



MINUTES OF ORDINARY MEETING OF COUNCIL

HELD ON 21 JULY 2009

I hereby certify that the Minutes of the Ordinary Meeting of Council held 21 July 2009 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, AT 6:00 PM

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 6.02pm

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

Cr F Mills	Shire President
Cr R Addis	Deputy President (arrived 6.23pm)
Cr D Ausburn	Councillor (arrived 6.11pm)
Cr P Caley	Councillor
Cr J Moulden	Councillor (arrived 6.18pm)
Cr J Parker	Councillor
Cr K Torres	Councillor
Cr K Wright	Councillor
P Stubbs	Chief Executive Officer
A Douglas	Executive Manager Engineering & Regulatory Services
I D'Arcy	Executive Manager Development Services
F Kuiper	Executive Support Officer Engineering & Development/Minute Taker
G Old	Acting Executive Manager Corporate Services
M Alchin	Acting Executive Manager Community Services

3. DECLARATIONS OF INTEREST

- **Financial Interest**

Peter Stubbs declared a Financial Interest in Item 12.1.2 East Kimberley Regional Airport – Car Hire Franchise Leases and Car Hire Allocation due to his wife works for Car Hire company Thrifty.

Cr R Addis declared a Financial Interest in Item 16.1 Kimberley Country Zone Strategic Plan Outcomes as he is Director of

Kimberley Wilderness Adventures that operates Tourism Camps on the Gibb River Road.

- **Impartiality Interest**

Nil

- **Proximity Interest**

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. PETITIONS

Nil

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8. CONFIRMATION OF MINUTES

8.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 JUNE 2009 (8737)

RECOMMENDATION

That Council confirm the minutes of the Ordinary Council Meeting held on 16 June 2009.

COUNCIL DECISION

Minute No. 8737

Moved:Cr K Wright

Seconded:Cr P Caley

That Council confirm the minutes of the Ordinary Council Meeting held on 16 June 2009.

CARRIED UNANIMOUSLY: (5/0)

8.2 CONFIRMATION OF MINUTES OF THE SPECIAL MEETING HELD ON 30 JUNE 2009 (8738)

RECOMMENDATION

That Council confirm minutes of the Special Meeting held on 30 June 2009.

COUNCIL DECISION

Minute No. 8738

Moved:Cr P Caley

Seconded:Cr K Torres

That Council confirm the minutes of the Special Meeting held on 30 June 2009.

CARRIED UNANIMOUSLY: (5/0)

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

I attended the National Local Government Convention held in Canberra. A key message from the Convention was that those Local Governments who do well often “look outside the square” to invest in things which deliver both social benefit to their communities and which generate new revenues for their constituents. Our Council will need to do more of that. While in Canberra I met with range of other Local Governments delegates and senior politicians of relevance to our region.

On 2 and 3 July our region hosted visit by the:

Prime Minister the Hon Kevin Rudd
Premier of Western Australia the Hon Colin Barnett
Senator Gary Gray
Minister for Regional Development & Land, Hon Brendan Grylls

for the launch of the \$195M East Kimberley Development package. This package combined with the State Government’s investment of \$220M for the Ord Irrigation expansion provides a wonderful platform for enhanced services, and a stimulus to private investment in our region. On behalf of Council I would like to record our sincere thanks to those politicians for their vision and courage in backing our region, and to all those people behind the scenes who help bring this to reality. Benefits to be derived from these investments will be central to defining our region’s future.

On 10 & 11 July our Council hosted a combined Kimberley Shire Council Strategic Planning workshop. Delegates commented that the workshop was the best combined Kimberley Shire Council forum they had experienced, which bodes well for future regional governance.

Also on 10 & 11 July was the Kununurra Agricultural Show. The Show was again a huge success, which is testimony the many people who commit their time and skills to bring this event to our community. I thank Shire staff and other agencies and businesses for their input to the Shire presence at the Show.

On Friday 17 July I met with the Hon Rob Johnson Minister for Police and Emergency Services on his visit to our region.

Today 21 July the Landcorp Board visited Kununurra to see first hand the projects Landcorp is involved here:

Lakeside Stage 5
Weaber Plain light industrial land
Coolibah Housing project.
Ord Irrigation Expansion.

I thank the Landcorp Board for their investment and focus in our region. I also attended the Foreshore Committee Meeting at Department of Water on Friday 17 July.

10. DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

11. MINUTES OF COUNCIL COMMITTEE MEETINGS

11.1. MINUTES OF AUDIT COMMITTEE MEETINGS

11.1.1 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 19 MAY 2009 (8739)

RECOMMENDATION

That Council note the unconfirmed minutes of the Audit Committee Meeting held on 19 May 2009.

COUNCIL DECISION

Minute No. 8739

Moved:Cr K Wright

Seconded:Cr P Caley

That Council note the unconfirmed minutes of the Audit Committee held on Tuesday 19 May 2009.

CARRIED UNANIMOUSLY: (5/0)

11.2. MINUTES OF AIRPORT COMMITTEE MEETINGS

**11.2.1 MINUTES OF THE AIRPORT COMMITTEE MEETING HELD ON
30 JUNE 2009 (8740)**

RECOMMENDATION

That Council note the unconfirmed minutes of the Airport Committee held on Tuesday 30 June 2009.

COUNCIL DECISION

Minute No. 8740

Moved:Cr K Wright

Seconded:Cr P Caley

That Council note the unconfirmed minutes of the Airport Committee held on Tuesday 30 June 2009.

CARRIED UNANIMOUSLY: (5/0)

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

12.1.1 OFFER OF WYNDHAM LEASE - SHOAL AIR (8741)

DATE:	21 July 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Brian Sargeant, Airport Operations Officer
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	20.12.08
ASSESSMENT NO:	N/A

PURPOSE

To inform Council that Shoal Air has not responded to the offer and therefore understood to have declined the offer of a lease at Wyndham Airport.

BACKGROUND

At the Airport Committee Meeting on 10 February 2009 the committee made recommendation (Minute AP 075) to the Council in relation to a request from Shoal Air Pty Ltd to lease a portion of Wyndham Airport for a transportable office.

At the 17 February 2009 Ordinary Meeting of Council the Council adopted the Airport Committee Recommendation and resolved:

Minute No. 8549

Moved:Cr P Caley

Seconded:Cr K Torres

That the Council offer to Shoal Air Pty Ltd a 3 year lease over a 100 m² portion of Wyndham Airport for the purpose of locating a transportable office under the following conditions

- Advertising and Public Comment period*
- Planning approval prior to occupation of the building.*
- An annual lease fee of \$10,000 plus GST with annual CPI indexation.*
- Shoal Air are responsible for all costs in relation to connection of utilities and sub meters.*

CARRIED UNANIMOUSLY: (7/0)

A letter was sent informing Shoal Air of the Council's offer of a 100m² lease at Wyndham Airport on the 5th March 2009. No written response was received, however the Airport Manager was told verbally by Mr Steve Irvine of Shoal Air Pty Ltd that he was not prepared to take up the lease at the fee Council had proposed. Mr Irvine was requested to respond in writing.

An email was sent by the Airport Manager on the 6th May 2009 requesting Shoal Air respond in writing to the offer. No response was received.

A final letter was sent on 27th May 2009 informing Shoal Air that if a written response to the offer was not received by the 2nd June, the offer of a lease at Wyndham Airport would be rescinded. The letter also requested that if the offer was not taken up that the illegal transportable office (converted sea container) be removed from Wyndham Airport. No response was received by the deadline and the transportable office is still at the site at Wyndham Airport.

STATUTORY IMPLICATIONS

Disposal of land must occur in accordance with Local Government Act.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Use of Councils property should be properly authorised.

COMMENT

The transportable office remains at its present location at the Wyndham Airport. To the best of this officers knowledge Shoal Air have not been operating from the office.

ATTACHMENTS

Final letter to Shoal Air requesting written response to offer.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Airport Committee recommend to Council that

1. Due to failure of Shoal Air Pty Ltd to respond to repeated requests to confirm their intentions regarding Councils offer for a three year lease over 100m² of Wyndham Airport for the purpose of locating a transportable office, the offer to lease is withdrawn.
2. The Airport Manager be requested to write to Shoal Air Pty Ltd to advise that the transportable office located at the Wyndham Airport without the permission of Council must be removed within 30 days of receiving the notice to remove.
3. Should Shoal Air Pty Ltd not remove the transportable office within the 30 day period as requested then the Chief Executive Officer shall seek legal advice to determine actions Council may take to enforce the removal of

the transportable office that was placed on Council land without the permission of Council.

COMMITTEE RESOLUTION

Minute No AP 096

Moved: Cr P Caley

Seconded: Cr K. Wright

That the Airport Committee recommend to Council that

1. Due to failure of Shoal Air Pty Ltd to respond to repeated requests to confirm their intentions regarding Councils offer for a three year lease over 100m2 of Wyndham Airport for the purpose of locating a transportable office, the offer to lease is withdrawn.
2. The Airport Manager be requested to write to Shoal Air Pty Ltd to advise that the transportable office located at the Wyndham Airport without the permission of Council must be removed within 30 days of receiving the notice to remove.
3. Should Shoal Air Pty Ltd not remove the transportable office within the 30 day period as requested then the Chief Executive Officer shall seek legal advice to determine actions Council may take to enforce the removal of the transportable office that was placed on Council land without the permission of Council.

Carried Unanimously:3/0

COMMITTEE RECOMMENDATION

That Council consider recommendations put forward by the Airport Committee

1. Due to failure of Shoal Air Pty Ltd to respond to repeated requests to confirm their intentions regarding Councils offer for a three year lease over 100m2 of Wyndham Airport for the purpose of locating a transportable office, the offer to lease is withdrawn.
2. The Airport Manager be requested to write to Shoal Air Pty Ltd to advise that the transportable office located at the Wyndham Airport without the permission of Council must be removed within 30 days of receiving the notice to remove.
3. Should Shoal Air Pty Ltd not remove the transportable office within the 30 day period as requested then the Chief Executive Officer shall seek legal advice to determine actions Council may take to enforce the removal of the transportable office that was placed on Council land without the permission of Council.

COUNCIL DECISION

Minute No. 8741

Moved:Cr P Caley

Seconded:Cr K Wright

That Council confirm and implement the recommendations put forward by the Airport Committee

- 1. Due to failure of Shoal Air Pty Ltd to respond to repeated requests to confirm their intentions regarding Councils offer for a three year lease over 100m2 of Wyndham Airport for the purpose of locating a transportable office, the offer to lease is withdrawn.**
- 2. The Airport Manager be requested to write to Shoal Air Pty Ltd to advise that the transportable office located at the Wyndham Airport without the permission of Council must be removed within 30 days of receiving the notice to remove.**
- 3. Should Shoal Air Pty Ltd not remove the transportable office within the 30 day period as requested then the Chief Executive Officer shall seek legal advice to determine actions Council may take to enforce the removal of the transportable office that was placed on Council land without the permission of Council.**

CARRIED UNANIMOUSLY: (5/0)

Attachment Item: 12.1.1

Our Ref: 20.12.08

Your Ref:

Enquiries: Brian Sargeant

27 May 2009

Mr Steven Irvine
Shoal Air
PO Box 1958
KUNUNURRA WA 6743

Dear Steve,

RE: Response to Councils offer of Lease at Wyndham Airport

On the 5 March 2007 the Shire of Wyndham East Kimberley wrote to you notifying you of the council's offer of a 3 year lease for a 100m² portion of land at Wyndham Airport. No written response has been received to this offer and a subsequent email sent on the 6 May 2009 requesting your intentions in writing has also not been responded too as of 26 May 2009.

We request that you please respond in writing by the end of the business day, 2 June 2009 informing us of your intentions, so we can undertake a public comment period. Failure to do so will be understood as non acceptance of the offer.

If it is your intentions not to accept the offer, we ask that you please include a timetable for the removal of the portable office structure located at Wyndham Airport. I take this opportunity to remind you that you have not received authority to be operating from this office at the Airport.

I await your timely reply to this matter and if you have any questions please contact the Airport Operations Officer, Brian Sargeant on 9168 2648.

Yours Sincerely

Peter Stubbs
Chief Executive Officer

12.1.2 EAST KIMBERLEY REGIONAL AIRPORT - CAR HIRE FRANCHISE LEASES AND CAR HIRE ALLOCATION

DATE:	21 July 2009
PROPONENT:	Europcar, Territory Thrifty Car Rental, Busby Investments T/A Budget Rent A Car
LOCATION:	East Kimberley Regional Airport
AUTHOR:	Jo-Anne Ellis, Executive Manager Corporate Services
REPORTING OFFICER:	Peter Stubbs, Chief Executive Officer
FILE NO:	66.20.33, 66.20.32, 66.20.30, 66.20.44,66.20.28
ASSESSMENT NO:	N/A

Peter Stubbs declared a Financial Interest as his wife works for Thrifty Car Rental and left the room at 6.07pm.

PURPOSE

To consider correspondence received from the Car Hire Companies in relation to Council's offer for new leases at the East Kimberley Regional Airport.

BACKGROUND

The leases with the car hire companies have either expired or expire in the next few months. With the impending completion of the new car park and issues surrounding use of the existing car park by car hire companies Council on recommendation of the Airport Committee resolved

Minute No. 8618

Moved:Cr J Parker

Seconded:Cr P Caley

That Council offer new leases at the East Kimberley Regional Airport to:

- a) Avis Australia / W.T.H. Pty Ltd*
- b) Thrifty / Territory Rent a Car Pty Ltd*
- c) Budget / Busby Investments Pty Ltd*
- d) Hertz / Tuffys Pty Ltd T/A East Kimberley Hirings*
- e) Eurpocar*

On the following conditions

- 1. leases commence on 1 July 2009, or at the expiration of the current lease, for a term of five years.*
- 2. The use of the premises is for Hire Car Franchise purposes.*
- 3. Cubicle rent in the Airport Terminal is set at \$500 and is subject to review following the Terminal Upgrade.*
- 4. Car bays are offered in rows 2 and 3 of the car park at and annual rental fee of \$2,000 per bay with a maximum of six bays to be allocated to each lessee.*

5. *Car bays are offered in rows 7 and 8 of the car park at an annual rental fee of \$1,000 per bay with a maximum of six bays to be allocated to each lessee.*
6. *The number of car park bays required by each lessee is to be confirmed in writing prior to the commencement of the lease and may only be altered once annually on the lease rent review date.*
7. *Lease fees will be subject to annual CPI increase on the lease rent review date.*
8. *An additional charge for lighting and security may be initiated by agreement between parties if the need to increase lighting and/or security at the East Kimberley Regional Airport car park arises.*
9. *That an additional charge for breach of essential terms of lease by the lessee of \$100 per car per day over the agreed and paid for car parking bays to be included in the new leases for car hire companies.*

CARRIED: (7/1)

STATUTORY IMPLICATIONS

Disposal of land must occur in accordance with the Local Government Act.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Lease fees will be transferred to the Airports Reserve.

STRATEGIC IMPLICATIONS

Use of valuable space at the Airport should be on a commercial basis.

COMMUNITY CONSULTATION

Community Consultation is not required in this instance.

COMMENT

Letters of offer were sent to all hire car companies requesting advice of the lessees intentions in regard to the offer by 20 May 2009.

Avis Australia responded that they wish to take up the lease and will require the full number of bays offered.

The letter sent to Eurpocar was returned to sender.

Thrifty / Territory Rent a Car, Budget / Busby Investment and Hertz / Tuffys all contacted the Executive Manager Corporate Services by telephone. Concerns were raised by all companies and the common theme was regarding the fee being charged, the timing of the fee in relation to their ability to recover the additional costs in the current tourism season when their rates were already set.

Each company was requested to detail these issues in written correspondence so the Committee could understand the full concerns of each company. Copies of the letters/emails have been provided to each committee member as confidential correspondence.

A 50% reduction in the first years lease fee is recommended to the committee to remove the timing issue in relation to tourism brochures being printed and the rates having been already set for the current tourist season.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Airport Committee Recommends to Council that having considered the feedback from the Car Hire Companies that a 50% reduction in lease fee will be available in the period 1 July 2009 to 30 June 2010 in recognition of the operational consideration of the lessee.

COMMITTEE RESOLUTION

Minute No AP 097

Moved: Cr P Caley

Seconded: Cr K. Wright

That the Airport Committee recommends to Council that having considered the feedback from the Car Hire Companies that a 50% reduction in lease fee will be available in the period 1 July 2009 to 30 June 2010 in recognition of the operational consideration of the lessee.

Carried Unanimously: 3/0

COMMITTEE RECOMMENDATION

That Council consider recommendation put forward by Airport Committee that having considered the feedback from the Car Hire Companies that a 50% reduction in lease fee will be available in the period 1 July 2009 to 30 June 2010 in recognition of the operational consideration of the lessee.

COUNCIL DECISION

Moved:Cr K Wright

Seconded:

That Council consider recommendation put forward by Airport Committee that having considered the feedback from the Car Hire Companies that a 50% reduction in lease fee will be available in the period 1 July 2009 to 30 June 2010 in recognition of the operational consideration of the lessee.

LAPSED

Elected Members did not determine a position on this matter and it will be considered by the Airport Committee at their next meeting.

6:08pm Peter Stubbs returns to the meeting and is advised of the outcome of the item.

12.1.3 TENDER SELECTION - PROJECT MANAGER EAST KIMBERLEY REGIONAL AIRPORT UPGRADE. (8742)

DATE:	21 July 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:	66.57.05, 61.35.05
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider a Recommendation from its Airport Committee in relation to the appointment of external Project Management for the East Kimberley Regional Airport Terminal Expansion Project.

BACKGROUND

The request for Tender was contracted and run by the WALGA Tender Bureau Service. Tenders were advertised in the West Australian newspaper 11 April 2009. Tenders closed 12 May 2009.

STATUTORY IMPLICATIONS

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

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

11. Tenders to be invited for certain contracts

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

External funding of \$5M is secured for this project through the Australian Governments National Building program and East Kimberley Development project.

Final project costs will not be known until the Project Manager prepares final development plans, and submits these to Council with Quantity Surveyor estimates.

Additional funds from Council's Airport Reserve Fund and or a loan maybe required.

STRATEGIC IMPLICATIONS

Airport statistics show that the usage of the East Kimberley Regional Airport Terminal is increasing. Additionally the strategic outlook to encourage interstate and international jet services requires a terminal building with a greater capacity to cater for the needs of the travelling public.

COMMENT

The Airport Terminal Re Development will be a complex construction project, in particular because the terminal will need to continue to function and served the public while construction occurs. These complexities and the increase Shire workloads with the East Kimberley Development package warrant engagement of skilled project management with experience in this type work.

The tender includes requirements to:

- develop project timeline detail/milestones for Council approval (including details of staging of project to allow airport operation to continue with minimal disruption)
- commission final plans
- present final plans to airport stakeholders
- undertake quantity surveys
- develop a detailed budget for project
- develop tender specifications for construction
- call tenders
- project manage the construction process to handover on completion.
- Sign off on final project

The recommended tenderer has considerable regional experience, knows the Kimberley aviation landscape well and represents value for money.

WALGA and the Shire CEO independently assessed tenders against the tender criteria.

ATTACHMENTS

Recommendation Report – WALGA Tender Bureau Service

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the Airport Committee considers the tender recommendations from WALGA Evaluation Panel.

COMMITTEE RESOLUTION

Minute No AP 101

Moved: Cr K Wright

Seconded: Cr P Caley

The Airport Committee recommends to Council to award Tender T05-08/09 Project Management of the East Kimberley Regional Airport Expansion Project to Forte Airport Management at the tendered sum of \$124,490 excl GST.

Carried Unanimously: 3/0

COMMITTEE RECOMMENDATION

That Council award Tender T05-08/09 - Project Management of the East Kimberley Regional Airport Expansion Project to Forte Airport Management at the tendered sum of \$124,490 excl GST.

COUNCIL DECISION

Minute No. 8742

Moved:Cr K Wright

Seconded:Cr P Caley

That Council award Tender T05-08/09 Project Management of the East Kimberley Regional Airport Expansion Project to Forte Airport Management at the tendered sum of \$124,490 excl GST.

CARRIED UNANIMOUSLY: (6/0)

Peter Stubbs tabled an email received from one of the tenderers advising that the email does not change the officer recommendation.

At 6:11 pm Cr D Ausburn arrived at meeting before decision

RECOMMENDATION REPORT



Request for Tender:	PROJECT MANAGEMENT OF THE EAST KIMBERLEY REGIONAL AIRPORT TERMINAL EXPANSION PROJECT
RFT Number:	T05-08/09

1. INTRODUCTION

1.1 TITLE

The Shire of Wyndham – East Kimberley is seeking a Consultant to provide Project Management services for expansion of the East Kimberley regional airport terminal.

1.2 SCOPE

The successful Tenderer will be required to coordinate the activities of the airport upgrade/expansion project from its inception to the final completion of the project. The Principal anticipates that Tenderers will undertake, stakeholder consultation, commissioning of final plans, preparation of specifications for tendering purposes, and manage the construction process until practical completion.

The Works under this Contract generally compromise of, but not limited to;

- Develop a project schedule for implementation;
- Identification of and engagement of professional consultancy services;
- Undertake consultation with key stakeholders and the community;
- Coordination of professional consultancy services;
- Manage and develop a budget in conjunction with the Principal
- Present a completed specification and plans to the Principal for approval;
- Conduct evaluation of Contractors Tender submissions for the Construction phase of the project; and
- Perform Superintendant duties during the Construction phase;

1.3 CONTRACT PERIOD

The Contract shall be for a period from the commencement date nominated in the Letter of Engagement until the end of the Defects Liability Period.

1.4 ADVERTISING DETAILS

The Request for Tender T05-08/09 Project Management of The East Kimberley Regional Airport Terminal Expansion Project was advertised as follows:

(a) The West Australian – 11th April 2009



**REQUEST FOR TENDER
No: T05 - 08-09**

**PROJECT MANAGEMENT OF
THE EAST KIMBERLEY
AIRPORT TERMINAL
EXPANSION**

The Shire of Wyndham - East Kimberley is seeking Tenders from suitably qualified and competent Tenderers for the provision of Project Management Services for the airport expansion project.

Request for Tender documents are available from www.tenderlink.com/walga/. Further information may be obtained from Craig Grant on (08) 9213 2037.

Tenders may be submitted by hand into the Tender box located at the Reception Area (Ground Floor) 15 Altona Street West Perth 6005 or via mail to 15 Altona Street West Perth 6005.

The Deadline for tenders to be submitted is 2:00pm (WSDT) Tuesday 12 May 2009.

All or any tenders are not necessarily accepted. Canvassing of Elected Members will disqualify.

**Peter Stubbs
Chief Executive Officer**

1.5 TENDERER'S NAME

Submissions were received from:

- a) Meinhardt Australia Pty Ltd
ABN: 55 004 899 772;
- b) VDM (WA) Pty Ltd
ABN: 59 009 351 400;
- c) Coffey Projects (Australia) Pty Ltd
ABN: 65 092 167 970;
- d) Davis Langdon Australia Pty Ltd
ABN: 40 008 657 289;
- e) GHD Pty Ltd
ABN: 39 008 488 373;
- f) Opus International Consultants
ABN: 89 096 110 262;
- g) Engenium
ABN: 52 105 152 994;
- h) Point Project Management Pty Ltd
ABN: 97 117 883 173;
- i) Emerson Stewart Pty Ltd
ABN: 53 115 673 231;
- j) ARUP Pty Ltd
ABN: 18 000 966 165;
- k) West Cape Pty Ltd
ABN: 63 112 677 960;
- l) Thinc Projects Australia Pty Ltd
ABN: 88 123 154 585;
- m) Incoll Management Pty Ltd
ABN: 66 093 516 619;
- n) Forte Airport Management
ABN: 30 132 287 723.

1.6 PARTICIPANTS

An Evaluation Panel was established by the Tender Bureau Service of WALGA in order to assess each submission.

Details on members of the Panel are contained within the table below.

Name	Position/Role
Geoff Alcock	Business Development Coordinator - WALGA
Craig Grant	Business Management Coordinator – WALGA
Anna Stoykov	Administration Officer - WALGA

2 SELECTION CRITERIA AND RATING SCALE

2.1 COMPLIANCE CRITERIA

(a)	Completion of Tenderers Offer (Including the Price Schedule and Offer Form and Tenderer Information Form)	Tenderers are to address this criteria and label it Attachment 1 Completion of Tenderers Offer.
(b)	Compliance with the Conditions of Tendering	Tenderers are to address this criteria and label it Attachment 2 Conditions of Tendering.
(c)	Compliance with Specification	Tenderers are to address this criteria and label it Attachment 3 Specification.
(d)	Corporate Information <ul style="list-style-type: none"> • Advise if agent or a trust for another party. • Provide evidence as to ability, if awarded the Contract, to fulfil the Requirements from your own resources or from resources readily available to you. • Provide details of a minimum of two referees including their Name, Position, Company, Address and contact Telephone Number • Ability to commence on the Principal's commencement date. 	Tenderers are to address this criteria and label it Attachment 4 Corporate Information.
(e)	Financial Position <ul style="list-style-type: none"> • Tenderer to confirm ability to pay all debts in full as and when they fall due, and • Advise of any current litigation as a result of which you may be liable for \$50,000 or more. 	Tenderers are to address this criteria and label it Attachment 5 Financial Position.
(f)	Conflict of Interest <ul style="list-style-type: none"> • Will any actual or potential conflict of interest in the performance of your obligations under the Contract exist if you are awarded the Contract, or are any such conflicts of interest likely to arise during the Contract? 	Tenderers are to address this criteria and label it Attachment 6 Conflict of Interest.
(g)	Insurance <ul style="list-style-type: none"> • Provide evidence of current insurance coverage that meets the Requirements of this Request. 	Tenderers are to address this criteria and label it Attachment 7 Insurance.

2.2 QUALITATIVE CRITERIA

A) Organisation Capabilities

Tenderers must, as a minimum, address the following information in an attachment and label it "**Attachment 8 Organisation Capabilities**":

- Organisations to demonstrate industry-recognised qualifications;
- Provide evidence of recent experience with contracts of similar size and scope displaying high quality outcomes;
- Tenderers are to also include the percentage of operational capacity represented by this work;
- Provide scope of the Tenderer's involvement including details of outcomes;
- Provide details of each project including, building and construction details and project budget;
- Provide details on anticipated timelines including the number and timing of site visits.

B) Key Personnel

Tenderers must, as a minimum, address the following information in an attachment and label it "**Attachment 9 Key Personnel**":

- Nominate key personnel to be involved in this Contract;
- Provide relevant industry experience, current qualifications and registrations of the key personnel;

C) Performance

Tenderers must, as a minimum, address the following information in an attachment and label it "**Attachment 10 Performance**":

- The ability to supply and sustain the necessary technical resources, staff and equipment;
- Quality and standard of work;
- Ability to adhere to the Principal's timelines;
- Provide details as to how you will meet the Requirements of this Request.
- Any other issues or matters which will maximise the net benefit of the Services to the Principal and community

2.3 PRICING

The non-weighted cost method was used to assess the pricing structure of the Tenderers submissions. This method takes into consideration functions such as capacity; quality, transitional and adaptability are seen to be crucial to the outcome of the contract. The evaluation panel will make a series of value judgements based on the capability of the Tenderers to complete the Requirements and a number of factors will be considered including:

- (a) the qualitative ranking of each Tenderer; and
- (b) the pricing submitted by each Tenderer.

Once the Tenders have been ranked, the evaluation panel will make a value judgement as to the cost affordability, qualitative ranking, and risk of each Tender, in order to determine the Tender, which is most advantageous to the Principal.

The tendered price will be considered along with related factors affecting the total cost to the Principal e.g. the lifetime operating costs of goods or the Principal's contract management costs may also be considered in assessing the best value for money outcome.

2.4 RATING SCALE

Ratings for the evaluation were from 0 through to 10 and represent the following descriptions:

- 10 Outstanding offer, greatly exceeds criterion
- 8 Very good offer, exceeds criterion
- 6 Good offer, no deficiencies, meets criterion
- 4 Fair offer, few deficiencies, almost meets criterion
- 2 Marginal offer, some deficiencies, partly meets criterion
- 0 Inadequate offer, many deficiencies, does not meet criterion

3 EVALUATION METHODOLOGY

3.1 COMPLIANCE CHECK

A compliance check was conducted by the Evaluation Panel to identify submissions that were non-conforming with the immediate requirements of the Request. This included compliance with contractual requirements and provision of requested information.

It was found by the panel that the following submissions were deficient in the following areas:

- **VDM**
 - The Tenderer did not provide information if they are an agent or a trust for another party;
 - No details of Tenderer's ability to fulfil the requirements of their own resources and to commence on the Principal's commencement date were found;
 - The Tenderer did not provide information if they have any current litigation.
- **GHD**
 - No information of the amount of insurance coverage was given. The Tenderer stated that they will provide copies of the insurances upon request.
- **OPUS**
 - No information if the company is an agent or a trust was found.
- **PPM**
 - The Tenderer did not provide information if they have any current litigation.
- **Emerson Stewart**
 - No details of their ability to fulfil the requirements from their own resources were given.
 - The Professional Indemnity insurance coverage is \$5,000,000 while \$10 million RFT requested.
- **West Cape**
 - The Professional Indemnity insurance coverage is \$5,000,000 while \$10 million RFT requested.
- **Incoll**
 - No information if the company is an agent or a trust was provided.

The remaining submissions were found to be fully compliant with the compliance criteria assessment on the basis that all terms and conditions and mandatory requirements of the Request for Tender had been met.

Those tender submissions which were found to be partially non compliant were processed through to qualitative criteria assessment on the basis of maintaining a competitive process.

3.2 QUALITATIVE CRITERIA ASSESSMENT

The qualitative criteria assessment was carried out by the Evaluation Panel with the Evaluation Panel scoring the submissions according to the evaluation criteria as established in the Request for Tender.

MEINHARDT AUSTRALIA PTY LTD

A) Organisational Capabilities

Meinhardt have 50 years experience in engineering/design services across a range of sectors such as:

- Aviation
- Urban Land Development
- Transport (Road & Rail)
- Leisure & Recreation
- I.T. & Communication
- Institutional & Community
- Infrastructure
- Industrial
- E.S.D.
- Environmental
- Defence
- Buildings
- Retail
- Health
- Education.

Meinhardt has 300 staff in Australia as part of a Joint Venture Company, Meinhardt Airey Pty Ltd, based in Perth. 25 employees work in their Project Management Team and three of them were nominated for this Request.

Meinhardt's aviation market sector represents approximately 15% of their work and their experience includes the following sectors:

- Heavy and Light maintenance hangars;
- Engine overhaul facilities;
- Flight simulation centres;
- Avionics overhaul facilities;
- Airport terminal buildings;
- Airline headquarters;
- Aircraft runways and taxiways;
- Airport support services infrastructure.

Aextensive list of aviation Projects was provided as evidence of their sector experience.

The Tenderer proposed 10 months for Pre-Construction period and 1 year for the Construction. A total of 2331 working hours and 35 site visits were proposed.

B) Key Personnel

Three Key Staff who will manage the Project from the Brisbane office were appointed for this Request.

Nick Bamber – Project Director. Nick will be responsible at a senior management level for:

- Overall implementation of the Project;
- Coordination of planning and design;
- Resources allocation;
- Business financial management and project financial control;
- Program control to ensure delivery of the Project within the approved budget and timelines.

Nick is a mechanical engineer and a member of The Institute of Engineers Australia, Institute of Mechanical Engineers UK and has a National Professional Engineers Registration. Provided CV demonstrated Nick's experience in conducting the Projects of similar size and scope. He was Project Manager for during construction phase of Domestic Terminal Redevelopment – Cairns Airport.

Manfred Bretterecker – Senior Project Manager will be responsible for:

- Implementation of project;
- Coordination of planning and design;
- Financial management and control;
- Ensure the delivery of the project within the approved budget and timelines;
- Project status reporting;
- Preparation of tender and contract documentation;
- Undertaking regular site visits
- Undertake site visit and site sign off on completion of project

Manfred has a Master degree in Project Management and a Bachelor of Electrical Engineering. Detailed CV which evidences his experience and qualifications was attached.

James Morrison – Project Manager, responsible for:

- Assisting a Senior Project Manager for the implementation of the Project;
- Assist with coordination of planning and design;
- Undertaking regular site visits during construction;
- Resolving day to day construction issues;
- Coordinating interface between multiple on site contractors

A CV was provided on the proposed key personnel.

The proposed team will have a backup administrative, CAT and technical support.

C) Performance

The Company stated that the remoteness of the Kununurra site does present some challenges, but Meinhardt has specific experience when it comes to managing projects in remote locations. The described into the submission aviation projects, were managed remotely.

The Tenderer described some key advantages such as:

- Skilled and experienced in a range of aviation projects key personnel;
- Fully resourced offices;
- Proved track record;
- Strong project management team;
- Total in house control;
- Technical and managerial focused project management team;
- Strong specialist services capability;
- Experience with regional locations, remote locations and national clients.

Meinhardt Pty Ltd is certified under ISO9001 – 2001 for internal quality assurance and procedures. Copies of the Certificate and quality policy statement were provided.

A specific quality plan will be developed for the Project in accordance to Meinhardt Quality System documentation.

The Company have delivered over 60 aviation projects world wide and stated that have a proven track record of successful project delivery. They also use ACONEX – web based online project information and control system, Project Centre, Project Web which are similar to ACONEX.

The proposed price for the implementation of the Project is as follows:

Description of Project Component	Meinhardt
Development of the project schedule	\$32,891.00
Identification and engagement of professional consultancy services	\$22,709.00
Consultation	\$43,805.00
Preparation of Construction Tender documentation and awarding contract	\$60,300.00
Administration of construction contract	\$236,456.00
Total Exc GST	\$396,161.00

VDM WA PTY LTD

A) Organisational Capabilities

The Company did not provide evidence for industry recognised qualifications. The following Projects were presented by VDM as to demonstrate their experience: Mt Newman Airport Facilities; The Company was responsible for tender documentation, development Application and Concept Design of main airport building.

- Boddington Bauxite Mine HV Washdown – Coordination of the Civil and Structural Engineering, Architectural Design, Mechanical Services, Electrical, Control Systems and Environmental Science Services. VDM was also responsible for the production of "for construction" design documentation.
- Darwin Biodiesel & Glycerine Refinery – was responsible for the management of design coordination and documentation of all refinery infrastructure. VDM was commissioned as Project Superintendent with regards to all contracts in place between the Client and their primary contractors and associated sub-contractors.
- Evolution Yachts Henderson. VDM was responsible for coordination and documentation of architectural design including civil and structural engineering.
- Utah Point Berth Project, Port Hedland (stockyard). No details provided as to their role.

VDM did not provide information of intended timelines and site visits.

B) Key Personnel

Jean Claude, Manager WA. Jean has a Diploma of Project Management and Bachelor Degree in Structural Technology with Professional Registration (TECH)ENG(ECSA) 9970062. His areas of expertise include Project management – Design and Construction and Contract superintendence AS2124 - AS4000. Jean has 25 years of experience in construction industry. He has experience in project management but none of the demonstrated Projects was for aviation industry.

Max Naismith – Senior Project Manager with BEng UWA Civil/Structural Engineering qualification. His area of expertise is Project Management. Max demonstrated 36 years of experience in State Government in various engineering roles. None of the demonstrated experience is in aviation industry.

No information about their role in the Project was given.

C) Performance

VDM did not provide details on their ability to sustain personnel and equipment. However an organisational chart was provided detailing the VDM Group. This chart suggests that they would have the necessary resources to conduct the Works.

The Tenderer have in-house Quality System based upon the requirements of AS/NZ ISO 9001:2000. However they did not provide details on how they will achieve quality standards for Project implementation. They provided a timeline chart and proposed a total of 1540 hours and 9 site visits.

The proposed price for the required services is as follows:

Description of Project Component	VDM
Development of the project schedule	\$6,400.00
Identification and engagement of professional consultancy services	\$17,200.00
Consultation	\$22,400.00
Preparation of Construction Tender documentation and awarding contract	\$62,400.00
Administration of construction contract	\$222,400.00
Total Exc GST	\$330,800.00
Provisional Sums Travel and accommodation	\$0.00
Provisional Sums Defect Liability	\$0.00
Expenses	\$0.00

COFFEY PROJECTS AUSTRALIA PTY LTD (Coffey Projects)

A) Organisational Capabilities

Coffey Projects is a subsidiary of Coffey International Ltd. The Company has 30 full-time project management staff and their office is based in Subiaco WA.

The Company has received awards for previous projects from 1997 to 2008. Some awards appear to have relevance to this tender. However no supporting information as to why award was won was provided.

The Tenderer provided several certificates and some of them may have relevance to this project.

The information provided to evidence Company's experience is as follow:

- Perth International Airport - Redevelopment of forecourt area. Project management services were provided.
- Qantas business class lounge redevelopment and redevelopment of international lounge - full project management services.
- Various works at Perth Airport - full project management services.
- Ocean Reef Marina - full project management services.

In addition 5 other airport projects were demonstrated.

Coffey Projects has 30 full time project managers and a chart indicating individuals' capacity was provided. The Tenderer stated that may start the work on 8 June 2009. The finalisation of the Project was defined as 3 February 2012.

B) Key Personnel

Four staff was appointed for the implementation of this project.

Randall Wells - Project director with 20 years of experience. He has Bachelor of Science Degree and Bachelor of Commerce (Honours), Business Economics. Randal is Registered Engineer and Registered Construction Management Professional.

He has experience in Project management but no specific experience in aviation industry was demonstrated.

Toby Schraer - Project manager with 5 years of experience. He is a Bachelor of Property Economics and has Certificate IV in Project Management. Toby also is a Certified Internal QA auditor and Green star Accredited Professional. He was working as a Project Manager for Perth Airport Terminal 1 Forecourt Redevelopment.

Wayne Becker – Assistant Project Manager with 6 years of experience. He has a Diploma in Civil Engineering and in Project Management. He was a Project Engineer for construction of new concrete bridges to form part of the Johannesburg International Airport's entry.

Simon Dumergue – Project Manager with 4 years of experience. He is Bachelor of Property and has Post Graduate Diploma in Construction Management. Simon has experience as a Project Manager for the expansion of maintenance and storage facilities at Hamilton International Airport – New Zealand and for Installation of SmartGate and associated works at Perth International Airport.

No details on the individual roles of the appointed personnel were provided.

C) Performance

Coffey Projects has in-house Project Management Model which addresses all the relevant discipline areas within Project Management and marrying these up with the relevant Stages of a typical project. A Chart of the Model was provided.

Coffey Projects use Share Point for their document control and for Project management. The system is accessible 24 hours for the Employees and may be made accessible for clients. For cost control purposes Company has their in-house system – ProjX.

Their Project Management System is reflecting the requirements of AS/NZS ISO 9001:2000.

The presented timeline for this project is between 8 of June 2009 and 3 of February 2012 with total of 1281 hours and 39 site visits.

The proposed price for the required services is as follows:

Description of Project Component	Coffey Projects
Development of the project schedule	\$9,499.00
Identification and engagement of professional consultancy services	\$28,273.00
Consultation	\$56,699.00
Preparation of Construction Tender documentation and awarding contract	\$16,109.00
Administration of construction contract	\$187,398.00
Total Exc GST	\$297,978.00

DAVIS LANGDON AUSTRALIA PTY LTD (Davis Langdon)

A) Organisational Capabilities

Davis Langdon is a Major Corporate Member of Australian Institute of Project Managers. The Company has a Certified QA System and is part of the following panels:

- Department of Treasury and Finance – Building Management and Works;
- City of Joondalup;
- Mindarie Regional Council; and
- City of Rockingham;

They are currently providing a project management services to City of Subiaco and City of Cockburn. The details of projects being conducted were not provided.

The Company provided extensive list of previous projects related to aviation industry for which they conducted the Project Management. Some of these Projects are listed below:

- Airport Hilton Hotel, Melbourne. The company was responsible for the provision of Cost Management/Quantity Surveying/Project Management Services;
- Hardened and Networked Army. They was responsible for all aspects of Project Management;
- DMO Defence Relocation Project. The Company provided Project Management for the Refurbishment of Victoria Barracks offices;
- Terminal 2 Sydney Airport - Redesign and replace existing two level complexes to three levels.
- Gate Gourmet Flight Kitchen Perth. The services provided were Cost Planning Management Services.
- 1st Aviation Regiment. The services provided were Cost Planning Management Services.
- Darwin International Airport Hotel. The Company was in the role of Quantity Surveyor;
- 150 St Georges Terrace – Project Management for the extension of the Commonwealth Bank tenancy.

The Capacity of the Tenderer currently utilised for other projects is 65%. They have 220 hours per month capacity and current load 145 hours per month.

They stated that have the ability to commence at June 2009 and to complete the Works in July 2013. The total hours proposed is 1480 with 34 site visits.

B) Key Personnel

James Martin - Project Leader – Project Lifecycle. He is Bachelor of Science (Honours), MAPM MAIPM with 10 years of experience. Within the company he is a WA State Manager since 2006.

He has experience in client-side management of different projects. However no demonstrated experience in aviation industry was found.

Denise Acha - Project Manager – Definition/Delivery Stages. She is IENG MICE and a Member of the Civil Institute of Engineers. Denise was a project Manager for the extension of the SAS Radison Hotel at Manchester Airport.

Tina Edwards - Contract administrator – Delivery Stages. Tina has a Graduate Certificate in Project Management and HNC in Building Studies. She has 8 year of experience in construction but no experience in aviation industry was demonstrated.

Jared Toms - Assistant project manager – Delivery Stages. He is a Bachelor Construction, Management and Economics with Honours. Jared works in Darwin office and has a Green Star Accreditation. No experience in aviation industry was evidence.

Alex Gildea will provide technical support during definition stages. She is a Bachelor of Science and has a Post-Graduate Diploma in Quantity Surveying. Alex works in Victoria's office and has 20 years of experience in construction industry including some experience in aviation industry.

C) Performance

The Company proposed detailed methodology which includes identifying key milestones and reviewing to clarify the objectives and required outcomes of the project. This will enable further risk assessment, allocation of resources and development of project lifecycle.

David Langdon have a certified formal quality system complies with AS3902 and ISO 9002:2000. They also use AS 4360 Risk Management Standard for risk assessment as a framework.

Details on how they will address each stage of the works and project responsibilities program were included.

The proposed price for the required services is as follows:

Description of Project Component	Davis langdon
Development of the project schedule	\$11,000.00
Identification and engagement of professional consultancy services	\$22,000.00
Consultation	\$11,000.00
Preparation of Construction Tender documentation and awarding contract	\$150,000.00
Administration of construction contract	\$78,000.00
Total Exc GST	\$272,000.00
Provisional Sums Travel and accommodation	\$0.00
Provisional Sums Defect Liability	\$0.00
Expenses	\$0.00

GHD

A) Organisational Capabilities

GHD is an international company which serves in different market sectors such as Transportation, Buildings, Property, Water, Environment, Energy and Resources. The Company is a Member of the Australian Airports Association, Air Services Professional Services Pane and the Australian Institute of Project Management.

They are on panels for:

- Department of Housing and Works;
- Water Corporation;
- Department of Defence;
- Attorney Generals Department;
- Landcorp;
- Main Roads WA;
- Fremantle Port Authority;
- City of Wanneroo;
- City of Joondalup; and
- City of Gosnells

The Company have an industry recognised Quality Assurance. Part of their specific airport experience is listed below:

- Al Ain Airport Expansion – GHD has been responsible for the Design and Construction supervision.
- Abu Dhabi International Airport - Design and Construction Supervision;
- Ceduna Airport Terminal - Undertake master planning of aerodrome and terminal building;
- Griffiths Terminal Building - Undertake master planning of aerodrome and assessment of the redevelopment of the terminal building;
- Gold Coast Terminal Extension - Undertake planning, management and the extension to Terminal 2;
- Meteorological facility Melbourne and Perth Airports - no details as to their role was provided.

This project would represent a very small workload across WA. The Company have over 5000 professionals available around Australia.

The proposed timeline did not specified dates however the Tenderer stated that have the necessary resources to commence the work in the middle of June 2009. The stages were proposed as follow:

- Stakeholder consultation and project development - 24 weeks;
- Internal client review - 4 weeks;
- Tender process - 4-6 weeks;
- Tender assessment and award - 4 weeks;
- Construction phase - 6-9 months;

The total of 2160 hours and 27 site visits were proposed.

B) Key Personnel

Ian Nelligan - Project Director. He will oversee operation of the GHD team and will be available for consultation with the Principal and stakeholders if required. He will be responsible for the timely provision of deliverables and quality assurance but will not manage the Project on a day-to-day basis. No details of his qualifications and experience were provided.

Peter Tilley – Project Manager. Peter will be the direct line of communication between the Principal and GHD. He is a Bachelor of Architecture and Project Management Professional. He was a Project Manager for the Design phase of the terminal building component of the new Tom Price Airport.

Simon Scott – Assistant Project Manager. He has a Masters Sci & Tech – Aviation Management UNSW and works as a Aviation Consultant. Simon has been involved in various aircraft apron works.

Navneet Kaur – Project Controls. She is a Civil Engineer and has a experience in Project control engineering for:

- Engineering Design (FEED and detailed engineering) and Procurement services for reutilisation of Hawaila Bornemann MPP at Buhasa RDS;
- Bab Gas Lift Pilot Project, Abu Dhabi;
- Inter Refineries Pipeline Project, Abu Dhabi;
- Nuclear power plant, India.

George Ling – Superintend Representative. He is a Civil Engineer and has 22 years experience in design, management and construction supervision of infrastructure and building projects.

The following Technical Advisory Team was appointed to provide a key review role for GHD's design and delivery team.

Tim Chapman is a Technical Advisor – Aviation. He has a Masters of Business Administration, Masters of Science and is a Bachelor of Engineering. Demonstrated experience in aviation industry projects.

Stephen Prasser – Senior Project Manager Aviation. He is a Bachelor of Engineering, Microelectronics and has a Diploma of Project Management and Graduate Diploma of Business Administration. Stephen demonstrated experience in aviation industry.

Paul Murphy is a Civil Engineer and Security Consultant.

Eric Postmus was appointed as a sub-consultant responsible for quantity survey and cost planning.

It was stated that GHD has worked on a number of projects with Eric over the last ten years and their working relationship is strong.

C) Performance

GHD state that they have backup personnel with equal experience for the nominated key personnel.

They have an in-house knowledge management system for maintenance and retrieval of information. Servers are secure and duplicate copies of archived and backup material are kept off site.

The Company Operates under a quality management system which is third party certified – Certificate Number MEL 924008 AS/NZS ISO 9001:2000. A Copy of Certificate was provided. However the Certification expired in December 2004. GHD also have an Environmental Management System.

A detailed methodology was provided in Attachment 3 on pg. 3 of their Submission.

The proposed price for the required services is as follows:

Description of Project Component	GHD
Development of the project schedule	\$88,993.00
Identification and engagement of professional consultancy services	\$19,883.00
Consultation	\$48,142.00
Preparation of Construction Tender documentation and awarding contract	\$53,604.00
Administration of construction contract	\$138,269.00
Total Exc GST	\$348,891.00
Provisional Sums Travel and accommodation	\$30,000.00
Provisional Sums Defect Liability	\$24,486.00
Expenses	\$0.00

OPUS INTERNATIONAL CONSULTANTS (PCA) LTD (OPUS)

A) Organisational Capability

Opus is an international company with offices in Perth, Bunbury and Albany. The company is a member of the Association of Consulting Engineers Australia.

They employ 40 staff in Western Australia. They have provided various consultancy services to:

- Local Authorities;
- Main Roads WA;
- Department of Environment and Conservation;
- Private Developer;
- Department of Housing and Works;
- Port Authorities; and
- Private Industry (APEC, CBH, FMG, GSP).

OPUS is on panels for:

- Water Corporation;
- City of Armadale;
- City of Fremantle;
- City of Perth; and
- City of Gosnells;

They have provided project management services for:

- Brisbane Airport - Concept development of structural jacking;

- Port of Brisbane – several projects was listed. The Company was responsible for project management and civil engineering components of the projects.
- Home valley station - Stage 1 Construction of buildings, Stage 2 design and document preparation;
- Wudapuli Nama Housing Project. They were responsible for project management, design and supervision.

The required services will represents approximately 1% of OPUS operational capacity.

A Total of 2985 hours were proposed but the number of site visits is unclear.

B) Key Personnel

Four staff was appointed for this Project. All of them have formal engineering qualifications.

Michael Skeggs – Project Manager. He has 9 years experience on a various building projects, road works and civil engineering works. Demonstrated experience in Project Management including some for the Phase 2 of the Sydney Airport Development.

Andrew Ellet, Bunbury Business Manager. He has 17 years experience in Infrastructure projects. His skills cover:

- Project Management;
- Contract Administration;
- Construction and Resource Management; and
- Remote Area Logistic and Project Coordination.

No experience in aviation industry was demonstrated.

Scott Curran – Superintendent with 25 years experience in various civil engineering and construction works. No experience in airports projects was found.

David Beasley – Superintendent. He is based in Albany's office. David was Contract Manager for Sudanese Airport Infrastructure. No other experience in aviation industry was found.

C) Performance

The Tenderer stated that they have additional personnel available to assist the team appointed for this Project.

OPUS is AS/NZS ISO 9001 Certified and has their Quality Management Policy. They stated that have the ability to meet deadlines as provided. However no timeline schedule was attached. A methodology was provided detailing how they will undertake the works.

The proposed price for the required services is as follows:

Description of Project Component	OPUS
Development of the project schedule	\$27,600.00
Identification and engagement of professional consultancy services	\$183,900.00
Consultation	\$33,200.00
Preparation of Construction Tender documentation and awarding contract	\$36,700.00
Administration of construction contract	\$269,700.00
Total Exc GST	\$551,100.00

ENGENIUM PTY LTD (ENGENIUM)

A) Organisational Capabilities

Enginium is a project management and engineering company. They have Project Management Systems:

- Project Management/Control Process and Procedure;
- Project Management processes based upon PMBOK (Project Management Book of Knowledge) system;
- CMS for cost, contract and construction management control;
- MS Project or Primavera;
- Enginium Engineering Management System (EEMS) for man-hour management, productivity and reporting of engineering deliverables;
- In-house procurement and contract management system;
- Enginium QMS aligned with ISO9001.

Enginium have recently completed or are currently managing the following projects:

- BHPB Iron ore – RGP 5&6 Port Hedland Works – ongoing; The Company is responsible for Project Management, Detailed Design, Procurement and Contracts support and Construction Management support.
- Rio Tinto – JSE Yandi expansion infrastructure works – completed. The Company is responsible for Project Management, Detailed Design, Procurement and Contracts support and Construction Management support.
- National J – Carpark Redevelopment – completed. Provided Services – Project Management. Etc.

No experience in aviation industry was demonstrated.

The Company stated that they have the ability to commence in June 2009 with end date in March 2011.

A total of 4157 hours and 21 site visits were proposed.

B) Key Personnel

Three staff was appointed to conduct the required services.

Connell Maskrey – Project Manager with 14 years experience. He is CPEng, MTech (Project management), BE (Mechanical/Electrical) Honours.

Jacelyn Scadden - Contracts Officer with 5 years experience. She has undertaken various courses. However no formal qualification was evidenced.

Geoff Gourlay - Construction Superintendent with 15 years experience. He has Certificate IV Business (Front Line Management) and is a licensed plumber and gasfitter.

