



## **MINUTES OF ORDINARY MEETING OF COUNCIL**

**HELD ON 20 OCTOBER 2009**

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

\_\_\_\_\_  
**Shire President Confirmed**

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# SHIRE OF WYNDHAM-EAST KIMBERLEY

## MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY, AT 6:00 PM

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

The Acting Chief Executive Officer declared the meeting open at 6.02pm.

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

|                 |                        |
|-----------------|------------------------|
| Cr F Mills      | Shire President        |
| Cr J Moulden    | Deputy Shire President |
| Cr R Addis      | Councillor             |
| Cr D Ausburn    | Councillor             |
| Cr Jackie McCoy | Councillor             |
| Cr J Parker     | Councillor             |
| Cr K Torres     | Councillor             |
| Cr K Wright     | Councillor             |

|            |  |
|------------|--|
| A Douglas  | Acting Chief Executive Officer                                       |
| J Ellis    | Executive Manager Corporate Services                                 |
| I D'Arcy   | Executive Manager Development Services                               |
| M Alchin   | Acting Executive Manager – Community Services                        |
| S Russell  | Acting Executive Support Officer Engineering & Development (Minutes) |
| F Kuiper   | Acting Executive Support Officer                                     |
| K Tripp    | Environment Officer  |
| J Ninyette | Town Planning Officer  |

#### GALLERY

Wendy Mills  
Kerry Fijac  
Jenelle Provost  
Barry Granville  
Rachel House

### 3. ELECTIONS

#### 3.1 Election of Shire President

The Acting Chief Executive Officer advised that one written nomination for the position had been received for Cr F Mills. Cr F Mills confirmed his acceptance of the nomination will call for nominations for Shire President. Further nominations were invited, with none received.

**Cr F Mills was elected unopposed. The Shire President took the chair at 6.05pm.**

### 3.2 Election of Deputy Shire President

The Shire President called for nominations for Deputy Shire President.

Cr K Wright was nominated and accepted.

Cr J Moulden was nominated and accepted.

**Cr J Moulden was elected Deputy Shire President with the vote recorded at 6/2**

## 4. DECLARATIONS OF INTEREST

- **Financial Interest**

Cr K Torres declared a Financial Interest in Item 13.5.1 Annual Grants Scheme as he Chairman of Barramundi Concert.

Cr J McCoy declared a Financial Interest in Item 13.5.1 Annual Grants Scheme as she is employed by Joorook Ngarni Aboriginal Corporation.

Cr J Parker declared a Financial Interest in Item 13.5.1 Annual Grants Scheme as she is employed by Joorook Ngarni Aboriginal Corporation.

Cr K Wright declared a Financial Interest In Item 13.5.1 Annual Grants Scheme as he is a committee member of an applicant. This declaration was made at Item 13.5.1.

- **Impartiality Interest**

Cr R Addis declared an Impartiality Interest in Item No 13.4.7 Amendment 31 – Town Planning Scheme No 7.

- **Proximity Interest**

Nil

## 5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

## 6. PUBLIC QUESTION TIME

Nil

## 7. PETITIONS

Nil

**8. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**9. CONFIRMATION OF MINUTES**

**9.1 CONFIRMATION OF MINUTES FOR THE ORDINARY COUNCIL MEETING HELD ON 15 SEPTEMBER 2009 (8853)**

**RECOMMENDATION**

That Council confirm the Minutes for the Ordinary Council Meeting held on 15 September 2009.

**COUNCIL DECISION**

*Minute No. 8853*

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

*That Council confirm the Minutes for the Ordinary Council Meeting held on 15 September 2009.*

**CARRIED UNANIMOUSLY: (8/0)**

**9.2 CONFIRMATION OF MINUTES FOR THE SPECIAL MEETING HELD ON 22 SEPTEMBER 2009 (8854)**

**RECOMMENDATION**

That Council confirms the Minutes for the Special Meeting held on 22 September 2009.

**COUNCIL DECISION**

*Minute No. 8854*

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

*That Council confirms the Minutes for the Special Meeting held on 22 September 2009.*

**CARRIED UNANIMOUSLY: (8/0)**

### **9.3 CONFIRMATION OF MINUTES FOR THE SPECIAL MEETING HELD ON 6 OCTOBER 2009 (8855)**

#### **RECOMMENDATION**

That Council confirm the Minutes for the Special Meeting held on 6 October 2009.

#### **COUNCIL DECISION**

*Minute No. 8855*

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

*That Council confirm the Minutes for the Special Meeting held on 6 October 2009.*

**CARRIED UNANIMOUSLY: (8/0)**

### **10. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

The Shire President would like thank and express recognition to Councillors for the work they have put in outside of their normal occupation over the last twelve months. He has personally attended 247 appointments over the last twelve months.

### **11. DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

Nil

### **12. MINUTES OF COUNCIL COMMITTEE MEETINGS**

#### **12.1. MINUTES OF AUDIT COMMITTEE MEETINGS**

Nil

#### **12.2. MINUTES OF AIRPORT COMMITTEE MEETINGS**

##### **12.2.1 MINUTES OF THE AIRPORT COMMITTEE MEETING HELD ON 13 OCTOBER 2009 (8856)**

#### **RECOMMENDATION**

That Council note the unconfirmed Minutes of the Airport Committee Meeting held on 13 October 2009

**COUNCIL DECISION**

*Minute No. 8856*

*Moved:Cr K Wright*

*Seconded:Cr J Moulden*

*That Council note the unconfirmed Minutes of the Airport Committee Meeting held on 13 October 2009*

**CARRIED UNANIMOUSLY: (8/0)**

**13 REPORTS**

**13.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL**

Nil

## 13.2. CORPORATE SERVICES

### 13.2.1 LIST OF ACCOUNTS PAID UNDER DELEGATION 18 (8857)

|                           |  |
|---------------------------|--|
| <b>DATE:</b>              | 20 October 2009  |
| <b>PROPONENT:</b>         | Shire Of Wyndham East Kimberley                        |
| <b>LOCATION:</b>          | Shire Of Wyndham East Kimberley                        |
| <b>AUTHOR:</b>            | Bonnie Cole, Finance Projects Officer                  |
| <b>REPORTING OFFICER:</b> | Jo-Anne Ellis, Executive Manager<br>Corporate Services |
| <b>FILE NO:</b>           | 60.14.03   |
| <b>ASSESSMENT NO:</b>     | N/A  |

#### **PURPOSE**

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

#### **BACKGROUND**

Delegation 18 – Payment of Creditors was 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

## **OFFICER'S RECOMMENDATION**

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

|  |                       |
|--|-----------------------|
| Municipal cheques 39189 – 39237 (3 to 24 September 2009) | \$1,350,826.34        |
| EFT 107056– EFT 107286 (3 to 25 September 2009)          | \$909,862.62          |
| Payroll (9 to 23 September 2009)                         | \$286,899.21          |
| Direct bank debits (1 to 30 September 2009)              | \$19,255.97           |
| <b>Total</b>   | <b>\$2,566,878.14</b> |

## **COUNCIL DECISION**

***Minute No. 8857***

***Moved:Cr K Torres***

***Seconded:Cr K Wright***

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

|   |                       |
|---|-----------------------|
| <b>Municipal cheques 39189 – 39237 (3 to 24 September 2009)</b> | <b>\$1,350,826.34</b> |
| <b>EFT 107056– EFT 107286 (3 to 25 September 2009)</b>          | <b>\$909,862.62</b>   |
| <b>Payroll (9 to 23 September 2009)</b>                         | <b>\$286,899.21</b>   |
| <b>Direct bank debits (1 to 30 September 2009)</b>              | <b>\$19,255.97</b>    |
| <b>Total</b>  | <b>\$2,566,878.14</b> |

***CARRIED UNANIMOUSLY: (8/0)***

## List of Accounts Paid Under Delegation 18

### List of Accounts Submitted to Council 20 October 2009

| Chq/EFT   | Date       | Name                                     | Description                                       | Amount    |
|-----------|------------|--|---|-----------|
| EFT107056 | 03/09/2009 | AEC SYSTEMS                              | AUTOCAD CIVIL 3D COMMERCIAL SUBSCRIPTION          | 1,314.50  |
| EFT107057 |            | ARGYLE ENGINEERING                       | 4 METAL DISPLAY SIGN HOLDERS - FOR ONSITE DISPLAY | 250.00    |
| EFT107058 |            | ATCO STRUCTURES PTY LTD                  | MANUFACTURE OF TRANSPORTABLE BUILDING FOR ADMIN   | 14,575.00 |
| EFT107059 |            | ATO CHILD SUPPORT AGENCY                 | PAYROLL DEDUCTIONS                                | 133.66    |
| EFT107060 |            | ATTORNEY-GENERAL'S DEPARTMENT AUSCHECK   | ASIC CHECKS FOR B.MUIR & L.HOLYOAKE               | 176.00    |
| EFT107061 |            | AUST GOVT NATIONAL MEASUREMENT INST, COL | WQ FOR CUMBUNGI REMOVAL                           | 109.67    |
| EFT107062 |            | AUSTRAL MERCANTILE COLLECTIONS PTY LTD   | MATTER FEES FOR AUG 09                            | 16.50     |
| EFT107063 |            | AUSTRALIAN SERVICES UNION                | PAYROLL DEDUCTIONS                                | 189.00    |
| EFT107064 |            | AUSTRALIAN TAXATION OFFICE               | BAS JULY 2009 (GPAYG PAYABLE)                     | 8,611.00  |
| EFT107065 |            | AUTO ONE KUNUNURRA                       | SUPPLY 4 X 15KG BAGS OF RAGS                      | 200.00    |
| EFT107066 |            | BERM BACKHOE HIRE                        | MOWING OF FORESHORE LILY CREEK, CELEBRITY TREE    | 528.00    |
| EFT107067 |            | BODAN CONSTRUCTIONS PTY LTD              | BOARD UP WINDOW AFTER SMASH WY OFFICE CALL OUT    | 429.00    |
| EFT107068 |            | BROADCAST AUSTRALIA PTY LTD              | POWER RECOVERY GWNR SBSTV 17/04/09-11/06/09       | 949.91    |
| EFT107069 |            | BUSBY INVESTMENTS T/A BUDGET RENT A CAR  | HIRE CAR FOR PROSPECTIVE EMPLOYEES                | 507.19    |
| EFT107070 |            | CAREPOINT                                | INJURY MANAGEMENT TRAINING GAULT SNOWBALL CLARK   | 4,091.15  |
| EFT107071 |            | COATES HIRE OPERATIONS PTY LTD           | DAYS ROLLER HIRE FOR TRUCK BAY MAINTENENCE        | 1,239.78  |
| EFT107072 |            | COMFORT INN PERTH HOTEL                  | ACCOM LG CONVENTION K TORRES, MILLS, DOUGLAS      | 3,315.70  |
| EFT107073 |            | CORPORATE EXPRESS                        | AUGUST 09 STATIONERY ORDER & PRINTER CARTRIDGES   | 2,329.94  |
| EFT107074 |            | EAST KIMBERLEY HARDWARE                  | LENGTHS X 100MM PVC - SPRINKLER PROTECTORS        | 180.25    |
| EFT107075 |            | ENVIRONMENTAL HEALTH AUSTRALIA           | PROFESSIONAL MEMBERSHIP, KELLY FEWSTER            | 320.00    |
| EFT107076 |            | FORTRESS HOME BUILDING SYSTEMS PTY LTD   | REFUND OF OVERPAYMENT OF DEBTORS ACCOUNT          | 72.50     |
| EFT107077 |            | FUJI XEROX AUSTRALIA P/L                 | YOUTH CENTRE PRINTING 01/07/09-31/07/09           | 37.13     |
| EFT107078 |            | FYSH GRADER HIRE                         | GRADER HIRE - DRAIN MAINTENANCE - CHERIBUN RD     | 1,496.00  |
| EFT107079 |            | GRUNT LABOUR SERVICES PTY LTD            | GATE KEEPER AT LANDFILL SITE - RAPHEL ANTHONY     | 1,198.23  |
| EFT107080 |            | ICEAGE REFRIGERATION & AIRCONDITIONING   | REPAIRS TO PA OFFICE AIR CON                      | 115.50    |
| EFT107081 |            | JASON SIGNMAKERS LTD                     | NO PARKING - BOAT PREPARATION EXCEPTED            | 347.60    |

| Chq/EFT   | Date | Name                                       | Description                                       | Amount    |
|-----------|------|--|---|-----------|
| EFT107082 |      | JO-ANNE ELLIS                              | REIMBURSE CANCELLED AIRFARES                      | 2,269.70  |
| EFT107083 |      | JORRITSMA H & CO                           | IRRIGATION FITTINGS - RELOCATION WYNDHAM POUND    | 334.05    |
| EFT107084 |      | JSW HOLDINGS PTY LTD                       | RESTRUCTURE OF CASURAINA DRIVE DRAINAGE           | 36,301.10 |
| EFT107085 |      | KATHERINE TREE MAINTENANCE                 | GREEN WASTE GRINDING WITH EXCAVATOR AND GRAB      | 31,900.00 |
| EFT107086 |      | KIMBERLEY WASTE SERVICES                   | TOWN OVAL OVERFLOW WASTE MGT 4 BINS JULY          | 124.80    |
| EFT107087 |      | KUNUNURRA AMCAL PHARMACY                   | C180 KODAK CAMERA & ACCES WCCC                    | 188.95    |
| EFT107088 |      | KUNUNURRA HOME & GARDEN                    | 2.1M LADDER                                       | 155.00    |
| EFT107089 |      | KUNUNURRA LOCK & KEY                       | YOUTH CENTRE DOOR UNLOCKED MISSING KEY            | 280.50    |
| EFT107090 |      | KUNUNURRA MAINTENANCE SERVICE              | REPAIRS TO DOORS AND MINOR PAINTING AM HOUSE      | 247.50    |
| EFT107091 |      | KUNUNURRA PLUMBING & GAS FITTING           | TENNIS CLUB REPAIRS TO WATER SUPPLY               | 488.00    |
| EFT107092 |      | KUNUNURRA REFRIGERATION & AIR CONDITIONING | PRMH ACS IN BUILDING NOT WORKING CHECK AND FIX.   | 712.25    |
| EFT107093 |      | KUNUNURRA SECURITY SERVICE                 | PASSENGER SCREENING AND CBS SCREENING             | 26,640.00 |
| EFT107094 |      | L.G.R.C.E.U                                | PAYROLL DEDUCTIONS                                | 15.30     |
| EFT107095 |      | LANGFORD MACHINERY PTY LTD                 | REPAIRS TO GEN SET FUEL PUMP-WY AIRPORT           | 3,005.00  |
| EFT107096 |      | MARTIN PRINT                               | BUSINESS CARDS IAN DEMPSEY                        | 89.00     |
| EFT107097 |      | MEGAN HUNT                                 | CLEANING WY FACILITIES 6 MONTHS                   | 2,354.22  |
| EFT107098 |      | OFFICE NATIONAL KUNUNURRA                  | A4 LAMINATING POUCHES                             | 59.00     |
| EFT107099 |      | ORD RIVER ELECTRICS                        | KNX MAIN OVAL - REPAIR OF WIRING, GLOBE & COVER   | 1,584.62  |
| EFT107100 |      | ORIA ORCHARDS                              | WEEKLY FLOWER DELIVERY FOR KNX OFFICE             | 15.00     |
| EFT107101 |      | OUTBACK CLEANING                           | FORTNIGHTLY CLEANING OF THE YOUTH CENTRE AUG 09   | 1,119.84  |
| EFT107102 |      | PIVOTEL                                    | SATELLITE PHONE CHARGES 15/08/09-14/09/09         | 105.00    |
| EFT107103 |      | RAECO INTERNATIONAL P/L                    | SMALL BOOK EASEL (PK 10) 160X120X40MM BLACK       | 37.71     |
| EFT107104 |      | RB DESSERT SEED CO                         | 150KG NORTHERN SEED MIX - CENTENARY & PINDAN      | 5,060.00  |
| EFT107105 |      | ROYAL LIFE SAVING (WA BRANCH)              | POOL LIFEGUARD TRAINING 21 - 23RD AUGUST T MORGAN | 753.30    |
| EFT107106 |      | SHELF SUPPLY                               | BAG - DOG FOOD - KNX POUND                        | 44.00     |
| EFT107107 |      | SHIRE OF WYNDHAM EAST KIMBERLEY            | PAYROLL DEDUCTIONS                                | 805.00    |
| EFT107108 |      | SKILLPATH SEMINARS                         | PROJECT MANAGEMENT COURSE SEPT 10TH - 11TH I      | 744.90    |
| EFT107109 |      | THE UNIVERSITY OF NOTRE DAME BROOME CAMPUS | DOG HEALTH PGM TRAINING ACCOM FOR P CLARK, EHW    | 100.00    |
| EFT107110 |      | TNT AUSTRALIA PTY LIMITED                  | FREIGHT   | 355.55    |

|                |             |   |  |               |
|----------------|-------------|---|--|---------------|
| EFT107111      |             | TOLL EXPRESS                            | FREIGHT  | 490.49        |
| EFT107112      |             | TOP END MOTORS                          | VEHICLE SERVICES FOR SHIRE VEHICLES              | 1,482.07      |
| EFT107113      |             | TOP END TILT TRAY HIRE                  | REFUND OF OVERPAYMENT ON DEBTORS ACCOUNT         | 130.00        |
| EFT107114      |             | UHY HAINES NORTON (WA) PTY LTD          | AUDIT CERTIFICATION PENSIONER'S DEFFERRED RATES  | 330.00        |
| EFT107115      |             | WA AQUATIC CLUB PTY LTD                 | GOGGLES  | 1,034.66      |
| EFT107116      |             | WA LOCAL GOVERNMENT ASSOCIATION WALGA   | 09-10 PROCUREMENT MEMBER SUBSCRIPTION            | 4,181.10      |
| EFT107117      |             | WA LOCAL GOVERNMENT SUPERANNUATION PLAN | SUPERANNUATION CONTRIBUTIONS                     | 21,732.89     |
| EFT107118      |             | WANNA WORK LABOUR HIRE SOLUTIONS        | LABOUR FOR TYRE BAILING                          | 2,100.00      |
| EFT107119      |             | WARINGARRI MEDIA ABORIGINAL CORPORATION | RADIO ADVERTS ISSUE OF RATES 18&19 AUG 09        | 55.00         |
| EFT107120      |             | WAYNE RICHARDS & REBECCA MORRALL        | REIMBUSEMENT OF MEALS                            | 150.03        |
| EFT107121      |             | WESTCARE INDUSTRIES                     | 1LB55 FORM LOST/ DAMAGED - BOOK                  | 19.25         |
| EFT107122      |             | WESTRALIA AIRPORTS CORPORATION PTY LTD, | ASIC CARDS PRINTED FOR G.THORNE & B.MUIR         | 100.00        |
| <b>Chq/EFT</b> | <b>Date</b> | <b>Name</b>                             | <b>Description</b>                               | <b>Amount</b> |
| EFT107123      |             | WYNDHAM EXCAVATIONS                     | 47 CUBIC MTRS OF CONCRETE FOOTPATH ST PAUL'S WAY | 15,510.00     |
| EFT107124      |             | WANNA WORK LABOUR HIRE SOLUTIONS        | SUPPLY OF DAY LABOUR NICHOLSON PARK              | 18,082.39     |
| EFT107125      | 10/09/2009  | ALLGEAR MOTORCYCLES                     | CHAINSAW MATERIALS                               | 611.80        |
| EFT107126      |             | ATO CHILD SUPPORT AGENCY                | PAYROLL DEDUCTIONS                               | 133.66        |
| EFT107127      |             | AUST LOCAL GOVERNMENT JOB DIRECTORY     | AD PLANNING OFFICER POSITION - 28 AUGUST 2009    | 1,056.00      |
| EFT107128      |             | AUSTRALIAN SERVICES UNION               | PAYROLL DEDUCTIONS                               | 189.00        |
| EFT107129      |             | BRUCE HARDING                           | ELECTRICITY SUBSIDY 04/06/09-31/07/09            | 30.62         |
| EFT107130      |             | COURIER AUSTRALIA                       | FREIGHT (IVBFB)                                  | 117.11        |
| EFT107131      |             | DOUGLAS ALEXANDER                       | ELECTRICITY SUBSUDY 29/04/09-26/06/09            | 150.32        |
| EFT107132      |             | EAST KIMBERLEY HARDWARE                 | GAS BOTTLE REFILL & OTHER MINOR MATERIALS        | 336.05        |
| EFT107133      |             | FEWSTER, KELLY                          | ELECTRICITY SUBSIDY 09/06/09-05/08/09            | 261.50        |
| EFT107134      |             | FULTON HOGAN PTY LTD                    | MOB AND DEMOB - SWEEPING AND SEALING EKRA PARK   | 30,918.64     |
| EFT107135      |             | FURNEAUX PRE CAST CONCRETE              | SUPERVISION FOR PARKS PROJECTS                   | 2,829.20      |
| EFT107136      |             | GAULT, JOHN DOUGLAS                     | WATER SUBSIDY 03/04/09-07/08/09                  | 164.15        |
| EFT107137      |             | GRUNT LABOUR SERVICES PTY LTD           | GARDENER AND KNA LANDFILL GATE KEEPER            | 6,717.22      |
| EFT107138      |             | HIDDEN VALLEY TOURIST PARK              | 14/07/09-10/08/09 ACCOMODATION FOR P SHERRIFF    | 6,400.00      |
| EFT107139      |             | HINE ELECTRICAL PTY LTD                 | CUT DOWN AND REMOVE LARGE DEAD TREE              | 660.00        |

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| EFT107140      | IOR PETROLEUM PTY LTD                   | DIESEL TO DEPOT - BANDICOOT DV 29TH AUG 09 | 4,432.25      |
| EFT107141      | J BLACKWOOD & SON LIMITED               | DUSK MASKS, WATER JUGS, TAPS               | 440.14        |
| EFT107142      | JO-ANNE ELLIS                           | WATER SUBSIDY 30/03/09-01/08/09            | 1,086.72      |
| EFT107143      | JSW HOLDINGS PTY LTD                    | DRAINAGE WORKS & DELIVERY OF AGGREGATE     | 23,970.87     |
| EFT107144      | JUST FRAMED                             | PICTURE FRAME FOR 10 YR ANN - KEN BOND     | 102.00        |
| EFT107145      | KATE MCCAFFREY                          | APPEARANCES AT KIMBERLEY WRITERS FESTIVAL  | 1,000.00      |
| EFT107146      | KENNETH COTTER                          | ELECTRICITY SUBSIDY 03/04/09-08/06/09      | 309.12        |
| EFT107147      | KUNUNURRA LOCK & KEY                    | RELOCATION OF FREESTANDING SAFE & SERVICE  | 447.00        |
| EFT107148      | KUNUNURRA MEDICAL                       | TESTING PRE-EMPLOYMENT - MR DECLAN TALLIS  | 96.80         |
| EFT107149      | KUNUNURRA MOBILE WELDING SERVICE        | GRID REPAIRS -LAKE ARGYLE RD               | 722.70        |
| EFT107150      | L.G.R.C.E.U                             | PAYROLL DEDUCTIONS                         | 15.30         |
| EFT107151      | LAKEVIEW APARTMENTS                     | ONE BEDROOM APARTMENT FOR SANDRA KENDELL   | 900.00        |
| EFT107152      | LGIS WORKCARE                           | WORKERS COMPENSATION 09/10                 | 87,532.50     |
| EFT107153      | LUBOR HON                               | WATER SUBSIDY 01/03/09-20/07/09            | 102.37        |
| EFT107154      | MCKINLAY, BETTY                         | ELECTRICITY SUBSIDY 09/04/09-11/06/09      | 209.46        |
| EFT107155      | MCLEAN ENTERPRISES                      | 200LT DRUMS EMULSION                       | 1,660.00      |
| EFT107156      | NATIONAL AUSTRALIA BANK                 | AUDIT FEE                                  | 70.00         |
| EFT107157      | OLD, GILL                               | WATER SUBSIDY 25/03/09-29/07/09            | 1,497.73      |
| <b>Chq/EFT</b> | <b>Date</b>                             | <b>Description</b>                         | <b>Amount</b> |
| EFT107158      | ORDCO                                   | 20LT GLYPHOSATE                            | 290.40        |
| EFT107159      | RACHEL WORNES                           | WATER SUBSIDY 24/04/09-29/07/09            | 162.01        |
| EFT107160      | RICK SPRY                               | ELECTRICITY SUBSIDY 28/05/09-27/07/09      | 229.56        |
| EFT107161      | RPS KOLTASZ SMITH                       | SCHEME AMENDMENT REPORT - DRAFT ITEM       | 2,145.00      |
| EFT107162      | SHIRE OF WYNDHAM EAST KIMBERLEY         | PAYROLL DEDUCTIONS                         | 1,005.00      |
| EFT107163      | STUBBS, PETER                           | WATER SUBSIDY 03/04/09-07/08/09            | 361.04        |
| EFT107164      | THE CONSTABLE CARE CHILD SAFETY PROJECT | QUICK GRANT FOR CONSTABLE CARE             | 550.00        |
| EFT107165      | THINKWATER                              | ASSORTED RETIC FITTINGS AND LENGTHS OF PVC | 452.15        |
| EFT107166      | TNT AUSTRALIA PTY LIMITED               | FREIGHT                                    | 229.34        |
| EFT107167      | TOLL EXPRESS                            | FREIGHT                                    | 2,653.29      |
| EFT107168      | TONI JARVIS                             | REIMBURSEMENT OF MEALS - RECORDS TRAINING  | 81.20         |
| EFT107169      | TOTAL EDEN - KP PUMPS                   | 20X20MM POLY ELBOWS                        | 110.90        |

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| EFT107170      |             | WA LOCAL GOVERNMENT SUPERANNUATION PLAN    | SUPERANNUATION CONTRIBUTIONS                     | 22,238.22     |
| EFT107171      |             | WAYNE RICHARDS & REBECCA MORRALL           | WATER SUBSIDY 25/03/09-29/07/09                  | 197.17        |
| EFT107172      |             | WYNDHAM EXCAVATIONS                        | 15.2M3 OF CONCRETE FOR FOOTPATH O'DONNELL        | 6,556.00      |
| EFT107174      | 18/09/2009  | ABORIGINAL RESOURCE & DEVELOPMENT SERVICES | BRIDGING THE GAP CONFERENCE REGISTRATIONS        | 3,600.00      |
| EFT107175      |             | ALEXANDRA LE NAOUR                         | REIMBURSEMENT OF WORKING WITH CHILDREN CHECK     | 50.00         |
| EFT107176      |             | ALLGEAR MOTORCYCLES                        | NEW SPROCKET & CHAIN - POLE SAW                  | 122.05        |
| EFT107177      |             | AUSTRALIA POST,ACCOUNTS RECEIVABLE TEAM    | POSTAGE FOR AUGUST 09                            | 1,947.70      |
| EFT107178      |             | BOC GASES AUSTRALIAN LIMITED               | WELDING GASES AND BOTTLE RENTAL - AUG 09         | 254.02        |
| EFT107179      |             | BOSS FLUID POWER                           | TOILET ROLLS, HAND TOWELS ETC                    | 3,445.95      |
| EFT107180      |             | BRIDGESTONE AUSTRALIA LTD                  | SUPPLY AND FIT 2 NEW TYRES WY11633               | 473.22        |
| EFT107181      |             | BUSH CAMP SURPLUS STORES                   | OUTDOOR UNIFORMS                                 | 714.25        |
| EFT107182      |             | DAVEY TYRE AND BATTERY SERVICE             | NEW BATTERY - WY11486                            | 153.00        |
| EFT107183      |             | DEPARTMENT OF ENVIRONMENT AND CONSERVATION | LICENSE FOR THE KUNUNURRA LANDFILL SITE 09/10    | 4,212.16      |
| EFT107184      |             | EAST KIMBERLEY PLUMBING                    | KLC FEMALE REPAIRS TO LEAKING SHOWER             | 768.70        |
| EFT107185      |             | FIONA HAMILTON                             | REIMBURSEMENT OF FLIGHTS FROM MELB               | 939.63        |
| EFT107186      |             | FUJI XEROX AUSTRALIA P/L                   | DCC3300 NEW PRINTER/PHOTOCOPIER                  | 19,291.53     |
| EFT107187      |             | GUERINONI & SON                            | TRANSPORT LIGHT POLES AND LIGHTS FROM DEPOT      | 616.00        |
| EFT107188      |             | HALLIDAY'S BUS INSIGHTS                    | BOOKS SOLD DURING THE KIMBERLEY WRITERS FESTIVAL | 36.00         |
| EFT107189      |             | HIDDEN VALLEY TOURIST PARK                 | 08/09/09-05/10/09 ACCOMODATION FOR P SHERRIFF    | 3,200.00      |
| EFT107190      |             | ICEAGE REFRIGERATION & AIRCONDITIONING     | REPAIRS TO MHR OFFICER AIRCON                    | 115.50        |
| EFT107191      |             | INTERCON MILLAR LOGISTICS                  | FREIGHT - COLLECTION OF EMPTY CYLINDERS          | 578.94        |
| EFT107192      |             | JSW HOLDINGS PTY LTD                       | AGGREGATE TO WY AIRPORT                          | 1,331.00      |
| <b>Chq/EFT</b> | <b>Date</b> | <b>Name</b>                                | <b>Description</b>                               | <b>Amount</b> |
| EFT107193      |             | KATHERINE TREE MAINTENANCE                 | TIP MAINTENANCE OF GREEN WASTE                   | 10,560.00     |
| EFT107194      |             | KIMBERLEY COMMUNICATIONS                   | VHF RADIO - NEW FAST ATTACK CFVBFB               | 965.50        |
| EFT107195      |             | KIMBERLEY KOOL REFRIGERATION               | CHECK OUT FAULTY ICE MACHINE                     | 99.00         |
| EFT107196      |             | KIMBERLEY MOTORS                           | INFORMATION SERVICES FOR WYNDHAM JULY09          | 514.11        |
| EFT107197      |             | KIMBERLEY WASTE SERVICES                   | KNX REFUSE COLLEC TION                           | 64,471.46     |
| EFT107198      |             | KUNUNURRA CRUISES 'THE BBQ BOAT'           | CHARTER CRUISE FRIDAY 10 JULY 2009               | 2,100.00      |

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| EFT107199      | KUNUNURRA DIESEL SERVICES           | INSTALL NEW RELAY - (HYDRAULICS) - 10 TONNER        | 585.60             |               |
| EFT107200      | KUNUNURRA MEDICAL                   | DAMP DRUG TESTING RANDOM SELECTION                  | 113.85             |               |
| EFT107201      | KUNUNURRA MOBILE WELDING SERVICE    | REPAIR OF HOLE IN OVAL FENCE                        | 88.00              |               |
| EFT107202      | KUNUNURRA PLUMBING & GAS FITTING    | REPLACEMENT OF THE WATER SERVIC TO THE ABLUTION     | 926.00             |               |
| EFT107203      | LANDGATE                            | GROSS RENTAL VALUATIONS 27/06/09-24/07/09           | 320.17             |               |
| EFT107204      | LESTER BLADES                       | SHORT LIST FEE PROVISION OF PROFESSIONAL SERVICES   | 8,250.00           |               |
| EFT107205      | LGIS INSURANCE BROKING              | INSURANCE BROKING CONTRACT WORK POLICY # 76         | 4,736.84           |               |
| EFT107206      | LOCAL GOVERNMENT MANAGERS AUSTRALIA | LGMA MEMBERSHIP SUBS - J ELLIS                      | 1,104.00           |               |
| EFT107207      | LW PROPERTY CARE                    | AUGUST -CLEANING OF GAS BBQS AT SWIM BEACH          | 528.00             |               |
| EFT107208      | MAKJAP PTY LTD                      | SUBDIVISION OF LOT 181 AND AMALGAMATION TO LOT 313  | 5,390.00           |               |
| EFT107209      | MAXWELL MELTON                      | REIMBURSEMENT FOR TRAVEL HOME                       | 768.66             |               |
| EFT107210      | MCKINLAY, BETTY                     | ELECTRICITY SUBSIDU 12/06/09-06/07/09               | 191.59             |               |
| EFT107211      | MCLEAN ENTERPRISES                  | HIGH VISABILITY VESTS                               | 193.60             |               |
| EFT107212      | MEGAN HUNT                          | CLEAING OF WY FACILITIES                            | 2,496.99           |               |
| EFT107213      | NORTHERN MACHINERY SALES            | MAINTENANCE GRADE DUNCSN ROAD                       | 12,508.65          |               |
| EFT107214      | ORD RIVER ELECTRICS                 | REPAIR FAULT TERMINAL BUILDING-EKRA                 | 221.75             |               |
| EFT107215      | ORD VALLEY TURF                     | HARVESTING AND ROLLING TURF - CRICKET PITCH         | 176.00             |               |
| EFT107216      | ORDCO                               | SUPPLY OF TREATED PINE BOLLARDS CENTENARY           | 11,760.75          |               |
| EFT107217      | ORIA ORCHARDS                       | FLOWERS FOR FRONT RECEPTION                         | 30.00              |               |
| EFT107218      | ORICA AUSTRALIA PTY LTD             | KUNUNURRA POOL - CHLORINE PACKAGING                 | 270.17             |               |
| EFT107219      | RUMOURS PATISSERIE                  | 16 JUNE - 18PAX - MIXED BAGUETTES AND FRUIT PLATTER | 135.00             |               |
| EFT107220      | SANDRA KENDELL                      | GUEST AUTHOR  | 3,214.40           |               |
| EFT107221      | SHELF SUPPLY                        | WORK SHORTS - COLIN SHEERIN                         | 255.00             |               |
| EFT107222      | SYNETRIX                            | HP PROCURVE SWITH 1800-24G                          | 968.00             |               |
| EFT107223      | THINKWATER                          | SPRINKLERS VARIOUS PARKS                            | 4,091.03           |               |
| EFT107224      | TOLL EXPRESS                        | FREIGHT   | 153.38             |               |
| EFT107225      | TOP END TYRE RECYCLING              | TYRE BAILING AT THE KUNUNURRA LANDFILL              | 11,282.81          |               |
| EFT107226      | TOTAL SAFETY & FIRE SOLUTIONS       | HIGH VISABILITY VESTS                               | 118.80             |               |
| EFT107227      | TROPIGRO GARDEN PRODUCTS PTY LTD    | ROLL MAXI LOCK 100MT                                | 83.16              |               |
| <b>Chq/EFT</b> | <b>Date</b>                         | <b>Name</b>   | <b>Description</b> | <b>Amount</b> |

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| EFT107228 |            | VEOLIA ENVIRONMENTAL SERVICES              | 53,000L OF OIL FROM THE KUNUNURRA LANDFILL SITE | 20,751.89 |
| EFT107229 |            | WAYNE RICHARDS & REBECCA MORRALL           | REIMBURSEMENT OF CONSUMABLES FOR KLC            | 156.08    |
| EFT107230 |            | WHELANS                                    | SURVEY FOR ROAD RECONSTRUCTION                  | 3,388.00  |
| EFT107231 | 21/09/2009 | ATCO STRUCTURES PTY LTD                    | TRANSPORTABLE ADMIN BUILDINGS                   | 43,725.00 |
| EFT107232 | 24/09/2009 | AIRPORT LIGHTING SPECIALISTS               | LENS TO SUITE ZA295 RUNWAY INSERT LIGHT.        | 157.74    |
| EFT107233 |            | APPERLEY, KARYN                            | WATER SUBSIDY 21/11/08-26/003/09                | 451.45    |
| EFT107234 |            | ARGYLE MOTORS                              | SHAFT WHEEL SPRING WASHER ETC                   | 753.24    |
| EFT107235 |            | ATTORNEY-GENERAL'S DEPARTMENT AUSCHECK     | AUSCHECK FOR BODEY, WILD, HENGGELER WAINWRIGHT  | 343.00    |
| EFT107236 |            | AUSFUEL AFD AUSTRALIAN FUEL DISTRIBUTORS   | FUEL FOR MOCK EXERCISE-KUNUNURRA AIRPORT        | 77.24     |
| EFT107237 |            | BODAN CONSTRUCTIONS PTY LTD                | REPAIR COVER STRIP AND EDGING PRMH              | 209.00    |
| EFT107238 |            | BRIDGESTONE AUSTRALIA LTD                  | 1 NEW TYRE, FIT AND BALANCE TO WY11633          | 242.88    |
| EFT107239 |            | BROADCAST AUSTRALIA PTY LTD                | FACILITES LEASING 01/09/2009 - 31/05/2010       | 284.65    |
| EFT107240 |            | COVENTRYS                                  | FRIEGHT CHARGES FOR PURCHASE FROM CONVENTRYS    | 37.33     |
| EFT107241 |            | DAVEY TYRE AND BATTERY SERVICE             | N70 BATTERY                                     | 213.24    |
| EFT107242 |            | DEPARTMENT OF TREASURY AND FINANCE         | RECOVERIES OF LOST AND DAMAGED BOOKS WYNDHAM    | 13.20     |
| EFT107243 |            | EAST KIMBERLEY GLASS                       | REPAIRS TO SLIDING DOORS AT 6 EUGENIA.          | 138.00    |
| EFT107244 |            | EAST KIMBERLEY PLUMBING                    | COMPOSTING TOILET PUMP OUT NULLEYWAH - ASAP     | 1,511.95  |
| EFT107245 |            | FUJI XEROX AUSTRALIA P/L                   | Xerox Contract X204751 - Knx Admin Printer      | 1,536.13  |
| EFT107246 |            | FURNEAUX PRE CAST CONCRETE                 | SUPERVISION FOR VARIOUS PROJECTS                | 5,513.90  |
| EFT107247 |            | GRUNT LABOUR SERVICES PTY LTD              | W/E 20/09/09 GATE KEEPER AT KUNUNURRA LANDFILL  | 1,198.23  |
| EFT107248 |            | GUERINONI & SON                            | WATER TRUCK FOR WEABER PLAIN RECONSTRUCTION     | 7,051.00  |
| EFT107249 |            | GULLIVERS TAVERN                           | DINNER FOR AUGUST COUNCIL MEETING               | 499.99    |
| EFT107250 |            | IVANHOE FARMS (IVANHOE COFFEE & LUNCH BAR) | MANEX LUNCH MEETING 15 SEPTEMBER 2009           | 46.50     |
| EFT107251 |            | J BLACKWOOD & SON LIMITED                  | LENGTHS 25MM CONDUIT                            | 548.30    |
| EFT107252 |            | JASON SIGNMAKERS LTD                       | 1500MM X 200MM STREET SIGN EXTRUSIONS           | 446.60    |
| EFT107253 |            | JORRITSMA H & CO                           | REPAIR MAIN FROM IVANHOE PUMP                   | 289.15    |
| EFT107254 |            | JSW HOLDINGS PTY LTD                       | M GRAVEL - FOOTPATH MAINT - CASUARINA           | 968.00    |
| EFT107255 |            | K & M ALLCLEAN                             | CLEANING OF KYC FOR 24 AUG 09 - 31 AUGUST 09    | 417.00    |
| EFT107256 |            | KIMBERLEY INDUSTRIES METALAND              | 50MM X 75MM X 3MM RHS - ROAD TRAIN SIGN POST    | 191.66    |
| EFT107257 |            | KIMBERLEY KOOL REFRIGERATION               | REPAIRS TO AIRCON AT EKRA TERMINAL              | 577.50    |
| EFT107258 |            | KIMBERLEY WASTE SERVICES                   | KUNUNURRA REFUSE COLLECTION                     | 48,945.50 |

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|----------------|-------------|---------------------------------------|--|-------------------|
| EFT107259      |             | KUNUNURRA COURIERS                    | DELIVERY OF 2 X 15 LITRE BOTTLES NEVERFAIL WATER | 37.00             |
| EFT107260      |             | KUNUNURRA PANEL BEATING WORKS WA P/L  | NEW WINDSCREEN - 1DBW601                         | 484.00            |
| EFT107261      |             | KUNUNURRA PEST MANAGEMENT             | TERMITE SPRAY AIRPORT MANAGER RESIDENCE          | 1,698.00          |
| EFT107262      |             | KUNUNURRA SECURITY SERVICE            | SECURITY PATROL - KLC KNX - AUG 09               | 1,900.20          |
| <b>Chq/EFT</b> | <b>Date</b> | <b>Name</b>                           | <b>Description</b>                               | <b>Amount</b>     |
| EFT107263      |             | LGIS PROPERTY                         | SECOND INSTALLMENT POLICY                        | 78,736.78         |
| EFT107264      |             | MCLEAN ENTERPRISES                    | 205L CATAMOL BITUMEN                             | 1,660.00          |
| EFT107265      |             | NJ GAFF & C YATES                     | NATIVE SHRUBS FOR NEW ROTARY CENTENARY PARK      | 552.00            |
| EFT107266      |             | OFFICE NATIONAL KUNUNURRA             | FAX/PHONE & CARTRIDGE WYNDHAM AIRPORT            | 222.95            |
| EFT107267      |             | ORD RIVER CONTRACTING                 | HIRE OF 966D LOADER16.08.09-27.08.09             | 5,601.20          |
| EFT107268      |             | ORD RIVER ELECTRICS                   | REPAIRS TO OVAL LIGHTS                           | 156.75            |
| EFT107269      |             | ORIA ORCHARDS                         | FLOWERS FOR FRONT COUNTER                        | 15.00             |
| EFT107270      |             | POSITION PARTNERS                     | SELF-LEVELING GENERAL CONSTRUCTION LASERS        | 2,035.00          |
| EFT107271      |             | RAPISCAN SYSTEMS AUSTRALIA PTY LTD    | MINI NOSE MN-1000-20 SAMPLING CARTRIDGE          | 291.50            |
| EFT107272      |             | RED SUN SPORTS                        | VOUCHER FOR TIMO FAREWELL                        | 150.00            |
| EFT107273      |             | TAFE WA CENTRAL                       | ENROLMENT FOR SWIMMING POOL OPERATIONS COURSE    | 1,567.65          |
| EFT107274      |             | THE CANVAS SHED                       | 2ND PART PAYMENT FOR SHADE SAILS FOR AIRPORT     | 1,001.00          |
| EFT107275      |             | THINKWATER                            | VARIOUS PVC LENGTHS AND CONNECTORS               | 2,201.97          |
| EFT107276      |             | THORLEY'S STORE                       | TRANSPORT OF SHIRE BAG FROM KNX - WYN - JULY     | 378.00            |
| EFT107277      |             | TOLL EXPRESS                          | FRIEGHT CHARGE FOR ARMANDOS SPORTS SUPPLY        | 833.95            |
| EFT107278      |             | TOP END MOTORS                        | 20,000KM SERVICE - WY12739                       | 278.52            |
| EFT107279      |             | TRIPP, KATYA MARIE                    | ELECTRICITY SUBSIDY 19/06/09-17/08/09            | 109.10            |
| EFT107280      |             | TUCKERBOX/RETRAVISION                 | 1 X SOCCER TABLE PLUS 1 X AIR HOCKEY TABLE       | 2,917.32          |
| EFT107281      |             | URBIS PTY LTD                         | PRELIMINARY RESEARCH LOCAL PLANNING STRATEGY     | 4,581.49          |
| EFT107282      |             | WA LOCAL GOVERNMENT ASSOCIATION WALGA | WALGA CONVENTION TORRES, MILLS, DOUGLAS          | 5,533.00          |
| EFT107283      |             | WESTERN AUST. TREASURY CORPORATION    | LOAN NO. 118 INTEREST PAYMENT - YOUTH CENTRE     | 8,872.90          |
| EFT107284      |             | WYNDHAM EXCAVATIONS                   | HIRE OF LOADER WYNDHAM LANDFILL SITE AUGUST 2009 | 2,376.00          |
| EFT107285      |             | WYNDHAM SUPERMARKET                   | FOOD & DRINKS FOR COUNCIL BRIEFING SESSION       | 79.33             |
| EFT107286      | 25/09/2009  | TRUST DPI CLEARING                    | DPI TAKINGS 15/9/09                              | 17,968.85         |
|                |             |                                       | <b>Total EFT Payments</b>                        | <b>909,896.62</b> |

| <b>Chq/EFT</b> | <b>Date</b> | <b>Name</b>                   | <b>Description</b>                                | <b>Amount</b> |
|----------------|-------------|-------------------------------|---|---------------|
| 39189          | 03/09/2009  | AMP LIFE LTD                  | SUPERANNUATION CONTRIBUTIONS                      | 58.17         |
| 39190          |             | ASGARD SUPERANNUATION         | SUPERANNUATION CONTRIBUTIONS                      | 220.12        |
| 39191          |             | AUSTRALIAN SUPERANNUATION     | SUPERANNUATION CONTRIBUTIONS                      | 133.67        |
| 39192          |             | AXA AUSTRALIA                 | SUPERANNUATION CONTRIBUTIONS                      | 169.29        |
| 39193          |             | BEN FARQUHAR                  | REFUND OF FOOTPATH / KERB BOND HELD IN TRUST      | 250.00        |
| 39194          |             | COLIN WILKINSON DEV. PTY LTD  | REFUND OF FOOTPATH / KERB BOND HELD IN TRUST      | 450.00        |
| 39195          |             | COLONIAL - PERSONAL SUPER     | SUPERANNUATION CONTRIBUTIONS                      | 460.05        |
| <b>Chq/EFT</b> | <b>Date</b> | <b>Name</b>                   | <b>Description</b>                                | <b>Amount</b> |
| 39196          |             | CR FRED MILLS                 | REIMBURSEMENT OF MEALS                            | 146.43        |
| 39197          |             | DARREN BRUCE FULCHER          | REFUND OF FOOTPATH / KERB BOND HELD IN TRUST      | 250.00        |
| 39198          |             | DIGGA WEST                    | 100MM AUGUR (A404MFT) - BOBCAT                    | 382.80        |
| 39199          |             | HORIZON POWER                 | ELECTRICITY CONSUMPTION                           | 13,733.39     |
| 39200          |             | JSW HOLDINGS PTY LTD          | RECONSTRUCTION OF COOLIBAH DRIVE - CONTRACT       | 630,354.45    |
| 39201          |             | KIMBERLEY ENVIR. SOLUTIONS    | TRIAL OF AQUATIC WEED HARVESTER                   | 87,505.00     |
| 39202          |             | MLC NOMINEES PTY LTD          | SUPERANNUATION CONTRIBUTIONS                      | 351.13        |
| 39203          |             | QUADRANT SUPERANNUATION       | SUPERANNUATION CONTRIBUTIONS                      | 267.79        |
| 39204          |             | REST SUPER                    | SUPERANNUATION CONTRIBUTIONS                      | 398.26        |
| 39205          |             | SHIRE OF BROOME               | REG FOR CR TORRES, PARKER & MILLS ZONE MEETING    | 270.00        |
| 39206          |             | VICSUPER                      | SUPERANNUATION CONTRIBUTIONS                      | 172.28        |
| 39207          |             | WALKABOUT SOUVENIRS           | 3 BOOKS FOR CITIZENSHIP CEREMONY 280809 GIFTS     | 149.85        |
| 39208          |             | WATER CORPORATION             | WATER CONSUMPTION CHARGES                         | 3,704.85      |
| 39209          |             | WENTWORTH PLAZA HOTEL         | ACCOM R SPRY 5 - 8 AUGUST AUSTRALIAN AIRPORTS ASS | 397.50        |
| 39210          | 10/09/2009  | AMP LIFE LTD                  | SUPERANNUATION CONTRIBUTIONS                      | 174.51        |
| 39211          |             | ASGARD SUPERANNUATION         | SUPERANNUATION CONTRIBUTIONS                      | 225.85        |
| 39212          |             | AUSTRALIAN SUPERANNUATION     | SUPERANNUATION CONTRIBUTIONS                      | 157.62        |
| 39213          |             | AXA AUSTRALIA                 | SUPERANNUATION CONTRIBUTIONS                      | 171.15        |
| 39214          |             | CASH - PETTY CASH KNX AIRPORT | CLEANING GEAR FOR WYN TOILETS                     | 89.11         |
| 39215          |             | COLONIAL - PERSONAL SUPER     | SUPERANNUATION CONTRIBUTIONS                      | 463.84        |

|                |             |  |   |                            |
|----------------|-------------|--|---|----------------------------|
| 39216          |             | DEPT FOR PLANNING & INFRASTRUCTURE     | ANNUAL REGISTRATION OF WY 12926                   | 273.15                     |
| 39217          |             | HORIZON POWER                          | ELECTRICITY CONSUMPTION                           | 2,845.31                   |
| 39218          |             | KUNUNURRA WATER SKI CLUB               | ANNUAL GRANT ROUND 1 2009/10                      | 5,377.00                   |
| 39219          |             | MLC NOMINEES PTY LTD                   | SUPERANNUATION CONTRIBUTIONS                      | 354.12                     |
| 39220          |             | MURRAY STREET LODGE HOTEL              | ACCOM T JARVIS 10 AUG-14 AUG RECORDS MGT TRAINING | 520.00                     |
| 39221          |             | QBD BOOKSHOP                           | EUCALYPTUS BOOK                                   | 21.55                      |
| 39222          |             | QUADRANT SUPERANNUATION                | SUPERANNUATION CONTRIBUTIONS                      | 268.92                     |
| 39223          |             | REST SUPER                             | SUPERANNUATION CONTRIBUTIONS                      | 404.40                     |
| 39224          |             | RYAN CHINNERY                          | REFUND OF FOOTPATH/ KERB BOND HELD IN TRUST       | 250.00                     |
| 39225          |             | VAGG'S WYNDHAM LIQUOR                  | BOTTLES OF WINE                                   | 45.00                      |
| 39226          |             | VICSUPER                               | SUPERANNUATION CONTRIBUTIONS                      | 173.41                     |
| 39227          |             | WESTERN AUST. PLANNING COMM.           | SUBDIVISION LOT 181 APPLICATION FEE               | 1,512.00                   |
| 39228          |             | WRITINGWA                              | SUBSCRIPTION WRITING WA 2009 - JOANNE ROACH       | 110.00                     |
| 39229          | 17/09/2009  | DEPT. FOR PLANNING & INFRA.            | ANNUAL LICENCE FEE FOR OBSERVATION PLATFORM 09/10 | 32.00                      |
| 39230          |             | FULTON HOGAN PTY LTD                   | RIVERFARM RD                                      | 510,063.02                 |
| <b>Chq/EFT</b> | <b>Date</b> | <b>Name</b>                            | <b>Description</b>                                | <b>Amount</b>              |
| 39231          |             | HORIZON POWER                          | ELECTRICITY CONSUMPTION                           | 36,074.44                  |
| 39232          |             | SWANBURY PENGLASE ARCHITECTS PTY. LTD. | STAGE 2 AHL OVAL PROJECT - QUANTITY SURVEYOR      | 15,455.00                  |
| 39233          |             | WATER CORPORATION                      | WATER USE CHARGES 09/04/09-05/08/09               | 32,034.80                  |
| 39234          | 24/09/2009  | BARRA BARRA PTY LTD                    | REFUND OF EATING HOUSE LICENCE FEE - CANCEL 09/10 | 200.00                     |
| 39235          |             | CASH - PLEASE PAY CASH                 | TEMPORARY CASH FLOAT FOR LEISURE CENTRE DISCO     | 200.00                     |
| 39236          |             | HORIZON POWER                          | ELECTRICITY CONSUMPTION                           | 3,444.63                   |
| 39237          |             | VAGG'S WYNDHAM LIQUOR                  | REFRESHMENTS FOR COUNCIL BRIEFING SESSION         | 60.48                      |
|                |             |  | <b>Total Cheque Payments</b>                      | <b><u>1,350,826.34</u></b> |

| <b>Date</b> | <b>Name</b> | <b>Details</b>  | <b>Amount</b> |
|-------------|-------------|-----------------|---------------|
| 09/09/2009  | PAYROLL     | PAYROLL         | 142333.10     |
| 09/09/2009  | PAYROLL     | ONE OFF PAYROLL | 2143.81       |
| 23/09/2009  | PAYROLL     | PAYROLL         | 142422.30     |

| <b>Date</b> | <b>Name</b>  |
|-------------|--------------|
| 25/09/2009  | DIRECT DEBIT |
| 17/09/2009  | DIRECT DEBIT |
| 21/09/2009  | DIRECT DEBIT |
| Sep-09      | DIRECT DEBIT |

**Total Payroll Payments**

**286,899.21**

| <b>Description</b>                     | <b>Amount</b>    |
|--|------------------|
| RENT 12/33 KONKERBERRY DRIVE KUNUNURRA | 2,036.66         |
| RENT 4 BOOBIALLA WAY                   | 2,491.67         |
| RENT 20 BARRINGTONIA WAY               | 2,426.66         |
| BANK FEES                              | 299.15           |
| BPOINT                                 | 1,931.52         |
| VISA PAYMENT                           | 713.88           |
| MASTERCARD                             | 6,494.90         |
| MERCHANT FEE                           | 1,931.52         |
| WESTNET P/L                            | 930.01           |
| <b>Total Direct Debit Payments</b>     | <b>19,255.97</b> |

### 13.2.2 MONTHLY FINANCIAL REPORT (8858)

|                           |  |
|---------------------------|--|
| <b>DATE:</b>              | 20 October 2009  |
| <b>PROPONENT:</b>         | Shire Of Wyndham East Kimberley                        |
| <b>LOCATION:</b>          | Shire Of Wyndam East Kimberley                         |
| <b>AUTHOR:</b>            | Gill Old, Manager Financial Services                   |
| <b>REPORTING OFFICER:</b> | Jo-Anne Ellis, Executive Manager<br>Corporate Services |
| <b>FILE NO:</b>           | 60.14.02   |
| <b>ASSESSMENT NO:</b>     | N/a  |

#### **PURPOSE**

For Council to note and accept the Monthly Financial Report for September 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 – Governance*

Council's financial position and forward planning is sound.

#### **COMMUNITY CONSULTATION**

Nil

#### **COMMENT**

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

#### **ATTACHMENTS**

Monthly Financial Report for September 2009

**VOTING REQUIREMENT**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council accept the Monthly Financial Report for the month of September 2009

**COUNCIL DECISION**

***Minute No. 8858***

***Moved:Cr D Ausburn***

***Seconded:Cr K Wright***

***That Council accept the Monthly Financial Report for the month of September 2009***

***CARRIED UNANIMOUSLY: (8/0)***



# **Shire of Wyndham East Kimberley**

## **Monthly Financial Report 2009/2010**

**As at 30 September 2009**

**Presented to Council 20 October 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 September 2009                                 |             |             |             |             |              |       |
|   | YTD Budget  |             | YTD Actual  |             | YTD Variance |       |
|   | 2009-10     | 2009-10     | 2009-10     | 2009-10     | 2009-10      | %     |
|   | \$          | \$          | \$          | \$          |              |       |
| <b>Revenues</b>   |             | 3,133,362   |             | 3,125,602   |              |       |
| General Purpose Funding                                 | 970,800     |             | 934,410     |             | (36,381)     | -4%   |
| Governance  | 11,564      |             | 18,188      |             | 6,625        | 57%   |
| Law, Order And Public Safety                            | 13,782      |             | 9,998       |             | (1,184)      | -9%   |
| Health  | 3,120       |             | 3,564       |             | 544          | 17%   |
| Educational And Welfare                                 | 20,000      |             | 28,182      |             | 8,182        | 41%   |
| Housing   | 35,700      |             | 38,205      |             | 2,505        | 7%    |
| Community Amenities                                     | 964,408     |             | 967,408     |             | 3,000        | 3%    |
| Recreation And Culture                                  | 105,395     |             | 110,818     |             | 5,423        | 5%    |
| Transport   | 990,832     |             | 964,505     |             | (26,327)     | -3%   |
| Economic Services                                       | 27,495      |             | 46,767      |             | 19,272       | 70%   |
| Other Properties And Services                           | 11,975      |             | 7,840       |             | (4,135)      | -34%  |
| <b>Expenses</b>   |             | (3,774,929) |             | (3,168,697) |              |       |
| General Purpose Funding                                 | (82,518)    |             | (99,146)    |             | (16,630)     | -20%  |
| Governance  | (272,437)   |             | (270,360)   |             | 2,077        | -1%   |
| Law, Order And Public Safety                            | (100,120)   |             | (115,507)   |             | (15,387)     | -15%  |
| Health  | (72,521)    |             | (59,505)    |             | 14,016       | -19%  |
| Educational And Welfare                                 | (85,086)    |             | (48,089)    |             | 42,997       | 48%   |
| Housing   | (77,937)    |             | (55,696)    |             | 21,038       | -27%  |
| Community Amenities                                     | (667,934)   |             | (661,405)   |             | 25,525       | -4%   |
| Recreation and Culture                                  | (923,787)   |             | (720,584)   |             | 192,653      | -21%  |
| Transport   | (1,006,418) |             | (873,172)   |             | 333,244      | -33%  |
| Economic Services                                       | (100,804)   |             | (132,034)   |             | (31,230)     | 31%   |
| Other Property and Services                             | (82,971)    |             | (112,122)   |             | (29,151)     | 34%   |
| <b>Adjustments for Cash Budget Requirements</b>         |             |             |             |             |              |       |
| Adjustments and Accruals                                |             | 239,860     |             | (223,106)   | (432,963)    | -183% |
| <i>(Profit)/Loss on Asset Disposals</i>                 | (48,300)    |             | 1,512       |             | 1,912        |       |
| <i>Movement in Accruals and Provisions</i>              | (224,619)   |             | (224,618)   |             | 1            |       |
| <i>Depreciation on Assets</i>                           | 542,475     |             |             |             | 542,475      |       |
| Purchase of Non-Current Assets                          |             | (3,076,937) |             | (1,712,536) | 1,364,401    | -44%  |
| <i>Purchase Land Held for Resale</i>                    | (42,300)    |             | (41,851)    |             | 449          |       |
| <i>Purchase Land and Buildings</i>                      | (128,300)   |             | (72,032)    |             | 156,268      |       |
| <i>Purchase Infrastructure Assets - Roads</i>           | (1,087,109) |             | (1,054,087) |             | 33,022       |       |
| <i>Purchase Infrastructure Assets - Parks</i>           | (50,300)    |             | (57,017)    |             | (6,717)      |       |
| <i>Purchase Infrastructure Assets - Footpaths</i>       | (78,400)    |             | (21,904)    |             | 56,496       |       |
| <i>Purchase Infrastructure Assets - Drainage</i>        | (85,900)    |             | (30,800)    |             | 55,100       |       |
| <i>Purchase Infrastructure Assets - Other</i>           | (189,004)   |             | (310,267)   |             | (121,263)    |       |
| <i>Purchase Plant and Equipment</i>                     | (173,364)   |             | (52,036)    |             | 121,328      |       |
| <i>Purchase Furniture and Equipment</i>                 | (82,300)    |             | (27,090)    |             | 55,210       |       |
| Capital Income  |             | 1,710,217   |             | 577,427     | (732,790)    | -43%  |
| <i>Grants / Contributions for Development of Assets</i> | 1,691,487   |             | 974,908     |             | (716,579)    |       |
| <i>Proceeds from Disposal of Assets</i>                 | 14,750      |             |             |             | 14,750       |       |
| <i>Proceeds from Sale of Land Held for Resale</i>       |             |             | 2,927       |             | 2,927        |       |
| Debtures  |             | (291,951)   |             | (246,980)   | 44,971       | 16%   |
| <i>Repayment of Debentures</i>                          | (912,951)   |             | (912,980)   |             | 29           |       |
| <i>Proceeds from New Debentures</i>                     | 621,000     |             | 666,300     |             | 45,300       |       |
| <i>Self-Supporting Loan Principal Income</i>            |             |             |             |             |              |       |
| Reserves  |             | 226,090     |             | (24,905)    | (250,995)    | -111% |
| <i>Transfers to Reserves (Restricted Assets)</i>        | (50,910)    |             | (24,905)    |             | 26,005       |       |
| <i>Transfers from Reserves (Restricted Assets)</i>      | 250,000     |             |             |             | 250,000      |       |
| <i>Add Estimated Surplus/(Deficit) July 1 B/Fwd</i>     | 5,525,799   | 5,526,799   | 5,526,799   | 5,526,799   |              | 0%    |
| <i>Less Estimated Surplus/(Deficit) June 30 C/Fwd</i>   | 5,844,825   | 5,844,825   | 9,279,464   | 9,279,464   | 434,639      | 5%    |
| <b>Amount Required to be Raised from Rates</b>          | 5,122,327   | 5,122,327   | 5,113,960   | 5,113,860   | 8,467        | 0%    |

**Shire of Wyndham East Kimberley**

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

|  | <b>YTD Actual<br/>2009/10<br/>\$</b> | <b>Brought<br/>Forward<br/>1 July 2009<br/>\$</b> |
|--|--------------------------------------|---|
| <b>Net Current Assets</b>                        | <b>\$</b>                            | <b>\$</b>   |
| <b>Composition of Net Current Asset Position</b> |                                      |   |
| <b>Current Assets</b>                            |                                      |   |
| Cash - Unrestricted                              | 6,970,722                            | 6,140,740   |
| Cash - Reserves                                  | 6,763,310                            | 6,738,705   |
| Cash - Restricted Unspent Grants                 | 575,366                              | -   |
| Investments - Restricted                         |                                      |   |
| Receivables                                      | 2,576,536                            | 1,174,211   |
| Self Supporting Loans                            | -                                    | -   |
| Inventories                                      | 3,927                                | 6,387   |
| Land Held for Resale                             | -                                    | -   |
|  | <u>16,960,861</u>                    | <u>14,080,043</u>                                 |
| <i>Less</i>                                      |                                      |   |
| <b>Current Liabilities</b>                       |                                      |   |
| Payables   | (847,590)                            | (1,795,659)                                       |
|  | <u>(847,590)</u>                     | <u>(1,795,659)</u>                                |
| <i>Less</i>                                      |                                      |   |
| <b>Restricted Reserves</b>                       |                                      |   |
| Cash   | (6,763,310)                          | (6,738,705)                                       |
| Investments                                      |                                      |   |
|  | <u>9,278,464</u>                     | <u>5,525,678</u>                                  |

## Shire of Wyndham East Kimberley

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

### Explanation of Material Variances

Variances +/- \$50,000

#### Operating

##### Recurrent Revenue - Excluding Rates

Nil

##### Recurrent Expenditure

Recreation and Culture: Depreciation yet to occur pending audit of previous financial year. Delayed payment for Skatepark maintenance Kununurra due to discrepancy between quotation for works and invoice. Ord River Sailing Club project delayed pending lease finalisation. Celliston project delayed to resolve technical queries with respect to lease. Parks and Gardens maintenance to date under spent due to lower seasonal maintenance requirements.

Transport: Depreciation yet to occur pending audit of previous financial year. Pending receipt of information from Creditor to enable payment of Airport passenger screening expenses. Airside operations budget forecast earlier than actual expense due to staff priorities being given to other capital projects. Kununurra urban, main and rural road maintenance variance due to staff being engaged on rural roads as a priority due to the impending wet season.

#### Capital

##### Adjustments and Accruals

Depreciation expenses yet to be posted pending audit of previous financial year.

##### Capital Expenditure and Revenue

Purchase Infrastructure Assets (Land and Buildings) - Kununurra Leisure Centre stage upgrade budget forecast earlier than actual expenditure. Project underway, due for completion end of November. Pending final quotation for Kununurra Childcare capital improvements. Kununurra administration transportable project works expected completion in November.

Purchase Infrastructure Assets (Roads) - Coolibah Drive reconstruction final payment due October. Corton Hill Road Upgrade commencement was delayed, works have now commenced.

Purchase Infrastructure Assets (Footpaths) - Expenditure on lighting for Leeceide Linkpath delayed whilst investigating options.

Purchase Infrastructure Assets (Other) - Wyndham Pool Upgrade initial progress payments smaller than expected. This will correct itself at completion of project expected in November. Forecasted expenditure for basketball furniture for Multipurpose Courts yet to occur. Kununurra Airport carpark modifications to existing carpark done ahead of schedule.

Purchase Infrastructure Assets (Plant and Equipment) - Airport plant quotations received pending Council decision. Awaiting arrival of several vehicles, some replacements have been delayed due to work order.

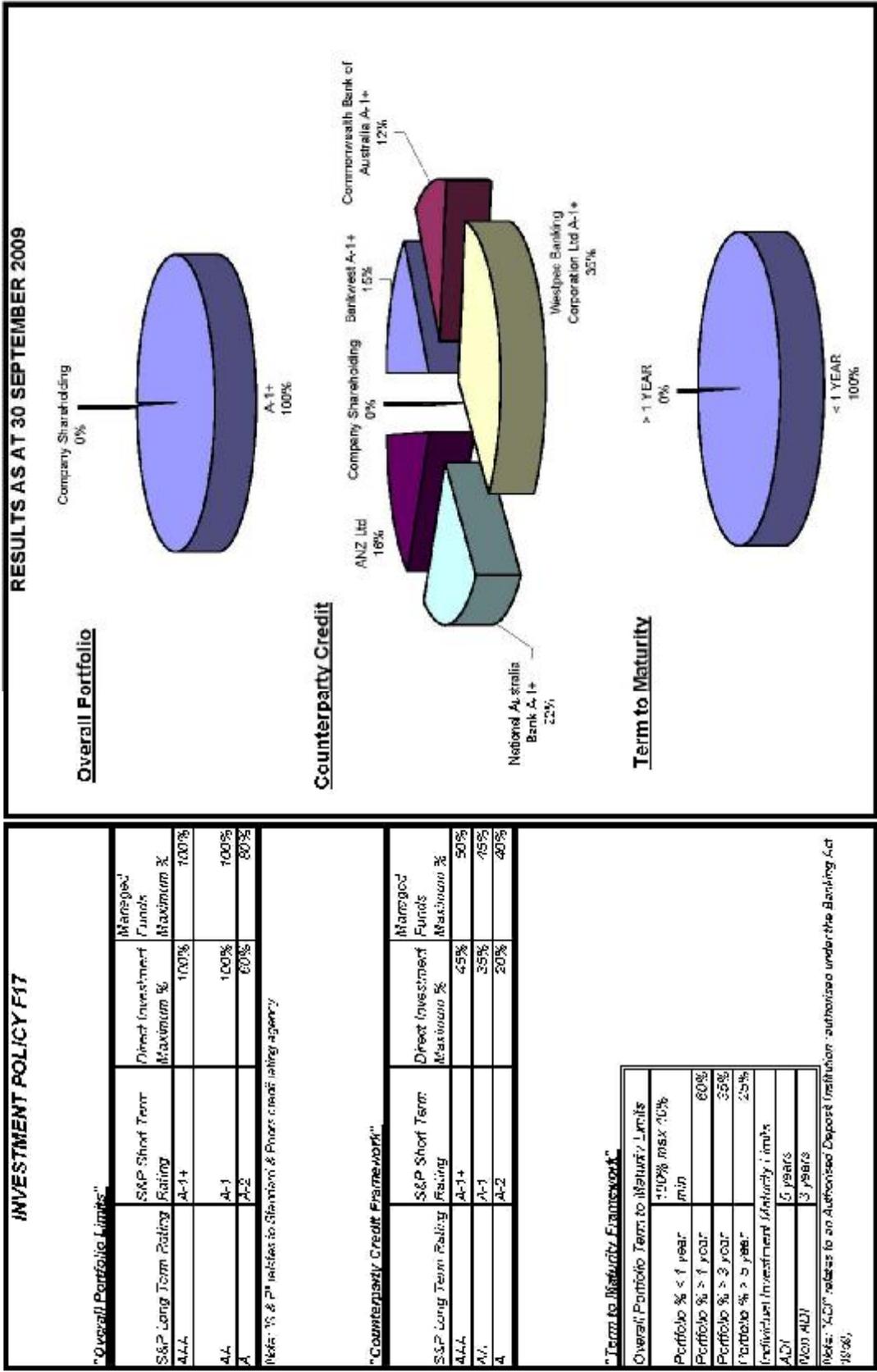
Grants/Contributions to Development of Assets - Wyndham Pool Upgrade income corresponds with progress payments for project and will be completed by November. Pending notification from Lotterywest regarding Youth Centre grant funding. Aboriginal Roads Federal Funding forecasted incorrectly, is received quarterly. Roads to Recovery grants based on project timing - cash flow estimates to be revised due to changes in the works program.

Debitures and Reserves - Childcare reserve transfer budgeted in September has occurred in October. Full amount forecast in budget for refinancing Childcare loan not required.

**Shire of Wyndham East Kimberley**  
**Notes to Statement of Financial Activity**  
**Budget to Collect / Spend**  
**as at 30 September 2009**

|   | Amended Adopted Budget 2009-10 |              | YTD Actuals 2009-10 |             | Budget Remaining 2009-10 |              |
|---|--------------------------------|--------------|---------------------|-------------|--------------------------|--------------|
|   | \$                             | \$           | \$                  | \$          | \$                       | \$           |
| <b>Revenues</b>   |                                | 10,861,798   |                     | 3,129,802   |                          | 7,739,196    |
| General Purpose Funding                                 | 3,355,207                      |              | 934,419             |             | 2,420,788                |              |
| Governance  | 39,195                         |              | 10,189              |             | 21,006                   |              |
| Law, Order And Public Safety                            | 49,455                         |              | 9,908               |             | 39,547                   |              |
| Health  | 35,500                         |              | 3,064               |             | 31,636                   |              |
| Education And Welfare                                   | 114,000                        |              | 25,157              |             | 84,806                   |              |
| Housing   | 301,021                        |              | 38,205              |             | 262,616                  |              |
| Community Amenities                                     | 2,055,040                      |              | 962,406             |             | 1,095,634                |              |
| Recreation And Culture                                  | 873,766                        |              | 110,613             |             | 763,148                  |              |
| Transport   | 3,046,000                      |              | 964,905             |             | 2,081,495                |              |
| Economic Services                                       | 222,800                        |              | 40,757              |             | 176,043                  |              |
| Other Properties And Services                           | 279,214                        |              | 7,649               |             | 272,135                  |              |
| <b>Expenses</b>   |                                | (16,133,045) |                     | (3,156,397) |                          | (12,979,351) |
| General Purpose Funding                                 | (467,130)                      |              | (98,748)            |             | (368,382)                |              |
| Governance  | (1,080,832)                    |              | (270,390)           |             | (810,442)                |              |
| Law, Order And Public Safety                            | (150,634)                      |              | (110,507)           |             | (39,527)                 |              |
| Health  | (316,142)                      |              | (59,305)            |             | (256,837)                |              |
| Education And Welfare                                   | (377,384)                      |              | (46,253)            |             | (331,095)                |              |
| Housing   | (291,153)                      |              | (50,390)            |             | (240,763)                |              |
| Community Amenities                                     | (3,135,506)                    |              | (601,439)           |             | (2,774,097)              |              |
| Recreation and Culture                                  | (3,923,499)                    |              | (730,534)           |             | (3,192,965)              |              |
| Transport   | (4,869,304)                    |              | (972,172)           |             | (3,998,132)              |              |
| Economic Services                                       | (637,012)                      |              | (132,734)           |             | (504,278)                |              |
| Other Property and Services                             | (187,407)                      |              | (112,123)           |             | (75,284)                 |              |
| <b>Adjustments for Cash Budget Requirements</b>         |                                |              |                     |             |                          |              |
| Adjustments and Accruals                                |                                | 1,095,026    |                     | (253,100)   |                          | 1,919,734    |
| <i>(Profit)/Loss on Asset Disposals</i>                 | (453,439)                      |              | 1,512               |             | (454,951)                |              |
| <i>Movement in Accruals and Provisions</i>              | (211,143)                      |              | (224,818)           |             | 104,675                  |              |
| <i>Depreciation on Assets</i>                           | 2,170,110                      |              |                     |             | 2,170,110                |              |
| Purchase of Non-Current Assets                          |                                | (25,911,540) |                     | (1,712,536) |                          | (22,199,010) |
| <i>Purchase Land Held for Resale</i>                    | (792,000)                      |              | (41,251)            |             | (750,749)                |              |
| <i>Purchase Land and Buildings</i>                      | (3,987,233)                    |              | (72,032)            |             | (3,898,201)              |              |
| <i>Purchase Infrastructure Assets - Roads</i>           | (5,137,882)                    |              | (1,094,537)         |             | (4,043,345)              |              |
| <i>Purchase Infrastructure Assets - Parks</i>           | (240,000)                      |              | (57,017)            |             | (182,983)                |              |
| <i>Purchase Infrastructure Assets - Footpaths</i>       | (78,400)                       |              | (21,904)            |             | (56,496)                 |              |
| <i>Purchase Infrastructure Assets - Drainage</i>        | (254,800)                      |              | (30,300)            |             | (224,500)                |              |
| <i>Purchase Infrastructure Assets - Other</i>           | (5,795,000)                    |              | (315,287)           |             | (5,479,713)              |              |
| <i>Purchase Plant and Equipment</i>                     | (1,362,711)                    |              | (52,059)            |             | (1,310,652)              |              |
| <i>Purchase Furniture and Equipment</i>                 | (780,600)                      |              | (27,090)            |             | (753,510)                |              |
| Capital Income  |                                | 13,904,336   |                     | 977,427     |                          | 12,927,461   |
| <i>Grants / Contributions for Development of Assets</i> | 13,305,385                     |              | 974,500             |             | 12,330,885               |              |
| <i>Proceeds from Disposal of Assets</i>                 | 600,000                        |              |                     |             | 600,000                  |              |
| <i>Proceeds from Sale of Land Held for Resale</i>       | 98,951                         |              | 2,927               |             | 96,024                   |              |
| Debentures  |                                | 1,765,166    |                     | (340,360)   |                          | 2,112,148    |
| <i>Repayment of Debentures</i>                          | (1,057,247)                    |              | (312,390)           |             | (744,857)                |              |
| <i>Proceeds from New Debentures</i>                     | 2,806,000                      |              | 566,000             |             | 2,240,000                |              |
| <i>Self-Supporting Loan Principal Income</i>            | 11,915                         |              |                     |             | 11,915                   |              |
| Reserves  |                                | 1,553,840    |                     | (21,905)    |                          | 1,078,810    |
| <i>Transfers to Reserves (Restricted Assets)</i>        | (899,630)                      |              | (21,905)            |             | (877,725)                |              |
| <i>Transfers from Reserves (Restricted Assets)</i>      | 2,533,620                      |              |                     |             | 2,533,620                |              |
| <i>Add Estimated Surplus/(Deficit) June 30 Balance</i>  | 5,520,799                      | 5,520,799    | 5,520,799           | 5,520,799   |                          |              |
| <i>Less Estimated Surplus/(Deficit) June 30 Current</i> | 490,705                        | 490,705      | 8,278,737           | 9,278,464   | (8,788,730)              | (8,788,730)  |
| <b>Amount Required to be Raised from Rates</b>          | 5,126,079                      | 5,125,079    | 5,113,550           | 5,113,560   | 12,219                   | 12,219       |

# MONTHLY REPORT ON INVESTMENT PORTFOLIO (CASH)



**EXPLANATION OF VARIANCES:**  
 Company shareholding (non S&P rated or ADI) represents less than 1% of investment portfolio. Council minute 8.314 of 19 August 2008 provides instruction to sell shareholding. Council minute 88-12 of 15 September 2009 instructs that status of shares be re-examined in six months time.

