



MINUTES OF ORDINARY COUNCIL MEETING HELD 18 MARCH 2008

I hereby certify that the Minutes of the Ordinary Meeting of Council held 18 March 2008 are a true and accurate record of the proceedings contained therein.

Shire President Confirmed

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SHIRE OF WYNDHAM-EAST KIMBERLEY

MINUTES

OF THE ORDINARY COUNCIL MEETING
HELD ON 18 MARCH 2008 AT 6:00 PM

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 6:05pm

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

Cr Michele Pucci	President
Cr Di Ausburn	Councillor
Cr Paul Caley	Councillor
Cr Jane Parker	Councillor
Cr Keith Wright	Councillor
Cr Fred Mills	Councillor
Cr John Moulden	Councillor
Cr John Buchanan	Councillor
Mr Peter Stubbs	Chief Executive Officer
Ms Jo-Anne Ellis	Executive Manager of Corporate Services
Mr Alex Douglas	Executive Manager Engineering and Development Services
Ms Karyn Apperley	Executive Manager Community Services
Mr Keith Williams	Executive Manager Town Planning
Mr Rick Spry	Airport Manager
Mr Brian Sargeant	Airport Operations Officer
Mrs Lauraine Wanstall	Engineering Support Officer and Minute Taker
Ms Christine McLachlan	Customer Service Officer

PUBLIC GALLERY

Mr Charles Sharpe	Mr Tim Croot
Ms Kym Croot	Mr Alan Wilson
Mr Darren Spackman	Mrs Ros Hegarty
Ms Kellie Loge	Mr Mark Costello
Mr Rod Buttle	Mr Bruce Connell

APOLOGIES

Nil

LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Cr Ralph Addis Deputy President

3. DECLARATIONS OF INTEREST

- **Financial Interest**

Cr J Moulden declared a Financial Interest in Item 12.4.4 Removal of the Gazettal of Durack Drive as he is an employee of the Western Australian Department of Agriculture and Food.

Cr M Pucci declared a Financial Interest in Item 12.2.1 Wyndham Youth Services as she is an employee of the Department for Children which is the funding body of the proposed funding.

Cr M Pucci declared a Financial Interest in Item 12.3.7 Town Planning Scheme No 7 Proposed Amendment 22 King Location 438 as she has financial dealings with the Proponents daughter.

Mr Peter Stubbs declared a Financial Interest in Item 16.5 CEO Contract Extension and Item 16.6 CEO Key Performance Indicators as he is the employee in question.

Cr F Mills declared a Financial Interest in Item 12.4.3 Landfill Management Tender as he is an employee of a Tenderer.

Cr J Buchanan a Financial Interest in Item 12.3.11 8 Lot 53 Jabiru Road – Tourism Cabins/Chalets as he has financial dealings with the proponents.

- **Members Impartiality Interest**

Cr M Pucci declared an Impartiality Interest in Item 12.1.9 Tender – Checked Baggage Screening and Item 12.1.7 Tendering Screening Flight Services as her son is currently employed by a business operating from the East Kimberley Regional Airport.

Cr D Ausburn declared an Impartiality Interest in Item 12.3.2 Reserve 41812 Expressions of Interest as she is a neighbour of one of the Directors of the current Lessee Celliston Nominees.

Cr D Ausburn declared an Impartiality Interest in Item 12.3.11 Lot 53 Jabiru Road – Tourism Cabins/Chalets as the proponents are family friends.

Cr J Parker declared an Impartiality Interest in Item 12.4.3 Landfill Management Tender as she is a member on the Kimberley Area Consultative Committee, as is one of the Tenderers.

- **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 19 February 2007

MANAGERS' RECOMMENDATION

That Council confirm the Minutes of the Ordinary Meeting of Council held on Tuesday 19 February 2007.

COUNCIL DECISION

Minute No: 8100

Moved: Cr K Wright

Seconded: Cr J Parker

That Council confirm the Minutes of the Ordinary Meeting of Council held on Tuesday 19 February 2007.

Carried Unanimously 8/0

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

The President made the following announcement:

I would like to record and extend Council's sympathy and condolences to Mrs Judy Hughes and her family on the passing of her husband Jim Hughes last weekend. Jim and Judy have been pioneers of the East Kimberley district since the 1960's. Jim is a highly respected business leader and community minded citizen contributing to many of the services the community enjoys the benefits of today. His passing is a sad loss to the East Kimberley region.

10. DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

11. MINUTES OF COUNCIL COMMITTEE MEETINGS

11.1. Audit Committee

11.1.1. Minutes Of The Audit Committee Meeting Held On Thursday 21 February 2007

MANAGERS' RECOMMENDATION

That Council confirm the Minutes of the Audit Committee Meeting held on Thursday 21 February 2007.

COUNCIL DECISION

Minute No: 8101

Moved: Cr K Wright

Seconded: Cr J Buchanan

That Council receive the unconfirmed Minutes of the Audit Committee Meeting held on Thursday 21 February 2007.

Carried Unanimously 8/0

11.1.2. Audit Committee Recommendations

COMMITTEE RECOMMENDATIONS

That Council:

1. Note and receive the Management Report for the Year Ended 30 June 2007.
2. Obtain an opinion from another Debt Collection agent regarding the viability and estimated costs to proceed with further legal action against outstanding Mining Tenements Assessments A2434, A6071, A6724, A6725, A6726, A6727, A6728, A6729, A6730, A6731, A6732, A6733, A6734, A6735, A6736, A6737 to recover the debt.
3. Write off the debts for Mining Tenement Assessments A44, A6533 being for \$4,623.69 plus accrued penalties.

4. That the 90 days debtor list be removed from the Council Agenda as a standing item and be presented to the Audit Committee for consideration and to make recommended actions to Council.

COUNCIL DECISION

Minute No: 8102

Moved: Cr K Wright

Seconded: Cr Paul Caley

That Council:

1. ***Note and receive the Management Report for the Year Ended 30 June 2007.***
2. ***Obtain an opinion from another Debt Collection agent regarding the viability and estimated costs to proceed with further legal action against outstanding Mining Tenements Assessments A2434, A6071, A6724, A6725, A6726, A6727, A6728, A6729, A6730, A6731, A6732, A6733, A6734, A6735, A6736, A6737 to recover the debt.***
3. ***Write off the debts for Mining Tenement Assessments A44, A6533 being for \$4,623.69 plus accrued penalties.***
4. ***That the 90 days debtor list be removed from the Council Agenda as a standing item and be presented to the Audit Committee for consideration and to make recommended actions to Council.***

Carried Absolute Majority 8/0

Note: Absolute Majority Decision required for Point 3 of the Council Decision.

12. REPORTS

12.1. CORPORATE SERVICES

12.1.1. Monthly Financial Report

DATE:	18 March 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Amanda Trengove, Manger Financial Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	60.14.04
ASSESSMENT NO:	N/A

PURPOSE

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

BACKGROUND

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

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

STATUTORY IMPLICATIONS

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

34. Financial activity statement report — s. 6.4

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

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in sub regulation (1) (d);
and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown:
- (a) according to nature and type classification;
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity and the accompanying documents referred to in sub regulation (2) are to be:
- (a) presented to the council:
 - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.
- (6) In this regulation:
- “committed assets” means revenue unspent but set aside under the annual budget for a specific purpose;
 - “restricted assets” has the same meaning as in AAS 27.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Nil

COMMENT

Nil

ATTACHMENTS

1. Rate Setting Statement as at 31 January 2008
2. Net Current Assets as at 31 January 2008
3. Explanation of Material Variances as at 31 January 2008
4. Municipal Bank Reconciliation as at 31 January 2008

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

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

COUNCIL DECISION:

Minute No: 8103

Moved: Cr K Wright

Seconded: Cr Paul Caley

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

Carried Unanimously 8/0

Shire of Wyndham East Kimberley
Rate Setting Statement
As at 31 January 2008

	2007/08 Budget	YTD Budget 31 January 2008 \$	YTD Actual 31 January 2008 \$	Variance Budget less Actual
Operating Recurrent Revenue - Excluding Rates				
Governance	85,050	63,463	53,715	9,748
General Purpose Funding	3,690,170	1,763,584	1,779,067	(15,483)
Law, Order, Public Safety	82,675	42,048	42,960	(912)
Health	142,600	87,889	93,484	(5,595)
Education and Welfare	686,523	80,636	85,313	(4,677)
Housing	825,342	44,124	43,242	882
Community Amenities	1,510,100	1,277,203	1,282,794	(5,591)
Recreation and Culture	442,400	199,399	214,811	(15,412)
Transport	109,000	109,000	431,375	(322,375)
Economic Services	141,873	66,679	170,331	(103,652)
Other Property and Services	1,561,304	-	3,263	(3,263)
Airport Operations	1,947,351	968,041	1,451,908	(483,867)
	11,224,388	4,702,066	5,652,264	(950,198)

**Rate Setting Statement
As at 31 January 2008 (cont.)**

	2007/08 Budget	YTD Budget 31 January 2008 \$	YTD Actual 31 January 2008 \$	Variance Budget less Actual
<i>Recurrent Expenditure</i>				
Governance	(838,378)	(361,429)	(322,403)	(39,026)
General Purpose Funding	(293,776)	(152,335)	(86,221)	(66,114)
Law, Order, Public Safety	(372,021)	(203,481)	(209,975)	6,494
Health	(390,073)	(212,205)	(179,008)	(33,197)
Education and Welfare	(341,969)	(193,627)	(178,197)	(15,430)
Housing	(175,308)	(120,480)	(89,610)	(30,870)
Community Amenities	(2,318,871)	(1,164,231)	(1,162,711)	(1,520)
Recreation & Culture	(2,796,266)	(1,487,063)	(1,644,280)	157,217
Transport	(2,914,235)	(1,561,893)	(1,854,530)	292,637
Economic Services	(612,066)	(315,336)	(334,332)	18,996
Other Property and Services	(74,990)	(828,449)	(898,104)	69,655
Airport Operations	(1,780,344)	(911,502)	(887,260)	(24,242)
	(12,908,296)	(7,512,031)	(7,846,630)	334,599
Capital				
<i>Sale of Assets / Land Held for Resale</i>	3,413,000	2,020,000	1,084,334	935,666
<i>Capital Grants/Contributions</i>	3,103,080	981,080	268,557	712,523
	6,516,080	3,001,080	1,352,891	1,648,189

**Rate Setting Statement
As at 31 January 2008 (cont.)**

Capital Expenditure (by Class)

Land and Buildings	(1,782,400)	(651,398)	(721,080)	69,682
Infrastructure Assets - Roads	(2,974,200)	(837,405)	(871,128)	33,723
Infrastructure Assets - Other	(2,916,890)	(1,088,625)	(230,134)	(858,491)
Plant and Equipment	(944,000)	(520,581)	(530,063)	9,482
Furniture and Equipment	(95,000)	(92,000)	(56,728)	(35,272)
	(8,712,490)	(3,190,009)	(2,409,133)	(780,876)

Adjustments

Debenture Principal Repayments	(174,039)	(105,721)	(104,412)	(1,309)
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)	(99,496)	(73,472)	(26,024)

Adjustments and Accruals

Depreciation	2,704,800	1,577,800	1,577,800	-
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	228,322	3,326,613	(3,098,291)
Amount Raised from Rates	4,342,193	-	4,241,813	(4,241,813)

Shire of Wyndham East Kimberley
Notes to Statement of Financial Activity

For the Period Ended 31 January 2008

Note 1.	Net Current Assets	YTD Actual 2007/08 \$	Brought Forward 1 July 2007 \$
	<i>Composition of Net Current Asset Position</i>		Audited
	Current Assets		
	Cash - Unrestricted	2,967,665	891,342
	Cash - Reserves	3,167,572	3,167,572
	Cash - Restricted Unspent Grants		
	Investments - Restricted		
	Receivables	1,196,575	964,261
	Inventories	12,698	13,143
	Land Held for Resale	-	-
		7,344,509	5,036,317
	<i>Less</i>		
	Current Liabilities		
	Payables	(850,325)	(897,059)
		(850,325)	(897,059)
	<i>Less</i>		
	Restricted Reserves		
	Cash	(3,167,572)	(3,167,572)
	Investments	-	-
	Net Current Asset Position	3,326,613	971,686

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity

For the Period Ended 31 January 2008

Explanation of Material Variances

Variances +/- \$80,000

Operating

Recurrent Revenue - Excluding Rates

There is a material variance in Transport as the original 07/08 budget did not include programmed works for 07/08.

There is a material variance in Economic Services due to the receipt of a contribution from the Beacon Foundation for the Something Concrete Program.

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 moving 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 31/01/08

Balance as per Municipal Fund Bank Account (131)	573,294.39
Add	
Outstanding Cheques	36,244.42
Cancelled chqs - timing will clear ~ NIL	
Deposits in bank not in GL	
~ Leisure centre EFTPOS banked 31/1/08 receipted Feb - will clear Feb	645.00
Less	
Outstanding Deposits	
~ Wyn EFT receipted to Muni but used Transport EFT - will be cleared when do tfr from trust to muni	1,037.00
~ Knx & Wyn banking receipted 31/01/08 deposited Feb - will clear Feb	3,634.38
Visa card transactions for Nov (EMCPS) yet to be entered - waiting receipts	11,641.24
Visa card transactions for Dec (EMCPS \$1838.16 & EMCMS \$3572.16) yet to be entered - waiting receipts	5,410.32
Visa card payment 2/1/08 - transactions yet to be entered - waiting receipts	4,727.25
3/10/2007 Pay Adv Fischer - waiting Nicole to do jnls	2,900.00
Account 131 Adjusted total	580,833.62
Balance as per Trading Account as per bank statement	580,833.62
Variance	<hr/> <hr/> -

12.1.2. 90 Day Aged Debtors Listing

DATE:	18 March 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Sue Dillon, Finance Officer
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	60.14.03
ASSESSMENT NO:	N/A

PURPOSE

To present the listing of Aged Debtors with balances outstanding for 90 days or longer.

BACKGROUND

Council has traditionally received a listing of 90 Day Sundry Debtors on a monthly basis.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Ongoing management of Council funds.

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

The listing of 90 Day Sundry Debtors is presented to Council as per past practice.

ATTACHMENTS

List of 90 Day Sundry Debtors

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

That Council receives and accepts the listing of 90 Day Sundry Debtors as at 29 February 2008 totalling \$160,375.66 (GST inclusive).

COUNCIL DECISION

Minute No: 8104

Moved: Cr J Moulden

Seconded: Cr Paul Caley

That Council receives and accepts the listing of 90 Day Sundry Debtors as at 29 February 2008 totalling \$160,375.66 (GST inclusive).

Carried Unanimously 8/0

Sundry Debtors as of February 2008

Debtor Number	Amounts Over 90 Days Outstanding	Balance @ 29th February 2008	Debt Collection Status for Debts over 90 Days
98566	84279.14	84279.14	Grant funded invoice. Debtor is awaiting payment from Lotteries Commission.
96281	5949.96	5949.96	Debtor with Credipac
96393	134.63	134.63	Refer agenda item to Council to write debt off
96235	64.00	208.00	Reminder notice issued
96392	880.00	880.00	Debtor with Credipac
80095	49490.39	49490.39	Debtor with Credipac
80165	9672.69	20141.41	In discussion with new management to resume monthly repayments
98568	24.20	24.20	Reminder notice issued
80129	20.75	71406.69	Reminder notice issued
82551	696.76	696.75	Paid in full 4th March 2008
96375	64.00	64.00	Reminder notice Issued
81258	8683.14	8683.14	Debtor making monthly payments
86188	416.00	584.00	Reminder notice issued
	160,375.66	242,542.31	

12.1.3. List of Accounts Paid Under Delegation 18

DATE:	18 March 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Sue Dillon, Finance Officer
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	60.14.03
ASSESSMENT NO:	N/A

PURPOSE

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

BACKGROUND

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

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

Delegation 18 – Payment of Creditors

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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 038246 - 038315 (7 th February 2008 to 27 th February 2008)	\$79,263.94
EFT102327to EFT102506 (7 th February 2008 to 27 th February 2008)	\$932,438.48
Payroll (1 st to 29 th February 2008)	\$212,064.19
Direct bank debits (1 st to 29 th February 2008)	\$9,671.56
Total	\$1,233.438.17

COUNCIL DECISION

Minute No: 8105

Moved: Cr K Wright

Seconded: Cr J Parker

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

<i>Municipal cheques 038246 – 038315 (7th February 2008 to 27th February 2008)</i>	<i>\$79,263.94</i>
<i>EFT102327to EFT102506 (7th February 2008 to 27th February 2008)</i>	<i>\$932,438.48</i>
<i>Payroll (1st to 29th February 2008)</i>	<i>\$212,064.19</i>
<i>Direct bank debits (1st to 29th February 2008)</i>	<i>\$9,671.56</i>
<i>Total</i>	<i>\$1,233.438.17</i>

Carried Unanimously 8/0

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List of Accounts Paid Under Delegation 18

List of accounts submitted to Council 18/03/2008

Chq/EFT	Date	Name	Description	Amount
EFT102327	07/02/2008	ALLGEAR MOTORCYCLES	REPAIR BILLY GOAT LEAF VACUUM	222.95
EFT102328		APPERLEY, KARYN	REIMBURSEMENT OF ELECTRICITY PAID	249.70
EFT102329		ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	351.05
EFT102330		AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	389.40
EFT102331		BEAUREPAIRES (KUNUNURRA)	REPAIR PUNCTURE TO TUBELESS TYRE	32.00
EFT102332		BLACKWOODS ATKINS PTY LTD	SMOKE DETECTORS FOR AIRPORT HOUSE	58.10
EFT102333		BUSH CAMP SURPLUS STORES	LONG PANTS, WORK BOOTS	260.50
EFT102334		CHEFMASTER AUSTRALIA	LITTER BAGS AND BIN LINERS	1,878.70
EFT102335		EAST KIMBERLEY GLASS	REPLACE BROKEN GLASS AT YOUTH CENTRE	5,370.50
EFT102336		EAST KIMBERLEY HARDWARE	RAPIDSET CEMENT 12 20KG BAGS	1,861.35
EFT102337		EAST KIMBERLEY PLUMBING	REPAIRS 29 BOOBIALLA WAY & 264C RIVERFIG AVE	361.90
EFT102338		EXTECH EQUIPMENT	THERMOMETERS FOR HEALTH PROMOTION	459.80
EFT102339		ICEAGE REFRIGERATION	CHECK AND RESET AIR CONDITIONER IN AIRPORT	77.00
EFT102340		IOR PETROLEUM PTY LTD	DIESEL DELIVERED TO DEPOT	12,755.55
EFT102341		KIMBERLEY MARKETING	DRY ICE FOR MOSQUITO TRAPPING	275.00
EFT102342		KIMBERLEY WATER CARTING	WATER CART HIRE FOR WEABER PLAIN ROAD	29,584.50
EFT102343		KNICKEL GARDENING SERVICES	ADDITIONAL WORKS FOR DECEMBER 2007	8,920.18
EFT102344		KUNUNURRA DIESEL SERVICES	REPLACE HOIST ON 1APW393	7,677.95
EFT102345		KUNUNURRA HOME HARDWARE	TOOL BOX FOR EHO1 VEHICLE	465.50
EFT102346		KUNUNURRA NEWSAGENCY	PURCHASE SECOND HAND SATELLITE DISH (REPLCMNT)	1,257.25
EFT102347		KUNUNURRA REFRIGERATION	REPAIRS TO AIR-CON AIRPORT TERMINAL BUILDING	803.00
EFT102348		L.G.R.C.E.U	PAYROLL DEDUCTIONS	30.60
EFT102349		MCLEAN ENTERPRISES	400L BITUMEN EMULSION	765.35
EFT102350		MEGAN HUNT	CONTRACT CLEANING (WYNDHAM)	973.50
EFT102351		NORTHERN IT SERVICES	REPLACE WYNDHAM ADSL MODEM	272.25
EFT102352		ORD ELECTRICAL SPARES	16MM ELBOWS - RETICULATION	19.75
EFT102353		ORD LAND AND WATER INCORPORATED	WEED CONTROL & SALVINIA ERADICATION. AERIAL WEED SURVEY.	4,648.82
EFT102354		ORD RIVER CONTRACTING	TRANSPORT OF GRAVEL UPGRADE WEABER PLAIN RD	30,052.00
EFT102355		ORDCO	ROUNDUP POWER MAX 20 L FOR WYNDHAM AIRPORT	374.00

EFT102356	ORD RIVER ELECTRICS	2X15 AMP POWER POINTS TO SERVER ROOM, EXIT LIGHT	1,506.69
EFT102357	PMP BITUMEN	HIRE OF STABILISING MACHINE FOR WEABER PLAIN RD	39,655.00
EFT102358	REPEAT PLASTICS (WA)	14 X IN-GROUND BEAUFORT SETTINGS & 1 X SEAT	20,484.20
EFT102359	RAPISCAN SYSTEMS AUSTRALIA PTY	THERMO EGIS DEFENDER ETD SERIAL #20057	65,402.70
EFT102360	SHIRE OF DERBY-WEST KIMBERLEY	EMPLOYMENT EXPENSES - K LAWSEN 16-22 JAN 2008	2,656.50
EFT102361	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	270.00
EFT102362	SNOWBALL, MIKE	ANNUAL TRAVEL ALLOWANCE	2,600.00
EFT102363	CANCELLED	PAYMENT RETURNED - PAID CHEQUE 38285	0.00
EFT102364	TNT AUSTRALIA PTY LIMITED	FREIGHT OF ASBESTOS SAMPLES	13.98
EFT102365	TOLL WEST	FREIGHT CHARGES	642.89
EFT102366	TOP END MOTORS	SERVICE AND REPAIRS TO WY37	1,050.14
EFT102367	TOTAL DIGITAL SOLUTIONS	PRINTING OF STATE BUDGET SUBMISSION	416.90
EFT102368	WA LOCAL GOVERNMENT SUPER PLAN	SUPERANNUATION CONTRIBUTIONS	35,431.47
EFT102369	WESTCARE INDUSTRIES	STOCK LABELS FOR LIBRARY WYNDHAM	14.63
EFT102370	WUNAN FOUNDATION INC.	CONSTRUCTION OF FABRICATION FACILITY AT DEPOT	15,658.50
EFT102371	14/02/2008 ACCOR ALL SEASONS KUNUNURRA	ACCOMMODATION AND MEALS FOR K LAWSEN	841.00
EFT102372	ALLGEAR MOTORCYCLES	HONDA BRUSHCUTTER AND PARTS	1,465.35
EFT102373	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	37.98
EFT102374	AUSFUEL AFD AUSTRALIAN FUEL	FUEL PURCHASED ON CARDS FOR JANUARY 2008	1,280.10
EFT102375	AUSTRALIA POST, ACCOUNTS RECEIVABLE TEAM	POSTAGE EXPENSES FOR JANUARY 2007	685.21
EFT102376	AUSTRALIAN COMMUNICATIONS	LICENCE RENEWAL FOR AERONAUTICAL SYSTEM	207.00
EFT102377	AUSTRALIAN FEDERAL POLICE	ADJUSTMENT OF PAYMENT UNDER PAID ON 27/09/07	8.31
EFT102378	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	194.70
EFT102379	BLACKWOODS ATKINS PTY LTD	GREASE GUN	121.00
EFT102380	BOB'S BRUSH STROKES	REPAIR AIR CON PLUG HOLES AT 3A DRYANDRA WAY	192.50
EFT102381	CARPET VINYL & TILE CENTRE	SUPPLY & INSTALL BLINDS TO WYNDHAM CHAMBERS	1,791.90
EFT102382	CORPORATE EXPRESS	JANUARY 2008 STATIONERY KNX & WYNDHAM	1,458.38
EFT102383	COMPUTERCORP (OPERATIONS)	UPS/BATTERY PACK/ADAPTOR FOR COMPUTER SYSTEM	4,336.68
EFT102384	EAST KIMBERLEY HARDWARE	CONCRETE FOR DRAINS, HARDWARE SUPPLIES	536.50
EFT102385	EAST KIMBERLEY PLUMBING	INSTALL AQUA COOLER WYNDHAM & PARK MTCE	1,601.60
EFT102386	FEWSTER, KELLY	REIMBURSEMENT OF TELEPHONE CHARGES	31.68
EFT102387	FISCHER, CYNTHIA	TOILET CLEANING CONTRACT WYNDHAM JANUARY 2008	3,642.37
EFT102388	FRONTIER POST & NEWS	PRINTER CARTRIDGES FOR WYNDHAM REC CENTRE	102.05

EFT102389		FYSH GRADER HIRE	MAINTENANCE GRADING OF RESEARCH STATION ROAD	840.00
EFT102390		GAULT, JOHN DOUGLAS	REIMBURSEMENT OF ELECTRICITY EXPENSES	759.10
EFT102391		HART SPORT	HOCKEY SHIN PADS AND HELMETS	315.50
EFT102392		JAMES O'KENNY AUCTIONEER	REPAIR FENCE EX EWIN CENTRE TRANSPORTABLE	2,442.00
EFT102393		JORRITSMA H & CO	155MM - 170MM SS WRAP PATCH & RETIC SUPPLIES	521.90
EFT102394		K & M ALLCLEAN	MONTHLY CONTRACT CLEANING FOR JANUARY 2008	13,374.72
EFT102395		KIMBERLEY HYDRAULICS	SUPPLY HYDRAULIC FITTINGS FOR BACKHOE	23.87
EFT102396		KIMBERLEY METAL RECYCLERS	CONTRACT PAYMENT MANAGEMENT OF LANDFILL SITES	21,103.50
EFT102397		KIMBERLEY WASTE SERVICES	STREET SWEEPING & EXTRA WORKS FOR DEC 2007	9,765.25
EFT102398		KINGS CROWN INSTRUMENTATION	REPAIR FAULT AT WYNDHAM AIRPORT POWER HOUSE	396.00
EFT102399		KUNUNURRA COURIERS	DELIVERY OF 15 LITRES OF NEVERFAIL WATER	16.00
EFT102400		KUNUNURRA DIESEL SERVICES	SERVICE & STARTER MOTOR 1BHW102, TYRE WY11160	2,081.45
EFT102401		KUNUNURRA HOME HARDWARE	SHADE CLOTH FOR MESSMATE WAY PUMP	92.00
EFT102402		L.G.R.C.E.U	PAYROLL DEDUCTIONS	15.30
EFT102403		LANDGATE	VALUATION ROLLS - REISSUE	60.00
EFT102404		MCKINLAY, BETTY	ANNUAL TRAVEL ALLOWANCE	2,600.00
EFT102405		MEGAN HUNT	CONTRACT CLEANING OF WYNDHAM FACILITIES	726.00
EFT102406		OFFICE NATIONAL KUNUNURRA	4 BOXES OF A4 PRINTING PAPER	123.79
EFT102407		ORD RIVER ELECTRICS	REPAIR AIR CON 28 EUGENIA ST & CABLE LOCATION	350.12
EFT102408		ORDCO	ROUNDUP AND COMET FOR FIRE BREAKS	1,593.90
EFT102409		SHELF SUPPLY	DOG FOOD, UNIFORMS	232.00
EFT102410		SHERIDAN'S FOR BADGES	NAME BADGES	54.99
EFT102411		SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	176.90
EFT102412		SPORTSWORLD OF WA	GOGLES FOR SALE	1,003.20
EFT102413		THORLEY'S STORE	TRANSPORT AND DELIVERY OF SHIRE BAG	550.80
EFT102414		TOLL WEST	FREIGHT OF PARK SETTINGS FOR WYNDHAM	1,699.12
EFT102415		TOTAL EDEN - KP PUMPS	48 X 25KG BAGS OF POOL SALT, POLLY PIPE	631.66
EFT102416		TROPICAL PEST CONTROL	TREAT FOR REDBACK SPIDERS STOREROOM AT KLC	66.00
EFT102417		UHY HAINES NORTON (WA) PTY LTD	AUDIT CERTIFICATION OF WA REGIONAL INITIATIVES	440.00
EFT102418		VANDERFIELD MACHINERY PTY LTD	2 X END NOZZLE ASSEMBLIES FOR SPRAY UNIT	138.59
EFT102419		WA LOCAL GOVERNMENT SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	18,217.45
EFT102420		WYNDHAM SUPERMARKET	FOOD/DRINKS YOUTH OPENING & COUNCIL MEETING	403.17
EFT102421	15/02/2008	CIVIC LEGAL	PURCHASE OF 191 QUONDONG & 174 BANYAN	231,632.68
EFT102422	21/02/2008	ALLGEAR MOTORCYCLES	HONDA DOUBLEHANDLE BRUCHCUTTER	808.55

EFT102423	AUSTRALIAN INSTITUTE P/L	GYM INSTRUCTOR COURSE FOR TIMO DIESERICHSEN	1,690.00
EFT102424	BEAUREPAIRES (KUNUNURRA)	REPLACEMENT TYRE & REPAIRS WY10432	378.78
EFT102425	BERM BACKHOE HIRE	VERGE SLASHING ON SELECTED ROADS	6,138.00
EFT102426	BGC CONTRACTING PTY LTD	200L BITUMEN EMULSION FOR ROAD PATCHING	330.00
EFT102427	BOC GASES AUSTRALIAN LIMITED	INDUSTRIAL GAS BOTTLE RENTAL JANUARY 2008	220.30
EFT102428	BOSS FLUID POWER	TOILET ROLLS & HAND TOWELS	145.64
EFT102429	BRANKO BP MOTORS	DIESEL & UMS, BATTERIES PURCHASED JANUARY 2008	1,812.65
EFT102430	BUSH CAMP SURPLUS STORES	PURCHASE OF UNIFORM FOR AIRPORT OFFICER	274.00
EFT102431	BRUCE HARDING	REIMBURSEMENT OF ELECTRICITY EXPENSES	48.95
EFT102432	CIVIC LEGAL	LEGAL FEES	2,196.66
EFT102433	CROCODILE SIGNS	JOHN FILE PARK SIGN AND SHIRE LOGO SIGNS	2,099.90
EFT102434	COMPUTERCORP (OPERATIONS) PTY LTD	TAPE DRIVES, DATA TAPE, CLEANING CARTRIDGES	4,158.82
EFT102435	EAST KIMBERLEY GLASS	REPLACE BROKEN LAMINATED WINDOW AT KLC	361.00
EFT102436	EAST KIMBERLEY HARDWARE	FENCE DROPPERS FOR TREE PLANTING	140.95
EFT102437	EAST KIMBERLEY PLUMBING	REPAIRS TO VARIOUS SHIRE FACILITIES	1,096.70
EFT102438	FEWSTER, KELLY	REIMBURSEMENT OF ELECTRICITY PAID	454.00
EFT102439	GUERINONI & SON	FOOTPATH CROSSOVER ALL SEASONS RESORT	1,595.00
EFT102440	GARY MCCARNEY	REIMBURSEMENT OF ELECTRICITY PAID	157.35
EFT102441	JASON SIGNMAKERS LTD	FLEXIBLE PLASTIC GUIDE POSTS, TRAFFIC SIGNS	5,428.50
EFT102442	JSW HOLDINGS PTY LTD	EXCAVATOR HIRE CNR IVANHOE & BANDICOOT DR	1,970.49
EFT102443	K & M ALLCLEAN	CLEANING OF CRAZY CROC'S CONCRETE AREA	286.00
EFT102444	KIMBERLEY ECHO ADVERTISER	JANUARY 2008 ADVERTISING	1,501.10
EFT102445	KIMBERLEY INDUSTRIES METALAND	STEEL POSTS AT AIRPORT MANAGER'S RESIDENCE	300.70
EFT102446	KIMBERLEY KOOL REFRIGERATION	INSPECT AND REPAIR AIR CONDITIONER AT DEPOT	170.50
EFT102447	KIMBERLEY MARKETING	DRY ICE FOR MOSQUITO TRAPPING	275.00
EFT102448	KIMBERLEY TREE SERVICES PTY LTD	REMOVE AFRICAN MAHOGANY AT 3A DRYANDRA	1,949.60
EFT102449	KIMBERLEY WASTE SERVICES	CONTRACT PAYMENTS DEC 2007 TO FEB 2008	89,210.64
EFT102450	KUNUNURRA BETTA ELECTRICAL & GAS	REFRIGERATOR FOR WYNDHAM REC CENTRE	899.00
EFT102451	KUNUNURRA HOME HARDWARE	SHACKLES FOR SHADE SAILS AT WYNDHAM POOL	317.05
EFT102452	KUNUNURRA LOCK & KEY	CHANGE LOCKS TO PUMP SHED - LAKESIDE	125.50
EFT102453	KUNUNURRA REFRIGERATION	REPAIRS TO AIR CONDITIONER AT CHILD CARE CENTRE	88.00
EFT102454	KUNUNURRA SECURITY SERVICE	AIRPORT BAGGAGE & SCREENING 2/01/08-15/01/08	12,210.00
EFT102455	KUNUNURRA TYREPOWER	SUPPLY FIT AND BALANCE 5 NEW TYRES WY001	1,550.00
EFT102456	LAKESIDE BLINDS & MACHINERY	REPAIRS TO VERTICAL BLINDS AT 3A DRYANDRA WAY	50.00
EFT102457	LANDGATE	RURAL UV INTERIM VALUATION 08/12/07-21/12/07	266.44

EFT102458	LANGFORD MACHINERY PTY LTD	REPAIRS TO SLASHER AT KUNUNURRA AIRPORT	408.00
EFT102459	MARTIN PRINT	BUSINESS CARDS FOR COUNCILLORS AND STAFF	780.00
EFT102460	MCKINLAY, BETTY	REIMBURSEMENT FOR EXPENSES	849.31
EFT102461	MEGAN HUNT	WEEKLY CLEANING SERVICES OF WYNDHAM FACILITIES	973.50
EFT102462	MILMAR DISTRIBUTORS	EFTPOS THERMAL ROLLS FOR ADMINISTRATION KUNUNURRA	66.90
EFT102463	MIRACLE RECREATION	10 X SHELTERS FOR PARKS UPGRADE WYNDHAM	29,800.00
EFT102464	NORTHERN IT SERVICES	REPAIR FAULT WITH D LINK, INSTALL NEW HUB	272.25
EFT102465	OFFICE NATIONAL KUNUNURRA	REAMS OF PAPER FOR ADMINISTRATION	312.90
EFT102466	ORD RIVER ELECTRICS	REPAIRS TO POWER POINT IN SQUASH COURTS AREA	110.00
EFT102467	ORD RIVER MEAT SUPPLY	MEAT FOR AUSTRALIA DAY BREAKFAST	183.89
EFT102468	ORD VALLEY MUSTER	EVENT REGISTRATION FOR ORD VALLEY MUSTER 2008	220.00
EFT102469	ORIA ORCHARDS	WEEKLY DELIVERY OF FLOWERS	60.00
EFT102470	RACHEL WORNES	REIMBURSEMENT OF ELECTRICITY EXPENSES	349.90
EFT102471	SEARLES MECHANICAL REPAIRS	600 WATT POWER INVERTER - ERSKIN HILL LIGHT	190.00
EFT102472	THE SMART SECURITY COMPANY	MONITORING OF ALARM MARCH TO AUGUST 2008	171.60
EFT102473	TNT AUSTRALIA PTY LIMITED	SAMPLING FREIGHT COSTS 25/1/08 TO 1/2/08	690.82
EFT102474	TOLL WEST	FREIGHT CHARGES 21/1/08 TO 27/1/08	165.80
EFT102475	TOP END MOTORS	SERVICES FOR WY11617, WY12478, 1BJN958	1,128.51
EFT102476	TRENNY'S REFRIGERATION	SUPPLY AND INSTALL NEW AIR CONDITIONER AT KLC	2,316.48
EFT102477	TRISLEY'S HYDRAULIC SERVICE P/L	ANNUAL SERVICE-KNX POOL FILTRATION PLANT & EQUIP	19,680.20
EFT102478	TUCKERBOX/RETRAVISION	SUPPLIES PURCHASED JAN 2008, AUST DAY GOODS	1,167.63
EFT102479	UHY HAINES NORTON (WA) PTY LTD	FINALISATION OF AUDIT FOR YEAR END 30 JUNE 2007	6,160.00
EFT102480	VANDERFIELD MACHINERY PTY LTD	REFUND OF REDUCED BIN SERVICE	3,496.32
EFT102481	WA TELECENTRE KUNUNURRA	VIDEO CONFERENCE 21/11/07 & 18/01/08	440.00
EFT102482	WESTERN AUST. TREASURY CORPORATION	LOAN REPAYMENTS ON LOANS 113, 114, 115	73,567.75
EFT102483	WILLIAMS, KEITH	REIMBURSEMENT OF ELECTRICITY PAID	460.76
EFT102484	27/02/2008 ATTORNEY-GENERAL'S AUSCHECK	ASIC CARDS	176.00
EFT102485	BUSH CAMP SURPLUS STORES	STEEL CAP BOOTS	120.00
EFT102486	CABCHARGE	MONTHLY SERVICE FEE FOR CABCHARGE ACCOUNT	6.00
EFT102487	CARPET VINYL & TILE CENTRE	SUPPLY & INSTALL VERTICAL BLINDS KNX CHAMBERS	1,368.40
EFT102488	EAST KIMBERLEY HARDWARE	FENCE DROPPERS FOR PLANTING TREES	238.30
EFT102489	FESA - EMERGENCY SERVICES LEVY PAYMENTS	ESL LEVY JANUARY 2008	4,151.22
EFT102490	HAMILTON SOFTWARE & TRAINING	KINDY MANAGER SOFTWARE PACKAGE	550.00

EFT102491	KIMBERLEY COMMUNICATIONS	RESET AND REPAIR TRANSMITTERS	363.00
EFT102492	KUNUNURRA REFRIGERATION	QUARTERLY SERVICING OF AIR CONDITIONING UNIT	143.00
EFT102493	KUNUNURRA SECURITY SERVICE	SECURITY PATROLS JANUARY 2008	2,068.00
EFT102494	LANDGATE	LANDGATE ENQUIRIES FOR JANUARY 2008	199.00
EFT102495	NORSIGN PTY LTD	TRANSPORTATION OF VEHICLE STICKERS	50.12
EFT102496	NORTHERN IT SERVICES	2GB RAM - JABIRU SERVER, REPAIR COMPUTER	529.50
EFT102497	OFFICE NATIONAL KUNUNURRA	PAPER, NOTEBOOKS, FAX CARTRIDGES	243.56
EFT102498	ORDCO	GUN CLEANING KIT	52.80
EFT102499	ORIMATECH	RAND CONTROL REMOTE RADIO, HOUSING BELL	832.96
EFT102500	ROGERS MACHINERY SERVICE	SUPPLY & FIT CANOPY - KUBOT MOWER, STROBE LIGHT	440.50
EFT102501	STUBBS, PETER	REIMBURSEMENT OF TELEPHONE SUBSIDY PAID	51.43
EFT102502	TAX ED PTY LTD	CREDITS FOR ONLINE SEMINARS	990.00
EFT102503	TOLL WEST	FREIGHT COSTS (INCL SHADES TO WYNDHAM)	4,995.30
EFT102504	TONY'S PLUMBING & EXCAVATION PTY	REPAIR TOILETS WYNDHAM DEPOT, PIPE AT OVAL	832.70
EFT102505	WALGA	ADVERTISING FOR JANUARY 2008	1,598.72
EFT102506	WYNDHAM TOURIST INFORMATION	TOURIST INFORMATION SERVICES FOR WYNDHAM	476.66
	TOTAL EFT PAYMENTS		<u>932,438.48</u>

Chq/EFT	Date	Name	Description	Amount
38246	07/02/2008	ANDREA MCKEY	REFUND FOR SWIMMING LESSONS	68.00
38247		CASH - PETTY CASH WYNDHAM	CASH PAYMENTS FROM WYNDHAM PETTY CASH	164.10
38248		CONAUST	REFUND OVERPAYMENT OF RATES	192.92
38249		EAST KIMBERLEY DIAMOND	REFUND OVERPAYMENT OF RATES	6,057.36
38250		FRANK RODRIGUEZ	REIMBURSEMENT OF ASIC CARD RETURNED	50.00
38251		GLOBALSTAR AUSTRALIA PTY LIMITED	SATELLITE TELEPHONE CHARGES	184.00
38252		HORIZON POWER	ELECTRICITY ACCOUNTS	13,237.35
38253		INGLE PTY LTD	REFUND OVERPAYMENT OF RATES	1,436.20
38254		KUNUNURRA MAINTENANCE SERVICE	REPAIRS AND CLEANING OF GUTTER AT KLC	330.00
38255		MERCURE INN BROOME	MEAL FOR K LAWSEN 23/01/08	19.20
38256		MINISTER FOR TRANSPORT	REFUND OVERPAYMENT OF RATES	79.92
38257		PARAMOUNT MINING CORPORATION	REFUND OVERPAYMENT OF RATES	2,262.52
38258		PINDAN PRINTING	PRINTING AND BINDING OF VEG MANAGEMENT PLAN	950.00
38259		REST SUPER	SUPERANNUATION CONTRIBUTIONS	638.65
38260	08/02/2008	CASH	GIFT J MORGAN - SEE OTHER INCOME	280.00
38261	14/02/2008	CANCELLED CHEQUE	MISPRINTED - PAID ON CHEQUE 38275	0.00

38262	CANCELLED CHEQUE	MISPRINTED - PAID ON CHEQUE 38276	0.00
38263	CANCELLED CHEQUE	MISPRINTED - PAID ON CHEQUE 38277	0.00
38264	CANCELLED CHEQUE	MISPRINTED - PAID ON CHEQUE 38278	0.00
38265	CANCELLED CHEQUE	MISPRINTED - PAID ON CHEQUE 38279	0.00
38266	CANCELLED CHEQUE	MISPRINTED - PAID ON CHEQUE 38280	0.00
38267	CANCELLED CHEQUE	MISPRINTED - PAID ON CHEQUE 38281	0.00
38268	CANCELLED CHEQUE	MISPRINTED - PAID ON CHEQUE 38282	0.00
38269	CANCELLED CHEQUE	MISPRINTED - PAID ON CHEQUE 38283	0.00
38270	CANCELLED CHEQUE	MISPRINTED - PAID ON CHEQUE 38284	0.00
38271	CANCELLED CHEQUE	MISPRINTED - PAID ON CHEQUE 38285	0.00
38272	CANCELLED CHEQUE	MISPRINTED - PAID ON CHEQUE 38286	0.00
38273	CANCELLED CHEQUE	MISPRINTED - PAID ON CHEQUE 38287	0.00
38274	CANCELLED CHEQUE	MISPRINTED - PAID ON CHEQUE 38288	0.00
38275	BONAPARTE DIAMOND MINES NL	REFUND OVERPAYMENT OF RATES	167.40
38276	BOZANA DOSLOV	REFUND OVERPAYMENT OF RATES	153.12
38277	GODFREY EDWARD TAYLOR	REFUND OVERPAYMENT OF RATES	777.25
38278	BISCAY RESOURCES PTY LTD	REFUND OVERPAYMENT OF RATES	544.52
38279	HORIZON POWER	STREET LIGHTING WYNDHAM FORESHORE	36.45
38280	PETER GEORGE COSTEO	REFUND OVERPAYMENT OF RATES	248.63
38281	PHILLIP GORDON ROGERS	REFUND OVERPAYMENT OF RATES	448.53
38282	REST SUPER	SUPERANNUATION CONTRIBUTIONS	298.54
38283	RIO TINTO EXPLORATION PTY LTD	REFUND OVERPAYMENT OF RATES	976.51
38284	SPEEWAH MINING PTY LTD	REFUND OVERPAYMENT OF RATES	11,019.35
38285	STATE LAW PUBLISHER	ADVERTISING OF TPS AMENDMENTS	346.50
38286	SUNLOOP PTY LTD	REFUND OVERPAYMENT OF RATES	402.74
38287	UNITED KIMBERLEY DIAMONDS NL	REFUND OVERPAYMENT OF RATES	3,768.69
38288	WYNDHAM COMMUNITY CLUB	CATERING JANUARY 2008 COUNCIL MEETING	210.00
38289	21/02/2008 HORIZON POWER	ELECTRICITY SUPPLIED	11,349.15
38290	2 K TOURS	BUS HIRE POOL PATRONS WYNDHAM TO KUNUNURRA	1,810.00
38291	ABID BAJWA	REFUND OVERPAYMENT OF RATES	56.62
38292	ALAN RAYMOND JAMES	REFUND OVERPAYMENT OF RATES	371.92
38293	BELLA BRADSHAW	REFUND OF BOND FOR HIRE OF HALL ON 19/12/07	200.00
38294	BOTHKAMP AUSTRALIA PTY LTD	REFUND OVERPAYMENT OF RATES	2,083.23
38295	C & J HENGGELER	REFUND OVERPAYMENT OF RATES	1,793.13
38296	CONVEYANCING SOUTH WEST	REFUND OVERPAYMENT OF RATES	1,554.08
38297	DR ROBERT REED	PRE EMPLOYMENT MEDICAL	130.00

38298		DAVID JOHN KELLEY	REFUND OVERPAYMENT OF RATES	1,538.86
38299		FOSSEYS AUSTRALIA P/L	RASHIE VEST FOR SWIM SCHOOL	89.97
38300		FRANK RODRIGUEZ	DEPOSIT FOR ASIC CARD	50.00
38301		KIMBERLEY BEEZ	REMOVE BEES FROM MAIN TERMINAL	110.00
38302		KING, LESLIE	REIMBURSEMENT OF PICK UP STICKS FOR DEPOT	105.95
38303		KYM CROOT	REFUND OVERPAYMENT OF RATES	157.77
38304		MINISTER FOR HEALTH	REFUND OVERPAYMENT OF RATES	966.86
38305		REWARDS LAND P/L	REFUND OVERPAYMENT OF RATES	615.29
38306		RICOH AUSTRALIA PTY LTD	TONER CARTRIDGE FOR DPI PRINTER	308.00
38307		TARN DALLAVANZI	REPAIRS TO STORM DAMAGE AT 21 NUTWOOD 28/11/07	1,007.80
38308		TELSTRA	LANDLINE PHONE CHARGES FOR JANUARY 2008	2,924.89
38309		VAGG'S WYNDHAM LIQUOR	REFRESHMENTS FOR JANUARY 2008 COUNCIL	69.97
38310		WYNDHAM BUSINESS CENTRE	REFUND OVERPAYMENT OF RATES	683.63
38311	27/02/2008	GRAB A BARGAIN VARIETY STORE	ASSORTED TOYS FOR SWIM SCHOOL	21.35
38312		ITC LIMITED	REFUND ON PLANNING APPLICATION PAID IN ERROR	200.00
38313		IVANHOE VILLAGE CARAVAN RESORT	ACCOMMODATION EHO TRAINEES FOR 19/01-16/02/08	4,140.00
38314		ORICA AUSTRALIA PTY LTD	SERVICE FEE OF CHLORINE CYLINDER KNX POOL JAN 08	314.07
38315		TELSTRA	MOBILE TELEPHONE ACCOUNT	1,262.95
TOTAL CHEQUE PAYMENTS				<u>79,263.94</u>
PAYROLL	13/02/2008	FORTNIGHTLY PAYRUN		107,606.56
PAYROLL	27/02/2008	FORTNIGHTLY PAYRUN		104,457.63
TOTAL PAYROLL PAYMENTS				<u>212,064.19</u>
DIRECT DEBIT		RENT 12/33 KONKERBERRY DRIVE KUNUNURRA		1,473.33
DIRECT DEBIT		BANK FEES		188.35
DIRECT DEBIT		BILL EXPRESS		27.50
DIRECT DEBIT		VISA PAYMENT		7,093.62
DIRECT DEBIT		WESTNET P/L		499.54
DIRECT DEBIT		MERCHANT FEES		389.22
TOTAL DIRECT DEBIT PAYMENTS				<u>9,671.56</u>

12.1.4. Budget Review as at 28 February 2008

DATE:	18 March 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Amanda Trengove, Manager Financial Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	60.21.09
ASSESSMENT NO:	N/A

PURPOSE

To consider and adopt the budget review for the Period 1 July 2007 to 28 February 2008.

BACKGROUND

Local Governments are required to conduct a budget review between 1 January and 31 March each financial year. This is the third year in which this requirement has applied. A budget review is a detailed comparison of the year to date actual results with the adopted or amended budget.

The budget review is to be submitted to Council within 30 days of the review for Council to consider and determine whether or not to adopt the review and any recommendations made in the review.

A copy of the review and Council decision is to be provided to the Department of Local Government within 30 days of the decision by Council.

STATUTORY IMPLICATIONS

Regulation 33A – local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The budget review enables management to establish whether the local government continues to meet its budget commitments. It enables Council to determine whether income and expenditures are in accordance with adopted budget.

STRATEGIC IMPLICATIONS

The budget review helps determine and document any projects that are unlikely to be completed during the budget year and new opportunities that have arisen during the year. The review process ensures management and Councillors review the performance of the Council for the year to date and apply corrective actions if required prior to 30 June to ensure a balanced budget is maintained.

COMMUNITY CONSULTATION

Nil

COMMENT

The budget review for the period 1 July 2007 to 28 February 2008 has been conducted by management and is provided as a separate attachment to this agenda.

ATTACHMENTS

Budget Review as at 28 February 2008 (provided as separate attachment)

VOTING REQUIREMENT

Absolute Majority Required

MANAGERS' RECOMMENDATION

That Council consider the budget review for the period 01 July 2007 to 28 February 2008 and adopts the review as tabled.

COUNCIL DECISION

Minute No: 8106

Moved: Cr J Parker

Seconded: Cr J Buchanan

That Council, having considered the budget review for the period 01 July 2007 to 28 February 2008, adopts the review as tabled.

Carried by Absolute Majority 8/0



Shire of Wyndham East Kimberley

Budget Review

For the Period Ended
01 July 2007 – 28 February 2008

Presented to Ordinary Meeting of Council
18 March 2008

Shire of Wyndham East Kimberley

Rate Setting Statement

As at 29 February 2008

	Adopted Budget 2007/2008	YTD Actual 2007/2008	Budget Adjustment 2007/2008	Budget Projection 2007/2008	Adj as % of original budget
	\$	\$	\$	\$	%
Operating					
Recurrent Revenue - Excluding Rates					
Governance	85,050	75,566	4,900	89,950	6%
General Purpose Funding	3,690,170	2,737,516	(24,500)	3,665,670	-1%
Law, Order, Public Safety	82,675	45,082	2,000	84,675	2%
Health	142,600	122,559	0	142,600	0%
Education and Welfare	686,523	90,871	422,500	1,109,023	62%
Housing	825,342	49,205	(753,413)	71,929	-91%
Community Amenities	1,510,100	1,307,546	299,500	1,809,600	20%
Recreation and Culture	442,400	227,009	(14,000)	428,400	-3%
Transport	109,000	118,472	983,310	1,092,310	902%
Economic Services	141,873	184,051	151,000	292,873	106%
Other Property and Services	1,561,304	3,316	175,600	1,736,904	11%
Airport Operations	1,947,351	1,594,993	439,000	2,386,351	23%
	11,224,388	6,556,185	1,685,897	12,910,285	15%
Recurrent Expenditure					
Governance	(838,378)	(376,541)	45,000	(793,378)	-5%
General Purpose Funding	(293,776)	(110,891)	32,000	(261,776)	-11%
Law, Order, Public Safety	(372,021)	(236,343)	(48,000)	(420,021)	13%
Health	(390,073)	(220,738)	(7,000)	(397,073)	2%
Education and Welfare	(341,969)	(198,368)	(4,700)	(346,669)	1%
Housing	(175,308)	(109,535)	6,500	(168,808)	-4%
Community Amenities	(2,318,871)	(1,253,415)	(207,000)	(2,525,871)	9%
Recreation & Culture	(2,796,266)	(1,862,627)	(255,800)	(3,052,066)	9%
Transport	(2,914,235)	(2,040,193)	(555,000)	(3,469,235)	19%
Economic Services	(612,066)	(365,497)	(153,400)	(765,466)	25%
Other Property and Services	(74,990)	(837,121)	62,400	(12,590)	-83%
Airport Operations	(1,780,344)	(1,053,320)	(150,300)	(1,930,644)	8%
	(12,908,296)	(8,664,590)	(1,235,300)	(14,143,596)	10%

Shire of Wyndham East Kimberley

Rate Setting Statement

As at 29 February 2008

	2007/2008 Adopted Budget	YTD Actual 2007/2008	Budget Adjustment 2007/2008	Budget Projection 2007/2008	Adj as % of original budget
	\$	\$	\$	\$	%
Capital					
Sale of Assets/Land Held for Resale	3,413,000	2,062,888	(77,500)	3,335,500	-2%
Capital Grants/Contributions	3,103,080	634,044	159,000	3,262,080	5%
	6,516,080	2,696,932	81,500	6,597,580	1%
Capital Expenditure (by Class)					
Land and Buildings	(1,782,400)	(947,189)	649,000	(1,133,400)	-36%
Infrastructure Assets - Roads	(2,974,200)	(871,128)	(237,700)	(3,211,900)	8%
Infrastructure Assets - Other	(2,916,890)	(246,148)	101,230	(2,815,660)	-3%
Plant and Equipment	(944,000)	(544,649)	(158,814)	(1,102,814)	17%
Furniture and Equipment	(95,000)	(62,378)	0	(95,000)	0%
	(8,712,490)	(2,671,492)	353,716	(8,358,774)	-4%
Adjustments					
Debenture Principal Repayments	(174,039)	(142,237)	0	(174,039)	0%
Proceeds from New Debentures	250,000	0	0	250,000	0%
Community Loans	16,224	30,940	0	16,224	0%
Transfers from Reserves	689,155	0	29,814	718,969	4%
Transfers to Reserves	(1,263,289)	(57,050)	(941,000)	(2,204,289)	74%
	(481,949)	(168,347)	(911,186)	(1,393,135)	189%
Adjustments and Accruals					
Depreciation	2,704,800	1,803,200	0	2,704,800	0%
Accruals	0	(140,604)	0	0	0%
Profit/Loss on Sale of Assets	(2,964,676)	0	35,813	(2,928,863)	-1%
Opening Funds - (Deficit) Surplus	498,317	971,686	473,369	971,686	95%
Closing Funds - (Deficit) Surplus	218,366	4,627,053	535,809	754,175	245%
Amount Raised from Rates	4,342,193	4,244,082	52,000	4,394,193	1%

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity

As at 29 February 2008

	Audited Brought Forward 1 July 2007 \$	YTD Actual 2007/08 \$	Projection 30 June 2008 \$
Net Current Assets			
<i>Composition of Net Current Asset Position</i>			
Current Assets			
Cash - Unrestricted	891,342	3,576,731	769,175
Cash - Reserves	3,167,572	3,224,622	4,652,892
Cash - Restricted Unspent Grants			
Investments - Restricted			
Receivables	964,261	1,712,661	940,000
Inventories	13,143	21,779	15,000
Land Held for Resale			
	5,036,317	8,535,793	6,377,067
<i>Less</i>			
Current Liabilities			
Payables	(897,059)	(684,118)	(900,000)
	(897,059)	(684,118)	(900,000)
<i>Less</i>			
Restricted Reserves			
Cash	(3,167,572)	(3,224,622)	(4,652,892)
Investments			
	971,686	4,627,053	824,175
Net Current Asset Position			

Shire of Wyndham East Kimberley
Notes to Statement of Financial Activity
Budget Review
For the Period Ended 1 July 2007 to 28 February 2008

1. Budget Review Process

Managers undertook a review process whereby the detail underlying the Statement of Financial Activity was assessed to determine whether or not the adopted budget is achievable.

Year to date revenues and expenditures were reviewed and the budget requirements for the remainder of the year were considered. Based on this assessment proposed budget adjustments were recorded against the relevant area.

The overall effect of the proposed budget adjustments is presented in the Statement of Financial Activity – Budget Review as at 29 February 2008. Justification and explanation for the proposed budget adjustments is detailed below.

2. Definition of Terms

Net Effect – total effect on budget of operating revenue and operating expenditure adjustments.

Positive – increase in revenue/decrease in expenditure

Negative – decrease in revenue/increase in expenditure

3. Explanation of Proposed Budget Adjustments

Note: total adjustments explained will not necessarily add up to total increase or decrease due to small adjustments made to some budgets. All significant adjustments will be documented.

3.1 Operating

Net Effect – Positive \$450,597

Revenue – Increase \$1,685,897

Expenditure – Increase \$1,235,300

Broken down as follows:

Governance

Net Effect – Positive \$49,900

Revenue – Increase \$4,900

A one of Insurance Premium Refund of \$20,000 due to savings in the self insured fund is partially offset by a decrease in insurance income due to less claims being lodged and changes in practice to offsetting the insurance income against the related expense so the insurance incident does not overstate actual recurrent costs.

Expenditure – Decrease \$45,000

Contingency funds of \$50,000 relating to Ord Stage 2 are not expected be required in this financial year.

A saving of \$13,000 was made on Election expenses due to CEO and staff acting as electoral officials.

The budget increase in Conference and Training Expenses for members of \$12,000 offsets the savings from election.

Savings of \$5,000 will be achieved from Council Travel Expenses due to vehicle being purchased for Wyndham being available for Councillor travel.

An additional \$6,000 has been added to the Public Relations to cover the costs associated with attending the careers expo in Perth to promote the Shire of East Kimberley as an employer.

A \$3,000 budget has been added for Strategic Planning costs to enable to strategic plan to be released in the final form.

An increase in audit fees budget of \$4,000 is required due to timing of interim audit.

General Purpose Funding

Net Effect – Positive \$7,500

Revenue – Decrease \$24,500

Pensioner Interest was reduced by \$4,500 as less interest is expected from State Revenue Department due to fewer pensioners deferring rates than in past.

An administration charge on rates was reduced from \$6,000 to \$4,000 because fewer ratepayers took up instalment options. A \$1,000 increase in Instalment Interest offsets some of this reduction.

Other Income was reduced from \$13,000 by \$4,000 as it does not appear at this stage that sundry income will reach the budgeted level.

A reduction of \$15,000 for recovery of legal expenses is directly offset with a reduction of \$15,000 expenses in legal costs.

Expenditure – Decrease \$32,000

\$15,000 reduction relating to recovery of legal costs (debt collection)

\$10,000 savings in expense related to spot rating expenses not being required in 2007/08 and expected reduction in bank charges of \$7,000.

Law Order & Public Safety

Net Effect – Negative \$46,000

Revenue – Increase \$2,000

The increase in revenue of \$2,000 relates to Dog Act Infringements being increase from \$2,500 to \$4,500

Expenditure – Increase \$48,000

An increase in expense has occurred with salaries in Wyndham being more than budgeted by \$55,000. This is partially offset by a \$4,000 saving in pound maintenance.

Health

Net Effect – Negative \$7,000.

Revenue – No Change

Small adjustments within the program offset each other

Expenditure – Increase \$7,000

An increase in expense was due to minor budget adjustments in the areas of pesticides and trainee expenses.

Education and Welfare

Net Effect – Positive \$417,800

Revenue - Increase \$422,500

An increase of \$425,000 relates to increase profit on sale on Ewin Centre property.

Expenditure – Increase \$4,700

Savings on expenditure were made at the Wyndham Child Care Centre on electricity and building maintenance are partially offset by an increase in ground maintenance.

Unbudgeted expenditure of \$14,000 occurred at Ewin Centre on donga hire as this was required for longer than anticipated at budget time, a budget is required for this. Savings of \$6,000 on maintenance at new Childcare Centre can be achieved to offset some of this cost.

Housing

Net Effect – Negative \$746,913.

Revenue – Decrease \$753,413

\$753,413 was budgeted as profit on sale of assets. This was for the sale of two staff houses that were being replaced by construction of two new houses. The new houses will not be completed in 2007/08 so the profit on Sale will not be realised this financial year.

Expenditure – Decrease \$6,500

Minor savings have been made on a number of staff housing reducing expenditure by \$6,500.

Community Amenities

Net Effect – Positive \$92,500

Revenue – Increase \$299,500

Additional bin Rubbish charges have exceeded budget expectations by \$31,000. The Sanitation- Household Refuse sub-program was budgeted for revenues to equal expenses. This increase in revenue will result in a equal transfer to the Waste Management Reserve.

Additional grant funds of \$250,000 not included in the adopted budget relating to rehabilitation on Weaber Plains and Environmental Officer position are offset by addition of corresponding expense budgets.

Fees in Town Planning exceed budget expectations by an estimated \$37,500.

Commercial Boat Facility grant funds have been reduced by \$17,000 as these funds were received in 2006/2007.

Budgeted revenue of \$10,000 has been removed for Top of the West Festival as the project is not expected to occur in 2007/08. Expenditures of an equivalent amount have also been removed.

Kununurra YAC fund of \$5,000, Community Development Program grants of \$5,000 and Hype Sponsorship of \$5,000 is not expected to be received.

Youth Centre lease fees and hire fees has been reduced from \$18,700 by \$11,500. This relates to amount of year property is available to lease/hire.

Youth Centre for construction has increased by \$35,000 to \$230,000.

Expenditure – Increase \$207,000

Increase expenditure on litter control in Wyndham occurs but it's equalised by a decrease in spending on litter control in Kununurra.

The above mentioned funding for rehabilitation on Weaber Plains Road also increase the spending in this area by an equivalent \$250,000.

Budgeted expenditure has been reduced for Top of the West Festival and Hype Sponsorship equivalent to reduction in revenues of \$10,000 and \$5,000. An equivalent matching contribution of \$5,000 each for these projects has been removed.