None of the proposed consultants evidenced experience in projects for the aviation industry.

C) Performance

The Company currently have 75 personnel with 65% employed on contract with others on hourly arrangement.

Engenium stated they will match Client's budget and internal quality requirements and that their standard of work is high. However no details of any Quality Systems were given.

A brief methodology was provided outlining how they will conduct the required works.

The proposed price for the required services is as follows:

Description of Project Component	Engenium
Development of the project schedule	\$13,275.00
Identification and engagement of professional consultancy services	\$22,755.00
Consultation	\$91,115.00
Preparation of Construction Tender documentation and awarding contract	\$44,160.00
Administration of construction contract	\$455,940.00
Total Exc GST	\$627,245.00
Provisional Sums Travel and accommodation	\$0.00
Provisional Sums Defect Liability	\$0.00
Expenses	\$125,810.00

POINT PROJECT MANAGEMENT PTY LTD (POINT)

A) Organisational Capabilities

The Company is a Member of Green Building Council of Australia and of Australian Institute of Project Management.

They have Certified Practising Project Director and Certified Practising Project Manager qualifications with Australian Institute of Project Membership.

Point was awarded for:

- Winner 207 ACT/NSW Small Business Champions Award for Professional Services;
- Winner 2008 Canberra Business Point Award for Personnel Growth In Companies;
- Finalist 2008 Property Council Innovation & Excellence;
- Finalist Ernst And Young Entrepreneur of The Year;
- Engineers Australia, Finalist Engineering Excellence; and
- 2008 Australian Institute of Project Management Achievement Awards.

Department of Defence has recommended Point as an endorsed supplier of services to all components within the Department.

Point is also recognised in industry on the following panels and relationship:

- Civil Aviation Safety Authority;
- Airservices Australia;
- Brisbane Airport Corporation;
- Australian Customs Service;
- Australian Maritime Safety Authority;

- Australian Hearing;
- Spotless;
- Centrelink;
- Department of Education, Employment and Workplace Relations;
- Defence;
- Comcare;
- National Capital Authority;
- Department of Families, Housing, Community Services and Indigenous Affairs; and
- Department of Human Services.

Opus demonstrated experience in similar projects such as:

- Brisbane Airport Corporation Interim Works – administer the construction and provision of superintendency services;
- Melbourne Airport Runway Widening – Project Management for the design, staging and construction;
- Melbourne Airport Strategic Terminal Expansion Project – Project Management for the initial design and conceptual costing;
- Melbourne Airport Checked Baggage Screening Project – Project Management for the design, staging and construction;
- Melbourne Airport Retail and other expansion Projects – Project Management for the design and construction;
- Northern Territory Emergency Response Community Clean Up Program – Program and Project Management for the deployment of trade teams;
- Defence HQ DSTO Fitout Project – Project Management for the design and fit-out;
- Australian Maritime Safety Authority Housing Port Hedland Project – Project Management for the Design and Construction of housing;

A timeline schedule of the current commitments for these works was provided.

B) Key Personnel

A proposed team includes Perth based Project Manager and Kununurra based Project Supervisor.

Brendan Bilston – Project Champion, responsible for overseeing the relationship between Point and WALGA and the Principal. Brendan has Masters in Engineering Science and Project Management, Bachelor of Civil Engineering. He has evidenced his experience in the aviation industry.

Peter Mulvey - Project Director. He is a Bachelor of Science – Construction Management and has Masters of Business Administration. Peter is based in Melbourne and has experience as a Project Manager/Team Leader. He had a lead role in:

- International Checked Baggage Screening Project – Melbourne Airport;
- South Terminal Baggage Reclaim - Melbourne Airport;
- Stage 1 and 2 Airside retail re-development - Melbourne Airport.

Bart de Jong – Project Manager. He has a Bachelor of Science – Building. He has extensive experience in project management but no Project was specified or described.

Benjamin Perry – Peer Review. He is based in Queensland and has a Bachelor of Civil Engineering, Masters of Engineering Science – Project Management. Ben was Project Director for Brisbane Airport Corporation Domestic Terminal Enabling Works and Superintendent for Brisbane Airport Corporation Domestic Terminal Interim Works.

Chris McLaughlan - Assistant Project Manager, based in Perth.

C) Performance

The company has backup personnel avail to support or replace the initial personnel. They also are capable to ensure additional staff such as Architect, Mechanical Services Consultant, Electrical Services Consultant, Hydraulics Consultant etc. if required.

The Company has JAS-ANZ accredited Integrated Management System which incorporates AS/NZS ISO 9001:2000, AS/NZS 14001:2004 and AS/NZS 4801:2001. Copies of Certificates were provided.

The proposed price for the required services is as follows:

Description of Project Component	PPM
Development of the project schedule	\$4,058.00
Identification and engagement of professional consultancy services	\$10,657.00
Consultation	\$30,619.00
Preparation of Construction Tender documentation and awarding contract	\$21,480.00
Administration of construction contract	\$88,654.00
Total Exc GST	\$155,468.00

EMERSON STEWART PTY LTD (Emerson)

A) Organisational Capabilities

The Company stated that they have in-house capabilities to provide the required services. They have the availability of airports experts and in-house architectural and engineering fields, accredited Dispute Arbitrator, Mediator and Adjudicator. The proposed team has experience in conducting works in remote locations.

Emerson can provide high level aviation advice through an alliance consultant James Camier. He has 30 years experience in the planning, design, operation and management of major airport projects with a particular focus on Master Planning, feasibility Studies and terminal Concept studies.

The list of their Experience is provided below:

- Various carparks, road works, signage, demolition and disposal projects for Westralia Airports Corporation. One of their employees provided Project Management and/or Contract Administration.
- Design and Construction of new terminal and hangar for Maroomba Airlines at Perth Airport – Project Management/Contract Administration;
- Qantas international Lounge Redevelopment at Perth Airport – Project Management, contract Administration and Superintendent Services.;
- Delhi International Airport – full Project management Services; and
- Mumbai International Airport – Project Management;

The Company also provided Project Management Services for:

- Barajas – Madrit Airport;
- Heathrow Airport;
- Omsk Fedeerovka International Airport;
- New Tebgiz Airport;
- Khabarovsk International Airport;
- New Orleans Airport; and
- Tampa International Airport

Emerson provided Programme/Construction Management for:

- Kansai International Airport;
- Dubai International Airport;
- Gibraltar International Airport;
- John F Kennedy International Airport;
- King Fahd & King Khalid International Airport;
- Dublin Airport.

The tenderer confirm that the required services will represent 40% of nominated personnel's capacity and less than 1% of organisational capacity.

A total of 1312 hours and 24 site visit was proposed.

B) Key Personnel

Grant Smith – Project Manager. He has over 20 years experience of project, construction and contracts management and possess National Diploma, Civil Engineering and National Higher Diploma Civil Engineering. Grant was Project Control Manager for the Indra Gandhi International Airport Terminal 3 Project and for Mumbai International Airport Upgrading and Expansion.

Elvir Kujovic – Project Manager. He is a Bachelor of Applied Science. Elvir provided Project Management Services for:

- WAC – Perth Airport Various Projects;
- Qantas Lounge Redevelopment; and
- Marooomba Airline.

Mark Cocks – Assistant Project Manager.

C) Performance

Emerson has Human Resources Management framework which enable their personnel to achieve their best. The Company has in-house Value Management expertise and complies with national code of practice for the construction industry.

The proposed price for the required services is as follows:

Description of Project Component	Emerson Stewart
Development of the project schedule	\$14,490.00
Identification and engagement of professional consultancy services	\$20,960.00
Consultation	\$28,435.00
Preparation of Construction Tender documentation and awarding contract	\$21,930.00
Administration of construction contract	\$141,250.00
Total Exc GST	\$227,065.00

ARUP PTY LTD (ARUP)

A) Organisational Capabilities

ARUP is a Consultancy Company which has experience in providing Program and Project Management for public sector organisations. In Australia they employ 1300 staff.

The Tenderer stated that they have the resources to conduct these works and have highly skilled staff available.

The summary of their airport's Projects is presented below:

- Hobart Airport Leading the Master Plan;
- Brisbane Airport - Lead EIS/MDP consultant;
- Brisbane Domestic Airport - Provide multidisciplinary advice to BAC as part of HASSELL architects' design team;
- Brisbane Airport Apron Planning – Provide design advice and documentation; and
- Cocos Island Airport Terminal Upgrade – Project Management Services.

A total of 1058 hours was proposed. The number of site visits is not clear.

B) Key Personnel

Stefan Kohler – Project Manager. He has BSc Engineering Geology and is a Member of Australian Institute of project Management.

Relevant Experience:

- IOT Ports and Airports – Approach to Market – preparation of tender documentation;
- Cocos Island Airport Upgrade – Developing the upgrade options and design and implement modifications;
- Christmas Island Airport Upgrade – Assessment of the building and develop the upgrade options;

Kate West – Structural Engineer. Kate has a Bachelor of Civil Engineering and Chartered Professional Engineer.

Relevant experience:

- Terminal 2, Dublin Airport – Deputy Design Team Leader;

Ralton Benn – Project Manager. He has a BCom Certificate in Public Participation. He was responsible for the program management and strategic development of Remote Area Essential Services. No experience in aviation industry was demonstrated.

C) Performance

ARUP stated that this project will be run from the Perth office. They have an access to a network of local, national and international resources with various expertises. For backup assistance they will use a full-time business assistant.

The Company's QMS satisfy the requirements of AS/NZS ISO 900.

No timeline was proposed. However they stated that will use the project inception meeting to establish timelines.

The proposed price for the required services is as follows:

Description of Project Component	ARUP
Development of the project schedule	\$13,920.00
Identification and engagement of professional consultancy services	\$18,240.00
Consultation	\$15,360.00
Preparation of Construction Tender documentation and awarding contract	\$30,600.00
Administration of construction contract	\$140,020.00
Total Exc GST	\$218,140.00

WEST CAPE PTY LTD (WestCape)

A) Organisational Capabilities

WestCape stated that all of their staff have or are working towards recognised industry qualifications. The Company demonstrated experience in Project Management for construction projects. However no experience in aviation industry was evidenced.

They stated that have the ability to commence with the Principal's time schedule and appointed 29 June 2009 as a starting date.

A Total of 1276 hours and 53 site visits were proposed.

B) Key Personnel

Bart Boelen – Project Director. He has Master Project Director Level 6 with the Australian Institute of Project Management and Graduate Business Qualification in Strategic Procurement.

Relevant experience:

- Qantas – Perth Checked Baggage Screening – Project direction and leadership;
- Westralia Airport Corporation Check in and Baggage System – Project Director, Procurement and Construction Phase;

Greg Hancock - Senior Project Manager. He is a Member of Australian Institute of Project Management and a Bachelor of Applied Science. Greg has a Diploma of Project Management. He has experience as a Project Manager. However no experience in aviation industry was demonstrated.

Phil Binet – Project Manager. He is a Bachelor of Architecture and has experience in public sector projects. No experience in aviation industry was demonstrated.

C) Performance

WestCape has 7 full time staff and 5 of them are directly involved in management of the projects. Their office is based in Subiaco – Perth and their system enable remote access to working files.

The Company stated that has the ability to comply with provided timelines but notes that slippage of timelines may impact on the ability to achieve certain deadlines.

The proposed price for the required services is as follows:

Description of Project Component	Westcape
Development of the project schedule	\$13,075.00
Identification and engagement of professional consultancy services	\$ 6,800.00
Consultation	\$10,710.00
Preparation of Construction Tender documentation and awarding contract	\$28,825.00
Administration of construction contract	\$93,125.00
Total Exc GST	\$152,535.00

WEST CAPE PTY LTD (WestCape)

A) Organisational Capabilities

WestCape stated that all of their staff have or are working towards recognised industry qualifications. The Company demonstrated experience in Project Management for construction projects. However no experience in aviation industry was evidenced.

They stated that have the ability to commence with the Principal's time schedule and appointed 29 June 2009 as a starting date.

A Total of 1276 hours and 53 site visits were proposed.

B) Key Personnel

Bart Boelen – Project Director. He has Master Project Director Level 6 with the Australian Institute of Project Management and Graduate Business Qualification in Strategic Procurement.

Relevant experience:

- Qantas – Perth Checked Baggage Screening – Project direction and leadership;
- Westralia Airport Corporation Check in and Baggage System – Project Director, Procurement and Construction Phase;

Greg Hancock - Senior Project Manager. He is a Member of Australian Institute of Project Management and a Bachelor of Applied Science. Greg has a Diploma of Project Management. He has experience as a Project Manager. However no experience in aviation industry was demonstrated.

Phil Binet – Project Manager. He is a Bachelor of Architecture and has experience in public sector projects. No experience in aviation industry was demonstrated.

C) Performance

WestCape has 7 full time staff and 5 of them are directly involved in management of the projects. Their office is based in Subiaco – Perth and their system enable remote access to working files.

The Company stated that has the ability to comply with provided timelines but notes that slippage of timelines may impact on the ability to achieve certain deadlines.

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Description of Project Component	Westcape
Development of the project schedule	\$13,075.00
Identification and engagement of professional consultancy services	\$ 6,800.00
Consultation	\$10,710.00
Preparation of Construction Tender documentation and awarding contract	\$28,825.00
Administration of construction contract	\$93,125.00
Total Exc GST	\$152,535.00

THINC PROJECTS

A) Organisational Capabilities

Thinc is an international management consultancy specialising in projects. They are have a Certification AS/NZS ISO 9001:2000 certified for Professional Project MManagement and Construction Consulting Services for Project Initiator Ranging from Specific Topic Advice to Total Client Project Management.

Thinc is a Members of Property Council of Australia, Green Building Council of Australia and Australian Institute of Project Management.

Relevant experience:

- Perth International Airport Check in and Baggage Systems - Independent advice, Project facilitation and Project delivery;
- Busselton Regional Airport Terminal - Independent advice, Project facilitation and Project delivery;
- Christmas Island Airport Terminal Refurbishment - Independent advice, Project facilitation and Project delivery;
- Brisbane Domestic Airport – Project delivery/Design Management; and
- Expansion of Customs District Office Facilities in Gove NT - Independent advice, Project facilitation and Project delivery;

The Company provided evidence of their experience in remote location projects. Individual personnel percent of operational capacity was provided also.

Thinc stated that have the ability to start on June 2009 and will finalise on August 2010.

A total of 1105 hours and a fortnight site visit was proposed.

B) Key Personnel

Peter Nichols – Airport Sector Leader. His role for the Project will be to manage the overall project implementation. Peter has 21 years experience in the construction industry including 16 years in senior project management positions in large projects such as:

- \$1bn Brisbane Airport Projects – risk management role.

Shane Harris - Project Leader. Shane specialised in procurement planning and risk analysis. He has experience in public sector projects. However no experience in airports' projects was demonstrated.

Alan Davey - Senior Project Manager with 25 years of experience in managing projects in Western Australia including 4 years as a Principal Building Surveyor with the Shire of Windham – East Kimberley. He is skilled in Airport Feasibility Studies, Design and Document Management, Contract Management, Construction Superintendence, Programme Management and Project Leadership

Monika Compara - Project Manager. She will assist with the leading of the design management. Her expertise is in Architectural Services and Project Management.

C) Performance

Thinc has over 200 professional staff world wide and 150 of them are directly involved in project management. Their Perth office has 15 employees and they will support the team in programming, quality control and contract management. Company's IT system allows remote access. They are currently certified to AS/NZA ISO 9001:2000 and a copy of the Certificate was provided.

The Tenderer stated their ability to adhere to Principal's timeline.

The proposed price for the required services is as follows:

Description of Project Component	Thinc Projects
Development of the project schedule	\$4,680.00
Identification and engagement of professional consultancy services	\$9,360.00
Consultation	\$35,100.00
Preparation of Construction Tender documentation and awarding contract	\$21,060.00
Administration of construction contract	\$78,750.00
Total Exc GST	\$148,950.00
Provisional Sums Travel and accommodation	\$0.00
Provisional Sums Defect Liability	\$0.00
Expenses	\$0.00

INCOLL MANAGEMENT PTY LTD (Incoll)

A) Organisational Capabilities

Incoll is a national company with Perth's office established 14 years ago. They are Members of Green Building Council of Australia, Australian Institute of Project Management, Property Council of Australia, the Royal Institution of Chartered Surveyors, Australian Institute of Company Directors and the National Association of Women in Construction.

Their recent experience is as follow:

- Airservices Australia – Perth Airport Fire Station. Incoll was responsible for innovative design solutions and negotiations with contractors;
- Perth Airport Commercial Development – Strategic Planning and management of large stakeholder groups;
- Sydney Airport Domestic Express Terminal Reconfiguration – Project Management including liaison with numerous stakeholders and tight timeframes;
- Domestic Terminal Upgrade Brisbane – Coordination of the design and construction.

A listing of other similar projects was provided demonstrating airport projects experience.

Incoll stated that has the ability to start works on time and an estimated time line of 2009 to 2011 was proposed.

A total of 1240 hours and approximately 28 site visits were proposed.

B) Key Personnel

Jeff Wood – Project Director and team Leader. He has a Diploma in Quantity Surveying, Higher Diploma in Quantity Surveying.

Relevant experience:

- Airservices Australia – Project Director.

Graham Nash – Strategic Advisor. He posses a Diploma in Civil Engineering and is a Bachelor of Applied Science. Graham is a member of Australian Institute of Project Management and Green Building Council of Australia.

Relevant experience:

- AQIS Headquarters, Perth Airport.

Anthony Burg – Senior Project Manager. He is a Bachelor of Construction Management and has a Practical Contract Management Certificate, Builders licence NSW and Juris Doctorate in Law. He has experience in project management but not in the aviation industry.

C) Performance

Incoll has in-house administrative, control and management system and is certified to AS/NZS ISO 9001:2000. They stated that have the capacity to replace team members if required.

The proposed price for the required services is as follows:

Description of Project Component	Incoll
Development of the project schedule	\$3,814.00
Identification and engagement of professional consultancy services	\$8,900.00
Consultation	\$10,171.00
Preparation of Construction Tender documentation and awarding contract	\$38,629.00
Administration of construction contract	\$96,628.00
Total Exc GST	\$158,142.00

FORTE AIRPORT MANAGEMENT (Forte)

A) Organisational Capabilities

The Company was established in 1993. They stated that have the capacity to undertake the required services given the recent completion of a two year similar contract and no other term consultancy client.

Recent experience:

- Karratha Airport Stage 1 - Concept works;
- Learmonth Airport – Project Management Services;
- Perth Airport - Project Management and Superintend Services;
- Geraldton Airport Asphalt Overlay - Project Management;
- Kalgoorlie – Boulder Airport Runway Rebuilding - Project Management;
- Derby Airport - Design and Program Management;
- Ravensthorpe Airport – Panning, Design and Superintend Construction Work;
- Newman Airport Extension of Second RPT Runway - Concept Design.

Forte stated that during the Initial stages the project will represent approximately 5% of their operational capacity and 20% during the other phases. They proposed a total of 556 hours and approximately 10 visits.

Forte based their proposal on a three (3) months construction phase.

B) Key Personnel

Andrew Forte - Project Manager. He is a Chartered Professional Engineer and a Member of the Institute of Engineers Australia. Andrew has 35 years experience in engineering. Prior to establishing Forte as an independent specialist consultancy business, Andrew was the State Aviation Manager for the Commonwealth Department of Transport and Communication in Perth.

Jenny Cox - Assistant Project Manager. Jenny is a Bachelor of Science, Aerodrome reporting and work safety officer and has a Radio proficiency Certificate, Air BP aviation Refueller Certificate, Security Officer Licence and Radiation Safety Officer Licence.

C) Performance

Forte is a specialist airport consultancy company based in WA which has 25 staff. The nominated resources can fulfil more than one role into the project implementation.

No additional details on possible backup personnel and technical resources were provided.

An extensive list including details of works conducted was provided as to how they achieved each project.

The proposed price for the required services is as follows:

Description of Project Component	Forte Airport
Development of the project schedule	\$5,820.00
Identification and engagement of professional consultancy services	\$8,400.00
Consultation	\$8,950.00
Preparation of Construction Tender documentation and awarding contract	\$31,780.00
Administration of construction contract	\$69,540.00
Total Exc GST	\$124,490.00

4 EVALUATION TOOLS

4.1 QUALITATIVE SCORE

The Evaluation Panel assessed Tenders in accordance with the Selection Criteria as contained in the publicly advertised Request for Tender. Final scores were allocated to Tenderers as per the table below.

Meinhardt	44.88
VDM	41.06
Coffey Projects	45.88
Davis Langdon	39.00
GHD	51.31
Opus	38.50
Engenium	36.38
Point Project Management	49.38
Emerson Stewart	35.50
ARUP	33.75
Westcape	35.88
Thinc Projects	50.00
Incoll	47.13
Forte Airport Management	50.75

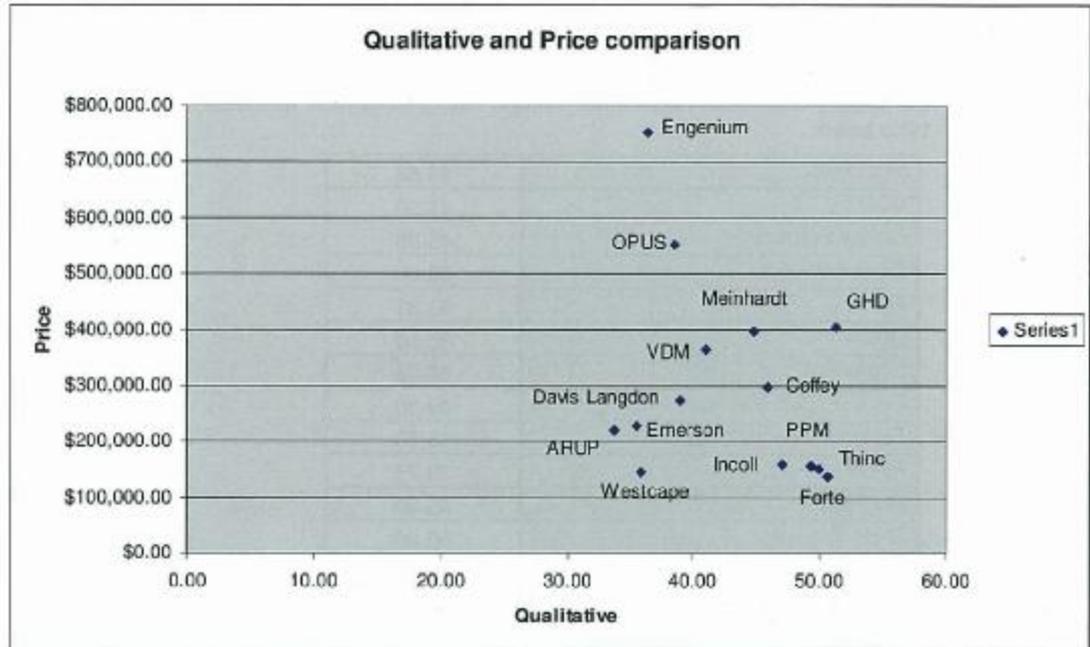
4.2 PRICING

The following lump sum fees were offered by Tenderers.

Meinhardt	\$396,161.00
VDM	\$363,880.00
Coffey Projects	\$297,978.00
Davis Langdon	\$272,000.00
GHD	\$403,377.00
Opus	\$551,100.00
Engenium	\$753,055.00
Point Project Management	\$155,468.00
Emerson Stewart	\$227,070.00
ARUP	\$218,140.00
Westcape	\$145,535.00
Thinc Projects	\$148,845.00
Incoll	\$158,142.00
Forte Airport Management	\$136,939.00

4.3 QUALITATIVE AND PRICING COMPARISON

Below is a graphical representation of Tenderers pricing structures offered and the Qualitative score received from the Evaluation Panel.

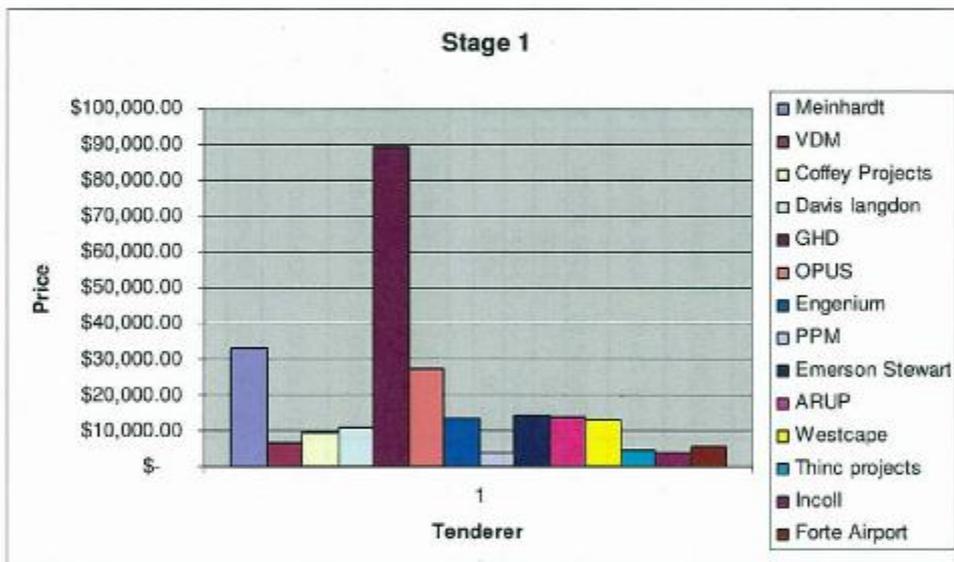
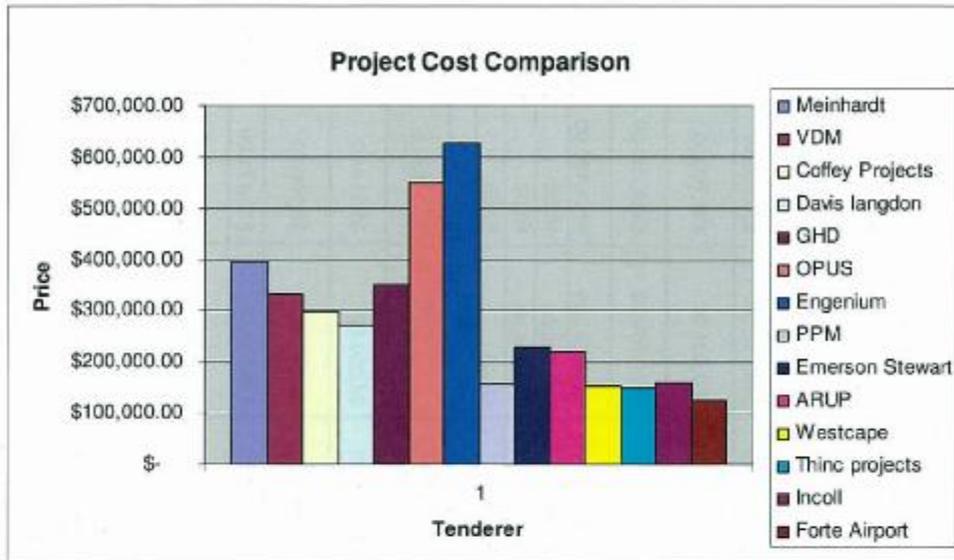


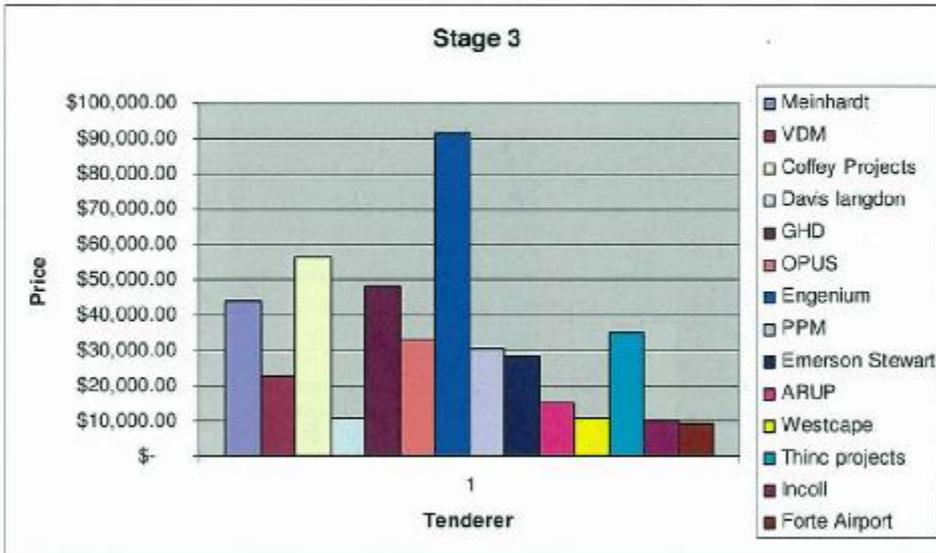
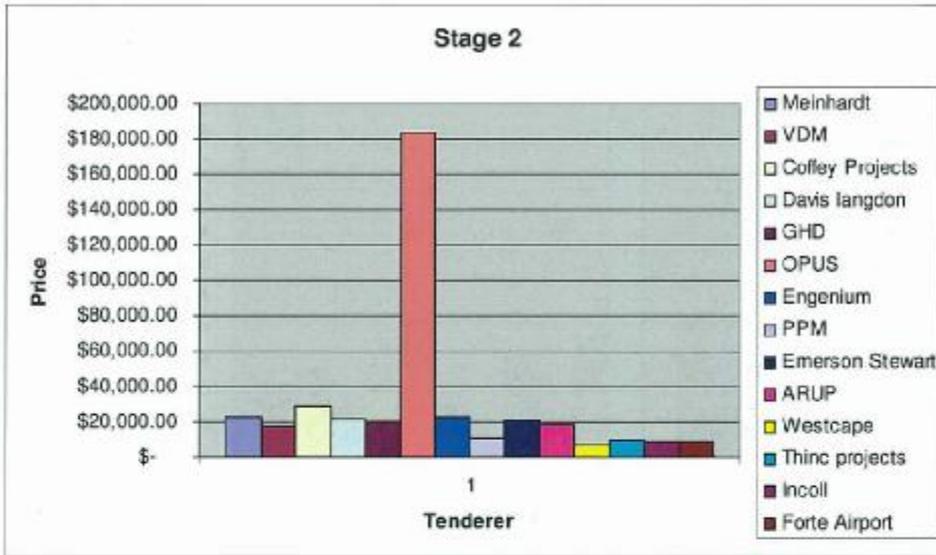
4.3 PRICING STRUCTURES

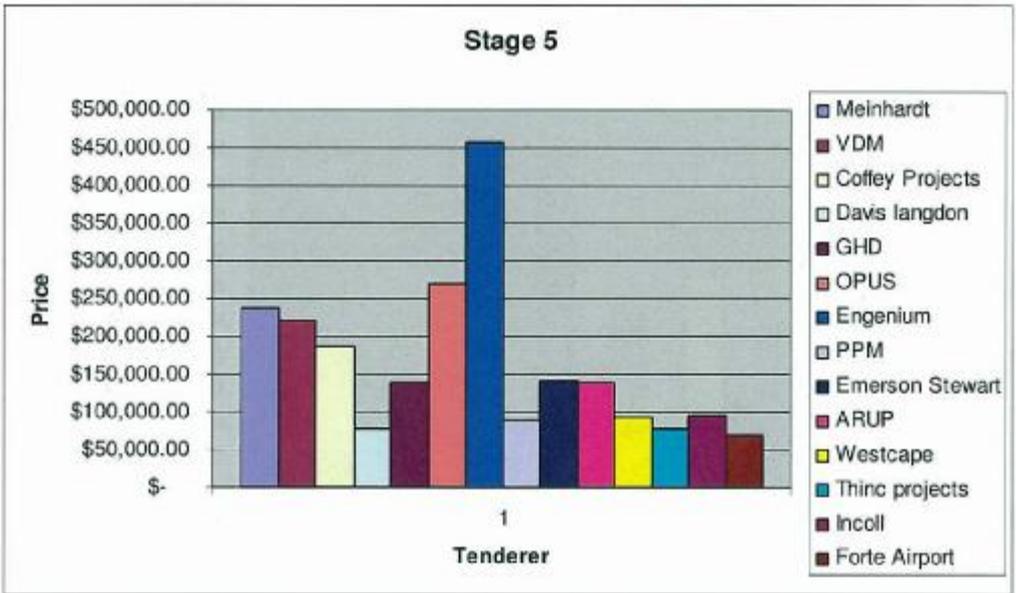
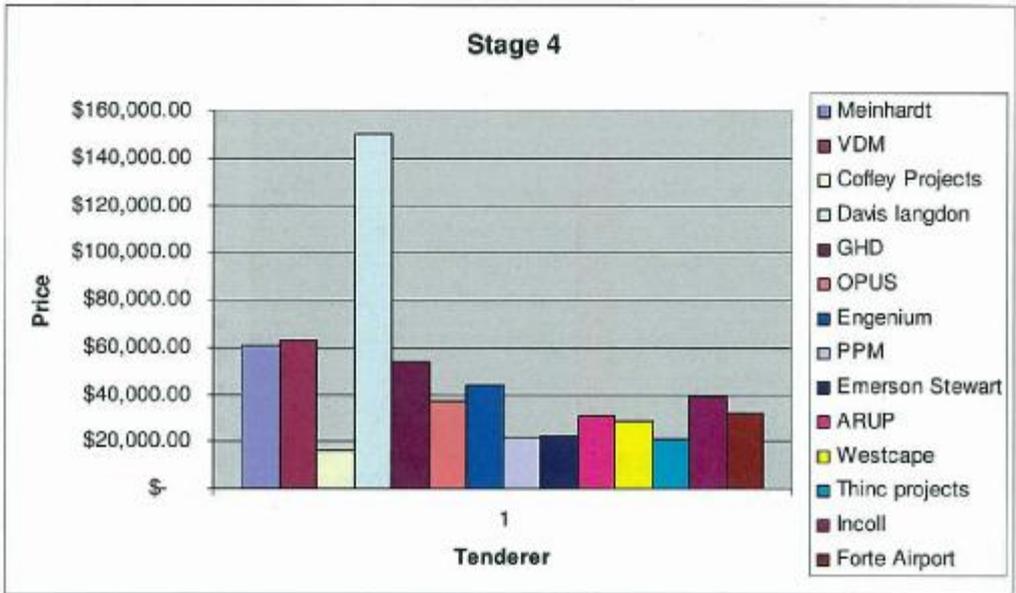
The costs of each stage of the Project are shown below:

No	Description of Project Component	Meinhardt	VDM	Coffey Projects	Davis langdon	GHD	OPUS	Engenium
1	Development of the project schedule	\$32,891.00	\$6,400.00	\$9,499.00	\$11,000.00	\$88,993.00	\$27,600.00	\$13,275.00
2	Identification and engagement of professional consultancy services	\$22,709.00	\$17,200.00	\$28,273.00	\$22,000.00	\$19,883.00	\$183,900.00	\$22,755.00
3	Consultation	\$43,805.00	\$22,400.00	\$56,699.00	\$11,000.00	\$48,142.00	\$33,200.00	\$91,115.00
4	Preparation of Construction Tender documentation and awarding contract	\$60,300.00	\$62,400.00	\$16,109.00	\$150,000.00	\$53,604.00	\$36,700.00	\$44,160.00
5	Administration of construction contract	\$236,456.00	\$222,400.00	\$187,398.00	\$78,000.00	\$138,269.00	\$269,700.00	\$455,940.00
	Total Exc GST	\$396,161.00	\$330,800.00	\$297,978.00	\$272,000.00	\$348,891.00	\$551,100.00	\$627,245.00
	Provisional Sums Travel and accommodation	\$0.00	\$0.00	\$0.00	\$0.00	\$30,000.00	\$0.00	\$0.00
	Provisional Sums Defect Liability	\$0.00	\$0.00	\$0.00	\$0.00	\$24,486.00	\$0.00	\$0.00
	Expenses	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$125,810.00

No	Description of Project Component	PPM	Emerson Stewart	ARUP	Westcap e	Thinc projects	Incoll	Forte Airport
1	Development of the project schedule	\$4,058.00	\$14,490.00	\$13,920.00	\$13,075.00	\$4,680.00	\$3,814.00	\$5,820.00
2	Identification and engagement of professional consultancy services	\$10,657.00	\$20,960.00	\$18,240.00	\$6,800.00	\$9,360.00	\$8,900.00	\$,400.00
3	Consultation	\$30,619.00	\$28,435.00	\$15,360.00	\$10,710.00	\$35,100.00	\$10,171.00	\$8,950.00
4	Preparation of Construction Tender documentation and awarding contract	\$21,480.00	\$21,930.00	\$30,600.00	\$28,825.00	\$21,060.00	\$38,629.00	\$31,780.00
5	Administration of construction contract	\$88,654.00	\$141,250.00	\$140,020.00	\$93,125.00	\$78,750.00	\$96,628.00	\$69,540.00
	Total Exc GST	\$155,468.00	\$227,065.00	\$218,140.00	\$152,535.0	\$148,950.00	\$158,142.00	\$124,490.00
	Provisional Sums Travel and accommodation	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Provisional Sums Defect Liability	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Expenses	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00





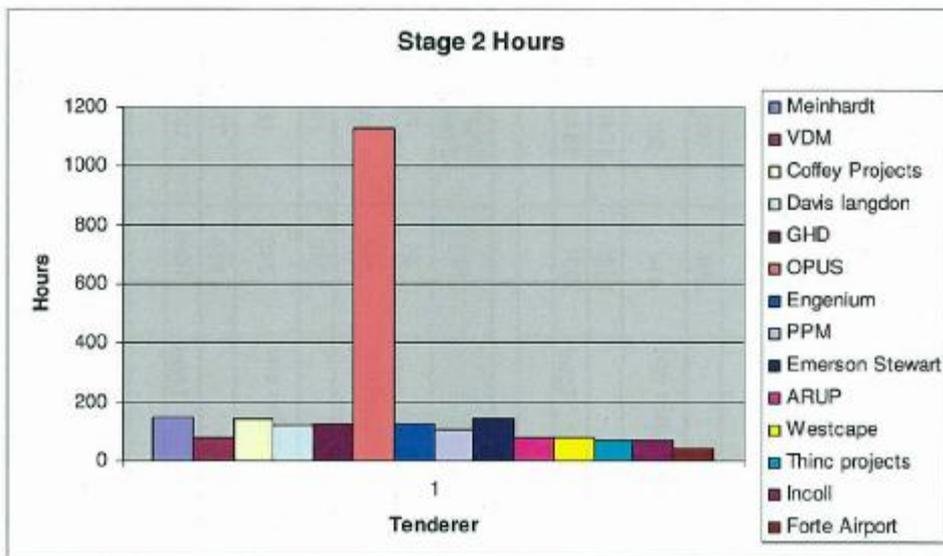
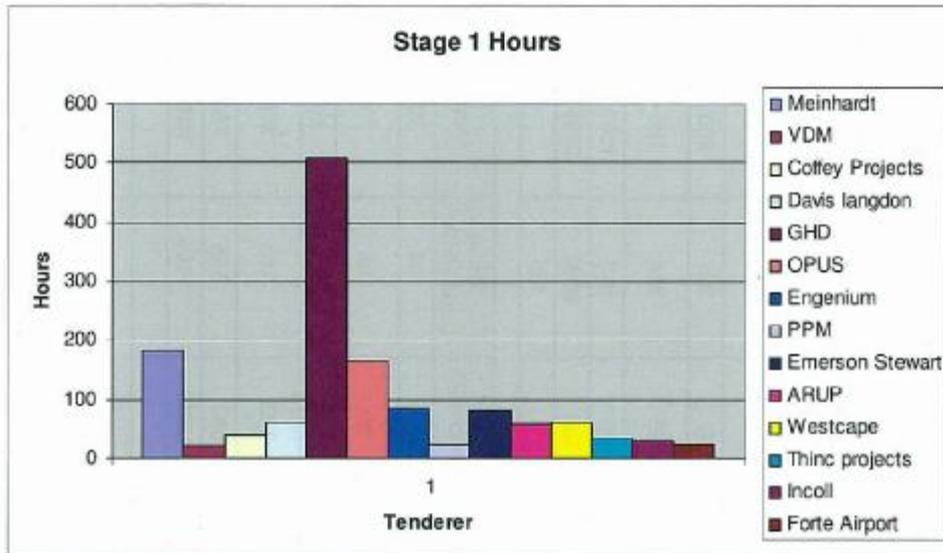


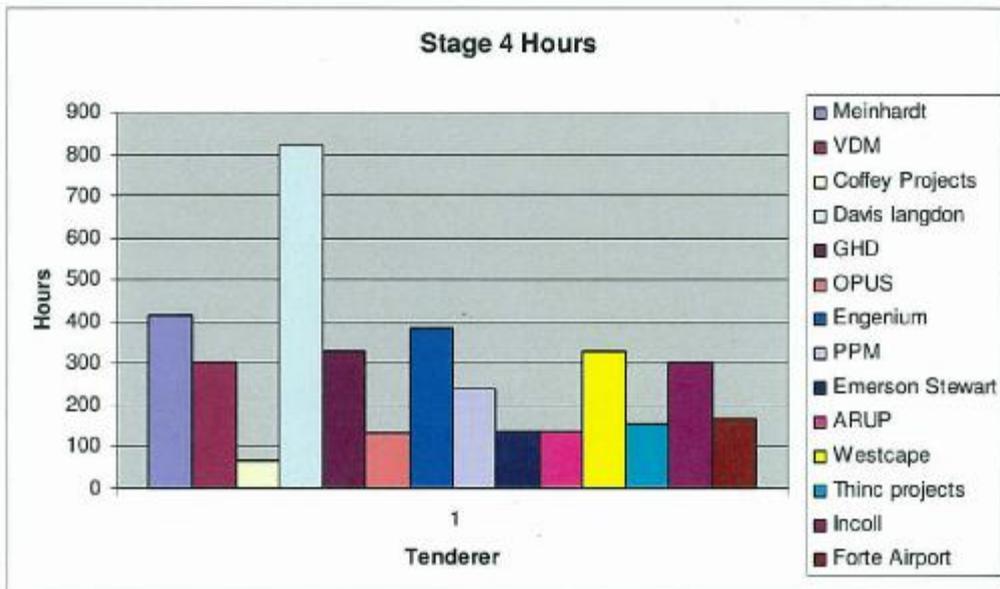
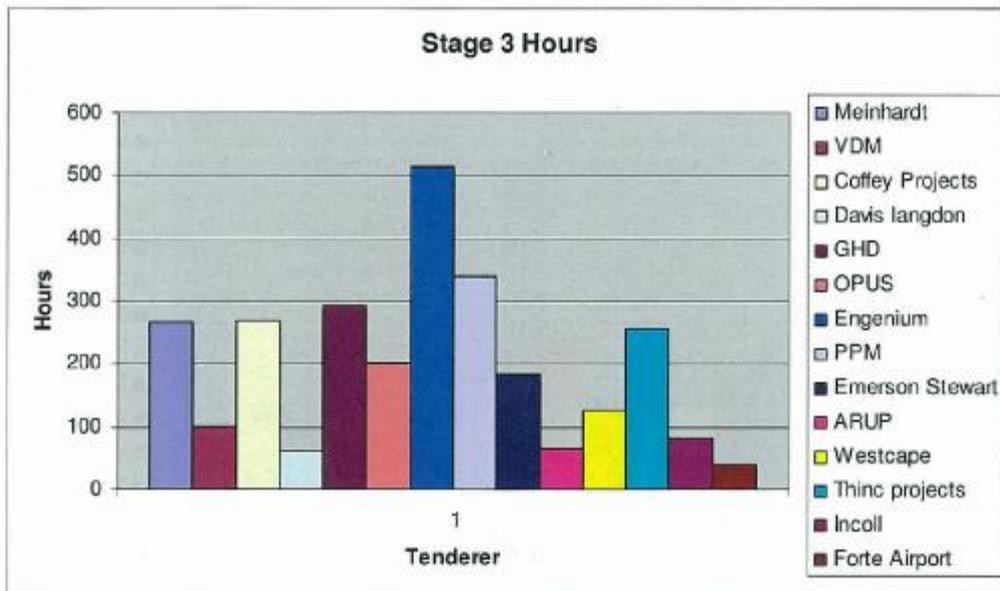
4.4 PROJECT HOURS

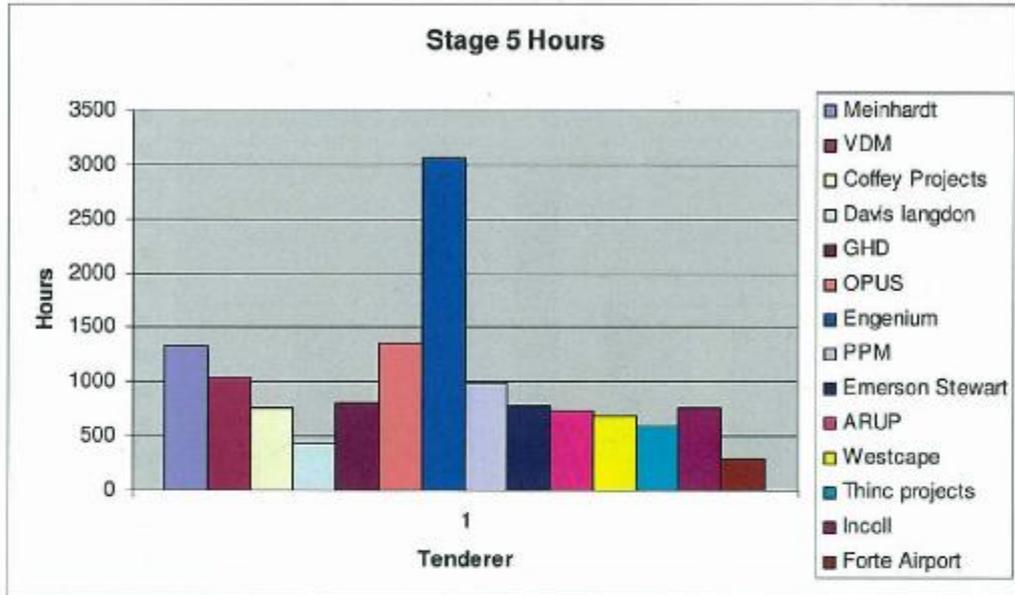
The proposed number of project hours are included in the following table including graphical representations for ease of reference;

No	Description of Project Component	Meinhardt	VDM	Coffey Projects	Davis langdon	GHD	OPUS	Engenium
1	Development of the project schedule	183	20	38.2	60	508	165	83
2	Identification and engagement of professional consultancy services	145	80	143.4	120	124	1125	123
3	Consultation	267	100	267.7	60	291	200	515
4	Preparation of Construction Tender documentation and awarding contract	414	300	66.9	820	328	135	384
5	Administration of construction contract	1322	1040	764.8	420	810	1360	3052
	Total	2331	1540	1281	1480	2061	2985	4157
	Defects liability Period					125		

No	Description of Project Component	PPM	Emerson Stewart	ARUP	Westcape	Thinc projects	Incoll	Forte Airport
1	Development of the project schedule	24	80	58	60	34	30	24
2	Identification and engagement of professional consultancy services	104	140	76	80	68	70	40
3	Consultation	340	182	64	126	255	80	40
4	Preparation of Construction Tender documentation and awarding contract	240	136	136	330	153	300	168
5	Administration of construction contract	988	774	724	680	595	760	284
	Total	1696	1312	1058	1276	1105	1240	556
	Defects liability Period							



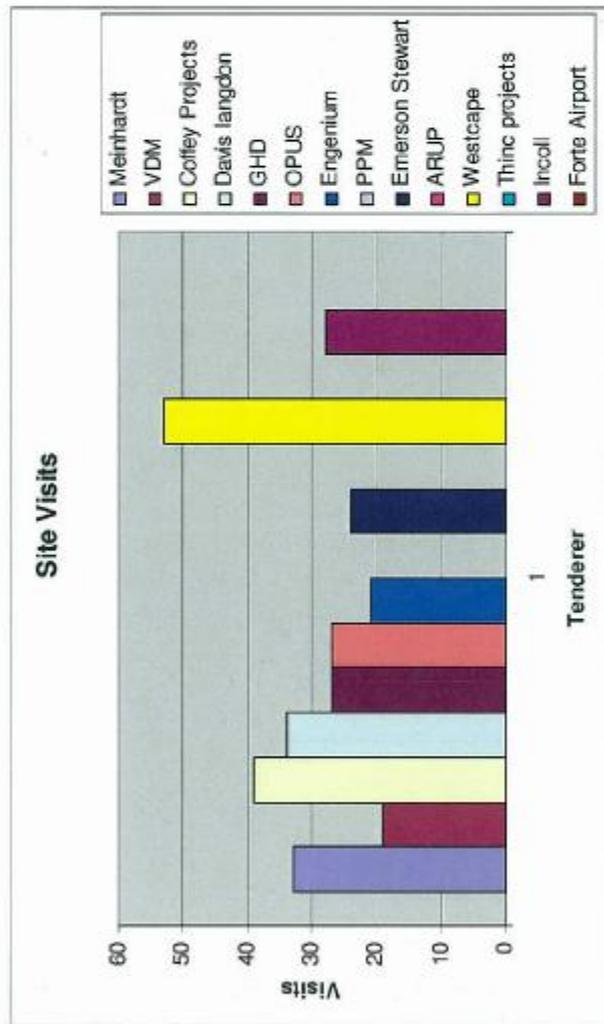




4.5 SITE VISITS

The proposed number of site visits are included in the following table including graphical representations for ease of reference;

No	Description of Project Component	Meinhardt	VDM	Coffey Projects	Davis langdon	GHD	OPUS	Engenium
	Number of site visits proposed	33	19	39	34	27	27	21
No	Description of Project Component	PPM	Emerson Stewart	ARUP	Westcape	Thinc projects	Incoll	Forté Airport
	Number of site visits proposed	0	29		53		28	



5 **SHORT LISTED TENDERERS**

At the request of the Shire of Wyndham East Kimberley the Evaluation Panel was required to provide a shortlist of Tenderers for the Shire to consider.

This short listing was conducted on the basis of the evaluation panels consideration of the, Compliance Criteria, Qualitative Criteria and pricing structures offered.

After these considerations were taken into account the evaluation panel would like to provide in their order of preference the following Tenderers;

- Point Project Management
- Thinc Projects
- Forte Airport Management

While this order of preference is provided to the Shire of Wyncham East Kimberley evaluation committee it is not intended to influence the committee's decision but to be utilised as a guide only.

It is suggested that the committee when assessing Tenderers that they take into consideration the following;

- Qualitative scores received by the evaluation panel;
- Pricing structures offered inclusive of number of site visits and number of hours; and
- Risk assessment of any prequalification statements.

6 ENDORSEMENT BY EVALUATION PANEL

Geoff Alcockr	_____	26/06/2009
	(Signature)	(Date)
Craig Grant	_____	26/06/2009
	(Signature)	(Date)
Anna Stoykov	_____	26/06/2009
	(Signature)	(Date)

12.2. CORPORATE SERVICES

12.2.1 MONTHLY FINANCIAL REPORT (8743)

DATE:	21 July 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Gill Old, Acting Executive Manager Corporate Services
REPORTING OFFICER:	Gill Old, Acting Executive Manager Corporate Services
FILE NO:	60.14.02
ASSESSMENT NO:	N/A

PURPOSE

For Council to note and accept the Monthly Financial Report for June 2009.

