies from other leading regional industries including diamonds and pearls.

Further information on the Muster is available at <http://www.ordvalleymuster.com/MusterIndex.htm>

#### REGISTER NOW

To register to attend the Sandalwood Conference 2008, please complete the registration form and send it to the conference coordinator (details below).

**Andree McIntyre** -  
Conference Coordinator  
Telephone: (61 8) 9386 9155  
Mobile: 0417 187 025  
Facsimile: (61 8) 9386 9255  
Email: [andree@tfsitd.com.au](mailto:andree@tfsitd.com.au)  
PO Box 228  
Claremont WA 6910

**Danae Christensen** -  
Research Officer  
Telephone: (61 8) 9221 9466  
Facsimile: (61 8) 9221 9477  
Email: [danae@tfsitd.com.au](mailto:danae@tfsitd.com.au)  
Sandalwood House,  
254 Adelaide Terrace  
Perth WA 6000



## CONFERENCE FORMAT

TUESDAY 13 MAY 2008

### SESSION 1 – GROWING *SANTALUM ALBUM* IN PLANTATIONS

**Chairperson** - Mr Peter Kimber, Expert Forestry Consultant

TIME	SPEAKER	TOPIC
1.00pm		Official opening of conference and indigenous welcome to country
1.30pm	Chris Done - Senior Forester, TFS and past Regional Manager Kimberley, CALM	Summary of research and investigations leading to successful <i>Santalum album</i> plantations and plantation status reports on TFS
2.00pm	Research speakers - Anantha Padmanabha - Forestry Consultant, India - Dr Tony Page - Agroforestry and Novel Crops Unit, James Cook University and Editor, Sandalwood Research Newsletter	Research presentations - Australian and overseas, including genetics, heartwood development, siccultural techniques
3.10pm	Break	
3.30pm	Australian Speaker	Results of research and testing performed on plantation-grown <i>Santalum album</i> (Santalol levels, yields, testing to date, harvest times, future scientific trials to support claims), host selection.
4.10pm	Anna Price - Manager and Environmental Engineer, Brolgas Environment	Water conservation
4.50pm	Michael Spencer - CEO, Forest Stewardship Council Australia (FSC)	Environmental standards and initiatives, clean and green plantation management
5.25pm	Conclude	

- Indigenous art exhibition - by local Regional Art Gallery and presentation by Artist representative
- Trade show exhibition
- Welcome Cocktail Party - delegates and partners

### WEDNESDAY 14 MAY 2008

- **Business breakfast - Keynote speaker** - Adam Gilchrist - Australian Cricketer and investor in Indian Sandalwood (subject to availability)

### SESSION 2 – MARKET

**Chairperson** - Tim Croot - Chia Plantation Management Services, Kununurra and Director, TFS

TIME	SPEAKER	TOPIC
9.45am	Australian Speaker	Comparison study on plantation grown versus wild <i>Santalum album</i> oil (testing and distillation)
10.25am	International Speaker	An overview of the fragrance market
10.55am	Georges Ferrando - Managing Director, Albert Vieille, France	<i>Santalum album</i> as a superior and enduring ingredient (perfumery, attar, incense, religious)
11.25am	Australian Speaker	The use of naturals in fragrance: the unabated growth in the naturals sector
11.55am	Alexandre Choueiri - General Manager, Designer and Specialty Brands, L'Oréal Luxury Products Division, Australia	Sustainable development in the growth and processing of fragrance materials - operating responsibly in a globalised economy
12.25pm	Lunch break	

### SESSION 3 – ROUND TABLE

TIME	SPEAKER	TOPIC
1.15pm	Panel to include an academic, researcher, TFS representative and essential oil company	Round table - standards, quality control, and the potential for other fragrance crops in the Kimberley
2.30pm	Sessions conclude	

### FOOTBALL

TIME	EVENT	DETAILS
3.00pm	Bus pick up	Bus transport from Hotel
3.30pm	Football game	Scratch Match of Australian Rules football by the indigenous players from Clontarf East Kimberley Football Academy
4.30pm	Bus pick up	Bus transport back to Hotel

- Indigenous art exhibition - by local Regional Art Gallery
- Trade show exhibition
- Evening - casual BBQ

### THURSDAY 15 MAY 2008

### SESSION 4 – PLANTATION TOURS

TIME	SPEAKER	TOPIC
9.00am	Buses leave	
9.15am	Malcom Baker - General Manager Forestry Operations, TFS	Overview of plantations and site visit for the day and resource issues - working in a remote location and managing a project of this scale - the need to develop infrastructure
9.45am	Break	
10.05am		Plantation and nursery tours
12.15pm	Lunch	Lunch served at Hotel

### SESSION 5 – SUSTAINABLE DEVELOPMENT – INDIGENOUS INVOLVEMENT AND REGIONAL DEVELOPMENT

**Chairperson** - Hon Tom Stephens MLA - Member for Central Kimberley-Pilbara

TIME	SPEAKER	TOPIC
1.15pm	Frank Wilson - Executive Chairman, TFS	How can the Santalum album industry grow sustainably to meet the untapped world demand? Planning for the future in the Sandalwood industry
1.45pm	Hon Jon Ford MLC - Minister for Regional Development, the Kimberley, Pilbara and the Gascoyne	Regional development and the export potential of Sandalwood in the region
2.30pm	Edna O'Malley - Chairperson, MG Corporation	About the Kimberley's indigenous population. Sharing the success of the Indian Sandalwood industry with the region's indigenous population
3.00pm	Nick McCabe - Indigenous Employment Manager, TFS	Indigenous employment programs - Objectives and proposed outcomes
3.30pm	Break	
3.50pm	Hon Carol Martin MLA - Member for Kimberley, Australian Labor Party	Regional development and value-adding opportunities for the industry in the Kimberley region internationally
4.20pm	David Francis - Director East Kimberley Football Academy, Clontarf Foundation	Community development and indigenous programs
4.40pm	Tim Croot - Chia Plantation Management Services, Kununurra and Director, TFS	Review and recap
5.10pm	Conclude	

- Indigenous art exhibition - by local Regional Art Gallery
- Trade show exhibition
- Closing dinner

#### HELPFUL WEBSITES

**Kununurra Visitor Centre** – [www.kununurraourism.com](http://www.kununurraourism.com)

**Kimberley Development Commission** – [www.kimberley.wa.gov.au](http://www.kimberley.wa.gov.au)

**North West Tourism** – [www.kimberleytourism.com/kununurra.htm](http://www.kimberleytourism.com/kununurra.htm)

**Tourism Western Australia** – [www.westmaustralia.com](http://www.westmaustralia.com)  
(go to Destinations, Kununurra)

**Conservation and Land Management (National Parks)** – [www.calm.wa.gov.au/national\\_parks](http://www.calm.wa.gov.au/national_parks)

**MG Corporation** – [www.yawoorroongmgcorp.com.au](http://www.yawoorroongmgcorp.com.au)

#### SUPPORTERS



For further information [www.tfsitd.com.au](http://www.tfsitd.com.au)

This brochure has been printed on recycled Australian paper.