### 13.3. ENGINEERING & REGULATORY SERVICES

#### 13.3.1 LAKE ARGYLE CULVERT REPAIRS (8859) (8860)

|                           |  |
|---------------------------|--|
| <b>DATE:</b>              | 20 October 2009                              |
| <b>PROPONENT:</b>         | Shire Of Wyndham East Kimberley              |
| <b>LOCATION:</b>          | Lake Argyle Road                             |
| <b>AUTHOR:</b>            | John Gault, Kununurra Works Manager          |
| <b>REPORTING OFFICER:</b> | Alex Douglas, Acting Chief Executive Officer |
| <b>FILE NO:</b>           | 21.10.139                                    |
| <b>ASSESSMENT NO:</b>     | N/A  |

#### **PURPOSE**

For Council to consider the priority for culvert repair on Lake Argyle Road.

#### **BACKGROUND**

In the 2009/10 budget the Shire made an allocation of \$100,000 for the repair of culverts on Lake Argyle Road. The Shire's Works Supervisor inspected all 72 culverts on the road and submitted the attached report (attachment Copy of Road condition report).

Of the culverts inspected, seven were identified as needing immediate action.

On the 4/9/09 the Shire called for quotes on the repair and replacement of the seven culverts. The Shire received quotes from only two contractors before the cut off date. Quotes received for the repair are as follows:

| <b>Description</b> | <b>JAB Industries</b> | <b>Plant Hire Services</b> |
|--------------------|-----------------------|----------------------------|
| Culvert @ 6.40     | \$50,450              | \$94,686                   |
| Culvert @ 10.20    | \$67,200              | \$88,986                   |
| Culvert @ 10.50    | \$48,900              | \$67,440                   |
| Culvert @ 12.70    | \$56,900              | \$43,308                   |
| Culvert @ 13.80    | \$91,750              | \$88,986                   |
| Culvert @ 20.70    | \$33,000              | \$49,986                   |
| Culvert @ 29.80    | \$73,500              | No Quote                   |

The culverts have been identified by their distance from the Victoria Highway intersection. The distance is referred to as the Straight Line Kilometre (SLK) distance.

These prices are exclusive of GST.

#### **STATUTORY IMPLICATIONS**

The Budget allocation of \$100,000 would not require the inviting of tenders and it was anticipated that the number of culverts to be repaired would be greater than that recommended.

## **POLICY IMPLICATIONS**

Council's purchasing policy applies.

Project values up to \$100,000 require three written quotes however there has been limited interest and only two contractors' submitted quotations.

## **FINANCIAL IMPLICATIONS**

Council allocated \$100,000 in the 09/10 Budget for repairs the Lake Argyle Road culverts. The total cost of repairs to the seven culverts identified in the road condition report is in excess of \$400,000.

It is anticipated that a larger budget allocation will be sought within the 2010/2011 Budget.

## **STRATEGIC IMPLICATIONS**

Infrastructure

Key Result Area 1

"To develop and maintain the Shire's infrastructure and assets to a high standard"

Dot point two "Road network that is safe and meets its functional requirements"

Dot point six "Drainage network that achieves its functional requirements"

## **COMMENT**

Council should note that the culvert at SLK 13.80 has been severely damaged and it is the recommendation of staff that this culvert should be given the highest priority for repair works this financial year.

The budget allocation included for the 2009/2010 financial year was submitted in advance of a detailed assessment of the drainage structures. With the completion of inspections of all 72 culverts which range from 300mm pipe to 2500mm pipes the extent of required repairs is clear. The quotes obtained for seven of the culverts indicates that additional funds will be required and the work spread over several years.

## **ATTACHMENTS**

Attachment 1: Copy of Road condition report

Attachment 2: Culverts Lake Argyle

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICERS RECOMMENDATION**

That Council accept that the quotation for the replacement of the culvert at 13.80 SLK by Plant Hire Services at a cost \$88,986 excluding GST.

## **COUNCIL DECISION**

***Minute No. 8859***

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

That Council accept that the quotation for the replacement of the culvert at 13.80 SLK by Plant Hire Services at a cost \$88,986 excluding GST.

***Cr K Wright withdrew as the mover of the motion.  
Cr J Parker withdrew as the seconder of the motion.***

***MOTION LAPSED***

***Minute No: 8860***

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

***That Council accept that the quotation for the replacement of the culvert at 13.80 SLK by JAB Industries at at cost of \$91,750 excluding GST.***

***CARRIED UNANIMOUSLY: (8/0)***

***The Council Resolution differs from the Officers Recommendation based on the recent performance of contracts..***

**ATTACHMENT 1 – Lake Argyle Rd Culvert Inspection**  
**SHIRE OF WYNDHAM EAST KIMBERLEY**

**Floodway/Creek Crossing Report - Lake Argyle Rd**  
**29/06/2009 - Updated (27/07/09)**

| <b>SLK</b>   | <b>CONDITION</b>                 | <b>DESCRIPTION</b>  |
|--------------|----------------------------------|---|
| 0.50         | Overall Good Condition           | Single Pipe - Old Style Type - Headwall   |
| 0.90         | Overall Good Condition           | Dual Pipe - Old Style Type - No Headwall  |
| 1.10         | Good - Minor Scouring & Silting  | Single Pipe - Headwall  |
| 1.50         | Reasonable - Minor Silting       | Dual Pipe - Headwall  |
| 1.60         | Good - Minor Silting             | Dual Pipe - Large Size - Headwall   |
| 2.90         | Good                             | Single Pipe - No Headwall   |
| 2.95         | Reasonable                       | Single Pipe - No Headwall   |
| 3.20         | Reasonable - Minor Scour         | Triple Pipe - 2 From 3 Blocked With Silt No Headwall  |
| 3.60         | Minor Silting                    | Concrete Box Culvert - No Headwall  |
| 3.70         | Reasonable - Minor Silting       | 4 Pipes - No Headwall   |
| 3.90         | Good - Minor Silting             | Single Large Pipe - No Headwalls  |
| 4.50         | Good - Minor Scouring            | Single Pipe - No Headwall   |
| 4.70         | Good - Minor Scouring            | Single Pipe - No Headwall   |
| 5.20         | Good - Minor Silting - Still Wet | Triple Pipe - No Headwall   |
| 5.50         | Reasonable - Minor Silting       | Single Pipe - No Headwall   |
| <b>6.40</b>  | <b>Poor</b>                      | <b>Water Flows Left to Right (3 x 1250mm)</b><br><b>1) Left (High) Side has been washed away taking all Armour Rock &amp; Headwall Material. 2 x 45° Inlets have rusted off and are gone. (Centre Pipe remains as an original) Approximately 2m of fill behind Inlets is gone.</b><br><b>2) Right (Low) Side has been Armoured and Slurried. Minor Silting and Vegetation Exists.</b><br><b>3) Pipes are of 'Hook and Panel' Type (1970's) and are Rusting and Subsiding.</b> |
| 6.80         | Reasonable                       | Single Pipe - Headwall  |
| 8.20         | Good                             | Dual Pipe - Headwall  |
| 8.50         | Poor - Major Silting             | 4 Pipes - 2 Due to Fail (Collapsing) - No Headwall  |
| 8.80         | Reasonable - Minor Silting       | Small Single Pipe - Headwall  |
| 9.20         | Good - Minor Silting             | Dual Pipe - Headwall  |
| 9.40         | Good - Minor Silting             | Large Single Pipe - Headwall  |
| <b>10.20</b> | <b>Poor - Major Silting</b>      | <b>Water Flows Left to Right (3 x 1250mm)</b><br><b>1) Left (high) Side Armour Rock has been washed away from Lower Areas. Deep Sand /Silt starting to fill Pipes to half capacity.</b><br><b>2) Right (Low) Hand Side has no visible Armour Rock or Head Wall. 1 x Pipe Starting to Cave in. Silt is almost level with top of culverts.</b><br><b>3) Pipes are of 'Hook and Panel' Type and are rusting and subsiding (Caving In)</b>  |
| <b>10.50</b> | <b>Poor - Minor Silting</b>      | <b>Water Flows Left to Right - (2 x 1250mm)</b><br><b>1) Left (High) Side has Armour Rock existing but Pipes are Rusted behind the lower sections. Minor Silt here.</b><br><b>2) Right (Low) Side Armour Rock/Slurry exists but Pipes are higher the the bottom of the Creek. No</b>  |

|              |                                       |   |
|--------------|---------------------------------------|---|
|              |                                       | <b>Armouring below Out-Lets has lead to Minor Scouring.</b><br><b>3) Pipes are of 'Hook and Panel' Type and are rusting, misaligning and subsiding.</b>   |
| 11.10        | Good                                  | Single Small Pipe - Concrete Headwall   |
| 12.50        | Reasonable - Silting                  | Single Large Pipe - Rusting - Concrete Headwall   |
| <b>12.70</b> | <b>Poor</b>                           | <b>Water Flows Left to Right - (1 x 350mm)</b><br><b>1) Pipe is completely Blocked and has caused extensive damage to road Surface due to 'underseal Scouring'</b><br><b>2) Suggest Immediate Replacement - 8m Long Now</b>   |
| 13.50        | Good - Minor Silting                  | 2 Small Pipes - Headwall  |
| <b>13.80</b> | <b>Poor - Major Scouring</b>          | <b>Water Flows Left to Right - (2 x 1200mm)</b><br><b>Due to amount of scouring on the low side of seal, an increase of capacity is warranted. It appears drainage up and down stream is good.</b>  |
| 14.80        | Reasonable to Poor                    | 4th Creek - 2 Culverts - 1 Steel in Poor Condition - 1 Concrete Reasonable  |
| 16.50        | Good                                  | 2 Pipes - Headwall  |
| 16.90        | Reasonable - Minor Silting            | 3 Large Pipes - Headwall  |
| 17.20        | Reasonable - Minor Silting            | Single Pipe - Headwall  |
| 18.70        | Reasonable                            | 5th Creek - 2 Concrete Pipes - Minor Surface Work Required  |
| 19.40        | Poor                                  | Concrete Pipe been Dislodged - Ready to Fail - Headwall   |
| 19.60        | Reasonable - Minor Silting            | 2 Pipes - 1 Requires Cleaning   |
| 20.10        | Good - Minor Silting                  | 2 Pipes - Headwall  |
| 20.30        | Reasonable - Minor Silting            | 2 Pipes - Headwall  |
| <b>20.70</b> | <b>Poor</b>                           | <b>Water Flows Left to Right (1 x 600mm)</b><br><b>1) Left (high) Side has no visible Armour Rock or Headwall</b><br><b>2) Right (low) Side has no Visible Armour Rock or Headwall</b><br><b>3) Pipe is 'Hook and Panel' Type and has damage to Ceiling of Culvert. Rust is also evident.</b> |
| 21.10        | Good                                  | 2 Large Pipes - Headwall  |
| 21.50        | Reasonable - Minor Silting            | 1 Pipe - Headwall   |
| 22.60        |                                       | Spillway Creek  |
| 23.10        | Good - Minor Silting - Minor Scouring | Single Pipe - Headwall  |
| 23.30        | Good - Minor Silting - Minor Scouring | Single Pipe - Headwall  |
| 23.60        | Good - Minor Silting                  | Single Large Pipe - Headwall  |
| 24.30        | Good - Minor Silting                  | 2 Pipes - Headwall  |
| 24.60        | Reasonable - Still Wet                | Limited Access - Single Pipe  |
| 24.80        | Wet - Minor Silting                   | Concrete Culvert - Headwall   |
| 25.40        | Good                                  | 2 Concrete Culverts - Headwall  |
| 25.50        | Good                                  | Limited Access - Single Pipe - Headwall   |
| 25.70        | Unknown - Running Water               | Headwall  |
| 26.50        | Good                                  | Concrete Culvert - Headwall   |
| 26.90        | Reasonable                            | 1 Large Pipe - Headwall   |
| 27.30        | Good - Some Scouring                  | 1 Large Pipe - Headwall   |
| 27.50        | Good                                  | 2 Concrete Culverts - Headwall  |
| 28.30        | Reasonable - Minor Silting            | 1 Small Pipe - Headwall   |
| 28.70        | Good                                  | 1 Very Large Pipe   |

|                  |                              |  |
|------------------|------------------------------|--|
| 28.90 -<br>29.10 | Reasonable - Major Scouring  | Headwall   |
| 29.20            | Reasonable                   | Limited Access - Headwall  |
| 29.40            | Reasonable - Still Wet       | Limited Access   |
| 29.60            | Unknown - Overgrown - Wet    | Inaccessible   |
| <b>29.80</b>     | <b>Poor - Major Scouring</b> | <b>Water Flows Left to Right (1 x 1900mm)<br/>1) Left (low) Side Has No Visible Armouring. Shale Spilled over from Shoulder Work. Half of the Pipe is rusted away.<br/>2) Right (High) Side - Inlet Section Rusted and Deformed. No Visible Armouring or Headwall due to Major Scouring.<br/>3) This Culvert will Block Up in Time. Suggest removal of failed inlet panels to minimize blockage. Pipe is full of rust because it is under water.</b> |
| 30.10            | Good                         | 1 Small Pipe - 2nd Pipe made from 44 Gallon Drums  |
| 30.40            | Reasonable                   | Requires Small Amount of work - Bent Entry - Headwall  |
| 30.50            | Good                         | Concrete Culvert - Headwall  |
| 30.60            | Good                         | Concrete Culvert - Headwall  |
| 30.70            | Good                         | Concrete Culvert - Headwall  |
| 31.10            |                              |  |
| 31.70            |                              | Recondition Work By JAB Industries   |
| 31.80            |                              | 100m Section Requires Large Rock for Armouring   |
| 32.50            | Reasonable                   | 1 Large Pipe - Headwall  |
| 32.60            | Reasonable                   | 1 Small Pipe   |

## **ATTACHMENT 2: Lake Argyle Road – Culvert Repairs**

### **Background**

The Shire has identified a number of failing culverts along Lake Argyle Road. In an effort to make at least a start on repairs the Shire has budgeted for the replacement of a number of the worst conditioned culverts. Below are the locations and conditions of the current culverts the Shire has ascertained as the most in need of replacement.

### **Culvert 1**

- Culvert is located 6.4SLK from the Victoria Hwy.
- Water Flows Left to Right (3 x 1250mm)
- Left (High) Side has been washed away taking all Armour Rock & Headwall Material. 2 x 450 Inlets have rusted off and are gone. (Centre Pipe remains as an original) Approximately 2m of fill behind Inlets is gone.
- Right (Low) Side has been Armoured and Slurried. Minor Silting and Vegetation Exists.
- Pipes are of 'Hook and Panel' Type (1970's) and are Rusting and Subsiding.

See Attachment 1

### **Culvert 2**

- Culvert is located 10.2SLK from the Victoria Hwy.
- Water Flows Left to Right (3 x 1250mm)
- Left (high) Side Armour Rock has been washed away from Lower Areas. Deep Sand /Silt starting to fill Pipes to half capacity.
- Right (Low) Hand Side has no visible Armour Rock or Head Wall.
- 1 x Pipe Starting to Cave in. Silt is almost level with top of culverts.
- Pipes are of 'Hook and Panel' Type and are rusting and subsiding (Caving In)

See Attachment 2

### **Culvert 3**

- Culvert is located 10.5SLK from the Victoria Hwy.
- Water Flows Left to Right - (2 x 1250mm)
- Left (High) Side has Armour Rock existing but Pipes are Rusted behind the lower sections. Minor Silt here.
- Right (Low) Side Armour Rock/Slurry exists but Pipes are higher the bottom of the Creek.
- No Armouring below Out-Lets has lead to Minor Scouring.
- Pipes are of 'Hook and Panel' Type and are rusting, misaligning and subsiding.

See Attachment 3

#### **Culvert 4**

- Culvert is located 12.7SLK from the Victoria Hwy.
- Water Flows Left to Right - (1 x 350mm)
- Pipe is completely Blocked and has caused extensive damage to road Surface due to 'underseal Scouring'
- Suggest Immediate Replacement - 8m Long Now

See Attachment 4

#### **Culvert 5**

- Culvert is located 13.8SLK from the Victoria Hwy.
- Water Flows Left to Right - (2 x 1200mm)
- Due to amount of scouring on the low side of seal, an increase of capacity is warranted.
- An additional 1200mm Pipe will need to be installed in this location (3x 1200mm)
- It appears drainage up and down stream is good.

See Attachment 5

#### **Culvert 6**

- Culvert is located 20.7SLK from the Victoria Hwy.
- Water Flows Left to Right (1 x 600mm)
- Left (high) Side has no visible Armour Rock or Headwall
- Right (low) Side has no Visible Armour Rock or Headwall
- Pipe is 'Hook and Panel' Type and has damage to Ceiling of Culvert. Rust is also evident.

See Attachment 6

#### **Culvert 7**

- Culvert is located 29.8SLK from the Victoria Hwy.
- Water Flows Left to Right (1 x 1900mm)
- Left (low) Side Has No Visible Armouring. Shale Spilled over from Shoulder Work. Half of the Pipe is rusted away.
- Right (High) Side - Inlet Section Rusted and Deformed. No Visible Armouring or Headwall due to Major Scouring.
- This Culvert will Block Up in Time. Suggest removal of failed inlet panels to minimize blockage. Pipe is full of rust because it is under water.

See Attachment 7

Attachment 1





Attachment 2





Attachment 3



Attachment 4



Attachment 5







Attachment 6



Attachment 7





### 13.3.2 LOADER PURCHASE - KUNUNURRA LANDFILL SITE

|                           |  |
|---------------------------|--|
| <b>DATE:</b>              | 20 October 2009                              |
| <b>PROPONENT:</b>         | Shire Of Wyndham East Kimberley              |
| <b>LOCATION:</b>          | Shire Of Wyndham East Kimberley              |
| <b>AUTHOR:</b>            | John Gault, Kununurra Works Manager          |
| <b>REPORTING OFFICER:</b> | Alex Douglas, Acting Chief Executive Officer |
| <b>FILE NO:</b>           | 52.14.01                                     |
| <b>ASSESSMENT NO:</b>     | N/A  |

#### **PURPOSE**

For Council to consider the purchase of a second hand loader at the Kununurra Landfill site.

#### **BACKGROUND**

In 2008 the Shire took over the direct management of the Kununurra Landfill Site. Since then the Shire has engaged a contractor to regularly push and cover the material on site.

Due the reasonably high cost and the restaffing of the landfill site, it is now financially beneficial for the Shire to consider the outright purchase of a loader for the site. Enquiries were made to various dealers and local operators as to the sale of a second hand loader.

This was undertaken after invitations for quotes for wet and dry hire yield any significant savings on the current arrangement.

#### **STATUTORY IMPLICATIONS**

The proposed purchase is unbudgeted and requires consideration in accordance with S6.8.1 of the Local Government Act 1995, which reads:-

6.8 . Expenditure from municipal fund not included in annual budget

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

(a) is incurred in a financial year before the adoption of the annual budget by the local government;

(b) is authorised in advance by resolution\*; or

(c) is authorised in advance by the mayor or president in an emergency.

\* Absolute majority required.

#### **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Council has not allocated any funds for the purchase a second hand loader at the Kununurra Landfill Site. As part of the recommendation the officer believes that Council should consider funding the purchase and immediate minor repairs of the recommended loader from the Plant Replacement Reserve.

## **STRATEGIC IMPLICATIONS**

Environment

Key Result Area 4

“Ensure that the Shire contributes to the unique environment in sustainable and realistic manner”

Dot point two: “Waste management services meet legislative and sustainable objectives”

Dot point five: “Remediate and improve area impacted through Shire activity”

## **COMMENT**

Currently the contractor pushes the site daily (7days a week) and covers the material once a week, this equates to approx 15hrs per week. The hourly cost of the loader hire and operator is \$181 per hour. Annually this figure would come to approximately \$140,000.

Council will incur a capital cost with the purchase of this loader, but will save up to \$100,000 annually while it is in service as the operation of the loader would be by Shire staff at the landfill site.

A number of options are available to Council for the purchase of a loader. These include 2 Komatsu loaders, both in reasonable condition and the CAT loader currently used at the landfill site. Pricing of the loaders is attached.

| <b>Type</b> | Komatsu WA420-3 | Komatsu WA470-3 | CAT966D |
|-------------|-----------------|-----------------|---------|
| Year        | 1997            | 1998            |         |
| Hours       | 10,373          | 15,570          | 13,033  |
| Cost(\$)    | 90,000          | 140,000         | 65,000  |
| Weight (kg) | 21,000          | 24,000          | 20,000  |

While the CAT loader is of an advanced age a full report was completed on the machine by KTS and a few minor repair items were highlighted and are in the vicinity of \$5,000 - \$8,000 to repair.

## **ATTACHMENTS**

966D Loader Appraisal

## **VOTING REQUIREMENT**

Absolute Majority

## **OFFICER'S RECOMMENDATION**

That Council:

1. agree to fund the purchase of a second hand loader and immediate repairs as detailed from the Plant Replacement Reserve.
2. agree to the purchase of a 966D CAT loader Reg 1BYE709 for \$65,000 + GST from Ord River Contracting

***The Acting Chief Executive Officer withdrew the report as there were a number of matters that required further investigation.***

## WHEEL LOADER APPRAISAL

| Equipment Details      |                       | Vendor Details     |              |
|------------------------|-----------------------|--------------------|--------------|
| Trading Name:          | Ord River Contracting | Contact Name:      | SWEK         |
| Make:                  | CAT                   | Phone:             |              |
| Model:                 | 966D                  | Fax:               |              |
| Serial No:             | 99Y01408              | Mobile:            |              |
| Date delivered – new:  |                       | Inspected by:      | John Gregory |
| Date delivered – used: |                       | Date of Appraisal: | 2/10/2009    |
| Hours:                 | 13033                 | Equipment Location |              |
| Overall Appearance:    | Tidy (repainted)      | Town:              | Kununurra    |
| Overall Condition:     | Good                  | State:             | WA           |
| Road Registration No:  | N/A                   | Postcode:          | 6743         |

| Attachments  |  |  |  |
|--|--|--|--|
| <input type="checkbox"/> 2 Wheel Drive                         | <input checked="" type="checkbox"/> 4 Wheel Drive    | <input checked="" type="checkbox"/> Articulated              | <input type="checkbox"/> Rigid Frame                         |
| <input checked="" type="checkbox"/> Transmission (Power Shift) | <input type="checkbox"/> Transmission (Manual)       | <input type="checkbox"/> Transmission (Hydrostatic Drive)    | <input type="checkbox"/> High Lift                           |
| <input type="checkbox"/> Quick Hitch (Hydraulic)               | <input type="checkbox"/> Quick Hitch (Manual)        | <input checked="" type="checkbox"/> Bucket (General Purpose) | <input type="checkbox"/> Bucket (Multi-Purpose 4:1)          |
| <input type="checkbox"/> Bucket (nil)                          | <input type="checkbox"/> Bucket (Light Material)     | <input type="checkbox"/> Bucket Teeth                        | <input checked="" type="checkbox"/> Straight Edge            |
| <input type="checkbox"/> Vee Edge                              | <input type="checkbox"/> Pallet Forks                | <input type="checkbox"/> Grapple (Log)                       | <input type="checkbox"/> Log Forks                           |
| <input type="checkbox"/> Crane Attachment                      | <input type="checkbox"/> Broom Attachment            | <input type="checkbox"/> Ripper (Rear Mounted)               | <input type="checkbox"/> Vandal Protection                   |
| <input type="checkbox"/> Canopy (ROPS)                         | <input type="checkbox"/> Canopy (non ROPS)           | <input checked="" type="checkbox"/> Cabin (ROPS)             | <input type="checkbox"/> Cabin (non ROPS)                    |
| <input type="checkbox"/> FOPS                                  | <input checked="" type="checkbox"/> Air Conditioning | <input type="checkbox"/> Heater                              | <input type="checkbox"/> Engine Cover                        |
| <input type="checkbox"/> Parallel Lift                         | <input type="checkbox"/> SOS                         | <input type="checkbox"/> Rental/RPO Return                   | <input type="checkbox"/> Attachments other than those listed |
|  |  |  |  |

|                  |  |       |  |
|------------------|--|-------|--|
| To be traded on: |  |       |  |
| Signed:          |  | Date: |  |

loader appraisal form

| Engine Details   |   |
|--|---|
| Make: CAT  | Model: 3306   |
| Serial No: 08Z08240  | Exhaust Smoke Colour: Black   |
| Oil Pressure (loaded): N/A   | Oil Consumption: ?  |
| Unusual Noises: <input type="checkbox"/> Yes <input type="checkbox"/> No                       |   |
| Explain:   |   |
| Last Serviced: Hours: ? Date: ?  |   |
| Back Press - From Breather: <input type="checkbox"/> Yes <input type="checkbox"/> No           | Cold Start difficulty: <input type="checkbox"/> Yes <input type="checkbox"/> No   |
| Faulty gauges: <input type="checkbox"/> Yes <input type="checkbox"/> No                        |   |
| Which ones:  |   |
| Gasket leaks: <input type="checkbox"/> Yes <input type="checkbox"/> No                         | Oil Leaks: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  |
| Radiator Water: <input type="checkbox"/> Good <input checked="" type="checkbox"/> Contaminated | Any Leaks: <input type="checkbox"/> Yes <input type="checkbox"/> No   |
| Water Circulation: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No         | Oil Radiator/Cooler fitted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |
| Oil Colour: Good   | Oil Level: Good   |
|  | Turbo Charger fitted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |
| Battery Condition:   | <input type="checkbox"/> Excellent <input checked="" type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor |
| Starter Pinion/Ring Gear:  | <input type="checkbox"/> Excellent <input checked="" type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor |
| Electrical Wiring:   | <input type="checkbox"/> Excellent <input type="checkbox"/> Good <input checked="" type="checkbox"/> Fair <input type="checkbox"/> Poor |
| Radiator Condition:  | <input type="checkbox"/> Excellent <input checked="" type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor |
| Recent Repairs:  |   |
| Comments: Turbo oil drain leaking oil, governor oil drain leaking oil.                         |   |
| No corrosion inhibitor in radiator   |   |

| Transmission Details  |  |
|---|--|
| <input checked="" type="checkbox"/> Power Shift <input type="checkbox"/> Manual Shift | <input type="checkbox"/> Hydrostatic <input type="checkbox"/> Oil Clutch <input type="checkbox"/> Dry Clutch |
| Gears Engage Smoothly: <input type="checkbox"/> Yes <input type="checkbox"/> No       | Clutch Slip: <input type="checkbox"/> Yes <input type="checkbox"/> No  |
| Unusual Noises: <input type="checkbox"/> Yes <input type="checkbox"/> No              |  |
| Explain:  |  |
| Last Serviced: ? Hours: ? Date: ?   |  |
| Torque Conv. Slip: <input type="checkbox"/> Yes <input type="checkbox"/> No           | All Gears tested: <input type="checkbox"/> Yes <input type="checkbox"/> No                                   |
| No. of Levers:  |  |
| Oil Leaks: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Where: |  |
| Transmission Pressure: N/A  | Temperature: °C  |
| Torque Converter Pressure: N/A  | Temperature: °C  |
| Recent Repairs:   |  |
| Comments: Oil leak from rear transmission output shaft seal.                          |  |

loader appraisal form

| Hydraulics                                     |   |   |
|--|---|---|
| Hydraulic Pump                                 | <input checked="" type="checkbox"/> Original <input type="checkbox"/> Last Serviced   | Date: ?   |
|  | Unusual Noises  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Hydraulic Valves                               | Oil Leaks   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
|  | Creep Evident   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Hydraulic Lines & Hoses                        | <input type="checkbox"/> Excellent <input type="checkbox"/> Good <input checked="" type="checkbox"/> Fair <input type="checkbox"/> Poor |   |
| <b>Recent Repairs:</b>                         |   |   |
|  |   |   |
| <b>Comments: Oil leak from hydraulic pump.</b> |   |   |
|  |   |   |
|  |   |   |

| Servicing   |  |   |
|---|--|---|
| Has machine been serviced as per Operator's Manual ? <input type="checkbox"/> Yes <input type="checkbox"/> No |  |   |
| Who has been carrying out services? _____   |  |   |
| Manuals: Operator's:  | <input type="checkbox"/> Yes <input type="checkbox"/> No | Parts: <input type="checkbox"/> Yes <input type="checkbox"/> No Service: <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Are service records available? <input type="checkbox"/> Yes <input type="checkbox"/> No                       |  |   |
| Has machine been subject to continuous oil sampling <input type="checkbox"/> Yes <input type="checkbox"/> No  |  |   |
| In what application is the machine working? Rubbish tip   |  |   |
| If Used - previous application? Numerous  |  |   |
| Has the Machine had ---   | <b>REPAIRS</b>   | <b>REBUILDS</b>   |
| Engine  | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No  |
| Transmission  | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No  |
| Final Drives  | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No  |
| Hydraulics  | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No  |

**GENERAL COMMENTS & ANY ITEMS REQUIRING REPAIRS:**

| Brakes   |   |   |   |
|--|---|---|---|
| Disc: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  | Drum: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No       | Sealed: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Open: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 2 Wheel:<br><input type="checkbox"/> Yes <input type="checkbox"/> No   | 4 Wheel:<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Efficiency<br>good %  | Parking Brake<br>good %   |
| Recent Repairs / Comments: Brake fluid leaking from hoses on top of rear diff, needs repair ASAP.<br>Park brake drum loose, drive yoke spline? |   |   |   |

| Drive Train Wheeled Equipment   |                         |   |                     |
|---|-------------------------|---|---------------------|
| Unusual Noises: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Explain:  |                         |   |                     |
| Condition of Diff./Tandem Drives: <input type="checkbox"/> Excellent <input checked="" type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor |                         |   |                     |
| Last Serviced: ?  |                         | Hours:  | Date:               |
| Oil Leaks: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Where:   |                         |   |                     |
| Tyres: LH Front   | Size:23.5R25bridgestone | <input checked="" type="checkbox"/> Original <input type="checkbox"/> Relug | Life Remaining:50 % |
| Tyres: RH Front   | Size:23.5-25, hercules  | <input checked="" type="checkbox"/> Original <input type="checkbox"/> Relug | Life Remaining:50 % |
| Tyres: LH Rear  | Size:23.5-25, triangle  | <input checked="" type="checkbox"/> Original <input type="checkbox"/> Relug | Life Remaining:50 % |
| Tyres: RH Rear  | Size:23.5-25 triangle   | <input checked="" type="checkbox"/> Original <input type="checkbox"/> Relug | Life Remaining:50 % |

| Articulation   |   |
|--|---|
| Pins and Bushes:   | <input type="checkbox"/> Excellent <input type="checkbox"/> Good <input type="checkbox"/> Fair <input checked="" type="checkbox"/> Poor |
| Hydraulic Cylinders  | <input type="checkbox"/> Excellent <input type="checkbox"/> Good <input checked="" type="checkbox"/> Fair <input type="checkbox"/> Poor |
| Oil Leaks  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |
| Recent Repairs   |   |
| Comments; RHS cylinder leaking ram seals. Articulation bearings U/S. |   |

| Cabin                            |   |
|----------------------------------|---|
| Cabin Condition:                 | <input type="checkbox"/> Excellent <input type="checkbox"/> Good <input checked="" type="checkbox"/> Fair <input type="checkbox"/> Poor |
| Upholstery:                      | <input type="checkbox"/> Excellent <input type="checkbox"/> Good <input type="checkbox"/> Fair <input checked="" type="checkbox"/> Poor |
| Lights Operating:                | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No rear flood lights not working                                       |
| Windscreen Wipers Operating:     | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No not fitted  |
| Windows – Any cracked or missing | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Numbers:  |
| Cabin Controls:                  | <input type="checkbox"/> Excellent <input type="checkbox"/> Good <input checked="" type="checkbox"/> Fair <input type="checkbox"/> Poor |
| Floor Mat:                       | <input type="checkbox"/> Excellent <input checked="" type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor |
| Air Conditioning:                | Working: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No one blower fan slow.                                       |
| Comments: no hood lining         |   |

CJD loader appraisal form

| Body   |   |
|--|---|
| Counterweights:  | <input type="checkbox"/> Excellent <input checked="" type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor |
| Fuel Tank:   | <input type="checkbox"/> Excellent <input checked="" type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor |
| Hydraulic Tank:  | <input type="checkbox"/> Excellent <input checked="" type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor |
| Engine Covers  | <input type="checkbox"/> Excellent <input type="checkbox"/> Good <input checked="" type="checkbox"/> Fair <input type="checkbox"/> Poor |
| Radiator Surrounds:  | <input type="checkbox"/> Excellent <input checked="" type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor |
| Mudguards:   | <input type="checkbox"/> Excellent <input type="checkbox"/> Good <input checked="" type="checkbox"/> Fair <input type="checkbox"/> Poor |
| Steps:   | <input type="checkbox"/> Excellent <input checked="" type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor |
| Paintwork:   | <input type="checkbox"/> Excellent <input checked="" type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor |
| <b>Recent Repairs / Comments: LHS front mudguard bent/loose.</b> |   |
| <b>RHS &amp; LHS platforms loose and bolts missing.</b>          |   |
| <b>RHS engine side door catch broken.</b>                        |   |

| Bucket   |   |
|--|---|
| Bucket Size:   | Bucket Width:   |
| Bucket Condition:  |   |
| Floor  | <input checked="" type="checkbox"/> Excellent <input type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor |
| Sides  | <input checked="" type="checkbox"/> Excellent <input type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor |
| Cutting Edge   | <input checked="" type="checkbox"/> Excellent <input type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor |
| Teeth  | <input checked="" type="checkbox"/> Excellent <input type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor |
| <b>Recent Repairs: Refurbished bucket fitted, no size indicated.</b> |   |
| <b>Comments:</b>   |   |

| Loader Frame  |   |
|---|---|
| Repairs performed to boom <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Repairs performed to dipper <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |
| Explain: Front main frame has had crack repaired near bucket cylinder mounting.               |   |
| Repairs Necessary <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No         |   |
| Explain:  |   |
| Boom: Pins & Bushes   | <input type="checkbox"/> Excellent <input checked="" type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor |
| Boom Cylinders  | <input type="checkbox"/> Excellent <input checked="" type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor |
| Bucket: Pins & Bushes   | <input type="checkbox"/> Excellent <input checked="" type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor |
| Bucket Cylinder   | <input type="checkbox"/> Excellent <input type="checkbox"/> Good <input checked="" type="checkbox"/> Fair <input type="checkbox"/> Poor |
| <b>Recent Repairs:</b>  |   |
| <b>Comments: Pins and bushes worn but serviceable.</b>  |   |
| Bucket cylinder leaking ram seals   |   |
| LHS lift cylinder leaking ram seals   |   |

GJD loader appraisal form

## 13.4. DEVELOPMENT SERVICES

### 13.4.1 DEVELOPMENT CONTROL POLICY DC1 - LODGEMENT OF DEVELOPMENT APPLICATIONS (8861)

|                           |   |
|---------------------------|---|
| <b>DATE:</b>              | 20 October 2009                                       |
| <b>PROPONENT:</b>         | Shire Of Wyndham East Kimberley                       |
| <b>LOCATION:</b>          | Shire Of Wyndham East Kimberley                       |
| <b>AUTHOR:</b>            | Ian D'Arcy, Executive Manager<br>Development Services |
| <b>REPORTING OFFICER:</b> | Ian D'Arcy, Executive Manager<br>Development Services |
| <b>FILE NO:</b>           | 43.02.01  |
| <b>ASSESSMENT NO:</b>     | N/A   |

#### **PURPOSE**

The purpose of this report is to seek adoption of draft Development Control Policy (DC) 1 - Lodgement of Development Applications for respective planning, building and health approvals.

#### **BACKGROUND**

The Audit Committee at its May 2009 meeting requested a draft Development Control Policy be prepared that prescribes the minimum standard/s of information for a range of development applications. In September 2009 Audit Committee and the Council considered the draft of DC Policy 1. The draft document was deferred with a direction that the notational wording in Appendix A be amended to provide greater clarity over the base requirements for landscaping, colours and materials.

The Policy is again being presented to Council with amended wording as requested – refer to Attachment 1.

As previously presented the principal objectives of the draft Policy is:

1. To establish for applicants and staff a clear understanding of the minimum information that is required for the lodgement of a planning, building and/or health applications.
2. To detail the process by which planning, building and health applications will be accepted and accordingly processed by Shire staff in a consistent and timely manner.
3. To represent the Shire's commitment to the continuing improvement to the delivery of development approvals based on a high level of customer service.

A copy of the draft Policy is provided as Attachment 1.

## **STATUTORY IMPLICATIONS**

This draft Policy is structured around a raft of legislation that includes:

- The Shire of Wyndham – East Kimberley Town Planning Scheme No.6 and No.7;
- *Planning & Development Act (2005)*
- Building Code of Australia (BCA)
- *Health Act 1911*
- *Local Government (miscellaneous provisions) Act 1960 (as amended)*
- *Building Regulations 1989 (as amended)*
- *Building Notes (issued by the Dept housing and Works and now the Building commission)*
- *Association of Building Sustainability Assessors (Energy Efficiency star ratings)*

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

A cost in the order of \$300 - \$400 for publication of adverts in the local newspaper will be incurred by Council should it support this policy. However, it is intended to include 2 - 3 development control policies within the one advert to minimise the costs associated with the Policy review.

## **STRATEGIC IMPLICATIONS**

Nil

## **COMMUNITY CONSULTATION**

In accordance with Clause 12.6.4 (a) of the Town Planning Scheme No.7 (for example) the Council is required to advertise the draft Policy at least once per week for two consecutive weeks in a local newspaper requesting submissions be lodged within a period on no less than 21 days.

## **COMMENT**

As already outlined, the intent of this policy is to improve the 'turn around' time for the processing of development applications through prescribed minimum information that allows officers to process applications in a timely manner.

With this in mind, adoption of the draft Policy will result in staff not accepting applications for planning, building and health approvals that do not meet the minimum Policy requirements outlined in Appendices A, B and C of the policy. This may immediately result in some members of the community being aggrieved, in particular locally registered builders and some owner builders.

## **ATTACHMENTS**

Draft Development Control Policy (DC) 1 - Lodgement of Development Applications

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council endorse draft Development Control Policy (DC) 1 - Lodgement of Development Applications for the purpose of advertising for a period of 21 days 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, and proceed 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.

## **COUNCIL DECISION**

***Minute No. 8861***

***Moved:Cr J Parker***

***Seconded:Cr K Wright***

***That Council endorse draft Development Control Policy (DC) 1 - Lodgement of Development Applications for the purpose of advertising for a period of 21 days 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, and proceed 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.***

***CARRIED UNANIMOUSLY: (8/0)***

## ATTACHMENT 1

|                       |   |
|-----------------------|---|
| POLICY NO:            | DC 1  |
| DIVISION:             | Development Services  |
| SUBJECT:              | Lodgement of Development Applications   |
| REPORTING OFFICER:    | Executive Manager of Development Services   |
| ENABLING LEGISLATION: | Town Planning Scheme No.6 - Wyndham<br>Town Planning Scheme No 7 - Kununurra & Environs |

### OBJECTIVES:

- To establish for applicants and staff a clear understanding of the minimum information required for the lodgement of a planning, building and/or health applications.
- To detail the process by which planning, building and health applications will be accepted and accordingly processed by Shire staff in a consistent and timely manner.
- To represent the Shire's commitment to the continuing improvement to the delivery of development approvals based on a high level of customer service.

### POLICY:

#### 1.0 Introduction

Historically, respective planning, building and health (development) applications lodged with the Shire have proven to be inconsistent and generally lacking in detailed information required by staff to effectively process the application in a timely manner. As a consequence an increased work load is generated for Shire staff through the need to procure information that concurrently has caused un-necessary delay to the issuance of relevant approvals, licences and permits.

In an endeavour to resolve this issue and improve the processing of development applications in a consistent, transparent and timely manner it is intended that this policy will prescribe the minimum information required and detail the procedure to be followed in respect to the submission and processing of applications.

Broadly, this policy is based on the legislative framework and legal requirements applied through various state government Acts, Regulations and Policies applicable to the grant of planning consents, building licences and health approvals or permits by the Shire of Wyndham East Kimberley.

## 2.0 Definitions

**"Building Application"** means an application for a building license lodged on a Form 2 (Yellow Envelope) under the Local Government Act 1960 – Building Regulations.

**"Health Application"** means an application to construct or install an apparatus for the treatment of sewage on a form prescribed under the Regulation 4 and 4a of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.

**"Planning Application"** means an application for planning consent lodged on a Form 1 under the Shire's respective Town Planning Scheme No.6 and Town Planning Scheme No.7.

## 3.0 Policy Statements

3.1 The onus is on the applicant to provide all relevant information as detailed in the planning, building or health application check lists and any specific details required by the assessing officer.

3.2 Applications that fail to contain the minimum information as prescribed on the application check lists will generally not be accepted by either:

- (a) Hand delivery at the front counter, with the applicant to sign a file note that details the information required;
- (b) Post or electronically lodgement and accordingly returned to the applicant with a request for the relevant information to be provided.

Refer to check lists in Appendix A - Planning, Appendix B – Building and Appendix C – Health, that form part of this Policy.

3.3 Building and health applications will not be processed and licences will not be issued until planning consent has been granted – refer to time frames in statement 3.4 below.

3.4 Applications will be processed within the following time frames where all required information is provided:

- |                             |                 |           |
|-----------------------------|-----------------|-----------|
| o Planning - no advertising | - delegation    | - 30 days |
| - no advertising            | - no delegation | - 45 days |
| - advertising               | - delegation    | - 60 days |
| - advertising               | - no delegation | - 70 days |
| o Building                  | - delegation    | - 21 days |
| o Health                    | - delegation    | - 21 days |

These periods are subject to changes in legislation that may occur.

- 3.5 A register/s of development applications shall be presented to the Shire Council each month detailing the applications processed for the previous month, including the time taken in processing and reasons should an application not be processed within the time frames prescribed in statement 3.4 above.
- 3.6 All building development for the Shire of Wyndham East Kimberley shall be subject to the protocol and procedures of this policy, with the exception of payment of application fees. In the case of such development the Chief Executive Officer or the Executive Manager of Development Services shall sign the relevant application/s as the authorising agent.

**REFERENCE:**

- o The Shire of Wyndham – East Kimberley Town Planning Scheme No.6 and No.7;
- o *Planning & Development Act (2005)*
- o Building Code of Australia (BCA)
- o *Health Act 1911*
- o *Local Government (miscellaneous provisions) Act 1960 (as amended)*
- o *Building Regulations 1989 (as amended)*
- o *Building Notes (Issued by the Dept housing and Works and now the Building commission*
- o *Association of Building Sustainability Assessors (Energy Efficiency star ratings)*

**ADOPTED:**  
**REVIEWED:**  
**AMENDED:**

## Appendix A

# Planning Application Check List

(Please read thoroughly)

Every application for Planning Consent shall be accompanied by the following minimum information:

| MINIMUM INFORMATION  | PROVIDED<br>(Applicant to Tick) | CHECKED<br>(Officer to Tick) |
|--|---------------------------------|------------------------------|
| <b>COMPLETED APPLICATION FORM</b> for planning consent signed by applicant of owners of the property   |                                 |                              |
| <b>SITE PLAN</b> ( Scale of not less than 1:500 – 3 copies)<br>To include street name/s; lot number/s; north point; lot dimensions; boundary setback distances to existing and proposed buildings; relative levels of the site with respect to the street; use of new buildings; existing and proposed access; location, number, dimensions and layout of car parking spaces; location and dimensions of service areas; landscaped, open storage or trade display areas, where applicable. |                                 |                              |
| <b>FLOOR PLAN</b> (Scale not less than 1:100 – 3 copies)<br>To include identification of specific rooms, outdoor living areas and vehicle parking under main roof.   |                                 |                              |
| <b>ELEVATIONS</b> (Scale not less than 1:100 – 3 copies)<br>To include reference to natural ground level, height of walls; roof pitches.   |                                 |                              |
| * <b>LANDSCAPING PLAN</b> (scale of not less than 1:500)<br>To include location and area for landscaping to be shown.  |                                 |                              |
| * <b>SCHEDULE OF MATERIALS/COLOURS</b><br>To include the type of external wall and roof claddings and relevant colours.  |                                 |                              |
| * <b>STORMWATER MANAGEMENT PLAN</b> ( scale of not less than 1:500)<br>To include method of disposal, network of drainage and connection point into Local Government system.   |                                 |                              |

*Note:* 1. \* means optional for single house, two grouped houses (duplex) and outbuildings other than where specific design guidelines or Town Planning Scheme provisions and development standards are applied;

2. *Incomplete applications will generally not be accepted.*

## Appendix A

# Planning Application Check List

(Please read thoroughly)

Every application for Planning Consent shall be accompanied by the following minimum information:

| MINIMUM INFORMATION  | PROVIDED<br>(Applicant to Tick) | CHECKED<br>(Officer to Tick) |
|--|---------------------------------|------------------------------|
| <b>COMPLETED APPLICATION FORM</b> for planning consent signed by applicant of owners of the property   |                                 |                              |
| <b>SITE PLAN</b> ( Scale of not less than 1:500 – 3 copies)<br>To include street name/s; lot number/s; north point; lot dimensions; boundary setback distances to existing and proposed buildings; relative levels of the site with respect to the street; use of new buildings; existing and proposed access; location, number, dimensions and layout of car parking spaces; location and dimensions of service areas; landscaped, open storage or trade display areas, where applicable. |                                 |                              |
| <b>FLOOR PLAN</b> (Scale not less than 1:100 – 3 copies)<br>To include identification of specific rooms, outdoor living areas and vehicle parking under main roof.   |                                 |                              |
| <b>ELEVATIONS</b> (Scale not less than 1:100 – 3 copies)<br>To include reference to natural ground level, height of walls; roof pitches.   |                                 |                              |
| * <b>LANDSCAPING PLAN</b> (scale of not less than 1:500)<br>To include location and area for landscaping to be shown.  |                                 |                              |
| * <b>SCHEDULE OF MATERIALS/COLOURS</b><br>To include the type of external wall and roof claddings and relevant colours.  |                                 |                              |
| * <b>STORMWATER MANAGEMENT PLAN</b> ( scale of not less than 1:500)<br>To include method of disposal, network of drainage and connection point into Local Government system.   |                                 |                              |

Note: 1. \* means optional for single house, two grouped houses (duplex) and outbuildings other than where specific design guidelines or Town Planning Scheme provisions and development standards are applied;

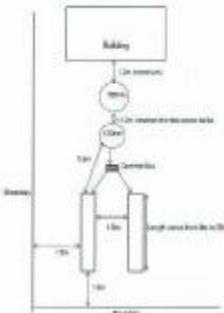
2. Incomplete applications will generally not be accepted.

## Appendix C

# Health Application Check List

(Please read thoroughly)

Every development application for Health approval or a licence, such as an on site effluent disposal system, shall be accompanied by the following minimum information:

| MINIMUM INFORMATION  | PROVIDED<br>(Applicant to Tick) | CHECKED<br>(Officer to Tick) |
|--|---------------------------------|------------------------------|
| <b>COMPLETED APPLICATION FORM</b> Completion of application form for on-site effluent disposal apparatus including signatures  |                                 |                              |
| <p><b>SITE PLAN</b> ( scale of not less than 1:500 – 2 copies)<br/>To include street name/s; lot number/s; north point; lot dimensions; existing and proposed buildings; use of new buildings; set backs from boundaries, bores, and structures position of effluent disposal apparatus (ie septic tanks and leach drains); details of plumbing fixtures that connect into system; Type of leach drain/disposal to be used (manufacturer details); alignment of sewer plumbing, existing and proposed vehicle access; location and layout of car parking spaces, where applicable. See diagram below</p>  |                                 |                              |
| <b>FLOOR PLAN</b> (Scale not less than 1:100 – 3 copies)   |                                 |                              |
| <b>PAYMENT OF FEE</b> (\$208)  |                                 |                              |

*Note: 1. Incomplete applications will generally not be accepted.*

## 13.4.2 PROPOSED EXPANSION OF LEASE AREA - KUNUNURRA MOTORCROSS CLUB (8862)

|                           |   |
|---------------------------|---|
| <b>DATE:</b>              | 20 October 2009                                       |
| <b>PROPONENT:</b>         | Kununurra Motocross Club                              |
| <b>LOCATION:</b>          | Location 633 Ivanhoe Road, Kununurra                  |
| <b>AUTHOR:</b>            | Jennifer Ninyette, Town Planning Officer              |
| <b>REPORTING OFFICER:</b> | Ian D'Arcy, Executive Manager<br>Development Services |
| <b>FILE NO:</b>           | 01.5616.02, 66.20.20                                  |
| <b>ASSESSMENT NO:</b>     | A5616   |

### **PURPOSE**

For Council to consider a request by the Kununurra Motocross Club to increase their lease area by amalgamating an area of unallocated Crown land adjoining the existing lease site to the south.

### **BACKGROUND**

Reserve 39391 that accommodates the existing Motocross facility is located at the end of Ivanhoe Road adjacent to Ivanhoe Crossing, has an area of 10.99 hectares, is reserved for the purpose of 'Recreation (Motocross Track)' and is vested to Council with the power to lease.

The Kununurra Motocross Club has requested an extension to the current lease area by approximately 23.6 hectares by utilising an area of unallocated Crown land (UCL) that adjoins the existing site to the south. Given a large portion of the existing site is unusable for motocross it is the Clubs desire to develop extra facilities on the UCL which will enable an increase in membership and allow for larger events to be hosted, such as state and interstate events. For ease of reference the existing lease area and requested extension is shown on the site plan at Attachment 1.

The request to extend the lease area was considered by Council at the 18 August 2009 Ordinary Meeting, whereat the Council resolved as follows:

*Minute No. 8795*

*Moved: Cr R Boshammer*

*Seconded: Cr D Ausburn*

*That Council*

- 1. Support the proposed expansion of the lease area 'in principle';*
- 2. Seek comment over a 21 day period from surrounding landowners and key stakeholders within a 1 kilometre radius on the proposal; and*
- 3. Grant delegation to the CEO to;*
  - (a) request the Department of Regional Development and Lands initiate proceedings to expand the reserve, subject to no adverse comment being received from the initial consultation;*

*(b) prepare a new lease upon confirmation expansion of the reserve area is supported by the Minister for Regional Development and Lands.*

Accordingly, letters were sent to surrounding landowners within a 1 kilometre radius seeking their comment on the proposal.

Only one submission was received during the 21 day period from the closest resident to the lease area stating some opposition to the proposal and therefore seeking a compromise.

A copy of this submission is at Attachment 2.

## **STATUTORY IMPLICATIONS**

### Land Administration Act 1997

Under section 41 of the *Land Administration Act 1997* (LAA) the Minister for Land may by order reserve Crown land for one or more purposes in the public interest.

Although the Motocross Club is requesting the Council expand the lease area, any increase of the Reserve area will be subject to investigation/consultation undertaken by the Department of Regional Development and Lands.

### Local Planning Strategy

The Local Planning Strategy (LPS) recognises that:

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

In consideration of this statement there is a need to improve and expand existing recreational/sporting facilities to meet the increasing demand and expectations. The proposal would improve the existing facility and would therefore be consistent with the LPS.

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

The existing lease area is reserved in the Town Planning Scheme for Parks and Recreation.

The area proposed to be included into the reserve is zoned Rural Agriculture 2 in the Town Planning Scheme. Therefore, any land to be amalgamated into Reserve 39391 will need to be rezoned, ideally through the Shire Town Planning Scheme Review, should the Motocross Club's request be supported.

A development application under the class of 'Public Recreation' will also need to be submitted and approved by Council prior to any development on the site. The development application will need to ensure that proposed development will not adversely impact on adjoining land uses or landholders by way of noise and dust issues (if not sealed). In general it is common for such uses to be located a minimum of 500 metres from any existing residences.

It is likely that if the lease is extended, any development within the south eastern portion may be restricted, however any potential noise and dust impacts could potentially be addressed and minimised through design and site layout with

guidance from an acoustic engineer, such as constructing bund walls around portion of the tracks and retaining vegetation buffers within the site boundary.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

There are no apparent costs applicable to the Shire at this stage with all survey works and associated costs to be borne by the Department of Regional Development and Lands.

Amendment to the formal lease documents may be required should the Department of Regional Development and Lands support the proposed increase in the reserve, although this would be minimal, estimated to be in the order of a \$200-\$300.

### **STRATEGIC IMPLICATIONS**

Nil

### **COMMUNITY CONSULTATION**

As the proposal to incorporate a new track will effectively triple the area for racing and associated activity bringing the motocross closer to residential development it was considered important that nearby residents be given opportunity to comment to ensure the Council and Department of Regional Development and Lands are informed in determining this proposal.

Therefore, landowners within a kilometre radius of the site were consulted as part of this process with only one submission being received from the closest resident (King Location 649) to the lease area.

In summary the submission states:

- § At present the motorbikes can clearly be heard during training & competition times;
- § Complaints have not been lodged as the benefit to the community has far outweighed any inconvenience;
- § A 50 metre strip of land abutting to the north of King Location 649 has been retained as a buffer to alleviate the Department of Environment and Conservation (DEC) concerns about erosion;
- § Location 649 has been renamed as 'The Sandalwood Sanctuary' with the intention of further developing for tourism;

In light of these comments the owner of Location 649 has also advised that he will support extension of the lease area based on the following requirements being met:

1. The lease does not encroach onto the 50m buffer;

2. The lease boundary follows the natural creek line to allow a minimum 400 metre separation between the lease boundary and residences on Location 649;
3. All infrastructure, stadiums, clubhouses etc be located in the corner closest to Ivanhoe Road and the existing lease boundary to maximise the distance from residences on loc 649;
4. Only the all terrain track be located closest to the southern boundary of the extended lease area; and
5. That adequate fire breaks are in place at all times to prevent any risk of fire in the lease area affecting the adjoining properties.

The plan at Attachment 3 shows the area recommended as a compromise for the extension of the motocross lease area by the owner of Location 649.

Notably, should the Council support any extension to the lease area then the Department of Regional Development and Lands as part of its processes under the Land Administration Act will also undertake referrals and consultation to relevant agencies, such as any Native Title claimants, and adjoining landowners to effect reservation of the land.

### **COMMENT**

As mentioned in the preamble of this report any potential noise and dust impacts can be addressed and minimised through appropriate design and site layout with guidance from an acoustic engineer, such as constructing bund walls around portion of the tracks and retaining vegetation buffers within the site boundary.

With this in mind and given the points raised in the submission received from the owner of Location 649 are considered fair and reasonable, it is recommended that the proposed compromise as shown in Attachment 3 be supported. With the following actions being taken by Council:

1. Endorse a proposed extension of Reserve 39391 into Unallocated Crown Land for the purposes of expanding the Kununurra Motocross facility in accordance with the 'compromised' plan as per Attachment 3;
2. Request the Department of Regional Development and Lands initiate proceedings to expand the reserve, as per the plan at Attachment 3;
3. Prepare a new lease upon confirmation expansion of the reserve area is supported by the Minister for Regional Development and Lands.

### **ATTACHMENTS**

Attachment 1: Site Plan

Attachment 2: Submission from surrounding landowner.

Attachment 3: Recommended extension area

### **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council:

1. Endorse a proposed extension of Reserve 39391 into Unallocated Crown Land for the purposes of expanding the Kununurra Motocross facility in accordance with the modified plan as per Attachment 3;
2. Request the Department of Regional Development and Lands initiate proceedings to expand the reserve, as per the plan at Attachment 3;

Prepare a new lease upon confirmation expansion of the reserve area is supported by the Minister for Regional Development and Lands.

## **COUNCIL DECISION**

***Minute No. 8862***

***Moved:Cr D Ausburn***

***Seconded:Cr K Wright***

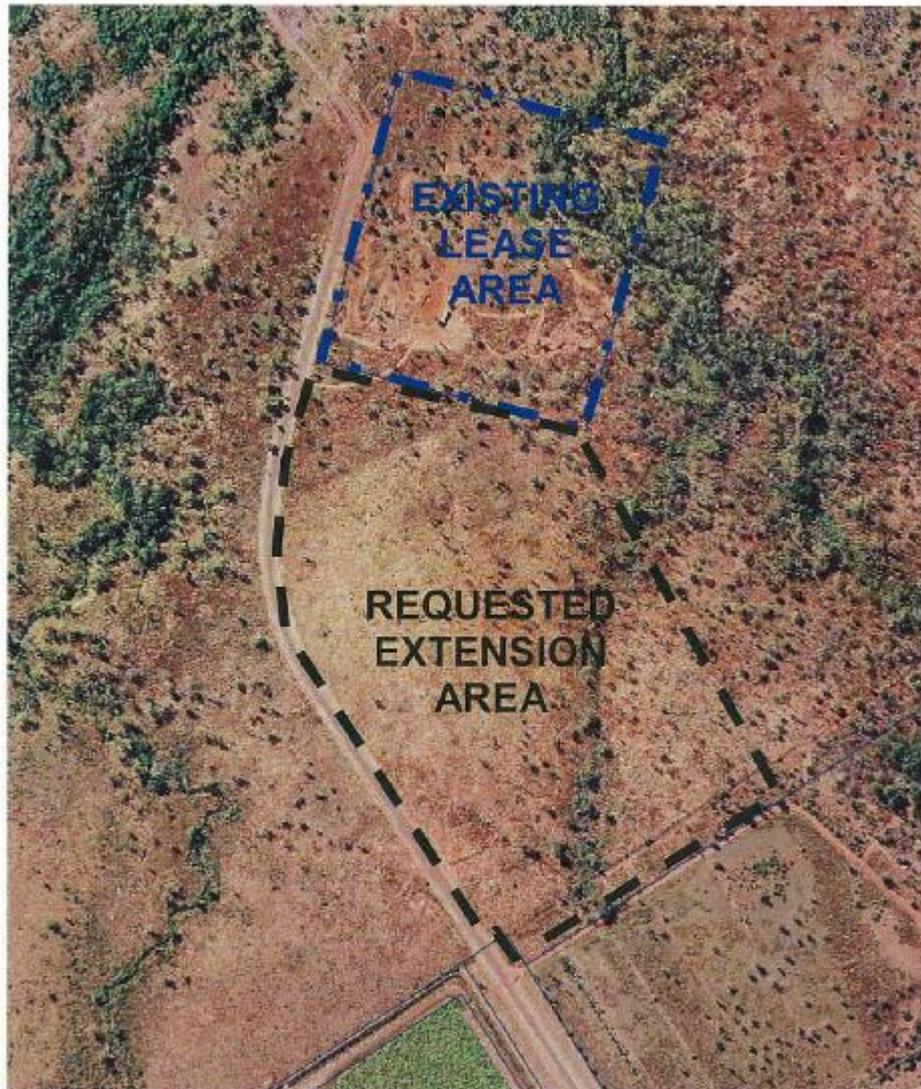
***That Council:***

1. ***Endorse a proposed extension of Reserve 39391 into Unallocated Crown Land for the purposes of expanding the Kununurra Motocross facility in accordance with the modified plan as per Attachment 3;***
2. ***Request the Department of Regional Development and Lands initiate proceedings to expand the reserve, as per the plan at Attachment 3;***

***Prepare a new lease upon confirmation expansion of the reserve area is supported by the Minister for Regional Development and Lands.***

***CARRIED UNANIMOUSLY: (8/0)***

**ATTACHMENT 1—KUNUNURRA MOTOCROSS SITE PLAN**



## ATTACHMENT 2 - SURROUNDING LANDHOLDER SUBMISSION

TO: Shire of Wyndham East Kimberley  
ATTN: Jennifer Ninnette  
RE: Proposed expansion of Motocross Lease

7th September 2009

Hi Jennifer, thank you for your letter dated 31st August regarding the proposed extension of the motocross club lease. My letter is in two parts. 1. My reasons for opposing the proposal as it has been presented in the letter. 2. My proposal for a compromise.

1) The motocross club has been growing and is now a popular hobby for many locals which I have supported through helping resurrect the track with my time & equipment back in the early days of the club. I note that the club has in no way approached me before putting their proposal to shire, which is a shame given we are their direct neighbour.

You will note on the map below, that we have a rental house 785m from the closest part of the current track and 585m from the existing boundary of their lease. The house I live in is 920m from the closest part of the current track and 720m from the existing boundary of their lease.



I can clearly hear the motorbikes when they are training & during competition, it's usually in the window after work of 4 to 6pm and on weekends when we can hear the noise, the times when the people living on our block are trying to enjoy the peace of our "sanctuary". The level of noise is bearable at the moment so I have felt the benefit to the community has outweighed the disruption to our peace, therefore I have withheld any complaints.

The proposed new area as shown on the map attached to the letter, actually encroaches 50m onto our title, so that is incorrect for a start.



We were never allowed to develop this 50m buffer because of DEC's concerns about erosion. Adjusting for the 50m buffer, it is proposed that the new boundary be within 175m of our tenants house and 320m of my house. Given the current level of noise when the bikes are 785m away, the possibility of having it as close as 175m is in my view totally unacceptable. It will be too noisy and disruptive, and damage our right to enjoy listening to birds instead of motorbikes in the early evening. Our place has recently been renamed "The Sandalwood Sanctuary" and we are planning for tourists & locals to have a place to come and enjoy the peaceful surroundings and the wildlife. Having motorbikes so close would be detrimental to this proposed new business.

2) While the map doesn't show where different facilities will be positioned, I will support an extension of the motorcross lease based on the following conditions

- a) the lease doesn't encroach on my 50m buffer.
- b) the lease follows the natural creek line as shown in the picture below. This will provide a minimum of 400m gap between the boundary and our tenants house. I think this is the best compromise for distance.



c) all the infrastructure, stadiums, clubhouse etc be located in the corner closest to Ivanhoe road and the existing lease, to maximise the distance to our houses.

d) only the all terrain track be located on the boundary closest to our houses.

d) That adequate fire breaks are in place at all time to prevent our property from any risk of fire starting in the lease area.

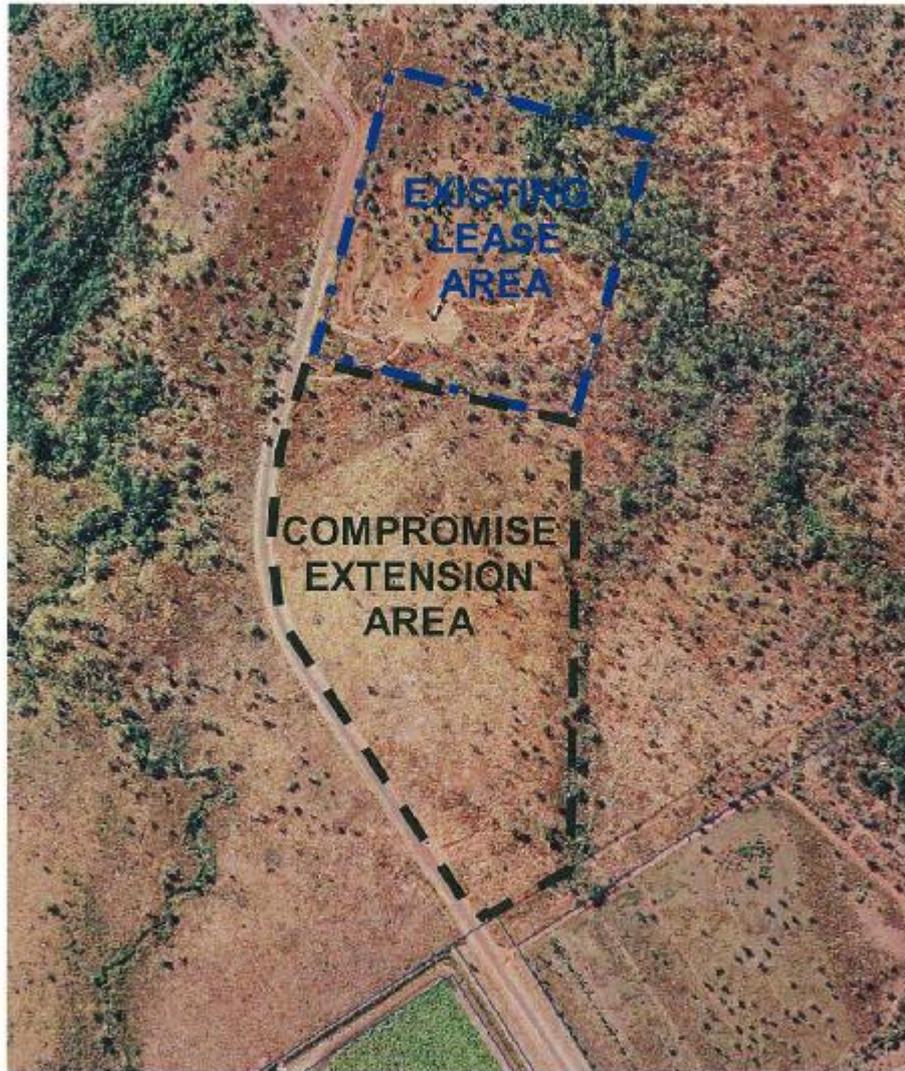
I hope this makes sense, and I look forward to hearing from you regarding this soon.

Yours Sincerely

Paul Mock

Landowner  
The Sandalwood Sanctuary  
Lot 649 Research Station Road.

**ATTACHMENT 3 — RECOMMENDED LEASE EXTENSION AREA**



### 13.4.3 PROPOSED RURAL INDUSTRY - LOT 300 WEABER PLAIN ROAD, KUNUNURRA (8863)

|                           |   |
|---------------------------|---|
| <b>DATE:</b>              | 20 October 2009                                       |
| <b>PROPONENT:</b>         | ' R B Dessert III, And K Dessert                      |
| <b>LOCATION:</b>          | Lot 300 Weaber Plain Road, Kununurra                  |
| <b>AUTHOR:</b>            | Jennifer Ninyette, Town Planning Officer              |
| <b>REPORTING OFFICER:</b> | Ian D'Arcy, Executive Manager<br>Development Services |
| <b>FILE NO:</b>           | 01.0096.02  |
| <b>ASSESSMENT NO:</b>     | A96   |

#### **PURPOSE**

For Council to consider an application for planning consent for the development of a rural industry (sugar milling) on Lot 300 Weaber Plain Road.

#### **BACKGROUND**

The proposed site contains 'The Hoochery' which has been operating as a rum distillery for approximately 15 years.

In early December 2007 the proponent wrote to the Shire seeking support for a proposal to build a small sugar mill on his property due to the closure of the Ord River Canegrowers Sugar Mill and has recently submitted a development application for this purpose. A copy of this correspondence and plans is at Attachment 1.

The application emphasises the importance of molasses for rum distillation and details:

- § the intention is to commence crushing in March 2010;
- § the proposed development will consist of an open shed structure, enclosed on one end, with concrete floor to house a small old fashioned crusher, sourced from Columbia;
- § *the small operation will involve the processing of approximately 100 - 200 tonnes of sugar cane per year, anticipated only to occur during the tourist season;*
- § only sugar cane grown on Lot 300 will be processed, which will be approximately 1 – 2 hectares per year.

#### **SITE AND SURROUNDS**

The site is located on the eastern side of Weaber Plain Road, approximately 1 kilometre north of the Stock Route Road intersection, and is zoned 'Rural Agriculture 1' under the Shire Town Planning Scheme No. 7 – Kununurra and Environs.



The western most corner of Lot 300 is currently utilised for rural industry and associated purposes, including storage and packing sheds for seed production, a distillery, a tourist facility consisting of showroom, bar & eating house, and a caretakers quarters and facilities. The cane processing shed is proposed to be located amongst these existing buildings to maintain a cluster.

The adjoining lots are established for extensive agriculture and/or agroforestry uses.

### **STRATEGIC IMPLICATIONS**

This proposal is consistent with the strategic direction set by the Shire Local Planning Strategy which supports and promotes the diversification and value adding of rural pursuits through commercial and tourism uses that do not impinge on agricultural land.

### **STATUTORY IMPLICATIONS**

The site is zoned Rural Agriculture 1 in the Town Planning Scheme No. 7 – Kununurra and Environs.

The proposed use comes under the designation of Rural Industry in the Town Planning Scheme as an 'SA' use within the Rural Agricultural 1 zone, which means that the Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 11.2 of the Scheme requiring notice of the proposed development to be given, allowing a submission period of 21 days. Given the small scale of the proposed industry it was considered appropriate to notify landowners/occupiers within a 1 kilometre radius of the proposed location of the shed/site – refer to Community Consultation below.

Further, Sugar milling or refining is considered a Prescribed Premises under the *Environmental Protection Regulations 1987* where 1000 tonnes or more a year is being processed. As the proposed operation is of a much smaller scale, and would only process 20% of this tonnage at most, it will not be required to be licensed as a Prescribed Premises by the Department of Environmental Protection.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

The applicant has paid the application fee of \$100.

### **COMMUNITY CONSULTATION**

Notification letters advising of the proposal and giving 21 days to comment were served on adjoining landowners within a 1 kilometre radius, seeking their comment, however no submissions were received during the submission period.

### **CONCLUSION/COMMENT**

The existing distillery is an established tourist site/location within the Shire which maintains and highlights the history of the sugar industry within the Ord River Irrigation Area.

The proposal will allow the continuation of the existing distillery operation and due to its small scale the use is unlikely to have any adverse impacts on surrounding landowners, and will not impinge on land being utilised for agriculture

Therefore, it is recommended that the application be approved with the following conditions:

1. All development shall be in accordance with the attached approved plan(s) dated 20 October 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. All building materials are to be consistent and complementary to existing buildings.
3. The Sugar milling shall occur in a manner that does not pose a risk to the environment or neighbouring properties. All dust and particulate matter shall be contained entirely within the boundaries of Lot 300 Weaber Plain Road.
4. The sugar milling operation shall be limited to the hours of 7.00 am to 5.00 pm Monday to Saturday, unless otherwise approved by the local government.
5. 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.

### **ATTACHMENTS**

Attachment 1: Applicant's original written proposal

Attachment 2: Site Plan

Attachment 3: Front/Side Elevation

Attachment 4: Crusher picture

### **VOTING REQUIREMENT**

Simple majority

### **OFFICER'S RECOMMENDATION**

That Council grants planning consent to R.B. Dessert for the development of a Rural Industry (Sugar Milling) on Lot 300 Weaber Plain Road, Wyndham subject to the following conditions:

1. All development shall be in accordance with the attached approved plan(s) dated 20 October 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. All building materials are to be consistent and complementary to existing buildings.
3. The Sugar milling shall occur in a manner that does not pose a risk to the environment or neighbouring properties. All dust and particulate matter shall be contained entirely within the boundaries of Lot 300 Weaber Plain Road.
4. The sugar milling operation shall be limited to the hours of 7.00 am to 5.00 pm Monday to Saturday, unless otherwise approved by the local government.
5. 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.