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 – Governace

Council's financial position and forward planning is sound

COMMUNITY CONSULTATION

Nil

COMMENT

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

Please note the final amounts for the end of financial year 2008/2009 may differ due to additional information received after the date of this report.

ATTACHMENTS

Monthly Financial Report for June 2009

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council accept the Monthly Financial Report for the month of June 2009.

COUNCIL DECISION

Minute No. 8743

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

That Council accept the Monthly Financial Report for the month of June 2009.

CARRIED UNANIMOUSLY: (6/0)



Shire of Wyndham East Kimberley

Monthly Financial Report 2008/09

As at 30 June 2009

Presented to Council 21 July 2009

- Statement of Financial Activity
- Note to Statement of Financial Activity (Net Current Asset Position)
- Note to Statement of Financial Activity (Explanation of Material Variances)
- Note to Statement of Financial Activity (Budget Remaining to Collect/Spend)
- Monthly Report on Investment Portfolio (Cash)

**Shire of Wyndham East Kimberley
Statement of Financial Activity
Year to Date Actual v Year to Date Budget
as at 30 June 2009**

	Year to Date Budget		Year to Date Actual		Variance
	\$	\$	\$	\$	
Revenues		12,812,282		12,780,207	
General Purpose Funding	4,364,562		5,358,154		994,592 23%
Governance	48,016		39,413		(8,597) -18%
Law, Order And Public Safety	72,800		83,918		11,318 16%
Health	146,930		153,414		6,494 4%
Education And Welfare	1,063,159		1,080,938		(2,221) 0%
Housing	126,470		120,098		(6,372) -5%
Community Amenities	2,347,689		1,818,672		(529,017) -23%
Recreation And Culture	464,900		511,067		46,167 10%
Transport	3,366,050		3,317,168		(48,882) -2%
Economic Services	256,285		134,497		(121,788) -55%
Other Properties And Services	275,637		141,269		(134,368) -49%
Expenses		(18,035,616)		(14,819,827)	
General Purpose Funding	(373,155)		(454,248)		(81,093) 22%
Governance	(965,900)		(859,884)		106,017 -11%
Law, Order And Public Safety	(514,548)		(578,006)		(63,458) 12%
Health	(339,056)		(342,666)		(3,662) 1%
Education And Welfare	(398,772)		(437,213)		(38,441) 10%
Housing	(293,386)		(305,607)		(12,221) 2%
Community Amenities	(3,813,413)		(2,885,973)		927,440 -20%
Recreation and Culture	(3,343,582)		(3,606,919)		(263,337) 8%
Transport	(5,242,786)		(4,828,947)		413,839 -8%
Economic Services	(829,827)		(426,577)		403,250 -32%
Other Properties And Services	(303,483)		(93,588)		210,895 -70%
Adjustments for Cash Budget Requirements					
Non-Cash Expenditure and Revenue		835,682		1,411,557	475,875 0
Capital Expenditure and Revenue		(4,775,039)		(134,621)	
Purchase Land Held for Resale	(250,000)		(7,905)		242,095 -97%
Purchase Land and Buildings	(1,490,000)		(456,121)		1,033,879 0%
Purchase Infrastructure Assets - Roads	(4,321,016)		(2,160,835)		2,160,181 -50%
Purchase Infrastructure Assets - Parks	(1,012,187)		(783,879)		228,308 -25%
Purchase Infrastructure Assets - Footpaths	(147,184)		(282,900)		(135,716) 93%
Purchase Infrastructure Assets - Drainage	(125,000)		(42,426)		82,574 0%
Purchase Infrastructure Assets - Other	(2,942,527)		(2,417,043)		525,484 -18%
Purchase Plant and Equipment	(1,761,200)		(1,046,038)		715,162 -41%
Purchase Furniture and Equipment	(281,000)		(199,905)		81,095 -29%
Grants / Contributions for Development of Assets	5,630,971		6,785,037		1,154,066 20%
Proceeds from Disposal of Assets	1,548,842		1,250,793		(298,049) -19%
Proceeds from Sale of Land Held for Resale	300,000		302,605		2,605 1%
Repayment of Debentures	(127,300)		(127,301)		(1) 0%
Proceeds from New Debentures	1,071,000		371,000		(700,000) -65%
Self-Supporting Loan Principal Income	1,119		1,119		0 0%
Transfers to Reserves (Restricted Assets)	(1,168,883)		(1,845,323)		(676,440) -7%
Transfers from Reserves (Restricted Assets)	1,123,365		513,780		(609,585) -54%
acc Estimated Surplus/(Deficit) July 1 B/Fwd	1,448,641	1,448,641	2,301,074	2,301,074	852,433 59%
less Estimated Surplus/(Deficit) June 30 C/Fwd	(917,711)	(917,711)	6,400,332	6,400,332	7,318,043 -797%
Amount Required to be Raised from Rates	4,856,336	4,856,336	4,881,742	4,881,742	(25,406) 0%

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity
For the Period Ended 30 June 2009

	YTD Actual 2008/09	Brought Forward
Net Current Assets	\$	1 July 2008 \$
<i>Composition of Net Current Asset Position</i>		
Current Assets		
Cash - Unrestricted	6,186,188	1,155,459
Cash - Reserves	6,715,475	5,102,163
Cash - Restricted Unspent Grants		1,091,078
Investments - Restricted		
Receivables	1,053,429	1,141,569
Self Supporting Loans		1,119
Inventories	6,387	7,834
Land Held for Resale		-
	15,961,479	8,499,221
<i>Less</i>		
Current Liabilities		
Payables	(845,673)	(1,095,984)
	(845,673)	(1,095,984)
<i>Less</i>		
Restricted Reserves		
Cash	(6,715,475)	(5,102,163)
Investments		
	(6,715,475)	(5,102,163)
Net Current Asset Position	6,400,332	2,301,074

Shire of Wyndham East Kimberley
Notes to Statement of Financial Activity
For the Period Ended 30 June 2009

Explanation of Material Variances
Variances +/- \$50,000

Operating

Recurrent Revenue - Excluding Rates

General Purpose Funding: First quarter payment of Financial Assistance Grant for financial year 2009/2010 paid in advance.

Community Amenities: Natural Disaster Mitigation Grant - Receipt of funding delayed, negotiations regarding compliance with funding conditions continuing with other organisations. Hype Project delayed to next financial year. East Kimberley Youth Services extra grant funding received that was not forecasted.

Transport: Passenger numbers for June have not yet been received from Airlines to enable charging of head tax & screening fees for East Kimberley Regional Airport. This will appear as revenue for next financial year.

Economic Services: Something Concrete Project has seen no activity due to Dept Housing & Works not advancing contracts for construction. Variance also reflected in expenditure.

Other Properties and Services: Plant replacement did not occur according to schedule. Expense has been included in next financial years budget. Variances for this financial year are also reflected in other plant replacement income & expense accounts.

Recurrent Expenditure

General Purpose Funding: Write off of outstanding rates as per minute 8611 not including in original budget.

Governance: Salary budget allocations on this programme varies to actual salary allocation. This will balance out over other programmes. Overall salaries budget on track. Branding project expenses will occur next financial year. Legal fees incurred that were not included in budget.

Law, Order & Public Safety: Salary budget allocations on this programme vary to actual salary allocation. This will balance out over other programmes. Overall salaries budget on track. East Kimberley Marine Rescue Shed project occurring next financial year. Firebreaks expenditure exceeded budget estimates.

Community Amenities: Expected year to date expenditure not incurred in Youth Services due to inability to recruit officers. Crime Prevention Initiatives and Hype projects did not occur and will be carried forward to next financial year. Lake Kununurra Project contractor delays, expected to be completed next financial year. Project works planned for public conveniences Wyndham Oval delayed due to technical requirements, expected now to occur next financial year. Weaber Plain Flood Mitigation works delayed due to inability to obtain required approvals/agreements. Tip maintenance expenditure higher than forecast due to requirement to take management of facility in house and works to achieve appropriate standards.

Recreation and Culture: Salary budget allocations on this programme varies to actual salary allocation. This will balance out over other programmes. Overall salaries budget on track. Writers Festival forecasted expenditure will occur next financial year. Park & Gardens Maintenance Kununurra expenditure has exceeded forecasting.

Transport: Actual expenditure less than projected for Rural Road Maintenance, Urban Road Maintenance Wyndham & Kununurra. Some materials expenses are still to be incurred. It should be noted that last financial year Kununurra Urban Road projects overspent due to repairs on Lake Argyle Road being bought forward, this is likely to reflect in an underspend this year.

Economic Services: Something Concrete Project has seen no activity due to Dept Housing & Works not advancing contracts for construction. Variance also reflected in revenue.

Other Properties & Services: Salary budget allocations on this programme vary to actual salary allocation. This will balance out over other programmes. Overall salaries budget on track. Forecast expenditure on information services less than forecasted due to inability to contract out services. Invoices for utilities & services to end of June yet to be received.

Capital

Non-Cash Expenditure and Revenue

Profit on Sale of Assets (Plant Operation): Plant replacement has not occurred according to schedule. Expense included in next financial years budget for this to occur. Variances for this financial year are also reflected in other plant replacement income & expense accounts. Asset adjustments as per minute 8736 have impacted as an unbudgeted adjustment. Depreciation recovered higher than estimated year to date.

Capital Expenditure and Revenue

Purchase Land Held for Resale: Wyndham Airport Subdivision project did not progress this financial year.

Purchase Land and Buildings: Transportable Office for Administration building, negotiations commenced with preferred supplier on details. Payment and installation next financial year. Staff housing budgeted for did not occur this financial year.

Purchase Infrastructure Assets (Roads): Projects included in budget for this financial year but will commence next financial year are Kununurra Shopping Centre Carpark and Carlton Hill Road. Other projects have commenced (including Riverfarm Road & Coolbah Drive) with majority of expenses to be incurred next financial year.

Capital Expenditure and Revenue (cont.)

Purchase Infrastructure Assets (Parks): Rotary Centenary Park unexpended funds to be carried forward for next financial year. Expenditure less than forecasted for Swim Park Beach.

Purchase Infrastructure Assets (Footpaths): Exceeded budget for Lakeside Linkpath. Executive Manager Engineering & Regulatory Services will provide a report to the next Audit Committee meeting.

Purchase Infrastructure Assets (Drainage): Projects have commenced with expectation for completion by end of financial year with the exception of Casuarina Way and Weaber Plain Road where expenditure will continue next financial year.

Purchase Infrastructure Assets (Other): Multi Purpose Court Redevelopment expenses less than forecasted. Airport carpark project will continue next financial year.

Purchase Plant & Equipment: Plant replacement has not occurred according to schedule. Expense will be included in next financial years budget for this to occur. Variances for this financial year are also reflected in other plant replacement income & expense accounts.

Purchase Furniture & Equipment: Kununurra Youth Centre equipment & Wyndham Youth Service set up costs incurred later than estimated due to inability to recruit staff. Items have been identified for expense that will occur next financial year.

Grants/Contributions for Development of Assets: Grant applications for Youth submitted, approval & payment not expected until next financial year, but unbudgeted grants also received for Youth. Rotary Centenary Park Grant not expected this financial year. A portion of Roads to Recovery funding budgeted for this financial year was prepaid last financial year. Balance of Multi Purpose Courts contributions will be received next financial year. Royalties for Regions grant income received was not budgeted for. Grants for Celebrity Tree Park Toilet & Staff Housing not received this financial year.

Proceeds from Disposal of Assets: Plant replacement has not occurred according to schedule. Expense will be included in next financial years budget for this to occur. Variances for this financial year are also reflected in other plant replacement income & expense accounts.

Proceeds from New Debentures: New Loan for staff housing not drawn down this financial year.

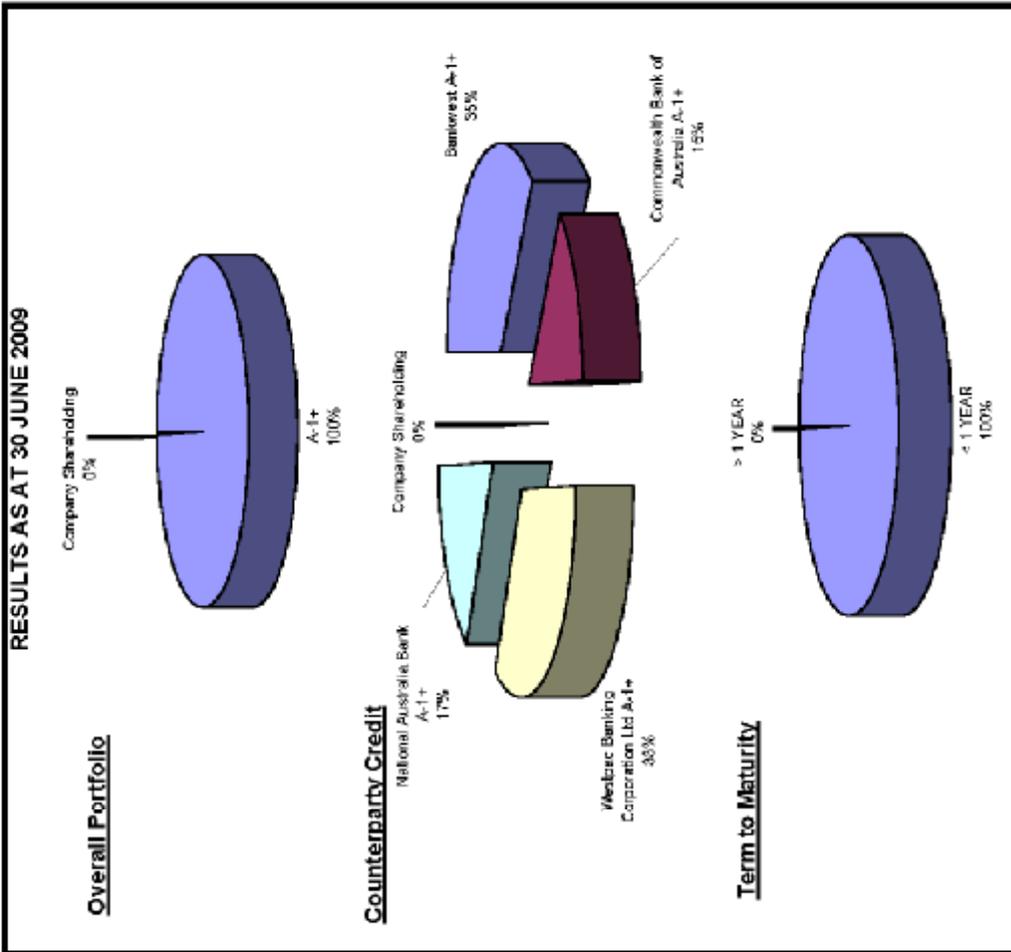
Transfers from/to Reserves (Restricted Assets): Pending finalisation of delayed projects to determine final reserve transfers.

**Shire of Wyndham East Kimberley
Note to Statement of Financial Activity
(Budget to Collect / Spend)
as at 30 June 2009**

	Amended Adopted Budget		Year to Date Actual		Budget Remaining to Collect / (Spend)	
	\$	\$	\$	\$	\$	\$
Revenues		12,612,292		12,760,207		(147,925)
General Purpose Funding	4,364,562		5,359,154		(994,592)	
Governance	48,010		39,413		8,597	
Law, Order And Public Safety	72,600		83,916		(11,316)	
Health	146,920		153,414		(6,494)	
Education And Welfare	1,063,159		1,080,938		2,221	
Housing	126,470		120,098		6,372	
Community Amenities	2,347,689		1,818,672		529,017	
Recreation And Culture	484,900		511,867		(40,767)	
Transport	3,366,050		3,317,168		68,882	
Economic Services	266,285		134,497		161,788	
Other Properties And Services	275,637		141,269		134,368	
Expenses		(16,035,616)		(14,819,627)		(1,215,990)
General Purpose Funding	(373,155)		(454,248)		81,093	
Governance	(905,900)		(859,884)		(106,017)	
Law, Order And Public Safety	(514,546)		(578,006)		63,458	
Health	(339,005)		(342,866)		3,862	
Education And Welfare	(398,772)		(437,213)		38,441	
Housing	(298,386)		(305,807)		7,221	
Community Amenities	(3,615,413)		(2,886,973)		(729,440)	
Recreation and Culture	(3,349,562)		(3,806,919)		257,357	
Transport	(5,242,786)		(4,828,947)		(413,839)	
Economic Services	(629,627)		(426,577)		(203,050)	
Other Properties And Services	(308,463)		(93,588)		(214,875)	
Adjustments for Cash Budget Requirements						
Non-Cash Expenditure and Revenue		1,000,959		1,411,557		(410,598)
Capital Expenditure and Revenue		(4,775,039)		(134,621)		(4,640,418)
Purchase Land Held for Resale	(250,000)		(7,805)		(242,005)	
Purchase Land and Buildings	(1,490,000)		(456,121)		(1,033,879)	
Purchase Infrastructure Assets - Roads	(4,323,016)		(2,160,835)		(2,162,181)	
Purchase Infrastructure Assets - Parks	(1,012,187)		(763,679)		(248,508)	
Purchase Infrastructure Assets - Footpaths	(147,164)		(282,390)		145,226	
Purchase Infrastructure Assets - Drainage	(125,000)		(42,426)		(82,574)	
Purchase Infrastructure Assets - Other	(2,942,527)		(2,417,043)		(525,484)	
Purchase Plant and Equipment	(1,761,280)		(1,046,038)		(715,242)	
Purchase Furniture and Equipment	(281,000)		(198,905)		(81,095)	
Grants / Contributions for Development of Assets	5,630,071		6,785,037		(1,154,066)	
Proceeds from Disposal of Assets	1,546,643		1,250,793		295,850	
Proceeds from Sale of Land Held for Resale	300,000		302,505		(2,605)	
Repayment of Debentures	(127,300)		(127,301)		1	
Proceeds from New Debentures	1,071,000		371,000		700,000	
Self-Supporting Loan Principal Income	1,119		1,119		(0)	
Transfers to Reserves (Restricted Assets)	(1,888,883)		(1,845,323)		(143,560)	
Transfers from Reserves (Restricted Assets)	1,123,385		513,790		609,595	
TOTAL		2,301,075		2,301,074		1
LESS		0		6,400,332		(6,400,332)
Amount Required to be Raised from Rates	4,856,339	4,896,339	4,881,742	4,881,742	14,597	14,597

MONTHLY REPORT ON INVESTMENT PORTFOLIO (CASH)

RESULTS AS AT 30 JUNE 2009



INVESTMENT POLICY F17			
"Overall Portfolio Limits"			
S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %	Managed Funds Maximum %
A/A/A	A-1+	100%	100%
A/A	A-1	100%	100%
A	A-2	80%	80%
Note: *S & P* refers to Standard & Poor's credit rating agency			
"Counterparty Credit Framework"			
S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %	Managed Funds Maximum %
A/A/A	A-1+	45%	50%
A/A	A-1	35%	45%
A	A-2	20%	40%
"Term to Maturity Framework"			
Overall Portfolio Term to Maturity Limits	100% max 40%		
Portfolio % < 1 year	min		
Portfolio % > 1 year	60%		
Portfolio % > 3 year	35%		
Portfolio % > 5 year	25%		
Individual Investment Maturity Limits			
ADI	5 years		
Non ADI	3 years		
Note: *ADI* refers to an Authorised Deposit Institution (authorised under the Banking Act 1959)			

EXPLANATION OF VARIANCES:

Company shareholding (non S&P rated or ADI) represents less than 1% of investment portfolio. Council minute 8314 of 19 August 2008 provides instruction to sell shareholding. Council minute 8598 of 17 March 2009 instructs that status of shares be re-examined in six months time.

12.2.2 LIST OF ACCOUNTS PAID UNDER DELEGATION 18 (8744)

DATE:	21 July 2009
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Sue Dillon, Senior Finance Officer
REPORTING OFFICER:	Gillian Old, Acting Executive Manager Corporate Services
FILE NO:	60.14.03
ASSESSMENT NO:	N/A

PURPOSE

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

BACKGROUND

Delegation 18 – Payment of Creditors was reviewed and adopted by Council on 16 June 2009. This delegation gives authority to make payments from the Municipal Fund or Trust Fund to the Chief Executive Officer. There is a sub delegation to the Executive Manager Corporate Services, Manager Financial Services and Financial Officers.

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

Delegation 18 – Payment of Creditors

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Key Result Area 5 – Governance
Council's financial position and forward planning is sound

COMMUNITY CONSULTATION

N/A

COMMENT

In accordance with statutory requirements and delegated authority, each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled each month showing: the payee's name, amount of payment, date of payment and sufficient information to identify the transaction. The list is to be presented to Council at the next ordinary meeting of the Council following the preparation of the list and is to be recorded in the minutes of the meeting at which it is presented.

ATTACHMENTS

List of Accounts Paid Under Delegation 18

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

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

Municipal cheques 39033 to 39085 (5 – 25 June 2009)	\$105,180.30
EFT 106103 – EFT 106490 (5 – 26 June 2009)	\$1,900,772.25
Payroll (3 – 22 June 2009)	\$276,837.96
Direct bank debits (1 – 30 June 2009)	\$33,652.28
Total	\$2,316,442.79

COUNCIL DECISION

Minute No. 8744

Moved:Cr K Wright

Seconded:Cr K Torres

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

Municipal cheques 39033 to 39085 (5 – 25 June 2009)	\$105,180.30
EFT 106103 – EFT 106490 (5 – 26 June 2009)	\$1,900,772.25
Payroll (3 – 22 June 2009)	\$276,837.96
Direct bank debits (1 – 30 June 2009)	\$33,652.28
Total	\$2,316,442.79

CARRIED UNANIMOUSLY: (8/0)

6.18pm Cr J Moulden arrived before decision

6.23pm Cr R Addis arrived before decision

List of Accounts Paid Under Delegation 18

List of accounts submitted to Council 21 July 2009

Chq/EFT	Date	Name	Description	Amount
EFT106103	5/06/2009	ALLGEAR MOTORCYCLES	BLADES, W/SNIPPER CORD,REPAIR HEDGETRIMMER, ETC	1,029.70
EFT106104	5/06/2009	ARGYLE MOTORS	PARTS FOR F3680 ROM WY13133 AS QUOTED	129.89
EFT106105	5/06/2009	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	133.66
EFT106106	5/06/2009	AUSFUEL AFD AUSTRALIAN FUEL DISTRIBUTORS	MONTHLY FUEL PURCHASES APR 09	550.97
EFT106107	5/06/2009	AUSTRAL MERCANTILE COLLECTIONS PTY LTD	PROFESSIONAL SERVICES	1,195.47
EFT106108	5/06/2009	AUSTRALIAN AIRPORTS ASSOCIATION, THE SEC	ANNUAL MEMBERSHIP SUBSCRIPTION 2009/2010	2,843.50
EFT106109	5/06/2009	AUST BUILDING CODES BOARD PUBLICATIONS	2009 BCA DOCUMENTS	430.00
EFT106110	5/06/2009	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	179.00
EFT106111	5/06/2009	BLACKWOODS ATKINS PTY LTD	BUILDING MTCE KNX AIRPORT 10 X 100W R80 LAMPS	29.92
EFT106112	5/06/2009	BUSH CAMP SURPLUS STORES	WORK BOOTS DEPOT KNX	114.00
EFT106113	5/06/2009	C & S JOLLY ELECTRICS	REPAIR LIGHTING ON SECONDARY WIND INDICATOR	316.25
EFT106114	5/06/2009	CATALYSE	FEES - COMMUNITY SURVEY FOR RECYCLING	2,310.00
EFT106115	5/06/2009	CEMETERIES & CREMATORIA ASSOCIATION	CCAWA CEMETERY RESOURCE MANUAL	43.00
EFT106116	5/06/2009	CENTURION TRANSPORT	FREIGHT CHARGES FOR TRAILER TO KNX DEPOT	2,018.41
EFT106117	5/06/2009	CHEMISTRY CENTRE (WA)	CHEMICAL SAMPLING	165.00
EFT106118	5/06/2009	CORPORATE EXPRESS	KNX ADMIN OFFICE SUPPLIES	5.75
EFT106119	5/06/2009	COURIER AUSTRALIA	FREIGHT CHARGES TO KNX DEPOT	141.33
EFT106120	5/06/2009	CROCODILE SIGNS	SIGNAGE FOR LANDFILL SITE	492.80
EFT106121	5/06/2009	CSIRO PUBLISHING	NEW LOCAL STOCK FOR KNX LIBRARY	157.85
EFT106122	5/06/2009	COMMUNICATION AND PROTECTIVE SOLUTIONS	INSTALLATION OF DATA CABLING WYN OFFICE	3,305.64
EFT106123	5/06/2009	DEPARTMENT OF HOUSING & WORKS	RATES REFUND	423.17
EFT106124	5/06/2009	DRYSDALE RIVER STATION	ROADWORKS PT WARRENDER RD & ACCOMM XMEDS	16,411.45
EFT106125	5/06/2009	EAST KIMBERLEY HARDWARE	GP CONCRETE, RAKES, LEVEL, FERTILISER, ETC	1,678.15
EFT106126	5/06/2009	EAST KIMBERLEY PLUMBING	REPAIR OF LEAKING PIPEWORK KLC QUOTED	2,154.80
EFT106127	5/06/2009	FUJI XEROX AUSTRALIA PTY LTD	MULTIFUNCTION PRINTER KNX YOUTH CENTRE	12,711.60
EFT106128	5/06/2009	GRUNT LABOUR SERVICES PTY LTD	TIP MAINTENANCE SUPPLY OF LABOUR	1,198.23

EFT106129	5/06/2009	HART SPORT	KLC GLOVES & TOURNAMENT SHUTTLE	88.50
EFT106130	5/06/2009	HORIZON POWER	POWER SUPPLY VARIOUS LOCATIONS	26,523.50
EFT106131	5/06/2009	IBAC PLUMBING PTY LTD	PLUMBING REPAIRS SWIM BEACH & SHIRE HOUSES	1,017.50
EFT106132	5/06/2009	IOR PETROLEUM PTY LTD	PURCHASE DIESEL 4000 LITRES KNX AIRPORT	4,903.20
EFT106133	5/06/2009	IT VISION ITV	ONLINE TRAINING CASH RECEIPTING BLDG & TP	440.00
EFT106134	5/06/2009	JAB INDUSTRIES	RESHEET MULLIGANS LGN RD, DRAIN/PIT IRONWOOD DR	40,739.60
EFT106135	5/06/2009	JASON SIGNMAKERS LTD	3 1500 X 200 SIGNS FOR BANDICOOT DRIVE	264.00
EFT106136	5/06/2009	JH COMPUTER SERVICES	PRINTER CARTRIDGES FOR KNX & WYN OFFICE	1,704.00
EFT106137	5/06/2009	JSW HOLDINGS PTY LTD	REPAIRS WORKS IVANHOE, WORKS AT AIRPORT C/PARK	67,903.79
EFT106138	5/06/2009	KIMBERLEY COMMUNICATIONS	INSTALL HANDS FREE IVBFB FAST ATTACK	99.00
EFT106139	5/06/2009	KIMBERLEY EXCAVATIONS PTY LTD	HIRE OF EQUIP FOR CELEBRITY TREE PARK CARPARK	1,584.00
EFT106140	5/06/2009	KIMBERLEY FIRST NATIONAL REAL ESTATE	RATES REFUND	359.70
Chq/EFT	Date	Name	Description	Amount
EFT106141	5/06/2009	KIMBERLEY KOOL REFRIGERATION	AIR CON SERVICE KLC	495.00
EFT106142	5/06/2009	KIMBERLEY MECHANICAL & TILT TRAY SERVICE	RELOCATION OF VEHICLE TO DEPOT	110.00
EFT106143	5/06/2009	KIMBERLEY PUMPING SERVICE	PROGRESS PAYMENT RETIC PUMP MESSMATE WAY	56,100.00
EFT106144	5/06/2009	KUNUNURRA CRUISES 'THE BBQ BOAT'	SHARING OUR STORIES BOAT CRUISE 17/05/09	2,000.00
EFT106145	5/06/2009	KUNUNURRA LOCK & KEY	REPLACE LOCKING MECHANISM CELEBRITY TREE PARK	192.50
EFT106146	5/06/2009	L.G.R.C.E.U	PAYROLL DEDUCTIONS	15.30
EFT106147	5/06/2009	LOCAL GOVERNMENT MANAGERS AUSTRALIA	REG CR MILLLS REFORM STRATEGY WORKSHOP	220.00
EFT106148	5/06/2009	MCLEAN ENTERPRISES	DRUMS OF EMULSION KNX DEPOT	830.00
EFT106149	5/06/2009	MEGAN HUNT	MTCE CLEANING WYN ADMIN, REC OFFICE & PRH	2,472.92
EFT106150	5/06/2009	ORD RIVER CONTRACTING	HIRE LOADER AT KNX LANDFILL SITE	20,212.50
EFT106151	5/06/2009	ORD RIVER ELECTRICS	BUILDING MTCE 16 KIMBERLEY ST WYN	1,050.37
EFT106152	5/06/2009	ORIA ORCHARDS	BABY FLOWERS FOR CELESTE HUNTER	80.00
EFT106153	5/06/2009	ORIMATECH	KLC POOL CLEANER PARTS	198.75
EFT106154	5/06/2009	ORD VALLEY TURF	TURF WHITE GUM PARK & KONKERBERRY DVE	2,732.40
EFT106155	5/06/2009	PAINT INDUSTRIES PTY LTD	PAINT FOR KNX AIRPORT	3,911.60
EFT106156	5/06/2009	PEERLESS JAL PTY LTD	CONSUMABLES PUBLIC TOILETS KNX	1,541.65
EFT106157	5/06/2009	PIVOTEL	SATELLITE PHONE SERVICE APRIL 2009	105.00
EFT106158	5/06/2009	PLANT HIRE SERVICES PTY LTD	CONST LILLY CREEK BOAT RAMP & MISC ROADWORKS	90,610.30

EFT106159	5/06/2009	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	335.00
EFT106160	5/06/2009	SONYA MCKAY	ALTERATIONS ON UNIFORMS FOR STAFF	40.00
EFT106161	5/06/2009	SPORTS SURFACES	PARTIAL CONST WYN & KNX MULTIPURPOSE COURTS	89,519.10
EFT106162	5/06/2009	THE CANVAS SHED	CROSS AIRPORT MARKERS KNX AIRPORT AIRSIDE	544.50
EFT106163	5/06/2009	TNT AUSTRALIA PTY LIMITED	HEALTH DEPARTMENT FREIGHT CHARGES	503.54
EFT106164	5/06/2009	TOP END MOTORS	SERVICE WY12379	333.58
EFT106165	5/06/2009	TRISLEY'S HYDRAULIC SERVICE P/L	REPAIRS TO PUMP KNX POOL	1,540.00
EFT106166	5/06/2009	VANDERFIELD MACHINERY PTY LTD	1 X BOSCHE 12V PORTABLE ROTATING BEACON	125.84
EFT106167	5/06/2009	WA LIBRARY SUPPLIES	BOOK COVERING SUPPLIES FOR LIBRARY	331.20
EFT106168	5/06/2009	WA LOCAL GOVERNMENT ASSOCIATION WALGA	TENDER SERVICE WYN MEMORIAL POOL	2,113.10
EFT106169	5/06/2009	WA LOCAL GOVT SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	22,190.28
EFT106170	5/06/2009	WAYNE RICHARDS & REBECCA MORRALL	POWER SUBSIDY	81.53
EFT106171	5/06/2009	WESTRALIA AIRPORTS CORPORATION PTY LTD,	ASIC PRINTING KNX A/PORT STAFF	150.00
EFT106172	12/06/2009	AUSTRALIAN TAXATION OFFICE	BAS PAYMENT MAY 2009	39,901.00
EFT106173	12/06/2009	ALLGEAR MOTORCYCLES	REPAIRS TO POLE PRUNER KNX DEPOT	139.27
EFT106174	12/06/2009	ARGYLE MOTORS	OIL FILTER FOR ROM F3680 WY13133	17.51
EFT106175	12/06/2009	BERM BACKHOE HIRE	VERGE SLASHING MAY 2009	8,283.00
EFT106176	12/06/2009	BIZQUIP SOLUTIONS	SECURITY UPGRADES TO COMPUTER SYSTEM	5,709.00
EFT106177	12/06/2009	BOAB REFRIGERATION AND AIRCON	REPAIR AIRCON AT 16 KIMBERLEY STREET	396.00
EFT106178	12/06/2009	BUSBY INVESTMENTS T/A BUDGET RENT A CAR	HIRE CAR ZONE MEETING BROOME SHIRE PRESIDENT	170.01
EFT106179	12/06/2009	COATES HIRE	DAY HIRE OF LASER LEVEL KNX DEPOT	55.69
EFT106180	12/06/2009	CROCODILE SIGNS	CLOSED SIGNS PARRY CREEK RD & RESEARCH STN RD	426.80
EFT106181	12/06/2009	DAVEY TYRE AND BATTERY SERVICE	NEW 1400R24VKT TYRES & PUNCTURE REPAIR WY12352	5,595.00
EFT106182	12/06/2009	EAST KIMBERLEY GLASS	REPAIR WINDOWS AT KNX CHILD CARE CENTRE	4,678.30
Chq/EFT	Date	Name	Description	Amount
EFT106183	12/06/2009	EAST KIMBERLEY HARDWARE	2 X HESSIAN ROLLS FOR COMMUNITY EVENTS	433.80
EFT106184	12/06/2009	EAST KIMBERLEY PLUMBING	REPAIR WATER LEAK AT KNX AIRPORT	414.79
EFT106185	12/06/2009	GUERINONI & SON	GRADER & SEMI TIPPER HIRE ELLENBRAE RD	20,286.75
EFT106186	12/06/2009	HORIZON POWER	POWER SUPPLY TO KNX AIRPORT	5,072.85
EFT106187	12/06/2009	HOT CHILLI SOURCE PTY LTD	RIGGERS GLOVES	1,122.00
EFT106188	12/06/2009	IBAC PLUMBING PTY LTD	REPAIR STOVE IGNITER SYSTEM 264/A RIVERFIG AVE	300.30

EFT106189	12/06/2009	ICEAGE REFRIGERATION & AIR CONDITIONING	REPLACE AND TEST AIRCON IN SERVER ROOM	594.00
EFT106190	12/06/2009	JAB INDUSTRIES	HIRE EXCAVATOR REPAIRS ELLENBRAE ACCESS RD	13,191.75
EFT106191	12/06/2009	KIMBERLEY COMMUNICATIONS	KNX AIRPORT TWO UHF RADIOS	249.00
EFT106192	12/06/2009	KIMBERLEY GROUP TRAINING	TRAINEE EXPENSES MAY 09	442.98
EFT106193	12/06/2009	KIMBERLEY HYDRAULICS	HYDRAULIC HOSE & FITTINGS FOR BOBCAT	133.22
EFT106194	12/06/2009	KIMBERLEY TRACTOR SERVICES	LABOUR TO OVERHAUL GRADER	5,632.00
EFT106195	12/06/2009	KIMBERLEY WASTE SERVICES	REFUSE COLLECTION APRIL 2009	38,425.24
EFT106196	12/06/2009	KUNUNURRA BETTA ELECTRICAL & GAS	26 LCD MOUNT"	59.95
EFT106197	12/06/2009	KUNUNURRA LOCK & KEY	REPLACE 4 LOCKS & KEYS WYN OVAL CHANGE ROOMS	952.50
EFT106198	12/06/2009	KUNUNURRA MOBILE WELDING SERVICE	BUILDING MTCE WYN REC CENTRE & KNX OVAL	1,177.00
EFT106199	12/06/2009	KUNUNURRA SECURITY SERVICE	PASSENGER SCREENING 8-21/04/09 KNX AIRPORT	42,840.00
EFT106200	12/06/2009	LAWRENCE & HANSON GROUP	FUSES FOR OPERATIONS AIRPORT KNX	102.89
EFT106201	12/06/2009	MCLEAN ENTERPRISES	DELIVER CONCRETE BOX FOR CARPARK PROJECT	220.00
EFT106202	12/06/2009	MECHANICA1 AGRICULTURAL REPAIRS	REPAIR BROKEN WINDOW COMMODORE	98.50
EFT106203	12/06/2009	MEGAN HUNT	BUILDING MAINTENANCE CLEANING WYN	1,023.00
EFT106204	12/06/2009	MIRIMA COUNCIL, LANGUAGE & CULTURE CTRE	CULTURAL AWARENESS COURSE 8 MAY	957.00
EFT106205	12/06/2009	MEGAN JANE ALCHIN	REIMB FOR CLUB DEV DINNER	194.50
EFT106206	12/06/2009	ORD RIVER ELECTRICS	REPAIR LIGHTS SQUASH COURTS, HALL & YOUTH CTRE	1,355.80
EFT106207	12/06/2009	ORDCO	CULVERT ELLENBRAE RD,WATER CARTING TANK CFVBFB	4,615.60
EFT106208	12/06/2009	P & G BODY BUILDERS	PURCHASE OF 5M X 2.5M TRAILER	12,958.00
EFT106209	12/06/2009	RED ELEVEN RED 11 PTY LTD	TLPLW3 PROJECTOR LAMP FOR TOSHIBA TDPT90	565.64
EFT106210	12/06/2009	TOLL EXPRESS	FREIGHT APRIL 2009	195.10
EFT106211	12/06/2009	TOP END MOTORS	SERVICE WY11486, PRE REGO INSPECTION - LOADER	393.23
EFT106212	12/06/2009	TOTAL EDEN KP PUMPS	RETIC FITTINGS NICOLSON PK	548.74
EFT106213	12/06/2009	VEOLIA ENVIRONMENTAL SERVICES	REMOVAL OF 53,000L OF WASTE OIL - KNX LANDFILL SITE	20,751.89
EFT106214	12/06/2009	WESTERN AUST. TREASURY CORPORATION	LOAN REPAYMENT YOUTH CENTRE CONSTRUCTION	8,872.90
EFT106215	16/06/2009	SPORTS SURFACES	PROGRESS CLAIM 5 ON MULTICOURT DEVELOPMENT	444,642.00
EFT106216	17/06/2009	SPORTS SURFACES	PROGRESS PAYMENT ON MULTICOURT CONST	113,124.00
	18/06/2009	EFT 106217 - EFT106322	CANCELLED	0.00
EFT106323	18/06/2009	ALLGEAR MOTORCYCLES	CHAINSAW REPAIR AND REPLACEMENT SPROCKET	172.00
EFT106324	18/06/2009	ARGYLE MOTORS	TOYOTA COROLLA - YTH & REG DEV COORDINATOR	24,861.08

EFT106325	18/06/2009	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	133.66
EFT106326	18/06/2009	AUSFUEL AFD AUSTRALIAN FUEL DISTRIBUTORS	FUEL BY CARD FOR MOBILE PLANT	562.14
EFT106327	18/06/2009	AUSTRAL MERCANTILE COLLECTIONS PTY LTD	PROFESSIONAL SERVICES	1,001.95
EFT106328	18/06/2009	AUSTRALIA POST	POSTAGE COSTS MAY	447.21
EFT106329	18/06/2009	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	179.00
Chq/EFT	Date	Name	Description	Amount
EFT106330	18/06/2009	BIZQUIP SOLUTIONS	EXCHANGE SERVER & EQUIPMENT	7,994.80
EFT106331	18/06/2009	BOAB REFRIGERATION AND AIRCON	FIX AIRCON UNITS AT KNX YOUTH CENTRE	247.50
EFT106332	18/06/2009	BOC GASES AUSTRALIAN LIMITED	GAS BOTTLE RENTAL APRIL 09	254.02
EFT106333	18/06/2009	BODAN CONSTRUCTIONS PTY LTD	LABOUR & MATERIALS WYN REC PLAYGROUND	14,031.71
EFT106334	18/06/2009	CANCELLED		0.00
EFT106335	18/06/2009	BUSBY INVESTMENTS T/A BUDGET RENT A CAR	HIRE CAR MRL & KRC BME N/W POOL MGRS SEMINAR	274.76
EFT106336	18/06/2009	CABCHARGE	CAB CHARGE FEES FOR STAFF	324.06
EFT106337	18/06/2009	CAPRICORN EXTINGUISHER SERVICE	SERVICING TO FIRE EXTINGUISHERS	359.70
EFT106338	18/06/2009	CIVIC LEGAL	PROFESSIONAL SERVICES	1,711.82
EFT106339	18/06/2009	COATES HIRE	ROLLER HIRE AIRSIDE REPAIRS TO FLIGHT STRIPS	6,005.23
EFT106340	18/06/2009	CORPORATE EXPRESS	FURNITURE FOR YOUTH CENTRE	24,305.60
EFT106341	18/06/2009	COUNCILLOR JANE PARKER	MEMBER ALLOWANCE FOR APRIL - JUNE	2,162.50
EFT106342	18/06/2009	COUNCILLOR KEITH WRIGHT	MEMBER ALLOWANCE FOR APRIL - JUNE	2,001.16
EFT106343	18/06/2009	COURIER AUSTRALIA	FREIGHT OF NEW FIRE BRIGADE UNIFORMS	192.53
EFT106344	18/06/2009	COVENTRYS	TOOLS TO SET UP NEW 3 TONNE TIP TRUCK	1,171.25
EFT106345	18/06/2009	COOPERA INCORPORATED	TICKET SALES OCT 08	378.00
EFT106346	18/06/2009	CR KENNETH TORRES	MEMBERS ALLOWANCE FOR APRIL - JUNE	2,162.50
EFT106347	18/06/2009	DAVEY TYRE AND BATTERY SERVICE	NEW TUBE 1CIU595	65.00
EFT106348	18/06/2009	DOUGLAS ALEXANDER	SUBSIDY CLAIM FOR POWER SUPPLY	434.74
EFT106349	18/06/2009	EAST KIMBERLEY HARDWARE	BULK HAND SOAP, SEALER, HOSE FITTINGS, LAMPS	438.30
EFT106350	18/06/2009	FESA EMERGENCY SERVICES LEVY PAYMENTS	ESL 4TH QUARTER 08/09	14,404.09
EFT106351	18/06/2009	FEWSTER, KELLY	POWER SUBSIDY AEHO APR-JUN 09	644.44
EFT106352	18/06/2009	FISCHER, CYNTHIA	CONTRACT TOILET CLEANING WYN MAY 09	3,642.37
EFT106353	18/06/2009	FRANMOR CONSTRUCTIONS PTY LTD	REPAIR SECURITY DOORS AT KNX ADMIN	423.50
EFT106354	18/06/2009	FRONTIER POST & NEWS	POSTAGE WYN MAY 09	33.85

EFT106355	18/06/2009	GOODYEAR DUNLOP DISTRIBUTORS	TYRE FOR WY11650 & TRAILER	370.89
EFT106356	18/06/2009	GRUNT LABOUR SERVICES PTY LTD	SUPPLY OF DAY LABOUR KNX LANDFILL SITE	2,396.46
EFT106357	18/06/2009	GUERINONI & SON	GRADER HIRE FIREBREAKS CROSSING FALLS	4,179.45
EFT106358	18/06/2009	GULLIVERS TAVERN	MEALS BUDGET WORKSHOP	620.70
EFT106359	18/06/2009	HORIZON POWER	POWER SUPPLY FOR VARIOUS LOCATIONS	5,520.40
EFT106360	18/06/2009	IAN & KELLY D'ARCY	POWER SUBSIDY 4-30/03/09	158.55
EFT106361	18/06/2009	ICEAGE REFRIGERATION & AIR CONDITIONING	REPAIR TO A/C XMCPS OFFICE	154.00
EFT106362	18/06/2009	IMAGE PRINTING	PRINTING OF MEETING/FILE NOTE BOOK	528.00
EFT106363	18/06/2009	JASON SIGNMAKERS LTD	1500 X 200 DIRECTIONAL SIGN	88.00
EFT106364	18/06/2009	JOOROOK NGARNI ABORIGINAL CORPORATION	REFUND HALL/OVAL BOND	1,200.00
EFT106365	18/06/2009	JORRITSMA H & CO	HOSE CLIPS & ADAPTORS	104.60
EFT106366	18/06/2009	JSW HOLDINGS PTY LTD	WHITE SAND FOR SWIM BEACH PARK	148.50
EFT106367	18/06/2009	JENNIFER NINYETTE	POWER SUBSIDY	336.55
EFT106368	18/06/2009	K & M ALLCLEAN	CONTRACT CLEANING KNX MAY 09	14,275.12
EFT106369	18/06/2009	KIMBERLEY COMMUNICATIONS	REPLACE RED FM SATELLITE RECEIVER WYN	974.00
EFT106370	18/06/2009	KIMBERLEY ECHO ALBANY ADVERTISER	ADVERTISING OF LOCAL PLANNING POLICIES	296.03
EFT106371	18/06/2009	KIMBERLEY FIRST NATIONAL REAL ESTATE	RATES REFUND	388.05
Chq/EFT	Date	Name	Description	Amount
EFT106372	18/06/2009	KIMBERLEY GROUP TRAINING	HOST EMPLOYERS CONTRIBUTION FOR TRAINEE	221.50
EFT106373	18/06/2009	KIMBERLEY INDUSTRIES METALAND	MEDIUM GALVINISED PIPES FOR VARIOUS LOCATIONS	3,522.61
EFT106374	18/06/2009	KIMBERLEY MARKETING	DRY ICE MOSQUITO CONTROL	33.00
EFT106375	18/06/2009	KIMBERLEY MECHANICAL & TILT TRAY SERVICE	RELOCATE ABANDONED VEHICLE TO DEPOT	110.00
EFT106376	18/06/2009	KIMBERLEY MOTORS	APRIL DIESEL PURCHASES WYN	3,464.76
EFT106377	18/06/2009	KIMBERLEY WASTE SERVICES	3 SKIP EMPTIES KLC MAY 09	135.00
EFT106378	18/06/2009	KOSMOS FOODS PTY LTD	CONSUMABLE FOR SALE ICE CREAMS	356.35
EFT106379	18/06/2009	KUNUNURRA AMATEUR THEATRE SOCIETY	TICKET SALE OWED TO KATS	100.00
EFT106380	18/06/2009	KUNUNURRA HISTORICAL SOCIETY INC	QUICK GRANT E DURACK PAINTINGS	550.00
EFT106381	18/06/2009	KUNUNURRA HOME & GARDEN	PRE MIX CEMENT	470.99
EFT106382	18/06/2009	KUNUNURRA PANEL BEATING WORKS WA P/L	TINT GRADER WINDOWS	800.56
EFT106383	18/06/2009	KUNUNURRA SECURITY SERVICE	CALL OUT SINGLE ALARM ACTIVATION KLC	136.00
EFT106384	18/06/2009	KUNUNURRA TYREPOWER	SUPPLY, FIT & BALANCE TYRES FOR WY12739	1,595.00

EFT106385	18/06/2009	L.G.R.C.E.U	PAYROLL DEDUCTIONS	15.30
EFT106386	18/06/2009	LANDGATE	RENTAL VALUE, MINING TENEMENT ENQUIRIES	1,362.58
EFT106387	18/06/2009	LAWRENCE & HANSON GROUP	FLUORESCENT TUBES FOR KNX OFFICE	101.75
EFT106388	18/06/2009	MCKINLAY, BETTY	ELECTRICITY SUBSIDY CLAIM	416.99
EFT106389	18/06/2009	MEGAN HUNT	CLEANING OF SHIRE BUILDINGS	1,947.00
EFT106390	18/06/2009	NAT GENERAL ASSEMBLY OF LOCAL GOV'T	REGISTRATION CR MILLS NAT GEN ASSEMBLY	1,009.00
EFT106391	18/06/2009	ORD RIVER CONTRACTING	SIDE TIPPER HIRE HIBISCUS DRIVE	660.00
EFT106392	18/06/2009	ORD RIVER ELECTRICS	REPAIRS TO CONTROLLER AT CRICKET NETS	858.16
EFT106393	18/06/2009	ORDCO	CULVERT COUPLINGS RIVERFARM RD	2,384.80
EFT106394	18/06/2009	ORIA ORCHARDS	FLOWERS FOR NEW BABY FOR BEN FLYNN	80.00
EFT106395	18/06/2009	OUTBACK CLEANING	CLEANING YOUTH CENTRE MAY 09	1,738.00
EFT106396	18/06/2009	PC DICTATION	VOICE RECORDER & TYPING KIT	1,232.00
EFT106397	18/06/2009	PLANT HIRE SERVICES PTY LTD	CONTRACT PMT A/PORT C/PARK UPGRADE,EQUIP HIRE	59,987.40
EFT106398	18/06/2009	RNAS	20HR BLOCK SUPPORT N/WORK ENG/SYSTEM ADMIN	4,488.00
EFT106399	18/06/2009	RACHEL WORNES	POWER SUBSIDY	231.21
EFT106400	18/06/2009	RICK SPRY	POWER SUBSIDY	210.95
EFT106401	18/06/2009	ROBERT BOSHAMMER	MEMBERS ALLOWANCE FOR APRIL - JUNE	2,162.50
EFT106402	18/06/2009	RUMOURS PATISSERIE	LUNCH FOR 6 AT MANAGERS BUDGET MEETING	62.40
EFT106403	18/06/2009	RAPISCAN SYSTEMS AUSTRALIA PTY LTD	CONSUMABLES ETD SCREENING KNX A/PORT	2,068.68
EFT106404	18/06/2009	SHELF SUPPLY	CONSUMABLES KNX & WYN POUNDS	208.00
EFT106405	18/06/2009	SHERIDAN'S FOR BADGES	NAME BADGE	37.08
EFT106406	18/06/2009	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	335.00
EFT106407	18/06/2009	SNOWBALL, MIKE	POWER SUBSIDY FOR 6/02/09 TO 17/04/09	580.74
EFT106408	18/06/2009	STUBBS, PETER	POWER SUBSIDY	378.86
EFT106409	18/06/2009	SALERNO LAW	PROFESSIONAL SERVICES	1,700.00
EFT106410	18/06/2009	TECSOUND WA P/L	MICROPHONE & HEADSET FOR WYN POOL	671.00
EFT106411	18/06/2009	THE BOAB BOOKSHOP CAFE	CATERING SHARING OUR STORIES	825.00
EFT106412	18/06/2009	THINKWATER	RETIC SUPPLIES FOR VARIOUS LOCATIONS	5,580.22
EFT106413	18/06/2009	THORLEY'S STORE	TRANSPORT OF KNX-WYN MAIL BAG	378.00
Chq/EFT	Date	Name	Description	Amount
EFT106414	18/06/2009	TNT AUSTRALIA PTY LIMITED	FREIGHT ENV HEALTH EQUIPMENT	46.79