### 12.5.5 Inpex Invitation – Kimberley Local Government Maret Islands Site Visit

<b>DATE:</b>	15 April 2008
<b>PROPONENT:</b>	INPEX
<b>LOCATION:</b>	Maret Islands
<b>AUTHOR:</b>	Peter Stubbs, Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	41.13.03
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to consider an offer by INPEX to participate in a site visit for Kimberley Local Government representatives to the Maret Islands on Monday 19 May 2008.

#### **BACKGROUND**

The INPEX company has a stated preference to the use the Maret Islands off the North East Kimberley coast as a liquid natural gas processing site and it is working with Governments and stakeholders to progress that aim.

Issues around the potential development of the Browse Gas fields off the Kimberley coast are well documented and covered in the broader media. Of interest will be that the Kimberley Land Council (KLC) Director, Wayne Bergman, will be addressing the National Press Club in Canberra, 30 April 2008 in the KLC views about this.

The offer by INPEX to take representatives from the Kimberley local Governments follows the November 2007, Kimberley Zone meeting held in Darwin when local governments' representatives advised INPEX they would like first hand experience of the Islands. INPEX have invited two representatives from each of the four Kimberley Local Governments to participate in the tour to the Islands. The tour would depart and return on the same day.

The Maret Islands are only accessible by boat or helicopter.

#### **STATUTORY IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

Development of the Browse Gas fields is perhaps the most strategic initiative for the Kimberley region. Council has considered this matter regularly and has the adopted the following position:

*Minute No. 7922*

*Moved: Cr K. Wright*

*Seconded: Cr J. Buchanan*

- 1. That Council advise the State and Commonwealth Governments and Resource Companies with interests in the Browse Basin oil and gas reserves that, in the interest of building the capacity of the Kimberley region, and to ensure flow on benefits to the Kimberley, and in keeping with benchmarks already established by Rio Tinto (Argyle Diamond Mine), that commitments to regionally based employment of 80% be made.*
- 2. That in keeping with the State Governments 2004 commitment to the Pilbara region to improve the regions capacity to support people, given the very significant resource projects occurring there, and the similar scale of resource projects expected in the Kimberley region through the Browse Basin development, Council request the State Government to establish a \$50M/year Kimberley Fund for 10 years to advance this region through the additional royalties the State will receive.*
- 3. That this item be referred to the Kimberley Zone for Local Government.*
- 4. That the Kimberley Zone for Local Government be requested to invite INPEX representatives, the Minister for State Development, and Commonwealth Minister for Industry tourism and Resources to the November 2007 Zone Meeting to discuss the requested commitment to 80% regionally based employment for resource projects in the Kimberley region*

*Carried Unanimously 6/0*

## **COMMUNITY CONSULTATION**

Public consultations on the Browse Basin issues are being managed through the State Governments Northern Development Taskforce.

Individual companies with gas leases conducted their own public consultation.

## **COMMENT**

Nil

## **ATTACHMENTS**

Nil

## **VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

That Council nominate Cr \_\_\_\_\_ and Cr \_\_\_\_\_ to participate in the tour of the Maret Islands, with the INPEX company.

**COUNCIL DECISION**

Minute No. 8176

Move: Cr R Addis

Seconded: Cr P Caley

*That Council nominate Cr M Pucci and Cr J Moulden to participate in the tour of the Maret Islands, with the INPEX company.*

**Carried Unanimously: 9/0**

### 12.5.6 Contribution to Investigative Drilling – Alternative Bore Field Investigations

<b>DATE:</b>	15 April 2008
<b>PROPONENT:</b>	Landcorp
<b>LOCATION:</b>	Kununurra
<b>AUTHOR:</b>	Peter Stubbs, Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	43.04.11
<b>ASSESSMENT NO:</b>	N/A

*Cr Michele Pucci declared a Financial Interest in Item 12.5.6 Contribution to Investigative Drilling because her partner is employed by the Water Corporation.*

*Cr M Pucci left the meeting and Cr R Addis took the chair at 7:44pm.*

#### **PURPOSE**

For Council to consider a request by Landcorp to contribute to investigative drilling to determine an alternative bore field for the Kununurra townsite so that urban development of King Location 715 maybe possible in the future.

#### **BACKGROUND**

1. Councillors considered this matter informally at their Briefing Session on 1 April 2008.
2. Both Council and Landcorp have in the past expressed interest in longer term urban development within parts of Location 715, because of its proximity the town centre, and Lake Kununurra.
3. The Lake Kununurra Foreshore Plan adopted by Council provides for eventual urban development in the eastern portion in part Location 715.
4. This location is however a P1 water protection gazetted area, because it contains the town of Kununurra's bore field.
5. The Department of Water have investigated other potential potable water sources. But concluded they were all too difficult or costly to replace the current bore field and thereby allow development.
6. Council has been suggesting a possible alternative aquifer may exist south of Lake Kununurra. This location is a Reserve vested jointly to the Miriuwung Gajerrong Corporation and the Department of Conservation and Environment (DEC). DEC is prepared to allow investigative drilling to prove this up. MG Corporation is yet to provide formal support for that.
7. The Water Corporation have agreed to cooperate with an investigation drilling program as along as it does not cost them, and it complies to their methodology and standards.
8. Landcorp are attempting to broker and implement to investigation drilling program as indicated in the attached correspondence.



### **STATUTORY IMPLICATIONS**

Nil

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Up to \$100,000 based on Landcorp's suggestion.

