



MINUTES OF ORDINARY MEETING OF COUNCIL

HELD ON 20 JANUARY 2009

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

Shire President Confirmed

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SHIRE OF WYNDHAM-EAST KIMBERLEY

MINUTES

OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 20 JANUARY 2009 AT 6:00 PM

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Shire President declared the meeting open at 6.00pm

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

Cr F Mills	Shire President	
Cr R Addis	Deputy President	
Cr D Ausburn	Councillor	
Cr P Caley	Councillor	
Cr J Moulden	Councillor	
Cr J Parker	Councillor	
Cr K Torres	Councillor	
Cr K Wright	Councillor	Arrived 6.05pm

P Stubbs	Chief Executive Officer	
J Ellis	Executive Manager Corporate Services	
K Apperley	Executive Manager Community Services	
A Douglas	Executive Manager Engineering & Regulatory Services	
S Russell	Executive Support Officer – Corporate/Minute Taker	
K Fewster	Environmental Health Officer – Aboriginal Health	
J Ninette	Town Planning Officer	Arrived 6.32pm

PUBLIC GALLERY

Kalyn Fletcher
Paul Royce

LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Cr R Boshammer Councillor

3. DECLARATIONS OF INTEREST

- **Financial Interest**

Cr John Moulden declared a financial interest in Item 12.4.7 Proposed removal of the Gazettal of Durack Road, Kununurra as he is employed by Department of Agriculture & Food

- **Impartiality Interest**

P Stubbs declared an Impartiality Interest in Item 15.1 Kununurra Multipurpose Courts – Request for Resurfacing of current Basketball/Netball Courts as his wife umpires netball.

- **Proximity Interest**

P Stubbs declared a Proximity Interest in Item 12.4.1 Proposed sale and amalgamation – portion Lot 1004 Sorghum Place, Kununurra and Item 12.4.4 Rezoning of Residential Land – Weaber Plain Road/Erythrina Street as he is part owner of Lot 1004 Sorghum, Kununurra.

Cr Kenneth Torres declared a Proximity Interest in item 12.4.6 Proposed New Foreshore Lease (Reserve 41812) Kununurra Lakeside Resort as he lives at Kona Waters Holiday Park.

Cr K Wright arrived at the meeting at 6.05pm

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Response to written questions from Kalyn Fletcher regarding Item 15.1 Kununurra Multipurpose Courts requesting for resurfacing of current Basketball/Netball Courts.

Question to Elected Council Members

During the Sept 16th Ordinary Council Minutes, three options were proposed by SWEK Staff to the Council. Option three was recommended by SWEK staff. A copy of these options have been attached below.

Option	Cost Implications	Facility Implications
<p>2. Re surface like for like – 3 netball/basketball courts (as part of mobilisation for Kununurra Multipurpose Courts project)</p>	<p>Re surfacing – minor surface repairs, geo-fabric lay, 30mm asphalt base, acrylic surface and line marking at approx \$45/m² (tendered price). Approx area 70m x 40m = 2,800m². TOTAL = \$126,000 est.</p> <p>This cost estimate <u>does not include</u> any provision for fencing and court furniture – posts, rings, backboards, nets, seating, etc.</p> <p>Financing options are limited to loan funds.</p>	<p>Maintains casual/informal use of netball/basketball courts.</p> <p>Provides for netball overflow during regional carnivals/events.</p> <p>Maintains basketball courts for casual and structured use by young people associated with the neighbouring Youth Centre.</p> <p>Higher whole of facility life costs compared to Option 3 due to larger court surface areas.</p>
<p>3. Include 2 basketball courts as part of Kununurra Multipurpose Court facility AND re surface 1 existing netball/basketball hard court for basketball/netball use (including casual use).</p>	<p>Inclusion of 2 basketball courts in Multipurpose Court project (extension of base, asphalt, geo fabric, acrylic surface and fencing) = \$25,000 est.</p> <p>Single basketball court (geo fabric, asphalt, acrylic surface, line marking and fencing) and using existing goal posts/court furniture = \$50,000 est</p> <p>TOTAL = \$75,000 est.</p> <p>Financing options are limited to loan funds.</p>	<p>Requires extension of Multipurpose Court facility by another 4m along approx 40m of facility boundary, reducing road reserve area. Proximity of the facility to Chestnut Ave will necessitate fencing strategies to ensure safety of facility users.</p> <p>Maintains basketball courts for casual and structured use by young people associated with the neighbouring Youth Centre.</p> <p>Consolidation of hard court facilities, reducing whole of life costs.</p> <p>Decommissioning deteriorated facilities reduces Council's public risk exposure.</p> <p>Provides capacity for future expansion of hard courts as community grows and/or needs change.</p>

Council based the decision to construct two Basketball courts in the Tennis/Netball Multipurpose facility based on the **estimated cost of \$25000.00**. It has now been noted in the Agenda for 20th January, 2009 that these two basketball courts on the Multipurpose facility will be **completed at a total cost of \$67495.00**

“As a result of the Council decision of 16 September 2008, costs of **\$59,895** have been incurred to date being the ordering of additional basketball posts and backboards, additional earthworks and additional geofabric with a further **\$7,600** for additional acrylic surfacing, line marking and fencing anticipated for completion.”

Shire Wyndham East Kimberley 20th January, 2009, Council Report

QUESTION 1.

We would like to ask Council how they are able to make decisions for the better interest of the community when they are provided with budget estimates that blow out by 2.6 times the estimated cost, with in 4 months.

And are these false figures provided to Council by SWEK Staff to ram road council into the SWEK staffs own recommendations. Without the best interest of the Kununurra community in mind!

QUESTION 2.

In the Minutes from September, 16th Council Meeting it was stated by SWEK staff that Option 2 to resurface the 3 Netball/Basketball Courts would cost \$126000.00

It has now been stated that to date \$67495.00 has been spend on two basketball courts on the multipurpose facility and it is estimated a cost of \$50000 is required redo the single basketball court in its existing location. So a total of \$117495.00

Therefore we would like to ask council had they not tried to use cost cutting measures, and accepted option 2 which was by far in best for the whole Kununurra Community, that this would be at an additional \$8505.00 to what has been spent and budgeted to date.

The Chief Executive Officer was asked to respond to the questions and provided the following responses:

The budget for the hard courts project had not blown out by 2.6 times. The scope of the project had been amended at various times and when the scope is increased, as may happen again at this Council meeting, the investment required increases also.

False cost estimates had not been provided to elected members. The project was put out to tender and elected members saw all actual tendered prices.

Council gave very deliberate consideration to the strategy it would use in awarding the tender and contract for this project. While there may be a variety of views about how best the project should be done and which option should be used, the Council has been and remains in a good position to make the decisions it believes in the best interest of the overall community.

Response to Written Question from Paul Royce regarding Item 15.1

Q. Will Council consider arranging an urgent meeting between Kununurra Netball Association, Kununurra Tennis Club, the Kununurra Basketball Committee. Council officers and at least one elected member to discuss and negotiate the current status of the multipurpose recreation facility particularly as:

- Senior Council staff have not engaged with any sporting groups since 29 October 2008.
- The recommendations that appear before elected members in Item 15.1 do not in any way reflect the best interests and previously provided by local sporting groups and in fact, places local sporting groups further from reaching any suitable outcome within the development of the multipurpose facility.
- The financial circumstances of Council (and therefore funds allocated to the development of the multipurpose facility) have changed considerably with Council recently receiving \$250,000 in Commonwealth funds to the development of multipurpose facility.
- The raising of \$51,000 was an offer of good faith by sporting clubs to fill a financial gap that no longer exists;
- That if Council agree to include two basketball courts within the multipurpose facility, local sporting clubs are under no legal obligation to raise \$51,000 because the recommendations put before Council in report 15.1 are contrary to the agreed upon stipulations listed in the original letter from local sporting groups

The Chief Executive Officer was asked to respond to the questions and provided the following responses:

Given this project is matter on the Council agenda for this meeting, Council is well placed to decide if it wishes to arrange any further meetings.

6. PETITIONS

Nil

7. APPLICATIONS FOR LEAVE OF ABSENCE

7.1 Application for Leave of Absence (8511)

COUNCIL DECISION

Minute No. 8511

*Moved: Cr K Wright
Seconded: Cr R Addis*

That a leave of absence is approved for Cr Ausburn and Cr Parker for the meeting of 17 March 2009 and Cr Torres for the meeting of 17 March 2009.

CARRIED UNANIMOUSLY: (8/0)

8. CONFIRMATION OF MINUTES

8.1 Confirmation of Minutes of the Special Meeting of Council held on Saturday 8 November 2008 (8512)

RECOMMENDATION

That Council confirm the minutes of the Special Meeting held on Saturday 8 November 2008

COUNCIL DECISION

Minute No. 8512

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

That Council confirm the minutes of the Special Meeting held on Saturday 8 November 2008

CARRIED UNANIMOUSLY: (8/0)

8.2 Confirmation of Minutes of the Ordinary Council Meeting held on 16 December 2008 (8513)

RECOMMENDATION

That Council Confirm minutes of the Ordinary Meeting of Council held on Tuesday 16 December 2008

COUNCIL DECISION

Minute No. 8513

Moved:Cr R Addis

Seconded:Cr D Ausburn

That Council Confirm minutes of the Ordinary Meeting of Council held on Tuesday 16 December 2008

CARRIED UNANIMOUSLY: (8/0)

8.3. Confirmation of minutes of a Special Meeting of Council held on Monday 22 December 2008 (8514)

RECOMMENDATION

That Council confirm the minutes of the Special Meeting held on Monday 22 December 2008

COUNCIL DECISION

Minute No. 8514

Moved:Cr D Ausburn

Seconded:Cr J Parker

That Council confirm the minutes of the Special Meeting held on Monday 22 December 2008

CARRIED UNANIMOUSLY: (8/0)

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Nil

10. DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

11. MINUTES OF COUNCIL COMMITTEE MEETINGS

11.1. Minutes of Audit Committee Meetings

Nil

11.2. Minutes of Airport Committee Meetings

Nil

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

12.2. CORPORATE SERVICES

12.2.1 LIST OF ACCOUNTS PAID UNDER DELEGATION 18 (8515)

DATE:	20 January 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Sue Dillon, Senior Finance Officer
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	60.14.03
ASSESSMENT NO:	N/A

PURPOSE

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

BACKGROUND

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

STATUTORY IMPLICATIONS

Section 6.4 Local Government Act 1995
Regulation 34, Local Government (Financial Management Regulations) 1996

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

Key Result Area 5 – Governance

Council's financial position and forward planning is sound.

COMMUNITY CONSULTATION

Nil.

COMMENT

Comment in relation to budget to actual variances are included as a note in the Financial Report.

ATTACHMENTS

Monthly Financial Report for October 2008.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

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

Municipal cheques 38748 – 38797 (1 to 24 December 2008)	\$105,146.67
EFT104532 – EFT 104791 (5 December 2008 to 5 January 2009)	\$1,188,842.73
Payroll (4 to 31 December 2008)	\$363,041.10
Direct bank details (1 to 31 December 2008)	
Total	\$1,676,637.60

Minute No. 8515

Moved:Cr K Wright

Seconded:Cr J Moulden

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

<i>Municipal cheques 38748 – 38797 (1 to 24 December 2008)</i>	<i>\$105,146.67</i>
<i>EFT104532 – EFT 104791 (5 Dec. 2008 to 5 Jan. 2009)</i>	<i>\$1,188,842.73</i>
<i>Payroll (4 to 31 December 2008)</i>	<i>\$363,041.10</i>
<i>Direct bank details (1 to 31 December 2008)</i>	
<i>Total</i>	<i>\$1,676,637.60</i>

CARRIED UNANIMOUSLY: (8/0)

List of Accounts Paid Under Delegation 18

List of accounts submitted to Council 20 January 2009

Chq/EFT	Date	Name	Description	Amount
EFT104532	05/12/2008	ALLGEAR MOTORCYCLES	UNK 345 WHIPPER SNIPPER, OIL, CORD	890.90
EFT104533	05/12/2008	ALLIGATOR AIRWAYS PTY LTD	FLIGHT TO OOMBULGURRI & KALUMBURU - ELECTION	1,350.00
EFT104534	05/12/2008	ARGYLE ENGINEERING	REPAIR TAILGATE ON 10 TONNER AS PER QUOTE	774.40
EFT104535	05/12/2008	AUST LOCAL GOVERNMENT JOB DIRECTORY	ANNUAL SUBSCRIPTION 2009	638.00
EFT104536	05/12/2008	AUSTRAL MERCANTILE COLLECTIONS P/L	DEBT RECOVERY	867.52
EFT104537	05/12/2008	AUTO ONE KUNUNURRA	REPLACEMENT SPOTLIGHT - 1CIU595, KEYS - HIAB	119.00
EFT104538	05/12/2008	B VISUAL MEDIA	PORTRAITS FOR CR BOSHAMMER & CR TORRES	55.00
EFT104539	05/12/2008	BEN FLYNN	REIMBURSEMENT FOR MEALS	177.30
EFT104540	05/12/2008	BERM BACKHOE HIRE	CONTRACT SLASHING - DRAINS WEABER PLAIN RD	1,760.00
EFT104541	05/12/2008	BGC CONTRACTING PTY LTD	SUPPLY OF BULK PREMIX FOR ROAD PATCHING	26,950.00
EFT104542	05/12/2008	BLACKWOODS ATKINS PTY LTD	ROLL OF 5 CORE RETIC CABLE, VIBRATION MOUNTS	1,731.51
EFT104543	05/12/2008	BOAB REFRIGERATION AND AIRCON	AIR CON REPAIRS 3B DRYANDRA ST KNX	148.50
EFT104544	05/12/2008	BOSS FLUID POWER	TOILET TISSUE/HAND TOWELS	1,792.85
EFT104545	05/12/2008	BRANKO BP MOTORS	OCTOBER FUEL, JERRY CAN	366.85
EFT104546	05/12/2008	BRIDGESTONE AUSTRALIA LTD	SUPPLY 1 X TYRE & TUBE - WY11633	242.88
EFT104547	05/12/2008	BUSH CAMP SURPLUS STORES	WORK BOOTS 2 PAIRS	300.50
EFT104548	05/12/2008	Bruce Harding	REIMBURSEMENT OF ELECTRICITY AS PER CONTRACT	22.57
EFT104549	05/12/2008	CABCHARGE	CAB CHARGES - B SEARGENT AAA CONFERENCE	25.00
EFT104550	05/12/2008	CIVIC LEGAL	PROFESSIONAL SERVICES	594.00
EFT104551	05/12/2008	CORPORATE EXPRESS	STATIONERY ORDER NOV 2008	201.87
EFT104552	05/12/2008	DAVEY TYRE AND BATTERY SERVICE	REPLACE TYRES, WHEEL ALIGNMENT WY12752	640.54
EFT104553	05/12/2008	EAST KIMBERLEY GLASS	WYNDHAM ADMIN, CHAMBERS REPLACE WINDOW.	3,919.00
EFT104554	05/12/2008	EAST KIMBERLEY HARDWARE	WATER PUMP - PVBFB, RETIC FITTINGS,HARDWARE	1,027.62
EFT104555	05/12/2008	FEWSTER, KELLY	TELEPHONE REIMBURSEMENT AS PER CONTRACT	37.56
EFT104556	05/12/2008	FRONTIER POST & NEWS	NEWSPAPERS & POSTAGE	28.75
EFT104557	05/12/2008	GREAT EASTERN MOTOR LODGE	ACCOMMODATION B SERGEANT - 9-14 NOV 2008	858.30
EFT104558	05/12/2008	GUERINONI & SON	MACHINERY HIRE CULVERTS, TREE REMOVAL, TIP	11,974.80

EFT104559	05/12/2008	HART SPORT	10 X MILLENNIUM - 1ST PLACE/ GOLD MEDAL	50.50
EFT104560	05/12/2008	HORIZON POWER	ELECTRICITY SUPPLIED	21,251.35
EFT104561	05/12/2008	ICEAGE REFRIGERATION & AIRCONDITIONING	S&I 2 X AIR CONS – AIR SERVICES BUILDING	9,603.00
EFT104562	05/12/2008	IVANHOE VILLAGE CARAVAN RESORT	ACCOMMODATION M MELTON 5 NOV TO 12 DEC 08	5,080.00
EFT104563	05/12/2008	JAB INDUSTRIES	PLANT HIRE EXCAVATONS/CULVERTS VAR LOCATIONS	32,095.80
EFT104564	05/12/2008	JASON SIGNMAKERS LTD	2 X OVERSIZE SIGNS	92.40
EFT104565	05/12/2008	JSW HOLDINGS PTY LTD	9T AGGREGATE PATCHING WORKS - REC CENTRE	913.00
EFT104566	05/12/2008	KALUMBURU MISSION	ACCOMMODATION K FEWSTER	440.00
EFT104567	05/12/2008	KIMBERLEY FIRST NATIONAL REAL ESTATE	ADVERTISING & SELLING FEE COUNCIL PROPERTIES	3,696.69
EFT104568	05/12/2008	KIMBERLEY GROUP TRAINING	HOST EMPLOYEES CONTRIBUTION	287.20
EFT104569	05/12/2008	KIMBERLEY HYDRAULICS	HYDRAULIC HOSE REPAIRS - BACKHOE	455.38
EFT104570	05/12/2008	KIMBERLEY INDUSTRIES	CRANE, OP & DOGMAN - MOVEMENT OF CULVERTS	1,075.80
Chq/EFT	Date	Name	Description	Amount
EFT104571	05/12/2008	KIMBERLEY MECH & TILT TRAY SERVICE	RELOCATE VEHICLE TO DEPOT	110.00
EFT104572	05/12/2008	KIMBERLEY MOTORS	FUEL PURCHASED ON CARDS	5,347.92
EFT104573	05/12/2008	KIMBERLEY WASTE SERVICES	REFUSE COLLECTION & MTCE AS PER CONTRACT	37,434.56
EFT104574	05/12/2008	KINGS CROWN INSTRUMENTATION & ELECT.	REPAIR ELECTRICAL FAULT TO WYNDHAM OFFICE	198.00
EFT104575	05/12/2008	KUNUNURRA CONCRETE	REPAIRS TO FOOPATH AT HISTORICAL SOCIETY	1,390.00
EFT104576	05/12/2008	KUNUNURRA DIESEL SERVICES	REPAIRS TO FUSO CANTER HOIST	236.50
EFT104577	05/12/2008	KUNUNURRA LOCK & KEY	REPLACEMENT LOCKS CHILD CARE & YOUTH CENTRE	628.00
EFT104578	05/12/2008	KUNUNURRA MAINTENANCE SERVICE	MTCE REPAIRS WHITE GUM TOILET/KNX ADMIN	1,562.00
EFT104579	05/12/2008	KUNUNURRA PANEL BEATING WORKS WA P/L	REPLACE SIDE WINDOW ON PRADO WY1 AS QUOTED	953.15
EFT104580	05/12/2008	KUNUNURRA REFRIGERATION & AIR CON	CARRIED OUT MAINTENANCE ON AIRCON - AIRPORT	143.00
EFT104581	05/12/2008	KUNUNURRA SECURITY SERVICE	PASSENGER SCREENING & CBS KNX AIRPORT	46,169.20
EFT104582	05/12/2008	LANGFORD MACHINERY PTY LTD	ORDER & FIT WATER PUMP, TRAVEL COSTS 1AC1665	1,057.00
EFT104583	05/12/2008	MARTIN PRINT	BUSINESS CARDS STAFF & COUNCILLORS	588.00
EFT104584	05/12/2008	MCLEAN ENTERPRISES	205L KATAMOL BITUMEN FOR AIRPORTS	1,540.00
EFT104585	05/12/2008	MCLEAN, AMANDA JANE	REIMBURSEMENT OF ELECTRICITY AS PER CONTRACT	64.67
EFT104586	05/12/2008	MEGAN HUNT	CLEANING - WYNDHAM	973.50
EFT104587	05/12/2008	MERCURY FIRESAFETY PTY LTD	7 X NOZZLES BUSH FIRE BRIGADES	1,925.39

EFT104588	05/12/2008	NOMAD CONCRETING	SUPPLY AND FINISH CONCRETE FOOT BRIDGE	6,215.00
EFT104589	05/12/2008	NORTHERN IT SERVICES	ADSL SWITCH - YOUTH CENTRE	89.00
EFT104590	05/12/2008	OFFICE NATIONAL KUNUNURRA	COPY COUNT CHARGES OCT 2008	538.90
EFT104591	05/12/2008	ORD RIVER ELECTRICS	REPAIR LIGHT PETER REID MEMORIAL HALL	510.40
EFT104592	05/12/2008	ORD VALLEY MUSTER	ANNUAL GRANT - 2ND ROUND SEPT 2008	18,700.00
EFT104593	05/12/2008	ORIA ORCHARDS	FLOWERS KNX OFFICE	30.00
EFT104594	05/12/2008	PIVOTEL	SATELLITE PHONE CHARGES 23/10/08-13/11/08	170.89
EFT104595	05/12/2008	POOMUNDI LANDFILL SERVICES	WYNDHAM LANDFILL MANAGEMENT FEE OCT 2008	5,951.47
EFT104596	05/12/2008	PRO-CUT GARDEN MAINTENANCE	MOW CELEBRITY TREE PARK	2,376.00
EFT104597	05/12/2008	R.KERR CONTRACTING	MTE GRADING GIBB/KALUMBURU RDS OCT - NOV 08	43,736.00
EFT104598	05/12/2008	RED ELEVEN - RED 11 PTY LTD	LAPTOPS/DESKTOPS/MONITORS/NOTEPAD	21,027.72
EFT104599	05/12/2008	RED SUN SPORTS	SPORTING GOODS , WYNDHAM TRIATHLON	542.10
EFT104600	05/12/2008	RICK SPRY	TELEPHONE REIMBURSEMENT AS PER CONTRACT	37.46
EFT104601	05/12/2008	ROGERS MACHINERY SERVICE	KUBOTA SQ 3300 GENSET-B/UP POWER CBS AIRPORT	23,800.00
EFT104602	05/12/2008	SEARLES MECHANICAL REPAIRS	SERVICE WY 11630 & SEAT COVERS	299.50
EFT104603	05/12/2008	SHERIDAN'S FOR BADGES	BADGES NEW COUNCILLORS & SHIRE PRESIDENT	63.58
EFT104604	05/12/2008	SMALL BUSINESS CENTRE KNX	ANNUAL GRANT FOR CUSTOMER SERVICE AWARD	5,028.10
EFT104605	05/12/2008	ST JOHN AMBULANCE	CHECK, CLEAN, & RESTOCK FIRST AID KITS	229.82
EFT104606	05/12/2008	STUBBS, PETER	TELEPHONE REIMBURSEMENT AS PER CONTRACT	102.70
EFT104607	05/12/2008	THINKWATER	40X121 HUNTERS, 24X131 HUNTERS (SPRINKLERS)	5,500.00
EFT104608	05/12/2008	TNT AUSTRALIA PTY LIMITED	TRANSPORT WATER SAMPLES KNX - PTH	99.98
EFT104609	05/12/2008	TOLL EXPRESS	FREIGHT	188.49
EFT104610	05/12/2008	TOTAL EDEN - KP PUMPS	2 STN CONTROLLERS, SPRINKLER FITTINGS, PVC PIPE	3,963.67
EFT104611	05/12/2008	TRENNY'S REFRIGERATION AND AIR-CON	FULL SERVICE OF ALL AIR CONS VARIOUS HOUSES	2,688.00
Chq/EFT	Date	Name	Description	Amount
EFT104612	05/12/2008	TRIPP, KATYA MARIE	REIMBURSE TRAVEL COSTS	62.59
EFT104613	05/12/2008	WA LOCAL GOVERNMENT ASSOCIATION	TRAINING-RATES LOCAL GOVT CLERICAL & ADVANCED	1,320.00
EFT104614	05/12/2008	WESTRALIA AIRPORTS CORPORATION P/L	ASIC CARDS PRINTED	200.00
EFT104615	05/12/2008	WHELANS	SURVEYING,SETOUT DRWGS KNX AIRPORT CARPARK	9,900.00
EFT104616	12/12/2008	BLUE DAVIDSON SIGNS	TEMPORARY CONSTRUCTION PROJECT SIGNAGE	350.00

EFT104617	12/12/2008	ACCOR ALL SEASONS KUNUNURRA	ACCOMMODATION - C HUNTER	149.00
EFT104618	12/12/2008	ALLGEAR MOTORCYCLES	ALLOY HEADS FOR W/SNIPPER, OIL, CHAINSAW FILES	119.80
EFT104619	12/12/2008	ALLIGATOR AIRWAYS PTY LTD	OOMBULGURRI CHARTER-ENVIRON HEALTH PROG	1,350.00
EFT104620	12/12/2008	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	133.66
EFT104621	12/12/2008	AUSFUEL AFD AUSTRALIAN FUEL DIST	FUEL PURCHASED ON CARD	588.36
EFT104622	12/12/2008	AUSTRALIA POST	POSTAGE & STATIONERY PURCHASES	741.50
EFT104623	12/12/2008	AUSTRALIA'S NORTH WEST TOURISM	ANNUAL GRANT - 2ND GRANT ROUND 08/09 (SEPT)	19,250.00
EFT104624	12/12/2008	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	179.00
EFT104625	12/12/2008	AUSTRALIAN TAXATION OFFICE	BAS NOVEMBER 2008	25,173.00
EFT104626	12/12/2008	BLACKWOODS ATKINS PTY LTD	CREEPER FOR MINOR SERVICING	114.55
EFT104627	12/12/2008	BOC GASES AUSTRALIAN LIMITED	INDUSTRIAL BOTTLE RENTAL - NOV 2008	245.79
EFT104628	12/12/2008	BOSS FLUID POWER	TOILET TISSUE/HAND TOWELS/GARBAGE BAGS	2,740.45
EFT104629	12/12/2008	BUDGET RENT A CAR	CAR HIRE - J GAULT, CR MILLS	1,343.12
EFT104630	12/12/2008	BUSH CAMP SURPLUS STORES	WORK PANTS/SHORTS/BOOTS	346.50
EFT104631	12/12/2008	BRUCE HARDING	WATER SUBSIDY ALLOWANCE AS PER CONTRACT	45.65
EFT104632	12/12/2008	CIVIC LEGAL	PROFESSIONAL SERVICES	4,535.41
EFT104633	12/12/2008	COATES HIRE OPERATIONS PTY LTD	HIRE ACRO PROPS, COMPACTOR- LAKESIDE L/PATH	211.62
EFT104634	12/12/2008	COMM AND PROTECTIVE SOLUTIONS	INSTALLATION OF COMMUNICATIONS YOUTH CENTRE	421.41
EFT104635	12/12/2008	DELRON CLEANING PTY LTD	CLEANING KNX YOUTH CENTRE	181.50
EFT104636	12/12/2008	EAST KIMBERLEY GLASS	REPAIR BROKEN WINDOW AT LEISURE CENTRE	340.00
EFT104637	12/12/2008	EAST KIMBERLEY HARDWARE	VARIOUS MATERIALS, TOOLS, HARDWARE SUPPLIES	1,050.76
EFT104638	12/12/2008	FESA - EMERGENCY SERVICES LEVY	2008/09 ESL 2ND QUARTER	45,531.80
EFT104639	12/12/2008	FEWSTER, KELLY	TELEPHONE REIMBURSEMENT AS PER CONTRACT	32.13
EFT104640	12/12/2008	FISHING BOATS STREETER	10KG BARRAMUNDI FILLETS - CHRISTMAS FUNCTION	230.00
EFT104641	12/12/2008	FRANMOR CONSTRUCTIONS PTY LTD	CALL OUT & BOARD UP BROKEN DOOR PANEL KLC	214.50
EFT104642	12/12/2008	FYSH GRADER HIRE	GRADER HIRE - DRAINS RIVERFARM RD	968.00
EFT104643	12/12/2008	GEOFF GUNSON ELECTRICAL	TIDY UP POWER WIRES & MAKE SAFE DEPOT SHED	247.50
EFT104644	12/12/2008	GREAT EASTERN MOTOR LODGE	ACCOMMODATION W RICHARDS	420.00
EFT104645	12/12/2008	GRUNT LABOUR SERVICES PTY LTD	GATEKEEPER 38.5 HRS - KNX LANDFILL SITE	1,353.09
EFT104646	12/12/2008	GUERINONI & SON	GRADER HIRE - RESHEET ACCESS TO LINKPATH	1,046.38

Chq/EFT	Date	Name	Description	Amount
EFT104647	12/12/2008	HART SPORT	3-127 XUMAX X680 TOURNAMENT SHUTTLE (DZ)	210.10
EFT104648	12/12/2008	HORIZON POWER	ELECTRICITY SUPPLIED VARIOUS LOCATIONS	13,911.80
EFT104649	12/12/2008	ICEAGE REFRIGERATION & AIRCONDITIONING	AIR CON REPAIRS KNX ADMIN, WYN LIB & REC CENTRE	1,545.50
EFT104650	12/12/2008	JASON SIGNMAKERS LTD	VARIOUS SIGNS RESEARCH STN ROAD	338.80
EFT104651	12/12/2008	JO-ANNE ELLIS	REIMBURSEMENT OF ELECTRICITY AS PER CONTRACT	399.41
EFT104652	12/12/2008	JORRITSMA H & CO	COUPLINGS, HOSE, FITTINGS, CLAMPS, ETC	861.88
EFT104653	12/12/2008	JSW HOLDINGS PTY LTD	S&D SCREENED LATERITE GRAVEL TO AIRPORT	22,838.83
EFT104654	12/12/2008	JUST FRAMED	VOLUNTEER OF THE YEAR - BOAB CERTIFICATES	230.00
EFT104655	12/12/2008	K & M ALLCLEAN	CONTRACT CLEANING NOV 2008	13,499.25
EFT104656	12/12/2008	KIMBERLEY COMMUNICATIONS	TRAVEL & REPAIRS AT RADIO STATION	811.00
EFT104657	12/12/2008	PAYMENT CANCELLED		0.00
EFT104658	12/12/2008	KIMBERLEY INDUSTRIES METALAND	2 X FABRICATE AIRCRAFT CABLE ANCHOR POINTS	832.22
EFT104659	12/12/2008	KIMBERLEY KOOL REFRIGERATION	SUPPLY & INSTALL 2 X UNITS AT DEPOT	2,530.00
EFT104660	12/12/2008	KIMBERLEY MARKETING	CONSUMABLES STAFF XMAS PARTY 5/12/08	163.73
EFT104661	12/12/2008	KIMBERLEY PUMPING SERVICE	INSTALL BYPASS PUMP,SAND FILTERS CELEBRITY PK	1,089.00
EFT104662	12/12/2008	KUNUNURRA COURIERS	CARTON OF WATER CUPS	55.00
EFT104663	12/12/2008	KUNUNURRA DIESEL SERVICES	5,000KM SERVICE - ICWW319	220.70
EFT104664	12/12/2008	KUNUNURRA MAINTENANCE SERVICE	CLEAN GUTTERS - WYN ADMIN, PR HALL & MTCE	1,309.00
EFT104665	12/12/2008	KUNUNURRA SECURITY SERVICE	LEASE OF ALARMS & CALLOUT AT WYN POOL	235.00
EFT104666	12/12/2008	L.G.R.C.E.U	PAYROLL DEDUCTIONS	15.30
EFT104667	12/12/2008	LANDGATE	GROSS RENTAL VALUES CHARGABLE	415.83
EFT104668	12/12/2008	LESLIE KING	REIMBURSE REGISTRATION - NEW RIDE ON MOWER	59.30
EFT104669	12/12/2008	MCLEAN ENTERPRISES	CATEMUL EMULSION, TRANSPORT PIPES EX DARWIN	2,255.00
EFT104670	12/12/2008	MEGAN HUNT	CLEANING - WYNDHAM FACILITIES	973.50
EFT104671	12/12/2008	MIRACLE RECREATION	BEEPLIER SHELTERS FOR NEW SWIM BEACH	6,600.00
EFT104672	12/12/2008	OFFICE NATIONAL KUNUNURRA	PAPER, LAMINATOR, ITEMS FOR AIRPORT	4,549.42
EFT104673	12/12/2008	ORD MACHINING	MACHINE JIB ATTACHMENT TO FIT LOADER	176.00
EFT104674	12/12/2008	ORD RIVER ELECTRICS	S&I LIGHTING A/PORT C/PARK, MTCE LEISURE CENTRE	38,596.69
EFT104675	12/12/2008	ORD RIVER MEAT SUPPLY	MEAT FOR STAFF XMAS PARTY 05/12/2008	255.96

EFT104676	12/12/2008	ORD VALLEY MUSTER	ADVERTISING ORD VALLEY MUSTER EVENT	330.00
EFT104677	12/12/2008	ORIA ORCHARDS	TREES - NATIONAL TREE DAY, FLOWERS KNX ADMIN	561.00
EFT104678	12/12/2008	ORD VALLEY TURF	TURF FOR NICHOLSON PARK	1,980.00
EFT104679	12/12/2008	POOMUNDI LANDFILL SERVICES	MANAGEMENT FEE KUNUNURRA LANDFILL FACILITY	16,801.07
EFT104680	12/12/2008	RED SUN SPORTS	PRIZES FOR SKATEBOARDING SESSION	759.70
EFT104681	12/12/2008	RICK SPRY	ELECTRICITY SUBSIDY AS PER CONTRACT	303.72
EFT104682	12/12/2008	ROGERS MACHINERY SERVICE	20 L AGRISUPER OIL - TRACTOR & SLASHER.	214.00
EFT104683	12/12/2008	ROYAL LIFE SAVING (WA BRANCH)	LIFEGUARD FULL COURSE ENROLMENT FEES	1,690.00
EFT104684	12/12/2008	SHELF SUPPLY	HESSIAN CLOTH, DOG PELLETS, STORAGE BAGS	552.00
EFT104685	12/12/2008	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	395.00
EFT104686	12/12/2008	STUBBS, PETER	WATER SUBSIDY ALLOCATION AS PER CONTRACT	62.08
EFT104687	12/12/2008	TAFEWA GREAT SOUTHERN	ENROLMENT S DILLON FINAL UNIT CERT III OHS"	153.00
EFT104688	12/12/2008	TELFORD INDUSTRIES	AP011 CHLORINE DPD 1 BOX 250 TABLETS	207.64
EFT104689	12/12/2008	THINKWATER	SAND FILTERS, RETIC FITTINGS, STN CONTROLLER	6,659.40
EFT104690	12/12/2008	THORLEY'S STORE	TRANSPORT & DELIVERY SHIRE BAG KNX/WYN	547.40
EFT104691	12/12/2008	TOLL EXPRESS	FREIGHT	736.17
EFT104692	12/12/2008	TONY'S PLUMBING & EXCAVATION PTY LTD	REPAIR BURSTS WATER LINE TO WYN TERMINAL	772.20

Chq/EFT	Date	Name	Description	Amount
EFT104693	12/12/2008	TOP END MOTORS	SERVICES WY12752, WY12478, 1BPD6851	3,042.59
EFT104694	12/12/2008	TOTAL EDEN - KP PUMPS	HUNTER SPRINKLERS, JOINERS, POLY PIPE, JOINERS	2,655.13
EFT104695	12/12/2008	TUCKERBOX/RETRAVISION	MILK, COFFEE, CLEANER, ETC, KLC PURCHASES	2,840.65
EFT104696	12/12/2008	WA AQUATIC CLUB PTY LTD	6 X MISSLE MIRRORED LENS (3 RED/3BLUE)	871.20
EFT104697	12/12/2008	WA LOCAL GOVT SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	19,097.43
EFT104698	12/12/2008	WANNA WORK LABOUR HIRE SOLUTIONS	CONTRACT WORKS RESEARCH STN/KNX CHILD CARE	71,730.45
EFT104699	12/12/2008	WESTERN LOCKSERVICE	CYLINDER TO TERMINAL BUILDING	241.25
EFT104700	12/12/2008	WYNDHAM SUPERMARKET	FOOD & DRINK SUPPLIES WYN CHILD CARE CENTRE	388.50
EFT104701	16/12/2008	MORTENSEN, JESSE	REFUND OF BOND MONEY LESS TELEPHONE COSTS	825.15
EFT104702	18/12/2008	ANN O'BRIEN CONSULTING	YOU'RE WELCOME PROJECT - FINAL PAYMENT	14,850.00
EFT104703	18/12/2008	ATTORNEY-GENERAL'S DEPT AUSCHECK	ASIC CHECKS	167.00