EFT106415	18/06/2009	TOLL EXPRESS	FREIGHT CHARGES MAY 09	283.56
EFT106416	18/06/2009	TOP END MOTORS	SERVICE WY12352 & WY12478	805.85
EFT106417	18/06/2009	TOP END TILT TRAY HIRE	REMOVAL OF ABANDONED VEHICLE TO DEPOT	121.00
EFT106418	18/06/2009	TOTAL EDEN KP PUMPS	VARIOUS SPRINKLERS, NOZZLES, RETIC PARTS, ETC	2,731.94
EFT106419	18/06/2009	TRISLEY'S HYDRAULIC SERVICE P/L	ANNUAL SERVICE TO KNX POOL PLANT & EQUIPMENT	27,852.00
EFT106420	18/06/2009	UHY HAINES NORTON (WA) PTY LTD	INTERIM AUDIT BILL	12,991.00
EFT106421	18/06/2009	VIDEO EDUCATION AUSTRALIASIA PTY LTD	LIFE SKILLS VIDEOS KNX YOUTH CENTRE	742.23
EFT106422	18/06/2009	W.C. CONVENIENCE MANAGEMENT PTY LTD	DOOR CONTROLLER & SOAP PUMP KONKERBERRY DRIVE	6,303.52
EFT106423	18/06/2009	WA LOCAL GOVERNMENT ASSOCIATION WALGA	MONTHLY MARKET FORCE ADVERTISING APR 09	10,142.35
EFT106424	18/06/2009	WA LOCAL GOVT SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	22,810.44
EFT106425	18/06/2009	WAYNE RICHARDS & REBECCA MORRALL	POWER SUBSIDY 10-31/03/09	177.84
EFT106426	18/06/2009	WYNDHAM EXCAVATIONS	GRADER, EXCAVATOR HIRE, SUPPLY CONCRETE & SHALE	10,271.00
EFT106427	18/06/2009	WYNDHAM SUPERMARKET	CONSUMABLES WYN CCC	50.45
EFT106428	25/06/2009	ALLGEAR MOTORCYCLES	NEW CHAIN FOR CHAINSAW	110.00
EFT106429	25/06/2009	ATTORNEY GENERAL'S DEPART AUSCHECK	ASIC CHECKS KNX AIRPORT	431.00
EFT106430	25/06/2009	AUSFUEL AFD AUSTRALIAN FUEL DISTRIBUTORS	FUEL PURCHASES FOR FEB 09	892.83
EFT106431	25/06/2009	CANCELLED		0.00
EFT106432	25/06/2009	BIZQUIP SOLUTIONS	OFFICE PRO PLUS 2007/LICENCE & PRO 2003 DISC KIT	26,173.95
EFT106433	25/06/2009	BLACKWOODS ATKINS PTY LTD	HITACHI 18V BATTERY DRILL AS PER QUOTE 21/05/09	558.91
EFT106434	25/06/2009	CANCELLED		0.00
EFT106435	25/06/2009	BUSH CAMP SURPLUS STORES	WORK BOOTS FOR DEPOT STAFF	145.00
EFT106436	25/06/2009	CEMEX AUSTRALIA PTY LTD (HUMES)	12 CULVERTS PARRY CK RD	13,830.96
EFT106437	25/06/2009	CIVIC LEGAL	PROFESSIONAL SERVICES	1,125.45
EFT106438	25/06/2009	COATES HIRE	HIRE OF PORTABLE TOILET WYN A/PORT	191.82
EFT106439	25/06/2009	CORPORATE EXPRESS	STATIONERY ORDER	2,380.75
EFT106440	25/06/2009	CROCODILE SIGNS	AIRSIDE WARNING SIGNS KNX A/PORT	323.40
EFT106441	25/06/2009	CSIRO PUBLISHING	NEW LOCAL STOCK FOR THE LIBRARY	49.95
EFT106442	25/06/2009	CAFE CORPORATE	COFFEE MACHINE KNX ADMIN	4,140.20
EFT106443	25/06/2009	DRYSDALE RIVER STATION	ACCOMMODATION & MEALS EMERS 12/06/09	226.00
EFT106444	25/06/2009	EAST KIMBERLEY HARDWARE	SUPPLY MISC RETIC FITTINGS & SPRINKLERS	393.95
EFT106445	25/06/2009	EAST KIMBERLEY PLUMBING	PLUMBING REPAIRS WYN CCC & BASTION TOILETS	613.93

Chq/EFT	Date	Name	Description	Amount
EFT106446	25/06/2009	FUJI XEROX AUSTRALIA PTY LTD	GLOSS PAPER FOR FLYER/BROCHURE PRINTING	217.70
EFT106447	25/06/2009	GRUNT LABOUR SERVICES PTY LTD	SUPPLY OF LABOUR KNX LANDFILL SITES	1,198.23
EFT106448	25/06/2009	GUERINONI & SON	SIDE TIPPER HIRE FOR CARLTON HILL RD MTCE	4,343.63
EFT106449	25/06/2009	HORIZON POWER	POWER SUPPLY VARIOUS WYN LOCATIONS	9,359.25
EFT106450	25/06/2009	IBAC PLUMBING PTY LTD	NEW TOILET PAN, SUITE & CISTERN AM HOUSE	885.50
EFT106451	25/06/2009	IOR PETROLEUM PTY LTD	BULK DIESEL KNX DEPOT	8,910.75
EFT106452	25/06/2009	IVANHOE VILLAGE CARAVAN RESORT	ACCOMM P & P SHERRIF ENG CONSULTANTS	4,953.90
EFT106453	25/06/2009	JAB INDUSTRIES	ROADWORKS WEABER PLAIN FLOOD MITIGATION	8,910.00
EFT106454	25/06/2009	JASON SIGNMAKERS LTD	AUTO ONE KUNUNURRA SIGNS	162.80
EFT106455	25/06/2009	JH COMPUTER SERVICES	ACER VERITON L460 E8200 DESKTOP	1,728.00
EFT106456	25/06/2009	KIMBERLEY GROUP TRAINING	TRAINEE CONTRIBUTIONS KNX ADMIN TRAINEE	221.50
EFT106457	25/06/2009	KIMBERLEY INDUSTRIES METALAND	WYNDHAM POUND RELOCATION BLDG MATERIALS	103.13
EFT106458	25/06/2009	KIMBERLEY KOOL REFRIGERATION	REPAIRS TO ICE MACHINE KNX DEPOT	242.00
EFT106459	25/06/2009	KIMBERLEY MARKETING	STOCK FOR DISCO KLC	457.45
EFT106460	25/06/2009	KIMBERLEY TREE SERVICES PTY LTD	TREE & STUMP REMOVAL VIC HWAY & WHITE GUM PARK	865.00
EFT106461	25/06/2009	KIMBERLEY WASTE SERVICES	STREET SWEEPING MAY 2008	8,480.00
EFT106462	25/06/2009	KINGS CROWN INSTRUMENTATION & ELECT	INSTALL DIST BOARD POWER & LIGHTING CIRCUITS	3,991.80
EFT106463	25/06/2009	KUNUNURRA DIESEL SERVICES	PVBFB FAST ATTACK BATTERY REPLACEMENT	199.00
EFT106464	25/06/2009	KUNUNURRA HOME & GARDEN	RAPID SET CONCRETE VARIOUS LOCATIONS	4,701.00
EFT106465	25/06/2009	KUNUNURRA LOCK & KEY	6 X REPLACEMENT KEYS WRC	30.00
EFT106466	25/06/2009	KUNUNURRA RURAL TRADERS	TEST & SERVICE TO FIRE EXTINGUISHERS KLC	772.75
EFT106467	25/06/2009	KUNUNURRA SECURITY SERVICE	PASSENGER SCREENING KNX AIRPORT	55,152.00
EFT106468	25/06/2009	KUNUNURRA MEDICAL	FLU VACCINATIONS KNX STAFF	497.20
EFT106469	25/06/2009	MEGAN HUNT	CONTRACT CLEANING WYN ADMIN, REC & PRMH	973.50
EFT106470	25/06/2009	MT ELIZABETH STATION	OPENING GRADE TO MT ELIZABETH ACCESS RD	3,300.00
EFT106471	25/06/2009	MOSAIC MEDICAL	ADMINISTRATION OF FLU VACCINATIONS KNX STAFF	110.00
EFT106472	25/06/2009	OFFICE NATIONAL KUNUNURRA	WORKSTATION DESK & CHAIRS KNX AIRPORT OFFICE	1,211.49
EFT106473	25/06/2009	ORD MACHINING	SUPPLY ROD & WELD SLASHER HEIGHT WHEEL WY11719	194.65
EFT106474	25/06/2009	ORD RIVER CONTRACTING	HIRE LOADER FOR LANDFILL SITE	19,085.00
EFT106475	25/06/2009	ORD RIVER ELECTRICS	REPAIR VERANDAH FAN 264/UNIT 1 RIVERFIG AVE KNX	188.10

EFT106476	25/06/2009	ORIA ORCHARDS	WEEKLY FLOWER SUPPLY KNX ADMIN	15.00
EFT106477	25/06/2009	PLANT HIRE SERVICES PTY LTD	CART FILL TO KNX LANDFILL SITE, WATER TRUCK HIRE	3,910.50
EFT106478	25/06/2009	RED SUN SPORTS	TABLE TENNIS BATS FOR KLC	29.90
EFT106479	25/06/2009	SEARLES MECHANICAL REPAIRS	100,000KM SERVICE 1CIU595	955.80
EFT106480	25/06/2009	SPORTS SURFACES	KNX MULTI COURT FINAL PMT	37,576.44
EFT106481	25/06/2009	THINKWATER	4 X 25MM PLASSON JOINERS	29.74
EFT106482	25/06/2009	TOLL EXPRESS	FREIGHT CHARGES MAY 09	6,565.02
EFT106483	25/06/2009	TOP END MOTORS	75,000KM SERVICE WY01	390.06
EFT106484	25/06/2009	TOP END TILT TRAY HIRE	RELOCATE ABANDONED VEHICLE TO DEPOT	121.00
EFT106485	25/06/2009	URBIS PTY LTD	ASSESSMENTS OF TOWN PLANNING SCHEMES	9,764.99
EFT106486	25/06/2009	VANDERFIELD MACHINERY PTY LTD	GEAR OIL PUMP KNX A/PORT	164.67
EFT106487	25/06/2009	VOCAM PTY LTD	ELECTRICAL SAFETY ESSENTIALS VIDEOS	434.50
EFT106488	25/06/2009	WESTRAC EQUIPMENT PTY LTD	PARTS FOR 12H GRADER UPGRADE, LOADER FILTERS	2,444.28
EFT106489	25/06/2009	WESTRALIA AIRPORTS CORPORATION PTY LTD,	ASIC PRINTING KNX A/PORT STAFF	150.00
EFT106490	26/06/2009	MADELEIN DARCH	REIMBURSEMENT FOR EXCESS LUGGAGE	90.00
				1,900,772.25

Chq/EFT	Date	Name	Description	Amount
39033	5/06/2009	ABCO WATER	REFUND OVER PAYMENT EFFLUENT DISPOSAL	104.00
39034	5/06/2009	CANCELLED		0.00
39035	5/06/2009	AMP LIFE LTD	SUPERANNUATION CONTRIBUTIONS	167.94
39036	5/06/2009	ASGARD SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	214.35
Chq/EFT	Date	Name	Description	Amount
39037	5/06/2009	AUSTRALIAN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	128.99
39038	5/06/2009	AXA AUSTRALIA	SUPERANNUATION CONTRIBUTIONS	163.61
39039	5/06/2009	BLACK SWAN STATE THEATRE	SALE OF BLACK SWAN THEATRE TICKETS	2,284.00
39040	5/06/2009	COLIN WILKINSON DEVELOPMENTS PTY LTD	REFUND OF BUILDING LICENCE FEES	3,723.63
39041	5/06/2009	HORIZON POWER NON ENERGY	UPGRADE 200KVA TRANSFORMER 1 MESSMATE WAY	35,967.00
39042	5/06/2009	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	342.74
39043	5/06/2009	QUADRANT SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	267.79
39044	5/06/2009	REST SUPER	SUPERANNUATION CONTRIBUTIONS	216.47

39045	5/06/2009	TELSTRA	LAND LINE EXPENSES KNX YOUTH CENTRE	209.68
39046	5/06/2009	VICSUPER	SUPERANNUATION CONTRIBUTIONS	133.20
39047	5/06/2009	WATER CORPORATION	ADJUST CHARGES 08/09 ORD IRRIG BYLAW CHARGES	2,600.40
39048	12/06/2009	ABORIGINAL LAND TRUST	RATES REFUND	152.00
39049	12/06/2009	PETTY CASH KNX AIRPORT	PETTY CASH KNX A/PORT	93.82
39050	12/06/2009	GRAYSON RHYS HAMILTONSMITH	REFUND ASIC CARD APPLICATION & BOND	220.00
39051	12/06/2009	KUNUNURRA MEDICAL	DRUG SCREENING TEST KNX A/PORT	48.40
39052	12/06/2009	SHIRE OF BROOME	REG & DINNER KIMBERLEY ZONE CEO & SHIRE PRES	220.00
39053	12/06/2009	STATE EMERGENCY SERVICE (KUNUNURRA)	ESL FUNDING FOR MARCH - JUNE 2009	11,315.52
39054	18/06/2009	AMP LIFE LTD	SUPERANNUATION CONTRIBUTIONS	167.94
39055	18/06/2009	ANTON CAVLOVIC	RATES REFUND	403.48
39056	18/06/2009	ASGARD SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	214.35
39057	18/06/2009	AUSBURN, DI	MEMBER ALLOWANCE FOR APRIL -JUNE	2,162.50
39058	18/06/2009	AUSTRALIAN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	165.85
39059	18/06/2009	AXA AUSTRALIA	SUPERANNUATION CONTRIBUTIONS	163.61
39060	18/06/2009	CASHPETTY CASH W.N.C.	PETTY CASH WYN CHILD CARE	50.20
39061	18/06/2009	CR FRED MILLS	MEMBER ALLOWANCE FOR APRIL - JUNE	6,975.00
39062	18/06/2009	CR JOHN HAMILTON MOULDEN	MEMBER ALLOWANCE FOR APRIL - JUNE	2,162.50
39063	18/06/2009	PAUL CALEY	MEMBER ALLOWANCE FOR APRIL - JUNE	2,162.50
39064	18/06/2009	CR RALPH ADDIS	MEMBER ALLOWANCE FOR APRIL - JUNE	2,818.75
39065	18/06/2009	DEPARTMENT OF CORRECTIVE SERVICES	REFUND HALL HIRE BOND	100.00
39066	18/06/2009	DEPT FOR PLANNING & INFRASTRUCTURE	12 MTHS REGO 1BPD685	526.35
39067	18/06/2009	INDIAN OCEAN HOTEL	MEALS FOR XMCMS WHILST AT EXEC MGRS PGRM	75.50
39068	18/06/2009	LONE EAGLE (WA) PTY LTD	REFUND FOOTPATH/KERB BOND	350.00
39069	18/06/2009	LYNETTE JOY GITSHAM	REFUND OF 1 MONTHS STALL HOLDER FEES	30.00
39070	18/06/2009	MERCURE INN BROOME	ACCOMM MRL BROOME	1,203.00
39071	18/06/2009	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	343.40
39072	18/06/2009	QUADRANT SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	267.79
39073	18/06/2009	REST SUPER	SUPERANNUATION CONTRIBUTIONS	248.46
39074	18/06/2009	RUSSELL HEXTALL	RATES REFUND	2,113.81
39075	18/06/2009	TELSTRA	TELSTRA PHONE BILL	33.81

39076	18/06/2009	TARYNE LAFFAR	REFUND HALL HIRE BOND	100.00
39077	18/06/2009	VICSUPER	SUPERANNUATION CONTRIBUTIONS	19.72
39078	18/06/2009	WYNDHAM FAMILY SUPPORT	REFUND HALL HIRE BOND	100.00
Chq/EFT	Date	Name	Description	Amount
39079	25/06/2009	DEPARTMENT OF THE ATTORNEY GENERAL	REFUND BOND PETER REID MEMORIAL HALL	1,000.00
39080	25/06/2009	ENGINEERS AUSTRALIA	MEMBERSHIP RENEWAL 2009/2010	456.50
39081	25/06/2009	QBD BOOKSHOP	BOOK SUPPLY KIMB WRITERS FESTIVAL	375.68
39082	25/06/2009	TELSTRA	LANDLINE CHARGES MAY - JUN 2009	5,182.71
39083	25/06/2009	WATER CORPORATION	WATER USE CHARGES 18/11/08 TO 23/03/09	178.35
39084	25/06/2009	DEPT FOR PLANNING AND INFRASTRUCTURE	PURCHASE OF LOT 829 KOOLAMA ST WYN	16,255.00
39085	25/06/2009	CASH	TEMP CASH FLOAT FOR KLC DISCO	200.00
				105,180.30

Date	Name	Description	Amount
03/06/2009	PAYROLL	PAYROLL	129,758.65
05/06/2009	PAYROLL	ONE OFF PAY	1,601.35
09/06/2009	PAYROLL	ONE OFF PAY	1,102.72
17/06/2009	PAYROLL	PAYROLL	132,479.23
18/06/2009	PAYROLL	ONE OFF PAY	1,656.75
18/06/2009	PAYROLL	ONE OFF PAY	1,593.75
22/06/2009	PAYROLL	ONE OFF PAY	6,559.70
22/06/2009	PAYROLL	ONE OFF PAY	568.89
22/06/2009	PAYROLL	ONE OFF PAY	1,516.92
			276,837.96

Date	Name	Description	Amount
25/06/2009	DIRECT DEBIT	RENT 12/33 KONKERBERRY DRIVE KUNUNURRA	2,036.66
15/06/2009	DIRECT DEBIT	RENT 4 BOOBIALLA WAY	2,493.67
22/06/2009	DIRECT DEBIT	RENT 20 BARRINGTONIA WAY	2,383.33
Jun-09	DIRECT DEBIT	BANK FEES	192.60
Jun-09	DIRECT DEBIT	BPOINT	74.94

02/06/2009 DIRECT DEBIT
18/06/2009 DIRECT DEBIT
Jun-09 DIRECT DEBIT
Jun-09 DIRECT DEBIT
Jun-09 DIRECT DEBIT
04/06/2009 DIRECT DEBIT

VISA PAYMENT 4,509.30
MASTERCARD 4,009.35
EXTRA PAYMENT MASTERCARD 12,713.12
EXTRA PAYMENT VISA 3,795.72
MERCHANT FEE 864.10
WESTNET P/L 579.49
TOTAL DIRECT DEBIT PAYMENTS 33,652.28

12.2.5 VARIATION TO FEES AND CHARGES

DATE:	21 July 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Bonnie Cole, Finance Projects Officer
REPORTING OFFICER:	Gill Old, Acting Executive Manager Corporate Services
FILE NO:	30.14.13, 44.33.05
ASSESSMENT NO:	N/A

PURPOSE

To consider changes to the 2009/2010 fees and charges relating to the Builders' Registration Board levy and the Kununurra Leisure Centre memberships.

BACKGROUND

Council adopted the fees and charges for financial year 2009/2010 at Special Council Meeting on 30 June 2009 as part of the budget adoption process.

The Builders' Registration Board (BRB) Levy was noted as \$39. This levy is a statutory fee which is collected by the Shire on behalf of the Builders' Registration Board.

As part of the same adoption, the Gold Membership fee for six months at the Kununurra Leisure Centre was noted as \$315 for both standard and concession levels.

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

The proposed fee increase for the BRB levy will have no impact on the Shire finances as the funds are collected on behalf of the Builders' Registration Board and forwarded to them.

The proposed fee change to the Gold Membership (Concession) fee for six months represents a \$30 reduction.

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

Council have received notification from the Builders' Registration Board that the levy is to increase from \$39 to \$40 effective 1 July 2009. It is appropriate therefore to amend Council's adopted fees to accurately reflect this change.

An oversight has caused Council's adoption of the fees for Gold Membership for six months to the Kununurra Leisure Centre to be the same amount for the standard and concession levels. It is more appropriate that the concessional fee be set at a reduced rate of \$285 to be more consistent with the rest of the fee structure.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council amend the 2009/2010 adopted fees and charges to increase the Builder Registration Board Levy to \$40 and decrease the Gold Membership – 6 months (Concession) to the Kununurra Leisure Centre to \$285 effective immediately.

COUNCIL DECISION

Minute No. 8745

Moved:Cr K Wright

Seconded:Cr P Caley

That Council amend the 2009/2010 adopted fees and charges to increase the Builder Registration Board Levy to \$40 and decrease the Gold Membership - 6 months (Concession) to the Kununurra Leisure Centre to \$285 effective immediately.

CARRIED UNANIMOUSLY: (8/0)

12.3. ENGINEERING & REGULATORY SERVICES

12.3.1 TENDER EVALUATION CRITERIA - ROAD PROJECTS AND SEAL/CEMENT STABILISATION PERIOD CONTRACT (8746)

DATE:	21 July 2009
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Kununurra
AUTHOR:	Alex Douglas, Executive Manager Engineering & Regulatory Services
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering & Regulatory Services
FILE NO:	21.10.001, 21.10.006, 21.10.018
ASSESSMENT NO:	N/A

PURPOSE

The purpose of this report is to adopt evaluation criteria for road work related tenders and for a period contract for bituminous sealing, crack patching and cement stabilisation works.

BACKGROUND

The 2009/10 adopted budget includes a number road projects requiring the inviting of tenders together with the inviting of a new period contract. Council considers the evaluation criteria to be used in the tender documents.

STATUTORY IMPLICATIONS

The Local Government (Functions and General) Regulations 1995 apply.

POLICY IMPLICATIONS

There are no specific policy implications associated with this report.

FINANCIAL IMPLICATIONS

There are no specific financial implications associated with this report.

STRATEGIC IMPLICATIONS

Key Result Area 5, Governance - "Compliance with legislative requirements"

COMMUNITY CONSULTATION

No community consultation has been undertaken in preparing this report.

COMMENT

The projects for which tenders are expected to be invited are: -

1. Parry Creek Rd – Cattle Grids

2. Carlton Hill Road – Realignment of curve and gravel sheeting
3. Research Station Road – construct and seal

4. A separate supply tender is to be invited for the Supply and Spray of Bituminous Seals, Crack Patching and Cement Stabilisation which will be used for reseal program, the sealing component of construct and seal projects, and the re-construction of the RRG funded project which may be Weaber Plain Road or Research Station Road.

The proposed evaluation criteria are: -

Evaluation Criteria	%
Price	65
Skills, qualifications and experience of key personnel	15
Respondents Resources (eg Plant and Equipment to undertake task effectively and efficiently)	15
Local Supplier	5
TOTAL	100

The local supplier component of the supply tender will allow consideration of locally sourced materials (e.g. aggregate, cement) and/or locally based contractors (e.g. roller hire, grader hire)

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council adopt the following evaluation criteria for relevant tenders involving road works listed within the 2009/10 financial year and the period contract for the provision of bituminous sealing, crack patching and cement stabilisation: -

Evaluation Criteria	%
Price	65
Skills, qualifications and experience of key personnel	15
Respondents Resources (eg Plant and Equipment to undertake task effectively and efficiently)	15
Local Supplier	5
TOTAL	100

COUNCIL DECISION

Minute No. 8746

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

That Council adopt the following evaluation criteria for relevant tenders involving road works listed within the 2009/10 financial year and the period contract for the provision of bituminous sealing, crack patching and cement stabilisation: -

Evaluation Criteria	%
Price	65
Skills, qualifications and experience of key personnel	15
Respondents Resources (eg Plant and Equipment to undertake task effectively and efficiently)	15
Local Supplier	5
TOTAL	100

CARRIED UNANIMOUSLY: (80/)

12.4. DEVELOPMENT

12.4.1 FINAL ADOPTION OF LOCAL PLANNING POLICIES 1 - 5

DATE:	21 July 2009
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Townsites of Wyndham and Kununurra and Surrounds
AUTHOR:	Ian D'arcy, Executive Manager Development Services
REPORTING OFFICER:	Ian D'arcy, Executive Manager Development Services
FILE NO:	43.02.01
ASSESSMENT NO:	N/A

PURPOSE

To consider final adoption of Local Planning Policies LPP 1 to LPP 5 in accordance with the Shire of Wyndham - East Kimberley's Town Planning Scheme No.6 and No.7.

BACKGROUND

The Council at its ordinary meetings in April and May 2009 commenced a review of its Development Control Policies where it resolved to advertise the following draft Policies seeking public comment in accordance with the requirements of the Shires Town Planning Schemes No.6 and No.7:

- LPP 1 - Lakeside Residential Development Guidelines Policy (amended)
- LPP 2 - Compliance and Enforcement Policy (draft)
- LPP 3 - Weaber Plain LIA Design Guidelines (draft)
- LPP 4 - Events Application Package (draft)
- LPP 5 - Sea Shipping Containers (draft)

All five advertised policies are provided as Attachments 1 – 5 respectively.

At the conclusion of the advertising process there were no submissions received, although a couple of building applications were submitted during the same period seeking a reduction in roof pitch from the prescribed standards detailed in LPP 1 – Lakeside Design Guidelines. Specifically, this related to a number of homes with skillion roofs with the builder seeking a reduction from a 15⁰ to a 10⁰ pitch. Similarly, an application for a new transportable home in Lakeside has sought a reduction in pitch for a gable roof from 22⁰ to 17.5⁰ given the height restriction in transportation.

STATUTORY IMPLICATIONS

The ability to prepare a Development Control (Local Planning) Policy is afforded to the Council under Clause 3.3.2 of the Shire of Wyndham - East Kimberley Town Planning Scheme No.6 and Clause 12.6.1 of the Shire of Wyndham - East Kimberley Town Planning Scheme No.7.

POLICY IMPLICATIONS

Refer to Comment Section.

FINANCIAL IMPLICATIONS

An advertisement is required to be published in the local newspaper notifying the public of adoption of the respective policies at a cost in the order of \$300.

STRATEGIC IMPLICATIONS

Generally and for the most part development control policies are formulated within the legal framework prescribed by legislation and aligned with the strategic direction as set by the Council. These policies are aimed at prescribing minimum standards and the type of development and use acceptable to the Council in consideration of community sentiment. Additionally, these policies also aid in providing a foundation for delegation to be set to assist in streamlining approval processes and establishing relative levels of compliance.

COMMUNITY CONSULTATION

Community consultation has been completed through the advertising of the Local Planning Policies 1 – 5 in the local newspaper with no submissions received.

COMMENT

Other than LPP 1 there are no recommended modifications to the other draft policies LPP 2 to LPP 5.

In regard to LPP 1 – Lakeside Design Guidelines the Council in April 2009 resolved to amend the provision relating to minimum roof pitches to read:

All Gable and hip style roof structures for houses shall be pitched at no less than a minimum of 22 degrees and all skillion and curved style roofs at no less than a minimum of 15 degrees where visible from the street. A shallower pitch to a minimum of 7 degrees is acceptable for verandahs, patios, canopies, outbuildings, attached and free standing garages and carports, and small sections of skillion roofs behind parapet walls.

With a couple of building applications being received seeking concession to roof pitch/s it is prudent for the Council to give further consideration to this matter before moving to finally adopt LPP 1. In this regard and given the subjective views on roof pitches the Council may seek to:

1. Adopt the Policy as advertised without modification (that is inclusion of the provision detailed above); or
2. Further relax the Development Guidelines for Lakeside by reducing the minimum roof pitch without diminishing the thermal performance of the house. Simply, this could be through allowing a reduced pitch by up to 5° subject to the installation of maximum roof and ceiling insulation. This would involve rewording statement 2.4 to read:

2.4 All Gable and hip style roof structures for houses shall be pitched at no less than a minimum of 22 degrees and all skillion and curved

style roofs at no less than a minimum of 15 degrees where visible from the street. This may be reduced by up to 5° where the building plans show the installation of maximum rated insulation to under the roof cladding and above the ceiling. A shallower pitch to a minimum of 7 degrees is acceptable for verandahs, patios, canopies, outbuildings, attached and free standing garages and carports, and small sections of skillion roofs behind parapet walls.

Or;

3. Delete Statement 2.4 altogether. This in turn will provide for increased flexibility and allow for greater variation in design and form of construction, including transportable housing. However, it must be noted that should staff be concerned with the overall presentation of a building, including minimal roof pitch, the proposal will be referred to Council for consideration and determination.

Furthermore, it is also recommended the Council give consideration to front boundary by amending Statement 4.4 this Policy which currently reads:

“4.4 The installation of a front boundary fence is the subject of an application to the Council for planning consent.”

It is suggested this provision default to what is basically allowed under the Residential Design Codes, and therefore would read:

4.4 The installation of a front boundary fence is to accord with the Residential Design Codes which supports a solid front fence to 1.2 metres with fences between 1.2 to 1.8 metres in height being visually permeable.

An exception to this is where a solid fence, or wall, up to 1.8 metres in height is required to shield constant headlight glare from oncoming traffic or is required for privacy of an outdoor living area. Should a solid front boundary fence be erected it shall not exceed 50% of the frontage of the lot unless otherwise approved by the local government.

ATTACHMENTS

Attachment 1 - LPP 1 - Lakeside Residential Development Guidelines Policy (amended)

Attachment 2 - LPP 2 - Compliance and Enforcement Policy (draft)

Attachment 3 - LPP 3 - Weaber Plain LIA Design Guidelines (draft)

Attachment 4 - LPP 4 - Events Application Package (draft)

Attachment 5 - LPP 5 - Sea Shipping Containers (draft)

VOTING REQUIREMENT

Simple majority

OFFICER'S RECOMMENDATION

That Council resolve to:

1. Pursuant to Clause 12.6.1(b) of the Shire of Wyndham - East Kimberley Town Planning Scheme No.7 finally adopt Local Planning Policy (LPP) 1 - Lakeside Residential Development Guidelines Policy, as presented in Attachment 1 to this report, and in place of DC Policy 23, subject to:

(a) Statement 2.4 being deleted;

(b) Statement 4.4 being reworded to read:

4.4 The installation of a front boundary fence is to accord with the Residential Design Codes which supports a solid front fence to 1.2 metres with fences between 1.2 to 1.8 metres in height being visually permeable.

An exception to this is where a solid fence, or wall, up to 1.8 metres in height is required to shield constant headlight glare from oncoming traffic or is required for privacy of an outdoor living area. Should a solid front boundary fence be erected it shall not exceed 50% of the frontage of the lot unless otherwise approved by the local government.

(c) The Policy statements being re-numbered in light 1(a) above;

2. Pursuant to Clause 3.3.2 (b) of the Shire of Wyndham - East Kimberley Town Planning Scheme No.6 and Clause 12.6.1(b) of the Shire of Wyndham - East Kimberley Town Planning Scheme No.7 finally adopt the following Local Planning Policies as shown in Attachment 2 - 5 (with or without modification by Council), and proceed publish a notice to this effect in the local newspaper

COUNCIL DECISION

Minute No. 8748

Moved:Cr D Ausburn

Seconded:Cr J Parker .

That Council refer this matter back to the next Briefing Session.

CARRIED UNANIMOUSLY: 8/0

Elected Members considered that he policies required further development.

Attachment 1

POLICY NO:	LPP 1
DIVISION:	Development Services
SUBJECT:	Lakeside Residential Development Guidelines Policy
ENABLING LEGISLATION:	Town Planning Scheme No 7 - Kununurra & Environs

OBJECTIVE:

These guidelines apply to the Lakeside Park Estate and effectively form the basis of additional development control to achieve a sustainable, high amenity residential area for the benefit of local residents.

The policy addresses design aspects and issues such as:

- q Building Form, Character & Materials
- q Climate Sensitive Design
- q Fencing
- q Density and Setbacks
- q Garages & External Storage Areas
- q Solar Collectors and Clothes Lines.

These Guidelines have been prepared to provide:

- q Visually attractive and appropriate development
- q Integrated design
- q Promotion of safety, variety and a sense of place
- q Provide exemplary streetscapes and high quality design and aesthetics
- q Promote sustainability through efficient construction, energy and water conservation

POLICY:

1.0 Introduction

These guidelines are “in addition” to all other statutory requirements pertaining to building development, design and construction. For any instances where these design guidelines are found to conflict with the statutory requirements of other authorities i.e. requirements of the Local Authority in accordance with Town Planning Scheme No 7, Building Code of Australia, Residential Design Codes etc, the statutory requirements are to take precedence. These design guidelines apply to the current and future stages of residential development within the Lakeside Park Estate.

2.0 Building Form, Character, Materials and Colours for all Housing

- 2.1 Minimum size of dwelling (excluding carport, garaging and verandahs) shall be:

- ✓ 140 square metres for lots with an area equal to or greater than 700 square metres.
- ✓ 100 square metres for lots with an area less than 700 square metres.
- ✓ 80 square metres for each group dwelling.

- 2.2 All dwellings shall have clearly defined entrances to the street.
- 2.3 Houses situated on corner lots shall address both street frontages through architectural design features.
- 2.4 All Gable and hip style roof structures for houses shall be pitched at no less than a minimum of 22 degrees and all skillion and curved style roofs at no less than a minimum of 15 degrees where visible from the street. A shallower pitch to a minimum of 7 degrees is acceptable for verandahs, patios, canopies, outbuildings, attached and free standing garages and carports, and small sections of skillion roofs behind parapet walls.
- 2.5 Zinalume is not permitted to be used for external cladding due to its reflective nature and potential glare issues with neighbouring properties.
- 2.6 The use of light colours for external roof and wall claddings and finishes is encouraged.

3.0 Garaging & External Storage Areas

- 3.1 Garages (including doors) and carports shall be consistent in design (theme), materials and colours to the dwelling to reduce visual impact and add interest to the streetscape.
- 3.2 Where practicable garages and carports should be located under the main roof of the dwelling.
- 3.3 Outbuildings shall be constructed of the same materials as the main dwelling where they exceed 25 square metres in area.
- 3.4 No commercial vehicles are to be parked on the property or the street verge for any more than forty eight (48) hours, unless approval has been obtained by the Council.
- 3.5 Driveways and crossovers are encouraged to be completed in the same construction period as for the dwelling.

4.0 Fencing

- 4.1 All side and rear boundary fencing shall be no greater than 1.8 metres in height.
- 4.2 Side fences forward of the front building line of the house shall be no higher than 1.2 metre and be constructed of the same materials/matching in colour with the predominant side and rear boundary fences.
- 4.3 Fences on secondary streets (corner lots) boundaries shall be largely open in design and visually permeable above a height of 1.2 metre.
- 4.4 The installation of a front boundary fence is the subject of an application to the Council for planning consent.

5.0 Clothes Lines and Drying Areas

5.1 Clothes lines shall be screened from public areas.

5.2 Wherever possible, solar collectors should be:

- ✓ Concealed from the street or other public areas
- ✓ Colour coded to the colour of the roof
- ✓ Installed on the plane of the roof at the rear and ideally the storage tanks located within the roof space. Stands on rooftops are discouraged.

6.0 Climate Sensible Design

6.1 Where possible new houses should include:

- ✓ Installation of a solar hot water system.
- ✓ Water sensitive fixtures such as AAA rated dual flush toilet systems.
- ✓ Passive solar design, including appropriate room location and zoning for day lighting and ventilation.
- ✓ Extensive eaves overhang to support thermal comfort and efficiency.
- ✓ Verandahs to the front of houses to provide articulation and energy efficiency.
- ✓ The highest rated insulation under roof cladding, and within wall and ceiling cavities.
- ✓ Additional roof ventilation.
- ✓ Effective use of pergolas and vegetation for shade, particularly to east, west and south facing windows.

ADOPTED:

REVIEWED:

AMENDED:

Attachment 2

POLICY NO:	LPP 2
DIVISION:	Development Services
SUBJECT:	Draft Compliance and Enforcement Policy
ENABLING LEGISLATION:	<i>Local Government Act 1995;</i>

OBJECTIVE

To provide a framework and consistent approach for Council Officers to implement compliance standards and instigate enforcement action, as described in various Acts and Regulations (Legislation) the Shire administers, proportionate to the seriousness of an alleged offence or issue of non-compliance.

POLICY

1.0 Introduction

As with many Local Governments in Western Australia the Shire of Wyndham East Kimberley is largely responsible for the administration and enforcement of an array of State Government Legislation. Whilst the list is extensive this Policy specifically applies to the legislative framework and provisions prescribed under, but not necessarily limited to:

- *Building Regulations, 1989*
- *Building Code of Australia,*
- *Caravan Parks and Camping Ground Act, 1995*
- *Caravan Parks and Camping Ground Regulations, 1997*
- *Environmental Protection Act, 1986*
- *Food Act, 2008*
- *Health (Food Hygiene) Regulations, 1993*
- *Health Act, 1911*
- *Land Administration Act, 1997*
- *Litter Act, 1979*
- *Local Government (Miscellaneous Provisions) Act, 1960*
- *Planning and Development Act, 2005*
- *Strata Titles Act, 1985*
- *Shire of Wyndham – East Kimberley Town Planning Scheme No.6*
- *Shire of Wyndham – East Kimberley Town Planning Scheme No.7*
- *Shire of Wyndham – East Kimberley adopted Local Planning Policies*
- *Shire of Wyndham – East Kimberley adopted Local laws*

In consideration of this legislation and in order for the Council to achieve an appropriate standard of amenity in step with the social fabric and community expectations for both Kununurra and Wyndham it is necessary for the Shire to apply a consistent approach to addressing issues of non-compliance associated with development. In this regard the following general principals and enforcement procedures provides a clear guide for Shire Officers to administer an equitable communication process and approach to addressing issues of non-compliance.

2.0 General Principles

- 2.1 For a concern from a member of the public to be acted upon notice must be in written form incorporating relevant details, including name, address, contact details and nature of concern. Anonymous or verbal notification will not be accepted and acted on unless otherwise determined by the Chief Executive Officer.
- 2.2 All concerns will be treated confidentially, where possible and appropriate.
- 2.3 All concerns will be considered on merit and in context of a non personal interest. A matter will not be progressed should, in the opinion of the Chief Executive Officer, the concern be perceived as vexatious or not in good faith.
- 2.4 Councillors and Shire Officers who become aware of potential issues of non-compliance are required to submit details to the CEO or the relevant Executive Manager in the form of a written and signed file note.
- 2.5 All matters of alleged non-compliance must be recorded by the responsible officer/s in written format and filed in the Shires record management system.
- 2.6 Notwithstanding the requirements of the Legislation all notifications regarding an alleged issue of non-compliance must give the recipient a minimum of thirty (30) calendar days in which to comply, unless in the opinion of the Officer there is a known or perceived risk to the public where it is incumbent on the Officer to do everything in their power to alleviate the risk.
- 2.7 In the event of an application being progressed at the time of an alleged offence the processing/assessment of the application shall be 'suspended' until the issue of non-compliance has been resolved to the satisfaction of the Chief Executive Officer or Council.
- 2.8 Notwithstanding any legislative requirement, Officers that hold delegated authority are authorised under this policy to issue letters of warning under procedures 3.1 and 3.2 in consultation with the Executive Manager for Town Planning and Economic Development. Further delegation is afforded to the Executive Manager for Town Planning and Economic Development to administer procedures 3.1 to 3.3, and the Chief Executive Officer to administer procedures 3.1 – 3.4.
- 2.9 Whilst there is a general duty imposed on the Shire to enforce legislation for which it is responsible, that general duty is not absolute. In each case it will be necessary to determine whether legal costs and other liabilities are justified for the good governance of the Shire and whether or not engagement, enforced and self regulation would be a suitable alternative means of achieving the required level of compliance within the relevant legislation.

3.0 Enforcement Procedure

- 3.1 Upon receipt of a complaint or when attention is drawn to an alleged issue of non-compliance the relevant officer shall investigate the matter through written notice to the occupier/owner of the property seeking confirmation of the status of the activity or serving a notice to comply with a response to be received within thirty (30) days.
- 3.2 At the expiration of the first notice, if necessary, a second letter of non-compliance shall be sent by registered mail with receipt of notification being obtained from Australia Post. This notice shall be for a period of thirty (30) days where by a response is to be received and/or necessary compliance has been achieved. At this point the matter shall be listed for the Council's information.
- 3.3 Should a response to the second notice prove unsatisfactory a memo is to be submitted to the relevant Executive Manager outlining all the details of the complaint, the section of the legislation that has been breached, the compliance actions already taken (copies of letters sent) and the recommended action within the legislation. The Executive Manager for Town Planning and Economic Development is to review all the evidence and if deemed necessary authorise the issue of a third notice to comply within a further thirty (30) days. This notice shall flag that failure to comply may result in legal proceedings to be instigated in accordance with the relevant legislation. An update of the progress of the matter will again be listed for the Council's information.
- 3.4 At the conclusion of the third notice the matter of alleged non-compliance will be presented to the Chief Executive Officer where, based on the nature and circumstances and extent of co-operation from occupier/owner, and in consultation with the Shire President and Deputy Shire President, a determination to commence legal proceedings may be instigated pursuant to the relevant legislation. Conversely, the matter is to be referred to the Council for consideration and an appropriate course of action to be taken.

ADOPTED:

REVIEWED:

AMENDED:



Weaber Plain
Light Industrial Area
KUNUNURRA

DESIGN GUIDELINES



KUNUNURRA LIGHT INDUSTRIAL AREA



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Document Issue and Control

revisior	date	author	control/checked	issued to	issued for
001	11.11.2008	GC	kw	LG	comment
002	12.12.2008	GC	kw	LG	modified from comments by shire, modified "mandatory" to "best practice"

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1. INTRODUCTION

INDUSTRIAL PARK AT KUNUNURRA

THE WEAVER PLAIN LIGHT INDUSTRIAL AREA IS A STATE GOVERNMENT INITIATIVE IMPLEMENTED BY THE WESTERN AUSTRALIAN LAND AUTHORITY TRADING AS LANDCORP. LANDCORP IS WORKING TO ENSURE THE GROWTH OF INDUSTRY WITHIN TOWNSITES ACROSS REGIONAL WESTERN AUSTRALIA.

These development guidelines provide “easy to apply” planning criteria ensuring that a consistently high standard of development is maintained from the earliest buildings through to the final stages of development.

The blend of well designed buildings and quality landscaping will contribute to the Weaver Plain Light Industrial Area being a pleasant and productive working environment which should assist developers and owner occupiers in maximising rents and property values.

These guidelines have been created specifically for the Weaver Plain Light Industrial Area, and are an amended version of previous Development Guidelines for Light Industrial Areas in regional Western Australia.

KEY OBJECTIVES

The key objectives of the development guidelines are:

- To supplement economic activity through the release of additional industrial land within the Shire of Wyndham East Kimberley in support of the local economy.
- To ensure that all development meets best practice standards for sustainable development given the project's close proximity to Mirima National Park.
- To avoid unsightly and poorly planned industrial buildings in order to protect the investment of all developers and owners; and
- To achieve greater sustainability within the development through climate responsive siting, energy and water efficient design and fit-out.

OUR ENVIRONMENT

Kununurra's climate is arid-tropical with summer heralding the onset of the wet season.

Morning breezes come from all directions, however afternoon breezes in summer and winter are consistently from the South East. The weather is mild from April through September, and hot from December through September.

These unique environmental conditions have influenced the Design Guidelines for the Weaver Plain Light Industrial Area.

2. DEVELOPMENT GUIDELINES

By adhering to these guidelines the **Weaber Plain Light Industrial Area** will be **recognisable for its climate appropriate and site sensitive built form outcomes.**

2.1 BUILDING CODE OF AUSTRALIA

All construction must comply with the current Building Code of Australia.

2.2 TOWN PLANNING SCHEME

The Town Planning Scheme applies and should be read in conjunction with these guidelines.

2.3 APPROVAL

Planning Approval is required by the Shire of Wyndham-East Kimberly under the provisions of the Town Planning Scheme No 7 Kununurra and Environs, and a Building Licence is required prior to construction commencing on any site.

2.4 BUILT FORM CHARACTER & DETAIL

MANDATORY REQUIREMENT

The following principles are a guide to the development of an appropriate architectural character and aim to achieve a good standard of building design throughout the estate.

Building frontage and entry

- The front elevation must be designed to address the street
- The main entrance is to be on the front elevation or close to the front of the building, clearly visible from the street; and
- Entrance points to buildings must provide protection for pedestrians by means of a substantial integrated building element such as a veranda, canopy or colonnade.

2.5 SITE COVERAGE

MANDATORY REQUIREMENT

- Site coverage and plot ratio is to be in accordance with Local Authority Scheme Text requirements and determined by setbacks, landscaping, parking and the Building Code of Australia requirements.

2.6 BUILDING SETBACKS & LOCATION

Setbacks should be established giving consideration to:

The general streetscape, adjoining properties and buildings, solar aspect and prevailing breezes; and the bulk of the development.

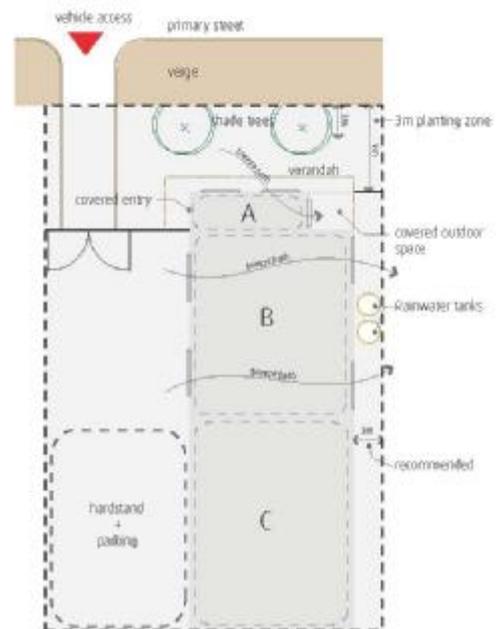
MANDATORY REQUIREMENTS

- Setbacks to conform to TPS of the shire & relevant BCA provisions.
- Minimum Front / Primary Street Setback 9m
- Maximum Front / Primary Street Setback 9m
- Development shall occur at the front of the lot as indicated in the diagram adjacent, with "ZONE A and B" being built before any works can occur to the rear of the lot.

'BEST PRACTICE' OPTION

- A minimum setback of 3 metres to the side setback of any structure within 30m of the front boundary line, to allow for cross ventilation and side glazing. Cross ventilation will remove heat buildup and side glazing can reduce heat gain by minimizing the need for overhead sky lights.

Fig. 1: SITE and STAGING DIAGRAM (Best Practice)



- A - Entry/Administration/Showroom/Staff facilities
- B - Workshop/Warehouse/Hardstand
- C - Store/Open yard (Careful screening required)

3. SUSTAINABILITY GUIDELINES

By adhering to these guidelines the **Kununurra Industrial Park development** will **minimise adverse environmental effects** associated with **development and industrial activity**.

3.1 LIGHTING

MANDATORY REQUIREMENT

The following requirements are mandatory and must be incorporated within any proposed development:

- High efficiency light systems (e.g. T5 Triphosphor Fluorescent);

'BEST PRACTICE' OPTION

Small initial outlay on high-efficacy lamps, and smart management systems can achieve significant energy cost saving.

- Outdoor lights on motion detectors where appropriate.
- Lighting management system.

Lighting Management Systems can cut a buildings electrical load by monitoring the presence of occupants and natural light levels, enabling the automatic dimming or switching of lighting systems. Daylight/occupancy control systems provide an average of a 5year PAYBACK period on installation.

Fig. 2: EXAMPLES OF OUTDOOR LIGHTING



3.2 WATER HEATING

MANDATORY REQUIREMENTS

- Systems must be high efficiency solar, heat pump or gas.

3.3 WATER MANAGEMENT

MANDATORY REQUIREMENTS

The supply of potable water in WA is a critical issue. To reduce demand;

- All tap fittings other than bath outlets and garden taps must be minimum 4 stars WELS rated.
- All sanitary flushing systems must be a minimum 4 stars WELS rated dual flush.

Landscape Areas (water reticulation)

- Low flow trickle dripper systems, or coarse sprays are required on programmable controller or timer system.

3.4 RAIN WATER TANKS

'BEST PRACTICE' OPTIONS

- Capacity for storage of at least 10 000L of rainwater to be installed to collect runoff from roof surfaces. Collected water to be used for irrigation or plumbed for toilet flushing.
- Due to the large capture area offered by factory/shed roofs, owners are encouraged to install extra tanks to harvest rainwater for irrigation and industrial purposes to reduce reliance on scheme water.

3.5 CROSS VENTILATION

'BEST PRACTICE' OPTION

- Offices are encouraged to have windows on two sides to allow breeze paths to remove heat buildup overnight.
- Adequate shading is required to all windows to avoid excessive heat gain through glazing, eg covered verandah.

3.6 ROOFING & CLADDING MATERIAL

MANDATORY REQUIREMENTS

- ✎ Roof sheeting colours with a solar absorbency rating greater than 0.55 are prohibited
- ✎ Due to its reflective nature and glare issues zincalume is also prohibited.

'BEST PRACTICE' OPTION

Paler colours reduce heat gain on the interior of buildings, minimising loads on mechanical cooling devices and saving on energy costs.

- ✎ Very light coloured roofing materials with a solar absorbency of less than 0.35, as classified in the BCA, is encouraged (ie. Classic Cream, Surfmist, Paperbark, Evening Haze, Shale Grey, Sandbank, Dune)

3.7 LIGHT POLLUTION

Measures to maintain the luminance of the stars in the night sky by avoiding unnecessary scattered uplight from poorly designed artificial light fixtures.

'BEST PRACTICE' OPTION

- ✎ All outdoor, carpark or security lighting is to be directed downwards with no light spill above the horizontal plane.

3.8 AIR CONDITIONING

'BEST PRACTICE' OPTIONS

- ✎ If installing an air-conditioning system, inverter split systems are encouraged.
- ✎ All air conditioning systems shall have a minimum energy rating of 5 stars and be sized to match the affected spaces.
- ✎ Consideration should be made to zoning so that parts of the office that aren't being used can be closed off and only air-conditioned when in use, eg lunch room.

3.9 INSULATION

MANDATORY REQUIREMENTS

- ✎ Office spaces must be insulated to the standards under the BCA for climate zone 1.

4. BUILT FORM CONTROLS

4.1 CAR PARKING

The number of car parking bays required will be in accordance with the Local Authority Scheme Text.

To aid in the achievement of a harmonious streetscape, parking and hard standing is encouraged at the side and rear of developments. Adjoining blocks are also encouraged to share side access ways thus increasing the space available for larger turning circles for heavy and reticulated vehicles.

Street parking is discouraged within the area: the service roads are likely to be used by large trucks and other heavy vehicles and street parking would impede manoeuvrability and safety.

Roadways and parking within a development must be planned to achieve the following:

- Separation of service/haulage vehicles from visitor and staff parking areas;
- Provide clear paths for pedestrian movement separate from areas of frequent vehicular movement.

4.2 EXTERNAL SERVICE & STORAGE AREAS

'BEST PRACTICE' OPTION

- Service, storage and bin areas should be screened from the street. Landscaping, fencing and gates can be utilised to screen these areas.

4.3 FENCING

'BEST PRACTICE' OPTION

- Security fencing is permitted alongside and rear boundaries. The use of fencing is black PVC coated galvanised link mesh with black support members is encouraged.
- Fencing should not be closer than 9m from front boundary.

4.4 LANDSCAPING

MANDATORY REQUIREMENT

The following mandatory requirements must be addressed by purchasers:

- A landscaping plan is required to be submitted with plans for development approval.

'BEST PRACTICE' OPTION

- A minimum 3 metre landscaping strip should be provided to any primary frontage;
- If available Plant species shall be selected from those listed in Appendix B;
- A minimum of two shade trees should be included in the primary frontage landscaping.
- Landowners and developers should use, where available, topsoil and mulch from stockpiles on the estate;
- Landscaping installed by owners/occupiers should continue the landscaping theme and character of the area; and
- To retain the benefits of good quality landscaping, it is essential that maintenance is carried out regularly by a qualified landscape professional to both verge and lot areas.

4.5 SIGNAGE

'BEST PRACTICE' OPTION

- Signs attached to the buildings shall be designed to be an integrated part of the building, eg recessed into the facade, fascia or awning.
- One free standing or composite sign only per lot.
- Where multiple occupancy is proposed, the composite sign may have one panel per occupancy.
- Please refer measure 3.1 and 3.7 for signage lighting controls.