### **STRATEGIC IMPLICATIONS**

The potential to develop part of Location 715 as per the Lake Kununurra Foreshore Plan is considered strategically important to the future of Kununurra as regional centre. The development option is consistent with Council's strategic aims to facilitate infrastructure and community services.

### **COMMUNITY CONSULTATION**

Possible urban development of part of King Location 715 was included in the public consultation process for the Lake Kununurra Foreshore Plan which has been adopted by Council.

### **COMMENT**

While the potential to develop part of Location 715 is seen as attractive, the development benefit would rest with the developer. As the State's developer, this could in the future be Landcorp.

Given Landcorp's mandate to both develop land for the State in the community's interest, and deliver profits to the State, it stands to reason that if Landcorp was to undertake a future development in this area the State would be a major financial beneficiary.

It is considered appropriate that the share in risk/share in the reward principle, should apply. That is, if Council is to consider a financial contribution to investigative drilling as proposed, with the aim of freeing up land for development, then it is reasonable that Council, on behalf of the community, should share in profits too.

\$300,000 for an investigative drilling program with the potential to free up this type of land is considered to be a low investment for both Landcorp and the State of Western Australia, and something to which they should allocate funds to foster regional development.

### **ATTACHMENTS**

Letters from Landcorp

### **VOTING REQUIREMENT**

Simple Majority

### **RECOMMENDATION**

That Council advise Landcorp it is prepared to contribute \$100,000 as requested to the proposed investigative drilling program to prove up an alternative bore field, to assist the release a portion of King Location 715, subject to the following conditions:

1. That a deed of agreement is signed between Landcorp and Council such that:
  - a. Council receives five residential lots or 2% of the total lot yield, whichever is greater
  - b. Council chooses the location of lots
2. The drilling program conforms to the Water Corporation standards and methodology
3. The drilling program be completed by September 2009 and the results be provided to Council within two months of completion of the program.

### **COUNCIL DECISION**

Minute No. 8177

Move: Cr J Buchanan

Seconded: Cr K Wright

***That Council advise Landcorp it is prepared to contribute \$100,000 as requested to the proposed investigative drilling program to prove up an alternative bore field, to assist the release a portion of King Location 715, subject to the following conditions:***

- 1. That a deed of agreement is signed between Landcorp and Council such that:***
  - a. Council receives 2% of the total lot yield***
  - b. Council chooses the location of lots***
- 2. The drilling program conforms to the Water Corporation standards and methodology***

- 3. *The drilling program be completed by September 2009 and the results be provided to Council within two months of completion of the program.***

**Carried Unanimously: 8/0**

***Cr M Pucci returned to the meeting and resumed chair at 7:46pm. Cr R Addis advised Cr M Pucci of the outcome of the item.***

Enquiries: S A Oosthuizen 9482 7558



Mr Jeff Gooding  
Kimberley Development Commission  
PO Box 620  
Kununurra WA 6743

Dear Jeff

**DEVELOPMENT OF KING LOCATION 715 – PROPOSED DRILLING INVESTIGATIONS**

The Shire of Wyndham East Kimberley has requested LandCorp take a lead role in undertaking drilling investigations to determine the suitability of an alternative water supply source for the town.

Should the aquifer under Packsaddle Lagoon prove suitable, this would be the first step in removing the current constraint on the development of King Location 715 of a priority 1 Water Reserve area, which aims to protect Kununurra's current public drinking water supply from contamination.

The development of King Location 715 provides a unique opportunity for Kununurra to maximise the assets of Lake Kununurra and Lily Creek Lagoon by providing urban and tourism development opportunities closer to these water bodies.

LandCorp is seeking comments from the Commission if an alternative location for a public drinking water supply to enable subsequent development of King Location 715 is considered a priority for funding in the region.

The initial drilling investigations which are estimated to cost approximately \$300,000 will identify if the preferred alternate location meets the range of requirements so as to justify additional substantial investigative activities of which the cost is yet to be determined.

LandCorp is approaching the various agencies involved to determine if they would agree to a shared cost arrangement between the Shire, themselves and LandCorp to commission the first phase of the study and any subsequent phases.

It would be appreciated if the Commission could confirm if it were prepared to contribute to such a study on a shared cost arrangement before LandCorp proceeds to discuss the approach further with the relevant agencies.



WESTERN AUSTRALIAN LAND AUTHORITY ABN 34 868 192 835  
Level 3 Wesfarmers House  
40 The Esplanade Perth Western Australia 6000  
Locked Bag 5 Perth Business Centre Perth Western Australia 6849

T (08) 9482 7499  
F (08) 9481 0861  
landcorp@landcorp.com.au  
www.landcorp.com.au

For LandCorp to progress this request from the Shire your comments in writing would be appreciated.

Yours sincerely

A handwritten signature in blue ink that reads "F. Marra". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Frank Marra  
**Acting Chief Executive Officer**

19 March 2008

Enquiries: S A Oosthuizen 9482 7558



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

Dear Peter

### **WATER SUPPLY FOR KUNUNURRA**

I refer to previous correspondence and discussions regarding the proposed investigations into an alternative water supply for Kununurra to facilitate the ultimate removal of the P1 Water Reserve over King Location 715.

LandCorp is supportive on the basis that it has the potential to provide a unique opportunity for tourism and urban development closer to the assets of Lily Creek Lagoon and Lake Kununurra.

The Department of Water and the Water Corporation have indicated that neither agency has the budget to commission initial drilling investigations which are estimated to cost approximately \$300,000. This drilling will identify if the preferred alternate location meets the range of requirements so as to justify additional substantial investigative activities of which the cost is yet to be determined.

LandCorp is approaching the various agencies involved to determine if they would agree to a shared cost arrangement between the Shire, themselves and LandCorp to commission the first phase of the study and any subsequent phases.

It would be appreciated if the Shire could confirm if it were prepared to contribute to such a study on a shared cost arrangement before LandCorp proceeds to discuss the approach further with the relevant agencies.

I look forward to receiving comment from you about the proposed approach and, in particular, advice about the Shire's ability to contribute.

Yours sincerely

A handwritten signature in blue ink that reads "Frank Marra".