## **COUNCIL DECISION**

**Minute No. 8863**

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

**That Council grants planning consent to R.B. Dessert for the development of a Rural Industry (Sugar Milling) on Lot 300 Weaber Plain Road, Wyndham subject to the following conditions:**

- 1. All development shall be in accordance with the attached approved plan(s) dated 20th October 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. All building materials are to be consistent and complementary to existing buildings.**
- 3. The Sugar milling shall occur in a manner that does not pose a risk to the environment or neighbouring properties. All dust and particulate matter shall be contained entirely within the boundaries of Lot 300 Weaber Plain Road.**
- 4. 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.**

**CARRIED UNANIMOUSLY: (8/0)**

*The Council Resolution differs from the Officers Recommendation as elected members considered that limiting the operating hours of the mill was unnecessary.*



**MANUFACTURER OF ORD RIVER POT DISTILLED ALCOHOL PRODUCTS & CELLAR DOOR SALES**

KL300 Weather Plains Road, Kununurra, Western Australia 6743  
Mailing Address: PO Box 497, Kununurra, Western Australia 6743  
Phone (08) 9166-2122 Fax (08) 9166-1624 Mobile: 9419 923 303 E-Mail: [hoochery@hoochery.com.au](mailto:hoochery@hoochery.com.au)  
ABN 34 100 974 151 Website: [www.hoochery.com.au](http://www.hoochery.com.au)

3<sup>rd</sup> December, 2007

Shire of Wyndham East Kimberley  
PO Box 614  
Kununurra, 6743

|           |              |
|-----------|--------------|
| Doc No.   | 060681       |
| Date      | 3 5 DEC 2007 |
| Office    | TP, CED, SP  |
| Reference |              |
| Tel       | 01 0098 02   |

Dear Shire Council

**Re – Development of Local Sugar Mill**

As you are all aware the local Ord River Cane Growers Sugar Mill has just recently ceased production. Here at the Hoochery Distillery our main input ingredient is Molasses (By Product from Sugar refining). The closure of the Mill could also result in the closure of the Hoochery. To overcome this issue, and for the Hoochery Distillery to stay operation after 15 years of hard sought development, we are proposing to build our own small sugar mill. We are writing to seek your support with this venture.

The proposed mill will operate using very similar processes and principles to the local, previous mill however on a much, much smaller scale and using 200 year old technology. The proposed mill will also be open to tourism. It will be established in a way that will allow tourists to view the mill in operation, learn about sugar production and refining and also help preserve The Ord River irrigation area's Sugar Cane history.

We have started designing the proposed mill. We are aiming to apply for a tourism grant from WA Government and Regional Partnerships this coming year and are aiming to commence crushing cane in May 2010.

The proposed project will consist of two main areas.

1. A sugarcane field specifically designed so that this can be toured through all the growing stages, harvest and irrigation.
2. A mechanically driven sugarcane crusher with an evaporating pan process that will convert cane juice to molasses so that it can be used in the distillery to make "Ord River Rum"

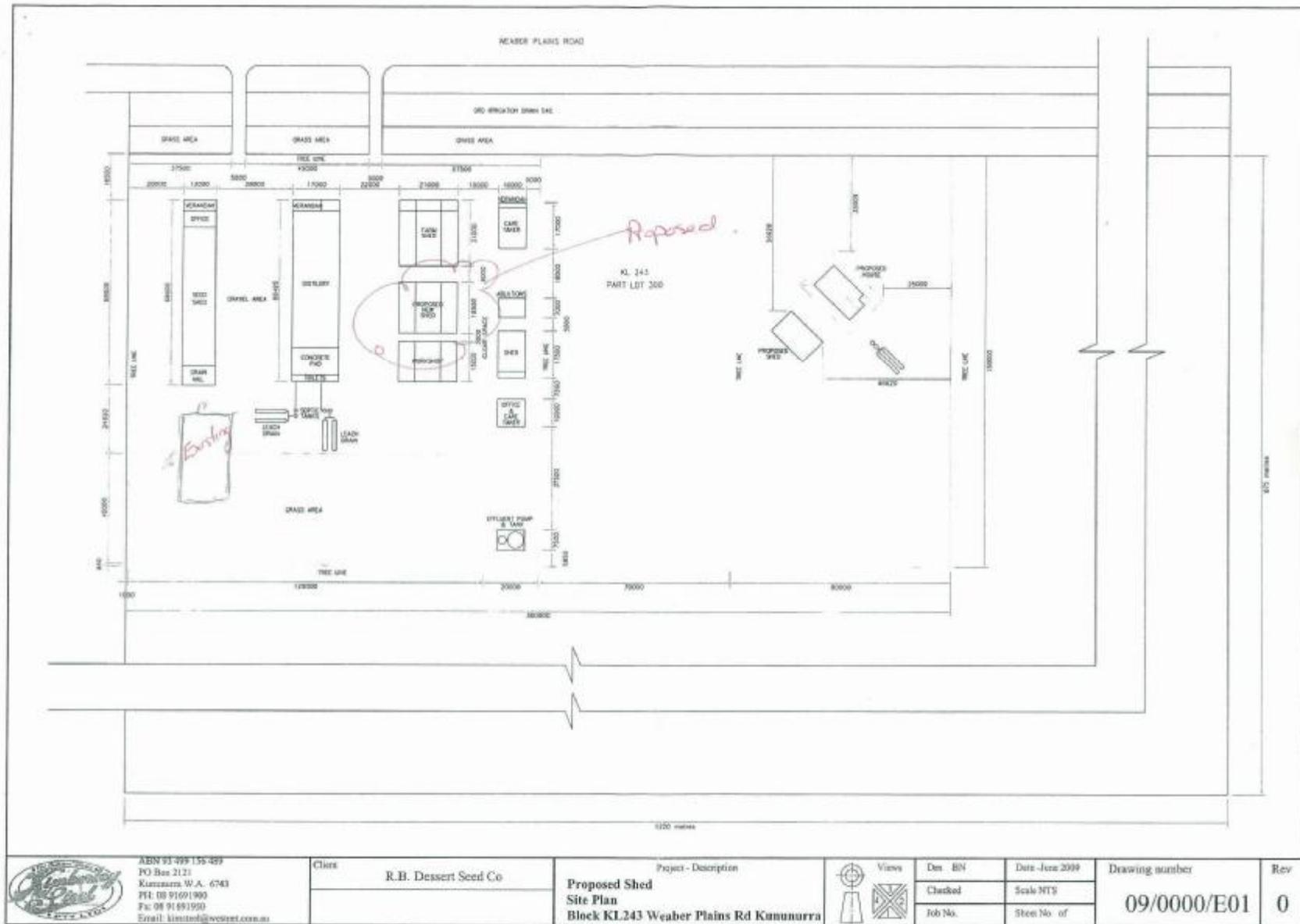
We look forward to your response and hearing your support for our proposed mill and to ensure no zoning problems crop up later down the path of development

Kind regards



Spike Dessert  
Hoochery Distillery

# ATTACHMENT 2



ABN 93 499 156 489  
 PO Box 2121  
 Kununurra W.A. 6743  
 PH: 08 91691900  
 FX: 08 91691950  
 Email: [info@rbdseed.com.au](mailto:info@rbdseed.com.au)

Client  
**R.B. Dessert Seed Co**

Project - Description  
**Proposed Shed  
 Site Plan  
 Block KL243 Weaber Plains Rd Kununurra**

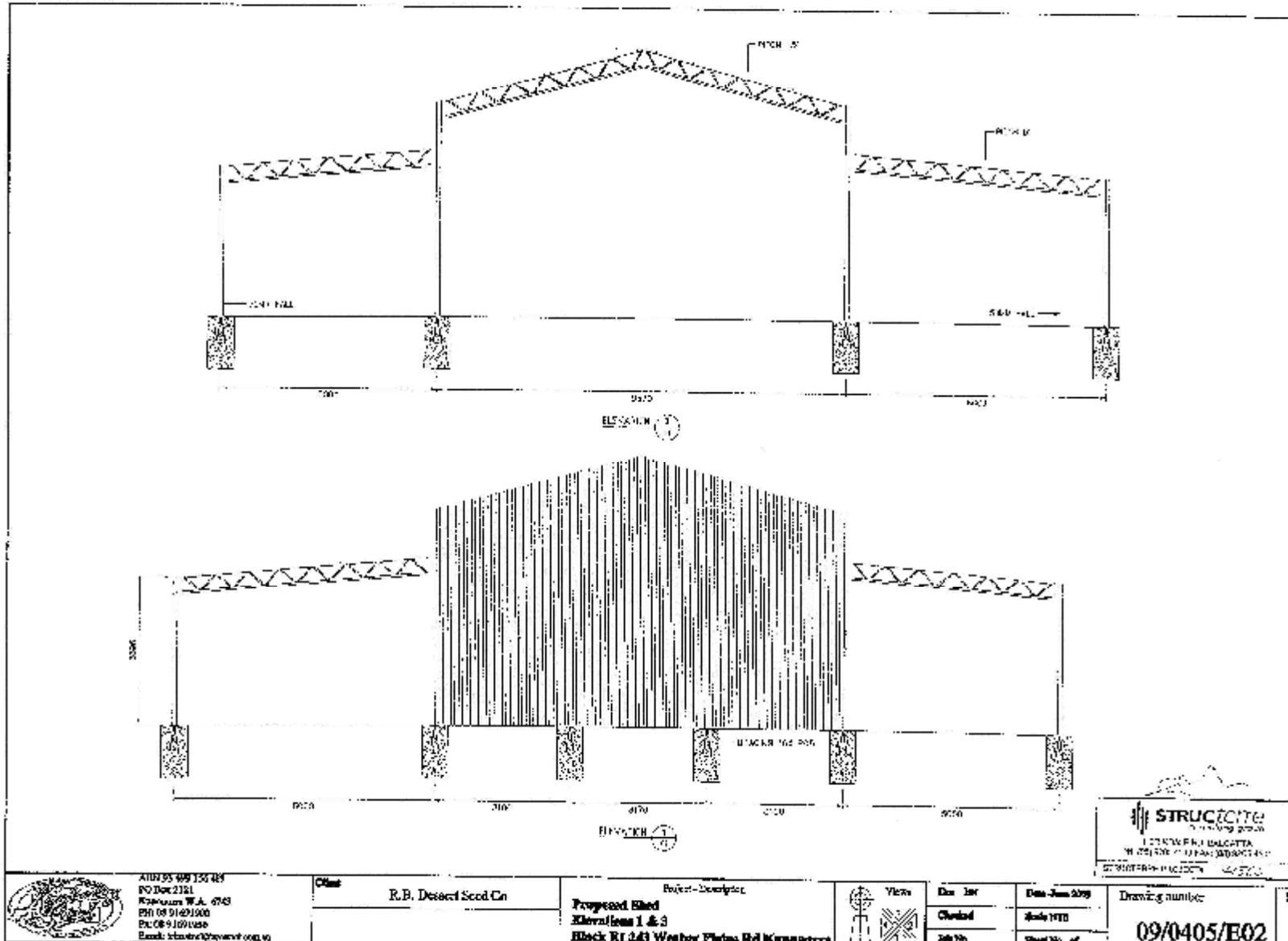


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|       | Checked | Scale: MTS      |
|       | Job No. | Sheet No. of    |

Drawing number:  
**09/0000/E01**

Rev  
**0**

ATTACHMENT 3



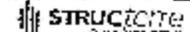

 011 95 499 155 485  
 PO Box 2181  
 Kalamunda W.A. 6743  
 PH 08 91491900  
 Fax 08 91491450  
 Email: [info@kalamunda.wa.gov.au](mailto:info@kalamunda.wa.gov.au)

**Client**  
 R.B. Desert Seed Co

**Project-Description**  
 Proposed Shed  
 Elevations 1 & 2  
 Block RL 243 Webster Plains Rd Kalamunda

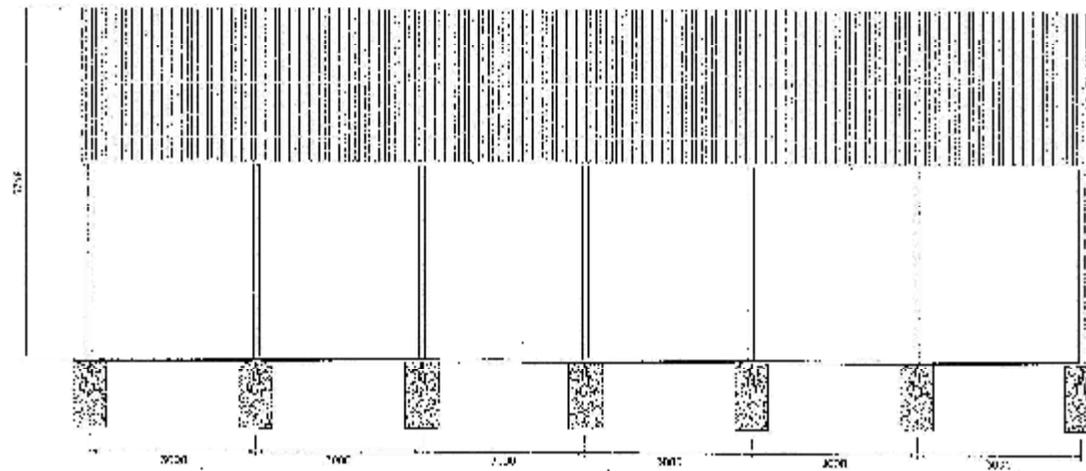
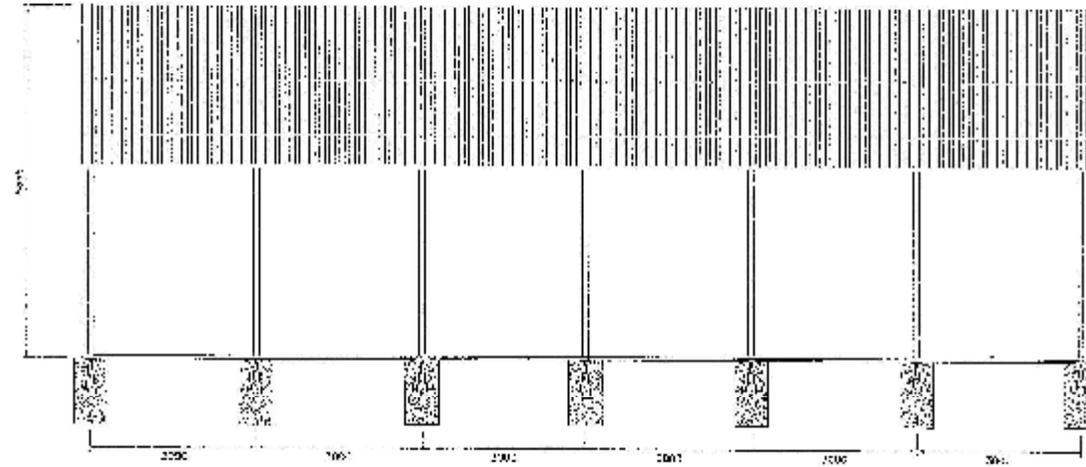
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 125 WILSON ROAD  
 KALAMUNDA W.A. 6743  
 PH 08 91491900

**Drawing number:**  
 09/0405/E02

ATTACHMENT 3





**R. B. Dessert Seed Co.**

**Spike Dessert**

PO Box 497  
Kununurra  
Western Australia  
6743

Telephone: (08) 9168 2122  
Int. Telephone: +61 8 9168 2122  
Facsimile: (08) 9168 1628  
Mobile: 0417 953 604  
Email: dessertseed@westnet.com.au

# TRAPICHES HORIZONTALES **El Panelero**

## MOLINOS SENCILLLOS MODELOS R2 - R4 - R5 - R8



**EXHIBICIÓN Y VENTAS**

**BOGOTÁ**  
Carrera 22 No. 13 - 13  
Tels.: 201 72 84 - 360 04 74  
Fax: 237 52 43  
E-mail: metalagro@hotmail.com  
www.metalagro.com.co

**FÁBRICA**

**COLOMBIA**

**NOCAIMA CUNDINAMARCA**  
Tel.: (091) 845 10 08  
Telefax: (091) 845 10 25

**MOLINOS PARA PEQUEÑOS  
CAÑICULTORES**

**13.4.4 LOCAL PLANNING POLICY 11 - TRANSIENT ACCOMODATION & LOCAL PLANNING POLICY 12 - TEMPORARY WORKERS ACCOMMODATION (8864) (8865) (8866) (8867) (8868)**

|                           |   |
|---------------------------|---|
| <b>DATE:</b>              | 20 October 2009                                       |
| <b>PROPONENT:</b>         | Shire Of Wyndham East Kimberley                       |
| <b>LOCATION:</b>          | Shire Of Wyndham East Kimberley                       |
| <b>AUTHOR:</b>            | Ian D'Arcy, Executive Manager<br>Development Services |
| <b>REPORTING OFFICER:</b> | Ian D'Arcy, Executive Manager<br>Development Services |
| <b>FILE NO:</b>           | 43.02.01  |
| <b>ASSESSMENT NO:</b>     | N/A   |

**PURPOSE**

To seek consideration and endorsement of draft Local Planning Policy 11 – Transient Accommodation, and Local Planning Policy 12 – Temporary Workers Accommodation to guide.

**BACKGROUND**

In December 2008 the Council requested a draft Transient Workforce Accommodation Policy be prepared by Urbis Planning Consultants in response to the loose definition of Transient Accommodation as provided in the Shire Town Planning Scheme No.7 as detailed below:

***Transient Accommodation** - means any habitable building permanently affixed to the ground by footings an required by Council and includes any caravan, transportable dwelling or any structure used for habitation for the purposes of accommodation for a period not exceeding 6 months*

Urbis submitted the draft Policy to Shire staff in May of this year for consideration. However, with an announcement of multiple construction projects as a result of both the East Kimberley and Royalty for Regions Funding Packages in July of this year with the likely impact of an accommodation shortage in 2010 and 2011, the need has arisen for the draft Transient Accommodation Policy as prepared by Urbis to be reviewed.

This has resulted in two draft policies being prepared that:

1. Clearly defines and differentiates between Transient Workforce Accommodation and Temporary Workers Accommodation;
2. Details, and to some degree qualifies, the level of permissibility for both forms of development; and
3. Outlines the appropriate development standards for each form of accommodation.

A copy of the respective draft Policies is provided as Attachments 1 and 2 to this report.

## **STATUTORY IMPLICATIONS**

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

Additionally, the draft policies may also be applied to the Lake Argyle area regulated by Interim Development Order Number 10.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

A cost in the order of \$300 - \$400 for publication of adverts in the local newspaper will be incurred by Council should it support these policies.

## **STRATEGIC IMPLICATIONS**

Nil

## **COMMUNITY CONSULTATION**

In accordance with Clause 12.6.4 (a) of the Town Planning Scheme No.7 (for example) the Council is required to advertise the draft Policy at least once per week for two consecutive weeks in a local newspaper requesting submissions be lodged within a period on no less than 21 days.

## **COMMENT**

As mentioned in the background section of this report the purpose of both Local Planning Policies is to:

1. provided a clear understanding through precise definition of Transient Accommodation as opposed to Temporary Workers Accommodation; and
2. prescribe the minimum requirements and standards that should be applied to both forms of accommodation.

Specifically, Local Planning Policy 11 - Transient Accommodation seeks to further define this form of accommodation in two distinct categories as follows:

***Rural Transient Accommodation*** - is located within the respective rural zones covered by Town Planning Scheme No.7 where the total number of persons allowed to be housed in the accommodation and employed in the related rural use is equal to or less than 30 persons.

***Townsite Transient Accommodation*** – is located within the Kununurra townsite only, where Transient Accommodation development is limited to a maximum of seven (7) persons on a lot containing another land use, of which the Transient Accommodation may or may not be ancillary to.

Conversely, Temporary Workers Accommodation is not considered a use listed in either of the Shire's two Town Planning Schemes. Therefore, this LP Policy 12 proceeds to define Temporary Workers accommodation as:

*“Development which remains in place on a temporary basis that provides accommodation for construction-related workers and their dependents, or mine site workers usually on a ‘drive in/drive out’ and ‘fly in/fly out’ basis, and consists of buildings or other structures which by virtue of their design, layout, density and/or location, is not specifically provided for within the Town Planning Scheme/s and can only be approved pursuant to the ‘use-not-listed’ provisions contained within the Scheme.”*

While accepting the differences of interpretation for each style of accommodation, the objective of both Policies is to:

- Provide a consistent, fair, thorough and timely manner approach to the assessment of applications;
- Afford guidance to staff, Councillors, other government agencies, landowners, developers, consultants and the general public regarding the assessment of applications for each use; and
- Provide for Transient and Temporary Workers Accommodation in appropriate locations in a way that maximises social benefits, minimising social costs and achieves a desired outcome/s for the applicant.

With limited time available to provide workers accommodation for the raft of government funded projects, due to commence construction in the first half next year, there is a pressing need for the Council to progressed the adoption of these Policies in accordance with the Town Planning Scheme provisions.

## **ATTACHMENTS**

Attachment 1: Draft Local Planning Policy 11 – Transient Accommodation

Attachment 2: Draft Local Planning Policy 12 – Temporary Workers Accommodation

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council adopt:

1. draft Local Planning Policy 11 – Transient Accommodation; and
2. draft Local Planning Policy 12 – Temporary Workers Accommodation

for the purpose of advertising for a period of 21 days 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, and proceed 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.

## **COUNCIL DECISION**

***Minute No. 8864***

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

**That Council adopt:**

- 3. draft Local Planning Policy 11 – Transient Accommodation; and**
- 4. draft Local Planning Policy 12 – Temporary Workers Accommodation**

**for the purpose of advertising for a period of 21 days 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, and proceed 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.**

***Cr K Wright withdrew as seconder of the motion.***

***MOTION LAPSED FOR WANT OF A SECONDER***

***Minute No: 8865***

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

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

***CARRIED UNANIMOUSLY: (8/0)***

*Standing Order 7.5 was suspended at 6.43pm*

***Minute No: 8866***

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

***That Standing Order 7.5 be resumed.***

***CARRIED UNANIMOUSLY: (8/0)***

*Standing Order 7.5 resumed at 6.50pm*

**Minute No: 8867**

**Moved:Cr K Wright**

**Seconded:**

**That Council consider draft policy 11 at future Briefing Session.**

**MOTION LAPSED FOR WANT OF A SECONDER**

**Motion lapsed for want of a Seconder.**

**Moved:Cr R Addis**

**Seconded:Cr J Parker**

**That Council adopt:**

- 1. draft Local Planning Policy 11 - Transient Accommodation; and**
- 2. draft Local Planning Policy 12 - Temporary Workers Accommodation**

**for the purpose of advertising for a period of 21 days 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, and proceed 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.**

**CARRIED: (6/2)**

*For: Cr F Mills, Cr D Ausburn, Cr J Parker, Cr K Torres Cr J McCoy and Cr R Addis.*

*Against: Cr J Moulden and Cr K Wright.*

|                       |   |
|-----------------------|---|
| POLICY NO:            | LPP 11  |
| DIVISION:             | Development Services  |
| SUBJECT:              | Transient Accommodation   |
| REPORTING OFFICER:    | Executive Manager Development Services  |
| ENABLING LEGISLATION: | Town Planning Scheme No 7 – Kununurra & Environs<br>Interim Development Order No.10 |

**POLICY:**

**1.0 CONTEXT**

Transient Accommodation is common within the Shire of Wyndham East Kimberley (SWEK) due to the seasonal and part time nature of employment associated with the agricultural sector and at a lesser scale, industrial, tourism and commercial enterprises.

There are various types of transient workforces including operational/seasonal and semi-permanent that can demand different forms, scales and locations for Transient Accommodation to serve the needs of individual employers.

This Policy attempts to provide additional clarity around the nature of Transient Accommodation and its permissibility and application within the SWEK district.

Further, it must be noted that Transient Accommodation does not generally apply to the mining and construction sectors where temporary accommodation camps are required for a fixed period applicable to a defined term of a project or activity. – refer to the Shire Local Planning Policy (LPP) 12 – Temporary Workers Accommodation.

**2.0 INTERPRETATION AND PERMISSIBILITY**

**2.1 Definitions**

Transient Accommodation is presently defined within the Shire Town Planning Scheme No.7 as:

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

For the purpose of this policy Transient Accommodation is further interpreted in two definitions as follows:

***Rural Transient Accommodation** - is located within the respective rural zones covered by Town Planning Scheme No.7 where the total number of persons allowed to be housed in the accommodation and employed in the related rural use is equal to or less than 30 persons.*

**Townsite Transient Accommodation** – is located within the Kununurra townsite only, where Transient Accommodation development is limited to a maximum of seven (7) persons on a lot containing another land use, of which the Transient Accommodation may or may not be ancillary to.

Notwithstanding the above definitions that are considered acceptable in terms of scale and density of development, the Council may consider applications which fall just outside of these interpretations with reference to the general intent and objectives of this Policy.

## **2.2 Scope**

For the purposes of this Policy Transient Accommodation incorporates all buildings and structures, facilities and infrastructure/utilities required to accommodate a transient workforce.

## **2.3 Approval Requirements**

The need for approval of Transient Accommodation is detailed within the Shire Planning Scheme or other statutory requirement, such as an Interim Development Order (IDO).

Where the proposed Transient Accommodation is not located within the Shire Planning Scheme area, and an application for planning approval is required through another statutory requirement, the Shire will assess the application pursuant to this Policy, the requirements of the Shire Planning Scheme relevant to the application for Transient Accommodation, and any other relevant requirements.

## **2.4 Permissibility**

The land use permissibility of Transient Accommodation is detailed within the Shires Town Planning Schemes. Permissibility must be referenced through the Town Planning Scheme documents in the first instance.

## **3.0 GENERAL POLICY POSITION OF COUNCIL**

### **3.1 Purpose**

The Council of the Shire of Wyndham East Kimberley does not support the development of Transient Accommodation in circumstances where permanent accommodation arrangements are readily and practically available within existing townsites and in reasonable proximity to the workplace.

The Council does, however, acknowledge that Transient Accommodation may be required in certain circumstances due to:

- The remoteness of a workplace from existing townsites;
- The limited seasonal or temporary nature of the employment generating activity; and
- A severe shortage of land and housing supply.

The Council considers Transient Accommodation as a 'semi-permanent' facility for seasonal or part time workers as opposed to providing

permanent accommodation for full-time employees or other persons, and therefore should not be construed as a permanent long-term solution for transient workers or as a permanent housing alternative. In this context, the Council will consider applications for Transient Accommodation on individual merit, having regard to the Shire Town Planning Scheme, this Policy, other relevant Policies and any other relevant requirements.

The Council also acknowledges the general nature of changing circumstances, in terms of employment sectors generating a need for transient workforces and the resultant type, scale and locations of accommodation sought, and therefore may apply discretion and flexibility in allowing this form of development.

### **3.2 Amenity**

The Shire accepts that lower levels of amenity than those which could be typically expected within permanent. However, all applications should as a minimum accord with the standards as prescribed in this Policy, Environmental and Health legislation and the Building Code of Australia.

### **3.3 Industrial Areas**

The Council does not support the unrestrained proliferation of Transient Accommodation within townsites, especially within areas when industrial land uses are permitted, due to the potential for land use conflict and amenity concerns. Industries can generate a range of emissions and pollutants including noise, dust, vibration, gas, odour fumes and light spill, which may not be compatible with Transient Accommodation. The Council will therefore give due regard to the type and scale of surrounding industrial use and associated impacts before determining a development application.

Furthermore, the location of sensitive land uses, such as Transient Accommodation in proximity to industrial uses may compromise the ability of the industry and the broader industrial area to operate effectively, and may prevent certain industrial uses from developing or expanding. This will also be taken into consideration when determining an application for Transient Accommodation in a general or light industrial area.

### **3.5 Rezoning**

The Council supports the establishment of small-scale townsite Transient Accommodation development in accordance with the Town Planning Scheme permissibility and provisions where acceptable levels of on-site amenity are proposed, and the amenity of the surrounding area is not compromised.

For medium-scale townsite Transient Accommodation the Council may require the land to be rezoned, subject to the applicant providing the necessary information and addressing the following aspects, at a minimum, to justify the proposal:

- Proximity to established townsite services, facilities and infrastructure, current and future/proposed surrounding zonings, reservations and land uses, lot sizes and proportions, amenity for transient workers and the surrounding areas;

- A development concept plan for the entire site, addressing the requirements of this Policy, the Shire Planning Scheme and any other relevant requirements.

#### **4.0 OBJECTIVES**

The objectives of the Policy are to:

- Uphold the general policy position of Council, as set out above;
- Facilitate Transient Accommodation developments in appropriate locations;
- Minimise land-use conflict;
- Provide a reasonable level of amenity, and ensure the health and safety of transient workers residing with Transient Accommodation;
- Provide a functional living environment for transient workers residing within Transient Accommodation;
- Ensure the amenity and desired character of the site and surrounding area is maintained and protected;
- Provide guidance on the use of Transient Accommodation as seasonal temporary short-term accommodation for transient workers;
- Recognise that Transient Accommodation proposals will take varying forms depending upon site specific and case-by-case circumstances;
- Ensure compatibility with the predominant land use;
- Apply reasonable and relevant policy provisions to maintain a standard for Transient Accommodation; and
- Provide a level of clarity, guidance, certainty and consistency to applicants, the Shire and the community.

These objectives will be given due regard in the assessment of all applications for Transient Accommodation.

#### **5.0 SPECIFIC POLICY PROVISIONS**

The following specific policy provisions will be applied in the assessment of applications for Transient Accommodation dealt with by this Policy in addition to the Shire Town Planning Scheme/s and other requirements.

##### **5.1 Location**

5.1.1 In the case of Rural Transient Accommodation all buildings must:

- § be setback from front, side and rear boundaries in accordance with the requirements for each zone in the Shire Town Planning Scheme, and where possible should be clustered in close proximity to existing residential dwellings and/or other buildings;
- § not be sited on existing productive rural land. The Shire may refer an application to the Department of Agriculture and Food and other relevant agencies for comment prior to making a determination, where there are concerns regarding the impact of the proposed development on the use of land for agriculture; and

§ must be appropriately set back from existing productive rural land to avoid land use conflicts such as spray drift, dust, odour and noise.

5.1.2 In the case of Townsite Transient Accommodation:

§ The Transient Accommodation must be located to the rear of the lot behind primary land use to allow for appropriate screening from view from public places. In addition, or alternatively, the Shire may consider the provision of appropriate screening, through vegetation or other means, where the Transient Accommodation is visible from the street;

§ Buildings for Transient Accommodation must be setback from front, side and rear boundaries in accordance with the requirements of each zone in the Shire Town Planning Scheme;

§ Where the Shire considers that there may be a significant land use conflict between the Transient Accommodation and any existing use on the site or adjoining and nearby sites planning consent will not be granted.

5.1.3 Adequate separation must be provided between Transient Workforce Accommodation buildings to ensure privacy and amenity to occupants and to satisfy any relevant Building Code of Australia or Health Regulation requirements.

5.1.4 In accordance with State Planning Policy, Transient Accommodation:

§ Must not be sited in a mining buffer area; and

§ Will generally not be approved on land zoned for general industrial development, on lots containing, or with the potential to contain, general industrial uses and/or in close proximity to general industrial uses, unless there are extraordinary circumstances which can be provided and agreed to by the Shire as to why the Transient Accommodation is required.

5.1.5 Transient Accommodation must not be located in proximity to land containing, or with the potential to contain, agriculture, industry, mining and other land uses to the extent that:

- These land uses may adversely affect the amenity, health and safety of the transient workers; and
- The accommodation may adversely, detrimentally or prejudicially affect the use, or the continued use, of the land for its productive agriculture, industry, mining or other purpose.

5.1.6 In determining the compliance of an application with provisions 5.1.4 and 5.1.5 above, the Shire may refer the application to the Department of Health, Department of Environment and Conservation and Department of Industry and Resources, or their equivalent, for comment and recommendations.

## **5.2 Need**

The applicant shall detail the need for the Transient Accommodation including an explanation as to why the transient workers cannot be accommodated through alternative arrangements within townsites.

### **5.3 Environment**

The design and location of Transient Accommodation must not have an adverse impact on environmentally sensitive areas. Where there are concerns regarding the impact of a proposal on an environmentally sensitive area/s, the Shire may seek comment from the Department of Environment and Conservation and/or Environmental Protection Authority, or equivalent, prior to determining the application.

### **5.4 Amenity**

In determining an application for Transient Accommodation, the Council will:

- 5.4.1 Take into consideration the level of amenity for the transient workers and may apply any condition of approval which has the effect of increasing the level of amenity proposed or ensuring that a reasonable level of amenity is maintained.
- 5.4.2 Have regard to current and proposed surrounding land zonings, reservations and land uses and the likely affect of the proposal on the level of amenity and desired character of these surrounding areas. The Council may impose any condition of approval which has the effect of maintaining the level of amenity or preserving the desired character of surrounding areas.

### **5.5 Fencing and Screening**

- 5.5.1 Townsite Transient Accommodation sites shall have solid fencing on the side and rear boundaries and permeable fencing to the front boundary of the lot.
- 5.5.2 Transient Accommodation must be appropriately screened by vegetation or other means, to the satisfaction of the Council, from:
  - § Public roads frequented by tourists;
  - § Adjoining lots zoned for purposes other than rural, including rural-residential land or its equivalent;
  - § Particular tourist, scenic, visual, natural or other attractions; and
  - § In the case of rural accommodation, adjoining lots zoned for purposes other than rural, including rural-residential land or its equivalent.

### **5.6 Landscaping**

- 5.6.1 The Council may require a landscaping plan for the development site detailing hard and vegetated landscaping should the Transient Accommodation be highly visible from a major road or have adverse effect on a neighbouring residence.
- 5.6.2 Natural vegetation should be retained in any development scenario wherever possible.

## **5.7 Open Space**

5.7.1 At least 50% of the site for Transient Accommodation should be retained as open space. For the purposes of this Policy provision, open space will be calculated as per the definition contained within the Residential Design Codes of Western Australia.

## **5.8 Buildings**

5.8.1 Transportable buildings for Transient Accommodation must be permanently affixed to the site by footings.

5.8.2 All buildings and structures are to have a form and appearance, including materials and colours, which do not detract from the amenity and desired character of the area.

## **5.9 Essential Facilities**

5.9.1 Transient Accommodation developments should be provided with the following essential facilities as a minimum:

- § Ablution facilities including showers, toilets, laundry and associated facilities;
- § A covered and/or sheltered entry area and desirably an outdoor activity area;
- § An uncovered outdoor activity area, of which part may be shaded; and
- § Kitchen/cooking facilities or a commercial kitchen and eating areas.

These facilities may be provided conjoining sleeping areas, provided they are for the exclusive use of those residents. These facilities may alternatively be provided within close proximity to sleeping areas and must be readily accessible by foot.

## **5.10 Storage**

5.10.1 Adequate and secure storage space must be provided for the belongings of transient workers.

5.10.2 Adequate space must be provided for the storage of equipment and other materials required for the management, maintenance and upkeep of the Transient Accommodation development.

## **5.11 Lighting**

5.11.1 Adequate lighting must be provided to allow for pedestrian and vehicular safety and security throughout the development. For Townsite Transient Workforce Accommodation, lighting shall be designed so as not to adversely impact neighbours.

## **5.12 Access and Transport**

5.12.1 Internal pedestrian access is to be provided to and between all transient accommodation buildings and facilities by way of adequately paved pathways to the satisfaction of the Council;

5.12.2 One car parking space shall be provided for every 4 transient workers (or part thereof) which can be accommodated within the development, where the transient workers have or are provided with access to private vehicles. The car parking spaces must be for the exclusive use of transient workers;

5.12.3 An application for Transient Accommodation shall detail;

§ Any car parking arrangements for transient workers;

§ Means of transport provided for transient workers to access employment;

5.12.4 Internal roads and access ways must be designed and constructed to the satisfaction of the Council.

### **5.13 Occupants**

5.13.1 Occupants of the Transient Accommodation must be employed in the employment generating project associated with the Transient Accommodation.

### **5.14 Statutory Declarations**

5.14.1 To ensure compliance with the Shire Planning Scheme and this Policy, the Shire may, as a condition of planning approval, require a statutory declaration from the applicant acknowledging that the Transient Accommodation will only be occupied in accordance with the stated definitions in this Policy.

### **5.16 Subdivision**

5.16.1 The approval of Transient Accommodation by the Shire should not be construed to indicate support from the Shire for an application for subdivision of the land upon which the approval has been granted.

## **6.0 APPROVALS AND CONDITIONS**

Notwithstanding any of the above policy provisions, the Shire may impose any condition of approval as it deems necessary to ensure compliance with the objectives of this policy, compliance with the Shire Planning Scheme, and compliance with any other relevant requirement.

ADOPTED:

REVIEWED:

AMENDED:

## ATTACHMENT 2

|                       |  |
|-----------------------|--|
| POLICY NO:            | LPP 12   |
| DIVISION:             | Development Services   |
| SUBJECT:              | Temporary Workers Accommodation (Camp)   |
| REPORTING OFFICER:    | Executive Manager Development Services   |
| ENABLING LEGISLATION: | Town Planning Scheme No 7 – Kununurra & Environs<br>Town Planning Scheme No 6 – Wyndham<br>Interim Development Order No.10 |

### 1.0 CONTEXT

Temporary Workers Accommodation is occasionally required in the Shire of Wyndham East Kimberley in response to the need for remote and/or short term workers accommodation, mainly for larger scale construction and mining projects.

Temporary Workers Accommodation does not apply to typical transient workforce requirements where seasonal accommodation camps are required for up to 30 workers directly employed in the local agricultural, industrial and tourism sectors – refer to the Shire Local Planning Policy (LPP) 11 – Transient Workforce Accommodation.

### 2.0 INTERPRETATION AND PERMISSIBILITY

#### 2.1 Definitions

For the purposes of this policy a ‘Temporary Workers Accommodation’ is defined as:

*“Development which remains in place on a temporary basis that provides accommodation for construction-related workers and their dependents, or mine site workers usually on a ‘drive in/drive out’ and ‘fly in/fly out’ basis, and consists of buildings and other structures which by virtue of their design, layout, density and/or location, is not specifically provided for within the Town Planning Scheme/s and can only be approved pursuant to the ‘use-not-listed’ provisions contained within the Scheme.”*

#### 2.2 Scope

For the purposes of this Policy Temporary Workers Accommodation incorporates all buildings and structures, facilities and infrastructure/utilities required to accommodate a temporary workforce.

#### 2.3 Permissibility and Determination

A Temporary Workers Accommodation is deemed a ‘Use Not Listed’ under Clause 3.2.5 of the Shire Town Planning Scheme No.6 and Clause 3.1.6 of the Shire Town Planning Scheme No.7 and any other planning instrument of the Shire that sets out to guide land use development outside of the designated Planning Scheme areas.

Accordingly, determination of an application for a Temporary Workers Accommodation facility will be conducted pursuant to the respective clauses of the Town Planning Schemes mentioned above, and all relevant provisions detailed in this Local Planning Policy.

### **3.0 GENERAL POLICY POSITION OF COUNCIL**

#### **3.1 Objectives**

The general objectives of this policy are:

- 3.1.1 To ensure that applications for the development of Temporary Workers Accommodation are assessed in a consistent, fair, thorough and timely manner;
- 3.1.2 To provide guidance to staff, Councillors, other government agencies, landowners, developers, consultants and the general public regarding the assessment of applications for Temporary Workers Accommodation; and
- 3.1.3 To provide, where necessary, for the development of Temporary Workers Accommodation in a way that maximises social benefits whilst minimising social costs.

#### **3.2 Location**

- 3.2.1 The particular location of a Temporary Workers Accommodation/Camp is at the discretion of the Shire and will depend on the capability, suitability and appropriateness of the proposal. The Shire does not support Temporary Workers Accommodation located:
  - 3.2.1.1 In a position or area that would adversely affect residential, rural residential or rural smallholdings development and lifestyles or that would detract from any particular scenic or visual attraction;
  - 3.2.1.2 Adjacent to recognised tourist routes unless screened or designed for a permanent redundant use;
  - 3.2.1.3 Within any sensitive areas such as mining, industrial, waste treatment or landfill site buffers
  - 3.2.1.4 On land zoned for general industrial development, on lots containing, or with the potential to contain, general industrial uses and/or in close proximity to general industrial uses, unless there are extraordinary circumstances which can be provided and agreed to by the Shire, as to why the Temporary Workers Accommodation is required.
- 3.2.2 An adequate separation must be provided between Temporary Workers Accommodation buildings to ensure privacy and amenity to occupants and to satisfy any relevant Building Code of Australia or Health Regulation requirements.

3.2.3 Temporary Workers Accommodation must not be located in proximity to land where there may be a perceived level of conflict, specifically when:

3.2.3.1 These land uses (ie agriculture, industry, mining) may adversely affect the amenity, health and safety of workers; and

3.2.3.2 The accommodation facility may adversely, detrimentally or prejudicially affect the use, or the continued use, of the land for its productive agriculture, industry, mining or other purpose.

### **3.3 Need**

The applicant shall detail the need for a Temporary Workers Accommodation facility. The Shire in turn will examine the explanation provided by the applicant and have due regard to the need or otherwise for the Temporary Workers Accommodation in determining the application.

### **3.4 Environment**

The design and location of Temporary Workers Accommodation must not have an adverse impact on environmentally sensitive areas. Where there are concerns regarding the impact of a proposal on an environmentally sensitive area(s), the Shire may seek comment from the Environmental Protection Authority and/or the Department of Environment and Conservation, or equivalent, prior to determining the application.

### **3.5 Amenity**

The Shire accepts that lower levels of amenity than those which could be typically expected within permanent residential accommodation. However, all applications should as a minimum accord with the standards as prescribed in this Policy, Environmental and Health legislation and the Building Code of Australia.

### **3.6 Density**

The overall density of development for Temporary Workers Accommodation should not exceed 100 workers per hectare.

### **3.7 Specific Application Detail**

The following information shall be provided with a development application for planning consent:

3.7.1 A minimum of 4 sets of accurately scaled and dimensioned locality plans, site plans, floor plans, elevations (generally north, south, east and west elevations showing all buildings proposed for the site, rather than elevations of individual buildings, or as otherwise agreed by Council);

3.7.2 An analysis of the physical characteristics of the site (on sloping sites topographic mapping may be required);

- 3.7.3 Details regarding the maximum number of persons to be housed at the site, including the expected number male and female workers;
- 3.7.4 Details of how development is to be staged, if applicable;
- 3.7.5 Information regarding how essential services are to be provided to the site;
- 3.7.6 Details of proposed/intended accommodation purchaser/s (i.e. whose workforce is the accommodation intended to house);
- 3.7.7 An indication from the proposed/intended accommodation purchaser/s of the suitability of the proposal for their accommodation needs (i.e. in terms of size, location, layout, facilities and detailed design does it meet their requirements for accommodating their workforce);
- 3.7.8 Details of any prior consultation with local communities and government agencies;
- 3.7.9 Details of any ongoing community benefit that will result from development of the accommodation facility;
- 3.7.10 In urban or near-urban situations, details of landscaping, fencing, internal access roads and building materials and finishes;
- 3.7.11 An Accommodation Facility Management Plan; and
- 3.7.12 A Decommissioning Plan that outlines the removal of buildings and structures, disconnection of utilities and rehabilitation of the site to a neat and tidy condition.

### **3.8 Minimum Requirements**

- 3.8.1 Applications should demonstrate the Temporary Workers Accommodation facility:
  - 3.8.1.1 Is strategically located no further than 50 - 60 kilometres to the primary construction or mining site, and is within reasonable commuting distance to a range of services including social, recreational, commercial, retail and medical, if not provided on site;
  - 3.8.1.2 Has direct access to an established road that meets the specifications of the Shire;
  - 3.8.1.3 Is not located in an area of perceived environmental, social or visual sensitivity;
  - 3.8.1.4 Where practical, offers some level of 'value added' benefit for re-use of the infrastructure, either in part or in whole, beyond the life of the temporary accommodation camp use;
  - 3.8.1.5 Achieves compliance with the *Western Australian Construction Camp Regulations, 2004* and other relevant legislation as required by Council;

- 3.8.1.6 Is appropriately designed to suit the climatic conditions of the East Kimberley region;
- 3.8.1.7 Will effectively and appropriately be serviced by connection to utilities, including nature or type of power supply, potable drinking water source, effluent disposal system and telecommunications;
- 3.8.1.8 Will effectively and appropriately be managed through the preparation and implementation of an Accommodation Management Plan to be submitted with the application for planning consent. The Management Plan is to address:
  - § noise, dust, odour, light-spill and litter to be maintained to an acceptable amenity level in accordance with the minimum standards prescribed in environmental and health regulations;
  - § potential conflict with owners and/or occupiers of land within the vicinity of the site that may be affected by the operation of the accommodation facility;
  - § the method of transportation of workers to the site where construction is taking place; and
  - § the consumption of alcohol in the accommodation facility (if applicable).
- 3.8.2 As a minimum applications for Temporary Workers Accommodation should:
  - 3.8.2.1 Include a landscaping plan for the development site detailing hard and vegetated landscaping. Where possible, remnant vegetation should be retained to form a natural buffer around the accommodation site. Landscaping should also focus on achieving shade and privacy/visual screening for practical effect;
  - 3.8.2.2 Show at least 50% of the accommodation site as open space;
  - 3.8.2.3 Illustrate that all transportable buildings can be permanently affixed to the site by footings in accordance Building Code of Australia requirements;
  - 3.8.2.4 Detail that all buildings and structures will have adequate form and appearance, including materials and colours in soft earth browns, creams or greens, which do not substantially detract from the amenity and desired character of the area. The use of reflective cladding materials on walls will not be permitted. Where the use of second hand buildings is proposed the application must be accompanied by the following information:
    - § Photographs clearly showing the condition from four separate elevations of the used buildings;

§ An inspection report from a certified structural engineer or approved building surveyor.

3.8.2.5 Illustrate that the development includes:

- § Ablution facilities to be provided in each accommodation room including shower, toilet and wash basin connected to an approved effluent disposal system;.
- § Communal laundry and associated facilities connected to an approved effluent disposal system;
- § A covered and/or sheltered entry for each building and an outdoor activity area;
- § An uncovered outdoor activity area, of which part may be shaded.
- § Kitchen/cooking facilities or a commercial kitchen and eating areas.
- § Adequate and secure storage space for workers, equipment and other materials associated with management, maintenance and upkeep of the accommodation development.
- § Adequate lighting for pedestrian and vehicular safety and security throughout the development.
- § Internal pedestrian access to and between all buildings and facilities by way of adequately paved pathways with appropriate directional signage.
- § Internal roads and vehicular service access ways.
- § Designated car parking area/s with one car parking space for every 2 workers (or part thereof) accommodated within the development site.
- § Designated bus parking and collection/drop off area/s located within the development site with suitable turn around area.
- § Internal stormwater drainage system to be connected to the Council drainage network.
- § Provision of a potable water supply capable of providing a minimum of 80 litres per person per day.
- § Provision of waste collection with a common collection area and bins to be provided for each accommodation 'block' and in all common areas.
- § Uniform boundary fencing around the accommodation site to a minimum plain post and wire standard.
- § Emergency service and first aid facilities for Temporary Workers Camps located outside of a 50 kilometre radius from an established fire brigade and hospital.
- § Signage at the entrance of the Temporary Workers Accommodation that clearly details:
  - Site Manager/Operator
  - Specific rules of the Accommodation Camp
  - Map of the Accommodation Camp area
  - Emergency Contact Details
- § The provision of public telephones at strategic locations through out the Accommodation site,

unless alternative communication arrangements can be demonstrated.

- 3.8.2.6 Where the accommodation facility is required for a mining project, or similar, in a remote location for an extensive period of time, the Shire may consider the establishment of a more permanent settlement, with a design and layout to reflect the nature of long term use.

### **3.9 Decommissionion**

Applications shall be accompanied by a Decommissioning Plan committed to by the applicant by means of a legal agreement that addresses the following issues:

- 3.9.2 When the accommodation facility shall be decommissioned;
- 3.9.3 Works that shall remain in place following decommissioning;
- 3.9.4 The clean-up and rehabilitation of the site; and
- 3.9.5 The transfer of assets to public ownership or other where this has been committed too.

### **3.10 Keeping of Pets**

The Shire does not support the keeping of pets within the Temporary Workers Accommodation site and therefore may require a written agreement be provided by the site manager/operator to this effect.

### **3.11 Application Process**

The following process shall be undertaken to assess an application for a Temporary Workers Accommodation facility:

#### **Step 1 – Preliminaries**

*The proposal should generally be discussed with Shire planning staff prior to an application being submitted and in some instances preliminary, written advice will be provided. Applicants should ensure, in consultation with Shire staff, that their application contains all the required information.*

#### **Step 2 – Initial consideration by Council**

*Shire staff will present a report to Council detailing the application and addressing all aspects of the policy and any other relevant considerations, including details of a site inspection.*

*Note, this step may be circumvented through a grant of delegation by the Council to the Chief Executive Officer.*

### **Step 3 – Referral & advertising**

*The application will be advertised for public comment and referred to relevant stakeholders for a minimum of 21 days in accordance with the Town Planning Scheme requirements. During this period advertisements will be placed in local newspaper/s, letters will be forwarded to adjoining and nearby landowners within a 300 metre radius, a sign/s will be erected on site and plans/documents detailing the application will be made available for inspection at the Shire offices.*

*Note, in assessing a proposal for Temporary Workers Accommodation the Council may refer the application to other government agencies for comment and recommendations, such as the Department of Fire and Emergency Services (FESA), Department of Health, Department of Environment and Conservation, Department of Indigenous Affairs, and Department of Industry and Resources, or their equivalent, and any other agency the Shire deems as relevant.*

### **Step 4 – Final consideration by Council**

*The application will be considered in light of any submissions received during the comment period. Shire staff will present a report to Council presenting relevant facts and discussion sufficient to enable Council to make an informed decision on the application for a Temporary Workers Camp.*

ADOPTED:  
REVIEWED:  
AMENDED:

### 13.4.5 IMPLEMENTATION OF DEVELOPMENT ASSESSMENT PANELS IN WESTERNAUSTRALIA - SUBMISSION TO DEPARTMENT OF PLANNING (8869)

|                           |   |
|---------------------------|---|
| <b>DATE:</b>              | 20 October 2009                                       |
| <b>PROPONENT:</b>         | Shire Of Wyndham East Kimberley                       |
| <b>LOCATION:</b>          | State Of Western Australia                            |
| <b>AUTHOR:</b>            | Ian D'Arcy, Executive Manager<br>Development Services |
| <b>REPORTING OFFICER:</b> | Ian D'Arcy, Executive Manager<br>Development Services |
| <b>FILE NO:</b>           | 43.01.05  |
| <b>ASSESSMENT NO:</b>     | N/A   |

#### **PURPOSE**

The intent of this report is to inform the Council of the pending change to Planning legislation to introduce Development Assessment Panels (DAP's) across the state and seek endorsement for a submission to be lodged on the recently released Discussion Paper, for Regulations to be prepared appropriate to the effective operation of a DAP.

#### **BACKGROUND**

The Minister for Planning, Hon John Day has launched a Discussion Paper entitled *Implementing Development Assessment Panels in Western Australia*.

The discussion paper outlines the Development Assessment Panel (DAP) model that the Government has indicated it is committed to implementing in Western Australia next year.

There are two different types of DAPs, being:

1. Local development assessment panels (for metropolitan areas) - will be established to determine applications made to a single local government, where that local government is deemed to be a high-growth local government with enough development to support its own local development assessment panel.
2. Joint development assessment panels (for metropolitan and non-metropolitan areas) will be established to determine applications made to two or more small local governments that are not high-growth local governments.

Each DAP is to consist of 3 independent experts and 2 elected Local Government representatives, which have the powers to be the decision making body for development applications of a certain class and value (over 1 million dollars for the regional area of WA) that are not determined by a professional officer under delegated authority and would normally be determined by Council.

The objectives of the proposed DAP model, as outlined by the State Government, are to:  
streamline the determination process for particular types of development applications, by eliminating the requirement for dual approval under both the local and region schemes;

involve independent technical experts in the determination process;

§ encourage an appropriate balance between independent professional advice and local representation in decision-making for significant projects; and

§ reduce the number of complex development applications being determined by local governments, to allow local governments to focus their resources on strategic planning.

The following extracts from the Discussion Paper outlines the structure of DAPs and the expected operation.

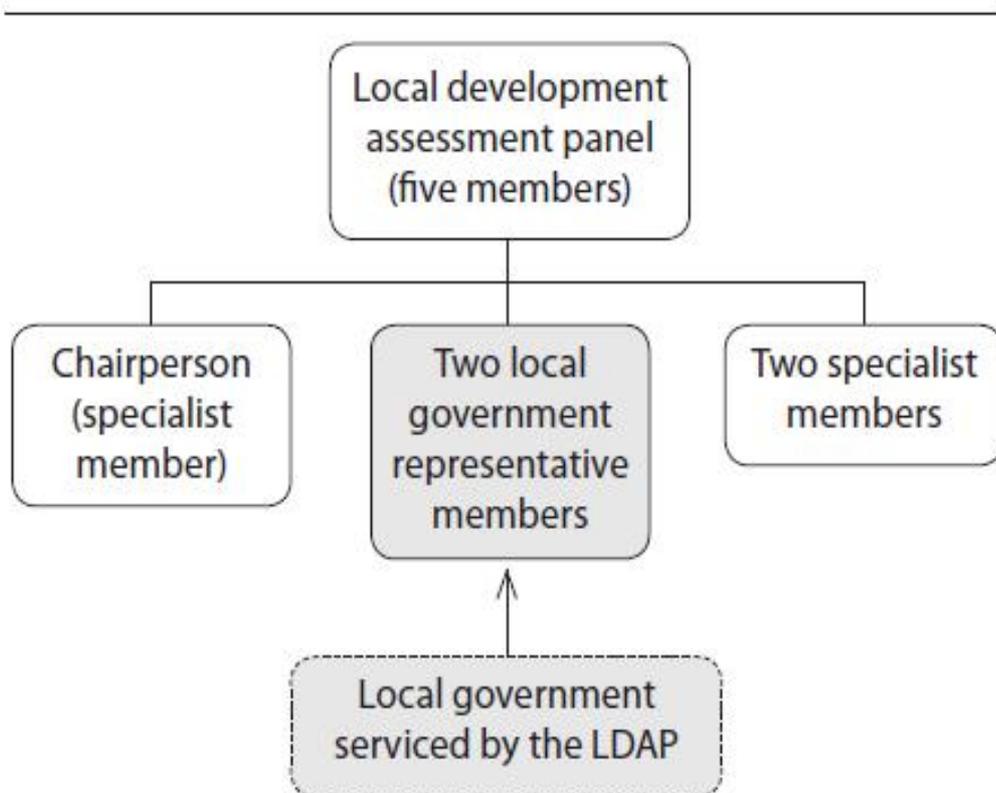
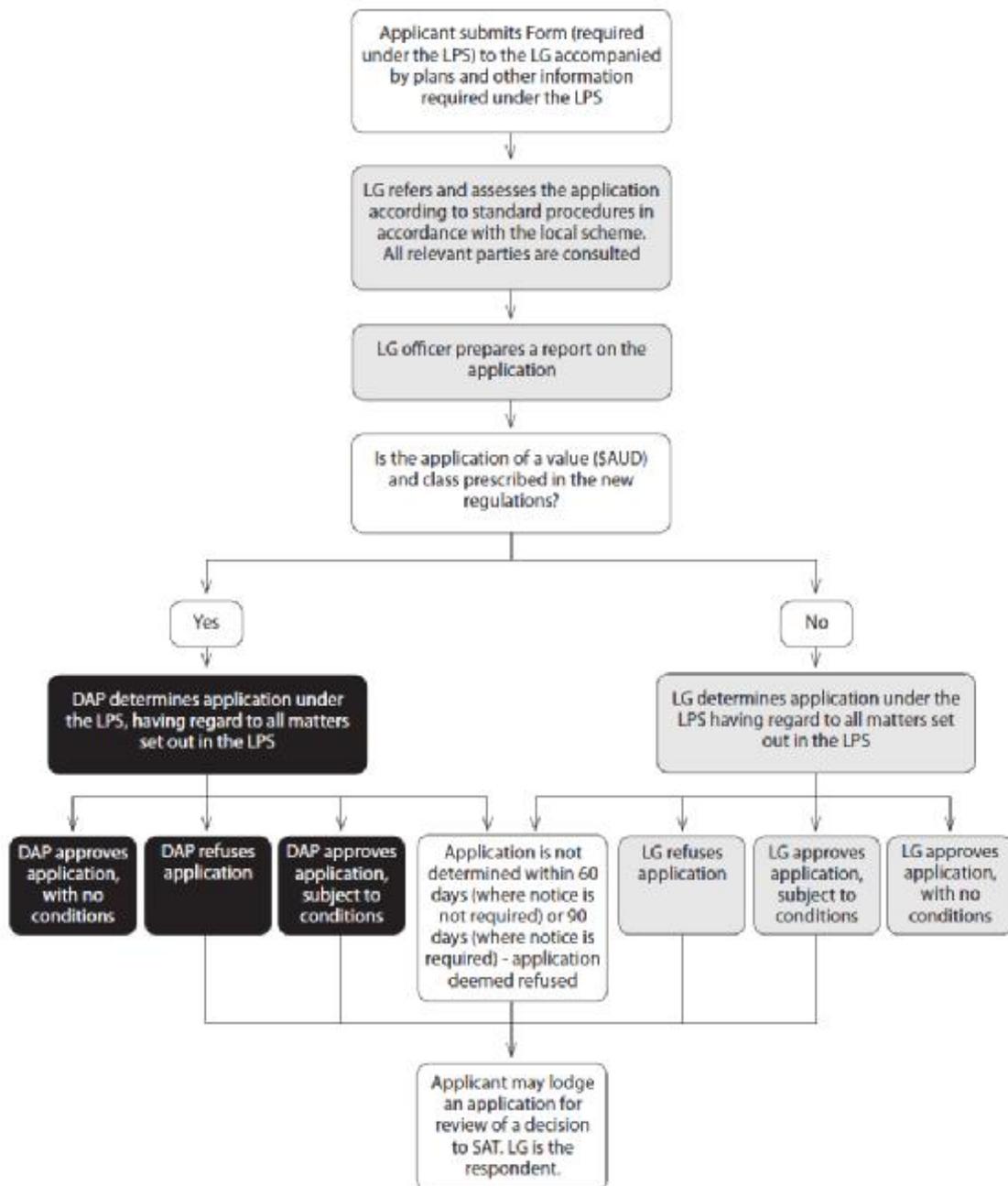


Figure 1: Local development assessment panel membership

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Development assessment process under a local planning scheme where a DAP is the determining authority



According to the Discussion Paper this Shire will fall within the following Joint Development Assessment Panel:

Development Assessment Panel No.7

- § Shire of Broome
- § Shire of Derby West Kimberley
- § Shire of Halls Creek
- § Shire of Wyndham East Kimberley

For reference purposes, Attachment 1 is a copy of the executive summary of the Discussion Paper, while Attachment 2 is a series of assembled questions and answers compiled by the Department of Planning in relation to the formation, function and operation of DAPs prepared by Staff.

A complete copy of the Discussion Paper can be obtained from the Executive Manager Development Services (EMDS) upon request.

The Shire President and EMDS attended a forum on DAPs in Broome on 2<sup>nd</sup> October 2009 in order to obtain further clarification on its impact on Local Government decision making and the intended timelines for implementation by the State Government.

At this forum it was clarified by the Department of Planning that:

- § The introduction of DAP's is inevitable as determination has been made by State Cabinet and the approach has been agreed through COAG;
- § Legislative changes to the *Planning and Development Act, 2005* is presently being progressed through parliament;
- § The purpose of the Discussion Paper is to obtain Local Government input into the preparation of the DAP regulations;
- § The formation of DAPs has been undertaken in consideration of SA and NSW models;
- § The target date for introduction of DAPs in WA is the 1<sup>st</sup> July 2010;
- § The administration and funding of DAPs will be the responsibility of local governments on a rotational basis;
- § The criteria and threshold of value for referring development applications to a DAP is open to review and subject to change through the submission period.

### **STATUTORY IMPLICATIONS**

As mentioned above the introduction of DAPs is being progressed through legislative changes to the *Planning and Development Act, 2005*.

Regulations applicable to the formation, function and operation of DAPs are also being prepared by the Department of Planning with the view to commencement of operation in July 2010.

### **POLICY IMPLICATIONS**

In order to appropriately guide large scale development in the Shire a greater emphasis will need to be placed on the preparation of Local Planning Policies by the Council. This will ensure clear standards are prescribed by the Council for the assessment of development applications which will need to be taken into account by the DAP when determining the application.

## **FINANCIAL IMPLICATIONS**

The intent by the State Government is to use planning application fees collected by local governments to cover all costs associated with the process of applications and operations of DAPs.

Presently, a maximum schedule of fees for planning applications that can be charged by local government is prescribed in the Planning Regulations. It is proposed by the Department of Planning that these fees be amended to accommodate the increased costs.

At present the fees charged by the Shire are considerably less than the maximum fees allowed under the Planning Regulations and therefore will need to be increased in the 2010/2011 budget to reflect the maximum fees allowed.

## **STRATEGIC IMPLICATIONS**

It is viewed that the approach of DAPs is contrary to strategic direction for local governments. It would appear DAP's are likely to generate increased work loads for local governments through a greater level of reporting and administration, as well as increase timelines for approvals to be granted. Presently local government Council's exercise a high level of delegation to staff to operate within a planning policy framework. This allows for approval processes to be streamlined assisting the development industry. However, through the DAP approach this will not be the case.

## **COMMUNITY CONSULTATION**

The Department of Planning has not engaged in any of consultation on the introduction of DAPs, however, the Discussion Paper has prepared on the draft Regulations which has been sent to all local governments and available for download of the Departments website.

## **COMMENT**

It is viewed that Development Assessment Panels (DAPs) are not warranted and will not yield the benefits as outlined in the Discussion Paper. In this regard there are a number of concerns listed as follows:

1. The nature of DAP's will likely generate increased work loads for Shire planning and administrative staff through a greater level of reporting and administration, as well as increase timelines for approvals to be granted. At present the Council exercises a high level of delegation to staff to operate within a planning policy framework that achieves streamlined processes which will not be the case with the establishment of DAPs.
2. The use of joint DAPs will result in community representation, sentiment and involvement in planning decisions being significantly diluted through reduced representation of local government Councillors. With only two local government representatives and the sittings of the DAP in the Kimberley likely to alternate across local governments, it is viewed DAPs will become a 'semi-closed shop' for many parties that may hold a particular interest in a specific development application. This 'closed shop' mentality and approach is contrary to the ethos and function of local government, and resoundingly represents a 'shut out' of local community interests and expectations.

3. The risk of conflict of interest and bias through the engagement of specialist members is a significant issue and will need to be carefully managed given the make up of representation of a DAP. In particular some specialist members may not be sufficiently 'independent', but more so be excessively pro-development at the expense of the local communities interests.

These comments together with other responses to questions prepared by the Department of Planning have been included in the submission provided as Attachment 2 to this report.

### **ATTACHMENTS**

Attachment 1 - Executive Summary of the Discussion Paper

Attachment 2 - Draft Submission to Department of Planning

### **VOTING REQUIREMENT**

Simple majority

### **OFFICER'S RECOMMENDATION**

That Council endorse the draft Submission on the Discussion Paper for Implementing Development Assessment Panels in Western Australia, as provided in Attachment 2, to be sent to the Department of Planning by the 2 November 2009.

### **COUNCIL DECISION**

***Minute No. 8869***

***Moved:Cr K Wright***

***Seconded:Cr D Ausburn***

***That Council endorse the draft Submission on the Discussion Paper for Implementing Development Assessment Panels in Western Australia, as provided in Attachment 2, to be sent to the Department of Planning by the 2 November 2009.***

***CARRIED UNANIMOUSLY: (8/0)***

### Executive summary

The Western Australian planning framework is based on achieving planning outcomes that succinctly balance economic, social and environmental issues. However, during the recent property boom, the need to improve the current framework and review the complexity of the planning system to allow for more timely decision-making became apparent.

The State Government is committed to improving the planning system in Western Australia by simplifying application processes and streamlining determination procedures while maintaining the elements that guarantee good planning outcomes. Opportunities for improvement have been identified and a number of reform initiatives are now being progressed by the Department of Planning.

In March 2009, the Department of Planning released the *Building a Better Planning System* consultation paper, which sets out the broader planning agenda for lasting improvement and reform of the planning system. One of the reform initiatives suggested in *Building a Better Planning System* was the introduction of development assessment panels to determine significant land and housing projects, as part of the effort to simplify planning approvals. Submissions received on the consultation paper were supportive of the concept of development assessment panels and the proposal to introduce them in Western Australia for specific classes of development.

The introduction of development assessment panels is one of the fundamental principles of the national Development Assessment Forum's (DAF) *Leading Practice Model for Development Assessment*. *Leading Practice Model Eight (Professional Determination for Most Applications)* promotes the principle of development assessments being determined by professional staff or private sector experts against known policies, objectives and rules. In addition *Leading Practice Model Five (Single Point of Assessment)* promotes a single point of assessment for applications using consistent policy, objectives and rules. The *Leading Practice model* also promotes limiting referrals to agencies with a relevant role for advice only, thus avoiding the need for separate approval processes. South Australia and New South Wales have already introduced development assessment panels into their planning system, in accordance with the DAF model.

This discussion paper sets out the development assessment panel model proposed for Western Australia (WA).

*The Planning and Development Act 2005* will be amended to make the relevant development assessment panel the responsible authority for determining applications of a prescribed class and value (\$AUD) prescribed in *new Planning and Development (Development Assessment Panels) Regulations 2010*. For these prescribed classes of applications, the provision will provide that a decision of a development assessment panel is to be regarded as, and given effect as, a decision of the relevant local government and/or the Western Australian Planning Commission (WAPC) as applicable. All remaining decision-making powers will remain with the local government and WAPC respectively.

Applications of the prescribed class and value (\$AUD) will continue to be assessed by the relevant local government under the local planning scheme and by the WAPC under the region planning scheme (when applicable) as prescribed in the respective scheme. The difference will be that a development assessment panel, instead of the local government or WAPC, will determine the application. A single decision-maker will be created, which is focussed solely on determining development applications under both schemes. This should assist local governments and the WAPC by allowing them to focus on the development of strategic planning instruments, rather than administering them.

Two different types of development assessment panels will be established by the Minister for Planning in WA:

- 1. Local development assessment panels**  
(for metropolitan areas) - will be established to determine applications made to a single local government, where that local government is deemed to be a high-growth local government with enough development to support its own local development assessment panel.
- 2. Joint development assessment panels**  
(for metropolitan and non-metropolitan areas) - will be established to determine applications made to two or more small local governments that are not high-growth local governments.

All panels will consist of independent technical experts (specialist members) and local government representatives. Specialist members will be appointed in accordance with specified criteria as prescribed in the new regulations. Members will be required to comply with a Code of Conduct and declare any potential conflict of interest. The development assessment panel will make decisions in accordance with the local and state policy frameworks.

Where the Minister for Planning believes a project is of State or regional significance the **Minister will have the power to call in** development applications. In such situations, the relevant development assessment panel will prepare advice and recommendations for the Minister to take into account when determining the application.

The comments and feedback received from this consultation paper will be used to inform the drafting of the *Planning and Development (Development Assessment Panels) Regulations 2010*.

Appendix A and B provides a diagrammatic overview explaining how development assessment panels will fit within the broader Western Australia planning and development framework.

Implementing Development Assessment Panels in Western Australia

Public Submission Form – Development Assessment Panels Discussion Paper

Name of Organisation (if relevant): *Shire of Wyndham East Kimberley*

Address: *PO Box 614 Kununurra WA 7643*

Interest: (e.g. government, industry body) *Local Government*

Development Applications Criteria

1. Do you consider that additional criteria of development type (value \$AUD and class) are required for the metropolitan local/joint development assessment panels? If yes, what additions would you propose and why?

*N/A*

2. Do you consider that additional criteria of development type (value \$AUD and class) are required for the non metropolitan joint development assessment panels? If yes, what additions would you propose and why?

*The Shire of Wyndham East Kimberley's position is that the criteria for referral of development applications to a DAP should be based on a threshold value set for the non-metropolitan area at 3.5 million dollars and above. This threshold is in recognition of the high building and developments costs applicable to regional and remote areas of the state, and will allow Local Governments to retain autonomy over planning decisions in line with local conditions and community expectations.*

*The criteria should also exclude all residential (grouped and multiple dwelling) development below 13 dwelling units irrespective of value and conformity. For this form of development the assessment and approval process should be maintained in accordance with the Residential Design Codes and Local Planning Policies as established by the relevant local government.*

Panel Membership

Local government members

3. How should local governments nominate and choose council members to represent the council on its Local or Joint development assessment panel? Should this be set out in the regulations, or left to local governments to determine?

*Local Governments should be left to nominate DAP representatives (including proxy) through a resolution of Council pursuant to single majority voting protocol prescribed under the Local Government Act. For continuity purposes the DAP Regulations should prescribe representation of a local government representative for a period of no more than two years to coincide with local government elections held in October every second year.*

4. Do you consider it an appropriate requirement for local government representatives appointed to a development assessment panel in Western Australia (WA) to have a certain qualification or type of experience, in addition to being an elected member of council?

*An elected member of Council nominated to sit on a DAP should not necessarily require a certain formal qualification or type of experience. However, the Shire also takes the view that there should be a mandatory requirement under the regulations for an elected member to participate in specific training to gain a sound understanding of the planning system in Western Australia and relevant conduct, protocol and liability requirements.*

#### Specialist members

5. Should development assessment panels in Western Australia be required to have a “reasonable balance” of experience represented on the panel? Or should every panel be required to have an expert from a particular set of fields? (For example, one expert with substantial planning experience, one expert with substantial environmental experience and one expert with substantial urban design experience or three experts with reasonable experience across a number of the fields indicated in section 4.3.1).

*The make up of specialist members on DAPs should consist of at least one planning professional and three other nominated experts from different disciplines with proven experience on planning matters applicable to the region. The Town Planner would participate in all sittings of the DAP while the other three experts would alternate depending on the nature of the application, with one designated proxy for each sitting.*

*Hypothetically, the DAP for the Kimberley region would ideally consist of:*

- *Town Planner (with regional experience)*
- *Specialist Architect (with climate responsive design experience),*
- *Environmentalist or Environmental Planner (with water management experience)*
- *Engineer (with transport management and drainage)*

6. Is it suitable for specialist members to be able to rotate within the panel according to the expertise required for that particular development assessment or should the panel be a constant set of specialists regardless of the development being assessed?

*Refer to Question 5 above.*

7. Independent specialist members of development assessment panels in Western Australia will be required to have a certain level of experience in their chosen field. How many years of experience (in a relevant field) and or what level of qualification would be appropriate for the appointment of independent specialist members to a development assessment panel in Western Australia?

*All specialist members should be qualified with a minimum of 10 years experience in their respective profession. Additionally, each specialist should need to demonstrate knowledge and experience specific to the region of the DAP, demonstrating a sound appreciation of localised issues and circumstances.*

8. Is it appropriate for specialist members to be permitted to sit on several development assessment panels during the same time period? Or should each specialist member only be permitted to sit on a single panel?

*There is no reason why specialist members could not sit on more than one DAP provided:*

- 1. They can demonstrate knowledge and experience specific to the region.*
- 2. Their work load does not adversely affect the sitting of DAPs in any region.*
- 3. There is no significant level of conflict or bias associated with the nominated region.*

9. Should specialist members be required to go through a formal interview process with the State Government to be eligible for the panel?

*All specialist members should be subject to an interview process. Applications should also be referred to relevant local governments for comment as part of the selection process. This is to ensure local governments are given the opportunity on any past dealings and performance with m*

Operation of panels

10. The Minister will nominate a specialist member proxy from the Register of Panel Members to attend meetings of the development assessment panel on behalf of a specialist member when they are unable to attend. Should the proxy's be assigned to a particular panel or is it more appropriate to have a pool of proxy members that any panel can call upon as needed? Is it appropriate for the relevant local government (secretariat) to be responsible for coordinating the replacement of core panel members with the nominated proxy (from the register). Are there any other process issues relating to the use of specialist proxy panel members that needs further consideration?

*Refer to Question 5 above.*

11. Each local government will be required to nominate a permanent local government representative proxy to replace the core local government panel members when they are unable to attend panel meetings. The nominated proxy along with the core local government members will need to be on the Register of Panel Members managed by the Department of Planning. Are there any other process issues relating to the use of local government proxy panel members that needs further consideration?

*Refer to Question 3 above.*

12. If a panel member declares that they have a conflict of interest in relation to a particular development application, should that member be replaced for the duration of the discussion on that item or the duration of the entire meeting? Should the Minister appoint 'alternate' members to each panel, whose role is to replace permanent members where a conflict of interest arises?