The budget of \$5,000 for Kununurra YAC has been removed to match grant funds not being received.

\$20,000 of the \$40,000 budgeted funds for town planning scheme review need to be carried forward into next budget as the project will span two financial years.

Recreation and Culture

Net Effect – Negative \$269,800

Revenue – Decrease \$14,000

Budgeted revenue is decreased in the areas of Pool Admissions being \$15,000 for Kununurra and \$2,000 for Wyndham. These budgets although the same as prior year were probably a bit ambitious as they had not been achieved in the past.

Traineeship Income for Wyndham Swimming Complex of \$10,000 was removed as there was a budget double up between locations.

Increased revenue of \$17,000 is budgeted for new position of Club Development Officer, corresponding expenditures have also been included.

Minor increase in budgeted revenue occurred for Wyndham Hall Hire, Kununurra Recreation Hall Hire, Casual Gym usage, Wyndham Parks and Garden reimbursements and KDHS reimbursements at the Library. Minor decreases in revenue occurred for the Wyndham Recreation Centre Programs and the Kununurra Oval Charges.

Expenditure – Increase \$255,800

Major increase in expected expenditure occurred Salaries at the Kununurra Swimming Pool and Kununurra Leisure Centre of \$100,000. This occurred from a variety of reasons including a missing FTE in the adopted budget, a strategy to increase service provision at the Leisure Centre, increased programming and mismanagement of the roster in the first quarter of the financial year. The strategy to increase service provision was not as successful as anticipated and this has been reduced by half. The increased programming has resulted in increased revenues of 25% (\$5,000). The mismanagement of the roster was identified by upper management and changes instigated to reduce the impact of this for the remainder of the year by reducing staffing to more appropriate levels.

Further increases relates to the creation of a new Club Development Officer, \$24,400 and the relocation of a new Wyndham Pool Manager, \$9,500.

An \$80,000 increase in budget within Kununurra Parks and Gardens and a \$55,000 increase within Wyndham Parks and Gardens are included. The Wyndham funds are a transfer of capital funds for Giant Croc Park.

An adjustment of \$5,000 was made at the Kununurra Library and these correspond with the above increase in revenue.

Transport

Net Effect – Positive \$428,310

Revenue – Increase \$983,310

This major increase in budgeted revenue is due to additional funds for 2006 Flood Damages of \$973,310 being confirmed.

Expenditure – Increase \$555,000

Budget increases of \$300,000 in Road Maintenance, up from \$550,000 and new budget for Flood Damage of \$275,000. Funding for this comes from the \$973,310 additional revenue.

Budgeted funds of \$30,000 for the Natural Disaster project have been removed from Transport as works are being completed under another project.

Economic Services

Net Effect – Negative \$2,400

Revenue – Increase \$151,000

The Something Concrete Project was not included in the original budget, this fully funded external project adds \$150,000 revenue and expenditure to the budget.

Expenditure – Increase \$153,400

A corresponding budget of \$150,000 is required for the Something Concrete Project.

Savings of \$6,000 in relocation expenses for Building Surveyor are offset by \$5,000 unbudgeted funds for Wyndham Visitors Centre and increase of \$4,400 for Kimberley Visitors Centre.

Other Property and Services

Net Effect – Positive \$238,000

Revenue – Increase \$175,600

An increase in budgeted revenue of \$150,000 relates to profit on sale of land being additional funds received from sale of parks and a further \$22,600 for additional profit on sale of light plant.

\$3,000 unbudgeted private works income has been added.

Expenditure – Decrease \$62,400

Increases in budgeted expenditure are required for Kununurra Office Building Capital Maintenance, \$13,000 for replacement air conditioners in reception.

Savings on expenditure are expected with saving at the Kununurra Office on Telephone & Fax, Advertising, Consultancy – Finance, Traineeship Expense and Photocopier Lease, totalling \$45,500.

The budget of \$27,000 for sustainable regions is expected to be carried forward to next financial year.

Airports

Net Effect – Positive \$288,700

Revenue – Increase \$439,000

An increase in budgeted revenue within Airports relates to Profit on Sale of Land of \$120,000 for airport land not included to be sold in adopted budget.

\$10,000 has been recouped for excess water from Wyndham Workcamp. This is higher than expected due to a water leak at the Workcamp.

Fuel sales have been reduced by \$50,000 due to less fuel being sold at Wyndham Airport since the office and hanger were vacated by previous tenant.

Aircraft Landing Fees and Passenger Head Tax have increased by \$80,000 to \$680,000 and \$100,000 to \$1,000,000 respectively due to increase in jet services.

A budget for Passenger Screening Fees of \$150,000 has been included for new income relating to checked bag screening.

Expenditure – Increase \$150,300

A budget for Passenger Screening Expenses of \$150,000 is required.

Additional insurance costs of \$16,000 are offset by savings across airport operations.

3.2 Capital

Sale of Assets / Land Held for Resale

Net Effect – Negative \$77,500

Revenue – Decrease \$77,500

Budget adjustment to remove \$860,000 sale proceeds from sale of staff houses.

This is offset by:

\$425,000 increase in proceeds from sale of Ewin Centre.

\$150,000 increase in sale proceeds from sale of parks

\$120,000 additional revenue from sale of Airport Land

\$25,000 additional sale proceeds from sale of Airport Tractor.

\$62,500 additional sale proceeds from sale of light plant. Some plant items were tendered in 2006/07 but not delivered until 2007/08. They were not included in the 2007/08 budget as an oversight. This impacts on profit and loss on sale of plant, revenue from sale of assets and Capital Expenditure – Plant and Equipment. The cash impact on the balanced rate setting statement is \$89,500.

Capital Grants / Contributions

Net Effect – Positive \$159,000

A decrease in budget is required for \$50,000 relating to the Country Housing Grant because staff houses will not be completed in this financial year to trigger release of grant funds.

\$50,000 relating to Wyndham Pool Upgrade will not be received in this financial year but the project spans two financial years and expenditure is adjusted to offset this decrease.

An increase of \$199,000 additional Regional Roads Grants for additional works is included. This will require an additional contribution by Council.

\$60,000 grant funding for an Explosive Trace Detection Unit at the Kununurra Airport was not expected at time of budget adoption

Capital Expenditure (by class)

Net Effect – Positive \$353,716

Land and Buildings – Decrease \$649,000

Expenditure is projected for Building Construction – Kununurra Child Care Centre of \$35,000 where no expenditure was expected in 07/08.

An additional \$6,000 is required for the purchase of land for Staff Housing.
A decrease in budgeted expenditure of \$840,000 is expected for the Construction of two Staff Houses because construction is not expected to commence in 2007/2008.

An additional \$90,000 is required to finalise the building of the Kununurra Youth Centre.

A new budget item of \$60,000 for the Explosive Trace Detection Unit at the Kununurra Airport is required.

Infrastructure Assets – Roads – Increase \$237,700

Increase expenditure is projected for Weaber Plains Road of \$299,000 bring total project budget to \$587,300. This is partially funded by increase in Regional Road Group Funds.

A \$6,300 saving is expected on the resealing program.

Giant Croc Park funds of \$55,000 have been transferred to Parks and Gardens.

Infrastructure Assets – Other – Decrease \$101,230

Decreased expenditure is projected due to a saving of \$27,230 which was budgeted for ABC Classic FM / Triple J however this was paid in 2006/07.

A saving of \$50,000 will occur within the Wyndham Pool Upgrade as project to offset grant funds not being received in 2007/2008.

Savings of \$27,000 in street lighting can be achieved as program was completed for \$18,000

Plant and Equipment – Increase \$158 814

Increase expenditure is projected for Light Plant purchase of \$152,000 (as explained above)

Increased expenditure of \$17,000 for Airport Tractor.

New budget of \$29,814 for Airport Reporting Officer Vehicle was adopted by Council.

A saving will be made on Airport Screening Equipment of \$40,000.

3.3 Adjustments

Transfers to/from Reserves – Negative \$911,186

A transfer from the Airport reverse of \$29,814 was adopted by Council to cover the cost of the Airport Reporting Officer Vehicle.

A transfer of \$425,000 is required to the Child Care Reserve relating to the increase in the Proceeds from sale of the Ewin Centre.

A transfer of \$31,000 is required to the Waste management Reserve as there was \$31,000 additional revenue received.

A transfer of \$335,000 is required to the Airport Reserve as this is the projected budgeted surplus from adjustments relating to the Airport Operations.

A transfer of \$150,000 is required to the Parks Reserve as there was an increase in revenue received from the sale of Parks.

3.4 Adjustments and Accruals

Profit / Loss on the Sale of Assets - Additional \$35,813

This is the net effect relating to profit on the Sale of Property at the Airport, Ewin Centre, Staff Housing and Parks.

Opening Funds – Surplus \$473,369

An additional Surplus of \$473,369 from the amount estimated at time of budget adoption and actual audited value.

Closing Funds – Surplus - \$605,809

This is the net effect of all adjustments on the budget. This means we will start 2008/09 with an estimated \$605,809 to spend.

Rates – Increase \$52,000

Additional rates revenue of \$74,000 is offset by additional discount of \$22,000.

4. Recommendation

That Council adopt the budget adjustments as detailed in the Statement of Financial Activity and related notes.

12.1.5. Delegations Register – Delegation 97 – Authority to Order

DATE:	18 March 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Gill Old, Senior Finance Officer
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	60.14.02
ASSESSMENT NO:	N/A

PURPOSE

To consider and amend Delegation 97 – Authority to Order

BACKGROUND

Council adopted the Delegations Register dated June 2007 in Minute 7798 at the Ordinary Council Meeting on 17 July 2007, subsequent amendments to the register were adopted by Council in Minute 7851 at the Ordinary Council Meeting of 21 August 2007.

With the implementation of the new Airport Administration Officer, a new delegation is required, which also allows for a review of other delegations in their entirety.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 5.42

POLICY IMPLICATIONS

Delegations Register

FINANCIAL IMPLICATIONS

Changes to delegation 97 will enable persons to order goods and services in keeping with their position within the organisation subject to budgetary constraints.

STRATEGIC IMPLICATIONS

Appropriate levels of authority to order goods and services enables officers to undertake their duties in an efficient and timely manner. Purchasing limits that are too low push workload to the officers manager that is not necessary. Purchasing limits that are too high increase the risk of inappropriate expenditure.

COMMUNITY CONSULTATION

Nil

COMMENT

The current delegation gives authority to order goods and services within the following limitations:

Position	Amount
<i>Chief Executive Officer</i>	\$100,000
<i>Executive Manager Engineering & Development Services</i>	\$50,000
<i>Executive Manager Corporate Services</i>	\$50,000
<i>Executive Manager Town Planning</i>	\$50,000
<i>Executive Manager Community Services</i>	\$50,000
<i>Manager Financial Services</i>	\$10,000
<i>Senior Finance Officer</i>	\$2,000
<i>Administration Supervisor</i>	\$1,000
<i>Manager Technical Services</i>	\$20,000
<i>Environmental Health Officer (Aboriginal Communities)</i>	\$1,000
<i>Environmental Health Officer</i>	\$1,000
<i>Building Surveyors</i>	\$5,000
<i>Building Maintenance Officer</i>	\$500
<i>Manager Recreation & Leisure</i>	\$5,000
<i>Leisure Centre Coordinator</i>	\$1,000
<i>Recreation Officers/Duty Supervisors</i>	\$500
<i>Wyndham Pool Manager</i>	\$1,000
<i>Wyndham Child Care Centre Director</i>	\$1,000
<i>Wyndham Operations Manager</i>	\$5,000
<i>Airport Manager</i>	\$10,000
<i>Executive Support Officers</i>	\$1,000
<i>Environmental Project Officer</i>	\$5,000
<i>Kununurra Works Supervisor</i>	\$2,000
<i>Depot Stores/Admin Officer</i>	\$2,000
<i>Librarian (only while employed by Shire of Wyndham East Kimberley)</i>	\$500

The following changes are recommended:

- Addition of Airport Administration Officer with a limit of \$5000.
- Addition of Project Officer with a limit of \$500.

The recommended changes are **highlighted** below:

Position	Amount
Chief Executive Officer	\$100,000
Executive Manager Engineering & Development Services	\$50,000
Executive Manager Corporate Services	\$50,000
Executive Manager Town Planning	\$50,000
Executive Manager Community Services	\$50,000
Manager Financial Services	\$10,000
Senior Finance Officer	\$2,000
Administration Supervisor	\$1,000
Manager Technical Services	\$20,000
Environmental Health Officer (Aboriginal Communities)	\$1,000
Environmental Health Officer	\$1,000
Building Surveyors	\$5,000
Building Maintenance Officer	\$500
Manager Recreation & Leisure	\$5,000
Leisure Centre Coordinator	\$1,000
Recreation Officers/Duty Supervisors	\$500
Wyndham Pool Manager	\$1,000
Wyndham Child Care Centre Director	\$1,000
Wyndham Operations Manager	\$5,000
Airport Manager	\$10,000
Airport Support Officer	\$5,000
Executive Support Officers	\$1,000
Environmental Project Officer	\$5,000
Kununurra Works Supervisor	\$2,000
Depot Stores/Admin Officer	\$2,000
Project Officer	\$500
Librarian (only while employed by Shire of Wyndham East Kimberley)	\$500

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

That Council having reviewed Delegation 97 – Authority to Order amend the limitations placed on the authority to order goods and services as below:

Position	Amount
Chief Executive Officer	\$100,000
Executive Manager Engineering & Development Services	\$50,000
Executive Manager Corporate Services	\$50,000
Executive Manager Town Planning	\$50,000
Executive Manager Community Services	\$50,000
Manager Financial Services	\$10,000
Senior Finance Officer	\$2,000
Administration Supervisor	\$1,000
Manager Technical Services	\$20,000
Environmental Health Officer (Aboriginal Communities)	\$1,000
Environmental Health Officer	\$1,000
Building Surveyors	\$5,000
Building Maintenance Officer	\$500
Manager Recreation & Leisure	\$5,000
Leisure Centre Coordinator	\$1,000
Recreation Officers/Duty Supervisors	\$500
Wyndham Pool Manager	\$1,000
Wyndham Child Care Centre Director	\$1,000
Wyndham Operations Manager	\$5,000
Airport Manager	\$10,000
Airport Support Officer	\$5,000
Executive Support Officers	\$1,000
Environmental Project Officer	\$5,000
Kununurra Works Supervisor	\$2,000
Depot Stores/Admin Officer	\$2,000
Project Officer	\$500
Librarian (only while employed by Shire of Wyndham East Kimberley)	\$500

COUNCIL DECISION

Minute No: 8107

Moved: Cr D Ausburn

Seconded: Cr J Moulden

That Council having reviewed Delegation 97 – Authority to Order amend the limitations placed on the authority to order goods and services as below:

<i>Position</i>	<i>Amount</i>
<i>Chief Executive Officer</i>	<i>\$100,000</i>
<i>Executive Manager Engineering & Development Services</i>	<i>\$50,000</i>
<i>Executive Manager Corporate Services</i>	<i>\$50,000</i>

<i>Executive Manager Town Planning</i>	\$50,000
<i>Executive Manager Community Services</i>	\$50,000
<i>Manager Financial Services</i>	\$10,000
<i>Senior Finance Officer</i>	\$2,000
<i>Administration Supervisor</i>	\$1,000
<i>Manager Technical Services</i>	\$20,000
<i>Environmental Health Officer (Aboriginal Communities)</i>	\$1,000
<i>Environmental Health Officer</i>	\$1,000
<i>Building Surveyors</i>	\$5,000
<i>Building Maintenance Officer</i>	\$500
<i>Manager Recreation & Leisure</i>	\$5,000
<i>Leisure Centre Coordinator</i>	\$1,000
<i>Recreation Officers/Duty Supervisors</i>	\$500
<i>Wyndham Pool Manager</i>	\$1,000
<i>Wyndham Child Care Centre Director</i>	\$1,000
<i>Wyndham Operations Manager</i>	\$5,000
<i>Airport Manager</i>	\$10,000
<i>Airport Operations Officer</i>	\$5,000
<i>Executive Support Officers</i>	\$1,000
<i>Environmental Project Officer</i>	\$5,000
<i>Kununurra Works Supervisor</i>	\$2,000
<i>Depot Stores/Admin Officer</i>	\$2,000
<i>Project Officer</i>	\$500
<i>Librarian (only while employed by Shire of Wyndham East Kimberley)</i>	\$500

Carried by Absolute Majority 8/0

12.1.6. Compliance Audit Return 2007

DATE:	18 March 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	60.14.03
ASSESSMENT NO:	N/A

PURPOSE

To advise Council of the outcomes of the 2007 Shire of Wyndham East Kimberley self audit process, the Compliance Audit.

BACKGROUND

The Chief Executive Officer is required to complete and submit a self audit known as the Compliance Audit Return to the Department of Local Government and Regional Development by 31 March each year. The Compliance Audit is one of the tools that allows Council to monitor how the organisation is functioning.

Regulations require that upon completion of the Compliance Audit Return the return is to be:

- Presented to the Council at a meeting of the Council.
- Adopted by the Council
- Recorded in the minutes of the meeting at which it is adopted.

Compliance audits are essentially a checklist whereby the CEO confirms compliance (or otherwise) with the various legislation that pertains to local government administration and decision making. The Compliance Audit is undertaken using an online Compliance Audit Return that is prepared by the Department of Local Government and Regional Development (the Department).

STATUTORY IMPLICATIONS

Section 7.13 (i) of the Local Government Act 1995 states that:

Regulations may make provision requiring local governments to carry out in the manner and form prescribed an audit of compliance with such statutory requirements as are prescribed wether those requirements are:

- (i) Of a financial nature or not*
- (ii) Under this act or another written law*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil.

COMMUNITY CONSULTATION

Nil

COMMENT

The 2007 Compliance Audit asked 346 questions related to compliance with the Local Government Act, other relevant legislation, and regulations impacting on Local Government.

The most pressing non compliance issues identified in the self audit was the need for Council to complete its revised Plan for the Future.

The Plan for the Future is in draft form and is scheduled to be concluded in the budget planning cycle Council is now entering and which will be completed between now and July.

ATTACHMENTS

Attachment 1 2007 Compliance Audit Report

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

That Council adopt the 2007 Compliance Audit report.

COUNCIL DECISION

Minute No: 8108

Moved: Cr J Parker

Seconded: Cr J Buchanan

That Council adopt the 2007 Compliance Audit report.

Carried Unanimously 8/0

Attachment 1 Compliance Audit Return

Department of Local Government and Regional Development - Compliance Audit Return



Wyndham-East Kimberley - Compliance Audit Return 2007

Certified Copy of Return

Please submit a signed copy to the Director General of the Department of Local Government and Regional Development together with a copy of section of relevant minutes.

Caravan Parks and Camping Grounds					
No	Reference	Question	Response	Comments	Respondent
1	s21(1) Caravan Parks and Camping Grounds Act 1995	Did the local government inspect each caravan park or camping ground in its district within the period 1 July 2006 to 30 June 2007.	Yes		Jo-Anne Ellis

Cemeteries					
No	Reference	Question	Response	Comments	Respondent
1	s40(1)(a), (b) Cemeteries Act 1986	Has a register been maintained which contains details of all burials in the cemetery, including details of the names and descriptions of the deceased persons and location of the burial.	Yes		Jo-Anne Ellis
2	s40(1)(a), (b) Cemeteries Act 1986	Has a register been maintained which contains details of all grants of right of burial in the cemetery, including details of assignments or bequests of grants.	Yes		Jo-Anne Ellis
3	s40(2) Cemeteries Act 1986	Have plans been kept and maintained showing the location of all burials registered in 2 above.	Yes		Jo-Anne Ellis

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a)(b)(c) F&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2007.	N/A		Jo-Anne Ellis
2	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2007.	N/A		Jo-Anne Ellis
3	s3.59(2)(a)(b)(c) F&G Reg 7,11	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2007.	N/A		Jo-Anne Ellis
4	s3.59(4)	Has the local government given Statewide public notice of each proposal to commence a major trading undertaking or enter into a major land transaction for 2007.	N/A		Jo-Anne Ellis
5	s3.59(5)	Did the Council, during 2007, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	N/A		Jo-Anne Ellis

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Delegation of Power / Duty					
No	Reference	Question	Response	Comments	Respondent
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority.	N/A		Jo-Anne Ellis
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	N/A		Jo-Anne Ellis
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	N/A		Jo-Anne Ellis
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	N/A		Jo-Anne Ellis
5	s5.18	Has Council reviewed delegations to its committees in the 2006/2007 financial year.	N/A		Jo-Anne Ellis
6	s5.42(1),5.43 Admin Reg 18G	Did the powers and duties of the Council delegated to the CEO exclude those as listed in section 5.43 of the Act.	Yes		Jo-Anne Ellis
7	s5.42(1)(2) Admin Reg 18	Were all delegations to the CEO resolved by an absolute majority.	Yes		Jo-Anne Ellis
8	s5.42(1)(2) Admin Reg 18	Were all delegations to the CEO in writing.	Yes		Jo-Anne Ellis
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	Yes		Jo-Anne Ellis
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	No	Although passed by absolute majority decision was recorded as carried unanimously	Jo-Anne Ellis
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes		Jo-Anne Ellis
12	s5.46(2)	Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2006/2007 financial year.	Yes		Jo-Anne Ellis
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required.	No		Jo-Anne Ellis

Disclosure of Interest					
No	Reference	Question	Response	Comments	Respondent
1	s5.66(a)	Did the CEO, on all occasions, where a council member gave written notice of a disclosure of interest before a meeting, cause that notice to be given to the person who presided at the meeting.	Yes		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
2	s5.66(b)	Did the person presiding at a meeting, on all occasions, when given a member's written financial interest disclosure by the CEO, bring its contents to the attention of persons present immediately before any matters to which the disclosure relates were discussed.	Yes		Peter Stubbs
3	s5.67	If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68).	Yes		Peter Stubbs
4	s5.68(2)	Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings.	Yes		Peter Stubbs
5	s5.70(2)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to the Council or a Committee, did that person disclose the nature of that interest when giving the advice or report.	Yes		Peter Stubbs
6	s5.70(3)	Where an employee disclosed an interest under s5.70(2), did that person also disclose the extent of that interest when required to do so by the Council or a Committee.	Yes		Peter Stubbs
7	s5.71	On all occasions were delegated powers and duties not exercised by employees that had an interest in the matter to which the delegated power or duty related.	Yes		Peter Stubbs
8	s5.71(a)	Did the CEO disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she had an interest in the matter to which the delegated power or duty related.	Yes		Peter Stubbs
9	5.71(b)	Did an employee disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she had an interest in the matter to which the delegated power or duty related.	Yes		Peter Stubbs
10	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made.	Yes		Peter Stubbs
11	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day.	Yes		Peter Stubbs
12	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly designated employees within three months of their start day.	Yes		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
13	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2007.	Yes		Peter Stubbs
14	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2007.	Yes		Peter Stubbs
15	s5.77	On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return.	Yes		Peter Stubbs
16	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76	Yes		Peter Stubbs
17	s5.88(1)(2) Admin Reg 2	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28.	Yes		Peter Stubbs
18	s5.88 (3)	Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76.	Yes		Peter Stubbs
19	s5.88(4)	Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee.	Yes		Peter Stubbs
20	s5.103 Admin Reg 34C	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes.	Yes		Peter Stubbs

Disposal of Property

No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Was any property that was not disposed of by public auction or tender, given local public notice prior to disposal (except where excluded by Section 3.58(5)).	Yes		Jo-Anne Ellis
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property.	Yes		Jo-Anne Ellis

Elections



No	Reference	Question	Response	Comments	Respondent
1	4.17(3)	Was approval sought from the Electoral Commissioner where council allowed a vacancy to remain unfilled as a result of a councillor's position becoming vacant under s2.32 and in accordance with s4.17(3)(a) & (b).	Yes		Peter Stubbs
2	s4.20(2)	Did the local government appoint a person other than the CEO to be the returning officer of the local government for an election or all other elections held while that appointment applied, after having written agreement of the person concerned and the Electoral Commissioner.	No		Jo-Anne Ellis
3	s4.20(4)	Did the local government declare the electoral commissioner to be responsible for the conduct of an election, after having first obtained the written agreement of the electoral commissioner.	No		Jo-Anne Ellis
4	s4.20(5)	Where a declaration has not already been made, was a declaration made under s4.20(4) prior to the 80th day before election day.	N/A		Jo-Anne Ellis
5	s4.32(4)	Did the CEO, within 14 days after receiving a claim for enrolment, decide whether the claimant was eligible or not eligible under s4.30(1)(a)&(b) and accept or reject the claim accordingly.	Yes		Peter Stubbs
6	s4.32(6) Elect Reg 13	Did the CEO record on all occasions the decision in the owners and occupiers register in accordance with Regulation 13 of the Local Government (Elections) Regulations 1997 and give written notice of the decision to the claimant without delay, for eligibility to enrol.	Yes		Peter Stubbs
7	s4.35(2)	Did the CEO give written notice to the person before making a decision under subsection (1)(c) and allow 28 days for the person to make submissions on the matter.	Yes		Peter Stubbs
8	s4.35(3)	Did the CEO, after making a decision under subsection (1)(c), give written notice of it to the person.	N/A		Peter Stubbs
9	s4.35(5)	Did the CEO, on receipt of advice of the Electoral Commissioner's decision on an appeal, take any action necessary to give effect to that decision.	N/A		Peter Stubbs
10	s4.35(6)	Did the CEO give written notice on all occasions to the person, where after considering submissions made under subsection 2, the CEO decided that the person was still eligible under s4.30 to be enrolled to vote at elections for the district or ward.	N/A		Peter Stubbs
11	s4.35(7)	Did the CEO, on all occasions, record any decision under subsection (1) or (6) in the register referred to in section 4.32(6).	N/A		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
12	s4.39(2)	Did the CEO on or after the 70th day, but no later than the 56th day give statewide public notice of the time and date of the close of enrolments.	Yes		Peter Stubbs
13	s4.41(1)	Did the CEO prepare an owners and occupiers roll for the election on or before the 36th day before election day.	Yes		Jo-Anne Ellis
14	s4.41(2)	Did the CEO certify that the owners and occupiers roll included the names of all persons who were electors of the district or ward under s4.30 at the close of enrolments.	Yes		Jo-Anne Ellis
15	s4.43(1)	Where the CEO was returning officer (RO) and the rolls were not consolidated, did the RO delete the names of any person from the owners and occupiers roll whose name also appeared on the residents roll, on or before the 22nd day before election day.	Yes		Jo-Anne Ellis
16	s4.47(1)	Where the CEO was returning officer (RO), did the RO give statewide public notice calling for nominations of candidates for the election on or after the 56th day but no later than the 45th day before election day.	Yes		Jo-Anne Ellis
17	s4.47(2)(a)	Did the notice referred to in s4.47(1) calling for nominations specify the kind of election to be held and the vacancy or vacancies to be filled.	Yes		Jo-Anne Ellis
18	s4.47(2)(b)	Did the notice referred to in s4.47(1) calling for nominations specify the place where nominations may be delivered or sent.	Yes		Jo-Anne Ellis
19	s4.47(2)(c)	Did the notice referred to in s4.47(1) calling for nominations specify the period within which nominations have to be delivered or sent.	Yes		Jo-Anne Ellis
20	s4.47(2)(d)	Did the notice referred to in s4.47(1) calling for nominations specify any other arrangements made for the receipt by the returning officer of nominations.	Yes		Jo-Anne Ellis
21	s4.61(2)	Did the Council of the local government, where it decided to conduct the election as a postal election, make that decision by absolute majority.	N/A		Jo-Anne Ellis
22	s4.61(3)	Where a decision was made under s4.61(2) and a relevant declaration had not already been made, was that decision made prior to the 80th day before election day.	N/A		Jo-Anne Ellis



No	Reference	Question	Response	Comments	Respondent
23	s4.64	Where the CEO was returning officer (RO), did the RO give Statewide public notice (election notice) as soon as practicable after preparations for the election, but no later than on the 19th day before election day, in accordance with regulations that included details of how, when and where the election will be conducted and the names of the candidates.	Yes		Jo-Anne Ellis
24	Elect Reg 7	Did a person, before acting as an electoral officer, make the required declaration as stated in local government election regulation 7.	Yes		Jo-Anne Ellis
25	Elect Reg 8(2)	Where the CEO was returning officer (RO), did the RO prepare and adopt a Code of Conduct for the 2007 Ordinary Elections.	Yes		Jo-Anne Ellis
26	Elect Reg 8(3)	Where the CEO was returning officer (RO), did the RO provide each electoral officer a copy or access to a copy of the electoral code of conduct for the 2007 Ordinary Elections.	Yes		Jo-Anne Ellis
27	Elect Reg 13(1)	Has the relevant information as listed in Election Reg 13 been recorded in the owners and occupiers register.	Yes		Peter Stubbs
28	Elect Reg 13(4)	Did the CEO amend the register from time to time to make sure that the information recorded in it is accurate.	Yes		Peter Stubbs
29	Elect Reg 17	Did the local government keep an enrolment eligibility claim form, if accepted, a copy of a notice of acceptance for 2 years after the claim and notice expired, and a copy of a notice of rejection for 2 years after the claim was rejected.	Yes		Peter Stubbs
30	Elect Reg 26(4)	Did the CEO or an employee of the local government appointed as Returning Officer keep the deposit referred to in s4.49(d) separate from other money and credited to a fund of the local government.	Yes		Jo-Anne Ellis
31	Elect Reg 30G (1)	Did the CEO establish and maintain an electoral gift register and ensure that all 'disclosure of gifts' forms completed by candidates and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the candidates.	Yes		Peter Stubbs
32	Elect Reg 30G(3)	Did the CEO remove any "disclosure of gifts" forms completed by unsuccessful candidates from the electoral gift register in accordance with the period under regulation 30C and retain those forms separately for a period of at least 2 years.	N/A		Peter Stubbs
33	Elect Reg 30H	Has the electoral gift register been kept at the appropriate local government offices.	Yes		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
34	Elect Reg 40	Has a postal voters register been kept of electors whose applications are under regulation 37(1)(b) and are accepted under regulation 38(1), which contains the enrolment details of each elector included on it and any ward in respect of which the elector is registered.	Yes		Peter Stubbs
35	Elect Reg 81	Was the report relating to an election under s4.79 provided to the Minister within 14 days after the declaration of the result of the election.	Yes		Jo-Anne Ellis

Executive Functions

No	Reference	Question	Response	Comments	Respondent
1	s3.18(3)(a)	Has the local government satisfied itself that the services and facilities that it provides ensure integration and co-ordination of services and facilities between governments.	Yes		Jo-Anne Ellis
2	s3.18(3)(b)	Has the local government satisfied itself that the services and facilities that it provides avoid unnecessary duplication of services or competition particularly with the private sector.	Yes		Jo-Anne Ellis
3	s3.18(3)(c)	Has the local government satisfied itself that the services and facilities that it provides ensure services and facilities are properly managed.	Yes		Jo-Anne Ellis
4	s3.32(1)	Was a notice of intended entry given to the owner or occupier of the land, premises or thing that had been entered.	N/A		Peter Stubbs
5	s3.32(2)	Did the notice of intended entry specify the purpose for which the entry was required.	N/A		Peter Stubbs
6	s3.32(3)	Was the notice of intended entry given not less than 24 hours before the power of entry was exercised.	N/A		Peter Stubbs
7	s3.40A(1)	Where in the opinion of the local government a vehicle was an abandoned vehicle wreck, was it removed and impounded by an employee authorised (for that purpose) by the local government.	Yes		Peter Stubbs
8	s3.40A(2)	Where the owner of the vehicle was identified within 7 days after its removal under s3.40A(1), did the local government give notice to that person advising that the vehicle may be collected from a place specified during such hours as are specified in the notice.	Yes		Peter Stubbs
9	s3.40A(3)	Where notice was given under s3.40A(2) did it include a short statement of the effect of subsection (4)(b) and the effect of the relevant provisions of sections 3.46 and 3.47.	Yes		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
10	s3.50	Did the local government close a thoroughfare wholly or partially for a period not exceeding 4 weeks under the guidelines of 3.50.	No		Peter Stubbs
11	s3.51(3)	Did the local government give notice of what is proposed to be done giving details fo the proposal and inviting submissions from any person who wishes to make a submission and allow a reasonable time for submissions to be made and consider any submissions made.	N/A		Peter Stubbs
12	s3.52(4)	Has the local government kept plans for the levels and alignments of public thoroughfares that are under its control or mangement, and made those plans available for public inspection.	Yes		Peter Stubbs

Finance

No	Reference	Question	Response	Comments	Respondent
1	s5.53, Admin Reg 19B	Has the local government prepared an annual report for the financial year ended 30 June 2007 that contained the prescribed information under the Act and Regulations.	Yes		Jo-Anne Ellis
2	s5.54(1), (2)	Was the annual report accepted by absolute majority by the local government by 31 December 2007.	No	Auditors report not available	Jo-Anne Ellis
3	s5.54(1), (2)	Where the Auditor's report was not available in time for acceptance by 31 December, was it accepted no more than two months after the Auditor's report was made available.	Yes		Jo-Anne Ellis
4	s5.55	Did the CEO give local public notice of the availability of the annual report as soon as practicable after the local government accepted the report.	Yes		Jo-Anne Ellis
5	S5.56 Admin Reg 19C(2)	Has the local government made a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).	No	Plan is in draft stages and will be adopted with annual budget in August 2008	Jo-Anne Ellis
6	Admin Reg 19D	After a plan for the future, or modifications to a plan were adopted under regulation 19C, did the local government give public notice in accordance with subsection (2).	N/A		Jo-Anne Ellis
7	s5.94, s5.95	Did the local government allow any person attending the local government during office hours to inspect information, free of charge, listed in s5.94 of the Act and subject to s5.95 whether or not the information was current at the time of inspection.	Yes		Jo-Anne Ellis



No	Reference	Question	Response	Comments	Respondent
8	s5.96	Where a person inspected information under Part 5, Division 7 of the Act and requested a copy of that information, did the local government ensure that copies were available at a price that did not exceed the cost of providing those copies.	Yes		Jo-Anne Ellis
9	s5.98 Admin Reg 30	Was the fee made available to elected members for attending meetings within the prescribed range.	Yes		Jo-Anne Ellis
10	s5.98 Admin Reg 31	Was the reimbursement of expenses to elected members within the prescribed ranges or as prescribed.	Yes		Jo-Anne Ellis
11	s5.98A Admin Reg 33A	Where a local government decided to pay the deputy mayor or the deputy president an allowance, was it resolved by absolute majority.	Yes		Jo-Anne Ellis
12	s5.98A Admin Reg 33A	Where a local government decided to pay the deputy mayor or the deputy president an allowance, was it up to (or below) the prescribed percentage of the annual local government allowance to which the mayor or president is entitled under section 5.98 (5).	Yes		Jo-Anne Ellis
13	s5.99 Admin Reg 34	Where a local government decided to pay Council members an annual fee in lieu of fees for attending meetings, was it resolved by absolute majority.	Yes		Jo-Anne Ellis
14	s5.99 Admin Reg 34	Where a local government decided to pay Council members an annual fee in lieu of fees for attending meetings, was it within the prescribed range.	Yes		Jo-Anne Ellis
15	s5.99A Admin Reg 34A, AA, AB	Where a local government decided to pay Council members an allowance instead of reimbursing telephone, facsimile machine rental charges and other telecommunication, information technology, travelling and accommodation expenses, was it resolved by absolute majority.	Yes		Jo-Anne Ellis
16	s5.99A Admin Reg 34A, AA, AB	Where a local government decided to pay Council members an allowance instead of reimbursing telephone, facsimile machine rental charges and other telecommunication, information technology, travelling and accommodation expenses, was it within the prescribed range.	Yes		Jo-Anne Ellis
17	s5.100 (1)	Did the local government pay a fee for attending committee meetings only to a committee member who was a council member or employee.	N/A		Jo-Anne Ellis
18	s5.100 (2)	Where the local government decided to reimburse a committee member, who was not a council member or employee, for an expense incurred by the person in relation to a matter affecting the local government, was it within the prescribe range.	N/A		Jo-Anne Ellis



No	Reference	Question	Response	Comments	Respondent
19	s6.2	Did Council, prior to 31 August in the review period, adopt by absolute majority, a budget in the form and manner prescribed by Financial Management (FM) Reg 22 and the Act. (Please enter the date of the Council Resolution in the "Comments" column)	Yes	31 July 2007	Jo-Anne Ellis
20	s6.2	If 'no', was Ministerial approval sought for an extension.	N/A		Jo-Anne Ellis
21	s6.3	Did the council prepare and adopt a budget in a manner similar to the annual budget with modifications as listed in section 6.3.	N/A		Jo-Anne Ellis
22	FM Reg 33	Was the 2007/2008 budget forwarded to the Department of Local Government and Regional Development within 30 days of its adoption. (Please enter the date sent in the "Comments" column).	Yes	28 August 2007	Jo-Anne Ellis
23	s6.4(1) FM Reg 34	Did the local government prepare an annual financial report as prescribed.	Yes		Jo-Anne Ellis
24	s6.4(1) FM Reg 34	Did the local government prepare other financial reports as prescribed.	Yes		Jo-Anne Ellis
25	FM Reg 34	If the local government prepared other financial reports as prescribed in s6.4 (1) FM Reg 34, were they presented to Council and recorded in the minutes of the meetings in which they were submitted.	Yes		Jo-Anne Ellis
26	s6.4(3)(b)	Was the annual financial report, prepared for the financial year ended 30 June 2007, submitted to the Auditor by 30 September 2007 or by the extended time allowed by the Minister or his delegate.	Yes		Jo-Anne Ellis
27	FM Reg 51(2)	Was the annual financial report submitted to the Department of Local Government and Regional Development sent by the CEO within 30 days after receiving the Auditor's report.	Yes		Jo-Anne Ellis
28	s6.8	Was expenditure that the local government incurred from its municipal fund, but not included in its annual budget, authorised in advance on all occasions by absolute majority resolution.	Yes		Jo-Anne Ellis
29	s6.8	In relation to expenditure that the local government incurred from its municipal fund that was authorised in advance by the mayor or president in an emergency, was it reported on all occasions to the next ordinary meeting of council.	Yes		Jo-Anne Ellis
30	s6.9 (1)	Does the local government's trust fund consist of all money (or the value of assets) that are required by the Local Government Act 1995 or any other written law to be credited to the fund.	Yes		Jo-Anne Ellis



No	Reference	Question	Response	Comments	Respondent
31	s6.9 (1)	Does the local government's trust fund consist of all money or the value of assets held by the local government in trust.	Yes		Jo-Anne Ellis
32	s6.9(2)	Has the local government's trust fund been applied for the purposes of and in accordance with the trusts affecting it.	Yes		Jo-Anne Ellis
33	s6.9(3)	Has money held in the trust fund, been paid to the person entitled to it, together with, if the money has been invested, any interest earned from that investment.	Yes		Jo-Anne Ellis
34	s6.9(3)	Has property held in trust been delivered to the persons entitled to it.	N/A		Jo-Anne Ellis
35	s6.11(2)	Have all decisions to change the use or purpose of money held in reserve funds been by absolute majority.	Yes		Jo-Anne Ellis
36	s6.11(2) FM Reg 18	Did the local government give one months public notice of the proposed change of purpose or proposed use of money held in reserve funds . (Notice not required where the local government has disclosed the change of purpose or proposed use of reserve funds in its annual budget or where the money was used to meet expenditure authorised under s6.8(1) (c) of the Act or where the amount to be used did not exceed \$5,000).	N/A		Jo-Anne Ellis
37	s6.12, 6.13, 6.16 (1),(3)	Did Council at the time of adopting its budget, determine the granting of a discount or other incentive for early payment by absolute majority.	Yes		Jo-Anne Ellis
38	s6.12, 6.13, 6.16 (1),(3)	Did Council determine the setting of an interest rate on money owing to Council by absolute majority.	Yes		Jo-Anne Ellis
39	s6.12, 6.13, 6.16 (1),(3)	Did Council determine to impose or amend a fee or charge for any goods or services provided by the local government by absolute majority. (Note: this applies to money other than rates and service charges).	Yes		Jo-Anne Ellis
40	s6.17(3)	Were the fees or charges imposed for receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate, limited to the cost of providing the service or goods.	Yes		Jo-Anne Ellis
41	s6.17(3)	Were the fees or charges imposed for any other service prescribed in section 6.16 (2)(f), limited to the cost of providing the service or goods.	Yes		Jo-Anne Ellis
42	s6.19	After the budget was adopted, did the local government give local public notice for all fees and charges stating its intention to introduce the proposed fees or charges and the date from which it proposed to introduce the fees or charges.	N/A		Jo-Anne Ellis



No	Reference	Question	Response	Comments	Respondent
43	s6.20(2) FM Reg 20	On each occasion where the local government exercised the power to borrow and details of the proposal were not included in the annual budget for that financial year, did the local government give one month's local public notice of the proposal (except where the proposal was of a kind prescribed in FM Regulation 20).	N/A		Jo-Anne Ellis
44	s6.20(2) FM Reg 20	On each occasion where the local government exercised the power to borrow, was the Council decision to exercise that power by absolute majority (Only required where the details of the proposal were not included in the annual budget for that financial year).	N/A		Jo-Anne Ellis
45	s6.20(3) FM Reg 21	On each occasion where the local government changed the use of borrowings, did the local government give one month's local public notice of the change in purpose. (Only required if the details of the change of purpose were not included in the annual budget or were of the kind prescribed in FM Regulation 21).	N/A		Jo-Anne Ellis
46	s6.20(3) FM Reg 21	On each occasion where the local government changed the use of borrowings, was the decision on the change of use by absolute majority. (Only required if the details of the change of purpose were not included in the annual budget or were of the kind prescribed in FM Regulation 21)	N/A		Jo-Anne Ellis
47	s6.32(1)(a)	Did Council determine by absolute majority to impose a general rate on rateable land within its district .	Yes		Jo-Anne Ellis
48	s6.32(1)(b)(i)	Did Council determine by absolute majority to impose a specified area rate on rateable land within its district .	Yes		Jo-Anne Ellis
49	s6.32(1)(b)(ii)	Did Council determine by absolute majority to impose a minimum payment on rateable land within its district .	Yes		Jo-Anne Ellis
50	s6.32(1)(c)	Did Council determine by absolute majority to impose a service charge on rateable land within its district .	N/A		Jo-Anne Ellis
51	s6.33(3)	Did Council obtained the approval of the Minister or his delegate before it imposed a differential general rate that was more than twice the lowest differential rate imposed.	Yes		Jo-Anne Ellis
52	s6.34	Did Council obtain the approval of the Minister or his delegate before it adopted a budget with a yield from general rates that was plus or minus 10% of the amount of the budget deficiency.	N/A		Jo-Anne Ellis

No	Reference	Question	Response	Comments	Respondent
53	s6.35(4) FM Reg 53	Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties in the district (unless the general minimum did not exceed \$200).	Yes		Jo-Anne Ellis
54	s6.35(4) FM Reg 53	Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties, rated on gross rental value (unless the general minimum did not exceed \$200).	Yes		Jo-Anne Ellis
55	s6.35(4) FM Reg 53	Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties rated on unimproved value (unless the general minimum did not exceed \$200).	Yes		Jo-Anne Ellis
56	s6.35(4) FM Reg 53	Did the local government ensure that it did not impose a minimum payment on more than 50% of the number of separately rated properties in each differential rating category (unless the general minimum did not exceed \$200).	No	Ministerial Approval was sought and received to impose minimum rate on Mining Tenements	Jo-Anne Ellis
57	s6.36	Did the local government before imposing any differential general rate, or a minimum payment applying to a differential rate category, give local public notice of its intention to do so containing details of each rate or minimum proposed.	Yes		Jo-Anne Ellis
58	s6.36	Did the local government, before imposing any differential general rate or a minimum payment applying to a differential rate category, give local public notice of its intention to do so by extending an invitation for a period of 21 days or longer for submissions.	Yes		Jo-Anne Ellis
59	s6.36	Did the local government before imposing any differential general rate or a minimum payment applying to a differential rate category, give local public notice of its intention to do so, detailing the time and place where the document describing the objects and reasons for each proposed rate and minimum payment may be inspected.	Yes		Jo-Anne Ellis
60	s6.38(1) FM Reg 54	Where a local government imposed a service charge was it only imposed for a prescribed purposes of television and radio rebroadcasting, volunteer bush fire brigades, underground electricity, water, property surveillance and security.	N/A		Jo-Anne Ellis
61	s6.38	Was money received from the imposition of a service charge applied in accordance with the provisions of s6.38 of the Act.	N/A		Jo-Anne Ellis



No	Reference	Question	Response	Comments	Respondent
62	s6.46	Did Council, in granting a discount or other incentive for early payment of any rate or service charge, do so by absolute majority.	Yes		Jo-Anne Ellis
63	s6.47	When a local government resolved to waive a rate or service charge or grant other concessions did it do so by absolute majority.	Yes		Jo-Anne Ellis
64	s6.51	Did Council, in setting an interest rate on a rate or service charge that remained unpaid, do so by absolute majority.	Yes		Jo-Anne Ellis
65	S6.76(6)	Was the outcome of an objection under section 6.76(1) promptly conveyed to the person who made the objection including a statement of the local government's decision on the objection and its reasons for that decision.	Yes		Jo-Anne Ellis
66	FM Reg 5	Has efficient systems and procedures been established by the CEO of a local government as listed in Finance Reg 5.	Yes		Jo-Anne Ellis
67	FM Reg 6	Has the local government ensured that an employee to whom is delegated responsibility for the day to day accounting or financial management operations of a local government is not also delegated the responsibility for conducting an internal audit or reviewing the discharge of duties by that employee.	Yes		Jo-Anne Ellis
68	FM Reg 8	Did the local government maintain a separate account with a bank or other financial institution for money to be held in a municipal fund, trust fund or reserve accounts.	Yes		Jo-Anne Ellis
69	FM Reg 9	On all occasions have separate financial records been kept for each trading undertaking and each major land transaction.	N/A		Jo-Anne Ellis
70	FM Reg 11(1)	Has the local government developed procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for and properly authorised use of cheques, credit cards, computer encryption devices and passwords, purchasing cards and other devices or methods by which goods, services, money or other benefits may be obtained.	Yes		Jo-Anne Ellis
71	FM Reg 11(1)	Has the local government developed procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for and properly authorised use of petty cash systems.	Yes		Jo-Anne Ellis



No	Reference	Question	Response	Comments	Respondent
72	FM Reg 11(2)	Has the local government developed procedures that ensure a determination is made that the debt was incurred by a person who was properly authorised, before any approval for payment of an account is made.	Yes		Jo-Anne Ellis
73	FM Reg 11(2)	Has the local government developed procedures that ensure a determination is made that the goods or services to which each account relates were provided in a satisfactory condition or to a satisfactory standard, before payment of the account.	Yes		Jo-Anne Ellis
74	FM Reg 12	Have payments from the Municipal or Trust fund been made under the appropriate delegated authority.	Yes		Jo-Anne Ellis
75	FM Reg 12	When Council are presented with a list detailing the accounts to be paid, have payments from the Municipal or Trust fund been authorised in advance by resolution of Council.	Yes	Delegated Authority to CEO	Jo-Anne Ellis
76	FM Reg 13	Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting include the payee's name.	Yes		Jo-Anne Ellis
77	FM Reg 13	Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund, that were recorded in the minutes of the relevant meeting, include the amount of the payment.	Yes		Jo-Anne Ellis
78	FM Reg 13	Did the list of payments made or accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting, include sufficient information to identify the transaction.	Yes		Jo-Anne Ellis
79	FM Reg 13	Did the list of accounts for approval to be paid from the Municipal or Trust fund that were recorded in the minutes of the relevant meeting, include the date of the meeting of Council.	Yes		Jo-Anne Ellis
80	FM Reg 19	Do the internal control procedures over investments established and documented by the local government enable the identification of the nature and location of all investments.	Yes		Jo-Anne Ellis
81	FM Reg 33A	Did the local government, between 1 January and 31 March 2007, carry out a review of its annual budget for the year ended 30 June 2007.	Yes		Jo-Anne Ellis
82	FM Reg 55	Does the local government's rate record include all particulars set out in the FM Regulations.	Yes		Jo-Anne Ellis
83	FM Reg 56,57	Are the contents of the local government's rate notice in accordance with the FM Regulations.	Yes		Jo-Anne Ellis



No	Reference	Question	Response	Comments	Respondent
84	FM Reg 56,57	Are the contents of the local government's reminder notice for instalment payments in accordance with the FM Regulations.	Yes		Jo-Anne Ellis
85	FM Reg 68	Was the maximum rate of interest imposed 5.5% as prescribed under section 6.45(3).	Yes		Jo-Anne Ellis
86	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act.	Yes	Decision recorded as Carried Unanimously 8/0	Jo-Anne Ellis
87	s7.1B	Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority.	N/A		Jo-Anne Ellis
88	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes		Jo-Anne Ellis
89	s7.3	Was the person(s) appointed by the local government to be its auditor, an approved auditor.	Yes		Jo-Anne Ellis
90	s7.3	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.	N/A	No appointment in 2007	Jo-Anne Ellis
91	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2007 received by the local government within 30 days of completion of the audit.	Yes		Jo-Anne Ellis
92	s7.9(1)	Was the Auditor's report for 2006/2007 received by the local government by 31 December 2007.	No	Extension granted to Auditors	Jo-Anne Ellis
93	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken by the local government, was that action undertaken.	Yes		Jo-Anne Ellis
94	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a report prepared on any actions undertaken.	Yes		Jo-Anne Ellis
95	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a copy of the report forwarded to the Minister by the end of the financial year or 6 months after the last report prepared under s7.9 was received by the local government whichever was the latest in time.	No		Jo-Anne Ellis



No	Reference	Question	Response	Comments	Respondent
96	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes		Jo-Anne Ellis
97	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes		Jo-Anne Ellis
98	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	Yes		Jo-Anne Ellis
99	Audit Reg 7	Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor.	Yes		Jo-Anne Ellis
100	Audit Reg 7	Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor.	Yes		Jo-Anne Ellis

Local Government Employees

No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve the process to be used for the selection and appointment of the CEO before the position of CEO was advertised.	N/A	no appointment of CEO in this reporting period.	Peter Stubbs
2	s5.36(4) s5.37(3)	Were all vacancies for the position of CEO and for designated senior employees advertised.	Yes	2 senior employee vacancies advertised	Peter Stubbs
3	s5.36(4) s5.37(3) Admin Reg 18A(1)	Did the local government advertise for the position of CEO and for designated senior employees in a newspaper circulated generally throughout the State.	Yes		Peter Stubbs
4	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees contain details of the remuneration and benefits offered.	Yes		Peter Stubbs
5	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees contain details of the place where applications for the position were to be submitted.	Yes		Peter Stubbs
6	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees detail the date and time for closing of applications.	Yes		Peter Stubbs
7	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees indicate the duration of the proposed contract.	Yes		Peter Stubbs
8	s5.36(4), 5.37(3), Admin Reg 18A	Did all advertisements for the position of CEO and for designated senior employees provide contact details of a person to contact for further information.	Yes		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
9	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	Yes		Peter Stubbs
10	s5.38	Was the performance of each employee, employed for a term of more than one year, (including the CEO and each senior employee), reviewed within the most recently completed 12 months of their term of employment.	Yes		Peter Stubbs
11	Admin Reg 18D	Where Council considered the CEO's performance review did it decide to accept the review with or without modification (if Council did not accept the review, the preferred answer is N/A & refer Q12).	Yes		Peter Stubbs
12	Admin Reg 18D	Where the Council considered the CEO's performance review, but decided not to accept the review, did it decide to reject the review (if Council accepted the review, the preferred answer is N/A refer Q11).	N/A		Peter Stubbs
13	s5.39	During the period covered by this Return, were written performance based contracts in place for the CEO and all designated senior employees who were employed since 1 July 1996.	Yes		Peter Stubbs
14	s5.39 Admin Reg 18B	Does the contract for the CEO and all designated senior employees detail the maximum amount of money payable if the contract is terminated before the expiry date. This amount is the lesser of the value of one year's remuneration under the contract.	No	all such contracts require amendments to include this provision.	Peter Stubbs
15	s5.39 Admin Reg 18B	Does the contract for the CEO and all designated senior employees detail the maximum amount of money payable if the contract is terminated before the expiry date and this amount is the lesser of the value of the remuneration they would be entitled to had the contract not been terminated.	No		Peter Stubbs
16	s5.50(1)	Did Council adopt a policy relating to employees whose employment terminates, setting out the circumstances in which council would pay an additional amount to that which the employee is entitled under a contract or award.	No		Peter Stubbs
17	s5.50(1)	Did Council adopt a policy relating to employees whose employment terminates, setting out the manner of assessment of an additional amount.	No		Peter Stubbs
18	s5.50(2)	Did the local government give public notice on all occasions where council made a payment that was more than the additional amount set out in its policy.	N/A		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
19	S5.53(2)(g) Admin Reg 19B	For the purposes of section 5.53(2)(g) did the annual report of a local government for a financial year contain the number of employees of the local government entitled to an annual salary of \$100,000 or more.	Yes		Peter Stubbs
20	S5.53(2)(g) Admin Reg 19B	For the purposes of section 5.53(2)(g) did the annual report of a local government for a financial year contain the number of those employees with an annual salary entitlement that falls within each band of \$10,000 and over \$100,000.	Yes		Jo-Anne Ellis
21	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4).	Yes		Peter Stubbs
22	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true (applicable to CEO only).	N/A	no appointment in this period.	Peter Stubbs
23	Admin Reg 33	Was the allowance paid to the mayor or president for the purposes of s5.98 (5) within the prescribed range.	Yes		Peter Stubbs

Local Government Grants Commission

No	Reference	Question	Response	Comments	Respondent
1	s12(4) Local Government Grants Act 1978	Did the local government supply to the Grants Commission such financial and other information as to its affairs as specified and required by the Commission.	Yes		Jo-Anne Ellis

Local Laws

No	Reference	Question	Response	Comments	Respondent
1	s3.12(2) F&G Reg 3	On each occasion that Council resolved to make a local law, did the person presiding at the Council meeting give notice of the purpose and effect of each proposed local law in the manner prescribed in Functions and General Regulation 3.	N/A	no Council decisions to make Local Laws in this reporting period.	Peter Stubbs
2	s3.12(3)(a)	On each occasion that Council proposed to make a local law, did the local government give Statewide and local public notice stating the purpose and effect of the proposed local law	N/A		Peter Stubbs
3	s3.12(3)(a)	Did the local government give Statewide and local public notice stating details of where a copy of the local law may be inspected or obtained.	N/A		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
4	s3.12(3)(b)	On all occasions, as soon as a Statewide and local public notice was published, did the local government provide a copy of the proposed law, together with a copy of the notice, to the Minister for Local Government and Regional Development	N/A		Peter Stubbs
5	s3.12(3)(b)	On all occasions, as soon as a Statewide and local public notice was published, did the local government provide a copy of the proposed law, together with a copy of the notice where applicable, to the Minister who administers the Act under which the local law was made.	N/A		Peter Stubbs
6	s3.12(4)	Have all Council's resolutions to make local laws been by absolute majority.	N/A		Peter Stubbs
7	s3.12(4)	Have all Council's resolutions to make local laws been recorded as such in the minutes of the meeting.	N/A		Peter Stubbs
8	s3.12(5)	After making the local law, did the local government publish the local law in the Gazette.	N/A		Peter Stubbs
9	s3.12(5)	After making the local law, did the local government give a copy to the Minister for Local Government and Regional Development and where applicable to the Minister who administers the Act under which the local law was made.	N/A		Peter Stubbs
10	s3.12(6)	After the local law was published in the Gazette, did the local government give local public notice stating the title of the local law.	N/A		Peter Stubbs
11	s3.12(6)	After the local law was published in the Gazette, did the local government give local public notice summarising the purpose and effect of the local law and the day on which it came into operation.	N/A		Peter Stubbs
12	s3.12(6)	After the local law was published in the Gazette, did the local government give local public notice advising that copies of the local law may be inspected or obtained from its office.	N/A		Peter Stubbs
13	s3.16(1)	Have all reviews of local laws under section 3.16(1) of the Act been carried out within a period of 8 years.	Yes	The next review of Local Laws is due by 2011.	Fiona Kuiper
14	s3.16(1)(2)	If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice stating that it intended to review the local law.	N/A	no reviews in this period.	Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
15	s3.16(1)(2)	If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice advising that a copy of the local law could be inspected or obtained at the place specified in the notice.	N/A		Peter Stubbs
16	s3.16(1)(2)	If the local government carried out a review of a local law under section 3.16 of the Act, to determine whether or not the local law should be repealed or amended, did it give Statewide public notice detailing the closing date for submissions about the local law.	N/A		Peter Stubbs
17	s3.16(3)	Did the local government (after the last day for submissions) prepare a report of the review and have it submitted to Council.	N/A		Peter Stubbs
18	s3.16(4)	Was the decision to repeal or amend a local law determined by absolute majority on all occasions.	N/A		Peter Stubbs