4.6 PLANT & EQUIPMENT

'BEST PRACTICE' OPTION

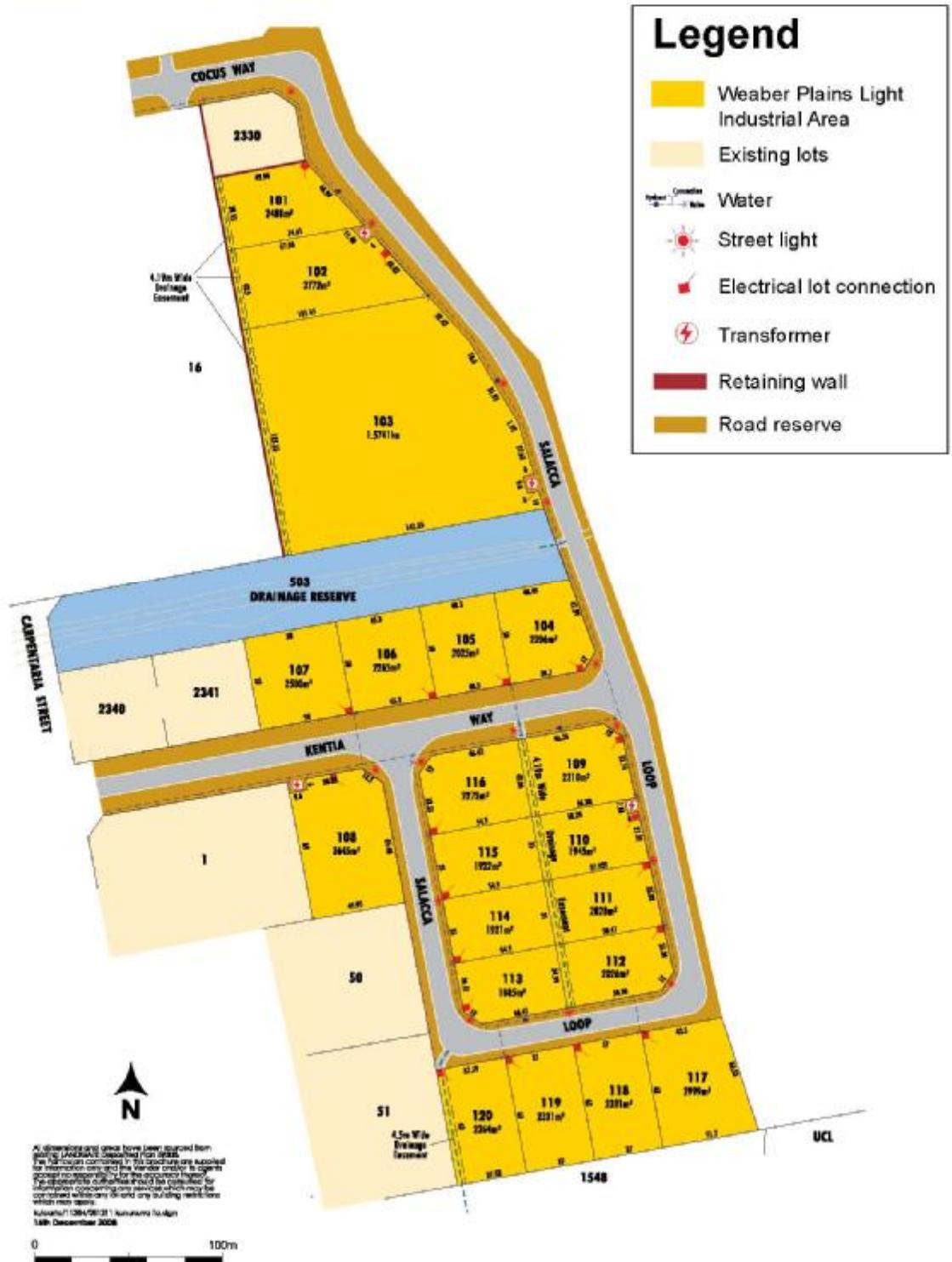
- ✎ All plant and equipment should be screened or remote from public areas, particularly from the street.

4.7 OUTBUILDINGS & OTHER STRUCTURES

'BEST PRACTICE' OPTION

Where there are numerous separate buildings on the site, the design of each should be considered with the whole of site planning so that they may present as an integrated development; where possible, future expansion and staging should be considered so as to integrate these buildings. Also, use of colours, form and materials should be consistent amongst all these buildings.

SUBDIVISION PLAN



5. APPENDICES

APPENDIX A - CHECKLIST

APPLICANT:		LOT NO:	
planning/evaluation issue	applicant compliance Y/N	shire compliance Y/N	comments
Complies with BCA			
Complies with TPS 7			
BUILT FORM CHARACTER & DETAIL			
Front elevation addresses the street			
Main entrance to front of building			
Covered entry			
SITE COVERAGE/PLOT COVERAGE			
Complies with TPS 7 & BCA			
BUILDING SETBACKS & LOCATION			
Complies with TPS 7, 9m MIN / MAX setback			
Complies with BCA			
BUILDING SETBACKS & LOCATION (BEST PRACTICE)			
3m side setback			
LIGHTING			
High efficiency light system			
WATER HEATING			
High efficiency solar or gas system			
WATER MANAGEMENT			
4 Star rated WELS water fittings			
4 Star rated WELS water flushing suites			
Programmable efficient irrigation system			
RAIN WATER TANKS (BEST PRACTICE)			
min 10 000L rain water tank			
Flumbed to toilets or irrigation			
ROOFING AND CLADDING MATERIALS			
Less than 0.55 solar absorbency			
No zinc/Alc permitted			

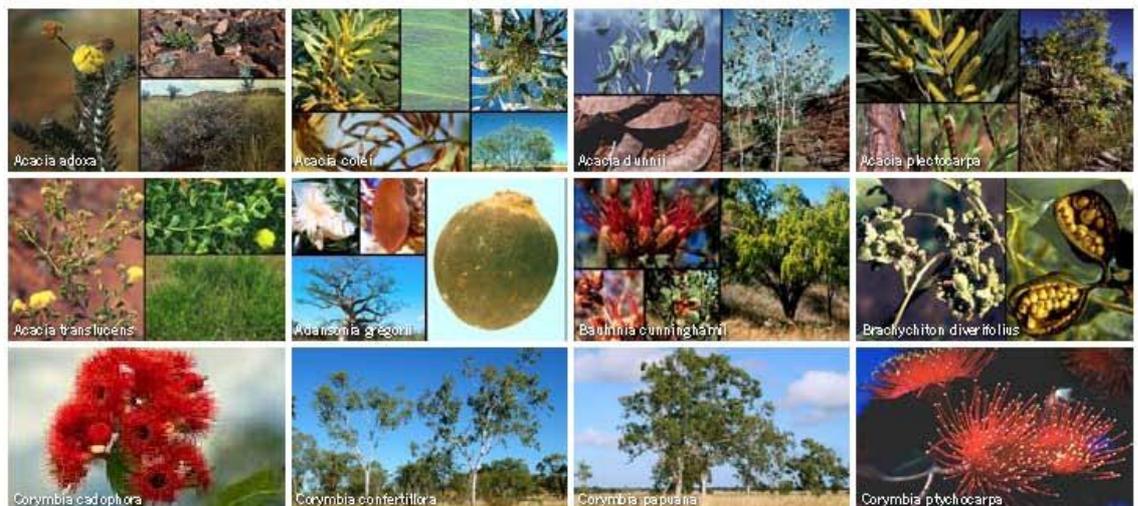
APPENDIX A - CHECKLIST - continued

planning/evaluation issue	applicant compliance Y/N	shire compliance Y/N	comments
LIGHT POLLUTION (BEST PRACTICE)			
No light spill above the horizontal plane			
AIR CONDITIONING (BEST PRACTICE)			
Inverter Split System			
5 Star energy rating			
INSULATION			
Meets BCA requirements			
CAR PARKING			
Separate service & visitor/staff parking			
Clear pedestrian paths			
EXTERNAL SERVICE & STORAGE AREA (BEST PRACTICE)			
Screened bin store & service area			
FENCING (BEST PRACTICE)			
Min black PVC coated link mesh			
Min 9m set back			
LANDSCAPING			
Landscaping plan with submission			
PLANT & EQUIPMENT (BEST PRACTICE)			
Screened or out of view			
OUTBUILDINGS (BEST PRACTICE)			
Caretakers residence complies with TFS 7			

APPENDIX B - RECOMMENDED SPECIES LIST

ENDEMIC STREET/VERGE TREES

CODE	Scientific Name	Common Name	Height	Spread/Description	Flower	Habitat	Planting Rate (per m ²)
AGR	<i>Adansonia gregorii</i>	Boab	5-15m	tree with swollen trunk and spreading branches. Deciduous tree, grey to brown trunk bottle-shaped.	Large white, cream, Dec-May.	Sandy & loamy soils	single/group 3-5 per 10m ²
APL	<i>Acacia plectocarpa</i>		2-10(-12)m	"Often spindly shrub or tree, rough, fissured, grey bark,	Yellow, Mar-Jun.	Well drained sites	single/group 3-5 per 10m ²
COO	<i>Corymbia confertiflora</i> (previously <i>eucalyptus confertiflora</i>)	Cabbage Gum	3-12(-15)m	Tree, bark rough, tessellated over lower part, smooth white above.	Cream, white, Sep-Dec.	Sandy loam, skeletal soils over sandstone or basalt. Outcrops, along creeks, gullies	single/group 3-5 per 10m ²
CPA	<i>Corymbia papuana</i> (previously <i>eucalyptus</i>)		8-15m	spreading crown, drooping leaves, smooth, white, deciduous bark,	Small, creamy, white Sep-Dec.	Lowland streams, seasonally flooding	single/group 3-5 per 10m ²
EHE	<i>Eucalyptus herbertiana</i>	"Kalumburu Gum	4-8(-10)m	Multi stemmed mallee or slender tree, bark smooth, powdery white/salomon pink.	Cream, Jan, May-Oct.	Skeletal soils. Sandstone outcrops, escarpments & rocks, base of ridges, hillsides.	single/group 3-5 per 10m ²
EPA	<i>Eucalyptus pantoleuca</i>	Round Leaved Gum	5-12m	Twisted habit, smooth white/salmon bark, shedding.	Yellow, white, Jul/Nov.	Alluvium, sandy loam, yellow/red sand. Hillslopes, creek sides.	single/group 3-5 per 10m ²
MAR	<i>Melaleuca argentea</i>	" Silver Cadjeput	3-18(-25)m	Tree or shrub (rarely), silvery leaves	Bottle brush type flowers, yellow, cream, white, Jul-Nov.	Alluvium, sand or clay, sometimes saline. Along watercourses, swamps.	single/group 3-5 per 10m ²
MLE	<i>Melaleuca leucadendra</i>		(5-)10 - 30m	Tree, dense spreading crown.	Bottle brush type, green, cream, white, May-Oct.	Sand, alluvium, sandstone. Along watercourses, swamps.	single/group 3-5 per 10m ²
NOR	<i>Nauclea orientalis</i>	Leichhardt Pine	10 - 20m	Tree, dense crown, partly deciduous, large glossy dark green leaves, aromatic flowers and fruits, fast growing	Yellow, May-Nov.	Peaty soils. Along creeks & rivers, fresh water streams	single/group 3-5 per 10m ²



ENDEMIC P.O.S TREES

CODE	Scientific Name	Common Name	Height	Spread/Description	Flower	Habitat	Planting Rate (per m ²)
APL	<i>Acacia plectocarpa</i>		2-10(-12) m	"Often spindly shrub or tree, rough, fissured, grey bark,	Yellow, Mar-Jun,	Well drained sites	single/group 3-5 per 10m ²
EAP	<i>Eucalyptus apodophylla</i>	White Bark	6-20m	Ascending open crown (tall and thin), partly deciduous, smooth, white bark, blueish leaves,	small cream to green flowers Jul - Oct.	Low lying drainage areas, seasonally flooded. Sand, clay, loam, sandstone. Outcrops, swamps, creek banks, seasonally inundated flats.	single/group 3-5 per 10m ²
ECA	<i>Eucalyptus camaldulensis</i>	River Gum	10 - 20m	Graceful tree, spreading crown, smooth white, deciduous bark	Small cream/white, Jul-Feb.	Alluvium, sand, rocky deep red sand. Along watercourses, billabongs, river banks, seasonal creeks	single/group 3-5 per 10m ²
EMI	<i>Eucalyptus miniata</i>	Woollybutt	6 - 20m	Tree, bark rough, dark, fibrous-flaky on lower trunk and smooth white to cream on upper and branches, spreading crown,	Orange, red, May-Sep.	Sandy soils over sandstone or quartzite. Plains, rocky hills.	single/group 3-5 per 10m ²
CPT	<i>Corymbia ptychocarpa</i>		4.5-18(-20) m	Tree, rough brown to grey bark, tessellated, spreading crown and drooping branches,	Large white, pink or red. Feb-May.	Sand, alluvium. Along watercourses, near springs	single/group 3-5 per 10m ²

ENDEMIC BUSHLAND REVEGETATION LARGE SHRUBS

CODE	Scientific Name	Common Name	Height	Spread/Description	Flower	Habitat	Planting Rate (per m ²)
AAD	<i>Acacia adoxa</i>		0.1-1.2 m	Shrub, high	Yellow, Apr-Oct.	Red sandy soils, sandstone, ironstone gravel. Coastal sand dunes, stony plains & ridges	2 per m ²
ACO	<i>Acacia coleii</i>		1.5-9m	Erect, spreading shrub or tree,	Yellow, May-Sep.	Stony soils, clay loam. Sandplains, stony ridges, floodplains, drainage lines	single/group 3-5 per 10m ²
ADU	<i>Acacia dunnii</i>	Elephant Ear Wattle	1.5-6 m	Erect, slender, pruinose shrub or tree, fast growing, large leaves, powder white stems	Showy yellow, Jan-Jun.	Skeletal soils over sandstone, basalt or quartzite. Ridges, stony hills, amongst rocks.	single/group 3-5 per 10m ²
ATR	<i>Acacia translucens</i>		0.5-3 m	Low, spreading, multi-branched or sometimes erect & slender shrub,	Yellow, Mar-Nov.	Red sand, shallow soils over sandstone	1 per 1.5m ²
GAU	<i>Gossypium australe</i>	Native Cotton	0.5-3 m	Shrub, fast growing branching, dull green leaves, greyish brown stems	Blue, purple, pink, Apr-Oct.	Red, often sandy soils	1 per 1.5m ²
GHE	<i>Grevillea heliosperma</i>	Rock Grevillea	2.5-8 m	Small, spreading, sparingly branched, sometimes lignotuberous, tree or shrub,	Fl. pink, red, Jan-Jul/Oct.	Sandy clay, red loam, commonly on sandstone or laterite. Rocky hillsides, plateaus, other rocky sites	single/group 3-5 per 10m ²
GPY	<i>Grevillea pyramidalis</i>	Casutic Bush	2-6 m	Tree or shrub,	white, cream, yellow, May-Jul.	Sand, gravel, loam, skeletal sandy soils on sandstone, laterite, granite	single/group 3-5 per 10m ²
GRE	<i>Grevillea refracta</i>	Silver -Leaved Grevillea	1.2-6 m	Shrub or tree,	Red, orange, yellow, pink, Apr-Sep.	Sand, sandstone. Outcrops, cliffs & plateaus	single/group 3-5 per 10m ²



ENDEMIC BUSHLAND REVEGETATION TREES

CODE	Scientific Name	Common Name	Height	Spread/Description	Flower	Habitat	Planting Rate (per m ²)
AGR	<i>Adansonia gregorii</i>	Boab	5-15m	tree with swollen trunk and spreading branches. Deciduous tree, grey to brown trunk bottle-shaped.	Large white, cream, Dec-May.	Sandy & loamy soils	single/group 3-5 per 10m ²
APL	<i>Acacia plectocarpa</i>		2-10(-12)m	"Often spindly shrub or tree, rough, fissured, grey bark.	Yellow, Mar-Jun.	Well drained sites	single/group 3-5 per 10m ²
BCU	<i>Bauhinia cunninghamii</i>	Native bauhinia	1-12(-18)m	tree, Tree or shrub, tessellated to fissured attractive bark, foliage may drop in dry months, pruning required	Small clusters, dull red, Apr-Oct.	Red alluvial sand, red-brown sandy loam, sandstone scree over basalt. Creek beds and levees, edge of monsoonal forests, flood plains	single/group 3-5 per 10m ²
BDI	<i>Brachychiton diversifolius</i>	Northan Kurrajong	3-18(-25)m	semi-deciduous local tree, Tree, stout trunk, dense foliage, usually small but can grow very tall	Bell flowers, Green, yellow, red, May-Dec.	Red sandy soils, basalt, limestone. Stony hills, along rivers	single/group 3-5 per 10m ²
CCA	<i>Corymbia cadophora</i>	Twin Leaf Bloodwood	2-8m	outstanding broad leaf foliage tree. Straggly tree, bark rough, thick, flaky, deeply tessellated.	Huge clusters white, cream, red, pink, Jan-Oct.	Sandy soils, clay loam or loam, basalt, dolerite, sandstone, quartzite. Rocky slopes & hills, floodplains, dunes.	single/group 3-5 per 10m ²
COO	<i>Corymbia confertiflora</i> (previously <i>eucalyptus confertifolia</i>)		3-12(-15)m	Tree, bark rough, tessellated over lower part, smooth white above.	Cream, white, Sep-Dec.	Sandy loam, skeletal soils over sandstone or basalt. Outcrops, along creeks, gullies	single/group 3-5 per 10m ²
CPT	<i>Corymbia ptychocarpa</i>		4.5-18 (-20)m	Tree, rough brown to grey bark, tessellated, spreading crown and drooping branches,	Large white, pink or red. Feb-May.	Sand, alluvium. Along watercourses, near springs	single/group 3-5 per 10m ²
EAP	<i>Eucalyptus apodophylla</i>	White Bark	6-20m	Ascending open crown (tall and thin), partly deciduous, smooth, white bark, blueish leaves,	small cream to green flowers Jul-Oct.	Low lying drainage areas, seasonally flooded. Sand, clay, loam, sandstone. Outcrops, swamps, creek banks, seasonally inundated flats.	single/group 3-5 per 10m ²
ECA	<i>Eucalyptus camaldulensis</i>	River Gum	10 - 20m	Graceful tree, spreading crown, smooth white, deciduous bark	Small cream/white, Jul-Feb.	Alluvium, sand, rocky deep red sand. Along watercourses, billabongs, river banks, seasonal creeks	single/group 3-5 per 10m ²
EMI	<i>Eucalyptus miniata</i>	Woolybutt	6 - 20m	Tree, bark rough, dark, fibrous-flaky on lower trunk and smooth white to cream on upper and branches, spreading crown,	Orange, red, May-Sep.	Sandy soils over sandstone or quartzite. Plains, rocky hills.	single/group 3-5 per 10m ²
EPA	<i>Eucalyptus pantoleuca</i>		5-12m	Twisted habit, smooth white/salmon bark, shedding,	Yellow, white, Jul/Nov.	Alluvium, sandy loam, yellow/red sand. Hillslopes, creek sides.	single/group 3-5 per 10m ²
LGR	<i>Lophostemon grandiflorus</i>	Northern Swamp Box	3-15(-18)m	Tree,	Cream, white, Jan-Dec.	Damp habitats, sandstone gorges, rocky sites	single/group 3-5 per 10m ²
LKI	<i>Livistona kimberleyana</i>	A Kimberly Palm	1-2(-8)m	slender trunked fan palm, open rounded crown of arching pendulous leaves, Tree-like monocot (palm),	Fruits red. Fl. Oct.	Stony creek beds, prefers well drained soils, Rivers	single/group 3-5 per 10m ²
MAR	<i>Mela-leuca Argentea</i>	"Silver Cadjeput	3-18(-25)m	Tree or shrub (rarely), silvery leaves	Bottle brush type flowers, yellow, cream, white, Jul-Nov.	Alluvium, sand or clay, sometimes saline. Along watercourses, swamps.	single/group 3-5 per 10m ²
PSP	<i>Pandanus spiralis</i>	Screwpine	to 10m	Tree-like monocot, Upright branching plant with bare stems topped with cluster of sword shaped green grey leaves	A large, hard green fruits that turn red on maturity. Fruits orange/red.	Sand, loam, clay, alluvium, sandstone. Creeks, rivers, valleys, beaches, coastal dunes	single/group 3-5 per 10m ²



Eucalyptus pantoleuca



Gomphrena catescens



Gossyprum australe



Grevillea heliosperma

ENDEMIC BUSHLAND REVEGETATION TREES

CODE	Scientific Name	Common Name	Height	Spread/Description	Flower	Habitat	Planting Rate (per m ²)
AGR	<i>Adansonia gregorii</i>	Boab	5-15m	tree with swollen trunk and spreading branches. Deciduous tree, grey to brown trunk bottle-shaped.	Large white, cream, Dec-May.	Sandy & loamy soils	single/group 3-5 per 10m ²
APL	<i>Acacia plectocarpa</i>		2-10(-12)m	"Often spindly shrub or tree, rough, fissured, grey bark.	Yellow, Mar-Jun.	Well drained sites	single/group 3-5 per 10m ²
BCU	<i>Bauhinia cunninghamii</i>	Native bauhinia	1-12(-18)m	tree, Tree or shrub, tessellated to fissured attractive bark, foliage may drop in dry months, pruning required	Small clusters, dull red, Apr-Oct.	Red alluvial sand, red-brown sandy loam, sandstone scree over basalt. Creek beds and levees, edge of monsoonal forests, flood plains	single/group 3-5 per 10m ²
BDI	<i>Brachychiton diversifolius</i>	Northan Kurrajong	3-18(-25)m	semi-deciduous local tree, Tree, stout trunk, dense foliage, usually small but can grow very tall	Bell flowers, Green, yellow, red, May-Dec.	Red sandy soils, basalt, limestone. Stony hills, along rivers	single/group 3-5 per 10m ²
CCA	<i>Corymbia cadophora</i>	Twin Leaf Bloodwood	2-8m	outstanding broad leaf foliage tree. Straggly tree, bark rough, thick, flaky, deeply tessellated.	Huge clusters white, cream, red, pink, Jan-Oct.	Sandy soils, clay loam or loam, basalt, dolerite, sandstone, quartzite. Rocky slopes & hills, floodplains, dunes.	single/group 3-5 per 10m ²
COO	<i>Corymbia confertiflora</i> (previously <i>eucalyptus confertifolia</i>)		3-12(-15)m	Tree, bark rough, tessellated over lower part, smooth white above.	Cream, white, Sep-Dec.	Sandy loam, skeletal soils over sandstone or basalt. Outcrops, along creeks, gullies	single/group 3-5 per 10m ²
CPT	<i>Corymbia ptychocarpa</i>		4.5-18 (-20)m	Tree, rough brown to grey bark, tessellated, spreading crown and drooping branches,	Large white, pink or red. Feb-May.	Sand, alluvium. Along watercourses, near springs	single/group 3-5 per 10m ²
EAP	<i>Eucalyptus apodophylla</i>	White Bark	6-20m	Ascending open crown (tall and thin), partly deciduous, smooth, white bark, blueish leaves,	small cream to green flowers Jul-Oct.	Low lying drainage areas, seasonally flooded. Sand, clay, loam, sandstone. Outcrops, swamps, creek banks, seasonally inundated flats.	single/group 3-5 per 10m ²
ECA	<i>Eucalyptus camaldulensis</i>	River Gum	10 - 20m	Graceful tree, spreading crown, smooth white, deciduous bark	Small cream/white, Jul-Feb.	Alluvium, sand, rocky deep red sand. Along watercourses, billabongs, river banks, seasonal creeks	single/group 3-5 per 10m ²
EMI	<i>Eucalyptus miniata</i>	Woolybutt	6 - 20m	Tree, bark rough, dark, fibrous-flaky on lower trunk and smooth white to cream on upper and branches, spreading crown,	Orange, red, May-Sep.	Sandy soils over sandstone or quartzite. Plains, rocky hills.	single/group 3-5 per 10m ²
EPA	<i>Eucalyptus pantoleuca</i>		5-12m	Twisted habit, smooth white/salmon bark, shedding,	Yellow, white, Jul/Nov.	Alluvium, sandy loam, yellow/red sand. Hillslopes, creek sides.	single/group 3-5 per 10m ²
LGR	<i>Lophostemon grandiflorus</i>	Northern Swamp Box	3-15(-18)m	Tree,	Cream, white, Jan-Dec.	Damp habitats, sandstone gorges, rocky sites	single/group 3-5 per 10m ²
LKI	<i>Livistona kimberleyana</i>	A Kimberly Palm	1-2(-8)m	slender trunked fan palm, open rounded crown of arching pendulous leaves, Tree-like monocot (palm),	Fruits red. Fl. Oct.	Stony creek beds, prefers well drained soils, Rivers	single/group 3-5 per 10m ²
MAR	<i>Mela-leuca Argentea</i>	"Silver Cadjeput	3-18(-25)m	Tree or shrub (rarely), silvery leaves	Bottle brush type flowers, yellow, cream, white, Jul-Nov.	Alluvium, sand or clay, sometimes saline. Along watercourses, swamps.	single/group 3-5 per 10m ²
PSP	<i>Pandanus spiralis</i>	Screwpine	to 10m	Tree-like monocot, Upright branching plant with bare stems topped with cluster of sword shaped green grey leaves	A large, hard green fruits that turn red on maturity. Fruits orange/red.	Sand, loam, clay, alluvium, sandstone. Creeks, rivers, valleys, beaches, coastal dunes	single/group 3-5 per 10m ²



Eucalyptus pantoleuca



Gomphrena catescens



Gossypium australe



Grevillea heliosperma

ENDEMIC BUSHLAND REVEGETATION SMALL SHRUBS AND GRASSES

CODE	Scientific Name	Common Name	Height	Spread/Description	Flower	Habitat	Planting Rate (per m ²)
DOX	<i>Dodonaea oxyptera</i>	Hop Bush	to 2m	Spreading shrub,		Sandstone	1 per m ²
GCA	<i>Gomphrena canescens</i>	Batchelor's Button	0.1–0.9m	Erect annual or perennial herb,	pink, white, purple, Feb–Sep.	Sandy, clayey or skeletal soils, laterite. Woodland, rocky slopes, coastal dunes, disturbed areas	4 per m ²
HCD	<i>Haemodorum coccineum</i>	Scarlet bloodroot	up to 1m	perennial herb	Red flowers occur in spring in clusters on stems up to about 1 metre high	Plant dies back during winter dry season and regrow during summer wet season, full/partial sun and moist, but not boggy, soils	4 per m ²
PEX	<i>Ptilotus exaltatus</i>	Purple Mulla Mulla	0.1–1.2m	Erect annual, herb, 0.1–1.2 m high.	Prolific wildflower, surpurb display of pink, purple, Apr–Nov.	Clay, loam. Variety of habitats.	4 per m ²
TBI	<i>Triodia bitextura</i>	Curly Spinifex	0.3–2m	Perennial, grass-like or herb, lemma and palea bi-textured, lemma with appressed pubescence.	Oct–Feb.	Deep sandy or shallow skeletal soils.	4 per m ²
TPU	<i>Triodia pungens</i>	Soft Spinifex	0.3–2.3m	Tussock-forming perennial, grass-like or herb, high, foliage resinous, panicle linear, dense, lemma deeply lobed, sparsely hairy.	Green, purple, Jan–Dec.	Wide range of soils	4 per m ²
TRA	<i>Triodia racemigera</i>	Rock Spinifex	0.3–1.3m	Tussock-forming perennial, grass-like or herb, leaf blades extremely long, slender, panicle spiciform racemose, spikelets plump.	Dec–May.	Sandstone. Steep rocky slopes, crevices, cliffs & ridges	4 per m ²

CULTURAL USES (MIRIOWUNG-GAJERRONG TRADITIONAL NAMES)

CODE	Scientific Name	Common Name	Trad. Name	Use	Habitat
BGL	<i>Brachystema glaberrimum</i>		Bading	Edible root	
CFL	<i>Clerodendrum floribundum</i>		Goongaleng	fire sticks	
GFR	<i>Cochlospermum fraseri</i>	Kapok tree	Goonjang		
CLA	<i>Carissa lanceolata</i>	Conkerberry	Boodbarang		
CUM	<i>Capparis umbellata</i>	bush orange	Joojooorooing		
DBU	<i>Dioscorea bulbifera</i>	hairy yam	Mijad		
DTR	<i>Dioscorea transversa</i>	long yam	Thellawoong		
EMI	<i>Eucalyptus miniata</i>	Woollybutt	Yirralaleng	Tree, dark, fibrous-flaky bark on lower trunk and smooth white to cream on upper and branches, spreading crown,	Sandy soils over sandstone or quartzite. Plains, rocky hills.
VGL	<i>Vitex glabrata</i>	black plum	Mejemen		
		Green plum	Dalcoong		
		River Gum	Dimalan		
		Red Water Lilly	Ganngooring		
		Boab Tree	Gerdewoon		
		Gortwood Tree	Jalaloong		
		Leichhardt tree	Jambeng		
		Bush Cucumber	Jilinybeng		
		paperbark tree	Memdang		
		Ghost gum	Walarring		
		Bauhinia tree	Wayyarring		

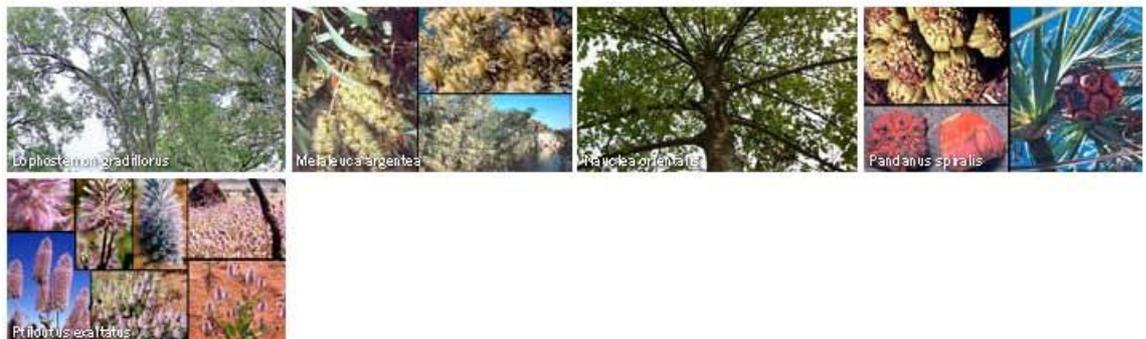


PLANTS NOT ENDEMIC TO IMMEDIATE KUNUNURRA AREA (STILL IN KIMBERLEY REIGN)

CODE	Scientific Name	Common Name	Height	Spread/Description	Flower	Habitat
AAC	Acacia acradenia					
ASY	Asteromyrtus symphyocarpa (Melaleuca symphyocarpa)		4 -10m	Small tree, rough grey bark, weeping habitus,	globular yellow to orange periodic flowering,	seasonally flooded areas or streamlines
CCA	Corymbia cadophora	twin leaf bloodwood	8m	outstanding broad leaf foliage tree		
CDE	Corymbia deserticola	desert bloodwood	7m	tree		
CEQ	Casuarina equisetifolia	sheoak	7m	a slender erect salt tolerant tree		
CPA	Corymbia papuana (previously eucalyptus)		8 - 15m	spreading crown, drooping leaves, smooth, white, deciduous bark,	Small, creamy, white Sep-Dec,	Lowland streams, seasonally flooding
CPK	Cymbopogon proceus	Native Lemon Grass	1-2.2m	Annual, tufted perennial, grass like or herb, fine grass foliage,	Green Mar-Sep,	Red-brown loam, sand, sandstone or laterite
CAL	Dillenia aalaia	Red beech; golden gunner tree	0 to 10m	Small tree, dense evergreen crown, red-brown, corky bark, fast growing,	Snowy bright yellow Oct-Jan	Freshwater streams/ swampy depressions
DCA	Dialella 'Cass Blue'	Cass Blue Cassia	to 0.60m	Perennial, blue green grass like foliage, semi prostrate creeping habitus,		loam plant
LIF	Leucophaea rasel	Dune or Native Lushia	0.5-3 (4-10m)	Shrub - Height for smaller gardens, best trimmed regularly to maintain size	White, cream, pink, red purple, brown Mar-Nov,	
FLF	Eucalyptus leucophloia	midgun, snappy gum	9m	ornamental tree		
FLG	Eucalyptus longifolia	Ravignia	1-6m	Other weeping shrub or tree, grey green foliage,	Pink, blue, red, pink, Mar-Nov,	often on stone or sandy or clayey soils. Along water courses, flood plain, sloughs, creeks
EV	Eucalyptus victoriae	Coolban	15m	large feature tree		
GWH	Grevillea Wickhamii	Wickham's Holly Grevillea	to 6m	Tree shrub or tree, very showy, attracts abundant bird life	Red, pink, orange, yellow Apr-Oct,	Red sandstone, stony or skeletal soils, laterite, sandstone, limestone, quartzite, sandstone, plains, rocky hills & gullies, dunes & ridges, along creeklines
HMS	Hibiscus macrocarpa	Caribling	5m	herb tree with low water requirement, coastal tree		
LE	Leistonia alfredii	Milk-wood Fan	to 10m	Tree like monocot (palm) non-pelt. Broad fan shaped foliage,	Green Jan-Sep	Edges of permanent pools, variable growing through long dry periods
LDL	Leistonia declivens	Weeping Cabbage Palm, 5-10m Fan Palm	10m	Slender tufted fan palm, conical crown, attractive finely divided hanging leaves, strong spines		River banks, sunny, moist position, very tolerant of wet and coastal conditions. Also quite cold tolerant
LMA	Leptospermum madidum (previously Leptospermum longifolium)		1 to 8m	Shrub or tree, small weeping, graceful tree, smooth bark with white dense cork bark	Snowy cream, white, Jun-Nov,	Sandy soils, permanent local water streams/ water courses, sun stone gorges
LTB	Lyonsandra 'Tanika'	Fin slane Mat Rush	to 0.60m	Perennial herb, dwarf clumping grass-like plant, bright green foliage	small white clusters	Can handle season flooding and drought
MAR	Melaleuca argentea	silver mallee	1-5m	tree		
MCA	Melaleuca cajuputi		7-20m	tree, primary grey to white cream bark,	Bottlebrush type, white, Apr-Sep	Black, grey, sand, clay swamps, tidal flats, poorly drained areas
MLL	Minusophae eng	Walara	2 - 10m	tree or shrub, large evergreen, dense tree, shiny dark green leaves, slow growing	White, Jan-Sep, bright orange to red April - Jun	Sandy soils, sandstone, basalt, coastal or near-coastal areas
SMR	Syzygium aristonifol		4-20m	Dense evergreen tree, fast growing	Snowy cream, white, Sep-Dec	Sandy loam. Along water courses, in gorges
SAR	Sarcocornia lasiocarpa	Cockroach Bush	0.15-1m	Low spreading shrub, ornamental seed pods, fleshy short leaf	Attractive yellow, Jan/ Apr-Nov	
TFE	Ternstroemia pedunculata	Cubinge	1.2m	usually weeping tree		

EXOTIC - NOT AUSTRALIAN NATIVES

CODE	Scientific Name	Common Name	Height	Spread/Description	Flower	Habitat
CEQ	Casuarina equisetifolia	Casuarina, ironwood, coast she-oak, horsetail, Australian pine	5 - 20m	Graceful spreading, weeping open crown, partly deciduous, rough dark grey bark, needle leaves, Slender, erect tree.	Brown, Dec.	Alien to WA, Grey sand over sandy clay. Sand dunes, disturbed woodlands.
HTI	Hibiscus tiliaceus 'rubra'	cotton wood	5m	tough coastal tree		
POB	Plumeria obtusa	evergreen frangipani	6m	popular flowering tree		
PPT	Peltophorum pterocarpum	Golden/yellow flame tree	10 - 15m	Dense crown spreading tree, fast growing	Bright yellow Aug-Jan	Widely grown. Not native to WA (native of the Northern Territory).
TIN	Tamarindus indica	Tamarind, Japanese Tangerine	10(-24)m	Large spreading dense evergreen tree, slow growing but excellent shade tree.	Yellow, Dec-Jun.	Alien to Australia, Cultivated & occasionally naturalised.



THE IMPORTANCE OF SUSTAINABILITY

A sustainable approach to our use of land will strongly shape the future of society. To meet the needs of both current and future generations, we must consider all the effects of our actions: environmental protection, social advancement and economic prosperity. We apply the principles and practices of sustainable development all across Western Australia, learning more and improving results with each project. We're committed to minimising our ecological impact and enhancing the community's quality of life.

Find out more at:

www.landcorp.com.au



Attachment 5

POLICY NO:	LPP5
DIVISION:	Development Services
SUBJECT:	Sea (Shipping) Containers
ENABLING LEGISLATION:	Town Planning Scheme No 7 - Kununurra & Environs

OBJECTIVE:

This policy is intended to:

- Ensure an acceptable quality of development is achieved that does not detrimentally affect the amenity and streetscape of a locality.
- Establish clear guidelines for the assessment of proposals to place sea (shipping) containers or other similar re-locatable storage units on land within the Shire.

POLICY:

1.0 Introduction

Sea containers are a class of development that can have an adverse effect on the visual amenity of an area. Therefore, as a general rule, the Shire of Wyndham – East Kimberley carries a presumption against the use of sea containers being highly visible in urban areas other than for storage of materials and equipment associated with a construction site, limited to a period of six (6) months.

To meet acceptable amenity standards in a particular locality it is necessary that conditions be imposed on any approval granted for the use of a sea container.

2.0 Policy Statements

- 2.1 For the purpose of this policy a sea container shall also include a re-locatable 'box type' storage container or unit. A sea container modified for the purpose of human habitation is not addressed in this Policy and further may be subject to detailed consideration by the local government based on merit.
- 2.2 The placement of a sea container on land in all zones, other than an industrial, agricultural or rural zone, shall:
 - a) be the subject of an application for planning consent, as a sea container is considered incidental 'development' under the Shire of Wyndham – East Kimberley Town Planning Scheme/s;
 - b) be placed in the rear yard of a property and painted in a colour that compliments the existing residential development on the lot or is adequately screened through the application of

- landscape screening or other measures acceptable to the local government;
- c) be limited to a maximum of six (6) months only where the structure is being in full or partial view of the street and used for the temporary storage of materials, plant, machinery and equipment associated with a construction site, and building licence has been issued and remains current;
 - d) not exceed the maximum dimensions of 6.0m in length, 2.4m in width, and 2.6m in height.
- 2.3 The local government will only support the use of sea containers in the Wyndham and Kununurra Airport precincts where they are located within an existing shed or hanger building, other than as described in Statement 2.2 b) of this Policy.
- 2.4 In order for a planning approval to be issued, an application must detail (at a minimum) the sea container will:
- a) not result in a detrimental impact on the amenity of the land or any adjoining land or development;
 - b) not impinge on any boundary setbacks, as required by the Town Planning Scheme or be located in front of the building line or be visually prominent from any public road other than during a period of construction;
 - c) not compromise any associated approved development or use by:
 - impinging on any car parking bays required to satisfy the minimum car parking requirement for the associated approved development or use;
 - being located within an existing service yard or bin storage area;
 - obstructing any existing access or visual truncation provided to an access-way (pedestrian or traffic);
 - d) be in good repair with no highly visible rust marks;
 - e) be uniform in colour to complement the building site to which it is ancillary or surrounding natural landscape features;
 - f) be appropriately screened where considered necessary by the local government in order to meet 2.3 a) above, and the objectives of this policy.
- 2.5 The placement of a sea container on land in an industrial, agricultural or rural zone is exempt from planning consent. However, sea containers in these zones are to be located behind the prescribed front boundary setback for the property, and where practicable, be placed to the side or rear of an existing building.
- 2.6 A sea container intended to be used for permanent storage greater than six (6) months will require an application for a building licence to be lodged and approved by the local government. In particular the application is to provide engineered footing and tie down details.

- 2.7 The placement of a sea container in non-conformity with this policy will result in enforcement action be taken by the local government, that could involve removal and impoundment of the sea container at the cost to the land owner.

ADOPTED:

REVIEWED:

AMENDED:

Attachment 2 – Photographs of Camper Trailers



12.4.3 PROPOSED 12 X GROUP DWELLINGS - LOT 1095 MESSMATE WAY, KUNUNURRA (8750)

DATE:	21 July 2009
PROPONENT:	Bothkamp Australia Pty Ltd
LOCATION:	Lot 1095 Messmate Way, Kununurra
AUTHOR:	Jennifer Ninyette, Town Planning Officer
REPORTING OFFICER:	Ian D'arcy, Executive Manager Development Services
FILE NO:	01.1559.0201.1559.02
ASSESSMENT NO:	1559

PURPOSE

For Council to consider an application for planning consent for the use and development of 12 Grouped Dwellings on Lot 1095 Messmate Way, Kununurra.

SITE LOCATION

The subject site is located on the western side of the Messmate Way service road, and has an area of 2276m².

The lot was previously developed for single storey grouped dwellings units, which have recently been demolished to allow for redevelopment of the site. The surrounding land is used for residential purposes. Figure 1 below illustrates the location of the subject site.



Figure 1 – Location Plan

PROPOSED LAND USE / DEVELOPMENT

The proposal is to develop twelve (12) two-storey townhouses, to be constructed predominantly of colorbond custom orb wall cladding and roof sheeting. No colours have been indicated on the plans.

Each townhouse will consist of three bedrooms, along with two bathrooms and kitchen, dining, living, study and laundry facilities. A storage area courtyard and balcony is also provided for each townhouse. Additionally, each dwelling is to include car parking space for two vehicles undercover. A further four visitor parking bays (as required under the Residential Design Codes) are proposed to be located within Council's road reserve requiring special consideration of the Council.

Notably, the applicant is also seeking a setback reduction to allow for the courtyard and balcony to be within 1.5m of the front boundary of the property for units 1 – 6 inclusive, for which Council's consideration is also requested.

The proponents have also included indicative landscaping on the plans submitted. Plans of the proposed development are attached. (Please see Attachments 1 – 4)

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Application Fee of \$4000.00 has been paid for the development. The cost of construction of the proposed visitor parking bays within Council's road reserve, if supported, should need to be borne by the developer.

STRATEGIC IMPLICATIONS

Nil

COMMUNITY CONSULTATION

This proposal is not subject to mandatory advertising under the Town Planning Scheme provisions and therefore has not publicised seeking community comment.

PLANNING ASSESSMENT

Town Planning Scheme No. 7 – Kununurra and Environs

The land is zoned 'Town Centre' under the Shire of Wyndham - East Kimberley Town Planning Scheme No.7 which allows for Grouped Dwelling development as a 'AA' (discretionary) use. In this regard Clause 5.10.4 specifically states that Group Residential Development within the Town Centre Zone may be permitted

in accordance with the provisions of the R50 Code, providing it accords with the Council's overall Town Centre policy or strategy and any adjoining development.

It is considered that, given the existing residential use of the property and surrounding land use, the proposed grouped dwellings do not conflict with the objectives of the Town Centre zone.

Council Policies

The land is located in the Policy Area Precinct 7 - Town Centre. The objective of this Precinct is:

To maintain and promote the town centre as the centre of shopping and administration activity for the Kununurra region.

While the development does not conform to this objective given the location of the subject site is away from the principal commercial/retail activity area of the town centre, it is viewed that this Grouped Dwelling development will not conflict with the objectives of this policy.

Residential Design Codes

The Residential Design Codes are a 5AA policy prepared and adopted under the Town Planning and Development Act. Clause 5.7 of the Town Planning Scheme adopts the codes. As they are adopted under the Scheme, the Codes take on the effect of Scheme provisions. The following is an explanation of the provisions relevant to this proposal:

SETBACKS

Under the Codes the minimum setback to the front boundary for the subject property is 4.0 metres. While the proposed setback of units 1 – 6 from the front boundary is proposed to be 4.86 metres, the courtyard and balconies for each of these units are shown to be only setback 1.5 metres. Council may either require the setback to comply, or allow a reduction in appropriate circumstances.

The Codes state that a grouped dwelling (where that grouped dwelling is not adjacent to the primary street) has its main frontage to a communal street, the setback may be reduced to 1.5m to a porch, verandah, balcony or the equivalent. The aim of this provision is to create desired streetscapes, provide security and ensure adequate privacy for open space. Although this clause would normally not apply to proposed units 1 – 6 (as they are adjacent to the primary street), given that the balconies will overlook an area of public open space, and that the primary street is a service road with low volumes of traffic, it is considered that a reduction in the setback to 1.5 metres can be supported.

FENCING

The plans do not indicate the style of fencing, but do indicate the front boundary fencing to be a height of 1.8m.

Under the Residential Design Codes, a front boundary fence is supported to be a solid fence to 1.2 metres with fences between 1.2 to 1.8 metres in height being visually permeable.

An exception to this is where a solid fence, or wall, up to 1.8 metres in height is required to shield constant headlight glare from oncoming traffic or is required for privacy of an outdoor living area. Should a solid front boundary fence be erected it shall not exceed 50% of the frontage of the lot unless otherwise approved by the local government.

As the front boundary fence for the proposed development will be required for privacy screening, a maximum fence height of 1.8m is recommended, with some degree of visual permeability required.

The dwellings otherwise comply with the provisions of the Residential Design Codes.

PHYSICAL ASSESSMENT

Land Capability

The land is flat and there are no apparent issues in relation to land capability.

Servicing

The subject site is currently serviced with reticulated power, water, sewerage and telecommunications. Any additional servicing requirements would be the responsibility of the applicant.

Environmental Impact

The land is vacant following the recent demolition of the original residential buildings. Landscaping will be required to be and/or concurrently as part of the development. No detrimental environmental impact is expected to result from the development.

Design

The overall design of the development compliments the streetscape and local character of the area, and will be improve the amenity of the area. The design features architectural detail and design that are considered appropriate, given the residential context and is in keeping with the scale of the development.

Social/Economic Implications

The development once completed will assist in meeting the increasing housing demand and contribute to the employment and economy of the Shire.

COMMENT

As mentioned above, the use is located in the 'Town Centre' zone which allows for a Grouped Dwelling development as proposed to the standards of the R50 density coding provisions. In consideration of this the proposal largely complies with the R Codes with the exception of the front boundary setback and car parking provisions for visitor bays.

Accordingly, it is recommended that approval be granted for the visitor car parking bays to be established within the road verge at the developer's costs, subject to the developer also constructing a footpath along the front boundary

alignment of the property. Further to this matter it is expected other developers in the town centre will seek similar concessions on parking associated with proposed developments and therefore it would be prudent for the Council to formulate a policy on on-street car parking to achieve a consistency in approach. It is also expected through the outcomes of the Enquiry by Design process that a Town Centre Parking Strategy may need to be prepared to deal with car parking demands moving forward.

It is also recommended that approval be given to the relaxation of the front boundary setback, as the proposed development is considered to be of a high quality that will improve the amenity of the streetscape. While the development is located in the 'Town Centre' zone, it is not located within the primary retail centre and the development and use is similar to or does not conflict with other adjoining uses. Therefore, it is considered the development conforms to the objectives and development provisions of the Scheme and should be supported subject to conditions, as the proposed development will assist in meeting an immediate housing demand and relieve some pressure on other accommodation types.

ATTACHMENTS

Attachment 1 - Site Layout Ground Floor

Attachment 2 – Site Layout Upper Floor

Attachment 3 – Elevations 1

Attachment 4 – Elevations 2

VOTING REQUIREMENT

Simple majority

OFFICER'S RECOMMENDATION

That Council resolve to

1. Grant planning consent for the development of Twelve (12) x Grouped Dwellings on Lot 1095 Messmate Way, Kununurra, subject to the following conditions:
 - (a) All development shall be in accordance with the attached approved plan(s) dated 21st July 2009 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
 - (b) All land indicated as landscaped area on the approved plan(s) being developed prior to, or concurrently with the practical completion of the development and maintained thereafter to the approval of the local government.
 - (c) All plumbing pipes shall be ducted within the walls of the building/s.
 - (d) Front fencing shall be partially visually permeable to the satisfaction of the local government.

- (e) All side and rear fencing shall consist of solid panel type construction to a maximum height of 1.8 metres.
- (f) Roof downpipes must not openly discharge onto the ground or paved surface. All downpipes must discharge into a suitable piped stormwater drainage system.
- (g) All parking, driveway and access areas shall be constructed, sealed, drained and signed to the satisfaction of the local government.
- (h) Construction of a 2m wide footpath of 100mm thick unreinforced concrete along the property alignment at the cost of the developer.
- (i) The visitor parking area shown on the approved plan(s) is to be constructed 150mm thick reinforced cast in situ concrete at the cost of the developer and to the specifications of the local government. A minimum of three (3) car parking bays are to be provided.
- (j) No site earthworks or development shall occur that will cause additional runoff of stormwater to adjacent properties.
- (k) All stormwater drainage shall be designed and constructed at the applicant's cost and in accordance with the requirements of Council and the current Australian Rainfall and Run-off Manual. Details on the proposed method of controlling the discharge are to comply with conditions [i] or [ii] as applicable. The preferred method for the subject site is to be determined in consultation with the Executive Manager of Engineering and Development Services prior to the submission of a building application.

[i] Stormwater run-off from roof and or other paved/impervious areas from the site shall be collected and discharged into Council's drainage system. Details on the proposed method of control and disposal of stormwater from the site, including access roads, parking areas and roofs are to be confirmed with the Executive Manager of Engineering and Development Services and submitted with the building application.

A drainage contribution fee may be charged if the discharge into Council's drainage system necessitates upgrade of the system servicing the catchment area. The payment if required and the amount, is to be confirmed by the Applicant with the Executive Manager of Engineering and Development Services prior to the submission of a building application.

[ii] Stormwater retention of run-off from roof and or other paved/impervious areas shall be provided on site. The design is to ensure the discharge of stormwater from the developed site is so as to restrict discharge to that which existed prior to development. Design overflow from soak wells and site drainage shall ensure no discharge onto or through adjoining properties. Details on the site specific design of control and disposal of stormwater from the site are to be submitted with the preparation of a building application.

2. Request staff prepare a an 'On-street car parking' policy under the Local Planning Policy provisions of Town Planning Schemes No.6 and No.7 to be brought back to Council for consideration.

COUNCIL DECISION

Minute No. 8750

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

That this matter be referred to the August Briefing Session.

CARRIED UNANIMOUSLY: (6/2)

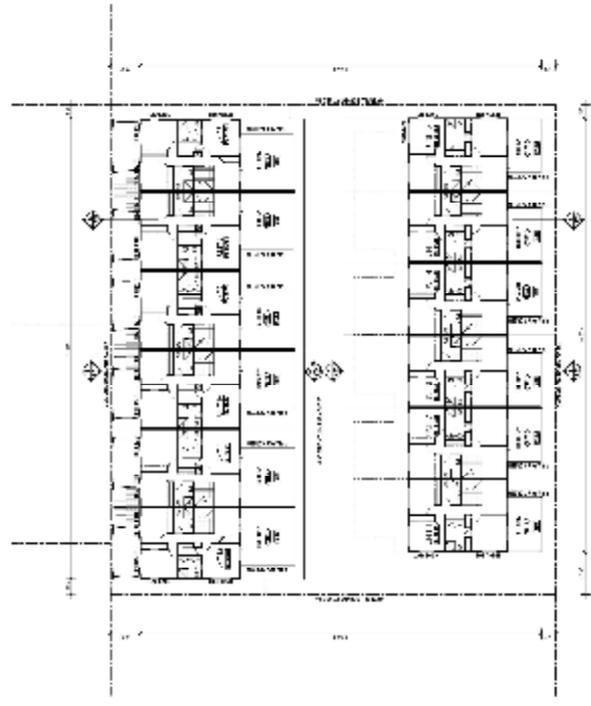
For: Cr F Mills, Cr D Ausburn, Cr P Caley, Cr K Torres, Cr J Parker and Cr K Wright

Against: Cr J Moulden and Cr R Addis

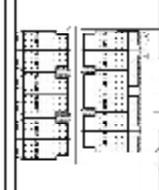
Elected members considered that closer assessment of traffic manoeuvring and circulation space was required.