*The DAPs should function in a consistent manner to local government meetings where a member declares a conflict of interest in relation to a particular development application and vacates the sitting for that item. The balance of the DAP should determine the application with the presiding member having the casting vote, if required.*

*Protocols and penalties for DAP members should also be consistent with the Local Government Act.*

13. What specific issues need to be covered by the Department of Planning when producing a guidance document for development assessment panels?

*Any guidance document should detail:*

- 1. The criteria upon which an application is determined by the DAP as opposed to the Council;*
- 2. The function of a DAP including consistencies and in-consistencies to local government protocols, including lodgement and processing of development applications in accordance with the Local Planning Scheme and meeting frequencies and procedures.*
- 3. The responsibilities and rights of the applicant, including application details, payment of fees, and rights of appeal.*
- 4. The responsibilities and rights of the DAP and individual members of the DAP.*
- 5. The reporting and accountability of the DAP.*

14. Minutes of the development assessment panels are intended to be posted on both the WAPC and relevant local government website? Is this the most appropriate method of providing transparency on decision making or are their other processes also required? Is there a need for a dedicated WA development assessment panels webpage?

*It is reasonable to expect Minutes of the DAPs will be posted on both the WAPC and relevant local government website. It not considered necessary for an additional website to be developed for this purpose as this will add to unnecessary administrative cost and burden.*

Code of Conduct

15. What should the WA Code of Conduct cover? Does the list provided in section 4.3.7 exclude any items that should be covered? If yes what additional information needs to be addressed in the *Planning and Development (Development Assessment Panel) Regulations 2010* code of conduct?

*The Code of Conduct should be a replication the Code applied under the Local Government Act. This will ensure consistency with the processing and determination of all development applications whether by a DAP or the local government Council.*

16. Is it appropriate to incorporate the Code of Conduct into the Development Assessment panels Guidance Manual (discussed in section 4.3.5) so that there is one holistic “manual” for running DAPs within the state or be one in a series of documents on operating a DAP?

*The Code of Conduct for the Development Assessment panels should be incorporated into Guidance Manual to deliver one holistic “manual” for running DAPs within the state. This provides a level of convenience and transparency for all interested parties.*

Administrative issues

17. How should secretariat support for a joint development assessment panel be shared by the participating councils? The current proposal is for each local government to appoint an officer to undertake the secretariat role (e.g. take minutes, organise the Agenda and provide other general administrative support) to the development assessment panel on a six monthly rotation.

*The proposed model of secretariat support for joint DAPs to be shared by the participating Councils is not supported due to equity and efficiency concerns. Many local governments do not have the resource capacity to effectively deliver the added administrative function of a DAP, nor should they have to if there are few applications that need to be considered.*

*The administrative function should therefore be delivered by the Department of Planning through regional offices with the schedule of fees for development applications being amended to account for the additional administration. A percentage of the application fee could be assigned and paid by the local government at the end of each quarter based on the applications submitted to the DAP. This will ensure consistency and timely delivery of outcomes without prejudicing local governments with minimal development growth.*

18. What would be an appropriate process for development assessment panels to report on their performance? Should they provide data to the Department of Planning and the relevant local government on a monthly basis?

*At the very least a schedule of applications determined by the DAP and prepared by the secretariat, including an executive summary of the proposal, should be submitted to the respective local governments on a monthly basis for information purposes. This will ensure the local government and for that matter the local community is informed in a timely manner.*

19. The Department of Planning will be required to produce an annual report on the performance of all development assessment panels across the State? What input should be provided by each development assessment panel on its operations?

*The discussion paper (section 4.3.10) appears to adequately cover necessary reporting.*

#### Financial arrangements

20. Given that the proposed sitting fees need to be set low enough to be reasonably paid from established application fees (as set out in the *Planning and Development Regulations 2009*) and high enough to attract appropriately experienced candidates, is there a need to increase the proposed sitting fees?

*The proposed fees prescribed in the discussion paper for specialist members, including the chair, appears reasonable.*

21. The current model proposes that the chair will attract a higher sitting fee rate than other specialist members given the additional responsibilities the role demands and elected members will not attract a sitting fee as their role is considered to be within their elected duties. Is this the most appropriate sitting fees arrangement?

*The fees prescribed in the discussion paper for specialist members should also apply to local government representatives, being \$400 per sitting. This entitlement should be incorporated into the regulations for DAPs, with the fee*

*schedule for development applications under the Planning Regulations being amended to incorporate this cost.*

Training of panel members

22. What does the WA training course need to cover? Is the proposed content outlined in section 4.3.9 detailed enough or do we need to cover other issues?

*The training outlined in the discussion paper appears to be adequate.*

23. Is it appropriate for all members, regardless of their experience and background, to be required to attend the same panel training session outlining planning law and procedures for DAPs in WA?

*Yes. However, such training should also be extended to include local government staff that will be required to interact with DAPs to ensure a complete understanding of the function and operation.*

General comments

To assist in the collation of comments please reference the section, page number and paragraph number (where appropriate) that corresponds to your comments (e.g. Section 4.5, page 22, paragraph 2:-). If your comment is of a more general nature please place in a "general comments" section in your response. Please provide any additional comments you may have on the discussion paper.

- (a) This Shire of Wyndham East Kimberley is of the view that Development Assessment Panels (DAPs) are not warranted and will not yield the benefits as outlined in the Discussion Paper, notwithstanding any commitment by the Western Australian Government given through COAG. The four local governments that represent the Kimberley region have and continue to work in a pro-active manner to ensure timely development approvals are granted in line with local community sentiment and expectations.*
- (b) The nature of DAP's will likely generate increased work loads for local governments through a greater level of reporting and administration, as well as increase timelines for approvals to be granted. Presently local government Council's exercise a high level of delegation to staff to operate within a planning policy framework. This allows for approval processes to be streamlined too assist the development industry. However, through the DAP approach this will not be the case.*
- (c) The use of joint DAPs will result in community representation, sentiment and involvement in planning decisions being significantly diluted through reduced representation of local government Councillors. With only two local government representatives and sittings of a DAP in the Kimberley likely to alternate across local governments, it is viewed DAPs will become a 'semi-closed shop' for many parties that may hold a particular interest in a specific development application. This 'closed shop' mentality and approach is contrary to the ethos and function of local government, and resoundingly represents a 'shut out' of local community interests and expectations.*
- (d) The risk of conflict of interest and bias through the engagement of specialist members is a significant issue and will need to be carefully managed given the make up of representation of a DAP. In particular the*

*Shire is concerned that some specialist members may not be sufficiently 'independent', but more so be excessively pro-development at the expense of the local communities interests.*

All comments received by Monday 2 November 2009 will be considered by the Department of Planning to inform the drafting of the *Planning and Development (Development Assessment Panels) Regulations 2010*.

*Thank you for taking the time to provide comment.*

### 13.4.6 PROPOSED COMMERCIAL BOATING FACILITY DEVELOPMENT - ALLIGATOR AIRWAYS (8870)

|                           |  |
|---------------------------|--|
| <b>DATE:</b>              | 20 October 2009                                    |
| <b>PROPONENT:</b>         | Alligator Airways Pty Ltd                          |
| <b>LOCATION:</b>          | Commercial Boating Facility, Kununurra             |
| <b>AUTHOR:</b>            | Jennifer Ninyette, Town Planning Officer           |
| <b>REPORTING OFFICER:</b> | Ian D'Arcy, Executive Manager Development Services |
| <b>FILE NO:</b>           | 43.04.01   |
| <b>ASSESSMENT NO:</b>     | A2860  |

#### **PURPOSE**

For Council to consider the development application received from Alligator Airways to commence the development of their designated lease area within the commercial boating facility.

#### **BACKGROUND**

Alligator Airways have been assigned 'Lot 5' at the proposed commercial tourist operator area located on the Lake Kununurra foreshore between Ski Beach and Swim Beach.

The leases for the commercial operators are yet to be finalised due to the lease documents requiring the consent of the Minister for Lands prior to being granted.

The Department for Regional Development and Lands have recently advised that this consent will not be granted until the subject land has been excised from Foreshore Reserve 41812 and Recreation Reserve 29297, and the new reserve for the purpose of 'Tourist Facility' is created. Sole care, control and management of this reserve will be granted to the Shire, with the power to lease for a maximum term of 21 years.

The Department of Regional Development and Lands have also recommended that this new reserve will be setback 10 metres from the waters edge to allow a buffer strip between the commercial lease area and the water. Please refer to the plan at Attachment 1.

This buffer strip will be reserved for the purpose of "Foreshore Protection, Tourist Facility and Public Access" with a management order granted to the Shire that includes the power to licence for a maximum period of up to 21 years.

The Acting Chief Executive Officer in discussion with the Shire President and Deputy Shire President has agreed to this configuration and reservation, and has pressed the Department of Regional Development and Lands to create the new reserve and issuance of management orders as a matter of priority.

In the interim Mr Kendrick, the owner of Alligator Airways has sold his house and wishes to relocate to the site prior to the leases being finalised. An application for planning consent has now been submitted outlining a proposal to place a transportable unit on site for the purpose of temporary accommodation in the first instance, prior to the hangar and permanent caretakers residence being established in the longer term. Once the caretaker's residence is constructed the transportable unit will be removed.

The transportable unit is to consist of two bedrooms with combined kitchen/living area, and combined bathroom/laundry area. The dimension of the building measures 3.0 meters in width by 14.4 metres in length. It is intended to place the transportable in the north east corner of the surveyed lease area, wholly within Reserve 29297. Plans of the proposed temporary accommodation are shown at Attachment 3.

It is also proposed to establish an Aerobic Treatment Unit (ATU) for effluent disposal for the temporary accommodation, which will eventually service the caretakers dwelling. A separate application to construct this apparatus has been lodged with the Shires Environmental Health Section. The ATU will also require approval from the Department for Water, as it is proposed to be partially located within the jointly managed foreshore reserve, and in close proximity to the waterway.

The balance of the development is to consist of a proposed hangar for storage of the float plane and an adjoining two storey caretaker's residence.

Additionally the proposal includes development of a pavilion to be used as a 'departure lounge' for passengers, a bus parking area, water tank, float plane ramp and two jetties. All passengers will be shuttled to the site via the Triple J courtesy bus, and pedestrian pathways are to be provided to connect the bus drop off area, pavilion and jetty.

Plans of the proposed commercial development are shown at Attachment 3.

The jetties require approval from the Department of Transport, and are existing licensed jetties currently located at Discovery Parks (formerly Kona) Caravan Park. The applicant advises that approval to relocate these jetties to the subject site has been granted by the Department of Transport.

The applicant has also obtained a bed and banks permit from the Department of Water to implement the proposed float plane ramp.

## **STATUTORY IMPLICATIONS**

### **Lease Agreement**

The lease arrangements is currently being enacted under Section 3.58 of the *Local Government Act 1995* and Section 18 of the *Land Administration Act 1997* (LAA).

However, until a lease agreement has been signed off by the Minister for Lands any grant of consent for development should be at the risk of the applicant where no compensation will be paid for costs incurred should lease for what ever reason not be approved.

In this regard a statutory declaration acknowledging the level of risk should be required as a condition of approval on any forthcoming consent to develop on Crown land without a formal lease agreement being executed by the Minister.

### **Development Approval**

The proposed lease area currently covers two separate land parcels, being portion of Reserve 41812 and Reserve 29, which are, respectively reserved

Special Foreshore and Parks and Recreation under the Town Planning Scheme No 7.

The Scheme states that where an application for planning approval is made in respect to land within a scheme reserve, the Council shall have regard to the ultimate purpose intended for the Reserve. Further, the Council shall, in the case of land reserved for the purposes of a Public Authority, confer with that Authority before granting its approval.

In this instance the foreshore land (Reserve 41812) is jointly managed by the Department of Water where consent has been granted by the Department for the installation of the proposed ATU sewerage system.

In accordance with the submitted plans the temporary accommodation unit will solely be located within Recreation Reserve 29297 which is managed by the Shire independently.

Notably, it is the intention for the commercial user area to be excised from the existing reserves, and a new reserve to be created for the purpose of 'Tourist Facility' to be solely managed by the Shire, with power to lease for up to 21 years.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

As already mentioned the leases are yet to be finalised, therefore the applicant does not currently have any legal tenure to the land and any development by the applicant prior to issuance of the lease should be conditioned to be at their own risk.

### **STRATEGIC IMPLICATIONS**

The Lake Kununurra Commercial Boating Facility was identified as a key project in the Shire of Wyndham East Kimberley - Plan for the Future 2008 – 2010 and the Lake Kununurra Foreshore Plan. The proposed leasing and development is in line with Council's strategic goals.

### **COMMUNITY CONSULTATION**

The commercial user leases have undergone the required public consultation and are awaiting endorsement by the Minister for Lands.

### **COMMENT**

Given that the Minister for Lands has yet to grant consent for the proposed commercial leases, and will not do so until such time as a new reserve for 'Tourist Facility' has been created and management order granted, it is considered that Council should not grant formal planning approval for the overall commercial development until the lease has been finalised.

Notwithstanding, it is considered that Council has the ability to permit the temporary accommodation within portion of Reserve 29297, on the provision that Council will not responsible for any costs involved with the removal/relocation of the transportable building if/when required.

Therefore, on this understanding it is recommended that Council:

1. Allow development of the temporary accommodation unit subject to the following conditions:
  - (a) The lodgement of a Statutory Declaration that:
    - clearly acknowledges and accepts a risk of installing infrastructure and buildings on Crown land (proposed lot 5) without a formal lease agreement being executed by the Minister for Lands;
    - indemnifies the Shire from any claim of compensation for any costs incurred associated with such development; and
    - agrees to the removal of such infrastructure and buildings at the direction, reinstatement of the land to the satisfaction of the Shire Chief Executive Officer should a lease agreement not be executed by the Minister for Lands.
  - (b) All development shall be in accordance with the attached approved plan(s) dated 20 October 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.
  - (c) The temporary accommodation shall transportable in design and construction and shall include extended cover over the doorway (such as a cantilever or awning) for adequate protection from the weather.
  - (d) All external building materials shall be non-reflective and complimentary in colour with the landscape values of the Lake Kununurra Foreshore Area (i.e. blue, cream & green are encouraged).
  - (e) The building shall be serviced by a minimum 100,000 litre Rainwater Tank or a 10,000 litre storage tank fed from the river, watercourse or under ground bore for domestic supply.
  - (f) All trees shall be retained unless their removal is required for the purposes of access, building development or fire protection.
  - (g) The provision of a minimum of two (2) parking bays shall be constructed to a minimum all weather seal coat standard to be maintained to the satisfaction of the local government.
  - (h) 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 the waterway 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 Development Services and submitted with the building application.

- (i) Upon signing of a lease agreement and completion of a caretaker's residence the temporary accommodation unit shall be removed within one month of occupation of the residence.
  - (j) This approval is valid for a period of one (1) year. Within 3 months of the expiry of this approval, a new application is required to be submitted to Council.
2. Grant delegation to the CEO to approve the submitted application for the balance of the commercial development once the lease agreement has been finalised and executed subject to conditions consistent with those as prescribed above, except conditions (a), (i) and (j) and additional conditions being applied in relation landscaping, access and parking areas, public amenities, storage or flammable liquids, servicing of aircraft and signage.

### **ATTACHMENTS**

Attachment 1: Reservation Plan  
Attachment 2: Site Plan  
Attachment 3: Temporary Accommodation Plans  
Attachment 4: Hangar/Caretaker Residence Plans

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER'S RECOMMENDATION**

That Council

1. Consent to development of the temporary accommodation, including the installation of an onsite effluent disposal ATU, on Foreshore Reserve 41812 and Recreation Reserve 29297 (Lease area 5) subject to:
  - (a) The lodgement of a Statutory Declaration that:
    - clearly acknowledges and accepts a risk of installing infrastructure and buildings on Crown land (proposed lot 5) without a formal lease agreement being executed by the Minister for Lands;
    - indemnifies the Shire from any claim of compensation for any costs incurred associated with such development; and
    - agrees to the removal of such infrastructure and buildings at the direction, reinstatement of the land to the satisfaction of the Shire Chief Executive Officer should a lease agreement not be executed by the Minister for Lands.
  - (b) All development shall be in accordance with the attached approved plan(s) dated 20 October 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.

- (c) The temporary accommodation shall be transportable in design and construction and shall include extended cover over the doorway (such as a cantilever or awning) for adequate protection from the weather.
  - (d) All external building materials shall be non-reflective and complimentary in colour with the landscape values of the Lake Kununurra Foreshore Area (i.e. blue, cream & green are encouraged).
  - (e) The building shall be serviced by a minimum 100,000 litre Rainwater Tank or a 10,000 litre storage tank fed from the river, watercourse or under ground bore for domestic supply.
  - (f) All trees shall be retained unless their removal is required for the purposes of access, building development or fire protection.
  - (g) The provision of a minimum of two (2) parking bays shall be constructed to a minimum all weather seal coat standard to be maintained to the satisfaction of the local government.
  - (h) 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 the waterway 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 Development Services and submitted with the building application.
  - (i) Upon signing of a lease agreement and completion of a caretaker's residence the temporary accommodation unit shall be removed within one month of occupation of the residence.
  - (j) This approval is valid for a period of one (1) year. Within 3 months of the expiry of this approval, a new application is required to be submitted to Council.
2. Grant delegation to the CEO to approve the submitted application for the balance of the commercial development once the lease agreement has been finalised and executed subject to conditions consistent with those as prescribed above, except conditions (a), (i) and (j) and additional conditions being applied in relation landscaping, access and parking areas, public amenities, storage or flammable liquids, servicing of aircraft and signage.

**COUNCIL DECISION**

***Minute No. 8870***

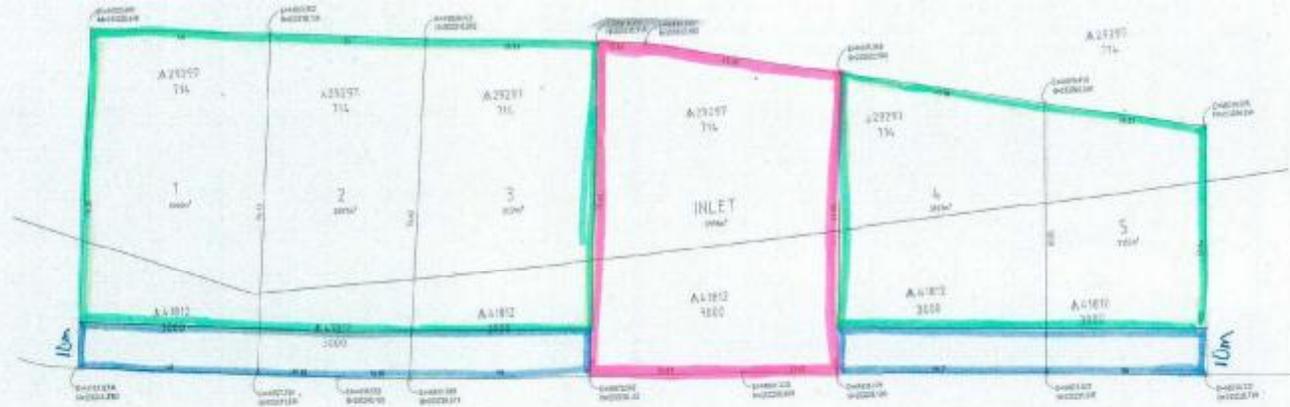
***Moved:Cr D Ausburn***

***Seconded:Cr J Moulden***

***That Council defer Item No 13.4.6 to Behind Closed Doors to Item No. 17.2. in accordance with the Local Government Act 1995, s. 5.23 (2)(c).***

***CARRIED UNANIMOUSLY: (8/0)***

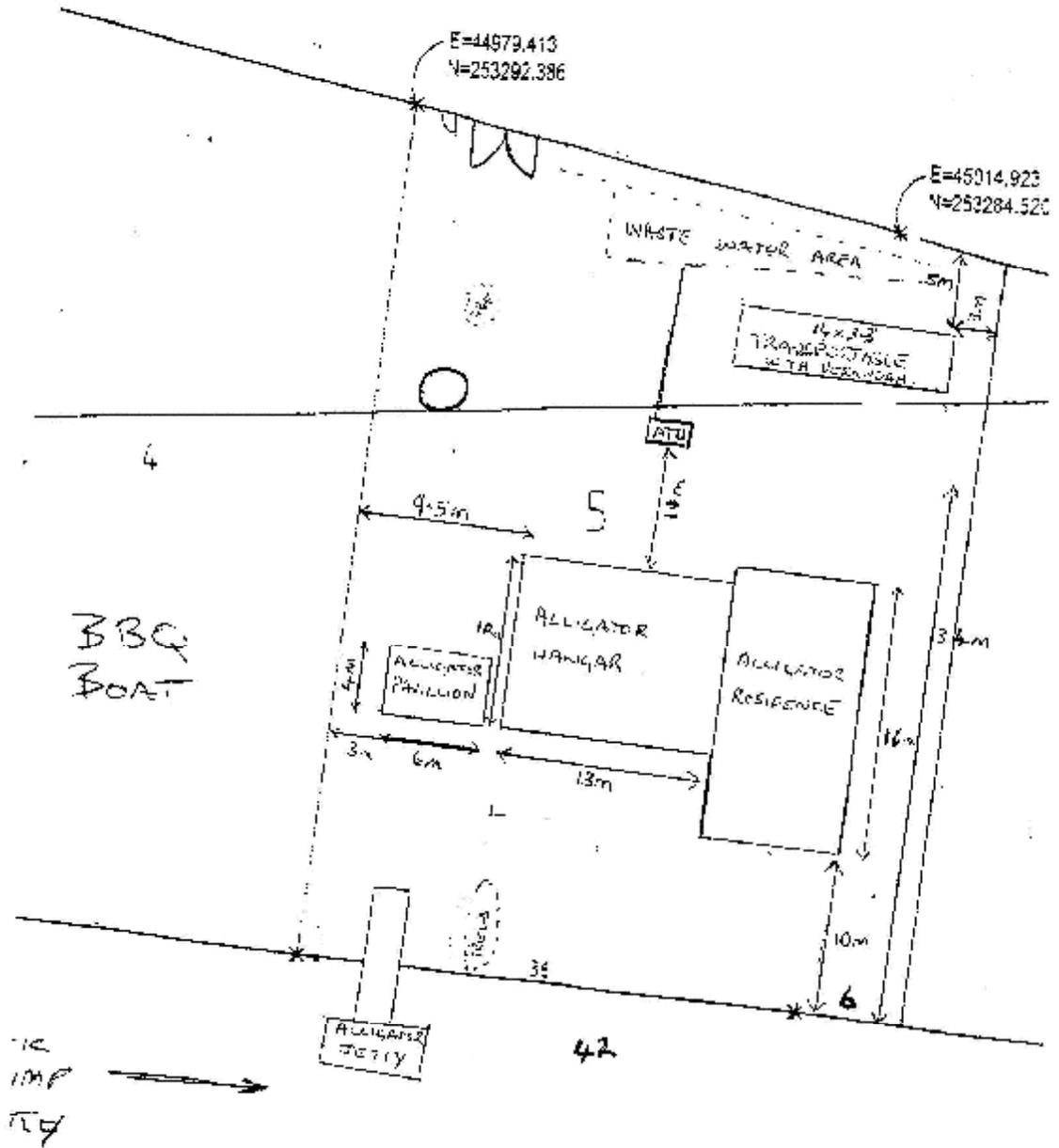
# ATTACHMENT 1



- - PROPOSED "FORESHORE PROTECTION, TOURIST FACILITY AND PUBLIC ACCESS" RESERVE
- - PROPOSED "TOURIST FACILITY" RESERVE
- - "FORESHORE AND RECREATION" RESERVE 41812.

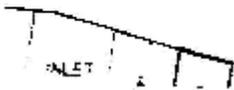
ATTACHMENT 2

714

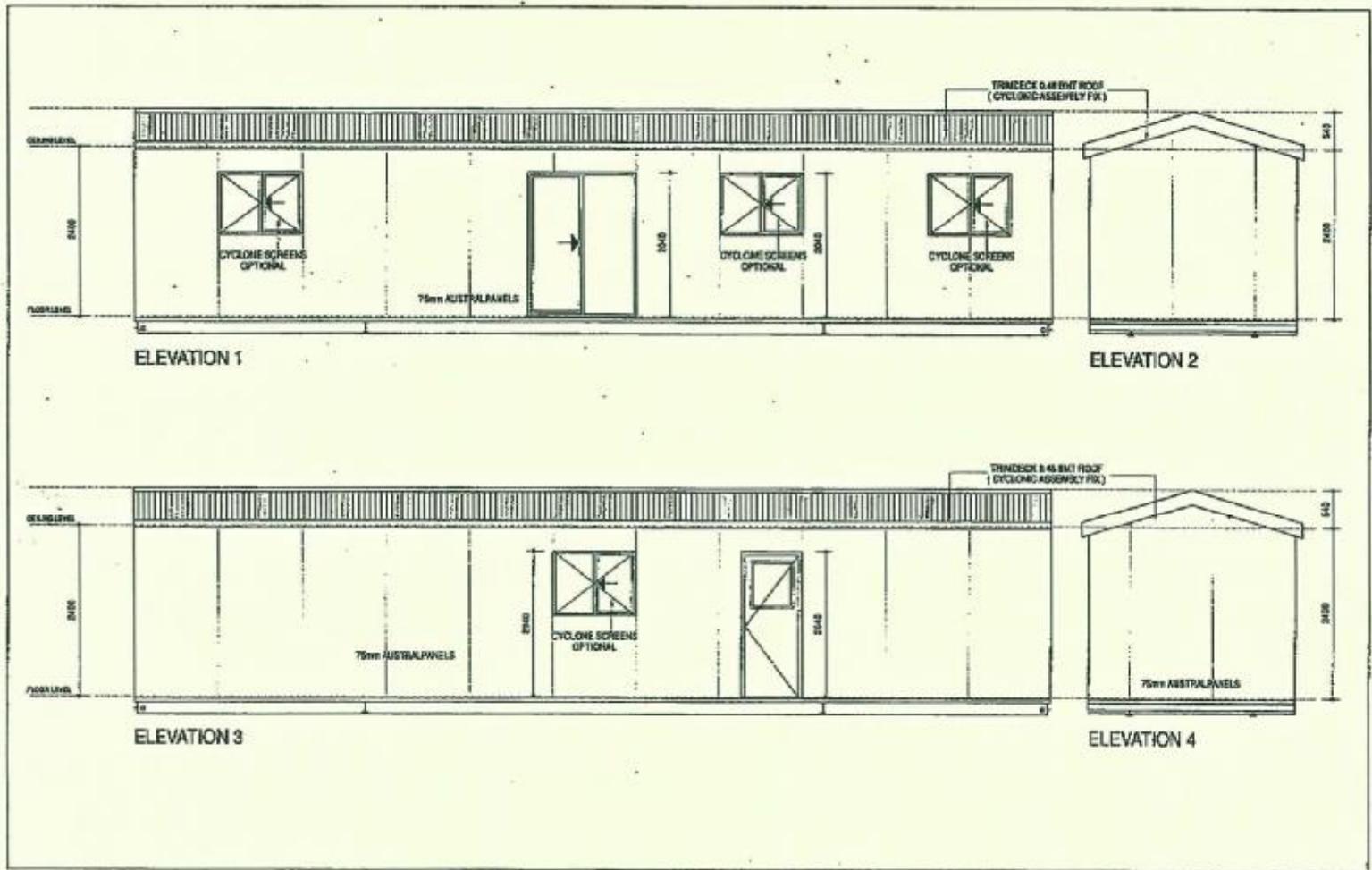


LAKE KUNUNURRA

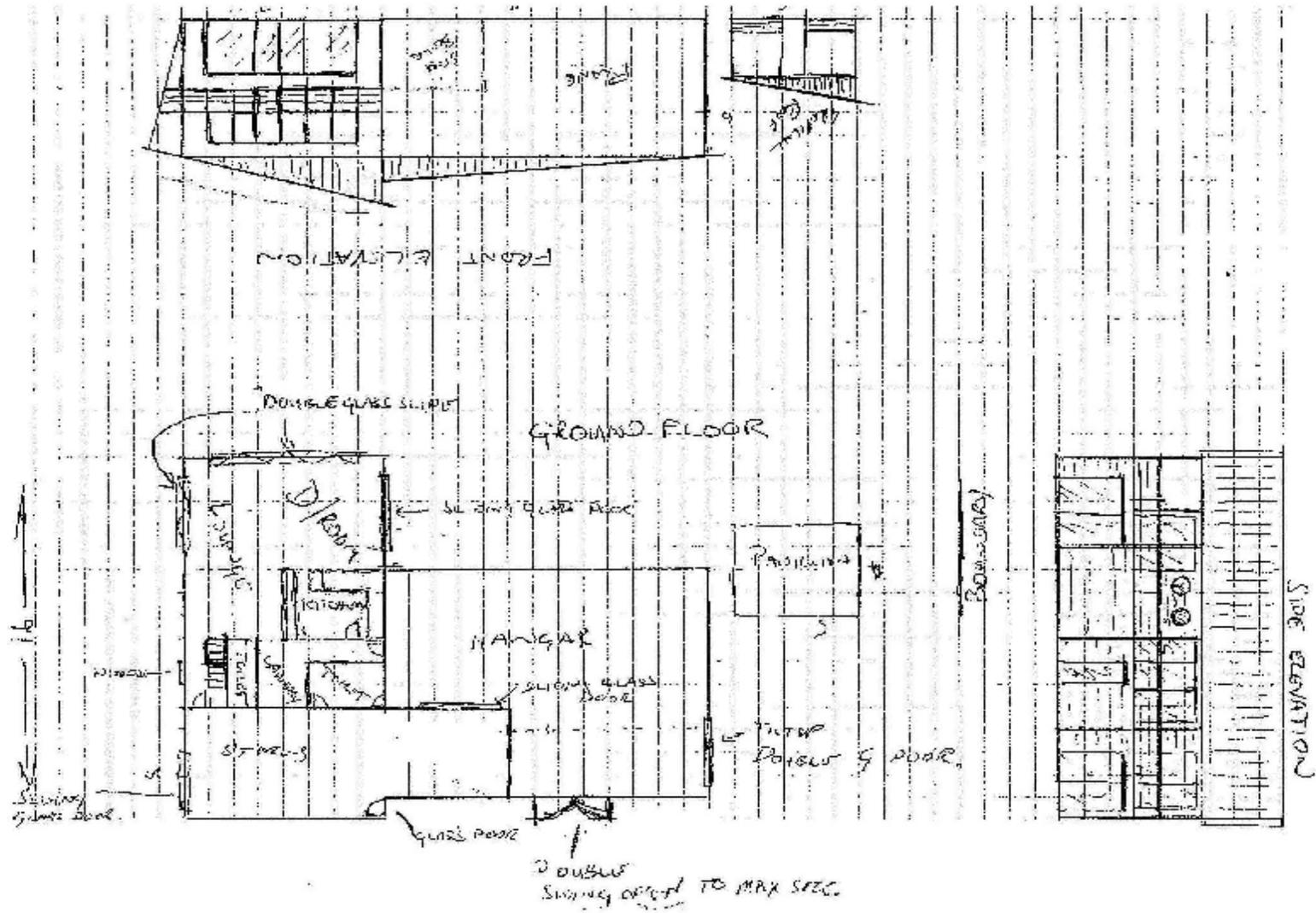
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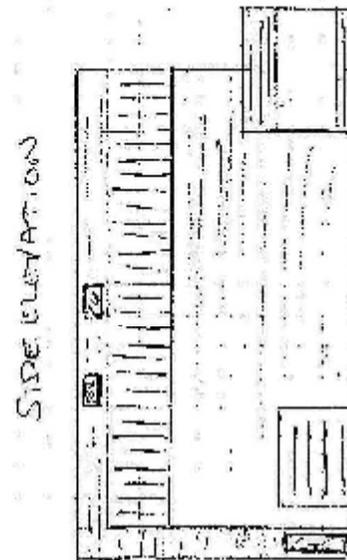
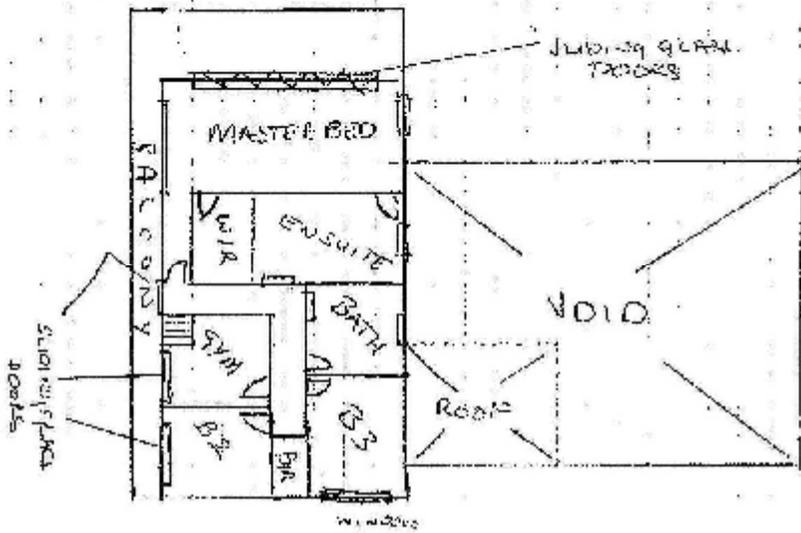
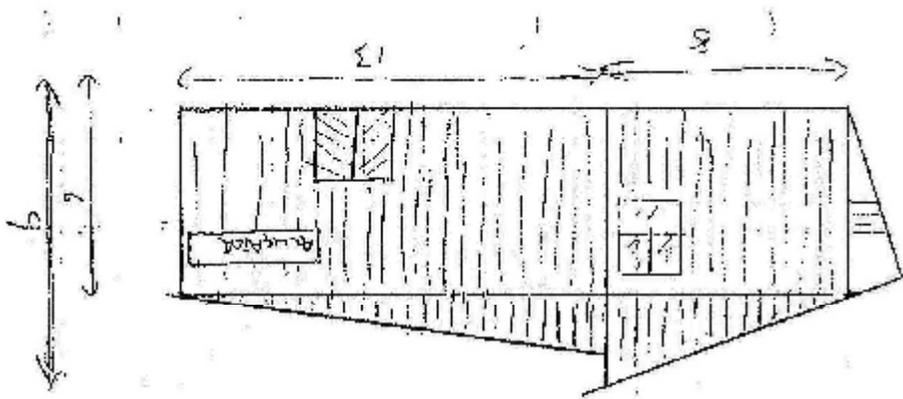






ATTACHMENT 4





### 13.4.7 AMENDMENT 31 - TOWN PLANNING SCHEME NO.7 (8871)

|                           |   |
|---------------------------|---|
| <b>DATE:</b>              | 20 October 2009   |
| <b>PROPONENT:</b>         | Landcorp  |
| <b>LOCATION:</b>          | Lot 505 & Portion Lot 501 Coolibah Dr   |
| <b>AUTHOR:</b>            | Ian D'Arcy, Executive Manager<br>Development Services and Urbis Planning<br>Consultants |
| <b>REPORTING OFFICER:</b> | Ian D'Arcy, Executive Manager<br>Development Services                                   |
| <b>FILE NO:</b>           | 43.31.31  |
| <b>ASSESSMENT NO:</b>     | N/A   |

Cr R Addis left the room at 7.05pm due to a Declared Impartiality Interest in Item 13.4.7.

#### **PURPOSE**

For Council to consider the adoption of Amendment No. 31 to the Shire of Wyndham East Kimberley Town Planning Scheme No. 7 (TPS 7) – Kununurra and Environs, to:

1. Rezone 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; and
2. Apply an additional use of Single Dwelling to Lot 505 and a portion of Lot 501 Coolibah Drive, Kununurra.

#### **BACKGROUND**

##### Context

Over the past year, the Shire has been collaborating with Landcorp, the Department for State Development and others to facilitate the development of Lot 505 and a portion of Lot 501 Coolibah Drive, Kununurra for a mix of residential, commercial and community purposes.

A key component of the development is proposed to be the inclusion of community “stepping stone” housing for Indigenous workers, assisting them with employment opportunities and moving towards home ownership.

Lot 506 Coolibah Drive, portion of Lot 501 and Lot 507 Chestnut Avenue (containing a childcare centre) have been included in the proposed rezoning to Town Centre. Redevelopment of the child care centre site is not proposed, with the Lots being included only to regularise and essentially “round-off” the rezoning area.

##### Scheme Amendment

On this basis, Council, at its meeting of 16 June 2009 resolved (Minute No. 8700) to initiate Amendment No. 31 to Town Planning Scheme No. 7 – Kununurra and Environs, to rezone the subject site from Parks and Recreation to Town Centre

and apply an additional use of Single Dwelling to the majority of the rezoning site (excluding Lot 507).

### **STATUTORY IMPLICATIONS**

Amendments to Town Planning Schemes are required to be undertaken in accordance with the provisions of the *Planning and Development Act, 2005 (as amended)* and the *Town Planning Regulations, 1967 (as amended)*.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

In considering the proposed Scheme Amendment at its meeting of 16 June 2009, Council resolved to waive the usual Scheme Amendment fees given its partnership involvement in the project.

### **STRATEGIC IMPLICATIONS**

The subject site has been identified through the Shire's Local Planning Strategy as an expansion area to the Kununurra Town Centre to provide for a range of residential, commercial and community uses, subject to specific development controls. On this basis, it is accepted that the proposed zoning is consistent with the strategic direction already established by the Shire and endorsed by the Western Australian Planning Commission.

### **COMMUNITY CONSULTATION**

In accordance with Council's resolution, the Scheme Amendment was referred to the Environmental Protection Authority for comment, and the Western Australian Planning Commission for information.

The Environmental Protection Authority advised that Amendment No. 31 did not require environmental assessment and did not provide any additional advice or recommendations.

The Scheme Amendment was subsequently advertised for 42 days from 28 August 2009 until 2 October 2009.

A total of six submissions were received, and Shire staff comments thereon are provided in the following schedule of submissions.

#### **Schedule of Submissions**

| <b>No.</b> | <b>Submitter</b>    | <b>Summary of Content</b>  | <b>Staff Response and Comment</b>   | <b>Action</b> |
|------------|---------------------|--|---|---------------|
| 1          | Department of Water | No objection to the Scheme Amendment provided the appropriate water management strategy/plan is produced prior to subdivision approval in accordance with Better Urban Water Management. | Noted.<br><br>The applicant has advised that a combined local water management strategy/urban water management plan is currently being prepared.<br><br>It is normal process for this | Nil.          |

|   |                                      |  |  |   |
|---|--------------------------------------|--|--|---|
|   |                                      | <p>Accordingly, the Department of Water has met with LandCorp to discuss the water management risks and reporting requirements for the development. Based on this, LandCorp has agreed to prepare a combined local water management strategy and urban water management plan prior to subdivision approval.</p> <p>Notwithstanding, the Department of Water requests text to be included in the amendment to reflect that subdivision of the property subject to the amendment shall not occur until the appropriate water management strategy/plan has been produced in accordance with Better Urban Water Management and Department of Water guidelines.</p> | <p>strategy/plan to be lodged prior to subdivision approval.</p> <p>Should a subdivision application be lodged prior to the strategy/plan being finalised, the Department of Water can request the Western Australian Planning Commission to include a condition of approval identifying the need for a strategy/plan.</p> <p>On this basis, it is not considered necessary to include text in the proposed Scheme Amendment to this effect as it is considered part of the development and subdivision process and would unduly complicate the Scheme.</p>  |   |
| 2 | Department of Education and Training | <p>The Department of Education and Training in consultation with the Principal of the Kununurra District High School has reviewed the proposals and expressed concern that an increase in housing lots and particularly, the commercial development adjacent to the School site will:</p> <ul style="list-style-type: none"> <li>• Increase pedestrian traffic past the school that has the potential to increase the level of vandalism at the school.</li> <li>• Increase vehicular traffic that could impact negatively on traffic management around the school site particularly in regard to the community library and primary school.</li> </ul>         | <p>Noted.</p> <p>The Scheme Amendment proposal itself will not result in an increase in housing lots and commercial development. The proposed zoning will, however, facilitate a variety of land uses, including residential and commercial development. The type and configuration of development on the site has yet to be finalised.</p> <p>Notwithstanding, it is common for residential development to abut a school site, with small scale commercial/retail in close proximity. It is the local government's responsibility to ensure pedestrian and vehicle traffic, including that generated by school sites, is appropriately managed through provision of constructed pathways and traffic calming methods.</p> <p>Additionally, there is currently a limited amount of development in proximity to the Kununurra District High School.</p> | <p>Advise the applicant that the future design of development should provide opportunities for passive surveillance and overlooking of the High School site. The principles of CPTED will be included in the design guidelines required by the amendment.</p> |

|   |                                |  |   |   |
|---|--------------------------------|--|---|---|
|   |                                |  | <p>Appropriately designed development can provide opportunities for passive surveillance of the High School. In addition, increased pedestrian traffic in proximity to the High School has the potential to provide passive surveillance opportunities, which would be expected to reduce incidents of vandalism.</p> <p>Furthermore, the subject site is envisaged to be developed for residential and commercial uses. This will generate an increase in vehicular traffic in the area, however a traffic assessment report prepared for the site indicates that the local road system is able to readily cater for the additional anticipated vehicular traffic.</p> |   |
| 3 | Kununurra Agricultural Society | <p>Suggests the provision of a high density vegetated buffer along the eastern boundary fence of Reserve 29790 facing Lot 505 to limit intrusion to the ground.</p> <p>Further, requests when planning and installation of services commences essential service upgrades to the grounds are extended to agricultural grounds, for example, sewerage lines, fire hydrants, power and water.</p> | <p>This is a detailed design issue which will be dealt with outside of the land use planning decision of the Scheme Amendment. The subject proposal is wholly contained within Lot 505 and will not physically intrude into the agricultural oval.</p> <p>The provision of services will be required as part of the subdivision and development process. The applicants cannot be required to upgrade services not associated with its site; however discussions can occur with the Kununurra Agricultural Society regarding this matter.</p>   | Advise the applicant to liaise with the Kununurra Agricultural Society during the detailed design process.  |
| 4 | Frontier Services              | <p>Frontier Services is an agency of the Uniting Church in Australia, responsible for residential aged care that :</p> <ul style="list-style-type: none"> <li>is currently developing an area adjacent to Kununurra District Hospital for its community care services with a view to the future provision of independent living options for seniors;</li> </ul>                                | <p>Noted.</p> <p>The proposed Town Centre zoning allows for the consideration of a variety of land uses, including aged persons dwellings.</p> <p>The type and configuration of development on the site has yet to be finalised. The planning aspect will be based on density and form rather than housing providers.</p> <p>The provision of aged care</p>   | Advise the applicant of the submitters concerns and suggestions and request that these matters be taken into account at the detailed planning stages. |

|   |  |   |  |  |
|---|--|---|--|--|
|   |  | <ul style="list-style-type: none"> <li>• is concerned that future needs for residential aged care needs to be considered in the planning process;</li> <li>• has been actively involved in conversations with WA Health and members of the Kununurra community over the past decade regarding future needs for planning to address the increase in the aged and the need to increase the number of allocated residential care places for Kununurra and Wyndham;</li> <li>• Currently have 10 high care places within the hospital and 9 low care places at Marlgu Village in Wyndham.</li> <li>• Predicts a rise in the number of people diagnosed with dementia in the next decade indicates that there will be a need to increase the capacity in a stand alone facility.</li> <li>• Has been proposing on several occasions that the area affected by Scheme Amendment No. 31 would be the most suitable development proposal due to the proximity to the hospital and the town centre.</li> </ul> | <p>housing will form part of the discussion with future housing providers.</p> <p>The applicant has advised that comments regarding the need for aged person's accommodation on or in the vicinity of the site have been forwarded to the Department of Housing for consideration.</p>                         |  |
| 5 | Patricia Buchanan (full copy of submission attached) | <p>Submits that:</p> <ul style="list-style-type: none"> <li>• The envisaged development on Lots 501 and 505 include accommodation and other facilities for older people with a range of needs including high care, low care, respite, palliative, dementia, post acute care, renal dialysis and supported accommodation.</li> </ul>   | <p>Noted.</p> <p>The proposed Town Centre zoning allows for the consideration of a variety of land uses, including aged persons dwellings.</p> <p>The type and configuration of development on the site has yet to be finalised. The planning aspect will be based on density and form rather than housing</p> | <p>Advise the applicant of the submitters concerns and suggestions and request that these matters be taken into account at the detailed planning stages.</p> |

|   |   |  |   |   |
|---|---|--|---|---|
|   |   | <ul style="list-style-type: none"> <li>• An area of land next to the hospital be permanently designated for current and future use for aged care accommodation and allied facilities.</li> <li>• The 2ha site should be used for current and future aged care facilities to be included in the development concept plan for Lot 505 and portion of Lot 501, prepared by LandCorp or others.</li> </ul> | <p>providers.</p> <p>The provision of aged care housing will form part of the discussion with future housing providers.</p> <p>The applicant has advised that comments regarding the need for aged person's accommodation on or in the vicinity of the site have been forwarded to the Department of Housing for consideration.</p> <p>Further, the Scheme Amendment should not nominate a location for specific land uses as this has not yet been determined and that detailed planning for the site has yet to be finalised.</p> |   |
| 6 | Whelan's on behalf of LandCorp (full copy of submission attached) | Suggests that provisions be inserted into the Additional Uses Schedule of the Scheme (Appendix 2A) requiring the preparation of a Subdivision Guide Plan, Design Guidelines and Detailed Area Plans for the subject site.  | Shire staff agree that there is a need to ensure an appropriate level of development and design control for the site given its strategic location in Kununurra and to ensure an appropriate interface with surrounding land uses.<br>Additional commentary on the nature of Scheme provisions required to achieve this are provided in the discussion section of this report.   | Modifications to be made to the Scheme Amendment. |

## **COMMENT**

### Water Management

Water Management will need to be addressed as part of the detailed planning for the site with demonstrated compliance as part of the development/subdivision approval process. Work is progressing in respect to the preparation of a combined local water management strategy/urban water management plan for the site by the applicant.

### Provision of Aged Persons Accommodation

The provision of supported or independent aged person's accommodation is permitted under the Town Centre zone. Land Use zoning is not considered to be the appropriate vehicle for delivery of such housing, with the matter needing to be taken up with the Department for Housing and Health Department and through the Development Application process.

### Planning Framework

Submission number 6 suggests the inclusion of additional provisions within Appendix 2A of the Scheme specifically relevant to the subject site, making reference to:

- § The development envisaged for the site.
- § The need for development to conform to a Subdivision Guide Plan addressing various matters.
- § The preparation of Design Guidelines for the site.
- § The adoption of Detailed Area Plans for specific portions of the site.

Shire staff and the proponent agree that there is a need to ensure an appropriate level of development and design control for the site given its strategic location in Kununurra and to ensure an appropriate interface with surrounding land uses and residential mix.

As the final development design for the site has yet to be confirmed, it is considered necessary to ensure a reasonable level of flexibility in the Scheme provisions. The inclusion of such flexibility will not however impede the achievement of a level of certainty in relation to the final design of the development. By requiring that certain planning tasks are undertaken and objectives addressed to the satisfaction of the Shire, the required balance between certainty and flexibility can be met.

To this extent, Shire staff recommend that the Shire adopt a modified version of the Amendment No. 31, including provisions which:

- § Require that a Subdivision Guide Plan and Design Guidelines be prepared and adopted for the site as a Local Planning Policy pursuant to the Scheme.
- § Require that an appropriate planning mechanism(s) be prepared, to the satisfaction of the Shire, to address specific planning, development and design matters for the site.
- § Require that subdivision and development on the site be in accordance with the endorsed Subdivision Guide Plan, Design Guidelines and other applicable planning mechanisms.

Including such provisions in the Scheme will ensure that an appropriate level of statutory power is established to control development on the site with the ability to accommodate a unique model of transitional (stepping stone) housing integrated with other forms of housing, including government and private sector housing.

### **ATTACHMENTS**

- Attachment 1: Scheme Amendment Map
- Attachment 2: Full copy of submission from Patricia Buchanan
- Attachment 3: Full copy of submission from Whelans on behalf of LandCorp

### **VOTING REQUIREMENT**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council

1. direct Shire staff to undertake the actions detailed within the table of submissions contained within this report.
2. pursuant to Regulation 17(1) of the Town Planning Regulations, 1967 (as amended), note the submissions received and endorse the response to those submissions prepared by Shire staff.
3. pursuant to Section 75 of the *Planning and Development Act, 2005 (as amended)* and Regulation 17(2)(a) of the Town Planning Regulations, 1967 (as amended), adopt Amendment No. 31 to Town Planning Scheme No. 7 – Kununurra and Environs, with modifications, as follows:
  - (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:

|    |    |  |                 |  |
|----|----|--|-----------------|--|
| A3 | 3. | Lot 505 and a portion of Lot 501 Coolibah Drive, Kununurra | Single Dwelling | <p>Prior to development being approved for the site, a Subdivision Guide Plan is to be prepared and approved in accordance with the process of the provisions relating to a Local Planning Policy by the Shire, addressing site specific planning development and design matters, including:</p> <ol style="list-style-type: none"> <li>(1) Prescribe specific dwelling yields for each lot;</li> <li>(2) Identify all lots that shall be used only for residential uses; and</li> <li>(3) Prescribe setbacks.</li> </ol> <p>Design Guidelines are to be prepared and adopted for the site as a Local Planning Policy pursuant to the requirements of the Scheme, addressing, but not limited to, the following matters:</p> <ol style="list-style-type: none"> <li>(1) Development of a high</li> </ol> |
|----|----|--|-----------------|--|

|  |  |  |  |   |
|--|--|--|--|---|
|  |  |  |  | <p>level of aesthetic quality and ESD principles;<br/> (2) Application of CPTED principles.</p> <p>Detailed Area Plans are to be prepared and adopted for those lots that have a common boundary with community facilities and those lots facing Chestnut Avenue as a Local Planning Policy pursuant to the requirements of the Scheme, addressing the following matters:</p> <p>(1) The interface between residential development and community use;<br/> (2) Management of land use, access and parking between commercial, community and residential uses.</p> |
|--|--|--|--|---|

4. 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).
5. forwards 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 Regulation, 1967 (as amended).
6. request the Honourable Minister for Planning to grant final approval to Amendment No. 31 to Town Planning Scheme No. 7 – Kununurra and Environs.
7. inform those agencies and persons who made a submission on Amendment No. 31 to Town Planning Scheme No. 7 – Kununurra and Environs of its decision.

## COUNCIL DECISION

*Minute No. 8871*

*Moved:Cr J Moulden  
Seconded:Cr J Parker*

That Council

1. direct Shire staff to undertake the actions detailed within the table of submissions contained within this report.
2. pursuant to Regulation 17(1) of the Town Planning Regulations, 1967 (as amended), note the submissions received and endorse the response to those submissions prepared by Shire staff.
3. pursuant to Section 75 of the *Planning and Development Act, 2005 (as amended)* and Regulation 17(2)(a) of the Town Planning Regulations, 1967 (as amended), adopt Amendment No. 31 to Town Planning Scheme No. 7 – Kununurra and Environs, with modifications, as follows:
  - (d) 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.
  - (e) 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.
  - (f) Adding the following row to the Additional Uses Schedule table contained within Appendix 2A of the Scheme Text:

|           |           |   |                        |   |
|-----------|-----------|---|------------------------|---|
| <b>A3</b> | <b>3.</b> | <b>Lot 505 and a portion of Lot 501 Coolibah Drive, Kununurra</b> | <b>Single Dwelling</b> | <b>Prior to development being approved for the site, a Subdivision Guide Plan is to be prepared and approved in accordance with the process of the provisions relating to a Local Planning Policy by the Shire, addressing site specific planning development and design matters, including:<br/><br/>(1) Prescribe specific dwelling yields for each lot;<br/>(2) Identify all lots that shall be used only for residential uses; and<br/>(3) Prescribe setbacks.<br/><br/>Design Guidelines are to be</b> |
|-----------|-----------|---|------------------------|---|

|  |  |  |  |  |
|--|--|--|--|--|
|  |  |  |  | <p>prepared and adopted for the site as a Local Planning Policy pursuant to the requirements of the Scheme, addressing, but not limited to, the following matters:</p> <p>(1) Development of a high level of aesthetic quality and ESD principles;</p> <p>(2) Application of CPTED principles.</p> <p>Detailed Area Plans are to be prepared and adopted for those lots that have a common boundary with community facilities and those lots facing Chestnut Avenue as a Local Planning Policy pursuant to the requirements of the Scheme, addressing the following matters:</p> <p>(1) The interface between residential development and community use;</p> <p>(2) Management of land use, access and parking between commercial, community and residential uses.</p> |
|--|--|--|--|--|

8. 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).
9. forwards 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 Regulation, 1967 (as amended).
10. request the Honourable Minister for Planning to grant final approval to Amendment No. 31 to Town Planning Scheme No. 7 – Kununurra and Environs.
11. inform those agencies and persons who made a submission on Amendment No. 31 to Town Planning Scheme No. 7 – Kununurra and Environs of its decision.

**CARRIED: (5/2)**

*For: Cr F Mills, Cr J Moulden, Cr J McCoy, Cr J Parker and Cr K Torres.*

*Against: Cr D Ausburn and Cr K Wright.*

*Cr R Addis returned to the room at 7.13pm.*

# ATTACHMENT 1

## SHIRE OF WYNDHAM EAST KIMBERLEY TOWN PLANNING SCHEME NO.7 AMENDMENT NO. 31



EXISTING ZONING



PROPOSED ZONING

### LEGEND:

#### LOCAL SCHEME RESERVES

-  PARKS AND RECREATION
-  PUBLIC PURPOSES  
DENOTED AS FOLLOWS:  
H: HOSPITAL  
A: ARBORETUM

#### ZONES

-  TOWN CENTRE
-  TOURIST
-  MIXED BUSINESS

#### OTHER

-  TOWN SITE-LAND ACT
-  A3 ADDITIONAL USES
-  SPECIAL SITE  
DENOTED AS FOLLOWS:  
S: SCHOOL

- 2 OCT 2009

|            |            |
|------------|------------|
| Doc No     | 067810     |
| Date       | 5 OCT 2009 |
| Officer    | MTPED      |
| Response   |            |
| File       | 43-31-31   |
| Cross Ref. |            |

**Where will you live?**  
**Close by the Town Centre and services?**  
**Or, in a distant suburb, 6 km out?**  
**as an older person in Kununurra in 10-20 years time.**

Submission on Scheme Amendment 31  
to CEO, Shire of Wyndham-East Kimberley  
by Patricia Buchanan  
PO Box 507  
Kununurra WA 6743  
2 October 2009

**COPY**



Ground Floor 33 Ord Street,  
Mulla Park WA 6007 Australia

Tel: +61 8 9348 2500  
Fax: 08 9341 7730

Website: [www.kununurra.wa.gov.au](http://www.kununurra.wa.gov.au)

Crabs Fly Ltd. 507 Ord Street  
Kununurra WA 6007 Australia

Form No. 4

(Regs. 16(1) and 20(2))

*Planning and Development Act 2005 (as amended)*

TO: The Chief Executive Officer of the Shire of Wyndham East Kimberley.

SUBMISSION ON  
SCHEME AMENDMENT NO. 31

|         |                               |       |             |
|---------|-------------------------------|-------|-------------|
| Name    | Patricia Buchanan             | Phone | 08 51681779 |
| Address | PO Box 507, Kununurra WA 8743 |       |             |

SUBJECT OF SUBMISSION

(State how your interests are affected, whether as a private citizen, on behalf of a company or other organisation, or as an owner or occupier of property.)

As a private citizen I submit that aged care facilities be included in the envisaged development outlined in the Proposed Amendment and that provision of land be made now for current and future aged care accommodation for the older citizens of Kununurra and district.

ADDRESS OF PROPERTY AFFECTED BY SCHEME (if applicable).

(Include lot number and nearest street intersection).

SUBMISSION (Give in full your comments and any arguments supporting your comments – continue on additional sheets if necessary).

**Provision of land for future development of aged care facilities.**

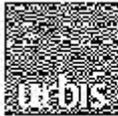
The "Envisaged Development" outlined in the Proposed Amendment No. 31 document dated 16 June 2008, does not include the development of aged care facilities.

In 2000, the Kununurra Aged Care Committee, with funding assistance from Kununurra community organisations, commissioned Leslie Gevors Community Management Services, North Fremantle, 'to assess the need for residential aged care in Kununurra and make recommendations...'

Their report, 'Analysis of the needs for residential aged care services in Kununurra', October 2000, recommends the model for the provision of aged care facilities in Kununurra as:

- a) a high care facility attached to the hospital with additional capacity for some low care, respite, dementia and post acute care; and
- b) an enhanced range of community care services, possibly including some supported housing.

General\_Let\_491\_946.docx01



As well, one of the recommendations of the Report is:

“5. Any high care facility be located next to the hospital.”

The intention was that this facility, located next to the hospital, would in due course also have provision for the building of low care and other accommodation in the future.

In the meantime, high care beds have been provided in an extension to the Kununurra District Hospital. This ward extension was furnished with the necessary services so that the ward can be returned to normal hospital use after its high care patients are relocated to a high care facility built on land next to the hospital.

An outcome of the Kununurra Enquiry by Design workshop was that land next to the hospital be allocated for future aged care facilities. Unfortunately, the Proposed Amendment 31, document 12.4.5, was prepared before that workshop was concluded.

Kununurra Home and Community Care, sponsored by UCA Frontier Services, is well aware of the increasing need for further aged care services in Kununurra. Considerable difficulty, time and effort and frustration have been experienced by them before land was identified and lease negotiations finalised with the Health Department for the building and relocation of HACC head quarters from Weaver Plains Road to Health Department land facing Ivashko Road.

The location of aged care facilities near to the town centre is well recognized as a preferred location with its possibilities for greater interaction by its residents with the wider community. It also allows residents with greater mobility, access to the town centre facilities. The outcome is an improved quality of life for the residents.

Now is the time to take the opportunity to clearly mark land next to the hospital, as **permanently reserved** as a site for aged care facilities, current and future. Planning now is to happen now to ensure that adequate land in an appropriate location and that best suits the needs of the current and future older population is set aside now. Otherwise, a future generation will be frustrated by being unable to find suitable land due to the lack of foresight and planning inaction by current community members and Shire. The opportunity to act now with the Scheme Amendment 31 and



the preparation of a development concept plan for Lot 505 and part Lot 501, must not be missed.

Discussion about the need for and the provision of aged care facilities is often somewhat difficult for a lot of people. Some find it hard to accept that they too are getting older and that one day they may need to be cared for by someone else.

Several members of the older generation in the past, have chosen to leave Kurunuma to eventually use aged care facilities elsewhere. The responsibility to provide that residential care is being borne by those other communities. Likewise, even though some people may continue to leave in their older age, a growing number of people are deciding to retire in Kurunuma, it is the responsibility of current Kurunuma community members to plan now for their older generation's needs for 10, 20, 40 years hence.

#### **Submission**

1. That the envisaged development on Lots 501/505, include accommodation and other facilities for older people with a range of needs – high care, low care, respite, palliative, dementia, acute care, renal dialysis, supported accommodation.
2. That an area of land next to the hospital be permanently designated for current and future use for aged care accommodation and allied facilities.
3. That this site be approx 2 ha in area, bound by Chestnut Avenue to the east, Kurunuma District Hospital site to the south, the Kurunuma Agricultural Society showgrounds to the west and a northern boundary marking out the area of 2 ha.
4. That this 2ha site to be used for current and future aged care facilities be included in the development concept plan for Lot 505 and portion of Lot 501, prepared by Landcorp or others.

Thank you

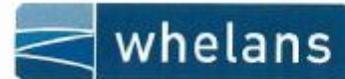
Patricia Buchanan

Date 2 October 2009

Signature

## ATTACHMENT 3

|            |            |
|------------|------------|
| Doc No.    | 2 OCT 2009 |
| Date       | 067793     |
| Officer    | XMTPEO     |
| Response   |            |
| File       | 43.31.31   |
| Cross Ref. |            |



Our ref: 13371-02  
2 October 2009

Chief Executive Officer  
Shire of Wyndham East Kimberley  
PO Box 614  
KUNUNURRA 6743

ATTN: Ian D'Arcy

Dear Ian,

### PLANNING SCHEME AMENDMENT 31 – COOLIBAH DRIVE & CHESTNUT AVENUE

We act on behalf of LandCorp and provide the following as comment on the above described Town Planning Scheme amendment.

#### Background

LandCorp is currently undertaking planning of the subdivision of Lot 505 and Reserve 29387 Lot 501, in accordance with Council's decision to provide for the subdivision and development of the land.

Town Planning Scheme Amendment 31 providing for the rezoning of the subject land from Parks and Recreation reserve to Town Centre zone is currently being advertised.

During discussion with Council and community consultation on the proposed subdivision, a number of issues were identified with the subdivision. To address these matters it is intended that the Scheme amendment be modified by the introduction of additional provisions into the table of additional uses.

To provide for the resolution of these issues and implementation of subdivision and development objectives, the Scheme provisions will require the preparation and adoption of:

- A Subdivision Guide Plan;
- Design Guidelines; and
- Detailed Area Plans.

Adoption of these provisions allows enforceability with flexibility. The plans are required under scheme provisions, but allow Council to adopt revised plans or guidelines if changes are identified or circumstances change, without the need for amendments to the Scheme provisions.

**HEAD OFFICE:**  
122 Scarborough Beach Road, Mount Hawthorn WA 6016  
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**PERTH | KALGOORLIE | KARRATHA | BROOME | KUNUNURRA**  
WHELAN'S (P/L) PTY LTD ACN 074 363 747  
ASSOCIATED OFFICES: ADELAIDE | MELBOURNE | SYDNEY | BRISBANE

#### Subdivision Guide Plan:

The proposed provisions require a Subdivision Guide Plan to be adopted by Council. The Subdivision Guide Plan is to address the following subdivision related matters:

- Provide scheme provisions to control density for specific lots;
- Prohibit the use of specific lots for uses other than residential use;
- Setbacks for specific lots.

The Subdivision Guide Plan has been prepared and is attached.

The Subdivision Guide Plan shows specific lot yields. This is to provide restrictions in accordance with feedback during initial consultation with Council and stakeholders relating to density of development.

The plan also details which lots are able to be utilised for mixed use development. Effectively this is limited to lots facing Chestnut Avenue. The reason for limiting mixed use development is to provide for minimisation of land use conflict within the subdivision area. Lots facing Chestnut Avenue have multiple road frontages, and consequently can be developed for mixed uses without impacting on residential amenity within the subdivision area.

Setbacks shown on the plan in red provide for specific rear setbacks. This will provide for a sense of open space and rear yard space. This is sought due to the smaller lot sizes than other contemporary subdivisions in Kununurra.

4 metre minimum setbacks are proposed on Chestnut Avenue [shown in black] to provide for consistent setbacks if a mix of solely residential and mixed use development occurs on these lots. Mixed uses would have a nil setback, whereas solely residential uses would require a 4 metre averaged setback. This could result in inconsistent setbacks. Also, given the relatively open nature of the surrounding area, it is considered that 4 metre setbacks will provide an appropriate level of streetscape amenity.

Side setbacks for Lots 22 and 41 to Road 1 are shown as a minimum of 2 metres to provide for view corridors, given that mixed uses would provide for nil setbacks which would enclose the streetscape. This will provide for minimum setbacks for mixed uses consistent with secondary residential setbacks.

Given the town centre zoning and medium density context of the site, smaller road reserve widths are preferred. This will provide for less maintenance by the Shire, and should also result in better utilisation and landscaping of road reserve verges by adjoining landowners.

#### Design Guidelines:

These additional provisions of the Scheme Amendment require Design Guidelines to be adopted by Council to address design related issues. No specific issues are required to be addressed by the amendment. This allows Council to adopt guidelines that are relevant for the medium density context of the site, and to modify guidelines from time to time.

Guidelines would be adopted under the Local Planning Policies provisions of the Scheme. Council's Scheme provisions relating to adoption of policies provide for consultation and advertising of the draft policies once prepared.

Draft Guidelines are in the process of being developed for council consideration.

**Detailed Area Plans:**

The provisions require the preparation of Detailed Area Plans [DAP's] and adoption of the DAP's by Council to address:

- Interface issues associated with the adjoining child care centre.
- Access for mixed use lots providing for separate access for commercial and residential land uses.

This will provide for preparation of plans providing design solutions to these specific problems and approval of these plans by Council. Plans would only be prepared when required, and to address specific issues related to specific lots.

**Proposed Scheme Provisions:**

To effect these objectives it is proposed to introduce additional provisions to the A3 Additional Use Schedule table in Appendix 2A of the Scheme. These provisions are formatted in accordance with the table in Appendix 2A:

|    |    |  |                 |  |
|----|----|--|-----------------|--|
| A3 | 3. | Lot 505 and a portion of Lot 501 Coolibah Drive, Kununurra | Single Dwelling | <p>The land shall be developed as a mixed use residential and commercial precinct providing a range of densities and land uses.</p> <p>All development shall conform to a Subdivision Guide Plan approved by Council. The Subdivision Guide Plan shall:</p> <ul style="list-style-type: none"> <li>(a) Prescribe specific dwelling yields for each lot;</li> <li>(b) Identify all lots that shall be used only for residential uses; and</li> <li>(c) Prescribe setbacks.</li> </ul> <p>Design guidelines for the entire subdivisional area shall be adopted by Council. The Design Guidelines shall be prepared addressing design related matters.</p> <p>Detailed Area Plans shall be adopted by Council. Detailed area plans shall be prepared for Lots 1, 2, 22, and 38, 39, 40 and 41 addressing the following specific issues:</p> |
|----|----|--|-----------------|--|

|  |  |  |  |   |
|--|--|--|--|---|
|  |  |  |  | (a) The interface between the Child Care Centre and any adjoining residential lots                        |
|  |  |  |  | (b) Access for all mixed use lots providing for separate access for commercial and residential land uses. |

We respectfully request that Amendment 31 is modified to include the above provisions.

Please do not hesitate to contact me if you have any enquiries relating to this matter.

Yours sincerely,



Keith Williams  
Senior Town Planner  
Town Planning

encl.



### 13.4.8 ROAD NAMES - VARIOUS SUBDIVISIONS (8872) (8873)

|                           |   |
|---------------------------|---|
| <b>DATE:</b>              | 20 October 2009                                       |
| <b>PROPONENT:</b>         | Shire Of Wyndham East Kimberley                       |
| <b>LOCATION:</b>          | Various   |
| <b>AUTHOR:</b>            | Jennifer Ninnette, Town Planning Officer              |
| <b>REPORTING OFFICER:</b> | Ian D'Arcy, Executive Manager<br>Development Services |
| <b>FILE NO:</b>           | 43.11.03  |
| <b>ASSESSMENT NO:</b>     | N/A   |

#### **PURPOSE**

For Council to consider the naming of new roads in various subdivisions within the Shire, prior to the preparation of a Road Names Policy.

#### **BACKGROUND**

The Council received a number of requests to approve nominated road names and/or recommend road names for various subdivisions. These subdivisions are:

- Lakeside Stage 5/6
- Valentine Falls Estate
- Subdivision of Lot 605 Mulligans Lagoon Road

These nominated road names were considered by Council at its Ordinary Meeting on 15 September 2009, whereat it was resolved:

Council Resolution differs from the Officers Recommendation because Tamarind Meander has a 90 degree angle and should be regarded as separate streets. A draft list of pioneer names has since been provided to Shire Officers to commence compilation of a list to present an alternative choice of pioneer names, however gathering the required historical and biographical information is likely to take some time, as all name proposals must clearly identify the origin of the name and provide relevant references to allow for the verification of the name.

In particular, names of living people will be subject to more vigorous selection criteria including indication of strong community support, and will therefore require some form of community consultation. As a result the preparation of a Road Names Policy and in particular a reserve list of names including indigenous and non-indigenous names will take some time.

Therefore, in order to avoid unnecessary delay in the nomination and approval of road names for the respective subdivision developments it is requested that Council reconsider the original nominations put forward by the developers.

The nominated names for each subdivision are outlined below:

Landcorp have selected the following list, taken from a list of possible tree names previously provided by the Shire, to propose names for Stage 5/6. These names are also shown on the subdivision plan provided as Attachment 1 and 4:

- Setosa Pass

- Zamia Link
- Argentia Avenue
- Tamarind Meander
- Nauclea Way
- Livistona Way (extension of existing street)
- Snappy Gum Crescent
- Gardenia Street (extension of existing street)
- Silverleaf Court
- Gregorii Street

Similarly, the owners of the Valentine Falls Estate have decided to utilise the names of rivers within the region for thematic naming of the roads within the subdivision. The following list affords the selected names, which are also shown on the plan offered as Attachment 2 to this report;

- Valentine Falls Road
- Dunham Crescent
- Salmond Court
- Pentecost Elbow
- Ord View
- Keep Place
- King Close

Additionally, there is a need for a road name to be nominated for the four lot subdivision of Lot 605 Mulligans Lagoon Road. The suggested road name is:

- Goorleng Rest – which is the Aboriginal term for tree, and was chosen due to there being a number of large Boab trees located in the vicinity.

### **STATUTORY IMPLICATIONS**

Road names require endorsement by the local authority followed by the State Geographic Names Committee which is governed by section 26A of the *Land Administration Act 1997*.

The Geographic Names Committee has produced a document titled Principles, Guidelines and Procedures which provides a guide for nomenclature and road naming. Generally, the document prescribes that names should be sourced from Aboriginal Languages currently or formerly identified with the general area, pioneers of the State or area, citizens who have made a significant community contribution, war casualty lists or thematic names. Unsuitable names are those of given/first name basis, hard to pronounce names, names of living persons, and duplication of names within local governments or adjoining local governments.

The Road Naming Guidelines also state that the naming of private roads is outside the Committee's area of responsibility, and is solely a function of local government.

The procedure for naming new roads states that survey documents require approved road names before the survey can be approved. Largely, the responsibility of naming roads rests with the local government where many authorities maintain lists of preferred names.

## **POLICY IMPLICATIONS**

The Shire currently does not have a formal road naming policy, however Council has resolved for such a policy to be developed and implemented with a reserve list of endorsed names.

## **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

Nil

## **COMMUNITY CONSULTATION**

No community consultation is required in regards to the above nominated road names.

However, it is considered appropriate that the implementation of a road naming policy include community consultation that once developed would be offered for comment by the general public.

In particular, community consultation is required when intending to use names of living people, which are subject to a more rigorous selection process, including provision of comprehensive biographical details of community involvement, and evidence of strong community support for the name.

## **COMMENT**

Notwithstanding a draft Road Naming Policy has been initiated, compilation of a list of pioneer names and their background status inclusive of indigenous and non-indigenous names will take some time. On this understanding it is suggested:

1. The names put forward by Landcorp for the Lakeside Stage 5/6 subdivision that reflects consistency of various tree and vegetation species should be approved.
2. The names for the Valentines Falls Estate subdivision that will introduce a new road naming thematic based on local river systems is considered appropriate and should also be supported.
3. The name for the subdivision of Lot 605 Mulligans Lagoon Road that is the Aboriginal term for tree, and was chosen due to there being a number of large Boab trees located in the vicinity is also appropriate.

## **ATTACHMENTS**

Attachment 1: Lakeside Stage 5/6 Subdivision & Road Name Plan  
Attachment 2: Valentine Falls Estate Subdivision & Road name Plan  
Attachment 3: Lot 605 Mulligans Lagoon Road Subdivision Plan  
Attachment 4: List of Tree names for road names

## **VOTING REQUIREMENT**

Simple majority.

**OFFICER'S RECOMMENDATION**

1. That Council endorse the following road names for the Lakeside Stage 5/6 subdivision and accordingly request approval from the Geographic Names Committee:

- Setosa Pass
- Zamia Link
- Argentia Avenue
- Tamarind Meander
- Nauclea Way
- Livistona Way (extension of existing street)
- Snappy Gum Crescent
- Gardenia Street (extension of existing street)
- Silverleaf Court
- Gregorii Street

As per the plan at Attachment 1.

2. That Council endorse the following road names for the Valentine Falls Estate subdivision and accordingly request approval from the Geographic Names Committee:

- Valentine Falls Drive
- Dunham Crescent
- Salmond Court
- Pentecost Elbow
- Ord View
- Keep Place
- King Close

As per the plan at Attachment 2.

3. That Council endorse the following road name for the Lot 605 Mulligans Lagoon Road subdivision and accordingly request approval from the Geographic Names Committee:

- Goorleng Rest

As per the plan at Attachment 3.