Meeting Process

No	Reference	Question	Response	Comments	Respondent
1	s2.25(1)(3)	Where Council granted leave to a member from attending 6 or less consecutive ordinary meetings of Council was it by Council resolution.	Yes		Peter Stubbs
2	s2.25(1)(3)	Where Council granted leave to a member from attending 6 or less consecutive ordinary meetings of Council, was it recorded in the minutes of the meeting at which the leave was granted.	Yes		Peter Stubbs
3	s2.25(3)	Where Council refused to grant leave to a member from attending 6 or less consecutive ordinary meetings of Council, was the reason for refusal recorded in the minutes of the meeting.	N/A		Peter Stubbs
4	s2.25(2)	Was Ministerial approval sought (on all occasions) before leave of absence was granted to an elected member in respect of more than 6 consecutive ordinary meetings of council.	N/A		Peter Stubbs
5	s5.4	On all occasions when the mayor or president called an ordinary or special meeting of Council, was it done by notice to the CEO setting out the date and purpose of the proposed meeting;	Yes		Peter Stubbs
6	s5.5	On all occasions when councillors called an ordinary or special meeting of Council was it called by at least 1/3 (one third) of the councillors, by notice to the CEO setting out the date and purpose of the proposed meeting.	N/A		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
7	s5.5(1)	Did the CEO give each council member at least 72 hours notice of the date, time, place and an agenda for each ordinary meeting of Council.	Yes		Peter Stubbs
8	s5.5(2)	Did the CEO give each council member notice before the meeting, of the date, time, place and purpose of each special meeting of Council.	Yes		Peter Stubbs
9	s5.7	Did the local government seek approval (on each occasion as required) from the Minister or his delegate, for a reduction in the number of offices of member needed for a quorum at a Council meeting	N/A		Peter Stubbs
10	s5.7	Did the local government seek approval (on each occasion as required) from the Minister or his delegate, for a reduction in the number of offices of member required for absolute majorities.	N/A		Peter Stubbs
11	s5.8	Did the local government ensure all Council committees (during the review period) were established by an absolute majority.	Yes		Peter Stubbs
12	s5.10(1)(a)	Did the local government ensure all members of Council committees, during the review period, were appointed by an absolute majority (other than those persons appointed in accordance with section 5.10 (1)(b)).	Yes	Audit Committee Members appointment recorded as carried unanimously	Jo-Anne Ellis
13	s5.10(2)	Was each Council member given their entitlement during the review period, to be appointed as a committee member of at least one committee, as referred to in section 5.9(2)(a) & (b) of the Act.	Yes		Peter Stubbs
14	s5.12(1)	Were Presiding members of committees elected by the members of the committees (from amongst themselves) in accordance with Schedule 2.3, Division 1 of the Act.	Yes		Peter Stubbs
15	s5.12(2)	Were Deputy presiding members of committees elected by the members of the committee (from amongst themselves) in accordance with Schedule 2.3 Division 2 of the Act.	Yes		Peter Stubbs
16	s5.15	Where the local government reduced a quorum of a committee meeting, was the decision made by absolute majority on each occasion.	N/A		Peter Stubbs
17	s5.21 (4)	When requested by a member of Council or committee, did the person presiding at a meeting ensure an individual vote or the vote of all members present, were recorded in the minutes.	Yes		Peter Stubbs
18	s5.22(1)	Did the person presiding at a meeting of a Council or a committee ensure minutes were kept of the meeting's proceedings.	Yes		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
19	s5.22(2)(3)	Were the minutes of all Council and committee meetings submitted to the next ordinary meeting of Council or committee, as the case requires, for confirmation.	Yes		Peter Stubbs
20	s5.22(2)(3)	Were the minutes of all Council and committee meetings signed to certify their confirmation by the person presiding at the meeting at which the minutes of Council or committee were confirmed.	Yes		Peter Stubbs
21	s5.23 (1)	Were all council meetings open to members of the public (subject to section 5.23(2) of the Act).	Yes		Peter Stubbs
22	s5.23 (1)	Were all meetings of committees to which a power or duty had been delegated open to members of the public (subject to section 5.23(2) of the Act).	N/A		Peter Stubbs
23	s5.23(2)(3)	On all occasions, was the reason, or reasons, for closing any Council or committee meeting to members of the public, in accordance with the Act.	Yes		Peter Stubbs
24	s5.23(2)(3)	On all occasions, was the reason, or reasons, for closing any Council or committee meeting to members of the public recorded in the minutes of that meeting.	Yes		Peter Stubbs
25	s5.24 (1) Admin Reg 5&6	Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every ordinary meeting of Council.	Yes		Peter Stubbs
26	s5.24 (1) Admin Reg 5&6	Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every special meeting of Council.	Yes		Peter Stubbs
27	s5.24 (1) Admin Reg 5&6	Was a minimum time of 15 minutes allocated for questions to be raised by members of the public and responded to at every meeting of a committee to which the local government has delegated a power or duty.	N/A		Peter Stubbs
28	s5.27(2)	Was the annual general meeting of electors held within 56 days of the local government's acceptance of the annual report for the previous financial year.	Yes		Peter Stubbs
29	s5.29	Did the CEO convene all electors' meetings by giving at least 14 days local public notice and each Council member at least 14 days notice of the date, time, place and purpose of the meeting.	Yes		Peter Stubbs
30	s5.32	Did the CEO ensure the minutes of all electors' meetings were kept and made available for public inspection before the Council meeting at which decisions made at the electors' meeting were first considered.	Yes		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
31	s5.33(1)	Were all decisions made at all electors' meetings considered at the next ordinary Council meeting, or, if not practicable, at the first ordinary Council meeting after that, or at a special meeting called for that purpose.	N/A	No decisions made at Electors meetings	Peter Stubbs
32	s5.33(2)	Were the reasons for Council decisions in response to decisions made at all electors' meetings recorded in the minutes of the appropriate Council meeting.	N/A		Peter Stubbs
33	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all token gifts received by Council members and employees.	Yes		Peter Stubbs
34	Admin Reg 8	Was a period of 30 minutes allowed from the advertised commencement time before any Council or committee was adjourned due to the lack of a quorum.	N/A	no meetings adjourned due lack of quorum	Peter Stubbs
35	Admin Reg 9	Was voting at Council or committee meetings conducted so that no vote was secret.	Yes		Peter Stubbs
36	Admin Reg 10(1)	Were all motions to revoke or change decisions at Council or committee meetings supported in the case where an attempt to revoke or change the decision had been made within the previous 3 months but failed, by an absolute majority.	Yes		Peter Stubbs
37	Admin Reg 10(1)	Were all motions to revoke or change decisions at Council or committee meetings supported in any other case, by at least one third of the number of officers of member (whether vacant or not) of the Council or committee.	Yes		Peter Stubbs
38	Admin Reg 10(2)	Were all decisions to revoke or change decisions made at Council or committee meetings made (in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority), by that kind of majority.	Yes		Peter Stubbs
39	Admin Reg 10(2)	Were all decisions to revoke or change decisions made at Council or committee meetings made in any other case, by an absolute majority.	Yes		Peter Stubbs
40	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include the names of members present at the meeting.	Yes		Peter Stubbs
41	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include where a member entered or left the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting.	Yes		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
42	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include details of each motion moved at the meeting, including details of the mover and outcome of the motion.	Yes		Peter Stubbs
43	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include details of each decision made at the meeting.	Yes		Peter Stubbs
44	Admin Reg 11	Did the contents of the minutes of all Council or committee meetings include, where the decision was significantly different from written recommendation of a committee or officer, written reasons for varying that decision.	Yes		Peter Stubbs
45	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include a summary of each question raised by members of the public and a summary of the response given.	Yes		Peter Stubbs
46	Admin Reg 11	Did the contents of minutes of all Council or committee meetings include in relation to each disclosure made under sections 5.65 or 5.70, where the extent of the interest has been disclosed, the extent of the interest.	Yes		Peter Stubbs
47	Admin Reg 12(1)	Did the local government, at least once during the period covered by this return, give local public notice for the next twelve months of the date, time and place of ordinary Council meetings.	Yes		Peter Stubbs
48	Admin Reg 12(1)	Did the local government, at least once during the period covered by this return, give local public notice for the next twelve months of the date, time and place of those committee meetings that were required under the Act to be open to the public or that were proposed to be open to the public.	N/A		Peter Stubbs
49	Admin Reg 12(2)	Did the local government give local public notice of any changes to the dates, time or places referred to in the question above.	Yes		Peter Stubbs
50	Admin Reg 12(3) (4)	In the CEO's opinion, where it was practicable, were all special meetings of Council (that were open to members of the public) advertised via local public notice.	Yes		Peter Stubbs
51	Admin Reg 12(3) (4)	Did the notice referred to in the question above include details of the date, time, place and purpose of the special meeting.	Yes		Peter Stubbs
52	Admin Reg 13	Did the local government make available for public inspection unconfirmed minutes of all Council meetings within 10 business days after the Council meetings.	Yes		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
53	Admin Reg 13	Did the local government make available for public inspection unconfirmed minutes of all committee meetings within 5 business days after the committee meetings.	No	CEO Review Committee minutes were not made available for public inspection.	Peter Stubbs
54	Admin Reg 14(1) (2)	Were notice papers, agenda and other documents relating to any Council or committee meeting, (other than those referred to in Admin Reg 14(2)) made available for public inspection.	No	CEO Review Committee meeting notices were not made available for public inspection.	Peter Stubbs
55	Admin Reg 14A	On all occasions where a person participated at a Council or committee meeting by means of instantaneous communication, (by means of audio, telephone or other instantaneous contact) as provided for in Administration Regulation 14A, did the Council approve of the arrangement by absolute majority.	N/A		Peter Stubbs
56	Admin Reg 14A	On all occasions where a person participated at a Council or committee meeting by means of instantaneous communication, (as provided for in Administration Regulation 14A) was the person in a suitable place as defined in Administration Regulation 14A(4)	N/A		Peter Stubbs

Miscellaneous Provisions

No	Reference	Question	Response	Comments	Respondent
1	s9.29(2)(b)	On all occasions, were those employees who represented the local government in court proceedings, appointed in writing by the CEO.	N/A		Peter Stubbs
2	s9.4	Has each person who received an unfavourable decision from Council, or from an employee of the local government exercising delegated authority, (that is appealable under Part 9 of the Act) been informed of his or her right to object and appeal against the decision.	Yes		Peter Stubbs
3	s9.6(5)	Did the local government ensure that the person who made the objection was given notice in writing of how it has been decided to dispose of the objection and the reasons why.	Yes		Peter Stubbs



Official Conduct					
No	Reference	Question	Response	Comments	Respondent
1	s5.120	Where the CEO is not the complaints officer, has the local government designated a senior employee, as defined under s5.37, to be its complaints officer.	N/A		Peter Stubbs
2	s5.121(1)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that result in action under s5.110(6)(b) or (c).	Yes	No complaints received.	Peter Stubbs
3	s5.121(2)(a)	Does the complaints register maintained by the complaints officer include provision for recording of the name of the council member about whom the complaint is made.	Yes		Peter Stubbs
4	s5.121(2)(b)	Does the complaints register maintained by the complaints officer include provision for recording the name of the person who makes the complaint.	Yes		Peter Stubbs
5	s5.121(2)(c)	Does the complaints register maintained by the complaints officer include provision for recording a description of the minor breach that the standards panel finds has occurred.	Yes		Peter Stubbs
6	s5.121(2)(d)	Does the complaints register maintained by the complaints officer include the provision to record details of the action taken under s5.110(6)(b) (c).	Yes		Peter Stubbs

Swimming Pools					
No	Reference	Question	Response	Comments	Respondent
1	s245A(5)(aa) LG (MiscProv) Act 1960	Have inspections of known private swimming pools, either been, or are proposed to be, carried out as required by section 245A(5)(aa) of the Local Government (Miscellaneous Provisions) Act 1960.	Yes		Peter Stubbs

Tenders for Providing Goods and Services					
No	Reference	Question	Response	Comments	Respondent
1	s3.57 F&G Reg 11	Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than the consideration stated in Regulation 11(1) of the Local Government (Functions & General) Regulations (Subject to Functions and General Regulation 11(2)).	Yes		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
2	F&G Reg 11A(1)	Has the local government prepared and adopted a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$100,000 or less or worth \$100,000 or less.	Yes		Peter Stubbs
3	F&G Reg 11A(3)(a)	Did the purchasing policy that was prepared and adopted make provision in respect of the form of quotations acceptable.	Yes		Peter Stubbs
4	F&G Reg 11(3)(b)	Did the purchasing policy that was prepared and adopted make provision in respect of the recording and retention of written information, or documents for all quotations received and all purchases made.	No	Policy does not state recording keeping requirements.	Peter Stubbs
5	F&G Reg 12	Has the local government, as far as it is aware, only entered into a single contract rather than multiple contracts so as to avoid the requirements to call tenders in accordance with F&G Reg 11 (1).	Yes		Peter Stubbs
6	F&G Reg 14(1)	Did the local government invite tenders via Statewide public notice.	Yes		Peter Stubbs
7	F&G Reg 14(3)	Did all the local government's invitations to tender include a brief description of the goods and services required and contact details for a person from whom more detailed information could be obtained about the tender.	Yes		Peter Stubbs
8	F&G Reg 14(3)	Did all the local government's invitations to tender include information as to where and how tenders could be submitted.	Yes		Peter Stubbs
9	F&G Reg 14(3)	Did all the local government's invitations to tender include the date and time after which tenders would not be accepted.	Yes		Peter Stubbs
10	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers concerning detailed specifications of the goods or services required.	Yes		Peter Stubbs
11	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers of the criteria for deciding which tender would be accepted.	Yes		Peter Stubbs
12	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers about whether or not the local government had decided to submit a tender.	Yes		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
13	F&G Reg 14(3)(4)	Did the local government ensure information was made available to all prospective tenderers on whether or not tenders were allowed to be submitted by facsimile or other electronic means and if so, how tenders were to be submitted.	Yes		Peter Stubbs
14	F&G Reg 14(3)(4)	Did the local government ensure all prospective tenderers had any other information that should be disclosed to those interested in submitting a tender.	Yes		Peter Stubbs
15	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer, notice of the variation.	Yes		Peter Stubbs
16	F&G Reg 15	Following the publication of the notice inviting tenders, did the local government allow a minimum of 14 days for tenders to be submitted.	Yes		Peter Stubbs
17	F&G Reg 16(1)	Did the local government ensure that tenders submitted, (including tenders submitted by facsimile or other electronic means) were held in safe custody.	Yes		Peter Stubbs
18	F&G Reg 16(1)	Did the local government ensure that tenders submitted, (including tenders submitted by facsimile or other electronic means) remained confidential.	Yes		Peter Stubbs
19	F&G Reg 16 (2)& (3)(a)	Did the local government ensure all tenders received were not opened, examined or assessed until after the time nominated for closure of tenders.	Yes		Peter Stubbs
20	F&G Reg 16 (2)& (3)(a)	Did the local government ensure all tenders received were opened by one or more employees of the local government or a person authorised by the CEO.	Yes		Peter Stubbs
21	F&G Reg 16 (3)(b)	Did the local government ensure members of the public were not excluded when tenders were opened.	Yes		Peter Stubbs
22	F&G Reg 16 (3)(c)	Did the local government record all details of the tender (except the consideration sought) in the tender register immediately after opening.	Yes		Peter Stubbs
23	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) a brief description of the goods or services required.	Yes		Peter Stubbs
24	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) particulars of the decision made to invite tenders and if applicable the decision to seek expressions of interest under Regulation 21(1).	Yes		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
25	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) particulars of any notice by which expressions of interest from prospective tenderers were sought and any person who submitted an expression of interest.	Yes		Peter Stubbs
26	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) any list of acceptable tenderers that was prepared under regulation 23(4)	Yes		Peter Stubbs
27	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) a copy of the notice of invitation to tender.	Yes		Peter Stubbs
28	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) the name of each tenderer whose tender was opened.	Yes		Peter Stubbs
29	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) the name of the successful tenderer.	Yes		Peter Stubbs
30	F&G Reg 17 (2) & (3)	Does the local government's Tender Register include (for each invitation to tender) the amount of consideration or the summary of the amount of the consideration sought in the accepted tender.	Yes		Peter Stubbs
31	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender.	Yes		Peter Stubbs
32	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria.	Yes		Peter Stubbs
33	F&G Reg 19	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	Yes		Peter Stubbs
34	F&G Reg 21(3)	On each occasion that the local government decided to invite prospective tenderers to submit an expression of interest for the supply of goods or services, did the local government issue a Statewide public notice.	Yes		Peter Stubbs
35	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include a brief description of the goods and services required.	N/A		Peter Stubbs
36	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include particulars of a person from whom more detailed information could be obtained.	N/A		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
37	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include information as to where and how expressions of interest could be submitted.	N/A		Peter Stubbs
38	F&G Reg 21(4)	Did all public notices inviting an expression of interest, include the date and time after which expressions of interest would not be accepted.	N/A		Peter Stubbs
39	F&G Reg 22	Following the publication of the notice inviting expressions of interest, did the local government allow a minimum of 14 days for the submission of expressions of interest.	N/A		Peter Stubbs
40	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice.	N/A		Peter Stubbs
41	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services.	N/A		Peter Stubbs
42	F&G Reg 24	Was each person who submitted an expression of interest, given a notice in writing in accordance with Functions & General Regulation 24.	N/A		Peter Stubbs
43	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government prepare a proposed regional price preference policy (only if a policy had not been previously adopted by Council).	N/A		Peter Stubbs
44	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government give Statewide public notice of its intention to have a regional price preference policy and include in that notice the region to which the policy is to relate (only if a policy had not been previously adopted by Council).	N/A		Peter Stubbs
45	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government include in the notice details of where a complete copy of the proposed policy may be obtained (only if a policy had not been previously adopted by Council).	N/A		Peter Stubbs
46	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government include in the notice a statement inviting submissions commenting on the proposed policy, together with a closing date of not less than 4 weeks for those submissions (only if a policy had not been previously adopted by Council).	N/A		Peter Stubbs



No	Reference	Question	Response	Comments	Respondent
47	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government make a copy of the proposed regional price preference policy available for public inspection in accordance with the notice (only if a policy had not been previously adopted by Council).	N/A		Peter Stubbs

I certify this Compliance Audit return has been adopted by Council at its meeting on _____

Signed Mayor / President, Wyndham-East
Kimberley

Signed CEO, Wyndham-East Kimberley

12.1.7. Tender – Screening Agent Services

DATE:	18 March 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Jo-Anne Ellis, Executive Manager Corporate Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	66.56.10
ASSESSMENT NO:	N/A

Cr M Pucci declared an Impartiality Interest this Item as her son is currently employed by a business operating from the East Kimberley Regional Airport.

PURPOSE

For Council to award tender for the provision of Screening Agent Services at East Kimberley Regional Airport.

BACKGROUND

At the 19 February 2008 Council Meeting it was resolved to call tender for the provision of Screening Agent Services at East Kimberley Regional Airport.

Minute No. 8085

Moved: Cr J Parker

Seconded: Cr D Ausburn

1. *That Council issue a tender for Screening Agent Services at East Kimberley Regional Airport.*
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) *Specifications*
 - b) *Conditions of Tendering*
 - c) *Quality Assurance*
 - d) *Start Date*
 - e) *Completion of Price Schedule*
 - 2.2 *Qualitative Criteria (used to Rank Tenders)*
 - a) *Previous satisfactory performance in Aviation Passenger Screening - 40%*
 - b) *Relevant security licences and certifications - 40%*
 - c) *Capacity of trained staff and backup resources - 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 6/0

The following timeline was recommended:

- Saturday 23 February 2008 - State wide public notice
- 10 March 2008 - Tenders close at 4.00pm
- Post close tender - Tender assessment - Airport Manager, Airport Operations Officer and Executive Manager Corporate Services
- 18 March 2008 Council meeting – Tender awarded by Council
- 1 May 2008 - services under the contract commence

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

There is provision for costs in the 2007/08 Airport Operating budget.

STRATEGIC IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

COMMENT

The appointed tenderer for the provision of Screening Agent services will be required to comply with the Aviation Transport Security Act 2004, the requirements outlined in the Aviation Transport Security Regulations 2005 and Kununurra Airport's Transport Security Program.

The Department of Infrastructure, Transport, Regional Development and Local Government, Office of Transport Security will audit the service on a regular basis.

A tender assessment panel consisting of the Airports Manager, Airport Operations Officer and Executive Manager Corporate Services assessed the tenders in accordance with the criteria set by Council and included in the tender.

ATTACHMENTS

Attachment 1 Tender Evaluation Report is provided under confidential cover.

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

The Council accepts the tender of Digmosash Pty Ltd T/A Kununurra Security Service and awards the contract for Provision of Screening Agent Services at East Kimberley Regional Airport at the tendered price of \$240.00 per hour per screening shift (excluding GST) being \$48.00 per hour (excluding GST) per officer with five officers being required per screening shift with hours being determined by requirements of Aviation Transport Security Regulations 2005, Reg 4.02.

COUNCIL DECISION

Minute No: 8109

Moved: Cr K Wright

Seconded: Cr D Ausburn

The Council accepts the tender of Digmosash Pty Ltd T/A Kununurra Security Service and awards the contract for Provision of Screening Agent Services at East Kimberley Regional Airport at the tendered price of \$240.00 per hour per screening shift (excluding GST) being \$48.00 per hour (excluding GST) per officer with five officers being required per screening shift with hours being determined by requirements of Aviation Transport Security Regulations 2005, Reg 4.02.

Carried Unanimously 8/0

12.1.8. Tender T02 07/08 – Lease of Infrastructure at Wyndham Airport

DATE:	18 March 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Wyndham Airport
AUTHOR:	Jo-Anne Ellis, Executive Manager Corporate Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	66.56.03
ASSESSMENT NO:	N/A

PURPOSE

To reissue Tender T02-07/08 – Lease of Infrastructure at Wyndham Airport.

BACKGROUND

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

Minute No. 7799

Moved: Cr K. Wright

Seconded: Cr R. Devenish-Mearns

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

- 90% price*
- 10% community benefit*

Carried Unanimously 7/0

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

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

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

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

Minute No. 7829

Moved: Cr K Wright

Seconded: Cr R Devenish-Meaes

That Council:

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

Carried Unanimously 7/0

STATUTORY IMPLICATIONS

Section 3.58 of the Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

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

STRATEGIC IMPLICATIONS

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

COMMUNITY CONSULTATION

Nil

COMMENT

The infrastructure at Wyndham Airport was included in discussions at the February Briefing Session and it was considered that the timing is appropriate for reissuing the tender.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

MANAGERS' RECOMMENDATION

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

- 90% price
- 10% community benefit

Moved: Cr Paul Caley

Seconded: Cr J Moulden

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

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

Cr Wright moved an Ammendment to the motion.

COUNCIL DECISION

Minute No: 8110

Moved: Cr K Wright

Seconded: Cr J Buchanan

That Council amend the motion to include provision for annual CPI indexing as per wording below:

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

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

Lost 2/6

The Amendment was lost, so the original motion was put.

COUNCIL DECISION

Minute No: 8111

Moved: Cr P Caley

Seconded: Cr J Moulden

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

- *90% price*

- **10% community benefit**

Carried 7/1

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

**For: Cr M Pucci
Cr J Buchanan
Cr J Parker
Cr P Caley
Cr F Mills
Cr J Moulden
Cr D Ausburn**

Against: Cr K Wright

12.1.9. Tender - Checked Baggage Screening Equipment

DATE:	18 March 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Brian Sargeant, Airport Operations Officer Jo-Anne Ellis, Executive Manager Corporate Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	66.56.19
ASSESSMENT NO:	N/A

Cr M Pucci declared an Impartiality Interest this Item as her son is currently employed by a business operating from the East Kimberley Regional Airport.

PURPOSE

That Council issue a tender for the purchase of Checked Baggage Screening (CBS) equipment for East Kimberley Regional Airport.

BACKGROUND

In May 2007, the Government announced the extension of CBS to 26 airports receiving regular domestic jet services; East Kimberley Regional Airport was included in these airports.

The commencement of CBS to affected airports was to be incremental with:

- Explosive Trace Detection (ETD) commencing on the 1 December 2007; and
- Full CBS using Explosive Detection System (EDS) capable X-ray to commence by the 1 December 2008 (airports may commence X-ray testing earlier where they wish).

Airports that do not meet this requirement will not be able to continue with RPT jet services.

Funding was provided by the Department of Infrastructure, Transport, Regional Development and Local Government (DITRD LG) to purchase the ETD and this has been operational since 1 December 2007 as required.

The Government through DITRD LG is providing funding towards the cost of purchasing EDS capable X-ray equipment of \$600,000 plus GST. Funds not utilised to purchase equipment can be used for building modifications, electricity upgrades and maintenance contracts. The deadline for funding allocation is 30 April 2008.

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.*

Section 6.8, Local Government Act 1995 also is applicable given the urgent nature of the situation. S6.8 reads as follows: -

6.8. Expenditure from municipal fund not included in annual budget

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) *is incurred in a financial year before the adoption of the annual budget by the local government;*
 - (b) *is authorised in advance by resolution*;* or
 - (c) *is authorised in advance by the mayor or president in an emergency.*

** Absolute majority required.*

Sections 5.42 and 5.43, Local Government Act 1995 also are applicable in respect of the Officer's recommendation. S5.42 and S5.43 read as follows: -

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The purchase of this equipment will be funded by the Department of Infrastructure, Transport, Regional Development and Local Government.

STRATEGIC IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

COMMENT

The tender is for the supply of:

- Explosive Detection System (EDS) capable X-ray
- Cueing and Conveying system.
- Maintenance Contract
- Installation/Commissioning/Hangover/ Training and Freight

The Supply installation and maintenance of all equipment under this tender must comply with Department of Transport and Regional Services Notice to **Regulation 4.17 Aviation Transport Security Regulations 2005 – Methods, Techniques and Equipment to be used for Screening Version 4.**

The following timeline is recommended:

- Saturday 22 March 2008 – State wide public notice
- Thursday 10 April 2008 – Tender close at 4.00pm (more than 14 days due to Easter)
- Post Close Tender – Tender assessment by Airport Manager, Airport Operations Officer and Executive Manager Corporate Services.
- 15 April 2008 – Tender awarded by Council. Note due to timing of tender close and requirement to have funding application in the 30 April this will be distributed as a late item on the 14 April 2008.
- 30 April 2008 – Funding Application Closes
- April – November 2008 - Funding received, goods ordered, building modifications undertaken.
- November - All equipment supplied, installed and operational. All training completed to enable equipment to be used.
- 1 December 2008 – Full CBS commences

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

1. That Council issue a tender for a Checked Baggage Screening System for East Kimberley Regional Airport.
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.

Moved: Cr K Wright

Seconded: Cr J Buchanan

1. That Council issue a tender for a Checked Baggage Screening System for East Kimberley Regional Airport.
2. That Tenders be advertised for 28 days.
3. That Tenders are evaluated based on the capacity of the Tenderers to complete the requirements of the tender including:
 - 3.1. 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
 - 3.2 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%
 - 3.3. Price Submitted for Tender
The tendered price along with the qualitative ranking will be used to determine the most advantageous tender to Council.

Cr Buchanan withdrew support of the motion. The Motion lapsed for want of a seconder.

COUNCIL DECISION

Minute No: 8112

Moved: Cr J Parker

Seconded: Cr D Ausburn

1. ***That Council issue a tender for a Checked Baggage Screening System for East Kimberley Regional Airport.***
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 8/0

12.1.10. Airport Committee

DATE:	18 March 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Jo-Anne Ellis, Executive Manager Corporate Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	60.14.02
ASSESSMENT NO:	N/A

PURPOSE

To consider establishment of an Airport Committee as a formal or informal committee of Council.

BACKGROUND

At the February Briefing Session Councillors requested that an item come to the March Council meeting to consider establishment of an Airport Committee as a formal committee of Council.

An Airport Committee was in existence until June 2003 when Council resolved to cease the operations of the Committee and host a bi-annual key stakeholder meeting as a vehicle for consultation and/or communication between Council and Airport users. This Agenda item is attached.

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

It is unclear why the Council decision minute number 6326 has not been enacted since 2003. Clearly at that time the Council of the day and Councils administration believed that bi-annual stakeholders forums to canvass aviation matters was preferred to a formal Committee of Council. It remains Councils management view that the Council decision of 2003 (key stakeholder meeting) is the preferred approach as it is believed there is value in consulting with stakeholders, whilst minimising resources linked to administrative process. Key stakeholders bring an additional level of expertise and insight to the planning process.

The months of May and November are suggested as months to hold the stakeholder meetings. Council may consider that other times of the year are more appropriate.

Issues relating to the Airport are brought to the full elected member group for discussion in briefing sessions. The discussion is less formal than that of a committee and views can be workshopped rather than debated under formal meeting procedures. Should Councillors feel that Officers are not taking the guidance offered, a resolution of Council can be made at any time to direct Officers. Should any Councillor want to discuss any issue relating to the Airports (or any other area of operations) then the opportunity to include this on the Briefing agenda is there.

The management group is recommending the Executive Manager Corporate Services and Airports Manager provide quarterly briefings to Council at briefing sessions on issues that could include but are not limited to:

- a) Results of Safety Audits and other statutory compliance results.
- b) Airport Terminal Upgrade – East Kimberley Regional Airport
- c) Airstrip Extension – East Kimberley Regional Airport
- d) Carpark Extension – East Kimberley Regional Airport
- e) Long term planning
- f) Airports Reserve

Alternatively Council may consider that a specialised Airport Working Group be formed on a more informal basis to discuss the detail of the issues such as those listed above prior to the briefing session.

Council has traditionally nominated one of its members to be the Council representative to the Australian Airport Owners' Association. The recommendation includes scope for this appointment.

Discussion at the March Briefing Session indicated that some Councillors would still prefer to see a formal committee of Council being formed. Should this be the decision of Council then the Committee will need to be constituted correctly under section 5.8 of the Local Government Act 1995 and an absolute majority decision of Council is required for this.

Consideration will also need to be given to the type of Committee as prescribed under section 5.9 of the Act and whether any powers and duties of Council are to be delegated to the Committee under section 5.16 of the Act. The limitations on delegation as detailed in section 5.17 of the Act are relevant to the type of committee being formed. Should Council determine that a delegation of powers is appropriate then the Committee meetings will need to open to the public as required by section 5.23 of the Act.

ATTACHMENTS

Attachment 1 Agenda item 3 June 2003

VOTING REQUIREMENT

Simple majority

MANAGERS' RECOMMENDATION

1. That Council host a bi-annual key stakeholder meeting in May and November of each year as a vehicle for consultation and /or communication between the Council and Airport Users.

2. That Council nominate Cr _____ as the chair of the bi-annual key stakeholder meeting and as its representative to the Australian Airport Owners' Association.
3. That the Executive Manager Corporate Services and Airports Manager provide quarterly briefings to Council at briefing sessions on strategic issues relating to Airport Operations.

COUNCIL DECISION

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.***

Carried 6/2

Note: The Council decision differs from the Managers Recommendation because Council believed a formal committee of Council was a more appropriate way to guide the airport development and operations, than the recommended bi-annual stakeholder meetings.

ITEM NO:	D:CEA6/03
DATE:	3 June 2003
SUBJECT:	Kununurra Airport Committee
PROPONENT:	N/A
LOCATION:	N/A
ATLAS REFERENCE:	N/A
AUTHOR:	Chris Adams – Chief Executive Officer
REPORTING OFFICER:	Chris Adams – Chief Executive Officer
FILE/ASSESSMENT NUMBER:	AIR14

PURPOSE

To determine the future of the Kununurra Airport Committee and Council's Nominee to the Australian Airport Owners' Association.

BACKGROUND

At its meeting on 22 May 2003, Council resolved to defer its decision on representatives for the Kununurra Airport Committee and the delegate for the Australian Airport Owners' Association, pending a report on the future of the Airport Committee.

The Kununurra Airport Committee has been operational for several years. It has undertaken many roles and functions including:

- Reviewing operation and maintenance at the East Kimberley Regional Airport Kununurra.
- Controlling capital development at the Airport.
- Liaising with airlines and other airport-related businesses regarding airport issues.
- Developing plans for the future of the East Kimberley Regional Airport Kununurra.

Due to a variety of reasons the Airport Committee has not officially met for several months. This report outlines options for the future of the Airport Committee.

STATUTORY IMPLICATIONS

The Airport Committee has previously been established as a formal committee of Council. As such, the Local Government Act and other relevant legislation applies to the operation of this Committee.

POLICY IMPLICATIONS

Council has no specific policy regarding the establishment of committees of Council.

FINANCIAL IMPLICATIONS

There are no specific financial implications relating to the operation or otherwise of an Airport Committee.

STRATEGIC IMPLICATIONS

The Strategic Plan includes the following statements that are relevant to this matter.

Goal - That both SWEK residents and tourists have adequate access to the Shire by air.

- *Strategy 3 - Implement the recommendations of the East Kimberley Regional Airport Kununurra Business Plan.*
- *Strategy 4 - Monitor and review the operation of the East Kimberley Regional Airport Kununurra and Wyndham Airport to ensure that they are operated effectively and efficiently.*

COMMENT

Currently the only two official committees of Council that are operational are the Aboriginal Liaison Committee and the Shire Audit Committee. Both of these committees meet on an "as needed" basis when issues arise.

The Airport Committee has traditionally operated along more formal, structured lines than the above committees, with more regular meetings and a greater "hands on" role in the management and operation of the Kununurra Airport. Attention is drawn to the fact, however, that no delegated authorities have been granted to this committee in recent times, meaning that the decisions made at committee level are not binding on Council. In the absence of delegated authority, all resources allocation and business direction decisions made by the Airport Committee need to be ratified by Council prior to any action being taken. This is a cumbersome structure that is not particularly efficient.

Three options to address this matter are outlined below:

- Option 1 Continue to operate Airport Committee using current structure.
- Option 2 Operate Airport Committee with delegated authorities being granted to the Committee to make certain decision on behalf of the Council.
- Option 3 Disband the Committee and replace with semi-regular airport stakeholder meetings.

Option One is not recommended as it involves a more administrative cumbersome approach than other alternatives. Option Two is a feasible alternative, but Council would need to determine what level of authority it is willing to grant to the Committee. Option Three is supported by Council's administration.

Whilst the Airport is a significant commercial undertaking for the Shire, there does not seem to be a clear justification as to why a special committee of Council needs to operate for this particular service and not for others. For example, Council operates a significant road and parks maintenance service, yet no committee has been formed to oversee its operation.

The administration is keen to ensure that the efficiency and effectiveness of the Airport continues to improve. It is asserted that the most effective manner of ensuring input into decision making is to use the whole of Council as the vehicle for strategic decision making on the future management and development of the Airport. Regular Airport stakeholder meetings are supported as a means of consulting and communicating with users regarding the future of the facility.

Notwithstanding that the formation of an Airport Committee as such is not supported, it is appropriate for Council to elect a nominee to the Australian Airport Owners' Association to represent Council as required.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council:

1. Resolve to cease the operations of the Kununurra Airport Committee.
2. Agree to host bi-annual key stakeholder meetings as a vehicle for consultation and/or communication between Council and Airport users.
3. Nominate _____ as its representative to the Australian Airport Owners' Association

MOTION

Moved Cr Wright

That Council maintain an Airport Committee without delegated authority, with user group meetings associated with the Airport to be held twice yearly.

MOTION LAPSED FOR WANT OF A SECONDER

MINUTE NO 6326

That Council:

1. **Resolve to cease the operations of the Kununurra Airport Committee.**
2. **Agree to host bi-annual key stakeholder meetings as a vehicle for consultation and/or communication between Council and Airport users.**
3. **Nominate Cr Barnes as its representative to the Australian Airport Owners' Association**

CARRIED (5-2)

Cr Wright requested that the vote be recorded in the minutes.

FOR

**Cr Nelson
Cr Barnes
Cr Gore-Birch
Cr Pucci
Cr Buchanan**

AGAINST

**Cr Wright
Cr Thorley**

12.2. COMMUNITY SERVICES

12.2.1. Wyndham Youth Service Request for Proposal

DATE:	18 March 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Wyndham
AUTHOR:	Karyn Apperley, Executive Manager Community Services
REPORTING OFFICER:	Karyn Apperley, Executive Manager Community Services
FILE NO:	31.09.03
ASSESSMENT NO:	N/A

Cr M Pucci declared a Financial Interest in this as she is an employee of the Department for Child Protection which is the funding body of the proposed funding.

Cr M Pucci vacated the chair and left the room at 6.55pm

COUNCIL DECISION

Minute No: 8114

Moved: Cr D Ausburn

Seconded: Cr J Buchanan

That Cr F Mills assume the chair.

Carried Unanimously 7/0

Cr F Mills assumed the chair.

PURPOSE

For Council to consider the Department of Child Protection's Request for Proposal RFP0113/07 Services for Young People at Risk Wyndham.

BACKGROUND

There has not been a funded youth service in Wyndham for some years. The former Wyndham Youth Services was a group of local community people who secured grant funding for a bus and other equipment and ran a volunteer youth activities program up until 2005/2006. The former youth services resources are currently being looked after by Joorook Ngarni Corporation. In the past 18 months, the Save the Children organisation has been establishing and implementing a part time Youth Development Program.

The issue of funding a youth service in Wyndham has been raised with the Department of Child Protection (DCP), as the responsible State Government agency for a number of years. Wyndham is the only town in the Kimberley not to receive funding from the DCP for youth services. The DCP have now responded by allocating \$50,000 per annum for 2 years from funds previously allocated to Kununurra Youth Services, an organisation no longer operational.

Council received information about the DCP's plans to fund a youth service in Wyndham at its February 2008 briefing.

The Request for Proposal was advertised in the Kimberley Echo on 14 February 2008 and a briefing was provided by the DCP via videoconference link-up to the Wyndham Telecentre on 20 February 2008. This briefing was attended by representatives from Save the Children organisation, East Kimberley Job Pathways, Ngnowar Aerwah Corporation and the Shire.

STATUTORY IMPLICATIONS

The *Local Government Act 1995, Section 3.18* provides for the provision of services and facilities by a local government as follows

3.18. Performing executive functions

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Department of Child Protection will provide \$50,000 per annum to 30 September 2010 and it is anticipated that the youth service would commence by 30 September 2008. Therefore, there is approximately \$100,000 over 2 years available to implement the service. These funds would provide for the employment of staff and program resources.

In addition, the Shire's proposal would include utilisation of the existing infrastructure of Wyndham Recreation Centre and existing staff resources such as the part time Wyndham Recreation Officer (in part). Management of the youth service would be provided by the Shire's Community Services section. It is also proposed that the funds already received and committed by the DCP for the Helping Young People Engage (HYPE) project would be utilised in the proposed youth service model, subject to agreement by the DCP to a change in the HYPE model for Wyndham. HYPE funds for Wyndham are pledged at \$15,000 per annum for 3 years and the Shire received the first annual payment in 2006/07. However, due to difficulties in recruiting suitable local part time staff and therefore establishing the project, the Shire has yet to commence expenditure of that funding.

The financial impact for the Shire would mainly involve management of the service, represented by administration allocated, some infrastructure operating expenses, minor modifications to the existing infrastructure and staff resources. An allocation of the

available DCP funds would be directed to the administration and operating expenses, and due consideration will need to be given to the proposal in the development of the 2008/09 and 2009/2010 budgets.

In addition, the DCP have advised that a Lotterywest Grant may be applied for to provide capital items that assist service provision, as part of the development of the proposal.

STRATEGIC IMPLICATIONS

The Shire's Draft Strategic Plan identifies the following objectives

- *To work with key agencies to improve services and facilities for young people, including education and employment*
- *To implement crime prevention strategies for the Shire*
- *To work in partnership with others to address social issues confronting our community.*

COMMUNITY CONSULTATION

The Department of Child Protection conducted a Wyndham stakeholder workshop in October 2007 to identify current service provision for young people, gaps in service provision and the type of youth service model required in Wyndham. This consultation was designed to enable service providers and stakeholders to provide input into the development of the localised service specifications which form part of the Request for Proposal.

The Shire has been consulting with local young people and service providers through its Wyndham Customer Service/Community Liaison Officer in regard to the re-establishment of a Youth Advisory Committee. The Shire also consults with the community in regard to the development of programs and activities as part of its service provision at the Wyndham Swimming Pool and Wyndham Recreation Centre.

Additional consultation will be undertaken with local stakeholders, and in particular young people, in the development of the Shire's response to the Request for Proposal. Further consultation and involvement of young people will be required in the implementation of youth services to ensure that services, programs and activities are effective and well utilised.

COMMENT

The service specifications provided by the Department of Child Protection require that the youth service would target young people primarily aged 11 – 18 years, young people at risk with high needs and challenging behaviours and referrals from the DCP.

The DCP's specified outcomes required to be achieved in delivering the service are:

- Young people enhance their ability to effectively manage their lives and increase resilience
- The overall level of risk of the young person is reduced
- Young people have improved relationships with their family, school and community where appropriate
- Young people are linked to appropriate services such as employment, training, education, accommodation, counselling, rehabilitation and recreation.

The DCP specifications require the service to focus on:

- Assistance to access services such as education and training, mental health, drug and alcohol and other treatment services

- Advocacy
- Building supportive and inclusive relationships with young people
- Community involvement
- Linkages and coordination with local services for young people
- Life skills, team building and/or developmental group activities
- Mediation
- Provision of information
- Referral to other services
- Outreach.

The model that the Shire could provide with the DCP funds would largely utilise diversionary recreation programs to achieve the specified outcomes. This would be achieved by the employment of at least 2 part time staff (male and female) to focus on building supportive and inclusive relationships with young people, advocacy, mediation, life skills and group activities, referral to specialist services, service linkage and coordination, information provision, outreach to the Aboriginal communities of Wyndham and after-hours service delivery to outreach to all young people.

Community involvement will be achieved through the establishment of a service reference group and the manner in which the service is delivered using partnerships and interagency frameworks.

The Shire's model would utilise existing infrastructure such as the Wyndham Recreation Centre to deliver the service and would utilise the HYPE funds and existing staff resources to consolidate service delivery. Without this approach, achievement of the required service deliverables with \$50,000 per annum would not be realistic or effective. The Shire is well positioned to consolidate a range of resources to enable the provision of a comprehensive level of youth serving in Wyndham.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

That Council prepare and submit a Request for Proposal to the Department of Child Protection for RFP0113/07 Services for Young People at Risk Wyndham by the closing date of 2 April 2008.

COUNCIL DECISION:

Minute No: 8115

Moved: Cr P Caley

Seconded: Cr D Ausburn

That Council prepare and submit a Request for Proposal to the Department of Child Protection for RFP0113/07 Services for Young People at Risk Wyndham by the closing date of 2 April 2008.

Carried Unanimously 7/0

Cr M Pucci returned to the room and resumed the Chair at 6:58pm.

12.3. DEVELOPMENT SERVICES

12.3.1. Scheme Amendment - Lot 11 Weaber Plain Road

DATE:	18 March 2008
PROPONENT:	Raregold Pty Ltd
LOCATION:	Lot 11 Weaber Plain Road
AUTHOR:	Keith Williams, Executive Manager Town Planning
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	43.31.20, 01.0020.02
ASSESSMENT NO:	A0020

PURPOSE

For Council to consider adoption of an amendment to Town Planning Scheme No 7 to rezone Lot 11 Weaber Plain Road from the Rural Agriculture 1 zone to the Rural Living zone to facilitate subdivision of a portion of the land.

BACKGROUND

The Shire of Wyndham-East Kimberley Local Planning Strategy [November 2005] identified two preferred areas with potential for Rural Living purposes and two preferred areas for Rural Small Holdings using a matrix ranking system. The proposed lot was assessed as part of a larger land parcel consisting of Lots 11, 12, 13 and 14 Weaber Plain Road and was ranked equal sixth out of eleven possible rural residential sites. Consequently the site was not identified within the Local Planning Strategy [LPS] as a preferred site for rural residential development.

The proposed Amendment is seeking to rezone Lot 11 only, although structure planning has been undertaken for Lots 12, 13, 14 & 16 also. Documentation supporting the rezoning offers a further investigation of environmental and site specific circumstances, including the impact on flooding of lots on the opposite of Weaber Plain Road. This information has been provided to Councillors separately.

SITE LOCATION

The land is located on the Eastern side of Weaber Plain Road, approximately 5 kilometres from the town centre. The subject site is 88 hectares in area. A map is included in the amendment documentation.

PROPOSED LAND USE / DEVELOPMENT

The amendment will allow a portion of the land to be used for rural residential purposes [52 hectares], in accordance with any approved subdivision. Currently agricultural uses are permitted, however, no specific development is applied for.

FINANCIAL IMPLICATIONS

An application fee of \$500 on adoption.

PLANNING ASSESSMENT

Local Planning Strategy

Councils Local Planning Strategy identifies the land being used for agricultural purposes. The LPS identified two preferred areas with potential for Rural Living purposes and two preferred areas for Rural Small Holdings using a matrix ranking system. The proposed lot was assessed as part of a larger land parcel consisting of Lots 11, 12, 13 and 14 Weaber Plain Road and was ranked equal sixth out of eleven possible rural residential sites. Consequently the site was not identified within the local planning strategy as a preferred site for rural residential development.

Town Planning Scheme No 7

The land is zoned Rural Agriculture 2 under the TPS 7. Agricultural uses are permitted, and could be developed without Council consent. Residential uses currently permitted are Transient [workers] Accommodation and a caretakers dwelling.

Finalisation of the amendment would allow 52 hectares of the subject site to be developed for rural residential purposes.

CONSULTATION

The amendment process requires a 42 day consultation process which includes a notice in newspaper, signage and letters to adjoining property owners.

Amendment advertised from 18 January to 2 March (Kimberley Echo, 2 signs on site, letters to 32 surrounding landowners) Advertising of the amendment draw a number of submissions:

21 submissions: 9 objections, 11 support, 1 offering comment.

Of the submissions, 7 submissions of objection were received from landowners in the Weaber Plain Road area. 3 of the submissions of support were from the proponent and their representative.

These submissions are available to be reviewed on request, and a summary of them is attached as Attachment 1.

CONCLUSION

The proponent is seeking to amend TPS 7 to allow Rural Residential purposes on the subject site. While the LPS has not identified the site as rural residential, it was considered that the application shows some merit, and should be initiated so that the amendment could be assessed in more detail.

An LPS is not a statutory document, and should not be considered to be static, and review of the amendment in the context of the advertising submissions and supplementary documentation allows Council a detailed consideration of whether to revise the LPS and Scheme.

Drainage and roads have been identified as critical issues, and while the proponent has shown a willingness to resolve these issues through the preparation of significant

supplementary information, these issues are not likely to be resolved in further detail until the subdivision design process.

It is considered, given the supplementary information provided that the subject site would not be affected by flooding and stormwater issues, and similar to Amendment 3 of TPS 7 [Kirby's], and other similar subdivisions, provisions could be incorporated into the Scheme and subsequent subdivision to resolve these issues. The supplementary information argues that the impact of the development of the site for rural residential purposes would not cause additional detrimental impacts to the lots created or on the downstream properties.

Notwithstanding this, flooding and stormwater remain contentious issues, and wet season rains this year have caused problems with flooding and damage to property. Council has mitigation measures developed to resolve the worst of these drainage and flooding problems, however, timeframes for these mitigation methods mean that the results will not be known for probably 12 months from the date of this report.

Additionally, while the report argues that the proposed subdivision will not have a detrimental impact, the report does not provide substantive data to demonstrate this.

Council has three options:

1. Adopt the amendment and recommend to the Minister that the amendment be finalised
2. Defer consideration of the amendment:
 - until the funding for mitigation works is approved, or
 - until the mitigation works are completed, or
 - until, say, 12 months to determine the effectiveness of the mitigation works.
3. Refuse the adoption of the amendment and recommend to the Minister that the amendment not be finalised.

Option two is preferred, as this allows reconsideration of the amendment at a future point where more information is available to enable considered decision making.

ATTACHMENTS

Attachment 1	Summary of submissions
Attachment 2	Amendment Map
Attachment 3	Structure Plan

Amendment documents have been distributed to Councillors electronically, and can be made available in printed format. The supplementary information submitted by the proponent has also been distributed, and is similarly available on request.

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

That Council defer determination of amendment 20 to Town Planning Scheme No 7 - Kununurra and Environs, on the basis that insufficient information is available to determine the impact of subdivision of the land on flooding of downstream properties.

COUNCIL DECISION:

Minute No: 8116

Moved: Cr J Moulden

Seconded: Cr P Caley

That Council defer determination of amendment 20 to Town Planning Scheme No 7 - Kununurra and Environs, on the basis that insufficient information is available to determine the impact of subdivision of the land on flooding of downstream properties.

Tied Vote 4/4

Note: Shire President Cr M Pucci used her casting vote and voted in favour of the motion.

Carried 5/3

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

**Amendment No. 20: Rezoning from Rural Agriculture 1 to Rural Living
(Lot 11 Weaber Plain Road, Kununurra)**

Schedule of Submissions

SUBMISSION NO. AND OWNER/ PROPERTY DETAILS	OBJECTION OR SUPPORT	SUMMARY OF SUBMISSIONS (all comments typed as received)	COMMENTS	RECOMMENDATION
<p>SUBMISSION 1</p> <p>Alan Wilson PO Box 1976, Kununurra</p>		<p>I wish to provide comment to the proposed amendment 20 to the SWEK's TPS No.7.</p> <p>The Hon. Minister for Planning and Infrastructure, Alannah MacTiernan MLA wrote within the approval to amendment No.7, "I recently had discussion with the Shire regarding the need for a Local Planning Strategy to be prepared for the locality to provide a strategic framework for amendments of this nature. I strongly support the preparation of a Local Planning Strategy by the shire and, in my view, future amendments to the Shire's Town Planning Scheme will need to be supported by such documentation."</p> <p>The SWEK's LPS, just 12 months old states:</p> <p>1.2 "purpose of the Local Planning Strategy</p> <p>"The role of the LPS is to provide background analysis and strategic direction for an area in a clear and effective way such that it becomes a practical guiding tool in the decision making process .</p> <p>5.2.6 Future Rural Residential</p>	<p>Comments noted.</p> <p>1. The local planning strategy (LPS) sets a strategic direction for the Shire for the next 10 to 15 years and is administered through the local planning scheme. It is not a static document and provides background analysis which gives a context to enable amendments to be made to the proposals contained in the strategy.</p> <p>The advertised amendment is clear that the proposal is not one of the preferred options identified in the LPS and offers a rationale for</p>	<p>Noted.</p> <p>Partly upheld.</p> <p>1. Should Council resolve to give final approval to the amendment, the LPS is to be modified upon future review.</p> <p>2. Rezoning be subject to structure planning on Lot 11 to provide integration with and linkages to Lots 12, 13 and 14 to ensure orderly and proper planning of the precinct in the future.</p> <p>3. Support amendment provisions that protect agricultural land and rural</p>

		<p>The LPS assessed various locations suitable for rural residential development, which were derived from assessment of the availability of land within close proximity to the Kununurra town site, as well as the consultation process (Appendix C). These areas are illustrated on figure 13. Following this assessment, two locations were chosen as being suited for rural residential purposes: Crossing Falls and Lot 21 King Location 599.</p> <p>The LPS Table 1 compared 10 possible Rural Residential sites with all given a ranking out of 10. Lot 11 Weaber Plain Road as part of a precinct was described with the LPS Prime Agriculture Land with more than 50% of the soils suitable for intensive horticulture, which is but one reason why 6 other sites were preferred above lots 11, 12, 13 and 14 Weaber Plain Rd.</p> <p>I have heard loud and clear from Council's Planner, WAPC officers and the Minister, that if it's not in the LPS it's not going to happen. Why has this amendment been allowed to process this far?</p> <p>I support lots 11,12 13 and 14 Weaber Plains road, as a precinct, being rezoned to Rural Living or Rural Agriculture 2 but cannot support a proposal to rezone a small patch of land to rural living that is surrounded on all sides with land zoned for agriculture purposes, however, for the above to occur and the council to have any credibility in planning matters, an amendment to the LPS should proceed such a TPS amendment.</p>	<p>departing from the LPS.</p> <p>2. Of the two preferred locations in the LPS, Crossing Falls has not progressed while Lot 21 King Location 599 (Lot 21) has been rezoned and a structure plan lodged with Council. Due to lack of current land release, there is a continuing shortage of rural residential land. However, Lot 21 is progressing towards lodgement of a subdivision with the WAPC and it may be premature to rezone a small parcel of land such as Lot 11 with a limited yield and potentially significant constraints, that is also contrary to the LPS.</p> <p>The proposed development of Lot 11 needs to integrate with and provide linkages to future development opportunities on Lots 12, 13 and 14. It is considered that any development on Lot 11 is likely to generate development on lots 12, 13 and 14 and the area should be planned as a precinct.</p>	<p>residential amenity.</p>
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			3. The protection of agricultural land and rural residential amenity is proposed to be as per the current provisions in the local planning scheme that apply to Lot 21 King location 599.	
SUBMISSION 2 James P O Kenny PO Box 245 Kununurra		<p>I would normally be encouraging more developments for housing on Weaber Plains Road but, for the following reasons I must oppose the planned rezoning and development of Lot 11 and any further applications which involve the clearing of native vegetation for housing developments or such like. This means from the Nelson subdivision (a disaster) to our land Lot 319 on Weaber Plains Road and north on Mulligans Lagoon Road from our Lot 319 to the native cave paintings or thereabouts.</p> <p>Many of the problems that exist with flooding of the properties west of the Weaber Plains Road, down to the Ord Sugar Mill entry and our properties Lot 1 and Lot 319 would not be occurring if the Shire of the day had done its job and taken notice of the advice from those that knew the area. I have not included dates and the sequence of events might not be correct and as this submission includes material from an affidavit for a legal action against the Shire I have declared it, without prejudice.</p> <p>Release of virgin block Lot 607 Mulligans Lagoon Road, for peanut growing, previous land leased to grower unsatisfactory for peanuts, also very wet during season. Applicants to go to Lands Board sitting but Ag Dept who had the say wanted its choice of the grower to get it. I as an applicant tried for it on the basis if I got it I would sub lease to the other applicant in the hope of he not having to clear all the land in one go as this would cause a major flood way during heavy wet season storms. With no objections from the Shire the land went to the bureaucrats' choice and of course he had to abide by the land boards conditions whether he wanted to or not. Land cleared – centre pivot installed – peanut crop sown- first wet season storm of 50mm saw the peanut crop and tons of top soil on Mulligans Lagoon</p>	<p>Noted. Provides comments on the history of subdivision, agriculture, clearing and flooding in the area.</p> <p>1. The Amendment provisions require the protection of the creek running through the lot and structure planning to address groundwater and drainage issues, preservation of natural features, remnant vegetation and environmental considerations.</p> <p>It should be noted that the current zoning of the land for Rural Agriculture 1 does not require any drainage management or protection of vegetation or creek lines. The proposed rezoning may afford an opportunity to better manage these issues as well as</p>	<p>Noted.</p> <p>Partly Upheld.</p> <p>1. Support amendment provisions that require groundwater and environmental issues to be addressed.</p> <p>2. Require a hydrological study and a drainage management plan which integrates with the catchment area and is supported by the Department of Water, Department of Environment and conservation and the Shire, prior to consideration of Amendment 20 for final approval.</p> <p>3. Rezoning be subject to structure planning on Lot 11 to provide integration with and linkages to Lots 12, 13 and 14 to ensure</p>

	<p>Road and all around our then house on Lot 319 – thankfully we had built our house pad up well above the normal flood levels. Peter DeBont could not get to his farm at the end of the road as the road remained flooded for some time, for the first time ever.</p> <p>The lessee of Lot 607 then built a bunding wall and extensive contour banks around his lease. The bunding wall directed storm waters from 607 through the top of our block Lot 319 (without our knowledge) to the lower side of Weaber Plains Road south of what is now our hill block Lot 319, where it then joined the normal waters that occasionally crossed the road to the previous peanut block of the lessees which then had only one transportable building on it and was yet to be subdivided so no problem from that end at that time.</p> <p>However, the contour banks apparently failed and storm water again inundated Mulligan’s Lagoon Road but did not breach the table drain on our side of the road. The Shire later without my knowledge cut drainage channels from the roadside table drain towards our property Lot 319. The next wet season storm saw a huge deluge enter our property from these drains and although our house was okay our transportable hire units were sitting in approximately 4ft of water. I claimed insurance from the FAI insurance - an assessor had Barry Fairclough a local builder quote on repairs - \$90,000- FAI gave me \$30,000 and told me to sue the shire for the rest. They then cancelled my insurance and said they weren’t interested in insuring above the 26th parallel. It was then impossible for me to get any insurance after that. I prepared to claim, from the Shire and had Alma Pethrick as a JP to inspect the drains to ascertain the cause of the flooding, but did not proceed as to sue the Shire then was to sue the rate payers.</p> <p>Sometime later the Shire filled the drains and put a culvert under the road from the eastern side to the western side claiming the water would not run down the eastern side this gave me more storm water to contend with. However, by then the Ord Sugar Mill was going. I in agreement with the mill established a drain between our boundaries to take that extra storm water runoff created by that development. I then agreed with the Shire that if I could get the road reserve joined to Lot 319 I could give the Mill rear entry to its block which was, and</p>	<p>alleviating housing shortages.</p> <p>2. The Shire is currently trialing remediation alternatives in the catchment which have demonstrated some success in trapping silt and slowing flood waters. It should be noted that it is not simply the subdivision and development of land that has created the drainage issues in the area, rather it is the poor drainage management techniques implemented in the area which are now being addressed.</p> <p>Stormwater drainage management is an essential consideration in subdivision design with development potentially offering management opportunities via detention basins and the road network.</p> <p>3. The proposed development of Lot 11 needs to integrate with and provide linkages to future development opportunities on Lots 12, 13 and 14. It is considered that any</p>	<p>orderly and proper planning of the precinct in the future.</p>
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		<p>still is a requirement of the Shire for the subdivision for the mill access through our property, e.g. no more access from Weaber Plains Road. If there was no charge for the land I could then direct the extra floodwaters from the road down our drain to the far end of our property to the Ord Sugar Mill entry. I eventually had to pay for the land but that is another story. I took the water to our drain; it proved to be too much and flooded the Ord Sugar Mill entry. The Weaber Plains Road was upgraded and I sought to have a culvert placed to take water to the western side of the road and into part of a borrow pit that was left after M1 channel was constructed. This soon filled in the wet and backed up I then sought to have the Shire engineer put a pipe under the irrigation channel that separated this pit from the rest of the borrow pit that runs nearly to Rogers machinery and would take plenty of storm water. The engineer compromised and cut a channel around the irrigation channel and this helped and was certainly better than nothing. I actually wrote to the Shire praising his efforts.</p> <p>Then there was the application by Ros Johnson to further subdivide her blocks 13 & 14 of about 90 ha. I was a Shire councillor and was concerned that a similar problem would occur as that of Lot 607 and cause more flood water to cross over the road to the Hughes sub division as it was then known. I then conveyed this concern to the full Shire council and it was decided to deny any further development of the land. Ros Johnson was pretty bitter about this and blamed me personally but she was to eventually sell her land and make good money on it. After myself and the Shire president uncovered the corrupt activities of some senior Shire staff, who were allowed to resign and leave in haste but not before getting another pay off, I did not contest the next term election.</p> <p>Then there was the Nelson subdivision, an absolute disaster with the flooding caused there and not too long after, the Anglo estates application to create a subdivision of 1 acre housing blocks. Fortunately the Shire bowed to the pressure of the ratepayers and rejected the application although the Shire "engineer" thought it was a marvellous plan. This was appealed to the minister and It went to court I was one asked to contribute as was the Ord Sugar Mill which was already being condemned for polluting from the mill upsetting</p>	<p>development on Lot 11 is likely to generate development on lots 12, 13 and 14 and the area should be planned as a precinct.</p>	
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	<p>householders as far away as the proposed subdivision. The appeal was lost and soon after Anglo Estates put the block on the market. I was totally dismayed to see it had the land subdivided into 3 blocks from the original 2 – now 13, 14 & 16 and the agent advertising them as suitable for possible subdivision. I complained of this to the Shire but the old brotherhood network of a certain service club went to work and nothing happened. In desperation I purchased Lot 16 which adjoined our Lot 319 in case it was purchased and further developed. Lots 13 & 14 were also sold which left Chaz Langford's block and Ros Johnson retained Lot 11 for her son to farm. This is now owned by a local consortium which is applying for this rezoning for a housing development.</p> <p>I would like to support the people who are doing good things in the area but since the Shire tried to solve the flooding problem for the Weaber Plains Road residents, it has directed the flood waters down the “drain to nowhere” or at least to our block Lot 1, which because we built our permanent buildings up high enough as well as the stumps for our transportable hire buildings, had never been flooded before - that is enough to effect the buildings- before this drain was created. Last wet season saw this drain overflow into our spur channel and the main channel and flow through our Lot 1 damaging our transportable buildings, washing out our pumping gear, flowing over Weaber Plains Road to our main gate at Lot 319, then washing down towards the Ord Sugar Mill entry on the way it washed out the footings of a 3 section transportable which collapsed and is a total write off.</p> <p>In summing up it is an absolute folly to interfere with the natural landscape at the base of a range in the tropics. Natural vegetation retains most of the storm water from the range and what it doesn't hold will go by creeks to the nearest river. In this case the natural creeks were blocked by the irrigation channels and houses were built in the flood plain caused by this. Further development will make it worse and what the Shire is doing will not solve any problems and cost its insurers a lot of money. “God” I wish I could have found an insurance company like the one that covers the Shire.</p> <p>Since writing this submission I have spoken to Tim Croote who</p>		
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	<p>informed me he alone is involved in the application for the development. If the Shire pays my compensation and guarantees that no flood water is directed on to my properties I personally would not have an objection to the venture but there could be a different response from those who could be affected on Weaber Plains Road.</p> <p>Some may think me somewhat paranoid well our industrial block in town (Centurion Transport) was nearly flooded on 2 occasions because the drains installed by the Shire are either ineffective, blocked up or both. Mind you there weren't any problems before the Shire authorised the subdivision of the "Oliver" industrial block next door. Same old story, most of the storm water used to be retained on the block and now it all runs off with the buildings and concrete preventing any retention or seepage into the ground. I am not saying no subdivision here I'm just saying the Shire should consider this when installing drains. The only way it will learn is to get whacked with a compensation claim but, no doubt as usual the senior staff who directed these planning failures if not already gone will abandon the ship to take up another lucrative job elsewhere and in no way to be affected in the long run. Of course there have been and still are efficient staff, senior and otherwise and I do not include them in the previous statement. There are some good councillors on Shire but I don't think they really know what's going on, mind you that's been going on for many years, councillors tend to trust the staff to get things right.</p> <p>I apologise for the "Tolstoy's War and Peace" submission but the history must be told.</p> <p>Footnote Re Anglo Estates para. 7 subdivisions from 13 & 14 to 13-14-16 refer to letter enclosed, from planning dept to Keith Williams whom I thank for getting this information.</p> <p>Attached: copy of undated letter from Department for Planning & Infrastructure to Shire of Wyndham East Kimberley re "Request for Information Relating to Subdivision of Lots 13, 14 and 16, Weaber Plain Road, Kununurra.</p>		
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<p>SUBMISSION 3</p> <p>Howard Young PO Box 27 Kununurra</p>		<p>Thank you for the notice of the proposed subdivision of Lot No. 11 Weaber Plains Road. I believe that any such subdivision should be held until the matter of the Weaber Plains drainage is properly solved.</p> <p>Development of this site would inevitable create additional rapid runoff of floodwater, increasing this problem. Please ask for approval of this project AFTER the Weaber Plains floodwater problem is adequately and PROPERLY solved.</p> <p>Until then, NO!</p>	<p>1. The Shire is currently trialing remediation alternatives in the catchment which have demonstrated some success in trapping silt and slowing flood waters. It should be noted that it is not simply the subdivision and development of land that has created the drainage issues in the area, rather it is the poor drainage management techniques implemented in the area which are now being addressed.</p> <p>Stormwater drainage management is an essential consideration in subdivision design with development potentially offering management opportunities via detention basins and the road network.</p> <p>It should be noted that the current zoning of the land for Rural Agriculture 1 does not require any drainage management or protection of vegetation or creek lines. The proposed rezoning may afford an opportunity to better manage these issues as well as</p>	<p>Partly Upheld.</p> <p>1. Require a hydrological study and a drainage management plan which integrates with the catchment area and is supported by the Department of Water, Department of Environment and conservation and the Shire, prior to consideration of Amendment 20 for final approval.</p>
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			alleviating housing shortages.	
<p>SUBMISSION 4</p> <p>Lindsay Ward Lot 103 Weaber Plains Road Kununurra</p>		<p>I would like to voice my opinion on the proposed subdivision of Tim Croote on Weaber Plains Road. I am not opposing the subdivision but council has to fulfil their obligation to the residents affected by the 2006 flooding.</p> <p>At the meeting of council and concerned residents after the 2006 flooding it was said there would be no further development in the affected areas until the drainage issue was rectified. Has this been done?</p> <p>Until council rectifies the current drainage problem and if council approves the proposed subdivision, I feel they would place themselves into a situation allowing further legal action, costing more ratepayers money.</p> <p>After flying around after the 2006 flooding and taking the photos, which council have copies, I would think the only solution to the problem is to let the water through the M1 channel and continue towards the Ord River via the exiting drains and maybe new drains.</p> <p>I would appreciate being informed of proposed improvements to the drainage problem.</p>	<p>1. The Shire is currently trialing remediation alternatives in the catchment which have demonstrated some success in trapping silt and slowing flood waters. It should be noted that it is not simply the subdivision and development of land that has created the drainage issues in the area, rather it is the poor drainage management techniques implemented in the area which are now being addressed.</p> <p>Stormwater drainage management is an essential consideration in subdivision design with development potentially offering management opportunities via detention basins and the road network.</p> <p>It should be noted that the current zoning of the land for Rural Agriculture 1 does not require any drainage management or protection of vegetation or creek lines. The proposed rezoning may</p>	<p>Partly Upheld.</p> <p>1. Require a hydrological study and a drainage management plan which integrates with the catchment area and is supported by the Department of Water, Department of Environment and conservation and the Shire, prior to consideration of Amendment 20 for final approval.</p>

			afford an opportunity to better manage these issues as well as alleviating housing shortages.	
<p>SUBMISSION 5</p> <p>Natalie and Beau Robinson PO Box 1103 Kununurra</p>		<p>As a local of Kununurra, we strongly support the proposed rezoning the northern 52 hectare portion of lot 11 Weaber Plains road from rural agriculture to rural living zone. We have been looking on the market for some time now and have not found a suitable block in Kununurra for us to buy and build a new home in a rural setting.</p> <p>The proposal in question is very attractive to us for many reasons. I have considered the prospects of other possible developments, such as Kirby's on the river or Crossing Falls, and would prefer to live closer to town. Lot 11 is significantly closer to town than these other develop developments, thus reducing the commute to work. It seems also that the other proposed developments are a long way off being completed. Lot 11 is a much smaller development and would provide immediate relief to the strong demand for rural living properties.</p> <p>We commend the Shire on their support of such proposals in an attempt to increase the quantity and variety of residential properties available in Kununurra. If the property is rezoned through a scheme amendment, we would be looking to purchase a block and build a home on it as it is exactly what we have been searching for.</p>	<p>1. Of the two preferred locations in the LPS, Crossing Falls has not progressed while Lot 21 King Location 599 (Lot 21) has been rezoned and a structure plan lodged with Council. Due to lack of current land release, there is a continuing shortage of rural residential land. However, Lot 21 is progressing towards lodgement of a subdivision with the WAPC and it may be premature to rezone a small parcel of land such as Lot 11 with a limited yield and potentially significant constraints, that is also contrary to the LPS.</p> <p>2. The proposed development of Lot 11 needs to integrate with and provide linkages to future development opportunities on Lots 12, 13 and 14. It is considered that any development on Lot 11 is likely to generate development on lots 12,</p>	<p>Partly Upheld.</p> <p>1. The proposed development would ease land shortages, however, there is no onus on the landowner to develop the land within a particular timeframe.</p> <p>2. Rezoning be subject to structure planning on Lot 11 to provide integration with and linkages to Lots 12, 13 and 14 to ensure orderly and proper planning of the precinct in the future.</p>

			13 and 14 and the area should be planned as a precinct.	
<p>SUBMISSION 6</p> <p>Jordanna Rock PO Box 1265 Kununurra</p>		<p>I am writing in response to the call for submissions on the proposed rezoning of the northern 52 hectare portion of Lot 11, Weaber Plain Road. I have observed the Real Estate market in Kununurra since the purchase of my first home in 2001 and I have seen the demand and price of rural living properties increase dramatically over this period. However, there has only been a very limited supply of this type of property.</p> <p>I currently reside in Lakeside, however would also like to purchase a block in a rural living zone. I strongly support the approval of this development, which would provide a number of 2-4 hectare rural living properties on this beautiful location. I would love to buy a block here as it is located in a highly attractive area, close to town and in addition if I live on this location it would dramatically reduce the distance I travel to work.</p> <p>I am pleased to note that the Shire is supporting this development in an attempt to resolve the issue of limited supply of land in Kununurra. Since the town is growing faster than supply of land, it is necessary for the Shire to have this progressive attitude.</p>	<p>1. Of the two preferred locations in the LPS, Crossing Falls has not progressed while Lot 21 King Location 599 (Lot 21) has been rezoned and a structure plan lodged with Council. Due to lack of current land release, there is a continuing shortage of rural residential land. However, Lot 21 is progressing towards lodgement of a subdivision with the WAPC and it may be premature to rezone a small parcel of land such as Lot 11 with a limited yield and potentially significant constraints, that is also contrary to the LPS.</p> <p>2. The proposed development of Lot 11 needs to integrate with and provide linkages to future development opportunities on Lots 12, 13 and 14. It is considered that any development on Lot 11 is likely to generate development on lots 12, 13 and 14 and the area should be planned as a</p>	<p>Partly Upheld.</p> <p>1. The proposed development would ease land shortages, however, there is no onus on the landowner to develop the land within a particular timeframe.</p> <p>2. Rezoning be subject to structure planning on Lot 11 to provide integration with and linkages to Lots 12, 13 and 14 to ensure orderly and proper planning of the precinct in the future.</p>

			precinct.	
<p>SUBMISSION 7</p> <p>Dr Steven Petty PO Box 777 Kununurra</p>		<p>I am very supportive of the proposal to rezone part of Lot 11 Weaber Plains Road. I currently work part of my time in Kununurra and part of my time in Darwin, where my family is based. I would like to move back to Kununurra but cannot find a suitable rural block in the region where I can build a house and resettle in this progressive area. Few rural blocks in the Kununurra area are on the market and the occasional block that is sold is already developed and exceedingly expensive.</p> <p>This proposed development will provide much needed rural land to the north of the township, close to the Agricultural area. It will also help alleviate some of the significant demand for additional land in this area as well as provide the next stage of development for the builders in town. I believe this development will provide considerable flow on benefits to the local economy and future of Kununurra.</p> <p>I have heard some discussion in town on the drainage issues in this area. I have read the proposal and visited the site and agree with the proponents that this development will not increase the local water flow or flooding. In fact I suggest the proposal to develop this area as rural residential will reduce the potential impact relative to a large scale agricultural development where the native vegetation could be cleared (as per current zoning).</p> <p>As indicated I strongly support this proposal and would like to congratulate the Council for supporting this proposal to date. If it goes ahead I plan to buy a block, move to Kununurra, build my business in this area and become a long term resident.</p>	<p>1. Of the two preferred locations in the LPS, Crossing Falls has not progressed while Lot 21 King Location 599 (Lot 21) has been rezoned and a structure plan lodged with Council. Due to lack of current land release, there is a continuing shortage of rural residential land. However, Lot 21 is progressing towards lodgement of a subdivision with the WAPC and it may be premature to rezone a small parcel of land such as Lot 11 with a limited yield and potentially significant constraints, that is also contrary to the LPS.</p> <p>2. The proposed development of Lot 11 needs to integrate with and provide linkages to future development opportunities on Lots 12, 13 and 14. It is considered that any development on Lot 11 is likely to generate development on lots 12, 13 and 14 and the area should be planned as a precinct.</p>	<p>Partly Upheld.</p> <p>1. The proposed development would ease land shortages, however, there is no onus on the landowner to develop the land within a particular timeframe.</p> <p>2. Rezoning be subject to structure planning on Lot 11 to provide integration with and linkages to Lots 12, 13 and 14 to ensure orderly and proper planning of the precinct in the future.</p> <p>3. Require a hydrological study and a drainage management plan which integrates with the catchment area and is supported by the Department of Water, Department of Environment and conservation and the Shire, prior to consideration of Amendment 20 for final approval.</p>

			3. Stormwater drainage management is an essential consideration in subdivision design with development potentially offering management opportunities via detention basins and the road network. The current zoning of the land for Rural Agriculture 1 does not require any drainage management or protection of vegetation or creek lines and the proposed rezoning to rural living may afford an opportunity to better manage these issues.	
SUBMISSION 8 Name Withheld by request		<p>I am writing to you opposing the proposed amendment for the following reasons.</p> <ol style="list-style-type: none"> 1. Recently a local planning strategy was undertaken this particular area was not identified as Rural Living. 2. The area is subject to localised flooding. I therefore would not support rezoning unless a full hydrological report was undertaken and which demonstrated that flooding can be managed effectively. The Shire has enough issues with flooding on Weaber plains area. 3. Local farmers continually complain about having not enough land. So why are they wanting to sell off Rural Agriculture 1 land? <p>I therefore wish to formally oppose the amendment. Furthermore I wish to request that my name remains confidential on this matter.</p>	<p>1. Of the two preferred locations in the LPS, Crossing Falls has not progressed while Lot 21 King Location 599 (Lot 21) has been rezoned and a structure plan lodged with Council. Due to lack of current land release, there is a continuing shortage of rural residential land. However, Lot 21 is progressing towards lodgement of a subdivision with the WAPC and it may be premature to rezone a small parcel of land such as Lot 11 with a limited yield and potentially</p>	<p>Partly Upheld.</p> <ol style="list-style-type: none"> 1. The proposed development would ease land shortages, however, there is no onus on the landowner to develop the land within a particular timeframe. 2. Rezoning be subject to structure planning on Lot 11 to provide integration with and linkages to Lots 12, 13 and 14 to ensure orderly and proper planning of the precinct in the future.