EFT104704	18/12/2008	BLACKWOODS ATKINS PTY LTD	RAGS, PULLER, BAGS OF ABSORBENT	525.47
EFT104705	18/12/2008	C & S JOLLY ELECTRICS	REPAIRS NO POWER AT TERMINAL, REPLACE FANS	804.19
EFT104706	18/12/2008	CORPORATE EXPRESS	STATIONERY	13.31
EFT104707	18/12/2008	MICHELLE PUCCI	COUNCILLOR FEES JULY- OCT 08	8,133.33
EFT104708	18/12/2008	CROCODILE SIGNS	LAMINATING OF MAPS	45.76
EFT104709	18/12/2008	EAST KIMBERLEY HARDWARE	STEEL PICKETS, KEY CUTTING, SNAP HOOK, TUB,ETC	1,057.00
EFT104710	18/12/2008	EAST KIMBERLEY PLUMBING	REPAIRS - WHITEGUM,SWIMBEACH,AIRPORT	932.53
EFT104711	18/12/2008	HORIZON POWER	ELECTRICITY- LOT 1470 DRYANDRA RD KNX	212.35
EFT104712	18/12/2008	IAN & KELLY D'ARCY	REIMBURSEMENT OF TRAVEL EXPENSES	2,350.00
EFT104713	18/12/2008	ICEAGE REFRIGERATION & AIRCONDITIONING	CHECK & REPAIR AIR CON YOUTH CENTRE	759.00
EFT104714	18/12/2008	JAB INDUSTRIES	PLANT & OPERATOR HIRE VARIOUS LOCATIONS	9,559.00
EFT104715	18/12/2008	JSW HOLDINGS PTY LTD	PLANT HIRE, DELIVERY OF ROCK AND SAND	11,682.77
EFT104716	18/12/2008	K & M ALLCLEAN	CLEAN LEISURE CENTRE AFTER KATS PRODUCTION	220.00
EFT104717	18/12/2008	KIMBERLEY GROUP TRAINING	HOST EMPLOYERS CONTRIBUTION	1,244.53
EFT104718	18/12/2008	KIMBERLEY INDUSTRIES METALAND	AIRPORT MAINTENANCE SAILTRACK	37.54
EFT104719	18/12/2008	KNX COUNTRY CLUB RESORT ASPEN PARKS	MEAL FOR WEED HARVESTING CONTRACTOR	43.00
EFT104720	18/12/2008	KUNUNURRA HOME & GARDEN	4M ROLLS X BLACK PLASTIC	982.00
EFT104721	18/12/2008	KUNUNURRA POOLS AND SPAS	CHLORINE AND ACID FOR WYNDHAM POOL	1,475.00
EFT104722	18/12/2008	KUNUNURRA REFRIGERATION & AIR CON	REPAIR & MTCE AIR CON KNX AIRPORT	504.57
EFT104723	18/12/2008	MEGAN HUNT	CLEANING - WYNDHAM ADMIN, PRMH, REC CENTRE	1,023.00
EFT104724	18/12/2008	OFFICE NATIONAL KUNUNURRA	2 OFFICE CHAIRS, 2 CHAIRMATS	736.71
EFT104725	18/12/2008	OZZIE HENRY	RETURN BOND FOR INFANT HEALTH CLINIC UNIT	260.00
EFT104726	18/12/2008	ROGERS MACHINERY SERVICE	KUBOTA F3680 RIDE ON MOWER	30,980.00
EFT104727	18/12/2008	SCRIBAL GROUP ACCOUNTS PTY LTD	STATIONERY FOR WYN CHILD CARE CENTRE	247.00
EFT104728	18/12/2008	SONYA MCKAY	UNIFORM ALTERATIONS	180.00
EFT104729	18/12/2008	STITCHED UP EMBROIDERY SERVICES	UNIFORM ORDER NEW STAFF & REPLACEMENT SIZING	4,415.50
EFT104730	18/12/2008	TOLL EXPRESS	FREIGHT FOR STATIONERY AND SIGNS	105.87
EFT104731	18/12/2008	TONY'S PLUMBING & EXCAVATION PTY LTD	PLUMBING REPAIRS WYN ADMIN, BONAPARTE TOILET	987.28
EFT104732	18/12/2008	VANDERFIELD MACHINERY PTY LTD	FUEL TANK AND FREIGHT	754.77
EFT104733	18/12/2008	WESTERN AUST. TREASURY CORPORATION	LOAN NO 118 INTEREST PAYMENT - YOUTH CENTRE	8,872.90

Chq/EFT	Date	Name	Description	Amount
EFT104734	18/12/2008	YMCA OF PERTH INC	DIPLOMA OF CHILDREN SERVICES - B MCKINLAY	566.00
EFT104735	24/12/2008	ALLGEAR MOTORCYCLES	WHIPPER SNIPPER, CHAIN SAW REPAIRS, FILTER,OIL	1,433.75
EFT104736	24/12/2008	ANIMAL CARE & EQUIPMENT SERVICES	ABOISTOP MINI KITS	920.00
EFT104737	24/12/2008	APPERLEY, KARYN	REIMBURSEMENT OF ELECTRICITY SUBSIDY	371.96
EFT104738	24/12/2008	ARGYLE MOTORS	PURCHASE OF WY13118 & WY12936 (TRADE-IN WY1)	50,523.20
EFT104739	24/12/2008	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	133.66
EFT104740	24/12/2008	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	179.00
EFT104741	24/12/2008	BEAUREPAIRES (KUNUNURRA)	REPAIR/ REPLACE TYRES VAR VEHICLES,BATTERY	933.38
EFT104742	24/12/2008	BLACKWOODS ATKINS PTY LTD	8 WATER COOLERS, MESH BARRICADE, CABLE TIES	459.69
EFT104743	24/12/2008	BLUE DAVIDSON SIGNS	UPDATE COUNCIL BOARD NOV ELECTION CHANGES	130.00
EFT104744	24/12/2008	BOAB CARPENTRY MAINTENANCE SERVICE	REPAIRS TO WYNDHAM REC CENTRE	380.50
EFT104745	24/12/2008	BOAB REFRIGERATION AND AIRCON	SERVICE AIR CONS - 16 KIMBERLEY STREET WYN	297.00
EFT104746	24/12/2008	BRANKO BP MOTORS	MINOR TOOLS PURCHASED NOV 2008	429.50
EFT104747	24/12/2008	BUSH CAMP SURPLUS STORES	WORK BOOTS PURCHASED	425.00
EFT104748	24/12/2008	CHEFMASTER AUSTRALIA	GREEN, WHITE & ORANGE BIN LINERS	739.40
EFT104749	24/12/2008	CHRISTINE ANN MCLACHLAN	REIMBURSE PURCHASES FOR CHRISTMAS PARTY	281.79
EFT104750	24/12/2008	COATES HIRE OPERATIONS PTY LTD	DAILY HIRE OF WATER FILLABLE BARRIERS 20-30/11/08	96.80
EFT104751	24/12/2008	CORPORATE EXPRESS	STATIONERY ORDER FOR DEC 2008	2,507.89
EFT104752	24/12/2008	CROCODILE SIGNS	SIGNS FOR LANDFILL SITE	1,127.50
EFT104753	24/12/2008	DAVEY TYRE AND BATTERY SERVICE	TYRE 1CIU595	304.15
EFT104754	24/12/2008	DOUGLAS ALEXANDER	REIMBURSEMENT ELECTRICITY SUBSIDY	350.14
EFT104755	24/12/2008	EAST KIMBERLEY HARDWARE	BAGS OF CEMENT & TREE DROPPERS	700.50
EFT104756	24/12/2008	EAST KIMBERLEY PLUMBING	REMOVE BLOCKAGE IN DRAIN - CHANGEROOMS	297.55
EFT104757	24/12/2008	EDUCATIONAL EXPERIENCE PTY LTD	STORY TIME ITEMS PLUS FREIGHT	84.26
EFT104758	24/12/2008	FEWSTER, KELLY	REIMBURSEMENT OF ELECTRICITY SUBSIDY	315.37
EFT104759	24/12/2008	FRONTIER POST & NEWS	PRINTER CARTRIDGE,MEMORY CARD, PAPERS	104.65
EFT104760	24/12/2008	GUERINONI & SON	HIRE OF GRADER FOR LAKESIDE PATHWAY	558.25
EFT104761	24/12/2008	HORIZON POWER	ELECTRICITY SUPPLIED	5,380.85
EFT104762	24/12/2008	JENNIFER NINYETTE	REIMBURSEMENT OF ELECTRICITY EXPENSES	397.34

EFT104763	24/12/2008	KIMBERLEY COMMUNICATIONS	RESET JJJ AFTER POWER FAILURE	55.00
EFT104764	24/12/2008	KIMBERLEY KOOL REFRIGERATION	S&I OUTDOOR UNIT TO KNX DEPOT AS QUOTED	1,595.00
EFT104765	24/12/2008	KUNUNURRA PANEL BEATING WORKS WA P/L	SUPPLY & INSTALL WINDSCREEN - WY12352	330.00
EFT104766	24/12/2008	KUNUNURRA RURAL TRADERS	4.5KG FIRE EXTINGUISHER	228.69
EFT104767	24/12/2008	KUNUNURRA SECURITY SERVICE	SECURITY PATROL AND MONITORING OF ALARMS	1,801.20
EFT104768	24/12/2008	L.G.R.C.E.U	PAYROLL DEDUCTIONS	15.30
EFT104769	24/12/2008	MCKINLAY, BETTY	REIMBURSEMENT OF CONSUMABLES PURCHASED	51.60
EFT104770	24/12/2008	MCLEAN ENTERPRISES	200L 15W40 Engine oil	1,005.50
EFT104771	24/12/2008	OFFICE NATIONAL KUNUNURRA	COPY COUNT CHARGES FOR CANON IR5800	599.73
EFT104772	24/12/2008	ORD RIVER ELECTRICS	REPAIR/INSTALL XMAS LIGHTS,A/CON REPAIR RIVERFIG	3,390.21
EFT104773	24/12/2008	ORIA ORCHARDS	WEEKLY DELIVERY OF FLOWERS KNX OFFICE	15.00
EFT104774	24/12/2008	RED SUN SPORTS	4 BASKETBALLS	100.00
EFT104775	24/12/2008	REDWAVE MEDIA PTY LTD	ADVERTISING OF LOCAL GOVERNMENT ELECTIONS	1,243.00
Chq/EFT	Date	Name	Description	Amount
EFT104776	24/12/2008	ROGERS MACHINERY SERVICE	SUPPLY FITTINGS FOR SPRAY UNIT	12.80
EFT104777	24/12/2008	SHERIDAN'S FOR BADGES	NAME BADGES - STAFF & COUNCILLORS	113.41
EFT104778	24/12/2008	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	395.00
EFT104779	24/12/2008	SPORTSWORLD OF WA	RUBBER BASKETBALL FOR WYN REC CENTRE	79.86
EFT104780	24/12/2008	SUPA FRESH HOT BREAD SHOP	DINNER ROLLS & BREAD LOAVES - CHRISTMAS PARTY	22.40
EFT104781	24/12/2008	THINKWATER	BOX OF HUNTER SPRINKERS - WYNDHAM	1,000.18
EFT104782	24/12/2008	THORLEY'S STORE	TRANSPORT OF SHIRE BAG KNX-WYN NOV 08	360.00
EFT104783	24/12/2008	TOLL EXPRESS	FREIGHT COSTS FOR WEEKENDING 07/12/08	466.92
EFT104784	24/12/2008	TOP END MOTORS	S&I REVOLVING BEACON WY1313, SERVICE WY12352	868.83
EFT104785	24/12/2008	TOTAL EDEN - KP PUMPS	SPRINKLERS, POLY PIPE, ELBOWS, VALVES, ETC	1,286.72
EFT104786	24/12/2008	UHY HAINES NORTON (WA) PTY LTD	AUDIT CERTIFICATION	2,805.00
EFT104787	24/12/2008	WA AQUATIC CLUB PTY LTD	GOGGLES FOR SALE AT LEISURE CENTRE	396.00
EFT104788	24/12/2008	WA LOCAL GOVT SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	19,674.19
EFT104789	24/12/2008	WESFARMERS KLEENHEAT GAS PTY LTD	YEARLY FACILITY FEES FOR 45 KG VAP CYLINDER	60.50
EFT104790	31/12/2008	SPORTS SURFACES	PROGRESS PAYMENT MULTIPURPOSE COURTS	227,012.50
EFT104791	05/01/2009	COMMANDER AUSTRALIA LIMITED	SUPPLY OF CALL PILOT 150	3,989.70

1,188,842.73

Chq	Date	Name	Description	Amount
38748	01/12/2008	TIARNE PEARCE	DONATON - WINNER SWEK CITIZENSHIP AWARD 2008	300.00
38749	05/12/2008	ALICIA BLUNT	REFUND SWIM SCHOOL LESSONS	21.00
38750	05/12/2008	PAYMENT CANCELLED		0.00
38751	05/12/2008	CEMEX AUSTRALIA PTY LTD (HUMES)	CONCRETE PIPES, EB BANDS, PRE-CAST HEADWALLS	4,807.88
38752	05/12/2008	DEPT FOR PLANNING & INFRASTRUCTURE	DPI INFRINGEMENT LATE TRANSFER FEES	100.00
38753	05/12/2008	HUGO DESIGNER DOGWEAR	LITTER PREVENTION PROJECT - POO BAG HOLDERS	2,844.60
38754	05/12/2008	ID WAREHOUSE	LANYARDS - SECURITY ASIC CARDS KNX AIRPORT	345.07
38755	05/12/2008	LOOKOUT GRADER HIRE	GRADER HIRE – FIREBREAKS	3,192.75
38756	05/12/2008	ST JOHN AMBULANCE ASSOCIATION IN WA	CHECK & RE-STOCK FIRST AID KITS	114.80
38757	05/12/2008	TELSTRA	TELSTRA MOBILE ACCOUNT 11/10/08-10/11/08	1,350.37
38758	05/12/2008	VAGG'S WYNDHAM LIQUOR	REFRESHMENTS FOR STAFF CHRISTMAS PARTY	110.66
38759	05/12/2008	VALENTINES PIZZA	CATERING FOR COUNCIL ELECTION NIGHT NOV 2008	270.00
38760	05/12/2008	WATER CORPORATION	WATER SUPPLIED VARIOUS LOCATIONS	2,930.45
38761	05/12/2008	WYNDHAM EXCAVATIONS	SUPPLY OF REINFORCING MESH AS PER QUOTE	28,000.00
38762	12/12/2008	5 RIVERS PLUMBING & GAS	REPLACE WATER LINE - WORK CAMP & TERM BLDG	1,116.50
38763	12/12/2008	ASGARD SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	106.81
38764	12/12/2008	AUSTRALIAN COMMUNICATIONS AUTHORITY	APPARATUS LICENCE RENEWAL FEES	45.00
38765	12/12/2008	AUSTRALIAN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	55.28
38766	12/12/2008	DEPART FOR PLANNING & INFRASTRUCTURE	LOCAL AUTHORITY SERIES SPECIAL PLATES	135.00
38767	12/12/2008	DEPT FOR PLANNING & INFRASTRUCTURE	REGISTRATION OF TRAILER 1TJA137	73.00
38768	12/12/2008	DIGGA WEST	LOADER & BACKHOE PARTS	497.97
Chq/EFT	Date	Name	Description	Amount
38769	12/12/2008	FUJI XEROX AUSTRALIA PTY LTD	COPY COUNT CHARGES APEOSPORTC6500 NOV 2008	1,820.58
38770	12/12/2008	INTERCON LOGISTICS	DELIVERY OF CHLORINE GAS DRUM KNX POOL	2,133.40
38771	12/12/2008	KIMBERLEY BEEZ	REMOVE SWARM OF BEES FROM DOG POUND	110.00
38772	12/12/2008	LOOKOUT GRADER HIRE	GRADER HIRE - FIREBREAKS	3,861.00

38773	12/12/2008	MLC THE RETIREMENT PLAN	SUPERANNUATION CONTRIBUTIONS	329.98
38774	12/12/2008	QUADRANT SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	267.79
38775	12/12/2008	REST SUPER	SUPERANNUATION CONTRIBUTIONS	392.49
38776	12/12/2008	PAYMENT CANCELLED		0.00
38777	12/12/2008	TELSTRA	TELSTRA LANDLINE USAGE FOR OCT 2008	3,462.79
38778	12/12/2008	VAGG'S WYNDHAM LIQUOR	REFRESHMENTS FOR STAFF CHRISTMAS PARTY	847.80
38779	12/12/2008	VICSUPER	SUPERANNUATION CONTRIBUTIONS	162.89
38780	12/12/2008	WATER CORPORATION	WATER SUPPLIED	7,698.40
38781	12/12/2008	WESTSCHEME	SUPERANNUATION CONTRIBUTIONS	203.24
38782	18/12/2008	CASH - PETTY CASH KNX DEPOT	DEPOT SUNDRIES	93.80
38783	18/12/2008	DEPARTMENT OF TREASURY AND FINANCE	RECOVERY OF LOST AND DAMAGED BOOKS	20.90
38784	18/12/2008	SAVE THE CHILDREN	PERFORMANCE FEE FOR "DEADLY BLOKES & KIDS"	550.00
38785	18/12/2008	TELSTRA	LANDLINE USAGE NOV 2008	3,161.26
38786	18/12/2008	WATER CORPORATION	WATER SUPPLIED	4,738.10
38787	24/12/2008	ASGARD SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	154.50
38788	24/12/2008	AUSTRALIAN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	188.63
38789	24/12/2008	BCITF	BCITF LEVY COLLECTED PERIOD 01/07/08 - 30/11/08	24,961.88
38790	24/12/2008	CITY OF WANNEROO	REIMBURSEMENT FOR LOST BOOKS BORROWED	12.10
38791	24/12/2008	MECURE HOTEL PERTH	ACCOMMODATION FOR S MCLACHLAN 23-27/11/08	660.00
38792	24/12/2008	MLC THE RETIREMENT PLAN	SUPERANNUATION CONTRIBUTIONS	329.98
38793	24/12/2008	QUADRANT SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	267.79
38794	24/12/2008	REST SUPER	SUPERANNUATION CONTRIBUTIONS	394.41
38795	24/12/2008	VICSUPER	SUPERANNUATION CONTRIBUTIONS	162.89
38796	24/12/2008	WATER CORPORATION	WATER CHARGES LIONS PARK	1,690.55
38797	24/12/2008	WESTSCHEME	SUPERANNUATION CONTRIBUTIONS	52.38
				105,146.67

Date	Name	Description	Amount
04/12/2008	PAYROLL	ONE-OFF PAY	403.46
09/12/2008	PAYROLL	ONE-OFF PAY	1,294.33

03/12/2008	PAYROLL	PAYROLL	116,053.84
12/12/2008	PAYROLL	ONE-OFF PAY	2,257.14
17/12/2008	PAYROLL	PAYROLL	125,026.99
18/12/2008	PAYROLL	ONE-OFF PAY	8,298.95
31/12/2008	PAYROLL	PAYROLL	109,706.39
			<u>363,041.10</u>

Date	Name	Description	Amount
29/12/08	DIRECT DEBIT	RENT 12/33 KONKERBERRY DRIVE KUNUNURRA	1,733.33
15/12/08	DIRECT DEBIT	RENT 4 BOOBIALLA WAY	2,383.33
22/12/08	DIRECT DEBIT	RENT 20 BARRINGTONIA WAY	2,253.33
DEC 2008	DIRECT DEBIT	BANK FEES	393.39
DEC 208	DIRECT DEBIT	BPOINT	162.24
2/12/08	DIRECT DEBIT	VISA PAYMENT	8,505.28
18/12/08	DIRECT DEBIT	MASTERCARD	2,646.98
DEC 2008	DIRECT DEBIT	MERCHANT FEE	949.73
3/12/08	DIRECT DEBIT	WESTNET P/L	579.49
		TOTAL DIRECT DEBIT PAYMENTS	<u>19,607.10</u>

12.2.2 MONTHLY FINANCIAL REPORT (8516)

DATE:	20 January 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Gillian Old, Manager Financial Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	60.14.04
ASSESSMENT NO:	N/A

PURPOSE

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

BACKGROUND

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

STATUTORY IMPLICATIONS

Section 6.4 Local Government Act 1995
Regulation 34, Local Government (Financial Management Regulations) 1996

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

Key Result Area 5 – Governance

Council's financial position and forward planning is sound.

COMMUNITY CONSULTATION

Nil.

COMMENT

Comment in relation to budget to actual variances are included as a note in the Financial Report.

ATTACHMENTS

Monthly Financial Report for November 2008.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council accept the Monthly Financial Report for the month of November 2008.

COUNCIL DECISION

Minute No. 8516

Moved:Cr D Ausburn

Seconded:Cr K Wright

That Council accept the Monthly Financial Report for the month of November 2008.

CARRIED UNANIMOUSLY: (8/0)

**Shire of Wyndham East Kimberley
Statement of Financial Activity
Year to Date Actual v Year to Date Budget
as at 30 November 2008**

	Year to Date Budget		Year to Date Actual		Variance	
	\$	\$	\$	\$	\$	%
Revenues		6,431,287		6,435,763		
General Purpose Funding	2,252,642		2,271,300		18,658	1%
Governance	19,549		28,945		9,396	48%
Law, Order And Public Safety	43,030		28,922		(14,108)	-33%
Health	70,522		72,812		2,290	3%
Education And Welfare	1,039,458		1,059,237		19,779	2%
Housing	31,594		50,019		18,425	58%
Community Amenities	1,215,999		1,174,555		(41,444)	-3%
Recreation And Culture	176,261		169,900		(6,361)	-4%
Transport	1,414,018		1,425,419		11,401	1%
Economic Services	88,475		42,253		(46,222)	-52%
Other Properties And Services	79,739		112,402		32,663	41%
Expenses		(6,052,848)		(6,045,706)		
General Purpose Funding	(173,901)		(195,949)		(22,048)	13%
Governance	(392,276)		(346,009)		46,267	-12%
Law, Order And Public Safety	(208,086)		(230,251)		(22,165)	11%
Health	(130,672)		(122,615)		8,057	-6%
Education And Welfare	(192,108)		(174,777)		17,331	-9%
Housing	(98,742)		(117,378)		(18,636)	19%
Community Amenities	(1,022,867)		(989,898)		32,969	-3%
Recreation and Culture	(1,457,292)		(1,491,481)		(34,189)	2%
Transport	(1,951,316)		(1,961,759)		(10,443)	1%
Economic Services	(239,812)		(179,892)		59,920	-25%
Other Properties And Services	(185,776)		(235,698)		(49,922)	27%
Adjustments for Cash Budget Requirements						
Non-Cash Expenditure and Revenue		(2,277,464)		(181,856)	2,095,608	0
Capital Expenditure and Revenue		(1,904,525)		(1,638,352)		
<i>Purchase for Land Held for Resale</i>	0		0		0	
<i>Purchase Land and Buildings</i>	(170,000)		(191,313)		(21,313)	0%
<i>Purchase Infrastructure Assets - Roads</i>	(1,779,012)		(1,736,317)		42,695	-2%
<i>Purchase Infrastructure Assets - Parks</i>	(171,000)		(187,441)		(16,441)	10%
<i>Purchase Infrastructure Assets - Footpaths</i>	(92,384)		(106,322)		(13,938)	15%
<i>Purchase Infrastructure Assets - Drainage</i>	(5,000)		(2,987)		2,013	0%
<i>Purchase Infrastructure Assets - Other</i>	(1,054,000)		(803,359)		250,641	-24%
<i>Purchase Plant and Equipment</i>	(560,580)		(577,909)		(17,329)	3%
<i>Purchase Furniture and Equipment</i>	(70,750)		(43,308)		27,442	-39%
<i>Grants / Contributions for Development of Assets</i>	657,900		746,499		88,599	13%
<i>Proceeds from Disposal of Assets</i>	1,273,750		1,231,575		(42,175)	-3%
<i>Proceeds from Sale of Land Held for Resale</i>	125,000		90,263		(34,737)	-28%
<i>Repayment of Debentures</i>	(59,568)		(58,853)		715	-1%
<i>Proceeds from New Debentures</i>	0		0		0	

	<i>Self-Supporting Loan Principal Income</i>		1,119		1,119		0
	<i>Transfers to Reserves (Restricted Assets)</i>		0		0		0
	<i>Transfers from Reserves (Restricted Assets)</i>		0		0		0
ADD	Estimated Surplus/(Deficit) July 1 B/Fwd	1,448,641	1,448,641	1,439,762	1,439,762	(8,879)	-1%
LESS	Estimated Surplus/(Deficit) June 30 C/Fwd	2,381,430	2,381,430	4,838,164	4,838,164	2,043,502	103%
	Amount Required to be Raised from Rates	4,736,339	4,736,339	4,828,554	4,828,554	92,215	2%

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity

For the Period Ended 30 November 2008

	YTD Actual 2008/09	Brought Forward
Net Current Assets	\$	1 July 2008 \$
Composition of Net Current Asset Position		
Current Assets		
Cash - Unrestricted	3,594,926	1,386,340
Cash - Reserves	6,140,020	5,962,360
Cash - Restricted Unspent Grants		
Investments - Restricted		
Receivables	2,431,840	1,141,569
Inventories	12,093	7,834
Land Held for Resale		-
	12,178,880	8,498,102
<i>Less</i>		
Current Liabilities		
Payables	(1,200,696)	(1,095,984)
	(1,200,696)	(1,095,984)
<i>Less</i>		
Restricted Reserves		
Cash	(6,140,020)	(5,962,356)
Investments		
	(6,140,020)	(5,962,356)
Net Current Asset Position	4,838,164	1,439,762

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity

For the Period Ended 30 November 2008

Explanation of Material Variances

Variances +/- \$50,000

Operating

Recurrent Revenue - Excluding Rates

There are no material variances requiring explanation

Recurrent Expenditure

Economic Services - Nil activity on Something Concrete Project due to Dept Housing & Works not advanced contracts for construction. Negotiations stalled. Variance also reflected in revenue.

Capital

Non-Cash Expenditure and Revenue

There are no material variances requiring explanation

Capital Expenditure and Revenue

Purchase Infrastructure Assets - Other: Savings on constructions costs East Kimberley Regional Airport Apron & Taxiway upgrades

Grants / Contributions for Development of Assets - Road Contributions Carlton Hill Road received, not included in original budget.

**Shire of Wyndham East Kimberley
Note to Statement of Financial Activity
(Budget to Collect / Spend)
as at 30 November 2008**

	Adopted Budget		Year to Date Actual		Budget Remaining to Collect / (Spend)	
	\$	\$	\$	\$	\$	\$
Revenues		11,628,112		6,435,763		5,192,349
General Purpose Funding	4,180,362		2,271,300		1,909,062	
Governance	47,000		28,945		18,055	
Law, Order And Public Safety	89,600		28,922		60,678	
Health	145,420		72,812		72,608	
Education And Welfare	1,102,519		1,059,237		43,282	
Housing	71,350		50,019		21,331	
Community Amenities	1,877,689		1,174,555		703,134	
Recreation And Culture	486,100		169,900		316,200	
Transport	3,060,150		1,425,419		1,634,731	
Economic Services	292,285		42,253		250,032	
Other Properties And Services	275,637		112,402		163,235	
Expenses		(15,509,811)		(6,045,706)		(9,464,110)
General Purpose Funding	(358,155)		(195,949)		(162,206)	
Governance	(1,057,900)		(346,009)		(711,892)	
Law, Order And Public Safety	(482,548)		(230,251)		(252,297)	
Health	(339,005)		(122,615)		(216,390)	
Education And Welfare	(414,772)		(174,777)		(239,995)	
Housing	(270,286)		(117,378)		(152,908)	
Community Amenities	(3,128,713)		(989,898)		(2,138,814)	
Recreation and Culture	(3,354,062)		(1,491,481)		(1,862,580)	
Transport	(5,236,286)		(1,961,759)		(3,274,528)	
Economic Services	(629,627)		(179,892)		(449,735)	
Other Properties And Services	(238,463)		(235,698)		(2,766)	
Adjustments for Cash Budget Requirements						
Non-Cash Expenditure and Revenue		1,276,826		(181,856)		1,458,682
Capital Expenditure and Revenue		(3,580,102)		(1,638,352)		(1,941,750)
<i>Purchase for Land Held for Resale</i>	(750,000)		0		(750,000)	
<i>Purchase Land and Buildings</i>	(1,371,000)		(191,313)		(1,179,687)	
<i>Purchase Infrastructure Assets - Roads</i>	(3,864,016)		(1,736,317)		(2,127,699)	
<i>Purchase Infrastructure Assets - Parks</i>	(1,000,000)		(187,441)		(812,559)	
<i>Purchase Infrastructure Assets - Footpaths</i>	(147,164)		(106,322)		(40,842)	
<i>Purchase Infrastructure Assets - Drainage</i>	(125,000)		(2,987)		(122,013)	
<i>Purchase Infrastructure Assets - Other</i>	(2,418,470)		(803,359)		(1,615,111)	
<i>Purchase Plant and Equipment</i>	(1,783,280)		(577,909)		(1,205,371)	
<i>Purchase Furniture and Equipment</i>	(251,000)		(43,308)		(207,692)	
<i>Grants / Contributions for Development of Assets</i>	4,514,260		746,499		3,767,761	
<i>Proceeds from Disposal of Assets</i>	1,583,053		1,231,575		351,478	
<i>Proceeds from Sale of Land Held for</i>	250,000		90,263		159,737	
<i>Repayment of Debentures</i>	(127,300)		(58,853)		(68,447)	
<i>Proceeds from New Debentures</i>	1,071,000		0		1,071,000	
<i>Self-Supporting Loan Principal Income</i>	1,119		1,119		(0)	
<i>Transfers to Reserves (Restricted Assets)</i>	(968,595)		0		(968,595)	
<i>Transfers from Reserves (Restricted</i>	1,806,291		0		1,806,291	
ADD Estimated Surplus/(Deficit) July 1 B/Fwd	1,448,641	1,448,641	1,439,762	1,439,762	8,879	8,879
LESS Estimated Surplus/(Deficit) June 30 C/Fwd		0	4,838,164	4,838,164	(4,987,710)	(4,987,710)
Amount Required to be Raised from Rates	4,736,339	4,736,339	4,828,554	4,828,554	(92,215)	(92,215)

12.3. ENGINEERING & REGULATORY SERVICES

12.3.1 AMENDMENT TO THE HEALTH (TREATMENT OF SEWAGE AND DISPOSAL OF EFFLUENT REGULATIONS) 1974 (8517)

DATE:	20 January 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Kelly Fewster, Environmental Health Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	33.11.04, 33.14.22
ASSESSMENT NO:	N/A

PURPOSE

For Council to pursue an amendment to the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* to give local government Environmental Health Officer's greater rights of approval.

BACKGROUND

All applications for on-site effluent disposal require approval by an Environmental Health Officer (EHO) for Local Government or the Executive Director of Public Health (EDPH). Applications are to comply with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* (the regulations) and should have consideration for the Draft Country Sewerage Policy.

The Draft Country Sewerage Policy was developed in 2002 to protect public health and the environment by setting standards on subdivisions and density development for which reticulated sewage is unlikely to be available for some time. It states that subdivision lot sizes shall be no smaller than 2000m² without the provision of reticulated sewage. Whilst the policy remains in draft form and has not been adopted formally through any legislation, the Department of Health advises that all applications for on-site effluent disposal should comply with it.

Through Section 4(1) of the Regulations, local government EHO's have delegation to approve an apparatus for the treatment of sewage if it serves a single dwelling or a building that produces less than 540L of waste per day. The definition of a single dwelling restricts itself to the only dwelling on a lot.

This restriction is outdated and unreasonable, particularly in regional areas. Rural properties, stations and aboriginal communities commonly have multiple dwellings on a lot; in which case, every application after the original requires approval of the EDPH; regardless of lot size or distance between wastewater systems.

Applications to the EDPH must be accompanied by a local government report prepared by a local government EHO. The EHO is also responsible for site inspections before and after installation of the system. The extended approvals

process can add up to two weeks onto the time of approvals, frustrating both EHO's and applicants.

STATUTORY IMPLICATIONS

Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974

4. Approval of the construction or installation of an apparatus by local government

- (1) For the purposes of section 107(2)(a) of the Act, an apparatus is to be approved by a local government if it is intended to serve —
- (a) a single dwelling; **or**
 - (b) any other building that produces not more than 540 litres of sewage per day.

For the purpose of the regulations a “**single dwelling**” means a dwelling —

- (a) that is occupied or intended to be occupied for the purpose of human habitation by not more than 8 persons;
- (b) standing on a lot within the meaning of the Town Planning and Development Act 1928; and
- (c) that is the only dwelling standing on that lot;

POLICY IMPLICATIONS

Draft Country Sewerage Policy

FINANCIAL IMPLICATIONS

A \$35 fee is imposed on applications requiring approval by the Executive Director of Public Health. This fee is paid by the applicant to the Shire who then arranges payment to the Department of Health.

STRATEGIC IMPLICATIONS

Key Result Area 2 – Governance

Leadership and advocacy on issues relevant to the region

COMMUNITY CONSULTATION

It is clear from dealing with applicants that they are frustrated with additional fees and delays imposed on them by a section of the regulations that serves no purpose. The sentiment is also reflected by local government EHO's throughout the State.

COMMENT

Local government should be proactive in ensuring the legislation they are required to enforce is relevant to its constituents. It is widely recognised that sections of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* are outdated and require amendments. Whilst the need to protect public health is of greatest importance, it is evident that the approvals process can be streamlined.

Amending the definition of a single dwelling in the regulations will remove the need for standard 'domestic size' effluent disposal systems to be approved by the EDPH. This is a more practical outcome for the applicant, local government and Department of Health.

Removing part (c) of the definition of a single dwelling, "*the only dwelling standing on that lot*", would;

- i. Not increase the risk to public health
- ii. Give local government EHO's the power to approve an apparatus for dwellings designed to be occupied by no more than 8 persons
- iii. Reduce the need for domestic sized apparatus applications to be sent to the EDPH for approval
- iv. Streamline the approvals process and remove additional fees for applicants
- v. Remove the inefficient double handling of applications by local government

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER'S RECOMMENDATION

That Council seek support from the Kimberley Country Zone and the Western Australian Local Government Association to pursue an amendment of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* definition of a single dwelling from;

- (a) *that is occupied or intended to be occupied for the purpose of human habitation by not more than 8 persons;*
- (b) *standing on a lot within the meaning of the Town Planning and Development Act 1928; and*
- (c) *that is the only dwelling standing on that lot;*

And be replaced with the following definition:

"single dwelling" means a dwelling -

- (a) *that is occupied or intended to be occupied for the purpose of human habitation by not more than 8 persons;*
- (b) *standing on a lot within the meaning of the Planning and Development Act 2005.*

COUNCIL DECISION

Minute No. 8517

Moved:Cr D Ausburn

Seconded:Cr J Moulden

That Council seek support from the Kimberley Country Zone and the Western Australian Local Government Association to pursue an amendment of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 definition of a single dwelling from;

(a) that is occupied or intended to be occupied for the purpose of human habitation by not more than 8 persons;

(b) standing on a lot within the meaning of the Town Planning and Development Act 1928; and

(c) that is the only dwelling standing on that lot;

And be replaced with the following definition:

'single dwelling' means a dwelling -

(a) that is occupied or intended to be occupied for the purpose of human habitation by not more than 8 persons;

(b) standing on a lot within the meaning of the Planning and Development Act 2005.

CARRIED UNANIMOUSLY: (8/0)

12.3.2 APPLICATION FOR THREE DOGS TO BE KEPT AT A RESIDENTIAL ADDRESS (8518)

DATE:	20 January 2009
PROPONENT:	D I Halden
LOCATION:	16 Barringtonia Avenue, Kununurra
AUTHOR:	Alex Douglas, Executive Manager Engineering and Regulatory Services
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering and Regulatory Services
FILE NO:	01.1521.05
ASSESSMENT NO:	A1521

PURPOSE

The purpose of this report is for Council to approve the keeping of three dogs at a residential property.

BACKGROUND

In October 2008 a Media Release was issued saying that the Shire would be undertaking a program of compliance with the keeping of more than two dogs on any residential property.

The Shire's Rangers have been dealing a number of properties where more than two dogs have been observed since October, and generally with success.

In response to the media release, Mr Halden wrote to seek permission for the keeping of three dogs (sterilised males), being described as follows: -

- 9.5 yr old Staffy Cross
- 8 yr old Siberian Husky
- 6.5 yr old Blue Heeler Cross

STATUTORY IMPLICATIONS

The Dog Act 1976 and the Shire's Dogs Local Law 2003 apply, and in particular Clause 3.2 of the Local Law which reads: -

3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been -
 - (a) licensed under Part 4 as an approved kennel establishment; or
 - (b) granted an exemption under section 26(3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act -
 - (a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or
 - (b) 4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite.

POLICY IMPLICATIONS

There are no specific policies relating to this item.

FINANCIAL IMPLICATIONS

There are no specific financial implications relating to this item.

STRATEGIC IMPLICATIONS

There are no specific strategic implications relating to this item.

COMMUNITY CONSULTATION

The verbal comments of the adjoining residents was sought as the circumstance is an existing one, and there were no complaints or concerns expressed.

COMMENT

The owner of the dogs has been proactive in writing to Council and the location has been investigated by a Ranger who advises that the location and circumstances are appropriate for the keeping of the three dogs. No complaints have been received regarding the dogs.

The last request for the keeping of three dogs was in January 2008. There have been no complaints resulting from that approval, and the circumstances are seen as similar with a responsible dog owner seeking the appropriate approval of Council.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That in accordance with the provisions of Clause 3.2, Dogs Local Law 2003, Council approve the application by Mr Daniel Halden to keep three dogs as described at 16 Barringtonia Avenue, Kununurra.

COUNCIL DECISION

Minute No. 8518

Moved:Cr D Ausburn

Seconded:Cr J Moulden

That in accordance with the provisions of Clause 3.2, Dogs Local Law 2003, Council approve the application by Mr Daniel Halden to keep three dogs as described at 16 Barringtonia Avenue, Kununurra.

That in accordance with the provisions of Clause 3.2, Dogs Local Law 2003, Council approve the application by Mr Daniel Halden to keep these three dogs as described at 16 Barringtonia Avenue, Kununurra.

CARRIED UNANIMOUSLY: (8/0)

Alex Douglas entered the meeting 6.16pm

12.3.3 PROPOSED ORD RIVER SAILING CLUB LEASE (8519)

DATE:	20 January 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Foreshore Reserve 41812, Near Swim Beach
AUTHOR:	Alex Douglas, Executive Manager of Engineering and Regulatory Services
REPORTING OFFICER:	Alex Douglas, Executive Manager of Engineering and Regulatory Services
FILE NO:	01.2860.06
ASSESSMENT NO:	A2860

PURPOSE

The purpose of this report is for Council to consider additional information requested from the 16 December 2008 Ordinary Meeting with respect to the proposed lease and costs to be borne by Council in relocating the Club from its present location.

BACKGROUND

At the Ordinary Meeting held on 16 December 2008 Council received a report outlining the Sailing Club's list of conditions sought for a new lease and site. The contents of that report are included in this item.

The Ord River Sailing Club had a lease on the Lake Kununurra Foreshore between Swim Beach and Ski Beach from 1 March 1982. The lease expired in 2003.

At the Ordinary Council Meeting 19 August 2008 Council resolved as follows (Minute No 8337):

"That in surveying proposed lease areas allowance be made for the option of a future lease to accommodate the Kununurra Sailing Club at the site indicated on the map in attachment 4 and that all infrastructure be relocated or replaced at no cost to the Kununurra Sailing Club."

The Ord River Sailing Club wrote to Council 24 November 2008 seeking to progress a future lease as per the Council resolution, and advising of its preferred terms of lease.

This request was provided to elected members at the 2 December 2008 Briefing Session.

Surveying of lease sites has occurred and the Shire is currently waiting on surveyed diagrams.

At the Ordinary Council Meeting held on 16 December 2008, Council resolved as follows (Minute No. 8492)

"That Council defer this item until the January Council Meeting pending further investigation of financial impact of recommendation".

STATUTORY IMPLICATIONS

Section 3.58 of the Local Government Act 1995 prescribes how the disposal of land including leases is to occur.