- 1. FLOOR PLAN
- 2. ELEVATIONS
- 3. SECTION
- 4. DETAILS
- 5. MECHANICAL
- 6. ELECTRICAL
- 7. PLUMBING
- 8. PAINT
- 9. FINISHES
- 10. SCHEDULES
- 11. SPECIFICATIONS
- 12. CONTRACT DOCUMENTS

PROJECT NO. 100-000000
 SHEET NO. 100-000000
 DATE: 10/10/00



NEBOTA 5 20 00



PROJECT LIFESPAN

NO. OF YEARS	10
NO. OF MONTHS	120
NO. OF DAYS	3650

PRELIMINARY
 10/10/00

PROJECT NO. 100-000000
 SHEET NO. 100-000000

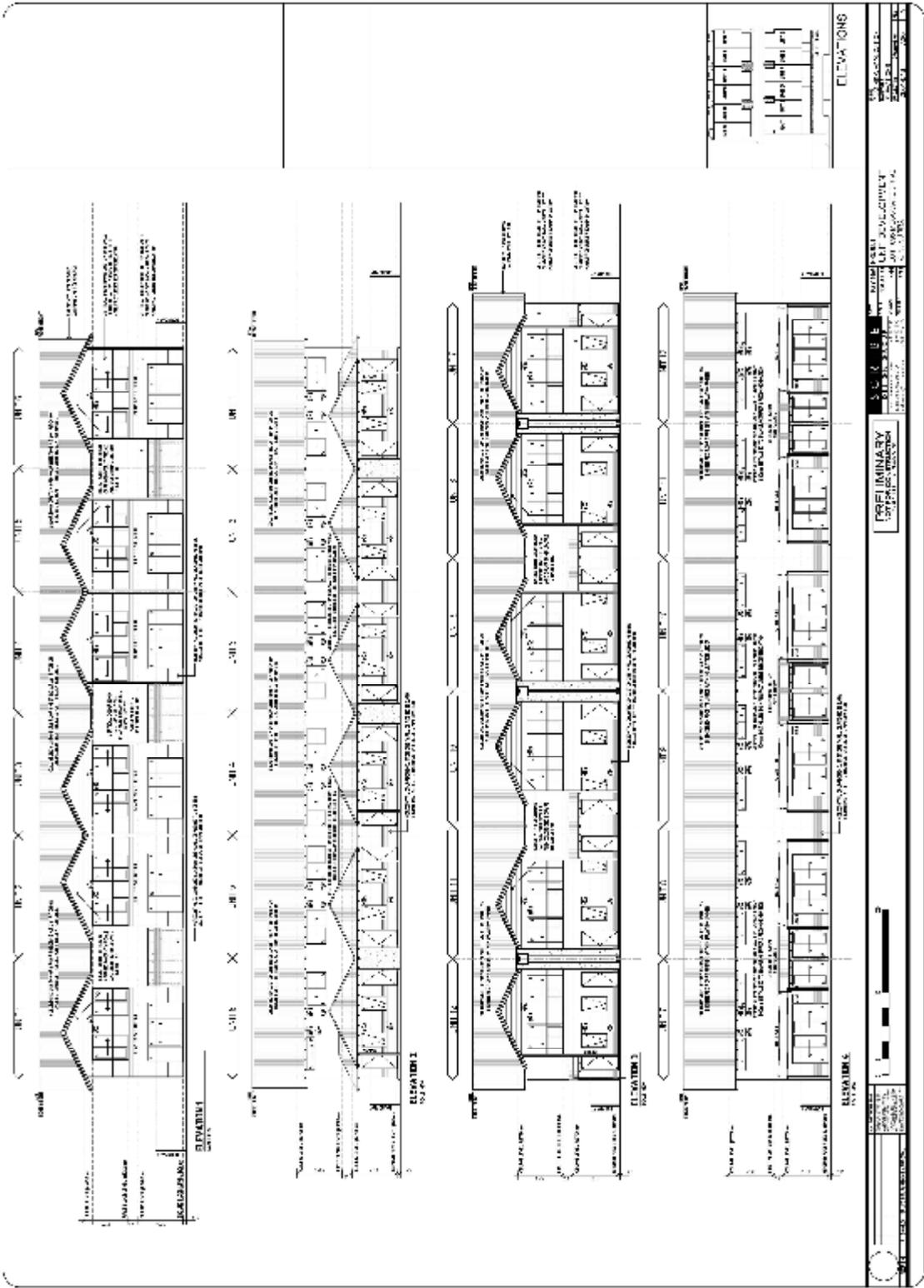
DATE: 10/10/00

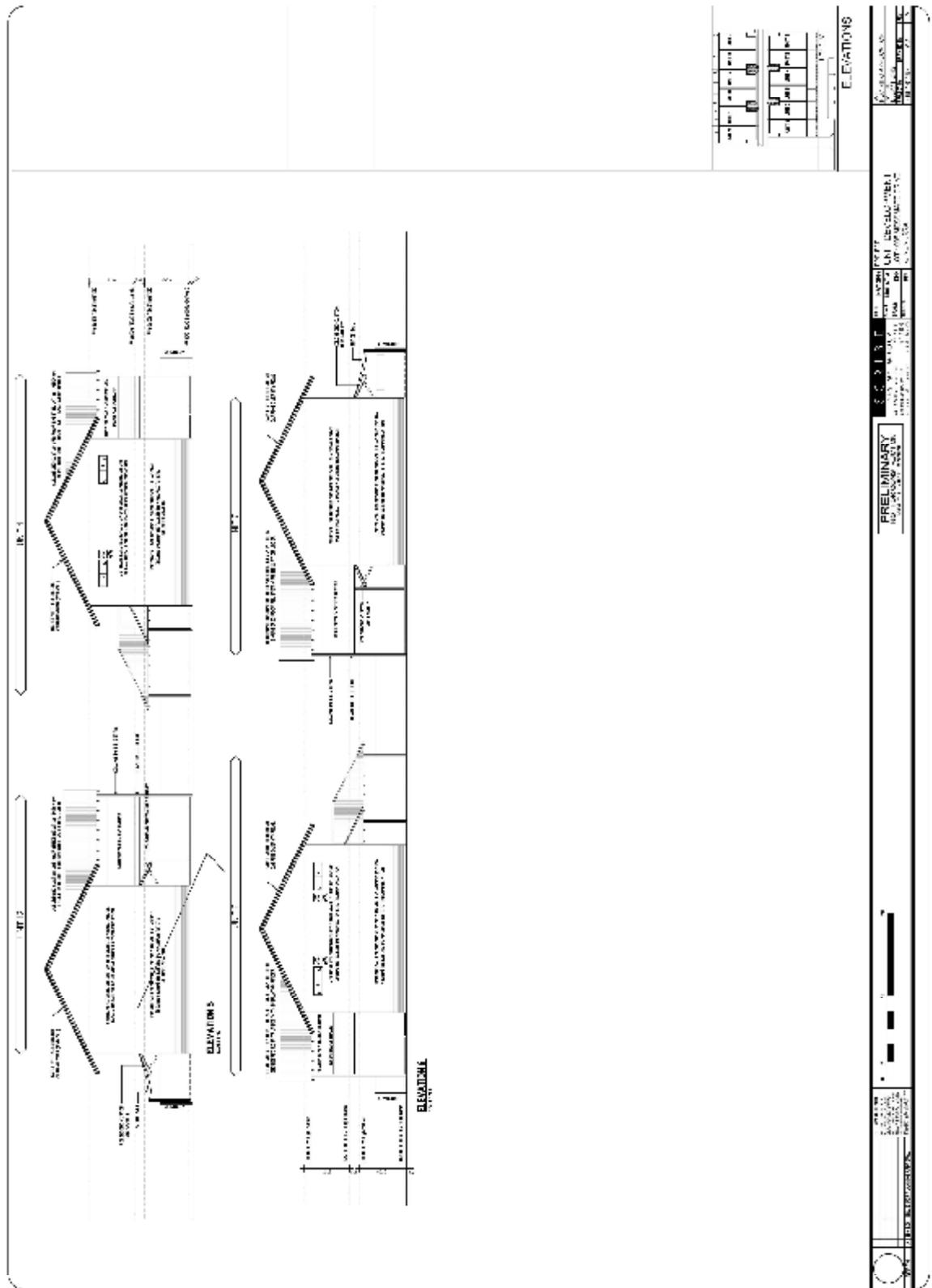
PROJECT LIFESPAN

NO. OF YEARS: 10
 NO. OF MONTHS: 120
 NO. OF DAYS: 3650

PROJECT LIFESPAN

PROJECT LIFESPAN





12.5. COMMUNITY SERVICES

12.5.1 MULTIPURPOSE COURTS LEASE AGREEMENT (8751)

DATE:	21 July 2009
PROPONENT:	Kununurra Tennis Club
LOCATION:	Kununurra
AUTHOR:	Megan Alchin, A/Executive Manager Community Services
REPORTING OFFICER:	Megan Alchin, A/Executive Manager Community Services
FILE NO:	30.09.02
ASSESSMENT NO:	NA

PURPOSE

This report discusses management arrangements for the redeveloped Kununurra Multipurpose Courts between the Shire, Tennis Club, Netball Club, and casual users.

BACKGROUND

Prior to the redevelopment of the Kununurra tennis, netball and basketball courts, use of the netball and basketball courts by clubs and casual users were managed through the Kununurra Leisure Centre and charged at an hourly rate per court as outlined in the Shire's schedule of fees and charges. The Tennis Club on the other hand did not pay for use of the courts.

Since the redevelopment of the courts, consideration has been given to the future management of the courts. A meeting was therefore called on the 22 April 2009 between the Shire, Tennis Club and Netball Club, to discuss potential user arrangements for future use. In preparation for this meeting, the attached memorandum of understanding was drafted by Shire officers to use as a potential agreement for use of the courts.

At the conclusion of the meeting the Tennis and Netball clubs were requested to put a submission to Council outlining their preferred agreement for use of the courts including considerations such as court bookings, fees and charges, and maintenance.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Key Result Area 2 – Community includes the objective “Equitable access to quality recreational facilities and services”.

COMMUNITY CONSULTATION

Consultation occurred at a meeting between representatives of the Shire, Tennis Club, and Netball clubs on 22 April 2009 and 08 June 2009.

COMMENT

As a result of the meeting held on 22 April, the club responded by presenting a draft lease for consideration by Council which was presented at the Council Briefing Session on 7 July.

At this briefing session, elected members asked staff to consider a Memorandum of Understanding (MOU) between the Shire and the Clubs, inline with a recent decision with another club involving a lease to only award a two year lease due to the Sports Precinct Master Planning process which will be undertaken during the next two years.

Although it is considered that there are both benefits and limitations to leasing the facility to the Tennis Club, to ensure consistency with other agreements held over the sports precinct, it is recommended that Council enter into a MOU with the Tennis and Netball Clubs. A MOU has been indicated as the preferred medium of agreement considering that historically a lease has not been established for use of the tennis and netball courts.

Basketball/netball multipurpose courts are not included in the draft agreements and will still need to be managed by the Shire.

ATTACHMENTS

Attachment 1 – Draft Management Agreement for Multipurpose Courts prepared by the Kununurra Tennis Club Incorporated.

Attachment 2 – Draft Memorandum of Understanding for Multipurpose Courts prepared by Shire officers.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council delegate authority to the Council President and Chief Executive Officer to negotiate a memorandum of understanding with the Kununurra Tennis and Netball Clubs for use of the tennis and netball multipurpose courts for a period of two years ending 30 June, 2011.

COUNCIL DECISION

Minute No. 8751

Moved:Cr K Torres

Seconded:Cr P Caley

That Council delegate authority to the Council President and Chief Executive Officer to negotiate a memorandum of understanding with the Kununurra Tennis and Netball Clubs for use of the tennis and netball multipurpose courts for a period of two years ending 30 June, 2011.

CARRIED UNANIMOUSLY: (8/0)

Shire of Wyndham East Kimberley



and

Kununurra Tennis Club Management Agreement 2009 - 2019

This **AGREEMENT** is made on 1 July 2009

BETWEEN SHIRE OF WHYNDHAM EAST KIMBERLEY of PO Box 614, Coolibah Drive, Kununurra, Western Australia (the Shire)

AND KUNUNURRA TENNIS CLUB INC. (the Club)

RECITALS:

- A. The land on which the Facility is constructed is owned by the Shire.
- B. The Shire provides the Facility on the land for the purpose of public recreation and the Club agrees to manage the Facility on the terms and conditions contained in this Agreement.
- C. The Shire acknowledges that all financial contributions the Club makes for the use of the Facility will be used for capital improvements of the Facility.

OPERATIVE PART

The Shire and Club enter into this agreement in the spirit of co-operation and both parties give a commitment to maintaining open lines of communication and consulting one another.

1 DEFINITIONS

'**The Shire**' means the Shire of Wyndham East Kimberley and its employees, officers and Councillors;

'**The Club**' means the Kununurra Tennis Club Inc;

'**Commencement Date**' means the date on identified in item 3 of the schedule.

'**Term**' means the period of 10 years from the Commencement Date, with an annual lease review to be held 12 months from the Commencement Date, where both parties have the opportunity to renegotiate aspects of the lease;

'**Expiration Date**' means 10 years after the Commencement Date;

'**Employees, Volunteers, Club Members and Visitors**' means any person at any time using the Facility other than the Shire's employees, agents and contractors;

'**The Facility**' means the multipurpose recreation facility (tennis and netball).

2. APPOINTMENT OF A MANAGER

- (a) The Shire appoints Kununurra Tennis Club Inc to manage and operate the Facility on the terms and conditions contained in this Agreement;
- (b) The Club and the Shire agree to use their best endeavours to cooperate fully with each other to provide quality recreation activities and operations of the Facility for the benefit of the community.

3. DUTIES OF THE MANAGER

The Shire authorises the Club to do all that is necessary for the efficient running of the day-to-day activities and operations of the Facility including the ability to:

- (a) Appoint and recruit appropriate staff and/or volunteers to perform the tasks and duties required to effectively manage tennis and netball activities at the Facility;
- (b) Oversee casual bookings for the use of the whole or any part of the Facility;
- (c) Accept fees and any other charges levied on Club Members, Visitors and other members of the community for the use of the Facility;
- (d) Maintain the Facility in a good, safe and clean condition throughout the Term of this Agreement in accordance with Clause 4.

4. THE TENNIS CLUB

4.1 *Annual Fees*

The Club will pay the Shire an annual fee for the use of the Facility as identified as item 4 in the schedule.

4.2 *Electricity, Gas, Telephone and Water*

The Club will pay and discharge all electricity, gas, telephone and/or water charges incurred doing their use of the Facility.

4.3 *Assignment, Subletting, Parting with Management*

The Club must sub-lease six netball courts in addition to other facilities to the Kununurra Netball Association for the purposes of netball training, competition, development and other events as negotiated with, and approved by, the Club.

The Club can not assign or part with the management of any other aspect of the Facility without the prior written consent of the Shire.

The Club can hire courts facilities to members of the public as stipulated in clause 4.11.

4.4 *Statutory Obligations*

The Club must comply with the provisions of all lawful and valid statutes, regulations, notices, orders, town planning schemes and local laws regarding or affecting the Facility, its use and/or occupancy.

The Club shall not be liable for any structural alterations or additions in complying with clause 4.4.

4.5 *Alterations*

The Club will not, without the prior written consent from the Shire, erect any building or structure or make any alteration to an existing building or structure at the Facility.

4.6 *Cleaning, Maintenance and Repair*

The Facility including the court surfaces, tennis and netball net posts, boundary and internal fences, paths and paved areas, will be clean and in good condition to the satisfaction of the Shire (fair wear and tear excepted). The Club is not liable for any structural repairs unless caused by neglect, default or misconduct by the tennis club or other users groups.

The Club will keep and maintain all light globes, power points, gas fittings, doors, windows, locks, cisterns, taps, switches, toilet fittings and septic systems in good order to the satisfaction of the Shire and replace any such items (locks excepted) which become worn out or broken.

The Club will keep and maintain all equipment in good order to the satisfaction of the Shire and report any equipment that becomes worn or broken.

4.7 *Storage*

The Club will not store chemicals, flammable liquids, acetylene gas or volatile or explosive oils, compounds or substances upon the Facility other than substances reasonably required for conducting the normal activities of the Club.

4.8 *Trees, Plants etc*

The Club will be responsible for maintaining all gardens, lawns and/or trees within the Facility and will not, without the prior written consent or instruction of the Shire, cut down any trees, plants or shrubs or sell, remove or otherwise dispose of any clay, sand, gravel, timber or other materials from the Facility.

4.9 *Use*

The Facility shall only be used for appropriate Club and community activities and will not be used for any purpose other than those the Facility was designed for.

The Club will not carry on or permit to be carried on any noxious, noisome or offensive trade, act, business, occupation or calling at the Facility.

The Club will not permit any person to sleep at the Facility or use the Facility as living accommodation.

4.10 *Alcohol*

The Club will not sell or dispense alcohol from the Facility or allow alcohol to be sold or dispensed at the Facility without the prior written consent of the Shire and the Director of Liquor Licensing. In the event that alcohol is sold or dispensed with such consent, the Club shall comply with all terms and conditions imposed by the Shire and the Director of Liquor Licensing, the provisions of the Liquor Act and all regulations made thereunder.

If any alterations to the Facility are required by the Shire and/or the Director of Liquor Licensing, the Club will be solely responsible for effecting such alterations in compliance with clause 4.5.

4.11 *Hire to Public*

The Club can make the Facility (the tennis courts and/or netball courts and/or other amenities) available for hire to members of the public upon the terms, conditions and charges set by the Club, and endorsed by a Shire Officer.

The Club shall be entitled to levy a charge for the hire of the Facility.

Any money received from the hire of the Facility shall be kept by the Club and used for its own purposes consistent with this Agreement.

The Club shall continue to be subject to the conditions and stipulations contained in this Agreement when the Facility is used for private functions and by community groups in addition to the Club's regular activities.

Casual bookings for tennis and netball courts will be undertaken by the Kununurra Recreation and Aquatic Centre at a commission rate of five (5) percent. Shire staff will keep accurate records of all bookings, payments and usage of courts and buildings, which will be provided to the Club's Treasurer on the first business day of each month to enable invoice generation minus commission fee.

4.12 Advertising

The Club will not affix or exhibit or permit others to affix or exhibit any placards, posters, signage, boards or other advertisements on the Facility (including internal and boundary fences) that is obscene, discriminatory, or contradicts the well-being and interests of the wider community.

The Shire reserves the right to enforce the removal of any signage that is considered inappropriate or contravenes 4.12.

4.13 Public Risk Insurance

The Club will maintain public liability insurance for an amount of no less than ten million dollars (\$10,000,000).

The Club will maintain insurance for all equipment owned by the tennis club, and respective sporting groups, and stored at the Facility.

4.14 Entry by the Shire

The Club will permit access to any authorised contractors or Shire staff to view the Facility at a reasonable hour or carry out any building, alterations, improvements, maintenance or works as determined by the Shire.

4.15 Costs

The Club will pay all costs, charges and expenses (including solicitors' costs and architects' fees) incurred by the Shire for the preparation and service of a notice requiring the Club to remedy a breach of any of the covenants, conditions or stipulations contained within this management plan.

4.16 Indemnity

The Club will indemnify the Shire against any claim, demand, action, suit or proceeding that may be made or brought by any person against the Shire or any Shire agent in respect to the injury or death of a person or loss or damage of property arising from the Club's activities at the Facility.

The Club will be responsible for any costs and expenses that may be incurred in connection with any such claim, demand, action, suit or proceeding.

The Club will indemnify the Shire against liability for any loss or damage resulting from the personal injury or death of any employee, contractor, sub-contractor or any agent of the Club arising from activities at the Facility, and against any claim, demand, action, suit, costs and expenses whether at common law or under statute.

4.17 Renewing Agreement

If the Club chooses to renew this Agreement beyond the Date of Expiration, the Shire must renew the Agreement for a further term if:

- (a) The Club gives the Shire written notice of its desire to renew the Agreement no less than 3 months prior to the Date of Expiration;
- (b) During the Term there has been no breach of any part of this Agreement.

If the Shire grants a new Term to the Club:

- (a) The same terms and conditions contained in this Agreement will apply.
- (b) The Term will commence the day immediately following the Date of Expiration.

4.18 Vacating Premises

Upon the expiration of this Agreement (or sooner as determined by either party), if the Club chooses not to renew this Agreement, the Club will give up the use of the Facility and ensure all netball and tennis courts, equipment, buildings, fixtures and fittings are in good and tenantable repair and condition.

4.19 Failure to Perform

In the event that the Club fails to adequately operate the Facility, the Shire will issue the Club with a 'Notice of Improvement'.

Should the Club fail to take the action within thirty (30) days as required under the Notice of Improvement or the issue being the subject of the Notice of Improvement reoccurs, the Shire will issue a Failure to Perform Notice to the Club, which may be deemed to be a breach of this lease agreement.

4.20 Arbitration

If the Shire and the Club are unable to reach agreement on any Failure to Perform notice pursuant to this Agreement, such a dispute may be referred by either party to arbitration. The arbitrator may be any person agreed upon by both parties. If the parties are unable to agree on an arbitrator within thirty (30) days of one party giving notice to the other in writing that arbitration of a dispute is required, then either party may request the Institute of Arbitrators Australia to appoint an arbitrator to resolve the dispute. The appointment of such an arbitrator shall bind the parties and in such event, all provisions of the Commercial Arbitration Act 1985 shall apply to such arbitration.

5 THE SHIRE

5.1 *Quiet Enjoyment*

The Shire recognises that the Club, in observing and performing several covenants, conditions and stipulations, will peaceably hold and enjoy the Facility for the term identified in item 3 of the schedule without any interruption from the Shire.

5.2 *Building Insurance*

The Shire will insure all buildings and improvements of an insurable nature against loss or damage by fire, storm, tempest, earthquake and any other risks for their full insurable value. All money received by virtue of the insurance shall be laid out in rebuilding and reinstating any such building, courts, equipment (light towers, net posts and goal posts) or structures otherwise damaged or destroyed.

5.3 *Structural Alterations*

The Shire will carry out structural alterations or additions when necessary in compliance with clause 4.4.

The Shire will carry out structural repairs (including major electrical and plumbing works) in compliance with clause 4.6 except when structural repairs are rendered by an act, neglect, default or misconduct by the Club and/or other user group.

5.4 *Car Parking Area*

The Shire will keep and maintain the surface of any car parking area and access roads situated on the Facility in good order and condition.

5.5 *Pest Eradication*

The Shire will carry out necessary action to prevent and/or eradicate termites, ants or bees and to make good any damage caused to the Facility by termites, ants or bees, where the origin of the issue is situated outside of the leased area.

5.6 *Insurance of Equipment*

The Shire will maintain insurance on all equipment at the Facility not owned by the Club or other user groups.

5.7 *Funds Allocation*

The Shire will ensure adequate funds are included in Council's annual budget to carry out required works/upgrading/maintenance to the Facility.

All funds provided to Shire, in the form of annual fees from the Club, will be held in reserve for the specific purposes of resurfacing the courts when deemed necessary and agreed upon by the Shire and the Club.

5.8 *Specified Works*

The Shire will undertake works when deemed necessary by the Shire in order to preserve the structural integrity and appearance of the Facility.

5.9 *Costs*

Each party will pay their own solicitors' costs, charges and expenses in respect of the preparation of this Agreement or other binding and/or legal document and pay any subsequent duties or fees relating to such.

6 DEFAULT

The Club will default on the Agreement if it:

- (a) Fails to make any financial contribution (as agreed to) for thirty (30) days after written notice is given by the Shire.
- (b) If the Club defaults in the observance or performance of any agreed covenants, conditions and stipulations
- (c) If the Club fails to undertake repairs as required within an agreed time frame identified by the Shire.

If the Club defaults on this Agreement, then, and in any of such cases, the Shire has the right to enter the Facility or any part thereof and remove any property belonging to the Club and hold it in respect of any antecedent breach of the Club's covenants.

7 NOTICES

Any notice shall be sufficiently served if sent by certified post addressed to the secretary, to the last known address of the Club.

8 DISPUTES

Should any dispute or issue of concern arise between the Shire and the Club, both parties will use their best endeavours to resolve such matters through dialogue and ongoing consultation.

In the event of a dispute or issue of concern arising between the Club and a causal hirer of the Facility, the matter shall be resolved between the user or hirer and the Club.

In the event that any issue remains unresolved within a reasonable period, the Shire's decision is final.

Signed on behalf of the Shire of Wyndham East Kimberley
By Authority of a Resolution of Council in the presence of:

Peter Stubbs
Chief Executive Officer

Signed by the Principal Officer Bearers of
Kununurra Tennis Club

President

Name of President (Print)

Secretary

Name of Secretary (Print)

1. SCHEDULE

Item 1 The Club

Kununurra Tennis Club Inc.

Item 2 Land

Corner Chestnut Avenue and Rod Hodnett Drive

Item 3 Term

10 years with renewal option of a further 10 years

Commencement Date: 1 July 2009

Expiry Date: 30 June 2019

Item 4 Annual Rental

The annual rental shall be \$7,500 (inc. GST) to be paid annually in advance on the date of commencement of the term of this Agreement and thereafter on each anniversary of the date of commencement of the term of this Agreement, and will be assessed annually in conjunction with the lease agreement review.

Draft Memorandum of Understanding

Parties;the parties to this Memorandum of Understanding are the Shire of Wyndham East Kimberley, the Kununurra Tennis Club and the Kununurra Netball Club.

Purpose: the purpose of this MOU is to clarify the roles & responsibilities of each of the parties, recognising that personnel changes within each of the parties means that confusion and frustration can result without a clear instrument such as this MOU.

Background: this MOU comes into place coinciding with a major capital upgrade and improvement to the hard courts in Kununurra through an approximate \$1.2M investment in 2008/09.

The upgrade includes new six new dedicated Tennis Courts, six Tennis Courts overlaid for multi use with Netball.

The Shire of Wyndham East Kimberley Covenants:

1. To resurface the courts at an appropriate time, estimated to be in 15 years time (2024).
2. Maintain the asset (including weed control, repairs to cracks, line marking, fencing, lights etc).
3. Insure the physical asset, and take out public liability insurance to protect the Council.
4. Provide access to public toilets in the multi use change rooms adjacent to courts, Youth Centre and Town Oval.
5. Operate a casual booking systems for the courts (ensuring priority booking for Tennis and Netball Clubs).
6. To review fees for the use of the facility annually as part of the Council budget cycle.
7. Remit casual fees usage to the hard court Reserve fund to assist with asset maintenance and replacement.
8. Issues 3 sets of keys to each Club for court and toilet access.
9. Maintain signage at the courts in relation to casual use.

The Kununurra Tennis and Netball Clubs Covenants:

1. Pay usage fees as adopted by the Council for the court and lights to the Shire.
2. Hold Club public liability insurance for their related sports.
3. Submit fixtures for Club sports including match/game/tournament/structure training times to the Shire (Leisure Centre) to facilitate casual hire.
4. Negotiate use of multi courts with each other so as to avoid clashes and disputes.
5. Report in writing any damage/faults for the assets.
6. Replace lost keys at the Clubs cost.

7. Sweep and or wash courts as required for Clubs use.
8. Remove all litter following games or training.
9. Turn off all lights not required for use or at the end of games or training.
10. Provide their own nets and/or playing equipment.

Chief Executive Officer
SWEK

Kununurra Tennis Club
President

Kununurra Netball Club
President

Date Signed: _____

12.5.2 ANNUAL GRANT REQUEST FROM KIMBERLEY WILDLIFE RESCUE INC. (8752)

DATE:	21 July 2009
PROPONENT:	Shire Of Wyndham-East Kimberley
LOCATION:	Kununurra
AUTHOR:	Megan Alchin, A/Executive Manager Community Services
REPORTING OFFICER:	Megan Alchin, A/Executive Manager Community Services
FILE NO:	36.19.02
ASSESSMENT NO:	N/A

PURPOSE

To review correspondence received from Kimberley Wildlife Rescue Incorporated.

BACKGROUND

Round 1 of the Shire's Annual Community and Economic Grants for 2009/2010 closed on 31 May 2009. An application was received from Kimberley Wildlife Rescue Incorporated, however at its meeting on 16 June, Council resolved not to provide funding for the project.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Policy CMS 2 – Annual Grants Scheme. No right of appeal is given in this policy.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

COMMENT

The attached correspondence requests that the submitted funding application "be reviewed, in an effort to demonstrate to our members and carers that their efforts are in fact valued by our local government".

It appears as though such a request has not been received before and therefore the Council has two options.

The first is to reconsider the application and if desired, allocate funding to this project from the remaining grant funds. This however may result in precedence during future funding rounds.

The other option is to consider the application again during the second funding round, which will close on 30 September 2009, with recommendations being made to Council at the October Ordinary Council Meeting.

ATTACHMENTS

Document 66617 – letter from Kimberley Wildlife Rescue Incorporated.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

The Council acknowledge the correspondence received from Kimberley Wildlife Rescue Incorporated regarding the outcome of Round 1 of the 2009/2010 Annual Community and Economic Grants funding, and advise that their application will be considered again as part of Round 2 of the grants scheme which closes 30 September 2009.

COUNCIL DECISION

Minute No. 8752

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

The Council acknowledge the correspondence received from Kimberley Wildlife Rescue Incorporated regarding the outcome of Round 1 of the 2009/2010 Annual Community and Economic Grants funding, and advise that their application will be considered again as part of Round 2 of the grants scheme which closes 30 September 2009.

CARRIED UNANIMOUSLY: (8/0)

Doc No.	066617
Date	7 JUL 2009
Officer	
Response	
File	
Cross Ref	

**Kimberley Wildlife
Rescue Inc.**

Ph/Fax: Kimberley Vet Centre 08 9169 1229 P.O. Box 1442, Kununurra WA 6743
kimberleywildlife@westnet.com.au ABN: 46 205 629 682

To the Shire of Wyndham East Kimberley.

As the President of Kimberley Wildlife Rescue Inc (KWR) I would like to exercise our right to appeal the decision reached at the last Council meeting regarding our application for Annual Grant funding.

KWR applied for \$35 000 in the first round of Annual Grant funding, towards costs of commencing development of the Sue Roberts Sanctuary to house our rehabilitated joeys, at the Kununurra Wildlife Gardens. Before submitting our application I personally canvassed 5 Councillors who all expressed an understanding of the significant financial issues our group faces, and who all gave me verbal support for our application. Our group were then EXTREMELY disappointed to learn that our application was unanimously UNSUPPORTED.

We fully understand that SWEK receives a number of applications each funding round, in this case 12, and that all applicants consider their causes to be worthy causes. What disturbed us most, especially after my personal communication with half the Council, was that our cause was not deemed to be worthy of ONE SINGLE DOLLAR of assistance. Not one of the applications submitted received the full funding that was applied for, a likelihood that KWR were quite prepared for.

The reason given to me by the Assistant Executive Manager of Community Services, that it was thought that if we did not receive full funding that there was no point giving us any funding, is a questionable argument at best, and was answered by the question in the application that asked us to demonstrate why Annual Grant funding was needed. The answer given was that the time frame for us to achieve this project would be greater, but that the project would still continue.

I feel that our application demonstrated the significant support that we have from the broader community, and I would have hoped that the Council members that know me personally would have had no doubt of the dedication of myself and our group in supporting the plight of our local wildlife. The profound lack of support that we received is a further demonstration that wildlife care and rehabilitation is no-ones "department". The fact your letter to us stated that "though you acknowledge that wildlife protection was a vital service that it was of no benefit to the community" further demonstrates what little regard is afforded to our rapidly disappearing native species.

The members of KWR would like to formally ask that our application for funding be reviewed, in an effort to demonstrate to our members and carers that their efforts are in fact valued by our local government.

Dr Sarah Brett President

Proudly supported by Tropical Forestry Services Limited

12.6. CHIEF EXECUTIVE OFFICER

12.6.1 STATUS REPORT COUNCIL DECISIONS (8753)

DATE:	21 July 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:	N/A

PURPOSE

For Council to receive and note a report summarising the status of Council decisions for the period April to June 2009.

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 April to June 2009

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receive and note the Status Report for the period April to June 2009.

COUNCIL DECISION

Minute No. 8753

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

That Council receive and note the Status Report for the period April to June 2009.

CARRIED UNANIMOUSLY: (8/0)

Status Report - Council Resolutions 2009								
Council Meeting Date	Minute Number	Resolution	Action/Status	Leading Officer	File No	Completed	Reported	
0/01/09	8530	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 theco-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 a t\$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.0) Reclaimed land on the foreshore, which has been subject to the valuation, be, be partoftheleasedarea.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	Negotiations not yet completed	Peter Stubbs	66.20.01	on going		

20/01/09	8542	<p>That Council:</p> <p>1. Rescind points 1 and 4 of Minute No 8381 of 16 September 2008, being:</p> <p>1. That Council authorise officers to liaise with the approved tenderer to develop basketball courts incorporated into the Multipurpose Court Facility and re-surfacing 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 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.</p>	<p>noted and Karyn Apperley acted. Contractor advised of further variation to specifications previously provided as result of 16 Sept Council resolution. Meeting to be held at date to be determined re self supporting loan</p>	Karyn Apperley	30.09.02	Completed	21/07/09
17/02/09	8549	<p>That the Council offer to Shoal Air Pty Ltd a 3 year lease over a 100 m² portion of Wyndham Airport for the purpose of locating a transportable office under the following conditions</p> <p>' Advertising and Public Comment period</p> <p>' Planning approval prior to occupation of the building.</p> <p>' An annual lease fee of \$10,000 plus GST with annual CPI indexation.</p> <p>' Shoal Air are responsible for all costs in relation to connection of utilities and submeters.</p>	<p>Addressed at Airport Committee Meeting on 30 June 2009. Refer item 11.2.1 this meeting.</p>	Jo-Anne Ellis	20.12.08	Completed	21/07/2009

17/02/09	8552	That Council allocate funds from its Airport Accounts to support an independent analysis of the potential to establish an air link route between Kununurra, Alice Springs and Broome with the aim of facilitating regional growth and access to Eastern Australia.		Peter Stubbs	60.14.13		
17/02/09	8557	That Council make application to the Minister for Lands to grant title to Shire of Wyndham East Kimberley for Lot 829 Koolama Street Wyndham for the purpose of staff housing.	Land purchase agreed and awaiting transfer of title	Alex Douglas	01.2198.01		
17/02/09	8561	That Council 1. Approve the Planning Application submitted by Ms Sarah Brett, on behalf of the Kimberley Wildlife Rescue Inc, for the use of Zoological Gardens in a Rural Agricultural zone to enable the development of Wildlife Gardens Stage 1, on portion of Lot Ivanhoe Road, Kununurra, subject to: 1.All proposals for development being submitted to Council and other agencies as required for approval, and all improvements being in keeping with the integrity of the area and natural environment. 2.Compliance with the Wildlife Conservation Act 1950 and subsidiary legislation. 3.Compliance with the Department of Environment and Conservation Section 16 Licence and 4.Not to be within 500m of any existing residence. 5.Required to be a minimum of 5km from any built up residential area. 2. Waive the requirement of payment of the \$250.00 Planning Application Fee and \$500.00 Building Licence fee due to the Kimberley Wildlife Rescue Inc being a non-profit organisation. It is noted that statutory fees such as the BCITF fees cannot be waived. 3. Sanction the CEO with delegated authority to grant planning consent upon receipt of more detailed development plans.	Kimberley Wildlife Rescue advised of Council's resolution on 24/02/09. Planning consent will be given under the delegated authority of the CEO upon receipt of more detailed development plans, which have not been received to date.	Jennifer Ninnette	01.0100.02		

17/02/09	8562	That Council 1. Advertise the proposed road closure 2. Resolve to close a portion of Carpentaria Street subject to no objections being received during the advertising period. 3. Following completion of the advertising period, request the Department for Planning and Infrastructure (DPI) to close an approximately 2,500 m ² portion of the Carpentaria Street with; (i) The northern 1000 m ² portion to be amalgamated into Drainage Reserve 41909; and (ii) The southern 1500 m ² portion to be sold and amalgamated into Lot 2340 Kentia Way.	Road closure was advertised in the Kimberley Echo 5/3/09, and advertising period closed 4/4/09. No submissions were received. Prior to approaching DPI, advice letters will be sent to service agencies giving 30 days to comment.	Peter Stubbs	01.5203.02	Ongoing	
17/02/09	8566	That Council advise Celliston Nominees/Diversion Cruises that if the offer of a new lease until 30 September 2009 consistent with the Council decisions Minute Number 8508, 22 December 2008, is not accepted in writing by 27 February 2009 then the offer will lapse and be withdrawn and the building owned by Celliston Nominees/Diversion Cruises on Reserve 41812 adjacent Lily Creek Lagoon will be removed at Council's expense and the land returned to public open space	Celliston Nominees has a new draft lease consistent with Council resolution but has not responded to it.	Peter Stubbs	66.20.02	on going	
17/02/09	8573	2 That Council delegate the Shire President, Deputy Shire President and Chief Executive officer to jointly negotiate appropriate lease payment schedules for commercial leases between Ski Beach and Swim Beach, Lake Kununurra, Reserve 41812	Agreements reached in principle	Peter Stubbs	43.04.01	on going	

17/02/09	8577	1. That Council support the Ord River Sports Club request for a 24 month, \$70,000 self supporting loan, with the loan being only provided after the Council is in receipt of a copy of Minutes of a properly constituted General Meeting of the Club in which the Club membership resolves:1. to support the loan request.2. to take responsibility for servicing the loan debt,3. enter into a written agreement with Council to undertake a Master Planning exercise for the future of Club site as a community asset; and4. Agreeing in writing to re-structuring the Club Board and constitution, within 6 months, to include Councillor positions, and external Board members, in particular the MG Corporation, to facilitate a broader more strategic community approach to the Clubs future.2.That Council waive penalties of associated with outstanding rates owed by the Ord River Sports Club of \$222.41.	Loan advertised for public comment ads required under LG Act. Comments close 18 April.	Peter Stubbs	66.20.37	on going	
17/02/09	8579	1. That Council issue Request for Tender T05 - 08/09 Project Manager for East Kimberley Regional Airport Terminal Expansion Project. 2. That Tenders are evaluated based on the capacity of the Tenderers to complete the requirements of the tender including:2.1. Compliance Criteria (must comply) a) Completion of Tenderers Offer b) Compliance with Conditions of Tendering c) Compliance with Specification d) Corporate Information e) Financial Information f) Conflict of Interest g) Insurance 2.2 Qualitative Criteria (used to Rank Tenders) a) Organisational Capabilities - 40% b) Key Personnel - 35% c) Performance - 25%2.3. Price Submitted for Tender The tendered price along with the qualitative ranking will be used to determine the most advantageous tender to Council	Addressed at Airport Committee Meeting on 30 June 2009. Refer item 11.2.1 this meeting.	Jo-Anne Ellis	66.57.05	Completed	21/07/2009
17/03/209	8585	That Council advise Melon Farm (NT) Pty Ltd that Council will advertise for public comment, its intent to sell by private treaty approximately 2,000m2 of vacant land adjacent to and contiguous with Lot 313 at the East Kimberley Regional Airport at a price of \$48.00m2.	Valuation obtained, advertisement re proposed sale by private treaty received no responses. Proceeding with subdivision & amalgamation.	Jo-Anne Ellis	20.09.06	on going	

17/03/2009	8588	That Council adopt the recommendation that the status of the 4,061 Cambridge Gulf Limited shares be re-examined in six months time.	To be taken back through Audit Committee	Gill Old	61.35.07		
17/03/2009	8592	Council request the Executive Manager Engineering & Regulatory Services to represent Item 12.3.1 Replacement of Light Vehicles to comply with Adopted Policy F19 - Purchasing and Tendering Policy.	Report to 21 April Council Meeting	Alex Douglas	66.41.07	Completed	
17/03/2009	8594	That Council undertake the sealing of Egret Close within the 2009/2010 financial year at an estimated cost of \$166,000 utilising those subdivider contributions held at the time (currently totalling \$102,299.09) and the balance from Shire funds		Alex Douglas	21.10.504	completed - included in 2009/10 Budget	
17/03/2009	8595	That Council adopt the Air BP Lease as presented, and related to Lot 181 on Deposited Plan 28266 being the whole of the land in Certificate of Title Volume 2526 Folio 60 and being commonly known as "East Kimberley Regional Airport", Lot 181 Victoria Highway, Kununurra, and particular that part of the Land having an area of approximately 5,250 square metres as depicted and hatched in black on the plan in Annexure "A" to this Lease, with the following conditions: 1. a lease term of 15 years and the option of lease renewal for a further 15 years 2. the Rent of \$21,500.00 per annum payable in advance on the Commencement Date and each anniversary of the Commencement Date. The Rent being exclusive of GST, and subject to a 10% per annum increase. COUNCIL Minute No. 8595 Moved:Cr K Wright Seconded:Cr P Caley Council moved to defer Item pending investigation with runway. DEFERRED: (8/0)	Refer Council Minute 8619 on status report	Jo-Anne Ellis	43.04.05	Completed	21/04/2009

17/03/2009	8596	1. That Council adopt the Weaber Plain Light Industrial Area Subdivision Design Guidelines Policy. 2. That Council advertise the proposed adoption of the Weaber Plain Road Light Industrial Area Subdivision Design Guidelines Development Control Policy in accordance with the provisions of Clause 12.6.4 of Town Planning Scheme No 7 - Kununurra and Environs.	Advertising done	Peter Stubbs	43.04.03		
17/03/2009	8599	1. That Council issue tender T06-08/09 for the Design and Construction of the Wyndham Swimming Pool Upgrade upon confirmation of additional required grant funding for the project. 2. That Tenders are evaluated based on the capacity of the Tenderers to complete the requirements of the tender including: 2.1. Compliance Criteria (must comply) a) Compliance with Specifications contained in request. b) Compliance with Conditions of Tendering contained in request. c) Compliance with Quality Assurance requirements in request. d) Compliance with Start Date. e) Compliance with and completion of Price Schedule. 2.2 Qualitative Criteria (used to Rank Tenders) a) Relevant Experience - 60% b) Ability to meet Construction Deadline - 40% 2.3. Price Submitted for Tender The tendered price along with the qualitative ranking will be used to determine the most advantageous tender to Council. 3. That Council approve the membership of the Tender Review Panel as follows: Councillor Representative Executive Manager Community Services Manager Recreation and Leisure Kimberley Regional Manager, Department of Sport and Recreation		Karyn Apperley	30.09.03	Completed	21/07/09
17/03/2009	8600	2. That Council seek supporting funding to convert the existing two depreciated outdoor basketball courts at Wyndham for use as a BMX track (including perimeter bollards and provision of shade), to increase the diversity of activities for the community, including young people, and to rationalise future asset maintenance and replacement costs, with a view to completing this work in the 09/10 financial year. 3. That Council authorise the CEO to implement the most appropriate and cost effective bollard system for the required perimeter barrier for the Wyndham Skate Park and proposed BMX track area.		Karyn Apperley	30.09.04		

17/03/2009	8605	That Council to accept the affidavit as evidence from the sailing club as presented and authorise the CEO to negotiate a new lease and develop the lease site with a contribution from Council of up to \$75,000	Motion lost. No action.	Peter Stubbs	43.04.01		
17/03/2009	8606	That Council take into consideration the potential of the future of the Sailing Club lease to be deferred to the April Briefing Session and the April Ordinary Council Meeting.	Included in April Briefing Session	Peter Stubbs	43.04.01		
17/03/2009	8610	That Council seek a negotiated compensation payment of \$38,000 and delegate to the Shire President and Chief Executive Officer to negotiate further as required on a compensation payment to Reg Properties Pty Ltd in relation to their purchase of Lot 1039 Greybox Crescent, Kununurra by tender, in recognition of the portion of lands rendered unsuitable for residential development due a the discovery of sewer lines through the property.	CEO advised Reg Properties Pty Ltd via fax on 12/03/2009 that Council may be prepared to offer \$38,000 for compensation. Reg Properties have not responded to this offer to date.	Jennifer Ninnette	01.2192.02	Ongoing	

21/04/2009	8618	That Council offer new leases at the East Kimberley Regional Airport to (a) Avis Australia / W.T.H. Pty Ltd (b) Thrifty / Territory Rent a Car Pty Ltd (c) Budget / Busby Investments Pty Ltd (d) Hertz / Tuffys Pty Ltd T/A East Kimberley Hiring (e) Europcar. On the following conditions: 1. leases commence on 1 July 2009, or at the expiration of the current lease, for a term of five years. 2. The use of the premises is for Hire Car Franchise purposes. 3. Cubicle rent in the Airport Terminal is set at \$500 and is subject to review following the Terminal Upgrade. 4. Car bays are offered in rows 2 and 3 of the car park at an annual rental fee of \$2,000 per bay with a maximum of six bays to be allocated to each lessee. 5. Car bays are offered in rows 7 and 8 of the car park at an annual rental fee of \$1,000 per bay with a maximum of six bays to be allocated to each lessee. 6. The number of car park bays required by each lessee is to be confirmed in writing prior to the commencement of the lease and may only be altered once annually on the lease rent review date. 7. Lease fees will be subject to annual CPI increase on the lease rent review date. 8. An additional charge for lighting and security may be initiated by agreement between parties if the need to increase lighting and/or security at the East Kimberley Regional Airport car park arises.	Addressed at Airport Committee Meeting on 30 June 2009. Refer item 11.2.1 this meeting.	Jo-Anne Ellis	66.20.33, 66.20.32, 66.20.30, 66.20.28	Completed	21/07/2009
21/04/2009	8619	That Council adopt the Air BP Lease as presented, and related to Lot 181 on Deposited Plan 28266 being the whole of the land in Certificate of Title Volume 2526 Folio 60 and being commonly known as 'East Kimberley Regional Airport', Lot 181 Victoria Highway, Kununurra, and particular that part of the Land having an area of approximately 5,250 square metres as depicted and hatched in black on the plan in Annexure 'A' to this Lease, with the following conditions: 1. a lease term of 15 years and the option of lease renewal for a further 15 2. the Rent of \$21,500.00 per annum exclusive of GST payable in advance on the Commencement Date and each anniversary of the Commencement Date and each anniversary of the Commencement Date subject to an annual CPI increase.	Lease accepted & documentation executed.	Jo-Anne Ellis		Completed	16/07/2009
21/04/2009	8622	That Council accepts the offer from The Department of Planning and Infrastructure to purchase freehold title to Lot 829 Koolama Street Wyndham for \$16,050 including GST, being the balance between valuation of \$65,000 and quoted demolition \$48,950 as agreed by the Minister for Land.	Documentation & funds with DPI pending settlement	Jo-Anne Ellis	01.2198.01		

21/04/2009	8624	That Council authorise the Shire President, Chief Executive Officer and Executive Manager Engineering and Regulatory Services to undertake negotiations with the Water Corporation in regards to maintenance and retention of existing stormwater drainage structures within the M1 channel reserve (King Loc. 915) in view of the absence of documentation that: a) adequately describes responsibility for structures within land managed by the Water Corporation, and b) adequately describes responsibility for the open stormwater drains that traverse Reserve 39000 (which is vested in the Minister for Water Resources) Reserve 31221 (being co-managed by the Kimberley Land Council and Waringarri Aboriginal Corporation).	Discussions with Water Corporation have commenced	Alex Douglas	50.09.05		
21/04/2009	8625	That Main Roads WA be advised that Council seeks the following amendments and additions for the Shire's Restricted Access Vehicle Class 2/3 Period Permit System roads: (a) Stockman Road (Victoria Highway to end) - up to 53.5 metres - Network 10 (b) King River Road (Great Northern Highway to end) - up to 53.5 metres - Network 10 with Conditions - Daylight travel only, No use when visibly wet (c) New roads within Weaber Plain Road Light Industrial Area - up to 53.5 metres - Network 10 (d) Cocus Way - up to 53.5 metres - Network 10	Correspondence sent	Alex Douglas	21.01.01	completed	
21/04/2009	8627	That the Alternate tender as submitted by Waste Services Australia for street sweeping services for Kununurra and Wyndham for the period 1 July 2009 to 30 June 2012) for the sum of \$135,261.50 (for the 2009/10 financial year) be accepted as the most advantageous to Council.		Alex Douglas	66.57.08	completed operational	- contract

21/04/2009	8628	1. That the Alternate tender as submitted by Waste Services Australia for Litter Collection Services for the period 1 July 2009 to 30 June 2012 for the sum of \$178,750 be accepted as the most advantageous to Council.2. That the litter at Swim Beach and Ivanhoe Crossing be monitored during the period of July to December 2012 and a report be submitted to Council in December 2009 or earlier if required should the need to increase litter collection at the two sites is justified.		Alex Douglas	66.57.07	completed - contract operational	
21/04/2009	8629	The Council resolve to: 1. Note and endorse without change the Schedule of Modifications received from the Minister for Planning in relation to Amendment No. 18 to the Shire of Wyndham East Kimberley Town Planning Scheme No.7; and 2. Pursuant to regulations 21 (2) and 25 of the Town Planning Regulations 1967 (as amended) return the formal documentation duly amended in accordance with the Schedule of Modifications to the Department for Planning and Infrastructure seeking the Western Australian Planning Commission's and the Hon. Minister for Planning's endorsement and final approval.	Being processed in house	Ian D'Arcy	43.31.18	Ongoing	
21/04/2009	8630	That Council resolve to: 1. Note and endorse without change the Schedule of Modifications received from the Minister for Planning in relation to Amendment No. 22 to the Shire of Wyndham East Kimberley Town Planning Scheme No.7 - Kununurra and Environs; 2 Forward a copy of the endorsed Schedule of Modifications to the proponent for the respective changes to be completed to the documentation; and 3. Pursuant to regulations 21 (2) and 25 of the Town Planning Regulations 1967 (as amended) return the formal documentation duly amended in accordance with the Schedule of Modifications to the Department for Planning and Infrastructure seeking the Western Australian Planning Commission's and the Hon. Minister for Planning's endorsement and final approval.	Being processed in house	Ian D'Arcy	43.31.22	Ongoing	