			<p>significant constraints, that is also contrary to the LPS.</p> <p>2. The proposed development of Lot 11 needs to integrate with and provide linkages to future development opportunities on Lots 12, 13 and 14. It is considered that any development on Lot 11 is likely to generate development on lots 12, 13 and 14 and the area should be planned as a precinct.</p> <p>3. It should be noted that it is not simply the subdivision and development of land that has created the drainage issues in the area, rather it is the poor drainage management techniques implemented in the area which are now being addressed.</p> <p>Stormwater drainage management is an essential consideration in subdivision design with development potentially offering management opportunities via detention basins and the road network.</p>	<p>3. Require a hydrological study and a drainage management plan which integrates with the catchment area and is supported by the Department of Water, Department of Environment and conservation and the Shire, prior to consideration of Amendment 20 for final approval.</p> <p>4. Support amendment provisions that protect agricultural land and rural residential amenity.</p>
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<p>SUBMISSION 9</p> <p>Robert Dowling PO Box 1701 Kununurra</p>		<p>I feel that this is the sort of development that is required if Kununurra is to continue to attract and retain the level of skilled labour needed to see it into the future. I also feel that there is definite need for more small rural blocks for those wishing to make the most of the beautiful surrounds and lifestyle available in this area.</p> <p>My partner and I came to Kununurra approximately 4 years ago. We both found work soon after. We both have a trade back ground. My partner formerly a chef is now in the third year of a jewellery apprenticeship. I myself am a fitter and turner working on a local farm in a maintenance/farm hand capacity.</p> <p>We are both very happy here and want to stay. We would definitely be interested in these blocks should they become available. A small block like this has always been the way we hoped to live and have been dismayed at the lack of such real estate in this area.</p>	<p>1. Of the two preferred locations in the LPS, Crossing Falls has not progressed while Lot 21 King Location 599 (Lot 21) has been rezoned and a structure plan lodged with Council. Due to lack of current land release, there is a continuing shortage of rural residential land. However, Lot 21 is progressing towards lodgement of a subdivision with the WAPC and it may be premature to rezone a small parcel of land such as Lot 11 with a limited</p>	<p>Partly Upheld.</p> <p>1. The proposed development would ease land shortages, however, there is no onus on the landowner to develop the land within a particular timeframe.</p> <p>2. Rezoning be subject to structure planning on Lot 11 to provide integration with and linkages to Lots 12, 13 and 14 to ensure orderly and proper planning of the precinct in the future.</p>

			<p>yield and potentially significant constraints, that is also contrary to the LPS.</p> <p>2. The proposed development of Lot 11 needs to integrate with and provide linkages to future development opportunities on Lots 12, 13 and 14. It is considered that any development on Lot 11 is likely to generate development on lots 12, 13 and 14 and the area should be planned as a precinct.</p>	
<p>SUBMISSION 10</p> <p>Kalyn Dessert PO Box 700 Kununurra</p>	<p>I am writing in response to the article in the Public Notices section of The Kimberley Echo regarding submissions on the Scheme Amendment for the proposed re-zoning of a 52ha portion of Lot 11 Weaber Plains Road.</p> <p>I strongly believe this proposed rezoning and hence proposed subdivision into 2-4ha Rural Lifestyle blocks should be approved for the future benefit of Kununurra and the Shire of Wyndham East Kimberley.</p> <p>I have lived in Kununurra for over 20 years and have seen this town grow and develop rapidly. The tourism, agricultural and resource sectors of this community have boomed in recent times. Many essential life resources are now in absolute shortage, the main one of these being housing. One can just visit the local Real Estate agents to hear the same story on the shortage of housing continuously repeated. I feel that the SWEK and the State Government need to take immediate action to develop housing resources in line with this boom.</p>	<p>1. Of the two preferred locations in the LPS, Crossing Falls has not progressed while Lot 21 King Location 599 (Lot 21) has been rezoned and a structure plan lodged with Council. Due to lack of current land release, there is a continuing shortage of rural residential land. However, Lot 21 is progressing towards lodgement of a subdivision with the WAPC and it may be premature to rezone a small parcel of land such as Lot 11 with a limited yield and potentially significant constraints, that</p>	<p>Partly Upheld.</p> <p>1. The proposed development would ease land shortages, however, there is no onus on the landowner to develop the land within a particular timeframe.</p> <p>2. Rezoning be subject to structure planning on Lot 11 to provide integration with and linkages to Lots 12, 13 and 14 to ensure orderly and proper planning of the precinct in the future.</p>	

		<p>I am pleased to see that the Shire is considering this subdivision and feel that it is essential that the Shire should work with this developer to ensure that this proposed subdivision progresses and in a reasonable time frame.</p> <p>I feel that these rural lifestyle blocks sum up the true essence of what Kununurra and the Shire of Wyndham East Kimberley have to offer. A fine mixture of truly beautiful surroundings, in a semi agricultural environment, sprinkled with the unique spices of the rugged Kimberley. I have been looking for a rural lifestyle block for over a year now and I feel that these blocks will benefit the SWEK and it is up to the SWEK to ensure opportunities like this proposed subdivision are progressed for the good of the community.</p>	<p>is also contrary to the LPS.</p> <p>2. The proposed development of Lot 11 needs to integrate with and provide linkages to future development opportunities on Lots 12, 13 and 14. It is considered that any development on Lot 11 is likely to generate development on lots 12, 13 and 14 and the area should be planned as a precinct.</p>	
<p>SUBMISSION 11</p> <p>Alan Wilson PO Box 1976, Kununurra</p>		<p>I thank you for your letter in reply, [to Submission 1] however, I question if the most relevant part of my submission was over looked as a dot point in your letter by mistake or by design?</p> <p>I enclose the Minister's letter in full in case you may have questioned my direct quote from her letter.</p> <p>If SWEK Staff recommend this amendment to Council after the advertising period, I will be interested in how it is suggested to Councillors that it is some how supported by the LPS, as is required by the Minister.</p> <p>I will be disappointed if the Minister's position as per my submission is not brought to the attention of Councillors within the Agenda.</p> <p>Attached: copy of letter from Minister for Planning & Infrastructure to WA Planning Commission re "Shire of Wyndham-East Kimberley Town Planning Scheme No. 7 – Amendment No. 1".</p>	<p>Noted.</p> <p>1. The letter referred to was simply an acknowledgement of the original submission.</p> <p>Refer to Submission 1 for a comprehensive response to the issues raised.</p>	<p>Noted.</p> <p>1. Refer to Submission 1 for a comprehensive response to the issues raised.</p>
<p>SUBMISSION 12</p> <p>Peter Cottle</p>		<p>I am writing in support of Scheme Amendment Number 20. My family and I have only recently moved to Kununurra to pursue what we believe are a number of exciting business opportunities the region</p>	<p>1. Of the two preferred locations in the LPS, Crossing Falls has not</p>	<p>Partly Upheld.</p> <p>1. The proposed</p>

<p>PO Box 1998 Kununurra</p>		<p>provides. On our arrival it became abundantly clear that the housing crisis (the lack of suitable houses to either rent or buy) in Kununurra rivals that been seen in other parts of Western Australia as well as what is being experienced in a few regions on the eastern seaboard. This seems a little strange given the perceived availability of suitable land for housing development.</p> <p>Current demand suggests that this problem will only get worse especially if we see the expansion of the local irrigation industry through the development of Ord State 2 and/or a number of the exciting mining prospects in the region come to fruition. The lack of stock held by local real estate agents and the speed with which the few houses they do have sell is also another strong indicator of the local housing issue.</p> <p>My research, as well as recently being part of a local consultative committee, has highlighted the efforts the Shire of Wyndham East Kimberley is going to, to address the housing issue in Kununurra. The shire should be commended for these efforts.</p> <p>The proposed subdivision on Lot 11 Weaber Plains Road goes a small way to addressing the availability of residential land for building. My wife and I would like to invest in the Kununurra District and have a strong desire to secure a small acreage on the outskirts of town. This proposed subdivision is a potential opportunity to secure a suitable site.</p>	<p>progressed while Lot 21 King Location 599 (Lot 21) has been rezoned and a structure plan lodged with Council. Due to lack of current land release, there is a continuing shortage of rural residential land. However, Lot 21 is progressing towards lodgement of a subdivision with the WAPC and it may be premature to rezone a small parcel of land such as Lot 11 with a limited yield and potentially significant constraints, that is also contrary to the LPS.</p> <p>2. The proposed development of Lot 11 needs to integrate with and provide linkages to future development opportunities on Lots 12, 13 and 14. It is considered that any development on Lot 11 is likely to generate development on lots 12, 13 and 14 and the area should be planned as a precinct.</p>	<p>development would ease land shortages, however, there is no onus on the landowner to develop the land within a particular timeframe.</p> <p>2. Rezoning be subject to structure planning on Lot 11 to provide integration with and linkages to Lots 12, 13 and 14 to ensure orderly and proper planning of the precinct in the future.</p>
<p>SUBMISSION 13</p> <p>Julia Hall and Darren McKelvie PO Box 551</p>		<p>We are writing to you in order to register our support and interest in the proposed subdivision on Weaber Plains Road.</p> <p>We have lived in Kununurra for the past 8 years and have come to call Kununurra home.</p>	<p>1. Of the two preferred locations in the LPS, Crossing Falls has not progressed while Lot 21 King Location 599 (Lot 21)</p>	<p>Partly Upheld.</p> <p>1. The proposed development would ease land shortages, however,</p>

Kununurra		<p>The proposed rural development would be a great opportunity for us to be able to establish ourselves in this community and give us the future that we have been working towards.</p> <p>This would give us the ability to firmly place ourselves in Kununurra, and be able to build a home, in this part of paradise, known as the Kimberley.</p> <p>We have always wanted to have a rural residential block and would like the opportunity to invest in Kununurra.</p> <p>This would be a dream come true for us, to have a rural block that we can call home.</p>	<p>has been rezoned and a structure plan lodged with Council. Due to lack of current land release, there is a continuing shortage of rural residential land. However, Lot 21 is progressing towards lodgement of a subdivision with the WAPC and it may be premature to rezone a small parcel of land such as Lot 11 with a limited yield and potentially significant constraints, that is also contrary to the LPS.</p> <p>2. The proposed development of Lot 11 needs to integrate with and provide linkages to future development opportunities on Lots 12, 13 and 14. It is considered that any development on Lot 11 is likely to generate development on lots 12, 13 and 14 and the area should be planned as a precinct.</p>	<p>there is no onus on the landowner to develop the land within a particular timeframe.</p> <p>2. Rezoning be subject to structure planning on Lot 11 to provide integration with and linkages to Lots 12, 13 and 14 to ensure orderly and proper planning of the precinct in the future.</p>
<p>SUBMISSION 14</p> <p>Julie Kemp & Steve Massey PO Box 83 Kununurra</p>		<p>With regards to the proposed subdivision of Lot No. 11 (northern 52 hectare portion) Weaber Plain Road. We have 4 areas of concern regarding this proposal.</p> <p>1. The Shire gave an undertaking to the residents of the flood affected properties along Weaber Plains Road that there would be no further development allowed in this area until such time as</p>	<p>1. The Amendment provisions require the protection of the creek running through the lot and structure planning to address groundwater and drainage issues,</p>	<p>Partly Upheld.</p> <p>1. Support amendment provisions that require groundwater and environmental issues to be addressed.</p>

		<p>the current issues were resolved.</p> <ol style="list-style-type: none"> 2. The development of the lots will require road infrastructure, building pads, driveways, landscaping. All these would require some form of drainage, as would the run off from the roofs of any structures. The only area that this drainage can go is into an area that can not already cope with existing drainage i.e. the bottleneck between Lot 25 and Lot 7 across the road. The cleared area of Lot 11 is waterlogged most wet seasons. 3. Erosion is an issue in the area as noted in the report, the soils are susceptible. This development will require clearing of fence lines, shire required firebreaks, etc. which have the potential to exacerbate this problem. There are already ongoing issues to the north and south of the proposed development. Until these are addressed no more clearing should be entertained for the area. 4. Fire control. The volunteer brigade responsible for the area are under resourced and have a vast area to cover. The majority of fires that affect this area come from the ranges behind and control has unfortunately had to be by back burning vulnerable country. The soil structure does not support cleared fire breaks. 100m x 10m building envelopes surrounded by native vegetation would not be enough to prevent fires being driven by high dry season winds threatening property and people. <p>All this being said, the area would make a good development for the future of the town, however the above issues need to be overcome before development is commenced.</p>	<p>preservation of natural features, remnant vegetation, environmental considerations and adequate fire separation distances.</p> <p>2. The Shire is currently trialing remediation alternatives in the catchment which have demonstrated success in trapping silt and slowing flood waters. It should be noted that it is not simply the subdivision and development of land that has created the drainage issues in the area, rather it is the poor drainage management techniques implemented in the area which are now being addressed.</p> <p>Stormwater drainage management is an essential consideration in subdivision design with development potentially offering management opportunities via detention basins and the road network.</p> <p>It should be noted that the current zoning of the land for Rural Agriculture 1 does not require any</p>	<p>2. Require a hydrological study and a drainage management plan which integrates with the catchment area and is supported by the Department of Water, Department of Environment and conservation and the Shire, prior to consideration of Amendment 20 for final approval.</p>
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			drainage management or protection of vegetation or creek lines. The proposed rezoning may afford an opportunity to better manage these issues as well as alleviating housing shortages.	
<p>SUBMISSION 15</p> <p>Reg & Bronwen Bucktin PO Box 543 Kununurra</p>		<p>This correspondence is to register our objection to the above-mentioned proposed subdivision.</p> <p>As the Shire is well aware the residents in this area have been experiencing water inundation problems for some years now. At the last SWEK/residents meeting the Shire stated that there would be no further development in this area until the water problems being experienced had been rectified. We believe the Shire should honor that statement.</p> <p>We are not against progress, as progress is what Kununurra needs to go ahead, but in this particular area there is a considerable problem already existing and we feel that further development has the potential to increase the severity of this issue through erosion caused by clearing of land. As we have seen in the case of the drain installed on the eastern side of Weber Plain Road the soil is most unstable. It would also be expected that property owners will be looting to alleviate any water ponding by directing the water into the existing drainage system. This system is currently under pressure as it is unable to effectively clear the collection of water along the M1 channel through culverts into the channel which in turn causes the backlog of water to encroach onto properties on the western side of Weaber Plain Road.</p>	<p>1. The Amendment provisions require the protection of the creek running through the lot and structure planning to address groundwater and drainage issues, preservation of natural features, remnant vegetation, environmental considerations and adequate fire separation distances.</p> <p>2. The Shire is currently trialing remediation alternatives in the catchment which have demonstrated success in trapping silt and slowing flood waters. It should be noted that it is not simply the subdivision and development of land that has created the drainage issues in the area, rather it is the poor drainage management techniques implemented in the area</p>	<p>Partly Upheld.</p> <p>1. Support amendment provisions that require groundwater and environmental issues to be addressed.</p> <p>2. Require a hydrological study and a drainage management plan which integrates with the catchment area and is supported by the Department of Water, Department of Environment and conservation and the Shire, prior to consideration of Amendment 20 for final approval.</p>

			<p>which are now being addressed.</p> <p>Stormwater drainage management is an essential consideration in subdivision design with development potentially offering management opportunities via detention basins and the road network.</p> <p>It should be noted that the current zoning of the land for Rural Agriculture 1 does not require any drainage management or protection of vegetation or creek lines. The proposed rezoning may afford an opportunity to better manage these issues as well as alleviating housing shortages.</p>	
<p>SUBMISSION 16</p> <p>G & J Tomkin PO Box 364 Kununurra</p>		<p>We moved to Lot 9/370 Weaber Plain Road in 1991. Since this period we have seen the subdivision and development of Pardalote Road, subdivision of King Location 437 (which is on the floodway just after the Ord River District Co-Op) and subdivision of Teal Road and the settlement of blocks on both sides of the road.</p> <p>For the first ten years of living at Lot 9/370 water run of from the eastern side of the road was relatively slow due to few inhabitants and the lack of human interference on what is a very fragile environment.</p> <p>Then in early 2000 we were flooded, nearly flooded in 2001 and</p>	<p>1. The Amendment provisions require the protection of the creek running through the lot and structure planning to address groundwater and drainage issues, preservation of natural features, remnant vegetation and environmental considerations.</p>	<p>Partly Upheld.</p> <p>1. Support amendment provisions that require groundwater and environmental issues to be addressed.</p> <p>2. Require a hydrological study and a drainage management plan which integrates with the</p>

		<p>would have in 2002 if not for the construction of a levy bank around our property, then we were flooded again in 2006.</p> <p>Development, thoughtless engineering practices, fire breaks and general human impact have create a much faster run off from the eastern side of Weaber Plain Road.</p> <p>All of this water is forced down to a drainage area against the M1 channel and then bottlenecked by three very inadequate culverts under the M1, from this water backs up and creates the problems faced to low lying residence.</p> <p>Since 2000 we have seen:-</p> <ul style="list-style-type: none"> • Countless letters to the Shire • Consultants employed by the Shire • Hundreds of Thousands of dollars spent by the Shire on cleaning drains and removing sand and debris from the road • Constant phone calls to the Shire • Meetings with the Shire • Constant change of Shire employees • And plenty of promises <p>But to this point nothing has been done to resolve the bottleneck of water under the M1.</p> <p>At a public meeting at the Shire offices with the CEO and Shire Councillors present after the 2006 flooding were addressed with an action plan and were told there would be no more development on Weaber Plain Road until the current drainage issues are resolved.</p> <p>We were also led to believe that the Ord Irrigation Co-op had opposed the planned works to resolve the drainage problem but discussions with the O.I.C. board members and management lead us to believe differently. After discussion with the O.I.C. I know that a letter was delivered on the 5th February 2007 reiterating the fact there is no objection to works on M1 channel.</p> <p>It concerns me greatly that development in the Weaber Plain area does not have a planning strategy in place to meet the drainage</p>	<p>2. The Shire is currently trialing remediation alternatives in the catchment which have demonstrated success in trapping silt and slowing flood waters. It should be noted that it is not simply the subdivision and development of land that has created the drainage issues in the area, rather it is the poor drainage management techniques implemented in the area which are now being addressed.</p> <p>Stormwater drainage management is an essential consideration in subdivision design with development potentially offering management opportunities via detention basins and the road network.</p> <p>It should be noted that the current zoning of the land for Rural Agriculture 1 does not require any drainage management or protection of vegetation or creek lines. The proposed rezoning may afford an opportunity to better manage these</p>	<p>catchment area and is supported by the Department of Water, Department of Environment and conservation and the Shire, prior to consideration of Amendment 20 for final approval.</p>
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		<p>issues for the long term and as much as the proposed development sounds environment friendly it seems every time development takes place on the eastern side of the road problems occur which effect us.</p> <p>This area is also confronted with the unknown of a secondary channel for Ord Stage Two, if this was to go ahead what is the drainage strategy for this? The area against the M1 channel would be reduced enormously and many more residence would be affected by back up water.</p> <p>I strongly urge Council to resolve the current issues of drainage before any other subdivision or development is recommended, taking into consideration that since 2000 there has been financial loss and emotional strain on people living on the western side of Weaber Plain Road.</p>	<p>issues as well as alleviating housing shortages.</p>	
<p>SUBMISSION 18</p> <p>Michael Harris PO Box 1929 Kununurra</p>		<p>I am the owner and resident of Lot 42 Weaber Plain Road and I am opposed to the proposed planning rezoning to Rural Living (and implied subdivision) of Lot 11 Weaber Plain Road. My primary reason for concern is that of the potential for flooding. Either of that land and the future residents or of surrounding land through any clearing or engineering (eg building or drainage) works. This includes my property which presently has not been prone to flooding.</p> <p>I have a background in stream flow and water monitoring and have seen no evidence to support the claims of the proponent that rezoning and subdivision "will not increase flooding on surrounding blocks" and that "stringent flood management strategies" will be required.</p> <p>There is a lack of scientific information on rainfall/runoff relationships in that area and claims such as those of the proponent are likely to be based on hearsay and anecdotal evidence. I am sure the same "evidence" could be used to the contrary. Also due to the high variation in rainfall events and wet seasons, combined with the lack of data I have mentioned, it would be difficult to develop conditions and criteria for subdivision that would eliminate flooding on that property and others. It may be several years before significant storm events occur to notice effects and by then I am sure the proponent</p>	<p>1. The Amendment provisions require the protection of the creek running through the lot and structure planning to address groundwater and drainage issues, preservation of natural features, remnant vegetation and environmental considerations.</p> <p>2. The Shire is currently trialing remediation alternatives in the catchment which have demonstrated success in trapping silt and slowing flood waters. It should be noted that it is not simply the subdivision and development of land that has created the drainage</p>	<p>Partly Upheld.</p> <p>1. Support amendment provisions that require groundwater and environmental issues to be addressed.</p> <p>2. Require a hydrological study and a drainage management plan which integrates with the catchment area and is supported by the Department of Water, Department of Environment and conservation and the Shire, prior to consideration of Amendment 20 for final approval.</p>

		<p>would have devolved all responsibility for managing flooding to the landholders and the Shire of Wyndham East Kimberley. An expensive exercise as can be seen at present.</p> <p>The majority of that area of Weaber Plain Road is clearly more or less a floodway and in my opinion should not be subdivided for living. Given the current situation regarding flooding of existing properties along Weaber Plain Road and the potential for litigation, I would suggest it may not be in the Shire's best interest to allow further rezoning (and implied subdivision). If the rezoning is allowed to proceed and those or other properties flood, I would imagine the Shire could be held as at least partially responsible.</p> <p>As a ratepayer I wouldn't want to see my rates funding costly (and avoidable) legal battles. As a nearby resident I am concerned that any works on Lot 11 may affect my property (and others) potentially resulting in legal action against the Shire and proponent.</p> <p>For the above reasons I therefore would prefer to see a precautionary approach taken and for this rezoning refused. If the Council wishes to allow for further rural living properties then land that is more suitable should be investigated and developed.</p>	<p>issues in the area, rather it is the poor drainage management techniques implemented in the area which are now being addressed.</p> <p>Stormwater drainage management is an essential consideration in subdivision design with urban development offering management opportunities via detention basins and the road network.</p> <p>It should be noted that the current zoning of the land for Rural Agriculture 1 does not require any drainage management or protection of vegetation or creek lines. The proposed rezoning may afford an opportunity to better manage these issues as well as alleviating housing shortages.</p>	
<p>SUBMISSION 19</p> <p>Fritz Bolten Oasis Farms PO Box 20 Kununurra</p>		<p>I am concerned about the lack of land and housing available. This is driving good people away from our community. Why would anyone with ambition and skills want to stay in Kununurra, or come to Kununurra at the moment when there is no future in regards to good housing. Our business and the community need good stable people around us to be successful financially, environmentally and in building a strong community.</p> <p>I have a number of staff and friends that are interested in small</p>	<p>Noted.</p> <p>1. Of the two preferred locations in the LPS, Crossing Falls has not progressed while Lot 21 King Location 599 (Lot 21) has been rezoned and a structure plan lodged with</p>	<p>Partly Upheld.</p> <p>1. The proposed development would ease land shortages, however, there is no onus on the landowner to develop the land within a particular timeframe.</p>

		<p>blocks of land for housing on Lot 11. They see the many advantages in living out of town. Including closer proximity to work. Attractive settings, space and good neighbours are some of the benefits.</p> <p>I have known and worked with Tim Croot for many years. He has a strong community involvement. I first worked with Tim when he set up Ord Land and Water with George Gardiner nearly ten years ago. Tim Croot is not driven by profit but rather by outcomes that benefit individuals and the community.</p> <p>I am appalled and embarrassed by current land availability and price. This extra parcel of land would create competition in the market place. I believe it would lower the unreasonable current cost of getting a small house block.</p> <p>From the environmental perspective these blocks would reduce the fire risk in this area. In addition, there is a misunderstanding that this block is a source of flooding for properties located to the west of Weaber Plain road. Each block can only clear 100 by 100 meters and would retain a majority of native vegetation. This and other forms of environmental management would reduce the risk of flooding and erosion.</p> <p>Thank you for the opportunity to make comment for this proposal. It is encouraging to see the shire addressing the issue of land and housing. I support the proposal and would be interested in a block for permanent staff housing.</p>	<p>Council. Due to lack of current land release, there is a continuing shortage of rural residential land. However, Lot 21 is progressing towards lodgement of a subdivision with the WAPC and it may be premature to rezone a small parcel of land such as Lot 11 with a limited yield and potentially significant constraints, that is also contrary to the LPS.</p> <p>2. The proposed development of Lot 11 needs to integrate with and provide linkages to future development opportunities on Lots 12, 13 and 14. It is considered that any development on Lot 11 is likely to generate development on lots 12, 13 and 14 and the area should be planned as a precinct.</p> <p>3. The Amendment provisions require the protection of the creek running through the lot and structure planning to address groundwater and drainage issues, preservation of natural features, remnant</p>	<p>2. Rezoning be subject to structure planning on Lot 11 to provide integration with and linkages to Lots 12, 13 and 14 to ensure orderly and proper planning of the precinct in the future.</p> <p>3. Require a hydrological study and a drainage management plan which integrates with the catchment area and is supported by the Department of Water, Department of Environment and conservation and the Shire, prior to consideration of Amendment 20 for final approval.</p>
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			<p>vegetation and environmental considerations.</p> <p>The management of drainage and flood events is an important issue that requires investigation and management.</p>	
<p>SUBMISSION 20</p> <p>Tim Croot Raregold Pty Ltd PO Box 1272 Kununurra</p>		<p>Many residents have become aware of the possibility that Lot11 Weaber Plains road may become rezoned to rural residential, through advertisement in the Kimberley Echo and others through conversation. As the owner of Lot 11 Weaber Plains road, Kununurra, I have been overwhelmed with people interested in purchasing a block on the property. Despite being informed that the property may not be rezoned if the application is refused, there is still considerable interest.</p> <p>Many reasons have been provided by the concerned parties as to why they are desperate to buy a property on this location. The limitation in availability of rural residential properties in Kununurra is a common response. People would love to live in a rural setting but still be located close to the town's amenities. Other people have mentioned that they need accommodation close to work as they are employed on the Ivanhoe Plain farming area. There is very limited land available north of the town for residential purposes, where many people are employed.</p> <p>Table 1 includes a list of residents of Kununurra that have approached me out of interest in attaining a block on Lot 11. These individuals have given me permission to put their names and contact details in a submission letter to the shire in response to advertising in the Kimberley Echo.</p> <p>It is interesting that there has already been such a significant response at this stage of the development. One can only imagine the response if the scheme amendment was approved and the lots were advertised for sale.</p>	<p>Noted.</p> <p>1. Of the two preferred locations in the LPS, Crossing Falls has not progressed while Lot 21 King Location 599 (Lot 21) has been rezoned and a structure plan lodged with Council. Due to lack of current land release, there is a continuing shortage of rural residential land.</p> <p>The lots on Weaber Plain Road are strategically located to the future Ord Stage Development. However, Lot 21 is progressing towards lodgement of a subdivision with the WAPC and it may be premature to rezone a small parcel of land such as Lot 11 with a limited yield and potentially significant constraints, that is also contrary to the</p>	<p>Partly Upheld.</p> <p>1. The proposed development would ease land shortages, however, there is no onus on the landowner to develop the land within a particular timeframe.</p> <p>2. Rezoning be subject to structure planning on Lot 11 to provide integration with and linkages to Lots 12, 13 and 14 to ensure orderly and proper planning of the precinct in the future.</p>

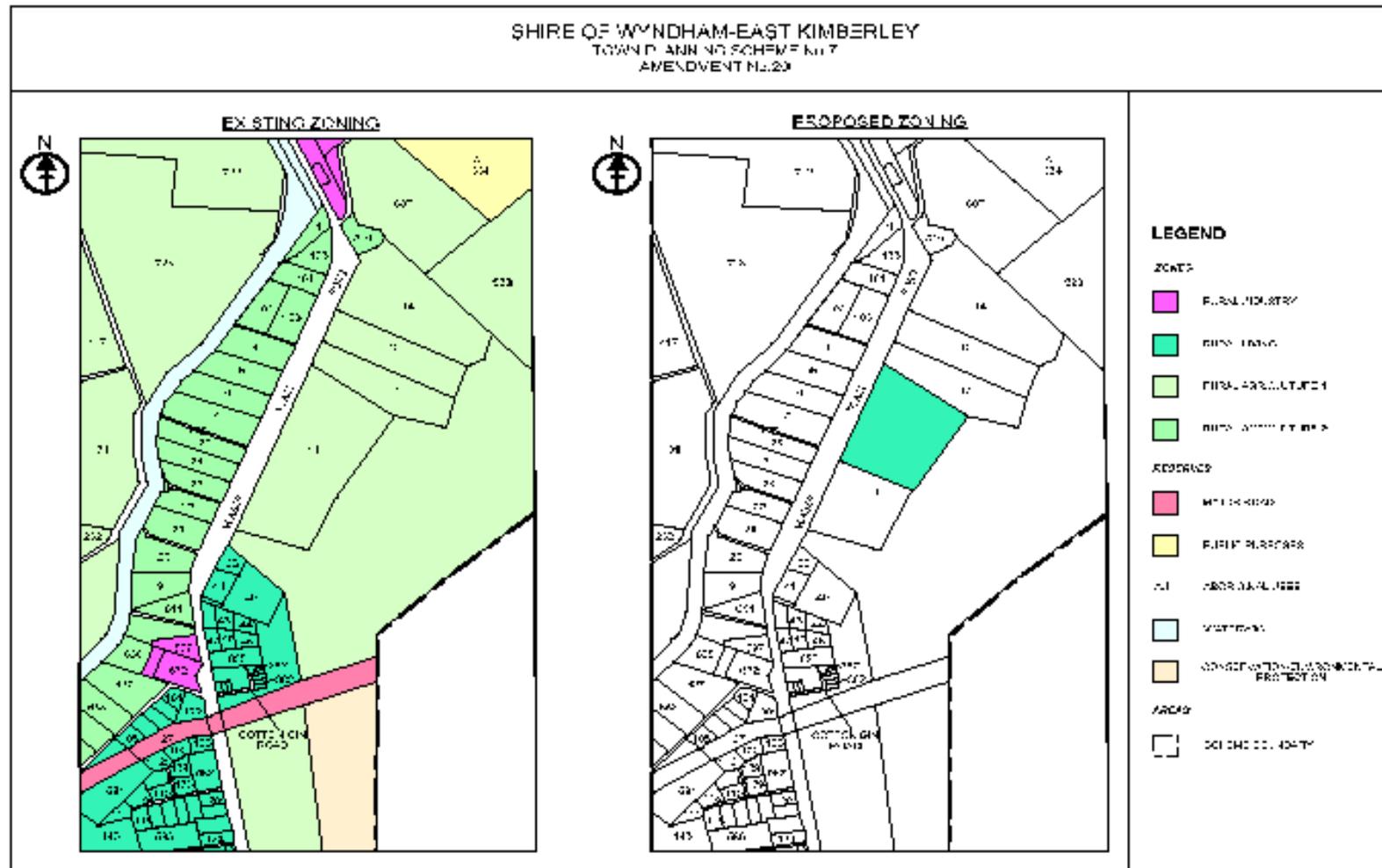
		Attached: Copy of names and contacts details of individuals who have approached Tim Croot.	LPS. 2. The proposed development of Lot 11 needs to integrate with and provide linkages to future development opportunities on Lots 12, 13 and 14. It is considered that any development on Lot 11 is likely to generate development on lots 12, 13 and 14 and the area should be planned as a precinct.	
SUBMISSION 21 Kym Croot Northern Development Co PO Box 777 Kununurra		Northern Development Company (NDC) has been employed by Tim Croot, the Director of Raregold, to apply for the rezoning of Lot 11 Weaber Plain Road. This letter has been drafted in response to the advertisement in the Kimberley Echo. The letter aims to highlight how the issues associated with the development will be addressed to ensure that there will be no adverse effects on surrounding properties and reiterates the many benefits of the proposal. There is a common misunderstanding that the development on Lot 11 would increase flooding on properties to the west of Weaber Plain Road. Rezoning the northern portion of the property will not increase flooding on the surrounding blocks as the majority of the source of flooding is to the south of the block and some to the north. As indicated in the proposal the block is protected from overland flow by a large hill upslope of the site. There is also a natural stable and defined gully through the property which will be preserved in its natural vegetative state and is considered an amenity to the properties. The Shire has placed the requirement on the subdivision that building will only occur in 100 by 100m envelopes, thus retaining the majority of the natural vegetation. Residential development would create less runoff from the block than if used for agricultural	1. The Amendment provisions require the protection of the creek running through the lot and structure planning to address groundwater and drainage issues, preservation of natural features, remnant vegetation and environmental considerations. 2. The management of drainage and flood events is an important issue that requires investigation and management. Stormwater drainage management is an essential consideration in	Partly Upheld. 1. Support amendment provisions that require groundwater and environmental issues to be addressed. 2. Require a hydrological study and a drainage management plan which integrates with the catchment area and is supported by the Department of Water, Department of Environment and conservation and the Shire, prior to consideration of Amendment 20 for final

		<p>purposes as it is currently zoned. The developers will also ensure there will not be an increase in runoff from the block through the inclusion of control structures and strategic vegetation placement.</p> <p>We understand the flood issues raised by the residents in the area and emphasise with them, however the source of flooding in this region is not the actual problem. The majority of the homes on the west of Weaber Plain road are built on the lowest point of their properties, beside the higher set main irrigation channel. Due to the original design of the channel, rainfall runoff is intended to flow to this point and be slowly drained into the channel. If the homes were built as intended on the higher point of the properties, flooding would not be of concern.</p> <p>It should also be mentioned that where possible rural agricultural land uses will be retained. The already cleared southern 40 hectare section of the block will remain as rural agricultural zone 1 and is more appropriate for this land use. With the imminent expansion of the current irrigation area into the more suitable soils of Ord Stage II, the northern portion would be better utilised to provide land to relieve the demand in rural residential land uses.</p> <p>There are many benefits of this proposal. There is a lack of supply of rural residential properties in Kununurra and is a huge demand. This development would supply around 24 two hectare rural residential blocks for the community. It would therefore provide an opportunity for locals and those new to town, to purchase a highly sought after rural living property without the high prices and dangerous conditions for children associated with river views. In addition, if approved, the owners have funds available to ensure that the development goes ahead quickly and efficiently. The property is located close to town and is in close proximity to employment for those working on the Ivanhoe Plain. Lot 11 is also located in closer proximity to the proposed Ord Stage II area than other Rural Residential areas.</p> <p>The Northern Development Company believes the proposed development would be of benefit to the community. The proponents are very willing to receive input from surrounding landholders in the</p>	<p>subdivision design with development potentially offering management opportunities via detention basins and the road network.</p> <p>3. The location of the lots on Weaber Plain Road are strategically located to the future Ord Stage Development. However, Lot 21 is progressing towards lodgement of a subdivision with the WAPC and it may be premature to rezone a small parcel of land such as Lot 11 with a limited yield and potentially significant constraints, that is also contrary to the LPS.</p> <p>4. The proposed development of Lot 11 needs to integrate with and provide linkages to future development opportunities on Lots 12, 13 and 14. It is considered that any development on Lot 11 is likely to generate development on lots 12, 13 and 14 and the area should be planned as a precinct.</p>	<p>approval.</p> <p>3. The proposed development would ease land shortages, however, there is no onus on the landowner to develop the land within a particular timeframe.</p> <p>4. Rezoning be subject to structure planning on Lot 11 to provide integration with and linkages to Lots 12, 13 and 14 to ensure orderly and proper planning of the precinct in the future.</p>
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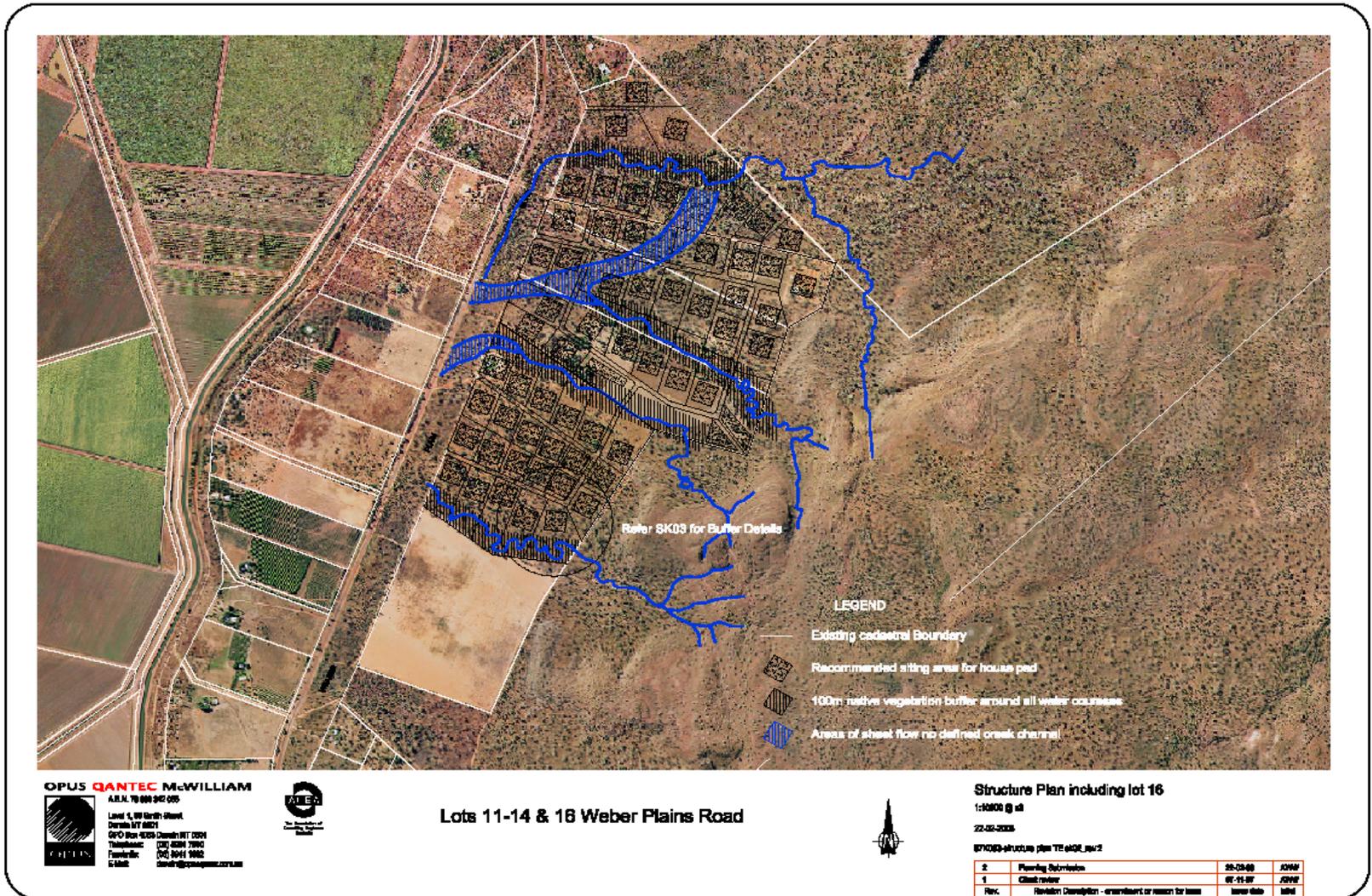
		development of the rural residential blocks so that we retain their best interests at all times. NDC are impressed with the willing support of the Shire in this proposal who have freely offered advice and assistance. It is important that the Shire support such proposals in trying to provide much needed extra land for residential uses in developing towns like Kununurra.		
SUBMISSION 22 Kim Croot Northern Development Company PO Box 777 Kununurra		<p>On behalf of Raregold Pty Ltd, Northern Development Company have revised the document named resolution deciding to amend the town planning scheme, Amendment No. 20. In the response to the request for submissions, the suggested changes are provided. A copy of the amended document is attached, in which the relevant text has been highlighted, including the following changes:</p> <ol style="list-style-type: none"> 1. Page 8: Modified executive summary 2. Page 17: Moved Land Capability Assessment to section 3 3. Page 18: Added section 3.2: Land Capability of Southern Cleared Portion of Lot 11 4. Page 19: Modified table 1 through including a total and Ranking score for the original and revised Assessments of the Weaber Plains properties 5. Page 21: Added section 4.3: Concept Plan 6. Page 22: Renamed section 5: Planning Rationale 7. Page 23: Modified section 5.2: Demand and Supply of Rural Smallholding Lots 8. Page 24: Placed effluent and water supply under the heading Of service provision, section 5.4 <p>The changes were made so that the document would be easier to follow and understand. I hope that the Shire take these changes on board. Attached: Amendment 20 with suggested changes.</p>	Noted. 1. Modifications to be reviewed and, if supported, incorporated into the document as part of the final approval process.	Noted. 1. Modifications reviewed as per Schedule of Modifications for final approval.
SUBMISSION 23 Department of Water		The Department of Water has no objection to the proposed amendment however it should be noted that the proposal is located within the canning-Kimberley Groundwater Area proclaimed under the <i>Rights in Water and Irrigation Act, 1914</i> . therefore if there is requirement for groundwater, application should be made to the Department of Water for a licence. Licences, if granted, may contain		

		<p>conditions on the sustainable use of water.</p> <p>Portions of the subject land, specifically in areas adjacent to natural drainage lines, are likely to be subject to water erosion and flooding during and after significant rainfall events. These issues should be recognised and addressed when planning the development of buildings, infrastructure and agricultural activities.</p> <p>In addition, development needs to appropriately manage stormwater run-off and sewage and this should be included in the structure plan that will be provided with the subdivision application. The stormwater management system should be designed in accordance with the guidelines contained in the <i>Stormwater Management for western Australia</i> (Department of Water, 2004-[still under development]) and the <i>Decision Process for Stormwater Management</i> (Department of Environment, 2005), available via http://portal.water.wa.gov.au/portal/page/portal/WaterManagement/Stormwater.</p>		
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Attachment 2 - Amendment Map



Attachment 3 - Structure Plan



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12.3.2. Proposed Expression of Interest - Reserve 41812 - Messmate Way/Victoria Highway

DATE:	18 March 2008
PROPONENT:	Shire of Wyndham East Kimberley and Department of Water
LOCATION:	Portion of Reserve 41812 Victoria Highway near Messmate Way
AUTHOR:	Keith Williams, Executive Manager Town Planning
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	01.2860.02
ASSESSMENT NO:	A2860

Cr D Ausburn declared an Impartiality Interest in Item 12.3.2 Reserve 41812 Expressions of Interest as she is a neighbour of one of the Directors of the current Lessee Celliston Nominees.

PURPOSE

For Council to consider the future of the current lease area held by Celliston Nominees for a portion of Reserve 41812, adjacent Lily Creek Lagoon.

BACKGROUND

1. In February 2005 made the following decision:

MINUTE 7068

Moved Cr K Wright/B Barnes

That Council enter into a lease with D Spackman of Diversion Cruises for portion of Reserve 41812 for the period of three years.

Carried (6-2)

2. The lease established expires 31 May 2008.
3. Reserve 41812 is co vested to Council and the Department of Water.
4. How the Reserve is managed requires the consent of both vestees.
5. Diversion Cruises have sought to extend the lease.
6. In June 2007, Council made the following decision [Minute No 7776]

Minute No. 7776

Move: Cr K Wright

Second: Cr J Buchanan

That Council advise Celliston Nominees, the Department of Water and the Minister for Planning and Infrastructure that Council wishes to issue a new lease to Celliston Nominees using our standard lease with the following conditions/alterations:

1. Full commercial rental to be charged using 100% of the verified unimproved value as determined by the VGO;
1. New lease for a period of ten years and to take effect from the end of the current lease agreement 31 May 2008;
2. An option for a ten year renewal be granted;
3. Lease is for tourism purposes;
4. That the lessee have the option to sub lease with the prior written approval of Council;
5. Current development and building approvals already issued by Council be incorporated in the new lease, with the lessee to submit revised development application consistent with the lease tenure and the value of lease site to the community;
6. At the end of the lease the present lessee retains the right to negotiate with any incoming lessees for the purchase of improvements; and
7. That Council dispose of the lease by private treaty abiding by conditions contained within the Local Government Act.

That Council advertise the new lease immediately upon:

1. The lessee/proponent gaining the written consent of the Minister for Planning and Infrastructure and the Department of Water; and
2. Council considers revised development plans.

Carried Unanimously: 7/ 0

The Department of Water has advised, in writing, that it does not support a long term lease without a competitive public tender process. The DoW drafted an Expression of Interest to progress the long term development of the site.

STATUTORY IMPLICATIONS

Section 3.58 of the Local Government Act 1995 relates to disposing of property by a Local Government:

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.

[Section 3.58 amended by No. 49 of 2004 s. 27.]

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

WALGA have advised that costs would be limited to advertising.

STRATEGIC IMPLICATIONS

The subject site is regarded as a key potential development site for Kununurra.

COMMUNITY CONSULTATION

Should Council accept the Department of Water's offer for a year by year extension of the current lease by private treaty, Council would need to advertise this and invite public comments and consider any comment. Council would be in a better position to make an informed decision once public consultation has occurred.

In 2005 when the current lease was advertised there was considerable public comment and a public meeting was held.

The Lake Kununurra Foreshore Plan adopted by Council received considerable public consultation and include provision for development of this site, and this demonstrates that the development of the site is supported.

COMMENT

Progression and resolution of the portion of Reserve 41812 subject to the Celliston Nominee lease has been problematic across the last three years as indicated in the Chronology attached.

There are strong views amongst elected members, staff and the community about how this matter is best handled, and there are probable perceptions that personal biases may interfere with objectivity in considering the matter. Verbal allegations about staff have been made in the past that suggest this.

It is not uncommon in the Local Government sector for strong views to come to the fore in matters such as this. Often these are matters which have considered complexity behind them. The recent experience of the Shire of Broome with the licence issues it considered for camels on Cable Beach is an example of the complexities that can exist, and an example of the frustrations and costs that can be involved if processes are not managed well enough.

For the above reasons, the Western Australian Local Government Association [WALGA], which Council is a member of, has established a specialised team to assist Local Government navigate its ways through these sorts of complex issues.

It is important that the issue of this Reserve and lease is progressed and that the public have confidence in the processes around that process.

It is therefore recommended that Council engage independent expertise, through the WALGA, to manage this process.

The Department of Water have provided written support for that course of action.

Should Council agree, the WALGA role would be to:

1. Liaise with Council and the Department of Water to develop an agreed Expression of Interest/Tender process for the establishment of a long term lease over the portion of Reserve 41812 in question.
2. Develop agreed criteria for how any Expressions of Interest/Tender would be assessed.
3. Under take agreed marketing strategy for Expressions of Interest/Tender.
4. Receive and evaluate any Expressions of Interest/Tender.
5. Produce a report and recommendation to Department of Water and Council for their consideration in terms of accepting or rejecting any Expressions of Interest/Tenders.

It is considered that this recommendation not only enhances public confidence in the process, but also assists to manage the capacity of the Shire to appropriately deal with the matter, given other workloads.

Council's intent through its resolution Minute Number 7776 is clear. However Council's legal advice 5th June 2007 is that resolutions which do not have the agreement of the Department of Water and the Minister can have no effect.

The Department of Water have advised in writing that it will only extend the current lease by private treaty on a year by year basis, but will, if Council agrees, offer a 21 year lease through a public Expressions of Interest/Tender process to provide a long term development proposal for the site. If Council wishes to progress the development of this site, the Expression of Interest process should be supported to ensure broad support for the process.

It is considered that offering a 21 year lease has the best chance of encouraging a good investment in the site and a good outcome for the community.

ATTACHMENTS

- Attachment 1 Chronology of Council decisions and considerations in relation to this leased area.
- Attachment 2 Draft Expression of Interest document prepared jointly by the Department of Water and Shire of Wyndham East Kimberley.
- Attachment 3 DoW Advice regarding long term lease
- Attachment 4 Legal advice considered by Council 5 June 2007 (separate attachment provided under confidential cover)

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

That Council request the Western Australian Local Government Association undertake the Expression of Interest Process, in accordance with the attached Expression of Interest document on behalf of Council and the Department of Water.

Moved: Cr J Moulden

Seconded: Cr P Caley

Supported: Cr M Pucci

That Council:

- 1. Rescinds Minute 7776 of 19 June 2007**
- 2. Does not support calling for expressions of interest to develop portion of reserve 41812 adjacent to Lily Lagoon and at the end of Messmate Way, and does not support the granting of any lease of the site after 31 May 2008, until the proposed Visitors Centre has been completed and commissioned.**
- 3. That Council supports the current Lessee occupying the current site for an extension of a further 12 months**

Note: Support from 3 Councillors is required for Point 1 of the motion.

COUNCIL DECISION

Minute No. 8117

Moved: Cr J Parker

Seconded: Cr D Ausburn

That Council suspend Standing Order 7.5 to allow Councillors to speak more than once on the item.

Carried Unanimously 8/0

Foreshadowed Motion: Cr K Wright

That this item be deferred pending the outcome of a meeting scheduled between Celliston Nominees and at least 2 ministers and one other politician to be held in Broome on the 13th April 2008.

COUNCIL DECISION

Minute No. 8118

Moved: Cr J Parker

Seconded: Cr D Ausburn

That Council resume Standing Order 7.5.

Carried Unanimously 8/0

Moved: Cr J Moulden

Seconded: Cr P Caley

Supported: Cr M Pucci

That Council:

1. *Rescinds Minute 7776 of 19 June 2007*
2. *Does not support calling for expressions of interest to develop portion of reserve 41812 adjacent to Lily Lagoon and at the end of Messmate Way, and does not support the granting of any lease of the site after 31 May 2008, until the proposed Visitors Centre has been completed and commissioned.*
3. *That Council supports the current Lessee occupying the current site for an extension of a further 12 months*

Vote: 4/4

Note: Support from 3 Councillors is required for Point 1 of the motion.

Cr M Pucci called a recess at 7:47pm to enable Officers to seek clarification as to voting requirement for the rescinding of Minute 7776.

Cr M Pucci resumed the meeting at 7:56pm. Cr M Pucci ruled that she could not use her casting vote so the motion was lost due to the failure to achieve the required Absolute Majority.

Lost: 4/4

Cr K Wright withdrew his foreshadowed motion.

Foreshadowed Motion: Cr J Moulden

That Council:

1. Does not support calling for expressions of interest to develop portion of reserve 41812 adjacent to Lily Lagoon and at the end of Messmate Way, and does not support the granting of any new lease of the site after 31 May 2008, until the proposed Visitors Centre has been completed and commissioned.
2. Supports the current Lessee occupying the current site for an extension of a further 12 months with 12 month extensions until such time as an alternative site can be agreed upon with the co-vestee Department of Water.

COUNCIL DECISION

Minute No: 8119

Moved: Cr J Moulden

Seconded: Cr P Caley

That Council:

1. *Does not support calling for expressions of interest to develop portion of reserve 41812 adjacent to Lily Lagoon and at the end of Messmate Way, and does not support the granting of any new lease of the site after 31 May 2008, until the proposed Visitors Centre has been completed and commissioned.*
2. *Supports the current Lessee occupying the current site for an extension of a further 12 months with 12 month extensions until such time as an alternative site can be agreed upon with the co-vestee Department of Water.*

Carried 6/2

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

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

Against: Cr D Ausburn
Cr M Pucci

Note: The Council decision differs substantially from the Managers' Recommendation for the following reasons:

- An extension of existing lease for 12 months with annual extensions is consistent with written support of the Department of Water as Co-vestees of the land.
- Allows for alternative sites to be considered for Celliston Nominees operations
- Short 1 year tender discourages major development of site and therefore keeps future site use more open
- Identifies that future use of the site be considered again following construction of proposed new visitors centre.