Frank Marra  
**Acting Chief Executive Officer**  
19 March 2008



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www.landcorp.com.au



Enquiries: S A Oosthuizen 9482 7558

Dr J Gill  
Water Corporation  
P O Box 100  
LEEDERVILLE WA 6902

Dear Jim

### **WATER SUPPLY FOR KUNUNURRA**

The Shire of Wyndham East Kimberley has requested LandCorp take a lead role in undertaking investigations to determine the suitability of an alternative water supply source for the town.

Should an alternative water source prove suitable, this would be the first step in removing the current constraint on the development of King Location 715 of a priority 1 Water Reserve area, which aims to protect Kununurra's current public drinking water supply from contamination.

The Shire has identified the site as a high priority for development and LandCorp is supportive of the potential to develop this site as it provides a unique opportunity for tourism and urban development closer to the assets of Lily Creek Lagoon and Lake Kununurra and the amenity of the town centre.

The Shire of Wyndham has advised LandCorp that the Water Corporation is supportive of the drilling investigations. Studies to relocate the bore field were conducted in 2005 by the Department of Water (DoW), however, the site now proposed as an alternative water supply was not considered in this study.

DoW and your Department have indicated that neither agency has the budget to commission initial drilling investigations which are estimated to cost approximately \$300,000.

LandCorp has proposed to the Shire that the various agencies involved be approached to determine if they would consider a shared cost arrangement between the Shire, themselves and LandCorp to commission the first phase of the study to meet the broader regional needs.



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landcorp@landcorp.com.au  
www.landcorp.com.au

I look forward to receiving comment from you about the proposed approach and, in particular, advice about the Water Corporation's preparedness to contribute to the overall funding.

Yours sincerely

A handwritten signature in blue ink that reads "F. Marra". The signature is fluid and cursive, with a long horizontal stroke at the end.

Frank Marra  
**Acting Chief Executive Officer**

20 March 2008



Enquiries: S A Oosthuizen 9482 7558

Mr Martin Richardson  
Executive Director  
Department of Planning and Infrastructure  
Albert Facey House  
469 Wellington Street  
PERTH WA 6000

Dear Martin

### **WATER SUPPLY FOR KUNUNURRA**

The Shire of Wyndham East Kimberley has requested LandCorp to take a lead role in undertaking drilling investigations to determine the suitability of an alternative water supply source for the town.

Should the aquifer under Packsaddle Lagoon prove suitable, this would be the first step in removing the current constraint on the development of King Location 715 of a priority 1 Water Reserve area, which aims to protect Kununurra's current public drinking water supply from contamination.

The development of King Location 715 provides a unique opportunity for Kununurra to maximise the assets of Lake Kununurra and Lily Creek Lagoon by providing urban and tourism development opportunities closer to these water bodies.

LandCorp is seeking comments on the long term future planning for the area and if the location of the current drinking water supply is impacting on any future town site expansion or the identification of strategic tourism sites and if so, is the identification of an alternate site for water supply a priority to addresses this.

The initial drilling investigations which are estimated to cost approximately \$300,000 will identify if the preferred alternate location meets the range of requirements so as to justify additional substantial investigative activities of which the cost is yet to be determined.

LandCorp is approaching the various agencies involved to determine if they would agree to a shared cost arrangement between the Shire, themselves and LandCorp to commission the first phase of the study and any subsequent phases.



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landcorp@landcorp.com.au  
www.landcorp.com.au

It would be appreciated if the Department could confirm if it were prepared to contribute to such a study on a shared cost arrangement before LandCorp proceeds to discuss the approach further with the relevant agencies.

For LandCorp to progress this request from the Shire your comments in writing would be appreciated.

Yours sincerely

A handwritten signature in blue ink that reads "F. Marra". The signature is written in a cursive style with a long horizontal stroke at the end.

Frank Marra  
**Acting Chief Executive Officer**

19 March 2008

Enquiries: S A Oosthuizen 9482 7558

Mr Nigel Mantle  
Department of Water  
PO Box K822  
Perth WA 6842

Dear Nigel

#### **WATER SUPPLY FOR KUNUNARRA**

I refer to previous discussions regarding the proposed investigations into an alternative water supply for Kununurra to facilitate the ultimate removal of the P1 Water Reserve over King Location 715.

The Shire has identified the site as a high priority for development. LandCorp is supportive of the possible potential to develop this site as it may provide a unique opportunity for tourism and urban development closer to the assets of Lily Creek Lagoon and Lake Kununurra.

The Shire of Wyndham has advised LandCorp that the Water Corporation is supportive of the drilling investigations. Studies to relocate the bore field was conducted in 2005 by your Department, however the site the Shire now proposes as a alternative water supply wasn't considered in this study

Your Department and the Water Corporation have indicated that neither agency has the budget to commission drilling investigations which are estimated to cost approximately \$300,000 for the first phase and a subsequent second phase of which the cost is yet to be determined.

LandCorp has proposed to the Shire that it approaches the various agencies involved to determine if they would consider a shared cost arrangement between the Agencies, Shire and LandCorp to commission the first phase and also the second phase of the study in a whole of government approach to meet the broader Regional needs.

It would be appreciated if the Department could confirm if it was prepared to contribute to the cost of such a study before LandCorp progresses further discussions.

I look forward to receiving comment from you about the proposed approach and, in particular, advice about the Departments ability to contribute.

Yours sincerely

Ross Holt  
Chief Executive Officer

10 March 2008

### 12.5.7 Adoption of Strategic Plan – Item Withdrawn

<b>DATE:</b>	15 April 2008
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Peter Stubbs, Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	60.04.01
<b>ASSESSMENT NO:</b>	N/A

