



MINUTES OF ORDINARY MEETING OF COUNCIL

HELD ON 17 NOVEMBER 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

Item No	Description	Page No
1.	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	4
2.	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	4
	LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	4
3.	DECLARATIONS OF INTEREST	5
4.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	5
5.	PUBLIC QUESTION TIME	6
6.	PETITIONS	6
7.	APPLICATIONS FOR LEAVE OF ABSENCE	6
8.	CONFIRMATION OF MINUTES	6
8.1	CONFIRMATION OF MINUTES OF SPECIAL MEETING OF COUNCIL 2 SEPTEMBER 2008 (8904)	6
8.2	CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL 20 OCTOBER 2009 (8905)	7
8.3	CONFIRMATION OF MINUTES OF SPECIAL MEETING 27 OCTOBER 2009 (8906)	7

9.	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	7
10.	DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	8
11.	MINUTES OF COUNCIL COMMITTEE MEETINGS	8
	11.1. MINUTES OF AUDIT COMMITTEE MEETINGS	8
	11.2. MINUTES OF AIRPORT COMMITTEE MEETINGS	8
12.	REPORTS	9
	12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL	9
12.1.1	Matters Arising From Audit Committee Meeting held on 10 November 2009(8910)	9
	12.2. CORPORATE SERVICES	26
12.2.1	Monthly Financial Report(8911)	26
12.2.2	List of Accounts Paid Under Delegation 18(8912)	33
12.2.3	Acceptance of 2008-09 Annual Report(8913)	50
12.2.4	Delegation 97 - Authority to Order(8914)	53
	12.3. ENGINEERING & REGULATORY SERVICES	57
12.3.1	Siting of Kununurra Town Entry Statements(8915)	57
12.3.2	Procurement Arrangements for Indigenous Employment(8916)	61
12.3.3	Review of Business Plan - Waterlily Place Group Housing Development(8917)	67
12.3.4	Lease of Pre-Casting Yard - Kununurra Works Depot (8918)	78
12.3.5	Proposed Community Oval - Memorandum of Understanding with Aboriginal Hostels Limited(8919)	83
12.3.6	Development of New Administration Centre - Review of Community Survey(8920)(8921)(8922)	88
12.3.7	Sale of excess mulch from the Kununurra landfill Site(8923)	99
12.3.8	Loader Purchase - Kununurra Landfill Site(8924)	101
12.3.9	Provision of Increased Recycling Services at Kununurra Landfill(8925)	109
12.3.10	Replacement of 7 tonne Tip Truck (P330)(8926)	112
12.3.11	Gawooleng Yawoodeng Aboriginal Corporation (GYAC)) Request to Waive Waste Disposal Fees(8927)	115
	12.4. DEVELOPMENT	120
12.4.1	Proposed Amendment 32 to Town Planning Scheme No 7 - Final Adoption(8928)	120
12.4.2	Draft Guidelines for Nature Based Camp Facilities(8929)	127
12.4.3	Proposed Rezoning of Land - Lot 100 Farm Hill Road Kununurra(8930)	135
12.4.4	Road Names - Valentine Falls Subdivision(8931)	141
12.4.5	Proposed Road Closure - Weaber Plain Road Kununurra(8932)	147
12.4.7	Proposed Road Closure - Portion of Carpentaria Street, Kununurra(8933)	153
12.4.8	Town Planning Scheme No 7 Amendment 24 - Weaber Plain Road Light Industrial Area, Kununurra(8934)	163
12.4.9	Kununurra Sports Precincts Master Plan Project - Selection of Consultant(8935)	170
12.4.10	Proposed Coolibah Subdivision and Aged Care Housing(8909)	174