## **COUNCIL DECISION**

**Minute No. 8872**

**Moved:Cr J Moulden  
Seconded:**

**To rename that portion of Tamarind Meander from Lots 276 to 371 to Pseudochaetochloa Street.**

**MOTION LAPSED FOR WANT OF A SECONDER**

**Minute No: 8873**

**Moved:Cr J Parker  
Seconded:Cr J Moulden**

**1. That Council endorse the following road names for the Lakeside Stage 5/6 subdivision and accordingly request approval form the Geographic Names Committee:**

- ' **Setosa Pass**
- ' **Zamia Link**
- ' **Argentia Avenue**
- ' **Tamarind Meander**
- ' **Nauclea Way**
- ' **Livistona Way (extension of existing street)**
- ' **Snappy Gum Crescent**
- ' **Gardenia Street (extension of existing street)**
- ' **Silverleaf Court**
- ' **Gregorii Street**

**As per the plan at Attachment 1.**

**2. That Council endorse the following road names for the Valentine Falls Estate subdivision and accordingly request approval form the Geographic Names Committee:**

- ' **Valentine Falls Drive**
- ' **Dunham Crescent**
- ' **Salmond Court**
- ' **Pentecost Elbow**
- ' **Ord View**
- ' **Keep Place**
- ' **King Close**

**As per the plan at Attachment 2.**

**3. That Council endorse the following road name for the Lot 605 Mulligans Lagoon Road subdivision and accordingly request approval from the Geographic Names Committee:**

- ' **Goorleng Rest**

**As per the plan at Attachment 3.**

**4. To rename that portion of Tamarind Meander from Lots 276 to 371 to Kangaroo Grass Street.**

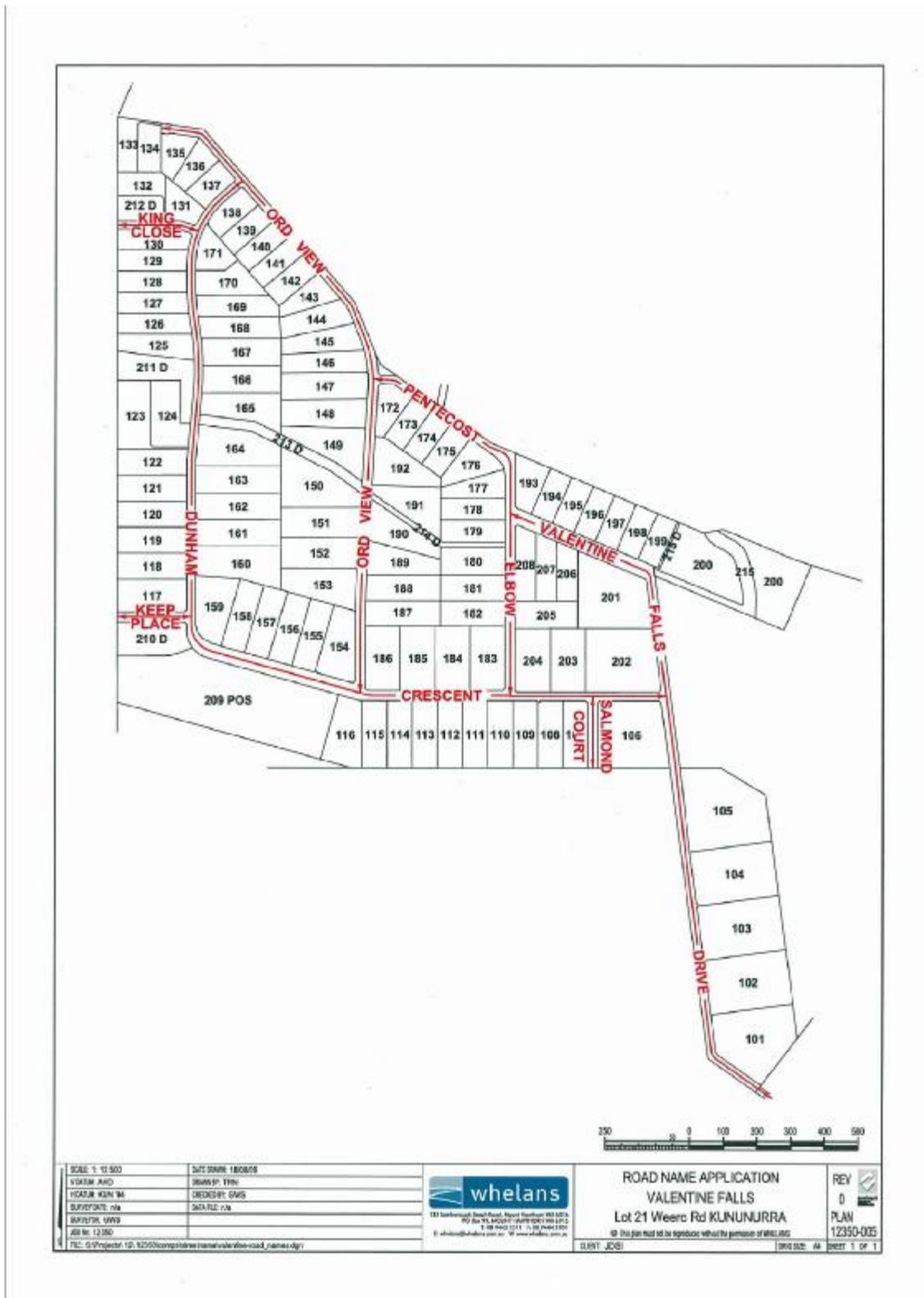
**CARRIED UNANIMOUSLY: (8/0)**

*Council Resolution differs from the Officers Recommendation as Elected Members considered that Tamarind Meander has a 90 degree angle and should be regarded as seperate streets.*

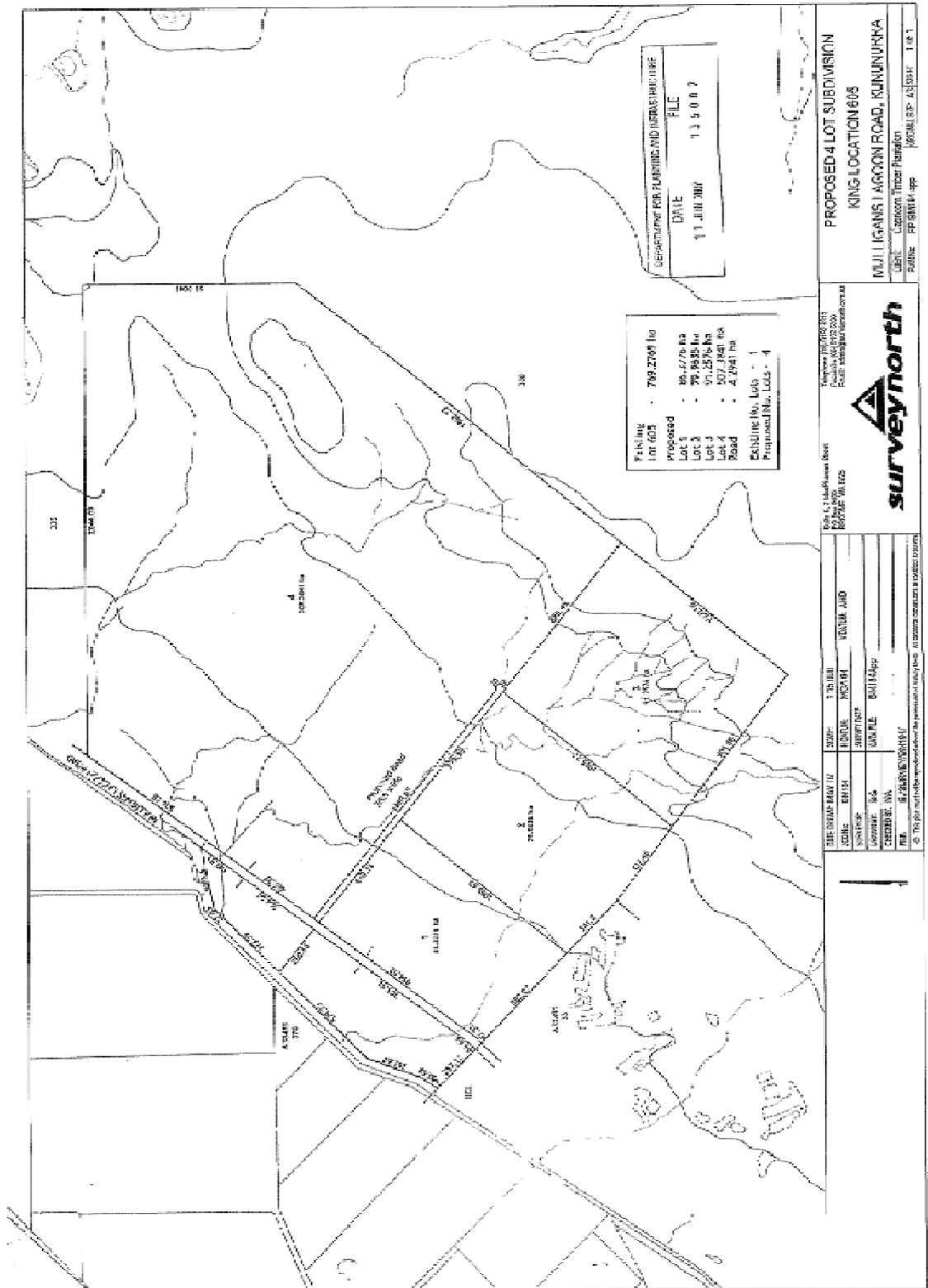
ATTACHMENT 1



ATTACHMENT 2



ATTACHMENT 3



## ATTACHMENT 4

### TREE NAMES FOR ROAD NAMES

#### Adopted for Stage 4

| Proposed Road Name | Scientific Name           | Common name        |
|--------------------|---------------------------|--------------------|
| Whitewood          | <i>Atalaya variifolia</i> | Wingleaf Whitewood |
| Ghost Gum          |                           |                    |
| Love Grass         |                           |                    |
| Emu Apple          |                           |                    |
| Livistona          |                           |                    |

#### Names for Future Stages [scientific and common name]

| Proposed Road Name | Scientific Name                | Common name             |
|--------------------|--------------------------------|-------------------------|
| Corymbia           | <i>Corymbia</i> [species name] |                         |
| Phoenicia          | <i>Grevillea pteridifolia</i>  | Silky Grevillea         |
| Silverleaf         | <i>Corymbia collina</i>        | Silverleaf Bloodwood    |
| Aspera             | <i>Eucalyptus aspera</i>       | Brittle Range Gum       |
| Setosa             | <i>Corymbia setosa</i>         | Roughleaf Bloodwood     |
| Collina            | <i>Corymbia collina</i>        | Silverleaf Bloodwood    |
| Adansonia          | <i>Adansonia gregorii</i>      | Boab                    |
| Gregorii           | <i>Adansonia gregorii</i>      | Boab                    |
| Cycad              | <i>Cycas lane-poolei</i>       | Cycad                   |
| Zamia              | <i>Cycas lane-poolei</i>       | Zamia Palm              |
| Snappy Gum         | <i>Eucalyptus brevifolia</i>   | Snappy Gum              |
| Tea Tree           | <i>Melaleuca minutiflora</i>   | Tea Tree                |
| Lirata             | <i>Eucalyptus lirata</i>       | Kimberley Yellowjacket  |
| Suberosa           | <i>Acacia suberosa</i>         | Corkybark Wattle        |
| Bella              | <i>Corymbia Bella</i>          | Kununurra White Gum     |
| Callitris          | <i>Callitris intratropica</i>  | Cyprus Pine             |
| Argentia           | <i>Melaleuca argentia</i>      | Silver leafed paperbark |
| Tamarind           | <i>Tamarindus indica</i>       | Tamarind                |
| Pantoleuca         | <i>Eucalyptus pantoleuca</i>   |                         |
| Murraya            | <i>Murraya paniculata</i>      | Orange jessamine        |
| Nauclea            | <i>Nauclea orientalis</i>      | Leichardt Pine          |
| Templetonia        | <i>Templetonia hookeri</i>     |                         |
| Ficus              | <i>Ficus platypoda</i>         | Rock Fig                |
| Jasminum           |                                | Native Jasmine          |

### 13.4.9 DEVELOPMENT APPLICATION - ORD RIVER SAILING CLUB (8873)

|                           |   |
|---------------------------|---|
| <b>DATE:</b>              | 20 October 2009                                       |
| <b>PROPONENT:</b>         | Ord River Sailing Club                                |
| <b>LOCATION:</b>          | Lake Kununurra Foreshore, Kununurra                   |
| <b>AUTHOR:</b>            | Jennifer Ninyette, Town Planning Officer              |
| <b>REPORTING OFFICER:</b> | Ian D'Arcy, Executive Manager<br>Development Services |
| <b>FILE NO:</b>           | 01.2860.06  |
| <b>ASSESSMENT NO:</b>     | A2860   |

#### **PURPOSE**

For Council to consider the development application submitted by the Ord River Sailing Club for proposed development on the allocated site adjacent to the commercial boating facility.

#### **BACKGROUND**

The Ord River Sailing Club have been assigned 'Lot 1' adjacent to the proposed commercial tourist operator area located on the Lake Kununurra foreshore between Ski Beach and Swim Beach.

The draft lease for the Sailing Club has been tied up with the commercial operator leases which are yet to be finalised due to the lease documents requiring the consent of the Minister for Lands prior to being granted.

The Department for Regional Development and Lands have recently advised that this consent will not be granted until the subject land has been excised from Foreshore Reserve 41812 and Recreation Reserve 29297, and the new reserve for the purpose of 'Tourist Facility' is created.

The Department of Regional Development and Lands have also recommended that this new reserve be setback 10 metres from the waters edge to allow a buffer strip between the commercial lease area and the water. Please refer to the plan at Attachment 1.

This buffer strip will be reserved for the purpose of 'Foreshore Protection, Tourist Facility and Public Access' with management order granted to the Shire that includes the power to licence for a maximum period of up to 21 years.

The Acting Chief Executive Officer in discussion with the Shires' President and Deputy President has agreed to this configuration and reservation, and has pressed the Department of Regional Development and Lands to create the new reserve and issuance of management orders as a matter of priority.

In the interim, the Ord River Sailing Club have submitted a development application as they wish to undertake earthwork and building as soon as possible, and state that they have local suppliers ready to undertake the works as soon as planning and building approvals are granted. The Sailing Club's written request is at Attachment 2.

The proposed development consists of a large storage shed, measuring 8 metres in width and 12 metres in length, with a 4 metre wide veranda, and an inlet, with

battered boat ramp. The club also intends to implement a culvert crossover, parking area, and may possibly install fencing or bollards to prevent unauthorised vehicle access to the site.

The proposed site plan and proposed shed plan are shown at Attachment 3.

The applicant has also obtained a bed and banks permit from the Department of Water to implement the proposed inlet, which is shown at Attachment 4.

## **STATUTORY IMPLICATIONS**

### **Lease Agreement**

The lease arrangement is currently being enacted under Section 3.58 of the *Local Government Act 1995* and Section 18 of the *Land Administration Act 1997* (LAA).

However, until a lease agreement has been signed off by the Minister for Lands any grant of consent for development should be at the risk of the applicant where no compensation will be paid for costs incurred should lease for what ever reason not be approved.

In this regard a statutory declaration acknowledging the level of risk should be required as a condition of approval on any forthcoming consent to develop on Crown land without a formal lease agreement being executed by the Minister.

### **Development Approval**

The proposed lease area currently covers two separate land parcels, being portion of Reserve 41812 and Reserve 29297, which are, respectively reserved Special Foreshore and Parks and Recreation under the Town Planning Scheme.

The Scheme states that where an application for planning approval is made in respect to land within a scheme reserve, the Council shall have regard to the ultimate purpose intended for the Reserve. Further, the Council shall, in the case of land reserved for the purposes of a Public Authority, confer with that Authority before granting its approval.

In this instance the foreshore land (Reserve 41812) is jointly managed by the Department of Water where a permit has been issued by the Department to allow construction a shallow inlet and boat ramp.

In accordance with the submitted plans the proposed shed, car park and fencing will solely be located within Recreation Reserve 29297 which is managed by the Shire independently.

Notably, it is the intention for the commercial user area to be excised from the existing reserves, and a new reserve to be created for the purpose of 'Tourist Facility' to be solely managed by the Shire, with power to lease for up to 21 years.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

The Shire has previously resolved to include \$75,000 in the new 2009/10 budget to assist the Ord River Sailing Club to establish new premises on a new lease site between the Commercial Boat Facility and Swim Beach.

The Sailing Club has verbally requested for the planning application fees to be waived.

Given the Club's status as a not for profit community group, and the Shire's financial commitment to assist with relocation of the club, it is considered appropriate that the planning fees be waived, as reflected in the draft Sailing Club Program Schedule prepared by the Shire's Environmental Officer, shown at Attachment 5.

However, as already mentioned, the leases are yet to be finalised, therefore the applicant does not currently have any legal tenure to the land and any development by the applicant prior to issuance of the lease should be conditioned to be at their own risk.

## **STRATEGIC IMPLICATIONS**

Council acknowledged the desire to develop the strengths and potential of the community now and into the future, as a key result area in the Shire of Wyndham East Kimberley Strategic Plan.

Development of the new lease site will allow the Ord River Sailing Club the opportunity to re-establish its profile and to grow.

## **COMMUNITY CONSULTATION**

The proposed lease for the Ord River Sailing Club will be required to be advertised upon completion of the draft lease documentation. Following the required public consultation the lease will then require endorsement by the Minister for Lands.

## **COMMENT**

The draft lease documentation has not been completed, and will not be finalised until such time as a new reserve for 'Tourist Facility' has been created and management order granted.

Notwithstanding, it is considered that Council has the ability to permit the development within portion of Reserve 29297, on the provision that Council will not be responsible for any costs involved with the removal/relocation of the shed or other infrastructure if required.

In relation to the proposed inlet, as a bed and banks permit has already been obtained from Department of Water it is considered that there is no reason to delay the Sailing Club from undertaking this work.

Therefore, on this understanding it is recommended that Council:

3. Allow development of the shed and inlet subject to the following conditions:

- (a) The lodgement of a Statutory Declaration that:
- clearly acknowledges and accepts a risk of installing infrastructure and buildings on Crown land (proposed lot 1) without a formal lease agreement being executed by the Minister for Lands;
  - indemnifies the Shire from any claim of compensation for any costs incurred associated with such development; and
  - agrees to the removal of such infrastructure and buildings at the direction, reinstatement of the land to the satisfaction of the Shire Chief Executive Officer should a lease agreement not be executed by the Minister for Lands.
- (b) All development shall be in accordance with the attached approved plan(s) dated 20 October 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.
- (c) All external building materials shall be non-reflective and complimentary in colour with the landscape values of the Lake Kununurra Foreshore Area (i.e. blue, cream & green are encouraged).
- (d) The building shall be serviced by a minimum 100,000 litre Rainwater Tank or a 10,000 litre storage tank fed from the river, watercourse or under ground bore for domestic supply.
- (e) Ablution facilities are required to be provided to the site, and an application to install or construct an apparatus for the treatment of sewage shall be submitted concurrently with the building licence.
- (f) As a minimum, bollard fencing and landscaping is to be implemented to deter unauthorized vehicular access to the site while maintaining pedestrian traffic.
- (g) A landscaping and/or fencing 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.
- (h) All trees shall be retained unless their removal is required for the purposes of access, building development or fire protection.
- (i) The provision of a minimum of eight (8) parking bays shall be constructed to a minimum all weather seal coat standard to be maintained to the satisfaction of the local government.
- (j) The area set aside for the parking of vehicles, together with the associated access (including street crossover) as delineated on the endorsed plan shall be provided and maintained to the approved standard of the local government.
- (k) 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

the waterway 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 Development Services and submitted with the building application.

4. Agree to waive planning application fees.

### **ATTACHMENTS**

Attachment 1: Reserve Plan  
Attachment 2: Site Plan  
Attachment 3: Shed Plan  
Attachment 4: Bed and Banks Permit  
Attachment 5: draft Sailing Club Program Schedule

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER'S RECOMMENDATION**

That Council:

1. Allow development of the shed and inlet subject to the following conditions:
  - (a) The lodgement of a Statutory Declaration that:
    - clearly acknowledges and accepts a risk of installing infrastructure and buildings on Crown land (proposed lot 1) without a formal lease agreement being executed by the Minister for Lands;
    - indemnifies the Shire from any claim of compensation for any costs incurred associated with such development; and
    - agrees to the removal of such infrastructure and buildings at the direction, reinstatement of the land to the satisfaction of the Shire Chief Executive Officer should a lease agreement not be executed by the Minister for Lands.
  - (b) All development shall be in accordance with the attached approved plan(s) dated 20<sup>th</sup> October 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.
  - (c) All external building materials shall be non-reflective and complimentary in colour with the landscape values of the Lake Kununurra Foreshore Area (i.e. blue, cream & green are encouraged).
  - (d) The building shall be serviced by a minimum 100,000 litre Rainwater Tank or a 10,000 litre storage tank fed from the river, watercourse or under ground bore for domestic supply.

- (e) Ablution facilities are required to be provided to the site, and an application to install or construct an apparatus for the treatment of sewage shall be submitted concurrently with the building licence.
- (f) As a minimum, bollard fencing and landscaping is to be implemented to deter unauthorized vehicular access to the site while maintaining pedestrian traffic.
- (g) A landscaping and/or fencing 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.
- (h) All trees shall be retained unless their removal is required for the purposes of access, building development or fire protection.
- (i) The provision of a minimum of eight (8) parking bays shall be constructed to a minimum all weather seal coat standard to be maintained to the satisfaction of the local government.
- (j) The area set aside for the parking of vehicles, together with the associated access (including street crossover) as delineated on the endorsed plan shall be provided and maintained to the approved standard of the local government.
- (k) 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 the waterway 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 Development Services and submitted with the building application.

2. Agree to waive planning application fees.

### **COUNCIL DECISION**

***Minute No. 8873***

***Moved:Cr J Moulden***

***Seconded:Cr D Ausburn***

***That Council defer Item 13.4.9 to Behind Closed Doors to Item 17.3 in accordance with the Local Government 1995,s 5.23 (2)(c)***

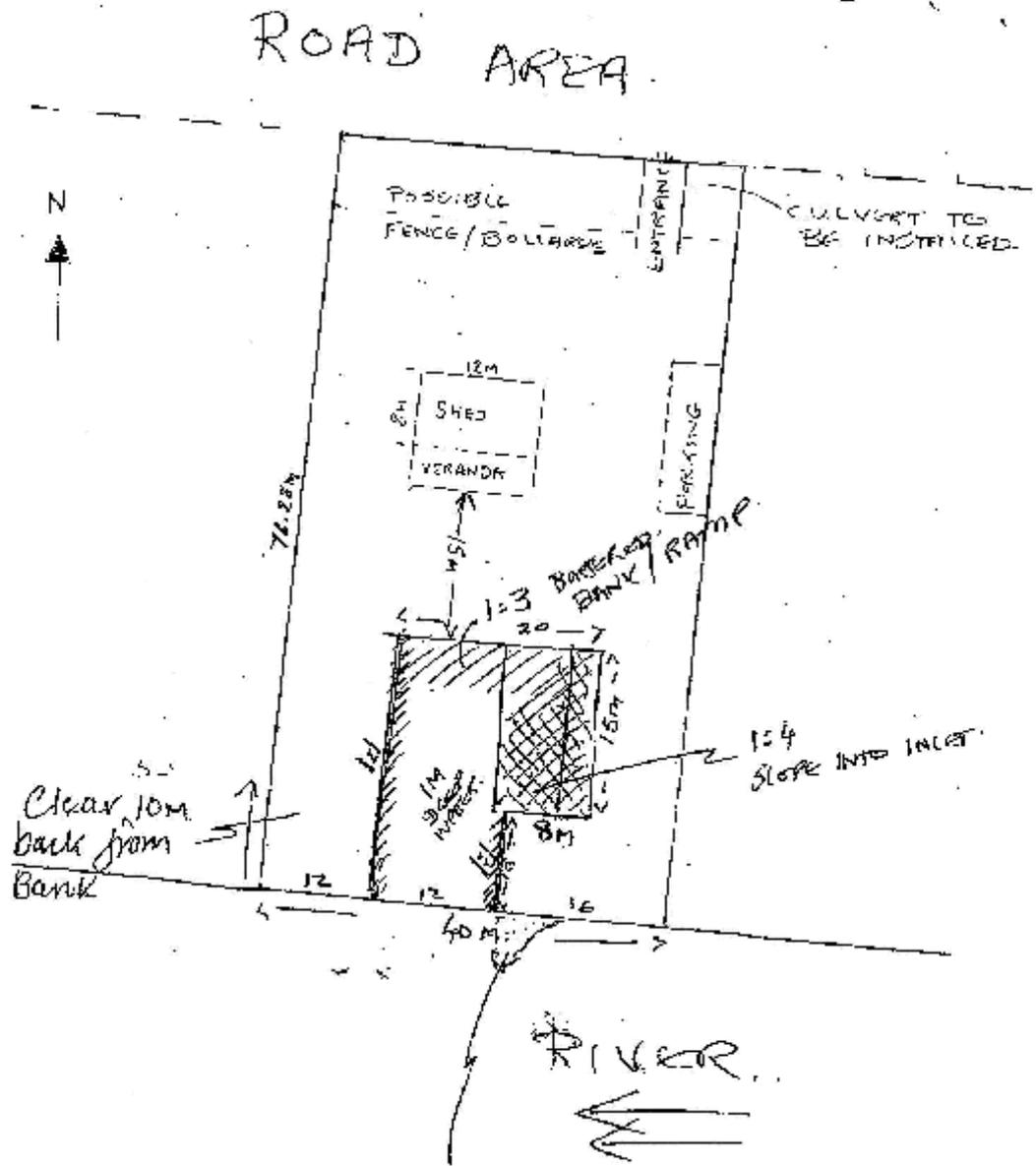
***CARRIED UNANIMOUSLY: (8/0)***

# ATTACHMENT 1



- - PROPOSED "FORESHORE PROTECTION, TOURIST FACILITY AND PUBLIC ACCESS" RESERVE
- - PROPOSED "TOURIST FACILITY" RESERVE
- - "FORESHORE AND RECREATION" RESERVE 41812.

ATTACHMENT 2

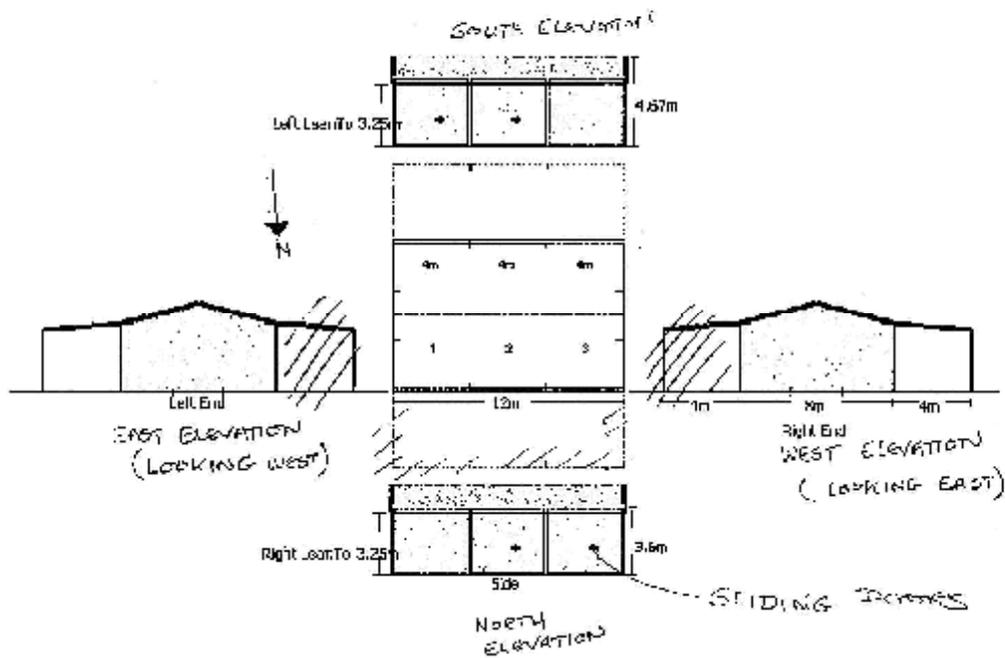


### ATTACHMENT 3

Building For:  
Ord Sailing Club

Job Number: 10157  
Produced by:  
NE Sheds  
Phone: 08 9168 1772

SHED - 8M WIDE 12M LONG 3.6M HIGH  
VERANDAH - 4M WIDE 12M LONG  
ALL COLORBOND (ROOF + WALLS)  
4 X SLIDING DOORS  
PLANS + SPECS. (REG B. + (C.2))  
FLOOR 100MM REINFORCED CONCRETE  
SKID + VERANDAH.



## ATTACHMENT 4



Government of Western Australia  
Department of Water



Your ref: Looking after all our water needs  
Our ref: RF3806  
PMB169167  
Enquiries: Kate Gole (9165 4117)

Katya Tripp  
Environmental Projects Officer  
Shire of Wyndham East Kimberley  
PO Box 614  
KUNUNURRA WA 6743

|            |             |
|------------|-------------|
| Doc No.    | 067576      |
| Date       | 14 SEP 2009 |
| Officer    | eo          |
| Response   |             |
| File       | 43.04.01    |
| Cross Ref. |             |

Dear Katya

**Re: Issue of a Permit to Obstruct or Interfere – PMB169167 – Expiry 31 August 2010**  
**Property: Kununurra Sailing Club, Lot 1 Lake Kununurra Foreshore Lease**

**Issue of permit to obstruct or interfere**

Please find enclosed your *Permit to Obstruct or Interfere*, authorising you to modify the watercourse, under *the Rights in Water and Irrigation Act 1914*, subject to certain terms, conditions or restrictions.

It is important that you read the conditions of your permit carefully. If you do not understand your licence, please contact the Department as soon as possible, as there are penalties for failing to comply with all of your licence conditions.

The approved modifications must be completed while the permit is current. Should the works be expected to continue past the expiry date of the permit, you must apply for an extension. It is suggested that an application to vary the duration of the permit be made at least one month in advance.

Should your authorised modification cause a detrimental effect on another person or damage the water resource or associated environment, the Department may amend, suspend or cancel your permit.

The Department of Water emphasises that it is the responsibility of the permit holder to ensure the safety and adequacy of the design, method of construction and operation of the works or action the subject of the permit. The Department recommends that people obtain an engineer's certificate.

The Department focuses upon water resource related issues. It does not assess, and indeed is precluded by the *Rights in Water and Irrigation Regulations 2000*

Kimberley Region  
27 Victoria Highway Kununurra Western Australia 6743  
PO Box 625 Kununurra Western Australia 6743  
Telephone (08) 9166 4100 Facsimile (08) 9426 4818  
www.water.wa.gov.au  
wa.gov.au

2009/01/01

from assessing, the works or action in respect of which the permit has been issued.

Compliance with the terms, conditions or restrictions of this permit does not absolve the permit holder from responsibility for compliance with the requirements of all Commonwealth and State legislation.

**Activities authorised under PMB169167**

As stated in condition 3, and shown on attachment 1, the following activities are authorised under PMB169167:

- o Clearing of native vegetation within the hatched area marked 'A' on attachment 1
- o Construction of a shallow inlet with a maximum depth of 2 meters
- o Battering of the inlet banks to a minimum slope of 1:4
- o Battering of the inlet boat ramp to a minimum slope of 1:8

**Activities not authorised under PMB169167**

The following activities are not authorised under PMB169167:

- o Clearing of native vegetation within 5m of the Lake Kununurra bank
- o Construction of a boat ramp on Lake Kununurra
- o Deposition of any materials (including rocks and soil) on the bed of Lake Kununurra

**Restoration and stabilisation activities required under PMB169167**

The following stabilisation works are required to be carried out:

- o Revegetation of the inlet banks with grass
- o Rock battering of the banks either side of the inlet entry

If you have any queries relating to the above matter, please contact Kate Gole on telephone number 9166 4117.

Yours faithfully

  
Adam Maskew

**Acting Regional Manager  
Kimberley Region**

September 7, 2009



## PERMIT TO OBSTRUCT OR INTERFERE (S17)

Granted by the Minister under section 17 of the Rights in Water and Irrigation Act 1914

|                                      |  |                                      |
|--------------------------------------|--|--------------------------------------|
| <b>Permit Holder(s)</b>              | Shire of Wyndham East Kimberley                            |                                      |
| <b>Description of Water Resource</b> | Ord River<br>Ord River                                     |                                      |
| <b>Location of Water Source</b>      | Lot 1 Lake Kununurra Foreshore Lease                       |                                      |
| <b>Authorised Activities</b>         | <b>Activity</b>  | <b>Location of Activity</b>          |
|                                      | Construction of an inlet with a maximum depth of 2 meters. | Lot 1 Lake Kununurra Foreshore Lease |
| <b>Duration of Permit</b>            | From 7 September 2009 to 31 August 2010                    |                                      |

**This Permit is subject to the following terms, conditions and restrictions:**

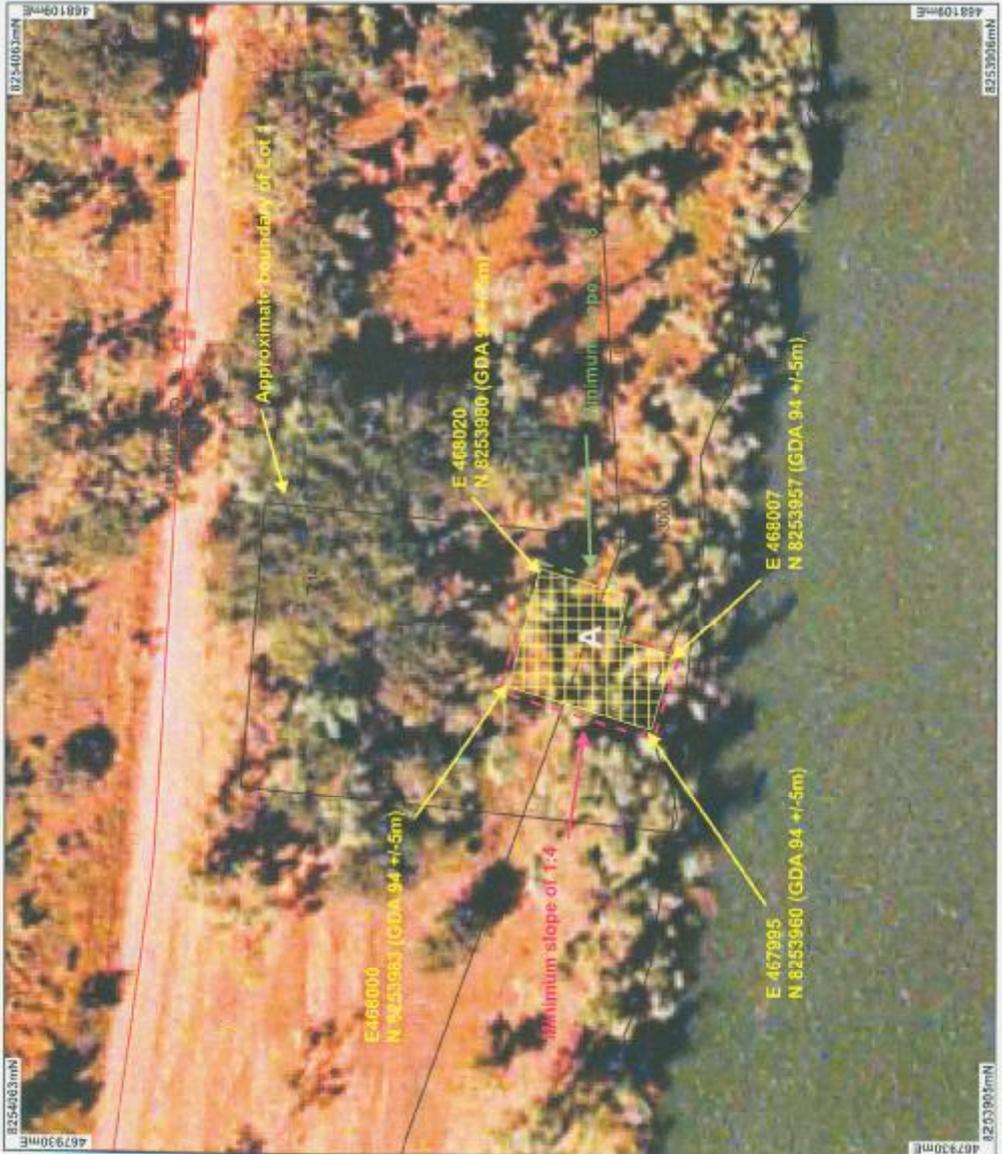
- 1 The permit holder shall undertake the works authorised by this permit with minimal disturbance to the bed and banks of the Ord River (Lake Kununurra).
- 2 The licensee shall not interfere with the bed of the watercourse on any location, except as approved by the Department of Water
- 3 The permit holder shall only undertake works in the location/s labelled A on the aerial photograph attached to this licence (marked attachment 1).
- 4 The permit holder is to comply with the restoration activities marked on attachment 2 and any amendments made by or with the approval of the Department.

**End of terms, conditions and restrictions**

---

**This Permit is granted subject to the Rights in Water and Irrigation Regulations 2000**

# Attachment 1: PMB169167



**LEGEND**

- Road Centrelines - DLI
- Topographic Contours, Scalewide - Lantiga
- Cadastral - DLI
- Proposed
- Water
- State Forest / State Reserve
- Nature Park
- Green Lane
- Linear / Reserve
- Local and State Forest / Timber Reserve
- Public Road
- Water
- Water Course / Weir
- Aboriginal Communities - DMA
- WV Sites - All Sites

Scale 1:500  
 Polygonal area (approximate) - A  
 Geospatial Data - Australia - 2004  
 Note: The data in this map is not intended for navigation. It may result in generalised information for reference purposes only.  
 Prepared by: GDA  
 Date: 15/03/2009 1:55:14 PM

After you have used this map, please return the information to the data custodian (Geospatial Information) for the appropriate use of the data.  
 Government of Western Australia  
 Department of Water  
 8/11/2009 1:55:14 PM

# Attachment 1: PMB169167



### Sailing Club Program Schedule

#### Description

The Ord River Sailing Club is a long standing community sports club that encourages family recreation and safe boating on Lake Kununurra. This project will enable the relocation of the Ord River Sailing Club to a new lease site. The funding is to be used to build a new inlet, shed and for landscaping of the lease area.

#### Project Duration

Project start date October 2009

Project completion date July 2010

#### Funding Milestones

| Milestones   | Completion Date | Funds Required                       |
|--|-----------------|--------------------------------------|
| Fees for Building and Planning applications                                    | October 2009    | Shire to pay on behalf of ORSC       |
| Earth works for shed and inlet inc relocation of boabs or pandanus if relevant | October 2009    | \$12,000 + GST                       |
| Material for shed pad  | October 2009    | \$3,000 + GST                        |
| Order shed materials   | November 2009   | \$25,000 + GST                       |
| Shed construction completed  | November 2009   | \$25,000 + GST                       |
| Internal shed racking, toilet, perimeter definition                            | January 2009/10 | \$10,000 + GST                       |
| Install crossover (if required)  | April 2010      | Remaining funds or to be met by club |
| Community open day   | May 2010        | To be met by club                    |
| Infill and screening landscaping of area using local native plants.            | July 2010       | To be met by club                    |

#### Payment Schedule

| Year         | Date                  | TOTAL         |
|--------------|-----------------------|---------------|
| 2009         | On signature of lease | 35,000        |
|              | November 2009         | 30,000        |
| 2010         | January 2010          | 10,000        |
| <b>TOTAL</b> |                       | <b>75,000</b> |

## 13.5. COMMUNITY SERVICES

### 13.5.1 ANNUAL GRANTS 2009, ROUND 2

|                           |  |
|---------------------------|--|
| <b>DATE:</b>              | 20 October 2009  |
| <b>PROPONENT:</b>         | Shire Of Wyndham East Kimberley<br>Shire Of Wyndham East Kimberley |
| <b>AUTHOR:</b>            | Megan Alchin, Acting Executive Manager<br>Community Services       |
| <b>REPORTING OFFICER:</b> | Megan Alchin, Acting Executive Manager<br>Community Services       |
| <b>FILE NO:</b>           | 36.19.02   |
| <b>ASSESSMENT NO:</b>     | NA   |

Cr J McCoy, Cr K Torres and Cr J Parker left the room at 7.22pm due to a declared Financial Interest.

Cr K Wright declared a Financial Interest during debate on the Item.

#### **PURPOSE**

For Council to consider the recommendations made by the Annual Grants Assessment Panel regarding grant applications received for Round 2, 2009.

#### **BACKGROUND**

Council has administered an annual grants scheme for a number of years.

At its meeting of 17 June 2008, Council resolved as per Minute No. 8269 to:

*Adopt the draft Policy CMS 2 Annual Grants Scheme as per Attachment 4 which combines the conditions of the previous Policies F3 and F16 related to the administration of Community and Economic Development Annual Grants, so that this new policy provides for:*

- 1. two grant submission and assessment dates annually,*
- 2. the establishment of an annual funding pool to resource an Annual Grants Scheme*
- 3. provisions related to the administration of the Annual Grants Scheme.*

Policy CMS 2 – Annual Grants Scheme states that, “This funding pool shall be an amount of \$120,000 in 2008/09 and shall be increased inline with the adopted rate increase each subsequent year”. The rate increase for 2009/2010 is five percent, resulting in a grant pool increase of \$6,000.

#### **STATUTORY IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

Policy CMS 2 – Annual Grants Scheme

## **FINANCIAL IMPLICATIONS**

\$126,000 was allocated in the 2009/10 Adopted Budget for Annual Grants. A total of \$64,415 was allocated during the first grant round which leaves \$61,585 to be allocated in Round 2.

## **STRATEGIC IMPLICATIONS**

Key Result Area 2 – Community includes the objective 'Partnerships addressing social issues in our community'. Depending on grant application, other key result areas in the Shire's Strategic Plan may be addressed.

## **COMMUNITY CONSULTATION**

Nil

## **COMMENT**

A total of 10 applications were received for Round 2 of the Annual Grants Scheme, with total requests equalling \$127,840. A table that gives a summary of each of these applications is shown as Attachment 1 to this item.

The Annual Grants Assessment Panel consisting of Cr. Ausburn, Cr. Parker, Karyn Apperley (Executive Manager Community Services) and Megan Alchin (Community Support Officer), met on 7 October 2009 to discuss the applications received and form recommendations for Council.

A total allocation of \$61,440 is recommended by the Panel. A copy of the Assessment Panel Information Pack which includes copies of the applications received and panel feedback which recommendations are based on is available for inspection by Councillors at the front counter of the Kununurra Office.

## **ATTACHMENTS**

Attachment 1: table of Round 2 Annual Grant requests.

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council adopt the funding recommendations of the Annual Grants Assessment Panel and fund the projects as follows:

| <b>Applicant</b>  | <b>Purpose</b>                    | <b>Amount</b>                    |
|---|-----------------------------------|----------------------------------|
| Joorook Nargani Aboriginal Corporation                    | WELA Bus Service                  | \$4,440                          |
| St James Anglican Church on behalf of Kununurra Playgroup | Playground Expansion              | \$8,000                          |
| Argyle Diamonds Ord Valley Muster                         | Argyle Diamonds Ord Valley Muster | \$20,000 cash<br>\$5,000 in-kind |
| Gelganyem Trust   | 2010 Barramundi Concert           | \$5,000                          |
| Kununurra Motocross Club                                  | First Aid Post                    | \$7,000                          |

|                               |   |          |
|-------------------------------|---|----------|
| Kimberley Wildlife Rescue Inc | Annual KWR Inc Consumables              | \$10,000 |
| WA Police Legacy Inc          | Gibb River Road Mountain Bike Challenge | \$2,000  |
|                               | TOTAL                                   | \$61,440 |

.  
*Cr K Wright queried the omission of CR J Parker's exclusion from the Panel's consideration of the Joorook Nagarni Aboriginal Corporation. Cr D Ausburn confirmed that Cr J Parker had excluded herself from consideration from that Item.*

*Cr K Wright declared a Financial Interest in Item 12.5.1 as a member of the Kununurra Visitors Center and left the room at 7.30pm..*

***With the departure of Cr K Wright the meeting lacked a quorum and the item then lay on the table.***

***The Acting Chief Executive Officer advised that the Item would be presented at the next Council Meeting and be structured to enable consideration of the panel's recommendations***

.  
*Cr J McCoy, Cr K Torres, Cr J Parker and Cr K Wright returned to the room at 7.31pm.*

## SUMMARY OF ANNUAL GRANTS REQUESTS

09/10 – 2<sup>nd</sup> Round September 2009

| No.                   | Applicant   | Purpose (brief summary)   | Funds Requested                  | Other Contributions   |
|-----------------------|---|---|----------------------------------|---|
| 1                     | Tourism North West Incorporated Trading as Australia's North West Tourism | Contribution for East Kimberley Marketing Campaign (Re-submitted) | \$25,000                         | Organisation: \$25,000<br>Grant: \$50,000   |
| 2                     | Joorook Nargani Aboriginal Corporation                                    | WELA Bus Service  | \$4,440                          | Lotterywest: \$48,040<br>Colemen Brothers: \$4,560<br>Argyle Diamonds Pty Ltd: \$4,440                |
| 3                     | St James Anglican Church on behalf of Kununurra Playgroup                 | Playground Expansion  | \$15,000                         | Organisation: \$6,800<br>Other Sponsorship: \$15,600  |
| 4                     | Argyle Diamonds Ord Valley Muster   | Argyle Diamonds Ord Valley Muster                                 | \$25,000 cash<br>\$7,000 in-kind | Organisation: \$305,573<br>Eventscorp: \$40,000<br>Fosters: \$28,000<br>Sponsorship: \$318,000        |
| 5                     | Wyndham Community Club Inc  | Facility Upgrade Projects   | \$17,400                         | Organisation: \$13,000<br>FaHCSIA: \$4,800  |
| 6                     | Gelganyem Trust   | 2010 Barramundi Concert   | \$5,000                          | Organisation: \$4,124<br>Other grants: \$35,500<br>Argyle Diamonds: \$20,000<br>Sponsorship: \$22,958 |
| 7                     | Kununurra Motocross Club  | First Aid Post  | \$7,000                          | Organisation: \$3,620<br>Maglion: \$8,100   |
| 8                     | Kununurra Visitors Centre   | Media Famils – Racing The Planet 2010                             | \$10,000                         | Organisation: \$5,000<br>Sponsorship: \$5,000   |
| 9                     | Kimberley Wildlife Rescue Inc   | Annual KWR Inc Consumables  | \$10,000                         | Organisation: \$112,000<br>Sponsorship: \$10,000<br>Donations: \$8,000                                |
| 10                    | WA Police Legacy Inc  | Gibb River Road Mountain Bike Challenge                           | \$2,000                          | Government Funding: \$17,500<br>Sponsorship: \$12,000<br>Participants & Merchandise: \$120,250        |
| <b>TOTAL REQUESTS</b> |   |   | \$127,840                        |   |

## 13.5.2 REVIEW OF POLICY CMS2 - ANNUAL GRANTS SCHEME (8874) (8875)

|                           |  |
|---------------------------|--|
| <b>DATE:</b>              | 20 October 2009  |
| <b>PROPONENT:</b>         | Shire Of Wyndham East Kimberley                              |
| <b>LOCATION:</b>          | Shire Of Wyndham East Kimberley                              |
| <b>AUTHOR:</b>            | Megan Alchin, Acting Executive Manager<br>Community Services |
| <b>REPORTING OFFICER:</b> | Megan Alchin, Acting Executive Manager<br>Community Services |
| <b>FILE NO:</b>           | 36.19.02   |
| <b>ASSESSMENT NO:</b>     | NA   |

### **PURPOSE**

For Council to consider the amendment of Policy CMS 2 – Annual Grants Scheme.

### **BACKGROUND**

Council adopted Policy CMS 2 – Annual Grants Scheme at its Ordinary Council Meeting on 17 June 2008. This policy is an amalgamation of Policy F3 Community Grants and the now revoked Policy F16 Economic Development Policy.

These changes were made to combine the two categories of community grants and economic development grants, to be a single annual grants offered by Council. This Policy also stipulates that there will be two grant rounds each financial year with the first closing 30 May and the second closing 31 August.

### **STATUTORY IMPLICATIONS**

Nil

### **POLICY IMPLICATIONS**

Changes to Policy CMS 2 – Annual Grants Scheme.

### **FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

Nil

### **COMMUNITY CONSULTATION**

Nil

## **COMMENT**

There are two proposed changes to the current Policy CMS 2 – Annual Grants Scheme.

The first is the date of the second funding round for each financial year which is currently 31 August. The first funding round closes on 30 May with recommendations being presented at the Ordinary Council meeting in June. The approved funding is then available to successful grant recipients after 1 July which is the next financial year.

As it currently stands, the second round closes just three months after the first round which in practice has not occurred since the adoption of this policy as it does not provide adequate time for community groups and organisations to prepare applications based on Round 1 results. This also puts a large amount of pressure on staff and the Assessment Panel to conduct a second round in such a short timeframe. It is therefore recommended that the closing date of Round 2 closes 30 September.

The second proposed change is in relation to ensuring that the assessment process of applications by both the Grants Assessment Panel and by Council, is a fair and equitable process that is not influenced by campaigning for support. It is therefore recommended that a clause be added to the Grant Limitations similar to the condition in the tender process, that the canvassing of Councillors and staff will result in the application being ineligible.

## **ATTACHMENTS**

Draft amended Policy CMS 2 – Annual Grants Scheme

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council adopt the proposed amended Policy CMS 2 – Annual Grants Scheme as shown in Attachment 1 to this item.

## **COUNCIL DECISION**

***Minute No. 8874***

***Moved:Cr J Moulden***

***Seconded:Cr K Wright***

***That Council adopt the proposed amended Policy CMS 2 - Annual Grants Scheme as shown in Attachment 1 to this item with deletion of last dot point of Policy referring to Canvassing of Councillors and staff will result inthe application being considered ineligible.***

***Cr Wright withdrew as the seconder of the motion.'***

***THE MOTION LAPSED DUE TO THE LACK OF A SECONDER.***

**Minute No: 8875**

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

**That Council defer this report to the November Briefing Session.**

**CARRIED UNANIMOUSLY: (8/0)**

## **ATTACHMENT: 1**

|                              |  |
|------------------------------|--|
| <b>POLICY No:</b>            | <b>CMS 2</b>                                 |
| <b>DIVISION</b>              | <b>Community Services</b>                    |
| <b>SUBJECT:</b>              | <b>Annual Grants Scheme</b>                  |
| <b>REPORTING OFFICER:</b>    | <b>Executive Manager Community Services</b>  |
| <b>ENABLING LEGISLATION:</b> | <b>Local Government Act 1995 Section 6.2</b> |

### **OBJECTIVE:**

The objective of Annual Grants Scheme is to provide consistent, equitable and accessible funding opportunities for local community based organisations for the purposes of community and economic development activities, events and projects.

### **POLICY:**

The purpose of this funding is to offer not for profit community, sporting, cultural, environmental, service groups and associations and not for profit economic development organisations financial assistance to foster high quality programs, community events, facilities and services that provide benefit to the community of the Shire of Wyndham East Kimberley.

### **ADMINISTRATION AND RESOURCING**

- Council shall make an allocation for Annual Grants within each annual budget. This funding pool shall be an amount of \$120,000 in 2008/09 and shall be increased inline with the adopted rate increase each subsequent year.
- The distribution of the funds shall be via an application process. The process shall involve the following:
  - Annual Grants will be promoted through direct distribution to community organisations annually, promotion in the local newspaper and on community radio broadcasts. Application forms and additional information will be available from the Shire Offices and on the Shire's website.
  - Each year the Shire will invite submissions from the community. These funds are non-recurrent funding and applications will be received in two rounds with submission closing dates of 30 May and 30 September each year.
  - Annual Grants shall be assessed on the following criteria:
    - Demonstrated need for funding.
    - Benefits to the community, including community development and/or economic development outcomes.
    - Demonstrated partnerships and ability to source additional funds and/or partnerships.
    - Demonstrated community support for the organisation and the project or activities planned.
    - The organisation's demonstrated ability or capacity to achieve measurable outcomes for the community.

- Demonstration of links to Council's Strategic Direction and Objectives.
- The Annual Grants will be decided by Council decision based on recommendations from the Grants Assessment Panel
- The Grants Assessment Panel will consist of:
  - A minimum of 2 Councillors
  - Executive Manager Community Services
  - One other Shire staff member as appropriate
- Projects, activities and events should be in keeping with Council's Strategic Direction and Objectives as noted in Council's Strategic Plan.
- All recommendations of the Grants Assessment Panel will be presented to Council for consideration.
- All organisations receiving community grants will be required to expend and acquit the funds within 12 months of the grant being approved at an Ordinary Council Meeting.

### **LIMITATIONS**

- Community organisations or events where the primary purpose is to promote political beliefs.
- Community organisations or events where the primary purpose is to promote religious beliefs or where people are excluded on religious grounds.
- Individuals (or sponsorship of cash prizes for individuals or teams).
- Activities or events that are the core responsibility of a state or federal government department, though contribution to components that expand on the core responsibilities may be considered.
- Projects that have already been completed or are currently in progress.
- Funds not to be used for trophies, prizes, insurance or operational expenses (including loan repayments) incurred in the conduct of community activities.
- Applicants must seek other funding where available.
- Applications must be submitted on Council's prescribed forms.
- Council employees, equipment or facilities may be used in lieu of cash distribution and costed against the relevant ledger folio.
- All works are to be completed to the satisfaction of Council.
- Organisations will be limited to one successful application for funds per financial year.
- Council does not intend the Grants to be utilised for monetary profit, but that they help not for profit to achieve their objectives and provide benefits to the community.
- Applicants must provide evidence of their own contribution (financial and in-kind) as well as contributions from other sources towards the project.
- Applicants seeking capital/building funding for a project need to ensure that the project relates to crown reserve or land owned or vested in the Shire of Wyndham East Kimberley (or at Council's discretion).
- **Canvassing of Councillors and staff will result in the application being considered ineligible.**

ADOPTED: 17 June 2008

### 13.5.3 CSRFF ANNUAL GRANTS ROUND (8876) (8877)

|                           |  |
|---------------------------|--|
| <b>DATE:</b>              | 20 October 2009  |
| <b>PROPONENT:</b>         | Shire Of Wyndham East Kimberley                              |
| <b>LOCATION:</b>          | Shire Of Wyndham East Kimberley                              |
| <b>AUTHOR:</b>            | Megan Alchin, Acting Executive Manager<br>Community Services |
| <b>REPORTING OFFICER:</b> | Megan Alchin, Acting Executive Manager<br>Community Services |
| <b>FILE NO:</b>           | 36.08.03   |
| <b>ASSESSMENT NO:</b>     | NA   |

#### **PURPOSE**

For Council to endorse and rank applications to the Department of Sport and Recreation's Community Sports and Recreation Facilities Fund (CSRFF).

#### **BACKGROUND**

The purpose of the CSRFF program is to provide financial assistance to community groups and local government authorities to develop infrastructure for sport and recreation to meet current and future community needs. The program also aims to increase participation in sport and recreation with an emphasis on physical activity through rational development of good quality, well designed and well utilised facilities. The program is administered by the Department of Sport and Recreation.

Under the program, local government authorities are required to consider community CSRFF applications and/or submit applications themselves, advise the Department of Sport and Recreation if the Council supports the applications, and if supported, rank the applications in priority order.

#### **STATUTORY IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Council has allocated \$15,000 expenditure and \$5,000 income in the 2009/2010 adopted budget for the purpose of a Wyndham BMX track.

#### **STRATEGIC IMPLICATIONS**

Key Result Area 1 – Infrastructure includes the objective 'Sustainable asset management for infrastructure under the Shire's control.'

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

## **COMMUNITY CONSULTATION**

Nil

## **COMMENT**

Three applications for the current CSRFF Annual Grants round have been received. One application has been prepared by Shire officers, one has been received from the Kununurra Motocross Club, and one from the Kununurra Agricultural Society.

The Department of Sport and Recreation required Council to rank these applications in order of priority to aid their assessment panel award available funding.

The three projects, while each address Key Result Areas within the Shire's Strategic Plan and shall be of great benefit to the community, they vary greatly in their magnitude and overall relevance to the community as a whole.

The BMX track is the latter stage of the Wyndham Recreation Centre and precinct upgrade. This project is nearing completion excluding the construction of a BMX track on the decommissioned basketball courts.

The Kununurra Motocross Club are applying for funding to construct an ablution block with a wash down area for bikes as well as a permanent first aid post to house St John's ambulance and its volunteers. This project is identified in the Club's Strategic Plan 2007-2010 as a strategic response to future challenges.

The Kununurra Agricultural Society is requesting funding for a multi-purpose arena to be built within the Kununurra Agricultural Oval leased site. This application was approved in the 2007 CSRFF funding round however the Society were unable to accept the grant due to relying on funding from the now terminated Regional Partnership program.

It is envisioned that the BMX track in Wyndham will be accessed by both the community and visitors to Wyndham, primarily by children and youth. As youth services are currently a prime focus of the Shire, it is recommended that this project be ranked as number one.

Both applications by the Kununurra Agricultural Society and Kununurra Motocross Club demonstrate community benefit and community outcomes, and both organisations are making a significant financial contribution to their respective projects. However, as these projects have to be ranked, it is considered that the Kununurra Motocross Club show a greater recreation and sporting outcome through the construction of proposed infrastructure when compared to the multi-purpose arena proposed by the Agricultural Society.

The main body of each of these applications are shown as attachments to this item however complete applications including attachments can be viewed prior to the Council Meeting.

## **ATTACHMENTS**

Attachment 1: Shire of Wyndham East Kimberley CSRFF application.

Attachment 2: Kununurra Motocross Club CSRFF application.

Attachment 3: Kununurra Agricultural Society.

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council support the Community Sports and Recreation Facilities Fund Annual Grant applications for 2009 in order of priority, as follows:

1. Shire of Wyndham East Kimberley – Wyndham BMX Track construction
2. Kununurra Motocross Club – ablution block and first aid post
3. Kununurra Agricultural Society – covered multi-purpose arena.

## **COUNCIL DECISION**

***Minute No. 8876***

***Moved:Cr K Wright***

***Seconded:***

***That Council support the Community Sports and Recreation Facilities Fund Annual Grant applications for 2009 in order of priority, as follows:***

1. ***Kununurra Agricultural Society - covered multi-purpose arena.***
2. ***Shire of Wyndham East Kimberley - Wyndham BMX Track construction***
3. ***Kununurra Motocross Club - ablution block and first aid post***

***THE MOTION LAPSED BECAUSE OF WANT OF A SECONDER.***

***Minute No: 8877***

***Moved:Cr J Parker***

***Seconded:Cr D Ausburn***

***That Council support the Community Sports and Recreation Facilities Fund Annual Grant applications for 2009 in order of priority, as follows:***

1. ***Shire of Wyndham East Kimberley - Wyndham BMX Track construction***
2. ***Kununurra Motocross Club - ablution block and first aid post***
3. ***Kununurra Agricultural Society - covered multi-purpose arena.***

***CARRIED: (7/1)***

***For: Cr F Mills, Cr J Moulden, Cr D Ausburn, Cr R Addis, Cr J Parker, Cr K Torres and Cr J McCoy.***

***Against: Cr K Wright.***

**Attachment: 1 – Shire of Wyndham East Kimberley CSRFF Application  
Item No. 12.5.3**



Government of Western Australia  
Department of Sport and Recreation

Office Use Only  
TRIM \_\_\_\_\_  
Grant No. \_\_\_\_\_  
Project Coordinator \_\_\_\_\_

## Standard CSRFF Grants Application Form

Year 2010/11 – 2012/13 Triennium

This application form can only be used for applications to be submitted in the 2010/11 funding round. No other forms will be accepted.

You **MUST** discuss your project with an officer from your nearest Department of Sport and Recreation office before completing and submitting your application. Failure to do so will render your project ineligible.

DSR Contact: DEAN HOLDER

Date: 17/9/2009

Office: BROOME

### TYPE OF GRANT:

**ANNUAL GRANT \$75,000–\$166,666** (up to \$200,000 with development bonus)  
The total project cost (GST exclusive) is \$800,000 or less

**FORWARD PLANNING GRANT \$166,667–\$4 million**  
The total project cost (GST exclusive) exceeds \$500,000.  
Note: where the grant requested is \$166,667 or less but the total project cost is over \$800,000, applicants are to follow the criteria for a Forward Planning grant but will be funded as an Annual grant.

Year of Claim (Applicable to forward planning grants only):

Please indicate the year that you would prefer to claim a grant. Only indicate first preference for funding in 2010/11 if all planning is finalised.

2010/11       2011/12       2012/13

Would project proceed if funding was allocated in a later year?  Yes  No

This would be dependant on both council approval and the works required to construct the BMX track fitting into the scope of the council works programme, which would need to be determined before works were started.

If yes, how would the project be impacted (e.g. – delayed etc)? Project would be delayed and consequently costs would no doubt escalate. There would also be a risk of suppliers being unavailable to carry out required works due to the forecast of other employment as the Ord Stage 2 expansions get under way in the area.

How would the resulting cost escalation be funded? An approach would need to be made to council to ask for funding to be set aside to cover the amount of any escalating costs, should this delay occur.

### Applicant's Details:

Organisation Name: SHIRE OF WYNDHAM EAST KIMBERLEY

Postal Address: PO BOX 814

Suburb: KUNUNURRA State: WA Postcode: 8743

Street Address: 118 COOLIBAH DRIVE

Suburb: KUNUNURRA State: WA Postcode: 8743

### Preferred Contact Person:

All application correspondence will be directed to this person

Name: HOLLIE NICHOLS Title: Dr  Mr  Mrs  Ms

Position Held: CUSTOMER SERVICE/PROJECTS OFFICER

Business Phone: 9161 1002 Facsimile: 9161 1265

Mobile Phone: Email: esow2@thelastfrontier.com.au

Application Form

CSRFF

**Organisation Business Details:**

|  |   |  |              |
|--|---|--|--------------|
| Does your organisation have an ABN?      | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | ABN: 356 471 457 56  |              |
| Is your organisation registered for GST? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | <ul style="list-style-type: none"> <li>Note, in order to be eligible for funding you must attach a copy of the Incorporation Certificate</li> <li>Please note we are a Local Government authority</li> </ul> |              |
| Is your organisation not-for-profit?     | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |  |              |
| Is your organisation incorporated?       | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Incorporation #: *   |              |
| Bank details:                            | Bank: BANKWEST  | BSB: 306-045   | A/c: 5356458 |

**Local Government Authority Details:**

|                 |                                 |            |   |
|-----------------|---------------------------------|------------|---|
| LGA:            | SHIRE OF WYNDHAM EAST KIMBERLEY |            |   |
| Contact:        | ALEX DOUGLAS                    | Title:     | Dr <input type="checkbox"/> Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> |
| Position Held:  | ACTING CHIEF EXECUTIVE OFFICER  |            |   |
| Business Phone: | 9168 4109                       | Facsimile: | 9168 1798   |
| Mobile Phone:   | 0428 923 388                    | Email:     | ceo@thelastfrontier.com.au  |

**PROJECT DETAILS**

|   |  |
|---|--|
| Project Description:  |  |
| TO CONSTRUCT A BMX TRACK FOR THE YOUTH OF WYNDHAM , WHICH IS TO BE LOCATED WITHIN THE SKATE PARK PRECINCT, COMPLETING THE PLANNED RECREATION AREA WHICH INCORPORATES OUR SKATE PARK, PLAYGROUND, MULTI COURTS AND REC CENTRE FACILITIES.  |  |
| Project location:   | WYNDHAM SKATE PARK PRECINCT  |
| Land ownership:   | Who owns the land on which your facility will be located? SHIRE OF WYNDHAM EAST KIMBERLEY<br>Lease Expiry (if applicable): N/A   |
| Planning approvals  | Where applicable, has planning permission been granted? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A<br>Have other approvals been granted, ie building Heritage, Indigenous and Swan River Trust? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| What discussions have been held with adjoining local authorities?   |  |
| Due to the large distances between Local Government authorities in our region, no discussions have been held with adjoining authorities in respect to a joint type of facility which could cater for the needs of more than one Shire. However, advice and feedback was sought from a number of Local Government authorities, clubs and associations in the Kimberley and areas of the Northern Territory with respect to ideas for our BMX track in design, whether other LGA'S had constructed similar projects and any problems which they had encountered with high amounts of rainfall that we experience in the northern areas of Australia.  |  |
| Approximate distance from proposed project to nearest adjoining council boundary: 180 km  |  |
| Have you discussed this project with Regional Development Australia (Federal Government)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>   |  |
| If so, are you seeking funding from them? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>   |  |
| Contact: N/A  |  |
| How will your project increase physical activity?   |  |
| The project will increase physical activity by providing new, improved and expanded facilities within the skate park precinct. The multi use aspect of the overall area would be conducive to an increase in physical activity when taking into consideration advantages such as the social networking opportunities which will arise from having a number of different facilities located in the same sporting and recreational precinct. With improvements in diversification of facilities for a larger range of activities, social and spectator interest will increase leading to an increase in participation by a broader community group. Also having a wider range of physical activity options would be beneficial in increasing our communities physical activity because the current situation which has arisen is that with the high number of users all trying to utilise the existing skate park facilities at one time, participants are often forced to stand by as spectators while waiting their turn to use the equipment. Activity would most certainly increase if all of the youth could participate at the one time which would be made possible by increasing scope of the facilities to accommodate BMX bike riders separately to skate board riders. |  |
| Do you share your facility with other groups? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If so, who: Community members and visitors to   |  |

the Shire of Wyndham East Kimberley.

List up to three sport and recreation activities which will directly benefit from your proposal. Please indicate the approximate % usage of the facility (or part of the facility relating to this proposal).

N/A – our proposal is to construct a BMX track in the town of Wyndham in which there are currently no active organisations affiliated with this sport as such, in our community.

| Sport/community organisation | % use of the facility | Hours per week            |
|------------------------------|-----------------------|---------------------------|
| Local youth                  | 100%                  | Free access to the public |
|                              |                       |                           |
|                              |                       |                           |

Activity/sport membership numbers over the past three years relevant to your project. For example, if a bow's project, golf members not relevant; social membership numbers not applicable.

|         |     |         |     |         |     |
|---------|-----|---------|-----|---------|-----|
| 2006/07 | N/A | 2007/08 | N/A | 2008/09 | N/A |
|---------|-----|---------|-----|---------|-----|

What is the name of the State Sporting Association for your activity/sport?

BMX WA

Have you discussed your project with your State Sporting Association? Yes  No

Contact Name: LUCILLE

Date of contact: 18/9/2009

#### FUNDING

Please indicate in the table below how your project will be funded. In the total project cost, you must make an allowance for cost increases over the period of the project as additional funding is not available to meet that cost once the project has been approved. Local government authorities are not required to contribute to a project for it to be considered eligible.

**\*\*\*PLEASE CONTACT YOUR NEAREST DSR OFFICE PRIOR TO APPLICATION TO DETERMINE IF YOU ARE ELIGIBLE FOR A DEVELOPMENT BONUS \*\*\***

| \$                             | Cost Ex-GST   | GST (if applicable) | Cost Inc GST  | Funding Confirmed*?  | Notes   |
|--------------------------------|---------------|---------------------|---------------|--|---|
| Local government contribution  | 10,000        | 1,000               | 11,000        | Yes <input checked="" type="checkbox"/><br>No <input type="checkbox"/> | *LGA cash and in-kind contribution (if applicable)- in kind, project management and administration expenses |
| Applicant cash                 | 10,000        | 1,000               | 11,000        | Yes <input checked="" type="checkbox"/><br>No <input type="checkbox"/> | Organisation's cash   |
| Voluntary labour               | 0             | N/A                 |               | Yes <input type="checkbox"/><br>No <input type="checkbox"/>            | Cannot exceed the sum of applicant cash and LGA contribution. Max \$50,000. No GST is applicable.           |
| Donated materials              | 0             | N/A                 |               | Yes <input type="checkbox"/><br>No <input type="checkbox"/>            | No limit but cannot exceed the sum of applicant cash and LGA contribution. No GST is applicable.            |
| Other state or federal funding | 15,150        | 1,500               | 16,650        | Yes <input type="checkbox"/><br>No <input checked="" type="checkbox"/> | e.g. Lotterywest, Development Commissions, Area Consultative Committee (Comm) etc. (*see below)             |
| Other                          | 0             |                     |               | Yes <input type="checkbox"/><br>No <input type="checkbox"/>            | Eg. Loans, Sponsorship (* see below)  |
| Standard CSRFF Grant requested | 20,000        | 2,000               | 22,000        |  | Cannot exceed 1/3 of the Total Project Cost exclusive of GST. Refer to Guidelines.                          |
| Development Bonus requested    | 5,000         | 500                 | 5,500         |  | Can take DSR's contribution up to 50% of the total project cost. See Section 3.                             |
| <b>TOTAL PROJECT COST</b>      | <b>60,150</b> | <b>6,000</b>        | <b>66,150</b> |  | <b>THIS SHOULD BE THE CURRENT ESTIMATED COST OF THE PROJECT PLUS EXPECTED COST ESCALATION</b>               |

- Written evidence of other confirmed funding sources must be provided, ie donations, government grants. If funding is from a local government authority, copy of relevant council minutes required. Please find attached the relevant pages of our shire adopted budget 2008-10 outlining funds set aside for this project.

Other sources of funding: An application will be submitted to Lotterywest asking for \$16,650 toward this project.

If a development bonus is applied for and not approved, will the project still proceed and how will the resultant shortfall be funded?

If a development bonus is not approved, it would be necessary to take the figure of shortfall back to council with all relevant information for council approval and direction about how we will proceed.

#### GST

Grant payments are payable to the applicant/grantee only. This may have taxation implications for grantees. If grantees wish specific advice relating to their grant, this can be obtained from the Australian Taxation Office (ATO). Please note depending upon the value of the project and/or grant, the ATO may require an organisation be registered for GST. If the applicant is registered for GST, the grant is grossed up with the GST amount.

## PROJECT DELIVERY

### Written quotations

At least two (2) written quotes are required.

If your project is a floodlighting installation or upgrades, please ensure that the power supply is sufficient and no upgrade will be required. If upgrade is required and not budgeted for, grant will immediately be withdrawn.

Projects that do not meet Australian Design Standards are ineligible for funding.

Please itemise the components of your project in the table below, indicating their cost and which quote or part of quote was used to estimate this. Quantity Surveyor costs will be accepted however the responsibility lies with the applicant to ensure the validity of the information. A contingency allowance is considered an acceptable component.

| Project Component  | Cost         | Quote Used (must be attached)                     |
|--|--------------|---|
| Electrical -light relocation                                 | 1924 incl    | Kings Crown Instrumentation and Elect             |
| Material cartage and track construction                      | 32,450 incl  | Wyndham Excavations                               |
| Footpath for disabled access                                 | 7640 incl    | Composed of estimates by shire team               |
| Seating and freight  | 2271.50 incl | Replas  |
| Landscaping, freight and labour                              | 18715 incl   | Composed of estimates by shire team               |
| <b>Sub Total</b>   | <b>63000</b> |   |
| <b>Cost Escalation</b><br>(include justification and % used) | <b>3150</b>  | <b>5%- increased freight &amp; supplier costs</b> |
| <b>TOTAL PROJECT COST</b>                                    | <b>66150</b> |   |

## PLANNING

You need to demonstrate that you have undertaken an appropriate level of planning for your project. Questions 1 – 23 must be completed for all applications. Forward Planning grant applications must complete all the questions in detail. Annual grant applications must provide responses where appropriate and relative to the project.

Attach your responses (in numerical order) to the application form. If you believe that you have a valid reason for answering in the negative to a question please detail that reason.

Ensure that you have addressed the Key Principles of Facility Provision (see Guidelines for a CSRFF application), as they apply to your project. Questions 1 to 23 below relate directly to these principles.

You are expected to provide detail on the planning, management and financial viability of your project. Where research findings are used to justify a project a range of research techniques should be evident in the methodology used. When using comparative analysis local conditions must be considered.

All assumptions must be clearly stated.

1. When did you complete your needs assessment? (This is a formal analysis required for projects over \$500,000).

Although a formal needs assessment has not been undertaken for a BMX track a one, a needs assessment and associated feasibility study was completed in September 1998 and updated in 1999 by the Wyndham Action Group which identified a Youth/Recreation Centre as one of four core services lacking in the community of Wyndham. This study found that 47.5% of the Wyndham population was under 25 years of age. Research clearly indicates that the positive involvement in physical activity reduces the incidence of crime and alcohol abuse of this "at risk" age group. The study also found that Wyndham had disproportionately inferior facilities compared with the Shire's other major town Kununurra and that the sporting and recreational facilities in Wyndham were sub-standard and did not provide the wide range of sports required for the successful implementation of recreation programmes in the community. Since this time the Shire is well on it's way to a solution by developing the Wyndham Rec Centre and Skate park precinct which includes a skate park, playground and multi-courts.