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

- Sec 30. Dispositions of property to which section 3.58 of Act does not apply
- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
 - (2) A disposition of land is an exempt disposition if
 - (a) the land is disposed of to an owner of adjoining land (in this paragraph called **the transferee**) and
 - (i) its market value is less than \$5 000; and
 - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;
 - (b) the land is disposed of to a body, whether incorporated or not
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;
 - (c) the land is disposed of to
 - (i) the Crown in right of the State or the Commonwealth;
 - (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or
 - (iii) another local government or a regional local government;
 - (d) it is the leasing of land to an employee of the local government for use as the employee's residence;
 - (e) it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land;
 - (f) it is the leasing of land to a □medical practitioner (as defined in section 3 of the *Medical Act 1894*) to be used for carrying on his or her medical practice; or
 - (g) it is the leasing of residential property to a person.
 - (2a) A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been
 - (a) put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government;
 - (b) the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or
 - (c) the subject of Statewide public notice under section 3.59(4), and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including
 - (i) the names of all other parties concerned;
 - (ii) the consideration to be received by the local government for the disposition; and
 - (iii) the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.

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

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

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

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

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Council resolution, Minute 8337, makes it clear that there is to be no cost of establishing a new lease and premise for the Ord River Sailing Club. It is presumed based on this resolution that Council is prepared to fund those costs, possibly with grant assistance.

The estimated cost to Council comprising of several elements, as follows:

New shed including internal WC facility	\$90,000
Effluent Treatment System	\$10,000
Electrical water pump and 5000L holding tank	\$ 6,000
Electrical supply to new Shed	\$ 3,500
Contribution to new Inlet	\$10,000
Tree planting	\$ 500
Estimated TOTAL	\$120,000

STRATEGIC IMPLICATIONS

Under Council's Strategic Plan, Key Result Area 2 – Community, Council has acknowledged the desire to develop the strengths and potential of the community now and into the future.

While the Sailing Club membership is understood to be small at present, development of the lease site could be argued as a future proofing measure.

COMMUNITY CONSULTATION

Nil at this time. Advertising of the proposed lease would be required upon completion of the draft lease documentation.

COMMENT

The Ord River Sailing Club preferred lease conditions are considered inconsistent with other community leases.

It is considered reasonable that given the Council resolution 8337 that a like for like premise is provided, albeit with a new rather than depreciated shed.

The Shire for example does not provide ground maintenance for other Clubs with leased sites. It is considered a responsibility of any functioning Club that it maintains its own leased site.

Likewise it is reasonable for Clubs to manage their own waste via the normal options in the community.

The Club had allowed the previous inlet it originally had access to to become overgrown with vegetation. No purpose built boat ramp existed at the previous expired lease site.

No fence, gate, or flag pole existed at the previous site.

There was no reticulated grass at the previous leased site.

ATTACHMENTS

Letter - Ord River Sailing Club 24 November 2008 (Record No 064036)

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

1. That Council offer a new 21 year lease to the Ord River Sailing Club on the following terms:
 - 1.1 \$100 per year lease fee with CPI indexation.
 - 1.2 Lease fee to be paid by 30 May each year.
2. That Council will allocate an amount of \$120,000 within the 2009/2010 Budget for the cost involved in providing the Ord River Sailing Club Incorporated with the following facilities on proposed lease Lot 1:

New shed including internal WC facility	\$90,000
Effluent Treatment System	\$10,000
Electrical water pump and 5000L holding tank	\$ 6,000
Electrical supply to new Shed	\$ 3,500
Contribution to new Inlet	\$10,000
Tree planting	\$ 500

The following information is tabled as revised information to that provided in the Council Meeting Agenda

The estimated cost information contained in the report has since been updated and the following revised table of costs is provided: -

New shed excluding internal WC facility fixtures	\$50,000	(was \$90,000)
WC plumbing, fixtures and Effluent Treatment System	\$30,000	(was \$10,000)

Electrical water pump and 5000L holding tank	\$ 6,000	
Electrical supply to new Shed	\$ 3,500	
Contribution to new Inlet	\$10,000	
Tree planting	\$ 500	
	Revised total	\$100,000 (was
\$120,000)		

REVISED OFFICER'S RECOMMENDATION

1. That Council offer a new 21 year lease to the Ord River Sailing Club on the following terms:
 - 1.1 \$100 per year lease fee with CPI indexation.
 - 1.2 Lease fee to be paid by 30 May each year.
2. That Council will allocate an amount of \$100,000 within the 2009/2010 Budget for the cost involved in providing the Ord River Sailing Club Incorporated with the following facilities on proposed lease Lot 1:

New shed excluding internal WC facility fixtures	\$50,000
WC plumbing, fixtures and Effluent Treatment System	\$30,000
Electrical water pump and 5000L holding tank	\$ 6,000
Electrical supply to new Shed	\$ 3,500
Contribution to new Inlet	\$10,000
Tree planting	\$ 500

COUNCIL DECISION

Minute No. 8519

Moved:Cr K Wright

Seconded:Cr P Caley

That Council not proceed with lease until an authenticated membership base is proven.

CARRIED: (5/3)

Cr Keith Wright requested votes for and against to be recorded

For: Crs Ausburn, Mills, Wright, Torres and Caley

Against: Crs Moulden, Parker and Addis

Doc No.	063960
Date	8 NOV 2008
Officer	CEG
Response	
File	01.2860.06
Cross Ref.	



ORD RIVER SAILING CLUB

P.O. Box 223,
KUNUNURRA, W.A. 6743.

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

Dear Mr Stubbs

ORD RIVER SAILING CLUB LEASE & RELOCATION REQUIREMENTS

Further to Michele Pucci, the former Shire President's approach to the Ord River Sailing Club (ORSC) on 17 August, your facsimile of 28 October and my meeting with Katya Tripp and Alex Douglas on 3 November, the ORSC understands the following:

- that contrary to the Council's decision minuted in the Ordinary Council Minutes of the 18 March 2008 (Minute: 8126 moved by Cr J Buchanan and seconded by Cr K Wright):

"That Council:

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."*

the Shire of Wyndham East Kimberley (SWEK) now proposes to relocate the Ord River Sailing Club to a new lease to allow for commercial leases on the Lake Kununurra foreshore;

- the Shire has surveyed four commercial leases but not yet that proposed for the ORSC; and
- the Shire has requested the Club advise its preferred terms of a new sailing club lease.

The ORSC also understands that the Shire is prepared to replace the Club's developments and facilitate the Club's move to the new site. Whilst preferring to remain at the site which it has occupied for thirty years, the ORSC has considered and provides its requirements for relocation herewith:

Lease area:

- to be surveyed by ORSC and SWEK at no cost to ORSC including a launching inlet and a launching ramp directly in to the river; and
- the area identified by the ORSC's Committee roughly corresponds with the area proposed on page 66 of the Ordinary Council Agenda, 19 August 2008.

Lease conditions:

- all relevant approvals and licenses obtained at no cost to ORSC, including those from the Department of Water;
- 21 year **renewable** lease term;
- peppercorn lease;
- the lease and any infrastructure to be established in the ORSC's name;
- grounds maintenance to be provided by the Shire (facilitated by the proposed ORSC lease area's proximity to the newly extended Swim Beach); and
- waste removal.

Design and size of shed:

- the same design apart from slightly increased dimensions to the ORSC's current boat shed, to include an internal toilet to reduce the risk of vandalism associated with an external toilet block;
- toilet system in boat shed;
- roof insulation and overhang together with shaded verandah to compensate for the loss of shade trees planted by members at the original site;
- boat racks, consistent with current shed;
- five lockable roller doors;

Inlet and launching ramp:

- location, depth, width and water depth to be surveyed by ORSC and SWEK and approved by DoW and any other relevant authorities.

Vegetation:

- existing native trees to be preserved where possible and additional shade trees to be planted by SWEK in consultation with ORSC; and
- regrassing of the block within a reasonable time frame after construction.

Other matters:

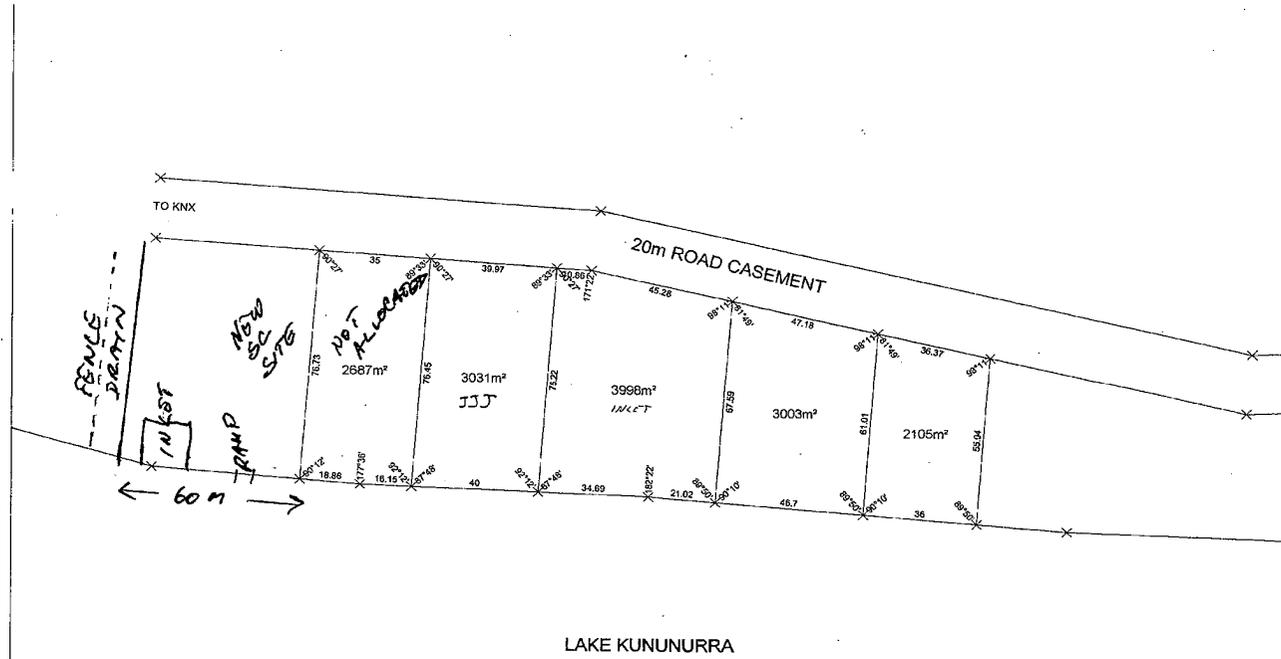
- reticulation, pump, flag pole, fence and gate to be included in the preparation of the new site;
- SWEK to be responsible for the project management under ORSC guidance; and
- physical assistance with the relocation.

The ORSC would require a seamless relocation, with minimal inconvenience to its members and total readiness of the new site and facilities prior to the ORSC having to vacate its current facilities.

I look forward to your earliest response to this matter and reassurance that the commercial beneficiaries of the ORSC's original, volunteer constructed, facilities and inlet will bear the full cost of the Club's relocation.



Torben Sass Nielsen
Commodore
Ord River Sailing Club
15 November 2008



Distances are Ground Distances

12.3.4 REPLACEMENT OF PLANT - TENDERS T03 08/09 T04 08/09 (8520)

DATE:	20 January 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	John Gault, Kununurra Works Manager
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering and Regulatory Services
FILE NO:	66.41.07
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider the submissions for the replacement of two items of plant, being: -

- Tender T03 08/09 – Kununurra based Backhoe – Plant No. P307 (2001 Case 580LE Backhoe FEL)
- Tender T03 08/09 – Kununurra based 3 Tonne Tip Truck – Plant No. P332 (2002 Mitsubishi 3 Ton Truck)

BACKGROUND

The replacement of the two items was included in the adopted budget for 2008/09.

Tenders were invited, and closed at 2:00PM, Thursday 18 December 2008. Four (4) conforming tenders were received before the closing date.

Four (4) tenders were also received after the closing date. Upon verification the tenders were sent before the closing date but were not received at the Shire until the 22nd of December and have been excluded from this process.

STATUTORY IMPLICATIONS

The Local Government (Functions and General) Regulations 1996 apply and have been complied with.

POLICY IMPLICATIONS

There are no specific policies relating to this report.

FINANCIAL IMPLICATIONS

Council has allocated \$65,000 to the replacement of the Backhoe from reserve funds.

Council has allocated \$45,000 in the 08/09 budget for changeover of 3 Ton tip truck.

The Shire is able to claim back the GST on the new plant but is required to pay GST on the trade equipment.

STRATEGIC IMPLICATIONS

Not applicable

COMMENT

The two items attracted a range of suppliers and these are listed below.

T03 08/09 Backhoe (Budgeted Changeover \$65,000)

Item	Supplier	New Plant	Trade	Net Cost
1	McIntosh & Son / Case 580 Super R Series	148,995	40,700	108,295
2	WestTrac Pty Ltd / Cat 428E	156,937	26,000	128,337

T04 08/09 3 tonne Tip Truck (Budgeted Changeover \$45,000)

Item	Supplier	New Plant	Trade	Net Cost
1	Skipper Trucks / Mitsubishi FUSO Canter FE84DE (4.9L engine)	83,930	18,810	65,120
2	Major Motors Pty Ltd / ISUZU NH NPR 300 Medium	83,941	14,000	69,941

The recommended equipment/suppliers are listed as follows: -

T03 08/09 Backhoe (Budgeted net Changeover \$65,000)

1	McIntosh & Son / Case 580 Super R Series	148,995	40,700	108,295
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T04 08/09 3 tonne Tip Truck (Budgeted net Changeover \$45,000)

1	Skipper Trucks / Mitsubishi FUSO Canter FE84DE (4.9L engine)	83,930	18,810	65,120
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A copy of the evaluation matrix for the new plant can be provided on request as a confidential item.

The budgeted amount for both items is exceeded and at this point it is not expected that sufficient funds will be available from the balance of budgeted plant replacements for this financial year. On that basis the recommended action is to recommend the replacement of the 3 ton truck and to defer replacement of the backhoe until at least May 2009. This will allow a more accurate evaluation of actual costs of the plant replacements yet to occur.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

That Council approves the following suppliers and equipment as the most advantageous to Council: -

1. Supply, delivery and licensing of one Mitsubishi FUSO Canter FE84DE as specified for the sum of \$83,930 (including GST) from Skipper Trucks, and the trade of a 2002 Mitsubishi Canter 3 Ton Tip Truck (1BHW 102) for \$18,810 (including GST), giving a net changeover cost of \$65,120 (net of GST), and
2. That Council not accept any tender for the replacement of the Kununurra based Backhoe – Plant No. P307 (2001 Case 580LE Backhoe FEL)

COUNCIL DECISION

Minute No. 8520

Moved:Cr K Wright

Seconded:Cr R Addis

That Council approves the following suppliers and equipment as the most advantageous to Council: -

1. *Supply, delivery and licensing of one Mitsubishi FUSO Canter FE84DE as specified for the sum of \$83,930 (including GST) from Skipper Trucks, and the trade of a 2002 Mitsubishi Canter 3 Ton Tip Truck (1BHW 102) for \$18,810 (including GST), giving a net changeover cost of \$65,120 (net of GST), and*
2. *That Council not accept any tender for the replacement of the Kununurra based Backhoe - Plant No. P307 (2001 Case 580LE Backhoe FEL)*

CARRIED UNANIMOUSLY: (8/0)

12.3.5 ADOPTION OF FIREBREAK ORDER 2009/2010 (8521)

DATE:	20 January 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Alex Douglas, Executive Manager Engineering and Regulatory Services
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering and Regulatory Services
FILE NO:	32.13.13
ASSESSMENT NO:	N/A

PURPOSE

For Council to adopt the 2009/2010 Firebreak Order for the Shire of Wyndham East Kimberley that is to apply for the period 1 April 2009 until 1 January 2010.

BACKGROUND

To enable the annual Firebreak Order to be gazetted and formally issued to all property owners Council is required to consider and adopt a Firebreak Order.

A copy of the draft Firebreak Order is attached for Council's information.

STATUTORY IMPLICATIONS

Bush Fires Act 1954

Part III – Prevention of Bush Fires

Division 6 – General Restrictions, Prohibitions and Offences

Section 33 – Local Government May Require Occupier of Land to Plough or Clear Firebreak

“(1) Subject to subsection (2) a local government at any time, and from time to time, may, and if so required by the Minister shall, as a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur, give notice in writing to an owner or occupier of land situated within the district of the local government or shall give notice to all owners or occupiers of land in its district by publishing a notice in the Government Gazette and in a newspaper circulating in the area requiring him or them as the case may be within a time specified in the notice to do or to commence to do at a time so specified all or any of the following things –

- (a) to plough, cultivate, scarify, burn or otherwise clear upon the land firebreaks in such a manner, at such places, of such dimensions, and to such number, and whether in parallel or otherwise, as the local government may and is hereby empowered to determine and as are specified in the notice, and thereafter to maintain the firebreaks clear of inflammable matter;*

- (b) *to Act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorized officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire;*

and the Notice may require the owner or occupier to do so –

as a separate operation, or in co-ordination with any other person, carrying out a similar operation on adjoining or neighbouring land, and in any event to do so to the satisfaction of either the local government or its duly authorized officer, according to which of them is specified in the notice.”

POLICY IMPLICATIONS

Policy FC2 – Fire Break Order

“OBJECTIVE *To ensure that fire breaks are installed and maintained to enable effective management of bush fires.*

POLICY - *Pursuant to the powers contained in Section 33 of the Bush Fires Act (1954), all owners and or occupiers of land in the Shire of Wyndham-East Kimberley are hereby required, on or before 1st June each year to have firebreaks clear of inflammable material in accordance with the following:*

1. *Rural Lands:*

Being all land within the Ord Irrigation Area, firebreaks are required to be:

- a) *Not less than three metres wide inside and along and as close to external boundaries as is possible, and*
- b) *Not less than three metres wide and within three metres of the perimeter of all buildings and/or haystacks or groups of buildings.*

NOTE:

This requirement need not be met if the property is being worked and provided the irrigation channels are in use.

2. *Pastoral Lands:*

Being land outside the townsites of Wyndham and Kununurra, held under a Pastoral Lease, and not included in 1) above.

- a) *Firebreaks are required to be a distance of not less than three metres wide and within three metres of building and/or haystacks or groups of buildings.*

3. *Townsite Land:*

- a) *Where the land is 2000sq metres or less, remove by clearing or slashing inflammable material from the whole of the land, save standing trees.*
- b) *Where the area of the land is greater than 2000sq metres a firebreak of not less than three metres in width, immediately surrounding any buildings or not less than three metres in width inside and along the whole of the external boundaries of the land is required.*

4. *Rural Lands:*

Outside townsites and not being land under a pastoral lease, this includes Packsaddle Plains, Crossing Falls and Riverfarm Road subdivisions. Firebreaks are required to be:

- a) *No less than four metres wide inside, along and within ten metres of external boundaries: and*
- b) *Not less than three metres wide and within three meters of the perimeter of all buildings and/or haystacks or group of buildings.*

5. *Rubbish Sites:*

Being all rubbish sites for pastoral stations. Firebreaks are required to be not less than three metres wide and within three metres of the perimeter of the rubbish site.

6. *Fuel Dumps and Depots:*

Remove flammable material from all land where fuel drum ramps or dumps are located and where fuel drums whether containing fuel or not are stored to a distance of at least five metres outside the perimeter of any drum, ramp or stack of drums.

7. *The acts referred to in paragraphs 1) to 6) hereof must be performed to the satisfaction of the duly authorized person/s appointed by the Shire of Wyndham-East Kimberley.*

8. *If it is considered impractical for any reason to clear firebreaks or to remove flammable material from the land as required by this notice you may apply to the Council or its duly authorized officer by not later than 1st May each year for permission to provide firebreaks in alternative positions or to take alternative action to abate fire hazards on the land."*

FINANCIAL IMPLICATIONS

Under Section 33 of the Bush Fires Act, Council is required to publish a copy of its Firebreak Order in a newspaper circulating in the area, and in the Government Gazette. In addition, it is intended to have a copy of the Order included in each private mailbox in Kununurra and Wyndham.

It is difficult to provide an exact figure with respect to advertising costs, as these are calculated on a "per centimetre" basis. However, it is anticipated that the cost of publishing the Firebreak Order in both the "Kimberley Echo" and the Government Gazette will be less than \$1000. Postage costs will be in the vicinity of \$700.00.

STRATEGIC IMPLICATIONS

Nil

COMMUNITY CONSULTATION

In the interests of improving fire control measures throughout the Shire of Wyndham East Kimberley, Officers intend not only to comply with the requirements of Section 33, but to make as many landowners and/or residents aware of their obligations with respect to fire control as possible. The 2009/2010 Fire Break orders will be advertised in the local paper and Government Gazette. In addition to this all ratepayers will be posted a copy.

COMMENT

In the interests of improving fire control measures throughout the Shire of Wyndham East Kimberley, Officers intend not only to comply with the requirements of Section 33, but to make as many landowners and/or residents aware of their obligations with respect to fire control as possible. The 2009/2010 Fire Break orders will be advertised in the local paper and Government Gazette. In addition to this all ratepayers will be posted a copy.

At the February 2009 Ordinary Meeting, Council will receive a report on the appointment of a range of Authorised Officers including Bush Fire Control Officers.

ATTACHMENTS

Draft 2009/2010 Firebreak Order

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the Shire of Wyndham East Kimberley 2009/2010 Firebreak Order, as presented.

COUNCIL DECISION

Minute No. 8521

***Moved: Cr D Ausburn
Seconded: Cr K Torres***

***That Council adopt the Shire of Wyndham East Kimberley 2009/2010
Firebreak Order, as presented.***

CARRIED UNANIMOUSLY: (8/0)

BUSH FIRES ACT 1954
Shire of Wyndham East Kimberley
Firebreak Order and Bushfire Information 2009/2010

(This is a summary of the Order adopted by the Shire of Wyndham East Kimberley under Section 33 of the Bush Fires Act 1954).

In accordance with the provisions of this Order, landowners are required to carry out fire prevention work on land they own or occupy.

Details of work required to be completed are contained in this Order. Work must be completed by 1 June each year.

PERSONS WHO FAIL TO COMPLY WITH THE REQUIREMENTS OF THE ORDER MAY BE ISSUED WITH AN INFRINGEMENT NOTICE (PENALTY \$250) OR PROSECUTED WITH AN INCREASED PENALTY UP TO (\$1000). IN ADDITION, THE SHIRE MAY CARRY OUT THE REQUIRED WORK AT COST TO THE OWNER OR OCCUPIER OF THE LAND.

There may be instances where it is considered to be impractical to clear firebreaks or remove flammable materials as required by this Order, due to:

- ❖ The aggravation of soil erosion;
- ❖ The identification of a more effective system of fire prevention; or
- ❖ Firebreaks being rendered unnecessary by natural features existing on the land.

In this instance, application may be made to Council not later than 1 April for permission to provide firebreaks in alternative positions or to take alternative action to reduce fire hazards on the land.

If Council permission is not forthcoming, then you will be required to comply with the provisions of this Order.

Firebreaks are used primarily to gain access to and provide an area to work from when controlling a fire. They will not stop all fires, and removal of unnecessary flammable material prior to the fire season is your best safeguard against fire threat.

If the requirements of this Order are fulfilled by burning off, then the burning must be carried out in accordance with the relevant provisions of the Bush Fires Act 1954.

1. Ord River Irrigation Project Area:

Firebreaks for all land within the Ord Irrigation Area must be:

- ❖ Not less than three (3) metres wide inside and along and as close as possible to external boundaries; and
- ❖ Not less than six (6) metres wide and within three (3) metres of the perimeter of all buildings and/or haystacks and groups of buildings.

NOTE: This requirement need not be met if the property is being worked, and provided the irrigation channels are in use.

2. Pastoral Lands:

Firebreaks are required to be a distance of not less than six (6) metres wide and within three (3) metres of buildings and/or haystacks or groups of buildings.

3. Townsite Land:

Where the area is 2 000m² or less, all inflammable material (with the exception of standing live trees) shall be removed from the whole of the land by clearing or slashing.

Where the area of the land is greater than 2 000m², a firebreak of not less than six (6) metres in width immediately surrounding any buildings, or not less than three (3) metres in width inside and along the whole of the external boundaries of the land is required.

4. Rural Lands:

Land outside townsites which is not under a pastoral lease requires firebreaks of:

- ❖ Not less than four (4) metres wide inside, along and within ten (10) metres of external boundaries; or
- ❖ Not less than six (6) metres wide and within three (3) metres of the perimeter of all buildings and/or haystacks or groups of buildings.

5. Rubbish Sites:

All rubbish sites for pastoral stations and communities require firebreaks not less than three (3) metres wide and within three (3) metres of the perimeter of the rubbish site.

6. Fuel Dumps and Depots:

Flammable material must be removed from all land where fuel drum ramps or dumps are located and where fuel drums (whether containing fuel or not) are stored, to a distance of at least fifteen (15) metres outside the perimeter of any drum, ramp or stack of drums.

The acts referred to in paragraphs 1 to 6 herein must be performed to the satisfaction of the duly authorised person appointed by the Shire of Wyndham East Kimberley.

If it is impractical for any reason to clear firebreaks or to remove flammable material from the land as required by this Order, you may apply to Council or its duly authorised officer by not later than 1 April for permission to provide firebreaks in alternative positions, or to take alternative positions or to take alternative action to abate fire hazards on the land.

RESTRICTED BURNING PERIOD
1 April to 1 January Each Year

The Restricted Burning Period now includes Kununurra and Wyndham Townsites, the Ord Irrigation Area and pastoral areas.

PERMITS TO BURN

1. Permits to burn are required for the whole of the Restricted Period, and must be obtained from one of the Fire Control Officers identified for your area (see overleaf).
2. Any special conditions imposed by the Fire Control Officer when issuing permits must be strictly adhered to.
3. The permit holder shall give notice of his intention to burn to:
 - a. The Shire's Kununurra Administration Centre by no later than 24 hours prior to the day when the burning is to take place. Weekend burning must be notified by 4.00pm, Friday.
 - b. The owner or occupier of adjoining land.
 - c. The nearest Department of Environment and Conservation (DEC) office if the land is situated within three (3) kilometres of State Forest land, National Park, Nature Reserve or other DEC lands.
4. The period of notice to neighbours prior to burning cannot be more than twenty eight (28) days or less than four (4) days, although lesser notice may be determined by mutual agreement of all neighbours.
5. Your attention is drawn to Items 5, 6 and 7 as listed on the back of the permit.
6. Burning under permit is permitted during the Restricted Burning Period on Sundays and Public Holidays.

7. All landowners and occupiers who suffer a bush fire have an obligation to assist each Area Fire Control Officer to compile a Fire Report Form.

8. Garden refuse (excluding GREEN clippings) burnt on the ground may be lit only between 6.00pm and 11.00pm, and must be completely extinguished with water or earth by midnight. All flammable matter is to be cleared within five (5) metres of all points of the site of the fire, and a person must be in attendance during the whole time the fire is lit.

9. Any incinerator used to burn rubbish must be properly constructed – an open drum (with or without a lid) is not an appropriate incinerator.

10. With reference to Item 8 and 9 of this summary, burning may not take place if the Fire Weather Warning for the day is "Very High", or "Extreme".

Peter Stubbs
Chief Executive Officer

12.4. DEVELOPMENT

12.4.1 PROPOSED SALE AND AMALGAMATION - PORTION LOT 1004 SORGHUM PLACE, KUNUNURRA (8522)

DATE:	20 January 2009
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Lot 1004 Sorghum Place, Kununurra
AUTHOR:	Jennifer Ninnette, Town Planning Officer
REPORTING OFFICER:	Jo Anne Ellis, Executive Manager Corporate Services
FILE NO:	01.5498.02
ASSESSMENT NO:	A5498

PURPOSE

For Council to consider disposal of an “access way”, being approximately 213m², in Erythrina Street, to enable the amalgamation of this parcel of land into adjoining properties.

BACKGROUND

At the Ordinary Meeting of 21 August 2007, Council accepted the tender submitted by Heritage Pioneer & C&P Atwell for Tender T14 06/07 for the purchase of Lot 1004 Sorghum Place, formerly a park reserve, for the sum of \$341,000 (including GST).

Subsequently, a contract of sale for Lot 1004 was entered into on 13 December 2007, with a condition of the sale that the ‘access way’ portion was required to be subdivided from Lot 1004 and a new title issued in the name of the Shire of Wyndham – East Kimberley. The access way portion is shown highlighted green at Attachment 1.

Due to planning considerations, it is the intention for this access leg portion to be amalgamated with adjoining properties on Erythrina Street, as it would serve no other useful purpose. Given that the Department of Housing and Works advised that they would not redevelop adjoining Lot 997, but sought to refurbish the existing dwellings there, it is the preference of the Shire to amalgamate the land with two strata properties adjoining the western boundary of the access way, being Units 30 and 31, 1 Erythrina Street.

As required, a subdivision plan has been created by the developers’ surveyor to allow the land to be transferred back to the Shire. A copy of the proposed subdivision plan is at Attachment 2.

However, as the proposed Lot B is below the minimum lot size allowed for the residential density (R30), the WAPC has refused to approve the subdivision. They advise that the subdivision cannot be approved until such time as contracts for the sale and amalgamation of this land have been entered into.

The Shire has initiated action by requesting written confirmation from the adjoining landowners as to whether they would be willing to purchase the land, and requesting a valuation to determine suitable purchase prices for the sale and amalgamation of each portion with Units 30 and 31.

One of the owners has verbally advised that they are interested in purchasing the land, however that this would be subject to purchase price, and it is expected that the purchase price will affect the decision of both of the adjoining landowners.

Kimberley Property Valuers provided a valuation dated 22 December 2008 which assessed the following values sale and amalgamation of each portion:

Lot 30 – assessed added value is \$8,000 for 88m²

Lot 31 – assessed added value is \$13,000 for 130m²

Both amounts are inclusive of GST. A copy of the valuation report is at Attachment 3.

STATUTORY IMPLICATIONS

LOCAL GOVERNMENT ACT 1995

PART 3 FUNCTIONS OF LOCAL GOVERNMENTS

DIVISION 3 EXECUTIVE FUNCTIONS OF LOCAL GOVERNMENTS

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 local 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.]

Local Government (Functions and General) Regulations 1996

Part 6 - Miscellaneous

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

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
 - (a) the land is disposed of to an owner of adjoining land (in this paragraph called ***the transferee***) and —
 - (i) its market value is less than \$5 000; and
 - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;
 - (b) the land is disposed of to a body, whether incorporated or not —
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;
 - (c) the land is disposed of to —

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

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Income of \$310 000 exclusive of GST was paid to Council for the original sale of Lot 1004. The terms of the free-holding of this land required this income to be used for the development of other parks in accordance with Council's Parks Plan.

If the valuation provided is approved, an additional income of \$21,000 (inclusive of GST) can be achieved from the sale of the land. Funds received from the sale of this land will also be required to be invested in parks contained within Council's Parks Plan 2004.

However, as this action has been instigated by the Shire, it is considered appropriate for cost for surveying, lodgement of an application to subdivide and amalgamate lots and creation of titles to be borne by the Shire. These costs can be deducted from the funds received from the sale of the land.

The Shire also paid \$1,100 (inclusive of GST) for the provision of the valuation, which can also be deducted from the proceeds of the sale.

STRATEGIC IMPLICATIONS

Nil.

COMMUNITY CONSULTATION

Nil.

COMMENT

The land proposed to be sold and amalgamated is too small to be released as a stand alone lot and due to its location and layout needs to be amalgamated with adjoining properties.

DHW previously advised that they would not be redeveloping Lot 997 to the eastern side, therefore it was considered appropriate to offer the land for sale to the owners of Unit 30 & 31, 1 Erythrina Street, which adjoin the alleyway to the west. A valuation has therefore been requested and determined on this proviso.

The Shire is awaiting written confirmation of the interest by the adjoining landowners to purchase portions of the land; however their interest is likely to be subject to the purchase price.

By Council approving and/or determining suitable price for the sale of the land, formal offers can then be made to the adjoining landowners.

Given the workloads and priorities of the Council ahead it is recommended that the Shire President and Chief Executive Officer be given delegated authority to approve and negotiate the land sale.

ATTACHMENTS

Attachment 1 – Site Plan

Attachment 2 – Proposed Subdivision Plan

Attachment 3 – Valuation Report

VOTING REQUIREMENT

Simple Majority.

OFFICER'S RECOMMENDATION

1. That Council offer approximately 88m² of the redundant access way in Erythrina Street, Kununurra to the owners of Unit 30/1 Erythrina Street and approximately 130m² to the owners of Unit 31/1 Erythrina Street at the valuation prices of \$8,000 and \$13,000 respectively.
2. That should the owners of Unit 30 & 31/ 1 Erythrina Street not confirm acceptance of the offer in writing within 21 days of the offer being made, then the offer to dispose of the land be made to the Department of Housing Works to amalgamate the land with the adjacent Lot 997 the Department owns.
3. That the Shire President and Chief Executive Officer be authorised to complete any negotiations to dispose of the land, including negotiations on price, to expedite the sale.
4. That revenue from the sale of the land be allocated to Council's Parks Reserve Account so that it can be reinvested for community benefit.

COUNCIL DECISION

Minute No. 8522

Moved:Cr D Ausburn

Seconded:Cr R Addis

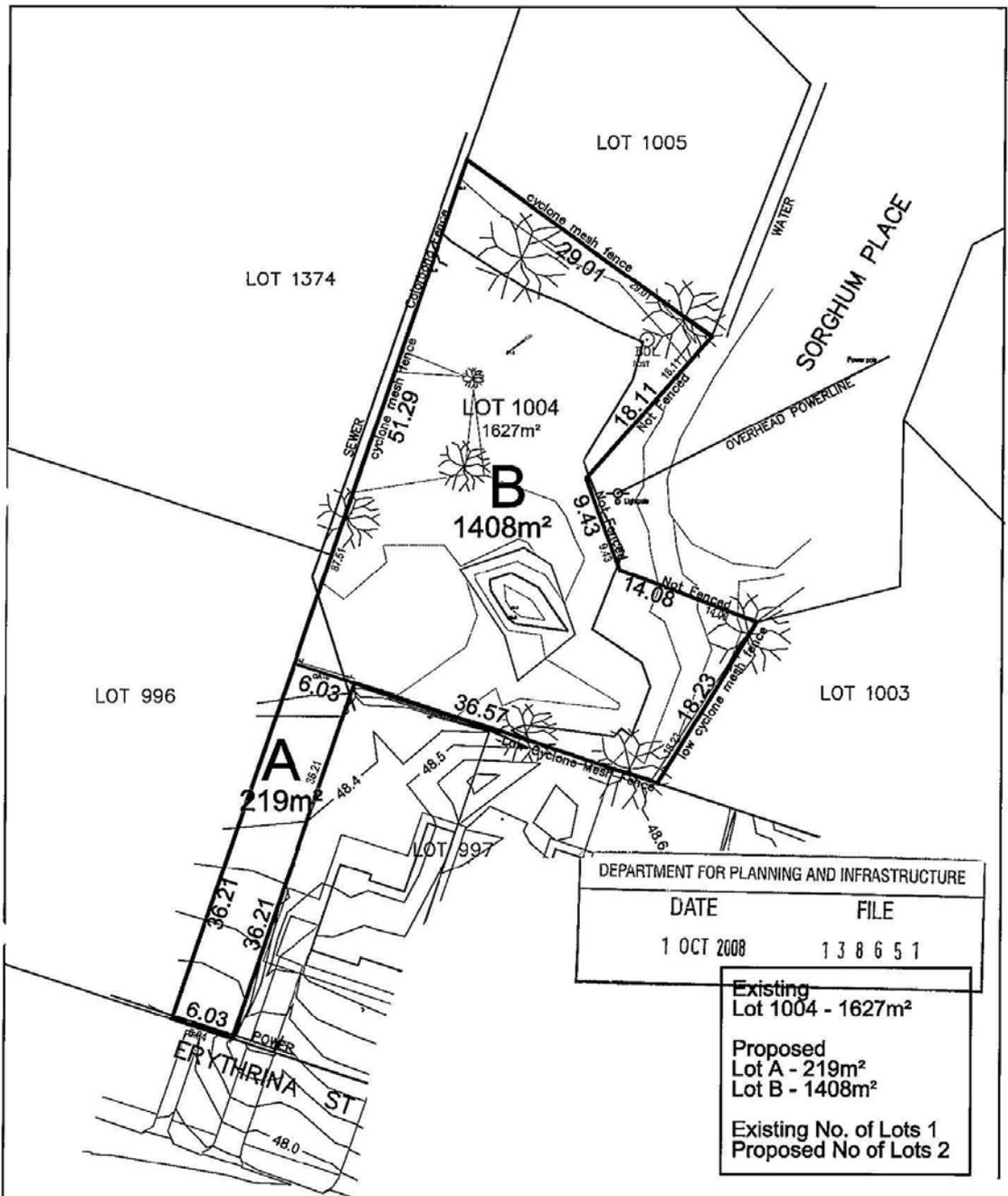
- 1 That Council offer approximately 88m² of the redundant access way in Erythrina Street, Kununurra to the owners of Unit 30/1 Erythrina Street and approximately 130m² to the owners of Unit 31/1 Erythrina Street at the valuation prices of \$8,000 and \$13,000 respectively.***
- 2 That should the owners of Unit 30 & 31/ 1 Erythrina Street not confirm acceptance of the offer in writing within 21 days of the offer being made, then the offer to dispose of the land be made to the Department of Housing Works to amalgamate the land with the adjacent Lot 997 the Department owns.***
- 3. That the Shire President and Chief Executive Officer be authorised to complete any negotiations to dispose of the land, including negotiations on price, to expedite the sale.***

- 4 That revenue from the sale of the land be allocated to Council's Parks Reserve Account so that it can be reinvested for community benefit**

CARRIED UNANIMOUSLY: (8/0)

PORTION TO BE AMALGAMATED WITH ADJOINING PROPERTIES





DEPARTMENT FOR PLANNING AND INFRASTRUCTURE	
DATE	FILE
1 OCT 2008	138651

Existing Lot 1004 - 1627m ²
Proposed Lot A - 219m ² Lot B - 1408m ²
Existing No. of Lots 1 Proposed No of Lots 2

Job Number: 12148
 Sheet Name: 12148-003-Rev.00
 Scale: 1:500 @ A4
 Date: 17 September 2008
 Drawn By: CdeL
 Checked by: GPH
 File: J:\plan\12148 Drafting & design\design\080907 Proposed Subdivision.dwg
 All dimensions and areas are subject to survey. This plan is subject to copyright and should not be reproduced without the permission of WHELANS.