21/04/2009	8631	That the Council:1. Endorse the establishment of a new (40 person) prison work camp on Lot 622 (proposed Lot 1) Great Northern Highway, Wyndham subject to the Department of Corrective Services: a) Accepting all costs associated with the preparation and execution of a formal lease agreement between the Department for Corrective Services and the Shire of Wyndham-East Kimberley for the new work camp site on Lot 622 (proposed Lot 1); b) Accepting all costs associated with the rezoning of Lots 622 and 468 from 'Public Purposes - Wyndham Aerodrome' zone to 'Special Site - Institutional Use - Prison Work Camp Facility' zone and 'Special Rural - SR2' zone, including external consultancy fees; c) Agreeing to, where reasonable and practicable to construction of the new camp facility, the upgrade of necessary infrastructure that could prove beneficial to reducing future subdivision costs for Lot 622 and Lot 468; d) Agreeing to the gifting of the existing camp buildings to the Shire of Wyndham - East Kimberley, if accepted, including the relocation to an alternate location within the district, or the decommissioning and removal of such building upon expiration of their current use; e) Confirming through a Memorandum of the Understanding of 1a) - d) above and current tenure of the existing work camp facility on Lot 468 for a further 18 months. f) Entering into a lease for the new proposed Lot 1 Great Northern Highway, Wyndham. 2. Inform the Department of Corrective Services of the Council decision as detailed in recommendation 1 above. 3. Delegate authority to the Shire President, Deputy Shire President and CEO to negotiate the details of 1 (c) and (e), (f).	Negotiations not yet completed	Ian D'Arcy	43.04.2843.04.28	Ongoing	
21/04/2009	8634	The Council resolve to adopt the amended Development Control Policy 23 - Lakeside Residential Development Guidelines as shown in Attachment 2 (with or without modification by Council) pursuant to Clause 12.6.1 (a) of the Shire of Wyndham - East Kimberley Town Planning Scheme No.7, and proceed publish a notice to this effect in the local newspaper pursuant to Clause 12.6.4 (a) of the Town Planning Scheme.	Advertising done. To be considered for final approval at July OCM	Ian D'Arcy	43.02.02	Ongoing	

21/04/2009	8635	The Council resolve to: 1. Note and endorse without change the Schedule of Modifications received from the Minister for Planning in relation to Amendment No. 18 to the Shire of Wyndham East Kimberley Town Planning Scheme No.7; and 2. Pursuant to regulations 21 (2) and 25 of the Town Planning Regulations 1967 (as amended) return the formal documentation duly amended in accordance with the Schedule of Modifications to the Department for Planning and Infrastructure seeking the Western Australian Planning Commission's and the Hon. Minister for Planning's endorsement and final approval.	Being processed in house	Ilan D'Arcy	43.02.01,43.02.01	Ongoing	
21/04/2009	8638	1. That Council accept the offer from the State Government to acquire approximately 4,800m2 of Reserve 41812 on the corner of Waterlily Place and Casuarina Drive, Lakeside, Kununurra for the sum of \$50,000 inclusive of GST, with the acquisition to be funded from the Councils 2008/09 Regions for Royalties funding. 2. That Council Initiate a Scheme Amendment pursuant to Section 75 of the Planning and Development Act 2005 to amend the Shire of Wyndham - East Kimberley Town Planning Scheme No.7 by rezoning a portion (4,800m2) of Reserve 41812 bordered by Waterlily Place and Casuarina Way, Kununurra from 'Special Foreshore' zone to 'Residential R30' zone.		Peter Stubbs	42.09.01	Completed	
21/04/2009	8639	That Council confirm with the Minister for Regional Development and Lands that Council accepts the offer to acquire approximately 3,500m2 of Reserve 27603 containing the existing Council Kununurra Administration site for the amount of \$490,000 inclusive of GST. 2. That Council include as part of an Enquiry by Design process to be held in late April 2009 input from stakeholders about potential new sites for the replacement Council Kununurra Administration site		Peter Stubbs	01.2148.13	Completed	
21/04/2009	8641	That Council include \$75,000 in the 2009/10 draft budget to assist the Ord River Sailing Club to establish new premises on a new leased site between the Commercial Boat Facility and Swim Beach.		Peter Stubbs	01.2860.06		

21/04/2009	8646	1. That Council adopt the draft Local Government Reform Checklist responses and submit these to the Department of Local Government and Regional Development. 2. That subject to the agreement of other Kimberley Local Governments, and funding provided by the State Government, Council agree to jointly investigate any benefits or draw backs for amalgamation of Kimberley Local Governments.		Peter Stubbs	65.13.01	Completed	
21/05/2009	8662	That Council 1) resolve to adopt the draft Local Planning Policy 4 - Events Application Package as shown in Attachment 1 (with or without modification by Council) pursuant to Clause 3.3.2 a) of the Shire of Wyndham - East Kimberley Town Planning Scheme No.6, and Clause 12.6.1 (a) of the Shire of Wyndham - East Kimberley Town Planning Scheme No. 7. 2) proceed to publish a notice to this effect in the local newspaper pursuant to Clauses 3.3.2 a) and 12.6.4 (a) of the respective Schemes.	-Advertising done. To be considered for final approval at July OCM	Ian D'Arcy	43.02.01	Ongoing	
21/05/2009	8663	That Council 1) resolve to adopt the draft Local Planning Policy 5 - Sea (Shipping) Containers as shown in Attachment 1 (with or without modification by Council) pursuant to Clause 3.3.2 a) of the Shire of Wyndham - East Kimberley Town Planning Scheme No.6, and Clause 12.6.1 (a) of the Shire of Wyndham - East Kimberley Town Planning Scheme No. 7. 2) proceed to publish a notice to this effect in the local newspaper pursuant to Clauses 3.3.2 a) and 12.6.4 (a) of the respective Schemes.	-Advertising done. To be considered for final approval at July OCM	Ian D'Arcy	43.02.01	Ongoing	

21/05/2009	8664	That the Council - 1. resolve to advise MG Corporation that it offers 'in-principal' support for the proposed tourism development that includes the reconstruction of the 'Far Away Downs' replica homestead with associated outbuildings, administration building, retail shop, and restaurant/café on portion of Reserve 422441 Weaber Plains Road and Ironwood Road Kununurra;2. is prepared to support the excision of the requested 40 hectares from Reserve 422441 and divest its interest in this area providing that all costs associated with the excision/subdivision process are met by the proponent and the proposed new boundary does not interfere with the existing communication equipment located in top of Kelly's Knob;3. is required to submit a formal application for planning consent for the overall development that adequately addresses the provision and standards of access, parking, bus turnaround, drainage, servicing, building design and aesthetics, vegetation retention, fencing, signage, waste disposal, security, servicing and expected hours of operation.	Letter sent advising of in principle support.	Ian D'Arcy	66.13.06	Completed	
21/05/2009	8665	That the Council: Inform BC Contraction it offers 'in principle' support for transient accommodation (temporary construction camp) to be sited on Lot 3002 Weero Road, subject to: a) The proponent lodging an application for planning consent that adequately addresses the specific location of the camp and standards applicable to access, parking, drainage, servicing, fencing, effluent waste and rubbish disposal, potable water supply, security and demobilisation/sit re-instatement; b) The DPI State Land Services or the Minister for Lands accepting the accommodation use under the current lease agreement for Lot 3002 with the lessee Mr J Kirby.	Letter sent advising of in principle support.	Ian D'Arcy	01.2462.02	Completed	

21/05/2009	8666	<p>That the Council - 1. in pursuance of Section 72 of the Planning and Development Act (2005), prepare Local Planning Scheme No. 8 with reference to an area situated wholly within the Shire of Wyndham - East Kimberley and enclosed within the inner edge of the dashed black border on a plan, as contained in Attachment 1, titled 'Scheme Area Map'.2. for the purposes of compliance with Regulation 4(3)(c)(i) of the Town Planning Regulations (1967), adopt the following as the preliminary objects and intentions of the Scheme: 'To zone and reserve land for various purposes within the Scheme area; ' To provide for orderly and proper planning; ' To provide the statutory basis for land use and development control within the Shire; ' To set out administrative and operational requirements and procedures for planning; and ' To facilitate implementation of the Shire's Local Planning Strategy.3. pursuant to Section 72 of the Planning and Development Act (2005) and Regulation 4(3) of the Town Planning Regulations (1967), forward to the Western Australian Planning Commission:1. A copy of Council's resolution deciding to prepare a new Local Planning Scheme, certified by the Chief Executive Officer;2. A map marked 'Scheme Area Map', signed by the Chief Executive Officer, on which is delineated the area of land proposed to be included in the Scheme; and3. A statement setting forth the objects and intentions of the Scheme and the anticipated format of the Scheme.4. And subject to Council receiving notification from the Western Australian Planning Commission pursuant to Regulation 4(6) of the Town Planning Regulations (1967):a) Publish a notice within the Government Gazette and a newspaper circulating in a district of the Shire of the passing of the resolution deciding to prepare a Local Planning Scheme, pursuant to Regulation 5(1); andb) Forward a copy of the notice to the Local Government of every adjoining district, the Water Corporation, the Department of Environment and Conservation and every other public authority likely to be affected by the Scheme, requesting details of matters that should be considered during the preparation of the Scheme, pursuant to Regulation 5(2).</p>	<p>Correspondence sent to WAPC advising of formal initiation.</p>	Ian D'Arcy	43.29.01	Ongoing	
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21/05/2009	8667	<p>That the Council resolve to relax the development standards for minimum floor area under the Lakeside Development Guidelines (DC Policy 23) and grant formal Planning Consent for the development of four (4) single bed grouped dwellings on Lot 242 Emu Apple Street, Kununurra subject to the following conditions:1. Development shall be in accordance with the attached approved plan(s) dated 19th May 2009 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.2. A landscaping plan shall be submitted prior to or at the time of application for a building licence with all land indicated as landscaped area on those plan(s) being developed prior to, or concurrently with the practical completion of the development and maintained thereafter to the approval of the local government.3. No site earthworks or development shall occur that will cause additional runoff of stormwater to adjacent properties. Stormwater from runoff and any sealed areas shall be mechanically directed into Council's stormwater system or disposed of onsite. Stormwater shall not be permitted to pond on the site, other than within designated detention basins, or against any buildings or structures. Details on the proposed method of control and disposal of stormwater from the site, including access roads, parking areas and roofs are to be confirmed with the Executive Manager of Engineering and Regulatory Services and submitted with the building application. 4. All fences and gates to front setbacks and front boundaries shall not extend over 1.5 metres in height from ground level with any fencing above 1.2 metres in height being a minimum of 50% visually transparent.5. All side and rear fencing shall consist of solid panel type construction to a maximum height of 1.8 metres. 6. Driveways shall be constructed, sealed and drained to the satisfaction of Council.</p>	<p>Planning Approval granted and letter sent 20 May</p>	<p>Ian D'Arcy</p>	<p>01.7034.02</p>	<p>Completed</p>	<p>20/05/09</p>
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21/05/2009	8668	That the Council 1) formally endorsed the Enquiry By Design (EBD) process for the Kununurra Town Centre inclusive of the following steps and indicated time lines, and in consideration of the planning outcomes expected to be realised:a) Invitation of key stakeholders/ads commence in local paper - week starting 25 May;b) Preliminary consultation sessions in Kununurra, including focus groups with the local arts community and MG Corporation, and meetings with key agencies and stakeholders occurring over 1, 2 or 3 days in the week starting 15 June 2009 depending on availability for meetings; c) Three workshops over three days in Kununurra - 2nd, 3rd and 4th July 2009. Days 1 (half day) and 3 (half day) will be open to members of the public and key stakeholders that RSVP to invites/ads, with Day 2 (whole day) open to selected stakeholders. Public display at Agriculture Show - 10th and 11th July 2009;d) Finalisation of development concept plan and report - early August 2009;e) Finalisation of strategic plan and report - early August 2009;f) Finalisation of implementation plans - early August 2009;g) Council adoption - from October 2009.	Workshop Complete. Preliminary plans available for public comment.	Ian D'Arcy	43.31.01	Ongoing	
21/05/2009	8669	That Council give in principal support to the proposed installation of a cricket pitch at the Town Oval by the East Kimberley Cricket Association, subject to feedback by regular Town Oval users, funding, and a memorandum of understanding between the East Kimberley Cricket Association and the Shire of Wyndham East Kimberley regarding pitch use and manage	Request for feedback sent to clubs on 1 June 2009. Submission opportunity closes 12 June 2009.	Megan Alchin	30.10.05	Ongoing	
21/05/2009	8678	That Council request the State Government to consider supporting the establishment of regional housing structure such as an East Kimberley Regional Housing Trust, to influence and manage the delivery and management of additional public sector housing into the region, so that the region's housing and social needs are better met.	Raied with Minister Buswell and DH- DG 3rd July. Commitment givne to workshp in the region to progress concept.	Peter Stubbs	60.03.01	On going	
21/05/2009	8679	That Council advise the applicants Mrs Carolyn and Mr Brian Cousins that it will consider their memorial request within the next 2 months following the development a policy framework regarding memorials.	John Gault liasing direct with applicants	Peter Stubbs	64.05.01		

16/06/2009	8684	That Council defer the noting of the unconfirmed minutes of the Audit Committee Meeting held on Tuesday 19 May 2009 until July's Ordinary Council Meeting.		Jo-Anne Ellis	61.34.04	Completed	
16/06/2009	8685	That Council: 1. Repeal policy MC3 - Conference Attendance 2. Adopt new policy MC18 - Elected Members Training, as attached with an amendment so that the Policy caters for attendance of all elected members at the Annual WALGA Conference.		Jo-Anne Ellis	60.02.01	Completed	
16/06/2009	8686	That Council having considered the information regarding the Federal Government Bank Deposits Guarantee, the risk associated with investing in accordance with Council adopted Investment Policy, and the recommendation from the Audit Committee, adopts the position of not requiring funds in excess of \$1Million per Authorised Deposit-Taking Institutions to be covered by the Government Guarantee.		Jo-Anne Ellis	61.36.04	Completed	
16/06/2009	8689	That Council having ensured that appropriate actions and progress is being made in relation to results of audit for the year ended 30 June 2008 adopts this report and forwards a copy to the Minister of Local Government by 30 June 2009.		Jo-Anne Ellis	61.34.04	Completed	
16/06/2009	8693	That Council in accordance with the provisions of S58(4)(a), Land Administration Act 1997 seek the consent of the Minister for Lands to close portion of Chestnut Avenue as shown in the sketch plan and for the closed portion to be amalgamated with Reserve 29799.	correspondence sent	Alex Douglas	21.09.06		
16/06/2009	8695	3. That Council delegate authority to the Chief Executive Officer to negotiate an appropriate private treaty lease with Origin Energy for the lease of portion of Reserve 36966 abutting Lot 554 Papuana Street for the purposes of installation of LP Gas Storage Cylinders for a period of ten years with an option for ten years and the proposed lease be advertised in accordance with the provisions of S3.58, Local Government Act 1995.4. That subject to there being no valid adverse objections to the private treaty lease that the Shire President and Chief Executive Officer be delegated authority to sign the lease agreement and affix the Common Seal.	correspondence sent	Alex Douglas	01.1575.01		

16/06/2009	8696	That Council 1. resolve to adopt the draft Local Planning Policy 6 - Caretaker's Dwelling in a Light Industrial Area as shown in Attachment 1 (with or without modification by Council) pursuant Clause 3.3.2 (a) of the Shire of Wyndham East Kimberley Town Planning Scheme No. 6, and Clause 12.6.1 (a) of the Shire of Wyndham East Kimberley Town Planning Scheme No. 7, and proceed to publish a notice to this effect in the local newspaper pursuant to Clauses 3.3.2 (a) and 12.6.4 (a) of the respective Schemes; 2. delegate authority to the Chief Executive Officer to enact the policy subject to there being no valid adverse comment.	To be advertised	Ian D'Arcy	43.02.01	Ongoing	
16/06/2009	8697	That Council 1. Resolve to adopt the draft Local Planning Policy No. 7 - Relocated and Transportable Buildings as shown in Attachment 2 (with or without modification by Council) pursuant to Clause 3.3.2 (a) of the Shire Wyndham - East Kimberley Town Planning Scheme No. 6 and Clause 12.6.1 (a) of the Shire of Wyndham - East Kimberley Town Planning Scheme No. 7, and proceed to publish a notice to this effect in the local newspaper pursuant to Clauses 3.3.2 (a) and 12.6.4 (a) of the respective Schemes; 2. delegate authority to the Chief Executive Officer to enact the policy subject to there being no valid adverse comment.	To be advertised	Ian D'Arcy	43.02.01	Ongoing	
16/06/2009	8699	That Council resolve to:1. Adopt Tender Documentation T10 08/09 as provided in Attachment 1 (with or without modification by Council) for the design and construction of Shire Housing on the sites listed below:Site 1 - Lot 191 Quondong Street, Kununurra - one single storey 3 bedroom/2 bathroom house,Site 2 - Lot 174 Banyan Street, Kununurra - one single storey 3 bedroom/2 bathroom house,Site 3 - Lot 501 Casuarina Way, Kununurra - multiple two storey 3 bedroom/ 2 bathroom dwelling units. 2. Proceed to call tenders for a period of six (6) weeks pursuant to Part 4. Local Government (Functions and General) Regulations 1996, with the evaluation to be undertaken based on the following criteria and in consideration of the Contract Specification detailed in Section 3 of the Tender Documentation: Price: 60% Experience 20% Design 20% Total 100%	Tender closes 6 August 2009.	Ian D'Arcy	43.04.07	Ongoing	

16/06/2009	8701	<p>That Council resolves to:1. Amend, pursuant to Section 75 of the Planning and Development Act 2005 (as amended), the Shire of Wyndham-East Kimberley Town Planning Scheme No. 7 - Kununurra and Environs, by:a) 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, 1472 -1475, 1477 - 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. d)Amending the Scheme Maps accordingly.2. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation pursuant to Regulation 22(1) of the Town Planning Regulations 1967 (as amended) 3. Forward the Schedule of Submissions and a copy of each submission to the Western Australian Planning Commission together with three copies of the signed and sealed Amendment Documents for endorsement pursuant to Regulation 22(2) of the Town Planning Regulations 1967 (as amended). 4. Request that the Honourable Minister for Planning grants final approval to Amendment 28 of Town Planning Scheme No. 7 - Kununurra and Environs.</p>	<p>Consultant (Whelans) contacted to make modifications to amendment documentation. Email sent to Whelans 17 June 2009, and letter sent 24 June 2009</p>	Ian D'Arcy	43.31.28	Ongoing	
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16/06/2009	8700	<p>That Council:1. In pursuance of Section 75 of the Planning and Development Act 2005 (as amended), amend Town Planning Scheme No. 7 – Kununurra and Environs by:(a) Rezoning Lot 505, Lot 506 and a portion of Lot 501 Coolibah Drive and Lot 507 Chestnut Avenue, Kununurra, from Parks and Recreation to Town Centre, as indicated on the Scheme Amendment Map.(b) Identifying Lot 505 and a portion of Lot 501 Coolibah Drive, Kununurra, as being subject to an Additional Use A3, as indicated on the Scheme Amendment Map.(c) Adding the following row to the Additional Uses Schedule table contained within Appendix 2A of the Scheme Text: Headings needed. A3 3. Lot 505 and a portion of Lot 501 Coolibah Drive, Kununurra Single Dwelling Nil. 2. That the Council advise the applicant of its decision with recommendation 1 above and request formal amendment documentation be prepared to enable referral to the Environmental Protection Authority;3. That the Council forward Amendment No. 31 to Town Planning Scheme No. 7 to the Environmental Protection Authority for comment, pursuant to Section 81 of the Planning and Development Act (2005) and the Western Australian Planning Commission for information, and subject to no objections being received from the Environmental Protection Authority and acknowledgement being received from the Western Australian Planning Commission, the amendment be advertised for public comment pursuant to Regulation 25(2) of the Town Planning Regulations (1967) for a period of 42 days to the satisfaction of the Executive Manager Development Services.4. That the Council resolve to waive the Scheme Amendment fees given its partnership involvement in this proposal.</p>	Referred to EPA	Ian D'Arcy	43.31.31	Ongoing	
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16/06/2009	8702	<p>1. That the Council Pursuant to Section 75 of the Planning and Development Act 2005 (as amended), amend the Shire of Wyndham-East Kimberley Town Planning Scheme (TPS) No. 7 - Kununurra and Environs by:</p> <p>a. Rezoning the identified agricultural land within the TPS Area to the 'Rural Agriculture 1' zone under the Shire of Wyndham-East Kimberley TPS No. 7;</p> <p>b. Expanding the current TPS No. 7 area to include the identified agricultural land, which falls outside of the current TPS No. 7 area in the 'Rural Agriculture 1' zone under the Shire of Wyndham-East Kimberley TPS No. 7;</p> <p>c. Reserving the identified conservation land, within the TPS No. 7 Scheme Area, for 'Conservation/Environmental Protection' under the Shire of Wyndham-East Kimberley TPS No. 7;</p> <p>d. Expanding the current TPS No. 7 area to include the identified conservation land which falls outside of the current TPS No. 7 area, in the 'Conservation/ Environmental Protection' reserve under the Shire of Wyndham-East Kimberley TPS No. 7.</p> <p>e. Amending the Scheme Maps accordingly.</p> <p>2. That the Council advise the applicant of its decision with recommendation 1 above and request formal amendment documentation be prepared to enable referral to the Environmental Protection Authority;</p> <p>3. That the Council forward Amendment No. 32 to Town Planning Scheme No. 7 to the Environmental Protection Authority for comment, pursuant to Section 81 of the Planning and Development Act (2005) and the Western Australian Planning Commission for information, and subject to no objections being received from the Environmental Protection Authority and acknowledgement being received from the Western Australian Planning Commission, the amendment be advertised for public comment pursuant to Regulation 25(2) of the Town Planning Regulations (1967) for a period of 42 days to the satisfaction of the Executive Manager Development Services.</p> <p>4. That the Council resolves to waive the Scheme Amendment fees given its partnership involvement in this proposal.</p>	Referred to EPA	Ian D'Arcy	43.31.32	Ongoing	
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16/06/2009	8703	That Council resolves to:1. Amend, pursuant to Section 75 of the Planning and Development Act 2005 [as amended], the Shire of Wyndham-East Kimberley Town Planning Scheme No. 7 - Kununurra and Environs, by:(a) Rezoning Lots 678, 679, 680, 681,682, 690, 691, 693, 694 & 2439 Leichhardt Street, Lots 687, 688 & 689 Riverfig Avenue, Lots 683, 684,685, 686, 687, 705, 707, 709, 710 & 711 and 2440 Pindan Avenue, Lots 701, 702, 703 & 704 Calytrix Avenue, Lots 712, 713, 714, 715 & 716 Pandanus Avenue, and Lots 717, 718, 719, 720, 721, 722 & 723 Mistletoe Street Kununurra from 'Residential R20' to 'Residential R30'. (b)Amending the Scheme Maps accordingly.2. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation pursuant to Regulation 22(1) of the Town Planning Regulations 1967 (as amended).3. Forward the Schedule of Submissions and a copy of each submission to the Western Australian Planning Commission together with three copies of the signed and sealed Amendment Documents for endorsement pursuant to Regulation 22(2) of the Town Planning Regulations 1967 (as amended).4. Request that the Honourable Minister for Planning and Infrastructure grants final approval to Amendment 29 of Town Planning Scheme No.	Consultant (Whelans) contacted to make modifications to amendment documentation. Email sent to Whelans 17 June 2009, and letter sent 24 June 2009	Ian D'Arcy	43.31.29	Ongoing	
16/06/2009	8704	That Council adopt the funding recommendations of the Annual Grants Assessment Panel and fund the projects as follows: Applicant Purpose Amount Wunan Foundation East Kimberley Aboriginal Achievement Awards \$2,500 Kununurra Water Ski Club Inc BBQ and shade structure \$4,888 Ord River Sports Club Inc Indoor cricket net replacement \$3,550 Wyndham Art & Crafts/Joongari House Fees and charges associated with venue and equipment hire for the Wyndham Art and Craft Show \$3,093 East Kimberley Recreational Fishing Advisory Committee Kimberley Kids Fishing Clinic \$4,000 East Kimberley Cricket Association Inc Resurfacing of the Town Oval Cricket Pitch \$15,000 Wyndham Gardens Inc Wyndham Picture Gardens upgrade project \$6,000 Kununurra Visitors Centre Marketing the East Kimberley \$25,000 Waringarri Media Aboriginal Corporation Radio 6WA News broadcast \$2,640 TOTAL 66,671		Megan Alchin	36.19.02	Completed	21/07/09

12.6.2 USE OF COMMON SEAL (8754)

DATE:	21 July 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:	N/A

PURPOSE

For Council to receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from the period 1 to 15 July 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:

Date of Use	Document	Officer	Copies
30/06/09	Instrument of Agreement Contract T09 08/09	P Stubbs & Mills	F 2 copies
08/07/09	Transfer of Land - Lot 501 on Dep Plan 63347	P Stubbs & Mills	F 1 copy
08/07/09	Appointment of settlement agent for buyer	Peter Stubbs	1 copy
13/07/09	Kimberley Regional Development Scheme – Conditions of Grant	Peter Stubbs	2 copies
13/07/09	Lease – Pt Lot 181 Victoria Hwy East Kimberley Regional Airport & BP Australia Pty Ltd	P Stubbs & Mills	F 3 copies
13/07/09	Licence – Knx Community Youth Facility	P Stubbs & Mills	F 2 copies

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

OFFICER'S RECOMMENDATION

That Council receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from 1 to 15 July 2009.

COUNCIL DECISION

Minute No. 8754

Moved:Cr P Caley

Seconded:Cr K Torres

That Council receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from 1 to 15 July 2009.

CARRIED UNANIMOUSLY: (8/0)

12.6.3 DELEGATED AUTHORITY (8755)

DATE:	21 July 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Wyndham East Kimberley
AUTHOR:	Peter Stubbs, Chief Executive 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 June 2009 to 30 June 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 the period 1 June 2009 to 30 June 2009.

COUNCIL DECISION

Minute No. 8755

Moved:Cr K Torres

Seconded:Cr P Caley

That Council receive the Delegated Authority Report for the period 1 June 2009 to 30 June 2009.

CARRIED UNANIMOUSLY: (8/0)

**TOWN PLANNING DELEGATED AUTHORITY APPROVALS -
10 June 2009 - 15 July 2009**

Application / Delegation Number	Approval Type	Date Received	Applicant	Owner	Property Address	Proposed Development	Assess't Number	Approval Date	Comment
39/09	P	19-May-09	The Kimberley Grande	Pinctata Resort Property	Lot 2387 Bandicoot Drive, Knx	Advertising Sign - 1 Wall Sign & 2 Monolith Signs	3234	10-Jun-09	
46/09	P	8-Jun-09	Ryan Chinnery	Sean Criddle	Lot 1 Cocus Way, Knx	Lean To Shed, Extension	5237	17-Jun-09	
47/09	P	11-Jun-09	Tim Plunkett - Magpies Football	SWEK	Kununurra Showgrounds	2 Light Towers, 12mt high on northern side of oval	2153	22-Jun-09	
48/09	P	10-Jun-09	Bob Parsons	Kununurra Panel Beaters	Lot 1558 Poincettia Way, Knx	Lean To Shed, Shade Cover	1019	22-Jun-09	
49/09	P	15-Jun-09	Robert Harvey	Robert Harvey / Scott Harvey	Lot 111 Salacca Loop, Knx	General Purpose Shed/Office/Amenities	7107	23-Jun-09	
50/09	P	15-Jun-09	Scott Harvey - NE Sheds	Peter and Tarnee Searle	Lot 43 Weaber Plain Road, Knx	Shed	3280	23-Jun-09	
51/09	P	16-Jun-09	Scott Harvey - NE Sheds	Beau and Natalie Robinson	Lot 186 Quondong St, Knx	Shed	6827	23-Jun-09	

52/09	P	16-Jun-09	Kimberley Wildlife Rescue	Dr Sarah Brett	Lot 306 Leichardt St, Knx	Shed	1140	23-Jun-09	
56/09	P	17-Jun-09	Lone Eagle	Lone Eagle	Lot 315 Cyril Keating Drive, Knx	Addition to existing Hanger	5831	06-Jul-09	Septic not located where indicated on site plan. Approval to be subject to a site plan being submitted showing as constructed location of the septic system. Approved by Ian D'Arcy 6 July 2009.
58/09	P	19-Jun-09	D Smith	D Smith	Lot 568 Ivanhoe Road	Advertising / Signage	6806	07-Jul-09	
62/09	P	1-Jul-09	Ryan Chinnery	NM Hall & EM Fitzpatrick	Lot 63 Kurrajong St, Knx	Carport	1547	07-Jul-09	
61/09	P	1-Jul-09	R B Dessert	R B Dessert	Lot 300, Weaber Plain Rd, Knx	Storage Shed	98	09-Jul-09	

Attachment: Delegated Authority Report

BUILDING LICENCES ISSUED UNDER DELEGATED AUTHORITY – 1 – 30 June 2009

LIC#	DATE RECEIVED	DATE LICENCED	OWNER	BUILDER	LOCATION	DESCRIPTION	NEW/ADD	EST. VALUE	COMMENT / PROCESSING TIME - WORKING DAYS
078/2009	03.03.09	4/06/2009	Lanny Garrett	Darren Fulcher	Lot 123 Weaber Plain Road Kununurra	Dwelling alterations under existing roof	Add	\$200,000.00	64 / 15 days Incomplete application submitted.
079/2009	9.05.09	5/06/2009	Darryl Smith	Darryl Smith	Lot 568 Ivanhoe Rd	Shade structure	new	\$9,000.00	20 / 15 days Planning approval required
080/2009	22.5.09	6/06/2009	SWEK	SWEK	991 Civic Way Wyndham	Shade roof over playground	New	\$36,000.00	11/15 days
081/2008	29.05.09	22/06/2009	H & S Munro	H & S Munro	Lot 409 Packsaddle Road Kununurra	Class 10A Non-habitable garage, patio & deck	New	\$50,000.00	16/15 days. Planning approval required & clarification of HII from builder or owner/build er

082/ 2009	15.05.09	16/06/2009	DHW	Leigh Peddler	Lot 193 Qundong	3 group dwellings	new	\$961,335.00	Compliance issues resolved 16/6/09
083/ 2009	6.04.09	10/06/2009	Ngnowar Aerwah	Ngnowar Aerwah	Lot 1780 (16) koolama St	Front fence over 1m	New	\$33,000.00	Planning approval required
084/ 2009	06.04.09	10/06/2009	Ngnowar Aerwah	Ngnowar Aerwah	Lot 1370 Gt Northern highway	2 class 3 transportable buildings and pool	New	\$660,000.00	Planning approval required
085/ 2009	10.06.09	17/06/2009	LS & DJ Daniel	Chris Daniel	Lot 626 Gt Northern highway	Addition to store class 10a	New	\$11,000.00	6/15 days
086/ 2009	6.6.09	18/06/2009	Louise Schubert	Louise Schubert	Lot 533 Riverfarm Rd	Dependent relative dwelling class 1a	New	\$20,000.00	30/15 engineering not provided.
087/ 2009	18.5.09	19/06/2009	A & G Wardrop	G Wardrop	Lot 23 Curlew Ct	Transportabel dwelling class 1a	New	\$20,000.00	25/15 eng. And energy efficiency
088/ 2009	12.06.09	22/06/2009	Judy Hughes	Judy Hughes	Lot 511 Riverfarm Rd	Verandah addition	New	\$18,000.00	6/15 days
089/ 2009	9.06.09	22/06/2009	Sean Criddle	Sean Criddle	Lot 1 Cocus Way kununurra	Lean too addtion to Shed	New	\$10,000.00	9/15 days
090/ 2009	16.06.09	25.06.09	Sarah Brett	Sarah Brett	Lot 310 (10) Leichhardt Street Kununurra	Class 10A Non-habitable shed - insulated & air conditioned	New	\$25,000.00	8/15 days planning approval

091/ 2009	15.06.09	25.06.09	P & T Searle	S Harvey	Lot 43 Weaber Plans Rd	Storage shed(non commercial)	New	\$25,000.00	8/15 days planning approval
092/ 2009	15.06.09	25.06.09	N Robinson	S Harvey	Lot 14 Quondong St Kununurra	garden shed	New	\$10,000.00	8/15 days planning approval
093/ 2009	10.06.09	25.06.09	Study and Prevention of Psychological Diseases (SPED) Foundation	Study and Prevention of Psychological Diseases (SPED) Foundation	Loc 638 Packsaddle Road Kununurra	2 x Ablution fitouts to existing structure	Add	\$15,000.00	12/15 days
094/ 2009	12.06.09	26.06.09	Shire of Wyndham East Kimberley (Ord River Magpies Football Club lease)	Grant Felstead Fabrications	Lot 77 Coolibah Drive Kununurra	2 x 12 metre light towers	New	\$5,000.00	11/15 days
								\$2,108,335.00	

THERE WERE NO SIGN LICENCES ISSUED UNDER DELEGATED AUTHORITY – 1 – 30 June 2009

DEMOLITION LICENCES ISSUED UNDER DELEGATED AUTHORITY – 1 – 30 June 2009

Licence Number	Date	Assess No	Property Address	Premises	Owner	Builder/ Contractor	Contact Details	Comments (Asbestos)
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009/2009	15/06/2009	1559	Lot 1095 (8) Messmate Way Kununurra	2 x Class 1A dwelling unit buildings	Bothkamp Australia Pty Ltd	P & C Welding & Construction (WAD 219)	PO Box 685 Howard Springs NT 0835	Tilt Panel construction - Class 1 demolition licence
010/2009	19/06/2009	362	Lot 823 (23A &B) Great North Highway	2 x Class 1A dwelling unit buildings	Department of Housing & Works	JAB Industries	PO Box 559 Kununurra	Timber frame - asbestos clad

12.6.4 TOWN ENTRY STATEMENTS (8756) (8757) (8758) (8759)

DATE:	21 July 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Kununurra And Wyndham
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering & Regulatory Services
FILE NO:	40.09.01
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider a proposal to establish new entry statements to both Kununurra and Wyndham town sites.

BACKGROUND

For some years there has been discussion about the absence of quality town entry statements to the Wyndham and Kununurra town sites.

Mr Al Mason presented to elected members concept designs of proposed new entry statements at the elected members Briefing Session held 7 July 2009.

Elected members indicated general support for the concepts.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Each town entry statement is estimated to cost \$14,140 plus GST.

Installation costs for the structures are estimated at \$7,000 per entry statement for the Kununurra sites and \$8,000 for the Wyndham site to allow for the cyclone rating. This allows for nominal earthworks, concrete footings and slab, minor landscaping treatments (e.g. stone pitching) and transport/crane hire/erection.

Additional costs will be incurred should it be considered appropriate to provide hardstand areas for vehicles. These costs will vary dependent on the chosen sites.

STRATEGIC IMPLICATIONS

Wyndham and Kununurra are entering into a period of accelerated growth and development linked the Australian Government's Nation Building program and the State Government's Ord Expansion program. Improved town entry

statements at this point in time to replace aged and depreciated town signage is seen as being consistent with the improving first impression of the town sites.

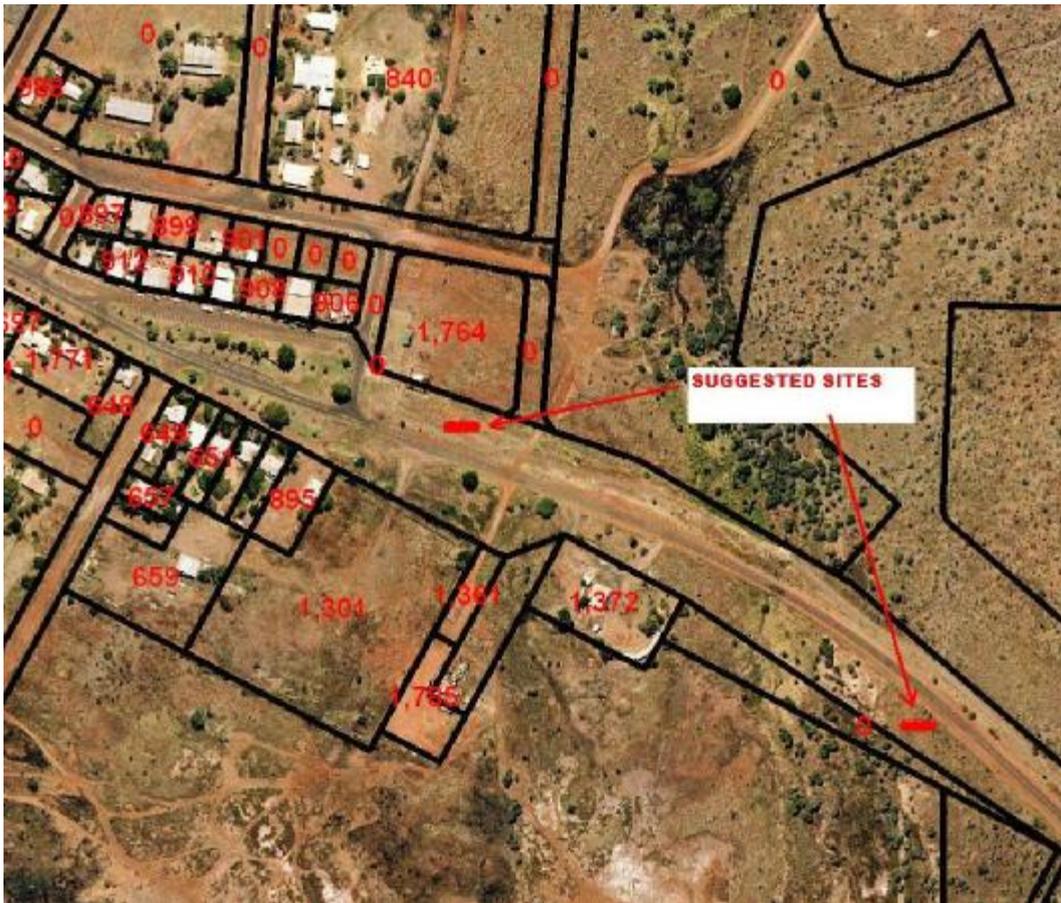
COMMUNITY CONSULTATION

The Miriuwung Gajerrong Corporation was invited to comment on the proposed entry statements to Kununurra and have indicated the support for this.

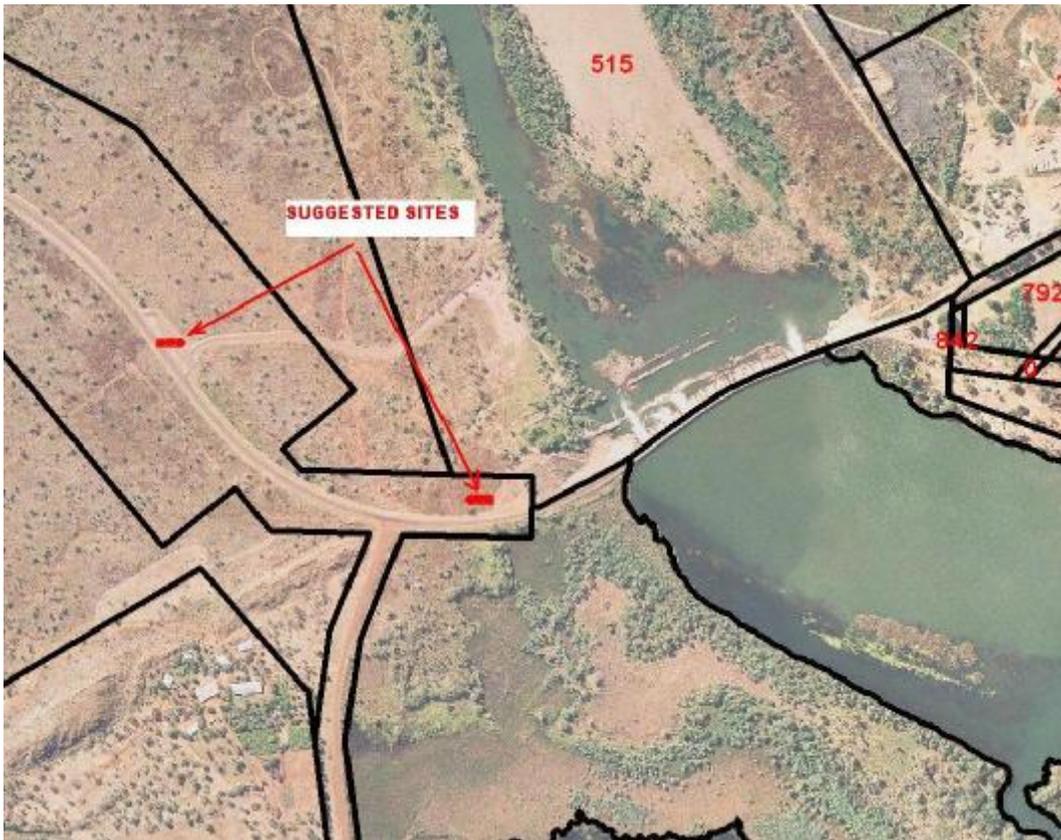
COMMENT

The proposed locations of the entry statements are indicated on the maps below

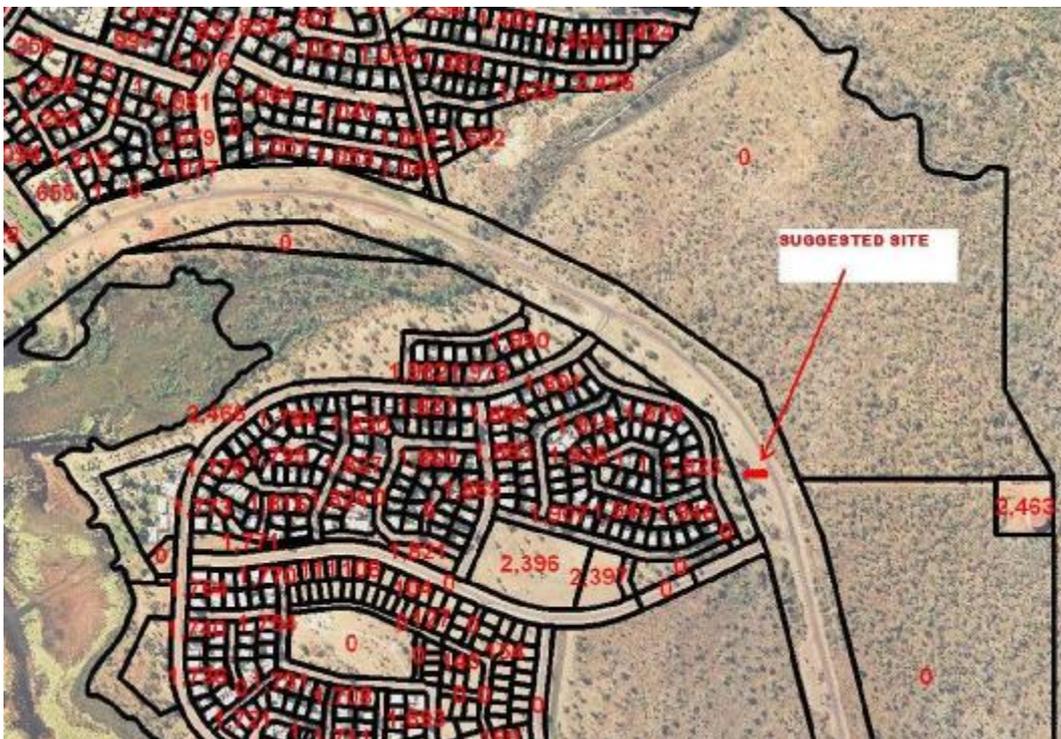
WYNDHAM



KUNUNURRA – WEST



KUNUNURRA - EAST



The sites suggested have good sight lines on the approaches and have a reasonable backdrop for photographs.

The proposed location is within Highway Reserves. And Main Roads Western Australia have been requested to advise of any specific issues regarding the suggested locations. A verbal response is expected to be available for the Council Meeting

The proposed entry statements are to be approximately 4.5m wide x 5m high.

The weather rusted steel component ((8mm MS plate), sandblasted and with a surface rust finish), of the designs is symbolic of the ancient rugged East Kimberley landscape and its history and the shiny stainless steel arch is symbolic of the new developments taking place and the future of the region.

An important consideration is durability and low future maintenance costs. The designs are considered to be consistent with these needs.

ATTACHMENTS

Example design of proposed Town Entry Statements

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council commission Mr Al Mason to develop town entry statements at the eastern and western entry to Kununurra and the eastern entry to Wyndham at a cost of \$14,140 plus GST.

Alex Douglas advised that the cost in the recommendation should be changed to reflect that the price is for each sign.

COUNCIL DECISION

Minute No. 8756

Moved:Cr P Caley

Seconded:Cr J Parker

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

CARRIED UNANIMOUSLY: (8/0)

Minute No: 8757

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

That Council resumes Standing Order 7.5.

CARRIED UNANIMOUSLY: (8/0)

**Moved:Cr J Moulden
Seconded:**

That the Officer's recommendation not be adopted.

LAPSED

Minute No: 8758

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

That this item be deferred to the next Briefing Session.

LOST: (2/6)

For: Cr P Caley, Cr K Torres

Against: Cr F Mills, Cr R Addis, Cr D Addis, Cr K Wright, Cr J Moulden, Cr J Parker

Minute No: 8759

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

That Council commission Mr Al Mason to develop town entry statements at the eastern and western entry to Kununurra at a cost of \$14,140 each plus GST at a location to be determined.

CARRIED: (5/3)

For: Cr F Mills, Cr R Addis, Cr D Ausburn, Cr K Wright, Cr J Moulded and Cr J Parker

Against: Cr K Torres, Cr P Caley.

Elected Members considered the provision of entry statements was best focused on Kununurra at this time.



12.6.5 PROPOSED REPEAL OF LOCAL LAW IN RELATION TO GAMBLING (8760)

DATE:	21 July 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering & Regulatory Services
FILE NO:	33.01.01
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider repeal of a section of its Activities in Thoroughfares and Public Places and Trading Local Law to remove references to gambling.

BACKGROUND

1. Council adopted a Local Law in relation to gambling in public places 2004 (Ordinary Council meeting 19 April 2004).
2. The Local Law concerned if the Thoroughfares and Public Places and Trading Local Law and this attached to this report.
3. The intent of the Local Law is to discourage gambling in public places, as it is perceived that gambling leads to other non desirable community impacts such as litter, domestic violence between gamblers, diversion of revenue from needed purposes (food, clothing, education etc) and increased police/ranger workloads.
4. From time to time public complaints are received about the above impacts and gambling (card playing).
5. In October 2008 when the issue started to flare up again rangers negotiated with store owners to voluntarily withdraw the sale of cards for 2 months leading into that wet season. This seemed to have a beneficial effect, although some business 'broke' the commitment. (In one case a business had just ordered 1,000 pack of cards).

Elected members are encouraged to re-think the strategy of the Local Law in the light of:

- A. The legal advice Council has on this matter and provided to elected members at their Briefing Session held 7 July 2009.
- B. The power the State already has in relation to gambling, making the Local Law redundant.
- C. The greater powers Police have versus Shire staff in dealing with gambling.
- D. Whether or not the Local Law allows the Police to take a lesser role in this issue and sit back leaving it Local Government because the Local Law exists, which in effect creates a cost and responsibility shift to Local Government.

- E. The Duty of Care issues Council has for its staff in dealing with aggravated people often in large numbers who maybe gambling. Police again have greater powers and training to manage this situation.
- F. Council generally being critical of over regulation and in this case having both State and Local Laws appears to be duplication not necessary.

Reference made in legal advice to the Fines Enforcement option is not considered to be an effective tool in this environment where people will not pay fines anyway and where cancelling driver's licences is unlikely to have any effect.

STATUTORY IMPLICATIONS

1. **State Gambling Laws**

1.1 **The Relevant State Act**

- (a) The relevant Western Australian statute that governs the control of gambling (other than gambling conducted in casinos and betting on horse racing, greyhound racing and sporting events) is the Gaming and Wagering Commission Act 1987 (WA) ("State Act").
- (b) The State Act is administered by the Gaming and Wagering Commission ("Gaming Commission").
- (c) Enforcement under the State Act is undertaken by the Police and other authorised officers.
- (d) The State Act adopts a broad definition of gambling which would catch most card games played for money. Gambling is defined as "the playing of a game of chance for winnings in money or money's worth". A "game of chance" is defined to include a "pretended game of chance and a game which includes a degree of chance, whether or not combined with a skill or degree of skill" but does not include any athletic game or sport.
- (e) In very broad terms the State Act makes most gambling unlawful unless it is authorised by way of a permit granted by the Gaming Commission or it is expressly permitted under the State Act or comes within the definition of "social gambling".
- (f) More specifically, it is an offence under the State Act to play a game of chance in a public place where the game is played for money or money's worth (such as cigarettes or alcohol) and where such game does not fall within the definition of social gambling.
- (g) Attached as Annexure "A" is a more detailed discussion of the relevant provisions of the State Act and their application.
- (h) Below is a summary which serves to highlight the similarities and differences between the gambling offences and enforcement provisions in the State Act and in the Local Law.

1.2 **The State Act vs the Local Law**

- (a) Gambling done in contravention of either the provisions of the Local Law or the provisions of the State Act are declared by both instruments to be offences.
- (b) The Local Law does not prohibit gambling which is permitted under the State Act: see clause 2.3[1](a) of the Local Law which provides that no gambling shall be undertaken in a public place unless the gambling activity is permitted under the State Act or under another written law. Therefore the Local Law:
 - (i) does not catch some forms of gambling that escape regulation under the State Act- the gambling offences caught by the Local Law are also caught by the State Act and
 - (ii) is limited in its operation by the scope of the State Act. Therefore, if gambling is done in accordance with a permit issued under the State Act, or is expressly permitted under the State Act or amounts to "social gambling", such gambling will not be prohibited under the Local Law.

- (c) The Shire cannot amend the Local Law to cover situations that the State Act also covers but in a way that is inconsistent with that State Law. For example, the Local Law could not make "social gambling" in a public place prohibited as this is inconsistent with the State Act and the State Act would prevail.
- (d) Unlike the Local Law, the State Act is broader in application. Unlawful gambling is not limited to gambling "in public places". Gambling in private premises as well as clubs, pubs etc may also amount to an offence under the State Act.
- (e) Both the State Act and the Local Law impose monetary penalties for unlawful gambling enforceable by court proceedings. Some gambling offences under the State Act however also prescribe imprisonment as a possible penalty.
- (f) Under both the State Act and the Local Law infringement notices can be issued for unlawful gambling. The modified penalties differ under both instruments. The State Act imposes larger penalties on those people who conduct or organise the unlawful games (\$200.00) as opposed to those who merely play the unlawful games (\$50.00).
- (g) The Police (and other authorised officers) have additional powers under the State Act such as the power to seize money and gaming instruments, powers of entry and arrest powers. The authorised officers under the Local Law do not have these powers.
- (h) The Police may also use their other general "policing" powers conferred by other legislation to control the Shire's gambling problem, such as their power to issue "move on notices" (i.e the power to order people who are committing an offence to move on). The people involved in the unlawful gambling may also be committing some other offence (such as disturbance of the peace or unlawful drinking in public) in which case the Police are also empowered to take some action without having to rely on the powers conferred on them in the State Act.

1.3 Social Gambling

- (a) Under the State Act social gambling is not unlawful. Social Gambling is therefore also not prohibited under the Local Law.
- (b) "Social Gambling" has a particular definition in the State Act (which is fully extracted in Annexure A). Very basically, it can be described as gambling (except for two-up) that is spontaneous (even though it may occur regularly or by arrangement), which was not promoted and for which no charge was made or levy payable on the winnings of any player. There are some further requirements, such as it must not jeopardise the mental, physical or moral welfare of any child under the age of 16. This definition would easily catch a group of friends or family playing an ordinary game of poker with cards in a park, where the players are playing against each other, as opposed to playing against the "house" and where the players do not have to pay a fee for playing and where no third party takes a "cut" or a commission from the winnings of any party.
- (c) Without further details of the type of gambling that is taking place in public places throughout the Shire, it is difficult to say whether the gambling would fall within the definition of "social gambling" and further every separate gambling incident will be different.
- (d) Given the not un-complex nature of the definition of "social gambling" it may be difficult for a Shire Ranger to make an assessment whether a specific incident of

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

COMMENT

There are state laws that deal specifically with gambling in public places. The state laws are wider in operation than the Local Law and the police are granted greater powers of enforcement and control under the state laws.