How has the need for your project been identified and assessed?

The need for our project has also been identified from a number of other sources. Our youth officers, who have direct and constant contact with the youth of Wyndham, have identified the interest within our youth for the addition of a BMX track within our Skate Park precinct. The Shire has also experienced numerous community requests for a BMX track to be constructed in this area to alleviate potential problems with an increasing number of youth riding BMX bikes on the public Skate Park facilities. Concerns have been raised that the needs of these youth are not currently being met and that safety is potentially becoming an issue, with community members rallying the Shire of Wyndham East Kimberley councillors to establish that they would like to see a BMX track developed in the recreation precinct. We are finding that, since the construction of our Skate Park twelve months ago, many of our youth are utilising these facilities with both skateboards and BMX bikes. While it has been fantastic to see the use of the Skate Park increasing, the Shire of Wyndham East Kimberley now feels that the facilities available in our Skate Park precinct are not large enough or diverse enough to accommodate all users. In addition, with the recent announcement of the Ord Stage 2 and subsequent development activity, the need for additional and expanded facilities to meet the future leisure and recreational needs of an increased population has been identified.

Is the need or a part of the need that you have identified already being catered for?

This project does not duplicate existing facilities or provisions for sporting activities and the needs addressed by this project are not being catered for elsewhere in the community.

2. Have you undertaken a feasibility study? (must be included with Forward Planning applications).  
 Yes  No

If no, how have you assessed the feasibility of your project?

A feasibility study has not been undertaken for this project, although, as mentioned in question 1, a needs assessment and associated feasibility study was completed in September 1998 and updated in 1999 by the Wyndham action group which identified that Wyndham had sub-standard sporting and recreational facilities and outlined that a Youth/Recreation centre was one of the core services lacking in Wyndham. Given the relatively small size of our community and the obvious need for this project, it was not deemed necessary to conduct a formal feasibility study for this project. Furthermore, this project would complete the plan for the portion of our recreational reserve surrounding our Rec Centre area, which has been in progress over the past several years. By providing a new facility such as the planned BMX track, we would be providing a new sporting opportunity for our youth and be delivering a much desired community infrastructure development within our Shire.

|    |   |
|----|---|
| 3. | <p>What alternatives were considered and why were they rejected?</p> <p>While other sites for this project were considered when planning this project, none of the alternatives were as attractive as the site chosen for a number of reasons. Apart from the Skate Park precinct being the obvious site choice due to the fact that this parcel of land has been set aside for recreation purposes, it was also felt that if the BMX track were to be situated at a different location, the benefits that would be enjoyed would be lessened in comparison to the recreation reserve area that was selected. It was established that the advantages that would be experienced by having this facility constructed at the Skate Park precinct would not be available if the track was located elsewhere. Due to a large number of people in our community not having access to any means of transport, it was felt that to have the track located in an area that is accessible to the majority of people by foot was one of the requirements that was seen to be of high importance when planning this project. Other locations that were considered did not offer this benefit as they were located toward the outskirts of the main town area. Another benefit that was deemed as highly desirable was the proximity of surveillance of the area. The Skate Park precinct is situated in the same area as our Recreation Centre and our Public Swimming Pool, so the facilities can be observed by the staff employed in these areas. Also having the track situated in this location allows for passive surveillance from passing traffic and pedestrians using the footpath that borders the recreation area.</p> <p>Did you consider sharing with another group? (Please detail).</p> <p>As the project intention is to provide free access to the public, there is no other group to consider sharing with that will not already have access. There are currently no BMX clubs or groups operating within this region.</p> |
| 4. | <p>How does your project fit into your:</p> <ul style="list-style-type: none"> <li>● Club's strategic plan or development plan? N/A</li> <li>● State Sporting Association's strategic or development plan?</li> </ul> <p>As more and more of our country's youth are exposed to BMX facilities, increased interest and participation will follow and therefore the sport will also grow. If youth have facilities available to them at a young age they are more likely to have an interest in the sport and potentially more youth will pursue the sport in a competitive light.</p> <ul style="list-style-type: none"> <li>● Local authority's strategic or development plan?</li> </ul> <p>The proposed BMX track construction fits into our Local Government strategic plan by addressing the requirement to provide quality recreation facilities and services to our residents and visitors alike, which provides health and physical activity benefits as well as social network opportunities for our town. The Shire of Wyndham East Kimberley strives to provide services and facilities on behalf of the community to benefit our community, but also assists in the recruitment and retention of skilled and qualified people in our growing economy which creates strength and health within our population.</p>   |
| 5. | <p>What impact is your project likely to have on other facilities and services in your local and regional area?</p> <p>The impact that the BMX track is likely to have on other facilities and services in our local and regional area would be positive. By giving the youth of our area a dedicated BMX facility, the Skate Park would experience less BMX riders competing for space and time on the skate facilities. Due to a large number of youth currently using the skate facility at one time, the addition of this new facility would reduce the probability of injury while still encouraging youth activities in this precinct. With further facilities available in this area, the Recreation Centre would potentially attract more youth to it's numerous and varying activities, promoting positive involvement in activity and thereby reducing the incidence of crime and alcohol abuse within our town. With the increase of available facilities within our town, also comes the benefit of potentially making our town more attractive to people considering relocation and visitors to the area staying for longer periods of time which directly affects business and employment opportunities in our area.</p>  |

6. Is your facility multi-purpose (i.e. caters for a variety of activities at one time)? Yes  No

The precinct where the BMX track facility is planned to be situated is multi-purpose. This area incorporates a Skate Park, playground, multi-courts, Recreation Centre and our Public Swimming Pool as well as an area which is planned to become a shade/grassed area for socializing purposes.

If so, does it service more than one LGA?

The BMX track is likely to only service youth from our location due to the extremely large distances between towns in our region. The nearest town to Wyndham is Kunururra, which is 100 kms away and is still within our Shire jurisdiction and our closest neighbouring Shire border being approximately 180kms away.

Site and locality maps should be included with all applications outlining where the proposed facility is located in relation to other sport and recreation infrastructure (where applicable).

7. Describe the consultation process undertaken for the project. For example, have you:

|   |   |                             |
|---|---|-----------------------------|
| • invited public submissions;                                 | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| • conducted a survey  | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| • coordinated a public meeting;                               | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| • held forums with key groups;                                | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| • nominated a community representative onto the project team; | Yes <input type="checkbox"/>            | No <input type="checkbox"/> |
| • other, please detail  |   |                             |

The Shire of Wyndham East Kimberley has held a community information session and consultation process with the residents of the Shire to gather feedback from the community on the value of the project. There have also been discussions between key youth development officers, recreation coordinators and youth officers who are all active in working closely with the youth in our locality.

A range of resources regarding the development of sporting facilities are available on the website. DSR's Decision-Making Guide for Community Facilities and Services is useful to assist in determining the need for, and feasibility of, community and recreation services. The Guide is designed in such a way that it can be entered at any point in the planning process and used by planners for user groups with a range of skills and experiences.

#### MANAGEMENT

8. Have you developed a management plan for your facility? Yes  No

Please attach a copy with this application.

Please see our attached management plan which outlines details about how the Shire plans to manage the maintenance requirements for the proposed BMX track. Furthermore, the Shire of Wyndham East Kimberley has an asset management group which has been formed and is in the process of developing an asset management strategy and implement plans for each infrastructure group.

If not, please explain how you plan to address management issues i.e. attracting new members, building maintenance and repairs, replacement of broken or stolen items and/or raise sufficient revenue to cover operating costs? An asset management plan detailing provisions for life of asset costs should be provided for projects over \$500,000.

9. How have you catered for management needs in your design (if required)? Consider access, usage and supervision.

Management needs have been catered for in our design in a number of ways. Firstly, eventual completion of our design would incorporate the corners of our proposed track to be bituminised. While researching our plans it was highlighted that to incorporate asphalt or bitumen on corners of track area allows for a greater amount of maintenance that will not be required in the upkeep of the track and greater longevity of the life of the track. The BMX track facility will provide free access to the community and the Shire proposes to have the area flood lit during the evening hours that the Recreation Centre is staffed (which is currently until 8pm). This will impact positively on the youth of the region by allowing use of the facilities during the cooler evening hours, whilst still maintaining observation by recreation staff and pool staff as well as surveillance by pedestrians and passing vehicles which creates a reasonable level of safety and convenience for users.

10. Was an experienced facility manager, builder or technical expert involved in planning the design of your project? Please outline their experience.

When planning the design of the proposed BMX track, the Shire sought input from various sources both in Western Australia and Northern Territory. Due to the high levels of rainfall experienced in the Northern Territory which is very similar to the conditions that our Shire experiences, information was sought from different clubs and associations to compare construction materials and success levels of similar facilities and maintenance issues arising from climate and rainfall. The project has also had input from the Shire Manager of Recreation and Leisure who has had experience in facility management and has a thorough understanding of the needs of our youth. Furthermore, input has been received from the Shire Executive Manager of Engineering and Development Services and the Wyndham Shire Operations Manager who have worked in conjunction to come up with a design that best suits the project purposes and maintenance issues arising from climatic conditions experienced in our region.

11. If you propose to share a facility, have other groups been asked what features they need? List these needs and describe how they will be accommodated, either through your project's location, design or the way in which it will be managed.

The Shire of Wyndham East Kimberley is not proposing to share this facility as the facility will be open to the public at all times free of charge. Further to this, there are no BMX clubs or Associations in this region at this point in time.

12. Have you considered:

|   |   |  |
|---|---|--|
| • child care facilities                 | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |
| • access for low income earners         | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |
| • access for the disabled               | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |
| • access for seniors                    | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |
| access on a casual and short-term basis | Yes <input type="checkbox"/>            | No <input type="checkbox"/> N/A        |

Please attach a copy of the proposed fee structure. N/A- free access to the public

#### DESIGN

Grant applications are required to provide a locality map, site map and building plans. Plans are to be submitted in A3 format.

13. Have you written a design brief for your project?  Yes  No  
If yes, please respond to the following points:

|     |  |
|-----|--|
|     | <p>Describe the process used to obtain an estimate of construction cost.<br/>         We have two written quotes for the construction works for the project but as there is only one electrician operating from Wyndham we have only been able to obtain one quote for the electrical works required. Due to large distances and accommodation costs, quotes from outside suppliers become uncompetitive which is why only one quote for electrical works has been supplied. We have utilized the expertise and knowledge of our shire Executive Manager of Engineering and Development Services and our Wyndham Operations Coordinator to obtain cost estimates for a pathway which will enable disabled access to the project and also for the landscaping costs associated with this project due to the difficulty in obtaining quotes in our area. These sources both have extensive knowledge and expertise in projects of similar requirements both in current roles with the Shire and also in previous positions, where accurate costing's and estimates are essential.<br/>         An estimate from a qualified consultant in the building industry (e.g. architect, quantity surveyor, builder, engineer, etc.) must be provided with your application.<br/><br/>         Please see attached estimates from Wyndham Operations Coordinator</p> |
| 14. | <p>What design features will allow your facility to meet changing needs over time?<br/><br/>         Due to the nature of the project being a BMX track with earth construction, any changing needs that should arise with respect to track design should be relatively simple to rectify. However, being as the proposal would occupy the entire amount of allocated area available for it at this site, the facility would have limited potential for expansion at a later date. It would not be the intention of the Shire of Wyndham East Kimberley to be expanding the facility to accommodate the holding of competitive race meets at a later date, but rather give our youth the opportunity to try out and become interested in a new sporting activity in their area by providing a free access facility.</p>  |
|     | <p>Is your current proposal likely to limit any future development on your site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br/>         If yes, how?<br/>         Our current proposal is unlikely to limit any future development on our site. The site which we have selected is the site of our old basketball courts of which there were two. With the construction of our new multi court area in the skate park precinct, the old damaged courts have now been rendered obsolete. We have constructed our skate park facilities at the site of one of our old courts and plan to construct the BMX track both on the site of the second old court and continuing on over a small parcel of land that is currently unused.</p>  |
| 15. | <p>How have you determined the most appropriate technical specification for the equipment and systems for your facility (i.e. filtration, lighting, water heating, air quality – as required)?<br/><br/>         The only equipment as such which we will have at our facility will be lighting. There are currently two lighting poles in our proposed site which are located in an area that is inappropriate. We propose to have those poles relocated to better suit the plans which we have put in place for our BMX facility and have sought the advice and pricing from a qualified electrician.</p>  |
|     | <p>Do they meet Australian Design Standards for your sport or recreation needs? This will be an assessment factor. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br/>         Please refer to DSR's Asset Management Guide on the website for a list of common standards and note that projects that do not meet Australian Design Standards are ineligible for funding.</p>   |
| 16. | <p>What energy and water efficient products or design considerations will be included in your facility or project? (e.g. solar hot water, natural light, geothermal, water recycling etc.).<br/>         N/A</p>   |
| 17. | <p>If your project involves floodlighting, have you determined whether there is a need to upgrade your power supply? If so, is this allowed for in your application?<br/>         After consulting our local electrician, it has been advised that there is no need to upgrade our current power supply for this project.</p>  |

#### FINANCIAL VIABILITY

It is understood that some facilities will operate at a loss. It is not necessary to suggest that all facilities will break even or make a profit. The intent of this assessment is to be sure that applicants have a realistic understanding of the impact of their project on the operational budget, membership costs or entry fees and an appreciation of the funding requirements over the life of the facility.

18. Have you applied a Life Cycle Cost Analysis to your project? This is mandatory for projects that have a total project cost over \$500,000.  Yes  No

Although a Life Cycle Cost Analysis has not been applied to our project at this point in time, the Shire of Wyndham East Kimberley is currently in the process of drafting new asset management policies encompassing strategies and plans for each of our infrastructure asset groups with respect to issues such as life cycle costs of facilities. The Shire, like many Local Government authorities, has been operating in a deferred maintenance framework and has identified the need to develop a consolidated asset management approach to its facilities. The development of asset management plans for each of our community recreational facilities has been identified as a key performance indicator over coming months, with a large staff turnover making it difficult to achieve this type of forward planning in the past.

DSR's Life Cycle Cost Guidelines are available on the website. Developing a life cycle cost approach when considering your project's parameters will assist to make effective financial, economic and operationally sustainable decisions. Applicants may use alternative computer programs to demonstrate compliance.

19. Is your organisation able to meet the ongoing operating costs of your project (e.g. wages, power)?  Yes  No

The Shire of Wyndham East Kimberley has maintenance and inspection schedules in place for all of its parks and facilities at present, and is currently a minimum of weekly inspections. Cleaning and repairs are organised as required and inspections are carried out more frequently as seasonal usage dictates. This practise embraces the vision for the Shire to be a thriving and vibrant community with unlimited opportunities, and its mission, to develop the Shire in a manner that will achieve the best possible social, cultural, and economic outcomes for all. With these goals in place, it is the Shire's responsibility to achieve and maintain these ideals. With the impending implementation of the asset management policies that are currently being drafted, the Shire will be in an even better position to forecast operating and maintenance costs for not only this new proposed facility, but for each of its other existing facilities.

For Annual Grant applications please attach a projected income and expenditure statement for the first year of operation, detailing operating costs, and user fees.

The projected income from the BMX track facility would be nil as the facility would be provided at no cost to the community users. It is estimated that the BMX track facility would have similar costs involved with its maintenance and upkeep as our existing skate park. The projected expenditure that we would require for maintenance costs in the first year of operation would be in the vicinity of \$2000 which would be allocated for upkeep in the council budget. This would be required to provide maintenance to the track to repair any erosion damage caused during our "wet season".

N/A Forward Planning applications are to provide income and expenditure statements for the first three years of operation, and include an assessment of the potential impact on the project of social trends, competition, the strategic plans of neighbouring local authorities and other factors. Applicants are to consider the financial impact the development of the project will have on existing facilities within the identified catchment area. Applications to include details of a number of scenarios related to projected income and expenditure. This type of sensitivity analysis based on worst, average, and best case performance should be used to inform proponents of the project development to the variables and consequent implications. A list of assumptions should be included with all analyses.

Attach your audited income and expenditure statements for the last three years (LGAs exempted).

20. Who will be responsible for any operational deficit and how will it be funded?

As the BMX track will be a facility that will provide free access to the public, the intention of the Shire is not to receive income from its use. All maintenance and operational costs will therefore be allocated from the annual budget in much the same way as existing facilities provided by the Shire are maintained.

21. Will an Asset Replacement Fund be created to ensure the ongoing maintenance of the facility  Yes  No

If yes, how have you determined the required annual contributions? If no, why not?

Due to the nature of the facility in that regular maintenance of track surfaces will require upkeep on a reasonably regular basis, an Asset Replacement Fund creation is not considered to be necessary as the funding required for the ongoing maintenance of the facility will be allocated to the facility from the Shire's facility operating budget.

Where the facility is owned by an LGA, how will the funds be accounted for and what agreement exists with the council? N/A

## PROJECT DELIVERY

22. Please indicate key milestones of your project. The key milestones need to be realistic and demonstrate that the project can be delivered in the timeframe.

| Task                         | Date           |
|------------------------------|----------------|
| Council approvals            | OCTOBER 2009   |
| Preparation of tender/quotes | AUGUST 2010    |
| Issuing of tender            | AUGUST 2009    |
| Site works commence          | SEPTEMBER 2010 |
| Construction starts          | SEPTEMBER 2010 |
| Project 50% complete         | OCTOBER 2010   |
| Project completed            | OCTOBER 2010   |
| Handover – final inspections | OCTOBER 2010   |
| Total funds available        |                |

23. Are there any operational constraints that would impact on the construction phase of your project? (such as your sporting season or major annual event i.e. if your sport is a winter sport, when will the project commence to ensure that inclement weather does not hinder progress) – provide details.  
The only foreseeable operational constraints that would impact on the construction of our project would be climatic, due to the high rainfall in this region. However, as the project is planned to undergo its construction phase in September/October, it is unlikely that rainfall would be a problem at this time of year.

## DEVELOPMENT BONUS APPLICANTS ONLY

If you applied for a CSRFF grant for more than one third of the cost of the project, please provide evidence of meeting at least one of the following criteria.

**You MUST contact your local DSR office to determine eligibility before applying.**

| Category                  | Details   |   |
|---------------------------|---|---|
| Geographical location     | <input checked="" type="checkbox"/> Regional/Remote location<br><input checked="" type="checkbox"/> Growth Local Government   | The Shire of Wyndham East Kimberley is the Local Government responsible for the towns of Kunamurra and Wyndham. The shire covers 121000 square kilometres and is one of the four local governments in the Kimberley region. Wyndham is one of the oldest towns in Western Australia, the second largest town in the Shire and is the most northern town in Western Australia. The population of Wyndham is currently around 800, with approximately 45% of the population being indigenous. With the Ord Stage 2 development imminent, the population of our town is expected to grow substantially in the coming years and the need for additional and expanded facilities to meet the future recreational and leisure needs of an increased population has been identified as an important requirement. |
| Co-location               | <input type="checkbox"/> New<br><input type="checkbox"/> Existing   |   |
| Sustainability initiative | <input type="checkbox"/> Water saving<br><input type="checkbox"/> Energy reduction<br><input type="checkbox"/> Other  |   |
| Increased participation   | <input checked="" type="checkbox"/> New participants<br><input checked="" type="checkbox"/> Existing participants – higher level<br><input checked="" type="checkbox"/> Special interest<br><input checked="" type="checkbox"/> Other | Demographically, the Wyndham community has a high child and youth population which has a high indigenous population and experiences a number of socio-economic disadvantages. This project will assist in meeting the needs of this community by providing and promoting improved and diverse physical activity opportunities with associated healthy lifestyle and healthy community outcomes. Improved facilities and increased participation opportunities for young people provides positive recreational activity while also assisting in crime prevention, improving community safety and creates a strong sense of belonging. There are also significant educational benefits associated with positive recreation and leisure activity.  |

### PRIVACY STATEMENT AND STATEMENT OF DISCLOSURE

The Organisation acknowledges and agrees that this Application and information regarding it is subject to the *Freedom of Information Act 1992* and that the Grantor may publicly disclose information in relation to this Application, including its terms and the details of the Organisation.

Any information provided by you to DSR can be accessed by you during standard office hours and updated by writing to DSR or calling (08) 9492 9700. All information provided on this form and gathered throughout the assessment process will be stored on a database that will only be accessed by authorised departmental personnel and is subject to privacy restrictions.

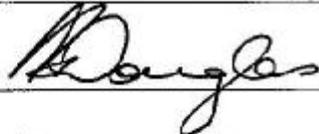
DSR may wish to provide certain information to the media for promotional purposes. The information will only include the applicant's club name, sport, location, grant purpose and grant amount.

### APPLICANT'S CERTIFICATION

I certify that the information supplied is to the best of my knowledge, true and correct.

Name: ALEX DOUGLAS

Position Held: ACTING CHIEF EXECUTIVE OFFICER

Signature: 

Date: 13 OCTOBER 2009



# KUNUNURRA MOTOCROSS CLUB

PO Box 1927  
KUNUNURRA 6743

President: Peter Woodhead Phone 0408681351  
Secretary: Dave Muirson Phone 0488 297 388  
Treasurer: Cathy Heated Phone 08 9168 1388

Shire of Wyndham East Kimberley  
PO Box 614  
KUNUNURRA  
WA 6743

9 October 2008

Dear Sir

Attached is a submission to the Department of Sport and Recreation for an annual grant in regards to the 2010/2011 year.

The project for which we are seeking funding support for comprises:

- An ablution block with a wash down area for bikes
- A permanent first aid post to house St John's ambulance and it's volunteers.

Attached to the submission is a copy of our clubs "Strategic Plan" which includes updates on what our club has achieved over the last 2 years. We believe this will be a valuable document for reference when reviewing our submission to determine if we have the Shire's support in pursuing the required funding.

Our club has received and greatly appreciated ongoing support from the Shire over the last several years and we look forward to continuing this relationship.

Please do not hesitate to contact me if you would like any clarity on our submission.

Regards

Cathy Heated  
TREASURER



Government of Western Australia  
Department of Sport and Recreation



Shire of  
Wyndham-  
East Kimberley





|                            |
|----------------------------|
| Office Use Only            |
| TRIM: _____                |
| Grant No: _____            |
| Project Coordinator: _____ |

## Standard CSRFF Grants Application Form

Year 2010/11 – 2012/13 Triennium

This application form can only be used for applications to be submitted in the 2010/11 funding round. No other forms will be accepted.

You **MUST** discuss your project with an officer from your nearest Department of Sport and Recreation office before completing and submitting your application. Failure to do so will render your project ineligible.

DSR Contact: Dean Holder

Date: 1.7.09

Office: Kimberley

### TYPE OF GRANT:

ANNUAL GRANT \$75,000–\$166,666 (Up to \$250,000 with development bonus)  
The total project cost (GST exclusive) is \$500,000 or less.

FORWARD PLANNING GRANT \$166,667–\$4 million  
The total project cost (GST exclusive) exceeds \$500,000.  
Note: where the grant requested is \$166,667 or less but the total project cost is over \$500,000, applicants are to follow the criteria for a Forward Planning grant but will be funded as an Annual grant.

Year of Claim (Applicable to forward planning grants only)

Please indicate the year that you would prefer to claim a grant. Only indicate first preference for funding in 2010/11 if all planning is finalised.

2010/11

2011/12

2012/13

Would project proceed if funding was allocated in a later year?  Yes  No

If funding was confirmed that it would be received at some stage, the project would be delayed until a later date.

However if the SWIEK annual grant of \$7000.00 was received we could complete the first a/c post structure.

How would the resulting cost escalation be funded? Cost escalation could be covered by increased fundraising by club members.

### Applicant's Details:

Organisation Name: Kununurra Motocross Club

Postal Address: PO Box 1027

Suburb: KUNUNURRA State: WA Postcode: 6743

Street Address: Manhae Road

Suburb: KUNUNURRA State: WA Postcode: 6743

### Preferred Contact Person:

All application correspondence will be forwarded to this person

Name: Cathy Heald

Title: Dr  Mr  Mrs  Ms

Position Held: Treasurer

Business Phone: 016811681

Facsimile:

Mobile Phone: 0425867022

Email: [cheald@wsrnet.com.au](mailto:cheald@wsrnet.com.au)

How will your project increase physical activity?

As the facilities of the club increases it is likely to increase the number of participants, resulting in an overall increased physical activity in the general community. There are many fitness requirements for sports incorporating bikes and motorcycles, be it competitive or social situation. An increase in participation in Motocross has the potential to flow into other areas of the community such as the gym, leisure centre and other sporting groups.

The Club is planning to host high profile riders and coaches early in 2010. Their presence will increase the profile of Motocross in the town and their coaching clinics or riding schools will directly contribute to higher participation levels.

Currently the club has a membership of 112 and is expected to increase by 10 – 20% over the next 5 years.

Do you share your facility with other groups? Yes  No  If so, who:

List up to three sport and recreation activities which will directly benefit from your proposal. Please indicate the approximate % usage of the facility (or part of the facility relating to this proposal).

| Sport/community organisation  | % use of the facility | Hours per week |
|---|-----------------------|----------------|
| This facility is suited only for Motocross at present; so there will be no other sport or recreation activities taking place. | 100%                  | 30 – 50hrs     |

Activity/sport membership numbers over the past three years relevant to your project. For example, if a bowls project, golf members not relevant; social membership numbers not applicable.

| 2006/07 | 2007/08 | 2008/09 |
|---------|---------|---------|
| 119     | 84      | 112     |

What is the name of the State Sporting Association for your activity/sport?

Motorcycling WA

Have you discussed your project with your State Sporting Association? Yes  No

Contact Name: Rick Gill

Date of contact: August 09

## FUNDING

Please indicate in the table below how your project will be funded. In the total project cost, you must make an allowance for cost increases over the period of the project as additional funding is not available to meet that cost once the project has been approved. Local government authorities are not required to contribute to a project for it to be considered eligible.

\*\*\*PLEASE CONTACT YOUR NEAREST DSR OFFICE PRIOR TO APPLICATION TO DETERMINE IF YOU ARE ELIGIBLE FOR A DEVELOPMENT BONUS\*\*\*

| \$                             | Cost Ex-GST | GST (if applicable) | Cost Inc GST | Funding Confirmed**?   | Notes   |
|--------------------------------|-------------|---------------------|--------------|--|---|
| Local government contribution  | 7,242.40    | 724.24              | 7,966.64     | Yes <input type="checkbox"/><br>No <input checked="" type="checkbox"/> | SWEK annual grant to be applied for in <u>May</u> 2010  |
| Applicant cash                 | 16,500      | 1,650               | 18,150       | Yes <input checked="" type="checkbox"/><br>No <input type="checkbox"/> | Organisation's cash   |
| Voluntary labour               | 6881.80     | n/a                 | 6881.80      | Yes <input checked="" type="checkbox"/><br>No <input type="checkbox"/> | Cannot exceed the sum of applicant cash and LGA contribution. Max \$50,000. No GST is applicable. |
| Donated materials              | 18,139      | n/a                 | 18,139       | Yes <input checked="" type="checkbox"/><br>No <input type="checkbox"/> | No limit but cannot exceed the sum of applicant cash and LGA contribution. No GST is applicable.  |
| Other state or federal funding |             |                     |              | Yes <input type="checkbox"/><br>No <input type="checkbox"/>            | e.g. Lotterywest, Development Commissions, Area Consultative Committee (Comm.) etc. (*see below)  |

Application Form

CSRFF

|                                |         |          |            |           |   |   |
|--------------------------------|---------|----------|------------|-----------|---|---|
| Other                          | 7,700   | 770      | 8,470      | Yes<br>No | <input type="checkbox"/><br><input checked="" type="checkbox"/> | SWEK Annual Grant 2009/2010   |
| Standard CSRFF Grant requested | 37,620  | 3,762    | 41,382     |           |   | Cannot exceed 1/3 of the Total Project Cost <u>exclusive</u> of GST. Refer to Guidelines.     |
| Development Bonus requested    | 18,843  | 1,884    | 20,727     |           |   | Can take DSR's contribution up to 50% of the total project cost. See Section 3.               |
| <b>TOTAL PROJECT COST</b>      | 112,926 | 8,790.24 | 121,716.24 |           |   | <b>THIS SHOULD BE THE CURRENT ESTIMATED COST OF THE PROJECT PLUS EXPECTED COST ESCALATION</b> |

\* Written evidence of other confirmed funding sources must be provided, ie donations, government grants. If funding is from a local government authority, copy of relevant council minutes required. Appendix 2&5

Other sources of funding:

If a development bonus is applied for and not approved, will the project still proceed and how will the resultant shortfall be funded?

It is unlikely, given the amount of the bonus required, that the complete project would proceed for some time.

#### GST

Grant payments are payable to the applicant/grantee only. This may have taxation implications for grantees. If grantees wish specific advice relating to their grant, this can be obtained from the Australian Taxation Office (ATO). Please note depending upon the value of the project and/or grant, the ATO may require an organisation be registered for GST. If the applicant is registered for GST, the grant is grossed up with the GST amount.

## PROJECT DELIVERY

### Written quotations

At least two (2) written quotes are required.

If your project is a floodlighting installation or upgrades, please ensure that the power supply is sufficient and no upgrade will be required. If upgrade is required and not budgeted for, grant will immediately be withdrawn.

Projects that do not meet Australian Design Standards are ineligible for funding.

Please itemise the components of your project in the table below, indicating their cost and which quote or part of quote was used to estimate this. Quantity Surveyor costs will be accepted however the responsibility lies with the applicant to ensure the validity of the information. A contingency allowance is considered an acceptable component

| Project Component  | Cost    | Quote Used (must be attached)  |
|--|---------|--|
| First aid post   | 10,700  | Maglion Enterprises  |
| Ablution/washdown bay  | 91,960  | Maglion Enterprises  |
| <b>Sub Total</b>   | 102,660 |  |
| <b>Cost Escalation</b><br>(include justification and % used) | 10,266  | 10% used for cost escalation, however we would not expect costs to rise a great deal on the types of building materials required for this project. |
| <b>TOTAL PROJECT COST</b>                                    | 112,926 |  |

## PLANNING

You need to demonstrate that you have undertaken an appropriate level of planning for your project. Questions 1 – 23 must be completed for all applications. Forward Planning grant applications must complete all the questions in detail. Annual grant applications must provide responses where appropriate and relative to the project.

Attach your responses (in numerical order) to the application form. If you believe that you have a valid reason for answering in the negative to a question please detail that reason.

Ensure that you have addressed the Key Principles of Facility Provision (see Guidelines for a CSRFF application), as they apply to your project. Questions 1 to 23 below relate directly to these principles.

You are expected to provide detail on the planning, management and financial viability of your project. Where research findings are used to justify a project a range of research techniques should be evident in the methodology used. When using comparative analysis local conditions must be considered.

All assumptions must be clearly stated.

1. When did you complete your needs assessment? (This is a formal analysis required for projects over \$500,000).

The formal needs assessment has not been conducted as the project is under \$500,000. This project is essential to the function and development of the Kununurra Motocross Club and this is outlined below.

## How has the need for your project been identified and assessed?

The East Kimberley region in Western Australia, including its Indigenous communities, will benefit from the significant injection of funds from the Australian Government and the Western Australian Government.

The Government's investments are being targeted to meet the current and future social and economic needs of the East Kimberley region, including infrastructure to support sustainable growth and improve productivity, work training and productive employment opportunities, and investment in much needed social infrastructure.

Given the sheer magnitude of investment entering the region over the next 2 years, the Kununurra Motocross Club is currently engaged in planning for the next 10 years understanding that the town will continue to grow.

A key aspect of the overall development of the lease site, the ablution block, wash down bay and first aid / ambulance station are all essential for Kununurra Motocross Club to reach their goals of hosting state and national level events. These events would bring visitors and support teams from around the state and country into Kununurra which would have positive socioeconomic outcomes for the town.

The sport of Motocross continues to grow and develop around the country with professional Supercross events be hosted within each state. As the local profile of Motocross develops there are opportunities for the Club to develop partnerships with organisations including local Aboriginal Corporations, Ord Valley Aboriginal Health Service, Kununurra Leisure Centre, SWEK and numerous local businesses.

The Kununurra Motocross club has seen a steady growth in membership since it recommenced in 2004. At that time there were 24 members and today (2009) they boast a healthy membership base of 112. The region has produced many state and national age group riders and champions who see the sport as a genuine career pathway.

Through regular visits to other Motocross clubs for competitions as well as discussion with our state association and the Department of Sport and Recreation, Motocross is growing across the region so the time is perfect to increase the profile of the sport within our local community. Through participation in community events and coaching clinics, all community members will have the opportunity to watch or participate in Motocross.

The Club is active in developing the profile of the sport within the region and therefore require adequate facilities to host necessary coaching clinics or 'Riding Schools'. Through school visits young people are reached and encouraged to attend Motocross programs out at the track which in turn can lead to a higher number of community members be it youth or other, participating in a sport.

Within Kununurra the sporting opportunities for teenagers is somewhat limited. There are organisations who conduct programs and tournaments or cater to a select target group however community driven sports for this age group are infrequent. The Kununurra Motocross club is a key contributor to the development and well-being of young people. The Kununurra Motocross club is a highly functioning club which caters to a wide range of ages from junior beginners to senior adult riders. Motocross is inherently a family oriented sport due to the expense, upkeep and transporting of equipment. A child is not able to participate without parental involvement. Also the club institutes a peer mentoring system so any new interested people will be looked after, supported and encouraged throughout their time with the Kununurra Motocross Club. Through this approach we aim to consistently increase our membership over the next few years.

The Kununurra Motocross Club contains several indigenous members and is currently planning to conduct coaching programs for beginners and encourage young indigenous people to come along and join in with all equipment provided. This will also be of a wider community benefit as there are opportunities exist to further develop partnerships with local organisations and businesses.

The Kununurra Motocross club has developed a good relationship with the local Shire and has been incredibly helpful to staff and vice versa. This is in line with the Motorcycling Australia Strategic Plan under objective 6.1: 'Foster a positive understanding of, and approach to motorcycling, with the public and governments.'

Members of the Kununurra Motocross Club frequently visit other clubs around the state and interstate. This provides them with opportunities to witness the standard of facilities and the organisation of large scale events. Motorcycling WA also provides excellent guidelines for facility standards and assist clubs who are conducting state or national titles which is an aim of the Kununurra Motocross Club.

The Kununurra Motocross club is located 13km out of town. The location is ideal for the club's activities and does not affect or disrupt the community in any way. The club is seeking to expand into other Motor cycling disciplines and this construction is key to the overall process. Extending and expanding the lease is currently underway in conjunction with the Shire. The proposed developments comply to the intended use of the land as set out within the lease agreement as all activities will contribute to Motocross and other Motorcycling disciplines.

Is the need or a part of the need that you have identified already being catered for?

The Club currently has very basic toilet facilities which though useable are inadequate for future growth of our club. The other elements of this project including the wash down bay and ambulance station are currently not catered for.

2. Have you undertaken a feasibility study? (must be included with Forward Planning applications).  
Yes  No

If not, how have you assessed the feasibility of your project?

The Club is currently working towards extending the lease site area and developing tracks for other Motorcycling disciplines. With this development come opportunities to host larger scale or higher profile events such as state or national titles as well as demonstration events for international riders. The construction of adequate ablution blocks plus the first aid and ambulance station is fundamental to achieving the other goals of the club over the next 3 years.

The Motocross calendar is launched each year by the JSW Challenge which is an event held during the Ord Valley Muster. In total there are 10 racing meets each year, 3 'come and try' days, otherwise known as 'fun days' plus 3 riding schools per year whereby the Motocross track is in full use. To cater for these activities and in order to comply with health regulations, the Club hires anywhere between 2-6 portable toilets depending on the size of the activity.

Currently the toilet facilities are fundamentally unsuitable for the Club's competitors and patrons. Problems with the toilets include:

- Dysfunctional hand washing basins
- Inadequate surrounds ie. Tin shed, with the ability to become very hot in the extreme Kimberley climate.
- The limited room inside each toilet shed.
- No disabled facilities to cater for our disabled members and visitors.
- No shower facilities for competitors after the events.

The Club proposes to install wash down bays for the bikes so they may be cleaned after each race to minimise mechanical damage caused by dirt and dust build up. These facilities will also help prevent the spread of foreign pests and diseases that may affect the Agricultural industry across the region. As part of this design, the wash down bays may contain drainage into an underground water tank so the water may be recovered for further use.

3. What alternatives were considered and why were they rejected?

The alternative to constructing a toilet block, wash down and first aid & ambulance station is to continue to hire portable toilets for each event and run events without a wash down facility. Currently the ambulance officers erect a temporary structure each meeting which is not ideal. These options are costly, time consuming, inefficient and as the competitions continue to grow in stature and numbers, is inappropriate in the long term. Without adequate facilities, the potential growth of the club could be significantly hindered.

The Motocross Club is located 13kms out of the town centre and stands alone within the area. The other significant motor sport in town is Speedway and their facilities are suitable and specific to their needs and therefore the sharing of facilities is impractical at this stage.

Did you consider sharing with another group? (Please detail).

Regarding other motor sports that may be compatible with Motocross; there exists a Speedway Club which is functioning once more after a period of approximately 5 years of being dormant. Sharing facilities has been considered previously however this concept is not currently feasible within the town. Also the two clubs are at opposite ends of a spectrum regarding their planning processes which is why our Club is progressing with the development plans.

4. How does your project fit into your:  
Club's strategic plan or development plan?  
 Facility development is outlined within the Club's strategic plan as follows:

- Section 'Strategic Direction' pg 9
- Section 'Infrastructure program' pg 15

Note: refer to Kununurra Motocross Club Strategic Plan as provided with this submission

State Sporting Association's strategic or development plan?

Facility development is also a key objective noted on the Motorcycling Australia Strategic Plan and is as follows:

- 2.2 Increased riding opportunities for members. Achieved by working on developing new or existing locations for larger events / activities. Aim 1 new track per year per state (club, SCB or MA).

Risk & Environment

- 5.1 Manage the impact that our sport has on the environment through agreed environmental policy, successful management of agreed pollution levels, including noise.
- 5.2 To provide a safer environment for all participants, spectators, volunteers, employees and officials through the successful implementation of a risk and compliance program, Reduction of risk to officials and participants,
- Reduction in accidents – proactive risk management tool

Local authority's strategic or development plan?

Development of the lease site sits well within the Shire of Wyndham East Kimberley's Strategic Plan under the following areas:

- Key result area 1, Infrastructure:  
'Sustainable asset management for infrastructure under the Shire's control'.
- Key result area 2, Community:  
'Equitable access to quality recreational facilities and services.'
- 'Partnerships addressing social issues in our community.'

Given the nature of this project of waste management and water retention, there are also environmental factors to consider:

- Key result area 3, Environment:  
'Facilitate community participation'  
'Waste management services meet legislative and sustainable objectives'

5. **What impact is your project likely to have on other facilities and services in your local and regional area?**

Support local businesses by using them in the construction of these proposed facilities. In the future lease extension, local businesses will be called upon to assist with the construction of new tracks. Having the large facilities and being able to offer larger events will see the town benefit from the increase in visitors numbers during that time.

The project will allow much needed improvements to our facility thus making it even more attractive to new members.

6. Is your facility multi-purpose (i.e. caters for a variety of activities at one time)? Yes  No  X  
 If so, does it service more than one LGA?

Site and locality maps should be included with all applications outlining where the proposed facility is located in relation to other sport and recreation infrastructure (where applicable). See Appendix 1

7. Describe the consultation process undertaken for the project. For example, have you:

- |                                 |                              |                             |                             |
|---------------------------------|------------------------------|-----------------------------|-----------------------------|
| • invited public submissions;   | Yes <input type="checkbox"/> | No <input type="checkbox"/> | na <input type="checkbox"/> |
| • conducted a survey            | Yes <input type="checkbox"/> | No <input type="checkbox"/> | na <input type="checkbox"/> |
| • coordinated a public meeting; | Yes <input type="checkbox"/> | No <input type="checkbox"/> | na <input type="checkbox"/> |
| • held forums with key groups;  | Yes <input type="checkbox"/> | No <input type="checkbox"/> | na <input type="checkbox"/> |

- nominated a community representative onto the project team; Yes  No  na
- other, please detail:

Consultation is being undertaken with the only adjoining property owner by the Shire and Motocross club.

A range of resources regarding the development of sporting facilities are available on the website. DSR's Decision-Making Guide for Community Facilities and Services is useful to assist in determining the need for, and feasibility of, community and recreation services. The Guide is designed in such a way that it can be entered at any point in the planning process and used by planners for user groups with a range of skills and experiences.

### MANAGEMENT

8. Have you developed a management plan for your facility? Yes  No
- Please attach a copy with this application.
- If not, please explain how you plan to address management issues i.e. attracting new members, building maintenance and repairs, replacement of broken or stolen items and/or raise sufficient revenue to cover operating costs? An asset management plan detailing provisions for life of asset costs should be provided for projects over \$500,000.

- Building maintenance and repairs: A provision account will be added to the clubs Balance Sheet in recognition of ongoing costs for asset repairs and maintenance.
- Replacement of broken or stolen items: The provision set up in the Balance Sheet will also cover such costs.
- An annual operating budget will be used, this budget will have a line for repairs and maintenance as well as a provision account.

9. How have you catered for management needs in your design (if required)? Consider access, usage and supervision. n/a

10. Was an experienced facility manager, builder or technical expert involved in planning the design of your project? Please outline their experience.

The Shire and various builders have been involved for planning approvals and quotes for the facilities. These organizations are familiar with the necessary specifications for building these structures.

11. If you propose to share a facility, have other groups been asked what features they need? List these needs and describe how they will be accommodated, either through your project's location, design or the way in which it will be managed.

N/A

12. Have you considered:

- |   |                              |                             |                              |
|---|------------------------------|-----------------------------|------------------------------|
| • child care facilities                   | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| • access for low income earners           | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| • access for the disabled                 | Yes X                        | No <input type="checkbox"/> |                              |
| • access for seniors                      | Yes X                        | No <input type="checkbox"/> |                              |
| • access on a casual and short-term basis | Yes X                        | No <input type="checkbox"/> |                              |

Please attach a copy of the proposed fee structure.

Single members \$25.00, family \$ 70.00 plus \$ 20.00 per annum for each rider to assist in covering monthly practice and licence fees.

## DESIGN

Grant applications are required to provide a locality map, site map and building plans. Plans are to be submitted in A3 format.

13. Have you written a design brief for your project? Yes

If yes, please respond to the following points:

Describe the process used to obtain an estimate of construction cost.

Engineered plans were submitted to local builders and they were asked to supply the necessary quotes.

An estimate from a qualified consultant in the building industry (e.g. architect, quantity surveyor, builder, engineer, etc.) must be provided with your application. See Appendix 2

14. What design features will allow your facility to meet changing needs over time?

The ablution block will have facilities to cater for large crowds as the club grows. At larger events it is envisaged that we would bring in portable toilets as required by Council regulations. If the spectator numbers grow to numbers higher than 500 on an average meet, then we would look to construct an additional ablution closer to the spectator area.

The wash-down bay will be well utilised by current members and will eradicate the need for visitors to the club to find wash down facilities prior to leaving our town. Currently there is 1 venue available at the moment, but during the tourist season it is well patronised and it would be doubtful that it could accommodate the number of bikes that will need to be washed. As our club grows both the ablution block and wash-down bay will more than adequately cater for the increased demand.

Having a permanent first aid post will allow all those attending the track for any events to be familiar with the location so if they require any medical attention they will know where to locate it. It also allows the volunteers who man the first aid post at all our events to have a fixed area with space for storage, vehicle, administering first aid and seating. The size of the first aid post will cater for future growth of the club.

- Is your current proposal likely to limit any future development on your site? No  
If yes, how?

The planned buildings on the lease covers less than 5% of the lease area and this % is likely to decrease as we have lodged an application to Shire to extend the lease area to enable us to achieve our overall plan of offering a larger range of riding disciplines and to be able to hold much larger events.

15. How have you determined the most appropriate technical specification for the equipment and systems for your facility (i.e. filtration, lighting, water heating, and air quality – as required)?

The Shire has provided building specifications for the expected number of users for the ablutions. Drawings have been provided by an engineer and they will also need to pass the Shire of Wyndham East Kimberley prior to building being commenced.

The first aid post was discussed with the members of St John's to see what they saw as necessary for their purposes and we have taken their requests into consideration when designing the structure.

Do they meet Australian Design Standards for your sport or recreation needs? This will be an assessment factor.

No Australian Design Standards applicable.

Please refer to DSR's Asset Management Guide on the website for a list of common standards and note that projects that do not meet Australian Design Standards are ineligible for funding.

16. What energy and water efficient products or design considerations will be included in your facility or project? (E.g. solar hot water, natural light, geothermal, water recycling etc.).

Solar lighting is being considered in addition to electric lighting, along with natural light from opaque roof sheeting. Solar heating is also being considered. The building will also be orientated so that the afternoon sun hits the narrow side of the building; trees will also be planted in front of that side to keep the building as cool as possible. Run-off from the wash-down bays could be recycled for irrigation.

17. If your project involves floodlighting, have you determined whether there is a need to upgrade your power supply? If so, is this allowed for in your application?

No floodlighting required.

Power is currently from generators that are of a sufficient size to power the ablutions.

#### FINANCIAL VIABILITY

It is understood that some facilities will operate at a loss. It is not necessary to suggest that all facilities will break even or make a profit. The intent of this assessment is to be sure that applicants have a realistic understanding of the impact of their project on the operational budget, membership costs or entry fees and an appreciation of the funding requirements over the life of the facility.

18. Have you applied a Life Cycle Cost Analysis to your project? This is mandatory for projects that have a total project cost over \$500,000.  Yes  No

DSR's Life Cycle Cost Guidelines are available on the website. Developing a life cycle cost approach when considering your project's parameters will assist to make effective financial, economic and operationally sustainable decisions. Applicants may use alternative computer programs to demonstrate compliance.

19. Is your organisation able to meet the ongoing operating costs of your project (e.g. wages, power)?

Yes  No

For Annual Grant applications please attach a projected income and expenditure statement for the first year of operation, detailing operating costs, and user fees. See Appendix 3

Forward Planning applications are to provide income and expenditure statements for the first three years of operation, and include an assessment of the potential impact on the project of social trends, competition, the strategic plans of neighbouring local authorities and other factors.

Applicants are to consider the financial impact the development of the project will have on existing facilities within the identified catchment area. Applications to include details of a number of scenarios related to projected income and expenditure. This type of sensitivity analysis based on worst, average, and best-case performance should be used to inform proponents of the project development to the variables and consequent implications. A list of assumptions should be included with all analyses.

Attach your audited income and expenditure statements for the last three years (LGAs exempted).

20. Who will be responsible for any operational deficit and how will it be funded?

Our club currently operates with a profit even with providing provisions on the Balance Sheet for further infrastructure improvements and the repairs and maintenance associated with them.

Revenue is raised from:

- Fundraising in the form of gate sponsorship, raffle tickets, sale of food and drinks at race meetings as well as at community events and sale of merchandise.
- Membership Fees
- Small grants for specific purposes.
- As we will have a budget each year encompassing operating costs and capital expenditure it is expected that we will be aware of the shortfall at the time of preparing the annual budget. If there is a deficit of any sort we will address by: examining club membership fees, sponsorship opportunities for local businesses and fundraising at community events.

21. Will an Asset Replacement Fund be created to ensure the ongoing maintenance of the facility  
 Yes  Our club has a practice of providing for any future financial obligations we may incur so again there will be a provision account added onto the clubs Balance Sheet. See budget for 2011 showing Provision for R&M of Capital Assets. Appendix 3  
 If yes, how have you determined the required annual contributions?

The amount in the budget was estimated on 1% of the total cost of project. This % was used as it is not expected that a structure of bricks would need to be replaced for a considerable time. The provision on the balance sheet as well as the operating repairs and maintenance amount in the budget would cover any repair costs plus allow for a considerable amount to build up of the years in the provision account.

However with the preparation of annual budgets there is no reason that after a number of years this % used for provision cannot be increased.

Where the facility is owned by an LGA, how will the funds be accounted for and what agreement exists with the council?

The shire only has a vested interest in the land, the ongoing growth and development of the club is undertaken at the clubs discretion.

#### PROJECT DELIVERY

22. Please indicate key milestones of your project. The key milestones need to be realistic and demonstrate that the project can be delivered in the timeframe.

| Task                         | Date                         |
|------------------------------|------------------------------|
| Council approvals            | June 2010                    |
| Preparation of tender/quotes | July 2010 – quotes received. |
| Issuing of tender            | Quote accepted – August 2010 |
| Site works commence          | October 2010                 |
| Construction starts          | Mid October 2010             |
| Project 50% complete         | November 2010                |
| Project completed            | December 2010                |
| Handover – final inspections | December 2010                |

Application Form

CSRFF

Total funds available

23. Are there any operational constraints that would impact on the construction phase of your project? (such as your sporting season or major annual event, i.e. if your sport is a winter sport, when will the project commence to ensure that inclement weather does not hinder progress) – provide details.

As suppliers will be local businesses there is no expectation that the building will be delayed due to lack of materials or labour.

Commencement of the project can take place once this submission is accepted and the builders available, however it does depend on the time of year. If approval is given prior to a wet season then it is likely that although some work could be commenced it maybe delayed.

The building works required for this project will not impact on the running of any events at our club.

## DEVELOPMENT BONUS APPLICANTS ONLY

If you applied for a CSRFF grant for more than one third of the cost of the project, please provide evidence of meeting at least one of the following criteria.

**You MUST contact your local DSR office to determine eligibility before applying.**

| Category                  |  | Details   |
|---------------------------|--|---|
| Geographical location     | <input checked="" type="checkbox"/> Regional/Remote location             | Shire of Wyndham East Kimberley.                                  |
|                           | <input type="checkbox"/> Growth Local Government                         |   |
| Co-location               | <input type="checkbox"/> New   |   |
|                           | <input type="checkbox"/> Existing  |   |
|                           | <input type="checkbox"/> Water saving                                    |   |
| Sustainability initiative | <input type="checkbox"/> Energy reduction                                |   |
|                           | <input type="checkbox"/> Other   |   |
|                           | <input checked="" type="checkbox"/> New participants                     |   |
| Increased participation   | <input checked="" type="checkbox"/> Existing participants – higher level | Increase in club members and increased skills of current members. |
|                           | <input type="checkbox"/> Special interest                                |   |
|                           | <input type="checkbox"/> Other   |   |
|                           |  |   |

### PRIVACY STATEMENT AND STATEMENT OF DISCLOSURE

The Organisation acknowledges and agrees that this Application and information regarding it is subject to the *Freedom of Information Act 1992* and that the Grantor may publicly disclose information in relation to this Application, including its terms and the details of the Organisation.

Any information provided by you to DSR can be accessed by you during standard office hours and updated by writing to DSR or calling (08) 9492 9700. All information provided on this form and gathered throughout the assessment process will be stored on a database that will only be accessed by authorised departmental personnel and is subject to privacy restrictions.

DSR may wish to provide certain information to the media for promotional purposes. The information will only include the applicant's club name, sport, location, grant purpose and grant amount.

### APPLICANT'S CERTIFICATION

I certify that the information supplied is to the best of my knowledge, true and correct.

Name: CATHY HASTED

Position Held: TREASURER

Signature: Cathy Hasted

Date: 8/10/09

**Attachment: 3 – Kununurra Agricultural Society CSRFF Application  
Item No. 12.5.3**



**KUNUNURRA AGRICULTURAL SOCIETY (inc.)**  
PO Box 271 Kununurra WA 6748

|                                     |                   |
|-------------------------------------|-------------------|
| President: Chris Robinson           | Ph: 08 9168 1740  |
| KAS Support Officer: Brentwyn Cooke | Ph: 0427 181 088  |
| Treasurer: Kerry Grandison          | Ph: 0488 863 014  |
| Shop Office                         | Ph: 08 9168 2883  |
|                                     | Fax: 08 9168 2886 |

Email: [KnaAgS@westnet.com.au](mailto:KnaAgS@westnet.com.au)  
Website: [www.kas.org.au](http://www.kas.org.au)

Department of Sport and Recreation  
Government of Western Australia

**Re: CSRFF Grant Application for Kununurra Agricultural Society**

Please find attached our application for CSRFF annual grant funding.

The Kununurra Agricultural Society successfully applied for CSRFF funding in 2007 but unfortunately we were unable to accept our grant due to the cessation of the Federal Government's Regional Partnerships program whilst our application was in the process of being assessed.

Please find attached the following documents to accompany our application:

- Quotations
- Plans
- Location Map
- Certificate of Incorporation
- Audited financial statements for the previous three years
- Incorporation certificate
- Letters of support

If you require any further information please contact me by email at [fheading@bigpond.com](mailto:fheading@bigpond.com) or by phone on 9169 1595

Thankyou very much,

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Felicity Heading'.

Felicity Heading  
Kununurra Agricultural Society

---

**Winner of the PREMIERS AUSTRALIA DAY ACTIVE  
CITIZENSHIP AWARD 2006**



Government of Western Australia  
Department of Sport and Recreation

|                     |       |
|---------------------|-------|
| Office Use Only     |       |
| TR M.               | _____ |
| Grant Ref.          | _____ |
| Project Coordinator | _____ |

## Standard CSRFF Grants Application Form

Year 2010/11 – 2012/13 Triennium

This application form can only be used for applications to be submitted in the 2010/11 funding round. No other forms will be accepted.

You **MUST** discuss your project with an officer from your nearest Department of Sport and Recreation office before completing and submitting your application. Failure to do so will render your project ineligible.

|   |   |                                  |
|---|---|----------------------------------|
| D&R Contact: Dean Holder  | Date: 30 <sup>th</sup> September, 2009  | Office: Kimberley                |
| <b>TYPE OF GRANT:</b>   |   |                                  |
| <input checked="" type="checkbox"/>   | <b>ANNUAL GRANT \$75,000–\$166,666 (Up to \$250,000 with development bonus)</b><br>The total project cost (GST exclusive) is \$500,000 or less  |                                  |
| <input type="checkbox"/>  | <b>FORWARD PLANNING GRANT \$166,667–\$4 million</b><br>The total project cost (GST exclusive) exceeds \$500,000.<br>Note: where the grant requested is \$166,667 or less but the total project cost is over \$500,000, applicants are to follow the criteria for a Forward Planning grant but will be funded as an Annual grant |                                  |
| Year of Claim (Applicable to forward planning grants only):<br>Please indicate the year that you would prefer to claim a grant. Only indicate first preference for funding in 2010/11 if all planning is finalised. |   |                                  |
| <input type="checkbox"/> 2010/11  | <input checked="" type="checkbox"/> 2011/12   | <input type="checkbox"/> 2012/13 |
| Would project proceed if funding was allocated in a later year? <input type="checkbox"/> Yes <input type="checkbox"/> No  |   |                                  |
| If yes, how would the project be impacted (e.g. – delayed etc)?   |   |                                  |
| How would the resulting cost escalation be funded?  |   |                                  |

### Applicant's Details:

|                    |  |        |    |
|--------------------|--|--------|----|
| Organisation Name: | Kununurra Agricultural Society         |        |    |
| Postal Address:    | PO Box 271                             |        |    |
| Suburb:            | Kununurra                              | State: | WA |
| Postcode:          | 6743                                   |        |    |
| Street Address:    | Corner Coolibah Drive and Ivanhoe Road |        |    |
| Suburb:            | Kununurra                              | State: | WA |
| Postcode:          | 6743                                   |        |    |

### Preferred Contact Person:

All application correspondence will be directed to this person.

|                 |                  |            |   |
|-----------------|------------------|------------|---|
| Name:           | Felicity Heading | Title:     | Dr <input type="checkbox"/> Mr <input type="checkbox"/> Mrs X Ms <input type="checkbox"/> |
| Position Held:  | Committee Member |            |   |
| Business Phone: | 08 9169 1595     | Facsimile: | 08 9169 1598  |
| Mobile Phone:   | 0428 691 596     | Email:     | fheading@bigpond.com  |

Application Form

CSRFF

**Organisation Business Details:**

|  |   |                             |   |
|--|---|-----------------------------|---|
| Does your organisation have an ABN?      | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | ARN: 27 043 537 025   |
| Is your organisation registered for GST? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | * Note, in order to be eligible for funding you must attach a copy of the Incorporation Certificate |
| Is your organisation not-for-profit?     | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |   |
| Is your organisation incorporated?       | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | Incorporation # A820547   |
| Bank details:                            | Bank: <b>Bankwest</b>                   | BSB: 306 118                | A/c: 4171830  |

**Local Government Authority Details:**

|                 |  |            |   |
|-----------------|--|------------|---|
| LGA:            | <b>Shire of Wyndham East Kimberley</b>             |            |   |
| Contact:        | <b>Megan Alchin</b>                                | Title:     | Dr <input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input checked="" type="checkbox"/> |
| Position Held:  | <b>Acting Executive Manager Community Services</b> |            |   |
| Business Phone: | <b>08 9168 4100</b>                                | Facsimile: | <b>08 9168 1798</b>   |
| Mobile Phone:   | <b>0429 500 329</b>                                | Email:     | <b>xmcms@thelastfrontier.com.au</b>   |

**PROJECT DETAILS**

**Project Description:**

*The project is to build a 1440 square metre covered multi purpose arena for use by the community of Kununurra and surrounding areas. The purpose of the building is to provide an all weather area that can be used year round for a wide range of activities.*

*Anticipated user groups include Kununurra Agricultural Society for horse and cattle activities, TAFE WA and other groups for equestrian training and riding, the defence forces during operations in the local area, home school groups, sporting clubs from outlying communities during carnivals, government and business displays, field days and emergency services training.*

*The building will be 60 metres x 24 metres x 5 metres high. It will be of steel frame construction, open sided with a colour bond roof. The building will be free standing of open web design (no internal columns) with a sand floor. This overall concept provides a practical and cost effective solution meeting the needs of the various user groups.*

*During recent years the Kununurra Agricultural Society has completed a number of new facilities including an enclosed pavilion and office, cattle yards, ablutions, oval redevelopment, reticulation, lighting and fencing, and a storage shed, all of which have significantly improved the amenity of the showgrounds.*

*This project will bring to fruition another part of the long term vision of the Kununurra Agricultural Society, complementing and extending what has already been achieved.*

**Project location:** **Kununurra Agricultural Showgrounds, Cnr Ivanhoe Road and Coolibah Drive Kununurra**

**Land ownership:** Who owns the land on which your facility will be located?  
**Department of Land Administration**  
Lease Expiry (if applicable): **28 year lease to Kununurra Agricultural Show**

**Planning approvals:** Where applicable, has planning permission been granted? Yes  No   
**However the shire has indicated that planning approval will be granted.**  
Have other approvals been granted, ie building Heritage, Indigenous and Swan River Trust? **N/A** Yes  No

What discussions have been held with adjoining local authorities?  
**None as the facility is not near any local authority boundaries and the project will not affect adjoining local authorities.**

Approximate distance from proposed project to nearest adjoining council boundary: \_\_\_\_\_ km

Have you discussed this project with Regional Development Australia (Federal Government)? Yes  No

If so, are you seeking funding from them? Yes  No

**Regional Development Australia no longer have access to funds, they are operating as an advisory body and have assisted with accessing additional funding to replace the Regional Partnerships Funding withdrawn by the federal government. Contact at Regional Development Australia: Chris Mitchell, Regional Development Australia, Broome, 9192 2450**

Application Form

CSRFF

**Additional Funds are being applied for through the Royalties for Regions program. Contact at the Kimberley Development Commission for Royalties for Region: Liz Kirkby 91681044**

**How will your project increase physical activity?**

*This project will improve access to services in the community by providing an outdoor, undercover, all weather facility in Kununurra. Current large undercover facilities in Kununurra (for example the Kununurra Leisure Centre) are not suitable for outdoor activities.*

**Anticipated outcomes include:**

**Improving access to training services including:**

- *For indigenous youth, a TAFE work readiness program involving horsemanship skills leading to potential employment in the pastoral industry in the Kimberley.*
- *For emergency services, an undercover outdoor all weather venue allowing them to plan with confidence, exercises involving larger groups from the region. Such exercises are now rare events due to the vagaries of the weather.*
- *For the farming community, they will be able to offer suitable venue for visitors to the East Kimberley to hold field days showcasing advances in technologies. Field days are a well proven method of developing new farming skills.*

**Increasing the communities participation in a range of activities, generating social, health and wellbeing benefits including:**

- *Offering an improved venue for cattle and equestrian events*
- *Creating a central location that can be used by community groups and others from Kununurra and surrounding stations and communities to meet for exchange of knowledge and ideas increasing social participation*
- *Providing an area that can cater to large social and business functions, resulting in increased economic opportunities*

**All of the above activities will increase physical activity and participation in sport and recreation.**

**Do you share your facility with other groups? Yes  No  If so, who: *East Kimberley Football Association, Kununurra Junior Football, Kununurra Riding Group, Julie Smith Horsemanship Clinic.***

**List up to three sport and recreation activities which will directly benefit from your proposal. Please indicate the approximate % usage of the facility (or part of the facility relating to this proposal).**

| Sport/community organisation   | % use of the facility | Hours per week |
|--|-----------------------|----------------|
| <i>Kununurra Agricultural Society and supporting groups</i>  | 25                    | ???            |
| <i>Training activities</i>   | 25                    |                |
| <i>Other groups as outlined below</i>  | 50                    |                |
| <i>Other users of the facility: General community for community events currently using other facilities at the showgrounds</i> |                       |                |

**Activity/sport membership numbers over the past three years relevant to your project. For example, if a bowls project, golf members not relevant; social membership numbers *Not applicable*.**

| 2006/07 | N/A | 2007/08 | N/A | 2008/09 | N/A |
|---------|-----|---------|-----|---------|-----|
|         |     |         |     |         |     |

**What is the name of the State Sporting Association for your activity/sport?**

N/A

**Have you discussed your project with your State Sporting Association? Yes  No**

**Contact Name:**

**Date of contact:**

Application Form

CSRFF

## FUNDING

Please indicate in the table below how your project will be funded. In the total project cost, you must make an allowance for cost increases over the period of the project as additional funding is not available to meet that cost once the project has been approved. Local government authorities are not required to contribute to a project for it to be considered eligible.

**\*\*\*PLEASE CONTACT YOUR NEAREST DSR OFFICE PRIOR TO APPLICATION TO DETERMINE IF YOU ARE ELIGIBLE FOR A DEVELOPMENT BONUS \*\*\***

| \$                             | Cost Ex-GST      | GST (if applicable) | Cost Inc GST     | Funding Confirmed*?  | Notes   |
|--------------------------------|------------------|---------------------|------------------|--|---|
| Local government contribution  |                  |                     |                  | Yes <input type="checkbox"/><br>No <input type="checkbox"/>            | *LGA cash and in-kind contribution (if applicable)  |
| Applicant cash                 | \$22,727         | \$2,273             | \$25,000         | Yes <input checked="" type="checkbox"/><br>No <input type="checkbox"/> | Organisation's cash   |
| Voluntary labour               | \$25,000         | \$0                 | \$25,000         | Yes <input checked="" type="checkbox"/><br>No <input type="checkbox"/> | Cannot exceed the sum of applicant cash and LGA contribution. Max \$50,000. No GST is applicable.   |
| Donated materials              | \$30,000         | \$0                 | \$30,000         | Yes <input type="checkbox"/><br>No <input checked="" type="checkbox"/> | No limit but cannot exceed the sum of applicant cash and LGA contribution. No GST is applicable. e.g. Lotterywest, Development Commissions, Area Consultative Committee (Comm.) etc. (*see below) |
| Other state or federal funding | \$81,813         | \$8,182             | \$90,000         | Yes <input type="checkbox"/><br>No <input checked="" type="checkbox"/> |   |
| Other                          |                  |                     |                  | Yes <input type="checkbox"/><br>No <input type="checkbox"/>            | Eg. Loans, Sponsorship (* see below)  |
| Standard CSRFF Grant requested | \$53,636         | \$6,364             | \$70,000         |  | Cannot exceed 1/3 of the Total Project Cost <u>exclusive</u> of GST. Refer to Guidelines.   |
| Development Bonus requested    |                  |                     |                  |  | Can take DSR's contribution up to 50% of the total project cost. See Section 3.   |
| <b>TOTAL PROJECT COST</b>      | <b>\$223,181</b> | <b>\$16,819</b>     | <b>\$241,000</b> |  | <b>THIS SHOULD BE THE CURRENT ESTIMATED COST OF THE PROJECT PLUS EXPECTED COST ESCALATION</b>   |

\* Written evidence of other confirmed funding sources must be provided, ie donations, government grants. If funding is from a local government authority, copy of relevant council minutes required.

Other sources of funding:

If a development bonus is applied for and not approved, will the project still proceed and how will the resultant shortfall be funded?  
**N/A**

### GST

Grant payments are payable to the applicant/grantee only. This may have taxation implications for grantees. If grantees wish specific advice relating to their grant this can be obtained from the Australian Taxation Office (ATO). Please note depending upon the value of the project and/or grant, the ATO may require an organisation be registered for GST. If the applicant is registered for GST, the grant is grossed up with the GST amount.

## PROJECT DELIVERY

### Written quotations

At least two (2) written quotes are required.

If your project is a floodlighting installation or upgrades, please ensure that the power supply is sufficient and no upgrade will be required. If upgrade is required and not budgeted for, grant will immediately be withdrawn.

Projects that do not meet Australian Design Standards are ineligible for funding.

Please itemise the components of your project in the table below, indicating their cost and which quote or part of quote was used to estimate this. Quantity Surveyor costs will be accepted however the responsibility lies with the applicant to ensure the validity of the information. A contingency allowance is considered an acceptable component.

| Project Component  | Cost             | Quote Used (must be attached) |
|--|------------------|-------------------------------|
| Materials – Shed   | \$130,000        | Mega Steelworks NT.           |
| Freight  | \$ 6,000         | Estimate                      |
| Concrete for uprights  | \$ 11,040        | Bruce Carey Estimate          |
| Earthworks prior to construction                             | \$ 10,000        | Bruce Carey Estimate          |
| Labour for construction                                      | \$ 80,000        | Bruce Carey Estimate          |
| <b>Sub Total</b>   | <b>\$237,040</b> |                               |
| <b>Cost Escalation</b><br>(include justification and % used) | <b>\$ 3,555</b>  | 1.5% Estimated CPI Increase   |
| <b>TOTAL PROJECT COST</b>                                    | <b>\$240,595</b> |                               |

## PLANNING

You need to demonstrate that you have undertaken an appropriate level of planning for your project. Questions 1 – 23 must be completed for all applications. Forward Planning grant applications must complete all the questions in detail. Annual grant applications must provide responses where appropriate and relative to the project.

Attach your responses (in numerical order) to the application form. If you believe that you have a valid reason for answering in the negative to a question please detail that reason.

Ensure that you have addressed the Key Principles of Facility Provision (see Guidelines for a CSRF application), as they apply to your project. Questions 1 to 23 below relate directly to these principles.

You are expected to provide detail on the planning, management and financial viability of your project. Where research findings are used to justify a project a range of research techniques should be evident in the methodology used. When using comparative analysis local conditions must be considered.

All assumptions must be clearly stated.

|    |  |
|----|--|
| 1. | When did you complete your needs assessment? (This is a formal analysis required for projects over \$500,000).<br><i>In March 2006, a community meeting was held to identify areas of priority for the development of facilities on the showgrounds site.</i>  |
|    | How has the need for your project been identified and assessed?<br><i>This meeting identified the need for an undercover facility to cater for groups as identified as above. Following this and other consultations with potential user groups The Kununurra Agricultural Society committee prepared a development proposal for this project.</i> |
|    | Is the need or a part of the need that you have identified already being catered for? <i>No</i>  |

2. Have you undertaken a feasibility study? (must be included with Forward Planning applications).  
Yes    No    X

*The multipurpose arena will be constructed by contractors with the assistance of volunteers under the supervision of the Kununurra Agricultural Society committee. A project plan will be developed with timeframes for completion of the various milestones in the construction process. This will be monitored by Bruce Carey, a committee member who is a registered builder.*

*The building, once completed will require little maintenance. Ongoing annual maintenance costs are anticipated to be of the order of \$2,000 per annum. These costs allow for regular inspections and carrying out of any minor refurbishments as necessary. \$2,000 per annum represents only one percent of the Kununurra Agricultural Society's annual budget and accordingly well within its means to sustain the building in perpetuity.*

*It is anticipated that bookings will commence as soon as it is announced that the multipurpose arena is to be built. We regularly get inquiries from those interest groups mentioned earlier as to when the facility will be available. These groups have indicated their willingness to pay a user fee for the facility. These fees will be used to carry out maintenance and over time to make improvements, for example, landscaping and seating.*

*The Kununurra Agricultural Society has the financial ability and resources to manage both the income and expenses of the multipurpose arena, accounting for it separately from other activities.*

If not, how have you assessed the feasibility of your project?

3. What alternatives were considered and why were they rejected?

*No alternatives were considered as the Kununurra Agricultural Society only has control over the show grounds site.*

Did you consider sharing with another group? (Please detail).

*No as no other suitable facilities are available.*

4. How does your project fit into your:

- Club's strategic plan or development plan?

*The long term vision of the Kununurra Agricultural Society is to continually improve the facilities at the showgrounds to meet the current and future needs of a growing population with diverse and changing interests.*

*During recent years the Kununurra Agricultural Society has completed a number of new facilities including an enclosed pavilion and office, cattle yards, ablutions, oval redevelopment, reticulation, lighting and fencing, all of which have significantly improved the amenity of the show grounds.*

*This project will bring to fruition another part of the long term vision of the Kununurra Agricultural Society, complementing and extending what has already been achieved.*

- State Sporting Association's strategic or development plan?

*Not applicable*

- Local authority's strategic or development plan?

*This project aligns with the goals of the Shire of Wyndham East Kimberley's five year strategic plan in which it states that the community will have access to an appropriate level of leisure services and infrastructure.*

5. What impact is your project likely to have on other facilities and services in your local and regional area?

*This project will not compete with any other businesses or service providers in the East Kimberley.*

*Anticipated user groups include Kununurra Agricultural Society for horse and cattle activities, TAFEWA and other groups for equestrian training and riding, the defense forces during operations in the local area, home school groups, sporting clubs from outlying communities during carnivals, government and business displays, field days and emergency services training.*

*The facility will be available for the general community to access and will meet an unmet need. Providing this facility in the East Kimberley has the potential to attract events to the region, providing an economical and social benefit to the community.*

*This arena provides a venue that is not currently available in the East Kimberley.*

6. Is your facility multi-purpose (i.e. caters for a variety of activities at one time)? Yes  No   
If so, does it service more than one LGA?

*This facility is a multipurpose facility to the extent that it can be used for many different purposes. Due to the nature of the expected uses, including equestrian and cattle events, it is unlikely that it will be used for more than one activity at the same time. It is possible however that different areas of the existing equestrian facility will be used for separate events that may be held concurrently.*

Site and locality maps should be included with all applications outlining where the proposed facility is located in relation to other sport and recreation infrastructure (where applicable).

7. Describe the consultation process undertaken for the project. For example, have you:

- |   |   |  |
|---|---|--|
| • invited public submissions;                                 | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |
| • conducted a survey;   | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |
| • coordinated a public meeting;                               | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |
| • held forums with key groups;                                | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |
| • nominated a community representative onto the project team; | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            |
| • other, please detail  |   |  |

*The long term vision of the Kununurra Agricultural Society is to continually improve the facilities at the showgrounds to meet the current and future needs of a growing population with diverse and changing interests.*

*In March, 2006, a community meeting was held to identify areas of priority for the development of facilities on the show ground site. This meeting and subsequent discussions with potential user groups within the community identified the need for an undercover facility to cater for the groups as identified.*

A range of resources regarding the development of sporting facilities are available on the website. DSR's Decision-Making Guide for Community Facilities and Services is useful to assist in determining the need for, and feasibility of, community and recreation services. The Guide is designed in such a way that it can be entered at any point in the planning process and used by planners for user groups with a range of skills and experiences.

MANAGEMENT

8. Have you developed a management plan for your facility? Yes  No

Please attach a copy with this application.

If not, please explain how you plan to address management issues i.e. attracting new members, building maintenance and repairs, replacement of broken or stolen items and/or raise sufficient revenue to cover operating costs? An asset management plan detailing provisions for life of asset costs should be provided for projects over \$500,000.