2004	<p><i>Moved Cr K Wright/J Buchanan</i></p> <p>1. <i>That Council advertise the disposition of a portion of Reserve 41812 to Diversion Cruises (via a lease arrangement) in January 2005</i></p> <p>2. <i>That the advertisement include reference to the following lease conditions:</i> <i>Lease Length of 5 years with a further 5 year option (Option at co-vestees discretion);</i> <i>Rental set market rental value as determined by a qualified, independent valuer; and</i> <i>Annual rental review.</i> <i>Requirement for the lessee to remove all developments at the conclusion of the lease unless otherwise agreed by the parties.</i></p> <p style="text-align: right;"><i>CARRIED (6-2)</i></p> <p><i>Cr M Pucci requested that the votes be recorded</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><i>For</i></td> <td style="width: 50%;"><i>Against</i></td> </tr> <tr> <td><i>Cr B Johnson</i></td> <td><i>Cr M Pucci</i></td> </tr> <tr> <td><i>Cr I Thorley</i></td> <td><i>Cr J Nelson</i></td> </tr> <tr> <td><i>Cr B Barnes</i></td> <td></td> </tr> <tr> <td><i>Cr K Wright</i></td> <td></td> </tr> <tr> <td><i>Cr J Buchanan</i></td> <td></td> </tr> <tr> <td><i>Cr C Gore - Birch</i></td> <td></td> </tr> </table> <p><u><i>Explanation</i></u></p> <p><i>Council wanted to ensure that all infrastructure could be removed from the leased site at the conclusion of the lease agreement.</i></p>	<i>For</i>	<i>Against</i>	<i>Cr B Johnson</i>	<i>Cr M Pucci</i>	<i>Cr I Thorley</i>	<i>Cr J Nelson</i>	<i>Cr B Barnes</i>		<i>Cr K Wright</i>		<i>Cr J Buchanan</i>		<i>Cr C Gore - Birch</i>	
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<i>Cr K Wright</i>															
<i>Cr J Buchanan</i>															
<i>Cr C Gore - Birch</i>															
15 th Feb 2005	<p><i>MINUTE NO 7068</i></p> <p><i>Moved Cr K Wright/B Barnes</i></p> <p><i>That Council enter into a lease with D Spackman of Diversion Cruises for portion of Reserve 41812 for the period of 3 years.</i></p> <p style="text-align: right;"><i>CARRIED (6-2)</i></p> <p><u><i>Explanation</i></u></p> <p><i>Council believed that previous decisions over this lease were sufficient after public consultation.</i></p>														
17 th May 2005	<p><i>MOTION</i></p>														

MINUTE NO 7139

Moved Cr J Nelson/M Pucci

That Council grant planning consent to Diversion Cruises for the use and development of Reserve 41812 on the corner of Messmate Way and Victoria Highway for a Tourist Vessel Landing and Ticket Sales Office in accordance with the submitted plans and subject to the following specific conditions of approval:

1 The proposed Ticket Sales Office shall be demountable and shall be constructed of a steel frame clad with corrugated iron such that it can be transported off site at the conclusion of any lease or tenure over the land;

2 All vehicles associated with the use shall be parked on site during operating hours of the tour vessel only, and shall not be parked on site after hours;

3 Service vehicles shall be parked behind the ticketing booth;

4 No vehicles shall be parked or stored outside the fenced area or within any area where public access is required;

5 Building colours shall be submitted to Council for approval prior to occupation of the building;

6 Approval of building colours shall be delegated to the CEO;

7 All fencing shall consist of pool type safety fencing to a maximum height of two metres;

8 the Public car parking area shall be constructed to a compressed gravel standard to the satisfaction of the Manager of Technical Services, the cost of which shall be borne by the applicant

9 Bollards shall be installed around the public car park to the satisfaction of the Manager of Technical Services, the cost of which shall be borne by the applicant;

10 Any further or additional modifications to the foreshore must be approved by Council;

11 The applicant shall provide evidence of public liability insurance to the value of 10 million dollars and indemnify Council for any loss, injury or damage arising from the development or use of the lease area;

12 No landscaping other than lawns and reticulation shall be undertaken without the prior submission and approval of a landscaping plan to the satisfaction of the CEO;

13 No flood lighting shall be permitted and any lighting shall be limited to minimum levels of security lighting;

14 No flags or banners shall be erected on site or on any buildings or structures;

15 Signage shall be restricted to a maximum of 5 square metres to be located on the building;

Other standard conditions from Council's standard conditions list issued under

	<p><i>delegated authority.</i></p> <p><i>The use of concrete to form paths, plinths or retaining walls shall not occur on the site. alternative materials that do not form permanent fixtures shall be used.</i></p> <p><i>Cr Keith Wright requested that the votes be recorded:</i></p> <p><i>Against - Cr Julee Nelson and Shire President Michelle Pucci</i></p> <p><i>For - Cr Keith Wright, Cr John Buchanan, Cr Maxine Middap, Cr George Hamilton, Cr Jane Parker and Deputy Shire President Bill Barnes.</i></p> <p style="text-align: right;"><i>CARRIED (6-2)</i></p> <p><i>Cr Keith Wright requested that the votes be recorded:</i></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"><i>Against</i></td> <td style="width: 50%; vertical-align: top;"><i>For</i></td> </tr> <tr> <td><i>Cr Julee Nelson</i></td> <td><i>Cr Keith Wright</i></td> </tr> <tr> <td><i>Cr Michelle Pucci</i></td> <td><i>Cr John Buchanan</i></td> </tr> <tr> <td></td> <td><i>Cr Maxine Middap</i></td> </tr> <tr> <td></td> <td><i>Cr George Hamilton</i></td> </tr> <tr> <td></td> <td><i>Cr Jane Parker</i></td> </tr> <tr> <td></td> <td><i>Cr Bill Barnes</i></td> </tr> </table>	<i>Against</i>	<i>For</i>	<i>Cr Julee Nelson</i>	<i>Cr Keith Wright</i>	<i>Cr Michelle Pucci</i>	<i>Cr John Buchanan</i>		<i>Cr Maxine Middap</i>		<i>Cr George Hamilton</i>		<i>Cr Jane Parker</i>		<i>Cr Bill Barnes</i>
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	<i>Cr Bill Barnes</i>														
19 th Jul 2005	<p><i>MINUTE NO 7208</i></p> <p><i>Moved by Cr K Wright / Cr M Middap</i></p> <p><i>That subject to agreement by the Department of Environment, the Council delete second paragraph of Item 6 "Use of Land" from the Lease between Celliston Nominees and Shire of Wyndham East Kimberley/Department of Environment that restricts the sale of 3rd Party Products</i></p> <p><i>Cr J Nelson foreshadowed the following motion.</i></p> <p><i>That this Item be deferred to the August Briefing Session with all Commercial Tour Operators being invited to attend and discuss this and related matters.</i></p> <p><i>The original Motion was put forward.</i></p> <p style="text-align: right;"><i>MOTION CARRIED(4-2)</i></p> <p><i>Cr K Wright requested that the votes be recorded</i></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"><i>FOR</i></td> <td style="width: 50%; vertical-align: top;"><i>AGAINST</i></td> </tr> <tr> <td><i>Cr J Parker</i></td> <td><i>Cr J Nelson</i></td> </tr> <tr> <td><i>Cr K Wright</i></td> <td><i>Cr J Buchanan</i></td> </tr> <tr> <td><i>Cr M Middap</i></td> <td></td> </tr> <tr> <td><i>Cr B Barnes</i></td> <td></td> </tr> </table> <p><i>The foreshadowed Motion became Ultravires.</i></p> <p><i>EXPLANATION:</i></p> <p><i>Council removed this clause as it felt that this would provide proper consistency in Leasing conditions.</i></p>	<i>FOR</i>	<i>AGAINST</i>	<i>Cr J Parker</i>	<i>Cr J Nelson</i>	<i>Cr K Wright</i>	<i>Cr J Buchanan</i>	<i>Cr M Middap</i>		<i>Cr B Barnes</i>					
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<i>Cr M Middap</i>															
<i>Cr B Barnes</i>															

<p>21st Mar 2006</p>	<p><i>MINUTE NO. 7406</i></p> <p><i>Moved: Cr B Barnes</i> <i>Seconded: Cr K Wright</i></p> <p><i>That Council amend the Lease for Celliston Nominees to read</i></p> <p>1) <i>Item 2 – Term</i></p> <p style="padding-left: 40px;"><i>Three (3) years with the right of renewal commencing on 1st June 2005</i></p> <p>2) <i>Delete all words between</i></p> <p style="padding-left: 40px;"><i>“And expiring on 31st May 2008 and which ever is sooner”</i></p> <p>3) <i>Item 3 Option of Renewal</i></p> <p style="padding-left: 40px;"><i>Delete the words</i></p> <p style="padding-left: 40px;"><i>“however there is no automatic renewal of this lease”</i></p> <p>4) <i>The CEO takes the necessary steps to expedite this motion.</i></p> <p style="text-align: right;"><i>CARRIED (6-1)</i></p> <p><i>Cr Wright requested that the votes be recorded.</i></p> <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;"><u><i>For</i></u></td> <td style="text-align: center;"><u><i>Against</i></u></td> </tr> <tr> <td style="text-align: center;"><i>Cr Maxine Middap</i></td> <td style="text-align: center;"><i>Cr Michele Pucci</i></td> </tr> <tr> <td colspan="2" style="text-align: center;"> <i>Cr Keith Wright</i> <i>Cr Jane Parker</i> <i>Cr Roch Devenish-Meares</i> <i>Cr John Buchanan</i> <i>Cr Bill Barnes</i> </td> </tr> </table> <p><i>Note: Council believed that the right of lease renewal should be offered, consistent with other Lake Kununurra Foreshore Leases.</i></p>	<u><i>For</i></u>	<u><i>Against</i></u>	<i>Cr Maxine Middap</i>	<i>Cr Michele Pucci</i>	<i>Cr Keith Wright</i> <i>Cr Jane Parker</i> <i>Cr Roch Devenish-Meares</i> <i>Cr John Buchanan</i> <i>Cr Bill Barnes</i>	
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<i>Cr Keith Wright</i> <i>Cr Jane Parker</i> <i>Cr Roch Devenish-Meares</i> <i>Cr John Buchanan</i> <i>Cr Bill Barnes</i>							
<p>17th Oct 2006</p>	<p><i>MINUTE NO 7535</i></p> <p><i>Moved Cr D Ausburn</i> <i>Seconded Cr G Green</i></p> <p><i>That Council endorse the Lake Kununurra Foreshore Plan and refer the Foreshore Plan to the Department of Environment and Conservation, Department of Water, Department for Planning and Infrastructure and the Water Corporation for their endorsement.</i></p> <p><i>CARRIED UNANIMOUSLY (6/0)</i></p>						
<p>20th Mar 2007</p>	<p><i>Minute No. 7647</i></p> <p><i>Moved: Cr K. Wright</i> <i>Seconded: Cr J. Buchanan</i></p> <p>1. <i>That until there is resolution of the differences between the Shire of Wyndham East Kimberley and the Department of Water regarding the conditions pertaining to leases on Reserve 41812 all matters relating to the Shire’s involvement in the operation of such leases are put on hold.</i></p>						

	<ul style="list-style-type: none"> • New lease for a period of ten years and to take effect from the end of the current lease agreement 31 May 2008; • An option for a ten year renewal be granted; • Lease is for tourism purposes; • That the lessee have the option to sub lease with the prior written approval of Council; • Current development and building approvals already issued by Council be incorporated in the new lease, with the lessee to submit revised development application consistent with the lease tenure and the value of lease site to the community; • At the end of the lease the present lessee retains the right to negotiate with any incoming lessees for the purchase of improvements; and • That Council dispose of the lease by private treaty abiding by conditions contained within the Local Government Act. <p>That Council advertise the new lease immediately upon:</p> <ul style="list-style-type: none"> • The lessee/proponent gaining the written consent of the Minister for Planning and Infrastructure and the Department of Water; and • Council considers revised development plans. <p style="text-align: right;">Carried Unanimously: 7/0</p>
26 Nov 2007	Janiki Pty Ltd write to 3 State Ministers requesting they be given the opportunity to develop Celliston Nominees lease site at end of lease 31 May 2008.
28 Nov 2007	Department of Water provide written advice to Celliston Nominees it will not agree to extend lease or offer new lease with out a public tender process, and copies advice to Council. Offer for lease extension from DOW on year by year basis remains.
15 th Feb 2008	Letter from Diversion Cruises (Darren Spackman) seeking clarification on hire/drive operators and requesting Late Item to Council.
19 th Feb 2008	Written response to Diversion Cruises on the request for clarification and Late Item. Late Item declined, however response provided in Public Question Time at Council meeting.

EXPRESSION OF INTEREST LONG TERM LEASE



OVER PORTION OF RESERVE 41812 ADJACENT TO MESSMATE WAY AND VICTORIA HIGHWAY - KUNUNURRA

Information for Applicants

Expressions of interest to be submitted to ? by 5.00 pm ? 2008

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Information for Applicants

SCOPE OF THE EXPRESSION OF INTEREST

Expressions of Interest are invited to develop and operate a public tourism related facility that adds value to the community and visitor experiences of Lily Creek Lagoon, demonstrates community benefit and is sensitive to the cultural, social and environmental values of the area.

DEVELOPMENT PROPOSAL

It is intended that the site would be utilised for a tourism or recreation based facility that is appropriately designed for and takes advantage of the natural features of the site. Types of land uses that would be considered appropriate for the site are [The use of the site is not restricted to these uses, these are simply a guide]:

- Retail activities such as restaurants, cafes, ice-cream parlour, art gallery
- Recreational activities such as boardwalks, bird hides
- Cultural uses such as interpretive centres
- Tourism activities such as paddle boats, canoes or tour embarking and drop-off [vessels may be permitted to be stored at the site, however storage of powered vessels will not be permitted].

LEASE TENURE

A lease Tenure of up to 21 years will be offered for a proposal that is evaluated to be of substantial long term benefit to the East Kimberley region.

DESIGN PHILOSOPHY

Expressions of interest following the design philosophy identified below will be given favourable consideration:

- Maintenance of public access 24/7 to outdoor areas
- Building design that is sympathetic to the site and visually interesting, but not obtrusive
- Protection of natural features
- Protection of viewsheds and sightlines.

EVALUATION CRITERIA

Expressions of Interest will be evaluated against the following criteria:

1. Nature and scope of the proposal
2. Design Philosophy that is demonstrated
3. Perceived long term value of the proposal to the East Kimberley region
4. Triple bottom line benefits to the community from the proposal.

TITLE PARTICULARS

The land is described as portion of Reserve 41812 between Lily Creek Lagoon and Victoria Highway adjacent to corner of Messmate Way and Victoria Highway, Kununurra, as shown on the attached Plan. The south side of the site faces the Lily Creek Lagoon. The land is jointly vested to the Shire of Wyndham East Kimberley and the Department of Water of Western Australia. Expressions of Interest will be jointly considered by both organisations. (See Appendix 1 for an aerial site plan).

LAND AREA

4 - 5000 square meters (approximately) is available for the lease. This may vary dependant on the nature and scale of any development proposal, and multiple lease areas may be available dependant on the nature and scale of proposed development.

ZONING

Portion of the land is Reserved under Town Planning Scheme No 7 for Special Foreshore purposes. The remainder of the site is Reserved under the Scheme for Major Road purposes [this reservation is redundant, and will be modified to reflect the recently modified boundary of the foreshore reserve].

DISTRICT INFORMATION

Kununurra is a booming town in the Kimberley, located in the far north western corner of Australia. It is approximately 820kms Southwest of Darwin and 1000kms east of Broome and boasts a population of approximately 7000 people. The area is incredibly scenic and well known for its natural attractions - gorges, waterfalls, rivers, lakes, ranges and escarpments. The local community are very enthusiastic about the outdoors and come tourist season the population easily triples.

Tourism within the region and Kununurra is growing rapidly, and the town is serviced by regular daily Regional Passenger Transit flights to Darwin and Perth.

There are currently 68,000 passenger movements per annum through the East Kimberley Regional Airport at Kununurra, and 90,000 visitors per annum through the Kununurra Visitors Centre. These indicators have shown an average 10% growth over the past 5 years. The town of Kununurra is serviced by 6 caravan parks, and 5 motels.

Nearby attractions include Purnululu [Bungle Bungle range], El Questro and Home Valley Stations, Lake Argyle, Gibb River Road and the Keep River National Park. Kununurra is the gateway to the Kimberley region, and over 67% of vehicles visiting the Kimberley arrive from the east and pass through Kununurra.

LOCATION

The site is less than 1 kilometre south of the Kununurra town centre on the southern side of Victoria Highway and is located on a predominant gateway intersection with the main thoroughfare to the town centre, as well as to Wyndham, Broome and Darwin (see Appendix 2). It has direct access to Lily Creek Lagoon (a Ramsar listed wetland) and is adjacent to the future site of the Kununurra Visitor precinct. The site is part of a linear public open space and recreation system connected via pathways and has views across Lily Creek Lagoon and Carlton Ridge (Elephant Rock).

SERVICES

Power, telephone and scheme water are easily accessible. There are no provisions for wastewater storage or treatment on site and therefore suitable treatment of wastewater will need to be investigated if required.

LAND DESCRIPTION

The block is almost flat with the front (northern portion) being slightly higher than the rear (southern portion). The site is cleared. A gravelled car park covers a portion of the site. Access to the site currently exists near the intersection of Messmate Way and Victoria Highway, however, depending on the nature and scale of the proposed development, a new entrance further to the east may be required to comply with Main Roads WA safety requirements.

The remainder of the land is grassed. Edges of the waterway in the main access area are gently sloping to the water.

LAND USE

Current land use is "activities associated with the operation of a marine based tourism and recreation enterprise." This use exists under a lease that expires on May 31st 2008. Infrastructure associated with this use is required to be removed at expiry of the lease under the lease provisions.

FENCING

The boundary is unfenced. Bollards currently define the boundary of the car parking area.

BUILDINGS AND STRUCTURAL IMPROVEMENTS

THERE IS A CONCRETE SLAB AND A PUMP SHED ON/NEAR THE SITE THAT ARE NOT NECESSARILY PART OF THE LONG TERM ARRANGEMENTS FOR THE AREA. THE PUMP SHED PROVIDES RETICULATION FOR STREET VERGES WITHIN THE TOWN CENTRE, AND THERE IS POTENTIAL TO INCORPORATE THE PUMP SHED INTO ANY DEVELOPMENT TO REDUCE THE VISUAL IMPACT OF THE SHED OR TO RELOCATE THE SHED ENTIRELY.

ENVIRONMENTAL, HERITAGE AND CULTURAL ISSUES

The site is adjacent to a Ramsar listed wetland (a wetland of international importance) and has a strong cultural link to the Miriuwung Gajerrong people.

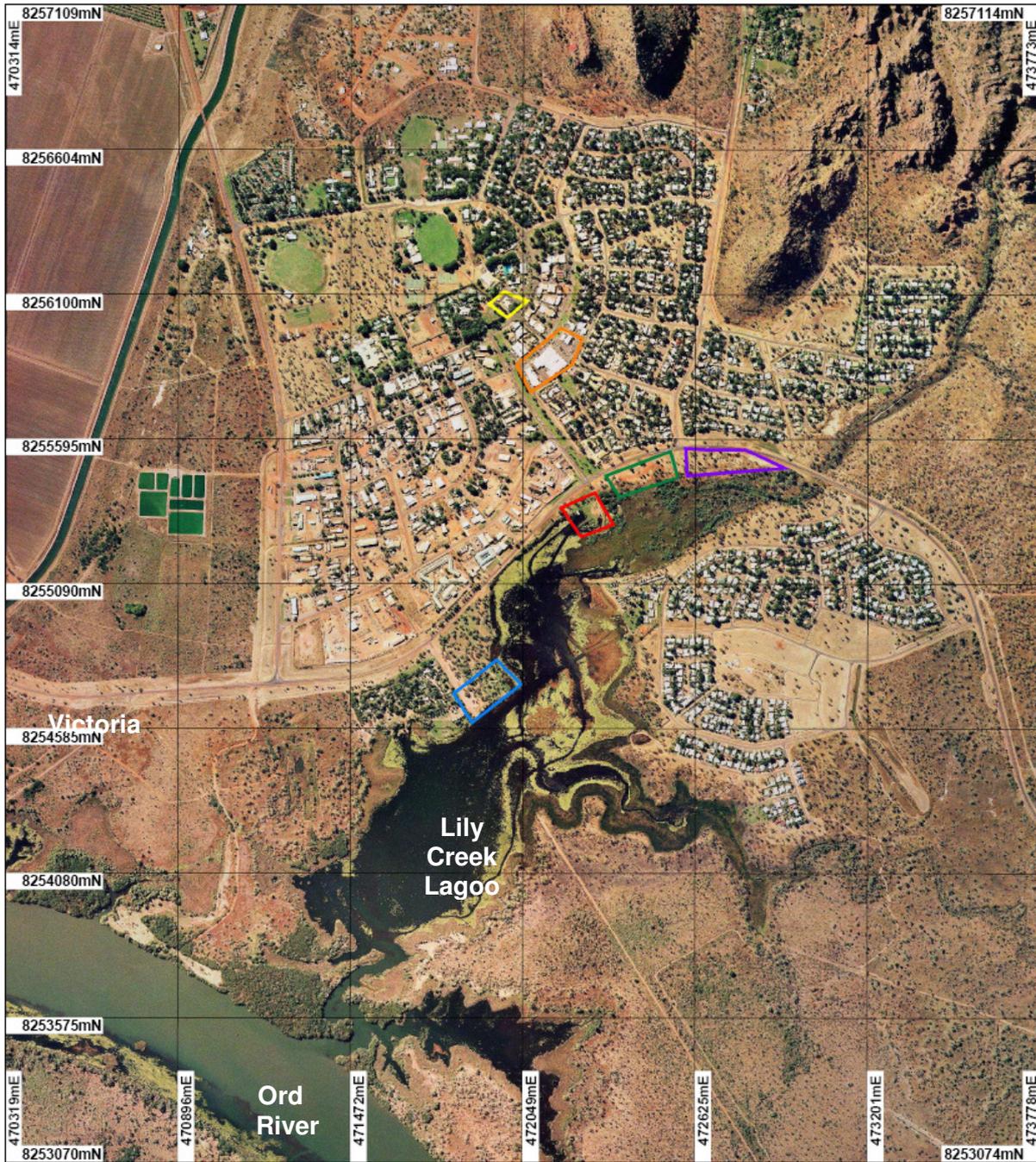
DISCLAIMER

The stated condition of the site is based on a visual inspection. This does not imply any warranty as to the actual condition or suitability of the site for the stated use.

APPENDIX 1 - POTENTIAL LEASE AREA

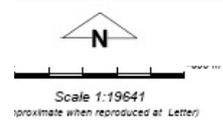


APPENDIX 2 – MAP OF KUNUNURRA



LEGEND

- | | |
|---|--|
|  Potential Lease Area |  Post Office |
|  Proposed Visitor Precinct |  Major Shopping Area |
|  Proposed Park |  Public Boat Ramp and Celebrity Tree Park |



Attachment 3 - DoW Advice Regarding Long Term Lease



Department of Water
Government of Western Australia

WDP 213 37

Your ref:
Our ref: KH155-02
Enquire: Kellie Loge, Ph: 9156 4113

Darren Speckman
Celliston Nominees Pty Ltd
PO Box 303
Kununurra WA 6743

Dear Mr. Speckman:

Request for Renewal of Lease Agreement

Thank you for your letter that was received by the Department of Water (DoW) on 20 November 2007.

As previously stated in correspondence dated 4 July 2007, DoW does not support the conversion of a short term lease into a long term lease without a full and open public tendering process.

DoW notes Council resolution "... that Council agrees in principle to amending the terms of Celliston Nominees lease to 10 plus 10 years with use being for tourism purposes". DoW will assess a suitable term for the lease area up to 21 years, taking Council's resolution into consideration, following the public tender process. If no suitable tender is received through the proposed process then DoW reserves the right to:

- a) renew your lease agreement on a year by year basis up to a maximum of 3 years or until the commercial boat facility is constructed whereby you can relocate to that facility; or
- b) refrain from leasing the subject area until a suitable proposal is received.

DoW proposes to undertake this tendering process in the first half of 2008 and would welcome a tender submission from you.

The queries in your correspondence regarding your Bed and Banks applications will be addressed in a response that will follow this letter.

If you require further information please contact Kellie Loge in the Kununurra Office on 9156 4113.

Yours sincerely

Dave Munday
Regional Manager - Kimberley

28 November 2007

CC: Peter Stubbs, SWEK

Kimberley Region
Lot 213 Bundinon Drive Kununurra, Western Australia 6743
PO Box 623 Kununurra, Western Australia 6743
Telephone (08) 9156 1100 Facsimile (08) 9425 4218
www.water.gwa.gov.au

09/08/07

12.3.3. Development Proposal - Lot 3001 Lake Argyle Road

DATE:	18 March 2008
PROPONENT:	Lake Argyle Pty Ltd
LOCATION:	Lot 3001 Lake Argyle Drive
AUTHOR:	Keith Williams, Executive Manager Town Planning
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	01.0630.02
ASSESSMENT NO:	A630

PURPOSE

For Council to consider granting planning approval to Lake Argyle Pty Ltd for the development of a shed for tourism operations and relocating four dwellings for workers accommodation on Lot 3001 Lake Argyle Drive.

BACKGROUND

An application for land use and development approval has been submitted to Council. The application relates to the proposed Lake Argyle Resort. The application requests approval for the relocation of a shed for a tourism operator [Lake Argyle Cruises], as well as the relocation of four dwellings that will be used for workers accommodation.

The most recent approval granted was in May 2007 for 10 cabins and two ablution blocks. As the site is covered by an Interim Development Order, application must be made to Council prior to commencement of development.



SITE LOCATION

The subject site is located on Lake Argyle Drive, and forms part of the Lake Argyle Resort development site. Concept Plans and elevations are attached.

PROPOSED LAND USE / DEVELOPMENT

The proposed development consists of a shed to be used for tourist operators currently located on the site. This structure will consist of a transportable building with a 'tropical roof' over it. Relocation of four dwellings currently located on the site is also proposed. These dwellings would form a 'workers village' at the southern end of the site, and will be used to accommodate workers associated with the resort.

Major components of the resort such as pools and function centres are also planned, but are not part of this application.

FINANCIAL IMPLICATIONS

The application fee has been paid.

PLANNING ASSESSMENT

Strategic/Structure Plans

Council's Local Planning Strategy identifies the site for Tourist uses, in accordance with the draft Lake Argyle Structure Plan.

The Draft Lake Argyle Structure Plan covers the subject area. The proposed development conforms to the draft plan.

Town Planning Scheme No 7

The land is located within the area covered by Interim Development Order 10 - Lake Argyle [IDO10]. Under the provisions of IDO10, all development must be approved by Council.

Council Policies

No Specific Council policies relate to the subject site.

CONSULTATION

Consultation is discretionary under the terms of the Interim Development Order, however, is not considered to be required in this circumstance, given that the use of the land for tourist accommodation has a long history.

CONCLUSION & COMMENT

The proposed development is consistent with the development plan previously submitted, and will further progress development of the resort.

The use is consistent with the draft Lake Argyle Structure Plan and the LPS.

It is recommended that the development be approved.

ATTACHMENTS

Attachment 1 Site Plan
Attachment 2 Relocated Dwellings Plan

VOTING REQUIREMENT

Absolute Majority

MANAGERS' RECOMMENDATION

1. That Council grant Planning Consent to Lake Argyle Pty Ltd for the use and development of Lot 3001 Lake Argyle Drive for a tourism office, shed and workers accommodation in accordance with the submitted plans and subject to the standard conditions issued under delegated authority.
2. That Council delegate approval of all development in accordance with the Lake Argyle Resort Development Plan to the CEO.

COUNCIL DECISION:

Minute No: 8120

Moved: Cr K Wright

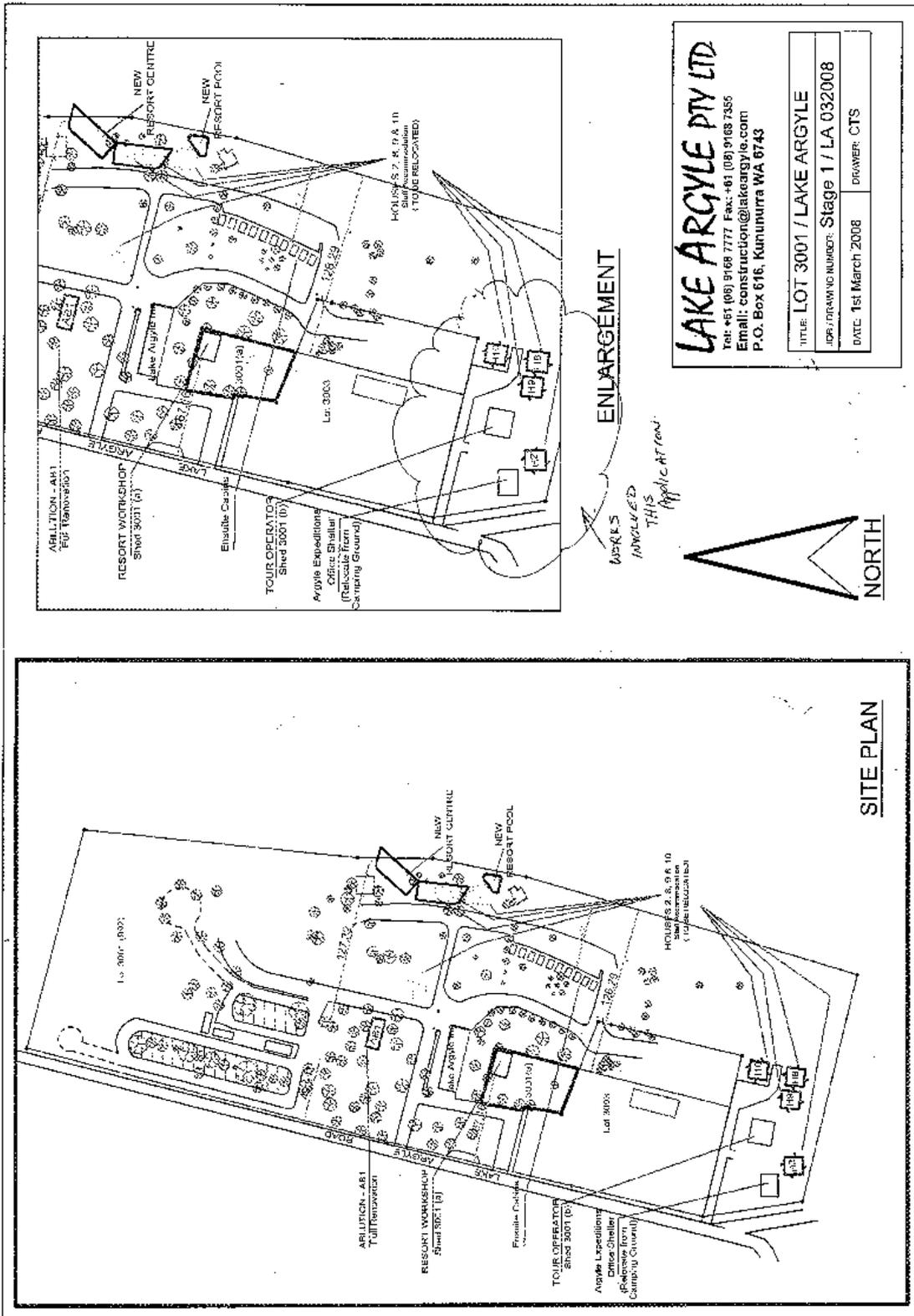
Seconded: Cr D Ausburn

1. *That Council grant Planning Consent to Lake Argyle Pty Ltd for the use and development of Lot 3001 Lake Argyle Drive for a tourism office, shed and workers accommodation in accordance with the submitted plans and subject to the standard conditions issued under delegated authority.*
2. *That Council delegate approval of all development in accordance with the Lake Argyle Resort Development Plan to the CEO.*

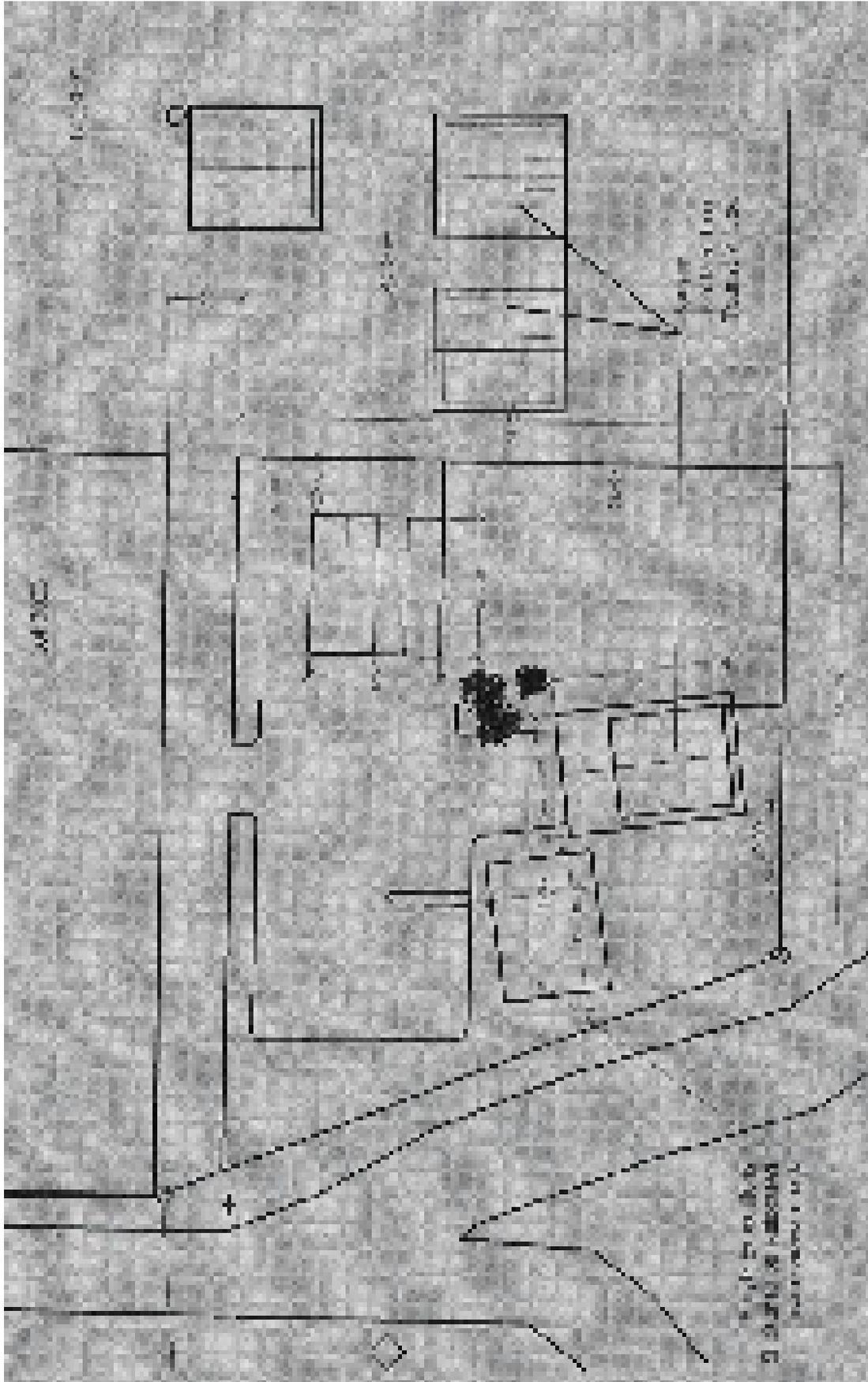
Carried Unanimously 8/0

Note: The Council Decision was amended to include the word “shed” which was omitted from the Managers’ Recommendation.

Attachment 1 - Site Plan



Attachment 2 Relocated Dwellings



12.3.4. Proposed Caravan Park Extension - Lot 250 Weaber Plain Road

DATE:	18 March 2008
PROPONENT:	R Hewitt
LOCATION:	Lot 250 Weaber Plain Road
AUTHOR:	Keith Williams, Executive Manager Town Planning
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	01.2047.02
ASSESSMENT NO:	A2047

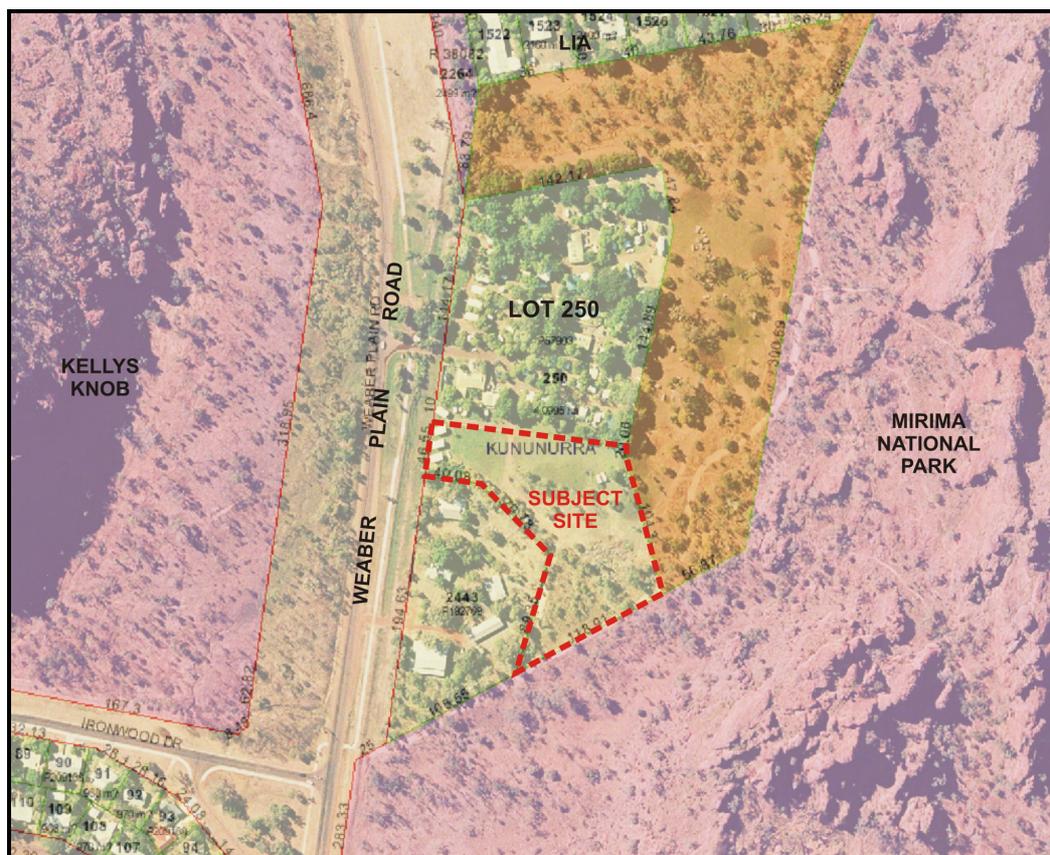
PURPOSE

For Council to consider granting consent to extensions to Hidden Valley Caravan Park at Lot 250 Weaber Plain Road.

BACKGROUND

An application has been received for extensions to Hidden Valley Caravan Park.

After being leased and partially developed for this purpose for several years, Lot 2444 was recently purchased by the caravan park, and amalgamated with the park to create Lot 250. The owner is now seeking to develop an undeveloped portion of the land for caravan bays.



Above: Hidden Valley Caravan Park Location Plan

SITE LOCATION

The subject site is located on the eastern side of Weaber Plain Road.

Lot 250 has an area of 4.0995 ha. The site is generally flat, with a slight slope from east to west and has been developed with four chalets, caravan bays and camping ground on site. Surrounding land uses include Light Industry approximately 100 metres to the north, and a community shelter immediately south.

Mirima National Park is located to the east, and the Kelly's Knob reserve is located to the west.

PROPOSED LAND USE / DEVELOPMENT

The applicant is seeking support for extensions to existing caravan park development. It is proposed to develop an additional 20 bays this year, with an additional 50 next year, adding 70 bays to the existing 120 bays.

FINANCIAL IMPLICATIONS

Applicable planning fees have been paid. Once developed, additional annual license fees will also be applicable.

COMMUNITY CONSULTATION

Town Planning Scheme No. 7 – Kununurra and Environs does not require any community consultation for the proposal, unless Council determines that it would be in the public interest to do so.

ATTACHMENTS

Attachment 1 Development Plan

PLANNING ASSESSMENT

Strategic/Structure Plans

The Local Planning Strategy designates the subject land for Tourism uses. A Caravan park is considered an appropriate use within this site.

Town Planning Scheme No. 7 – Kununurra and Environs

The land is located within the Tourist zone. Clause 5.23 specifies the objectives of the Tourist zone:

5.23 TOURIST ZONE

5.23.1 Objective

- (a) *To encourage tourist accommodation and activity in areas adjacent to attractive natural and man-made features.*
- (b) *To encourage tourist uses on land adjacent to the existing town centre and forming the approach to the town centre of Kununurra.*

- (c) *To encourage a high standard of aesthetic quality, landscaping and presentation.*

5.23.2 Residential Use in the Tourist Zone

Council may approve the use of a tourist site in the Tourist Zone for permanent residential purposes to a maximum of 30% of the number of units, rooms or caravans/cabins approved for the site.

The proposed use and development of the land is consistent with the zoning.

A Caravan park is an AA, or discretionary use, within the Tourist Zone. The use and development of the site is therefore required to be approved by Council [this is somewhat of an anomaly, and should be reviewed as part of the Scheme Review].

CONCLUSION / COMMENT

The use is consistent with the zoning of the land, and subject to minor conditions, should be approved.

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

That Council grant planning consent to R Hewitt for the use and development of Lot 250 Weaber Plain Road Kununurra for Caravan Park and Camping Grounds, in accordance with the submitted plans and subject to the following specific conditions:

1. The plan shall be modified such that no caravan bays are located on the boundary of the National Park or Crown Land, and resubmitted to the Shire;
2. Bollards or visually transparent fencing shall be erected along the entire boundary of the property adjoining Crown Land and Mirima National Park;
3. All development shall be in accordance with the Caravan Parks and Camping Grounds Regulations 1997;
4. All internal roads and accessways shall be constructed to the satisfaction of Council;
5. Any conditions issued under delegated authority in accordance with Councils adopted list of Standard Conditions.

COUNCIL DECISION

Minute: 8121

Moved: Cr J Buchanan

Seconded: Cr P Caley

That Council grant planning consent to R Hewitt for the use and development of Lot 250 Weaber Plain Road Kununurra for Caravan Park and Camping Grounds, in accordance with the submitted plans and subject to the following specific conditions:

1. ***The plan shall be modified such that no caravan bays are located on the boundary of the National Park or Crown Land, and resubmitted to the Shire;***

- 2. *Bollards or visually transparent fencing shall be erected along the entire boundary of the property adjoining Crown Land and Mirima National Park;***
- 3. *All development shall be in accordance with the Caravan Parks and Camping Grounds Regulations 1997;***
- 4. *All internal roads and accessways shall be constructed to the satisfaction of Council;***
- 5. *Any conditions issued under delegated authority in accordance with Councils adopted list of Standard Conditions.***

Carried Unanimously 8/0

12.3.5. Proposed Transient Accommodation – Lot3 314 & 315 Cyril Kleinig Drive, Kununurra

DATE:	18 March 2008
PROPONENT:	Lone Eagle (WA) Pty Ltd
LOCATION:	Lots 314 & 315 Cyril Kleinig Drive, Kununurra
AUTHOR:	Gary McCarney, Town Planning Officer
REPORTING OFFICER:	Keith Williams, Executive Manager Town Planning
FILE NO:	01.5830.02
ASSESSMENT NO:	A5830

PURPOSE

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

BACKGROUND

An application for the use and development of Lots 314 & 315 Cyril Kleinig Drive, Kununurra for transient accommodation was submitted by Lone Eagle (WA) Pty Ltd on 29 January 2008.

SITE LOCATION

The subject site is located within the Kununurra airport which is zoned Special Site – Airport. It is bounded by Cyril Kleinig Drive, Lane Jones Drive and Peter Reid Drive. Lots 314 and 315 each have an area of 1900 square metres.

PROPOSED LAND USE / DEVELOPMENT

The applicant is seeking approval for the use and development of a five bedroom transient accommodation unit to house workers directly associated with the helicopter business on the site.

The accommodation unit would be located to the rear of Lot 315. The submitted site plan and transient accommodation plans are attached

There is an existing helicopter hanger with shower, toilet and small kitchen on site plus a landing pad and car park.

FINANCIAL IMPLICATIONS

The Application Fee of \$90.00 has been paid.

COMMUNITY CONSULTATION

Under the Town Planning Scheme, Council has the power to determine planning applications on the airport site. There is no requirement under the Scheme to advertise the proposal for public comment.

The appropriate government agencies will be consulted during the building and health licensing stages, in particular the Department of Health in relation to the sewerage system / septic tank requirements.

ATTACHMENTS

Submitted development plans attached as:

Attachment 1 Site Plan
Attachment 2 Transient Accommodation.

PLANNING ASSESSMENT

Strategic/Structure Plans

The Local Planning Strategy recognises the importance of the airport to East Kimberley and recommends that an airport masterplan be prepared. Masterplanning is progressing, with plans for terminal upgrades, car parking and subdivisions all being prepared and/or considered by Council.

It is not considered that the proposed transient accommodation would compromise the proposed masterplan.

Town Planning Scheme No. 7 – Kununurra and Environs

The land is located within the Special Site – Airport zone. . Clause 5.22.1 of the Town Planning Scheme states that the objective of this zone is:

to reflect those sites specifically established for a particular use

Clause 5.22.2 sets out the conditions for development in the zone as:

- a) *Land within the Special Site zone may be used for the purposes specified on the Scheme Map and the Schedule in Appendix No. 2 as applicable to that site and for no other purpose except for a use Council deems is incidental to the predominant use.*
- b) *Council may apply such development standards to a proposal as it thinks fit providing such standards are not less than pertaining to similar uses permitted under the Scheme.*

The Special Site Schedule in Appendix 2 defines the use as Airport with:

Other uses may be permitted by Council provided that they are incidental to the predominant use of the land and/or deemed to be dependent o the function of the airport.

The Schedule states that conditions of development are to be *as determined by Council*. The existing use of the site for the operation and storage of helicopters is considered to be an appropriate and legitimate use of the Special Site – Airport zone. The proposed use of a small part of the subject site for transient accommodation would be an incidental use, directly related to the primary use, and would not compromise the primary function of the site.

The proposal is therefore considered to be consistent with the Town Planning Scheme.

Sewerage Issues

The subject lot is not served by Kununurra's reticulated sewerage network. An appropriate sewerage treatment system will be required. Conditions governing the installation of the septic system will be addressed as part of the building and health licence processes.

Conditions will also be attached to the planning approval to ensure that the necessary building and health requirements are met.

CONCLUSION / COMMENT

The proposed use of the land is consistent with the objectives and purposes of the Special Site – Airport zone. It would take up a small part of the subject site, would be an incidental use, directly related to the primary use, and would not compromise that use.

The helicopter industry is seasonal and the ability to provide short term accommodation for pilots and others directed employed in the business would be of significant benefit.

It is therefore considered that the application should be approved.

There are Scheme restrictions on the occupation of transient accommodation which should be communicated to the applicant as conditions of development approval. Special conditions listed below have been recommended by officers on previous similar applications:

- a) Provision of a statutory declaration confirming that the transient accommodation will only be hired/rented/leased out to workers associated with the business operating from the site. This is to comply with Scheme requirements;
- b) All prospective occupants to be notified at the point of checking into the accommodation that the units are reserved for the exclusive use of workers, with such notification to be approved by Council officers. This is to ensure that only workers associated with Lone Eagle Pty Ltd are accommodated; and
- c) All employee parking to be contained on site at all times.

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

That Council grants planning consent to Lone Eagle Pty Ltd for Transient Accommodation on Lots 314 & 315 Cyril Klienig Drive, Kununurra, to:

- (i) use the land for the purpose of Transient Accommodation;
- (ii) commence the development of Transient Accommodation.

Subject to the following conditions:

- (i) Provision of a statutory declaration confirming that the transient accommodation will only be hired/rented/leased out to workers associated with the business operating from the site.
- (ii) The transient accommodation shall be limited to a single five bedroom accommodation unit.
- (iii) The transient accommodation shall only be occupied by persons directly engaged in employment related to the industry specified on the application for planning consent.
- (iv) All prospective occupants to be notified at the point of checking into the accommodation that the units are reserved for the exclusive use of workers, with such notification to be approved by Council officers.
- (v) The transient accommodation shall be permanently affixed to the ground by footings as required by Council.
- (vi) All employee parking to be contained on site at all times.
- (vii) Any conditions issued under delegated authority from Council's Standard Conditions list.

COUNCIL DECISION:

Minute: 8122

Moved: Cr K Wright

Seconded: Cr J Moulden

That Council grants planning consent to Lone Eagle Pty Ltd for Transient Accommodation on Lots 314 & 315 Cyril Klienig Drive, Kununurra, to:

- (i) use the land for the purpose of Transient Accommodation;***
- (ii) commence the development of Transient Accommodation.***

Subject to the following conditions:

- (i) Provision of a statutory declaration confirming that the transient accommodation will only be hired/rented/leased out to workers associated with the business operating from the site.***
- (ii) The transient accommodation shall be limited to a single five bedroom accommodation unit.***

- (iii) The transient accommodation shall only be occupied by persons directly engaged in employment related to the industry specified on the application for planning consent.***
- (iv) All prospective occupants to be notified at the point of checking into the accommodation that the units are reserved for the exclusive use of workers, with such notification to be approved by Council officers.***
- (v) The transient accommodation shall be permanently affixed to the ground by footings as required by Council.***
- (vi) All employee parking to be contained on site at all times.***
- (vii) Any conditions issued under delegated authority from Council's Standard Conditions list.***
- (viii) That a suitable structure is constructed over the proposed transient accommodation and vegetation is planted to provide an adequate aesthetic amenity to the structure***

Carried Unanimously 8/0

Note: Council added condition (viii) in its decision, in addition to the Managers' Recommendation to ensure screening of the proposed development in keeping with the amenity of the Airport.

12.3.6. Town Planning Scheme No 7 - Proposed Amendment 26 Lot 500 Hibiscus Drive & Unallocated Crown Land, Kununurra

DATE:	18 March 2008
PROPONENT:	Landcorp
LOCATION:	Lot 500 Hibiscus Drive Kununurra
AUTHOR:	Gary McCarney, Town Planning Officer
REPORTING OFFICER:	Keith Williams, Executive Manager Town Planning
FILE NO:	43.31.26
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider the initiation of an amendment to Shire of Wyndham East Kimberley Town Planning Scheme No 7 - Kununurra and Environs for the rezoning of land currently zoned Residential, Parks and Recreation Reserve, Public Purpose (Drain) Reserve, Local Road Reserve and General Rural to Residential Development Zone.

BACKGROUND

The subject land parcel has been identified for future development as stages 5, 6 and 7 of the Lakeside residential development. The current zoning reflects planning proposals developed by DOLA some 12 years ago.

Landcorp, in conjunction with Shire officers, has reviewed the previous proposals as part of its development of the Lakeside Structure Plan. This plan was endorsed by the Council in August 2007 and is currently being considered by the WAPC.

The current zoning and layout are not consistent with the development proposed in the Lakeside Structure Plan. It is therefore proposed to rezone the land to "Residential Development zone" to provide the flexibility needed to meet the planning objectives of the Lakeside Structure Plan.

The amendment is consistent with the Lakeside Structure Plan.

SITE LOCATION

The subject land is located in Lakeside, Kununurra. It is bound by Hibiscus Drive to the north, Victoria Highway to the east, vacant crown land to the south and Gardenia Drive to the West.

PROPOSED AMENDMENT

The northern three quarters of the subject land is currently zoned Residential R15, (with pockets of R15/50), Public Purpose (Drain) Reserve and Parks and Recreation Reserve. The southern portion is zoned General Rural.

The amendment proposes to rezone the whole parcel of land to Residential Development zone.

LandCorp, through its planning consultant Urbanplan, has prepared a draft of the amendment documentation.

CONSULTATION

Community consultation is required when Council resolves to initiate a Town Planning Scheme amendment, under the provisions of the Town Planning and Development Act 1928. Upon receipt of an assessment from the Environmental Protection Authority, Council must advertise the amendment for a period of 42 days by the following means:

- An advertisement in the Kimberley Echo;
- Erection of a notice in the Shire Offices;
- Erection of a sign on site and
- Posting of notices to affected parties.

PLANNING FRAMEWORK

Town Planning and Development Act

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

Council must initiate 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] identifies Lakeside as the area for the majority of Kununurra's future residential growth. The LPS designates the subject land as one of the future urban development areas. The proposed amendment is therefore consistent with the LPS.

Town Planning Scheme No 7

Under Town Planning Scheme No. 7 – Kununurra and Environs, the northern three quarters of the subject land is currently zoned Residential R15, (with pockets of R15/50), Public Purpose (Drain) Reserve and Parks and Recreation Reserve. The southern portion is zoned General Rural.

The amendment proposes to rezone the whole parcel of land to Residential Development zone. The objectives of a residential development zone are defined in the Scheme as:

- To identify opportunities for the future subdivision and development of land for the purposes of single and group residential purposes together with, if determined necessary by Council, associated community and recreational facilities.*
- To ensure that subdivision and development of land within the zone is consistent with a structure plan adopted by Council and endorsed by the W.A. Planning Commission prepared in accordance with Clause 6.7 of this Scheme.*

Note: Clause 6.7 of the Scheme outlines the preparation and adoption of structure plans.

The proposed amendment is therefore consistent with the objectives of the Scheme.

Council Policies

Council Policy DC23 – Lakeside Residential Development Guidelines Policy was adopted by Council in December 2004. DC23 was prepared by LandCorp, in conjunction with the Shire, to set development standards to ensure that Lakeside is developed as a sustainable, high amenity subdivision.

The proposed amendment would allow greater flexibility in the subdivision design than the current zoning, thereby assisting in the achievement of the objectives within policy DC23.

FINANCIAL IMPLICATIONS

The amendment is proposed by LandCorp. A fee of \$1000 will be paid to cover the initiation and adoption stages of the amendment process. The amendment will not be advertised unless the initiation fee is paid, and the amendment will not be put to Council for final adoption if the adoption fee hasn't been paid.

CONCLUSION

The current zoning was set over 12 years ago and reflects earlier proposals and residential subdivision design philosophy. The proposed rezoning to Residential Development zone would provide greater flexibility to address future residential requirements as identified in the Lakeside Structure Plan. The rezoning would also be consistent with the objectives of the town planning strategy and Council Policy DC23.

This amendment would also facilitate the release of land at an expedient rate.

It is therefore considered that initiation of the amendment should be supported.

ATTACHMENTS

Attachment 1 Draft Amendment Documentation

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

That Council:

- A Pursuant to Section 75 of the Planning and Development Act 2005 [as amended] amend the Shire of Wyndham-East Kimberley Town Planning Scheme No. 7 - Kununurra and Environs, by:
 - 1. Rezoning Lot 500 Hibiscus Drive, Gardenia Drive, Victoria Highway and part undefined vacant crown land from Residential (R15, R15/50), General Rural Zone and Parks and Recreation Reserve, Public Purposes (Drain) Reserve, Local Road Reserve to Residential Development zone: and
 - 2. Amending the Scheme Amendment Maps accordingly.
- B Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation.
- C Forward the Town Planning Scheme amendment to the Environmental Protection Authority requesting the level of assessment for the amendment be set pursuant to Section 48A of the Environment Protection Act 1986 [as amended].

- D Upon receipt of the level of assessment from the Environmental Protection Authority, advertise the amendment for a period of 42 days by an advertisement in the Kimberley Echo, erection of a notice on site and in the Shire Offices and the posting of notices to affected parties.

COUNCIL DECISION:

Minute: 8123

Moved: Cr J Buchanan

Seconded: Cr J Moulden

That Council:

- A Pursuant to Section 75 of the Planning and Development Act 2005 [as amended] amend the Shire of Wyndham-East Kimberley Town Planning Scheme No. 7 - Kununurra and Environs, by:**
- 1. Rezoning Lot 500 Hibiscus Drive, Gardenia Drive, Victoria Highway and part undefined vacant crown land from Residential (R15, R15/50), General Rural Zone and Parks and Recreation Reserve, Public Purposes (Drain) Reserve, Local Road Reserve to Residential Development zone: and**
 - 2. Amending the Scheme Amendment Maps accordingly.**
- B Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation.**
- C Forward the Town Planning Scheme amendment to the Environmental Protection Authority requesting the level of assessment for the amendment be set pursuant to Section 48A of the Environment Protection Act 1986 [as amended].**
- D Upon receipt of the level of assessment from the Environmental Protection Authority, advertise the amendment for a period of 42 days by an advertisement in the Kimberley Echo, erection of a notice on site and in the Shire Offices and the posting of notices to affected parties.**

Carried Unanimously 8/0

SHIRE OF WYNDHAM-EAST KIMBERLEY



TOWN PLANNING SCHEME NO.7

AMENDMENT NO. 26

**LOT 500 HIBISCUS DRIVE, GARDENIA DRIVE, VICTORIA HIGHWAY
AND PART UNDEFINED VACANT CROWN LAND, LAKESIDE
KUNUNURRA**

**REZONING FROM RESIDENTIAL (R15, R15/50) GENERAL RURAL,
PARKS AND RECREATION RESERVE, PUBLIC PURPOSE (DRAIN)
RESERVE AND LOCAL ROAD RESERVE
TO RESIDENTIAL DEVELOPMENT ZONE**

PLANNING AND DEVELOPMENT ACT, 2005

RESOLUTION DECIDING TO AMEND TOWN PLANNING SCHEME

Shire of Wyndham-East Kimberley
TOWN PLANNING SCHEME NO. 7

AMENDMENT NO. 26

RESOLVED that Council in pursuance of Section 75 of the Planning and Development Act 2005 amend the above Town Planning Scheme by:

1. Rezoning Lot 500 Hibiscus Drive, Gardenia, Drive Victoria Highway and part undefined vacant crown land from Residential Zone (R15, R15/R50) General Rural Zone and Parks and Recreation Reserve, Public Purpose (Drain) Reserve, Local Road Reserve to Residential Development Zone.
2. Amending the Scheme Amendment Maps accordingly.

Dated this _____ day of _____, 20_____.

CHIEF EXECUTIVE OFFICER

MINISTER FOR PLANNING AND INFRASTRUCTURE

FILE NO. _____

PART OF AGENDA _____

PROPOSAL TO AMEND A TOWN PLANNING SCHEME

1. **LOCAL AUTHORITY** Shire of Wyndham-East Kimberley
2. **DESCRIPTION OF TOWN PLANNING SCHEME** Town Planning Scheme No. 7
3. **TYPE OF SCHEME** District Zoning Scheme
4. **SERIAL NUMBER OF AMENDMENT** Amendment No.
5. **PURPOSE** Lot 500 Hibiscus Drive, Gardenia Drive, Victoria Highway and part undefined vacant crown land from Residential Zone (R15, R15/R50) General Rural Zone and Parks and Recreation Reserve, Public Purpose (Drain) Reserve and Local Road Reserve to Residential Development Zone.

PLANNING REPORT

1.0 Purpose

The subject site includes Lot 500 Hibiscus Drive, Gardenia Drive, Victoria Highway and a portion of undefined vacant crown land to the south. The purpose of the amendment is to progress the residential extension of the Lakeside residential development as supported by the Lakeside Structure Plan as approved by Council at its August Meeting.

The subject land is located within the Shire of Wyndham-East Kimberley Town Planning Scheme No.7. The land is currently zoned Residential Zone (primarily R15 R-Coding density with pockets of R15-R50 R-Coding density) General Rural Zone and reserved for Parks and Recreation Reserve, Public Purpose (Drain) Reserve and, Local Road Reserve. The Amendment seeks to rezone the land to Residential Development Zone.

The Lakeside Structure Plan (LSP) was endorsed by Council at its August meeting and is currently being considered by the Western Australian Planning Commission (WAPC). The LSP provides the framework for the progressive subdivision of Lakeside Stages 5, 6 and 7, which is the area subject to this amendment.

2.0 History

The current TPS No.7 reflects the previous planning completed by DOLA some 12 years with a future road layout, urban cells and densities.

The area indicated in Figure 1 defines Lakeside Stages 5, 6 and 7. This land was identified in the Kununurra Land Development Plan as Potential Land Release Areas (source: SWEK LPS, Fig 5).

In March 2007, Council were presented optional structure plan designs for a variety of areas including edge treatments to Lily Creek. Council undertook to consider the designs with a view to enabling the development of Stages as soon as practicable.

Existing Zoning

The Shire Of Wyndham-East Kimberley Town Planning Scheme No. 7 Zoning Map indicates the subject site is currently zoned Residential Zone (primarily R15 R-Coding density) with pockets of R15-R50 R-Coding density) General Rural Zone and reserved for Parks and Recreation Reserve, Public Purpose (Drain) Reserve, Local Road Reserve.



3.0 Proposed Zoning

This amendment proposes the subject land be rezoned to Residential Development Zone. The Lakeside Structure Plan supports future subdivision and development on the site.

4.0 Planning Justification

Kununurra is continuing to grow and has established itself as a centre within the Kimberley warranting additional housing and improvement to the services and facilities for its relatively modest, yet expanding population.

There is currently a significant land shortage in Kununurra as all lots in LandCorp's Stage recent developments have been sold (Pers. Comm. LandCorp May 2007). It is imperative that

the new residential land released delivers a greater diversity of residential lot sizes to accommodate variable household types as a result of the mining industry boom and the Ord River Irrigation projects.