12.4.11	Final Adoption of Local Planning Policies DC 1, LPP 6, LPP 7, LPP 11 and LPP 12(8936)	191
12.4.11	Development Application - Kununurra Water Ski Club(8937)	227
12.4.12	Proposed Extension - Mirima Language Centre(8938)	236
12.4.13	Implementation of the Food Act 2008 and variation to Health Fees and Charges(8939)	246
12.5.	COMMUNITY SERVICES	255
12.5.1	Regional and Local Community Infrastructure Program 2009/2010 Allocation(8940) (8941) (8942) (8943)	255
12.5.2	Review of Policy CMS2 - Annual Grants Scheme(8944)	260
12.5.3	Annual Grants 2009, Round 2(8945)	264
12.5.4	Wyndham Child Care Centre Fee Review(8946)	269
12.5.5	Extension of Family Day Care Incentive Package(8947)	272
12.6.	CHIEF EXECUTIVE OFFICER	275
12.6.1	Use of Common Seal(8948)	275
12.6.2	Delegated Authority Report(8949)	277
12.6.3	Council Meeting Dates 2010(8950)	284
12.6.4	Councillor Seating Allocations(8951)	287
12.7.	ELECTED MEMBER REPORTS	290
13.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	290
14.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	290
15.	URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION	291
15.1	Proposed Development Lot 100 Riverfig Avenue, Kununurra(8952)	291
15.2	Proposed Road Closure - Rosella Close(8953)	308
15.3	Proposed Workers Camp - Lot 2484 Victoria Highway, Kununurra(8954) (8955) (8956)	318
15.4	Proposed Amendment 18 TPS No 6 - Rezoning of Barytes Road, Wyndham(8957)	327
16.	MATTERS BEHIND CLOSED DOORS	360
16.1	Debts Currently in Legal Process(8959)(8960)	360
17.	CLOSURE	362

SHIRE OF WYNDHAM-EAST KIMBERLEY

MINUTES

OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 17 NOVEMBER 2009 AT 6:00 PM

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 6.00pm and welcomed the members of the public in the gallery as well as welcoming Gary Gaffney, Chief Executive Officer, to his first meeting.

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 J McCoy	Councillor
Cr J Parker	Councillor
Cr K Wright	Councillor
G Gaffney	Chief Executive Officer
A Douglas	Executive Manager Engineering and Regulatory Services
J Ellis	Executive Manager Corporate Services
K Apperley	Executive Manager Community Services
I D'Arcy	Executive Manager Development Services
F Kuiper	Executive Support Officer (Minute Taker)
K Tripp	Environment Officer
M Alchin	Executive Support Officer Community Services
L Hon	Project Manager
K Cripps	Senior Environmental Health Officer

PUBLIC GALLERY

Barbara Dickey
Neville Jones
Keith Williams
Darren Spackman

APOLOGIES

Cr K Torres

LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Nil

3. DECLARATIONS OF INTEREST

- **Financial Interest**

Cr J McCoy declared a Financial Interest in Item No. 12.5.3 Annual Grants 2009, Round 2 as she is employed by Joorook Ngarni Aboriginal Corporation.

Cr J Parker declared a Financial Interest in Item 12.5.3 Annual Grants 2009, Round 2 as she is employed by Joorook Ngarni Aboriginal Corporation.

Cr R Addis declared a Financial Interest in Item 12.3.2- Procurement Arrangement for Indigenous Employment as his employer is involved in Indigenous Employment, Item 12.4.2 -Draft Guidelines for Nature Based Camp Facilities as he is Director of a Tourism business involved with camps and Item 12.4.10 - Proposed Coolibah Subdivision and Aged Care Housing as his employer is interested in transitional housing.

G Gaffney declared a Financial Interest in Item 12.1.1 – Matters arising from Audit Committee Meeting held on 10 November 2009 as HR policies relate to conditions of employment.

A Douglas declared a Financial Interest in Item 12.1.1 – Matters arising from Audit Committee Meeting held on 10 November 2009 as HR policies relate to conditions of employment.

I D'Arcy declared a Financial Interest in Item 12.1.1 – Matters arising from Audit Committee Meeting held on 10 November 2009 as HR policies relate to conditions of employment.

K Apperley declared a Financial Interest in Item 12.1.1 – Matters arising from Audit Committee Meeting held on 10 November 2009 as HR policies relate to conditions of employment.

J Ellis declared a Financial Interest in Item 12.1.1 – Matters arising from Audit Committee Meeting held on 10 November 2009 as HR policies relate to conditions of employment and Item 12.2.4 – Delegation 97 – Authority to Order as she is has delegated authority related to her position.