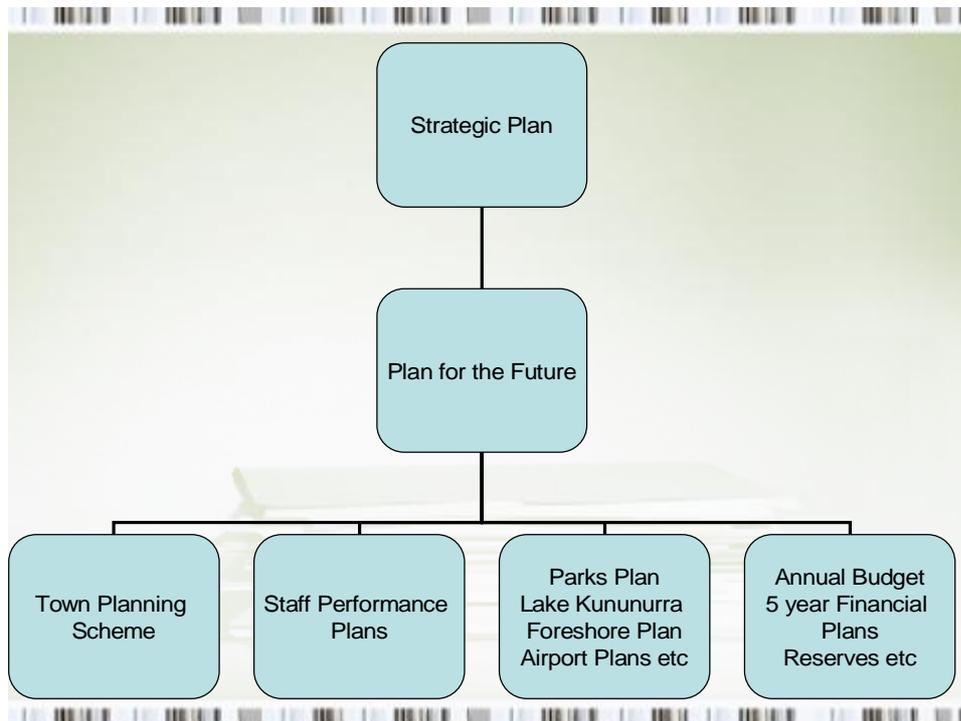
#### **PURPOSE**

For Council to consider adopting a Strategic Plan, setting a framework for its focus and work going forward

#### **BACKGROUND**

Councils 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 sin Kununurra to interact with the public on the draft plan.

## **COMMENT**

Nil

## **ATTACHMENTS**

Attachment 1: Public Comment on draft Strategic Plan  
Attachment 2: Draft Strategic Plan – separate A3 attachment

## **VOTING REQUIREMENT**

Simple Majority

## **RECOMMENDATION**

That Council adopt the draft Strategic Plan presented.

***This Item was withdrawn from the agenda.***

***Darren Spackman left the meeting at 7:48pm***

**Attachment 1: Public Comment on draft Strategic Plan**

<b>Shire of Wyndham East Kimberley</b>
<b>Strategic Plan - Public Comments</b>
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 <b>DEPEND</b> 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.

## 12.5.8 Municipal Service Delivery to Remote Indigenous Communities

<b>DATE:</b>	15 April 2008
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Peter Stubbs, Chief Executive Officer
<b>REPORTING OFFICER:</b>	Peter Stubbs, Chief Executive Officer
<b>FILE NO:</b>	60.02.04
<b>ASSESSMENT NO:</b>	N/A

### PURPOSE

For Council to consider taking a proactive approach to advancing municipal service delivery to remote indigenous communities, in the context of the Bilateral Agreement between the State and Commonwealth Governments on this issue.

### BACKGROUND

1. The Bilateral Agreement was signed between the State and Commonwealth Governments in June 2006.
2. Council became aware of it incidentally through the North East Kimberley Interagency in October 2006, and then took the matter up with the Western Australian Local Government Association (WALGA), Kimberley Shire Councils through their Zone, and the State and Commonwealth Governments.
3. The Agreement commits to normalising service delivery to remote communities by June 2008 – a date most believe is unachievable.
4. This commitment has raised the expectation of some indigenous communities and public sector officers about what is possible, both in terms of service delivery and timeframes.
5. The State Minister for Local Government issued a memorandum to Local Governments on 8 April 2008 acknowledging the June 2008 target was not achievable, but assuring that work was progressing to advance the Bilateral Agreement. The Shire has copied this memorandum to Indigenous communities in the East Kimberley.
6. The Bilateral Agreement acknowledges cost implications to Local Government in normalising services to remote indigenous communities which have previously and still are provided a variety of other State and Commonwealth agencies. The Agreement contains no details about what additional funds or how funds would be provided to Local Government to achieve normalised serviced delivery.
7. Councillors Pucci, Mills and Buchanan attended a forum on the Bilateral Agreement associated with the Kimberley Zone Meeting held 27-30 March 2008.
8. Following that forum Councillors re-considered the issue of progress or lack of it, of the Bilateral Agreement at their Briefing Session on 1 April 2008.

9. The Kimberley Zone, on the recommendation of Council, is undertaking a study of Regional Governance model for Regional Municipal Service delivery to remote indigenous communities. When this decision was made it appeared that unless the Zone initiated this it was a model that may be overlooked. The State and Commonwealth Governments are funding this study \$50,000 each. Funding was only confirmed in late 2007.
10. The Local Government Managers Association convened a conference in Perth on 5-7 December 2007 seeking to progress issues related the Bilateral Agreement. The Shire President, the CEO and Executive Manager for Community Services attended that conference. The State Minister fro Local Government announced at the conference that an inquiry led by the Local Government Advisory Board would be established to review how to advance the Bilateral Agreement. The call for submissions to the Inquiry was advertised on 13 March 2008. Terms of Reference for that inquiry are attached.
11. It is understood there are somewhere between 6 and 10 Government Committees working on the Bilateral Agreement. Senior Public Sector Officers make up these Committees. Local Government has had to work hard to be represented at this level, and is represented through WALGA.
12. The Kalumburu community has consistently expressed its interest in Council moving forward with service delivery to Kalumburu.

### **STATUTORY IMPLICATIONS**

Nil

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

The financial implications of Councils normalising municipal services to remote indigenous communities in the East Kimberley is unknown.

Further it is not clear what services, service standards, and to which communities service delivery is expected.

At the regional level the financial implications need to be determined in detail, or Council may end up having considerable financial risk exposure through lack of funding provided to implement the Bilateral Agreement. There is no evidence this assessment will be taken care of at the regional level.

### **STRATEGIC IMPLICATIONS**

Infrastructure and service delivery to remote indigenous communities has historically been very poor. This is well documented. The East Kimberley has a considerable proportion of its population living in these communities, and in what most people would agree as unacceptably poor living conditions by Australian standards.