Further, there is limited housing choice, with single residential dwellings dominant. Diversification of housing stock and choice in select locations is necessary. The rezoning will facilitate the release of land identified in Wyndham-East Kimberley Local Planning Strategy for majority of future residential growth (LPS, 2005:74).

5.0 Conclusion

The amendment reflects a responsible extension of the existing townsite, remains consistent with policy direction presented by the Wyndham-East Kimberley Local Planning Strategy and seeks to address the urgent need for housing in Kununurra.

ADOPTION

Adopted by resolution of the Council of the Shire of Wyndham-East Kimberley at the Ordinary Meeting of the Council held on the day of 20....

.....
Mayor

.....
Chief Executive Officer

FINAL APPROVAL

Adopted by resolution of the Council of the Shire of Wyndham-East Kimberley at the Meeting of the Council held on the day of 20.... and the seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

.....
Mayor

.....
Chief Executive Officer

Recommended/Submitted for Final Approval

.....
DELEGATED under S 16 of the Planning and Development Act 2005

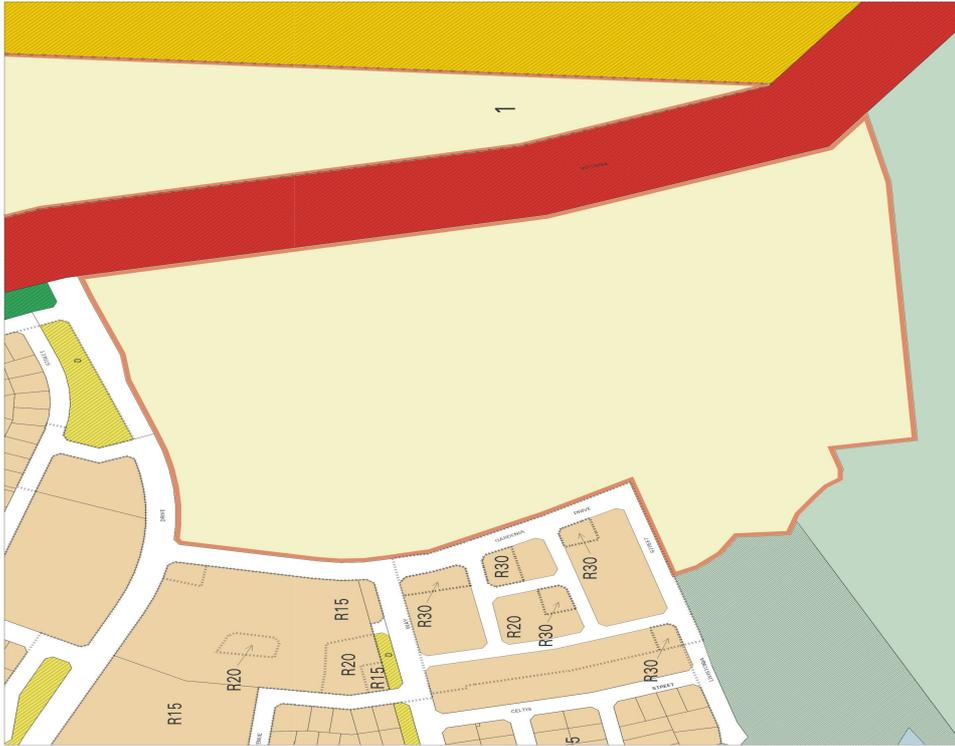
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Date

Final Approval Granted

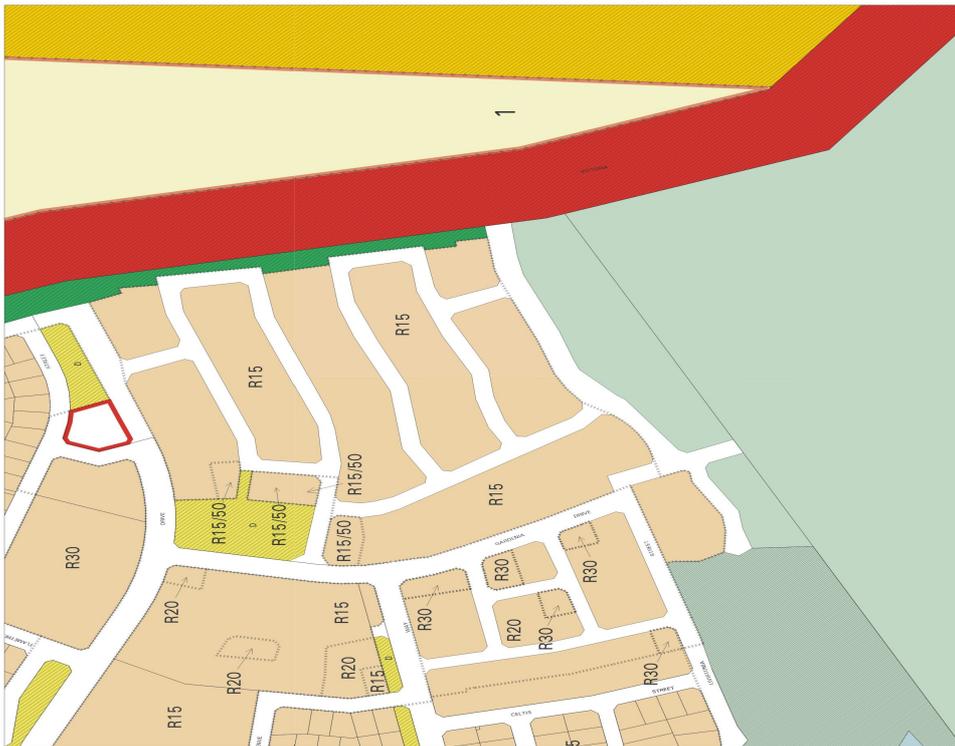
.....
Minister for Planning and Infrastructure

.....
Date

- LEGEND**
- ZONES**
 - RESIDENTIAL
 - RESIDENTIAL DEVELOPMENT
 - SPECIAL SITE
 - GENERAL RURAL
 - LOCAL SCHEME RESERVES**
 - HIGHWAYS AND MAJOR ROADS
 - PUBLIC PURPOSES - DRAIN
 - PARKS AND RECREATION
 - SPECIAL FORESHORE
 - WATERWAY
 - OTHER**
 - OVERALL PLANNING AREA
 - R-CODES



PROPOSED SCHEME AMENDMENT MAP



EXISTING SCHEME MAP

Proposed Amendment No.

12.3.7. Town Planning Scheme No 7 - Proposed Amendment 22 King Location 438

DATE:	18 March 2008
PROPONENT:	R & E Lethbridge
LOCATION:	King Location 438, Lot 2 Old Darwin Road, Kununurra
AUTHOR:	Gary McCarney, Town Planning Officer
REPORTING OFFICER:	Keith Williams, Executive Manager Town Planning
FILE NO:	43.31.22
ASSESSMENT NO:	N/A

Cr M Pucci declared a Financial Interest in this Item as she has financial dealings with the Proponents daughter and left the room at 8:19pm.

PURPOSE

For Council to consider the adoption of Amendment 22 to Shire of Wyndham East Kimberley Town Planning Scheme No 7 - Kununurra and Environs for the rezoning of Lot 2 King Location 438 from Rural Agriculture 1 to Rural Small Holdings.

BACKGROUND

The amendment proposes rezoning the subject land from Rural Agricultural 1 to Rural Small Holdings. The rezoning was identified in the Local Planning Strategy and is one of a number of proposals to release rural residential land within the Old Darwin Road precinct.

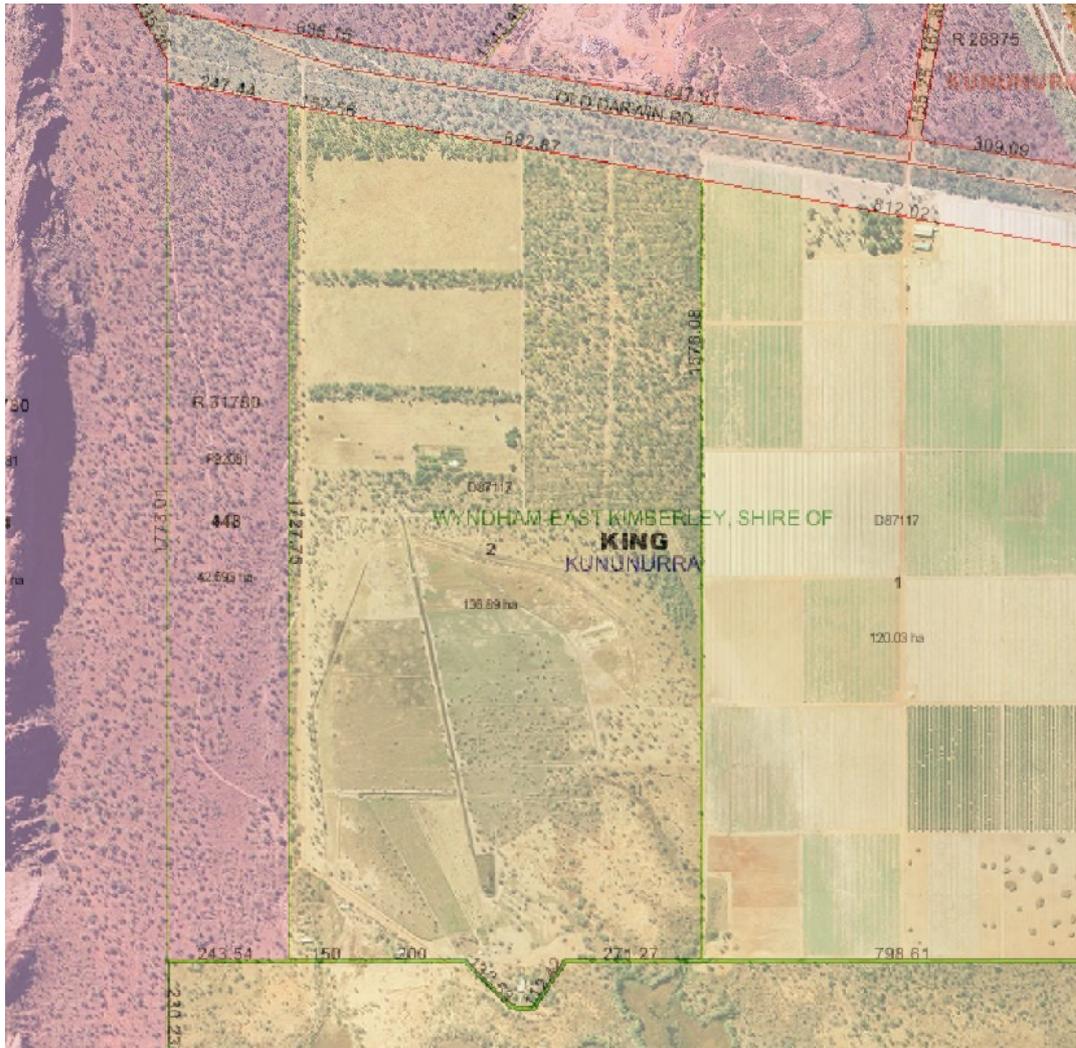
Council resolved to initiate the proposed amendment in May 2007. It was forwarded to the Western Australian Planning Commission (WAPC) and Environmental Protection Authority for comment / advice (see below) prior to public advertising.

The advertising period for the Amendment closed on 29 February 2008 and the proposal can now be considered for final approval.

SITE LOCATION

The subject land is seven kilometres to the south east of Kununurra, and has an area of 136 hectares. Land to the north is reserved for parks and recreation as well as public purposes. Council's landfill site is located within the land reserved for public purposes.

Land to the east is used for agriculture, however, an application is being prepared to rezone the land to rural small holdings. Consistent with the Local Planning Strategy. Land to the west and south has been allocated as parks and recreation, with Carlton Ridge located to the west and Emu Creek Lagoon located to the south.



PROPOSED LAND USE / DEVELOPMENT

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

WAPC / EPA ADVICE

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

The EPA has advised that the amendment should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986, ie. a formal environmental assessment is not required. The EPA nevertheless provided advice and recommendations on the following issues:

- Water quality protection
- Stormwater management
- Effluent disposal
- Odour emissions

These issues will be addressed during the subdivision process.

CONSULTATION

The Amendment was advertised for 42 days from 17 January 2008 until 29 February 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.

One submission was received, from the Department of Water. Its comments are shown in attachment 2.

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 with the Act.

Local Planning Strategy

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

Town Planning Scheme No 7

TPS 7 does not contain any provisions regarding the Rural Small Holdings zone, and accordingly the amendment introduces provisions for this new zone. These provisions are generally consistent with the same provisions as the existing Rural Living and Rural Agriculture zones:

1. Rezoning King Location 438, Lot 2 Old Darwin Road, Kununurra, from the 'Rural Agriculture 1' zone to the 'Rural Small Holdings' zone.
2. Inserting the following provisions into the text of the Scheme:
 - 5.25 Rural Small Holdings Zone
 - 5.25.1 Objective
 - (a) to provide appropriate land for people wishing to reside on rural lifestyle lots;
 - (b) to ensure that adjoining agricultural uses are protected with appropriate separation between agricultural and residential development; and
 - (c) to protect productive agricultural land on site by retaining areas suitable for horticulture in larger lots.

5.25.2 Development Requirements

In considering an application for Planning Approval for a proposed development, the provisions of Clause 5.20.2 a) to e) shall apply to the Rural Small Holdings Zone.

3. Renumbering existing Clause 5.25 “Planning Policies” to Clause 5.26 and existing Clause 5.26 “Subdivision” to Clause 5.27 and any references throughout the Scheme text.
4. At Clause 5.2 “Planning Approval Not Required” modifying Clause 5.2.1 item (f) to include the words “and Rural Small Holdings” after the words “Rural Living”.
5. At Clause 5.21 “Development in the Rural Agriculture 1, Rural Agriculture 2, General Rural, and Rural Living Zones” modifying the table at Clause 5.2.1 “Setbacks” to include Rural Small Holdings with setbacks as per those for the Rural Agriculture1 & 2 zones.
6. At Clause 6.5 “Overall Planning Area No. 4 - Old Darwin Road Precinct” including a new dot point as follows:
 - 6.5.4 “Rural Small Holdings subdivision creating a variety of lot sizes with a minimum of 4 hectares.”
7. Modifying Table 1 - Zoning Table by introducing the Zone of “Rural Small Holdings” and inserting column number 16 with the following permissibility to the use classes within the table:

USE CLASSES	12.3.
COMMERCIAL	
Amusement Parlour	X
Art Gallery	IP
Bakery – Retail	X
Bakery – Wholesale	X
Bed and Breakfast	IP
Boarding House	X
Brewery	X
Car Park	X
Caravan Park	X
Camping Ground	X
Convenience Store	X
Drive-In Theatre	X
Dry Cleaning Premises	X
Farm Stay	IP
Farm Supply Centre	X
Fast Food Outlet	X
Fish Shop	X

Funeral Parlour	X
Garden Centre	AA
Health Studio	X
Home Business	AA
Home Occupation	P
Hotel	X
Laundromat	X
Lunch Bar	X
Marine Filling Station	X
Market	X
Motel	X
Motor Vehicle/Marine Sales Premises	X
Motor Vehicle Hire	X
Motor Vehicle Wash Station	X
Night Club	X
Nursery – Plant / Plant Nursery	X
Office	IP
Reception Centre	X
Restricted Premises	X
Restaurant	X
Road House	X
Service Station	X
Shop	X
Showroom	X
Tavern	X
Tourist Accommodation	X
Warehouse	X
Wayside Stall	AA
Winery	X
RESIDENTIAL	
Aged & Dependent Persons Dwelling	X
Caretaker's Dwelling	X
Community Home	X
Grouped Dwelling	X
Multiple Dwelling	X
Residential Building	X
Single Dwelling	P
Transient Accommodation	X
INSTITUTIONAL	
Civic Building	AA
Club Premises	X
Community Service Depot	AA
Consulting Rooms	X
Day Care Centre	X
Detention Centre	X
Education Establishment	X

Hospital	X
Kennels/Cattery	X
Kindergarten	X
Medical Centre	X
Public Amusement	X
Public Worship	X
Radio & TV Installation	X
Veterinary Consulting Room or Hospital	X
INDUSTRIAL	
Abattoir	X
Boat Building Facility	X
Factory units	X
Fuel Depot	X
Industry: General	X
Light	X
Service	X
Extractive	X
Hazardous	X
Noxious	X
Cottage	SA
Rural	X
Motor Vehicle Repair	X
Motor Wrecking	X
Salvage Yard	X
Transport Depot	X
RURAL	
Airfield	X
Aquaculture	X
Equestrian Centre	X
Intensive Agriculture	X
Milk Depot	X
Piggery	X
Poultry Farming	X
Private Recreation	X
Public Recreation	P
Rural Pursuit	SA
Stable	P
Zoological Gardens	X

8. Amending the Scheme Maps accordingly.

FINANCIAL IMPLICATIONS

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

CONCLUSION

The subject land is one of the sites within the Old Darwin Road precinct identified in the Local Planning Strategy as suitable for rural small holdings. The proposed amendment is therefore consistent with Local Planning Scheme in providing more land close to Kununurra for rural living.

The Amendment has been advertised in accordance with the Planning and Development Act 2005. No objections have been received.

The EPA and Department of Water also have no objection to the Amendment although they raised a number of issues requiring attention during the subdivision stage. These have been noted and will be addressed in due course.

No modifications to the Amendment are proposed.

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

ATTACHMENTS

Nil

Amendment documents are available to be viewed on request.

VOTING REQUIREMENT

Simple Majority

COUNCIL DECISION

Minute No: 8124

Moved: Cr K Wright

Seconded: Cr D Ausburn

That Cr F Mills assume the chair.

Carried Unanimously 7/0

Cr F Mills assumed the chair.

MANAGERS' RECOMMENDATION

That Council:

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:

- A. Adopting for final approval proposed Amendment 22 by:
1. Rezoning King Location 438, Lot 2 Old Darwin Road, Kununurra, from the 'Rural Agriculture 1' zone to the 'Rural Small Holdings' zone.
 2. Inserting the following provisions into the text of the Scheme:

5.25.1 Rural Small Holdings Zone

5.25.1 Objective

- a. to provide appropriate land for people wishing to reside on rural lifestyle lots;
- b. to ensure that adjoining agricultural uses are protected with appropriate separation between agricultural and residential development; and
- c. to protect productive agricultural land on site by retaining areas suitable for horticulture in larger lots.

5.25.1.1 Development Requirements

In considering an application for Planning Approval for a proposed development, the provisions of Clause 5.20.2 a) to e) shall apply to the Rural Small Holdings Zone.

3. Renumbering existing Clause 5.25 "Planning Policies" to Clause 5.26 and existing Clause 5.26 "Subdivision" to Clause 5.27 and any references throughout the Scheme text.
4. At Clause 5.2 "Planning Approval Not Required" modifying Clause 5.2.1 item (f) to include the words "and Rural Small Holdings" after the words "Rural Living".
5. At Clause 5.21 "Development in the Rural Agriculture 1, Rural Agriculture 2, General Rural, and Rural Living Zones" modifying the table at Clause 5.2.1 "Setbacks" to include Rural Small Holdings with setbacks as per those for the Rural Agriculture 1 & 2 zones.
6. At Clause 6.5 "Overall Planning Area No. 4 - Old Darwin Road Precinct" including a new dot point as follows:
 - 6.5.4 "Rural Small Holdings subdivision creating a variety of lot sizes with a minimum of 4 hectares."
7. Modifying Table 1 - Zoning Table by introducing the Zone of "Rural Small Holdings" and inserting column number 16 with the following permissibility to the use classes within the table:

USE CLASSES	16
COMMERCIAL	
Amusement Parlour	X
Art Gallery	IP
Bakery - Retail	X
Bakery – Wholesale	X
Bed and Breakfast	IP
Boarding House	X
Brewery	X

Car Park	X
Caravan Park	X
Camping Ground	X
Convenience Store	X
Drive-In Theatre	X
Dry Cleaning Premises	X
Farm Stay	IP
Farm Supply Centre	X
Fast Food Outlet	X
Fish Shop	X
Funeral Parlour	X
Garden Centre	AA
Health Studio	X
Home Business	AA
Home Occupation	P
Hotel	X
Laundromat	X
Lunch Bar	X
Marine Filling Station	X
Market	X
Motel	X
Motor Vehicle/Marine Sales Premises	X
Motor Vehicle Hire	X
Motor Vehicle Wash Station	X
Night Club	X
Nursery – Plant / Plant Nursery	X
Office	IP
Reception Centre	X
Restricted Premises	X
Restaurant	X
Road House	X
Service Station	X
Shop	X
Showroom	X
Tavern	X
Tourist Accommodation	X
Warehouse	X
Wayside Stall	AA
Winery	X
RESIDENTIAL	
Aged & Dependent Persons Dwelling	X
Caretaker's Dwelling	X
Community Home	X
Grouped Dwelling	X
Multiple Dwelling	X
Residential Building	X

Single Dwelling	P
Transient Accommodation	X
INSTITUTIONAL	
Civic Building	AA
Club Premises	X
Community Service Depot	AA
Consulting Rooms	X
Day Care Centre	X
Detention Centre	X
Education Establishment	X
Hospital	X
Kennels/Cattery	X
Kindergarten	X
Medical Centre	X
Public Amusement	X
Public Worship	X
Radio & TV Installation	X
Veterinary Consulting Room or Hospital	X
INDUSTRIAL	
Abattoir	X
Boat Building Facility	X
Factory units	X
Fuel Depot	X
Industry: General	X
Light	X
Service	X
Extractive	X
Hazardous	X
Noxious	X
Cottage	SA
Rural	X
Motor Vehicle Repair	X
Motor Wrecking	X
Salvage Yard	X
Transport Depot	X
RURAL	
Airfield	X
Aquaculture	X
Equestrian Centre	X
Intensive Agriculture	X
Milk Depot	X
Piggery	X
Poultry Farming	X
Private Recreation	X
Public Recreation	P
Rural Pursuit	SA

Stable	P
Zoological Gardens	X

8. Amending the Scheme Maps accordingly.
- B Authorising the Shire President and the Chief Executive Officer to execute the relevant documentation.
- C Forwarding the Schedule of Submissions to the Western Australian Planning Commission.
- D Forwarding three copies of the signed and sealed Amendment Documents to the Western Australian Planning commission.
- E Requesting that the Honourable Minister for Planning and Infrastructure grants final approval to Amendment 22 of town Planning Scheme No. 7 – Kununurra and environs.

COUNCIL DECISION

Minute: 8125

Moved: Cr K Wright

Seconded: Cr J Buchanan

That Council:

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:

A. *Adopting for final approval proposed Amendment 22 by:*

- 1. *Rezoning King Location 438, Lot 2 Old Darwin Road, Kununurra, from the 'Rural Agriculture 1' zone to the 'Rural Small Holdings' zone.***
- 2. *Inserting the following provisions into the text of the Scheme:***

5.25.1 Rural Small Holdings Zone

5.25.1 Objective

- a. to provide appropriate land for people wishing to reside on rural lifestyle lots;***
- b. to ensure that adjoining agricultural uses are protected with appropriate separation between agricultural and residential development; and***
- c. to protect productive agricultural land on site by retaining areas suitable for horticulture in larger lots.***

5.25.2 Development Requirements

In considering an application for Planning Approval for a proposed development, the provisions of Clause 5.20.2 a) to e) shall apply to the Rural Small Holdings Zone.

3. **Renumbering existing Clause 5.25 “Planning Policies” to Clause 5.26 and existing Clause 5.26 “Subdivision” to Clause 5.27 and any references throughout the Scheme text.**
4. **At Clause 5.2 “Planning Approval Not Required” modifying Clause 5.2.1 item (f) to include the words “and Rural Small Holdings” after the words “Rural Living”.**
5. **At Clause 5.21 “Development in the Rural Agriculture 1, Rural Agriculture 2, General Rural, and Rural Living Zones” modifying the table at Clause 5.2.1 “Setbacks” to include Rural Small Holdings with setbacks as per those for the Rural Agriculture1 & 2 zones.**
6. **At Clause 6.5 “Overall Planning Area No. 4 - Old Darwin Road Precinct” including a new dot point as follows:**
 - 6.5.4 **“Rural Small Holdings subdivision creating a variety of lot sizes with a minimum of 4 hectares.”**
7. **Modifying Table 1 - Zoning Table by introducing the Zone of “Rural Small Holdings” and inserting column number 16 with the following permissibility to the use classes within the table:**

USE CLASSES	16
COMMERCIAL	
Amusement Parlour	X
Art Gallery	IP
Bakery - Retail	X
Bakery – Wholesale	X
Bed and Breakfast	IP
Boarding House	X
Brewery	X
Car Park	X
Caravan Park	X
Camping Ground	X
Convenience Store	X
Drive-In Theatre	X
Dry Cleaning Premises	X
Farm Stay	IP
Farm Supply Centre	X
Fast Food Outlet	X
Fish Shop	X
Funeral Parlour	X
Garden Centre	AA
Health Studio	X
Home Business	AA
Home Occupation	P
Hotel	X
Laundromat	X

Lunch Bar	X
Marine Filling Station	X
Market	X
Motel	X
Motor Vehicle/Marine Sales Premises	X
Motor Vehicle Hire	X
Motor Vehicle Wash Station	X
Night Club	X
Nursery – Plant / Plant Nursery	X
Office	IP
Reception Centre	X
Restricted Premises	X
Restaurant	X
Road House	X
Service Station	X
Shop	X
Showroom	X
Tavern	X
Tourist Accommodation	X
Warehouse	X
Wayside Stall	AA
Winery	X
RESIDENTIAL	
Aged & Dependent Persons Dwelling	X
Caretaker's Dwelling	X
Community Home	X
Grouped Dwelling	X
Multiple Dwelling	X
Residential Building	X
Single Dwelling	P
Transient Accommodation	X
INSTITUTIONAL	
Civic Building	AA
Club Premises	X
Community Service Depot	AA
Consulting Rooms	X
Day Care Centre	X
Detention Centre	X
Education Establishment	X
Hospital	X
Kennels/Cattery	X
Kindergarten	X
Medical Centre	X
Public Amusement	X
Public Worship	X
Radio & TV Installation	X

<i>Veterinary Consulting Room or Hospital</i>	X
INDUSTRIAL	
<i>Abattoir</i>	X
<i>Boat Building Facility</i>	X
<i>Factory units</i>	X
<i>Fuel Depot</i>	X
<i>Industry: General</i>	X
<i>Light</i>	X
<i>Service</i>	X
<i>Extractive</i>	X
<i>Hazardous</i>	X
<i>Noxious</i>	X
<i>Cottage</i>	SA
<i>Rural</i>	X
<i>Motor Vehicle Repair</i>	X
<i>Motor Wrecking</i>	X
<i>Salvage Yard</i>	X
<i>Transport Depot</i>	X
RURAL	
<i>Airfield</i>	X
<i>Aquaculture</i>	X
<i>Equestrian Centre</i>	X
<i>Intensive Agriculture</i>	X
<i>Milk Depot</i>	X
<i>Piggery</i>	X
<i>Poultry Farming</i>	X
<i>Private Recreation</i>	X
<i>Public Recreation</i>	P
<i>Rural Pursuit</i>	SA
<i>Stable</i>	P
<i>Zoological Gardens</i>	X

8. Amending the Scheme Maps accordingly.

- B Authorising the Shire President and the Chief Executive Officer to execute the relevant documentation.**
- C Forwarding the Schedule of Submissions to the Western Australian Planning Commission.**
- D Forwarding three copies of the signed and sealed Amendment Documents to the Western Australian Planning commission.**
- E Requesting that the Honourable Minister for Planning and Infrastructure grants final approval to Amendment 22 of town Planning Scheme No. 7 – Kununurra and environs.**

Carried Unanimously 7/0

Cr M Pucci returned to the room and resumed the Chair at 8:21pm and was advised the outcome of the item.

12.3.8. Proposed Excisions and Licences - Reserve 41812

DATE:	18 March 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Reserve 41812 - Various Locations
AUTHOR:	Keith Williams, Executive Manager Town Planning
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	01.2860.02
ASSESSMENT NO:	A2860

PURPOSE

For Council to consider various excisions from and licences being issued over Foreshore Reserve 41812 in accordance with the Foreshore Plan.

BACKGROUND

During preparation of the Lake Kununurra Foreshore Plan, several anomalies in land tenure were identified. The specific sites were discussed at the December Council briefing session, and are outlined below.

PROPOSED LAND USE / DEVELOPMENT

The following excisions from reserve 41812 are proposed:

- Excise portion of Reserve 41812 Lot 667 adjacent to the Ski Club and amalgamate with Reserve 29297 Lot 714, in order that that portion of the Foreshore Reserve is included in the Ski Club reserve, as per Attachment 1.
- Excise portion of Reserve 41812 Lot 667 adjacent to the Golf Club and amalgamate with Reserve 29167 Lot 734, in order that that portion of the Foreshore Reserve is included in the Golf Club reserve, as per Attachment 1.
- Excise portion of Reserve 41812 Lot 2371 adjacent to Celebrity Tree Park and amalgamate with Reserve 42371 Lot 502, in order that that portion of the Foreshore Reserve is included in Celebrity Tree park reserve, as per Attachment 2.

The following licences over portions of Reserve 41812 are proposed to be issued, to formalise the use of this land by these community groups:

- Kununurra Dragon Boat Club
- Kununurra Race Club
- Lake Kununurra Sailing Club

FINANCIAL IMPLICATIONS

Nil

CONSULTATION

Comprehensive consultation occurred when the Lake Kununurra Foreshore Plan was advertised. No additional specific consultation is required, except for advertising required under the provisions of the Local Government Act relating to the issuance of Licences.

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.

The proposed Licenses are required to be advertised accordingly.

CONCLUSION / COMMENT

The proposed excisions and licences are required to implement recommendations from the Lake Kununurra Foreshore Plan, are supported by the Department of Water, and are recommended for approval.

ATTACHMENTS

Attachment 1 Proposed Ski Club and Golf Club Excisions.

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

That Council:

1. Request the Department for Planning and Infrastructures State Land Services' excise portion of Reserve 41812 Lot 667 adjacent to the Ski Club and amalgamate with Reserve 29297 Lot 714, in order that that portion of the Foreshore Reserve is included in the Ski Club reserve, as per Attachment 1.
2. Request the Department for Planning and Infrastructures State Land Services' excise portion of Reserve 41812 Lot 667 adjacent to the Golf Club and amalgamate with Reserve 29167 Lot 734, in order that that portion of the Foreshore Reserve is included in the Golf Club reserve, as per Attachment 1.
3. Request the Department for Planning and Infrastructures State Land Services' excise portion of Reserve 41812 Lot 667 adjacent to the Golf Club and amalgamate with Reserve 29167 Lot 734, in order that that portion of the Foreshore Reserve is included in the Golf Club reserve, as per Attachment 2.
4. Advertise the proposed Licence agreement for the use portion of Reserve 41812 by the Kununurra Dragon Boat Club for the figure of \$100 for 10 years in accordance with section 3.58(3) of the Local Government Act, subject to submission of AGM, incorporation, indemnity Insurance and membership details.
5. Advertise the proposed Licence agreement for the use portion of Reserve 41812 by the Kununurra Race Club for the figure of \$100 for 10 years in accordance with section 3.58(3) of the Local Government Act, subject to submission of AGM, incorporation, indemnity Insurance and membership details.
6. Advertise the proposed Licence agreement for the use portion of Reserve 41812 by the Lake Kununurra Sailing Club for the figure of \$100 for 10 years in accordance with section 3.58(3) of the Local Government Act, subject to submission of AGM, incorporation, indemnity Insurance and membership details.

COUNCIL DECISION

Minute: 8126

Moved: Cr J Buchanan

Seconded: Cr K Wright

That Council:

- 1. Request the Department for Planning and Infrastructures State Land Services' excise portion of Reserve 41812 Lot 667 adjacent to the Ski Club and amalgamate with Reserve 29297 Lot 714, in order that that portion of the Foreshore Reserve is included in the Ski Club reserve, as per Attachment 1.**
- 2. Request the Department for Planning and Infrastructures State Land Services' excise portion of Reserve 41812 Lot 667 adjacent to the Golf Club and amalgamate with Reserve 29167 Lot 734, in order that that portion of the Foreshore Reserve is included in the Golf Club reserve, as per Attachment 1.**
- 3. Request the Department for Planning and Infrastructures State Land Services' excise portion of Reserve 41812 Lot 667 adjacent to the Celebrity Tree Park and amalgamate with Celebrity Tree Park Reserve 42371, in order that that portion of the Foreshore Reserve is included in Celebrity Tree Park Reserve, as per Attachment 2.**
- 4. Advertise the proposed Licence agreement for the use portion of Reserve 41812 by the Kununurra Dragon Boat Club for the figure of \$100 per year for 10 years in accordance with section 3.58(3) of the Local Government Act, subject to submission of AGM, incorporation, indemnity Insurance and membership details.**
- 5. Advertise the proposed Licence agreement for the use portion of Reserve 41812 by the Kununurra Race Club for the figure of \$100 per year for 10 years in accordance with section 3.58(3) of the Local Government Act, subject to submission of AGM, incorporation, indemnity Insurance and membership details.**
- 5. Advertise the proposed Licence agreement for the use portion of Reserve 41812 by the Kununurra Race Club for the figure of \$100 per year for 10 years in accordance with section 3.58(3) of the Local Government Act, subject to submission of AGM, incorporation, indemnity Insurance and membership details.**
- 6. Advertise the proposed Licence agreement for the use portion of Reserve 41812 by the Lake Kununurra Sailing Club for the figure of \$100 per year for 10 years in accordance with section 3.58(3) of the Local Government Act, subject to submission of AGM, incorporation, indemnity Insurance and membership details.**

Carried Unanimously 8/0

Attachment 1 - Proposed Excisions From Reserve 41812



Attachment 2 - Proposed Excision From Reserve 41812



12.3.9. Proposed Fence – Lot 1779 Koolama Street, Wyndham

DATE:	18 March 2008
PROPONENT:	B & N Robinson
LOCATION:	Lot 1779 Koolama Street, Wyndham
AUTHOR:	Gary McCarney, Town Planning Officer
REPORTING OFFICER:	Keith Williams, Executive Manager Town Planning
FILE NO:	01.5229.02
ASSESSMENT NO:	A5229

PURPOSE

For Council to consider an application for a fence that doesn't conform to the specifications of *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 proposed fence does not comply with the maximum height or construction material specifications within the Shire's fencing laws but is consistent with fencing on nearby properties.

The proposal has therefore been submitted to Council for resolution.

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 LAND USE / DEVELOPMENT

The applicant is seeking 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 is also proposed within the front fence.

A house is currently being constructed on the subject site.

FINANCIAL IMPLICATIONS

The Application Fee of \$90.00 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 Proposed 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 of 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 fence does not comply with relevant Local Laws. It is recommended that the application be refused. Local Laws are developed with contemporary standards and sufficient justification has not been shown to allow this type of fence at this height.

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

That Council 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.

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

Foreshadowed Motion

That this item be deferred until further discussion in relation to Councils actions can be clarified relating to non-compliant fencing in the vicinity of the subject site.

COUNCIL DECISION

Minute No. 8127

Moved: Cr P Caley

Seconded: Cr D Ausburn

That Council suspend Standing Order 7.5 to allow Councillors to speak more than once on the item.

Carried Unanimously 8/0

COUNCIL DECISION

Minute No. 8128

Moved: Cr D Ausburn

Seconded: Cr K Wright

That Council resume Standing Order 7.5.

Carried Unanimously 8/0

COUNCIL DECISION

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

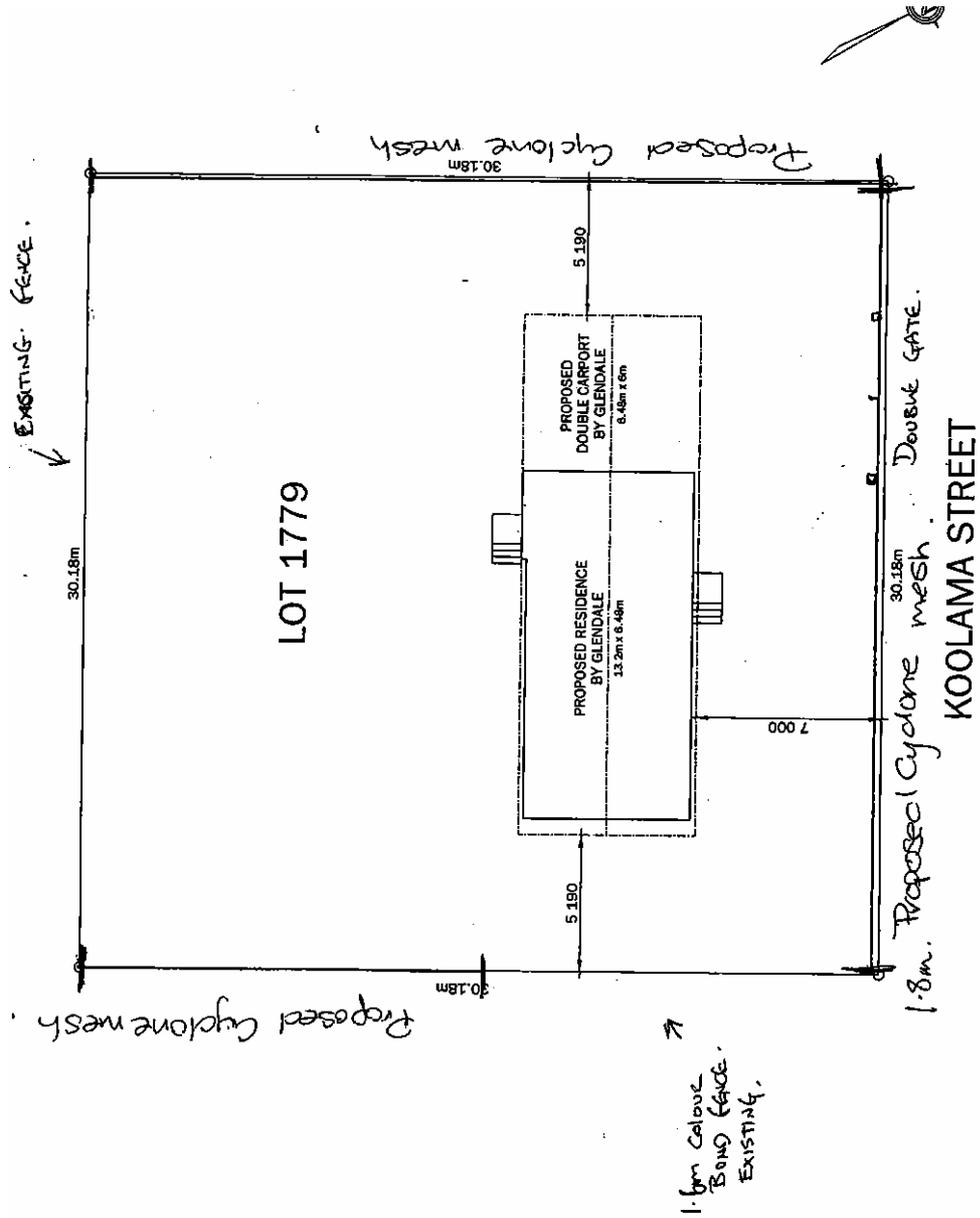
NOTE: Cr K Wright requested that the votes for and against the motion be recorded.

**For: Cr M Pucci
Cr D Ausburn
Cr K Wright
Cr P Caley
Cr F Mills**

**Against: Cr J Buchanan
Cr J Moulden
Cr J Parker**

Note: In addition to the Managers' Recommendation, Council included in the decision a requirement for the erected fence to be removed, as it has been constructed without approval.

Attachment 1 Proposed Fencing Plan



12.3.10. Proposed Excision for Cabins - Reserve 28844 and Road Closure

DATE:	18 March 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Reserve 28844 Great Northern Highway, Wyndham
AUTHOR:	Keith Williams, Executive Manager Town Planning
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	01.2860.02
ASSESSMENT NO:	A2860

PURPOSE

For Council to consider excising a portion of Reserve 28844 and closure of a portion of Great Northern Highway road reserve for the purpose of allowing a tourism development on the site.

BACKGROUND

B & A Horn requested consideration of a proposal to create a lot to allow for the development of cabins/chalets on the site. The new lot would be created by excising portion of Reserve 28844, and closing a portion of road reserve. Discussions regarding the site have occurred to determine the exact area required to allow for the excision process.

The exact area has been determined, and the proponent wishes to proceed with the proposal.

PROPOSED LAND USE / DEVELOPMENT

Once excised from the reserve and amalgamated, the land will be used to develop 4 - 6 cabins for tourism purposes. A development application will be required at that stage.

FINANCIAL IMPLICATIONS

Nil - Although the land is vested in Council, all funds raised from the sale of the land will go into state revenue.

CONSULTATION

Consultation will occur as part of the road closure process, as well as rezoning.

STATUTORY IMPLICATIONS

Section 3.58 of the local government act 1995 relates to disposing of property. The land is, however, only vested to council, and the DPI will be the agency selling the land once council has divested its interest in the land.

CONCLUSION / COMMENT

The excision and road closure are supported to allow the development of tourism uses on the land.

The DPI undertakes these processes, however, Council must agree to them to enable them to commence.

The applicant will also require an amendment to TPS6 prior to the development of the site.

ATTACHMENTS

Attachment 1 Proposed Excision and Road Closure.

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

That Council:

1. Advise the Department for Planning and Infrastructure's State Land Services that Council has no objection to the excision and free-holding of portion of Reserve 28844 for the purposes of sale of the land for Tourism purposes, as per Attachment 1.
2. Advertise the closure of portion of Great Northern Highway, and subject to receiving no objections, request that the Department for Planning and Infrastructure's State Land Services close the portion of road and amalgamate the road reserve with the excised portion of Reserve, as per Attachment 1.

COUNCIL DECISION:

Minute No: 8130

Moved: Cr P Caley

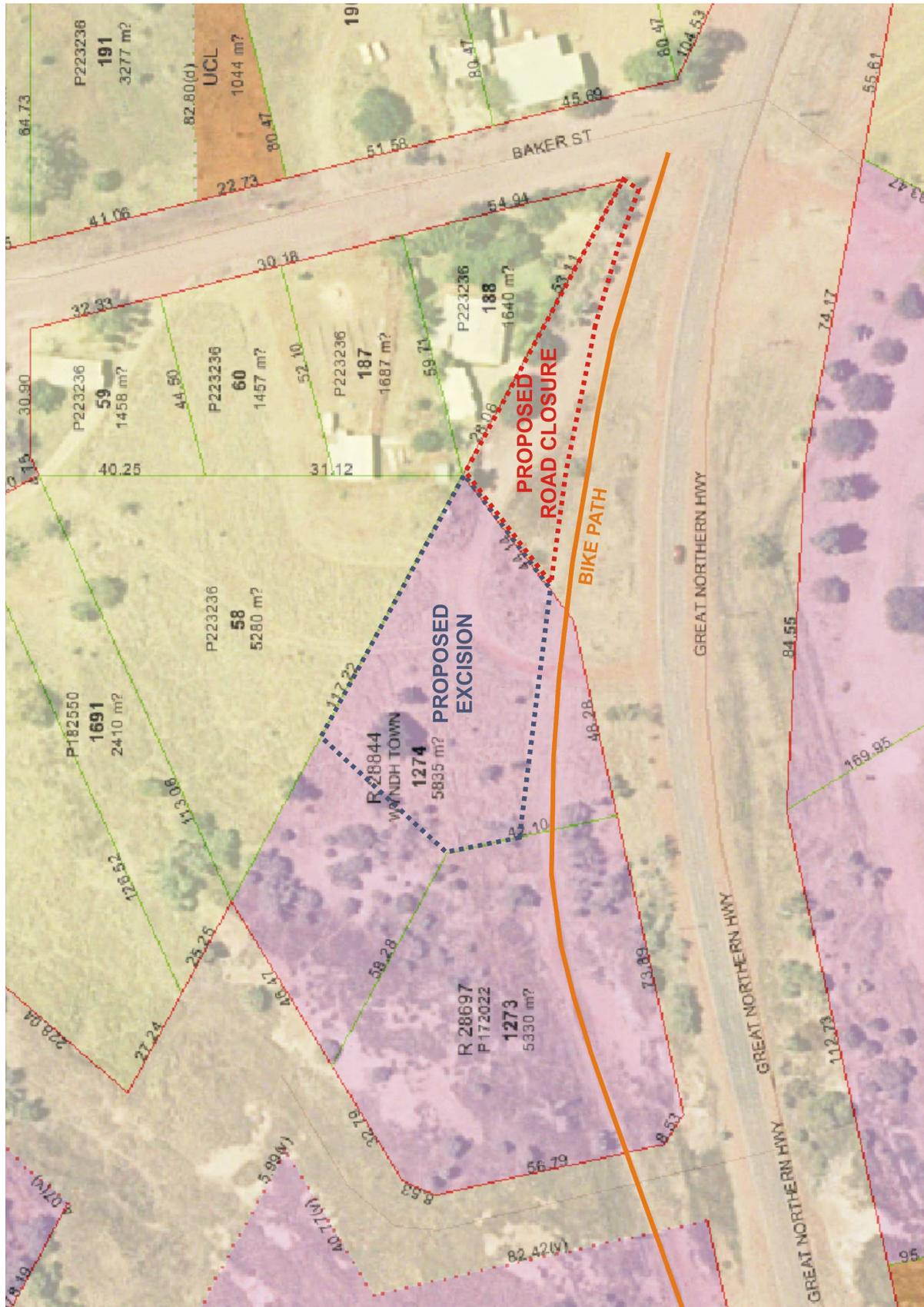
Cr J Moulden

That Council:

1. ***Advise the Department for Planning and Infrastructure's State Land Services that Council has no objection to the excision and free-holding of portion of Reserve 28844 for the purposes of sale of the land for Tourism purposes, as per Attachment 1.***
2. ***Advertise the closure of portion of Great Northern Highway, and subject to receiving no objections, request that the Department for Planning and Infrastructure's State Land Services close the portion of road and amalgamate the road reserve with the excised portion of Reserve, as per Attachment 1.***

Carried Unanimously 8/0

Attachment 1 - Proposed Excision from Reserve 28844 and Road Closure



12.3.11. Proposed Tourist Accommodation - Lot 53 Jabiru Road

DATE:	18 March 2008
PROPONENT:	T Gascoigne
LOCATION:	Lot 53 Jabiru Road
AUTHOR:	Keith Williams, Executive Manager Town Planning
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	01.0361.02
ASSESSMENT NO:	A0361

Cr J Buchanan declared a Financial Interest in this item as he has financial dealings with the Proponent and left the room at 8:40pm.

Cr D Ausburn declared an Impartiality Interest in this item as she is friends with the Proponent.

PURPOSE

For Council to consider an application for planning consent for Lot 53 Jabiru Road for tourist accommodation comprising 3 proposed cabins/chalets.

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/chalets located on Lot 53 Jabiru 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.

SITE LOCATION

The subject site is located on Jabiru Road. The land is flat and has an existing dwelling and a packing shed constructed on it, as well as several caretakers and workers accommodation structures. The land has been cultivated with mangoes.

The surrounding land is zoned for agriculture and related purposes and has been developed for these uses. The site abuts a Special Foreshore Reserve which is unallocated Crown Land.

PROPOSED LAND USE / DEVELOPMENT

The application is for the development and use of the land for tourist accommodation comprising three two bedroom cabins/chalets accommodation units.

FINANCIAL IMPLICATIONS

The application fees have been paid.



CONSULTATION

Town Planning Scheme No. 7

Town Planning Scheme No. 7 (Kununurra and Environs) requires SA uses 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, signs posted on site and adjoining landowners notified, requesting comment within a 21 day period.

Four submissions were received during the public comment process

One submission raised concerns with the development, while three other submissions specifically objected to the proposed development.

Two submissions supporting the application were submitted after the public comment process period closed.

A summary of these submissions is attached as Schedule of Submissions.

Given that tourist accommodation is currently permitted in the Rural Agriculture 2 zone without limiting the units that can be developed, it is considered that the current proposal

should only be approved at a level that is consistent with Amendment 18, which is expected to be approved by the WAPC.

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 and 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 cabins/chalets 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, cabins/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 cabins/chalets 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 cabins/chalet accommodation is consistent with the definition of Tourist Accommodation, Scheme 7 objectives, the local planning strategy, and proposed Amendment 18 to the Scheme.

The applicant has provided written confirmation that excessive numbers of dwellings, caravan and unapproved dwellings and dongas will be removed from the subject site, and that bio-security measures are supported.

Number of Units

It is recommended that Council approve the three proposed cabins, as this is consistent with Amendment 18.

Location of Units

The units are setback 10 metres from the Crown Land forming the eastern boundary of the foreshore area and 25 metres from the Crown Land forming the southern boundary of the foreshore area, and 20 metres to Brolga Road. Given that the crown land area is in the process of being sold to adjacent landowners, these setbacks are considered sufficient. The width of Brolga Road is 20 metres and this provides a total setback of 40 metres to the nearest adjoining property.

Setbacks are considered adequate, given that they abut no private property, and are greater than would normally be approved for agricultural uses, which might potentially create more noise.

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.

It is recommended that the proposed use of the site should be approved by Council, subject to conditions.

ATTACHMENTS

Attachment 1	Site Plan
Attachment 2	Setback Map
Attachment 3	Farm Plan
Attachment 4	Cabin Elevation
Attachment 5	Cabin Floorplan
Attachment 6	Schedule of Submissions

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

That Council grants planning consent to T Gascoigne for the use and development of Lot 53 Jabiru Road Kununurra, for Tourist Accommodation consisting of 3 cabins/cabins/chalets, 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 each cabin 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 units, 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 cabins/chalets 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 cabins/chalets 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 3 standard rubbish bins. 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 cabins/chaletss 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 cabins/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 Cabins/chalets shall be located a minimum of 35 metres from the side property boundary and a minimum of 5 metres from the rear property boundary, measured at 90 degrees to the boundary.
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 cabins/chaletss 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 cabins/chalets; and
 - D. Access to the foreshore UCL shall be via existing access points only.
20. All caravans located on site shall be removed. All unapproved transportable buildings shall be removed. The two existing cottages shall only be used for caretakers and workers accommodation.
 21. All boundaries to private property shall be fenced to the satisfaction of the Shire.
 22. Any other conditions issued under delegated authority in accordance with Council's adopted Standard Conditions List.

COUNCIL DECISION

Minute No: 8131

Moved: Cr K Wright

Seconded: Cr J Moulden

That Council grants planning consent to T Gascoigne for the use and development of Lot 53 Jabiru Road Kununurra, for Tourist Accommodation consisting of 3 cabins/cabins/chalets, 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 each cabin 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 units, 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, biosecurity implications 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 cabins/chalets 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 cabins/chalets 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 3 standard rubbish bins. 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 cabins/chaletss 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 cabins/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. All Cabins/chalets shall be located a minimum of 35 metres from the nearest private property boundary and a minimum of 10 metres from the nearest public property boundary, measured at 90 degrees to the boundary.***
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:***

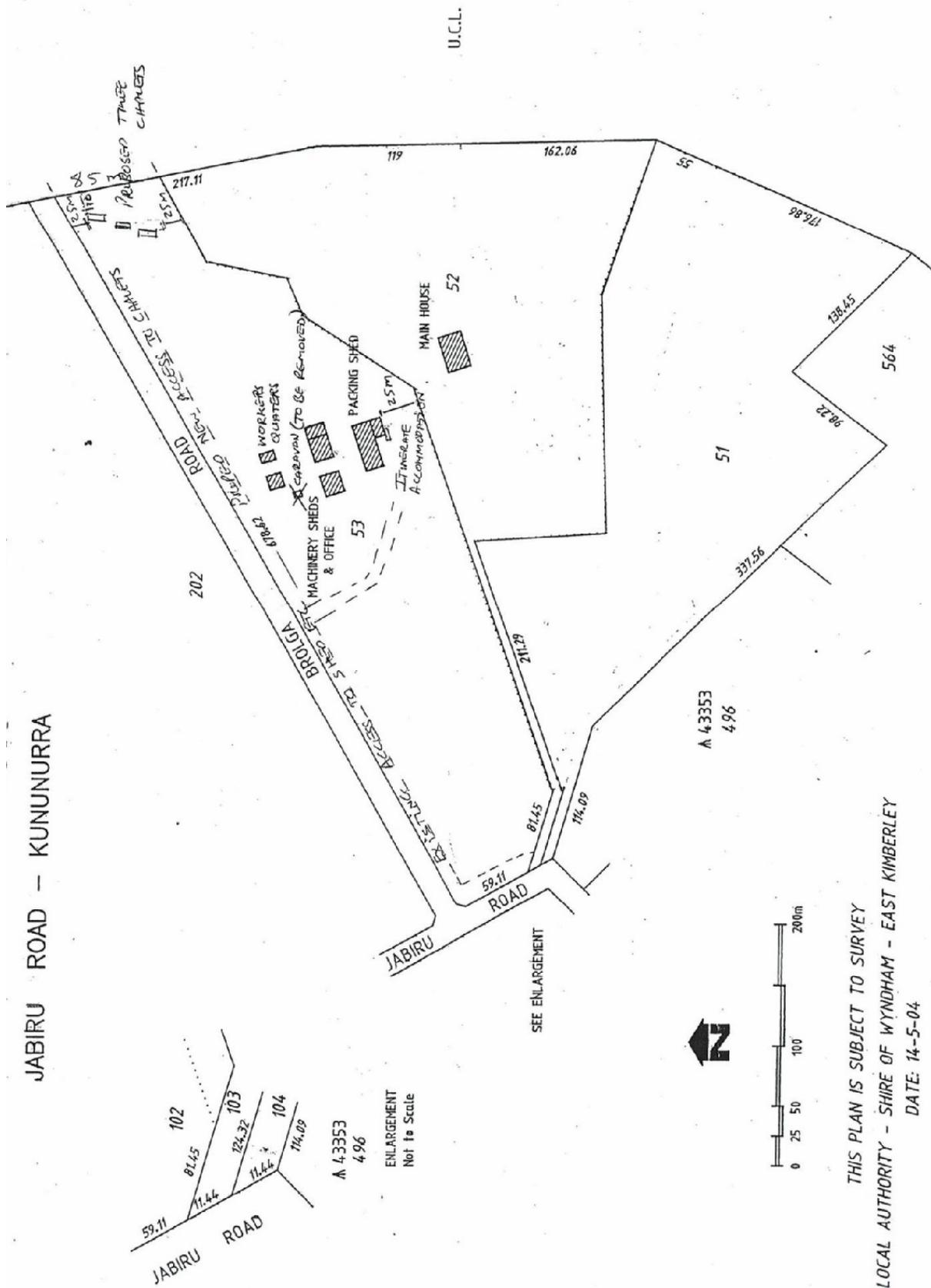
- A. Access to the foreshore UCL shall be restricted to pedestrian access only;*
 - B. All prospective occupants of the cabins/chalets shall be notified that access to properties adjoining the foreshore is restricted;*
 - C. Foreshore access information shall be displayed in a prominent location within all cabins/chalets; and*
 - D. Access to the foreshore UCL shall be via existing access points only.*
- 20. All caravans located on site shall be removed. All unapproved transportable buildings shall be removed. The two existing cottages shall only be used for caretakers and workers accommodation.*
- 21. All boundaries to private property shall be fenced to the satisfaction of the Shire.*
- 22. All prospective tenants of the proposed cabin/chalets shall be notified in writing and on any advertising material, including websites that the cabin/chalets are located within a biosecurity sensitive area and biosecurity measures will be enforced.*
- 23. Any other conditions issued under delegated authority in accordance with Council's adopted Standard Conditions List.*

Lost 3/4

Cr J Buchanan returned to the room at 8:55pm and was advised the outcome of the item.

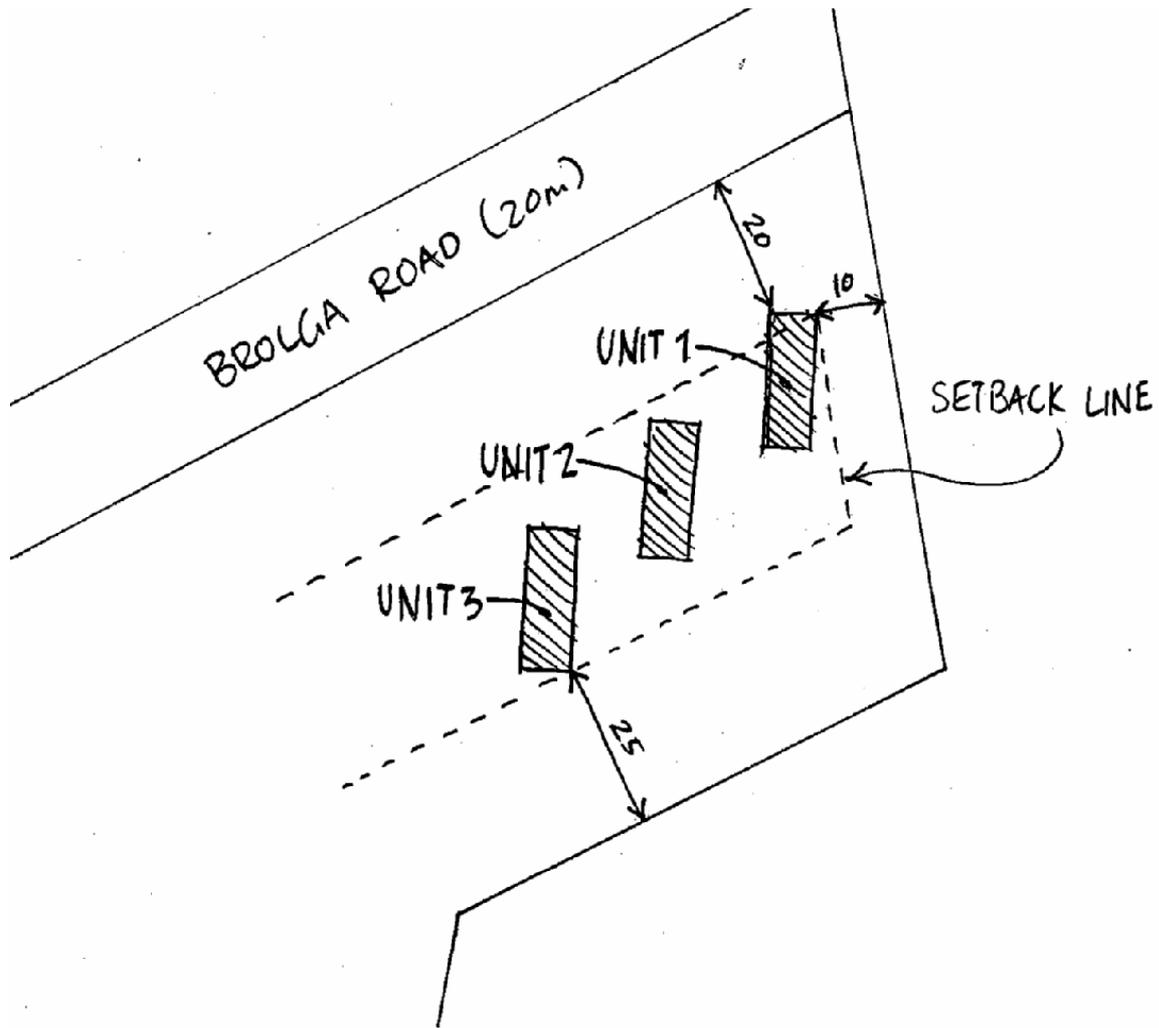
Note: Given the Council Motion was lost, there is no planning consent for the proposal and this decision is substantially different to the Managers' Recommendation. Council did not support planning consent because it believed increased tourist accommodation in rural agriculture zones impinged upon potential agricultural use and amenity of the area.