- **Impartiality Interest**

Nil

- **Proximity Interest**

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Barbara Dickey submitted Questions related to Amendment 31.

- 1 .Has Council received a submission from Julie Sutherland and Cathy Cummins regarding the plan for social housing?
2. Have the needs of the Neighbourhood House group been considered?

Shire President requested that the Executive Manager Development Services respond to the questions.

Mr. Darcy advised that he did not recall the names quoted as making submissions but would check the details of the submissions received.

Mr. Darcy advised that he was not aware of discussions with Kununurra Neighbourhood House group. The Executive Manager Engineering and Regulatory Services, Mr. Douglas advised that he was aware of discussions that had taken place over a period of time and that had led to a lot being set aside in the proposed subdivision alongside the Child Care Centre.

6. PETITIONS

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8. CONFIRMATION OF MINUTES

8.1 Confirmation of Minutes of Special Meeting of Council 2 September 2008 (8904)

Confirmation of these Minutes was overlooked in the normal cycle of meetings in 2008.

RECOMMENDATION

That Council confirm the minutes of the Special Meeting 2 September 2008.

COUNCIL DECISION

Minute No. 8904

Moved:Cr J Parker

Seconded:Cr K Wright

That Council confirm the minutes of the Special Meeting 2 September 2008.

CARRIED UNANIMOUSLY: (7/0)

8.2 Confirmation of Minutes of Ordinary Meeting of Council 20 October 2009 (8905)

RECOMMENDATION

That Council confirm the minutes of the Ordinary Meeting of Council held on 20 October 2009.

COUNCIL DECISION

Minute No. 8905

Moved:Cr K Wright

Seconded:Cr J Mccoy

That Council confirm the minutes of the Ordinary Meeting of Council held on 20 October 2009.

CARRIED UNANIMOUSLY: (7/0)

8.3 Confirmation of Minutes of Special Meeting 27 October 2009 (8906)

RECOMMENDATION

That Council confirm the minutes of the Special Meeting held 27 October 2009.

COUNCIL DECISION

Minute No. 8906

Moved:Cr J Parker

Seconded:Cr K Wright

That Council confirm the minutes of the Special Meeting held 27 October 2009.

CARRIED UNANIMOUSLY: (7/0)

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Shire President F Mills acknowledged that this a busy period for all and advised that he is attending the Australian Airport Owners conference in Sydney 23 – 27 November 2009.

10. DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

11. MINUTES OF COUNCIL COMMITTEE MEETINGS

11.1. MINUTES OF AUDIT COMMITTEE MEETINGS

RECOMMENDATION

That Council note the unconfirmed minutes of the Audit Committee Meeting held 10 November 2009.

COUNCIL DECISION

Minute No. 8907

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

That Council note the unconfirmed minutes of the Audit Committee Meeting held 10 November 2009.

CARRIED UNANIMOUSLY (7/0)

11.2. MINUTES OF AIRPORT COMMITTEE MEETINGS

Nil

COUNCIL DECISION

Minute No. 8908

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

That Council move forward Item 12.4.10 Proposed Coolibah Subdivision and Aged Care Housing.

CARRIED UNANIMOUSLY (7/0)

12. REPORTS

12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

12.1.1 MATTERS ARISING FROM AUDIT COMMITTEE MEETING HELD ON 10 NOVEMBER 2009(8910)

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Jo-Anne Ellis, Executive Manager Corporate Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	61.34.04
ASSESSMENT NO:	N/A

PURPOSE

To consider recommendations from Council's Audit Committee.

BACKGROUND

The Audit Committee meets on a bi-monthly basis to fulfil the requirement to provide an independent oversight of the financial systems of the local government on behalf of the Council. These meetings are not open to the public however the agenda and minutes are available.

The Audit Committee has no delegated authority from the Council and as such makes recommendations to Council on issues considered by the Committee.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 7.1A

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The financial implications of the Audit Committee recommendations have been disclosed in the Audit Committee agenda and minutes.

STRATEGIC IMPLICATIONS

The Audit Committee supports Council in providing effective corporate governance by providing an oversight function relating to audit and financial management.