*The building, once completed will require little maintenance. In the worst case scenario if the facility is never used by anyone ever, ongoing annual maintenance costs are anticipated to be of the order of \$2,000 per annum. These costs allow for regular inspections and carrying out of any minor refurbishments as necessary. \$2,000 per annum represents only one percent of the Kununurra Agricultural Society's annual budget and accordingly well within its means to sustain the building in perpetuity.*

*In fact, in terms of use, the reverse is true. It is anticipated that bookings will commence as soon as it is announced that the multipurpose arena is to be built. We regularly get inquiries from those interest groups mentioned earlier as to when the facility will be available. These groups have indicated their willingness to pay a user fee for the facility. These fees will be used to carry out maintenance and over time to make improvements, for example, landscaping and seating.*

*The Kununurra Agricultural Society has the financial ability and resources to manage both the income and expenses of the multipurpose arena, accounting for it separately from other activities.*

9. How have you catered for management needs in your design (if required)? Consider access, usage and supervision.

*Management of the facility will be undertaken by the Kununurra Agricultural Society from its existing office at the showgrounds.*

10. Was an experienced facility manager, builder or technical expert involved in planning the design of your project? Please outline their experience.

*The multipurpose arena will be constructed by contractors with the assistance of volunteers under the supervision of the Kununurra Agricultural Society committee. A project plan will be developed with timeframes for completion of the various milestones in the construction process. This will be monitored by Mr Bruce Carey, a committee member who is a registered builder.*

11. If you propose to share a facility, have other groups been asked what features they need? List these needs and describe how they will be accommodated, either through your project's location, design or the way in which it will be managed.

*Not Applicable*

12. Have you considered:

|   |   |  |
|---|---|--|
| • child care facilities                 | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |
| • access for low income earners         | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |
| • access for the disabled               | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |
| • access for seniors                    | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |
| access on a casual and short-term basis | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |

*The activities as outlined above are open to all members of the community including young families, seniors and individuals with a disability. Equestrian activities are open particularly to the disabled and this arena along with the existing equestrian area at the show grounds will provide facilities suitable for riding for the disabled.*

Please attach a copy of the proposed fee structure.

*Current users fees for equestrian area – Regular users \$250 per annum  
- Casual users \$30 per day  
This fee covers maintenance and water.*

## DESIGN

Grant applications are required to provide a locality map, site map and building plans. Plans are to be submitted in A3 format.

|     |   |
|-----|---|
| 13. | <p>Have you written a design brief for your project? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br/>If yes, please respond to the following points:<br/>Describe the process used to obtain an estimate of construction cost.</p> <p><i>Estimate from registered builder</i></p>   |
|     | <p>An estimate from a qualified consultant in the building industry (e.g. architect, quantity surveyor, builder, engineer, etc.) must be provided with your application.</p>  |
| 14. | <p>What design features will allow your facility to meet changing needs over time?</p> <p><i>There is the potential to further develop the facility with the addition of floodlights and clubroom and ablution facilities at the site if required in future.</i></p>  |
|     | <p>Is your current proposal likely to limit any future development on your site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br/>If yes, how?</p> <p><i>This development will not limit future development on the site and will in fact enhance the existing facilities at the showgrounds.</i></p>   |
| 15. | <p>How have you determined the most appropriate technical specification for the equipment and systems for your facility (i.e. filtration, lighting, water heating, air quality - as required)?</p> <p><i>The building design meets Australian building standards and is designed for the purpose of an undercover horse riding arena.</i></p>   |
|     | <p>Do they meet Australian Design Standards for your sport or recreation needs? This will be an assessment factor. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br/>Please refer to DSR's Asset Management Guide on the website for a list of common standards and note that projects that do not meet Australian Design Standards are ineligible for funding.</p> |
| 16. | <p>What energy and water efficient products or design considerations will be included in your facility or project? (e.g. solar hot water, natural light, geothermal, water recycling etc.).</p> <p><i>The structure is an open sided covered arena. Natural light will be used for all daytime activities. The open sides will allow for maximum possible airflow.</i></p>                |
| 17. | <p>If your project involves floodlighting, have you determined whether there is a need to upgrade your power supply? If so, is this allowed for in your application?</p> <p><i>Not applicable</i></p>   |

## FINANCIAL VIABILITY

It is understood that some facilities will operate at a loss. It is not necessary to suggest that all facilities will break even or make a profit. The intent of this assessment is to be sure that applicants have a realistic understanding of the impact of their project on the operational budget, membership costs or entry fees and an appreciation of the funding requirements over the life of the facility.

18. Have you applied a Life Cycle Cost Analysis to your project? This is mandatory for projects that have a total project cost over \$500,000.  Yes  No

***A life cycle cost analysis has not been undertaken for this project. Ongoing maintenance of the facility will be funded within the Kununurra Agricultural Society's annual budget.***

DSR's Life Cycle Cost Guidelines are available on the website. Developing a life cycle cost approach when considering your project's parameters will assist to make effective financial, economic and operationally sustainable decisions. Applicants may use alternative computer programs to demonstrate compliance.

19. Is your organisation able to meet the ongoing operating costs of your project (e.g. wages, power)?  
 Yes  No

***The purchase and construction of the arena is a one off capital investment that will be funded by the partners as specified above. Ongoing maintenance will be undertaken by the Kununurra Agricultural Society within its current budget. Power costs for lighting will be recovered through the charging of fees to user groups.***

***The Kununurra Agricultural Society currently generates a profit from the caravan park which funds the running of the annual show and allows for maintenance and upgrades to facilities at the showgrounds.***

For Annual Grant applications please attach a projected income and expenditure statement for the first year of operation, detailing operating costs, and user fees.

Forward Planning applications are to provide income and expenditure statements for the first three years of operation, and include an assessment of the potential impact on the project of social trends, competition, the strategic plans of neighbouring local authorities and other factors. Applicants are to consider the financial impact the development of the project will have on existing facilities within the identified catchment area. Applications to include details of a number of scenarios related to projected income and expenditure. This type of sensitivity analysis based on worst, average, and best-case performance should be used to inform proponents of the project development to the variables and consequent implications. A list of assumptions should be included with all analyses.

Attach your audited income and expenditure statements for the last three years (LGAs exempted).

20. Who will be responsible for any operational deficit and how will it be funded?

***As ongoing maintenance costs are minimal there is no expected operational deficit. All maintenance costs will be funded within the Kununurra Agricultural Society annual budget.***

21. Will an Asset Replacement Fund be created to ensure the ongoing maintenance of the facility  
 Yes  No

***No asset replacement fund will be created as it is not deemed to be necessary as sufficient funds are available for ongoing maintenance within the existing budget.***

If yes, how have you determined the required annual contributions? If no, why not?

Where the facility is owned by an LGA, how will the funds be accounted for and what agreement exists with the council?

## PROJECT DELIVERY

22. Please indicate key milestones of your project. The key milestones need to be realistic and demonstrate that the project can be delivered in the timeframe.

| Task                         | Date           |
|------------------------------|----------------|
| Council approvals            | July 2010      |
| Preparation of tender/quotes | July 2010      |
| Issuing of tender            | July 2010      |
| Site works commence          | August 2010    |
| Construction starts          | August 2010    |
| Project 50% complete         | September 2010 |
| Project completed            | October 2010   |
| Handover – final inspections | June 2011      |
| Total funds available        | June 2011      |

23. Are there any operational constraints that would impact on the construction phase of your project? (such as your sporting season or major annual event, i.e. if your sport is a winter sport, when will the project commence to ensure that inclement weather does not hinder progress) – provide details.

*The Kununurra Agricultural Society holds its annual show on the second weekend in July each year. Preparations for the show require substantial input from the Agricultural Society committee from January to July. The construction phase of this project will take place from August to October after the show has been held and prior to the wet season. This will allow the committee and volunteers to assist contractors with construction.*

## DEVELOPMENT BONUS APPLICANTS ONLY

If you applied for a CSRFF grant for more than one third of the cost of the project, please provide evidence of meeting at least one of the following criteria.

**You MUST contact your local DSR office to determine eligibility before applying.**

| Category                  | Details   |
|---------------------------|---|
| Geographical location     | <input type="checkbox"/> Regional/Remote location<br><input type="checkbox"/> Growth Local Government   |
| Co-location               | <input type="checkbox"/> New<br><input type="checkbox"/> Existing   |
| Sustainability initiative | <input type="checkbox"/> Water saving<br><input type="checkbox"/> Energy reduction<br><input type="checkbox"/> Other  |
| Increased participation   | <input type="checkbox"/> New participants<br><input type="checkbox"/> Existing participants – higher level<br><input type="checkbox"/> Special interest<br><input type="checkbox"/> Other |

### PRIVACY STATEMENT AND STATEMENT OF DISCLOSURE

The Organisation acknowledges and agrees that this Application and information regarding it is subject to the *Freedom of Information Act 1992* and that the Grantor may publicly disclose information in relation to this Application, including its terms and the details of the Organisation.

Any information provided by you to DSR can be accessed by you during standard office hours and updated by writing to DSR or calling (08) 9492 9750. All information provided on this form and gathered throughout the assessment process will be stored on a database that will only be accessed by authorised departmental personnel and is subject to privacy restrictions.

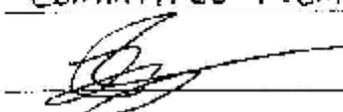
DSR may wish to provide certain information to the media for promotional purposes. The information will only include the applicant's club name, sport, location, grant purpose and grant amount.

### APPLICANT'S CERTIFICATION

I certify that the information supplied is to the best of my knowledge, true and correct.

Name: FELICITY HEADING

Position Held: COMMITTEE MEMBER

Signature: 

Date: 30/9/09

## 12.6. CHIEF EXECUTIVE OFFICER

### 12.6.1 USE OF COMMON SEAL (8877)

|                           |  |
|---------------------------|--|
| <b>DATE:</b>              | 20 October 2009                              |
| <b>PROPONENT:</b>         | Shire Of Wyndham East Kimberley              |
| <b>LOCATION:</b>          | Shire Of Wyndham East Kimberley              |
| <b>AUTHOR:</b>            | Alex Douglas, Acting Chief Executive Officer |
| <b>REPORTING OFFICER:</b> | Alex Douglas, Acting Chief Executive Officer |
| <b>FILE NO:</b>           | 60.14.04                                     |
| <b>ASSESSMENT NO:</b>     | N/A  |

#### **PURPOSE**

For Council to receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from the period 8 September to 12 October 2009.

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:

| <b>Date of Use</b> | <b>Document</b>           | <b>Officer</b> |
|--------------------|---------------------------|----------------|
| 17/09/09           | Debenture for Loan 120    | Gill Old       |
| 7/10/09            | Contract for Gary Gaffney | A Douglas      |

#### **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 8 September to 12 October 2009.

## **COUNCIL DECISION**

***Minute No. 8877***

***Moved:Cr R Addis***

***Seconded:Cr K Torres***

***That Council receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from 8 September to 12 October 2009.***

***CARRIED UNANIMOUSLY: (8/0)***

## 13.6.2 DELEGATED AUTHORITY (8878)

|                           |  |
|---------------------------|--|
| <b>DATE:</b>              | 20 October 2009                              |
| <b>PROPONENT:</b>         | Shire Of Wyndham East Kimberley              |
| <b>LOCATION:</b>          | Shire Of Wyndham East Kimberley              |
| <b>AUTHOR:</b>            | Alex Douglas, Acting Chief Executive Officer |
| <b>REPORTING OFFICER:</b> | Alex Douglas, Acting Chief Executive Officer |
| <b>FILE NO:</b>           | 60.14.04                                     |
| <b>ASSESSMENT NO:</b>     | N/A  |

### **PURPOSE**

To report to Council on the use of Delegated Authority by Officers for the period 1 September 2009 to 30 September 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 September 2009 to 30 September 2009.

## **COUNCIL DECISION**

*Minute No. 8878*

*Moved:Cr K Wright*

*Seconded:Cr K Torres*

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

**CARRIED UNANIMOUSLY: (8/0)**

**Attachment: Delegated Authority Report**

**BUILDING LICENCES ISSUED UNDER DELEGATED AUTHORITY – 1 – 30 September 2009**

| LIC#     | DATE RECEIVED | DATE LICENCED | OWNER              | BUILDER              | LOCATION   | DESCRIPTION  | NEW/ADD | EST. VALUE     | COMMENT / PROCESSING TIME – WORKING DAYS                  |
|----------|---------------|---------------|--------------------|----------------------|--|--|---------|----------------|---|
| 144/2009 | 6/08/2009     | 1/09/2009     | Jason Van Der Wees | Jason Van Der Wees   | Lot 861 (22A & 22B) Weaber Plain Road Kununurra  | Class 10B - Front Fence  | New     | \$8,000.00     | 17/15 Days - insufficient information supplied by builder |
| 145/2009 | 28/08/2009    | 3/09/2009     | SWEK               | AVP Commercial Pools | lot 1313 civic Way Wyndham                       | Class 10a and 10b (wyndham Pool) new shed & pool up grades.  | ADD     | \$1,350,000.00 | 5/15 Days   |
| 146/2009 | 28/08/2009    | 1/09/2009     | Horizon Power      | NE Sheds             | Lot 1892 Casuarina way                           | class 10a Shed   | New     | \$20,000.00    | 2/15 Days   |
| 147/2009 | 19/12/2008    | 2/09/2009     | Samuel Johnston    | Samuel Johnston      | Lot 1071 (3) Woollybutt Place Kununurra          | Class 10A Patio  | New     | \$5,000.00     | 7 Months - insufficient information supplied by builder   |
| 148/2009 | 24/08/2009    | 3/09/2009     | C Daniel           | Bodan Construction   | lot 961 Koojarra street Wyndham                  | Class 1a addition  | New     | \$70,000.00    | 8/15 Days   |
| 149/2009 | 7/09/2009     | 10/09/2009    | K & T Jarvis       | K & T Jarvis         | Lot 51 (12) Cajuput Street Kununurra             | Class 10A Patio & Class 10B Swimming Pool  | ADD     | \$45,000.00    | 3/15 Days   |
| 150/2009 | 25/05/2009    | 11/09/2009    | Top End Properties | Gary Ashfield        | Lot 966 and Lot 1 (40) Bloodwood Drive Kununurra | Class 6 Restaurant building, Class 3 Sole Occupancy units (Unit 1, 2, 7), Class 1A Caretakers Unit, Class 7b/8 Laundry - | New     | \$2,300,000.00 | 79/15 Days - insufficient information supplied by builder |

|          |            |            |                     |                              |                                       |   |     |              |   |
|----------|------------|------------|---------------------|------------------------------|---------------------------------------|---|-----|--------------|---|
|          |            |            |                     |                              |                                       | workshop refurbishment of existing ablution & Class 10B Entrance walls & signage (Specifically excluding Units 3to6, 8to11, 13, 15, 17, 19,21&23) |     |              |   |
| 151/2009 | 1/09/2009  | 11/09/2009 | Lake Argyle Pty Ltd | Lake Argyle Pty Ltd          | Lot 3001 Lake Argyle Road Lake Argyle | Class 10b- Swimming Pool & Retaining wall (wet edge)  | New | \$377,425.00 | 8/15 Days   |
| 152/2009 | 8/09/2009  | 11/09/2009 | Gringo Trust        | Add-A-Splash pools           | Loc 555 Packsaddle Road Kununurra     | Class 10b - Swimming Pool   | New | \$45,030.00  | 3/15 Days   |
| 153/2009 | 31/08/2009 | 17/09/2008 | S & M Dahms         | Top End building company     | Lot 241 Gardenia drive                | Class 1a dwelling   | New | \$332,348.00 | 13/15   |
| 154/2009 | 2/09/2009  | 17/09/2009 | S Munro             | Darren Fulcher               | Lot 173 Banyan St                     | Class 1a dwelling with attached croft carport.  | New | \$400,000.00 |   |
| 155/2009 | 11/08/2009 | 19/09/2009 | M Bloecker          | Colin Wilkinson Developments | Lot 261 (128) Casuarina Way Kununurra | Class 1A dwelling with attached Class 10A carports and verandah   | New | \$387,562.00 | 28/15 days Placed on hold by builder & updated information provided |
| 156/2009 | 1/09/2009  | 21/09/2009 | B & A Horn          | Bodan construction           | lot 987 Gt N Highway                  | Class 10a Ablution block  | New | \$19,000.00  | 15/15 Waiting for engineering                                       |
| 157/2009 | 4/09/2009  | 23/09/2009 | Woodward            | Adrain Roxburgh              | lot 128 Whimbrel Rd                   | Class 10b- Swimming Pool  | New | \$37,000.00  | Pneding letter sent 22/09   |

|              |            |            |                                |                                 |                        |  |     |                       |  |
|--------------|------------|------------|--------------------------------|---------------------------------|------------------------|--|-----|-----------------------|--|
| 158/<br>2009 | 5/09/2009  | 23/09/2009 | N Walters                      | Owner                           | lot 47 Weaber plain Rd | free Standing Patio                              | New | \$10,000.00           |  |
| 159/<br>2009 | 16/09/2009 | 23/09/2009 | Colin wilkinson<br>Investments | Colin Wilkinson<br>Developments | Lot 235 lovegrass Way  | Class 1a dwelling with<br>attached Vdh/ carport. | New | \$395,000.00          |  |
|              |            |            |                                |                                 |                        |  |     | <b>\$5,801,365.00</b> |  |

#### SIGN LICENCES ISSUED UNDER DELEGATED AUTHORITY – 1 – 30 September 2009

| Licence No. | Date     | Assess No. | Lot No. | Street Address                    | Applicant Name  | Type   | Fee                                      | Receipt No | Planning Approval / Delegation |
|-------------|----------|------------|---------|-----------------------------------|---|--|--|------------|--------------------------------|
| 015/2009    | 16/09/09 | #1661      | 1 & 966 | (40) Bloodwood Drive<br>Kununurra | Ochea Pty Ltd   | 2 x Illuminated light<br>box to gate house &<br>2 x wall signs | \$23.50<br>\$23.50<br>\$13.00<br>\$13.00 |            | DA 88/08                       |
| 016/2009    | 16/09/09 | #2148      | 2446    | Coolibah Drive, Kununurra         | The Ord Valley Muster<br>(Kununurra Chamber<br>of Commerce &<br>Industry) | Amended Temporary<br>Banner Sign                               | Nil                                      | N/A        | N/A exempt<br>sign             |

#### DEMOLITION LICENCES ISSUED UNDER DELEGATED AUTHORITY – 1 – 30 September 2009

| Licence Number | Date       | Assess No | Property Address                                     | Premises  | Owner   | Builder/<br>Contractor   | Contact Details         | Comments<br>(Asbestos)                                    |
|----------------|------------|-----------|--|---|---|--------------------------|-------------------------|---|
| 018/2009       | 16/09/2009 | 1661      | Lot 1 & Lot 966 (40)<br>Bloodwood Drive<br>Kununurra | Removal of 5 x<br>relocatable<br>structures &<br>internal | Top End<br>Properties<br>PO<br>Box 776<br>Kununurra | Charles George<br>Hodder | PO Box 776<br>Kununurra | Transportable<br>buildings &<br>renovation to<br>existing |

|  |  |  |  |   |  |  |  |  |
|--|--|--|--|---|--|--|--|--|
|  |  |  |  | demolition of<br>ablution building<br>prior to<br>refurbishment |  |  |  |  |
|--|--|--|--|---|--|--|--|--|

### COMMUNITY QUICK GRANTS DELEGATED AUTHORITY APPROVALS - 1 September 2009 to 30 September 2009

| Approval Date | Organisation                      | Purpose of Quick Grant | Total Project Cost | Amount Requested | Amount Approved |
|---------------|-----------------------------------|------------------------|--------------------|------------------|-----------------|
| 24/09/09      | East Kimberley<br>Football League | Sponsor Board          | \$1,800            | \$500            | \$500           |

### TOWN PLANNING DELEGATED AUTHORITY APPROVALS - September 2009

| Application / Delegation Number | Approval Type | Date Received | Applicant        | Owner           | Property Address           | Proposed Development                      | Assess't Number | Approval Date | Comment                |
|---------------------------------|---------------|---------------|------------------|-----------------|----------------------------|---|-----------------|---------------|------------------------|
| 81/09                           | P             | 19-Aug-09     | Kellie Jackson   | GEHA?           | Lot 1801 Palm Court        | Home Occupation - Handmade crafts & cards | 1909            | 04-Sep-09     | Approved by Ian D'Arcy |
| 87/09                           | P             | 1-Sep-09      | Ian Smaller      | Ian Smaller     | Lot 144 Whimbrel Road      | New Dwelling                              | 6030            | 09-Sep-09     | Approved by Ian D'Arcy |
| 75/09                           | P             | 31-Jul-09     | Mrs Cindy Morris | R Lethbridge    | Lot 2 Old Darwin Road      | Tourist Accommodation (3 Units)           | 3021            | 11-Sep-09     | Approved by Ian D'Arcy |
| 89/09                           | P             | 4-Sep-09      | Lake Argyle P/L  | Lake Argyle P/L | Lot 3001, Lake Argyle Road | Resort Pool                               | 630             | 11-Sep-09     | Approved by Ian D'Arcy |
| 72/09                           | P             | 22-Jul-09     | Maglion          | M & V           | Lot 1009                   | New 4 bedroom 2 storey                    | 1524            | 17-Sep-       | Approved By            |

|       |   |          |                                |                       |                                    |                                |      |               |                           |
|-------|---|----------|--------------------------------|-----------------------|------------------------------------|--------------------------------|------|---------------|---------------------------|
|       |   |          | Enterprises                    | Tierney               | Sorghum Place,<br>Knx              | units                          |      | 09            | Ian D'Arcy                |
| 93/09 | P | 7-Sep-09 | Kununurra<br>Water Ski<br>Club | SWEK                  | Kununurra<br>Foreshore             | Dam to Dam Dingy Dash<br>Event | 2860 | 17-Sep-<br>09 | Approved by<br>Ian D'Arcy |
| 88/09 | P | 2-Sep-09 | Salerno Law                    | Mapperley<br>Nominees | Lot 2237 Ebony<br>Street           | Sign                           | 3235 | 18-Sep-<br>09 | Approved by<br>Ian D'Arcy |
| 91/09 | P | 4-Sep-09 | Maglion<br>Enterprises         | A & K<br>Roxburgh     | Lot 105, Bull<br>Run Road          | Extension to Residence         | 6998 | 18-Sep-<br>09 | Approved by<br>Ian D'Arcy |
| 78/09 | P | 3-Aug-09 | Carpet, Vinyl<br>& Tile        | G & V<br>McArdle      | Lot 2434<br>Coolibah Drive,<br>Knx | Showroom & Storeroom           | 5841 | 21-Sep-<br>09 | Approved by<br>Ian D'Arcy |

### 13.6.3 COUNCILLOR REPRESENTATION ON COMMITTEES (8879)

|                           |  |
|---------------------------|--|
| <b>DATE:</b>              | 20 October 2009                              |
| <b>PROPONENT:</b>         | Shire Of Wyndham East Kimberley              |
| <b>LOCATION:</b>          | Shire Of Wyndham East Kimberley              |
| <b>AUTHOR:</b>            | Alex Douglas, Acting Chief Executive Officer |
| <b>REPORTING OFFICER:</b> | Alex Douglas, Acting Chief Executive Officer |
| <b>FILE NO:</b>           | 60.14.02                                     |
| <b>ASSESSMENT NO:</b>     | N/A  |

#### PURPOSE

For Council to consider its delegates and representations to various committees.

#### BACKGROUND

Council is involved with a large number of community committees. Councillor Representation on Committees was last considered at the Ordinary Meeting of Council on 16 December 2008. Since this time one new Councillor has been elected, Cr Robert Boshammer did not re-nominate and Paul Caley resigned effective 1 October 2009.

Tabled below is a list of the committees and current representation:

| <b>Councillor Representation on Committees</b> |  |   |   |
|--|--|---|---|
|  | <b>Committee Name</b>  | <b>Representative/<br/>s</b>                            | <b>Minute No.</b>                               |
| <b><i>Standing Committees</i></b>              |  |   |   |
|  | Audit Committee – bi-monthly meetings  | Cr R Addis<br>Cr F Mills<br>Cr D Ausburn<br>Cr K Wright | 7960 20/11/07<br>7960 20/11/07<br>8347 19/08/08 |
|  | Airport Committee – bi-monthly meetings  | Cr F Mills<br>Cr K Wright<br>Cr J Moulden<br>Cr P Caley | 8113 18/03/08                                   |
| <b><i>Council Committees</i></b>               |  |   |   |
|  | CEO Review and Selection Panel – meets as required   | Cr R Addis<br>Cr D Ausburn<br>Cr F Mills                | 8483 16/12/08                                   |
|  | Annual Community and Economic Development Grants Assessment Panel – twice per year<br><br>Australia Day/Citizenship/Volunteer Awards – once per year | Cr D Ausburn<br>Cr J Parker                             | 7960 20/11/07                                   |
|  | Kununurra/Wyndham Townscape Committee Working Group – meets as required  | Cr J Moulden<br>Cr J Parker                             | 7960 20/11/07                                   |
| <b><i>Regional Representation</i></b>          |  |   |   |
|  | WALGA Kimberley Zone Council Delegates – quarterly meetings  | Cr K Torres<br>Cr F Mills                               | 8484 16/12/08                                   |

|                             |   |   |               |
|-----------------------------|---|---|---------------|
|                             |   | Cr P Caley (proxy)<br>Cr D Ausburn<br>(proxy)                                   |               |
|                             | Kimberley Regional Road Funding Group – twice per year                            | Cr F Mills<br>Cr K Wright   | 7960 20/11/07 |
|                             | North Kimberley Land Care District Council (LCDC) – twice per year                | Cr F Mills<br>Cr J Moulden  | 7960 20/11/07 |
|                             | Halls Creek and East Kimberley Land Care District Council (LCDC) – twice per year | Cr J Moulden  | 7960 20/11/07 |
|                             | Zone Control Authority (ZCA) – twice per year                                     | Cr J Moulden  | 8347 19/08/08 |
|                             | Australian Airport Owners Association – twice yearly                              | Chairperson of Airport Committee  |               |
| <b>Local Representation</b> |   |   |               |
|                             | Local Emergency Management Committee (LEMC) – bimonthly meetings                  | Cr D Ausburn<br>Cr J Parker   | 7960 20/11/07 |
|                             | Bush Fire Advisory Committee (BFAC) – bi-monthly meetings                         | Cr D Ausburn<br>Cr F Mills  | 7960 20/11/07 |
|                             | Kununurra Community Library Committee – 6 monthly                                 | Cr K Wright<br>Cr R Boshammer   | 8484 16/12/08 |
|                             | Disability Access and Inclusion Planning Committee – annual meetings              | Cr D Ausburn<br>Cr J Parker   | 7960 20/11/07 |
|                             | Ord Guard Board – as required   | Cr J Moulden  | 7960 20/11/07 |
|                             | Roadwise Committee – bi-monthly meetings  | Cr R Boshammer<br>(Kununurra)<br>Cr P Caley<br>(Wyndham)<br>Cr J Parker (proxy) | 8484 16/12/08 |
|                             | East Kimberley Visitor Centre – monthly meetings                                  | Cr F Mills  | 8347 19/08/08 |
|                             | Kimberley Group Training Board  | CEO<br>Peter Stubbs   | 7980 20/11/07 |
|                             | Kimberley Toadbusters Inc. monthly plus as required                               | BSI<br>Sharon McLachlan   | 7980 20/11/07 |
|                             | Community Consultancy Council for Save the Children Australia                     | Cr J Parker   | 7978 20/11/07 |
|                             | Liquor Accord Kununurra – bi-monthly meetings                                     | Cr D Ausburn  | 7978 20/11/07 |
|                             | Liquor Accord Wyndham – bi-monthly meetings                                       | Cr P Caley  | 7978 20/11/07 |
|                             | SWEK DoW Foreshore Committee - quarterly meetings                                 | Cr K Wright<br>Cr F Mills   | 7978 20/11/07 |

### **STATUTORY IMPLICATIONS**

Appointments to official Committees of Council are bound by the rules and regulations of the Local Government Act (1995) Section 5.10.

## **POLICY IMPLICATIONS**

Council policies in relation to reimbursements of costs incurred while undertaking the role of Councillor are relevant to this matter.

## **FINANCIAL IMPLICATIONS**

There are no specific financial implications of selecting Councillor representatives for various committees.

## **STRATEGIC IMPLICATIONS**

Many of the Council committees outlined above are specifically (or implicitly) referred to in the Shire's Strategic Plan.

## **COMMUNITY CONSULTATION**

No community consultation was required in the preparation of this report.

## **COMMENT**

For Council to remain 'in touch' with the community it is imperative that Councillors remain involved with key community groups and associations. It is important that Council remain abreast of all key community issues and representation on key community groups, particularly those that align with the Strategic Plan.

## **ATTACHMENTS**

Nil

## **VOTING REQUIREMENT**

Absolute Majority required for Audit, Airport and CEO Review committees  
Simple Majority required for remaining committees

## **OFFICER'S RECOMMENDATION**

That Council endorse the following Councillor representation on committees:

| <b>Councillor Representation on Committees</b> |   |                               |                   |
|--|---|-------------------------------|-------------------|
|  | <b>Committee Name</b>                   | <b>Representative/s</b>       | <b>Minute No.</b> |
| <b><i>Standing Committees</i></b>              |   |                               |                   |
|  | Audit Committee – bi-monthly meetings   | 1.<br>2.<br>3.<br>Proxy       |                   |
|  | Airport Committee – bi-monthly meetings | 1.<br>2.<br>3.<br>4.<br>Proxy |                   |
| <b><i>Council Committees</i></b>               |   |                               |                   |
|  | CEO Review and Selection Panel –        | 1.                            |                   |

|                                |  |                                  |  |
|--------------------------------|--|----------------------------------|--|
|                                | meets as required  | 2.<br>3.                         |  |
|                                | Annual Community and Economic Development Grants Assessment Panel – twice per year<br><br>Australia Day/Citizenship/Volunteer Awards – once per year | 1.<br>2.                         |  |
|                                | Kununurra/Wyndham Townscape Committee Working Group – meets as required  | 1.<br>2.                         |  |
| <b>Regional Representation</b> |  |                                  |  |
|                                | WALGA Kimberley Zone Council Delegates – quarterly meetings  | 1.<br>2.<br>Proxy<br>Proxy       |  |
|                                | Kimberley Regional Road Funding Group – twice per year   | 1.<br>2.                         |  |
|                                | North Kimberley Land Care District Council (LCDC) – twice per year   | 1.<br>2.                         |  |
|                                | Halls Creek and East Kimberley Land Care District Council (LCDC) – twice per year  | 1.                               |  |
|                                | Zone Control Authority (ZCA) – twice per year  | 1.                               |  |
|                                | Australian Airport Owners Association – twice yearly   | Chairperson of Airport Committee |  |
| <b>Local Representation</b>    |  |                                  |  |
|                                | Local Emergency Management Committee (LEMC) – bimonthly meetings   | 1.<br>2.                         |  |
|                                | Bush Fire Advisory Committee (BFAC) – bi-monthly meetings  | 1.<br>2.                         |  |
|                                | Kununurra Community Library Committee – 6 monthly  | 1.<br>2.                         |  |
|                                | Disability Access and Inclusion Planning Committee – annual meetings   | 1.<br>2.                         |  |
|                                | Ord Guard Board – as required  | 1.                               |  |
|                                | Roadwise Committee – bi-monthly meetings   | 1.<br>2.<br>Proxy                |  |
|                                | East Kimberley Visitor Centre – monthly meetings   | 1.                               |  |
|                                | Kimberley Group Training Board   |                                  |  |
|                                | Kimberley Toadbusters Inc. monthly plus as required  |                                  |  |
|                                | Community Consultancy Council for Save the Children Australia  | 1.                               |  |
|                                | Liquor Accord Kununurra – bi-monthly meetings  | 1.                               |  |
|                                | Liquor Accord Wyndham – bi-monthly meetings  | 1.                               |  |
|                                | SWEK DoW Foreshore Committee - quarterly meetings  | 1.<br>2.                         |  |

## COUNCIL DECISION

*Minute No. 8879*

*Moved:Cr J Moulden*

*Seconded:Cr D Ausburn*

| <b>Councillor Representation on Committees Committee</b> |  |  |
|--|--|--|
|  | <b>Name</b>  | <b>Nominees</b>  |
| 1.   | <b>Audit Committee – bi-monthly meetings</b>   | 1 Cr D Ausburn<br>2 Cr K Wright<br>3 Cr F Mills<br>4 Cr J Parker                       |
| 2.   | <b>Airport Committee – bi-monthly meetings</b>   | 1Cr F Mills<br>2 Cr Di Ausburn<br>3 Cr K Wright<br>4 Cr J Moulden<br>Proxy Cr J Parker |
| 3.   | <b>CEO Review and Selection Panel – meets as required</b>  | 1 Cr K Wright<br>2 Cr F Mills<br>3 Cr R Addis<br>4 Cr J Moulden                        |
| 4.   | <b>Annual Community and Economic Development Grants Assessment Panel – twice per year</b><br><br><b>Australia Day/Citizenship/Volunteer Awards – once per year</b> | 1 Cr D Ausburn<br>2 Cr J Parker<br>3 Cr K Wright                                       |
| 5.   | <b>Kununurra/Wyndham Townscape Working Group – meets as required</b>   | 1 Cr Jackie McCoy<br>2 Cr K Wright   |
| 6.   | <b>WALGA Kimberley Zone Council Delegates – quarterly meetings</b>   | 1 Cr F Mills<br>2 Cr K Torres<br>(Proxy) Cr Moulden<br>(Proxy) Cr K Wright             |
| 7.   | <b>Kimberley Regional Road Group – twice per year</b>  | 1 Cr K Wright  |
| 8.   | <b>North Kimberley Land Care District Council (LCDC) – twice per year</b>  | 1 Cr J Moulden<br>2 Cr K Torres  |
| 9.   | <b>Halls Creek and East Kimberley Land Care District Council (LCDC) – twice per year</b>   | 1 Cr J Moulden   |
| 10.  | <b>Zone Control Authority (ZCA) – twice per year</b>   | 1 Cr J Moulden   |
| 11.  | <b>Australian Airport Owners Association – twice yearly</b>  |  |
| 12.  | <b>Local Emergency Management Committee (LEMC) – bimonthly meetings</b>  | 1(Kununurra)<br>Cr D Ausburn<br>2(Wyndham)<br>Cr J Parker                              |
| 13.  | <b>Bush Fire Advisory Committee (BFAC) – bi-monthly meetings</b>   | 1Cr D Ausburn<br>2 Cr F Mills  |
| 14.  | <b>Kununurra Community Library</b>   | 1 Cr K Wright  |

|            |  |   |
|------------|--|---|
|            | <b>Committee – 6 monthly</b>   | <b>2 Cr R Addis</b>   |
| <b>15.</b> | <b>Disability Access and Inclusion Planning Committee – annual meetings</b>              | <b>1 Cr D Ausburn<br/>2 Cr J Parker</b>   |
| <b>16.</b> | <b>Ord Guard Board – as required</b>   | <b>1 Cr J Moulden</b>   |
| <b>17.</b> | <b>Roadwise Committee – bi-monthly meetings</b>  | <b>1 Cr K Torres<br/>(Kununurra)<br/>2 Cr J McCoy<br/>(Wyndham)<br/>(Proxy)</b> |
| <b>18.</b> | <b>East Kimberley Visitor Centre – monthly meetings</b>                                  | <b>1 Cr F Mills</b>   |
| <b>19.</b> | <b>Kimberley Group Training Board</b>  | <b>Vacant</b>   |
| <b>20.</b> | <b>Community Consultancy Council for Save the Children Australia – 6 weekly meetings</b> | <b>1 Cr K Torres</b>  |
| <b>21.</b> | <b>Liquor Accord Kununurra – bi-monthly meetings</b>                                     | <b>1 Cr D Ausburn</b>   |
| <b>22.</b> | <b>Liquor Accord Wyndham – bi-monthly meetings</b>                                       | <b>1 Cr J Parker</b>  |
| <b>23.</b> | <b>SWEK DoW Foreshore Committee - quarterly meetings</b>                                 | <b>1 Cr K Wright<br/>2 Cr F Mills</b>   |

***CARRIED UNANIMOUSLY: (8/0)***

#### 13.6.4 STATUS REPORT COUNCIL DECISIONS (8880)

|                           |  |
|---------------------------|--|
| <b>DATE:</b>              | 20 October 2009                              |
| <b>PROPONENT:</b>         | Shire Of Wyndham East Kimberley              |
| <b>LOCATION:</b>          | Shire Of Wyndham East Kimberley              |
| <b>AUTHOR:</b>            | Alex Douglas, Acting Chief Executive Officer |
| <b>REPORTING OFFICER:</b> | Alex Douglas, Acting Chief Executive Officer |
| <b>FILE NO:</b>           | 60.14.02                                     |
| <b>ASSESSMENT NO:</b>     | N/A  |

#### **PURPOSE**

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

**COUNCIL DECISION**

*Minute No. 8880*

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

*That Council receive and note the Status Report for the period July to September 2009.*

**CARRIED UNANIMOUSLY: (8/0)**

| <b>Status Report - Council Resolutions 2008-09</b> |               | <b>Council Resolutions 2009</b>   |                                |                 |          |           |
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| Council Meeting Date                               | Minute Number | Resolution  | Action/Status                  | Leading Officer | File No  | Completed |
| 20/01/09   | 8530          | <p>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:</p> <p>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.</p> <p>b) Water, power and sewerage can be approved in the lease area with written approval of the co-vestees.</p> <p>c) Sewerage must be connected to the sewer network.</p> <p>d) Removable structures (Caravans, camping, Cabins when on-stumps/skids, chairs etc) to be allowed with the written permission of co-vestees.</p> <p>e) Leased area will not be exclusive i.e. public will have access.</p> <p>f) 21 year lease tenure to apply.</p> <p>g) Shire rates to apply the leased area.</p> <p>h) Perth CPI lease fee adjustments to apply in years when valuations are not done.</p> <p>i) Lease fees to be set at \$30,750.00</p> <p>j) Development and Management Plans required to the satisfaction of the DOW.</p> <p>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.</p> <p>l) Reclaimed land on the foreshore, which has been subject to the valuation, be, be part of the leased area.</p> <p>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.</p> <p>4. That the Shire President, Deputy Shire President and Chief Executive Officer be delegated authority to negotiate further</p> | Negotiations not yet completed | Peter Stubbs    | 66.20.01 | on going  |

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|          |      | changes to the proposed lease condition to facilitate finalisation of   |   |              |            |            |
| 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.  | title for land received   | Alex Douglas | 01.2198.01 | 10/12/2009 |
| 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;<br>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.<br>2.Compliance with the Wildlife Conservation Act 1950 and subsidiary legislation.<br>3.Compliance with the Department of Environment and Conservation Section 16 Licence and conditions.<br>4.Not to be within 500m of any existing residence.<br>5.Required to be a minimum of 5km from any built up residential area.<br>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.<br>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. | Ian D'Arcy   | 01.0100.02 |            |

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| 17/02/09 | 8562 | That Council<br>1. Advertise the proposed road closure<br>2. Resolve to close a portion of Carpentaria Street subject to no objections being received during the advertising period.<br>3. Following completion of the advertising period, request the Department for Planning and Infrastructure (DPI) to close an approximately 2,500 m <sup>2</sup> portion of the Carpentaria Street with;<br>(i) The northern 1000 m <sup>2</sup> portion to be amalgamated into Drainage Reserve 41909; and<br>(ii) The southern 1500 m <sup>2</sup> 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 new draft lease consistent with Council resolution but has not responded to it. Action to demolish delayed awaiting Ombudsman investigation   | Peter Stubbs | 66.20.02   | Council resolved to demolish building |
| 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; creation of new reserve delaying lease documentation  | Peter Stubbs | 43.04.01   | on going                              |

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| 17/02/09 | 8577 | <p>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:</p> <ol style="list-style-type: none"> <li>1. to support the loan request.</li> <li>2. to take responsibility for servicing the loan debt,</li> <li>3. enter into a written agreement with Council to undertake a Master Planning exercise for the future of Club site as a community asset; and</li> <li>4. 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.</li> </ol> <p>2. That Council waive penalties of associated with outstanding rates owed by the Ord River Sports Club of \$222.41.</p> | Loan advertised for public comment ads required under LG Act. Comments close 18 April.  | Peter Stubbs  | 66.20.37 | on going |
| 17.03.09 | 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 |

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| 17.03.09 | 8600 | <p>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.</p> <p>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.</p> | <p>1. Hollie Nichols has prepared an application to DSR under the CSRFF annual grants round for the construction of a BMX track.</p> <p>2. Bollards have been installed around the perimeter of the Recreation Centre and precinct.</p> | Karyn Apperley    | 30.09.04   | on going |
| 17.03.09 | 8610 | <p>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.</p>   | <p>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.</p>   | Jennifer Ninyette | 01.2192.02 | Ongoing  |
| 21.4.09  | 8622 | <p>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.</p>   | <p>Documentation &amp; funds with DPI pending settlement</p>  | Jo-Anne Ellis     | 01.2198.01 |          |

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| 21.4.09 | 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:<br>a) adequately describes responsibility for structures within land managed by the Water Corporation, and<br>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; awaiting response from Water Corp | Alex Douglas | 50.09.05 |         |
| 21.4.09 | 8629 | The Council resolve to:<br>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<br>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.  | Awaiting ministerial approval and gazettal   | Ian D'Arcy   | 43.31.18 | Ongoing |
| 21.4.09 | 8630 | That Council resolve to:<br>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;<br>2 Forward a copy of the endorsed Schedule of Modifications to the proponent for the respective changes to be completed to the documentation; and<br>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 | Awaiting Ministerial Approval and gazettal   | Ian D'Arcy   | 43.31.22 | Ongoing |

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|         |      | for Planning's endorsement and final approval.  |                                |            |                  |         |
| 21.4.09 | 8631 | <p>That the Council:</p> <ol style="list-style-type: none"> <li>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: <ol style="list-style-type: none"> <li>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);</li> <li>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;</li> <li>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;</li> <li>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;</li> <li>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.</li> <li>f) Entering into a lease for the new proposed Lot 1 Great Northern Highway, Wyndham.</li> </ol> </li> <li>2. Inform the Department of Corrective Services of the Council decision as detailed in recommendation 1 above.</li> <li>3. Delegate authority to the Shire President, Deputy Shire President and CEO to negotiate the details of 1 (c) and (e), (f).</li> </ol> | Negotiations not yet completed | Ian D'Arcy | 43.04.2843.04.28 | Ongoing |

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| 21.4.09  | 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.  | Completed                                  | Ian D'Arcy | 43.02.02          | Completed |
| 21.4.09  | 8635 | The Council resolve to:<br>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<br>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. | Awaiting ministerial approval and gazettal | Ian D'Arcy | 43.02.01,43.02.01 | Ongoing   |
| 21.05.09 | 8662 | That Council -<br>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.<br>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.  | Completed                                  | Ian D'Arcy | 43.02.01          | Completed |
| 21.05.09 | 8663 | That Council -<br>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.<br>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  | Completed                                  | Ian D'Arcy | 43.02.01          | Completed |

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|          |      | Schemes.   |  |            |          |         |
| 21.05.09 | 8666 | <p>That the Council -</p> <ol style="list-style-type: none"> <li>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'.</li> <li>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: <ul style="list-style-type: none"> <li>'To zone and reserve land for various purposes within the Scheme area;</li> <li>' To provide for orderly and proper planning;</li> <li>' To provide the statutory basis for land use and development control within the Shire;</li> <li>' To set out administrative and operational requirements and procedures for planning; and</li> <li>' To facilitate implementation of the Shire's Local Planning Strategy.</li> </ul> </li> <li>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: <ol style="list-style-type: none"> <li>1. A copy of Council's resolution deciding to prepare a new Local Planning Scheme, certified by the Chief Executive Officer;</li> <li>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; and</li> <li>3. A statement setting forth the objects and intentions of the Scheme and the anticipated format of the Scheme.</li> <li>4. And subject to Council receiving notification from the Western</li> </ol> </li> </ol> | Preparing to advertise notice of initiation to review Town Planning Scheme including letters to government agencies and Shire of Halls Creek | Ian D'Arcy | 43.29.01 | Ongoing |

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|           |      | Australian Planning Commission pursuant to Regulation 4(6) of the Town Planning Regulations (1967):<br>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); and<br>b) 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). |   |              |          |          |
| 5/21/2009 | 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   | Positive feedback received from Town Oval users, funding was approved, a Memorandum of Understanding has been signed, and the cricket pitch has now been installed. | Megan Alchin | 30.10.05 | Complete |
| 21.05.09  | 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 |
| 16.06.09  | 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 |          |

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| 16.06.09  | 8695 | <p>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.</p> <p>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.</p> | correspondence sent | Alex Douglas | 01.1575.01 |         |
| 16.06.09  | 8696 | <p>That Council</p> <p>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;</p> <p>2. delegate authority to the Chief Executive Officer to enact the policy subject to there being no valid adverse comment.</p>              | To be advertised    | Ian D'Arcy   | 43.02.01   | Ongoing |
| 6/16/2009 | 8697 | <p>That Council</p> <p>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;</p> <p>2. delegate authority to the Chief Executive Officer to enact the policy subject to there being no valid adverse comment.</p>                 | To be advertised    | Ian D'Arcy   | 43.02.01   | Ongoing |

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| 16.06.09 | 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 |
| 16.06.09 | 8701 | That Council resolves to:<br>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;<br>b) Rezoning Lots 858 - 861, 1035, 1060 - 1062 and 1073 - 1075 Weaber Plain Road from Residential R15 to Residential R30;<br>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 Boobiella Way; Lots 1378, 1387 - 1392, 1426 and 1498 - 1501 Acacia Court; Lots 1495 - 1497 and 1502 Calatropis Court; Lots 402, 863, 864, 907, 1018 - 1025 and 1038 Greybox Crescent; Lots 1026-1034, 1040 - 1043 and 1063 - 1067 Carbeen Street and Lots 1044 - 1048, 1049 - 1059 and 1068 - 1072 Woolybutt Place from Residential R15 to Residential R20.<br>d)Amending the Scheme Maps accordingly.<br>2. Authorise the Shire President and the Chief Executive Officer | Awaiting ministerial approval and gazettal | Ian D'Arcy | 43.31.28 | Ongoing |

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|  |  | <p>to execute the relevant documentation pursuant to Regulation 22(1) of the Town Planning Regulations 1967 (as amended)</p> <p>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).</p> <p>4. Request that the Honourable Minister for Planning grants final approval to Amendment 28 of Town Planning Scheme No. 7 - Kununurra and Environs.</p> |  |  |  |  |
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| 16.06.09 | 8700 | <p>That Council:</p> <ol style="list-style-type: none"> <li>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: <ol style="list-style-type: none"> <li>(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.</li> <li>(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.</li> <li>(c) Adding the following row to the Additional Uses Schedule table contained within Appendix 2A of the Scheme Text:<br/>Headings needed.<br/>A3 3. Lot 505 and a portion of Lot 501 Coolibah Drive, Kununurra Single Dwelling Nil.</li> </ol> </li> <li>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;</li> <li>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.</li> <li>4. That the Council resolve to waive the Scheme Amendment fees given its partnership involvement in this proposal.</li> </ol> | Advertising completed - refer to Agenda Item | Ian D'Arcy | 43.31.31 | Ongoing |
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| 6/16/2009 | 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; and</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> | Advertising completed - refer to Agenda Item | Ian D'Arcy | 43.31.32 | Ongoing |
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| 16.06.09 | 8703 | <p>That Council resolves to:</p> <ol style="list-style-type: none"> <li>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: <ol style="list-style-type: none"> <li>(a) Rezoning Lots 678, 679, 680, 681,682, 690, 691, 693, 694 &amp; 2439 Leichhardt Street, Lots 687, 688 &amp; 689 Riverfig Avenue, Lots 683, 684,685, 686, 687, 705, 707, 709, 710 &amp; 711 and 2440 Pindan Avenue, Lots 701, 702, 703 &amp; 704 Calytrix Avenue, Lots 712, 713, 714, 715 &amp; 716 Pandanus Avenue, and Lots 717, 718, 719, 720, 721, 722 &amp; 723 Mistletoe Street Kununurra from 'Residential R20' to 'Residential R30'.</li> <li>(b )Amending the Scheme Maps accordingly.</li> </ol> </li> <li>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).</li> <li>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).</li> <li>4. Request that the Honourable Minister for Planning and Infrastructure grants final approval to Amendment 29 of Town Planning Scheme No.</li> </ol> | Awaiting ministerial approval and gazettal  | Ian D'Arcy    | 43.31.29 | Ongoing  |
| 21.07.09 | 8741 | <p>That Council confirm and implement the recommendations put forward by the Airport Committee</p> <ol style="list-style-type: none"> <li>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 if withdrawn.</li> <li>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.</li> <li>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.</li> </ol>  | Transportable office was not removed by deadline. Legal advice sought and mediation was recommended. Transportable office was removed as a result of mediation. | Jo-Anne Ellis | 20.12.08 | Complete |

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| 21.07.09 | 8742 | 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.  | Letters sent. Project Manager working on project             | Jo-Anne Ellis | 66.57.05, 61.35.05 | Complete |
| 18.08.09 | 8769 | <p>1. That Council issue Request for Tender - East Kimberley Regional Airport Hydrology Study</p> <p>2. That Tenders are evaluated based on the capacity of the Tenderers to complete the requirements of the tender including:</p> <p>2.1. Compliance Criteria (must comply)</p> <p>a) Completion of Tenderers Offer</p> <p>b) Compliance with Conditions of Tendering</p> <p>c) Compliance with Specification</p> <p>d) Corporate Information</p> <p>e) Financial Information</p> <p>f) Conflict of Interest</p> <p>g) Insurance</p> <p>2.2 Qualitative Criteria (used to Rank Tenders)</p> <p>a) Organisational Capabilities - 40%</p> <p>b) Key Personnel - 35%</p> <p>c) Performance - 25%</p> <p>2.3. Price Submitted for Tender</p> <p>The tendered price along with the qualitative ranking will be used to determine the most advantageous tender to Council</p> | Tender awarded at Special Council Meeting on 6 October 2009. | Jo-Anne Ellis | 20.08.01           | Complete |
| 18.08.09 | 8771 | That Council creates a new airside lot adjoining lot 321 Laine Jones Drive, Kununurra to be released for sale by Public Auction.  | Survey being done.   | Jo-Anne Ellis | 20.09.06,20.09.06  |          |

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| 18.08.09 | 8774 | <p>That Council resolve to:</p> <p>1. Pursuant to Clause 12.6.1(b) of the Shire of Wyndham East Kimberley Town Planning Scheme No.7 adopt Local Planning Policy (LPP) 1 as presented in Attachment 1 to this report (duly modified), rescind DC Policy 23 and publish a notice to this effect in the local newspaper; and</p> <p>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 adopt the following Local Planning Policies as shown in Attachment 2 - 5 (with LPP 3 duly modified), and publish a notice to this effect in the local newspaper:<br/> 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)</p>  | Completed   | Ian D'Arcy | 43.02.01 | Completed |
| 18.08.09 | 8775 | <p>That Council resolve to:</p> <p>1 Endorse the Sport Precincts Master Plan Project Brief as presented as Attachment 1 to this report;</p> <p>2 Implement the project in two phases based on the activities relevant to Steering Group One and Steering Group Two and that quotations be invited on that basis with Steering Group One activities to commence on engagement of the consultant and Steering Group Two activities to proceed only when adequate grant funds are secured;</p> <p>3 Nominate Councillor J Moulden. (Chairperson) and Councillor K Wright for both steering groups and to participate in the selection process to engage a consultant;</p> <p>4 Forward invitations to the respective sport and recreation organisations seeking representation on each of the steering groups;</p> <p>5 Endorse the CSRFF small grant application as presented as Attachment 2 to this report, and forward to the Department of Sport and Recreation seeking approval of funding to \$25,000;</p> <p>6 Source additional funding for this project from LandCorp (\$25,000) and the Kimberley Development Commission (\$15,000).</p> | Completed - Quotes being sought from consultants due 15th Oct 2009. | Ian D'Arcy | 43.04.39 | Ongoing   |

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| 18.08.09 | 8776 | <p>That Council:</p> <ol style="list-style-type: none"> <li>1. Pursuant to Section 75 of the Planning and Development Act 2005 (as amended), amend the Shire of Wyndham-East Kimberley Town Planning Scheme No. 7 (Kununurra and Environs) by: <ol style="list-style-type: none"> <li>a. Rezoning the identified land, within the TPS No. 7 Scheme Area, to the 'Residential R30' zone under the Shire of Wyndham-East Kimberley TPS No. 7;</li> <li>b. Amending the Scheme Maps accordingly.</li> </ol> </li> <li>2. Authorise the Shire President and the Acting Chief Executive Officer to execute the relevant documentation;</li> <li>3. Request the consultant to prepare the formal amendment documentation to enable referral to the Environmental Protection Authority for the level of assessment for the amendment be set pursuant to Section 48A of the Environment Protection Act 1986 [as amended]; and</li> <li>4. Upon receipt of the level of assessment from the Environmental Protection Authority, proceed to advertise the amendment for a period of 42 days through the placement of an advertisement in the Kimberley Echo, erection of a notice in the Shire Offices, modification of the sign on-site and the posting of notices to affected parties.</li> </ol> | Documentation referred to the EPA | Ian D'Arcy | 43.31.30 | Ongoing |
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| 18.08.09 | 8777 | <p>That Council grants planning consent for the development of Twelve (12) x Grouped Dwelling Residential Units on Lot 1095 Messmate Way, Kununurra, subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. All development shall be in accordance with the attached approved plan(s) dated 18 the August 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.</li> <li>2. 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.</li> <li>3. All plumbing pipes shall be ducted within the walls of the building/s.</li> <li>4. Front fencing shall be visually permeable in accordance with the Residential Design Codes and to the satisfaction of the local government.</li> <li>5. All side and rear fencing shall consist of solid panel type construction to be consistent in colour and style.</li> <li>6. All parking, driveway and access areas shall be constructed, sealed, drained and signed to the satisfaction of the local government.</li> <li>7. Construction of a 2m wide footpath of 100mm thick unreinforced concrete shall be provided aligned along the property frontage at the cost of the developer. The Applicant is to liaise with the Shire's Engineering Department in this regard.</li> <li>8. 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. A minimum of three (3) car parking bays are to be provided. The Applicant is to liaise with the Shire's Engineering Department in this regard.</li> <li>9. A hardstand area for twelve (12) bins shall be provided adjacent to the visitor parking area for weekly bin collection. The Applicant is to liaise with the Shire's Engineering Department in this regard.</li> <li>10. No site earthworks or development shall occur that will cause additional runoff of stormwater to adjacent properties.</li> <li>11. All stormwater drainage shall be designed and constructed at the applicant's cost and in accordance with the requirements of local government and the current Australian Rainfall and Run-off</li> </ol> | Planning Consent Issued - Completed | Ian D'Arcy | 01.1559.02 | Completed |
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|  |  | <p>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 Shire Engineering Department prior to the submission of a building application.</p> <p>(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 Regulatory Services and submitted with the building application.</p> <p>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 Regulatory Services prior to the submission of a building application.</p> <p>(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.</p> |  |  |  |  |
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| 18.08.09 | 8778 | <p>That Council:</p> <ol style="list-style-type: none"> <li>Note that the anticipated land exchange between the Shire of Wyndham East Kimberley the Department of Health and the Fire and Emergency Services Authority, which formed the basis of the Council decision at its Ordinary Meeting of Tuesday 19 May 2009 (Minute No. 7719), will not proceed;</li> <li>Decline the offer from the Minister for Regional Development and Lands to purchase Lots 987, 988, 989 and 991 Agate Lane at the full unimproved market value (\$425,000), and inform the Minister accordingly;</li> <li>Advise the Rewards Group that it is prepared to offer a letter of support for the Rewards Group to purchase Lots 987, 988, 989 and 991 Agate Lane from the State Government, but is not prepared to close Agate Lane nor excise a portion of Reserve 28285 for the purpose of accommodating private development.</li> </ol> | correspondence sent   | Ian D'Arcy   | 43.04.10 | Completed |
| 18.08.09 | 8786 | That Council accept the quotation as submitted by Jack In The Box Corporation Pty Ltd being for the development of a new brand for the Shire of Wyndham East Kimberley in accordance with the Specification and Scope of Work for the sum of \$40,343.45 inclusive of GST.  | Consultants engaged; workshops to be held 12 and 13 October | Alex Douglas | 60.04.01 |           |
| 18.08.09 | 8787 | For Council to consider a request from LandCorp to alter the preferred construction material/pavement for a new roundabout to be constructed as part of the Lakeside Stage 5 road works. That Council refer the item to the Ordinary Council Meeting of Council to be held on 15 September 2009.  | Letter sent; response from LandCorp received                | Alex Douglas | 43.04.17 |           |
| 18.08.09 | 8791 | <p>That Council:</p> <ol style="list-style-type: none"> <li>note the response from the Local Government Reform Steering Committee,</li> <li>prepare a discussion paper for public comment and a public meeting to be held on Wednesday 16 September 2009 in Kununurra and Thursday 17 September 2009 in Wyndham.</li> <li>consider the results of the public consultation at the Ordinary Council Meeting to be held on Tuesday 22 September 2009 in order to finalise the Shire of Wyndham East Kimberley submission to the Minister for Local Government due by 30 September 2009.</li> </ol>   | Submission sent; awaiting response                          | Alex Douglas | 66.11.36 |           |

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| 18.08.09 | 8793 | <p>That Council:</p> <ol style="list-style-type: none"> <li>Pursuant to Section 75 of the Planning and Development Act 2005 (as amended), amend the Shire of Wyndham-East Kimberley Town Planning Scheme No. 7 (Kununurra and Environs) by: <ul style="list-style-type: none"> <li>Rezoning portion of Lot 3000 Packsaddle Road that immediately adjoins the north east boundary of Lot 553 to 30 metres from the lake edge from the 'Special Foreshore' reservation to the 'Rural Agriculture 2' zone;</li> <li>Amending the Scheme Maps accordingly.</li> </ul> </li> <li>Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation;</li> <li>Request the consultant to prepare the formal amendment documentation to enable referral to the Environmental Protection Authority for the level of assessment for the amendment be set pursuant to Section 48A of the Environment Protection Act 1986 [as amended]; and</li> <li>Upon receipt of the level of assessment from the Environmental Protection Authority, proceed to advertise the amendment for a period of 42 days through the placement of an advertisement in the Kimberley Echo, erection of a notice in the Shire Offices, modification of the sign on-site and the posting of notices to affected parties.</li> </ol> | Correspondence sent to consultant - awaiting formal documentation to be submitted | Ian D'Arcy | 43.31.33                | Ongoing   |
| 18.08.09 | 8794 | <p>That Council:</p> <ol style="list-style-type: none"> <li>Inform the applicant (Whelans Pty Ltd) it is prepared to initiate an amendment to the Shire's Town Planning Scheme No.7 (Kununurra and Environs) to change the zoning for Lot 100 Farm Hill Road, Kununurra to 'Special Site - Airport', subject to prior amalgamation of this property with Lot 286 that accommodates the existing air strip.</li> </ol>  | Correspondence sent   | Ian D'Arcy | 43.31.34                | Completed |
| 18.08.09 | 8795 | <p>That Council</p> <ol style="list-style-type: none"> <li>Support the proposed expansion of the lease area 'in principle';</li> <li>Seek comment over a 21 day period from surrounding landowners and key stakeholders within a 1 kilometre radius on the proposal; and</li> <li>Grant delegation to the CEO to; (a) request the Department of Regional Development and Lands initiate proceedings to expand the reserve, subject to no adverse comment being received from the initial consultation; (b) prepare a new lease upon confirmation expansion of</li> </ol>   | Advertising completed - refer to Agenda Item                                      | Ian D'Arcy | 01.5616.02,<br>66.20.20 | Ongoing   |

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|          |      | the reserve area is supported by the Minister for Regional Development and Lands.   |  |               |            |          |
| 15.09.09 | 8808 | That Council having considered proposed policy DC1 - Lodgement of Development Applications defer Item to the Ordinary Council Meeting to be held 20 October 2009 for further clarification.   | Refer to Agenda Item for Oct meeting   | Ian D'Arcy    | 43.02.01   | Ongoing  |
| 15.09.09 | 8810 | That Council:<br>1. having considered amended policy F15 Sundry Debt Collection adopts the amended policy as attached, with an effective date of 1 January 2010.<br>2. adopts and advertises the following addition to the Fees and Charges - Council will impose an interest charge of 11% on money owing on unpaid fees and charges after the amount is owed for more than 45 days. This interest charge will be imposed effective 1 January 2010 | Advertising to occur for implementaion 1 January 2010. Debtors data being analysed for usage and letters to current debtors being drafted. | Jo-Anne Ellis | 61.23.01   | on going |
| 15.09.09 | 8811 | 1. That the outstanding debt of \$1,678.33 plus accrued penalties relating to assessment 6872 be written off as the debt is considered uncollectible.<br>2. That Council write to the Minister for Lands requesting that consideration be given to a policy of cancelling mining tenements that have rates arrears recorded against the tenement  | 1. Debt written off<br>2. Letter to be sent  | Jo-Anne Ellis | 01.6872.04 | on going |

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| 15.09.09 | 8813 | <p>That Council adopt the following actions in relation to the \$12,300 debt for cemetery charges outstanding to a company recorded as debtor 98563:</p> <ol style="list-style-type: none"> <li>1. No services are to be provided to debtor 98563 until the debt is paid in full.</li> <li>2. Debtor 98563 is requested to enter into an appropriate payment plan with Council to repay the debt with the Director(s) of the Company providing a personal guarantee for the repayment of the debt.</li> <li>3. No services are to be provided to any Director or former Director of debtor 98563 unless an appropriate payment plan as outlined in (2) above is in place and all payments on this plan are up to date.</li> <li>4. No services are to be provided to any entity that a Director or former Director of debtor 98563 is associated with unless an appropriate payment plan as outlined in (2) above is in place and all payments on this plan are up to date.</li> <li>5. No credit will be provided to debtor 98563 or any Directors or former Directors of this debtor until the outstanding debt is repaid in full. Any credit afforded after this time must be in accordance with Council Policy.</li> </ol> | Registered letter sent to debtor 98563.<br>Numerous attempts by MHR to meet with director of debtor 98563 have not succeeded.<br>Actions ongoing. | Jo-Anne Ellis | 61.23.02   | on going   |
| 15.09.09 | 8816 | <p>That the Council resolve to:</p> <ol style="list-style-type: none"> <li>1. Not accept any tenders submitted for T02 09/10 – Parry Creek Road Cattle Grid Construction 2009 based on all submissions exceeding the allocated budget, and</li> <li>2. Complete the construction of 5 cattle grids replacing four (4) gates and one (1) old cattle grid utilising a combination of Shire staff and sub-contractors to a project value of \$199,000 plus private works funds from the Department of Conservation and Environment.</li> </ol>  | Works initiated   | Alex Douglas  | 66.58.02   | 10/12/2009 |
| 15.09.09 | 8818 | <p>That Council:</p> <ol style="list-style-type: none"> <li>1. Advise the Department of Water of the results of and our satisfaction with the trial harvesting/clearing project, and</li> <li>2. Seek funding opportunities from the State and Commonwealth Governments to undertake further removal of cumbungi and other aquatic weed from Lily Creek Lagoon.</li> </ol>   | Letters sent  | Alex Douglas  | 50.10.06   | 10/12/2009 |
| 15.09.09 | 8822 | <p>1. That Council agree to the request from the proponent to commence the rezoning of Lots 100 and 286 Farm Hill Road, Kununurra prior to completion of the amalgamation of the two lots; and</p>   | Correspondence sent to consultant - awaiting formal   | Ian D'Arcy    | 01.0054.02 | Ongoing    |

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|          |      | <p>2. That Council:</p> <p>a. Pursuant to Section 75 of the Planning and Development Act 2005 (as amended), amend the Shire of Wyndham-East Kimberley Town Planning Scheme No. 7 (Kununurra and Environs) by:</p> <p>i. Rezoning Lot 100 Farm Hill Road, Kununurra from 'Conservation' Reserve to 'Special Site - Airport' zone;</p> <p>ii. Amending the Scheme Maps accordingly.</p> <p>b. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation;</p> <p>c. Request the consultant to prepare the formal amendment documentation to enable referral to the Environmental Protection Authority for the level of assessment for the amendment be set pursuant to Section 48A of the Environment Protection Act 1986 [as amended];</p> <p>d. Request the consultant to initiate amalgamation of the Lot 100 with the adjoining Lot 286; and</p> <p>e. Upon receipt of the level of assessment from the Environmental Protection Authority, and finalisation of the land amalgamation process, proceed to advertise the Amendment for a period of 42 days through the placement of an advertisement in the Kimberley Echo, erection of a notice in the Shire Offices, modification of the sign on-site and the posting of notices to affected parties; and</p> <p>f. Advise the applicant that while the Scheme Amendment process has been initiated there is no guarantee the Western Australian Planning Commission and the Minister for Planning will grant final approval for the proposed rezoning.</p> | documentation to be submitted                                      |            |          |         |
| 15.09.09 | 8823 | That Council defer consideration of this report to the Ordinary Council Meeting to be held on 20 October 2009 so as to present an alternative choice of pioneer names.  | Refer to Agenda Item for Oct meeting - draft Policy being prepared | Ian D'Arcy | 43.11.03 | ongoing |

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| 15.09.09 | 8824 | <p>That Council grant planning consent for the extension of non-conforming use rights (café extension) on Lot 987 Great Northern Hwy, Wyndham subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. All development shall be in accordance with the attached approved plan(s) dated 15th September 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.</li> <li>2. The alfresco seating area shall be limited to a maximum of 40 people shall not interfere with the pedestrian movement on the existing footpath.</li> <li>3. The alfresco area shall be evenly paved including access between the footpath and proposed ablutions.</li> <li>4. The alfresco seating area and ablutions shall be provided with adequate lighting to the satisfaction of the local government.</li> <li>5. 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.</li> <li>6. The provision of ten (10) car parking bays constructed to a minimum all weather seal coat standard to be maintained to the satisfaction of the local government.</li> <li>7. The area set aside for the parking of vehicles, together with the associated access (including street crossover) as delineated on the endorsed plan shall: <ol style="list-style-type: none"> <li>a) be provided and completed to the approval of the local government prior to the commencement of the use hereby permitted;</li> <li>(b) thereafter be maintained to the approved standard of the local government;</li> <li>(c) be made available for such use at all times and not used for any other purpose unless specifically approved;</li> <li>(d) be properly formed to such levels that it can be used in accordance with the plan;</li> <li>(e) be drained and sealed with an all weather seal coat to the approval of the local government;</li> <li>(f) have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the endorsed plan;</li> </ol> </li> </ol> | Planning Consent Issued - Completed | Ian D'Arcy | 01.1894.02 | Completed |
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|          |      | <p>(g) be sufficient sign posted as customer parking to the satisfaction of the local government;</p> <p>(h) be designed in accordance with AS2890.</p> <p>8. The approved extensions and renovations shall be constructed of materials consistent in texture and colour/s with the existing building to the satisfaction of the local government.</p> <p>9. 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 should 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.</p> |  |                |          |         |
| 15.09.09 | 8825 | <p>1. That Council issue tender T06 09/10 for the Upgrade of Wyndham Picture Gardens Infrastructure.</p> <p>2. That Tenders are evaluated based on the capacity of the Tenderers to complete the requirements of the tender including:</p> <p>2.1. Compliance Criteria (must comply)</p> <p>a) Compliance with Specifications contained in request.</p> <p>b) Compliance with Conditions of Tendering contained in request.</p> <p>c) Compliance with Quality Assurance requirements in request.</p> <p>d) Compliance with Start Date and Project Timeline.</p> <p>e) Compliance with and completion of Price Schedule.</p> <p>2.2 Qualitative Criteria (used to Rank Tenders)</p> <p>a) Relevant Experience - 60%</p> <p>b) Ability to meet Project Timeline - 40%</p> <p>2.3. Price Submitted for Tender</p> <p>The tendered price along with the qualitative ranking will be used to determine the most advantageous tender to Council..</p>   | Tender documentation is currently being prepared and expected to be advertised in the Kimberley Echo and West Australian on the week ending 23 Oct 2009. | Karyn Apperley | 30.09.06 | Ongoing |
| 15.09.09 | 8836 | That Council in accordance with the Local Government Act 1995, S5.42 delegate authority to the Shire President, Cr D Ausburn and Acting Chief Executive Officer to participate in negotiations with MG Corporation in respect of the  | Negotiations commenced   | Alex Douglas   | 66.13.06 |         |

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|  |  | <p>development of a workers accommodation village based on the following guidelines:</p> <ol style="list-style-type: none"> <li>1. That any financial contribution towards the development of a workers accommodation village must be considered by Council;</li> <li>2. That any land use changes requiring amendments to the Town Planning Scheme must be considered by Council;</li> <li>3. A workers accommodation village is required to minimise impact on tourist accommodation capacity during the tourist season;</li> <li>4. A workers accommodation village imposes minimal impact on adjoining properties and neighbours for both the short and long term use/s;</li> <li>5. The headworks or servicing of the site or sites does not unduly impact on the cost of developing the new infrastructure projects i.e. unnecessary funds are not diverted from the primary project in providing workers accommodation;</li> <li>6. A workers accommodation village provides a functional redundant use or uses for the long term benefit of the community where practical and cost effective; and</li> <li>7. Management of the redundant use/s may include the Shire of Wyndham East Kimberley where practical and cost effective.</li> </ol> <p>The Acting Chief Executive Officer tabled two Additional recommendations that then became the Officer's Recommendation.</p> <ol style="list-style-type: none"> <li>1. That Council seek the approval of the MG Corporation as co-lessees of the preferred site to jointly write to the Minister for Lands advising : - <ol style="list-style-type: none"> <li>(a) that LandCorp be encouraged to initiate the construction of a workers camp utilising funds from the Ord Irrigation Expansion Project as this is seen as the most practical means of achieving the required timelines, and</li> <li>(b) that the construction of the camp be developed in cooperation with the co-lessees such that an agreed redundant use or uses can be realised, and</li> <li>(c) that subject to the camp being developed in cooperation with the co-lessees a purchase arrangement by the co-lessees be negotiated for the end the required life of the facility (anticipated by end of 2012) to enable the facility to be used for its intended or future uses for the betterment of the Kununurra community.</li> </ol> </li> <li>2. That the co-lessees engage a consultant to assist with</li> </ol> |  |  |  |  |
|--|--|---|--|--|--|--|

|          |      |   |  |              |          |  |
|----------|------|---|--|--------------|----------|--|
|          |      | the development of redundant use options and business planning.   |  |              |          |  |
| 15.09.09 | 8839 | <p>1. That Council advise the Ord River Sports Club Incorporated:-</p> <p>a) the Council will not support the transfer of the Management Order or the free holding of any portion of Reserve 33112, and</p> <p>b) agreement to a 21 year lease will only be possible upon completion of the Master Planning Exercise, and the amendment of the Constitution for the addition of a Councillor of the Shire of Wyndham East Kimberley and a member of the Board of the MG Corporation</p> <p>c) the ORSC Incorporated will be accepted as a tenant at will during the period from the expiration of the previous lease (April 2009) until the signing of a new lease anticipated by December 2010, and</p> <p>d) the 21 year lease will include compensation to the ORSC Incorporated for the improvements made based on a methodology to be agreed so as to value the improvements at the expiration of the lease period</p> <p>2. That Council authorise the Acting Chief Executive Officer and Cr Keith Wright to undertake negotiations of a draft lease based on the provisions set out in recommendation 1.</p> | letter sent; ORSC responded via email; attendance by Cr Wright and A/CEO to Committee Meeting 13/10/2009 | Alex Douglas | 66.20.37 |  |

### 13.6.5 CONSIDERATION OF EXTRAORDINARY ELECTION (8881)

|                           |  |
|---------------------------|--|
| <b>DATE:</b>              | 20 October 2009                              |
| <b>PROPONENT:</b>         | Shire Of Wyndham East Kimberley              |
| <b>LOCATION:</b>          | Shire Of Wyndham East Kimberley              |
| <b>AUTHOR:</b>            | Alex Douglas, Acting Chief Executive Officer |
| <b>REPORTING OFFICER:</b> | Alex Douglas, Acting Chief Executive Officer |
| <b>FILE NO:</b>           | 60.14.02                                     |
| <b>ASSESSMENT NO:</b>     | N/A  |

#### **PURPOSE**

For Council to consider the vacancy created by the resignation of Councillor Paul Caley that became effective from 1 October 2009.

#### **BACKGROUND**

Council considered this matter at its Ordinary Meeting of 15 September 2009 and deferred the item to the Ordinary Meeting 10 October 2009.

#### **STATUTORY IMPLICATIONS**

With respect to the extraordinary election, the following applies: -

LOCAL GOVERNMENT ACT 1995 - SECT 4.9

- 4.9 . Election day for extraordinary election
- (1) Any poll needed for an extraordinary election is to be held on a day decided on and fixed —
    - (a) by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or
    - (b) by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).
  - (2) The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.
  - (3) If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —
    - (a) fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and
    - (b) advise the CEO of the day fixed.