LEGEND

- Water Mains
- Sewer Mains
- Power Lines
- 1:35 Contours
- Existing Boundary
- Proposed Boundary
- Application Area

**PROPOSED SUBDIVISION
LOT 1004 SORGHUM PLACE
KUNUNURRA**



121 Scarborough Beach Road, Mount Hawthorn WA 6014
 PO Box 99, MOUNT HAWTHORN WA 6915
 T: 08 9443 1511 F: 08 9444 2901
 E: whelans@whelans.com.au W: www.whelans.com.au



2 MACPHERSON ST (CNR COGHLAN ST)
PO BOX 5454 CABLE BEACH
BROOME 6726 WESTERN AUSTRALIA

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EMAIL: admin@kpv.com.au



KIMBERLEY
PROPERTY
VALUERS

"Serving The Kimberley Region"

REPORT AND VALUATION

OF

LAND AMALGAMATION OF UNITS 30 AND 31, 1 ERYTHRINA STREET, KUNUNURRA WESTERN AUSTRALIA



LICENSED VALUERS AND PROPERTY CONSULTANTS
Bottswee Pty Ltd T/as Kimberley Property Valuers ACN 088 064 724

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PO Box 5454 CABLE BEACH
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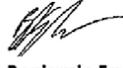
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PROPERTY
VALUERS

"Serving The Kimberley Region"

TEL: 08 9192 3930
FAX: 08 9192 3931

EMAIL: admin@kpv.com.au

EXECUTIVE SUMMARY

Property Address	:	Units 30 and 31, 1 Erythrina Street, Kununurra, WA
Legal Description	:	Lots 30 and 31 on Strata Plan 27286 as contained within Certificates of Title Volume 2020 Folios 984 and 985.
Registered Owners	:	Lot 30 Beverley Ann Courfice Lot 31 Paul and Julia Milner as joint tenants
Encumbrances (limited to those that effect the use or value of the subject property)	:	Not applicable
Last Sale (Within last 3 years)	:	Not applicable
Zoning	:	Residential R15/50
Description of Property "As Is"	:	Lot 30 comprises a 3 bedroom, 1 bathroom unit on a land area of 478m ² . Lot 31 comprises a 3 bedroom, 1 bathroom unit of 554m ² .
Description of Property "As If Complete"	:	Lot 30 comprises a 3 bedroom, 1 bathroom unit on a land area of 566m ² . Lot 31 comprises a 3 bedroom, 1 bathroom unit of 684m ² .
Purpose of Valuation	:	Required for pre sale advice of land to be amalgamated with the subject lots.
Interest Valued	:	Freehold excluding GST.
Inspection Date	:	22 nd December 2008
Valuation Date	:	22 nd December 2008
Market Value of Land to be Amalgamated with Lot 30	:	\$8,000
Market Value of Land to be Amalgamated with Lot 31	:	\$13,000
Valuer	:	

Benjamin Farquhar B.Com
AAPI Certified Practising Valuer
Licensed Valuer 44320
In the State of Western Australia

LICENSED VALUERS AND PROPERTY CONSULTANTS
Bottiswee Pty Ltd T/as Kimberley Property Valuers ACN 088 064 724

Page 2 of 10

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EXECUTIVE SUMMARY (CONT'D)

Valuation Reference Number : 81823

Important : All data provided in this summary is wholly reliant on and must be read in conjunction with the information provided in the attached report. It is a synopsis only designed to provide a brief overview and must not be acted on in isolation.

LICENSED VALUERS AND PROPERTY CONSULTANTS
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KIMBERLEY
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"Serving The Kimberley Region"

23rd December 2008

Jennifer Ninyette
Shire of Wyndham East Kimberley
Kununurra

By email: tpo@thelastfrontier.com.au

Dear Jennifer

RE: VALUATION: UNITS 30 AND 31, 1 ERYTHRINA STREET, KUNUNURRA, WA

Further to recent instructions we have undertaken an inspection of the above mentioned property and have completed all the necessary investigations to provide the following valuation report, which we trust will be sufficient for establishing a consideration for those portions of land to be amalgamated with the subject units.

Valuation Approach

The valuation is made on the basis of "Market Value" as adopted by The Australian Property Institute from the International Assets Valuation Standards Committee definition. That is:

"the estimated amount for which an asset should exchange on the date of valuation between a willing buyer and a willing seller in an arms' length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently, and without compulsion."

Identification

Our valuation has been based on the proposed subdivision plan which is appended to the rear of this report as well as the aerial photography and Strata Plan 27286 (Sheet 1E in particular).

Town Planning

Local Government/Council

We have inspected a copy of the Shire of Wyndham/East Kimberley Town Planning Scheme No. 7 map which indicates that the subject property is currently zoned "Residential R15/50".

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LICENSED VALUERS AND PROPERTY CONSULTANTS
Bottswee Pty Ltd T/as Kimberley Property Valuers ACN 088 064 724



Valuation Report
Land Amalgamation, Units 30 & 31, 1 Erythrina Street, Kununurra, WA

Site Details

The existing lots are both currently rectangular and level to road grade. Main access to both sites are via a common property driveway. As shown on Sheet 1E of Strata Plan 27286 attached Lot 30 has a site area of 478m² and Lot 31 has a site area of 554m².

The land to be amalgamated with these lots is shown as Lot A on the proposed subdivision of Lot 1004 Sorghum Place. Proposed Lot A adjoins the eastern boundary of existing Lots 30 and 31 of Strata Plan 27286.

In essence Lot 30 will be extended by approximately 88.3m² and will have a resultant slightly irregular shaped lot of 566m² in total (rounded down). Amalgamated Lot 31 will have an additional 130m² with a resultant rectangular shaped lot totalling 684m². We point out that there are no surveyed diagrams of the resultant lots however the aerial photograph attached to the rear of this report illustrates the land amalgamation.

It would appear that overhead power lines run along the Southern boundary of the land to be amalgamated with Lot 31 and a sewer line dissects a small portion of the land to be amalgamated with Lot 30 in the north eastern corner.

Services

Services available to the sites include:

Electric power, scheme water, sewer and telephone.

Location

The subject land is located in the far northern town of Kununurra, approximately 3,250km from Perth and 825km from Darwin. Kununurra has a population of approximately 7,100 people. Main industries supporting the town include irrigated agriculture, tourism, mining and pastoral. The town has a wide range of amenities including a shopping precinct, schools, hospital and airport.

More specifically the subject lots are within a 31 unit development comprising Strata Plan 27286. The development is near to the centre of town.

Description of Property "As Is"

Lot 30 comprises a 3 bedroom, 1 bathroom unit on a land area of 478m². Lot 31 comprises a 3 bedroom, 1 bathroom unit of 554m². Both units were constructed circa 1989. The improvements are comparable on each lot though we point out that Lot 30 has an extended patio. The improvements are largely irrelevant for the purpose of this valuation other than to mention they already exist on site.



Valuation Report
Land Amalgamation, Units 30 & 31, 1 Erythrina Street, Kununurra, WA

Description of Property "As If Complete"

Lot 30 comprises a 3 bedroom, 1 bathroom unit on a land area of 566m². Lot 31 comprises a 3 bedroom, 1 bathroom unit of 684m².

General Comments/Market Commentary

The land amalgamation has been brought about via the rezoning of an adjoining parcel of land (Lot 1004 Sorghum Place) which had a battleaxe leg of little use. This battleaxe leg is proposed to be subdivided (shown as Lot A on the proposed subdivision plan attached) and amalgamated into adjoining Lots 30 and 31 on Strata Plan 27286. It is proposed that Lot 30 will incorporate an approximate additional 88 square metres of land (an increase of approximately 18%) and Lot 31 will incorporate an additional 130 square metres (an increase of approximately 23%).

The zoning technically permits up to a 2 unit development on subject Lot 30 and up to a 3 unit development on subject Lot 31 assuming the highest density permitted under the residential design codes and including the amalgamated land. However the two subject lots form part of a built strata. This being the case the lots will not be able to be further subdivided. In practicality we are of the opinion that the amalgamated strip of land only permits limited development opportunities to the subject lots being moderate extensions to existing improvements or the addition of ancillary improvements such as pools, patios, gardens etc.

In establishing a market value for the portions of land to be amalgamated we have under taken a before and after assessment of the subject lots (unimproved) with the difference being the market value of the land to be amalgamated. In doing so our primary sales evidence are those sales from the most recent land release within Kununurra being Stage 4 of Lakeside Park Estate.

Sales Evidence

We provide the following summary of market evidence, which we have used in our valuation deliberations:

Lot	Area	Sale Price	Size Difference above minimum (m ²)	Price Difference above minimum
207	605	\$145,000	70	\$10,000
208	621	\$148,000	86	\$13,000
209	640	\$150,000	105	\$15,000
210	655	\$150,000	120	\$15,000
212	535	\$135,000	N/A	N/A
213	535	\$135,000	N/A	N/A
221	618	\$155,000	83	\$20,000
223	553	\$140,000	18	\$5,000
226	553	\$140,000	18	\$5,000

LICENSED VALUERS AND PROPERTY CONSULTANTS
 Bottswee Pty Ltd T/as Kimberley Property Valuers ACN 088 064 724

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Valuation Report
Land Amalgamation, Units 30 & 31, 1 Erythrina Street, Kununurra, WA

Sales Evidence (Cont'd)

Lot	Area	Sale Price	Size Difference above minimum (m ²)	Price Difference above minimum
230	553	\$140,000	18	\$5,000
231	551	\$140,000	16	\$5,000
233	553	\$140,000	18	\$5,000
235	656	\$150,000	121	\$15,000
237	656	\$150,000	121	\$15,000
239	656	\$150,000	121	\$15,000
240	602	\$145,000	67	\$10,000
241	581	\$142,000	46	\$7,000
243	604	\$145,000	69	\$10,000
244	604	\$145,000	69	\$10,000
246	604	\$145,000	69	\$10,000
247	604	\$145,000	69	\$10,000
248	657	\$152,000	122	\$17,000
249	672	\$155,000	137	\$20,000
255	619	\$147,000	84	\$12,000
258	614	\$145,000	79	\$10,000
262	605	\$145,000	70	\$10,000
263	605	\$145,000	70	\$10,000

Valuation Rationale

In establishing a market value for the land to be amalgamated with the subject lots we have had consideration to the above lots which sold by ballot in Stage 4 of Lakeside Park Estate in July 2008. We have analysed these lots to provide land values for the subject lots on a before and after basis. We point out that the land values for the subject lots will be lower to reflect the limited development potential they have as the majority of the site is already improved.

Our analysis has considered factors including:

- Size and shape of resultant lot;
- Proportionate increase of lot;
- Development potential;
- Functional utility of property;

As can be seen from the evidence table the smallest lots (Lots 212 & 213) from within the Lakeside Park Estate Stage 4 subdivision are 535 square metres. This is slightly larger than the existing Lot 30 and slightly smaller than the existing Lot 31. Lots 255, 221 and 208 are all 83 to 86 square metres larger than the smallest Lot and reflect price rises of \$12,000, \$13,000 and \$20,000 respectively. We point out that the \$20,000 increase is relatively high due to the superior bushland aspect of the block. Lots 210, 235, 237, 239, 248 and 249 are between 120 and 137 square metres larger than the smallest lot (Lots 212 and 213). These lots reflect value increases of between \$15,000 and \$20,000.



Valuation Report
Land Amalgamation, Units 30 & 31, 1 Erythrina Street, Kununurra, WA

Valuation Rationale (Cont'd)

As previously mentioned the amalgamated land will not allow any subdivision potential due to the subject lots comprising a built strata development. Furthermore the added value of the land will not be as high as reflected in the evidence table as both subject lots are already significantly improved. Therefore the development potential of the extra land is reduced and limited to extensions of existing improvements, addition of ancillary improvements or extra yard space.

Lot 30

Before 478m² - \$130,000
After 566m² - \$138,000

Assessed added value \$8,000 for 88m²

Lot 31

Before 554m² - \$140,000
After 684m² - \$153,000

Assessed added value \$13,000 for 130m²

The above assessment is as per the date of valuation being the 31st October 2008 and is inclusive of GST. We further note the above amounts do not take into consideration the cost of amalgamation including surveyor's fees, title registration and/or removal/relocation of any fences.

I hereby certify that I do not have any direct, indirect or financial interest in the property described herein.

.....
AAPI CPV – Licensed Valuer 44320 – Benjamin Farquhar



Valuation Report
Land Amalgamation, Units 30 & 31, 1 Erythrina Street, Kununurra, WA

Assumptions, Conditions and Limitations

General Disclaimers

Our valuation has been undertaken on the assumption that the buildings comply with the full requirements of the law including the current zoning, land use classification, building, planning, fire and health by-laws, rules, regulations, orders and codes of all authorities and that there are no outstanding requisitions.

This valuation is current as at the date of valuation only. The value assessed herein may change significantly, unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value. Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of three months from the date of valuation, or such earlier date if we become aware of any factors that have any effect on the valuation.

Except as specifically set out in this report, the valuation is given on the basis that:

1. The client has made a full and frank disclosure of all material information
2. The improvements if any, comply with the requirements of relevant authorities.

Neither the whole nor part of this report, nor any reference thereto may be included in any document, circular or statement without our written approval of the form and context in which it will appear.

Finally, and in accordance with standard practice it is stated that this report is prepared for the addressee only and no liability for damages incurred by a third party using the whole or any part thereof will be accepted.

Yours faithfully
For Kimberley Property Valuers

BENJAMIN FARQUHAR B.COM
AAPI Certified Practising Valuer
Licensed Valuer 44320
In the State of Western Australia



Valuation Report
Land Amalgamation, Units 30 & 31, 1 Erythrina Street, Kununurra, WA

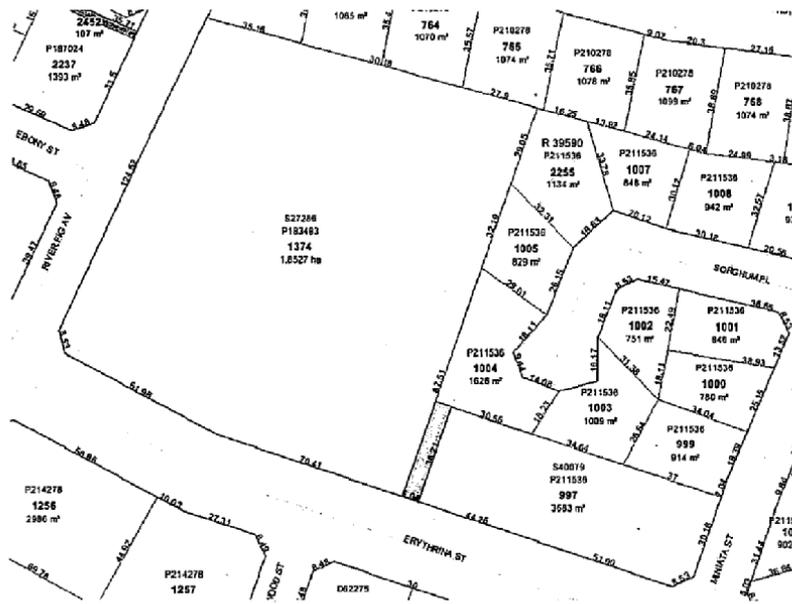
ATTACHMENTS

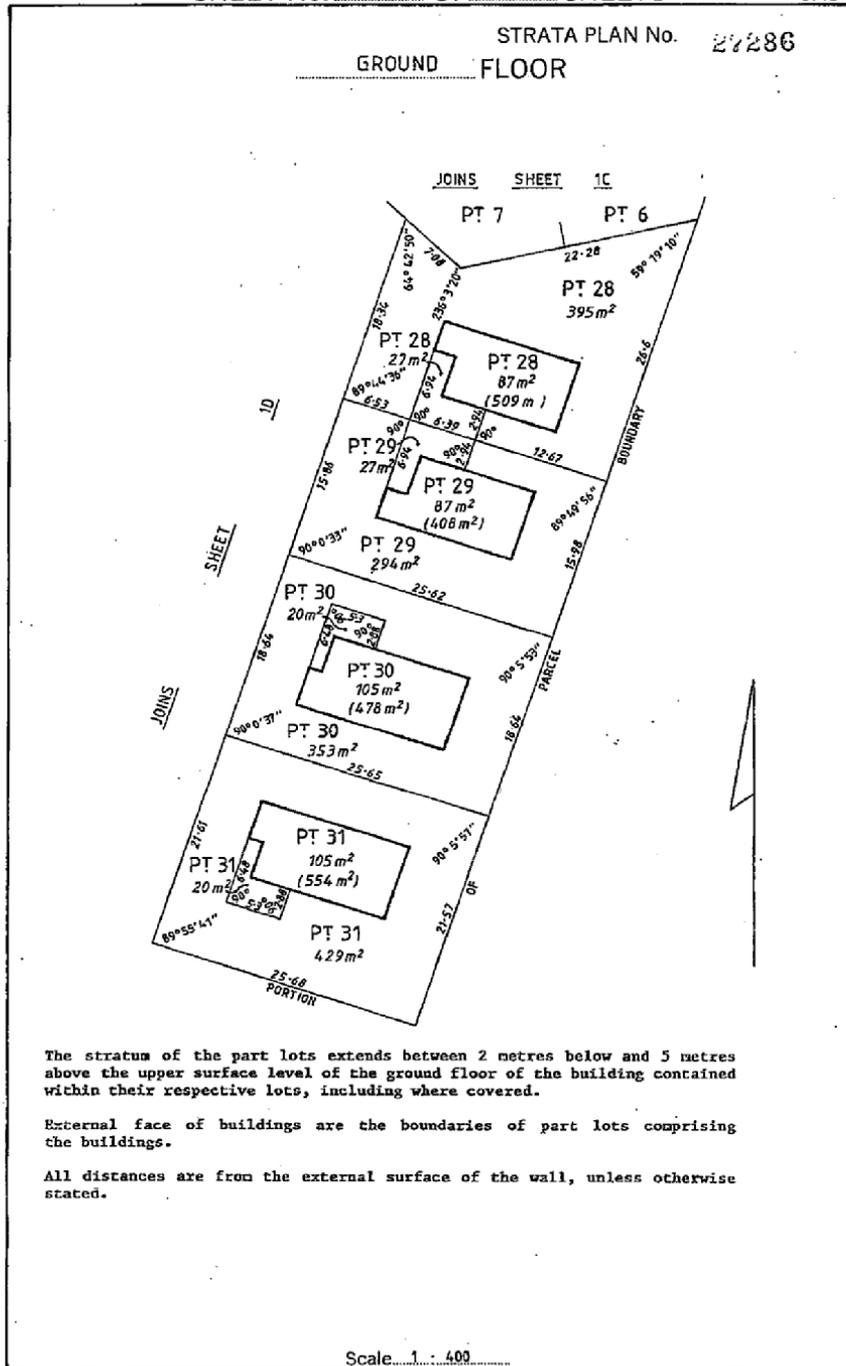
1. ADDITIONAL PHOTOGRAPHS.
2. CERTIFICATE OF TITLE.
3. AERIAL PHOTOGRAPH.
4. STRATA PLAN 27286.
5. PROPOSED SUBDIVISION PLAN OF LOT 1004 SORGHUM PLACE.
6. LOCATION MAP.
7. WRITTEN INSTRUCTION.

LICENSED VALUERS AND PROPERTY CONSULTANTS
Bottswee Pty Ltd T/as Kimberley Property Valuers ACN 088 064 724

Page 10 of 10

PORTION TO BE AMALGAMATED WITH ADJOINING PROPERTIES





41445/16/85-11M-5/7658

12.4.2 REZONING OF RESIDENTIAL LAND - PINDAN AVENUE, KUNUNURRA (8523)

DATE:	20 January 2009
PROPONENT:	Department of Housing and Works
LOCATION:	Pindan Avenue, Kununurra
AUTHOR:	Jennifer Ninnette, Town Planning Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	43.04.14
ASSESSMENT NO:	Various

PURPOSE

For Council to adopt an amendment for the rezoning of residential land in the vicinity of Pindan Avenue, Kununurra.

BACKGROUND

Council initiated a Town Planning Scheme Amendment on 16 September 2008 to increase densities around Pindan Park, in the Kununurra Town Site.

The initiation resulted from advocacy from Council to the Department of Housing and Works (DHW) to rationalise its properties in Kununurra and improve its housing stock.

The DHW have three vacant Lots in Pindan Ave and have agreed to sell two of these vacant Lots, thereby reducing the density of DHW owned properties.

As a result of this advocacy, the DWH requested Council give consideration to increasing the zoning from R20 to R30, and accordingly Council resolved:

That Council:

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

Rezoning of Lots 683, 684, 685, 686, 705, 707, 711 and 2440 Pindan Avenue, Lots 701, 702, 703, 704 Calytrix Avenue, Lots 712, 713, 714,

715, 716 Pandanus Avenue and Lots 693 & 694 Leichhardt Street from the Residential R20 zone to Residential R30 zone.

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

The department has now prepared the documents required for the amendment to be adopted by Council.

STATUTORY IMPLICATIONS

Rezoning must be undertaken in accordance with the Planning and Development Act 2005.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The application fee of \$500 has been paid.

STRATEGIC IMPLICATIONS

Key Result Area 2 - Community

To develop the strengths and potential of our community now and into the future through advocacy and leadership focussed on improved outcomes and addressing social issues in our community.

Key Result Area 3 – Economic Development

Work in partnership with Government, community and industry leaders to promote and provide opportunities for economic and social growth across the Shire through Town Planning that guides sustainable land use and development.

COMMUNITY CONSULTATION

Once adopted, the amendment documentation will be forwarded to the Western Australian Planning Commission (WAPC) and Environmental Protection Authority (EPA) seeking consent to advertise. Advertising occurs for 42 days, and will require signage, newspaper advertisements and/or correspondence to all affected parties and adjoining owners.

COMMENT

Council resolved to rezone the subject land in September 2008. Amendment documents have now been prepared.

The land recommended for rezoning is close to the town centre and surrounds Pindan Park which Council is currently upgrading consistent with its Parks Plan, to include reticulation, facilities and playground equipment.

Given the proximity of the area to the town centre (walking distance) and Pindan Park as a recreation park and public open space, it is considered that an increase a change of zoning is appropriate.

The DHW owns three vacant Lots in Pindan Avenue and has agreed to sell two of these Lots to the private sector. The proposed sale and zoning change is likely to encourage residential building on vacant lots and lots with depreciated housing, thereby contributing to both an improvement in amenity of the area and increase housing stock in the community.

DHW also owns two lots on Leichhardt Street, one of which is the current Kununurra Neighbourhood House [KNH]. In September it was recommended that the rezoning include these two lots, which are side by side, to allow for leveraging the relocation of the KNH. A specific contribution from the DHW to effect this relocation was required. It is understood that a \$100,000 contribution will be provided, and that negotiations are continuing. To ensure the timely processing of the amendment, it is recommended that the amendment be adopted. Additionally, it is also pertinent to ensure this aspect of the rezoning is included in advertising. If negotiations fail, Council will have an opportunity to remove the subject lots from the amendment when the amendment is considered for final approval.

ATTACHMENTS

1. Lots of Proposed to be Rezoned.
2. Amendment Plan is attached. Amendment Documents are available for review on request, or can be viewed in the Shire office.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council

1. Pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), amend the Shire of Wyndham-East Kimberley Town Planning Scheme No. 7 (Kununurra and Environs) by:
 1. Rezoning Lots 693 & 694 Leichhardt Street, Lots 683, 684, 685, 686, 705, 707, 711 and 2440 Pindan Avenue, Lots 701, 702, 703, 704 Calytrix Avenue and Lots 712, 713, 714, 715, 716 Pandanus Avenue, Kununurra from Residential R20 to Residential R30.
 2. Amending the Scheme Maps accordingly.
2. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation;
3. Forward the Town Planning Scheme Amendment to the Environmental Protection Authority, requesting that the level of assessment for the

amendment be set pursuant to Section 48A of the Environmental Protection Act 1986 (as amended); and

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

COUNCIL DECISION

Minute No. 8523

Moved:Cr D Ausburn

Seconded:Cr J Moulden

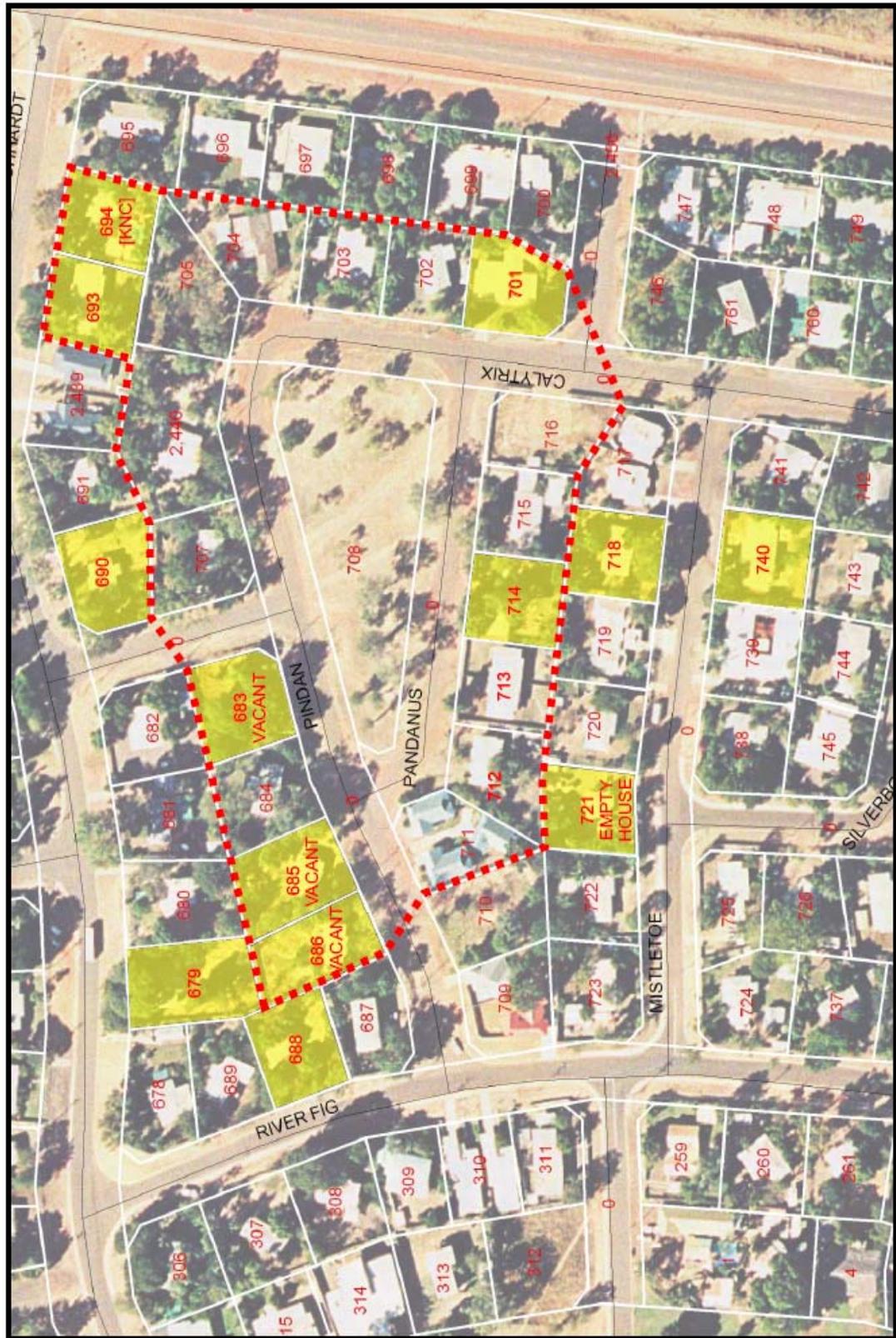
That Council

1. ***Pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), amend the Shire of Wyndham-East Kimberley Town Planning Scheme No. 7 (Kununurra and Environs) by:***
 1. ***Rezoning Lots 693 & 694 Leichhardt Street, Lots 683, 684, 685, 686, 705, 707, 711 and 2440 Pindan Avenue, Lots 701, 702, 703, 704 Calytrix Avenue and Lots 712, 713, 714, 715, 716 Pandanus Avenue, Kununurra from Residential R20 to Residential R30.***
 2. ***Amending the Scheme Maps accordingly.***
 2. ***Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation;***
 3. ***Forward the Town Planning Scheme Amendment to the Environmental Protection Authority, requesting that the level of assessment for the amendment be set pursuant to Section 48A of the Environmental Protection Act 1986 (as amended); and***
 4. ***Upon receipt of the level of assessment from the Environmental Protection Authority, advertise the amendment for a period of 42 days via the placement of an advertisement in the Kimberley Echo, erection of a notice in the Shire Offices and the posting of notices to affected parties.***

CARRIED UNANIMOUSLY: (8/0)

Jennifer Ninyette entered the meeting at 6.32pm

LOTS PROPOSED TO BE REZONED



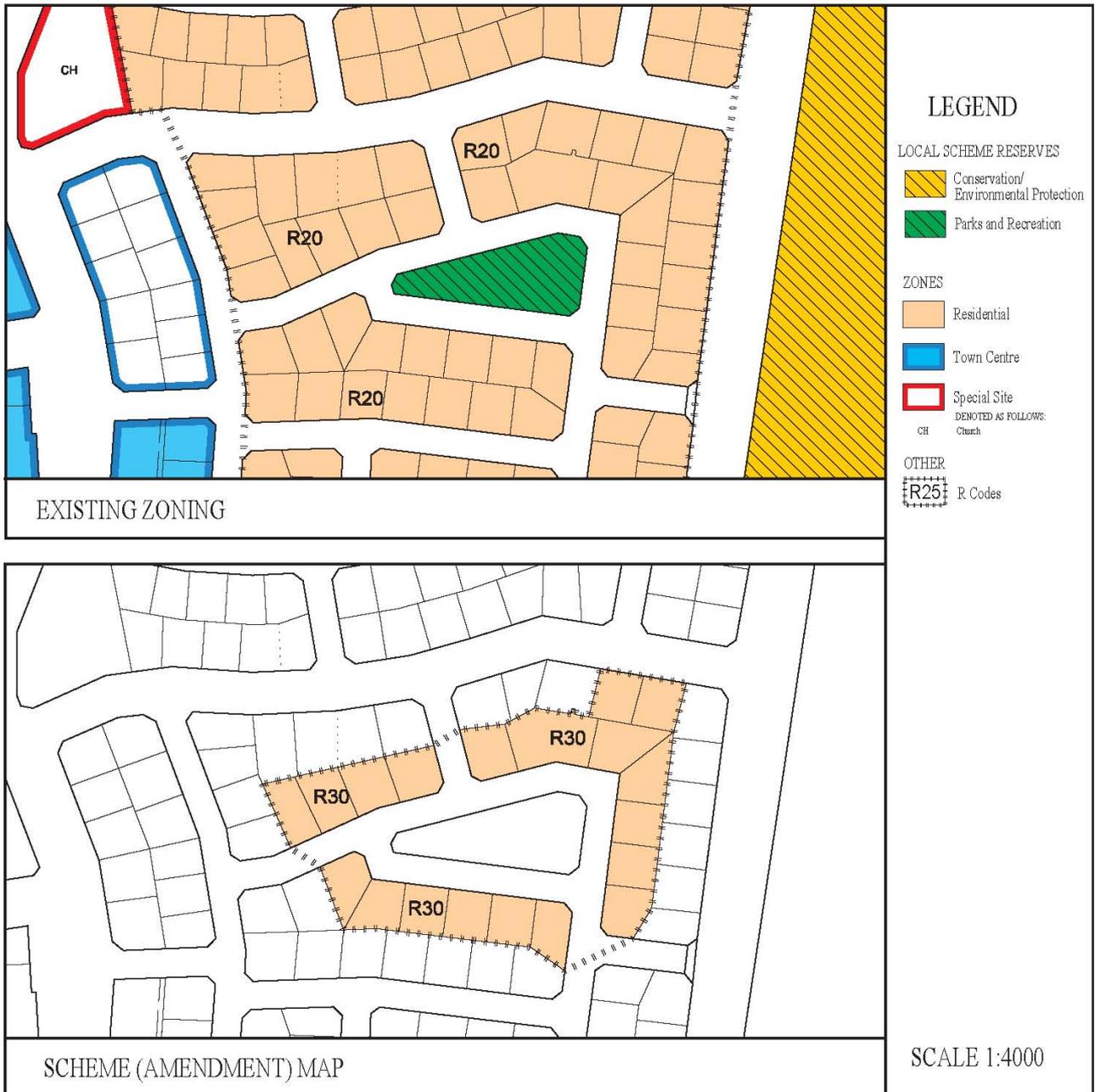
DHW LOTS. CURRENTLY SUITABLE FOR DUPLEX REDEVELOPMENT

PROPOSED AREA TO BE RE-ZONED - 19 LOTS



SHIRE OF WYNDHAM - EAST KIMBERLEY
TOWN PLANNING SCHEME No. 7

-Amendment No. 29



12.4.3 ADVERTISING OF STRUCTURE PLAN - LOT 1 OLD DARWIN ROAD KUNUNURRA (8524) (8525) (8526)

DATE:	20 January 2009
PROPONENT:	Yeltara Developments
LOCATION:	Lot 1 Old Darwin Road Kununurra
AUTHOR:	Jennifer Ninnette - Town Planning Officer
REPORTING OFFICER:	Peter Stubbs - Chief Executive Officer
FILE NO:	01.0572.02
ASSESSMENT NO:	572

PURPOSE

For Council to:

1. Consider the Structure Plan submitted for Lot 1 Old Darwin Road, Kununurra and resolve to advertise the Structure Plan; and
2. Request documentation from the proponent to initiate a scheme amendment to rezone the property from Rural Agriculture 1 to Special Residential.

BACKGROUND

The subject site is currently used for the growing of rockmelons, and has been for the past 12 years, and the owner is now considering alternative land uses on the subject site, due to the deterioration of the soil quality reducing the viability for agricultural use.

The site was identified as being suitable for Small Rural Holdings in the Local Planning Strategy, which would result in lot sizes from 4 to 40 hectares.

However, Yeltara Developments consider that due to the proximity of the site to the Kununurra townsite and existing services, it is appropriate and possible for smaller rural lots to be created.

Therefore lot sizes of between 5000m² and 1 hectare are proposed, and Yeltara Developments are intending to connect the subdivision to potable water supply for this lot, to allow for these smaller lot sizes.

The Structure Plan was submitted in September 2008, and proposes to amend the zoning of the land to facilitate subdivision into smaller lots and re Plan also outlines the proposal to develop the northwest portion of Lot 1, being approximately 7.6 hectares, for tourism development (Caravan Park).

STATUTORY IMPLICATIONS

Refer to Planning Assessment.

POLICY IMPLICATIONS

Refer to Planning Assessment.

SITE LOCATION

The subject site is located on Old Darwin Road, approximately 6 kilometres by road from the centre of Kununurra, and is located to the south east of the town. The property is north of Emu Creek, reserved for Conservation/Environmental protection purpose in the Town Planning Scheme, and is located between two properties which are both intended to be developed for 'bush lifestyle' blocks and zoned to Small Rural Holdings.

The Kununurra landfill site is located to the north/north west of Lot 1, and is intended to be used for this purpose for the next 15 -20 years. A buffer will therefore affect the development of the northern portion of Lot 1 for this period, and a staged development of Lot 1 is proposed to address this.

A site plan is shown below.



PROPOSED LAND USE / DEVELOPMENT

The structure plan will provide for the subdivision and development of the site for Special Residential purposes. The term Special Residential is used, as the proposed lot sizes of 5000m² – 1 hectare differs from the lots sizes for Rural Residential (1 to 2 hectares), Small Rural Holdings (4 to 40 hectares), or Residential (Less than 0.5 hectares).

It is intended for approximately 130 lots of varying sizes be created to provide choice, with smaller lots to the centre of the site and larger lots to the boundaries, to interface the larger lots on the adjoining properties.

It is also intended for a larger lot be made available in the long term for tourism development, or which could alternatively be subdivided for at a later stage. The northwest corner of the property, being approximately 7.6 hectares, has been earmarked for the purposes of a caravan park in the structure plan.

A copy of the structure plan is shown at attachment 1.

FINANCIAL IMPLICATIONS

An initiation fee of \$500 will be required to be paid to cover the initial structure plan application, and if adopted, a further fee of \$500 is payable to Council. Advertising will not proceed until the initiation fee has been paid.

STRATEGIC IMPLICATIONS

Refer to Planning Assessment.

PLANNING ASSESSMENT

Development Control Policy 2.5 – Special Residential Zones

This policy sets out the requirements of the Western Australian Planning commission (WAPC) for the creation of special residential zones in terms of location, internal design and servicing, and statutory provisions.

The purpose of special residential zones is to allow for lots of a size which will offer a style of spacious living at densities lower than those characteristic of traditional single residential developments but higher than those found in special rural zones.

The objectives of this policy are:

- *To provide for the creation of lots of between 2,000 square metres and one hectare in suitable locations.*
- *To ensure that the use and development of such lots are subject to appropriate standards and controls.*
- *To protect the character and amenity of adjacent rural areas.*

The policy states that while Special Residential zones represent an intermediate zoning between residential and rural living, the WAPC considers that they are essentially residential, and therefore such zones should be adjacent to existing or planned residential areas and have a good access to schools, community facilities and other urban services.

It also states that because Special Residential zones are essentially residential, the WAPC considers that they should be provided with the type and standard of services typical of normal Residential zones, and in particular, reticulated water will be required as a condition of subdivision approval. Provided that the land is suitable for on-site effluent disposal, connection to a reticulated sewerage system may not be required.

It is considered that the structure plan promotes land uses and development that are consistent with the proposed zoning. A copy of the development control policy is at Attachment 2.

Local Planning Strategy (LPS)

The LPS states that although the Old Darwin Road area is considered to be well suited to rural residential development, it is an area identified as being most suitable as Small Rural Holdings. This is because Small Rural Holdings allows for the larger minimum lot sizes (minimum 4 hectares with an average of 8 hectares) due to the viability of the land for horticultural purposes, and the existence of substantial horticultural cultivation on significant portions of these lots.

However, the report put forth by the proponent includes an independent property feasibility report compiled by a horticultural service provider, Reg Johns & Associates, which states that continued production of horticultural crops on the property into the future will not be economically or environmentally viable, due to a decrease in soil quality and increased development costs. This feasibility evaluation recommends that the property no longer be used for horticultural production and should be deemed unsuitable for prime agricultural production.

The subdivision is generally consistent with the LPS, which allocates the land for rural residential purposes. However, the lot yield is greater than that permitted under the Local Planning Strategy, and if Council supports the structure plan then the LPS will be required to be modified to reflect the higher lot yield.