It is considered of strategic importance that Council continue to try and improve this scenario.

## **COMMUNITY CONSULTATION**

The only organised consultation to have occurred is the public submission process associated with the Local Government Advisory Board inquiry. Public submission closed 4 April 2008.

Discussions have occurred periodically with the CEO of the Kalumburu community.

## **COMMENT**

The Bilateral Agreement sets up an incomplete approach to normalising remote indigenous communities.

### **Land Tenure**

It calls for normalised service delivery, but not normalised land tenure. If Governments are serious about having remote communities managed as towns then Government needs to reform land tenure. In communities, freehold title is not generally an option for people who live there. Those residents are denied that opportunity that exist in every other Australian town.

This is not a new concept. It was reported to Government in the Bonner Report of 1996, and the then Government committed to sorting this out by 2000.

The absence of the option of freehold land in communities limits the ability of residents there to convert part of their cash flow into capital over time, which exists in towns across Australia. Freehold land tenure is central to that. Remote communities have a high cash flow relative to capital. In a sense they are cash rich and capital poor. A consequence of this is intergenerational wealth that builds up and transfer between generations in most Australian communities is impeded in remote communities.

It is recommended that Council participate in service delivery to remote communities only where the State and Government reform land tenure.

### **Set up for Failure**

For approximately three decades the approach by State and Commonwealth agencies, and Community Councils themselves, to service delivery to remote communities has failed. If this was not so there would have been no need for the Bilateral Agreement.

Without a very detailed and clear financial plan and funding mechanism to support normalised service delivery, Local Government will fail too. It is not in the interest of Indigenous people, or the people of the region for Council to be set to fail on such an important issue.

For this reason it necessary that Council is resourced to undertake its own due diligence to determine the funding required, service levels needs etc.

### **Capacity of Council**

Council does not currently have the capacity to do justice to advancing the expectations of the Bilateral Agreement.

It cannot be reasonably expected of the existing Council structure and staff resource to allocate the time needed to make this work.

At a minimum, an Executive Manager Senior Officer and a Support Officer is considered necessary to liaise with communities and do the work to determine the service delivery standards needed/expected, work out how to achieve this, and the costs of doing it. The cost for this for 1 year would be in the order of \$240,000.

It is recommended that Council request the State and Commonwealth to fund this, so that at the regional level a serious attempt can be made to advancing the Bilateral.

It is expected that both levels of Government will decline such a request, and suggest that a wait and see approach be adopted while all the other Committee/Review process do their thing and allow Governments to consider the results of those.

Staff have little faith in that approach, because of the difficulty Local Government has had to engage in the Bilateral process to date, and the lack of anything useful or substantial coming out of these processes so far in the past 18 months.

### **ATTACHMENTS**

Attachment 1: Ministerial advice Circular No 02-2008

Attachment 2: Terms of Reference for the Local Government Advisory Board Inquiry

### **VOTING REQUIREMENT**

Simple Majority

### **RECOMMENDATION 1**

That Council participate in service delivery to remote communities only where the State and Government reform land tenure, and make freehold land ownership an achievable option for people living in remote communities.

### **COUNCIL DECISION**

Minute No. 8178

Move: Cr J Parker

Seconded: Cr D Ausburn

***That Council participate in service delivery to remote communities only where the State and Government reform land tenure, and make freehold land ownership an achievable option for people living in remote communities.***

Carried: 8/1

***Cr K Wright request the votes be recorded.***

***For: Cr J Parker, Cr D Ausburn, Cr M Pucci, Cr J Buchanan, Cr K Wright, Cr J***

***Moulden, Cr P Caley and Cr F Mills***

***Against: Cr R Addis***

### **RECOMMENDATION 2**

That Council recommend to the State and Commonwealth Governments that given:

- a. the protracted processes operating and seeking to advance the Bilateral Agreement and normalised service delivery to remote indigenous communities,
- b. the inability of Council to advance the expectations of the Bilateral Agreement with its existing resources,

that the Governments allocate \$240,000 to Council to work out at the regional level how the expectations of the Bilateral Agreement service delivery might be achieved in the East Kimberley.

**COUNCIL DECISION**

**Minute No. 8179**

**Move: Cr J Parker**

**Seconded: Cr D Ausburn**

***That Council recommend to the State and Commonwealth Governments that given:***

- c. the protracted processes operating and seeking to advance the Bilateral Agreement and normalised service delivery to remote indigenous communities,***
- d. the inability of Council to advance the expectations of the Bilateral Agreement with its existing resources,***

***that the Governments allocate \$240,000 to Council to work out at the regional level how the expectations of the Bilateral Agreement service delivery might be achieved in the East Kimberley.***

**Carried Unanimously: 9/0**

***Kelly Fewster left the meeting at 8:01pm.***

***Alex Douglas returned to the meeting at 8:03pm.***



CC - C's, M...  
Indigenous Communities

MINISTER FOR LOCAL GOVERNMENT; RACING AND GAMING; MULTICULTURAL INTERESTS AND CITIZENSHIP; GOVERNMENT ENTERPRISES; MINISTER ASSISTING THE MINISTER FOR PLANNING AND INFRASTRUCTURE; GOLDFIELDS-ESPERANCE; YOUTH

Our ref: 01-020006

TO ALL MAYORS AND PRESIDENTS

CIRCULAR N<sup>o</sup> 02-2008

**BILATERAL AGREEMENT ON INDIGENOUS AFFAIRS – DELIVERY OF MUNICIPAL SERVICES TO REMOTE COMMUNITIES**

A number of local governments have raised concerns with me about the implementation of the Bilateral Agreement and the prospect of being able to deliver services to Indigenous communities by 30 June 2008.

The Bilateral Agreement committed the parties to work towards the potential transfer of responsibilities by 30 June 2008; however the actual hand-over of functions was contingent upon reaching agreement on future funding arrangements. The Agreement also specifically acknowledged that this will require the development of measures to augment the revenue of local governments.

So far, while a lot of constructive work has occurred, the required agreement on funding has not been achieved and is unlikely to be finalised by 30 June 2008. As a result, any transfer of responsibilities to local governments will, in all likelihood, occur after that date.