With respect to the change in the number of elected members, the following applies: -

## LOCAL GOVERNMENT ACT 1995

### 2.18. Fixing and changing the number of councillors

- (1) When a local government is newly established the Governor, by order made on the recommendation of the Minister, is to —
  - (a) specify the number of offices of councillor on the council of the local government; and
  - (b) if the district is to have a ward system, specify the numbers of offices of councillor for the wards.
- (2) When an order is made under section 2.2 discontinuing a ward system for a district, the number of offices of councillor on the council remains unchanged unless the order specifies otherwise.
- (3) The Governor, on the recommendation of the Minister, may make an order —
  - (a) changing the number of offices of councillor on a council;
  - (b) specifying or changing the number of offices of councillor for a ward; or
  - (c) as to a combination of those matters.
- (4) The Minister can only make a recommendation under subsection (1) or (3) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

#### Extraordinary Election

Costs are dependent on the number of polling offices operated for the election and the timing of the election which has implications for electoral allowances for staff required to conduct and work on Election Day.

In recent election elections polling booths have been conducted at Oombulgurri, Kalumburu, Wyndham and Kununurra.

This necessitates a plane charter to Oombulgurri and Kalumburu at an estimated cost \$4,000.

Mandatory advertising costs associated with the election are estimated at around \$3,000.

Typically salary costs to conduct an election are around \$5,000.

#### Reduced Number of Elected Members

The average cost per elected member is minimal relative to the total budget. The amount will vary dependent on the sitting fees, other entitlements and attendance at conferences and training seminars. The amount would not exceed \$20,000 per annum.

## **STRATEGIC IMPLICATIONS**

Local Government is the first tier of Government and Council is the governing body. The election of Councillors and participation of the public in that process is fundamental to the democratic principles in Australia.

In the current climate set by the State Government with respect to local government reform it is appropriate that Council consider the option of reducing the number of elected members to 8. The Government is proposing that local government set the number of elected members between 6 and 9 councillors.

## **COMMUNITY CONSULTATION**

Nil in terms of the Council decision. Public are advised of the election through the required advertising processes and participate through the election itself.

There is no clear process for the Council to initiate a reduction of the number of elected members. The Local Government Advisory Board or Minister may request a period of public consultation.

## **COMMENT**

An extraordinary election was held in November 2008 to deal with the vacancies created by the resignations of the then Shire President Michele Pucci, and Councillor John Buchanan. The election was held on a Friday to minimise the cost of the election process which includes significant staffing levels on the day.

The proposal to consider a reduction from 9 to 8 councillors is presented to enable discussion in view of the State Government's local government reform strategy. Whilst the Shire and Kununurra in particular is experiencing a growth in population the total population will still be small to medium in comparison with the anticipated amalgamated councils that result out of the current reform strategy.

The following table provides a summary of the present mix of elected members and representation levels.

| Elected Members (EM's) | No. of Councils | Combined Population | Average Population per EM |
|------------------------|-----------------|---------------------|---------------------------|
| 6                      | 5               | 5,431               | 217                       |
| 7                      | 30              | 46,222              | 220                       |
| 8                      | 16              | 64,092              | 501                       |
| 9                      | 44              | 306,683             | 774                       |
| 10                     | 11              | 173,531             | 1576                      |
| 11                     | 13              | 238,304             | 1666                      |
| 12                     | 6               | 234,542             | 3258                      |
| 13                     | 11              | 535,986             | 3748                      |
| 14                     | 2               | 291,315             | 10,404                    |
| 15                     | 1               | 124,887             | 8326                      |

The Shire of Wyndham East Kimberley's current estimated representation ratio is 860 head of population per elected member. 8 elected members would have a ratio of approximately 970.

A doubling of the current population which would be concentrated in and around Kununurra and Wyndham would yield a ratio of around 1900 head of population per elected member.

Informal discussion by elected members suggests that there is support to retain 9 positions on the Council. The Extraordinary election held in November 2008 was on a Friday and there was significant elector objection and the cost of the election was reduced by not incurring overtime penalties for the returning officers and other staff involved in an election.

On the basis that an extraordinary election is held the minimum and maximum timeframe for the election date is set out as follows:

| Days to Polling | Election action  | Legislation reference        |
|-----------------|--|------------------------------|
| 70 to 56        | CEO to give Statewide public notice of the time, date and close of enrolments  | S4.39 (2)                    |
| 50              | Close of roll at 5.00pm  | S4.39 (1)                    |
| 44              | Nominations open. Nominations open for 8 days  | S4.49 (a)                    |
| 38              | Nominations can be withdrawn not later than 4.00pm on the 38 <sup>th</sup> day before election. Deposit is refunded  | EI Reg 27 (5)                |
| 37              | Close of nominations at 4.00pm   | S4.49 (a)                    |
| 36              | CEO to prepare owners and occupiers roll for election. Electoral Commissioner to prepare residents roll.   | S4.41 (1) and s4.40 (2)      |
| 36              | Returning Officer to give Statewide public notice of the election as soon as practicable but no later than on the 19 <sup>th</sup> day before the election | S4.64 (1)<br>EI Reg 31       |
| 22              | Preparation of electoral roll to be completed on or before 22 <sup>nd</sup> day before election day  | EI Reg 18 (2)                |
| 18              | Last day to give Statewide public notice of election   | S4.64 (1)                    |
| 4               | Close of absent voting and close of postal vote applications at 4.00pm. (Early voting closes 4.00pm day before election)                                   | S4.68 ©<br>EI Reg 37 (3) (4) |
| 0               | Election Day   | S4.7                         |

Given the requirement for a public notice to be given no more than 80 days or no less than 56 days before the election this would make the earliest practical dates Friday 18 December 2009; Friday 25 December 2009 or 1 January 2010. Obviously the latter two dates would not be possible due to public holidays.

An election date is to be held no later than 4 months from the date of the resignation of the elected member. Using this date the latest date without the approval of the Electoral Commissioner would be Friday 29 January 2010.

The earliest and latest dates pose concern due to the likelihood that there will be fewer residents in town due to annual leave etc.

Advice is being sought from the Electoral Office to extend the 4 month period to 6 months. If not received before the close of the Agenda the information will be tabled at the Meeting.

## **ATTACHMENTS**

Nil

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That the date for the Extraordinary Election to fill the vacancy created by the resignation of Cr. Paul Caley be Friday 12 March 2010.

## **COUNCIL DECISION**

***Minute No. 8881***

***Moved:Cr R Addis***

***Seconded:Cr D Ausburn***

***That Council request approval from the Electoral Commissioner to hold an election on 12 March, 2010.***

***CARRIED UNANIMOUSLY: (8/0)***

*The Council Resolution differs from the Officers Recommendation as elected members had not received written advice from the WA Electoral Commission at the time of the meeting.*

### 13.6.6 ORD IRRIGATION COOPERATIVE - REQUEST FOR DEED OF AGREEMENT (8882)

|                           |  |
|---------------------------|--|
| <b>DATE:</b>              | 20 October 2009                              |
| <b>PROPONENT:</b>         | Ord Irrigation Cooperative Ltd               |
| <b>LOCATION:</b>          | Shire Of Wyndham East Kimberley              |
| <b>AUTHOR:</b>            | Alex Douglas, Acting Chief Executive Officer |
| <b>REPORTING OFFICER:</b> | Alex Douglas, Acting Chief Executive Officer |
| <b>FILE NO:</b>           | 50.09.05                                     |
| <b>ASSESSMENT NO:</b>     | N/A  |

#### **PURPOSE**

The purpose of this report is for Council to consider a request for a Deed of Agreement relating to Ord Irrigation Co-operative Ltd (OIC) infrastructure downstream of the proposed additional M1 Channel culverts.

#### **BACKGROUND**

The installation of culverts and widening of the D2 drain are progressing with a view to work commencing in early November 2009.

#### **STATUTORY IMPLICATIONS**

The signing of the Deed of Agreement would oblige Council to be responsible for maintenance, repairs and improvements resulting from damage to the OIC infrastructure by the additional flows of water from the additional culverts.

#### **POLICY IMPLICATIONS**

No specific Council Policies apply.

#### **FINANCIAL IMPLICATIONS**

It is very difficult to quantify what financial implications are associated with the acceptance of the Deed as each instance of stormwater flows under the M1 Channel and in to the D2 Drain are subject to a wide range of variables such as rainfall intensity and duration, OIC maintenance activities, Shire and Water Corporation maintenance activities, and the actions of the adjoining land owners.

The staged project is being funded by the State and Federal Governments.

#### **STRATEGIC IMPLICATIONS**

The intent to mitigate the effects of property inundation on the land between the M1 Channel and Weaber Plain Rd between Mills Rd and adjacent Mulligans Lagoon Rd has been a significant issue for the Council to resolve in the absence of interest from other agencies.

The acceptance and/or modification of the Deed of Agreement is reliant on the State Government funding conditions which obliges a three-party agreement between the OIC, the Water Corporation and the Shire.

## **COMMUNITY CONSULTATION**

There has been consultation with the affected property owners over many years, but none related to the requirements of the Shire to enter in to an agreement to indemnify the OIC against any damages or claims.

## **COMMENT**

The OIC has been consistent in their demands for indemnification from the Shire with respect to any costs of alterations to their infrastructure or any claims of damages from potentially affected property owners as a result of the additional stormwater flows. The net volume of water will remain the same; however the characteristics of the flow will be higher.

Due to the structure of the Cooperative, the Deed of Agreement includes the Ord Irrigation Cooperative Ltd and the Ord Irrigation Asset Mutual Co-operative Ltd.

It is not expected that advice will be available in time for the meeting with respect to legal and insurance advice prior to the meeting.

The Officer's Recommendation has been worded to allow for delegation of authority to the Shire President and Deputy Shire President to sign the Deed of Agreement subject to the advice to be received not raising significant issues against the Shire's signing.

## **ATTACHMENTS**

Attachment 1: OIC correspondence

Attachment 2: Deed of Agreement

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council authorise the Shire President and Deputy Shire President to sign the Deed of Agreement between the Ord Irrigation Co-operative Ltd and the Ord Irrigation Asset Mutual Co-operative Ltd subject to no material adverse legal or insurer advice being received.

## **COUNCIL DECISION**

***Minute No. 8882***

***Moved:Cr J Moulden***

***Seconded:Cr J Parker***

***That Council authorise the Shire President and Deputy Shire President to sign the Deed of Agreement between the Ord Irrigation Co-operative Ltd and the Ord Irrigation Asset Mutual Co-operative Ltd subject to no material adverse legal or insurer advice being received.***

***CARRIED UNANIMOUSLY: (8/0)***



- The Shire has approached Ord Irrigation Co-Operative Ltd and Ord Irrigation Asset Mutual Co-Operative Ltd which together own or control and operate the irrigation infrastructure and assets, with a view to obtaining each Co-Operative's consent to the Shire's proposals.
- The Co-Operatives do not wish to stand in the way of the Shire's flood mitigation proposals but because of the unknown consequences of the Shire's proposed modifications to the present irrigation drainage system and the costs involved, the Co-Operatives which were established for a particular purpose and operate on a limited budget, would only give their consent and support to the proposals provided:
  - o all works are carried out at no cost to either Co-Operative;
  - o the Shire takes responsibility for any adverse effects arising out of modification of and discharge of additional water into the D2 drainage system and any associated downstream erosion or silting up of the drainage systems affected;
  - o the Shire obtain any consents that may be required from the Water Corporation, which retains ownership of the M1 Channel, for the proposed installation of additional pipes or drainage siphons under the M1 Channel;
  - o the Shire co-ordinate the works so as to ensure that the interruption to the operation of the M1 Channel necessitated by its closure to install the additional pipes is limited to a maximum of 12 days at a reasonable time agreed to by the Co-Operatives;
  - o all works be carried out at the Shire's cost including any future work required to the D2 Drain should the D2 Drain require further enlargement or modification as a result of the additional water flow resulting from the Shire's additional drainage pipes;
  - o the Shire contribute to the cost of any extra periodical maintenance work which may be required to the D2 Drain resulting from the additional pressure on the D2 Drain from increased flood water flow;
  - o the Shire obtain and comply with any EPA or other environmental authority consents or requirements (if any) which may arise out of the proposed works; and
  - o the Shire enter into a Deed of Indemnity with the Co-Operatives, indemnifying them against any liabilities, costs or damages which may be incurred by them whether during the installation of the additional pipes, or the widening of, and disposal of additional drainage water down the D2 Drain including any liability which may arise out of closure of the M1 Channel from any works delays in installing the additional pipes and widening the D2 Drain.

The Shire will appreciate that each Co-Operative must ensure that its Members are not exposed to any additional unbudgeted expenses, losses or damage as a consequence of SWEK's proposals to significantly modify the drainage flows under the M1 Channel and into the D2 Drain.

Provided the Shire accepts responsibility for the construction costs and any adverse consequences, losses or damages suffered by either Co-Operative which may arise out of implementation of the proposed modifications, and indemnifies the Co-Operatives accordingly, the Co-Operatives for their respective rights and interests will consent to the proposed works.

Yours faithfully



Lindsay Innes  
Chairman  
Ord Irrigation Asset Mutual Co-Operative  
Ltd



Geoff Strickland  
Chief Executive Officer  
Ord Irrigation Co-Operative Ltd

**DEED OF INDEMNITY**  
**M1 / D2 Shire Drainage Works**

This DEED OF INDEMNITY is made on the            day of            2009

**B E T W E E N :**

ORD IRRIGATION CO-OPERATIVE LTD (ABN 33 107 175 858) of 2259 Carpentaria Street, Kununurra in the State of Western Australia and ORD IRRIGATION ASSOCIATION MUTUAL CO-OPERATIVE LIMITED (ABN 51 450 103 611) of 2258 Carpentaria Street, Kununurra in the State of Western Australia ("the Co-operatives") of the one part and SHIRE OF WYNDHAM EAST KIMBERLEY of 115 Coolabah Drive, Kununurra in the State of Western Australia ("the Shire") of the other part.

**IN THE FOLLOWING CIRCUMSTANCES :**

- A. The respective Co-Operatives own certain irrigation assets and/or manage and operate the Ord Irrigation Scheme Stage 1 ("the Scheme").
- B. The Water Corporation owns the irrigation infrastructure known as the M1 Channel which is otherwise operated and maintained for the Water Corporation by the first-named Co-Operative.
- C. The D2 Drain located on the plan attached is utilised within the Irrigation Scheme to drain various portions of the Scheme.
- D. The area of land immediately east of the M1 Channel is designated as a flood surge area and is prone to rain water inundation during each wet season.
- E. Owners of land on the eastern side of the M1 Channel have, with the Shire's approval, erected various buildings some of which are located on the flood surge area east of the M1 Channel or are affected by wet seasons' flooding.
- F. Certain drainage piping was originally installed under the M1 Channel to assist in draining land east of the M1 Channel, and the existing pipes presently flow into the Scheme's D2 Drain owned and operated by the Co-Operatives.
- G. In order to assist with further mitigation of the flood surge effects on the land east of the M1 Channel, the Shire wishes to install further pipes or drainage siphons under the M1 Channel to discharge into the D2 Drain from the east side of the M1 Channel.
- H. The Shire has requested the Co-Operative's approval and assistance with the Shire's proposals which will involve:
  - temporary closure of M1 Channel to install under Channel piping;
  - the resultant inflow of additional drainage water into the D2 Drain during each wet season; and
  - the upgrading and widening of the D2 Drain in order to facilitate disposal of the additional drainage water flowing through the additional pipes during each wet season.

7. The Co-Operatives will provide their consent subject to the Shire providing the indemnities contained in this Deed.

**NOW BY THIS DEED OF INDEMNITY :**

**1. Co-Operatives' Approval**

Subject to the Shire:

- 1.1. obtaining such engineering advice as may be prudent or appropriate for the Shire's proposals;
- 1.2. obtaining such consents or approvals as may be appropriate from the Water Corporation as owner of the M1 Channel infrastructure;
- 1.3. co-ordinating the works so as to ensure that closure of the M1 Channel during the construction period is limited to a maximum of twelve (12) days at such time as is mutually agreed to by the Co-Operatives and the Shire;
- 1.4. meets the costs of all works together with any reasonable costs incurred by the Co-Operatives including preparation of this indemnity;
- 1.5. carries out such additional works as may be necessary or appropriate in the future to ensure the safe and controlled disposal of additional drainage water introduced into the D2 Drain by the Shire; and
- 1.6. providing the indemnity contained herein to each of the Co-Operatives,

the Co-Operatives will consent to and assist the Shire in co-ordinating and installing the additional pipes or drainage siphons in the locations set out on the plan attached together with the upgrading and widening of the D2 Drain as may be required or prudent for the disposal of the additional drainage water.

**2. Shire's Responsibilities**

The Shire must use all reasonable endeavours to carry out the works necessary to modify and upgrade the drainage system proposed by the Shire in a prompt and diligent manner at such time or times as are agreed to between the Co-Operatives and the Shire.

**3. Indemnity**

In consideration of the Co-Operatives consenting to the Shire installing its additional drainage pipes under the M1 Channel and discharging drainage water into the D2 Drain, the Shire hereby agrees to indemnify and keep each respective Co-Operative indemnified against:

- 3.1. any and all costs which may be incurred by either Co-Operative in completing the drainage works;
- 3.2. any costs incurred by either Co-Operative in complying with any present or future requirements of the Water Corporation, any environmental authority or other governmental or semi-governmental authority;

- 3.3. any claims, demands, actions, costs, damages or expenses incurred or suffered by either of the Co-Operatives arising out of closure of the M1 Channel to facilitate installation of the Shire's additional drainage pipes and in the process of widening and upgrading of the D2 Drain;
- 3.4. any claims, demands, actions, costs, damages or expenses incurred by either of the Co-Operatives arising out the discharge of additional flood or other water through the Shire's infrastructure into the D2 Drain including but not limited to any consequential loss or damage suffered by the Co-Operatives or either of them in respect thereof; and
- 3.5. the costs of any additional maintenance, upgrading or capital works required from time to time now or in the future to the D2 Drain or any downstream drainage facilities necessitated by the additional drainage water discharged into the D2 Drain through the Shire's additional drainage infrastructure.

#### 4. Duration

The Shire acknowledges that the indemnities contained herein are continuing indemnities which shall remain in full force and effect as long as the Shire discharges drainage water into the D2 Drain utilising the drainage facilities now to be installed by the Shire.

#### 5. Costs and Duty

The Shire must pay the Co-Operatives' reasonable costs of preparation and completion of this Deed of Indemnity and pay any duty which may be levied or assessed hereon.

#### 6. Parties

Whoever herein appearing the term "the Co-Operatives" means ORD IRRIGATION CO-OPERATIVE LTD (ABN 33 167 175 858) together with its successors, transferees and assigns, and ORD IRRIGATION ASSET MUTUAL CO-OPERATIVE LIMITED (ABN 51 480 193 611) together with its successors, transferees and assigns, and the term "the Shire" means the Shire of Wyndham East Kimberley together with any local authority carrying out similar functions to the Shire which may succeed the Shire.

This DEED OF INDemnITY was executed by the parties hereto as a Deed on the date first appearing above.

The Co-Operatives :  
Executed by ORD IRRIGATION CO-OPERATIVE LTD (ABN 33 107 175 858) with the authority of its Board in the presence of:

[Signature]  
Director

DARREN SMITH  
Print Full Name of Director

[Signature]  
Chief Executive / Secretary

GEORGE SPICKLAND  
Print Full Name of Chief Executive / Secretary

Executed by ORD IRRIGATION ASSET MUTUAL CO-OPERATIVE LIMITED (ABN 51 460 103 611) with the authority of its Board in the presence of:

[Signature]  
Director

LINDSAY JAMES  
Print Full Name of Director

[Signature]  
Director / Secretary

JOHN LESLIE WOODHEAD  
Print Full Name of Director / Secretary

The Shire :  
Executed by SHIRE OF WYNDHAM EAST KIMBERLEY by affixing its Seal in the presence of:

\_\_\_\_\_  
Shire President

\_\_\_\_\_  
Print Full Name of Shire President

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Print Full Name of Councillor

### 13.6.7 REQUEST FOR ALTERNATE MATERIALS FOR NEW ROUNABOUT LAKESIDE STAGE 5 (8883)

|                           |  |
|---------------------------|--|
| <b>DATE:</b>              | 20 October 2009                              |
| <b>PROPONENT:</b>         | Shire Of Wyndham East Kimberley              |
| <b>LOCATION:</b>          | Lakeside Stage 5, Kununurra                  |
| <b>AUTHOR:</b>            | Alex Douglas, Acting Chief Executive Officer |
| <b>REPORTING OFFICER:</b> | Alex Douglas, Acting Chief Executive Officer |
| <b>FILE NO:</b>           | 43.04.17                                     |
| <b>ASSESSMENT NO:</b>     | N/A  |

#### **PURPOSE**

For Council to consider a request from LandCorp to reduce the requested defects liability period for the roundabouts to be constructed within Stage 5 Lakeside from 5 years to 2 years.

#### **BACKGROUND**

LandCorp's consultant engineers nominated brick/block paving for roundabouts within Lakeside Stage 5 in the submitted construction drawings early in 2009. They were advised that Council has a standing resolution requiring the construction of new roundabouts to have a concrete pavement to minimise future pavement deformation and maintenance.

In late July correspondence was received from LandCorp advising that they were authorising the contractor to purchase and deliver concrete block pavers for the first of the roundabouts which will be a new intersection on Hibiscus Drive near the Sirius Street intersection.

A deputation comprising LandCorp consultants presented information to Council at its Ordinary Meeting held on 15 September 2009. Council resolved that:

***Minute No: 8805***

***Moved:Cr K Wright***

***Seconded:Cr D Ausburn***

***That Council accept the use of 80 mm concrete block paving in the construction of roundabouts within Lakeside 5 and subsequent Stages where applicable on the basis that LandCorp accept a 5 year defects liability period from the date of practical completion.***

***CARRIED: (6/2)***

***For: Cr F Mills, Cr R Addis, Cr D Ausburn, Cr R Boshammer, Cr K Torres and Cr K Wright.***

***Against: Cr P Caley and Cr J Moulden.***

## **STATUTORY IMPLICATIONS**

No specific statutory implications are associated with this report.

## **POLICY IMPLICATIONS**

Council does not have a specific policy on roundabout construction.

## **FINANCIAL IMPLICATIONS**

The development costs associated with Lakeside Stage 5 are funded by LandCorp. Upon practical completion of the road works, the Shire takes responsibility for the roads and associated infrastructure except that a defects liability period of twelve months covers any obvious construction failures that are rectified at the contractors cost.

Beyond the initial twelve month period the road infrastructure is the sole responsibility of the Shire. The concern is that the Shire has experienced pavement failures at several roundabouts and is understandably cautious in respect of new works.

## **STRATEGIC IMPLICATIONS**

The management of the Shire's assets is a significant component of the Shire's strategic planning and the need to ensure that future maintenance and replacement costs is minimised through appropriate materials and design specifications.

## **COMMUNITY CONSULTATION**

No community consultation has been undertaken in the preparation of this report.

## **COMMENT**

LandCorp's consultants provided the Lakeside Stage 5 construction drawings for approval in early 2009. One of the items queried was the proposed materials for the construction of a roundabout on Hibiscus Drive where a new road intersects near the Sirius Street/Hibiscus Drive intersection.

Council's decision on the nominated use of concrete pavements was conveyed to them in writing. Subsequent discussion via email and telephone established that should LandCorp pursue the use of an alternative pavement (use of interlocking concrete pavers was proposed) then it would have to be referred to Council. It will be noted in the attached correspondence that reference is made to the issue being referred to the April Briefing Session and Council Meeting. This did not occur as information from LandCorp and their consultants was not forthcoming.

LandCorp consultants advised that pavers had been used on at least one roundabout in Broome, and it was agreed that a report to Council must include a local government 'referee' as to the use and suitability. The consultants undertook to provide that documentation.

On 20 July 2009 correspondence from LandCorp, SKM engineering consultants and a copy of an email relating to the Shire of Broome were emailed to us. The context of the correspondence was to advise that LandCorp's civil contractor for Lakeside Stage 5 needed to order the paving materials for the roundabout and to

allow for the freight arrangements LandCorp had authorised the contractor to order the pavers.

The problem for LandCorp is that their consultants are not prepared to recommend a full concrete pavement at the roundabout, however acknowledge that brick paving is easier to repair/reinstate in the event of deformation.

The very issue of weakened pavement strength from high water table and compaction control on relatively small diameter roundabouts is the very reason why Council has taken a stance with respect to preferred materials/construction.

Staff acknowledge that there are construction and maintenance issues with concrete pavements. It is also known that interlocking pavers have been used successfully in numerous locations with high traffic demand. The question relates to longevity of the pavement materials chosen and the level of risk of subsequent maintenance or failure. The comments made by the Broome staff reflect those issues and concerns.

The issues of weakened sub-grade and sub-base layers resulting from ground water need to be addressed irrespective of the actual base course chosen. Localised settlement will occur if the groundwater issue is not addressed, with the difference between flexible pavement, block paving and concrete pavement is where and the extent of settlement/deformation.

It is unusual for nationally based consultants such as SKM to state that they would not certify a concrete roundabout when it would be highly likely that the company has designed and advocated concrete roundabouts elsewhere in Australia.

The following comments are considered to summarise the situation:

- LandCorp have been aware of the Council's position on roundabout pavements for some time;
- LandCorp's consultant advice is that a concrete pavement should not be used;
- There is nothing unique in the use of either concrete pavements or interlocking block pavers at roundabouts;
- There are localised soil conditions that need to be accounted for in any design of the roundabout and roads;
- The Shire is expected to take responsibility for the road network upon practical completion with a twelve month defects liability period ending twelve months after practical completion.
- It is not practical for the Shire to submit an alternate design from another engineering consultant, particularly given the timeframe for completion;

An extended warranty period for the block paving would be acceptable.

LandCorp have written to advise that they will only offer a 2 year defects liability period:

Your Ref: 43.04.17  
Our Ref: A95274  
Enquires: Will Eyres (08)9482 7589 will.eyres@landcorp.com.au

|            |             |
|------------|-------------|
| Doc No.    | 067880      |
| Date       | 12 OCT 2009 |
| Officer    | xmeds       |
| Response   |             |
| File       | 43.04.17    |
| Cross Ref. |             |



Mr Alex Douglas  
Acting Chief Executive Officer  
Shire of Wyndham East Kimberley  
PO Box 614  
Kununurra WA 6743

Dear Mr Douglas

**NEW ROUNDABOUT HIBISCUS DRIVE LAKESIDE PARK STAGE 5  
LAKESIDE PARK KUNUNURRA**

On 15 September 2009 the Council passed a resolution seeking an extraordinary 5 year defects liability period for the proposed paved roundabout on Hibiscus Drive. LandCorp is keen to work with the Council but considers these terms excessive. I am prepared to offer a two year defects liability period, which provides an additional year above standard contractual practice in Western Australia.

We endorse the roundabout designs provided by our consulting engineers and their associated advice that the use of cement stabilised sub-base and sub-soil drainage infrastructure will ensure the roundabout remains stable within acceptable engineering parameters.

LandCorp considers its self a responsible developer, and will be undertaking civil works projects within Kununurra in the future, and therefore in the unlikely event that maintenance issues with this roundabout arise they would be promptly and professionally addressed.

Yours sincerely

A handwritten signature in black ink, appearing to read "Peter McNally".

Peter McNally  
**BUSINESS MANAGER**  
Regional North  
1 October 2009

WESTERN AUSTRALIAN LAND AUTHORITY 400 50 800 130 833  
Level 3, Westfarms House  
40 The Esplanade Perth Western Australia 6000  
Locked Bag 5 Perth Business Centre Perth Western Australia 6849

T (08) 9482 7499  
F (08) 9481 0881  
landcorp@landcorp.com.au  
www.landcorp.com.au

**ATTACHMENTS**

Nil

**VOTING REQUIREMENT**

Simple majority

**OFFICER'S RECOMMENDATION**

That Council advise LandCorp that a defects liability period less than five years is not acceptable.

**COUNCIL DECISION**

***Minute No. 8883***

***Moved:Cr R Addis***

***Seconded:Cr J Moulden***

***That Council advise LandCorp that a defects liability period less than five years is not acceptable.***

***CARRIED: (6/2)***

***For: Cr F Mills, Cr D Ausburn, , Cr J Parker, Cr K Torres and Cr J McCoy.***

***Against: Cr R Addis and Cr J Moulden.***

### 13.6.8 PROPOSED CHANGE IN MANAGEMENT ORDER FOR RESERVE 41812 (8884)

|                           |  |
|---------------------------|--|
| <b>DATE:</b>              | 20 October 2009                              |
| <b>PROPONENT:</b>         | Shire Of Wyndham East Kimberley              |
| <b>LOCATION:</b>          | Reserve 41812, Kununurra Foreshore           |
| <b>AUTHOR:</b>            | Alex Douglas, Acting Chief Executive Officer |
| <b>REPORTING OFFICER:</b> | Alex Douglas, Acting Chief Executive Officer |
| <b>FILE NO:</b>           | 01.2860.08                                   |
| <b>ASSESSMENT NO:</b>     | A2860  |

#### **PURPOSE**

The purpose of this report is to consider a proposal by the Department of Water (DoW) to excise a portion of the foreshore reserve abutting King Location 715 and withdraw from the co-vesting of the balance of the foreshore reserve (Reserve 41812).

#### **BACKGROUND**

Reserve 41812 comprises 11 land parcels bordering Lake Kununurra and Lily Creek lagoon (refer Attachment1) and is currently co-vested in the Shire of Wyndham East Kimberley and the DoW.

Two of the land parcels are within the Priority 1 Public Drinking Water Source Area (P1), and these two parcels are proposed to be excised from Reserve 41812 and to be retained with a co-vested Management Order. The two parcels are Lots 3003 and 3004 and shown highlighted on Attachment 2.

A concern with a portion of Lot 3003 is that it fronts the Discovery (ex Kona) Caravan Park and the retention of co-vesting defeats the intent of the DoW withdrawal from the other portions of the reserve.

#### **STATUTORY IMPLICATIONS**

The assignment of Management Orders for Crown Land is administered by the State Land Services and approved by the Minister for Lands. The proposed changes require the approvals of the Shire and the DoW prior to consideration by the State Land Services and the Minister.

#### **POLICY IMPLICATIONS**

There are no specific policies that apply.

#### **FINANCIAL IMPLICATIONS**

The Shire presently undertake the majority of management and maintenance activities on the reserve and there is no perceived increase in financial obligation on the Shire.

## **STRATEGIC IMPLICATIONS**

The co-vesting of Reserve 41812 has been a matter of contention over several years and the withdrawal of the DoW from the major portion of the reserve will lead to a more straightforward management approach for the land. The DoW remains a referral agency with respect to water quality and disturbance of beds and banks.

## **COMMUNITY CONSULTATION**

There has been no public consultation in the preparation of this report.

## **COMMENT**

A consequence of the change in Management Order would be that Council could progress a number of recommendations from the Foreshore Plan adopted in 2006 with respect to the creation of precincts and changes to reserve boundaries. These have primarily not been initiated because of the co-vesting of the foreshore reserve.

A draft Foreshore Land Use Plan (refer Attachment 3) has been prepared by staff to provide an indication of how changes may be made to a number of areas along and abutting the foreshore from the Diversion Dam to and including the Race Course.

The DoW seeks to have the Shire retain interest in the portion of the foreshore reserve within the P1 area.

There appears to be no valid reason for the Shire to be involved with the P1 area that would benefit the broader community. On that basis the recommendation is that the DoW will have the sole vesting of the foreshore reserve abutting the P1 area including the Discovery Park caravan park. This would require the DoW to have a lease with the Park owners in lieu of the Shire and DoW that has been assumed to date.

## **ATTACHMENTS**

Attachment 1: Map – Reserve 41812

Attachment 2: Map – Highlighted Lots 3003 and 3004

Attachment 3: Map – Draft Foreshore Landuse Plan

## **VOTING REQUIREMENT**

Simple majority

## **OFFICERS RECOMMENDATION**

That Council advise the Department of Water and State Land Services that it is prepared to accept changes to the Management Order for Reserve 41812 as follows:

That Council advise the Department of Water and State Land Services that it is prepared to accept changes to the Management Order for Reserve 41812 as follows:

- a) All portions of Reserve 41812 not fronting King Location Lots 715, 324, 440 and 274 are to be vested with the Shire of Wyndham East Kimberley; and

- b) Those portions of Reserve 41812 abutting King Location Lots 715, 324, 440 and 274 be excised from Reserve 41812 and be vested with the Department of Water on the basis that there is no community benefit in retaining dual vesting.

### **COUNCIL DECISION**

***Minute No. 8884***

***Moved:Cr J Parker***

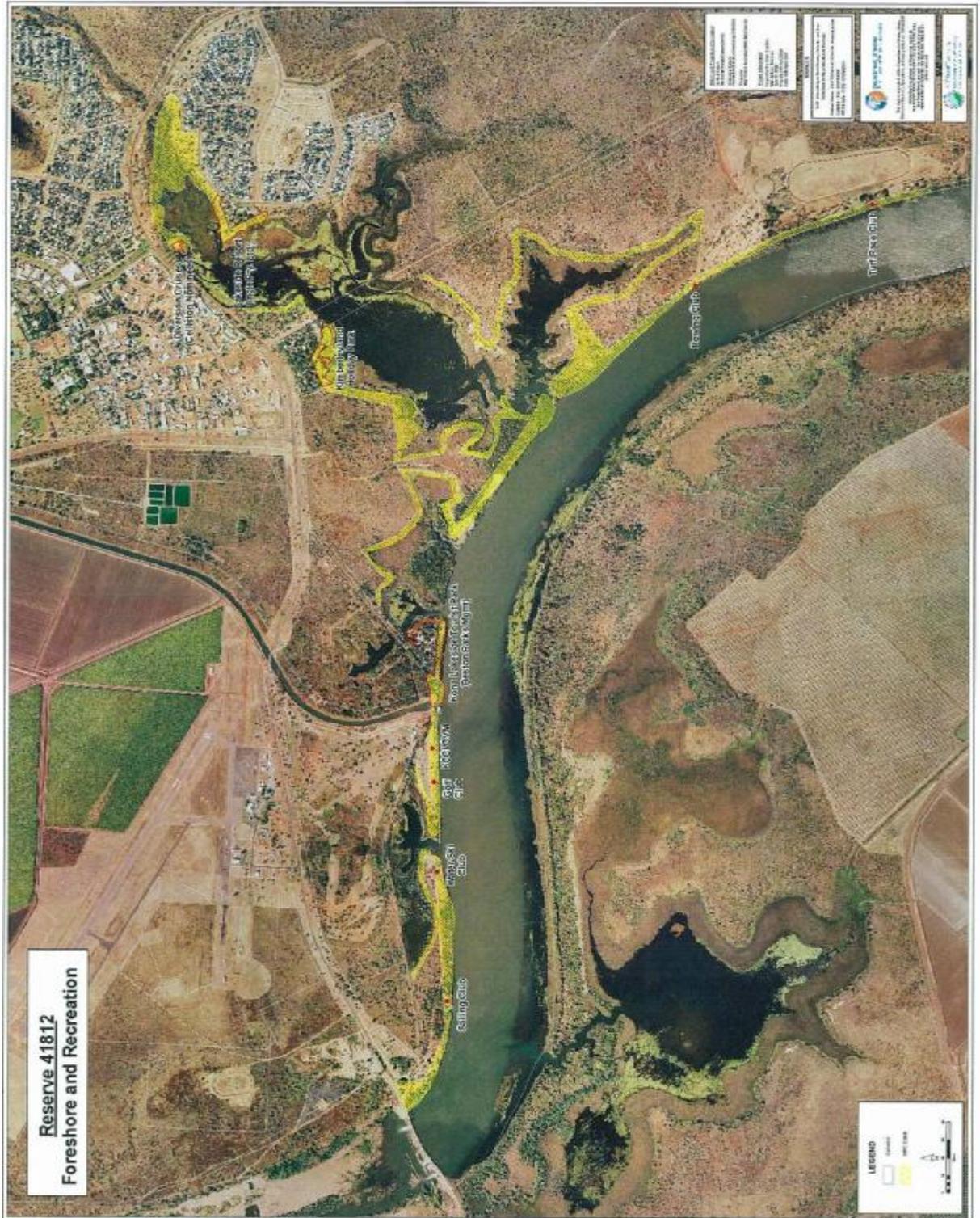
***Seconded:Cr K Wright***

**That Council advise the Department of Water and State Land Services that it is prepared to accept changes to the Management Order for Reserve 41812 as follows:**

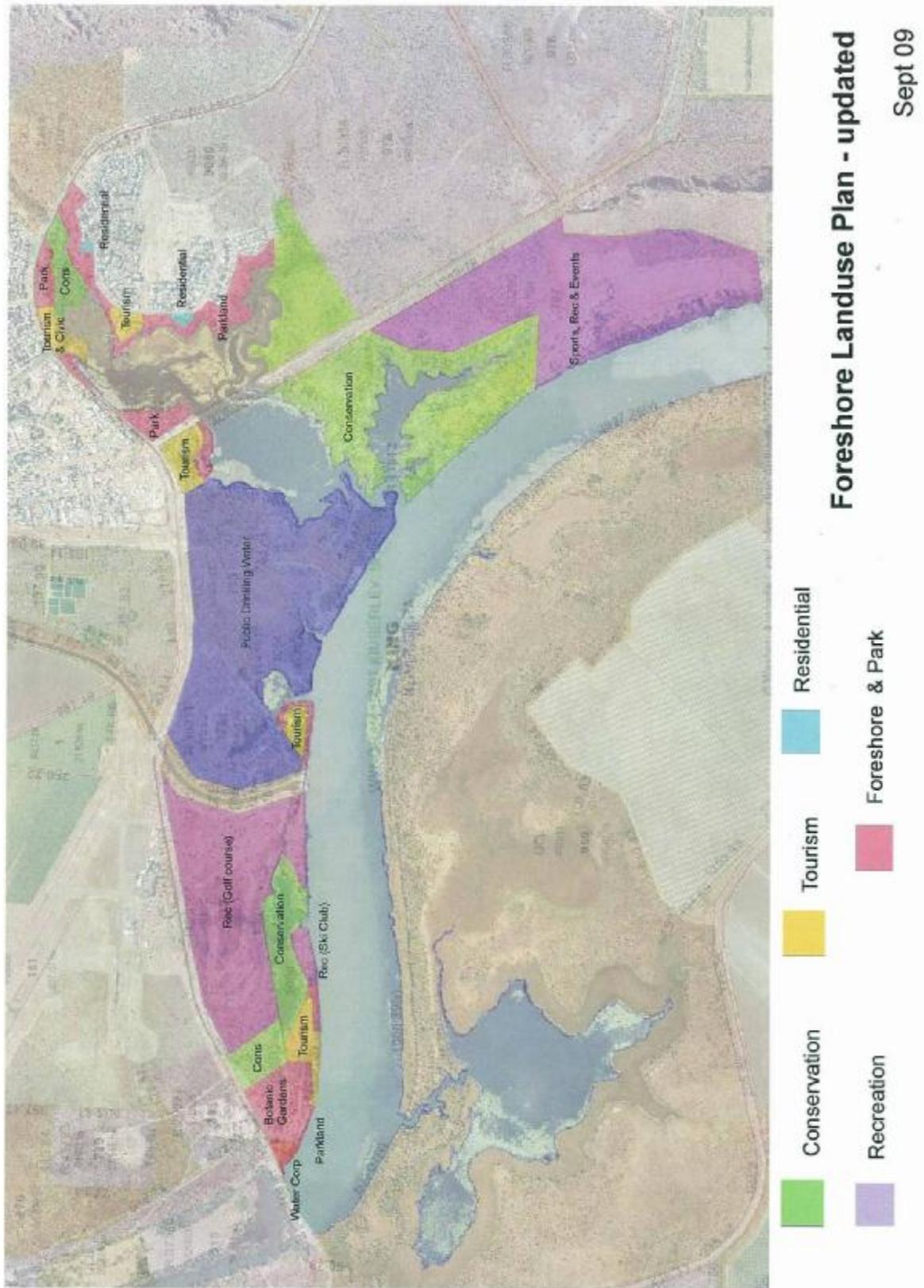
- c) All portions of Reserve 41812 not fronting King Location Lots 715, 324, 440 and 274 are to be vested with the Shire of Wyndham East Kimberley; and
- d) Those portions of Reserve 41812 abutting King Location Lots 715, 324, 440 and 274 be excised from Reserve 41812 and be vested with the Department of Water on the basis that there is no community benefit in retaining dual vesting.

***CARRIED UNANIMOUSLY: (8/0)***

ATTACHMENT 1: RESERVE 41812







### 13.6.9 COMMERCIAL BOAT LEASES - CREATION OF RESERVE (8885)

|                           |  |
|---------------------------|--|
| <b>DATE:</b>              | 20 October 2009                              |
| <b>PROPONENT:</b>         | Shire Of Wyndham East Kimberley              |
| <b>LOCATION:</b>          | Lake Kununurra, Kununurra                    |
| <b>AUTHOR:</b>            | Alex Douglas, Acting Chief Executive Officer |
| <b>REPORTING OFFICER:</b> | Alex Douglas, Acting Chief Executive Officer |
| <b>FILE NO:</b>           | 43.04.01                                     |
| <b>ASSESSMENT NO:</b>     | N/A  |

#### **PURPOSE**

To endorse the actions of the Acting Chief Executive Officer in regards to the action to advance the creation of the commercial boating lease area.

#### **BACKGROUND**

The preparation of leases for the new commercial boating area has been stalled as a result of the issue of lease areas crossing the boundaries of two reserves, one vested in the Shire and the other co-vested with the Department of Water and the Shire.

#### **STATUTORY IMPLICATIONS**

As the leases are Crown Land the Minister for Lands is required to agree to, and sign the leases.

#### **POLICY IMPLICATIONS**

There are no specific policy implications associated with this report.

#### **FINANCIAL IMPLICATIONS**

The preparation of the leases and creation of a new reserve are to be met by the lessees.

#### **STRATEGIC IMPLICATIONS**

The creation of the commercial boating area has been ongoing for many years and whilst the delays are frustrating to all parties the project is nearing completion. The removal of the commercial tour operations from the Lagoon will be of a significant benefit to the broader community.

#### **COMMUNITY CONSULTATION**

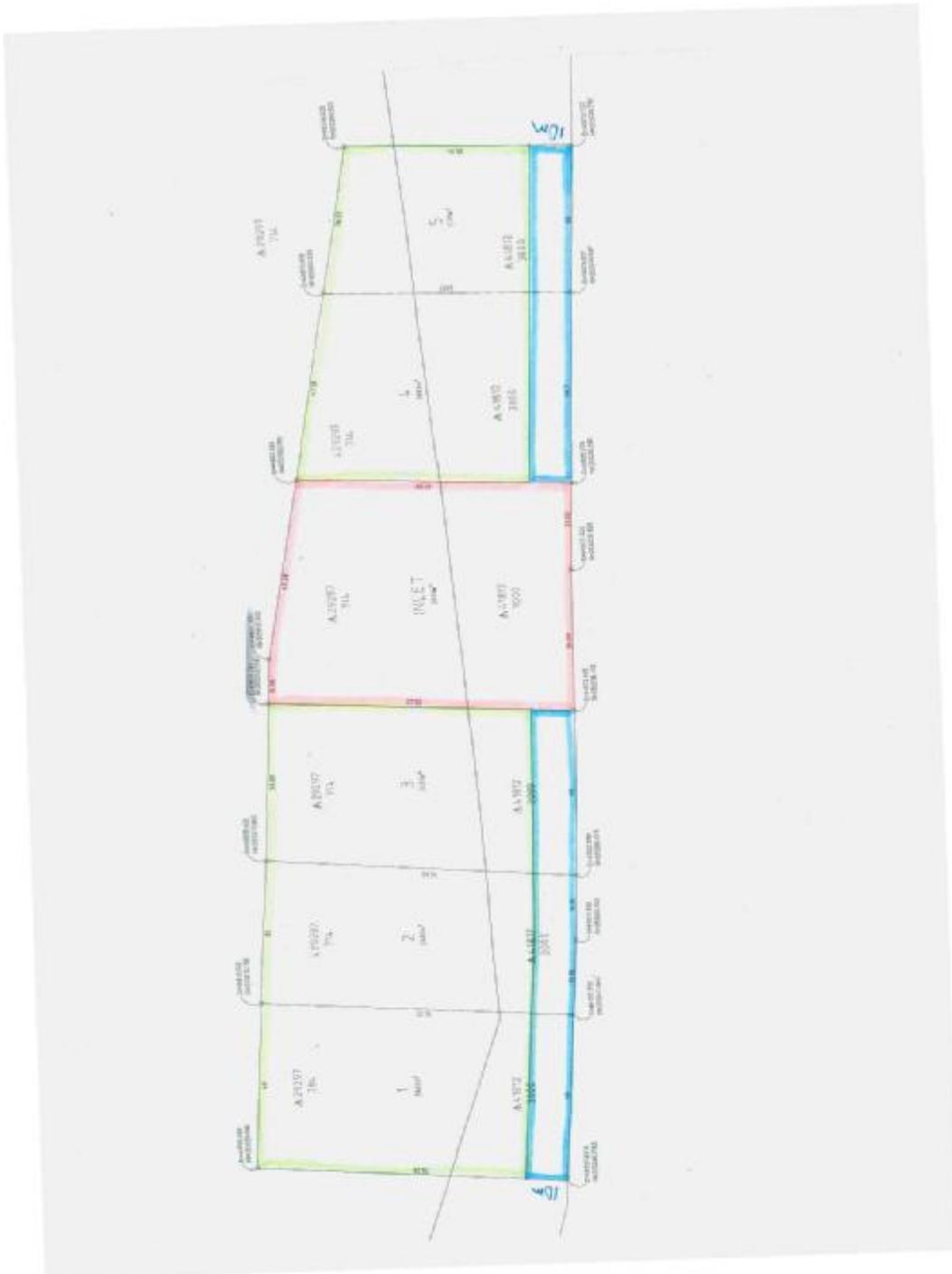
No consultation has been undertaken in the preparation of this report.

#### **COMMENT**

State Land Services (SLS) recently advised that the Minister for Lands would be advised against signing a single lease involving two reserves or two independent but connected leases. Up to that point it was believed that there were no issues that would affect the lease documentation and that we only waiting on advice from the State Solicitors Office.

The SLS correspondence relating to the creation of new reserves for the boat land sailing club leases, and foreshore protection is included as an attachment to this report.

The plan attached to the correspondence is included in the body of the report as follows:



The need to progress the leases is a priority and whilst the creation of the reserve requires some time to complete it was considered appropriate to accept the proposal and avoid the ongoing issue of the Minister for Lands not signing any leases.

The prospective lessees have been advised of the action to create the new reserve.

The proposed action by State Land Services involves the following:

1. The creation of a reserve for the purpose of 'Tourist Facility' for the area bordered in green. The Management Order for this area will be with the Shire of Wyndham East Kimberley and include power to lease for up to 21 years.
2. The inlet identified between lots 3 and 4 to be included into Reserve 41812 ('Foreshore and Recreation'). Reserve 41812 will therefore be re-described to exclude that portion of Lots 1-5 within the area bordered green and *include* the inlet bordered in pink.
3. The creation of a reserve for the purposes of 'Foreshore Protection, Tourist Facility and Public Access' for the area bordered in blue. The Management Order for this area to be with the Shire of Wyndham East Kimberley and include power to licence for up to 21 years.

The Foreshore Protection reserve was not expected but is State Government policy and attempts to amend the proposal would only unnecessarily delay the new reserve and leases.

In practical terms the ability of the public to 'enjoy' the continuity of the foreshore is interrupted by the inlet, and in other places the natural vegetation. Licences for the lessees are intended to be prepared consistent with the leases where the lessee requires access across and to the foreshore and water's edge.

## **ATTACHMENTS**

Attachment 1: SLS correspondence

Attachment 2: Shire response to SLS correspondence

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council endorse the creation of new reserves as follows:

1. The creation of a reserve for the purpose of 'Tourist Facility' for the area bordered in green. The Management Order for this area will be with the Shire of Wyndham East Kimberley and include power to lease for up to 21 years.
2. The inlet identified between lots 3 and 4 to be included into Reserve 41812 ('Foreshore and Recreation'). Reserve 41812 will therefore be re-described to exclude that portion of Lots 1-5 within the area bordered green and *include* the inlet bordered in pink.
3. The creation of a reserve for the purposes of 'Foreshore Protection, Tourist Facility and Public Access' for the area bordered in blue. The Management Order for this area to be with the Shire of Wyndham East Kimberley and include power to licence for up to 21 years.

## **COUNCIL DECISION**

***Minute No. 8885***

***Moved:Cr R Addis***

***Seconded:Cr J Parker***

**That Council endorse the creation of new reserves as follows:**

- 4. The creation of a reserve for the purpose of 'Tourist Facility' for the area bordered in green. The Management Order for this area will be with the Shire of Wyndham East Kimberley and include power to lease for up to 21 years.**
- 5. The inlet identified between lots 3 and 4 to be included into Reserve 41812 ('Foreshore and Recreation'). Reserve 41812 will therefore be re-described to exclude that portion of Lots 1-5 within the area bordered green and *include* the inlet bordered in pink.**
- 6. The creation of a reserve for the purposes of 'Foreshore Protection, Tourist Facility and Public Access' for the area bordered in blue. The Management Order for this area to be with the Shire of Wyndham East Kimberley and include power to licence for up to 21 years.**

***CARRIED: (7/1)***

*Cr K Wright alledged that Council is permitting the occupation of land in advance of a lease or survey.*

*For: Cr F Mills, Cr J Moulden, Cr D Ausburn, Cr R Addis, Cr J Parker, Cr J McCoyand Cr K Torres.*

*Against:Cr K Wright.*

ATTACHMENT 1 – State Land Services correspondence



Government of **Western Australia**  
Department of **Regional Development and Lands**

Your ref:  
Cur ref: 00546-2009-01 Job No 092203  
Enquiries: Salvin Lodge  
Ph: (08) 9168 0602 Fax: (08) 9168 0600  
Email: salvin.lodge@lands.rdl.wa.gov.au

Alex Douglas  
A/ Chief Executive Officer  
Shire of Wyndham-East Kimberley  
PO Box 614  
KUNUNURRA WA 6743

|            |             |
|------------|-------------|
| Doc No.    | 067669      |
| Date       | 21 SEP 2009 |
| Officer    | CEO         |
| Response   |             |
| File       | 43-04-01    |
| Cross Ref. |             |

Dear Sir,

**COMMERCIAL BOAT FACILITY – LAKE KUNUNURRA**

Further to your correspondence of 10 July 2009 regarding the creation of a facility for commercial tour boat operations, the Department of Regional Development and Lands suggests the following land reservation actions (please refer to the map enclosed):

1. The creation of a reserve for the purpose of 'Tourist Facility' for that area bordered in green. The Management Order for this area to be with the Shire of Wyndham-East Kimberley and include power to lease for up to 21 years.
2. The inlet identified between lots 3 and 4 to be included into Reserve 41812 ('Foreshore and Recreation'). Reserve 41812 will therefore be re-described to *exclude* that portion of Lots 1-5 within the area bordered green and *include* the inlet bordered in pink.
3. The creation of a reserve for the purpose of 'Foreshore Protection, Tourist Facility and Public Access' for the area bordered in blue. The Management Order for this area to be with the Shire of Wyndham-East Kimberley and include power to licence for up to 21 years.

Your earliest comment on the proposals above would be appreciated. Should you agree with the amendments to Reserves 41812 and 29297, RDL will progress the identified reservation actions as a matter of priority.

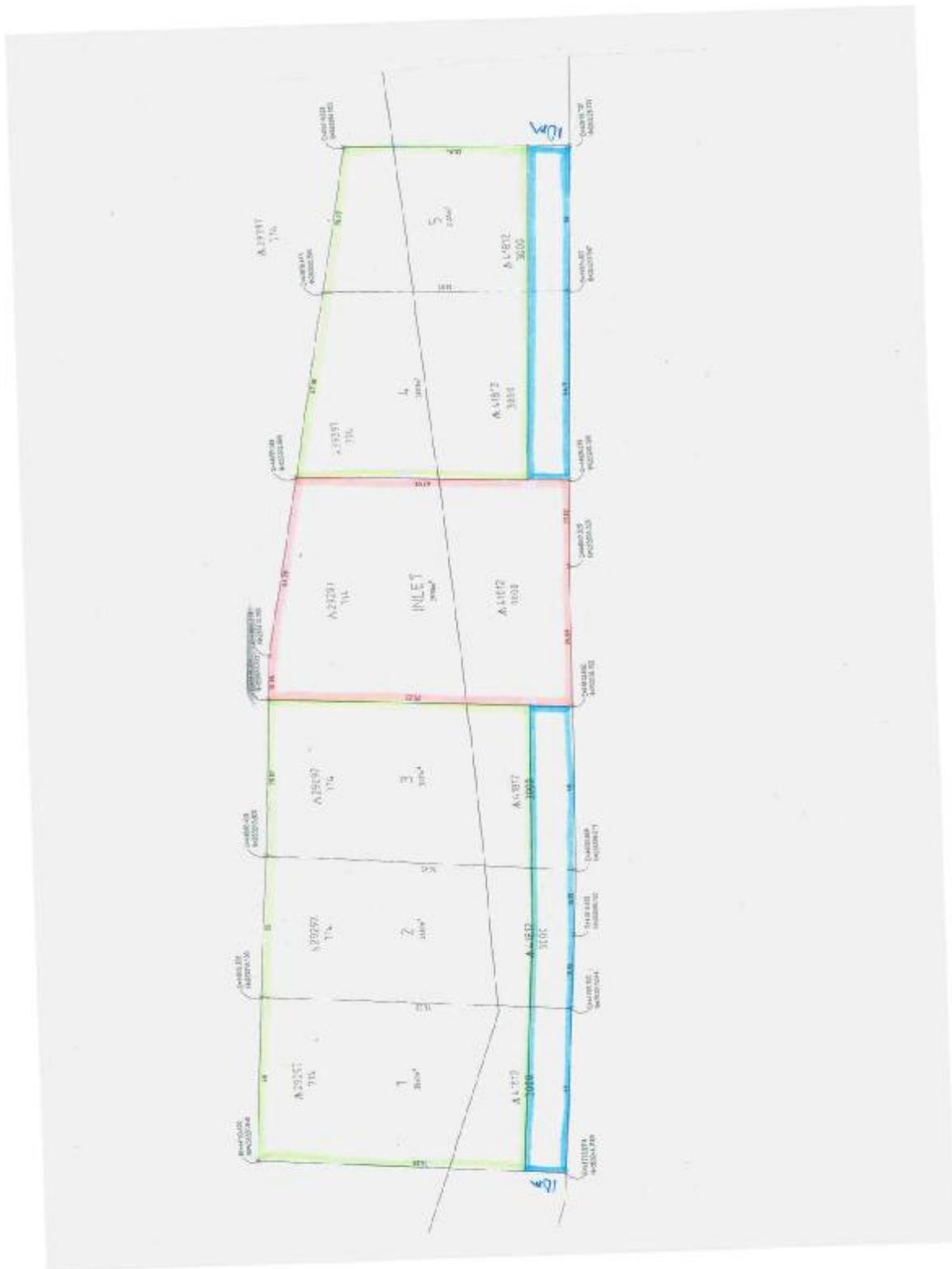
If you require further information, or wish to discuss this matter please do not hesitate to contact this office on 9168 0602.

Yours sincerely

Peter Brockmeulen  
**TEAM LEADER – KIMBERLEY/PILBARA REGION**  
**STATE LAND SERVICES**

18 September 2009

Cnr Bandicoot Drive and Messmate Way, Kununurra, Western Australia 6743  
Postal Address: PO Box 630, Kununurra, Western Australia 6743  
Tel: (08) 9168 0602 <http://www.rdl.wa.gov.au> ABN 28 807 221 246



ATTACHMENT 2 – Shire response to State Land Services correspondence

Our Ref: 43.04.01  
Your Ref:  
Enquiries: Alex Douglas

29 September 2009

Mr P Brockmeulen  
Team Leader – Kimberley/Pilbara region  
State Land Services  
PO Box 630  
KUNUNURRA WA 6743

Dear Peter

**Commercial Boat Facility – Lake Kununurra**

I refer to your correspondence dated 18 September 2009 regarding the status of development of a reserve for the purposes of commercial boat operator leases.

In discussion with the Shire and Deputy Shire President it has been agreed to advise you that the Shire agrees with the three elements outlined in your correspondence, namely:

1. The creation of a reserve for the purpose of 'Tourist Facility' for the area bordered in green. The Management Order for this area will be with the Shire of Wyndham East Kimberley and include power to lease for up to 21 years.
2. The inlet identified between lots 3 and 4 to be included into Reserve 41812 ('Foreshore and Recreation'). Reserve 41812 will therefore be re-described to exclude that portion of Lots 1-5 within the area bordered green and *include* the inlet bordered in pink.
3. The creation of a reserve for the purposes of 'Foreshore Protection, Tourist Facility and Public Access' for the area bordered in blue. The Management Order for this area to be with the Shire of Wyndham East Kimberley and include power to licence for up to 21 years.

We request that upon receipt of the appropriate clearances the creation of the reserve and Management Order proceed as a matter of priority.

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Shire of  
Wyndham  
East  
Kimberley

All communications  
to be addressed to the  
Chief Executive Officer  
PO Box 644

Kununurra WA 6743

Ph (08) 9168 4100

Fax (08) 9168 1798

Email:

[mail@theeastfrontier.com.au](mailto:mail@theeastfrontier.com.au)

Kununurra Office:

115 Goolbaa Drive

Kununurra

Wyndham Office:

Koolana Street

Wyndham

The  
Last  
Frontier

For the purposes of survey requirements the Shire nominates Whelans as the preferred surveyor given the work already undertaken by the locally based company. We agree to meeting the costs of survey to establish the reserve.

Please do not hesitate to contact me on 9168 4100 should you have any queries.

Yours sincerely



Alex Douglas  
Acting Chief Executive Officer



Shire of  
Wyndham  
&  
Kimburra

All communications  
to be addressed to the  
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### 13. ELECTED MEMBER REPORTS

| Date     | Cr D Ausburn<br>Meeting/Event September-October 2009                 |
|----------|--|
| 22/09/09 | Special Council Meeting  |
| 25/09/09 | Workers Camp Workshop 9am-12pm                                       |
| 2/10/09  | MG Corporation and Shire Meeting                                     |
| 6/10/09  | Audit Meeting<br>Briefing Session<br>Councillors Dinner at Pumphouse |
| 7/10/09  | Annual Grant Round II  |
| 8/10/09  | MG Corporation & Shire Workers Camp 3 pm–5pm                         |
| 12/10/09 | Jack In The Box Branding Meeting                                     |
| 13/10/09 | Stakeholders Meeting   |
| 15/10/09 | Roadwise Meeting   |
| 16/10/09 | RioTinto Life Flight Unveiling                                       |
| 20/10/09 | Liquor Accord Meeting  |

### 14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

### 15. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

**16. URGENT BUSINESS APPROVED BY THE PERSON  
PRESIDING OR BY DECISION**

*Minute No. 8886*

*Moved:Cr K Torres*

*Seconded:Cr K Wright*

*That Council consider Item 16.1 Tender - Construction of Patient Transfer Facility as urgent.*

*CARRIED UNANIMOUSLY: (8/0)*

**16.1 TENDER - CONSTRUCTION OF PATIENT TRANSFER  
FACILITY (8886) (8887)**

|                           |  |
|---------------------------|--|
| <b>DATE:</b>              | 20 October 2009  |
| <b>PROPONENT:</b>         | Shire Of Wyndham East Kimberley                        |
| <b>LOCATION:</b>          | East Kimberley Regional Airport                        |
| <b>AUTHOR:</b>            | Jo-Anne Ellis, Executive Manager<br>Corporate Services |
| <b>REPORTING OFFICER:</b> | Jo-Anne Ellis, Executive Manager<br>Corporate Services |
| <b>FILE NO:</b>           | 66.58.08   |
| <b>ASSESSMENT NO:</b>     | N/A  |

**PURPOSE**

To recommend to Council the selection criteria for the tender for a contractor to construct the patient transfer facility at the East Kimberley Regional Airport.

**BACKGROUND**

Following a request from the St John Ambulance Kununurra Branch Council for airside land to construct and operate a patient transfer facility Council resolved on 15 April 2008:

*Minute No. 8158*

*Move: Cr D Ausburn*

*Seconded: Cr J Buchanan*

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

*Carried Unanimously: 9/0*An opportunity for funding through the Australian Governments National Building program and East Kimberley Development Package was identified and \$400,000 was secured for this project.

Under this funding arrangement the patient transfer facility will be owned by the Council and leased to St John Ambulance who will be responsible for all maintenance and operational costs.

### **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 \$400,000 is secured for this project through the Australian Governments National Building program and East Kimberley Development Package.

### **STRATEGIC IMPLICATIONS**

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

### **COMMUNITY CONSULTATION**

Consultation with Royal Flying Doctors and St John Ambulance is ongoing.

### **COMMENT**

The following project timeline is proposed.

|   |  |
|---|--|
| Tuesday 20 October 2009                   | Adoption of Tender Criteria  |
| Wednesday 3 November 2009                 | Advertise tender in West Australian  |
| Thursday 4 November 2009                  | Advertise tender in Kimberley Echo   |
| Thursday 3 December 2009                  | Tenders close 4pm  |
| Friday 4 December to Wednesday 9 December | Tender assessment  |
| Thursday 10 December                      | Assessment Report to Council   |
| Tuesday 15 December 2009                  | Council to award tender  |
| Monday 1 February 2010                    | Construction Commence<br>(Must commence by this time but may commence earlier) |
| Monday 31 May 2010                        | Construction Complete  |
| TBA June 2009                             | Official Opening   |
| Wednesday 30 June 2010                    | Financial Report Completed   |
| Friday 30 July 2010                       | Financial Report Audited   |

## **ATTACHMENTS**

Nil

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

1. *That Council issue Request for Tender T08 – 09/10 Construction of Patient Transfer Facility.*
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) *Relevant Experience – 50%*
    - b) *Indigenous Employment Outcomes – 20%*
    - c) *Meeting Construction Deadline – 30%*
  - 2.3. *Price Submitted for Tender*

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

## **COUNCIL DECISION**

**Minute No: 8887**

**Moved:Cr D Ausburn**

**Seconded:Cr K Wright**

1. ***That Council issue Request for Tender T08 - 09/10 Construction of Patient Transfer Facility.***
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) Relevant Experience - 50%**
- b) Indigenous Employment Outcomes - 20%**
- c) Meeting Construction Deadline - 30%**

**2.3. Price Submitted for Tender**

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

**CARRIED UNANIMOUSLY: (8/0)**

**Minute No. 8888**

**Moved:Cr R Addis**

**Seconded:Cr K Torres**

**That Council consider Items 17.1 Car Parking Consideration - Lot 2451 Konkerberry Drive, Kununurra, Item 17.2 (previously Item 13.4.6) Proposed Commercial Boating Facility Development - Alligator Airways and Item 17.3 (previously Item 13.4.9) Development Application - Ord River Sailing Club and permit Ian D'Arcy, Jenniffer Ninnette, Ms Rachel House and Mr Barry Granville to be involved in discussions in Item 17.1 Car Parking Consideration - Lot 2451 Konkerberry Drive, Kununurra Behind Closed Doors.**

**CARRIED UNANIMOUSLY: (8/0)**

## 17 MATTERS BEHIND CLOSED DOORS

### COUNCIL DECISION

**Minute No: 8889**

**Moved:Cr R Addis**

**Seconded:Cr K Torres**

**That Council move Behind Closed Doors.**

**CARRIED UNANIMOUSLY: (8/0)**

### 17.1 CAR PARKING CONSIDERATION - LOT 2451 KONKERBERRY DRIVE, KUNUNURRA (8888) (8889) (8890) (8891)

|                           |   |
|---------------------------|---|
| <b>DATE:</b>              | 20 October 2009                                       |
| <b>PROPONENT:</b>         | Ord River House Pty Ltd                               |
| <b>LOCATION:</b>          | Lot 2451Konkerberry Drive, Kununurra                  |
| <b>AUTHOR:</b>            | Ian D'Arcy, Executive Manager<br>Development Services |
| <b>REPORTING OFFICER:</b> | Ian D'Arcy, Executive Manager<br>Development Services |
| <b>FILE NO:</b>           | 01.1818.02  |
| <b>ASSESSMENT NO:</b>     | A1818   |

*This item will be discussed Behind Closed Doors under Section 5.23 (2) and (c).*

#### **PURPOSE**

For Council to consider the evidence to be tabled from the owner of Lot 2451 Konkerberry Drive Kununurra regarding a perceived entitlement for parking within Council's road reserve, associated with the purchase of the land in November 2007.

#### **VOTING REQUIREMENT**

Simple majority

#### **OFFICER'S RECOMMENDATION**

That Council:

1. Grant approval for a maximum of twenty two (22) car parking bays to be constructed within the adjoining Konkerberry Road reserve at the developer's cost, minus payment of the land component, subject to sufficient evidence being presented by Ord River House Pty Ltd to convincingly demonstrate entitlement through the purchase price for Lot 2451 Konkerberry Drive Kununurra.
2. Require a cash in lieu payment for any excess car parking bays that exceed the number of bays provided on site and the 22 bays allowed pursuant to recommendation 1 above.

## **COUNCIL DECISION**

**Minute No: 8889**

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

***That Council suspend Standing Orders 7.5***

**CARRIED UNANIMOUSLY: (8/0)**

***Standing Orders 7.5 was suspended at 8.25pm.***

*Ms. Rachel House and Mr. Barry Granville left the Council Chambers at 8.57pm.*

**Minute No: 8890**

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

***That Council resume Standing Orders 7.5.***

**CARRIED UNANIMOUSLY: (8/0)**

***Standing Order 7.5 resumed at 8.58pm***

*Cr F Mills, Cr K Torres, Cr J Parker and Cr J McCoy left at 8.59pm for a comfort break.*

*Cr F Mills, Cr K Torres, Cr J Parker and Cr J McCoy returned at 9.01pm.*

**Minute No: 8891**

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

***That Council obtain legal evaluation of the tender process and tender documentation received relating to Lot 2451 Konkerberry Drive, Kununurra and that a Special Council Meeting be held no later than 3 November 2009.***

**CARRIED UNANIMOUSLY: (8/0)**

***The Council Resolution differs from the Officers Recommendation as Elected Members required additional information.***

**17.2 PROPOSED COMMERCIAL BOATING FACILITY  
DEVELOPMENT - ALLIGATOR AIRWAYS**

**(PREVIOUSLY ITEM 13.4.6)**

|                           |  |
|---------------------------|--|
| <b>DATE:</b>              | 20 October 2009                              |
| <b>PROPONENT:</b>         | Shire Of Wyndham East Kimberley              |
| <b>LOCATION:</b>          | Shire Of Wyndham East Kimberley              |
| <b>AUTHOR:</b>            | Jennifer Ninyette, Town Planning Officer     |
| <b>REPORTING OFFICER:</b> | Ian D'Arcy, Executive Manager<br>Development |
| <b>FILE NO:</b>           | 43.04.01                                     |
| <b>ASSESSMENT NO:</b>     | A2860  |

*This item will be discussed Behind Closed Doors under Section 5.23 (2) and (c).*

**PURPOSE**

For Council to consider the development application received from Alligator Airways to commence the development of their designated lease area within the commercial boating facility.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council

3. Consent to development of the temporary accommodation, including the installation of an onsite effluent disposal ATU, on Foreshore Reserve 41812 and Recreation Reserve 29297 (Lease area 5) subject to:

(l) The lodgement of a Statutory Declaration that:

- clearly acknowledges and accepts a risk of installing infrastructure and buildings on Crown land (proposed lot 5) without a formal lease agreement being executed by the Minister for Lands;
- indemnifies the Shire from any claim of compensation for any costs incurred associated with such development; and
- agrees to the removal of such infrastructure and buildings at the direction, reinstatement of the land to the satisfaction of the Shire Chief Executive Officer should a lease agreement not be executed by the Minister for Lands.

(m) All development shall be in accordance with the attached approved plan(s) dated 20<sup>th</sup> October 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.

- (n) The temporary accommodation shall be transportable in design and construction and shall include extended cover over the doorway (such as a cantilever or awning) for adequate protection from the weather.
  - (o) All external building materials shall be non-reflective and complimentary in colour with the landscape values of the Lake Kununurra Foreshore Area (i.e. blue, cream & green are encouraged).
  - (p) The building shall be serviced by a minimum 100,000 litre Rainwater Tank or a 10,000 litre storage tank fed from the river, watercourse or under ground bore for domestic supply.
  - (q) All trees shall be retained unless their removal is required for the purposes of access, building development or fire protection.
  - (r) The provision of a minimum of two (2) parking bays shall be constructed to a minimum all weather seal coat standard to be maintained to the satisfaction of the local government.
  - (s) 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 the waterway 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 Development Services and submitted with the building application.
  - (t) Upon signing of a lease agreement and completion of a caretaker's residence the temporary accommodation unit shall be removed within one month of occupation of the residence.
  - (u) This approval is valid for a period of one (1) year. Within 3 months of the expiry of this approval, a new application is required to be submitted to Council.
4. Grant delegation to the CEO to approve the submitted application for the balance of the commercial development once the lease agreement has been finalised and executed subject to conditions consistent with those as prescribed above, except conditions (a), (i) and (j) and additional conditions being applied in relation landscaping, access and parking areas, public amenities, storage or flammable liquids, servicing of aircraft and signage.

## **COUNCIL DECISION**

***Minute No. 8892***

***Moved:Cr K Wright***

***Seconded:Cr J Moulden***

***That Council defer consideration of the Development Application pending the creation of the reserve for the commercial boating leases.***

***CARRIED: 6/2***

For: Cr J Moulden, Cr D Ausburn, Cr R Addis, Cr K Torres, Cr J McCoy and Cr K Wright.

Against: Cr J Parker and Cr F Mills.

The Council Resolution differs from the Officers Recommendation as the lease for the lot has not been completed.

**17.3 DEVELOPMENT APPLICATION - ORD RIVER SAILING CLUB (8893) (8894)**

**(PREVIOUSLY ITEM 13.4.9)**

|                           |  |
|---------------------------|--|
| <b>DATE:</b>              | 20 October 2009                              |
| <b>PROPONENT:</b>         | Ord Sailing Club                             |
| <b>LOCATION:</b>          | Lake Kununurra Foreshore, Kununurra          |
| <b>AUTHOR:</b>            | Jennifer Ninyette, Town Planning Officer     |
| <b>REPORTING OFFICER:</b> | Ian D'Arcy, Executive Manager<br>Development |
| <b>FILE NO:</b>           | 01.2860.06                                   |
| <b>ASSESSMENT NO:</b>     | A2860  |

*This item will be discussed Behind Closed Doors under Section 5.23 (2) and (c).*

**PURPOSE**

For Council to consider the development application submitted by the Ord Rover Sailing club for proposed development on the allocated site adjacent to the commercial boating facility.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council:

3. Allow development of the shed and inlet subject to the following conditions:

(v) The lodgement of a Statutory Declaration that:

- clearly acknowledges and accepts a risk of installing infrastructure and buildings on Crown land (proposed lot 1) without a formal lease agreement being executed by the Minister for Lands;
- indemnifies the Shire from any claim of compensation for any costs incurred associated with such development; and
- agrees to the removal of such infrastructure and buildings at the direction, reinstatement of the land to the satisfaction of the Shire Chief Executive Officer should a lease agreement not be executed by the Minister for Lands.

(w) All development shall be in accordance with the attached approved plan(s) dated 20 October 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.

- (x) All external building materials shall be non-reflective and complimentary in colour with the landscape values of the Lake Kununurra Foreshore Area (i.e. blue, cream & green are encouraged).
- (y) The building shall be serviced by a minimum 100,000 litre Rainwater Tank or a 10,000 litre storage tank fed from the river, watercourse or under ground bore for domestic supply.
- (z) Ablution facilities are required to be provided to the site, and an application to install or construct an apparatus for the treatment of sewage shall be submitted concurrently with the building licence.

## **COUNCIL DECISION**

***Minute No. 8893***

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

***That Council defer consideration of the Development Application pending the creation of the reserve for the commercial boating leases.***

***CARRIED UNANIMOUSLY: (8/0)***

The Council Resolution differs from the Officers Recommendation as the lease for the lot has not been completed.

Cr D Ausburn, Cr R Addis and Cr K Torres left the room at 9.35pm.

Cr D Ausburn, Cr R Addis and Cr K Torres returned to the room at 9.37pm

***Minute No: 8894***

***Moved:Cr K Torres  
Seconded:Cr J Mccoy***

***That Council come from out of Behind Closed Doors at 9.45pm.***

***CARRIED UNANIMOUSLY: (8/0)***

**18 CLOSURE**

With all matters of Business complete the Shire President declared the meeting closed at 9.46 pm.