Town Planning Scheme No 7 (TPS)

The Old Darwin Road Precinct is identified as Overall Planning Area No. 4 under the TPS, and it is a requirement of the scheme that the subdivision and development of land within the Overall Planning Areas takes place only after comprehensive planning with the objectives of each area. The objective of the Old Darwin Road precinct is as below.

6.5 OVERALL PLANNING AREA NO. 4 – OLD DARWIN ROAD PRECINCT

6.5.1 *The area is to be considered for the purposes of the following:*

- *Farmstay Tourist Development*
- *Agricultural Uses*
- *Subdivision for the purposes of agriculture based on appropriate land capability and agricultural and horticultural activity and ensure that the future use of prime agricultural land for agricultural purposes is not compromised.*

6.5.2 *Structure planning is specifically required to address the compatibility of proposed uses with existing agricultural and horticultural activity and ensure that the future use of prime agricultural land is not compromised.*

6.5.3 *Structure planning will need to confirm that the proposed uses and/or subdivision framework are compatible with the continued broad acre agricultural pursuits that exist within the overall planning area.*

6.5.4 *Structure planning shall demonstrate that the ultimate proposed land uses would have no impact on the adjoining Emu Creek wetland areas.*

6.5.5 *Following the preparation and adoption of a structure plan for this area in accordance with Clause 6.7 of this Scheme and notwithstanding Clause 6.7.5 and Clause 6.7.6 the development or subdivision of the area will be preceded by an appropriate scheme amendment to rezone the land in accordance with the adopted Structure Plan.*

(Clauses 6.75 and 6.76 relate to adoption of structure plans by Council and the WAPC).

The structure plan document addresses the abovementioned objectives for this precinct, stating that due to the decrease of soil quality over several years the agricultural capability of the land is limited, and therefore is not being compromised.

This is supported by the statement that Lot 2 is also the last remaining broad acre agricultural activity occurring in the Old Darwin Road Precinct. The adjoining property to the east has been subdivided for Small Rural Holdings, and the property to the west is currently subject to a scheme amendment to rezone the land to Rural Small Holdings purposes.

In regards to Clause 6.5.4, which relates to the impact on the adjoining Emu Creek wetland areas, the report makes recommendations that further environmental investigations should be considered in future stages.

The Town Planning Scheme does not contain any provisions regarding the Special Residential zone, and accordingly a scheme amendment will be required to introduce provisions for this new zone. Although it is intended to initiate a scheme amendment following the adoption of the structure plan, it is considered appropriate that rezoning of the land should therefore occur concurrently.

COMMUNITY CONSULTATION

The Old Darwin Road Precinct is identified as Overall Planning Area No. 4 under the TPS, and it contains provisions that require a 60 day advertising period, however, the Western Australian Planning Commission's Guidelines for the Preparation of Local Structure Plans sets an advertising period of 28 days.

It is considered that in this instance it is appropriate that the Structure Plan be advertised for the 60 day period 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.

CONCLUSION / COMMENT

Yeltara Developments have submitted a structure plan to allow for land no longer considered to be viable for agricultural production to be considered for Special Residential subdivision.

The proposed subdivision will contribute to the availability of lots in Kununurra, and in particular lifestyle blocks located outside the town centre, while providing a variety of lot sizes which should promote diversity in housing style and choice.

The Lot 1 Structure Plan and documentation is required to be advertised for a period of 60 days to comply with the intent of the Town Planning Scheme and to enable consideration and/or adoption of the structure plan by Council.

It is recommended that Council agree to advertise the structure plan, following which the proposal and any submissions can be considered in more detail by Council.

The Town Planning Scheme does not contain any provisions regarding the Special Residential zone, and accordingly a scheme amendment will be required to introduce provisions for this new zone.

Although it is intended to initiate a scheme amendment following the adoption of the structure plan, it is considered appropriate that rezoning of the land should therefore occur concurrently, and it is also recommended that a scheme amendment be initiated.

ATTACHMENTS

Attachment 1 – Structure Plan Map

Attachment 2 – Development Control Policy 2.5 – Special Residential Zones

The Structure Plan document and associated reports and plans will be available to all Councillors prior to the 20th January 2009, Ordinary Council Meeting.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Advertise the Lot 1 Old Darwin Road Structure Plan for 60 days in accordance with the Town Planning Scheme No. 7 – Kununurra and Environs.
2. Following the advertising period, Council will consider any submissions made, and will consider the adoption, subject to any modifications, of the Structure Plan.
3. Request that Yeltara Development prepare and submit scheme amendment documentation to Council, including a soil analysis report, to initiate a scheme amendment to rezone the land from Rural Agriculture 1 to Special Residential.

COUNCIL DECISION

Minute No. 8524

**Moved:Cr P Caley
Seconded:Cr D Ausburn**

That Council suspend Standing Order 7.5 to enable Councillors to speak more than once in relation to matter being debated.

CARRIED UNANIMOUSLY: (8/0)

Standing Order 7.5 was suspended at 6.37pm

Minute No: 8525

**Moved:Cr J Parker
Seconded:Cr D Ausburn**

That Council resume Standing Order 7.5

CARRIED: (8/0)

Standing Order 7.5 resumed at 6.41pm

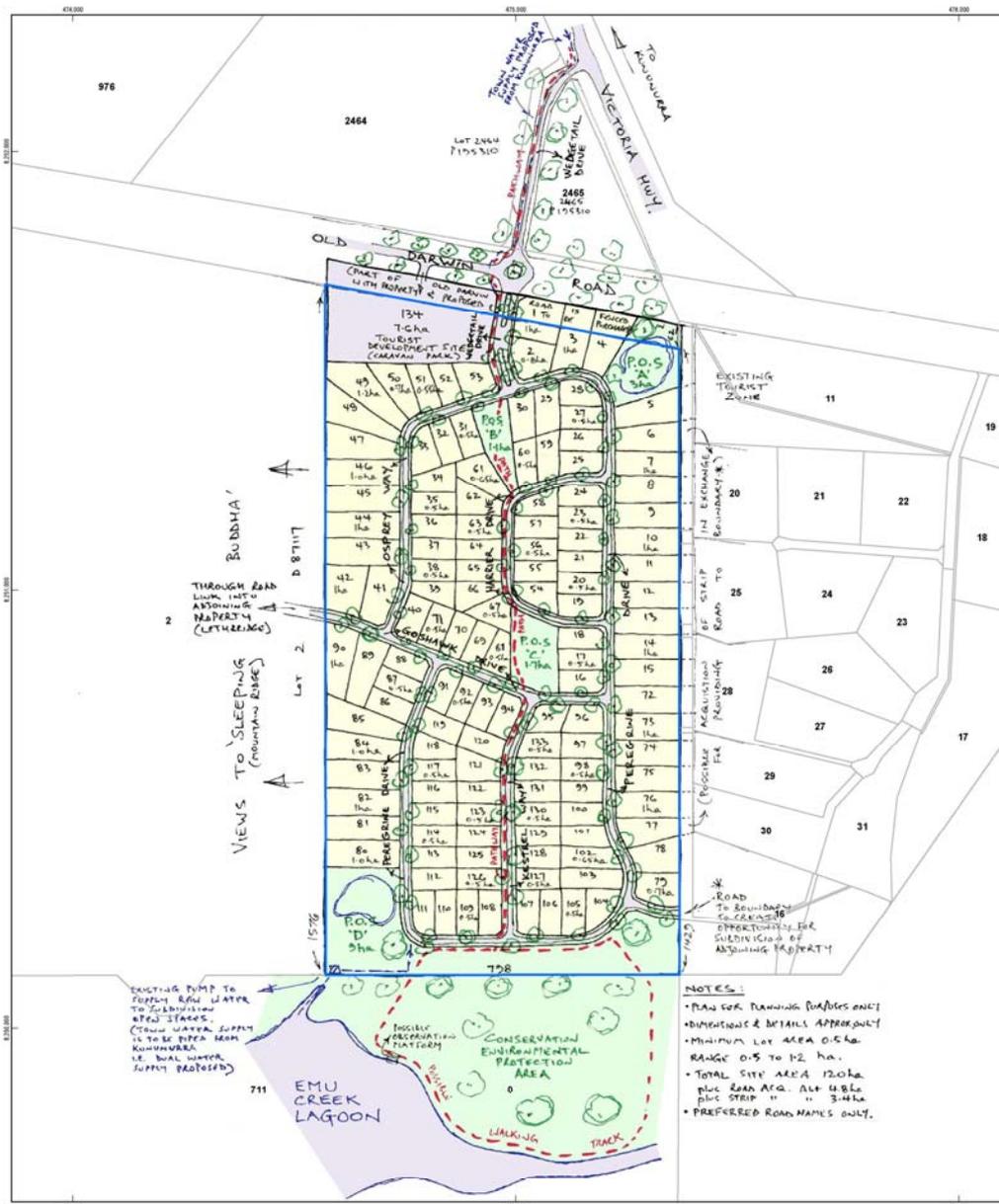
Minute No: 8526

**Moved:Cr J Moulden
Seconded:Cr R Addis**

That Council will not consider advertising the proposed rezoning of Lot 1 Old Darwin Road from Rural Agriculture 1 to Special Residential, until the owner of the property has rectified the issues of drainage and salinity that have rendered Lot 1 unsuitable for intensive horticulture.

CARRIED UNANIMOUSLY: (8/0)

Note: the Council decision differs from the Officer Recommendation because the Council determined that land management issues should be rectified before further consideration of the proposal.



LEGEND

- Subject Site - GHD - 20080717
- Cadastre - Landgate - 200804

1:8,000 (at A3)

0 50 100 200 300 400 Meters

Map Projection: Transverse Mercator
Horizontal Datum: Geocentric Datum of Australia 1994
Grid: Map Grid of Australia, Zone 52

GHD FREEMAN & FREEMAN
Surveyors • Planning Consultants • Project Managers

Freeman & Freeman
Emu Creek Structure Plan
Structure Plan Concept Design

Job Number: 6121678
Revision: A
Date: 14 August 2008

Appendix J

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2. Policy Objectives	4
3. Policy Measures	4
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3.2 Design and Servicing Requirements	5
4. Implementation Provisions	5



BACKGROUND NOTES

1. This policy replaces Policy Statement No. P.6 Special Residential Zones of the former Town Planning Board which was first published in April 1982 and modified in January 1985.
2. The policy was reconsidered and updated by the Commission in June 1998. Some minor recent modifications have been made to the policy which include:
 - a) The reintroduction of exceptions to the basic requirement that in the metropolitan region, all Special Residential zones should be located within areas zoned Urban by the Metropolitan Region Scheme.
 - b) It is made clearer that, while the Commission sets no standard requirement for the provision of public open space in Special Residential zones, a contribution will normally be required.
 - c) The requirement for Special Residential lots to be connected to underground power.
3. This policy also relates to other policies in this manual.
These are:
 - Policy No. DC 1.1 - Subdivision of Land - General Principles
 - Policy No. DC 2.1 - Residential Planning Codes
 - Policy No. DC 2.3 - Public Open Space in Residential Areas.

1. INTRODUCTION

- 1.1 In order to accommodate the various lifestyle requirements of all sections of the community, the Commission is committed to the provision of a wide range of lot sizes.
- 1.2 The purpose of Special Residential zones is to allow for lots of a size which will offer a style of spacious living at densities lower than those characteristic of traditional single residential developments but higher than those found in Special Rural zones.
- 1.3 This policy sets out the requirements of the Commission for the creation of such zones in terms of location, internal design and servicing, and statutory provisions.

2. POLICY OBJECTIVES

- To provide for the creation of lots of between 2,000 square metres and one hectare in suitable locations.
- To ensure that the use and development of such lots are subject to appropriate standards and controls.
- To protect the character and amenity of adjacent rural areas.

3. POLICY MEASURES

3.1 Locational Requirements

- 3.1.1 Because Special Residential zones are less efficient in both the use of land and utilisation of services when compared with conventional residential subdivisions, the Commission considers that such zoning should be used only sparingly and, as its name implies, only in special circumstances.
- 3.1.2 A local government's decision to create a Special Residential zone should be based upon a site analysis and take into consideration such matters as topography, soil and climate as well as an assessment of the effects of development on the environment.
- 3.1.3 In its consideration of a proposal, the Commission will have regard for the following, although the list is not exhaustive and in particular locations other factors may be equally relevant.
 - a) While Special Residential zones represent an intermediate zoning between residential and rural living, the Commission considers that they are essentially residential. Such zones should be adjacent to existing or planned residential areas and have good access to schools, community facilities and other urban services.
 - b) Special Residential zones should avoid good agricultural land, State Forests and water catchment areas, and should not prejudice important mineral or stone deposits.
 - c) Landscape worthy of preservation and/or which is clearly visible from roads of regional or national importance should generally be avoided.
 - d) Topographical features of the land (for example hilly or undulating), distinct attractions such as creeks or water features, distant views or fine trees will be considered.
 - e) Cadastral information so that, in areas of existing small lots, Special Residential zones may rationalise a poor existing layout and provide for road access where this is inadequate.
 - f) Advice from Main Roads Western Australia will be considered where the subject land is adjacent to highways, main roads and proposed bypasses. Such areas should be avoided, unless subdivided as part of an overall town planning scheme.
- 3.1.4 In the metropolitan region, Special Residential zones will generally be approved only for land which is zoned Urban in the Metropolitan Region Scheme. Exceptions to this policy will be considered only where:
 - the proposal is for development with a rural-residential theme in a rural setting;
 - the proposal relates to land which will remain in the Rural zone for the long term and is not likely to be required for future urban purposes;
 - there is provision for land use and management controls to ensure the proposed subdivision and development is consistent with the predominantly rural character of the area.

3.2 Design and Servicing Requirements

- 3.2.1 Lots in Special Residential zones should have a range of sizes between 2,000 square metres and one hectare, related to the nature and purpose of the particular zone. The lower lot size generally equates to the lower density range provided for in residential subdivisions, while the larger lot size equates to the minimum acceptable to the Commission in Special Rural zones where reticulated water is provided. The relevant Residential Planning Codes are those up to R 5.
- 3.2.2 The lot sizes selected for a particular Special Residential zone should reflect the topographical and environmental characteristics of the land concerned. A variety of lot sizes should be provided.
- 3.2.3 Design and servicing considerations which should be applied to Special Residential zones are as follows:
- a) Because they are essentially residential, the Commission considers that Special Residential zones should be provided with the type and standard of services typical of normal Residential zones. In particular, reticulated water will be required as a condition of subdivision approval. Provided that the land is suitable for on-site effluent disposal, connection to a reticulated sewerage system may not be required.
 - b) Because of their spacious character and large lot sizes, the Commission does not specify a standard open space contribution for Special Residential zones. Land for public open space will be required, however, when the provision of recreational open space is considered desirable or when it can include an important topographical feature such as a creek, lake or group of trees which is to be retained as a recreational amenity for residents of the subdivision and the district as a whole.
 - c) Road networks should take account of the topography and be unobtrusive, and long culs-de-sac should be avoided. Consideration should be given to the use of road networks as strategic firebreaks.
 - d) Lots should be designed to capitalise on the topography of the area and to achieve the best possible amenity by avoiding unnecessary regimentation in relation to size and design.

- e) As far as practicable, direct access to a major road should not be permitted and new subdivisions should be designed so that individual lot access is from minor roads.

Where access is proposed to a main road, advice from Main Roads Western Australia should be sought. Development should be set back an adequate distance from the road reserve - this is generally governed within the scheme provisions.

- f) Subdivisions for Special Residential zones may result in the need to widen main roads. Provision should be made for such widening in the design since in some instances it may be required as a condition of subdivision.
- g) Building setbacks, particularly to main frontage and subdivisional roads, should be varied to create a more interesting and spacious environment.
- h) The Commission will normally require the provision of underground power to lots within Special Residential zones. Where alternative power sources are proposed, the Commission may agree not to impose a reticulated underground power condition where the service provider has submitted evidence as to the availability of reticulated supply and a notice is attached to the titles of the affected lots to forewarn prospective purchasers of the circumstances under which reticulated power would be made available.

4. IMPLEMENTATION PROVISIONS

- 4.1 The development of a Special Residential zone should be controlled through provisions contained in a town planning scheme or scheme amendment, which in general terms should provide the following:
- a) that Council's prior approval to commence development is required for all development, including a single dwelling house;
 - b) that not more than one single dwelling house per lot shall be erected;
 - c) that buildings should be set back from the road by a specified minimum distance;

- d) that permitted uses should be confined to those which are consistent with maintaining the amenity of the residential environment; and
- e) that once a Special Residential zone subdivision has been established, further subdivision of lots created will not occur.

- 4.2 The scheme or scheme amendment should include a subdivisional guide plan intended for the Special Residential zone. The subdivisional guide plan may optionally be superimposed on an appropriate mapping base and must show contours, approximate areas and dimensions, the proposed staging of development, public open space, areas of substantial vegetation cover which are to be preserved, building envelopes and any other details that may be appropriate.
- 4.3 Special Residential zones should be considered to be the maximum density to which the land should be put. Further subdivision will not, in general, be approved by the Commission.
- 4.4 In its consideration of applications for the subdivision of land within a Special Residential zone, the Commission will have regard for the relevant provisions of the town planning scheme under which the land is zoned. Accordingly, it will condition an approval in such a way as to give effect to these provisions.

12.4.4 REZONING OF RESIDENTIAL LAND - WEABER PLAIN ROAD/ERYTHRINA STREET, KUNUNURRA (8527)

DATE:	20 January 2009
PROPONENT:	Department of Housing and Works
LOCATION:	Weaber Plain Road/Erythrina Street, Kununurra
AUTHOR:	Jennifer Ninnette, Town Planning Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	43.04.14
ASSESSMENT NO:	Various

PURPOSE

For Council to adopt an amendment for the rezoning of residential land in the vicinity of Weaber Plain Road and Erythrina Street, Kununurra.

BACKGROUND

Council initiated a Town Planning Scheme Amendment on 17 November 2008 to increase densities along Weaber Plain Road and Erythrina Street, Kununurra.

The initiation resulted from advocacy from Council to the Department of Housing and Works (DHW) to rationalise its properties in Kununurra and improve its housing stock.

The DHW have five vacant lots in Weaber Plain Road, as well as one large lot on Erythrina Street. The Department is in the process of upgrading four dwellings on this large lot, and will dispose of the remainder of the lot.

As a result of this advocacy, the DWH requested Council give consideration to increasing the density in these streets. After considering several options, including an option to include offices, Council resolved as follows:

That Council:

1. *Rescind Minute No. 8404.*
2. *Amend the Shire of Wyndham-East Kimberley Planning Scheme No.7 - Kununurra and Environs by:*
 1. *Rezoning Lots 2, 3 997, 1015, 1082, 1083 and 1257 Erythrina Street and Lots 828 - 832, 1016, 1017 and 1077 - 1081 Weaber Plain Road from Residential R15/50 to Residential R30;*
 2. *Rezoning Lots 858 - 861, 1035, 1060 - 1062 and 1073 - 1075 Weaber Plain Road from Residential R15 to Residential R30;*
 3. *Rezoning Lots 401, 862, 873, 1036, 1394 - 1397, 1403 - 1406, 1410 - 1413, 1424, 1425, 1433, 1443 - 1445, 1469, 1620, 1621, 2218- 2220 and 2398 Barringtonia Street; Lots 1434, 1449, 1450, 1470 -1478, 1622, 1625 -1634 and 2262 Dryandra Road; Lots 1451, 1452, 1456, 1481, 1482, 1486 - 1488, 2205 - 2210*

and 2266 Wilga Place; Lots 1435, 1441, 1461 - 1466, 2211 - 2217 Mallee Court; Lots 1379 - 1386, 1393, 1398 - 1402 1414, 1415, 1420 - 1422, 1427, 1428, 1431, 1521, 1616 - 1619 and 2231 Boobiella Way; Lots 1378, 1387 - 1392, 1426 and 1498 - 1501 Acacia Court; Lots 1495 - 1497 and 1502 Calatropis Court; Lots 402, 863, 864, 907, 1018 - 1025 and 1038 Greybox Crescent; Lots 1026-1034, 1040 - 1043 and 1063 - 1067 Carbeen Street and Lots 1044 - 1048, 1049 - 1059 and 1068 - 1072 Woollybutt Place from Residential R15 to Residential R20.

3. Advise the Department of Housing and Works that it is prepared to initiate a rezoning of the following to allow the option of denser residential accommodation in that area close the town centre:

Lots 2, 3 997, 1015, 1082, 1083 and 1257 Erythrina Street and Lots 828 - 832, 1016, 1017 and 1077 - 1081 Weaber Plain Road from Residential R15/50 to Residential R30:

Lots 858 - 861, 1035, 1060 - 1062 and 1073 - 1075 Weaber Plain Road from Residential R15 to Residential R30

And Lots 401, 862, 873, 1036, 1394 - 1397, 1403 - 1406, 1410 - 1413, 1424, 1425, 1433, 1443 - 1445, 1469, 1620, 1621, 2218-2220 and 2398 Barringtonia Street; Lots 1434, 1449, 1450, 1470 -1478, 1622, 1625 -1634 and 2262 Dryandra Road; Lots 1451, 1452, 1456, 1481, 1482, 1486 - 1488, 2205 - 2210 and 2266 Wilga Place; Lots 1435, 1441, 1461 - 1466, 2211 - 2217 Mallee Court; Lots 1379 - 1386, 1393, 1398 - 1402 1414, 1415, 1420 - 1422, 1427, 1428, 1431, 1521, 1616 - 1619 and 2231 Boobiella Way; Lots 1378, 1387 - 1392, 1426 and 1498 - 1501 Acacia Court; Lots 1495 - 1497 and 1502 Calatropis Court; Lots 402, 863, 864, 907, 1018 - 1025 and 1038 Greybox Crescent; Lots 1026-1034, 1040 - 1043 and 1063 - 1067 Carbeen Street and Lots 1044 - 1048, 1049 - 1059 and 1068 - 1072 Woollybutt Place from Residential R15 to Residential R20

4. Advise the Department of Housing and Works that draft amendment documentation should be prepared as soon as possible to allow further consideration of the proposed amendment.

The rescission motion related to a mistake in an earlier resolution that resulted from the consideration, and rejection by the Council, of offices in the residential zone.

The Department has now prepared the documents required for the amendment to be adopted.

STATUTORY IMPLICATIONS

Rezoning must be undertaken in accordance with the Planning and Development Act 2005.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The application fee of \$500 has been paid.

STRATEGIC IMPLICATIONS

Key Result Area 2 - Community

To develop the strengths and potential of our community now and into the future through advocacy and leadership focussed on improved outcomes and addressing social issues in our community.

Key Result Area 3 – Economic Development

Work in partnership with Government, community and industry leaders to promote and provide opportunities for economic and social growth across the Shire through Town Planning that guides sustainable land use and development.

COMMUNITY CONSULTATION

Once adopted, the amendment documentation will be forwarded to the Western Australian Planning Commission (WAPC) and Environmental Protection Authority (EPA) seeking consent to advertise. Advertising occurs for 42 days, and will require signage, newspaper advertisements and/or correspondence to all affected parties and adjoining owners.

COMMENT

Council resolved to rezone the subject land in October 2008. Amendment documents have now been prepared.

The Department of Housing and Works has identified that it has agglomerations of housing stock in Kununurra, and is seeking to more evenly distribute its public housing. An opportunity to divest ownership of some vacant land and obsolete dwellings, as well as provide for the redevelopment of old housing stock, has been identified in Kununurra.

This proposal has merit, and it is considered that it will have a positive impact on the local community by increasing land and dwelling supply, improving the quality of housing, as well as decreasing the density of public housing in the locality.

The Department owns 14 lots from 23 in Weaber Plain Road, with 8 being privately owned, and another owned by Health Department. Of these 14, at least 4 are vacant, and the dwellings on the remainder are obsolete and require replacement.

Two lots are owned on Erythrina Street; one is relatively large and will allow for the development of 8 to 10 units in addition to the 4 dwellings currently located on the lot.

Given the proximity of the area to the town centre (walking distance), and the role of the two streets in providing access to the town centre, it is considered that an

increase in density will provide additional housing stock without detrimental impact on residential amenity for prospective tenants.

The amendment is comprised of three components:

- Erythrina Street and the western side of Weaber Plain Road: R15/R50 TO R50
- Eastern side of Weaber Plain Road: R15 to R30
- Hidden Valley residential area: R15 to R50

ATTACHMENTS

- a) The amendment plan is attached. Amendment Documents are available for review on request, or can be viewed in the Shire office.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council

1. Pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), amend the Shire of Wyndham-East Kimberley Town Planning Scheme No. 7 (Kununurra and Environs) by:
 - b) Rezoning Lots 2, 3 997, 1015, 1082, 1083 and 1257 Erythrina Street and Lots 828 - 832, 1016, 1017 and 1077 - 1081 Weaber Plain Road from Residential R15/50 to Residential R50;
 - c) Rezoning Lots 858 - 861, 1035, 1060 - 1062 and 1073 - 1075 Weaber Plain Road from Residential R15 to Residential R30;
 - d) Rezoning Lots 401, 862, 873, 1036, 1394 - 1397, 1403 - 1406, 1410 - 1413, 1424, 1425, 1433, 1443 - 1445, 1469, 1620, 1621, 2218- 2220 and 2398 Barringtonia Street; Lots 1434, 1449, 1450, 1470 -1478, 1622, 1625 -1634 and 2262 Dryandra Road; Lots 1451, 1452, 1456, 1481, 1482, 1486 - 1488, 2205 - 2210 and 2266 Wilga Place; Lots 1435, 1441, 1461 - 1466, 2211 - 2217 Mallee Court; Lots 1379 - 1386, 1393, 1398 - 1402 1414, 1415, 1420 - 1422, 1427, 1428, 1431, 1521, 1616 - 1619 and 2231 Boobiella Way; Lots 1378, 1387 - 1392, 1426 and 1498 - 1501 Acacia Court; Lots 1495 - 1497 and 1502 Calatropis Court; Lots 402, 863, 864, 907, 1018 - 1025 and 1038 Greybox Crescent; Lots 1026-1034, 1040 - 1043 and 1063 - 1067 Carbeen Street and Lots 1044 - 1048, 1049 - 1059 and 1068 - 1072 Woollybutt Place from Residential R15 to Residential R20.
 - e) Amending the Scheme Maps accordingly.
2. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation;

3. Forward the Town Planning Scheme Amendment to the Environmental Protection Authority, requesting that the level of assessment for the amendment be set pursuant to Section 48A of the Environmental Protection Act 1986 (as amended); and
4. Upon receipt of the level of assessment from the Environmental Protection Authority, advertise the amendment for a period of 42 days via the placement of an advertisement in the Kimberley Echo, erection of a notice in the Shire Offices and the posting of notices to affected parties.”

COUNCIL DECISION

Minute No. 8527

Moved:Cr D Ausburn

Seconded:Cr K Wright

That Council

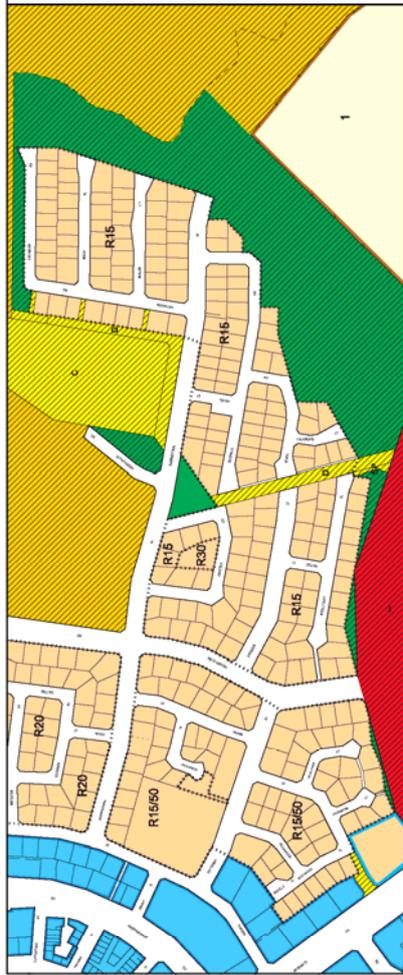
1. ***Pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), amend the Shire of Wyndham-East Kimberley Town Planning Scheme No. 7 (Kununurra and Environs) by:***
 - a) ***Rezoning Lots 2, 3 997, 1015, 1082, 1083 and 1257 Erythrina Street and Lots 828 - 832, 1016, 1017 and 1077 - 1081 Weaber Plain Road from Residential R15/50 to Residential R50;***
 - b) ***Rezoning Lots 858 - 861, 1035, 1060 - 1062 and 1073 - 1075 Weaber Plain Road from Residential R15 to Residential R30;***
 - c) ***Rezoning Lots 401, 862, 873, 1036, 1394 - 1397, 1403 - 1406, 1410 - 1413, 1424, 1425, 1433, 1443 - 1445, 1469, 1620, 1621, 2218- 2220 and 2398 Barringtonia Street; Lots 1434, 1449, 1450, 1470 -1478, 1622, 1625 -1634 and 2262 Dryandra Road; Lots 1451, 1452, 1456, 1481, 1482, 1486 - 1488, 2205 - 2210 and 2266 Wilga Place; Lots 1435, 1441, 1461 - 1466, 2211 - 2217 Mallee Court; Lots 1379 - 1386, 1393, 1398 - 1402 1414, 1415, 1420 - 1422, 1427, 1428, 1431, 1521, 1616 - 1619 and 2231 Boobiella Way; Lots 1378, 1387 - 1392, 1426 and 1498 - 1501 Acacia Court; Lots 1495 - 1497 and 1502 Calatropis Court; Lots 402, 863, 864, 907, 1018 - 1025 and 1038 Greybox Crescent; Lots 1026-1034, 1040 - 1043 and 1063 - 1067 Carbeen Street and Lots 1044 - 1048, 1049 - 1059 and 1068 - 1072 Woolybutt Place from Residential R15 to Residential R20.***
 - d) ***Amending the Scheme Maps accordingly.***
2. ***Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation;***
3. ***Forward the Town Planning Scheme Amendment to the Environmental Protection Authority, requesting that the level of assessment for the***

amendment be set pursuant to Section 48A of the Environmental Protection Act 1986 (as amended); and

- 4. Upon receipt of the level of assessment from the Environmental Protection Authority, advertise the amendment for a period of 42 days via the placement of an advertisement in the Kimberley Echo, erection of a notice in the Shire Offices and the posting of notices to affected parties.'**

CARRIED UNANIMOUSLY: (8/0)

SHIRE OF WYNDHAM - EAST KIMBERLEY
 -Amendment No. 28
 TOWN PLANNING SCHEME No. 7



EXISTING ZONING



SCHEME (AMENDMENT) MAP

- LEGEND**
- LOCAL SCHEME RESERVES**
- Conservation/Environmental Protection
 - Major Road
 - Parks and Recreation
 - Public Purpose
 - Public Purpose (OVER 1000 SQ METRES)
 - Quarry
 - Other
 - Other (over 1000 SQ METRES)
- ZONES**
- Residential
 - Residential Development
 - Tourist
 - Town Centre
- OTHER**
- R Code
 - R20
 - R30
 - R50
 - Overlaid Planning Area (over Substrate 1:50)

SCALE 1:6000

12.4.5 LOT 11 WEABER PLAIN ROAD - PROPOSED RURAL SUBDIVISION (8528) (8529)

DATE:	20 January 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Lot 11 Weaber Plain Road, Kununurra
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	43.31.20
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider a new request by Raregold Pty Ltd for a rural sub division of Lot 11 Weaber Plain Road, Kununurra.

BACKGROUND

Lot 11 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.

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.

In October 2006 Council moved a resolution (Minute No 7532) to rezone Lot 11 Weaber Plain Road from Rural Agriculture 1 to Rural Living Zone.

MINUTE NO 7532 (17 October 2006)

Moved Cr J Buchanan

Seconded Cr M Pucci

That Council, pursuant to section 75 of the Planning and Development Act 2005, amend the Shire of Wyndham-East Kimberley Planning Scheme No.7 by:

- 1. Rezoning Lot 11 Weaber Plain Road Kununurra from the 'Rural Agriculture 1' zone to the 'Rural Living' zone.*
- 2. Inserting the following provisions into the text of the Scheme:*
 - 6.7 Overall Planning Area No. 6. - Lot 11 Weaber Plain Road Rural Residential Area*
 - 6.7.1 In accordance with section 6.8 of the scheme a structure plan will be provided with the subdivision application.*
 - 6.7.2 The structure plan will address the compatibility of rural residential uses with existing agricultural and horticultural activity on surrounding lots and will ensure that the future use of prime agricultural land for agricultural purposes is not compromised and shall include the following measures:*

- a) *Residential buildings will be prohibited within 100 metres of the boundary of any adjoining land zoned for agricultural purposes. The 100 metre buffer will be maintained with intensively planted local vegetation. These restrictions will be given protection through the placement of restrictive covenants on certificates of title under section 129BA of the Transfer of Land Act 1893 (as amended). Such covenants are to prohibit residential development, prohibit the planting of non-local flora and to mandate the retention of a planted buffer within the respective exclusion areas.*

The advice of the Department of Environment and Conservation is to be sought in relation to appropriate local species for planting.

- b) *A 300m wide notification area(s) on proposed rural residential lots which are within 300m of the boundary of any land zoned for agricultural purposes, implemented through the placement of memorials on title under section 165 of the Planning and Development Act 2005. Such memorials are to advise that the lots are in close proximity to an existing agricultural operation and may be adversely affected by virtue of odour, noise, dust, light emissions from that land use and/or spray drift from agricultural chemicals.*
- c) *All lots shall have a 100 by 100 metre building envelope notated on the structure plan, and development of any dwelling or outbuilding will be restricted to the building envelope. No clearing of vegetation [with the exception of weeds or non-native species] shall be strictly prohibited. These restrictions will be given protection through the placement of restrictive covenants on certificates of title under section 129BA of the Transfer of Land Act 1893 (as amended). Such covenants are to prohibit the development of any residential or outbuilding development outside building envelopes, prohibit the removal of vegetation outside the building envelope and the planting of non-local flora.*
- d) *The creek running through the southern portion of the land shall be planted and treated to any vegetative or mechanical means to ensure that erosion is addressed. The creek shall not be included in any building envelopes.*
- e) *A notation is to be made on the structure plan to advise prospective purchasers of Scheme provisions that apply to the land.*

6.7.3 *Structure planning will address adequate fire separation distances, groundwater and drainage issues, on-site waste*

disposal, geotechnical suitability, preservation of natural features, remnant vegetation and environmental considerations.

- 6.7.4 *The area is to be established as a rural residential subdivision area creating a variety of lot sizes, but not less than 2 hectares.*
- 6.7.5 *Lots below 4 hectares are not required to connect to a reticulated water supply.*
- 3. *Renumber section 6.7 to 6.8, section 6.8 to section 6.9, and references throughout section 6 to 6.7 (now 6.8) and section 6.8 (now 6.9) accordingly.*
- 4. *Amending the Scheme maps accordingly.*

CARRIED UNANIMOUSLY (6/0)

At the Ordinary Council meeting on 18 March 2008 Council considered 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.

The Council decision at that time was Minute No 8116:

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

Council received a presentation and briefing by Ms Kym Croot representing Raregold Pty Ltd on 2 December 2008 on the proposed sub division.

A Summary of Submissions, Amendment Map and Structure Plan were provided as part of the report presented to the Ordinary Meeting of Council 18 March 2008.

STATUTORY IMPLICATIONS

Council Town Planning Scheme, the Town Planning and Development Act, and Western Australian Planning Commission provide the statutory framework for rural sub divisions.

POLICY IMPLICATIONS

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.

FINANCIAL IMPLICATIONS

An application fee of \$500 on adoption.

STRATEGIC IMPLICATIONS

Diversity of land options to encourage people to invest and build their lives in the region is an important strategic consideration. Sufficient rural residential land is important in that context.

Below is a summary of the current approved and proposed rural residential sub divisions:

Approvals for Rural Living Sub Divisions

Landholding	Proponent	Proposed Lot Yield	Zoning
Lot 21 Weero Road	Valentine Falls Estate Pty Ltd	110	Rural Living

Proposed Rural Living Sub Divisions

Landholding	Proponent	Proposed Lot Yield	Proposed Zoning
Lot 1 Old Darwin Road	Smythe	134	Special Residential

KL 647 Crossing Falls Road	Halford	20	Small Rural Holdings
Lot 2 Old Darwin Road	Lethbridge	10 - 20	Small Rural Holdings
Lot 11 Weaber Plain Road	Raregold Pty Ltd	20	Rural Living
Lots 622 & 468 Great Northern Highway	SWEK [Wyndham Airport Subdivision]	10	Rural Living
UCL Crossing Falls Road	LandCorp [Crossing Falls North]	100 - 120	Rural Living

COMMUNITY CONSULTATION

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

Amendment was 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.

COMMENT

1. 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.
2. 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.
3. Council considered this request on March 2008 and resolved to “*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.*”
4. The proponent states that there is now new information warranting Council reconsideration of this decision.
5. The proponent states that as Council now has funding for proposed flood mitigation works in the Weaber Plain catchment, that greater confidence

in reduce risk of flooding should apply, and that approval for the proposed sub division with conditions would allow process to commence toward eventual sub division. Council may want to given consideration however to the flood mitigation works being not completed as yet, and the extent to which they are effective being untested. Council may also want to consider the public comment made by existing residents in that catchment regarding the proposed sub division.

6. The proponent quotes the hydrological report by Opus Qantec MacWilliam as saying the proposed re-zoning (as opposed to sub division) is unlikely to cause additional surface water flows compared to development of the land for agriculture. However this report does not address the change in storm water flow that exits the site. For example the storm water flow from the site is typically sheet flow, the construction of roads will concentrate the exit point for this water. It requires design consideration of the impact down stream of this changed flow. Council Minute No 8116 is therefore yet to be satisfied.
7. While Council has approved re - zoning Lot 11 Weaber Plain Road Kununurra from the 'Rural Living" *Minute No 7532 (17th October 2006)* the Council may want to reflect on the current push and advocacy of some Ord Valley Growers for the release of more agricultural land, and in particularly land of sandy type (Cockatoo Sands).
8. The proponent 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.
9. While the report argues that the proposed subdivision will not have a detrimental impact, the report does not provide substantive data to demonstrate this.

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.

Council has three options:

- A. Adopt the amendment and recommend to the Minister that the amendment be finalised
- B. Defer consideration of the amendment until 12 months after the completion of the mitigation works so that the effectiveness of the mitigation works has been established.
- C. Refuse the adoption of the amendment and recommend to the Minister that the amendment not be finalised.