To enforce the proscribed penalty of \$100.00 the Shire would need to prosecute the offender in the Magistrates Court. The Shire could utilise the Fines Enforcement Registry ("FER") to aid in the enforcement process if the offender does not pay the penalty. The FER has the power to suspend an offender's drivers licence until the fine is paid. If the offender still does not pay the fine however, the Shire would need to prosecute the offender in court, the FER again could aid in this prosecution.

The Local Law already empowers the Shire to impose 'on the spot fines' in the form of an infringement notice. The Local Law also already incorporates all the penalty and enforcement avenues open to the Shire for breach of the gambling provisions in the Local Law.

In short, the Local Law is fully encompassed by the State Act. The State Act deals with all the situations that are covered by the Local Law. The State Act is however wider in its operation and gives the Police greater powers.

Whilst the effectiveness of the State Act in regulating unwanted gambling in public is questionable, given that the definition of "social gambling" may catch a wide number of situations that the Shire/ the public may want to deter, the Shire cannot amend its Local Law to prohibit activity that is lawful under the State Act.

The effective application of the Local Law by the Shire depends on the Shire Rangers who enforce it having an understanding of the State Law and in particular what amounts to "social gambling". This of course must be balanced against the risk posed to Rangers in enforcing the Local Law.

- (a) The Local Law ~~already~~ provides for the issuing of "on the spot fines" by providing that an infringement notice can be issued to a person who contravenes the gambling in public place provisions.
- (b) ~~The Shire has already exhausted~~ its statutory framework under the LGA for imposing penalties for breach of the Local Law and for enforcing those penalties.
- (c) ~~The Shire is not empowered by the LGA to take any other enforcement action itself to compel an alleged offender to pay a fine imposed in an infringement notice, other than to prosecute the offender in court. For example, it is beyond the scope of the Shire's power to authorise its officers in the Local Law to confiscate the alleged offender's goods to compel payment.~~
- (d) As it appears that the Shire is an approved "prosecuting authority" under the FER then ~~in the event that an infringement notice issued by the Shire is not paid, the Shire could register the infringement notice with the FER and if the fine remains unpaid, the FER can suspend the alleged offender's drivers licence to compel payment.~~
- (e) ~~If the offender does not pay the fine even after the FER has suspended their drivers licence, then the only way the penalty in the infringement notice can be enforced is by the Shire prosecuting the infringement in the Magistrates Court. If the offender was found guilty and a court fine imposed, the Shire could then refer the matter to the FER to enforce payment of the court fine.~~
- (f) ~~The Shire is really limited to issuing infringement notices and either referring the matter to the FER to see if this will encourage payment of the fine or prosecuting the offender through the court system.~~
- (f) ~~Whether the Shire decides to issue infringement notices and then refer matters to the FER would depend on an assessment of the administrative burden this would place on the Shire and the likelihood that an offender would pay the fine imposed by an infringement notice (and enforcement costs) after having their drivers licence suspended.~~

ATTACHMENTS

Thoroughfares and Public Places and Trading Local Law

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council initiate amendment of its Thoroughfares and Public Places and Trading Local Law to remove references to gambling as:

1. existing State Laws make these references superfluous
2. removal reduces a layer of bureaucracy
3. place the onus of control of gambling and associated with anti social behaviour with the Police Service who are better able to conflict situation which may arise which could present a Duty of Care hazard to Shire staff.

COUNCIL DECISION

Minute No. 8760

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

That Council initiate amendment of its Thoroughfares and Public Places and Trading Local Law to remove references to gambling as:

- 1. existing State Laws make these references superfluous***
- 2. removal reduces a layer of bureaucracy***
- 3. place the onus of control of gambling and associated with anti social behaviour with the Police Service who are better able to conflict situation which may arise which could present a Duty of Care hazard to Shire staff.***
- 4 That Council writes to the Minister for Police and the local Officer in Charge advising the removal of the local law and outlining the social issues arising from the endemic gambling and the resulting importance of police improving their enforcement of relevant laws to provide a clearer deterrant.***

CARRIED UNANIMOUSLY: (8/0)

Elected Members considered that the decision by Council should be communicated directly to the appropriate agencies.

SHIRE OF WYNDHAM - EAST KIMBERLEY

**ACTIVITIES IN THOROUGHFARES AND
PUBLIC PLACES
AND
TRADING LOCAL LAW
2005**

Local Government Act 1995

SHIRE OF WYNDHAM-EAST KIMBERLEY

**ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES
AND TRADING LOCAL LAW 2005**

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LOCAL GOVERNMENT ACT 1995

SHIRE OF WYNDHAM - EAST KIMBERLEY

ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW 2005

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Wyndham-East Kimberley resolved on the 21st day of October 2003 to make the following local law.

1. PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Wyndham - East Kimberley Activities In Thoroughfares and Public Places And Trading Local Law*.

1.2 Definitions

In this local law unless the context otherwise requires—

“**Act**” means the *Local Government Act 1995*;

“**applicant**” means a person who applies for a permit;

“**authorized person**” means a person authorized by the local government under section 9.10 of the Act to perform any of the functions of an authorized person under this local law;

“**built-up area**” has the meaning given to it in the *Road Traffic Code 2000*;

“**bulk rubbish container**” means a bin or container designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance, but does not include a bin or container used in connection with the local government’s regular domestic rubbish collection service;

“**carriageway**” means the paved or made portion of a thoroughfare used or intended for use by vehicles;

“**CEO**” means the chief executive officer of the local government;

“**commencement day**” means the day on which this local law comes into operation;

“**Council**” means the council of the local government;

“**crossing**” means a crossing giving access from a public thoroughfare to—

(a) private land; or

(b) a private thoroughfare-serving private land;

“**district**” means the district of the local government;

“**footpath**” means the paved or made portion of a thoroughfare used or intended for use by pedestrians and cyclists;

“**garden**” means any part of a thoroughfare planted, developed or treated, otherwise than as a lawn, with one or more plants;

“**intersection**” has the meaning given to it in the *Road Traffic Code 2000*;

“**kerb**” includes the edge of a carriageway;

“**lawn**” means any part of a thoroughfare which is planted only with grass, or with a similar plant, but will include any other plant provided that it has been planted by the local government;

“**liquor**” has the meaning given to it in section 3 of the *Liquor Licensing Act 1988*;

“**local government**” means the Shire of Wyndham - East Kimberley;

“**local government property**” means anything except a thoroughfare—

(a) which belongs to the local government;

- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an 'otherwise unvested facility' within section 3.53 of the Act.

“**lot**” has the meaning given to it in the *Town Planning and Development Act 1928*;

“**owner**” or “**occupier**” in relation to land does not include the local government;
 “**permissible verge treatment**” means any one of the 4 treatments described in clause 2.8(2), and includes any reticulation pipes and sprinklers.

“**permit**” means a permit issued under this local law;

“**permit holder**” means a person who holds a valid permit;

“**person**” does not include the local government;

“**premises**” for the purpose of the definition of “public place” in both this clause and clause 5.1, means a building or similar structure, but does not include a carpark or a similar place;

“**public place**” includes any thoroughfare or place, which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include—

- (a) premises on private property from which trading is lawfully conducted under a written law; and

- (b) local government property;

“**Regulations**” means the *Local Government (Functions and General) Regulations 1996*;

“**sign**” includes a notice, flag, mark, structure or device on which may be shown words, numbers, expressions or symbols;

“**town planning scheme**” means a town-planning scheme of the local government made under the *Town Planning and Development Act 1928*;

“**townsite**” means the townsites of Kununurra and Wyndham, which are -

- (a) constituted under section 26(2) of the *Land Administration Act 1997*; or

- (b) referred to in clause 37 of Schedule 9.3 of the Act;

“**vehicle**” includes—

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and

- (b) an animal being ridden or driven,
but excludes—

- (a) a wheel-chair or any device designed for use by a physically impaired person on a footpath; and

- (b) a pram, a stroller or a similar device.

“**verge**” means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare, but does not include any footpath.

1.3 Application

This local law applies throughout the district.

1.4 Repeal

- (1) The following local laws are repealed—

Made by the Wyndham Road Board

- (a) Relating to Control of Hawkers, published in the *Government Gazette* of 5 January 1961, as amended in the *Government Gazettes* of 27 October 1966 and 22 August 1975;

Made by the Shire of Wyndham - East Kimberley

- (b) Relating to Prevention of Damage to Streets, published in the *Government Gazette* of 27 February 1962;
 - (c) Relating to Street Lawns and Gardens, published in the *Government Gazette* of 6 February 1964, as amended in the *Government Gazette* of 5 September 1975;
 - (d) Relating to Removal and Disposal of Obstructing Animals and Vehicles, published in the *Government Gazette* of 10 March 1964; and
 - (e) Relating to Stalls, published in the *Government Gazette* of 6 September 1985.
- (2) Where a policy was made or adopted by the local government under or in relation to a local law repealed by this local law, then the policy is to be taken to no longer have any effect on and from the commencement day.
- (3) The Council may resolve that notwithstanding subclause (2) specified policies continue, or are to be taken to have continued, to have effect on and from the commencement day.

2. PAT 2—ACTIVITIES ON THOROUGHFARES AND PUBLIC PLACES

Division 1—General

2.1 General prohibitions

A person shall not—

- (a) plant any plant which exceeds or which may exceed 0.75 metres in height on a thoroughfare so that the plant is within 10 metres of an intersection;
- (b) damage a lawn or a garden or remove any plant or part of a plant from a lawn or a garden unless—
 - i. the person is the owner or the occupier of the lot abutting that portion of the thoroughfare and the lawn or the garden or the particular plant has not been installed or planted by the local government; or
 - ii. the person is acting under the authority of a written law;
- (c) plant any plant (except grass or a similar plant) on a thoroughfare so that it is within 2 metre of a carriageway;
- (d) place on any footpath any fruit, fruit skins or other substance or fluid (whether vegetable or otherwise, but not water) which may create a hazard for any person using the footpath;
- (e) unless at the direction of the local government, damage, remove or interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence or any structure erected on a thoroughfare by the local government or a person acting under the authority of a written law;
- (f) play or participate in any game or sport so as to cause danger to any person or thing or impede the movement of vehicles or persons on a thoroughfare; or
- (g) within a mall, arcade or verandah of a shopping centre, ride any skateboard, rollerblades or similar device.

2.2 Activities allowed with a permit—general

(1) A person shall not, without a permit—

- (a) dig or otherwise create a trench through or under a kerb or footpath;
- (b) subject to Division 3 of this Part, throw, place or deposit any thing on a verge except for removal by the local government under a bulk rubbish collection, and then only during the period of time advertised in connection with that collection by the local government;

- (c) cause any obstruction to a vehicle or a person using a thoroughfare as a thoroughfare;
 - (d) cause any obstruction to a water channel or a water course in a thoroughfare;
 - (e) throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;
 - (f) damage a thoroughfare;
 - (g) light any fire or burn any thing on a thoroughfare other than in a stove or fireplace provided for that purpose;
 - (h) fell any tree onto a thoroughfare;
 - (i) unless installing a permissible verge treatment
 - i. lay pipes under or provide taps on any verge; or
 - ii. place or install any thing on any part of a thoroughfare, and without limiting the generality of the foregoing, any gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;
 - (j) provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare;
 - (k) on a public place use anything or do anything so as to create a nuisance;
 - (l) place or cause to be placed on a thoroughfare a bulk rubbish container; or
 - (m) interfere with the soil of, or anything in a thoroughfare or take anything from a thoroughfare.
- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.

2.3 No possession and consumption of liquor on thoroughfare

- (1) A person shall not consume any liquor or have in her or his possession or under her or his control any liquor on a thoroughfare unless—
- (a) that is permitted under the *Liquor Licensing Act 1988* or under another written law; or
 - (b) the person is doing so in accordance with a permit.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

2.3[1] No gambling in a public place or on local government property

A person shall not undertake any gambling related activities in a public place or on local government property unless-

- a) the person is doing so in accordance with a permit.

Division 2—Vehicle crossing

Subdivision 1—Temporary crossings

2.4 Permit required

- (1) Where it is likely that works on a lot will involve vehicles leaving a thoroughfare and entering the lot, the person responsible for the works shall obtain a permit for the construction of a temporary crossing to protect the existing carriageway, kerb, drains and footpath, where—
- (a) a crossing does not exist; or
 - (b) a crossing does exist, but the nature of the vehicles and their loads is such that they are likely to cause damage to the crossing.
- (2) The “person responsible for the works” in subclause (1) is to be taken to be—

- (a) the builder named on the building licence issued under the *Local Government (Miscellaneous Provisions) Act 1960*, if one has been issued in relation to the works; or
 - (b) the registered proprietor of the lot, if no building licence has been issued under *the Local Government (Miscellaneous Provisions) Act 1960* in relation to the works.
- (3) If the local government approves an application for a permit for the purpose of subclause (1), the permit is taken to be issued on the condition that until such time as the temporary crossing is removed, the permit holder shall keep the temporary crossing in good repair and in such a condition so as not to create any danger or obstruction to persons using the thoroughfare.

Subdivision 2—Redundant vehicle crossings

2.5 Removal of redundant crossing

- (1) Where . works on a lot will result in a crossing no longer giving access to a lot, the crossing is to be removed and the kerb, drain, footpath, verge and any other part of the thoroughfare affected by the removal are to be reinstated to the satisfaction of the local government.
- (2) The local government may give written notice to the owner or occupier of a lot requiring her or him to—
 - (a) remove any part of or all of a crossing which does not give access to the lot; and
 - (b) reinstate the kerb, drain, footpath, verge and any other part of the thoroughfare, which may be affected by the removal, within the period of time stated in the notice, and the owner or occupier of the lot shall comply with that notice.

Division 3—Verge treatments

Subdivision 1—Preliminary

2.6 Interpretation

In this Division, unless the context otherwise requires—
 “acceptable material” means any material which will create a hard surface, and which appears on a list of acceptable materials maintained by the local government.

2.7 Application

This Division only applies to the townsite.

Subdivision 2—Permissible verge treatments

2.8 Permissible verge treatments

- (1) An owner or occupier of land, which abuts on a verge, may on that part of the verge directly in front of her or his land install a permissible verge treatment.
- (2) The permissible verge treatments are—
 - (a) the planting and maintenance of a lawn;
 - (b) the planting and maintenance of a garden provided that—
 - i. clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in the thoroughfare; and
 - ii. where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2 metre along that part of the verge immediately adjacent to the kerb;

- (c) the installation of an acceptable material; or
- (d) the installation over no more than one third of the area of the verge (excluding any vehicle crossing) of an acceptable material in accordance with paragraph (c), and the planting and maintenance of either a lawn or a garden on the balance of the verge in accordance with paragraph (a) or (b).

2.9 Only permissible verge treatments to be installed

- (1) A person shall not install or maintain a verge treatment, which is not a permissible verge treatment.
- (2) The owner and occupier of the lot abutting a verge treatment referred to in subclause (1) are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 2. 10.

2.10 Obligations of owner or occupier

An owner or occupier who installs or maintains a permissible verge treatment shall—

- (a) keep the permissible verge treatment in a good and tidy condition and ensure, where the verge treatment is a garden or lawn, that a footpath on the verge and a carriageway adjoining the verge is not obstructed by the verge treatment;
- (b) not place any obstruction on or around the verge treatment; and
- (c) not disturb a footpath on the verge.

2.11 Notice to owner or occupier

The local government may give a notice in writing to the owner or the occupier of a lot abutting on a verge to make good, within the time specified in the notice, any breach of a provision of this Division.

Subdivision 3—Existing verge treatments

2.12 Transitional provision

- (1) In this clause—
 - “former provisions” means the local law of the local government which permitted certain types of verge treatments, whether with or without the consent of the local government, and which was repealed by this local law.
- (2) A verge treatment which—
 - (a) was installed prior to the commencement day; and
 - (b) on the commencement day is a type of verge treatment which was permitted under and complied with the former provisions,
 - is to be taken to be a permissible verge treatment for so long as the verge treatment remains of the same type and continues to comply with the former provisions.

Subdivision 4—Public works

2.13 Power to carry out public works on verge

Where the local government or an authority empowered to do so under a written law disturbs a verge, the local government or the authority—

- (a) is not liable to compensate any person for that disturbance;
- (b) may backfill with sand, if necessary, any garden or lawn; and
- (c) is not liable to replace or restore any—
 - i. verge treatment and, in particular, any plant or any acceptable material or other hard surface; or
 - ii. sprinklers, pipes or other reticulation equipment.

Division 4—Property numbers

Subdivision 1—Preliminary

2.14 Interpretation

In this Division, unless the context requires otherwise—
“Number” means a number of a lot with or without an alphabetical suffix indicating -the address of the lot by reference to a thoroughfare.

Subdivision 2—Assignment and marking of numbers

2.15 Assignment of numbers

The local government may assign a Number to a lot in the district and may assign another Number to the lot instead of that previously assigned.

Division 5—Fencing

2.16 Public place—Item 4(1) of Division 1, Schedule 3.1 of Act

The following places are specified as a public place for the purpose of item 4(1) of Division I of Schedule 3.1 of the Act—

- (a) a public place, as that term is defined in clause 1.2; and
- (b) local government property

Division 6—Signs erected by the local government

2.17 Signs

- (1) A local government may erect a sign on a public place specifying any conditions of use which apply to that place.
- (2) A person shall comply with a sign erected under subclause (1).
- (3) A condition of use specified on a sign erected under subclause (1) is to be for the purpose of giving notice of the effect of a provision of this local law.

2.18 Transitional

Where a sign erected on a public place has been erected under a local law of the local government repealed by this local law, then on and from the commencement day, it is to be taken to be a sign erected under clause 2.17 if—

- (a) the sign specifies a condition of use relating to the public place which gives notice of the effect of a provision of this local law; and
- (b) the condition of use specified is not inconsistent with any provision of this local law.

Division 7—Driving on a closed thoroughfare

2.19 No driving on closed thoroughfare

- (1) A person shall not drive or take a vehicle on a closed thoroughfare unless—
 - (a) that is in accordance with any limits or exceptions specified in the order made under section 3.50 of the Act; or
 - (b) the person has first obtained a permit.
- (2) In this clause—
“closed thoroughfare” means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act.

3. **PART 3—ADVERTISING SIGNS ON THOROUGHFARES**

Division 1—Preliminary

3.1 Interpretation

In this Part, unless the context otherwise requires—

“**advertising sign**” means a sign used for the purpose of advertisement and includes an “election sign”;

“**direction sign**” means a sign which indicates the direction of another place, activity or event, but does not include any such sign erected or affixed by the local government or the Commissioner of Main Roads;

“**election sign**” means a sign or poster which advertises any aspect of a forthcoming Federal, State or Local Government election; and

“**portable direction sign**” means a portable free standing direction sign; and

“**portable sign**” means a portable free standing advertising sign.

Division 2—Permit

3.2 Advertising signs and portable direction signs

(1) A person shall not, without a permit—

- (a) erect or place an advertising sign on a thoroughfare; or
- (b) post any bill or paint, place or affix any advertisement on a thoroughfare.

(2) Notwithstanding subclause (1), a permit is not required in respect of a portable direction sign which neither exceeds 500mm in height nor 0.5m² in area provided that the sign is placed or erected on a thoroughfare on an infrequent or occasional basis only to direct attention to a place, activity or event during the hours of that activity or event.

(3) Notwithstanding subclause (1), a person shall not erect or place an advertising sign—

- (a) on a footpath;
- (b) over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2.5 metres;
- (c) on or within 3 metres of a carriageway;
- (d) in any other location where, in the opinion of the local government, the sign is likely to obstruct lines of sight along a thoroughfare or cause danger to any person using the thoroughfare; or
- (e) on any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.

3.3 Matters to be considered in determining application for permit

In determining an application for a permit for the purpose of clause 3.2(1), the local government is to have regard to—

- (a) any other written law regulating the erection or placement of signs within the district;
- (b) the dimensions of the sign;
- (c) other advertising signs already approved or erected in the vicinity of the proposed location of the sign;
- (d) whether or not the sign will create a hazard to persons using a thoroughfare; and
- (e) the amount of the public liability insurance cover, if any, to be obtained by the applicant.

Division 3—Conditions on permit

3.4 Conditions on portable sign

If the local government approves an application for a permit for a portable sign, the application is to be taken to be approved subject to the following conditions—

- (a) the portable sign shall—
 - i. not exceed one metre in height;
 - ii. not exceed an area of 1 metre square on any side;
 - iii. relate only to the business activity described on the permit;
 - iv. contain letters not less than 200mm in height;
- v. not be erected in any position other than immediately adjacent to the building or the business to which the sign relates;
 - vi. be removed each day at the close of the business to which it relates and not be erected again until the business next opens for trading;
 - vii. be secured in position in accordance with any requirements of the local government;
 - viii. be placed so as not to obstruct or impede the reasonable use of a thoroughfare or access to a place by any person; and
 - ix. be maintained in good condition; and
- (b) no more than one portable sign shall be erected in relation to the one building or business.

3.5 Conditions on election sign

If the local government approves an application for a permit for the erection or placement of an election sign on a thoroughfare, the application is to be taken to be approved subject to the sign

- (a) being erected at least 30 metres from any intersection;
- (b) being free standing and not being affixed to any existing sign, post, power or light pole, or similar structure;
- (c) being placed so as not to obstruct or impede the reasonable use of a thoroughfare, or access to a place by any person;
- (d) being placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing;
- (e) being maintained in good condition;
- (f) not being erected until the election to which it relates has been officially announced;
- (g) being removed within 24 hours of the close of polls on voting day;
- (h) not being placed within 100 metres of any works on the thoroughfare;
- (i) being securely installed;
- (j) not being an illuminated sign;
- (k) not incorporating reflective or fluorescent materials; and
- (l) not displaying only part of a message which is to be read with other separate signs in order to obtain the whole message.

4. PART 4—OBSTRUCTING ANIMALS, VEHICLES OR SHOPPING TROLLEYS

Division I—Animals and vehicles

4.1 Leaving animal or vehicle in public place or on local government property

- (1) A person shall not leave an animal or a vehicle, or any part of a vehicle, in a public place or on local government property so that it obstructs the use of any part of that public place or local government property, unless that person has first obtained a permit or is authorized to do so under a written law.

- (2) A person will not contravene subclause (1) where the animal is secured or tethered for a period not exceeding 1 hour.
- (3) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

4.2 Prohibitions relating to animals

- (1) In subclause (2), “owner” in relation to an animal includes—
 - (a) an owner of it;
 - (b) a person in possession of it;
 - (c) a person who has control of it; and
 - (d) a person who ordinarily occupies the premises where the animal is permitted to stay.
- (2) An owner of an animal shall not—
 - (a) allow the animal to enter or remain for any time on any thoroughfare except for the use of the thoroughfare as a thoroughfare and unless it is led, ridden or driven;
 - (b) allow an animal which has a contagious or infectious disease to be led, ridden or driven in a public place; or
 - (c) train or race the animal on a thoroughfare.
- (3) An owner of a horse shall not lead, ride or drive a horse on a thoroughfare in a built-up area, unless that person does so under a permit or under the authority of a written law.

Division 2—Shopping trolleys

4.3 Interpretation

In this Division—

“**retailer**” means a proprietor of a shop in respect of which shopping trolleys are provided for the use of customers of the shop; and

“**shopping trolley**” means a wheeled container or receptacle supplied by a retailer to enable a person to transport goods.

4.4 Shopping trolley to be marked

A retailer shall clearly mark its name or its trading name on any shopping trolley made available for the use of customers.

4.5 Person not to leave trolley in public place

A person shall not leave a shopping trolley in a public place other than in an area set aside for the storage of shopping trolleys.

4.6 Retailer to remove abandoned trolley

- (1) If a shopping trolley is found in a public place, other than in an area set aside for the storage of shopping trolleys, the local government may advise (verbally or in writing) a retailer whose name is marked on the trolley of the location of the shopping trolley.
- (2) A retailer shall remove a shopping trolley within 24 hours of being so advised under subclause (1), unless the retailer—
 - (a) requests the local government to collect and deliver the shopping trolley to the retailer; and
 - (b) pays any fee for that collection and delivery (imposed and determined under and in accordance with sections 6.16 to 6.19 of the Act) within the period specified by the local government.

4.7 Retailer taken to own trolley

In the absence of any proof to the contrary, a shopping trolley is to be taken to belong to a retailer whose name is marked on the trolley.

5. PART 5—TRADING IN THOROUGHFARES AND PUBLIC PLACES

Division 1—Stallholders and traders

Subdivision 1—Preliminary

5.1 Interpretation

In this Division, unless the context otherwise requires —

“Competition Principles Agreement” means the Competition Principles Agreement executed by each State and Territory of the Commonwealth and the Commonwealth of Australia on 11 April 1995;

“public place” includes—

- (a) any thoroughfare or place which the public are allowed to use whether or not the thoroughfare or place is on private property; and
- (b) local government property,
- (c) but does not include premises on private property from which trading is lawfully conducted under a written law.

“stall” means a movable or temporarily fixed structure, stand or table in, on or from which goods or services are sold, hired or offered for sale or hire;

“stallholder” means a person in charge of a stall;

“stallholder’s permit” means a permit issued to a stallholder;

“trader” means a person who carries on trading;

“trader’s permit” means a permit issued to a trader; and

“trading” includes—

- (a) the selling or hiring of, the offering for sale or hire of or the soliciting of orders for goods or services in a public place;
- (b) displaying goods in any public place for the purpose of—
 - i. offering them for sale or hire;
 - ii. inviting offers for their sale or hire;
 - iii. soliciting orders for them; or
 - iv. carrying out any other transaction in relation to them; and
- (c) the going from place to place, whether or not public places, and—
 - i. offering goods or services for sale or hire;
 - ii. inviting offers or soliciting orders for the sale or the hire of goods or services,but does not include—
- (d) the delivery of pre-ordered goods or services to the purchaser of those goods; or services or to the person nominated by the purchaser of those goods or services whether or not payment for those goods or services is accepted on delivery; or the taking of further orders for goods or services from the purchaser of those pre-ordered goods or services or from the person nominated by the purchaser of those pre-ordered goods or services when those orders are taken at the same time as a previous order is being delivered, whether or not payment is made for those goods or services at the time of taking the order;
- (e) the setting up of a stall or the conducting of a business at a stall under the authority of a stallholder’s permit;
- (f) the selling or the offering for sale of goods and services to, or the soliciting of orders for goods and services from a person who sells those goods or services;
- (g) the selling or the offering for sale or hire by a person of goods of her or his own manufacture or services which he or she provides; and

- (h) the selling or hiring or the offering for sale or hire of—
 - i. goods by a person who represents a manufacturer of the goods; or
 - ii. services by a person who represents a provider of the services, which are only sold directly to consumers and not through a shop.

Subdivision 2—Permits

5.2 Stallholder's permit

- (1) A person shall not conduct a stall on a public place unless that person is—
 - (a) the holder of a valid stallholder's permit; or
 - (b) an assistant specified in a valid stallholder's permit.
- (2) Every application for a stallholder's permit shall—
 - (a) state the full name and address of the applicant;
 - (b) specify the proposed number of assistants to be engaged by the applicant in conducting the stall, as well as their names and addresses if already engaged;
 - (c) specify the proposed location of the stall;
 - (d) specify the period of time for which the permit is sought, together with the proposed days and hours of operation;
 - (e) specify the proposed goods or services to be sold or hired or offered for sale or hire from the stall; and
 - (f) be accompanied by an accurate plan and description of the proposed stall.

5.3 Trader's permit

- (1) A person shall not carry on trading unless that person is—
 - (a) the holder of a valid trader's permit; or
 - (b) an assistant specified in a valid trader's permit.
- (2) Every application for a trader's permit shall—
 - (a) state the full name and address of the applicant;
 - (b) specify the proposed number of assistants, if any, to be engaged by the applicant in trading, as well as their names and addresses if already engaged;
 - (c) specify the location or locations in which the applicant proposes to trade;
 - (d) specify the period of time for which the permit is sought, together with the proposed days and hours of trading;
 - (e) specify the proposed goods or services which will be traded; and
 - (f) be accompanied by an accurate plan and description of any proposed structure or vehicle which may be used by the applicant in trading.
- (3) The conditions subject to which the local government may approve an application for a trader's permit include that the permit holder is permitted to remain at a particular location for as long as there is a customer making a purchase, but if there is no customer making a purchase the permit holder must move on from that location within a reasonable time of the last purchase having been made.

5.4 No permit required to sell newspaper

Notwithstanding any other provision of this local law, a person who sells, or offers for sale, a newspaper is not required to obtain a permit.

5.5 Relevant considerations in determining application for permit

- (1) In determining an application for a permit for the purposes of this Division, the local government is to have regard to—
 - (a) any relevant policies of the local government;
 - (b) the desirability of the proposed activity;

- (c) the location of the proposed activity;
 - (d) the principles set out in the Competition Principles Agreement; and
 - (e) such other matters as the local government may consider to be relevant in the circumstances of the case.
- (2) The local government may refuse to approve an application for a permit under this Division on any one or more of the following grounds—
- (a) that the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the permit is sought;
 - (b) that the applicant is not a desirable or suitable person to hold a permit;
 - (c) that—
 - i. the applicant is an undischarged bankrupt or is in liquidation;
 - ii. the applicant has entered into any composition or arrangement with creditors; or a manager, an administrator, a trustee, a receiver, or a receiver and manager has been appointed in relation to any part of the applicant's undertakings or property;
 - (d) that the needs of the district, or the part for which the permit is sought, are adequately catered for by established shops or by persons who have valid permits to carry on trading or to conduct a stall; or
 - (e) such other grounds as the local government may consider to be relevant in the circumstances of the case.

5.6 Conditions of permit

- (1) If the local government approves an application for a permit under this Division subject to conditions, those conditions may include—
- (a) the place, the part of the district, or the thoroughfare to which the permit applies;
 - (b) the days and hours during which a permit holder may conduct a stall or trade;
 - (c) the number, type, form and construction, as the case may be, of any stand, table, structure or vehicle which may be used in conducting a stall or in trading;
 - (d) the goods or services in respect of which a permit holder may conduct a stall or trade;
 - (e) the number of persons and the names of persons permitted to conduct a stall or trade;
 - (f) the requirement for personal attendance at the stall or the place of trading by the permit holder and the nomination of assistants, nominees or substitutes for the permit holder;
 - (g) whether and under what terms the permit is transferable;
 - (h) any prohibitions or restrictions concerning the—
 - i. causing or making of any noise or disturbance which is likely to be a nuisance to persons in the vicinity of the permit holder;
 - ii. the use of amplifiers, sound equipment and sound instruments;
 - iii. the use of signs; and
 - iv. the use of any lighting apparatus or device;
 - (i) the manner in which the permit holder's name and other details of a valid permit are to be displayed;
 - (j) the care, maintenance and cleansing of the stall or any structure used for trading and the place of the stall or any structure;

- (k) the vacating of the place of a stall or trading when the stall is not being conducted or trading is not being carried on;
 - (l) the acquisition by the stallholder or trader of public risk insurance.
 - (m) the period for which the permit is valid; and
 - (n) the designation of any place or places where trading is wholly or from time to time prohibited by the local government.
- (2) Where a permit holder by reason of illness, accident or other sufficient cause is unable to comply with this local law, the local government may at the request of that permit holder authorise another person to be a nominee of the permit holder for a specified period, and this local law and the conditions of the permit shall apply to the nominee as if he or she was the permit holder.

5.7 Exemptions from requirement to pay fee or to obtain a permit

- (1) In this clause—
- “charitable organisation”** means an institution, association, club, society or body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and from which any member does not receive any pecuniary profit except where the member is an employee or the profit is an honorarium; and
- “commercial participant”** means any person who is involved in operating a stall or in conducting any trading activity for personal gain or profit.
- (2) The local government may waive any fee required to be paid by an applicant for a stallholder’s permit or a trader’s permit on making an application for or on the issue of a permit, or may return any such fee which has been paid, if the stall is conducted or the trading is carried on—
- (a) on a portion of a public place adjoining the normal place of business of the applicant; or
 - (b) by a charitable organisation that does not sublet space to, or involve commercial participants in the conduct of a stall or trading, and any assistants that may be specified in the permit are members of that charitable organisation.
- (3) The local government may exempt a person or a class of persons, whether or not in relation to a specified public place, from the requirements of this Division

Subdivision 3—Conduct of stallholders and traders

5.8 Conduct of stallholders and traders

- (1) A stallholder while conducting a stall or a trader while trading shall—
- (a) display her or his permit to do so in a conspicuous place on the stall, vehicle or temporary structure or if there is no stall, vehicle or temporary structure, carry the permit with her or him while conducting a stall or trading;
 - (b) not display a permit unless it is a valid permit; and
 - (c) when selling goods by weight, carry and use for that purpose, scales tested and certified in accordance with the provisions of the *Weights and Measures Act 1915*.
- (2) A stallholder or trader shall not—
- attempt to conduct a business within a distance of 300m of any shop or permanent place of business that is open for business and has for sale any goods of the kind being offered for sale by the stallholder or trader;
 - deposit or store any box or basket containing goods on any part of a thoroughfare so as to obstruct the movement of pedestrians or vehicles;
 - act in an offensive manner;
 - use or cause to be used any apparatus or device including any flap or shelf,

whereby the dimensions of a stall, vehicle or structure are increased beyond those specified in the permit; or

(e) in the case of a trader, carry on trading from a public place, unless there is adequate parking for customers' vehicles reasonably close to the place of trading.

Division 2—Outdoor eating facilities on public places

5.9 Interpretation

In this Division—

“**Facility**” means an outdoor eating facility or establishment on any part of a public place, but does not include such a facility or establishment on private land;

“**permit holder**” means the person to whom a permit has been issued for the purpose of clause 5.10; and

“**public place**” has the meaning given to it in clause 5. 1.

5.10 Permit required to conduct Facility

A Person shall not establish or conduct a Facility without a permit.

5.11 Matters to be considered in determining application

In determining an application for a permit for the purpose of clause 5.10, the local government may consider in addition to any other matter it considers relevant, whether or not

- (a) the Facility is conducted in conjunction with and as an extension of food premises which abut on the Facility, and whether the applicant is the person conducting such food premises;
- (b) any abutting food premises are registered in accordance with the *Health Act 1911* and whether the use of the premises is permitted under the town planning scheme;
- (c) the Facility will comply with any local law made under section 172 of the *Health Act 1911*;
- (d) users of the Facility will have access to proper and sufficient sanitary and ablutionary conveniences;
- (e) the Facility would—
 - i. obstruct the visibility or clear sight lines at an intersection of thoroughfares of any person; or
 - ii. impede pedestrian access; and
- (f) the tables, chairs and other equipment to be used may obstruct or impede the use of the public place for the purpose for which it was designed.

5.12 Obligations of permit holder

(1) The permit holder for a Facility shall—

- (a) ensure that the Facility is conducted at all times in accordance with the provisions of this local law and any local law made under section 172 of the *Health Act 1911*;
- (b) ensure that the eating area is kept in a clean and tidy condition at all times;
- (c) maintain the chairs, tables and other structures in the eating area in a good, clean and serviceable condition at all times;
- (d) be solely responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction of any part of the public place arising from the conduct of the Facility; and
- (e) be solely responsible for all rates and taxes levied upon the land occupied by the Facility.

(2) Whenever, in the opinion of the local government, any work is required to be carried out to a Facility, the local government may give a notice to the permit holder for the Facility to carry out that work within the time limited by the notice.

- (3) In subclause (2), “work” includes the removal, alteration, repair, reinstatement or reconstruction of any part of a public place arising from or in connection with the setting up or conduct of a Facility.

5.13 Removal of Facility unlawfully conducted

Where a Facility is conducted without a permit, or in contravention of a condition of a permit, any tables, chairs, umbrellas or other equipment may be removed by an authorized person and impounded in accordance with the Act.

5.14 Use of Facility by public

- (1) A person shall not occupy a chair or otherwise use the equipment in a Facility the subject of a permit unless the person uses them for the purpose of consuming food or drinks provided by the Facility.
- (2) A person shall leave a Facility when requested to do so by the permit holder.

5.15 Temporary removal of Facility may be requested

- (1) The permit holder for a Facility is to temporarily remove the Facility when requested to do so on reasonable grounds by an authorized person or a member of the Police Service or an emergency service in the event of an emergency.
- (2) The permit holder may replace the Facility removed under subclause (1) as soon as the person who directed her or him to remove it allows it to be replaced.

6. PART 6—PERMITS

Division 1—Applying for a permit

6.1 Application for permit

- (1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).
- (2) An application for a permit under this local law shall—
 - (a) be in the form determined by the local government;
 - (b) be signed by the applicant.
 - (c) provide the information required by the form; and
 - (d) be forwarded to the CEO together with any fee imposed and detained by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The local government may require an applicant to give local public notice of the application for a permit.
- (5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2).

6.2 Decision on application for permit

- (1) The local government may—
 - (a) approve an application for a permit unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application for a permit, it is to issue to the applicant a permit in the form determined by the local government.
- (3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.
- (4) Where a clause of this local law refers to conditions which may be imposed on a permit or which are to be taken to be imposed on a permit, the clause does not limit

the power of the local government to impose other conditions on the permit under subclause (1)(a).

- (5) Where a clause of this local law refers to the grounds on which an application for a permit may be or is to be refused, the clause does not limit the power of the local government to refuse the application for a permit on other grounds under subclause (1)(b).

Division 2—Conditions

6.3 Conditions which may be imposed on a permit

The local government may approve an application for a permit subject to conditions relating to—

- (a) the payment of a fee;
- (b) the duration and commencement of the permit;
- (c) the commencement of the permit being contingent on the happening of an event.
 - (d) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
 - (e) the approval of another application for a permit which may be required by the local government under any written law;
- (f) the area of the district to which the permit applies;
- (g) where a permit is issued for an activity which will or may cause damage to a public place, the payment of a deposit or bond against such damage;
- (h) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government; and
- (i) the provision of an indemnity from the permit holder indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place by the permit holder.

6.4 Imposing conditions under a policy

(1) In this clause—

“**policy**” means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 6.2(1)(a).

- (2) Under clause 6.2(1)(a) the local government may approve an application subject to conditions by reference to a policy.
- (3) The local government is to give a copy of the policy, or the part of the to in clause 6.2(2).
- (4) An application for a permit is to be taken not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.
- (5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy is to be taken to be information within section 5.94(u)(i) of the Act.

6.5 Compliance with and variation of conditions

- (1) Where an application for a permit has been approved subject to conditions, or where a permit is to be taken to be subject to conditions under this local law, the permit holder shall comply with each of those conditions.
- (2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

Division 3—General

6.6 Duration of permit

A permit is valid for one year from the date on which it is issued, unless it is—

- (a) otherwise stated in this local law or in the permit; or
- (b) cancelled under clause 6.10.

6.7 Renewal of permit

- (1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.
- (2) The provisions of—
 - (a) this Part; and
 - (b) any other provision of this local law relevant to the permit which is to be renewed, shall apply to an application for the renewal of a permit *mutatis mutandis*.

6.8 Transfer of permit

- (1) An application for the transfer of a valid permit is to—
 - (a) be made in writing;
 - (b) be signed by the permit holder and the proposed transferee of the permit;
 - (c) provide such information as the local government may require to enable the application to be determined; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.
- (3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by—
 - (a) an endorsement on the permit signed by the CEO; or
 - (b) issuing to the transferee a permit in the form determined by the local government.
- (4) Where the local government approves an application for the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

6.9 Production of permit

A permit holder is to produce to an authorized person her or his permit immediately upon being required to do so by that authorized person.

6.10 Cancellation of permit

- (1) Subject to clause 7.1, a permit may be cancelled by the local government on any one or more of the following grounds—
 - (a) the permit holder has not complied with a—
 - i. condition of the permit; or
 - ii. provision of any written law which may relate to the activity regulated by the permit; or
 - (b) if it is relevant to the activity regulated by the permit—
 - i. the permit holder has become bankrupt, or gone into liquidation;
 - ii. the permit holder has entered into any composition or arrangement with creditors; or
 - iii. a manager, an administrator, a trustee, a receiver, or a receiver and manager is appointed in relation to any part of the permit holder’s undertakings or property.
- (2) On the cancellation of a permit the permit holder—
 - (a) shall return the permit as soon as practicable to the local government; and
 - (b) is to be taken to have forfeited any fees paid in respect of the permit.

7. PART 7—OBJECTIONS AND APPEALS

7.1 Application of Part 9 Division 1 of Act

When the local government makes a decision—

- (a) under clause 6.2(1); or
- (b) as to whether it will renew, vary, or cancel a permit, the provisions of Division I of Part 9 of the Act and regulations 33 and 34 of the Regulations apply to that decision.

8. PART 8—MISCELLANEOUS NOTICES

8.1 Notice to redirect or repair sprinkler

Where a lawn or a garden is being watered with a sprinkler which is on the lawn or the garden, in a manner which causes or may cause an inconvenience or obstruction to any person using a thoroughfare, the local government may give a notice to the owner or the occupier of the land abutting on the lawn or the garden, requiring the owner or the occupier or both to move or alter the direction of the sprinkler or other watering equipment.

8.2 Hazardous plants

- (1) Where a plant in a garden creates or may create a hazard for any person using a thoroughfare, the local government may give a notice to the owner or the occupier of the land abutting on the garden to remove, cut, move or otherwise deal with that plant so as to remove the hazard.
- (2) Subclause (1) does not apply where the plant was planted by the local government.

8.3 Notice to repair damage to thoroughfare

Where any portion of a thoroughfare has been damaged, the local government may by notice to the person who caused the damage order the person to repair or replace that portion of the thoroughfare to the satisfaction of the local government.

8.4 Notice to remove thing unlawfully placed on thoroughfare

Where any thing is placed on a thoroughfare in contravention of this local law, the local government may by notice in writing to the owner or the occupier of the property which abuts on that portion of the thoroughfare where the thing has been placed, or such other person who may be responsible for the thing being so placed, require the relevant person to remove the thing.

9. PART 9—ENFORCEMENT

Division 1—Notices given under this local law

9.1 Offence to fail to comply with notice

Whenever the local government gives a notice under this local law requiring a person to do any thing, if the person fails to comply with the notice, the person commits an offence.

9.2 Local government may undertake requirements of notice

Where a person fails to comply with a notice referred to in clause 9.1, the local government may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.

Division 2—Offences and penalties

Subdivision I—General

9.3 Offences

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

Subdivision 2—Infringement notices and modified penalties

9.4 Prescribed offences

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.
- (3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorized person should be satisfied that—
 - (a) commission of the prescribed offence is a relatively minor matter; and
 - (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

9.5 Forms

Unless otherwise specified, for the purposes of this local law—

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form I in Schedule I of the Regulations;
- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule I of the Regulations; and
- (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in ,Schedule I of the Regulations.

SCHEDULE I

PRESCRIBED OFFENCES

Clause	Description	Modified Penalty \$
2.1 (a)	Plant of 0.75m in height on thoroughfare within 10m of intersection	\$100
2.1 (b)	Damaging lawn or garden	\$100
2.1 (c)	Plant (except grass) on thoroughfare within 2m of carriageway	\$100
2.1 (d)	Placing hazardous substance on footpath	\$100
2.1 (e)	Damaging or interfering with signpost or structure on thoroughfare	\$300
2.1 (f)	Playing games so as to impede vehicles or persons on thoroughfare	\$100
2.1 (g)	Riding of skateboard or similar device on mall or verandah of	

shopping centre	\$100
2.2[1](a) Digging a trench through a kerb or footpath without a permit	\$100
2.2[1](b) Throwing or placing anything on a verge without a permit	\$100
2.2[1](c) Causing obstruction to vehicle or person on thoroughfare without a permit	\$100
2.2[1](d) Causing obstruction to water channel on thoroughfare without a permit	\$200
2.2[1](e) Placing or draining offensive fluid on thoroughfare without a permit	\$200
2.2[1](g) Lighting a fire on a thoroughfare without a permit	\$300
2.2[1](h) Felling tree onto thoroughfare without a permit	\$100
2.21 Installing pipes or stone on thoroughfare without a permit	\$100
2.20[1][j) Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	\$300
2.2[1](k) Creating a nuisance on a thoroughfare without a permit	\$100
2.21 Placing a bulk rubbish container on a thoroughfare without a permit	\$100
2.2[1](m) Interfering with anything on a thoroughfare without a permit	\$100
2.3(1) Consumption or possession of liquor on thoroughfare	\$100
2.3[1] Gambling in a public place or on local government property	\$100
2.4(1) Failure to obtain permit for temporary crossing	\$200
2.5(2) Failure to comply with notice to remove crossing and reinstate kerb	\$300
2.9(1) Installation of verge treatment other than permissible verge treatment	\$200
2.10 Failure to maintain permissible verge treatment or placement of obstruction on verge	\$100
2.11 Failure to comply with notice to rectify default	\$100
2.17(2) Failure to comply with sign on public place	\$100
2.19(1) Driving or taking a vehicle on a closed thoroughfare	\$300
3.2(1) Placing advertising sign or affixing any advertisement on a thoroughfare without a permit	\$100
3.2(3) Erecting or placing of advertising sign in a prohibited area	\$100
4.1(1) Animal or vehicle obstructing a public place or local government property	\$100

4.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	\$100
4.2(2)(b)	Animal on public place with infectious disease	\$100
4.2(2)(c)	Training or racing animal on thoroughfare in built-up area	\$100
4.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	\$100
4.5	Person leaving shopping trolley in public place other than trolley bay	\$100
4.6(2)	Failure to remove shopping trolley upon being advised of location	\$100
5.2(1)	Conducting of stall in public place without a permit	\$300
5.3(1)	Trading without a permit	\$300
5.8(1)(a)	Failure of stallholder or trader to display or carry permit	\$100
5.8(1)(b)	Stallholder or trader not displaying valid permit	\$100
5.8(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	\$100
5.8(2)	Stallholder or trader engaged in prohibited conduct	\$100
5.10	Establishment or conduct of outdoor eating facility without a permit	\$300
	Failure of permit holder of outdoor eating facility to comply with obligations	\$100
5.14(1)	Use of equipment of outdoor eating facility without purchase of food or drink from facility	\$50
5.14(2)	Failure to leave outdoor eating facility when requested to do so by permit holder	\$50
6.5	Failure to comply with a condition of a permit	\$100
6.9	Failure to produce permit on request of authorized person	\$100
9.1	Failure to comply with notice given under local law	\$100

12.7. ELECTED MEMBER REPORTS

Cr F Mills

- 18-19 June BITRE Coloquium 2009 'Infrastructure for the nation's future in Canberra
- 21-24 June Local Government National General Assembly in Canberra
- 21 June WALGA briefing (State LG issues for NGA)
- 22 June Met with Member for Kalgoorlie Hon Barry Hasse (East Kimberley issues)
- 24 June Function with PM and Ministers prior to Australian Council of Local Government.
- 25 June Breakfast meeting with Gary Gray, MP's (Friends of Northern Australia) and Mayor;s and Presidents of Northern Australia.
- 2-3 July PM and Premier various functions (Green Swamp, Warringarri Arts, KDSHS tree planting and official Ord Development announcements)
- 7 July Tennis Club BBQ.
- 8 July KVC Board Meeting
- 9 July Met with Hon Ken Baston MLC and Hon Barry Hasse
- 10-11 July Kimberley Zone workshop (planning forward mutual co-operation)
- 15 July Australian Trucking Association Road Show
- 17 July FESA Function met Minister Rob Johnson and Assistance Police Commissioner Mick Burnby.

Cr Di Ausburn

- 30 June Budget Meetings
- 1 July KCCI Meeting
- 2 July Prime Minister function Warrigarri Arts
- 3 July Design Workshop.Allseasons
- 3 July Troy Buswell meeting
- 9 July Roadwise Meeting
- 10 July Zone Meet & Greet BBQ Boat
- 17 July FESA function
- 20 July Audit Committee
- 21July Landcorp Function

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

15. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil

16. MATTERS BEHIND CLOSED DOORS

16.1 KIMBERLEY COUNTRY ZONE STRATEGIC PLAN OUTCOMES (8761) (8762)

DATE:	21 July 2009
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Kimberley
AUTHOR:	Peter Stubbs, Chief Executive Officer
REPORTING OFFICER:	Alex Douglas, Chief Executive Officer
FILE NO:	60.13.02
ASSESSMENT NO:	N/A

This item will be discussed Behind Closed Doors under Section 5.23 (2) (a), (b) and (c) as this is a matter that affects

- (a) a matter affecting an employee or employees;
- (b) the personal affairs of any person;

Cr R Addis declared a Financial Interest due to being the Director of Kimberley Wilderness Adventures that operates tourism camps on the Gibb River Road and left the room at 7.03pm.

OFFICER'S RECOMMENDATION

1. That Council endorse the Kimberley Country Zone's proposed establishment of an Executive Officer to drive the Zone's business and elevate the relevance of the Zone the Kimberley region, and allocate future funding of up to \$50,000 to support his role if required.
2. That Council endorse the Kimberley Country Zone proposal to undertake business plan evaluation into the feasibility of the following project concepts for use of the Zone's CLGF grants and allocate the \$25,000 2009/10 budget provision for this purpose ;

Establishment of a housing factory in the region to reduce the cost of housing, leverage of the considerable investment in housing in the region, provide ongoing employment and apprenticeship opportunities, and return a cash flow to member Councils.

Establishment of tourism facilities (caravan parks throughout the region, and/or are sort at Windjanna Gorge) to increase the tourism capacity of the region, provide ongoing employment and hospitality training opportunities, and return a future cash flow to the Shires.

COUNCIL DECISION

Minute No. 8761

Moved:Cr P Caley

Seconded:Cr K Torres

That Council move behind closed doors to consider Item 16.1 Kimberley Country Zone Strategic Plan Outcomes

CARRIED UNANIMOUSLY: (8/0)

Minute No: 8762

Moved:Cr K Torres

Seconded:Cr J Parker

- 1. *That Council endorse the Kimberley Country Zone's proposed establishment of an Executive Officer to drive the Zone's business and elevate the relevance of the Zone the Kimberley region, and allocate future funding of up to \$50,000 to support his role if required.***
- 2. *That Council endorse the Kimberley Country Zone proposal to undertake a business plan evaluation into the feasibility of the following project concepts for use of the Zone's CLGF grants and allocate the \$25,000 2009/10 budget provision for this purpose:***

Establishment of a housing factory in the region to reduce the cost of housing, leverage of the considerable investment in housing in the region, provide ongoing employment and apprenticeship opportunities, and return a cash flow to member Councils.

Establishment of tourism facilities (caravan parks throughout the region, and/or are sort at Windjanna Gorge) to increase the tourism capacity of the region, provide ongoing employment and hospitality training opportunities, and return a future cash flow to the Shires.

CARRIED UNANIMOUSLY: (8/0)

17. CLOSURE

With all matters of Business complete the Shire President declared the meeting closed at 7.14pm.