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

The officer reports that accompany the Audit Committee resolutions and provide detail of the background and implications of the officers recommendation have been distributed to Councillors in the agenda and minutes of the Audit Committee. The agenda and minutes of the Audit Committee are available to the public.

ATTACHMENTS

1. Independent Audit Report to the Electors of the Shire of Wyndham-East Kimberley
2. Guidelines for policy development and review of the Council Policy Manual
3. Draft Revised Policy CP/HR02 – Member of Staff Code of Conduct
4. Draft Revised Policy CP/HR16 – Superannuation
5. Draft Revised Policy CP/HR18 – Fitness for Work
6. Sundry Debtors as of 31 October 2009

VOTING REQUIREMENT

Simple Majority Recommendation 1 to 7

Absolute Majority Recommendation 8

AUDIT COMMITTEE RECOMMENDATION 1

The Council having considered the recommendation of the Audit Committee:

1. Receives the Independent Audit Report to the Electors of the Shire of Wyndham East Kimberley.
2. Receives and the Management Report for the Year Ended 30 June 2009
3. That the following actions be taken in relation to the results of Audit for the Year Ended 30 June 2009
 - a. Letters to Councillors and Staff requesting the Annual Returns be completed will include relevant guidance regarding leaving blanks in the return.
 - b. All Annual Returns will be checked by the Executive Support Officer to ensure compliance.
 - c. Adequate local public notice via the Kimberley Echo will be given for future Electors Meetings.
4. That a report on the status of actions taken in relation to the results of Audit for the Year Ended 30 June 2009 is included in the Audit Committee Agenda as a standing item until all issues are resolved.
5. That the actions in relation the results of Audit for the Year Ended 30 June 2009 are reported to the Minister following the May 2010 Audit Committee Meeting.

AUDIT COMMITTEE RECOMMENDATION 2

1. That Councils Audit Committee will meet on the following date and times in 2010:

Tuesday 9 March 2010	4.30pm Kununurra Council Chambers
Tuesday 11 May 2010	4.30pm Kununurra Council Chambers
Tuesday 13 July 2010	4.30pm Kununurra Council Chambers
Tuesday 14 September 2010	4.30pm Kununurra Council Chambers
Tuesday 9 November 2010	4.30pm Kununurra Council Chambers
2. That the meeting times and dates of the Audit Committee will be displayed on Councils website.

AUDIT COMMITTEE RECOMMENDATION 3

That Council endorses the attached guidelines for policy development and review of the Council Policy Manual.

AUDIT COMMITTEE RECOMMENDATION 4

That the Council adopts the following policies as attached:

1. CP/HR02 Members of Staff Code of Conduct
2. CP/HR16 Superannuation
3. CP/HR18 Fitness for Work Policy

AUDIT COMMITTEE RECOMMENDATION 5

That Council repeals the following policies as they are administrative in nature and subject to policy set by the Chief Executive Officer:

1. HR1 - Travel Allowance
2. HR 3 - Employee Assistance Program
3. HR7 - Private Use of Council Motor Vehicles
4. HR8 - Professional Development / Study Assistance
5. HR10 - Relocation Expenses
6. HR 12 - Smoking in the Workplace
7. HR13 - Staff Housing
8. HR17 - Telephone Usage
9. HR21 - Retention of Contract Staff

AUDIT COMMITTEE RECOMMENDATION 6

That Council acknowledges that the Audit Committee has reviewed the listing of 90 Day Sundry Debtors and reports to Council that the actions being undertaken by the administration in regard to 90 Day Sundry Debtors are sufficient and appropriate and no further actions are recommended at this time.

AUDIT COMMITTEE RECOMMENDATION 7

That Council consider Audit Committee Item 6.7 Debts Currently in Legal Process behind closed doors.

AUDIT COMMITTEE RECOMMENDATION 8

That the outstanding debt of \$2,192.16 plus additional accrued penalties relating to assessment 2474 be written off.

COUNCIL DECISION

Minute No. 8910

Moved:Cr K Wright
Seconded:Cr J Parker

That Council move the Audit Committee Recommendations 1 - 8.