ATTACHMENTS

Attachment 1 Request from Raregold Pty Ltd, Oct 2008.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council refuse the proposed amendment for the rural residential subdivision of Lot 11 Weaber Plain Road and recommend to the Minister that the amendment not be finalised, on the basis that the issue of storm water impact downstream of the proposed development have not yet been resolved to the satisfaction of Council.

COUNCIL DECISION

Minute No. 8528

***Moved:Cr D Ausburn
Seconded:Cr P Caley***

LOST: (3/5)

*Cr K Wright requested for and against be recorded.
For: Crs Caley, Addis and Ausburn
Against: Crs Mills, Moulden, Parker, Torres and Wright*

Minute No: 8529

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

That Council defer consideration of the amendment until 12 months after the completion of the mitigation works so that the effectiveness of the of the mitigation works has been established.

CARRIED: (6/2)

*Cr K Wright requested votes for and against to be recorded
For: Crs Mills, Addis, Wright, Moulden, Parker, Torres
Against: Crs Ausburn and Caley*

Doc No.	063689
Date	22 OCT 2008
Officer	TP / CEO
Response	
File	43.31.20
Cross Ref.	01.2054.02

Raregold Pty Ltd
P.O Box 1272
Kununurra 6743

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Shire of Wyndham-East Kimberley
Chief Executive Officer
PO Box 614
Kununurra WA 6743

Ph: (08) 9168 4100
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Dear Mr Stubbs,

I am writing in request of an opportunity to present to the shire council why Lot 11 Weaber Plain road would be a suitable location for rezoning. We subsequently request a final decision on the proposal. As the landowners, we see that the land would be more suitably used for rural residential rather than rural agriculture landuses because:

- The local planning strategy recognizes that there is a high demand for rural residential properties and limitations in supply; "The demand for rural living within the SWEK and most particularly in proximity to Kununurra, is increasing. This is one of the key issues to be dealt with in the LPS. Strong anecdotal demand for rural residential lot sizes ranging from 1 to 2 hectares is supported by trends in limited land supply and fast-rising prices."
- This property would provide accommodation in close proximity to both the town and associated services of Kununurra and agricultural land on which many residents would be employed. There is strong anecdotal evidence that people would prefer to live in this area as they value the closeness of the property to their place of employment. Other Rural Residential areas available in the Ord Valley are located at a much more considerable distance from the place of employment of many residents.
- In addition, the prospect of imminent expansion of the current Ord River Stage I area into 16,000 hectares of highly productive soils of the Ord River Stage II provides further justification that Lot 11 would be better utilized for the provision of rural residential than less productive rural agricultural landuse. Lot 11 is located in a closer proximity to the proposed Ord Stage II area than other Rural Residential areas.
- The land cannot be considered as prime agricultural land. It could not be satisfactorily used for commercial-scale extensive or intensive agriculture due predominantly to limited access to irrigation water and constraints on

COPY

expansion. The southern 38 hectare portion of lot 11 will remain as rural agriculture as it is already cleared of vegetation.

- In Kununurra, there is not a requirement to provide reticulated water for rural residential properties. Lot 11 Weaber Plain road is too far from town to be expected to provide reticulated water, however, is the closest to town of all properties assessed for Rural Residential development due to limitations of land available for residential purposes in the Ord Valley.
- Lot 11 is located only 8 km from town and is situated on a major road with power and telephone lines.
- Flooding and drainage conditions are dissimilar to that observed on surrounding properties. The residential building located on the point of lowest elevation on the property did not experience flooding during the extreme 1 in 100 year rainfall event that occurred during the last wet season on March 2006.
- The property is very attractive with views of sandstone ridges and retains attractive components of the native vegetation such as Boab and Pandanus trees which are characteristic of the Kimberley region. Due to its location north and next to sandstone hills it experiences breezes and is not hot like that identified in the previous Local Planning Strategy.
- The property would be value for money for buyers as it allows people to afford highly sought after Rural Living without the high prices associated with river views. The property is still highly attractive, close to town and employment, lacks mosquito's and is less dangerous for children than living on the rivers edge.
- The property minimizes landuse conflicts as it is essentially surrounded by Rural Living landuses in all directions.
- Of the 11 potential Rural Living Areas identified within Kununurra, the Weaber Plains properties are considered to have a revised overall ranking of 1.
- The subdivision of Lot 11 should be supported now and others ranked higher on the old matrix, such as crossing falls, should be removed or shifted further down the list as Lot 11 is ready to be developed **immediately** unlike other projects and the criteria in the matrix has been re-assessed and has been demonstrated to not be valid.

In 2006 a presentation was made to the previous councilors and a positive response was received. The councilors at the time decided to delay a decision until we were able to complete a hydrological report that demonstrates that clearing for rural residential purposes would not cause an increase in the already problematic flooding that occurs in the wet season on Weaber Plain road. A report was produced by Opus Quantec McWilliam which stated that because the 50ha area applied to be rezoned only contributed 3% to the catchment area that an increase in flooding was very unlikely.

We then submitted the application and hydrological study to the next council meeting which contained only a couple of the previous councilors familiar with

the issue. They made a resolution to delay the decision until the culverts on the M1 channel had been constructed.

There is new information to date which should warrant a revisit of the application.

These are outlined below:

1. The council has received funding to proceed with the development of the M1 channel, therefore the works are imminent. If the council deems it necessary, conditions can be placed on the application where on ground work can be delayed until after the channel works are complete. There is still a lot of work to be completed before on ground work will be possible. If the application is approved with conditions placed upon it, then we can have a head start in the lengthy design and paperwork procedures required once rezoned.
2. A permit to clear native vegetation under the environmental protection act 1986 has been granted for the area that has been applied to be rezoned. Please find the permit attached to this letter. I have also included the hydrological report produced by Opus Quantec McWilliam. On page 10 of the document I have highlighted the text stating:

"The overall effect of re-zoning is unlikely to produce any additional flows from the property compared to developing the site to its full agricultural potential"

This indicates that clearing for agriculture will result in an increase in additional flows from the property than if rezoned for residential landuses. It is difficult to make a more conclusive statement than the one provided without more comprehensive hydrological analysis which would be too expensive to produce in order to state the obvious. This increased flow would result predominantly from the complete removal of native vegetation from the property. If the property was rezoned to residential landuses, then there will be conditions placed on the proposal that ensure that portions of vegetation will remain and that water management strategies are put in place.

Development for rural residential landuses will not contribute to additional runoff and funding has been approved for channel upgrades. This information addition to the vegetation clearing permit being granted is sufficient to call for a reassessment of the council resolution to postpone decision until works are complete. I again ask for an opportunity to present to the new shire our proposal that rezoning lot 11 will assist the shire to meet its goals to increase land available for residential landuses.

Please do not hesitate to contact myself or Kym Croot of the Northern Development Company on Ph: (08) 9168 1520, Mob: 0438 691 360 or e-mail: kymcroot@hotmail.com.

Regards,



Tim Croot
Raregold Pty Ltd
(21.10.08)

12.4.6 PROPOSED NEW FORESHORE LEASE (RESERVE 41812) - KUNUNURRA LAKESIDE RESORT (8530)

DATE:	20 January 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Reserve 41812, Kununurra Lily Creek Lagoon
AUTHOR:	Peter Stubbs Chief Executive Officer
REPORTING OFFICER:	Peter Stubbs Chief Executive Officer
FILE NO:	66.20.01
ASSESSMENT NO:	

Cr K Torres declared a Proximity Interest and left the meeting at 6.53pm.

PURPOSE

For Council to reconsider the terms of the proposed 21 year lease to Lakeside Resort for a portion of Reserve 41812.

BACKGROUND

Three current leases over parts of Reserve 41812 are held by caravan parks for foreshore land adjacent to the park freehold lands. A summary of these is provided below:

Lease	Established	Expiry	Term Years	Area M²
Kimberley land Holiday Park	1 Jan 2003	31 Dec 2012	10	16, 888
Kona Waters Holiday Park	1 Jan 2003	31 Dec 2012	10	12, 507
Lakeside Resort	1 Jan 2003	31 Dec 2012	10	20, 438

Proposed new commercial leases to replace have been suggested by both the lessees and Council as a co - lessor with the Department of Water.

The Lake Kununurra Foreshore Plan, adopted by Council in August 2006, recommends that the commercial foreshore leases (to expire in 2012) be modified in accordance with the following:

- Exclusive use – no public access;
- Full fee at commercial rate of land value; and
- No removal of native vegetation.

During this review, officers discovered a discrepancy between leases and due process. The leases need endorsement of the Minister for Lands, and as this was not done, the leases have not been officially effected. Notwithstanding this, the Lessees are considered to be tenants at will, given that they would have the expectation that the leases would have been executed properly, and that they have been paying lease fees for the duration of this period.

An opportunity was seen to correlate the leases with the recommendations of the Foreshore Plan, and after meeting with Caravan Park Owners and discussing a range of issues, new lease provisions were drafted. The new lease provisions

were forwarded to the Department of Water (DOW) for approval, as co-vestee in the Foreshore Reserve.

The DOW has advised that they do not support the leases being converted to exclusive use leases.

At a meeting attended by Councillors (Pucci, Ausburn, Mills, Addis and Moulden) on the 29th August 2008 it was stated the objective of proposed new leases was to:

“Maximise value to community subject to there being reasonable value to lessees”

Representatives from the three caravan parks attended that meeting.

At that meeting the proposed new lease parameters were suggested as:

1. Development (construction, buildings, concrete bays, footpaths, BBQ's etc) of leased land cannot be closer than 5m from water edge or edge of lease.
2. Water, power and sewerage can be approved in the lease area with written approval of vestees.
3. Sewerage must be connected to the network.
4. Removable structures (Caravans, camping, Cabins when on-stumps/skids, chairs etc) allowed when approved by vestees.
5. Leased area will not be exclusive. i.e. public have access.
6. 21 year lease tenure
7. 50% lease fee for first 2 years, thereafter 75%.
8. Development Plans required by DOW.

There remained disagreement between Council and lessees on the proposed new caravan park foreshore leases.

As a result of the October Briefing Session, Councillors requested new lease valuations considering the DOW decision to allow greater commercial use of lease sites. Valuations were provided in the 17 November Council meeting Agenda 2008.

In summary those valuations were:

Previous DOW valuations:	New Valuations given DOW consent to less commercial restrictions:
Lakeside \$28,000 per annum	\$35,000 per annum
Kona \$ 12,500 pa	\$16,100
Kimberley \$25,000 pa	\$ 30,800

At the Ordinary Council meeting held in the 17th November 2008 Council moved the following resolution (Minute Number 8445)

Minute No. 8530

*Moved:Cr D Ausburn
Seconded:Cr R Addis*

1. *That Council advise the owners of Kimberley Land Caravan Park, Lakeside Caravan Park and Kona Water Holiday Park that it is prepared to offer new foreshore leases on the following basis:*
 - a) *Development (construction, buildings, concrete bays, footpaths, BBQ's etc) of leased land cannot be closer than 10m from water edge or edge of lease adjacent to the water.*
 - b) *Water, power and sewerage can be approved in the lease area with written approval of the co-vestees.*
 - c) *Sewerage must be connected to the sewer network.*
 - d) *Removable structures (Caravans, camping, Cabins when on-stumps/skids, chairs etc) to be allowed with the written permission of co-vestees.*
 - e) *Leased area will not be exclusive i.e. public will have access.*
 - f) *21 year lease tenure to apply.*
 - g) *Shire rates to apply the leased area.*
 - h) *Perth CPI lease fee adjustments to apply in years when valuations are not done.*
 - i) *Lease fees to be set at the valuation estimates October 2008 of \$30,800 for Kimberley Land Caravan Park, \$16,100 for Kona Waters Holiday Park, and \$35,000 for Lakeside Caravan Park.*
 - j) *Development and Management Plans required to the satisfaction of the DOW.*
2. *That should the offer of the new leases not be accepted in writing by the 17th December 2008, then the offer will lapse and Council will not re consider the matter again until December 2009.*

CARRIED UNANIMOUSLY: (7/0)

That resolution was communicated in writing the Caravan Park leasees. The owners of the Kununurra Lakeside Resort have responded to the offer by Council (Minute 8445). That response is attached to this report.

The owners to Kimberleyland Caravan Park and Kona Waters Holiday Park have not responded, and so consistent with the Council Minute 8445 it presumed the offer a new lease has lapsed until at least December 2009.

STATUTORY IMPLICATIONS

Local Government Act

Section 3.58 of the Local Government Act deals with the processes that Council's must follow in relation to the disposition of property [Leasing of land is considered disposition]:

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.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Any income received from lease payments would be placed in a Reserve account for the maintenance and development of Reserve 41812. The table below indicates the current caravan park lease arrangements:

Lease	Area M ²	\$ Cost Per m ²	% of Fee	\$ Cost per m ² @ 5%	Annual Fee per annum \$

Kimberley land Holiday Park	16 888	1.44	5%	0.07	1 220
Kona Waters Holiday Park	12 507	0.76	5%	0.04	475
Lakeside Resort	20 438	0.93	5%	0.04	950

Current Income = \$2,645

Recent valuation information is:

Lease	Market Rental Valuation \$	Valuation \$ @ 25%, March 2008, given restricted commercial use	Valuation Oct 2008, given less commercial restrictions by DOW.
Kimberley land Holiday Park	100 000	\$25, 000	\$35,000
Kona Waters Holiday Park	50 000	\$12, 500	\$16,100
Lakeside Resort	112 000	\$28, 000	\$30,800

STRATEGIC IMPLICATIONS

It is the interest of the broader community that Council obtain value from the leased foreshore to allow reinvestment back into enhancing public open space associated with the Lake Kununurra foreshore.

COMMUNITY CONSULTATION

The Local Government Act requires local public notice be given of the intention to dispose of property (including leasing) by private treaty. The Act requires a minimum of 14 days for submissions to be received.

Lessees have been consulted and provided feedback to the Foreshore Committee. The committee considered the feedback and agreed to some of the changes. The leases have been modified accordingly. Many of the changes were not substantive, and were not included in the modified lease document.

COMMENT

The lessee has proposed variations to Council offer (Minute No 8445), and is seeking to establish a new lease.

Specifically these variations are:

1. Reduction of proposed lease fee by \$4,250 given the 10m development setback from the waters edge proposed by Council.
2. That boat launching and mooring is permitted from the leased site as per the current lease.
3. That rates and taxes do not apply to the proposed new lease.
4. Reclaimed land on the foreshore, which has been subject to the valuation, be, be part of the leased area.

The lessee has confirmed that a lease of fee of \$30,750 is accepted subject to above proposed variations being adopted by Council.

- It is recommended that the proposed variation 1 be supported.
- It is recommended that the proposed variation 2 be supported subject to boat launching and mooring being limited to the current two *self drive/hire vessels owned by the lessee*, with no use permitted for any other commercial boating operations, and no refuelling or sillage removal (other than chemical sillage) to occur from the leased area, as per requirements of the Department of Water as co- vestee of the leased area.
- It is recommended that the proposed variation 3 not be supported. Rates are common features of many leases.
- It is recommended that the proposed variation 4 be supported.

The Kununurra Lakeside Resort has a long association with this section of Reserve 41812.

ATTACHMENTS

Letter from Kununurra Lakeside Resort 11th December 2009.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That further to Council Minute Number 8445, 17th November 2008, Council amend the offer a new lease over a portion of Reserve 41812 to Kununurra Lakeside Resort (Ingle Pty Ltd), with the following lease conditions:

- a) Development (construction, buildings, concrete bays, footpaths, BBQ's etc) of leased land cannot be closer than 10m from water edge or edge of lease adjacent to the water.*
- b) Water, power and sewerage can be approved in the lease area with written approval of the co-vestees.*
- c) Sewerage must be connected to the sewer network.*
- d) Removable structures (Caravans, camping, Cabins when on-stumps/skids, chairs etc) to be allowed with the written permission of co-vestees.*
- e) Leased area will not be exclusive i.e. public will have access.*
- f) 21 year lease tenure to apply.*
- g) Shire rates to apply the leased area.*
- h) Perth CPI lease fee adjustments to apply in years when valuations are not done.*
- i) Lease fees to be set at \$30,750.00*
- j) Development and Management Plans required to the satisfaction of the DOW.*
- k) boat launching and mooring being limited to the current two self drive/hire vessels owned by the lessee, with no use permitted for any other*

commercial boating operations, and no refuelling or sullage removal (other than chemical sullage) to occur from the leased area, as per requirements of the Department of Water as co- vestee of the leased area.

- l) Reclaimed land on the foreshore, which has been subject to the valuation, be, be part of the leased area.*
- 2. That should the offer of the new lease to Kununurra Lakeside Resort (Ingle Pty Ltd), not be accepted in writing by the 20th February 2009, then the offer will lapse and Council will not re consider the matter again until December 2009.*
- 3. That the Shire President, Deputy Shire President and Chief Executive Officer be delegated authority to negotiate further changes to the proposed lease condition to facilitate finalisation of the lease.*

CARRIED UNANIMOUSLY: (7/0)

COUNCIL DECISION

Minute No. 8530

***Moved:Cr D Ausburn
Seconded:Cr R Addis***

That further to Council Minute Number 8445, 17th November 2008, Council amend the offer a new lease over a portion of Reserve 41812 to Kununurra Lakeside Resort (Ingle Pty Ltd), with the following lease conditions:

- a) Development (construction, buildings, concrete bays, footpaths, BBQ's etc) of leased land cannot be closer than 10m from water edge or edge of lease adjacent to the water.***
- b) Water, power and sewerage can be approved in the lease area with written approval of the co-vestees.***
- c) Sewerage must be connected to the sewer network.***
- d) Removable structures (Caravans, camping, Cabins when on-stumps/skids, chairs etc) to be allowed with the written permission of co-vestees.***
- e) Leased area will not be exclusive i.e. public will have access.***
- f) 21 year lease tenure to apply.***
- g) Shire rates to apply the leased area.***
- h) Perth CPI lease fee adjustments to apply in years when valuations are not done.***
- i) Lease fees to be set at \$30,750.00***
- j) Development and Management Plans required to the satisfaction of the DOW.***
- k) boat launching and mooring being limited to the current two self drive/hire vessels owned by the lessee, with no use permitted for any other commercial boating operations, and no refuelling or***

sullage removal (other than chemical sullage) to occur from the leased area, as per requirements of the Department of Water as co-vestee of the leased area.

- 1) Reclaimed land on the foreshore, which has been subject to the valuation, be, be part of the leased area.*
- 2. That should the offer of the new lease to Kununurra Lakeside Resort (Ingle Pty Ltd), not be accepted in writing by the 20th February 2009, then the offer will lapse and Council will not re consider the matter again until December 2009.*
- 4. That the Shire President, Deputy Shire President and Chief Executive Officer be delegated authority to negotiate further changes to the proposed lease condition to facilitate finalisation of the lease.*

CARRIED UNANIMOUSLY: (7/0)

Cr K Torres returned to the meeting at 6.57pm

Doc No.	064567
Date	11/12/2008
Officer	CEO
Response	
File	66.20.01
Cross Ref.	

KUNUNURRA LAKESIDE RESORT

Telephone 08 91 681092
 Fax 08 91 682741
 Email lakeside@cornswest.net.au

Casuarina Way
 P O Box 1129
 KUNUNURRA WA 6743

DATE: 11/12/08

Mr. Peter Stubbs
 C.E.O. S.W.E.K
 P.O. Box 614
 KUNUNURRA
 WA 6743

*HAND DELIVERED
 11/12/08. R.*

Dear Peter, Re Foreshore Lease and Valuation

We refer to your correspondence dated 11 November 2008.

The Valuation is based on a 5.0 m set back for construction of park home purposes where your correspondence indicates a 10.0 m set back, this represents a further 2500 sq metres on top of the original 2500 sq. meters.

This condition renders a further 2500 sq meters (as stated in the valuation P5 of 12) commercially unusable.

This represents a discount of approximately \$4250 per annum

The valuation also assumes the land subject to reclamation as per instruction from SWEK is part of the proposed lease land of 20439 sq meters. (P2 of 12) This condition needs to be mentioned in the lease document. (we are currently in negotiation with the dept of Planning and Infrastructure see correspondence)

It is further our understanding that park homes within 5 metres of the waters edge are able to be connected to the sewage system as per your correspondence.

Further the original "use of premises" states, "boat launching and mooring is permitted" this clause needs to be retained.

It is my understanding in commercial leases the Lessor is responsible for rates and taxes we therefore reject this charge.

Although the valuation parameters have changed considerably subject to the above we are accepting of the renewed lease conditions and price that is:

\$35000 pa Less \$4250.00 giving a gross cost of \$30750.00 pa shire rates exempt.

Yours sincerely



Laurie McKenzie

12.4.7 PROPOSED REMOVAL OF THE GAZETAL OF DURACK ROAD, KUNUNURRA (8531)

DATE:	20 January 2009
PROPONENT:	Department of Agriculture and Food WA
LOCATION:	Kununurra
AUTHOR:	Jennifer Ninnette, Town Planning Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	01.2235.13
ASSESSMENT NO:	A2235

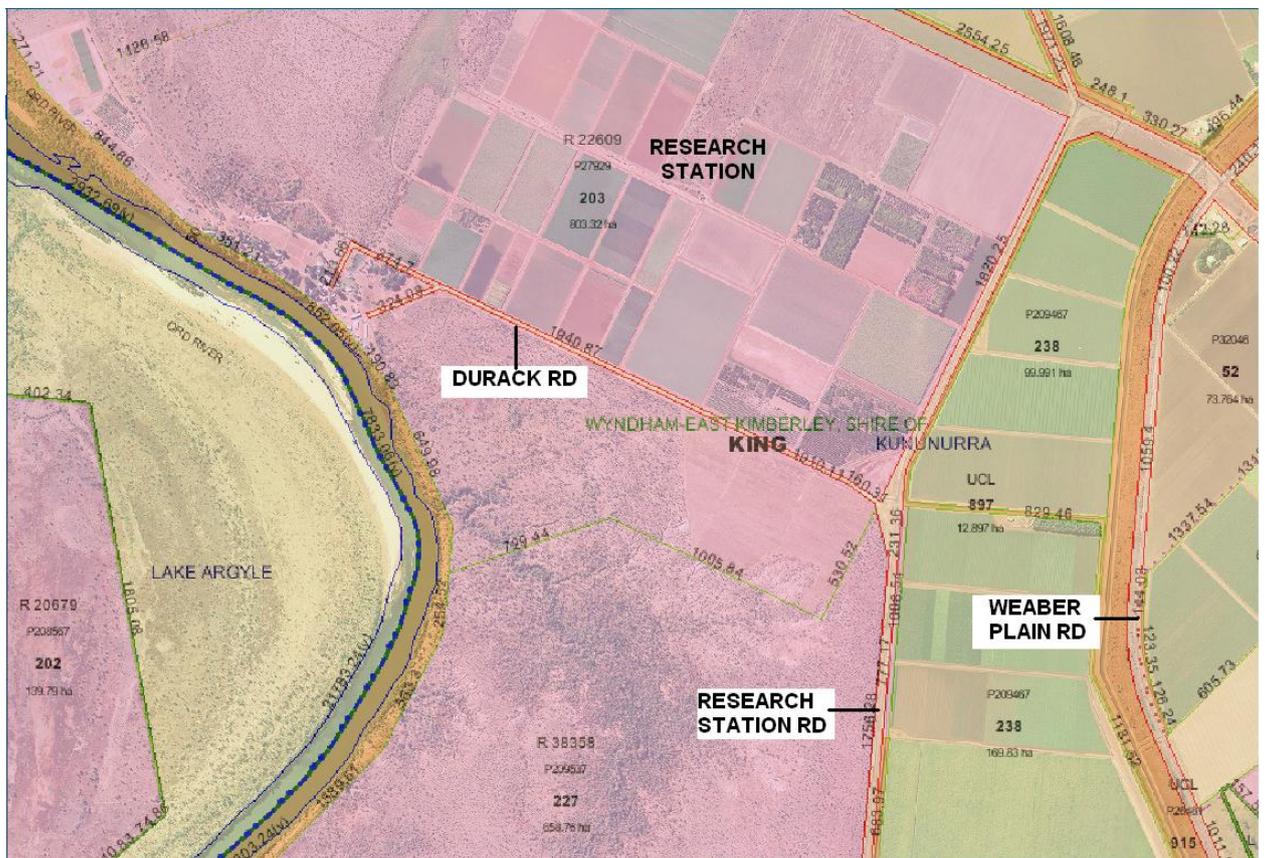
Cr J Moulden left the meeting at 6.57pm

PURPOSE

For Council to consider a request by the Department of Agriculture and Food to remove the public gazettal of Durack Road, which leads from Research Station Road to the Frank Wise Research Institute.

BACKGROUND

Durack Road is a gazetted public road vested to Council and is shown on the map below.



The Department of Agriculture and Food intend to clear and develop land adjacent to Durack Road for further trial work. To achieve this, the Department

will need to deliver irrigation water to this land which will require extension of 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.

This matter was previously considered by Council at the Ordinary Meeting of 18 March 2008, whereat it was resolved:

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.

Minute 8137

However, the proposed road closure was not advertised in the Kimberley Echo until 11 September 2008, and therefore Council has not yet been presented with the result of advertising.

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.*

The required 35 days from the publication of the advert has elapsed, during which no submissions were received, therefore Council is now able to consider making a resolution to request the road to be closed.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil. The cost of advertising and survey if required will be borne by the proponent.

STRATEGIC IMPLICATIONS

Nil

COMMUNITY CONSULTATION

In accordance with s. 58 (3) of the Land Administration Act 1997, the proposal to close the Durack Road road reserve was advertised in the Kimberley Echo on the 11 September 2008, with no submissions being received during the specified timeframe.

COMMENT

The required 35 days from the publication of the advert has elapsed, during which no submissions were received, therefore Council may now consider resolving to close the Durack Road road reserve.

The closure of the road will allow the Department of Agriculture and Food Western Australia to carry out further research work, and allow the Department to control access to the research station which will increase the security and biosecurity of the premises.

ATTACHMENTS

Attachment 1 - Request from the Department of Agriculture and Food.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council, in accordance the Land Administration Act 1997, s. 58 (1) resolve to close the Durack Road road reserve from its junction with Research Station

Road to its western end, and request the Department for Planning and Infrastructure to commence action to removal the public gazettal of the road.



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: 11 February 2009

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

COUNCIL DECISION

Minute No. 8531

***Moved:Cr K Wright
Seconded:Cr P Caley***

That Council, in accordance the Land Administration Act 1997, s. 58 (1) resolve to close the Durack Road road reserve from its junction with Research Station Road to its western end, and request the Department for Planning and Infrastructure to commence action to removal the public gazettal of the road.

CARRIED UNANIMOUSLY: (7/0)

Cr J Moulden returned to the meeting at 6.59pm

12.5. COMMUNITY SERVICES

12.5.1 VARIATION TO FEES AND CHARGES (8523)

DATE:	20 January 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Kununurra Leisure Centre
AUTHOR:	Karyn Apperley, Executive Manager Community Services
REPORTING OFFICER:	Karyn Apperley, Executive Manager Community Services
FILE NO:	30.14.13
ASSESSMENT NO:	N/A

PURPOSE

To consider changes to the 2008/09 Fees and Charges relating to the Kununurra Leisure Centre 'Function Hall Cleaning Charge'.

BACKGROUND

The Kununurra Leisure Centre 'Function Hall Cleaning Charge' was set at \$125 as part of the general development and adoption of the 2008/09 Fees and Charges. The intent of the 'Function Hall Cleaning Charge' is that of a cost recovery mechanism should an *additional* hall clean be required once the hall hirer has met their booking condition obligations and arranged for cleaning of the hall following their function or use. In the past, this charge has been applied in occasional circumstances where the cleaning arranged and undertaken on behalf of the hirer has been inadequate or sub standard.

STATUTORY IMPLICATIONS

Local Government Act 1995 Sections 6.16 – 6.19

Subdivision 2 — Fees and charges

6.16. Imposition of fees and charges

- (1) *A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

- (2) *A fee or charge may be imposed for the following —*
- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*
 - (b) supplying a service or carrying out work at the request of a person;*
 - (c) subject to section 5.94, providing information from local government records;*

- (d) *receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*
 - (e) *supplying goods;*
 - (f) *such other service as may be prescribed.*
- (3) *Fees and charges are to be imposed when adopting the annual budget but may be —*
- (a) *imposed* during a financial year; and*
 - (b) *amended* from time to time during a financial year.*

** Absolute majority required.*

6.17. Setting the level of fees and charges

- (1) *In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —*
- (a) *the cost to the local government of providing the service or goods;*
 - (b) *the importance of the service or goods to the community; and*
 - (c) *the price at which the service or goods could be provided by an alternative provider.*
- (2) *A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.*
- (3) *The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —*
- (a) *under section 5.96;*
 - (b) *under section 6.16(2)(d); or*
 - (c) *prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.*
- (4) *Regulations may —*
- (a) *prohibit the imposition of a fee or charge in prescribed circumstances; or*
 - (b) *limit the amount of a fee or charge in prescribed circumstances.*

6.18. Effect of other written laws

- (1) *If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —*
- (a) *determine an amount that is inconsistent with the amount determined under the other written law; or*
 - (b) *charge a fee or charge in addition to the amount determined by or under the other written law.*
- (2) *A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.*

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and*
- (b) the date from which it is proposed the fees or charges will be imposed.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Fees and Charges at appropriate levels assist the financial sustainability of a Local Government. The proposed fee increase represents greater cost recovery of additional costs incurred by Council in the event of an *additional* clean being required than is currently provided for by the current fee structure.

STRATEGIC IMPLICATIONS

Imposing an appropriate fee or charge for the goods and services provided by Council is in keeping with the provisions of the Local Government Act, Competition Policy and good corporate governance.

COMMUNITY CONSULTATION

Local public notice would be provided in accordance with the *Local Government Act 1995 Section 6.19*:

6.19 Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and*
- (b) the date from which it is proposed the fees or charges will be imposed.*

COMMENT

It has become apparent that the cost of a standard clean of the hall is approximately \$250 and that the regular cleaning company is suggesting to hall hirers the option of the 'Function Hall Cleaning Charge' at \$125, with 3 to 4 occurrences in the past few months of hirers taking up this suggestion/option.

The clarification of the 'Function Hall Cleaning Charge' as an *additional* 'Function Hall Cleaning Charge' cleaning charge and the increase of the fee to a closer market approximation will prevent the Council from incurring \$125 and above unbudgeted cost for each occasion over the next 5 months until the 2009/10 Fees and Charges are adopted. The proposed fee increase to \$300 represents a level of cost recovery for the cleaning costs and the Shire staff time and

resources to arrange and administer this additional fee on the occasional when an additional hall clean is required.

Alternatively, Council may decide to not provide the clarification and vary the fee, absorbing additional costs in this year's budget and considering the matter as part of the development of the 2009/10 Fees and Charges schedule.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council advertise its intent to clarify the 'Function Hall Cleaning Charge' as 'Additional Function Hall Cleaning Charge' and increase the fee to \$300.

COUNCIL DECISION

Minute No. 8523

Moved:Cr R Addis

Seconded:Cr D Ausburn

That Council advertise its intent to clarify the 'Function Hall Cleaning Charge' as 'Additional Function Hall Cleaning Charge' and increase the fee to \$300

CARRIED BY ABSOLUTE MAJORITY: (8/0)

12.6. CHIEF EXECUTIVE OFFICER

12.6.1 PROPOSED PUBLIC INFORMATION DISCLOSURE (PID) POLICY (8533)

DATE:	20 January 2009
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 consider adopting a Public Information Disclosure Policy to raise awareness and provide guidance on Public Interest Disclosures in accordance with the Public Interest Disclosures Act 2003.

BACKGROUND

The Public Interest Disclosure Act 2003 (the PID Act) enables people to make disclosures about improper conduct within the State public sector, local government and public universities without fear of reprisal.

The PIC Act aims to ensure openness and accountability in government by encouraging people to make disclosures and protecting them when they do.

Every public authority is required to have a PID officer to receive disclosures of public interest information.

STATUTORY IMPLICATIONS

Public Interest Disclosure Act 2003

POLICY IMPLICATIONS

The Shire of Wyndham East Kimberley does not currently have a policy in relation to this matter.

FINANCIAL IMPLICATIONS

MHR Position – implications?

STRATEGIC IMPLICATIONS

GOVERNANCE
Key Result Area 5

Compliance with legislative requirements.

COMMUNITY CONSULTATION

Not required.

COMMENT

Nil

ATTACHMENTS

Proposed Public Interest Disclosure (PID) Policy

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the proposed Public Information Disclosure (PID) Policy as attached.

COUNCIL DECISION

Moved: Cr K Wright

Seconded:

That Council adopt the proposed Public Information Disclosure (PID) Policy with the PID officers being the Chief Executive Officer and the Executive Manager Corporate Services in replacement of the Manager of Human Resources and Executive Manager Corporate Services as recommended.

The motion lapsed for want of a seconder.

Minute No. 8533

Moved:Cr D Ausburn

Seconded:Cr K Torres

That Council adopt the proposed Public Information Disclosure (PID) Policy as attached.

CARRIED: (8/0)

POLICY No:	HR xxx
DIVISION	Human Resources
SUBJECT:	Public Interest Disclosure
REPORTING OFFICER	Executive Manager Corporate Services
ENABLING LEGISLATION	Public Interest Disclosure Act 2003

OBJECTIVE

The purpose of this policy is to raise awareness and provide guidance on Public Interest Disclosures (PID) in accordance with the **Public Interest Disclosure Act 2003**. The PID Act is aimed at ensuring that corrupt or improper conduct including mismanagement of public resources, in the exercise of public functions does not occur by employees and or contractors.

POLICY

The Shire of Wyndham - East Kimberley recognises the central role all those working in the public sector have in ensuring that proper management occurs with public information and resources so that public confidence in Local Government is enhanced.

The Shire will:

1. Take reasonable steps to ensure disclosures by staff are confidentially managed, so that disclosures are encouraged.
2. Provide protection to those who make disclosures, by protecting against any legal action.
3. Provide confidentiality, and action against any victimisation.
4. Make clear delegation of responsibility by appointing two PID Officers.

PID Officer

The PID Officers for the Shire will be the Manager of Human Resources and Executive Manager for Corporate Services.

The PID Officers will

1. Investigate information disclosed, or cause that investigation occurs.
2. Report to the person making disclosure advising of progress actions taken and any conclusions.
3. Ensure confidentiality of the person making disclosure is maintained.
4. Keep all records securely and under all reporting functions.

ADOPTED: 20/01/2009 (Minute No.....)

REVIEWED:

AMENDED:

12.6.2 USE OF COMMON SEAL (8534)

DATE:	20 January 2009
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 December 2008 to 12 January 2009.

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:

- Town Planning Scheme - Amendment 23 – 3 copies
- Employment Contract – 1 copy
- Employment Contract - Manager Recreation & Leisure – 1 copy
- Employment Contract - Coordinator Kununurra Leisure Centre – 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

This report aligns with Council's focus on Governance, Key Result Area 5, in Council's Strategic Plan.

COMMENT

It is the Officer's recommendation that Council formally receive a report on use of the Shire Common Seal.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from 9 December 2008 to 12 January 2009.

COUNCIL DECISION

Minute No. 8534

Moved:Cr P Caley

Seconded:Cr K Wright

That Council receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from 9 December 2008 to 12 January 2009

CARRIED UNANIMOUSLY: (8/0)

12.6.3 DELEGATED AUTHORITY REPORT (8535)

DATE:	20 January 2009
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 the period 1 December 2008 to 12 January 2009.

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

This report aligns with Council's focus on Governance, Key Result Area 5, in Council's Strategic Plan.

COMMUNITY CONSULTATION

Not Applicable

COMMENT

The attached reports outline use of Delegated Authority by relevant Council Officers for endorsement by Council.

ATTACHMENTS

Delegated Authority Report

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receive the Delegated Authority Report for period 1 December 2008 to 12 January 2009.

COUNCIL DECISION

Minute No. 8535

***Moved:Cr J Parker
Seconded:Cr P Caley***

That Council receive the Delegated Authority Report for period 1 December 2008 to 12 January 2009.