I can advise that the Minister for Indigenous Affairs, Hon Michelle Roberts, has recently written to her Federal counterpart (Minister for Families, Housing, Community Services and Indigenous Affairs) seeking endorsement for a progressive implementation of the Bilateral Agreement after 30 June 2008 in recognition of the complex policy and financial issues involved. I will ensure that the sector is kept informed of and has input to developments in this area, particularly any revised implementation timetable for the transfer of functions that may be agreed.

In the meantime, Minister Roberts has also advised that the Commonwealth's traditional Municipal Services Program is far broader than would be delivered by a local government in this State. The Commonwealth's program included three components, namely:

1. Essential services, such as power, water and wastewater and diesel fuel.
2. Services usually provided by local government, such as road maintenance, aerodromes, community facilities and waste disposal; and
3. Community administration which includes staff, office and vehicle operating costs.

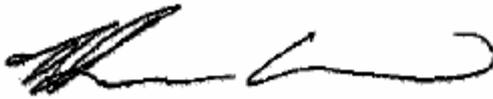
12th Floor, Dumas House, 2 Havelock Street, West Perth, Western Australia 6005

The provision of essential services in mainstream communities is generally a State responsibility and discussions are underway to ensure that appropriate State agencies are engaged in the Bilateral process. Further work is required to determine future responsibility for supporting community administration as neither State nor local governments have had a major funding role in this area.

Nevertheless, the Local Government Advisory Board's present Inquiry into Local Government Service Delivery to Indigenous Communities will help inform the discussion on the types of services that may be appropriate for local governments to deliver. It will also provide important information on the financial and other implications to be considered in negotiating the required agreement on future funding arrangements. The Inquiry is due to report in May 2008 and I would encourage all affected local governments to participate in the process.

Finally, I can advise that the Commonwealth and State Governments are also committed to reforming the management of community housing in remote communities through the application of public housing standards and land tenure reforms to promote home ownership. This will help in the longer term to create an increased rate base for many remote shires.

I trust this information will help alleviate some of the concerns and doubts being experienced by local government about the process.



**Hon Ljiljana Ravlich MLC**  
Minister for Local Government; Racing and Gaming;  
Multicultural Interests and Citizenship; Government Enterprises;  
Minister Assisting the Minister for Planning and Infrastructure;  
Goldfields-Esperance; Youth

7 APR 2008



Department of Local Government and Regional Development  
Government of Western Australia

## INFORMATION PAPER

### INQUIRY INTO LOCAL GOVERNMENT SERVICE DELIVERY TO INDIGENOUS COMMUNITIES

This document is prepared by the Local Government Advisory Board and is intended as a guide to the range of issues to be considered as part of its inquiry

The Commonwealth and State Governments signed the *Bilateral Agreement on Indigenous Affairs* in July 2006. Its purpose is to improve and streamline government services to Indigenous people by having one level of service delivery to Indigenous communities.

In order to progress the Bilateral Agreement the Minister for Local Government, the Hon Ljiljanna Ravlich MLC, announced on the 5<sup>th</sup> of December 2007 that an inquiry would be held into local government service delivery to Indigenous communities in Western Australia.

The Local Government Advisory Board (the Board) will conduct the Inquiry under Section 2.45 (c) of the *Local Government Act 1995*. The outcome of the Inquiry will have a significant impact on the provision of local government service delivery to and representation of Indigenous communities.

#### TERMS OF REFERENCE

The Terms of Reference for the Inquiry are as follows:

- The core services that local governments should provide to agreed categories of Indigenous communities;
- The legislative and financial impediments to local government providing services to discrete Indigenous communities;
- The potential for local governments to deliver services, including essential services to Indigenous communities through regional councils and other contractual arrangements;
- The Commonwealth/State funding arrangements that should be negotiated to implement reforms to local government service provision;

- Accountability arrangements and issues of tied funding versus untied funding;
- How the participation by Indigenous persons in local government can facilitate service delivery; and
- The role of local governments in relation to Indigenous community governance.

### THE LOCAL GOVERNMENT ADVISORY BOARD

The Local Government Advisory Board is a statutory body established under section 2.44 of the *Local Government Act 1995* to provide advice to the Minister for Local Government on local government matters.

The current membership of the Board is:

<b>Chair:</b>	Cr Helen Dullard
<b>Council Representatives:</b>	Mayor Paddi Creevey Cr Michael Albert (Deputy)
	Mayor Ron Yuryevich Cr Moira Girando (Deputy)
<b>Local Government CEO Representative:</b>	Mr Eric Lumsden Ms Joanne Trezona (Deputy)
<b>Department of Local Government And Regional Development:</b>	Mr Quentin Harrington Mr Tim Fowler (Deputy)

The Board has engaged the services of Mr John Thurtell, Mr Eamonn Thackaberry and Mr Mike Collins to assist with the Inquiry. They will be consulting with relevant local governments, Indigenous communities and other key stakeholders.

### PUBLIC CONSULTATION

It is important that Indigenous people and communities, local governments and other interested parties participate in this Inquiry. The Inquiry will make recommendations to the Minister for Local Government that will impact on local government service delivery to Indigenous communities and it will seek to enhance the representation of Indigenous communities and people within local governments.

The issues identified in this paper have been drafted to assist respondents in preparing their submissions. Anyone wishing to make a submission to the Inquiry can do so by making a written or electronic submission to the Board.

## BACKGROUND INFORMATION

The Commonwealth and Western Australian Governments signed the Bilateral Agreement on Indigenous Affairs in July 2006. This agreement has Governments working towards achieving one level of service delivery for the provision of housing, infrastructure, essential and municipal services to all Indigenous communities in Western Australia.

There are over 270 discrete Indigenous communities in WA, most of which do not receive normal local government services. The Commonwealth has been funding local government services to discrete Indigenous communities primarily through its municipal services (MUNS) and Community Development Employment Projects (CDEP) programs.

The Commonwealth intends to transfer the MUNS Program to the State Government. This program (\$22m) principally funds community power supply and governance. Municipal services are mainly provided by CDEP, which will not be transferred to the State (and CDEP itself is subject to change). The future delivery of essential services such as power and water is being resolved between governments, but the future of local government type services requires further consideration. The costs incurred by local governments to service Indigenous communities will not be fully met by the existing level of MUNS funding, and State and Commonwealth Governments have acknowledged in the Bilateral Agreement that there will be a need to augment local government revenue to meet these additional costs.