CARRIED UNANIMOUSLY (7/0)

**Attachment 1
Independent Audit Report to the Electors of the Shire of Wyndham-East
Kimberley.**



**INDEPENDENT AUDIT REPORT
TO THE ELECTORS OF THE SHIRE OF WYNDHAM-EAST KIMBERLEY**

Report on the Financial Report

We have audited the accompanying financial report of the Shire of Wyndham-East Kimberley, which comprises the balance sheet as at 30 June 2009 and the income statement by nature or type, income statement by program, statement of changes in equity, cash flow statement, rate setting statement for the year ended on that date and a summary of significant accounting policies and other explanatory notes.

Council's Responsibility for the Financial Report

Council is responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations), the Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended). This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

Our responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Council, as well as evaluating the overall presentation of the financial report.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Independence

In conducting our audit, we have complied with the independence requirements of Australian professional ethical pronouncements.

Auditor's Opinion

In our opinion, the financial report of the Shire of Wyndham-East Kimberley is in accordance with the Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended), including:

- a. giving a true and fair view of the Shire's financial position as at 30 June 2009 and of its performance for the year ended on that date; and
- b. complying with Australian Accounting Standards (including the Australian Accounting Interpretations), the Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended).

50

15 Lakeside Corporate, 24 Parkland Road, Osborne Park WA 6017
PO Box 1707, Osborne Park, Perth WA 6916

T +61 8 9444 3000
F +61 8 9444 3430

E perth@uhyh.com.au
W www.uhyhainesnorton.com.au

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**INDEPENDENT AUDIT REPORT
TO THE ELECTORS OF THE SHIRE OF WYNDHAM-EAST KIMBERLEY (continued)**

Other Matters

In accordance with the Local Government (Audit) Regulations 1996, we also report that:

- a) There are no matters that in our opinion indicate significant adverse trends in the financial position or the financial management practices of the Shire.
- b) No matters indicating non-compliance with Part 6 of the Local Government Act 1995 (as amended), the Local Government (Financial Management) Regulations 1996 (as amended) or applicable financial controls of any other written law were noted during the course of our audit.
- c) All necessary information and explanations were obtained by us.
- d) All audit procedures were satisfactorily completed in conducting our audit.

UHY HAINES NORTON
CHARTERED ACCOUNTANTS



DAVID TOMASI
PARTNER

Date: 9 November 2009
Perth, WA

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Attachment 2

Guidelines for policy development and review of the Council Policy Manual

Structure of Council Policy Manual

Councils Policy Manual is divided into the following sections:

1. Delegations Manual – Council Delegations
2. Delegations Manual – CEO Sub-delegations
3. Council Policies
4. Administrative Polices
5. Procedures

A prefix will precede the delegation/policy/procedure number to readily identify the relevant section of the Policy Manual the items belongs.

Delegations Manual – Council Delegations (CD)

This section will record the delegations to the CEO by absolute majority decision of Council under section 5.42 of the Local Government Act 1995 (the Act).

To be reviewed at least once every financial year as per section 5.46(2) of the Act.

All such delegations will be preceded by the prefix CD.

Delegations Manual – CEO Sub-delegations (SD)

This section will record the powers of the CEO under the Act (for completeness) and will record the delegations by the CEO to any employee. These delegations include sub-delegation of Council delegations to the CEO, the discharge of the CEO's duties or exercise of any of the CEO's powers under the Act.

To be reviewed at least once every financial year as per section 5.46(2) of the Act.

All such delegations will be preceded by the prefix SD.

Council Policies (CP)

This section will record the policies adopted by Council as per section 2.7 of the Act.

These polices will be of a strategic nature regarding the good governance of the local government and its affairs.

To be reviewed at least once every financial year.

All such policies will be preceded by the prefix CP.

Administrative Polices (AP)

This section will record polices approved by the CEO on the recommendation of the Executive Management group. These policies will be of an administrative nature relating to employees or the day to day operations of the local government.

To be reviewed at least once every financial year.

All such policies will be preceded by the prefix AP.

Procedures and Work Instructions (WI)

This section will record procedures or work instructions relevant to specific positions or functions. The procedures are approved by the relevant Executive Manager.

To be reviewed at least once every financial year.

All such procedures will be preceded by the prefix WI.