CARRIED UNANIMOUSLY: (8/0)

Attachment: Delegated Authority Report

BUILDING LICENCES ISSUED UNDER DELEGATED AUTHORITY – 1 – 31 December 2008

LIC#	DATE	OWNER	ADDRESS	BUILDER	LOCATION	DESCRIPTION	NEW /ADD	LOT AREA	FLOOR AREA	EST. VALUE
164/2008	1/12/2008	Gina Fewster	PO Box 364 Muchea	The Canvas Shed	Lot 1374 Strata Unit 6 32 Riverfig Avenue Kununurra	Class 10A Shade Sail	New	0.0524	49	\$2,600.00
165/2008	2/212/2008	Jordanna & Peter Rock	PO Box 1265 Kununurra	Jordanna & Peter Rock	Lot 1659 Eugenia St Kununurra	Class 10A Shade Sail & Spa Enclosure	New			\$10,000.00
166/2008	2/12/2008	MOG'Terry	PO Box 1652 Kununurra	MOG'Terry	Lot 2320 Salacca Loop	Class 10b Pool	New			\$10,000.00
167/2008	3/12/2008	Indigenous Land Corporation	Canberra	Ri-Con Contractors	Loc 8 "Home Valley Station" Gibb River Road	Class 10b Pool	New			\$100,000.00
168/2008	3/12/2008	Lake Argyle Pty Ltd	PO Box 616 Kununurra	Lake Argyle Pty Ltd	Lot 3001 Lake Argyle Road Lake Argyle	Class 10A Non-habitable Shed	New	10112007	180	\$60,300.00
169/2008	5/12/2008	Callum McDonald	PO Box 1489 Kununurra	Callum McDonald	Lot 129 Whimbrel Rd Kununurra	Class 1A Dwelling - two storey	New			\$250,000.00
170/2008	4/12/2008	Amanda & Daryl Moncrieff	PO Box 2278 Kununurra	Daryl Moncrieff	Lot 20 Curlew Court Kununurra	Class 1A Dwelling - two storey	New	4.1889	384	\$300,000.00
171/2008	5/12/2008	Susan Wilson	PO Box 1536 Kununurra	Susan Wilson	Lot 26 Egret Close Kununurra	Class 1A Dwelling - single storey	New	4.1071	184	\$60,000.00
172/2008	9/12/2008	Guerinoni Investments	PO Box 44 Kununurra	Steven Guerinoni	Lot 658 Welsh Street Wyndham	Class 1A Dwelling - single storey(relocated)	New			\$22,000.00
173/2008	9/12/2008	Janet Fearn	PO Box 1976 Kununurra	Janet Fearn	Lot 18 Egret Close Kununurra	Class 1A Dwelling - single storey	New	12.0751	184	\$60,000.00

174/ 2008	10/12/2008	Phil Flick	PO Box 1364 Kununurra	Phil Flick	Lot 452 Crossing Falls Road Kununurra	Class 10A - Tropical roof & deck to existing transportable	New	1.575	194	\$40,000.00
175/ 2008	11/12/2008	Dennis Prior	PO Box 371 Kununurra	Dennis Prior	Lot 538 Packsaddle Road Kununurra	Class 7B/8 Machinery/ Packing Shed	New	8.4468	630	\$60,000.00
176 /2008	12/12/2008	Lars Moir	PO Box 398 kununurra	Lars Moir	Lot 2429 Coolibah Drive Kunununurra	Class 5 office	New		72	\$150,000.00
177/ 2008	15/12/2008	Ed Duff	PO Box 100 Kununurra	Ed Duff	Lot 110 Paradalote Close Kununurra	House additions	New	19030	42.5	\$15,000.00
178/ 2008	15/12/2008	Lake Argyle Pty Ltd	PO Box 616 Kununurra	Lake Argyle Pty Ltd	Lot 3001 Lake Argyle Road Lake Argyle	Class 10A 8 x tent platforms	New	101120 07	150	\$17,600.00
179/ 2008	16/12/2008	Quentin Parker	PO Box 946 Kununurra	Quentin Parker	Lot 51 (Part Former Loc 479) Packsaddle Road Kununurra	Class 10A Non- habitable Shed	New	8.4812	144	\$30,000.00
180/ 2008	17/12/2008	Carmac (NT) Pty Ltd	PO Box 2326 Katherine NT 0851	Carmac (NT) Pty Ltd	Lot 161 Casuarina Way Kunununurra	Pool Class 10b	New	0.0775		\$10,000.00
181/ 2008	17/12/2008	Anthony Young	PO Box 1867 Kununurra	Anthony Young	Lot 1526 (10) Poincettia Way Kununurra	Class 10A Non- habitable shed	New	0.2400	144	\$35,000.00
182/ 2008	22/12/2008	B & A Lovelock	PO Box 1748 Kununurra	B & A Lovelock	Lot 104 (22B) Bullrun Road Kununurra	Class 10A Non- habitable Shed	New	0.6743	168	\$43,350.00
183/ 2008	30/12/2008	B Brogmus	PO Box 365 Kununurra	B Brogmus	Lot 213 river Farm Rd Kunununurra	Class 7b Packing Shed. Non habitable	New		375	\$100,000.00
										\$1,375,850.00

THERE WERE NO SIGN LICENCES ISSUED UNDER DELEGATED AUTHORITY – 1 – 31 December 2008

DEMOLITION LICENCES ISSUED UNDER DELEGATED AUTHORITY – 1 – 31 December 2008

Licence Number	Date	Assess No	Property Address	Premises	Owner	Builder/ Contractor	Contact Details	Comments (Asbestos)
13/2008	8/12/2008	1317	Lot 721 (5) Mistletoe Street Kununurra	Single Dwelling	Department of Housing & Works	Colin Wilkinson Developments Pty Ltd	PO Box 3112 Broome WA	Timber frame asbestos clad -

TOWN PLANNING DELEGATED AUTHORITY APPROVALS - 9 December 2008 - 12 January 2009

Application / Delegation Number	Approval Type	Date Received	Applicant	Owner	Property Address	Proposed Development	Assess't Number	Approval Date
79/08		04-Nov-08	Brian & Angela Lovelock	Brian & Angela Lovelock	Lot 104, Bull Run Road	Single Dwelling & Shed	6997	17-Dec-08
87/08	P	15-Oct-08	Monsoon Architects	DHW	Lot 193 Quondong Street	3 x 2 Bed Grouped Dwellings	6848	23-Dec-08
91/08		8-Dec-09	Bruce Connell	Bruce & Terri Connell	Lot 52 Jabiru Road	Private Workshop/Shed	2257	07-Jan-09
92/08	IP	7-Nov-08	Ingle Pty Ltd	Ingle Pty Ltd	Lot 2263 Casuarina Way, Kununurra	Extension to Managers Residence - Park Home	1736	05-Jan-09

COMMUNITY QUICK GRANTS DELEGATED AUTHORITY APPROVALS - 6 December 2008 to 12 January 2009

Approval Date	Organisation	Purpose of Quick Grant	Total Project Cost	Amount Requested	Amount Approved
17 Dec 08	Crazy Crocs Playgroup Inc	Additional playgroup activities during January and February 09	\$1,200	\$417.30	\$201.30 + \$216 in-kind

12.6.4 STATUS REPORT COUNCIL DECISIONS OCTOBER TO DECEMBER 2008 (8528)

DATE:	20 January 2009
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:	60.14.04
ASSESSMENT NO:	

PURPOSE

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

BACKGROUND

A Status Report detailing the status of Council decisions has been presented at Briefing Sessions since June 2007. The intent of this report was to summarise the status of Council decisions in a single document.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This report aligns with Council's focus on Governance, Key Result Area 5, in Council's Strategic Plan.

COMMENT

Nil

ATTACHMENTS

Status Report October to December 2008

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council receive and note the Status Report for the period October to December 2008.

COUNCIL DECISION

Minute No. 8528

*Moved:Cr P Caley
Seconded:Cr D Ausburn*

That Council receive and note the Status Report for the period October to December 2008

CARRIED UNANIMOUSLY: (8/0)

Status Report - Council Resolutions 2007-2008

Council Meeting Date	Minute Number	Resolution	Action/Status	Leading Officer	File No	Completed
22/12/08	8498	<p>That Council, with the approval of the co-vestee Dept. of Water, will offer Celliston Nominees a lease over the portion of Reserve 41812, to expire on 30th September 2009. The lease is conditional on: -</p> <ol style="list-style-type: none"> 1. no further development occurring on the site, including connection to effluent disposal and electricity, but does not prevent the lessee undertaking works to render the site safe, and 2. the lessee will pay a rent of \$3825. No additional or further lease payments by or on behalf of Celliston Nominees will be accepted by Council, and 3. at the expiration of this lease, Council will remove, at its expense, any building or development remaining on the site, returning all materials to Celliston Nominees and returning that portion of Reserve 41812 to public open space, and 4. the lease on Reserve 41812 to be duly authorised and signed by all parties covering such lease 	Offer made by registered mail 29 Dec 08	Peter Stubbs	66.20.02	On going
22/12/08	8500	<p>That Council request that the Dept. of Local Government to undertake an independent review of council leases in reserve 41812 including:</p> <ul style="list-style-type: none"> • Efficiency of Council decision making process; • Assessment of lease arrangements in terms of delivering financial and community benefits; • Conduct of councillors and staff in relation to these leases, and • that the review to be completed by end of February 2009 or as soon as practical after this date. 	Letter of request sent to DLGRD 12th Jan 08	Peter Stubbs	66.20.02	On going

16/12/08	8503	That Council offer a 5 year employment contract, as per the draft contract under confidential cover, for the position of Executive Manager for Town Planning and Economic Development Services to Mr Ian D'Arcy, subject to submission of a National Police Clearance and satisfactory medical certificate	Contract signed. Officer to commence late March 09.	Peter Stubbs	60.14.02	Completed
16/12/08	8500	That Council note the pending claim for damages of \$422,921.13 associated with the March 2006 flood event in the Weaber Plain catchment and that Councillors should not comment on the matter, pending the due processes (insurance, legal action) to be followed.	Being managed by legal representatives & insurance	Peter Stubbs	66.42.18	on going

16/12/08	8498	<p>That Council 1. Grants planning consent to The Ark Fund for the development and use of Loc 383 Packsaddle Weaber Plain Road, Kununurra, for transient workers accommodation, in accordance with the submitted plans, and subject to the to the following specific conditions:a) Provision of a Statutory Declaration signed by the company directors confirming that the transient accommodation units will only be occupied by seasonal workers employed on site, for periods not exceeding 6 months, to ensure compliance with Scheme provisions.b) The Temporary Transient Accommodation shall be occupied by a maximum of twenty four [24] people.c) All prospective occupants to be notified at the point of checking into the accommodation that the units are reserved for the exclusive use of seasonal workers, with such notification to be approved by Council officers. This is to ensure that only seasonal workers are accommodated.d) All employee parking to be contained on site at all times.e) The transportable buildings shall be fixed to the ground by footings, as directed by the Council.f) The planting of a vegetation buffer between the accommodation units and Jabiru Road to the satisfactionof the Chief Executive Officer.g) Landscaping in accordance with the submitted landscapingplan.h) Obtaining an Approval to construct or install an apparatus forthe treatment of sewerage from the Department of Health.i) Compliance with all Council's health requirements. Theseinclude however may not be limited to installation of an approved effluent disposal system to the satisfactionof Council's Environmental Health Officer.j) Any conditions issued under delegated authority from Council's Standard Conditions list2. Advise The Ark Fund that the approval is for Temporary use of the land, and that at the expiry of three years a new application must be made for the use of the site for Temporary Transient Accommodation, or the development shall be removed, and that failure to re-apply or remove the accommodation will result in action to effect compliance.</p>	letter sent to Ark Fund	Peter Stubbs	01.6993.02	Completed
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16/12/08	8493	That after consideration of public comment:1. Council offer by private treaty 21 year leases to the following companies; Triple J, Kununurra Cruises- The BBQ Boat, Alligator Airways and Diversion Cruises & Hire - Celliston Nominees, to facilitate establishment of their business on the Lake Kununurra Foreshore in the area indentified as Proposed Leases Stage 1 on Map 1 attached, with the following conditions:a. That the rental rate shall be \$7 per square metre.b. That lease fees be set at 50% of market rate in year one of the proposed lease, 75% of the market rate in year two, and 100% in year three.c. That fees are payable annually in advance.d. Rent shall be reviewed on an annual basis with the rent to increase by the State CPI. Should the application of CPI result in a reduction in rent the current rent shall be chargede. Shire rate to apply to lease.2. Council advise the proprietors for Triple J, Kununurra Cruises - The BBQ Boat, Alligator Airways and Diversion Cruises & Hire - Celliston Nominees that should the offer of the lease not be confirmed in writing to the Council by the 30 January 2009, then the offer of the leases will lapse, and Council will reconsider its options including disposal of the proposed leased areas by public tender and or auction.	Letters sent 22nd Dec.	Peter Stubbs	43.04.01	Completed
16/12/08	8492	That Council defer this item until the January Council Meeting pending further investigation of financial impact of recommendation.	Matter researched & included Jan 09 Agenda	Peter Stubbs	01.2860.06	Completed
16/12/08	8491	That Council provide the Department of Infrastructure, Transport, Regional Development and Local Government with advice that the following projects are submitted for funding under the Regional and Local Community Infrastructure Program 2008-09: <ul style="list-style-type: none"> • Basketball Court Upgrade and addition of Basketball Courts in Multipurpose Court Project Kununurra \$ 250,000 • Multipurpose Court Facility Wyndham \$110,000 • Extension of power to the commercial boating facility \$172,000 	Advice sent 15th Jan 09	Peter Stubbs	61.37.04	Completed

16/12/08	8487	That Council assist the Ord River Sports Club (Inc) in their assessment of the Club's future, by providing clarity on the Club lease tenure and invite the Ord River Sports Club to accept a new 2 year lease from 26 April 2009 to 26 April 2011, subject to the Club: a) entering into a written agreement with Council to undertake a Master Planning exercise for the future of site as a community asset; and b) Agreeing in writing to re-structuring its Board and constitution to include Councillor positions, and external Board members to facilitate a broader more strategic community approach to the Club futu	deferred to Jan 09 meeting	Peter Stubbs	66.20.37	on going
16/12/08	8486	1. That Council advise the Minister for Racing and Gaming that it supports the request by the Juwulinypany Aboriginal Community (Bow River) for implementation of Liquor restrictions around its community.2. That Council advise the Minister Racing and Gaming that it has a standing position of supporting requests or liquor restrictions around remote aboriginal communities where communities request this.	letter sent 22nd Dec	Peter Stubbs	01.2569.13	Completed

16/12/08	8477	<p>That Council:</p> <ol style="list-style-type: none"> 1. Resolve to close a portion of Foreshore Road, subject to no objections being received during the advertising period. 2. Following completion of the advertising period, request the Department for Planning and Infrastructure (DPI) to close an approximately 1,000m² portion of the Foreshore Road, to be reserved for the purpose of 'Emergency Services' and issue a management order in the name of the Shire of Wyndham East Kimberley with the power to lease. 3. Agree to Lease the proposed reserve to the Wyndham Sea Rescue group for a term of 21 years and nominal rental amount. 4. Subject to no objections being received and with the written approval of Department for Planning and Infrastructure, allow the Wyndham Sea Rescue group to apply for building approval to construct a shed on an unconstructed portion of Foreshore Road prior to land tenure being formalised. 	MRWA have objected to closure, on basis of future by pass road. Staff have written back to MRWA challenging that, and also investigating other land options	Jennifer Ninette	43.04.31	On going
16/12/08	8476	<p>That Council grants revised planning consent to Daniel Read (Freshwater Fruits) for the extension of non-conforming use rights (upgrade of light refreshment facilities) on Lot 529 Riverfarm Road, Kununurra:</p> <p>Subject to the following conditions:</p> <ol style="list-style-type: none"> 1. A building licence shall be obtained for the upgrade of the facilities. 2. The fit out and operation of the building shall comply with the Health (Food Hygiene) Regulations 1993 3. All visitor and employee parking shall be contained on site at all times. 4. Compliance with all Council's health requirements. These include however may not be limited to installation of an approved effluent disposal system to the satisfaction of Council's Environmental Health 	Letter sent	Jennifer Ninette	01.0119.02	Completed

		Officer. 5. Any conditions issued under delegated authority from Council's Standard Conditions list				
16/12/08	8475	That Council adopt in principle the provision of recycling services for Wyndham and Kununurra for the purposes of staff undertaking a community survey to establish support for recycling based on Option 4 where the co-mingled material is transported to Darwin for sorting, bins are purchased by the Shire and the anticipated cost per rateable residential property is in the range of \$180 - \$200 per annum, with the charge to cover operating expenditure and amortisation of capital costs.	Survey form is being prepared for distribution by end of January	Alex Douglas	52.09.01	
16/12/08	8474	That Council approve the advertising in accordance with the provisions of S58, Land Administration Act 1997 the intent to close portion of Chestnut Avenue as shown in the sketch plan and for the closed portion to be amalgamated with Reserve 29799.	Advertisement placed	Alex Douglas	21.09.06	On going
16/12/08	8471	That Council having considered the offer received from Cuckoona Park Superannuation Fund to purchase 4,061 shares in Cambridge Gulf Limited for \$3.50 per share makes a counter offer to sell the shares at a value of \$5.00 per share with the offer expiring at 4.00pm on Monday 12 January 2009	Arkoona Park have declined offer. Issue to go back to Audit Committee.	Jo-Anne Ellis	66.13.03	Completed

16/12/08	8467	<p>1. That Council to issue a Request for Tender for Project Management of the East Kimberley Regional Airport Terminal Expansion Project.</p> <p>2. That Tenders are evaluated based on the capacity of the Tenderers to complete the requirements of the tender including:</p> <p>2.1. Compliance Criteria (must comply)</p> <ul style="list-style-type: none"> a) Specifications b) Conditions of Tendering c) Quality Assurance d) Start Date e) Completion of Price Schedule <p>2.2 Qualitative Criteria (used to Rank Tenders)</p> <ul style="list-style-type: none"> a) Previous experience and satisfactory performance in managing an Airport Terminal Expansion/Redevelopment project – 40% b) Sufficient and appropriate resources to manage the project from consultation, and tender selection through to completed construction - 40% c) Understanding of project timeline including requirement for the airport to remain operational and functional - 20% <p>2.3. Price Submitted for Tender</p> <p>The tendered price along with the qualitative ranking will be used to determine the most advantageous tender to Council.</p>	Confirmation of funding will allow Tender to proceed.	Jo-Anne Ellis	60.14.13	On going
16/12/08	8466	<p>That Council request the State Government to allocate \$7 million from Royalties to Regions in 2009 for the East Kimberley Regional Airport Terminal Upgrade and Expansion Project and \$7 million for runway extensions at East Kimberley Regional Airport at the earlier of 2010 or where a sufficient business case for the project is forthcoming.</p>	Expecting up to \$10M to be allocated for airport in total. Council will need decide how that is used.	Jo-Anne Ellis	60.14.13	On going

16/12/08	8465	That due to information that has come to hand that the matter be deferred until a Special Meeting of Council on a date within 7 - 10 days to be determined by the Shire President.	Special Meeting held 22nd Dec 08.	Peter Stubbs	66.20.02	Completed
16/12/08	8461	<p>1. That Council receives the Independent Audit Report to the Electors of the Shire of Wyndham East Kimberley.</p> <p>2. That Council receives the Management Report for the Year Ended 30 June 2008</p> <p>3. That the following actions be taken in relation to the results of Audit for the Year Ended 30 June 2008</p> <p>a. Management investigate and report back to the Audit Committee on adequate software controls including encryption of payment details to ensure security of electronic payments.</p> <p>b. Management investigate, document and implement preventative controls over electronic payments.</p> <p>c. Management issue a memo to all staff with purchasing authority detailing the audit findings in relation to purchasing procedures and direct them to comply with the requirement to issue a purchase order prior to ordering of goods and services or their purchasing authority will be revoked.</p> <p>d. A revised Purchasing Policy is presented to the next Audit Committee meeting.</p> <p>e. The Tender Register is to be made compliant with Functions and General Regulation 17 and this is reported back through the Audit Committee.</p> <p>4. That a report on the status of actions taken in relation to the results of Audit for the Year Ended 30 June 2008 is included in the Audit Committee Agenda as a standing item until all issues are resolved.</p> <p>5. That the actions in relation the results of Audit for the Year Ended 30 June 2008 are reported to the Minister following the May 2009 Audit Committee Meeting.</p>	No action.	Jo-Anne Ellis	61.34.04	Completed

17/11/08	8455	That Council offer to partner with the business community through the Kununurra Chamber of Commerce and Industry to promote entry of people into Child care Training via TAFE to assist met the growing childcare needs by offering a \$1,000 subsidy for up 15 new people who complete Certificate 3 Children's Services training in Kununurra with the following conditions: 1. That the offer expire 20th December 2009. 2. That the offer be matched by the KCCI other businesses or persons. 3. That any staff accepting the offer, accept a written agreement that 50% of the total subsidy will be repaid if they chose not to work in childcare in the East Kimberley for 2 years.	Letter sent 15 Jan 09.	Peter Stubbs	31.09.04	On going
17/11/08	8454	That Council instruct Officers to cost potential modifications to the Ewin Centre with a view to replacing the After School Care allocation with 0-2 year old places to better meet the community's current and long term demands		Peter Stubbs	31.09.04	On going
17/11/08	8453	That Council request the Kimberley Development Commission to assist in evaluating Kununurra's child care needs by conducting a Strategic Plan for Child Care with community and business input to identify practical strategies to ensure child care needs out to 2020 are met in Kununurra.	Letter sent 15th Jan 09.	Peter Stubbs	31.09.04	On going
17/11/08	8452	That Council offer to partner with the business community through the Kununurra Chamber of Commerce and Industry to promote the increase of Family Day operators in Kununurra to assist in meeting the growing child care need by offering a \$2,500 subsidy for up to five new Family Day Care operators to commence in Kununurra. On the following conditions: 1. That the offer expire 20th December 2009. 2. That the offer be matched by the KCCI other businesses or persons. 3. That any new Family Day Centre accepting the offer, accept a written agreement that 50% of the total subsidy will be repaid		Peter Stubbs	31.09.04	

		if the Centre closes within 2 years. 4. That Department of Community coordinate the offer and process. 5. That Council Planning and or Building Fees be waived for the proposed five new Family Care operators.				
17/11/08	8451	That Council express concern about the proposed requirement under in the Children's Services Regulations Review for all child care workers to acquire a Certificate 3 in Children's Services within the next 5 years to the State Government and Kimberley Local Governments through the Zone, as this will make it even harder for the child care industry to attract and retain workers in this region.	Letter sent 15th Jan 09.	Peter Stubbs	31.09.04	Completed
17/11/08	8446	1. That Council, adopt to dedicate the road corridor for Carlton Hill Road as per Deposited Plan 56602, subject to Consolidated Pastoral Company signing the Deed of Covenant related to this road and freehold land proposal. 2. That Council adopt to dedicate the road corridor for Valentine Springs and Parry Creek as per Deposited Plan 57347, subject to Consolidated Pastoral Company signing the Deed of Covenant related to this road and Ivanhoe and Mantinea freehold land proposal. 3. That Council request the State Geographic Names Committee to name the road from Victoria Highway to SSM CAG158 (Deposited Plan 57347) as Valentine Springs Road and the road from SSM CAG158 (Deposited Plan 57347) to Great Northern Highway as Parry Creek Road 4. That Council request the State Geographic Names Committee to name the road leading to Lot 5000 on Deposited Plan 56602 (Carlton Hill Freehold Lot) as Carlton Hill Road.	Road improvements to occur April 09.	Peter Stubbs	42.09.01	Completed
17/11/08	8445	1. That Council advise the owners of Kimberley Land Caravan Park, Lakeside Caravan Park and Kona Water Holiday Park that it is prepared to offer new foreshore leases on the following basis: a) Development (construction, buildings, concrete bays, footpaths,	Lakeside Resort has idnciated it wish to take up lease with	Peter Stubbs	66.20.05 66.20.06 66.20.01	Completed

		<p>BBQ's etc) of leased land cannot be closer than 10m from water edge or edge of lease adjacent to the water.</p> <p>b) Water, power and sewerage can be approved in the lease area with written approval of the co-vestees.</p> <p>c) Sewerage must be connected to the sewer network.</p> <p>d) Removable structures (Caravans, camping, Cabins when on-stumps/skids, chairs etc) to be allowed with the written permission of co-vestees.</p> <p>e) Leased area will not be exclusive i.e. public will have access.</p> <p>f) 21 year lease tenure to apply.</p> <p>g) Shire rates to apply the leased area.</p> <p>h) Perth CPI lease fee adjustments to apply in years when valuations are not done.</p> <p>i) Lease fees to be set at the valuation estimates October 2008 of \$30,800 for Kimberley Land Caravan Park, \$16,100 for Kona Waters Holiday Park, and \$35,000 for Lakeside Caravan Park. j) Development and Management Plans required to the satisfaction of the DOW.</p> <p>2. That should the offer of the new leases not be accepted in writing by the 17th December 2008, then the offer will lapse and Council will not re consider the matter again until December 2009.</p>	modified conditions. Other Parks have not responded & offer has lapsed.			
17/11/08	8443	That Council adopt the Plan for the Future, noting the comments from Department of Water and noting that the proposed Marigu Interpretive Centre is supported, with the project being based in the Wyndham Town Site	Changes made to final verison of PFTF.	Peter Stubbs	20.09.05	Completed

17/11/08	8441	<p>That Council, in respect to Amendment No. 23 to the Shire of Wyndham East Kimberley Town Planning Scheme No. 7 - Kununurra and Environs:</p> <p>1. Resolves to adopt for Final Approval without modification, pursuant to Section 75 of the Planning and Development Act 2005 [as amended] the proposed amendment, by Amending the Planning Scheme Map so that King Lot 647 Crossing Falls Road, Kununurra, currently zoned Rural Agriculture 1, is amended to Rural Small Holdings zone in accordance with the amendment map.</p>		Peter Stubbs	43.31.23	
17/11/08	8440	<p>1435, 1441, 1461 - 1466, 2211 - 2217 Mallee Court; Lots 1379 - 1386, 1393, 1398 - 1402 1414, 1415, 1420 - 1422, 1427, 1428, 1431, 1521, 1616 - 1619 and 2231 Boobialla Way; Lots 1378, 1387 -1392, 1426 and 1498 - 1501 Acacia Court; Lots 1495 - 1497 and 1502 Calatropis Court; Lots 402, 863, 864, 907, 1018 - 1025 and 1038 Greybox Crescent; Lots 1026-1034, 1040 - 1043 and 1063 - 1067 Carbeen Street and Lots 1044 - 1048, 1049 - 1059 and 1068 - 1072 Woollybutt Place from Residential R15 to Residential R20.</p> <p>2. Advise the Department of Housing and Works that it is prepared to initiate a rezoning of the following to allow the option of denser residential accommodation in that area close the town centre: Lots 2, 3 997, 1015, 1082, 1083 and 1257 Erythrina Street and Lots 828 - 832, 1016, 1017 and 1077 - 1081 Weaber Plain Road from Residential R15/50 to Residential R50; Lots 858 - 861, 1035, 1060 - 1062 and 1073 - 1075 Weaber Plain Road from Residential R15 to Residential R30; and And Lots 401, 862, 873, 1036, 1394 - 1397, 1403 - 1406, 1410 - 1413,1424, 1425, 1433, 1443 - 1445, 1469, 1620, 1621, 2218- 2220 and 2398 Barringtonia Street; Lots 1434, 1449, 1450, 1470 -1478, 1622, 1625 -1634 and 2262 Dryandra Road; Lots 1451, 1452, 1456, 1481, 1482, 1486 - 1488, 2205 - 2210 and 2266 Wilga Place; Lots 1435, 1441, 1461 - 1466, 2211 - 2217 Mallee Court; Lots 1379 - 1386, 1393, 1398 - 1402 1414 1415, 1420 - 1422, 1427, 1428, 1431,</p>	Ammendement initiated.	Peter Stubbs	43.04.14	Completed

		<p>1521, 1616 - 1619 and 2231 Boobiulla Way; Lots 1378, 1387 - 1392, 1426 and 1498 - 1501 Acacia Court; Lots 1495 - 1497 and 1502 Calatropis Court; Lots 402, 863, 864, 907, 1018 - 1025 and 1038 Greybox Crescent; Lots 1026-1034, 1040 -1043 and 1063 - 1067 Carbeen Street and Lots 1044 - 1048, 1049 - 1059 and 1068 -1072 Woollybutt Place from Residential R15 to Residential R20.</p> <p>3. Advise the Department of Housing and Works that draft amendment documentation should be prepared as soon as possible to allow further consideration of the proposed amendment.</p> <p>4. Modify the Local Planning Strategy to provide for a blanket R50 Density Code over Lots 2, 3 997, 1015, 1082, 1083 and 1257 Erythrina Street and Lots 828 - 832, 1016, 1017 and 1077 - 1081 Weaber Plain Road.</p>				
17/11/08	8438	<p>That Council,</p> <ol style="list-style-type: none"> 1. Accept the request for early termination of the Kununurra and Wyndham Landfill Management Contract (T12-07/08) without the imposition of penalties on a date to be negotiated but no later than 31 December 2008, 2. Authorise the invitation of quotations for the interim management of the Kununurra Landfill Site period commencing from the termination date of the existing contract until 30 June 2009, 3. Authorise the management of the Wyndham Landfill Site to be undertaken by Shire staff for the period commencing from the termination date of the existing contract until 30 June 2009, 4. Undertake a review of the Kununurra and Wyndham Landfill management options beyond 1 July 2009 by no later than 31 March 2009. 	Contract terminated.	Alex Douglas	66.56.12	Completed

17/11/08	8442	That Council advertise its intent to adopt a Regular Use Fee for the Kununurra Youth Centre for weekly bookings of parts of the Centre for a period of at least 4 weeks and not longer than 15 weeks at a rate of 60% the usual applicable fee and that this fee comes into effect as of 1 January 2009.	Advertisement in 4/12/08 edition of Echo	Karyn Apperley	31.09.02	Completed
17/11/08	8441	That Council, in respect to Amendment No. 23 to the Shire of Wyndham East Kimberley Town Planning Scheme No. 7 - Kununurra and Environs: 1. Resolves to adopt for Final Approval without modification, pursuant to Section 75 of the Planning and Development Act 2005 [as amended] the proposed amendment, by: Amending the Planning Scheme Map so that King Lot 647 Crossing Falls Road, Kununurra, currently zoned Rural Agriculture 1, is amended to Rural Small Holdings zone in accordance with the amendment map. 2. Advise the Western Australian Planning Commission that no submissions were received during advertising of the subject amendment, and that accordingly no changes are recommended to the amendment 3. Forwards three copies of the signed and sealed Amendment Documents in accordance with Regulation 22(1); and 4. Requests that the Honourable Minister for Planning and Infrastructure grant final consent to Amendment 23 of Town Planning Scheme No 7 – Kununurra and Environs without modifications.		Peter Stubbs - TPO		

17/11/08	8440	<p>That Council:</p> <p>1. Amend the Shire of Wyndham-East Kimberley Planning Scheme No.7 Kununurra and Environs by</p> <p>1. Rezoning Lots 2, 3 997, 1015, 1082, 1083 and 1257 Erythrina Street and Lots 828 - 832, 1016, 1017 and 1077 - 1081 Weaber Plain Road from Residential R15/50 to Residential R50;</p> <p>2. Rezoning Lots 858 - 861, 1035, 1060 - 1062 and 1073 - 1075 Weaber Plain Road from Residential R15 to Residential R30; and</p> <p>3. Rezoning Lots 401, 862, 873, 1036, 1394 - 1397, 1403 - 1406, 1410 - 1413, 1424, 1425, 1433, 1443 - 1445, 1469, 1620, 1621, 2218- 2220 and 2398 Barringtonia Street; Lots 1434, 1449, 1450, 1470 -1478, 1622, 1625 -1634 and 2262 Dryandra Road; Lots 1451, 1452, 1456, 1481, 1482, 1486 - 1488, 2205 - 2210 and 2266 Wilga Place; Lots 1435, 1441, 1461 - 1466, 2211 - 2217 Mallee Court; Lots 1379 - 1386, 1393, 1398 - 1402 1414, 1415, 1420 - 1422, 1427, 1428, 1431, 1521, 1616 - 1619 and 2231 Boobialla Way; Lots 1378, 1387 - 1392, 1426 and 1498 - 1501 Acacia Court; Lots 1495 - 1497 and 1502 Calatropis Court; Lots 402, 863, 864, 907, 1018 - 1025 and 1038 Greybox Crescent; Lots 1026-1034, 1040 - 1043 and 1063 - 1067 Carbeen Street and Lots 1044 - 1048, 1049 - 1059 and 1068 - 1072 Woolybutt Place from Residential R15 to Residential R20.</p> <p>2. Advise the Department of Housing and Works that it is prepared to initiate a rezoning of the following to allow the option of denser residential accommodation in that area close the town centre:</p> <p>Lots 2, 3 997, 1015, 1082, 1083 and 1257 Erythrina Street and Lots 828- 832, 1016, 1017 and 1077 - 1081 Weaber Plain Road from Residential R15/50 to Residential R50;</p> <p>Lots 858 - 861, 1035, 1060 - 1062 and 1073 - 1075 Weaber Plain Road from Residential R15 to Residential R30; and</p> <p>And Lots 401, 862, 873, 1036, 1394 - 1397, 1403 - 1406, 1410 - 1413, 1424, 1425, 1433, 1443 - 1445, 1469, 1620, 1621, 2218- 2220 and</p>		Peter Stubbs - TPO		
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		<p>2398 Barringtonia Street; Lots 1434, 1449, 1450, 1470 -1478, 1622, 1625 1634 and 2262 Dryandra Road; Lots 1451, 1452, 1456, 1481, 1482, 486- 1488, 2205 - 2210 and 2266 Wilga Place; Lots 1435, 1441, 1461 – 1466 2211 - 2217 Mallee Court; Lots 1379 - 1386, 1393, 1398 - 1402 1414, 1415, 1420 - 1422, 1427, 1428, 1431, 1521, 1616 - 1619 and 2231 Boobiulla Way; Lots 1378, 1387 - 1392, 1426 and 1498 - 1501 Acacia Court; Lots 1495 - 1497 and 1502 Calatropis Court; Lots 402, 863, 864, 907, 1018 - 1025 and 1038 Greybox Crescent; Lots 1026-1034, 1040 1043 and 1063 - 1067 Carbeen Street and Lots 1044 - 1048, 1049 – 1059 and 1068 - 1072 Woolybutt Place from Residential R15 to Residential R20.</p> <p>3. Advise the Department of Housing and Works that draft amendment documentation should be prepared as soon as possible to allow further consideration of the proposed amendment.</p> <p>4. Modify the Local Planning Strategy to provide for a blanket R50 Density Code over Lots 2, 3 997, 1015, 1082, 1083 and 1257 Erythrina Street and Lots 828 - 832, 1016, 1017 and 1077 - 1081 Weaber Plain Road.</p>				
17/11/08	8438	<p>1. Accept the request for early termination of the Kununurra and Wyndham Landfill Management Contract (T12-07/08) without the imposition of penalties on a date to be negotiated but no later than 31 December 2008</p> <p>2. Authorise the invitation of quotations for the interim management of the Kununurra Landfill Site period commencing from the termination date of the existing contract until 30 June 2009,</p> <p>3. Authorise the management of the Wyndham Landfill Site to be undertaken by Shire staff for the period commencing from the termination date of the existing contract until 30 June 2009,</p> <p>4. Undertake a review of the Kununurra and Wyndham Landfill management options beyond 1 July 2009 by no later than 31 March 2009.</p>	Both Landfill sites being managed by Shire staff until 30 June	Alex Douglas		

8/11/2008	8433	That Council amend its Delegations Register to give delegated authority to the Chief Executive Officer to approve planning applications for single dwellings in areas zoned as composite industry.		Jo-Anne Ellis		
8/11/2008	8432	That Council grants planning consent to Green Country Holdings for the use and development of Lot 102 Bull Run Road for a Single Dwelling, in accordance with the submitted plans and subject to the following conditions: (i) Any conditions issued under delegated authority from Council's Standard Conditions list.		Peter Stubbs - TPO		

8/11/2008	8431	<p>That Council advise the Ord Irrigation Cooperative and Water Corporation that it is prepared to accept ownership of the culverts under the M1 Channel adjacent the drainage reserve R42882 subject to the following criteria being satisfied:</p> <ol style="list-style-type: none"> 1. The Water Corporation agrees to provide an easement agreement for the portion of King Location 915 (M1 Channel reserve) over which the culverts are constructed 2. The Ord Irrigation Cooperative agrees in conjunction with the Water Corporation agrees to access by the Shire or its contractors at all times to enable both construction and maintenance of the culverts and their inlet and outlet structures 3. The Water Corporation or Ord Irrigation Cooperative undertakes maintenance of stormwater channels within King Location 915 that direct water to the culverts, and 4. The Water Corporation commits to the inclusion of appropriate stormwater management provisions within the design and construction works involving the widening of the M1 Channel or the new M2 Channel to replace the function of the existing and new culvert structures. 	Progressing with approvals	Alex Douglas		
21/10/08	8427	<ol style="list-style-type: none"> 1 That Council endorse the CEO review committee recommendation that the CEO performance meets expectations and that the Key Performance Area's have been achieved to a satisfactory standard. 2 That the new Shire President in collaboration with the CEO Review Committee, Council and CEO determine the Key Performance Areas for 2009. This should be undertaken no later than 1 December 2008. 		Peter Stubbs		

21/10/08	8425	That Council offer Celliston Nominees a ten plus ten year lease with the following conditions: 1. rental to be at the current rate with adjustments on an annual basis by the State CPI 2. all previous developmental approvals granted by the Shire and still current are to continue. 3. lease purpose to be for tourism and commercial purposes.		Peter Stubbs		
21/10/08	8423	That Council support the agreement between the Department of Conservation and Environment and developers: 1. To protect the plant Typhonium on the Valentine Falls Estate by inclusions of Lots 115 to 119 inclusive with adjacent Vacant Crown Land as a Reserve for this purpose. 2. Amend the structure plan by reducing the amount of 4ha and 2 ha Lots in Valentine Falls Estate in favour of smaller lots as proposed in the Figure 2 Boundary Revisions plan 20/10/2008.		Peter Stubbs		
21/10/08	8419	That Council Rescind Council Minute 7995, Part one and three: Minute No. 7995 That Council: 1. Adopt Lily Creek Caravan Park and Diversion Caravan Park as preferred sites for the location of any future caravan parks, and amend the Local Planning Strategy accordingly; 3. Request the Department for Planning and Infrastructure to modify the Vesting Order of Reserve 38368 Lot 793 to Caravan Park and Camping Grounds, and to provide the power to lease if not already provided for, in accordance with Attachment 2 - Proposed Diversion Caravan Park.		Peter Stubbs		

21/10/08	8418	That Council advise Tourism WA that it supports the Landbank proposal to facilitate the establishment of a further caravan park in Kununurra, (site one, opposite the Lakeside subdivision north of the Victoria Highway) to be vested in an appropriate public authority, including the broader evaluation of accommodation needs in the region and the potential of Location 715 as these are strategic initiatives, and that Council allocate \$20,000 for this purpose, with the funding to be identified from the first quarter Budget Review.		Peter Stubbs		
21/10/08	8417	That the Chief Executive Officer be delegated authority to allocate the lease sites by negotiation with the prospective lessees.		Peter Stubbs		
21/10/08	8416	That Council rescind Item 5 and Minute 8337 "That Council conduct a ballot to determine which of the remaining commercial boat operators are offered which proposed leased sites."		Peter Stubbs		
21/10/08	8415	That Council consideration is given to sealing of the "Ski Beach access road in the formulation of the 2009/10 Council budget.		Peter Stubbs		
21/10/08	8414	That Council adopt the following additional provisions in the Lease Schedule: 1. Offer a 21 year lease to the commercial operators, BBQ Boat, Triple J, Alligators Airways and Celliston Nominees on Lake Kununurra 2. Shire Rates apply the proposed leases. 3. Rent shall be reviewed on an annual basis with the rent to increase by the State CPI. Should the application of CPI result in a reduction in rent the current rent shall be charged.		Peter Stubbs		