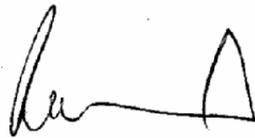
Attachment 1 Site Plan



THIS PLAN IS SUBJECT TO SURVEY
LOCAL AUTHORITY - SHIRE OF WYNDHAM - EAST KIMBERLEY
DATE: 14-5-04

Attachment 2 Setback Map



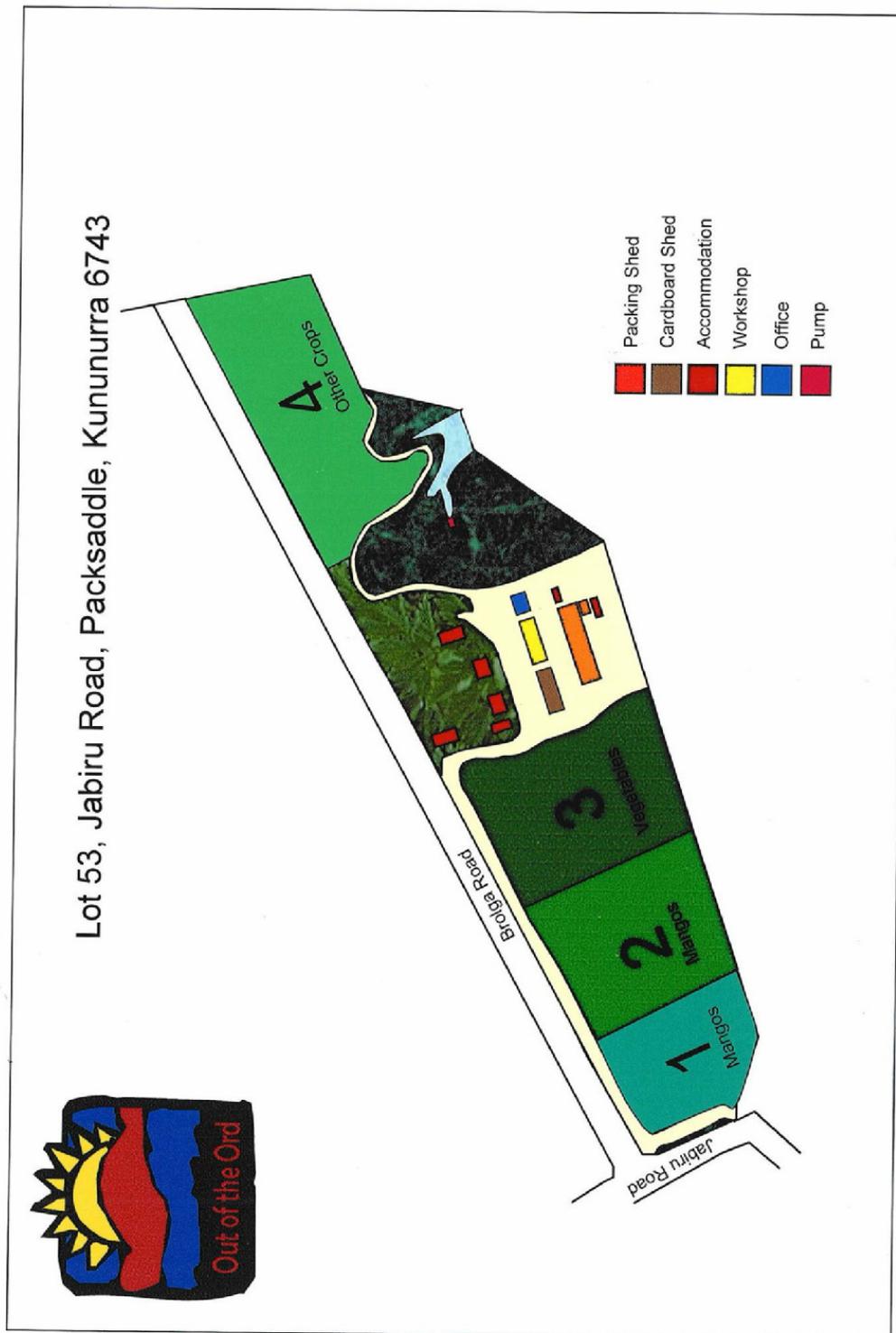
Signed: 

14 DECEMBER 2007

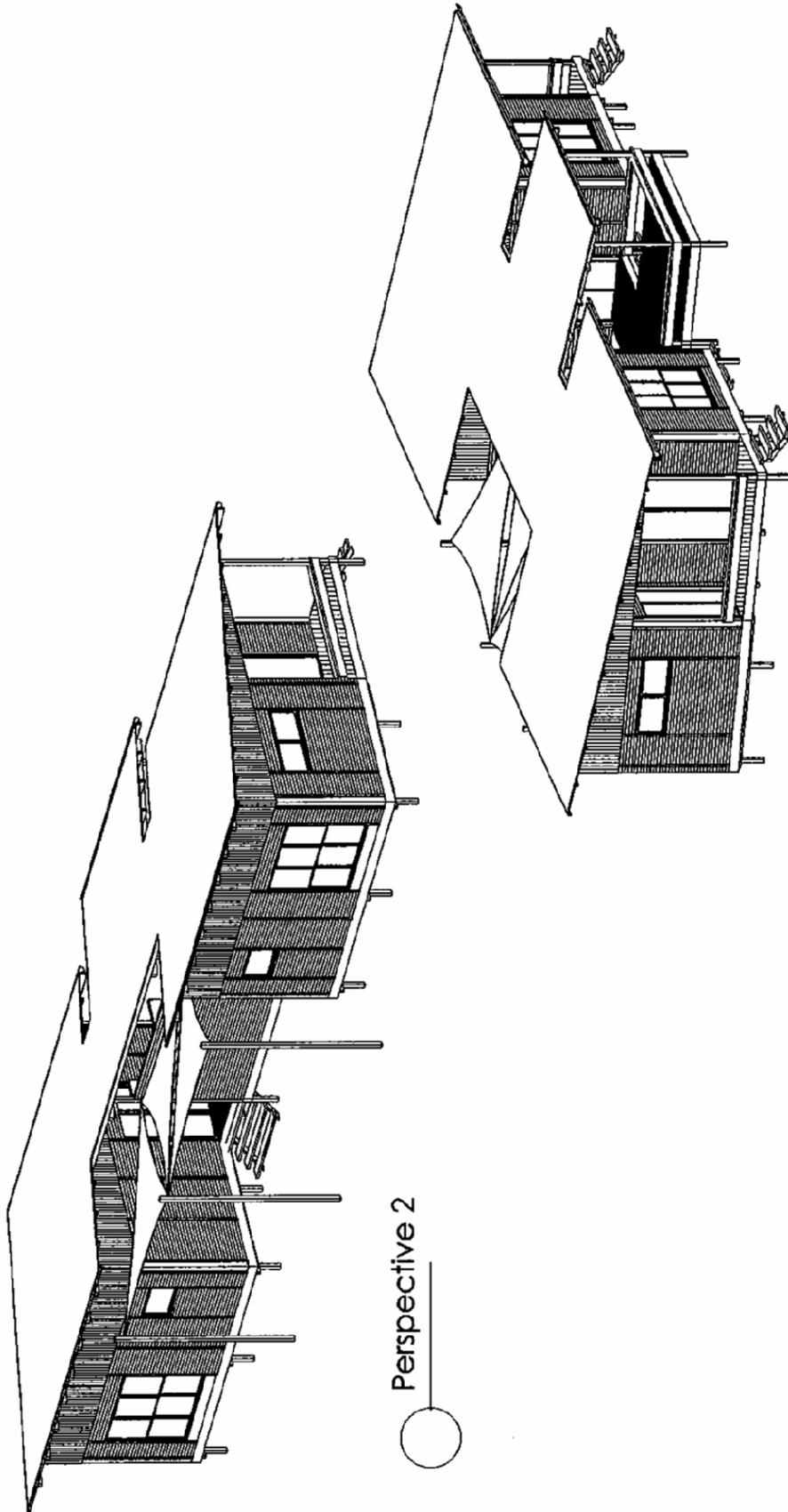


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PROPOSED CHALETS
LOT 53
JABIRU ROAD



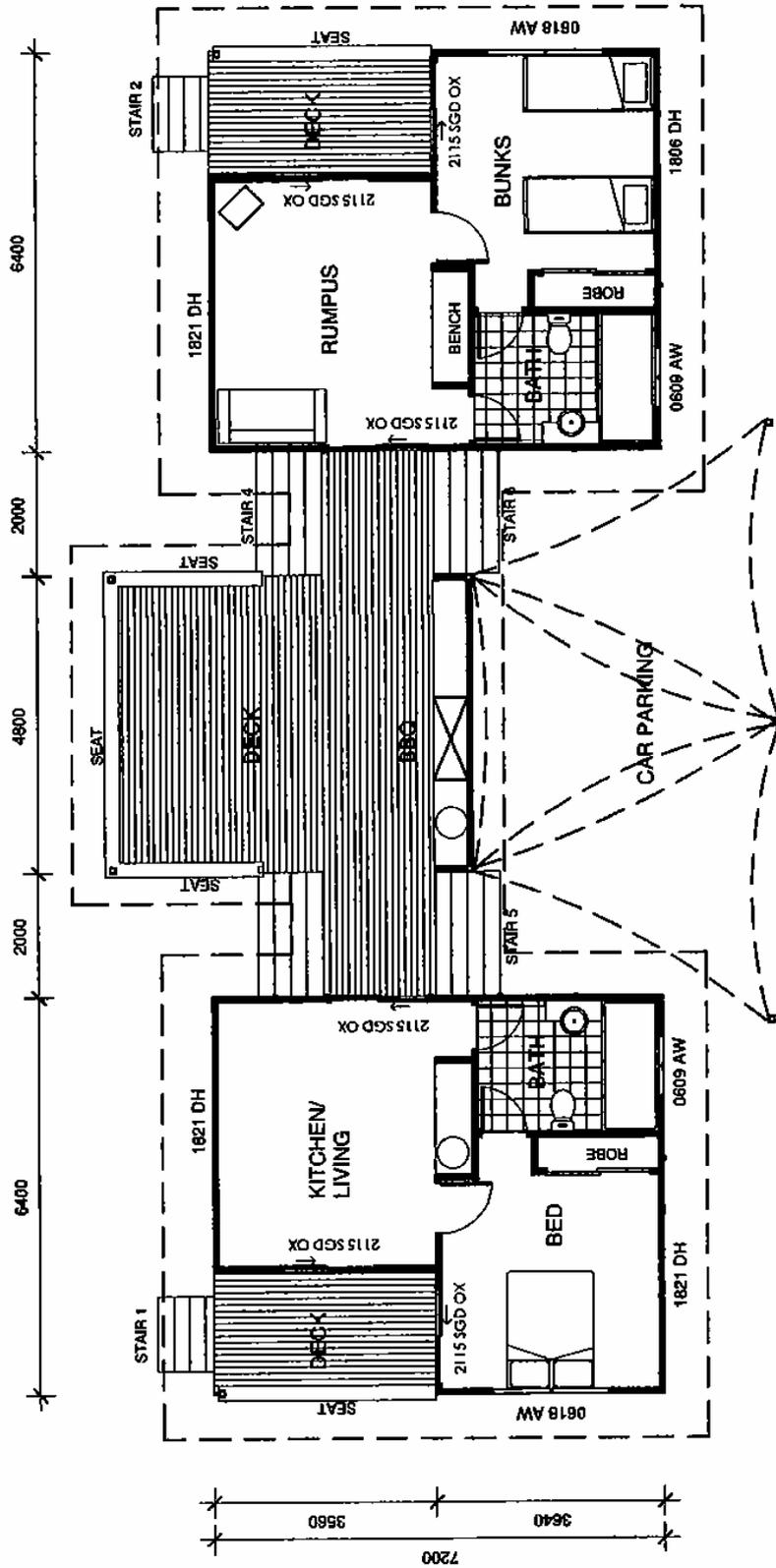
Attachment 4 Cabin Elevation



Perspective 2

Perspective 1

Attachment 5 Cabin Floor Plan



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

**PROPOSED CABINS/CHALETS - LOT 53 JABIRU 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	<ul style="list-style-type: none"> ▪ 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 & A Storey Jabiru Road</p>	<p>OBJECTION</p>	<ul style="list-style-type: none"> ▪ 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>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>
<p>SUBMISSION 3</p> <p>S Mitchell Jabiru Road</p>	<p>OBJECTION</p>	<ul style="list-style-type: none"> ▪ Agricultural land is a finite resource ▪ Proposed use conflicts with surrounding agricultural uses ▪ Land use will impact on agricultural practices and processes 	<p>Land use conflicts resolved as part of land use being required to be subordinate to predominant agricultural uses.</p>	<p>Dismiss Objection</p>

<p>SUBMISSION 4</p> <p>B & T Connell Jabiru Road</p>	<p>COMMENT</p>	<ul style="list-style-type: none"> ▪ There is no owners residence on the block ▪ There are a multitude of dwelling types on the block ▪ Size and style of tourist accommodation is inappropriate ▪ Fencing needs to be considered 	<p>There is no specific requirement for there to be an 'owners' house</p> <p>There are multiple dwellings on the site - the owner has provided written confirmation that many of these will be removed</p> <p>There are no Scheme provisions to guide size and type of tourist use</p> <p>Fencing should be a requirement. Fencing costs are required to be split between landowners</p>	<p>Dismiss comments.</p> <p>Uphold comments regarding fencing, and require property to be fenced on common boundaries.</p>
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12.3.12. Proposed Tourist Accommodation - Loc 511 Riverfarm Road

DATE:	18 March 2008
PROPONENT:	Jim Hughes
LOCATION:	Loc 511 River Farm Road
AUTHOR:	Gary McCarney, Town Planning Officer
REPORTING OFFICER:	Keith Williams, Executive Manager Town Planning
FILE NO:	01.0065.02
ASSESSMENT NO:	A0065

PURPOSE

For Council to 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.

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:

- f) 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
- g) Prior to construction, all promotional information intended to be displayed shall be submitted to Council for approval.
- h) Prior to occupation, relevant officers shall inspect accommodation to ensure bio-security information is displayed in a prominent place.
- i) 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.
- j) 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.

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.

COUNCIL DECISION

Minute: 8132

Moved: Cr K Wright

Seconded: Cr D Ausburn

That Council defer consideration of this item until a later time.

Carried Unanimously 8/0

Note: This matter was deferred given the recent passing of the proponent and the perceived need to clarify if the application will proceed.

Attachment 1 Site Plan



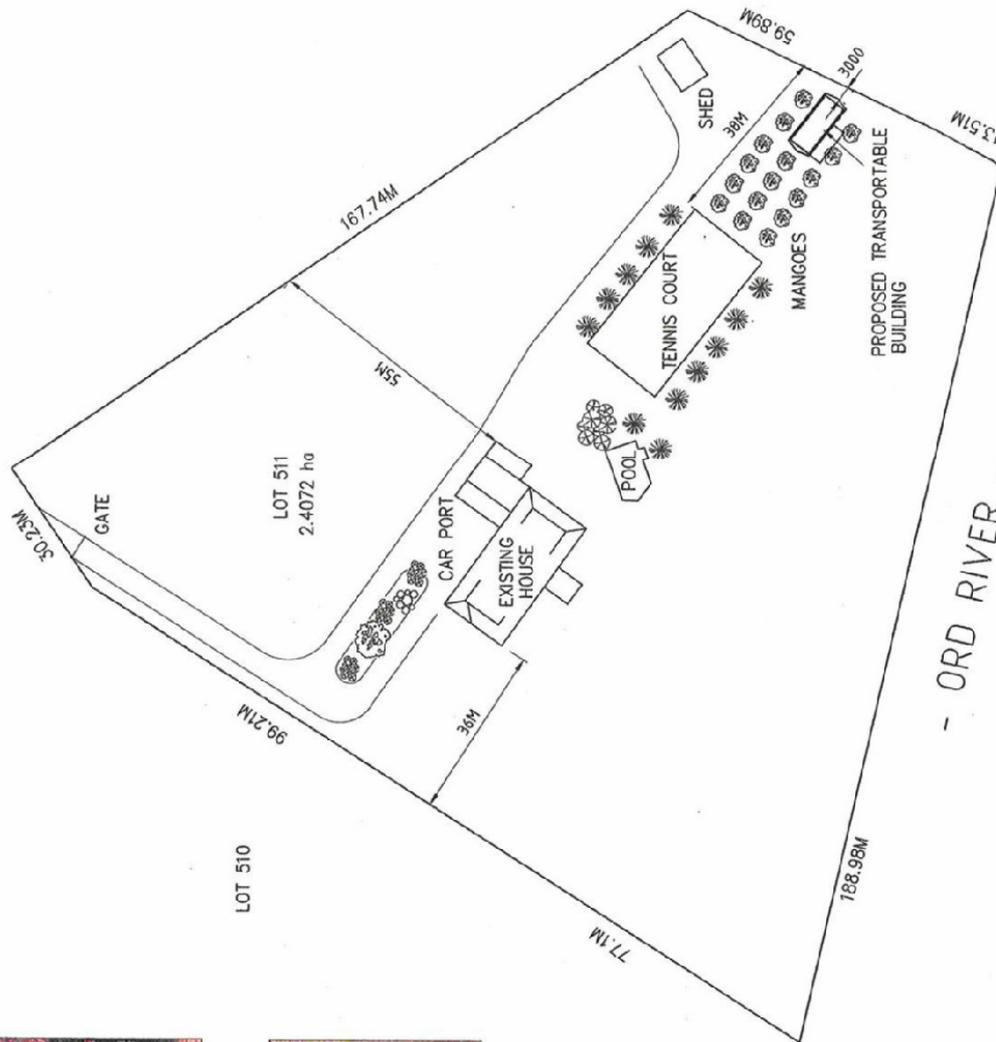
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SHED



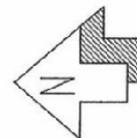
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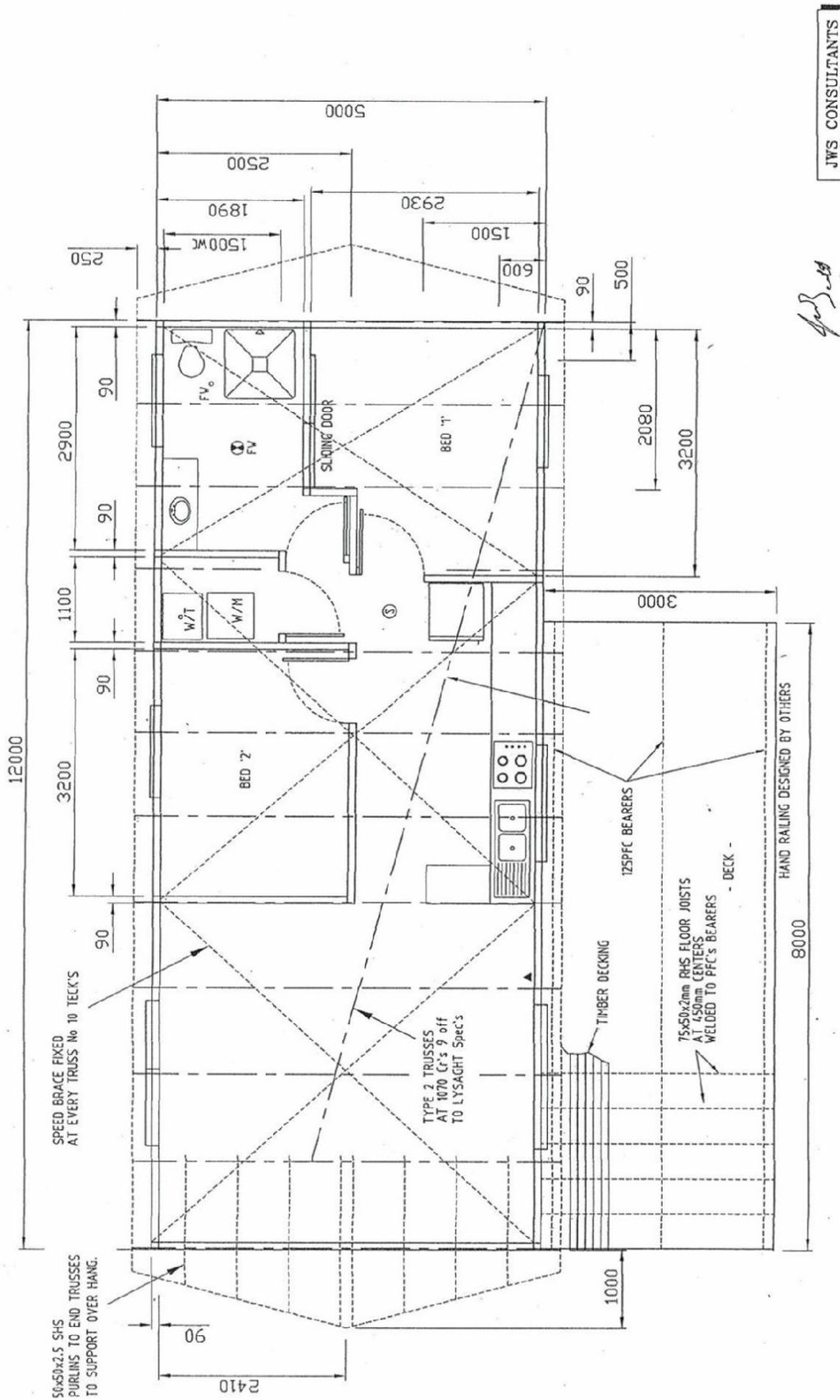
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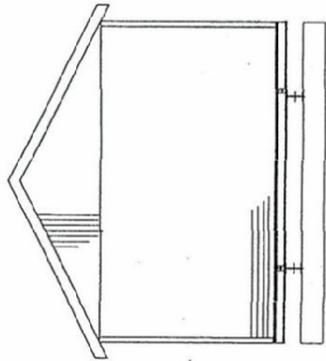


Attachment 2 Floor Plan

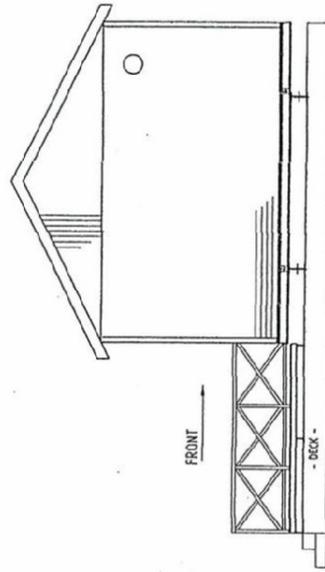


JWS CONSULTANTS

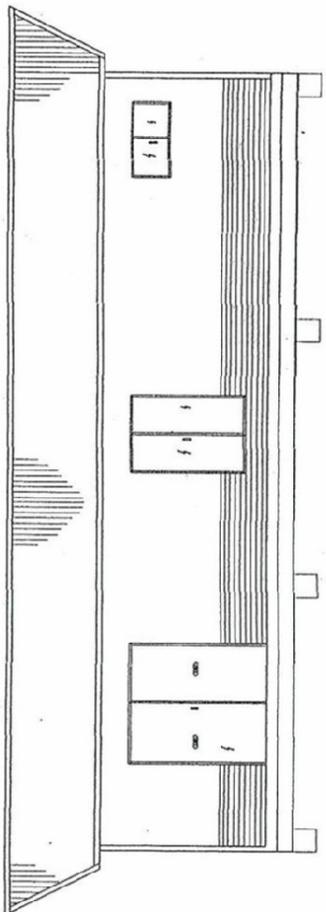
Attachment 3 Elevation



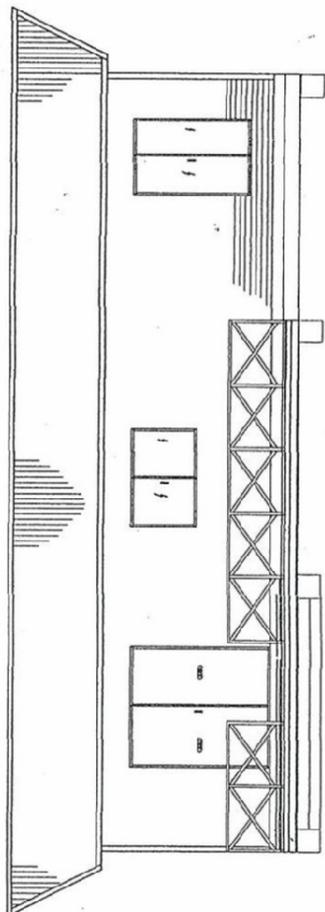
END ELEVATION



END 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 & 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. ENGINEERING

12.4.1. Landscape Maintenance Services – Kununurra Townsite

DATE:	18 March 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Kununurra
AUTHOR:	Alex Douglas, Executive Manager Engineering and Development Services
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering and Development Services
FILE NO:	66.56.12
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider the most appropriate means of providing for landscape maintenance within the Kununurra townsite.

BACKGROUND

At the 18 December Council meeting, Council resolved: -

Minute No. 7991

Moved: Cr K Wright

Seconded: Cr J Moulden

- 1. That Council not accept any tenders as received.*
- 2. That Council recall tenders with a closing date of 30 March 2008.*
- 3. That Council not participate by way of an in-house tender.*
- 4. That an interim agreement be negotiated by Executive Manager of Engineering and Development Services with the current contractor for a period sufficient to facilitate the tender process.*
- 5. That in the circumstances where satisfactory negotiations to the contract extension are not achievable the Executive Manager Engineering and Development Services is to initiate interim arrangements as necessary to maintain a satisfactory level of parks and gardens maintenance.*

Carried 5/2

Kafremil Enterprises sought to address the 4 February 2008 Briefing Session, which was granted, and a special Briefing Session was held on 18 February to consider additional information from staff.

At the 19 February Council meeting, Council resolved: -

Minute No. 8090

Moved: Cr K Wright Seconded: Cr J Buchanan

That Council:

1. *authorise that no action be taken in respect of re-inviting tenders for Landscape Maintenance pending a report to Council at the 18 March 2008 meeting to consider service provision options that may include but not limited to: -*
 - i. *recalling tenders based on the existing specification, or*
 - ii. *inviting tenders under a new performance based specification, or*
 - iii. *structuring the Shire's day labour workforce to undertake the works.*

2. *authorise the extension of interim arrangements for landscape maintenance to 30 June 2008 subject to the agreement of the Kafremil Enterprises Ltd. Where these arrangements are not able to be negotiated, Council's previous resolution will apply (refer Minute No. 7991, recommendation 5)*

Carried Unanimously 6/0

This report has been prepared as required by Minute No. 8090, Recommendation 1.

STATUTORY IMPLICATIONS

Where Council resolves to invite tenders for the landscape maintenance, the procedures as set out in the Local Government (Functions and General) Regulations 1996 apply.

POLICY IMPLICATIONS

There are no specific policies relating to this report.

FINANCIAL IMPLICATIONS

The budgetary impact is yet to be assessed and will be dependent on the action adopted by Council.

The options outlined in this report make reference to anticipated costs.

STRATEGIC IMPLICATIONS

Not applicable

COMMENT

Several matters were raised in discussion and the relevant information is provided as follows: -

1. Comparison of 2006/07 contract payments and submitted rates as per Kafremil Enterprises Ltd

Reference has been made to the information provided to the two Briefing Sessions held in February. One of the matters assessed was the accuracy of the financial information related to the 06/07 contract payments. The following table sets out to compare the contract payments for 2006/07 and the rates as submitted by the complying tenderer.

Determining a comparative amount between the previous contract and the tendered amount is attempted as follows: -

Financial Year	Scheduled Works (ex GST)	Additional Works (ex GST)	Total (ex. GST)	Total (with GST)
06/07	205,984.00	53,544.85	259,528.85	285,481.74
08/09	399,535.25	79,465.59	479,000.84	526,900.92
Difference	193,551.25	25,920.74	219,471.99	241,419.18

The value of the additional works was incorrectly omitted from the amount provided to Council at the December meeting. This is regretted but in the context of the officer's recommendation was not intended to prejudice the nominated/preferred tenderer. The amount shown has been obtained by reviewing and sorting the complete list of invoiced activities from the 2006/07 financial year.

The estimated value of the Additional Works as shown for 08/09 is based on the same works as invoiced for 06/07 using the 'new' rates. Some assumptions of applicable rates have been made as specific rates were not available.

2. Cost escalation from 2002:

The previous contract, ending 30 December 2007 was based on a fixed rate for the five year term. Indicative increases in costs for wages and fuel have been researched.

In the period from Dec 2002 until Dec 2007 the indicative increase in costs for applicable Shire staff wages and fuel are listed below.

The GRV Rates is not considered applicable for comparison as the number of variables influencing that calculation makes the relevance difficult to rationalise. Not even the rate-in-the-dollar amount assists due to re-valuations during the period.

Shire staff wages (outdoor)

From May 2003 to Dec 2007 the hourly rate for a Level 4, Municipal Employee's Award employee has increased by 35%.

Fuel pricing

From December 2002 to December 2007 the Terminal Gate Price for Diesel ex Broome has increased by 56.4%

3. Tendering Options

There are two options in preparing tender documentation. The Technical Specifications outline the scope and nature of the work required. The basis of the previous tenders has been based on a prescriptive methodology. The alternative is develop a prescriptive specification. The difference between the two styles is summarised as follows: -

- i. Prescriptive - this requires a detailed listing of the work to be undertaken in respect of timeframes, item by item tasks etc. E.g. in the first week of each month all weeds are to be removed from garden beds, during the first two weeks of January and June each year the garden beds are to be mulched with an approved material so as to provide a uniform covering of 100 mm deep; mowing of grassed areas is undertaken at set frequencies varying from wet to dry season.
- ii. Performance - this outlines the required end result and how it is to monitored/measured – e.g. the beds are to kept weed free at all times (no more than 5% of the bed area being affected by weed growth), hedge planting to be maintained between 800 mm and 1000 mm in height and to not encroach beyond the garden bed extremities by more that 100 mm; grassed areas to be mown no less than 30 mm in height, but should not exceed 75 mm in height in excess of one week.

With respect to the matter of the 18 December 2007 report to Council including the hourly rates by the contractor, a performance based contract would render the information less useful to possible competitors.

In addition, the use of a price variation clause using annual adjustments based the Consumer Price Index (CPI) would further negate the value of the information.

4. Use of Shire Day Labour Workforce

If the Shire was to assess taking on the work as specified for the landscape maintenance, the following items would have to be considered: -

Staffing:

The work is estimated to require three staff including a designated leading hand who would require horticultural experience or qualifications.

Vehicles and equipment would need to be purchased and these are listed in the table below.

Description	Initial Cost	Replacement Cost	Frequency	Average Annual Cost
3 tonne truck	55,000	30,000	5 years	6,000
1 tonne utility	30,000	20,000	3 years	6,667
Equipment trailer	9,000	8,000	10 years	1,250
Ride on Mower – large	35,000	30,000	3 years	10,000
Ride on Mower – medium	17,500	15,000	3 Years	5,000
Mowers (2)	3,500	3,500	2 years	1,750
Whipper snippers (2)	1,500	1,500	2 years	750
Chainsaws – standard (2)	1,500	1,500	3 years	500
Chainsaws – pole type (1)	1,500	1,500	5 years	300
Lawn edger (2)	500	500	1 year	500
Backpack Spray equipment (1)	400	400	2 years	200
Miscellaneous hand tools	5,000	-	-	1,000
TOTALS	\$160,400			\$33,917

An estimated budget incorporating the above information is outlined as follows: -

Initial year (08/09)	
Labour and Overheads	\$325,000
Plant and Equipment	\$160,400
Operating costs	<u>\$ 39,000</u>
Total	\$524,400

Recurrent years (09/10>)	
Labour and Overheads	\$325,000
Plant and Equipment	\$ 34,000
Operating costs	<u>\$ 39,000</u>
Total	\$398,000

NOTE: the above costs do not include the cost of landscaping supplies that are currently included in the budget estimates. The depreciated cost of the equipment is factored into the average annual cost of replacement. Local Government does not have the ability to attract certain business cost deductions that small business may,

such as depreciation, leasing costs etc. On this basis there is limited scope to directly compare the hourly rates of contractors versus the Shire's.

Based on the similarity of costs and the broader benefits that an increased day labour workforce would provide the Manager's recommendation is to undertake the work in-house.

Should Council consider that tendering is the most appropriate a suggested recommendation is provided as follows: -

That Council invite tenders for the provision of landscape maintenance services within the Kununurra townsite incorporating the following provisions: -

- Three year contract period commencing 1 July 2008
- Performance based specification for grassed areas and garden beds
- CPI adjustment annually

ATTACHMENTS

Nil

VOTING REQUIREMENT

Absolute Majority

NOTE: Consideration of a motion to rescind a resolution of Council requires the support of at least three elected members.

MANAGERS' RECOMMENDATION

That Council

1. rescind Minute No. 7991, Recommendation 2, which reads "That Council recall tenders with a closing date of 30 March 2008".
2. approve the incorporation of three new day labour positions based in Kununurra together with the allocation of funds for the purchase of necessary plant and equipment to undertake landscape maintenance within the draft 2008/09 Budget

COUNCIL DECISION:

Minute No: 8133

Moved: Cr K Wright

Seconded: Cr J Moulden

Supported: Cr D Ausburn

That Council Rescind Minute No. 7991 in total.

Carried Absolute Majority 6/2

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

**For: Cr K Wright
Cr F Mills**

**Against: Cr J Buchanan
Cr P Caley**

Cr D Ausburn
Cr J Moulden
Cr M Pucci
Cr J Parker

COUNCIL DECISION:

Minute No: 8134

Moved: Cr K Wright

Seconded: Cr D Ausburn

That Council:

1. *Invite tenders for the provision of landscape maintenance services within the Kununurra townsite incorporating the following provisions: -*
 - *Three year contract period commencing 1 July 2008*
 - *Performance based specification for grassed areas and garden beds*
 - *CPI adjustment annually*
2. *That Tenderers be advised that Council will be submitting an in-house tender*
3. *That an interim agreement be negotiated by Executive Manager of Engineering and Development Services with the current contractor for a period sufficient to facilitate the tender process.*
4. *That in the circumstances where satisfactory negotiations to the contract extension are not achievable the Executive Manager Engineering and Development Services is to initiate interim arrangements as necessary to maintain a satisfactory level of parks and gardens maintenance.*
5. *Receive the draft specifications for the tender at the April Council Meeting and allow a minimum period of 28 days for advertising.*

Lost 1/7

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

For: Cr K Wright

Against: Cr M Pucci
Cr Jane Parker
Cr P Caley
Cr F Mills
Cr J Buchanan
Cr D Ausburn
Cr J Moulden

Lauraine Wanstall left the room at 9:26pm and Christine McLachlan assumed the role of minute taker at 9:26pm.

COUNCIL DECISION:

Minute: 8135

Moved: Cr J Parker

Seconded: Cr P Caley

That Council approve the incorporation of three new day labour positions based in Kununurra together with the allocation of funds for the purchase of necessary plant and equipment to undertake landscape maintenance within the draft 2008/09 Budget

Carried 7/1

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

**For: Cr M Pucci
Cr D Ausburn
Cr F Mills
Cr P Caley
Cr J Buchanan
Cr J Moulden
Cr J Parker**

Against: Cr K Wright

Lauraine Wanstall returned to the room at 9:28pm.

12.4.2. Period Contracts – T12 02/03 and T14 02/03 – Extension To Contract Period

DATE:	18 March 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Kununurra
AUTHOR:	Alex Douglas, Executive Manager Engineering and Development Services
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering and Development Services
FILE NO:	66.51.12; 66.51.14
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider extensions to two contracts being Refuse Collection for the Wyndham and Kununurra townsites (T12) and Management of the Kununurra and Wyndham Landfill Sites (T14).

BACKGROUND

The contract periods were both for five years but with differing termination dates. Both contracts have an option for a 12 month extension.

The proposal is to extend one for the 12 month period and the other to extend it to 30 June 2008.

STATUTORY IMPLICATIONS

The option to extend is solely the right of the Council to offer. Should the contractor decline, the extension is not considered binding and tenders would be invited.

POLICY IMPLICATIONS

There are no specific policies relating to this report.

FINANCIAL IMPLICATIONS

There are no specific budget implications. Any minor variation negotiated for the extensions will have minimal impact on the amount annually budgeted for these services.

STRATEGIC IMPLICATIONS

Not applicable

COMMENT

The proposal is to extend the: -

- Refuse Collection contract from 30 June 2008 to 30 June 2009.
- Landfill Management contract from 30 April 2008 to 30 June 2008.

The refuse collection contractor is performing well and there are no specific contractual matters that need to be dealt with at this time.

The rationale for a two month extension for the Landfill contract is to bring it in line with a preference for contract periods ending either at the end of a calendar year or financial year. In addition there are certain contractual issues that need to be clarified which are best dealt within a new contract rather than negotiating interim arrangements.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

That Council approve the following contract period variations: -

T12 02/03 Refuse Collection – new termination date is 30 June 2009, and
T14 02/03 Landfill Management – new termination date is 30 June 2008

COUNCIL DECISION:

Minute No: 8136

Moved: Cr K Wright

Seconded: Cr P Caley

That Council approve the following contract period variations: -

***T12 02/03 Refuse Collection – new termination date is 30 June 2009, and
T14 02/03 Landfill Management – new termination date is 30 June 2008***

Carried Unanimously 8/0

**12.4.3. Landfill Management Tender – T12 07/08 Period Contract 1 July 2008
– 30 June 2011**

DATE:	18 March 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Kununurra
AUTHOR:	Alex Douglas, Executive Manager Engineering and Development Services
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering and Development Services
FILE NO:	66.56.12
ASSESSMENT NO:	N/A

Cr F Mills declared a Financial Interest in this item as he is an employee of a Tenderer and left the room at 9:32pm.

Cr J Parker declared an Impartiality Interest in this Item as she is a member on the Kimberley Area Consultative Committee, as is one of the Tenderers.

PURPOSE

For Council to consider the tender submissions for the provision of management of the Kununurra and Wyndham Landfill Sites for a three year period.

BACKGROUND

Tenders closed at 2PM on Wednesday, 12 March 2008. Four tender submissions were received at the closing date and time.

A total of seven sets of documents were issued.

STATUTORY IMPLICATIONS

The tenders were prepared and advertised 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 current contract amount is \$192,940 per annum for Kununurra and \$37,280 per annum for Wyndham giving a total contract amount of \$230,220.

The budgeted amounts in the 2007/08 Budget are \$300,000 and \$70,000 respectively. The amounts over and above the contract amounts allow for site maintenance and improvement works outside of the scope of the contract such as perimeter fencing, and access road maintenance.

The tender documentation details the method of reviewing the annual contract amount for the second and third years of the contract. The adjustment is the Consumer Price Index change for Perth, based on the All Indexes categories for the 12 month period ending with the March Quarter. This method allows for the adjustment of the contract amount to be included in the budget process.

STRATEGIC IMPLICATIONS

Not applicable

COMMENT

The tendered amounts are provided in the following table: -

Contractor	Kununurra Site	Wyndham Site	Total
Waste Services Australia P/L	318,000	68,000	386,000
Kimberley Metal Recyclers	336,400	99,200	435,600
Poomundi Enterprises P/L	178,360	68,000	241,540
Waste Services Australia P/L ALTERNATE	320,000	68,000	388,000

An evaluation table and pricing details are provided under a separate confidential attachment.

Waste Services Australia P/L submitted both a conforming tender and alternate tender submission. The alternate tender provides for daily cover of the Kununurra Landfill active tip face in lieu of the specified weekly covering.

Tenderers were required to provide a breakdown of costs for detailed evaluation, together with information pertaining to the Evaluation Criteria. The information has been assessed and the preferred tenderer as per the evaluation process is Waste Services Australia P/L.

The lowest tender was submitted by Poomundi Enterprises Pty Ltd. Presently the company does not own the equipment required to undertake the work and it is assumed that hire equipment will be used until the necessary equipment is purchased. Kimberley Metal Recyclers have experienced consistent down time with their loader and if Poomundi or Kimberley Metal Recyclers are to be considered there would need to be a clear commitment with respect to the equipment to be used as the maintenance of the active tip face/s is critical to the performance of the landfill sites.

The experience and contract performance of both Waste Services Australia (Kimberley Waste Services) and Kimberley Metal Recyclers is well known to Council and staff.

Poomundi Enterprises' experience is limited to some operational experience of a landfill site. Information contained in the submission indicates a suitable understanding of the requirements of the contract.

It is considered that an interview with Poomundi Enterprises should be undertaken to establish a clear understanding of their capacity to meet the requirements of the contract.

It is proposed that a tender evaluation committee be formed for the purpose of evaluating a preferred tenderer, and should that process rule out the preferred tenderer, the contract would be awarded to the second preferred tenderer.

The Evaluation panel would be delegated the authority to accept or reject the preferred tenderer.

ATTACHMENTS

Tender Evaluation and Pricing Report provided as a separate Confidential Attachment

VOTING REQUIREMENT

Absolute Majority

MANAGERS' RECOMMENDATION

That Council:

1. in accordance with the Local Government Act 1995, s5.8 nominate Councillors and together with the Chief Executive Officer and Executive Manager Engineering and Development Services as a tender evaluation committee for the sole purpose of evaluating the preferred tenderer with authority to accept or reject that tender; and that where the preferred tenderer is not accepted, the contract by default will be awarded to the second preferred tenderer,
2. accept Poomundi Enterprises P/L as the preferred tenderer based on best value for money, and designate Waste Services Australia P/L as the second preferred tenderer based on their conforming tender.

Note: Cr K Wright moved a motion to go behind closed doors. The Shire President ruled the matter be held over for discussion as the last item of business behind closed doors.

The Matter lay on table 9.38pm.

Cr F Mills returned to the room at 9:38 and was advised that the matter lay on the table.

Department will need to deliver irrigation water to this land and this mean extending the Department's irrigation system across Durack Road. Durack Road would need to be closed for a period of time to allow this work to be completed.

Durack Road essentially leads to the Frank Wise Research Institute sheds, office complex and laboratories.

STATUTORY IMPLICATIONS

The Land Administration Act 1997, s. 58 applies, and reads as follows: -

58. Closure of roads

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*
- (4) *On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —*
 - (a) *by order grant the request;*
 - (b) *direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
 - (c) *refuse the request.*
- (5) *If the Minister grants a request under subsection (4) —*
 - (a) *the road concerned is closed on and from the day on which the relevant order is registered; and*
 - (b) *any rights suspended under section 55(3)(a) cease to be so suspended.*
- (6) *When a road is closed under this section, the land comprising the former road —*
 - (a) *becomes unallocated Crown land; or*
 - (b) *if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The cost of advertising and survey if required is borne by the proponent.

STRATEGIC IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

COMMENT

Nil

ATTACHMENTS

Attachment 1 Request from the Department of Agriculture and Food.

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

That Council, in accordance the Land Administration Act 1997, s. 58 (3) advertise the proposal to close the Durack Road road reserve from its junction with Research Station Road to its western end and the results of that advertising be presented to the 20 May 2008 Council meeting.

COUNCIL DECISION

Minute No: 8137

Moved: Cr J Buchanan

Seconded: Cr D Ausburn

That Council, in accordance the Land Administration Act 1997, s. 58 (3) advertise the proposal to close the Durack Road road reserve from its junction with Research Station Road to its western end and the results of that advertising be presented to the 20 May 2008 Council meeting.

Carried Unanimously 7/0

Cr J Moulden returned to the room at 9:39pm and was advised the outcome of the item.



Department of Agriculture and Food



Government of Western Australia

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

File:
Enquiries:
Date: 02 April 2008

Dear Peter,

Re: Removal of the public gazettal of Durack Road, which leads from Research Station Road to the Frank Wise Research Institute.

The Department of Agriculture and Food Western Australia would like to request that the Shire of Wyndham East Kimberley recommend that the public gazettal be removed from Durack Road and that the road become the responsibility of the Department.

The Department carries out research into various new agricultural crops on the research station and there is a need for increased security to the trial sites to protect this work. Also there is currently a biosecurity risk to any crops grown on the research station. Members of the public can and do access farm land on the research station and have the potential to introduce pests and disease to this site.

With the office and workshops for the Department being at the end of this road there is also an increase in security risk to these premises with a public road allowing access to these after hours and on weekends.

If the public gazettal for this road is removed the Department will be responsible for all maintenance for this road.

The Department would request the Shire of Wyndham East Kimberley recommend that the public gazettal for Durack Road be removed.

Yours Sincerely,

Noel Wilson
Kimberley Manager
Department of Agriculture and Food WA

12.5. CHIEF EXECUTIVE OFFICER

12.5.1. Use Of Common Seal

DATE:	18 March 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Fiona Kuiper, Executive Support Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	60.14.04
ASSESSMENT NO:	N/A

PURPOSE

For Council to receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from the period 9 February to 10 March 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:

- Exemption Application Western Australia Child Care Licensing and Standards Unit – 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

OFFICER'S RECOMMENDATION

That Council receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from 9 February to 10 March 2008.

COUNCIL DECISION

Minute No: 8138

Moved: Cr D Ausburn

Seconded: Cr J Parker

That Council receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from 9 February to 10 March 2008.

Carried Unanimously 8/0

12.5.2. Delegated Authority Report

DATE:	18 March 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Fiona Kuiper, Executive Support Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	60.14.04
ASSESSMENT NO:	N/A

PURPOSE

To report to Council on the use of Delegated Authority by Officers for 1 February to 29 February 2008.

BACKGROUND

Use of Council approved Delegated Authority by Officers is reported to Council on a monthly basis.

The attached tables outline use of Delegated Authority by relevant officers for the above period.

STATUTORY IMPLICATIONS

LOCAL GOVERNMENT ACT 1995 - SECT 5.46

5.46. Register of, and records relevant to, delegations to CEO's and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The Governance KRA of the Shire's Strategic Plan includes a strategy, which is relevant to this item:

Goal 2 – Decision Making, Strategy 1 – To have established procedures and protocols that facilitate timely, effective decision making by the Council.

COMMUNITY CONSULTATION

Not Applicable

COMMENT

The attached reports outline use of Delegated Authority by relevant Council Officers for endorsement by Council.

ATTACHMENTS

Delegated Authority Report

VOTING REQUIREMENT

Simple Majority

COUNCIL DECISION

Minute No: 8139

Moved: Cr F Mills

Seconded: Cr J Buchanan

That Council receive the Delegated Authority Report for the period 1 February to 29 February 2008.

Carried Unanimously 8/0

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Attachment: Delegated Authority Report

BUILDING LICENCES ISSUED UNDER DELEGATED AUTHORITY – 1- 29 February 2008

LIC#	DATE	OWNER	ADDRESS	BUILDER	LOCATION	DESCRIPTION	NEW/ ADD	LOT AREA Ha	FLOOR AREA	EST. VALUE
012/ 2008	04.02.2008	Gillian Gay Old	Lot 2218(57) Barringtonia Ave	Maglion Enterprises Pty Ltd	Lot 2218(57) Barringtonia Ave	SHED	NEW		36	\$21,685.00
013/ 2008	05.02.2008	Dept. Housing & works	99Plain St East Perth	Marvic constructions	Lot 9(154) Coolibah Ave	2 Dwellings	NEW		267 m2	\$623,617.00
014/ 2008	05.02.2008	Dept. Housing & works	99 Plain St East Perth	Marvic constructions	Lot 144(34) Barding Loop	3 Dwellings	NEW		168 m2each	\$966,330.00
015/ 2008	8/02/2008	INDIGENOUS LAND CORPORATION	PO BOX 586 CURTIN ACT 2605	RI-CON CONTRACTORS PTY LTD	LOC 8 & LOC 12 GIBB RIVER ROAD Via WYNDHAM	REFURBISHMENT OF BAR, NEW RECEPTION/ OFFICE/ KITCHEN, CONFERENCE & TRAINING ROOMS, MANAGERS RESIDENCE & 28 CLASS 3 ACCOMMODATION UNITS	ADD			\$8,360,000.00
016/ 2008	8/02/2008	NEVILLE & MARIA SYMONS	PO BOX 1084 KUNUNURRA	KUNUNURRA POOLS & SPAS	LOT 1264 (7) BEEFWOOD STREET KUNUNURRA	SWIMMING POOL & SHADE SAIL	NEW	0.102 2	30	\$18,000.00
017/ 2008	08.02.2008	B&N Robinson	PO Box 1103 KUNUNURRA	GLENDALE HOMES	LOT 1779 KOOLAMA ST WYNDHAM	NEW SINGLE DWELLING & CARPORT	NEW	911	121	\$165,000.00
018/ 2008	12/02/2008	PG ROCK & DA SPORTAN	PO Box 342 KUNUNURRA	Darryl PEARCE	LOT 695 Weaber Plain Road	FENCING	NEW			\$7,000.00
019/ 2008	13/02/2008	B A BUCKTIN	21 WEABER PLAIN RD	ERNEST PUCCI	20 CELTIS STREET	POOL	NEW			\$5,000.00

020/ 2008 AE	14/02/2008	STEVEN BEDFORD	PO BOX 512 KUNUNURRA	EXISTING STRUCTURE	LOT 22 (16) MANGALOO STREET KUNUNURRA	ACKNOWLEDGE EXISTING STRUCTURES					\$0.00
021/ 2008	21/02/2008	ABORIGINAL LANDS TRUST/ DEPARTMENT PLANNING & INFRA- STRUCTURE	LOCKED BAG 3577 BRISBANE QLD 4001	Mick GRIDLEY (TELSTRA)	LOT 928 FISH FARM ROAD	TELSTRA MAST 12.5 M	NEW		N/A		\$20,000.00
022/ 2008	NOT ISSUED	AS YET									
023/ 2008	22/02/2008	TERRY & SARAH MCKAY	PO BOX 563 KUNUNURRA WA 6743	COLIN WILKINSON DEVELOPMENTS	LOT 190 QUONDONG STREET	4 BEDROOM DWELLING WITH CARPORT	NEW		230m2 Inc Patio, Carport and Porch		\$279,154.00
024/ 2008 AE	26/02/2008	CW, NC, CR, FM & JC CURTIS	PO BOX 506 KUNUNURRA WA 6743	EXISTING STRUCTURE	LOC 212 RIVERFARM ROAD KUNUNURRA	ACKNOWLEDGE EXISTING STRUCTURES	EXIST				\$0.00
025/ 2008 AE	27/02/2008	JOSEPH MAW	PO BOX 45 KUNUNURRA	EXISTING STRUCTURE	LOT 51 (12) CAJUPUT STREET KUNUNURRA	ACKNOWLEDGE EXISTING STRUCTURE	EXIST				\$0.00
026/ 2008	28/02/2008	TIM CROOT	PO BOX 1272 KUNUNURRA	RAREGOLD PTY LTD	LOT 11 WEABER PLAIN ROAD KUNUNURRA	MACHINERY & STORE SHED RELOCATED FROM LOC 319	NEW	88.42 12	204		\$30,000.00
027/ 2008	29/02/2008	JOHN & VALDA WOODWARD	PO BOX 726 KUNUNURRA	JOHN & VALDA WOODWARD	LOT 128 WHIMBREL ROAD KUNUNURRA	CARPORT & SHED	NEW	2.121 3	180		\$25,000.00
											\$10,520,786.00

DEMOLITION LICENCES ISSUED UNDER DELEGATED AUTHORITY – 1 – 29 February 2008

Licence Number	Date	Assess No	Property Address	Premises	Owner	Builder/ Contractor	Contact Details	Comments (Asbestos)
01/2008	18/02/2008	1281	LOT 262 (67) RIVER FIG AVENUE KUNUNURRA	TIMBER FRAMED DWELLING	KJS FAMILY TRUST MARK ANTHONY GRAHAM	MARVIC CONSTRUCTIONS	PO BOX 977 KUNUNURRA 6743	Timber frame - asbestos clad
02/2008	9/02/2008	940	LoT 9 (154) COOLIBAH DRIVE KUNUNURRA	TIMBER FRAMED DWELLING	DHW 99 PLAIN STREET PERTH 6004	MARVIC CONSTRUCTIONS	PO BOX 977 KUNUNURRA 6743	Timber frame - asbestos clad

THERE WERE NO SIGN LICENCES ISSUED UNDER DELEGATED AUTHORITY – 1 – 29 February 2008

TOWN PLANNING DELEGATED AUTHORITY APPROVALS - 12 February 2008 to 1 March 2008

Application / Delegation Number	Approval Type	Date Received	Receipt Number	Applicant	Owner	Property Address	Proposed Dev't	Assess't Number	Approval Date
84/07	P Devt	22-Nov-07	356329	Scot Harvey	Bluey & Kirsten Stoldt	Lots 591 & 245 Riverfarm Rd, Kununurra	Shed	302	22-Feb-08
92/07		07-Dec-07	356593	Cambridge Gulf Ltd	Cambridge Gulf Ltd	Lot 2, Barytes Rd	Four new storage sheds	260	18-Feb-08

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12.5.3. Proposed Advisory Committee – Foreshore Reserve 41812

DATE:	18 March 2008
PROPONENT:	Department of Water
LOCATION:	Lake Kununurra and Lily Creek Lagoon
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	50.09.01
ASSESSMENT NO:	A2860

PURPOSE

For Council to re-consider a proposal by the Department of Water (DoW) to form a Management Committee for Reserve 41812 (Lake Kununurra and Lily Creek Lagoon foreshore reserve). The Committee would comprise representatives of the two co-vestees being Council and DoW.

BACKGROUND

Upon receipt of the request for a proposed committee, staff requested DoW to provide a draft Terms of Reference in order to clarify their expectations of the functions of the committee. A copy of the DoW correspondence is Attachment 1.

In reviewing the proposed terms of reference, staff considered it appropriate to develop and expand the contents to reflect the Shire's expectations.

Councillors considered the request and suggested Terms of Reference informally at their Briefing Session held on 5 February 2008, and deferred consideration of the item at the 19 February meeting of Council.

The matter was discussed at the March Briefing Session, where the terms of reference and make up of the committee were re-considered.

The presentation of this into a format consistent with the Local Government Act 1995 is provided as follows: -

FORESHORE RESERVE 41812 ADVISORY COMMITTEE

RULES AND TERMS OF REFERENCE

(March 2008)

1. HEAD OF POWER

This Committee is not constituted in accordance with Part 5 of the Local Government Act 1995.

However the as the purpose of the committee is to serve as a means of enhancing communication and decision making between the Co-Vestees in a non-binding manner the basis of operation of the Committee will be structured as if it were constituted in accordance with Part 5.

2. NAME

This Committee is to be known as the “Foreshore Reserve 41812 Advisory Committee”.

3. PURPOSE

The Committee is invited to:

- *Promote ecologically sustainable management and development of the foreshore whilst ensuring continued public amenity, recreation, development in accordance with policy [ie Foreshore Plan] and access;*
- *Develop agreed approaches and assessment of proposed development and/or proposed changes in management activities;*
- *Review any current management activities of concern;*
- *Provide recommendations to Co-Vestees including elected members;*
- *Ensure agreed recommendations are communicated to proponents with consistency and expediency;*
- *Utilise the Lake Kununurra Foreshore Plan and Vegetation Management Plan to guide discussions and recommendations;*
- *Jointly monitor, discuss, evaluate and report on works conducted on foreshore reserve;*
- *Develop joint approaches to progressing the development and implementation of a Department of Environment and Conservation statutory Ramsar Management Plan for Lake KNX and Lily Creek Lagoon;*
- *Develop joint approaches and strategies to-ensure Co-Vestees take greater responsibility and contribute financially in management of the foreshore; and*
- *Promote community and stakeholder understanding and participation in management of the foreshore through media releases, meetings, displays etc.*

4. MEMBERSHIP

The Committee shall consist of up to five members including two Councillors and a Shire of Wyndham East Kimberley employee.

- (a) *Membership shall be by invitation by the Council and shall be for a period of 2 years or until the next ordinary election day, whichever occurs first.*

- (b) *Council will seek nominations from the Department of Water for the names of two employees of the Department for Committee members together with the name of a deputy member.*
- (c) *Council may appoint one Councillor to the Committee each year together with a Deputy member.*
- (d) *Retiring members are eligible for renomination.*

5. MEETINGS

- (a) *Ordinary meetings of the Committee shall be held at least three times in a financial year.*
- (b) *Meetings are usually held at Shire's Kununurra Council Chambers but the Committee may by resolution decide to hold a particular meeting at another place.*
- (c) *Meetings will usually commence at 4.00 pm unless otherwise resolved by the Committee.*
- (d) *Special meetings of the Committee may be convened by the*
 - i. Presiding member, or*
 - ii. Any three members of the Committee, or*
 - iii. Council,*
 - iv. by giving written notice to all members of the Committee not less than seven days before the meeting and advising of the matters to be discussed at the meeting.*
- (e) *Administrative support for the Committee shall be provided by Council's Engineering and Development Services section.*

6. PRESIDING MEMBER

The members shall elect a Presiding Member and a Deputy Presiding Member in accordance with the Local Government Act 1995 (Part 5.12) from amongst themselves.

7. QUORUM

The quorum for meetings of the Committee shall be at least of one member of the Department of Water and the Shire of Wyndham East Kimberley together with the Presiding Member of the Committee.

8. MEETING RULES

- a) *Meeting Procedure*

- i. *Procedures for meetings shall follow ordinary standards and protocols except that in the event of a dispute, Council's Local-laws relating to Standing Orders shall apply.*
- ii. *For the purposes of recording minutes, members are required to appoint a secretary from the membership. The appointment may be reviewed from time to time as the Committee deems appropriate.*

b) *Invitees*

The Presiding Member or the Committee, by resolution, may invite individuals or representatives from organisations to provide advice to the Committee on matters being considered by the Committee.

c) *Public Attendance*

As the Committee will not be confirmed the powers of Council is respect of delegated authority and therefore not have the power to make decisions on behalf of the Council, the meetings will not be open to members of the public.

d) *Minutes*

- i. *Minutes shall be distributed to all members of the Committee.*
- ii. *The minutes of the meeting shall be distributed to Elected Members for information.*
- iii. *Recommendations requiring a Council decision will be referred to Council at the next practical meeting date.*
- iv. *The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.*

STATUTORY IMPLICATIONS

It is not proposed that the suggested Management Committee have any statutory powers. Various legislation controls what can occur within the Reserve and these are binding on the Council and DoW.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Issues related Reserve 41812 have from time to time received considerable public consultation. The Reserve is central to the Lake Kununurra Foreshore Plan which had extensive public consultation.

COMMENT

Management of Reserve 41812 has been a contentious issue for both vestees. Arguably it takes up a disproportionate amount of time and resource of Council for the benefits gained.

The Advisory Committee will assist to encourage discussion between the co-vestees that will lead to appropriate outcomes for the broader community.

As a result of feedback at the most recent Council Briefing Session the Terms of Reference have been modified to include 2 Elected Members and one Staff Member.

ATTACHMENTS

- Attachment 1 Letter from Department of Water proposing a Management Committee
Attachment 2 DoW Terms of Reference

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

That Council: -

- 1 Adopt and recommend to the Department of Water the following Rules and Terms of Reference for the establishment of the Foreshore Reserve 41812 Advisory Committee: -

RULES AND TERMS OF REFERENCE (March 2008)

1. HEAD OF POWER

This Committee is not constituted in accordance with Part 5 of the Local Government Act 1995.

However the as the purpose of the committee is to serve as a means of enhancing communication and decision making between the Co-Vestees in a non-binding manner the basis of operation of the

Committee will be structured as if it were constituted in accordance with Part 5.

2. **NAME**

This Committee is to be known as the "Foreshore Reserve 41812 Advisory Committee".

3. **PURPOSE**

The Committee is invited to:

- *Promote ecologically sustainable management and development of the foreshore whilst ensuring continued public amenity, recreation, development in accordance with policy [ie Foreshore Plan] and access;*
- *Develop agreed approaches and assessment of proposed development and/or proposed changes in management activities;*
- *Review any current management activities of concern;*
- *Provide recommendations to Co-Vestees including elected members;*
- *Ensure agreed recommendations are communicated to proponents with consistency and expediency;*
- *Utilise the Lake Kununurra Foreshore Plan and Vegetation Management Plan to guide discussions and recommendations;*
- *Jointly monitor, discuss, evaluate and report on works conducted on foreshore reserve;*
- *Develop joint approaches to progressing the development and implementation of a Department of Environment and Conservation statutory Ramsar Management Plan for Lake KNX and Lily Creek Lagoon;*
- *Develop joint approaches and strategies to-ensure Co-Vestees take greater responsibility and contribute financially in management of the foreshore; and*
- *Promote community and stakeholder understanding and participation in management of the foreshore through media releases, meetings, displays etc.*

4. **MEMBERSHIP**

The Committee shall consist of up to five members including two Councillors and a Shire of Wyndham East Kimberley employee.

- (a) *Membership shall be by invitation by the Council and shall be for a period of 2 years or until the next ordinary election day, whichever occurs first.*
- (b) *Council will seek nominations from the Department of Water for the names of two employees of the Department for Committee members together with the name of a deputy member.*
- (c) *Council may appoint one Councillor to the Committee each year together with a Deputy member.*
- (d) *Retiring members are eligible for renomination.*

5. MEETINGS

- (a) *Ordinary meetings of the Committee shall be held at least three times in a financial year.*
- (b) *Meetings are usually held at Shire's Kununurra Council Chambers but the Committee may by resolution decide to hold a particular meeting at another place.*
- (c) *Meetings will usually commence at 4.00 pm unless otherwise resolved by the Committee.*
- (d) *Special meetings of the Committee may be convened by the*
 - i. Presiding member, or*
 - ii. Any three members of the Committee, or*
 - iii. Council,*
 - iv. by giving written notice to all members of the Committee not less than seven days before the meeting and advising of the matters to be discussed at the meeting.*
- (e) *Administrative support for the Committee shall be provided by Council's Engineering and Development Services section.*

6. PRESIDING MEMBER

The members shall elect a Presiding Member and a Deputy Presiding Member in accordance with the Local Government Act 1995 (Part 5.12) from amongst themselves.

7. QUORUM

The quorum for meetings of the Committee shall be at least of one member of the Department of Water and the Shire of Wyndham East Kimberley together with the Presiding Member of the Committee.

8. MEETING RULES

- a) *Meeting Procedure*
 - i. Procedures for meetings shall follow ordinary standards and protocols except that in the event of a dispute,*

Council's Local-laws relating to Standing Orders shall apply.

ii. For the purposes of recording minutes, members are required to appoint a secretary from the membership. The appointment may be reviewed from time to time as the Committee deems appropriate.

b) Invitees

The Presiding Member or the Committee, by resolution, may invite individuals or representatives from organisations to provide advice to the Committee on matters being considered by the Committee.

c) Public Attendance

As the Committee will not be confirmed the powers of Council in respect of delegated authority and therefore not have the power to make decisions on behalf of the Council, the meetings will not be open to members of the public.

d) Minutes

i. Minutes shall be distributed to all members of the Committee.

ii. The minutes of the meeting shall be distributed to Elected Members for information.

iii. Recommendations requiring a Council decision will be referred to Council at the next practical meeting date.

iv. The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.