There is also the issue of what other local government services not currently provided to communities are desirable or necessary and how these might be funded. There is a need to determine the most appropriate means of funding the service requirements, the quantum of funds required and the appropriate accountability arrangements for this funding.

## KEY ISSUES

Put simply, this inquiry seeks answers to the following questions:

- Which local government services would communities like to receive from local governments?
- What services are local governments able and willing to provide?
- What funding is required to enable local government to provide those services?
- What impediments (financial, legal, other) are there to local government delivering services to communities?

There is a need to examine how Indigenous communities can be represented within current shire boundaries so that communities become a part of a local

government and so that Indigenous people can participate in the decision making of local government. There is also the question of what role, if any local governments should have in providing governance support to Indigenous communities.

This Inquiry is an opportunity to initiate a reform agenda in Western Australia, the most important aspect of which is Indigenous community inclusion in mainstream local government.

## OUTCOMES

The Inquiry will produce information to assist the State Government in negotiations with the Commonwealth over the proposed transfer of local government services. The Inquiry will identify and prioritise those local government services to be delivered to communities and the most appropriate means of funding these services and the accountability arrangements that will need to apply. The Inquiry will identify legislative impediments to local government delivering services to communities and make recommendations as to how these should be addressed. It will also identify potential models for service delivery and make recommendations as to how Indigenous representation in local government and community governance can be enhanced.

## SUBMISSIONS

A submission may be made in any format and sent to:

**Local Government Advisory Board  
Inquiry into Local Government Service Delivery  
to Indigenous Communities**

GPO Box R1250  
Perth WA 6844

Fax: 9217 1555

E-mail: [advisory.board@dlgrd.wa.gov.au](mailto:advisory.board@dlgrd.wa.gov.au)

Public submissions are required by **4:00 pm on Friday 4 April 2008.**

## 12.6 ELECTED MEMBER REPORTS

Councillors reported the following:

### **Cr Jane Parker**

27 March 2008 – Community Consultative Committee (Save the Children Australia)  
1 April 2008 – Wyndham Hospital Refurbishment Meeting  
8 April 2008 – Wyndham Crocodile Birthday Meeting  
11 April 2008 – Youth Centre Opening

### **Cr P Caley**

Wyndham Turf Club Meeting  
1 April 2008 – Wyndham Hospital Refurbishment Meeting

### **Cr F Mills**

28 – 29 March 2008 Kimberley Pilbara Joint Forum  
Including the Kimberley Zone Meeting

### **Cr J Buchanan**

APB Conference  
28 – 29 March 2008 Kimberley Pilbara Joint Forum  
Including the Kimberley Zone Meeting

### **Cr D Ausburn**

Liquor Accord Meeting

### **Cr K Wright**

Youth Facility opening

### **Cr J Moulden**

Youth Facility Opening

## **COUNCIL DECISION**

**Minute No.**

**Moved: Cr D Ausburn**

**Seconded: Cr J Moulden**

***That Council accept the Councillor Reports as given.***

**Carried Unanimously: 9/0**

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

Nil

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

Nil

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

Nil

16 MATTERS BEHIND CLOSED DOORS

**COUNCIL DECISION**

Minute No. 8181

Moved: Cr J Parker

Seconded: Cr D Ausburn

*That Council moves behind closed doors to consider Item 16.1 Salary and Contract Conditions under Section 5.23 (2) (a) (b) (c) because it relates to contractual conditions of employees.*

Carried Unanimously: 9/0

16.1 Salary and Contract Conditions

**COUNCIL DECISION**

Minute No. 8182

Moved: Cr J. Parker

Seconded: Cr D. Ausburn

*That the salary package for the Executive Manager of Engineering and Regulatory Services, Mr Alex Douglas be adjusted to:*

- *a base salary of \$93,500 from the date of adoption of the 2008/09 budget.*
- *a salary package value of \$122,580 (Tribunal Recommended calculated method), or \$141, 848 (existing Council calculated method)*

Carried Unanimously: 9/0

**COUNCIL DECISION**

Minute No. 8183

Moved: Cr J. Parker

Seconded: Cr D. Ausburn

*That the salary package for the Executive Corporate Services, Ms Jo Anne Ellis be adjusted to:*

- *a base salary of \$91,100 from the date of adoption of the 2008/09 budget.*
- *a salary package value of \$117,842 (Tribunal Recommended calculated method), or \$140,747 (existing Council calculated method)*

Carried Unanimously: 9/0

**COUNCIL DECISION**

Minute No. 8184

Moved: Cr J. Parker

Seconded: Cr D. Ausburn

*That the salary package for the Executive Manager of Community Services, Ms Karyn Apperley be adjusted to:*

- *a base salary of \$74,900 from the date of adoption of the 2008/09 budget.*
- *a salary package value of \$99,355 (Tribunal Recommended calculated method), or \$114,371 (existing Council calculated method)*

Carried Unanimously: 9/0

**COUNCIL DECISION**

Minute No. 8185

Moved: Cr J. Parker

Seconded: Cr D. Ausburn

*That the salary package for the Executive Manager Planning Services, Mr Keith Williams adjusted to:*

- *a base salary of \$66,150 from the date of adoption of the 2008/09 budget.*
- *a salary package value of \$87,903 (Tribunal Recommended calculated method), or \$104,478 (existing Council calculated method)*
- *that a further performance and salary review be conducted in 6 months time(October 2008), and a further base salary increment of 5% or \$3,150, be considered by Council at that time.*

Carried: 7/2

*Cr Keith Wright requested his vote be recorded as against.*

**COUNCIL DECISION**

Minute No. 8186

Moved: Cr J. Parker

Seconded: Cr D. Ausburn

*That Council note a further report will be presented to Council in May 2008 recommending consideration be given to restructuring Manager Salary Packages to generate Fring Benefit Tax savings.*

Carried Unanimously: 9/0

**COUNCIL DECISION**

**Minute No. 8187**

**Moved: Cr D. Ausburn**

**Seconded: Cr J Buchanan**

***That Council moves out of camera to continue the meeting.***

**Carried Unanimously: 9/0**

**17 CLOSURE**

With all matters of business complete the Shire President declared the meeting closed at 8:52pm.