21/10/08	8410	<p>That council support the submissions of a grant application by the Shire for the proposed Stage 2 for the Wyndham Swimming Pool to the CSRFF programme by 31 October 2008.</p> <p>2. That Council note the current \$890,000 being requested from the new minister of housing and works under the Remote Pools Project is the balance of the estimated funds required for both Stage 1 and Stage 2 of the Wyndham pool upgrade.</p> <p>3. That as per Council Minute 8270 from 17 June 2008 meeting "if the funding gap of \$650,000 is unable to be sourced then the current CSRFF grant funds be relinquished to the Department of Sport and Recreation and a new scope of works be established with the department with the aim of completing the upgrade consistent with the advice from Aquatic Construction Services".</p>	<p>1. CSRFF application submitted 31/10/08</p> <p>3. CSRFF application outcome anticipated March 09. Funding of \$950K expected from State.</p>	Karyn Apperley	36.08.03	Completed
21/10/08	8406	<p>That Council adopt the recommendations of the Annual Grants Assessment Panel as follows:</p> <p>Lake Kununurra Golf Club - \$11,000 for contribution to the construction of machinery storage shed; Kununurra Motocross Club - \$12,000 for contribution to main track irrigation for safety, environmental and spectator considerations; Ord Valley Muster - \$22,000, being \$17,000 plus \$5,000 in kind, for contribution to public relations and marketing; Australia's North West Tourism - \$17,500 for contribution to a destinational marketing campaign, with an East Kimberley focus; Waringarri Radio - \$2,500 for support for news segment, subject to completion of their application. Wunan Foundation - \$2,500 for contribution to promotion of the East Kimberley Aboriginal Achievement Awards</p>	<p>Applicants advised of application outcomes by letter.</p> <p>Community advised through media releases, including Echo.</p>	Karyn Apperley	36.19.02	completed

21/10/08	8405	<p>Advise the Department of Planning & Infrastructure that Council supports the amalgamation of adjoining Crown Land with Lots 101, 102, 1126 & 2204 Bull Run Road, in accordance with the attached plans; Advise the Department of Planning & Infrastructure that the Unallocated Crown Land located between Victoria Highway and Bull Run Road should be subdivided in accordance with the attached plan (identified as option 2) and that access be permitted only from Bull Run Road.</p> <p>Advise the Department of Planning & Infrastructure that as part of the subdivision Bull Run Road should be upgraded to a sealed standard.</p> <p>Advise the Department of Planning & Infrastructure that the subdivision requires rezoning of the Unallocated Crown Land and that any rezoning will require a review of lots 1, 2 & 3 Stockman Road [former AFD site].</p>		Peter Stubbs - TPO		
21/10/08	8404	<p>1. Amend the Shire of Wyndham-East Kimberley Planning Scheme No.7 - Kununurra and Environs by: 1. Rezoning Lots 2, 3 997, 1015, 1082, 1083 and 1257 Erythrina Street and Lots 828 - 832, 1016, 1017 and 1077 - 1081 Weaber Plain Road from Residential R15/50 to Residential R40;</p> <p>2. Rezoning Lots 858 - 861, 1035, 1060 - 1062 and 1073 - 1075 Weaber Plain Road from Residential R15 to Residential R30;</p> <p>3. Rezoning Lots 401, 862, 873, 1036, 1394 - 1397, 1403 - 1406, 1410 - 1413, 1424, 1425, 1433, 1443 - 1445, 1469, 1620, 1621, 2218- 2220 and 2398 Barringtonia Street; Lots 1434, 1449, 1450, 1470 -1478, 1622, 1625 -1634 and 2262 Dryandra Road; Lots 1451, 1452, 1456, 1481, 1482, 1486 - 1488, 2205 - 2210 and 2266 Wilga Place; Lots 1435, 1441, 1461 - 1466, 2211 - 2217 Mallee Court; Lots 1379 - 1386, 1393, 1398 - 1402 1414, 1415, 1420 - 1422, 1427, 1428, 1431, 1521, 1616 - 1619 and 2231 Boobialla Way; Lots 1378, 1387 - 1392, 1426 and 1498 - 1501 Acacia Court; Lots 1495 - 1497 and 1502 Calatropis Court; Lots 402, 863, 864, 907, 1018 - 1025 and 1038 Greybox</p>		Peter Stubbs		

		<p>Crescent; Lots 1026-1034, 1040 - 1043 and 1063 - 1067 Carbeen Street and Lots 1044 - 1048, 1049 - 1059 and 1068 - 1072 Woollybutt Place from Residential R15 to Residential R20.2. Advise the Department of Housing and Works that it is prepared to initiate a rezoning of the following to allow the option of denser residential accommodation in that area close the town centre: Lots 2, 3 997, 1015, 1082, 1083 and 1257 Erythrina Street and Lots 828 - 832, 1016, 1017 and 1077 - 1081 Weaber Plain Road from Residential R15/50 to Residential R40: Lots 858 - 861, 1035, 1060 - 1062 and 1073 - 1075 Weaber Plain Road from Residential R15 to Residential R30 And Lots 401, 862, 873, 1036, 1394 - 1397, 1403 - 1406, 1410 - 1413, 1424, 1425, 1433, 1443 - 1445, 1469, 1620, 1621, 2218- 2220 and 2398 Barringtonia Street; Lots 1434, 1449, 1450, 1470 -1478, 1622, 1625 -1634 and 2262 Dryandra Road; Lots 1451, 1452, 1456, 1481, 1482, 1486 - 1488, 2205 - 2210 and 2266 Wilga Place; Lots 1435, 1441, 1461 - 1466, 2211 - 2217 Mallee Court; Lots 1379 - 1386, 1393, 1398 - 1402 1414, 1415, 1420 - 1422, 1427, 1428, 1431, 1521, 1616 - 1619 and 2231 Boobialla Way; Lots 1378, 1387 - 1392, 1426 and 1498 - 1501 Acacia Court; Lots 1495 - 1497 and 1502 Calatropis Court; Lots 402, 863, 864, 907, 1018 - 1025 and 1038 Greybox Crescent; Lots 1026-1034, 1040 - 1043 and 1063 - 1067 Carbeen Street and Lots 1044 - 1048, 1049 - 1059 and 1068 - 1072 Woollybutt Place from Residential R15 to Residential R20</p> <p>3. Advise the Department of Housing and Works that draft amendment documentation should be prepared as soon as possible to allow further consideration of the proposed amendment</p>				
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21/10/08	8403	That Council seek the intervention of the Minister for Water to resolve the impasse that has developed between the Water Corporation and the Ord Irrigation Cooperative as well as the Shire in regards to the proposed expansion of syphons under the M1 channel and works to increase the capacity of the D2 drain in the vicinity of Lots 7 and 25 Weaber Plain road.	letter sent and Minister advised that he would not intercede	Peter Stubbs		Dealt with by Council on 8 Nov 2008 Special Council Meeting
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12.6.5 REVIEW OF POLICY E11 ROADSIDE MEMORIALS (8529)

DATE:	20 January 2009
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 Policy E11 - Roadside Memorials.

BACKGROUND

The erection of Roadside Memorials is common practice on Road Reserves across Australia.

Council adopted Policy E11 – Roadside Memorials 13 December 2005.

The policy was included in the 4 November 2008 Elected Member Briefing Session for review.

STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

POLICY IMPLICATIONS

Policy E11 – Roadside Memorials

FINANCIAL IMPLICATIONS

This policy should have no financial implications for the Shire. Persons wanting a plaque to be erected will be required to pay a fee that will cover the Shire's costs associated with the signage and installation.

STRATEGIC IMPLICATIONS

Infrastructure
Key Result Area 1

To develop and maintain the Shire's infrastructure and assets to a high standard, in particular a road network that is safe and meets its functional requirements as well as a drainage network that achieves its functional requirements.

COMMENT

Policy E11 – Roadside Memorials has not been reviewed since its adoption in December 2005. The policy was included in the 4 November 2008 Elected Member Briefing Session for review.

During the discussion Councillors indicated interest in creating community memorials at Kelly's Knob, Kununurra and The Bastion, Wyndham. These memorials are outside the scope of Policy E11 – Roadside Memorials and could be progressed independently with a new policy if Council decides it to pursue this.

ATTACHMENTS

Policy E11 – Roadside Memorials

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council re-adopt of Policy E11 – Roadside Memorials.

COUNCIL DECISION

Minute No. 8529

Moved:Cr D Ausburn

Seconded:Cr K Torres

That Council re-adopt of Policy E11 - Roadside Memorials.

CARRIED UNANIMOUSLY: (8/0)

POLICY No:	E11
DIVISION:	Engineering
SUBJECT:	Roadside Memorials
REPORTING OFFICER:	Executive Manager Engineering and Regulatory Services
ENABLING LEGISLATION:	Local Government Act 1995

OBJECTIVE:

To control roadside memorials within the road reserves of highways, main roads and local roads.

POLICY:

1. Be considerate and respectful of the needs of persons wishing to install roadside memorials.
2. Approve the placement of roadside memorials.
3. Supply roadside memorials.
4. Install or assist in the installation of roadside memorials at suitable locations as detailed in the guidelines attached to this policy.
5. Not accept responsibility for the security or maintenance of roadside memorials.
6. Remove any roadside memorials not conforming to this policy
7. Not approve or provide roadside memorials for animals.
8. Will only approve or provide roadside memorials for accident sites where location not interfering with pedestrians or traffic and shall be displayed only during open hours of the business.
9. ***Requests for memorials will only be considered when received from a member of the immediate family.***

ADOPTED: 13 December 2005 (Minute No. 7345)

REVIEWED:

AMENDED:

1. DEFINITION OF A ROADSIDE MEMORIAL

A roadside memorial can be described as an object or image constructed, erected, planted, printed or placed on the road or within the road reserve in honor of family or friends whose lives have been lost on the road.

2. GUIDELINES

2.1. REQUESTS FOR ROADSIDE MEMORIALS

When touched by tragedy, family and friends find roadside memorial can help comfort and heal, as it provides a tangible record of a life lived and serves as a reminder to the community to drive carefully. Where requests are received, The Shire of Wyndham East Kimberley can provide support to family and friends by assisting them to understand the requirements of this policy and install or assist in the installation of a suitable roadside memorial at the safest location. It should be noted that this policy is intended to provide guidance to Council Officers and each case should be dealt with in an individual basis.

The Shire of Wyndham East Kimberley's foremost concern is that all road users are provided with a safe road environment and that family and friends and the road user are safe whilst a roadside memorial is being erected, visited, or is being maintained. It is important that family and friends park their vehicles safely and clear of the road while attending the roadside memorial.

This policy is only applicable to roads dedicated in the Shire of Wyndham East Kimberley. Where the request for a Roadside Memorial is within the reserves of the Victoria and Great Northern Highways, Main Roads WA will need to provide consent.

2.2. RECORDING REQUESTS FOR ROADSIDE MEMORIALS

The Shire of Wyndham East Kimberley will maintain a record of requests for roadside memorials. The details will be documented so the person/s responsible for the roadside memorial can be contacted if necessary.

2.3. MEMORIAL REQUIREMENTS TO MAXIMISE ROAD SAFETY

The Shire of Wyndham East Kimberley will approve, supply and install a cross, paver, or decal as per the specifications in section 3.3.1, depending on the family and/or friends preference. Alternatively, the applicant may purchase a plant compliant with The Shire of Wyndham East Kimberley guidelines and Council Officers will assist with the installation. If however, assesses that the option is impractical due to safety reasons one of the other alternatives may be selected.

2.3.1. ROADSIDE MEMORIALS – TYPES AND STRUCTURE

Note: these specifications should be used as a guide only, common sense should prevail when assessing specific locations for placement of roadside memorials.

2.3.1.1. Cross

Crosses are constructed from timber and are:

- 850mm long (600mm out of the ground) and 400mm wide
- Built from pieces 40mm x 18mm
- Painted white and are non-reflective

Crosses shall be located:

- No closer than 1 meter of the line of guideposts; and
- No closer than 3 meters of the edge of any bitumen/road seal; and
- No closer than 1 meter from the edge of any shared path.

Crosses shall not be located:

- Where they may interfere with the role of any traffic control item
- In close proximity to residential dwellings where they may cause concern to the occupants
- On landscaped verges
- On traffic islands, medians or roundabouts
- On any roadside structure

2.3.1.2. Paver

Pavers are a grey concrete and are 600mm long and 300mm wide.

Pavers should be flush with the existing surface and shall be located:

- Within the area which is regularly graded during shoulder grading and drain maintenance
- In close proximity to residential dwellings where they may cause concern to the occupants
- On landscaped verges
- On roundabouts

2.3.1.3. Decal

Decals are adhesive labels, 160mm long and 130mm wide, which display a white cross on a black background.

Decals shall be located:

- At the base of traffic signal poles

- At the base of street light columns

Decals shall not be located:

- On any traffic signs
- On street name signs

2.3.1.4. Plants

Plants must comply with Councils' vegetation placement guidelines in regards to trunk size and setback distance. The requested plant type must be stated as part of the application/approval process and the Council Officer will verify the appropriateness of the plant type for the location.

Examples of locally occurring plants that would be suitable for the metropolitan area are as follows:

- Adansonia Gregorii 'Boab'
- Eucalyptus Ptychocarpa 'Spring Bloodwood'
- Many of the Melalucas
- Plumeria Rubra 'Frangipani'
- Many of the Grevilleas .
- Tabebuia Chrysantha 'Golden trumpet Tree'

Plants shall be located:

- No closer than 1 meter from the edge of any shared path
- On traffic islands and medians where the landscaping permits.

Plants shall not be located:

- Where they may interfere with the role of any traffic control item
- In close proximity to residential dwellings where they may cause concern to the occupants.
- On landscaped verges

2.3.1.5. Additional Requirements

Roadside memorials should be without memorabilia such as artificial flowers, toys, pot plants, shoes, clothing etc. There should also be no footings, decorative kerbing, rocks, bricks, or fencing around the memorial. The reason being that such items may be a visual distraction to road users, physical objects could harm road users and the possible movement of personal items onto the road could be a potential road safety hazard.

Only one (1) roadside memorial shall be allowed per life lost and consideration will be given to removing memorials more than 5 years old unless their renewal has been requested. Every effort will be made to contact the responsible person/s as stated in section 3.5.

2.3.2. INSTALLATION OF ROADSIDE MEMORIALS

A Council representative will install or assist in the installation of approved roadside memorials as detailed in section 4.3.1. The Council representative will ensure its placement is in accordance with the Council's standards and requirements and most importantly take into consideration the safety of road users. Council officers will consider safety issues such

as where the road geometry is less than optimum i.e. road crests, bends and high-speed locations.

2.3.3. MAINTENANCE OF ROADSIDE MEMORIALS

The Shire of Wyndham East Kimberley does not accept responsibility for the maintenance of any roadside memorial, or the loss, damage, removal or relocation of roadside memorials that may occur due to road maintenance, construction activities or vandalism.

2.4. ROADWORKS/MAINTENANCE NEAR APPROVED ROADSIDE MEMORIALS

The Shire of Wyndham East Kimberley will continue to perform all construction and maintenance works required within road reserves that contain roadside memorials.

Where works are required to the ground on which an approved roadside memorial is located, the memorial will be carefully shifted away from the work area for the duration of works and then re-installed as close as practical to the original location at the conclusion of the works. Care will be taken to minimise damage to the roadside memorial.

2.5. ROADSIDE MEMORIAL REMOVAL PROCEDURE

One of the Shire of Wyndham East Kimberley's key objectives is to maximise road safety on Council's roads. Any roadside memorial presenting a safety hazard will be removed without notice. Every effort will be made to contact the responsible person/s regarding the removal of the roadside memorial.

Person/s responsible for roadside memorials that comply with section 3.3 but require removal because of their poor state of repair, concerns raised by the local community or that have been in place for more than 5 years, shall be contacted by Council Officers, in the event that Officers are unsuccessful in contacting the appropriate person, a notice will be attached to the memorial asking the person who has placed, or requested the placement of the memorial, to contact the Council within 60 days. (The standard notification advising of the need to remove a roadside memorial is at attachment 1)

If the shire is not contacted within the given timeframe, the roadside memorial will be removed. Shire of Wyndham East Kimberley will store the removed roadside memorial for a period of 60 days.

2.6. EXISTING MEMORIALS

The Shire of Wyndham East Kimberley will treat all existing roadside memorials in a sensitive manner and will address each one on an individual basis with the aim of making roadside memorials compliant with this policy

12.6.6 REVIEW OF POLICY MC1 - COUNCILLOR CODE OF CONDUCT (8538)

DATE:	20 January 2009
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 and while 5.103 (2) has been repealed and it is no longer a requirement that the Code of Conduct be reviewed and changed, if necessary, every 12 months, it is considered prudent to revisit this policy at this time.

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 5.1023 of the Local Government Act has not been amended, and so Local Government's are still required to adopt their own Code of Conduct.

The Local Government Act 1995 does not prescribe details 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 18 March 2008. 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 5103 (2) has been replaced, 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

Nil

ATTACHMENTS

Attachment 1 Council's current adopted Code of Conduct.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the Code of Conduct, Policy MC1 as attached to this agenda item.

COUNCIL DECISION

Minute No. 8538

***Moved:Cr D Ausburn
Seconded:Cr J Parker***

That Council adopt the Code of Conduct, Policy MC1 as attached to this agenda item

CARRIED UNANIMOUSLY: (8/0)

<i>POLICY No:</i>	<i>MCI</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 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.*

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 aspirations 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:

- 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

Reviewed & Adopted: 20 May 2005

Reviewed & Adopted: 20 June 2006 (Minute 7460)

Reviewed & Adopted: 18 March 2008 (Minute 8142)

12.7. ELECTED MEMBER REPORTS

Nil

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

COUNCIL DECISION

Minute No. 8539

Moved:Cr K Wright

Seconded:Cr R Addis

That Council consider as urgent business items 15.1 Kununurra Multipurpose Courts - Request for Resurfacing of Current Basketball/Netball Courts and 15.2 Office of Aboriginal Health Contract for Environmental Health Services to Remote Indigenous Communities

CARRIED UNANIMOUSLY: (8/0)

15.1 KUNUNURRA MULTIPURPOSE COURTS - REQUEST FOR RESURFACING OF CURRENT BASKETBALL/NETBALL COURTS (8540) (8541) (8542)

DATE:	20 January 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Kununurra Multipurpose Courts
AUTHOR:	Karyn Apperley Executive Manager Community Services
REPORTING OFFICER:	Karyn Apperley Executive Manager Community Services
FILE NO:	30.09.02
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider the offer of a \$51,000 commitment towards the Kununurra multipurpose hard court upgrade project, specifically in regard to resurfacing of the three existing Kununurra basketball/netball courts, provided jointly by the Kununurra Tennis Club Inc, the Kununurra Netball Association Inc and the Kununurra Basketball Committee.

BACKGROUND

Council considered the matter of the Kununurra Multipurpose Court project in regard to the awarded tender's "Optional Court Surfacing Works" relating to the resurfacing the three existing Kununurra basketball/netball courts and resolved the following at its meeting of 16 September 2008:

Minute No. 8381

Moved: Cr F Mills

Seconded: Cr P Caley

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

to allow car parking on the site but reserve the site for future hard court expansion when the need for additional courts is demonstrated.

Carried 5/1

Further to this, Council resolved the following at its meeting of 16 December 2008:

Minute No: 8491

Moved: Cr K Wright

Seconded: Cr J Moulden

That Council provide the Department of Infrastructure, Transport, Regional Development and Local Government with advice that the following projects are submitted for funding under the Regional and Local Community Infrastructure Program 2008-09:

- Basketball Court Upgrade and addition of Basketball Courts in Multipurpose Court Project Kununurra \$ 250,000*
- Multipurpose Court Facility Wyndham \$110,000*
- Extension of power to the commercial boating facility \$172,000*

CARRIED UNANIMOUSLY: (8/0)

Following the decision of the 16 September 2008, the Shire and Councillors received information and feedback from the Kununurra Tennis Club. A meeting with Councillors was requested by the Tennis Club and was held on 29 October 2008, attended by representatives of the Kununurra Tennis Club, the Kununurra Netball Association and the Kununurra Basketball Committee.

The matters raised at the meeting of 29 October 2008 were listed for discussion at the Council Briefing Session of 4 November 2008.

A joint letter from the Kununurra Tennis Club, the Kununurra Netball Association and the Kununurra Basketball Committee (refer Attachment) was received 27 November 2008, requesting that the letter be accepted as confirmation that:

“the Kununurra Tennis Club, the Kununurra Netball Association and the Kununurra Basketball Committee will engage their best efforts to raise \$51,000 for the resurfacing of three existing basketball courts on Rod Hodnett Drive. It is agreed that these funds will ensure the establishment of an independent basketball facility as well as a multipurpose recreation facility (as originally proposed and agreed upon) for netball and tennis use only.”

The letter further outlines the five ways in which these sporting groups “*have every intention of honouring this commitment*” to raise the \$51,000, which are identified under Financial Implications in this report.

STATUTORY IMPLICATIONS

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

3.18. Performing executive functions

- (2) In performing its executive functions, a local government may provide services and facilities.*
- (3) A local government is to satisfy itself that services and facilities that it provides —*

- (a) *integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body;*
- (b) *do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and*
- (c) *are managed efficiently and effectively.*

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The full Kununurra multipurpose hard court project, as per Council Minute 8381 of 16 September 2008 is currently budgeted at \$1,226,507.

As a result of the Council decision of 16 September 2008, costs of \$59,895 have been incurred to date being the ordering of additional basketball posts and backboards, additional earthworks and additional geofabric with a further \$7,600 for additional acrylic surfacing, line marking and fencing anticipated for completion.

Based on the tender price for additional court surfacing work, the additional cost to the project to now include resurfacing of the two extra existing Kununurra basketball/netball courts is estimated at \$110,000.

As the Tennis Club, Netball Association and Basketball Committee have advised a commitment of \$51,000, the additional cost to Council is estimated at \$59,000.

The joint letter identifies raising the \$51,000 funds through grants applications, corporate sponsorship, selling the old lighting towers, fund raising through food stalls such as at the Kimberley Moon event and applying for a low interest community loan.

The submission of further grants and seeking of corporate sponsorship by these three groups may have an impact on the existing Multipurpose Court project budget which includes further grant applications, such as the Tennis Australia Court Rebate Scheme and securing at least \$50,000 in corporate sponsorship. This situation suggests that the most likely way in which the funds can be secured by the three groups is via a low interest community loan or self supporting loan through the Shire with WA Treasury. All self supporting loans should be backed by a guarantee by two office bearers which is standard practice in local government for self supporting loans. Alternatively, there may be other forms of appropriate security that could be provided by the organisations for a loan default guarantee.

STRATEGIC IMPLICATIONS

The recent announcements of the Ord River Irrigation Scheme expansion and State and Australian Government commitments to infrastructure funding and development indicate that continued population growth and development of the community is to be anticipated over the next 2 – 10 years. This population and community growth will increase demand on local services and facilities, including the Shire's sporting facilities.

COMMUNITY CONSULTATION

Correspondence and feedback has been received from the Kununurra Tennis Club, the Kununurra Netball Association and the Kununurra Basketball Committee and consultation about this matter includes the meeting between Councillors, Shire staff and the three sporting groups on 29 October 2008.

COMMENT

Council has at least three options regarding its response to the joint letter:

- A. Acknowledge the commitment provided by the three stakeholder groups and maintain the decision of Council made on 16 September 2008, which was based on asset management principles for the provision of high quality and expanded recreation facilities.

Option A acknowledges that the decision of 16 September represents a balance between meeting current community needs, sound asset management principles and competing resource demands for the Shire.

- B. Accept the commitment of the three stakeholder groups and the request of these stakeholders to *“ensure the establishment of an independent basketball facility as well as a multipurpose recreation facility (as originally proposed and agreed upon) for netball and tennis use only.”*

Option B acknowledges the request of the three stakeholder groups. However the investment to date of almost \$60,000 to implement the decision of 16 September 2008 will be negated and unrealised under this option.

- C. Accept the commitment of the three stakeholder groups and rescind part of the decision of Council made on 16 September 2008 and incorporate the resurfacing of the three existing basketball/netball courts into the current project scope and budget at a further cost to Council of an estimated \$59,000.

Option C acknowledges that since the decision of 16 September 2008, developments regarding the Ord River Irrigation Scheme will result in significant population and community growth over the next 2 – 10 years which will increase the demands on services and facilities, including the Shire’s recreational facilities. In addition, although the joint letter requests that the two planned and progressed basketball courts be removed from the Multipurpose Recreation Courts, Option C acknowledges that Council has invested almost \$60,000 in this development for the inclusion of the two basketball courts with a remaining \$7,600 anticipated for completion of this component. This committed investment can be realised as part of the asset management and strategic approach of ‘future proofing’ given the anticipated population and community growth in the short to medium term.

Option C is the preferred option proposed by the Shire administration due to the works completed, the investment made to date, the anticipated community growth as a result of recently announced local area developments and the asset management principles contained in the 16 September 2008 Council decision. Notwithstanding, alternate recommendations may be generated from either Option A or B.

ATTACHMENTS

Joint letter to Councillors from Kununurra Tennis Club, Kununurra Netball Association and Kununurra Basketball Committee – dated 21 November 2008.

VOTING REQUIREMENT

Recommendation 1: Absolute Majority
Recommendation 2 & 3: Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Rescind point 4 of Minute No 8381 of 16 September 2008, being:

That Council decommission 2 of the existing outdoor netball/basketball courts by removing court furniture and fencing (on 2 boundaries only to maintain oval security) to allow car parking on the site but reserve the site for future hard court expansion when the need for additional courts is demonstrated.

2. Maintain the inclusion of the two basketball courts in the Kununurra Multipurpose Recreation Courts complex due to progression of works to date and resurface the three existing Kununurra basketball/netball courts to continue to provide for future community growth and demand as a result of recent developments in the Ord River Irrigation Area and recognising the level of funds committed to date as a result of Council Minute No 8381 of 16 September 2008.
3. Accept the commitment by the Kununurra Tennis Club Inc, the Kununurra Netball Association Inc and the Kununurra Basketball Committee to raise \$51,000 and provide a 5 – 8 year self supporting loan provided that there is a director's guarantee provided by at least two members of each group or provision of another form of surety as negotiated and agreed by the Shire President, Deputy Shire President and CEO.

ALTERNATE RECOMMENDATION

That Council:

1. Rescind points 1 and 4 of Minute No 8381 of 16 September 2008, being:

1. That Council authorise officers to liaise with the approved tenderer to develop 2 basketball courts incorporated into the Multipurpose Court Facility and re-surfacing 1 existing basketball/netball court to

- a. maintain basketball court facilities and consolidate hard courts***
- b. cater for casual and community use, and***
- c. capitalise on the existing competitive price estimate Council has received on re-surfacing and availability of contractors in the area.***

4. That Council decommission 2 of the existing outdoor netball/basketball courts by removing court furniture and fencing (on 2 boundaries only to maintain oval security) to allow car parking on the site but reserve the site for future hard court expansion when the need for additional courts is demonstrated.

4. Utilise the basketball furniture committed to the proposed two basketball courts in the Kununurra Multipurpose Recreation Courts complex as a result of Council Minute No 8381 of 16 September 2008 in the re-surfacing and upgrade of the existing three Kununurra basketball/netball courts to provide three basketball courts on the site.
5. Accept the commitment by the Kununurra Tennis Club Inc, the Kununurra Netball Association Inc and the Kununurra Basketball Committee to raise \$51,000 and provide a 5 – 8 year self supporting loan provided that there is a director's guarantee provided by at least two members of each group or provision of another form of surety as negotiated and agreed by the Shire President, Deputy Shire President and CEO.
6. Do not proceed with line marking two tennis/netball courts for basketball within the Kununurra Multipurpose Court Facility.

COUNCIL DECISION

*Cr Wright left the meeting table at 7.19pm and joined the Public Gallery
Cr Wright left the Public Gallery and returned to the meeting table at 7.21pm*

Minute No. 8540

**Moved:Cr D Ausburn
Seconded:Cr P Caley**

That Council suspend Standing Order 7.5 to enable Councillors to speak more than once in relation to matter being debated.

CARRIED UNANIMOUSLY: (8/0)

Standing Order was 7.5 was suspended at 7.24pm

Minute No: 8541

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

That Council resume standing order 7.5

CARRIED UNANIMOUSLY: (8/0)

Standing Order 7.5 resumed at 7.28

Three Councillors needed to consider rescission motion: Crs J Moulden, K Wright and R Addis

Minute No: 8542

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

That Council:

1. Rescind points 1 and 4 of Minute No 8381 of 16 September 2008, being:

- 1. That Council authorise officers to liaise with the approved tenderer to develop 2 basketball courts incorporated into the Multipurpose Court Facility and re-surfacing 1 existing basketball/netball court to**
 - a. maintain basketball court facilities and consolidate hard courts**
 - b. cater for casual and community use, and**
 - c. capitalise on the existing competitive price estimate Council has received on re-surfacing and availability of contractors in the area.**

- 4. That Council decommission 2 of the existing outdoor netball/basketball courts by removing court furniture and fencing (on 2 boundaries only to maintain oval security) to allow car parking on the site but reserve the site for future hard court expansion when the need for additional courts is demonstrated.**

- 2. Utilise the basketball furniture committed to the proposed two basketball courts in the Kununurra Multipurpose Recreation Courts complex as a result of Council Minute No 8381 of 16 September 2008 in the re-surfacing and upgrade of the existing three Kununurra basketball/netball courts to provide three basketball courts on the site.**

- 3. Accept the commitment by the Kununurra Tennis Club Inc, the Kununurra Netball Association Inc and the Kununurra Basketball Committee to raise \$51,000 and provide a 5 – 8 year self supporting loan provided that there is a director's guarantee provided by at least two members of each group or provision of another form of surety as negotiated and agreed by the Shire President, Deputy Shire President and CEO.**

- 4. Do not proceed with line marking two tennis/netball courts for basketball within the Kununurra Multipurpose Court Facility.**

CARRIED: (6/2)

*Cr D Ausburn request that votes for and against are recorded:
For: Crs Mills, Addis, Moulden, Caley, Torres and Wright
Against: Crs Ausburn and Parker*

Kununurra Tennis Club Inc.
PO Box 186, Kununurra WA 6743

②

Doc No.	064129
Date	27 NOV 2008
Officer	XMCMS.
Response	
File	30.09.02
Cross Ref.	

21 November 2008

Elected Members
Shire of Wyndham East Kimberley
PO Box 614
KUNUNURRA WA 6743

Dear Cr. Mills,

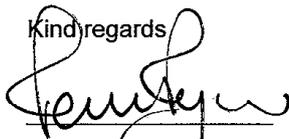
As requested at the Council Briefing Session held on 4 November 2008, please accept this letter as confirmation that the Kununurra Tennis Club, Kununurra Netball Association and Kununurra Basketball Committee will engage their best efforts to raise \$51,000 for the resurfacing of three existing basketball courts on Rod Hodnett Drive. It is agreed that these funds will ensure the establishment of an independent basketball facility as well as a multipurpose recreation facility (as originally proposed and agreed upon) for netball and tennis use only.

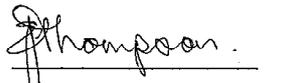
The above mentioned sporting groups have every intention of honouring this commitment by:

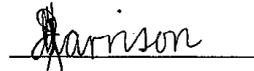
- Submitting grant applications to appropriate government agencies;
- Sourcing corporate sponsorship from local industry groups;
- Selling the tennis club's original light towers;
- Raising funds through the sale of food items at the Kimberley Moon Concert and other community events and/or;
- Applying for a low interest community loan.

As indicated in an email on 7 November 2008 to the Executive Manager of Community Services (and subsequently, to the Chief Executive Officer), we hope this letter fully demonstrates the willingness of local sporting groups to raise funds so as to assist the Shire develop quality facilities that meet the needs of local community members.

Kind regards


Paul Royce
Kununurra Tennis Club


Jacinta Thompson
Kununurra Netball Assoc.


Jo Harrison
Kununurra Basketball Committee

cc: Peter Stubbs
Chief Executive Officer, SWEK

15.2 LATE ITEM OFFICE OF ABORIGINAL HEALTH CONTRACT FOR ENVIRONMENTAL HEALTH SERVICES TO REMOTE INDIGENOUS COMMUNITIES (8533)

DATE:	20 January 2009
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	East Kimberley
AUTHOR:	Alex Douglas Executive Manager Engineering & Regulatory Services
REPORTING OFFICER:	Alex Douglas Executive Manager Engineering & Regulatory Services
FILE NO:	33.11.01
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider the future of the contract it has with the Office of Aboriginal Health for the provision of environmental health services to remote indigenous communities

BACKGROUND

1. Council has provided environmental health services to aboriginal communities for over 10 years through a contractual funding arrangement with the Office of Aboriginal Health which comes under the Department of Health.
2. The current 3 year contract, 1 July 2007 to 30 June 2010, sees the Shire receive approx \$125,000.00 (Inc GST) per annum for provision of indigenous environmental health services. The contract requires the Shire to meet expected outcomes, defined in attachment 1.
3. The total SWEK budget allocation for the Aboriginal Environmental Health Program is \$170,300. The shortfall of \$45,300 is covered by the Shire through provision of office space, IT & HR support, stationary etc.
4. Kelly Fewster has managed the Indigenous Environmental Health program and contract with the Office of Aboriginal Health for 3 years.
5. Other environmental health services provided by agencies in the East Kimberley.
 - Kimberley Population Health (WA County Health) - employs a Senior Environmental Health Worker and Environmental Health Worker to assist in the delivery of the OAH contract. There is no formal recognition of the relationship between the Shire and KPHU.
 - Waringarri Aboriginal Corporation - receives funding from the Department of Housing and Works to run the in-home practical support program, which includes outcomes on environmental health conditions. Until recently, Waringarri employed a qualified EHW who worked with the housing, municipal services and essential services programs.
 - Kalumburu Aboriginal Corporation - employs 1 Environmental Health worker. Funded by KPHU, however this funding is short term and expires in March.

There has been no commitment from the Office of Aboriginal Health as to whether the position will continue to be funded.

- Oombulgurri Association - has funding in the order of \$44,000 from the Office of Aboriginal Health for an Environmental Health program. This program is poorly managed and not achieving outcomes.
 - Joorook Ngarni Corporation - employs a qualified EHW, but does not have any specific funding for EH services. The EHW is involved in municipal services such as rubbish collection.
 - Kununurra Tate campus - Environmental Health worker training. Was successful in 07/08 however there was a lack of full time employment and support from employers so the training has not been delivered again. If there is a need, Tate will become involved again.
6. The MG Corporation has recognised the need for coordinated Environmental Health services and is looking to support a new service delivery model which sees all funding placed within one organisation.
 7. In the past the Office of Aboriginal Health has been the sole organisation responsible for delivery of Aboriginal Environmental Health programs across the state. There has been a steady decline in funding of remote indigenous communities over the past 3 years. This has impacted on essential services, municipal services, housing programs and environmental health. As a result environmental health services have become fragmented and there is now no clear direction or vision for the future.
 8. Kelly Fewster's past two project reports to the Office of Aboriginal Health are attached to these Briefing Session notes. It is clear that real progress is not being made in standards of environmental health and the fragmented nature of responsibility and funding associated with service delivery is the key reason for this.
 9. Each of the Kimberley Local Governments has a different approach to Indigenous Environmental Health
 - **Derby/West Kimberley:** \$297,340 contract with the Office of Aboriginal Health for delivery of the same contract outcomes as SWEK. The Shire employs an EHO, 2 Indigenous Environmental Health Workers and full-time trainee. EH programs are also funded in a couple of the remote communities within the Shire. The funding for these ranges from \$35,000 to \$60,000.
 - **Broome:** \$430,000 funding from the Office of Aboriginal is directed to Nirrumbuk Aboriginal Corporation, whose role includes employment services, training, municipal services and environmental health. The corporation employs an Environmental Health Officer, a team of local EHW's based in Broome and regional EHW's based on remote communities. The role of the Officer is to oversee the program and EHW's, provide training, and work with the municipal services team. Nirrumbuk has the same contract outcomes as SWEK.
 - **Halls Creek:** \$145,000 contract to deliver the same services as SWEK. The Shire employs as EHO and EHW to undertake the program. EH programs are also funded at Balgo and Warmun.
 - **Wyndham East Kimberley:** Receives approx \$125,000 (the least of all 4 regions) and employs a single EHO. EHW's are employed through Kimberley

Population Health Unit and assist in the delivery of EH outcomes; however they are not bound by a contract. Office of Aboriginal Health also fund an Environmental Health program at the Oombulgurri community, approx \$44,000.

STATUTORY IMPLICATIONS

The Health Act 1911 applies to environmental health services.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The total Shire budget allocation for the Aboriginal Environmental Health Program is \$170,300. The shortfall of \$45,300 is covered by the Shire through provision of office space, IT & HR support, stationary etc

The total SWEK budget allocation for the Aboriginal Environmental Health Program is \$170,300. The shortfall of \$45,300 is covered by the Shire through provision of office space, IT & HR support, stationary etc.

STRATEGIC IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

COMMENT

The contract report June to December 2008 for this service describes in detail achievement against the health outcomes expected. Elected members considered this report at their Briefing Session 2nd December 2008. If better health outcomes are wanted in remote communities then change to the delivery of the service is needed. It is therefore recommended that either of two options be considered:

OPTION 1

Council advise the Office of Aboriginal that it is only prepared to continue environmental health service delivery to aboriginal communities if the contract is re evaluated and funding for all current EH programs in the East Kimberley region (including on costs) is transferred to the Shire by 30th June 2009.

OPTION 2

The Shire withdraws from the contract with the Office of Aboriginal Health and negotiates a more appropriate use of the funds in the East Kimberley.

The Broome model, where Environmental Health funding is placed with a service provider, would allow for greater efficiency in improving standards. MG Corporation has indicated they would support a new, more coordinated approach to the delivery of Environmental Health Services in the East Kimberley.

The introduction of the Public Health Bill, anticipated next year, will be the first public health legislation in the State to bind the crown, including indigenous communities. If OAH funding is redirected there will still be a need for Shire to be involved with communities in a more mainstream capacity; follow-up infectious disease notifications, health complaints, septic approvals etc.

This option would require restructuring the role Kelly Fewster has into mainstream environmental health and other project management work.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council advise the Office of Aboriginal Health that it seeks to cease the current contract for environmental health service delivery to remote indigenous communities on the 30th June 2009, because the current service delivery models for these services are not delivering the health outcomes intended, and that Council request the Office of Aboriginal Health to transfer the funding associated with this contract to an alternate and consolidated single service provider.

COUNCIL DECISION

Minute No. 8533

Moved:Cr R Addis

Seconded:Cr D Ausburn

That Council advise the Office of Aboriginal Health that it seeks to cease the current contract for environmental health service delivery to remote indigenous communities on the 30th June 2009, because the current service delivery models for these services are not delivering the health outcomes intended, and that Council request the Office of Aboriginal Health to transfer the funding associated with this contract to an alternate and consolidated single service provider.

CARRIED UNANIMOUSLY: (8/0)

16. MATTERS BEHIND CLOSED DOORS

Nil

17. CLOSURE

With all matters of Business complete Cr F Mills, Shire President declared the meeting closed at 7.35pm