2 nominate Shire President, Cr Michele Pucci and Councillor _____ as the Council representative and Presiding Member, and Councillor _____ as the deputy representative.

COUNCIL DECISION

Minute No:8140

Moved: Cr D Ausburn

Seconded: Cr J Buchanan

That Council: -

1 *Adopt and recommend to the Department of Water the following Rules and Terms of Reference for the establishment of the Foreshore Reserve 41812 Advisory Committee: -*

RULES AND TERMS OF REFERENCE

(March 2008)

1. HEAD OF POWER

This Committee is not constituted in accordance with Part 5 of the Local Government Act 1995.

However the as the purpose of the committee is to serve as a means of enhancing communication and decision making between the Co-Vestees in a non-binding manner the basis of operation of the Committee will be structured as if it were constituted in accordance with Part 5.

2. NAME

This Committee is to be known as the “Foreshore Reserve 41812 Advisory Committee”.

3. PURPOSE

The Committee is invited to:

- *Promote ecologically sustainable management and development of the foreshore whilst ensuring continued public amenity, recreation, development in accordance with policy [ie Foreshore Plan] and access;*
- *Develop agreed approaches and assessment of proposed development and/or proposed changes in management activities;*
- *Review any current management activities of concern;*
- *Provide recommendations to Co-Vestees including elected members;*
- *Ensure agreed recommendations are communicated to proponents with consistency and expediency;*
- *Utilise the Lake Kununurra Foreshore Plan and Vegetation Management Plan to guide discussions and recommendations;*
- *Jointly monitor, discuss, evaluate and report on works conducted on foreshore reserve;*
- *Develop joint approaches to progressing the development and implementation of a Department of Environment and Conservation statutory Ramsar Management Plan for Lake KNX and Lily Creek Lagoon;*
- *Develop joint approaches and strategies to ensure Co-Vestees take greater responsibility and contribute financially in management of the foreshore; and*

- *Promote community and stakeholder understanding and participation in management of the foreshore through media releases, meetings, displays etc.*

4. MEMBERSHIP

The Committee shall consist of up to five members including two Councillors and a Shire of Wyndham East Kimberley employee.

- (a) *Membership shall be by invitation by the Council and shall be for a period of 2 years or until the next ordinary election day, whichever occurs first.*
- (b) *Council will seek nominations from the Department of Water for the names of two employees of the Department for Committee members together with the name of a deputy member.*
- (c) *Council may appoint one Councillor to the Committee each year together with a Deputy member.*
- (d) *Retiring members are eligible for renomination.*

5. MEETINGS

- (f) *Ordinary meetings of the Committee shall be held at least three times in a financial year.*
- (g) *Meetings are usually held at Shire's Kununurra Council Chambers but the Committee may by resolution decide to hold a particular meeting at another place.*
- (h) *Meetings will usually commence at 4.00 pm unless otherwise resolved by the Committee.*
- (i) *Special meetings of the Committee may be convened by the*
 - i. Presiding member, or*
 - ii. Any three members of the Committee, or*
 - iii. Council,*
 - iv. by giving written notice to all members of the Committee not less than seven days before the meeting and advising of the matters to be discussed at the meeting.*
- (j) *Administrative support for the Committee shall be provided by Council's Engineering and Development Services section.*

6. PRESIDING MEMBER

The members shall elect a Presiding Member and a Deputy Presiding Member in accordance with the Local Government Act 1995 (Part 5.12) from amongst themselves.

7. QUORUM

The quorum for meetings of the Committee shall be at least of one member of the Department of Water and the Shire of Wyndham East Kimberley together with the Presiding Member of the Committee.

8. MEETING RULES

a) Meeting Procedure

iii. Procedures for meetings shall follow ordinary standards and protocols except that in the event of a dispute, Council's Local-laws relating to Standing Orders shall apply.

iv. For the purposes of recording minutes, members are required to appoint a secretary from the membership. The appointment may be reviewed from time to time as the Committee deems appropriate.

b) Invitees

The Presiding Member or the Committee, by resolution, may invite individuals or representatives from organisations to provide advice to the Committee on matters being considered by the Committee.

c) Public Attendance

As the Committee will not be confirmed the powers of Council in respect of delegated authority and therefore not have the power to make decisions on behalf of the Council, the meetings will not be open to members of the public.

e) Minutes

i. Minutes shall be distributed to all members of the Committee.

ii. The minutes of the meeting shall be distributed to Elected Members for information.

iii. Recommendations requiring a Council decision will be referred to Council at the next practical meeting date.

iv. The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.

2 nominate Shire President, Cr Michele Pucci and Cr F Mills as the Council representative and Presiding Member, and Councillor D Ausburn as the deputy representative.

Carried 7/1

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

**For: Cr M Pucci
Cr D Ausburn
Cr F Mills
Cr P Caley
Cr J Buchanan
Cr J Moulden
Cr J Parker**

Against: Cr K Wright

Lauraine Wanstall resumed as minute taker at 9:41pm.



Department of Water
Government of Western Australia

Doc No.	060672
Date	06 DEC 2007
Officer	CE, XNLOS, EO
Response	
File	50.10 17

Your ref: 50.10.17
Our ref: RF2526-V2
Enquiries: Susie Williams, Ph: 9166 4103

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

Dear Peter

RE: Implementation of the Vegetation Management Plan and formation of Reserve 41812 Management Committee

The Department of Water regional office has provided support for the development of the vegetation management plan through ongoing review and provision of advice. The Department now supports implementation of actions from the plan, contingent upon our suggested comments being incorporated.

The Department offers, in principle, support for actions recommended in the plan and will endeavour to secure funds to a maximum of \$50,000 in the first year of implementation (financial year 08/09) to address the key management needs, primarily weed and fire management on Reserve 41812.

The Department would expect the expenditure of these funds to be managed through the Reserve 41812 Management Committee soon to be formed by the co-vestees. Furthermore, it is expected that all annual lease fees generated from Reserve 41812 would be managed through this committee.

We look forward to strengthening our land management partnership.

Yours sincerely

Dave Munday
Regional Manager
Kimberley Region

3 December 2007

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

00000001

Lake Kununurra Foreshore Reserve 41812 COMMITTEE TERMS OF REFERENCE

1. Purpose/Objective of the Reserve:

Reserve 41812 is jointly vested in the Department of Water and the Shire of Wyndham-East Kimberley for the purposes of "foreshore and recreation" (the Department of Water defines the purpose of "foreshore" as the protection, management and restoration of the land to improve water quality. The Reserve encompasses the northern foreshore of Lake Kununurra and the majority of the Lily Creek Lagoon foreshore. A portion of the Reserve also lies within the Kununurra Water Reserve, a Priority 1 Public Drinking Water Source Area.

2. Membership:

The management committee aims to be representative without being cumbersome and its composition is:

- 2 Department of Water staff
- 2 Shire of Wyndham East Kimberley staff
- Shire Wyndham East Kimberley President as Chairperson

External parties will be invited to inform the Committee about specific items when required.

3. Key Functions:

It is anticipated that the work of the Foreshore Committee will be to:

1. Provide a forum to consider and determine recommendations for decision making in relation to proposed developments or significant changes to Reserve 41812
2. Provide recommendations to the Joint Vestees for decision making purposes
3. Issue joint correspondence to proponents and/or Joint Vestees where possible.

The Foreshore Committee does not have a statutory decision-making role; it will recommend decisions to the Joint Vestee bodies. It is envisaged that the committee would meet on a needs basis to fulfil the above objectives.

12.5.4. Green Swamp Pty Ltd – Carlton Hill Road

DATE:	18 March 2008
PROPONENT:	Green Swamp Pty Ltd
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	42.13.03
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider a request by Green Swamp Pty Ltd asking that Council re-consider the financial requirement Council has placed on Green Swamp Pty Ltd to contribute to upgrading a 7.1km section of Carlton Hill Road.

BACKGROUND

Green Swamp Pty Ltd is a locally based company involved in the clearing and development of 1,300Ha of land known as Green Swamp on the Carlton Hill Road. This development is occurring through an agreement with the State Government, which called for expressions of interest for the development back in 1999.

Green Swamp Pty Ltd only received all approvals necessary for the development in late early 2007. Clearing and development commenced in 2007.

As part of the agreement Green Swamp has with the State, it is required to enter into agreement with Council for road improvements if Council believes these are necessary.

Council considered what road requirements it may have at 4 July 2006 Council meeting, Minute Number 7469. A copy of the report and Council decisions are attached with this report.

Council included in Minute Number 7469 the following wording:

“Green Swamp Pty Ltd to contribute an amount of \$450,000 for an upgraded gravel road to Council’s specifications by September 2009, subject to the Green Swamp property being substantially developed for sugar cane production, by that time.”

Given the collapse of the sugar industry locally, sugar is not likely to be crop grown on this land.

Green Swamp Pty Ltd has requested that Council reconsider its road requirements in the light on the collapse of the sugar industry and its new anticipated road usage (request attached).

Given the road funding at stake, changing circumstances and potential complexities on this matter, the CEO sought legal advice on the matter for Council’s consideration.

That legal advice GM/SA/C183, 25 Feb 2008 is provided to Council under confidential cover.

STATUTORY IMPLICATIONS

As per Legal advice

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Dependent on Council decision, but potentially up to \$450,000.

STRATEGIC IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

COMMENT

Notwithstanding the request and rationale put forward by Green Swamp Pty Ltd, that with the changing nature of agriculture in the region and current demise of the sugar industry, it is recommended that Council decline varying the financial contribution Green Swamp is required to make at this point in time.

Council should note its legal advice that there is no obligation on Council to vary its standing decision and it remains the requirement of Green Swamp Pty Ltd to reach agreement on road issue if freehold title is to be released by the State for the property Green Swamp lease.

The pressure and expectation of Local Governments in Australia to act in a sustainable manner is considerable and rising. Cost escalations for road construction and maintenance works going forward are unclear, but they are expected to rise significantly, as there is strong correlation between these costs and the cost of oil/fuel. By the time any road upgrade is done the value of the Green Swamp contribution to road improvements could be significantly diminished, leaving municipal rate funding to fund any gap. For these reasons it is recommended that Council advise Green Swamp Pty Ltd that its decision for a \$450,000 contribution in September 2009 stand.

Given the timeframe, Council is able to give further consideration in a year or so, if it so chooses.

ATTACHMENTS

- Attachment 1 Request from Green Swamp Pty Ltd/Northern Development Company
- Attachment 2 Council report and resolution 4 July 2006
- Attachment 3 Legal advice from Civic Legal reference GM/SA/C183, 25 Feb 2008 is provided as a separate attachment under confidential cover

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

That Council advise Green Swamp Pty Ltd that the Council decision Minute Number 7469, requiring a \$450,000 for an upgraded gravel road to Council's specifications by September 2009 remains the position of Council, given the uncertain but expected road construction and maintenance cost escalations.

COUNCIL DECISION

Minute No: 8141

Moved: Cr K Wright

Seconded: Cr J Moulden

That Council advise Green Swamp Pty Ltd that the Council Decision Minute Number 7469, requiring a \$450,000 for an upgraded gravel road to Council's specifications by September 2009 remains the position of Council, given the uncertain but expected road construction and maintenance cost escalations.

Carried Unanimously 8/0



Northern Development Co

12th February 2008

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

Doc No. 061303
Date 14 FEB 2008
Officer CEO
Response
File 42.13.03

Dear Peter

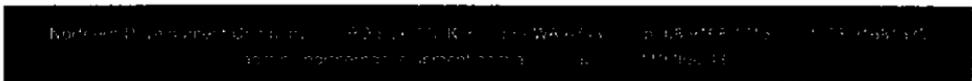
Green Swamp Development – Carlton Hill Road Contribution

As part of the approval process for the development of Green Swamp the company (Green Swamp Agriculture Pty Ltd) was to reach agreement with the Shire of Wyndham East Kimberley (SWEK) regarding an upgrade to the Carlton Hill Road. As per the lease conditions, the upgrade is applicable to a 7.1km stretch of the road from the D4 drain to the junction of the Ningbing and Carlton Hill Roads at the southwest corner of the Green Swamp development. In correspondence from SWEK dated 12th June 2006 the council outlines the following:

“Green Swamp Pty Ltd to contribute an amount of \$450,000 for an upgraded gravel road to Council’s specifications by September 2009, subject to the Green Swamp property being substantially developed for sugar cane production, by that time.”

With the recent demise of the Ord sugar industry it is clear that sugar will not be grown at Green Swamp in the foreseeable future. The directors of Green Swamp Agriculture Pty Ltd (GSA) are of the view that this lease condition was included in the relevant documentation because of the significant increase in heavy traffic, along the road in question, which would have resulted from the growing of sugar on Green Swamp. Conservatively speaking an annual production base of 800 hectares of sugar would have produced over 3400 heavy vehicle movements per season.

While the crop mix for Green Swamp is yet to be determined those being examined, including horticulture, pure seed crops and Chia, to name a few, will result in less than 250 heavy vehicle movements per year. Alternatively if permanent plantings of sandalwood or the like are opted for, then the number of heavy vehicle movements along Carlton Hill Road, attributable to Green Swamp, will be minimal for the next ten to



fifteen years. Thus the likely cropping mix results in a major reduction from the position of sugar and hence less impact on the structural integrity of Carlton Hill Road.

It is important to point out that the directors of GSA are fully aware of the lease conditions and their obligations. However, they are of the view that the significant monetary contribution based on the growing of sugar needs to be reconsidered because of the major change in circumstances as outlined above. A reduction in heavy vehicle movements of at least 90% cannot be ignored.

The Green Swamp development will be a major contributor to the Kununurra Community. It is also a "snap shot" of what can be done regarding Ord Stage 2. A number of cost overruns, particularly in the area of fuel, have been incurred. The directors of GSA ask SWEK to revisit the condition imposed on GSA to make a monetary contribution of \$450,000 towards the improvement of the Carlton Hill Road.

If you have any queries or require additional information, in the first instance could you please contact the Northern Development Company.

Yours sincerely,



Peter Cottle
Director
Northern Development Company

Attachment 2

Adoption of Road Standards (Minute No 7467, 7468, 7469)

DATE:	04/07/2006
PROPONENT:	SWEK
LOCATION:	All Swek Roads
ATLAS REFERENCE:	N/A
AUTHOR:	Dan Hulands
REPORTING OFFICER:	Steven Chadwick
FILE NO:	60.14.03
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider adopting the "Guidelines for Rural Road Design and Construction"

BACKGROUND

The Shire currently has one policy in place to govern all road construction specifications in the Shire. With the expansion of Ord Stage 2 and the proposed development of Green Swamp the Shire identified the need for more thorough and uniform Road Standards.

The Green Swamp development is closer to reality with clearing approval anticipated in July 2006. The urgency for Council make a final determination on the road standards it expects of the Green Swamp developers has therefore increased.

The Green Swamp development is seen as a "litmus" test, in terms of the ability and confidence in development of Ord Stage 2.

Council Consider road standards for Green Swamp at its meeting in April 2006 and resolved as follows;

'That item 12.4.2 be deferred pending consideration of Council standards and specifications by Council.'

This resolution was made after a staff of recommendation which was;

'That Council advise Green Swamp Pty Ltd that consistent with the Ord Final Agreement, and the Expression of Interest it has agreed to with the State Government of Western Australia for the development of the Green Swamp property, requiring Green Swamp Pty Ltd to upgrade 7.1km of Carlton Hill Road from the D4 drain to Ningbing Road to Councils specifications, that Council requires;

A. Construction of an unsealed road to Council specifications for an unsealed road train road by September 2009.

B. Construction of a sealed road to Councils specifications for sealed road train roads by September 20011.

C. A caveat be placed over the Green Swamp property to protect Councils interest in relation to road upgrade requirements.

Green Swamp Pty Ltd has indicated a sealed road is cost prohibitive and would jeopardise the proposed development. They have also suggested that a public good component be considered in determining the road standard required given they would not be the only road user. This public good component could be accommodated in a number of ways, one being Councils requiring an unsealed road only, accepting that later sealing be consistent with public good. Another option might be for Council to strike and agreed percentage of road upgrade cost based on perceived public versus private good use.

Qantec McMillian undertook the drafting of the proposed new road standards which accommodate for the Kimberley's harsh conditions and high rainfall. The draft road standards were presented to the management team on the 28/06/06 for comment. Comments were passed back to Qantec with the final document being presented on the 29/06/06.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Policy E5 Road Construction Specifications
This policy will need to be repealed

FINANCIAL IMPLICATIONS

If the proposed guidelines are adopted the maintenance cost on new roads will be significantly lower than on the existing road network.

STRATEGIC IMPLICATIONS

Goal 2 – Roads and Associated Infrastructure:
Strategy 9 – Determine usage trends on Shire rural roads.

COMMENT

The Guidelines for Rural Road Design and Construction is aimed at providing a clear, structured and practical set of construction requirements outlines minimum material specifications and standard construction requirements for rural roads constructed in the Shire of Wyndham East Kimberley.

The proposed road standards are a living document and can be updated as required.

ATTACHMENTS

Policy E5 Road Construction Specifications
Proposed "Guidelines for Rural Road Design and Construction"

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That Council:

- 1. Repeal Policy E5 Road Construction Specification*
- 2. Adopt the proposed 'Guidelines for Rural Road Design and Construction' prepared by Qantec MacMillan on the 29th June 2006.*
- 3. Advise Green Swamp Pty Ltd that consistent with the Ord Final Agreement, and the Expression of Interest it has agreed to with the State Government of Western Australia for the development of the Green Swamp property, requiring Green Swamp Pty Ltd to upgrade 7.1km of Carlton Hill Road from the D4 drain to Ningbing Road to Councils specifications, that Council requires:*
 - 3.1 Construction of an unsealed road to Council specifications as per Councils adopted Guidelines for Rural Road Design and Construction for an unsealed road train road by September 2009*
 - 3.2 A caveat be placed over the Green Swamp property to protect Councils interest in relation to road upgrade requirements*

MOTION

MINUTE NO 7467

Moved Cr B Barnes/K Wright

That Council suspend Standing Orders to enable discussion and clarification of issues related to the recommendation.

CARRIED (7/0)

MINUTE NO 7468

Moved Cr B Barnes/K Wright

That Council resume Standing Orders.

CARRIED (7/0)

MINUTE NO 7469

Moved Cr K Wright/M Middap

That Council advise Green Swamp Pty Ltd that consistent with the Ord Final Agreement, and the Expression of Interest it has agreed to with the State Government of Western Australia for the development of the Green Swamp property, requiring Green Swamp Pty Ltd to upgrade 7.1km of Carlton Hill Road from the D4 drain to Ningbing Road to Council's specifications, that Council requires:

- 1.1 Green Swamp Pty Ltd to contribute an amount of \$450,000 for an upgraded gravel road to Council's specifications by September 2009, subject to the Green Swamp property being substantially developed for sugar cane production, by that time.*

1.2 *a caveat be placed over the Green Swamp property to protect Councils interest in relation to road upgrade requirements*

CARRIED (7/0)

END OF ATTACHMENT 2

12.5.5. Councillor Code of Conduct

DATE:	18 March 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	60.02.01
ASSESSMENT NO:	N/A

PURPOSE

For Council to review its current Code of Conduct and consider re-adopting the Code.

BACKGROUND

Section 5.103 of the Local Government Act 1995 requires Councils to prepare or adopt a Code of Conduct within 12 months after each ordinary local government election.

Councillors would be aware of the recent introduction of the *Local Government (Rules of Conduct) Regulations 2007*, defining and placing statutory requirements of the conduct of elected members to Local Government. Notwithstanding this new legislative requirement, Section 5.103 of the Local Government Act has not been amended, and so Local Governments are still required to adopt their own Code of Conduct.

The Local Government Act 1995 does not prescribe detail as to what a Council Code of Conduct is to contain.

The Western Australian Local Government Association (WALGA) has produced a Model Code of Conduct and this model will be made available at the end of March 2008. Council may also like to note the excerpt from the WALGA Councillor Manual attached to this report.

Council last adopted its Code of Conduct at its Ordinary Council meeting 20 June 2006. The adopted Code is attached to this report.

STATUTORY IMPLICATIONS

LOCAL GOVERNMENT ACT 1995 - SECT 5.103, CODES of conduct

(1) Every local government is to prepare or adopt a code of conduct to be observed by council members, committee members and employees.

(2) A local government is to review its code of conduct within 12 months after each ordinary elections day and make such changes to the code as it considers appropriate.

(3) Regulations may prescribe the content of, and matters in relation to, codes of conduct and any code of conduct or provision of a code of conduct applying to a local

government is of effect only to the extent to which it is not inconsistent with regulations.

Note: Section 5.103 (2) has been repealed, so it is no longer a requirement that the Code of Conduct be reviewed and changed, if necessary, every 12 months.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

COMMENT

Council may decide that the rules of conduct, as described in the *Local Government (Rules of Conduct) Regulations 2007*, will be sufficient. In that case, Council's Code of Conduct would confirm those Regulations.

Alternatively, if there are any matters regarding the behaviour of Councillors and staff that Council believes need to be in a Code of Conduct and which are not in the Regulations. Council may wish to add those matters into its own Code (For example some Councils decide to include a dress code and, where there is a lot of development going on, a Council may wish to add something specific about meetings between Councillors and developers).

The following wording has been added into the suggested Code of Conduct and is shown in italic print to highlight under section 2.4 of the Code.

- c) *Gifts of value greater than \$300.00 cannot be accepted without the adopted permission of Council, or the event that timing prevents consideration of an offered gift, the matter be decided by the written majority decision of elected members. .*

The suggested \$300.00 gift limit is based on the Regulation Gift Limit. It would not be appropriate to set a gift limit greater \$300.00 in Council's Code because it would then contravene the Regulations. Gift limits occasionally present an issue for Council as elected members and staff are occasionally invited as guests to local events like the Kimberley Moon Experience and these gifts are valued at around \$380.00. Under the Regulations it would not be possible for these gifts to be accepted unless there is a resolution of Council allowing it.

An issue also arose in January 2007 when the Shire President, CEO and their partners, along with around 50 other community people, were offered the opportunity to attend the Hopman Cup tennis event in Perth.

It can be in the interests of Council and the region for elected members and staff to accept certain gifts of hospitality, because the relationships built on such hospitality is often the basis of good outcomes for the region. Relationships formed through networking are a crucial part of any business, organisation and government, including Local Government

Gifts can be offered with short notice hence it is not always practical to present an issue to a Council meeting. In such circumstances Delegated Authority is the usual way to dealing with this so that a decision can be made without waiting for a Council meeting. Delegated Authority is not recommended as an appropriate to handle these issues however because the office of Shire President, Deputy President and CEO may attract gift offers more regularly than other elected members and staff. It is therefore recommended that where a quick decision is required it is managed by the Shire President and or CEO obtaining the majority written consent of elected members.

ATTACHMENTS

- Attachment 1 Council's current adopted Code of Conduct.
Attachment 2 Excerpt from WALGA Councillor's Manual 4 – Rights, Protections and Obligations of Council Members.

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

That Council adopt the Code of Conduct, Policy MC1 as attached to this agenda item.

COUNCIL DECISION:

Minute No: 8142

Moved: Cr F Mills

Seconded: Cr P Caley

That Council adopt the Code of Conduct, Policy MC1:

<i>POLICY No:</i>	<i>MC1</i>
<i>DIVISION:</i>	<i>Human Resources / Members of Council and Staff</i>
<i>SUBJECT:</i>	<i>Code of Conduct</i>
<i>REPORTING OFFICER:</i>	<i>Chief Executive Officer</i>
<i>ENABLING LEGISLATION:</i>	<i>Local Government Act 1995 Section 5.103 Schedule 9.3 Clause 2</i>

OBJECTIVE:

To prescribe an approved behaviour standard and code of conduct for Councillors and staff to follow.

POLICY:

Code of Conduct for Elected Members and staff

1. Conflict and Disclosure of Interest

1.1 Conflict of Interest

- a) Members and staff will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.*
- b) Members and staff will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Local Government, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.*
- c) Members and staff will lodge written notice with the Chief Executive officer describing an intention to undertake a dealing in land within the municipality or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).*
- d) Members and staff who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.*

1.2 Pecuniary Interest

Members and staff will adopt the principles of disclosure of interest as contained within the Local Government Act.

1.3 Disclosure of Interest Affecting Impartiality

- a) *Members and staff will disclose, in a written return or at the relevant meeting, the interests which might be in conflict with their public or professional duties.*
- b) *Whenever disclosure is required, recommendation in this Code, or otherwise seems appropriate, it will be made promptly, fully and in writing within the register provided.*

2. *Personal Benefit*

2.1 Use of Confidential Information

Members and staff will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially, or to improperly cause harm or detriment to any person or organisation.

2.2 Intellectual Property

The title to Intellectual Property in all duties relating to contacts of employment will be assigned to the Local Government upon its creation unless otherwise agreed by separate contract.

2.3 Improper or Undue Influence

Members and staff will not take advantage of their position to improperly influence other members or staff in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

2.4 Gifts or Bribery

- a) *Members and staff will not seek or accept (directly or indirectly) from any person or body, any immediate or future gift, reward or benefit (other than gifts of a token kind, or moderate acts of hospitality) for themselves or for any other person or body, relating to their status with the Local Government of their performance of any duty or work which touches or concerns the Local Government.*
- b) *If any gift, reward or benefit is offered (other than gifts of a token kind, or moderate acts of hospitality), disclosure will be made in a prompt and full manner and in writing in the appropriate gift register.*
- c) *Gifts of value greater than \$300.00 cannot be accepted without the adopted permission of Council.*

3. Conduct of Members and Staff

3.1 Personal Behaviour

- a) *Members and staff will:*
- i) *act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;*
 - ii) *perform their duties impartially and in the best interests of the Local Government uninfluenced by fear or favour;*
 - iii) *act in good faith (ie honestly, for the proper purpose, and without exceeding their powers) in the interest of the Local Government and the community;*
 - iv) *make no allegations which are improper or derogatory (unless true and in public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and*
 - v) *always act in accordance with their obligation of fidelity to the Local Government.*
- b) *Members will represent and promote the interests of the Local Government, recognising their special duty to their own constituents.*

3.2 Honesty and Integrity

Members and staff will:

- i) *observe the highest standards of honesty and integrity, and avoid conduct which might suggest and departure from these standards;*
- ii) *bring to the notice of the President any dishonesty or possible dishonesty on the part of any other member, and in the case of an employee to the Chief Executive Officer.*
- iii) *be frank and honest in their official dealing with each other.*

3.3 Performance of Duties

- a) *Members and staff will at all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Members will be as informed as possible about the functions of the Council, and treat all members of the community honestly and fairly.*

3.4 Compliance with Lawful Orders

- a) *Members will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution can not be achieved, with the Chief Executive Officer.*

- b) *Members and staff will give effect to the lawful policies of the Local Government, whether or not they agree with or approve of them.*

3.5 *Administration and management Practices*

Members and staff will ensure compliance with proper and reasonable administrative practices and conduct and professional and responsible management practices.

3.6 *Corporate Obligations*

- i) *As a representative of the Community members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so Members should acknowledge that:*

- *as a member of the Council there is respect for the decision making process of the Council which are based on a decision of the majority of the Council;*
- *Information of a confidential nature ought not be communicated until it is no longer treated as confidential;*
- *information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council;*
- *information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.*

3.7 *Relationships between Members and Staff*

An effective Councillor will work as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork will only occur if Members and Staff have a mutual respect and co-operate with each other to achieve the Council's corporation goals and implement the Council's strategies.

To achieve that position Members need to:

- *accept that their role is a leadership, not a management or administrative one,*
- *acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;*
- *refrain from publicly criticising staff in a way that casts aspersions on their professional competence and credibility.*

To achieve that staff need to:

- *Accept their role as management, and respect the lawful decisions of Council.*
- *Positively promote Council and its decisions.*

3.8 Appointments to Committees

As part of their representative role Members and staff are often asked to represent the Council on external organisations. It is important that Members and staff:

- *clearly understand the basis of their appointment and*
- *provide regular reports on the activities of the organisation.*

4. Dealing with Council Property

4.1 Use of Local Government Resources

Members and staff will:

- be scrupulously honest in their use of Local Government's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;*
- use Local Government 's resources entrusted to them effectively and economically in the course of their duties and*
- not use Local Government's resources (including the services of Council staff) for private purposes (other than when supplied as part of a contract of employment) unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).*

4.2 Travelling and Sustenance Expenses

Members and staff will only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the Local Government in accordance with Local Government policy and the provision of the Local Government Act.

4.3 Access to Information

- Members and staff will ensure that information will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.*

Adopted: 17 July 1997

Reviewed & Adopted: 20 May 2005

Reviewed & Adopted: 20 June 2006 (Minute 7460)

Reviewed & Adopted: 18 March 2008 (Minute 8142)

Carried Unanimously 8/0

POLICY No:	MC1
DIVISION:	Human Resources / Members of Council and Staff
SUBJECT:	Code of Conduct
REPORTING OFFICER:	Chief Executive Officer
ENABLING LEGISLATION:	Local Government Act 1995 Section 5.103 Schedule 9.3 Clause 2

OBJECTIVE:

To prescribe an approved behaviour standard and code of conduct for Councillors and staff to follow.

POLICY:

Code of Conduct for Elected Members and staff

1. Conflict and Disclosure of Interest

1.1 Conflict of Interest

- a) Members and staff will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- b) Members and staff will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Local Government, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- c) Members and staff will lodge written notice with the Chief Executive officer describing an intention to undertake a dealing in land within the municipality or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).
- d) Members and staff who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.

1.2 Pecuniary Interest

Members and staff will adopt the principles of disclosure of interest as contained within the Local Government Act.

1.3 Disclosure of Interest Affecting Impartiality

- a) Members and staff will disclose, in a written return or at the relevant meeting, the interests which might be in conflict with their public or professional duties.
- b) Whenever disclosure is required, recommendation in this Code, or otherwise seems appropriate, it will be made promptly, fully and in writing within the register provided.

2. Personal Benefit

2.1 Use of Confidential Information

Members and staff will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially, or to improperly cause harm or detriment to any person or organisation.

2.2 Intellectual Property

The title to Intellectual Property in all duties relating to contacts of employment will be assigned to the Local Government upon its creation unless otherwise agreed by separate contract.

2.3 Improper or Undue Influence

Members and staff will not take advantage of their position to improperly influence other members or staff in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

2.4 Gifts or Bribery

- a) Members and staff will not seek or accept (directly or indirectly) from any person or body, any immediate or future gift, reward or benefit (other than gifts of a token kind, or moderate acts of hospitality) for themselves or for any other person or body, relating to their status with the Local Government of their performance of any duty or work which touches or concerns the Local Government.
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 - iii) act in good faith (ie honestly, for the proper purpose, and without exceeding their powers) in the interest of the Local Government and the community;
 - iv) make no allegations which are improper or derogatory (unless true and in public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
 - v) always act in accordance with their obligation of fidelity to the Local Government.
- b) Members will represent and promote the interests of the Local Government, recognising their special duty to their own constituents.

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Members and staff will:

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- ii) bring to the notice of the President any dishonesty or possible dishonesty on the part of any other member, and in the case of an employee to the Chief Executive Officer.
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- a) Members will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the property of any such order being taken up with the superior of the person who gave the order and, if resolution can not be achieved, with the Chief Executive Officer.

- b) Members and staff will give effect to the lawful policies of the Local Government, whether or not they agree with or approve of them.

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To achieve that position Members need to:

- accept that their role is a leadership, not a management or administrative one,
- acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;
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To achieve that staff need to:

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As part of their representative role Members and staff are often asked to represent the Council on external organisations. It is important that Members and staff:

- clearly understand the basis of their appointment and
- provide regular reports on the activities of the organisation.

4. Dealing with Council Property

4.1 Use of Local Government Resources

Members and staff will:

- i) be scrupulously honest in their use of Local Government's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- ii) use Local Government 's resources entrusted to them effectively and economically in the course of their duties and
- iii) not use Local Government's resources (including the services of Council staff) for private purposes (other than when supplied as part of a contract of employment) unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).

4.2 Travelling and Sustenance Expenses

Members and staff will only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the Local Government in accordance with Local Government policy and the provision of the Local Government Act.

4.3 Access to Information

- i) Members and staff will ensure that information will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.

Adopted: 17 July 1997

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4. RIGHTS, PROTECTIONS AND OBLIGATIONS OF COUNCIL MEMBERS

A foremost task of elected members today is to establish their bona fides in their duty to act at all times in the interests of the community they were elected to serve and to ensure that council decisions are taken in the public interest.

Media exposure of unethical conduct by politicians, in political and government structures and even sporting institutions has undermined public trust. The assumptions of the past that these people and institutions have the good of the community at heart are not the starting point any more.

A conflict of interest arises when members, in doing their jobs, are influenced or seem to be influenced by personal interests rather than public duty.

An obligation imposed on council members today is to learn how to handle a conflict of interest in the terms required by the Local Government Act. This entails declaring a financial interest, when one exists, in a matter before the meeting, and not voting on that matter, and declaring a non-financial interest that 'would give rise to a reasonable belief' that the judgement of the person having that interest could be affected. In this case, the elected member is not debarred from voting, but needs to reconcile any conflicting emotions arising from the interest and the issue so that his/her actions are fair and impartial, and are seen to be so. See also section 4.6 dealing with impartiality.

In 2007 the State Government passed an amendment to the Local Government Act that established a disciplinary framework to deal with individual misconduct by council members. This key legislative reform is discussed under section 4.10

Today, each Council is to include in its Code of Conduct a requirement that an interest which might be perceived as affecting impartiality of a council member or employee is to be disclosed at a meeting attended by the member or employee, or in any advice given to the meeting, immediately before the matter is discussed or at the time the advice is given.

Also, the CEO is required to refer to the Anti-Corruption Commission, any matter which that person suspects on reasonable grounds may be corrupt conduct, criminal conduct, criminal involvement or serious improper conduct on the part of a council member, employee or volunteer. Even when there is no such matter to be reported, the CEO must lodge an annual return with the Anti-Corruption Commission, saying so.

4.1 Access to Documents and Information

4.1.1 Local Government Act

Council and committee members have access to information which is additional to those rights given to the general public. This includes all written contracts, proposed or entered or other information relevant to their functions. These rights ensure members are properly informed on matters that are relevant to their functions. The access provisions do not give members unlimited access to information held by a local government.

Members should be able to demonstrate that the information sought is relevant to the performance of a function. The chief executive officer has the discretion to release information where it is considered appropriate.

4.1.2 Freedom of Information Act

A council member's rights to view other documents are the same as those of the general public. Freedom of Information

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legislation came into operation in 1993 and applies to the State Government and local governments.

4.2 Improper use of Information [Act 5.93]

Any member of council, committee member or employee who makes improper use of information to gain an advantage for themselves, or any other person or cause detriment to the local government or another person acts contrary to the legislation. Any breach of this provision of the Act is liable to a penalty of up to \$10,000 or two years imprisonment.

An area of local government that can be of concern to the elected member and has been the subject of numerous government sponsored investigations, is the appropriate relationship that should exist between themselves and the development community.

The Department of Local Government and Regional Development has developed guidelines to assist elected members on what is considered an appropriate manner to deal with this problem. A copy of this Guideline is included in this Manual under the divider tab "Other".

4.3 Declaration by Elected Member

A person who has been elected as a council member must make a declaration before acting in the office. The declaration is in a prescribed form and is contained in the Proforma Documents section of this Manual.

A person who acts in an office contrary to these provisions is liable to a fine of \$5,000 or a one year term of imprisonment.

A member must make a declaration that they will "duly and faithfully fulfil the duties of the office for the people in the district according to the best of their judgement and ability...". This requires members to act on behalf of all the electors

and residents of a local government collectively and not in their own self interest or for only the electors of their ward. The declaration also includes a commitment to observe the prescribed Rules of Conduct.

4.4 Fees, expenses and allowances

4.4.1 Meeting Fees

All WA local government elected members are entitled to payment for meeting fees or annual fees.

Each Council makes the decision whether the payment shall be per Council or Committee meeting attended or a fixed annual fee. The Council also sets the level within a range prescribed within the Local Government Act.

That range is currently:

For a councillor –

- \$60-\$140 per Council meeting and \$30-\$70 per committee meeting to a maximum of \$7,000; OR
- Annual fee of between \$2,400 and \$7,000.

For a mayor or president –

- \$120-\$280 per Council meeting, to a maximum of \$14,000; OR
- Annual fee of between \$6,000 and \$14,000.

No fees are payable to a member who attends a committee meeting as an observer.

A mayor or president is also entitled to an annual local government allowance ranging between \$600 and the greater of \$12,000 or 0.002 (1/50 of 1%) of the local government's operating revenue, but not exceeding \$60,000.

A local government may also decide by absolute majority vote to pay the deputy mayor or deputy president an annual allowance up to 25% of the annual local

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government allowance payable to the mayor or president, in addition to any other fees or allowances payable to that person.

4.4.2 Other Expenses

Council members have the right to apply for and be reimbursed the following expenses -

4.4.3 Travel Expenses

Reimbursement of costs incurred in attending council and committee meetings of which they are a member. The reimbursement is for actual costs incurred, so that if a member travels as a passenger in another member's car and therefore incurs no costs, that member cannot claim for travel expenses.

Restrictions are placed on the extent of the reimbursement if the member does not live or work in the district or an adjoining district. For example – if a member lives or works in the district or an adjoining district the actual travel costs (return) from the residence or work place to the meeting are paid.

Whereas – if the member lives or works outside the district or an adjoining district it is the actual costs unless the distance travelled is greater than 100km. In this case the reimbursement is for the actual cost of travel from the outer boundary of the adjoining district and return.

4.4.4 Child Care Expenses

Actual child care costs up to \$20.00 per hour incurred by a council member because of the member's attendance at a council or committee meeting of which they are a member.

4.4.5 Telephone/Facsimile Expenses

Reimbursement of the rental charges for one telephone and one facsimile machine. In lieu of reimbursing actual telephone and

facsimile costs and other telecommunication expenses a local government may pay an annual allowance up to \$2,400.

4.4.6 Other expenses as determined by the council

A council may approve the reimbursement of expenses incurred by a council member:

- in performing a function under the expressed authority of the local government;
- for an accompanying person on council business if it is considered appropriate; and
- in performing a function in his or her capacity as a council member.

These types of expenses can include such matters as conference attendances and the associated travel costs, insurance whilst on council business or other expenses incurred on official inspections as the council delegate on official matters.

4.4.7 Annual Allowances

In lieu of reimbursing information technology expenses a local government may pay all Council members an annual information technology allowance of up to \$1,000.

In lieu of reimbursing travelling and accommodation expenses a local government may pay an annual allowance that a person would be entitled under the *Public Service Award 1992*.

The matter of tax liability for elected members can be complicated. It is suggested that elected members seek individual specialist advice on the most optimum manner of dealing with their circumstances. The WALGA Tax Service can offer some assistance to those local governments subscribing to this Service.

4.5 Financial Interest

This topic is of such importance it has been dealt with in detail in a separate section of the Councillor's Manual – see under the divider tab labelled "Financial Interests Handbook".

A council member, committee member and employees, providing reports direct to a meeting, must disclose their financial interest in any matter to be considered by a council or a committee meeting. The term "relevant person" is used to describe a person who is liable to disclose a financial interest at a meeting or when exercising delegated powers.

A relevant person must disclose a financial interest if the person or a closely associated person has a direct or indirect financial interest in a matter. A closely associated person is defined in the Act and includes business partners, employees, a body corporate of which the council member is a director, secretary or executive officer or holds shares above \$10,000 or 1% of the value of the issued share capital of a company and a beneficiary under a trust of which the council member is a trustee.

The definition of a closely associated person also includes spouses, defacto spouses and children living with the member but does not include other family members. Nevertheless, as noted above, this does not mean that the potential for conflict involving the interests of another family member does not exist. It simply means that a financial interest does not exist in terms of the Act.

The circumstances in which the financial interest provisions do not apply are detailed in the Act.

To declare a financial interest, a member may give verbal notice immediately before the matter is discussed. Alternatively, a disclosure may be made in writing to the

chief executive officer who will announce the interest at the meeting.

Generally a disclosing member is not to participate in the discussion and is required to leave the meeting. However, there are provisions where a member may participate in the meeting after disclosing an interest.

The penalty for an offence against the financial interest provisions of the Act is \$10,000 or imprisonment for two years unless the member can prove he or she did not know the person had an interest or know the matter was to be discussed.

The chief executive officer is required to keep a register of financial interests and keep it available for inspection. In addition, the minutes, which are also open for inspection, must include details of the fact that the person declared an interest, did not vote, and was absent during discussion on that matter.

The Act also provides that a primary and an annual return detailing the member's financial interests are to be made by council members.

Forms for Primary and Annual Returns are contained in the Proforma Documents section of the Councillor's Manual.

4.6 Disclosure of Interests Affecting Impartiality

Regulations made in April 1999 require elected members and employees reporting to the Council, to also declare 'non-financial' interests "that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected...".

Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, defines the meaning of "interest" and the obligation of a council member to disclose an interest in a matter to be discussed at a

council or committee meeting attended by the member.

An elected member can be influenced in reaching a decision or recommendation not only through friendship with a person who will be affected by the decision, but also by a hostile relationship with such a person. A relationship with an organisation can also be seen as affecting a person's impartiality.

The following is an example of relationships which could give rise to a perception that impartiality is affected-

"Relationship to be Disclosed -

A disclosure is to be made by a Member or Employee at a meeting on any matter to be decided at the meeting affecting a person or organisation who (or which) is -

- a) family, where a financial interest does not exist under the Act;
- b) a friend, known to fraternise with the Member or Employee;
- c) a foe known to be in conflict, rivalry or other adversarial role with the Member or Employee;
- d) an organisation within which the Member or Employee is an office bearer, or otherwise actively engaged to a degree which creates a reasonable perception of partiality; and
- e) any person who has made a gift or contribution to travel of a Member or Employee and which is outside the financial interest disclosure requirements.

Relationship which may need to be Disclosed

A disclosure may need to be made by a Member at a meeting affecting a person or organisation who (or which) -

- (a) is a former business associate or employer of the Member; and
- (b) has a secondary relationship only with the Member, such as the friend or foe of a person who is closely associated with the Member in the

terms set out in section 5.62 of the Act; if the relationship would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected".

The message is not to be ignored. Local governments will achieve better results if it is seen to be beyond reproach.

The Department of Local Government and Regional Development has developed guidelines for the disclosing of interests affecting impartiality. These guidelines (Guideline No 1) can be accessed from the Department's website on <http://www.dlgrd.wa.gov.au/> and following the prompts under the tab "Publications."

4.7 Dealing with the Media

The Act provides that it is the role of the mayor or president to speak on behalf of the local government. There are provisions for either the deputy mayor or president and the chief executive officer to speak on behalf of the local government under certain circumstances.

A councillor may be asked by representatives of the media to comment on council policy or current issues. In this case a councillor should refer the matter or matters to the mayor or president. However, if a councillor does make a statement or comment it can only be a personal comment and not to be construed as a statement on behalf of the whole council.

Care must be taken not to make statements or promises on behalf of the council which may not be possible to implement. It may be better to delay answering a query until research or consultation can be undertaken to ensure that the advice or information given is correct.

Councillors should make every effort to ensure that statements are correct and are

not open to allegations or actions of defamation.

4.8 Defamation

Defamation is the aspect of the law which protects people's reputations. It may be divided into libel, which relates to written or pictorial material, and slander, which relates to verbal comments. Defamation can be defined as anything which tends to damage a person's reputation in the estimation of members of society.

The law recognises that persons who are members of a council have a right and a duty to express themselves openly and freely at council meetings.

In recognition of that public responsibility the law provides council members with qualified privilege.

A council member can only rely on the defence of qualified privilege whilst properly discharging his or her duties, and doing so in the public interest.

In order to maintain the qualified privilege, a council member should ensure that any comments made are pertinent to the business of local government and they are not made maliciously or without due regard to whether they represent the truth.

The question of defamation is discussed in more detail in the paper entitled "Your Guide to Local Government Liability" in the section under the divider tab labelled "Other" at the back of this Manual.

4.9 Misapplication of Funds

Council members are, in effect the trustees of local government funds and property.

If there is a **misapplication** of funds or property by a council member through a wilful act or culpable negligence then the member may be personally liable for the amount misapplied. Any action to recover

misapplied funds can not proceed without the expressed approval of the Director General of the Department of Local Government and Regional Development.

Recovery action is to be made through the appropriate court. Where an order has been made for the repayment of money by a court, even if the person has voluntarily repaid money out of court, the person may still be disqualified from being a member of a council for up to five years.

4.10 Conduct of Council Members

In 2007 the Local Government Act was amended to provide a disciplinary framework to deal with individual misconduct by local government council members. A mechanism is provided to take action against individual members where they do not comply with the Code of Conduct regulations or contravene particular laws applying to members in Acts and regulations.

Key points are -

- (i) the establishment of a statewide standards panel to deal with complaints about minor breaches which are to be contraventions of the Rules of Conduct regulations. There are provisions for penalties including public censure, public apology or an order to undertake training; and
- (ii) for complaints about serious breaches to be made to the Department of Local Government and Regional Development for possible referral to the State Administrative Tribunal for determination including similar penalties as above and stronger penalties of up to 6 months suspension or up to five years disqualification.

The Rules of Conduct regulations cover the following key areas-

- a) standards of general behaviour;
- b) use of information;

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- c) securing unauthorised advantages or disadvantages;
- d) Misuse of resources;
- e) Prohibition against involvement in administration;
- f) Relations with local government employees;
- g) disclosing certain interests (not financial);and
- h) restriction on receiving, and disclosure of, certain gifts.

If council members have any queries in regard to the interpretation of these regulations they are encouraged to seek advice from their CEO.

12.6. ELECTED MEMBER REPORTS

Cr Di Ausburn

22/03/08 MG Presentation – New Youth Facility
KCCI Business After Hours 6pm.
04/03/08 Council Briefing in Wyndham
05/03/08 KCCI Meeting
06/03/08 LEMC Meeting
B/Visual Launch Country Club 6pm
08/03/08 Australian Citizenship Ceremony
10/03/08 CEO Review Meeting
14/03/08 Official Opening Child Care Centre 4.30pm

Cr F Mills

Attended the Kimberley Water Forum in Broome. Most issues discussed related to the West Kimberley & The Fitzroy River Catchment Area. The forum was most informative and helpful to further my understanding of water issues in the Kimberley.

Cr J Parker

02/03/08 Wyndham Early Learning Centre Opening
02/03/08 Community Consultative Committee (Yambaba Consortium,
Communities for Children & Save the Children)
11/03/08 KACC Meeting in Fitzroy Crossing
14/03/08 Kununurra Child Care Facility Opening

Cr P Caley

Meeting with Representatives from Dept Health & Ageing – Re Opal Fuel introduction in the Kimberley to help with Petrol Sniffing Issues. Also elected to the Wyndham Tourism Committee.

Cr J Buchanan

14/03/08 Kununurra Child Care Facility Opening

Cr K Wright

14/03/08 Kununurra Child Care Facility Opening

COUNCIL DECISION

Minute No: 8142

Moved: Cr D Ausburn

Seconded: Cr K Wright

That Council accept the elected members reports as tabled.

Carried Unanimously 8/0

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

COUNCIL DECISION

Minute No. 8143

Moved: Cr F Mills

Seconded: Cr P Caley

That Council accept the Late Item – Egret Close Road Upgrading Estimates.

Carried Unanimously 8/0

15.1. Proposed Rationale for Calculating Egret Close Road Upgrading Estimates

DATE:	18 March 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Egret Close, Kununurra
AUTHOR:	Alex Douglas, Executive Manager Engineering and Development Services
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering and Development Services
FILE NO:	01.6508.04
ASSESSMENT NO:	A6508

PURPOSE

The purpose of this item is to formulate a basis for the calculation of current and future road upgrading conditions for Egret Close following the State Administrative Tribunal in respect of Lot 15 Egret Close.

BACKGROUND

The recent State Administrative Tribunal (SAT) decision for Lot 15 Egret Close made two Orders with respect to the road construction/upgrading of Egret Close: -

2 (ii) *Arrangements being made with the Local Government for the upgrading and/or construction of Egret Close.*

The standard of construction of the road within Egret Close shall be a 6 metre width sealed surface on a 9 metre gravel formation and shall terminate at the limit of its southern extent in a standard turning facility designed and constructed to the specifications of the Local Government.

The subdivider shall be solely responsible for the cost of the design and construction of that section of Egret Close extending within the subdivision of Lot 15.

The subdivider shall be required to contribute to the overall cost of the upgrading/construction of the existing section of Egret Close, based on a systematic and fair apportionment of contributions among the anticipated subdividers of land reliant on Egret Close, as estimated and administered by the Local Government. (Local Government)

As this would form the basis of road upgrading contributions to possible future subdivisions, it is considered appropriate to develop a basis for calculating the amounts.

STATUTORY IMPLICATIONS

Subdivision of land is a process approved by the Western Australian Planning Commission (WAPC) consistent with the Planning and Development Act 2005. Where an appeal to their decision is made, the State Administrative Tribunal may uphold, amend or modify the WAPC decision.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The progressive development of lots on Egret Close will lead to an expectation that the road is upgraded to a sealed standard. Monies received from Conditions of Subdivision are required to be held in Trust or similar financial basis so that the funds are only expended for the purpose for which they are designated. Where Council may choose to upgrade the road prior to the receipt of all monies then a portion of the cost of upgrading would be borne by Council. Outstanding contributions would be sought from subsequent developers as and when they occurred.

STRATEGIC IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Not required

COMMENT

The following information is provided to establish the basis of a means to calculate road upgrading conditions of subdivision.

Previous Subdivision

In May 2007, a clearance was sought from the subdividers of Lots 12 and 13 Egret Close for the road upgrading condition on Egret Close. The method of calculating the amount was based on the upgrade of the road between the new cul-de-sac and the Victoria Highway.

The estimated cost, paid by the subdividers was: -

Rate per kilometre	\$130,500 (topping of gravel, and 6 metre wide two coat bitumen seal)
Length of road	400 metres
Percentage contribution	50%
Amount paid	<u>\$26,100</u>

Pending Subdivision

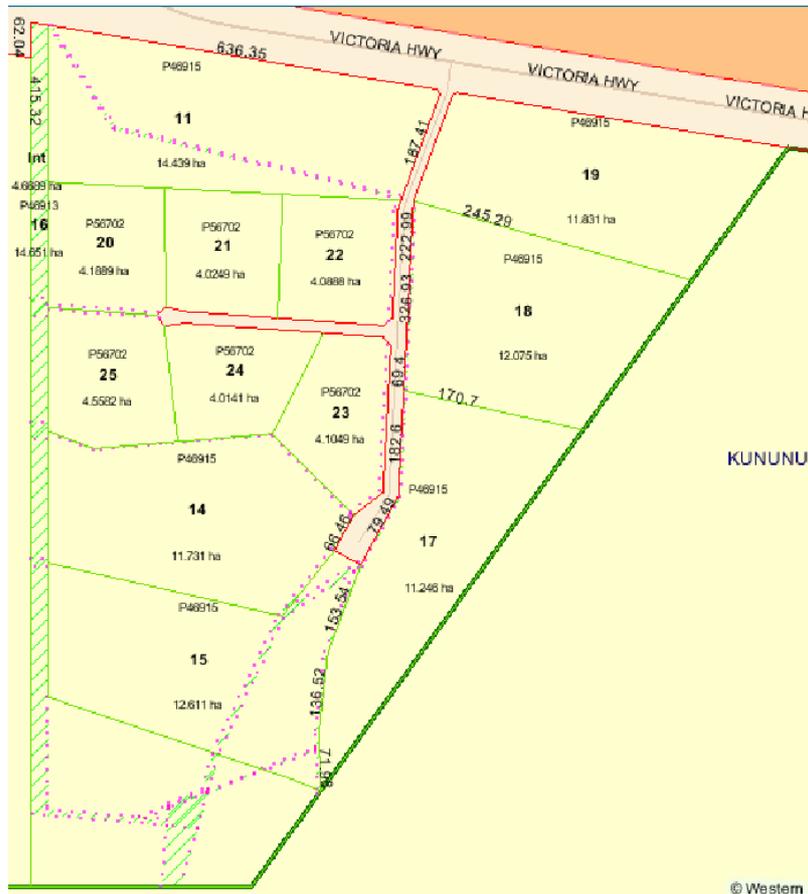
In order to calculate the contribution the following table has been prepared to estimate the potential lot yield of those lots fronting Egret Close.

Lot #	Area	No. of ~ 4ha lots	Comment
11	14.44	3	There is potential for 4 lots but with anticipated denial of access to the Highway the lot configuration would not support 4 lots
12	n/a	3	Existing
13	n/a	3	Existing
14	11.73	3	
15	12.61	3	
16	14.65	-	Lot 16 at this point does not have direct frontage to Egret Close.
17	11.25	3	
18	12.08	3	
19	11.83	3	
	TOTAL	24	

So as to have a reference point for the costing, the May 2007 rate for upgrading is to be used, and when subdivision takes place, the figure can be adjusted by the *All Indexes; Perth CPI*.

The existing section of Egret Close is 905 metres in length. The new section of Egret Close within the Lot 15 subdivision is 210 metres.

A layout plan for the existing Egret Close is provided below: -



The estimated contribution per lot based on May 2007 is:

905 m x \$130,500 divided by 1000 = \$118,102.50 total

Therefore \$118,102.50 divided by 24 lots = \$4,921 per lot.

The upgrade cost for the new section of Egret Close is \$27,405. The developer of Lot 15 has previously constructed an unsealed road pavement within Lot 15 to serve the subdivision and therefore the cost is calculated as for the existing Egret Close.

The estimated CPI increase between May 2007 and March 2008 is 6% (to be verified).

On that basis the SAT decision requires that the subdivider of Lot 15 is required to contribute: -

$$\$4,921 \times 3 + 27,405 = \$42,168$$

Adjusted for the CPI increase the amount is \$44,698

Future Subdivisions

The proposal would be for the calculation for road upgrading contributions as required by Condition of Subdivision to be based on the following: -

Number of Lots

Month and Year of Subdivision Clearance

CPI increase from May 2007 (from the 2007 March Quarter figure)

The rate of \$4,921 per Lot adjusted by CPI

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

1. That Council adopt the following basis for calculating road upgrading contributions for Egret Close: -
 - (i) Number of Lots
 - (ii) Month and Year of Subdivision Clearance
 - (iii) CPI increase from May 2007 (from the 2007 March Quarter figure)
 - (iv) The rate of \$4,921 per Lot adjusted by CPI
2. That Council apply a value of \$44,698 to the road upgrading conditions applicable to the subdivision Lot 15 Egret Close.

COUNCIL DECISION

Minute No: 8144

Moved: Cr F Mills

Seconded: Cr P Caley

1. *That Council adopt the following basis for calculating road upgrading contributions for Egret Close: -*
 - (i) Number of Lots*
 - (ii) Month and Year of Subdivision Clearance*
 - (iii) CPI increase from May 2007 (from the 2007 March Quarter figure)*
 - (iv) The rate of \$4,921 per Lot adjusted by CPI*
2. *That Council apply a value of \$44,698 to the road upgrading conditions applicable to the subdivision Lot 15 Egret Close.*

Carried Unanimously 8/0

16. MATTERS BEHIND CLOSED DOORS

COUNCIL DECISION

Minute No. 8145

Moved: Cr D Ausburn

Seconded: Cr P Caley

That the meeting move into camera to discuss, Item 16.1 Sundry Debtor Write Off, Item 16.2 Proposed Air BP Lease, 16.3 Confidential Report - Debts Under Legal Action, 16.4 CEO Contract Renewal, 16.5 CEO Key Performance Indicators, and Item 12.4.3 Landfill Management Contract under Section 5.23. (2) of the Local Government Act 1995 because the items may disclose information about the business, professional, commercial or financial affairs of a person and because the items also contain legal advice or may be the subject of potential legal advice to the Council.

Carried Unanimously 8/0

16.1. Sundry Debtors Write Off – Debtor 96393

DATE:	29 March 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Nicole O'Connor, Payroll / Debtors Officer
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	61.23.03
ASSESSMENT NO:	N/A

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

COUNCIL DECISION:

Minute No: 8146

Moved: Cr K Wright

Seconded: Cr J Moulden

That Council write off the sundry debtor amount of \$134.63 being Debtor 96393 for private mobile phone calls.

Carried Unanimously 8/0

16.2. Proposed Lease - Air Bp - East Kimberley Regional Airport - Confidential

DATE:	18 December 2007
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Victoria Highway, Kununurra
AUTHOR:	Keith Williams, Executive Manager Town Planning
REPORTING OFFICER:	Keith Williams, Executive Manager Town Planning
FILE NO:	N/A
ASSESSMENT NO:	N/A

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

COUNCIL DECISION:

Minute No: 8147

Moved: Cr D Ausburn

Seconded: Cr J Parker

That Council:

- 1. Advertise the lease of portion of Lot 181 Victoria Highway to Air BP for the \$21500 per annum indexed annually to CPI for 15 years with an option of an additional 15 years in accordance with section 3.58(3) of the Local Government Act.*
- 2. Advise Air BP that a development application and building license will be required to be submitted for approval and can be considered concurrently to the preparation of the lease, should Council agree to that after consideration of any public comment received through advertising.*
- 3. That the Chief Executive Officer be given delegated authority to approve and progress the lease and with the lease to be submitted to Council for final approval.*

Carried Unanimously 8/0

16.3. Confidential Item - Debts Currently in Legal Process

DATE:	18 March 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	60.14.02
ASSESSMENT NO:	N/A

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

COUNCIL DECISION

Minute No: 8148

Moved: Cr J Parker

Seconded: Cr F Mills

That Council:

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

Carried Unanimously 8/0

16.4. Confidential Item – Flight Services Building

DATE:	18 March 2007
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	East Kimberley Regional Airport
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	20.18.01
ASSESSMENT NO:	N/A

This Item is being considered behind closed doors under Section 5.23. (2) (e) (iii) of the Local Government Act 1995 because the item may disclose information about the business, commercial or financial affairs of a Council.

Note: This item was withdrawn from discussion by the CEO pending further information to Council.

16.5. Confidential Item – Extension of the Chief Executive Officer Contract

DATE:	10 March 2008
PROPONENT:	N/A
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Cr Michele Pucci, Shire President
REPORTING OFFICER:	Cr Michele Pucci, Shire President
FILE NO:	10.968.01
ASSESSMENT NO:	N/A

P Stubbs declared a Financial Interest in this item as he is the Chief Executive Officer and left the room at 9:50pm.

This item was discussed Behind Closed Doors under Section 5.23 (2) (a) as this is a matter that affects an employee.

COUNCIL DECISION

Minute No: 8149

Moved: Cr J Parker

Seconded: Cr D Ausburn

That Council:

- 1. Delegate authority to the CEO Review Committee to commence negotiations to renew the CEO Employment Contract for 3 yrs to expire on 20 September 2011.***
- 2. Request the CEO Review Committee present to Council no later than June 2008, the CEO Employment Contract for endorsement.***

Carried Unanimously 8/0

16.6. Confidential Item - Key Performance Indicators – Chief Executive Officer

DATE:	10 March 2008
PROPONENT:	N/A
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Cr Michele Pucci, Shire President
REPORTING OFFICER:	Cr Michele Pucci, Shire President
FILE NO:	10.968.05
ASSESSMENT NO:	N/A

P Stubbs declared a Financial Interest in this item as he is the Chief Executive Officer.

This item was discussed Behind Closed Doors under Section 5.23 (2) (a) as this is a matter that affects an employee.

COUNCIL DECISION

Minute No: 8150

Moved: Cr K Wright

Seconded: Cr J Buchanan

That Council endorse the Chief Executive Officer Performance Review process and Key Performance Areas 2008 as developed by the Chief Executive Officer Review Committee.

Carried Unanimously 8/0

P Stubbs returned to the room at 10:09pm.

16.7. Landfill Management Tender – T12 07/08 Period Contract 1 July 2008
– 30 June 2011

DATE:	18 March 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Kununurra
AUTHOR:	Alex Douglas, Executive Manager Engineering and Development Services
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering and Development Services
FILE NO:	66.56.12
ASSESSMENT NO:	N/A

Cr F Mills declared a Financial Interest in this item as he is an employee of a Tenderer and left the room at 10:10pm.

Cr J Parker declared an Impartiality Interest in this Item as she is a member on the Kimberley Area Consultative Committee, as is one of the Tenderers.

COUNCIL DECISION:

Minute: 8151

Moved: Cr J Buchanan

Seconded: Cr D Ausburn

That Council:

- 1. in accordance with the Local Government Act 1995, s5.8 nominate Councillors Pucci and Keith Wright together with the Chief Executive Officer and Executive Manager Engineering and Development Services as a tender evaluation committee for the sole purpose of evaluating the preferred tenderer with authority to accept or reject that tender; and that where the preferred tenderer is not accepted, the contract by default will be awarded to the second preferred tenderer*
- 2. accept Poomundi Enterprises P/L as the preferred tenderer based on best value for money, and designate Waste Services Australia P/L as the second preferred tenderer based on their conforming tender.*

Carried Unanimously 7/0

Cr F Mills returned to the room at 10:17pm and was advised the outcome of the item.

17. CLOSURE

With all matters of business complete the Shire President declared the meeting closed at 10:18pm.