Format of Council Policy Manual

One official hard copy of the Council Policy Manual will be maintained and this will be located in the office of the Executive Manager Corporate Services.

An electronic copy of the Council Policy Manual will be maintained and this will be stored on the Public Drive with read only access for all staff except the Executive Manager Corporate Services and Finance Project Officer who will have full access rights.

All delegations and policies adopted by Council will be available on the Shire of Wyndham East Kimberley website within 5 days of Council adopting the policy. All delegations and policies repealed by Council will be removed from the Shire of Wyndham East Kimberley website within 5 days of the Council decision.

Responsibility for Council Policy Manual

The Executive Manager Corporate Services is responsible for ensuring the Council Policy Manual is maintained and reviewed.

**Attachment 3
Draft Revised Policy CP/HR02 – Member of Staff Code of Conduct**

POLICY NO:	CP/HR02
DIVISION:	Human Resources
SUBJECT:	Members of Staff Code of Conduct
REPORTING OFFICER:	Chief Executive Officer
ENABLING LEGISLATION:	Local Government Act 1995 Section 5.103 Schedule 9.3 Clause 22

OBJECTIVE

To provide members of staff with consistent guidelines for an acceptable standard of professional conduct. The Code addresses the broader issue of ethical responsibility and encourages greater transparency and accountability in individual Local Governments with the aim of providing:

- a) better decision making by local government;
- b) greater community participation in the decisions and affairs of local governments;
- c) greater accountability of local governments to their communities; and
- d) more efficient and effective local government.

POLICY

Code of Conduct for Members of Staff

1. Conflict and Disclosure of Interest

- 1.1 Members of staff will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- 1.2 Staff will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Shire of Wyndham East Kimberley, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- 1.3 Members of staff will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the municipality or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).

- 1.4 Members of staff who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.
- 1.5 Staff will refrain from partisan political activities, which could cast doubt on their neutrality and impartiality in acting in their professional capacity.

An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination and this is supported by anti discriminatory legislation.

2. Financial Interests and Interests that May Affect Impartiality

2.1 Pecuniary Interest

Members of Staff will adopt the principles of disclosure of pecuniary interest as contained within the Local Government Act.

2.2 Disclosure of Interest Affecting Impartiality

- a) Appropriate staff will disclose, in a written return or at the relevant meeting, the interests, which might be in conflict with their public or professional duties.
- b) Whenever disclosure is required, recommendation in this Code, or otherwise seems appropriate, it will be made promptly, fully and in writing within the register provided.

3. Personal Benefit

3.1 Use of Confidential Information

Members of staff will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially, or to improperly cause harm or detriment to any person or organisation.

3.2 Intellectual Property

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the Local Government upon its creation unless otherwise agreed by separate contract.

3.3 Improper or Undue Influence

Members of staff will not take advantage of their position to improperly influence other members or staff in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

3.4 Gifts or Bribery

- a) Members of staff will not seek or accept (directly or indirectly) from any person or body, any immediate or future gift, reward or benefit (other than gifts of a token kind, or moderate acts of hospitality) for themselves or for any other person or body, relating to their status

with the Local Government or their performance of any duty or work which touches or concerns the Local Government.

- b) If any gift, reward or benefit is offered (other than gifts of a token kind, or moderate acts of hospitality), disclosure will be made in a prompt and full manner and in writing in the appropriate register.

4. Conduct of Members of Staff

4.1 Personal Behaviour

Members of staff will;

- a) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
- b) perform their duties impartially and in the best interests of the Local Government uninfluenced by fear or favour;
- c) act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interest of the Local Government and the community;
- d) make no allegations which are improper or derogatory (unless true and in public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
- e) always act in accordance with their obligation of fidelity to the Local Government.

4.2 Honesty and Integrity

Members of staff will;

- a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- b) bring to the notice of the Chief Executive Officer any dishonesty or possible dishonesty on the part of any other member of staff.
- c) be frank and honest in their official dealing with each other.

4.3 Performance of Duties

While on duty, staff will give their whole time and attention to the Local Government's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Local Government.

4.4 Compliance with Lawful Orders

- a) Members of staff will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution can not be achieved, with the Chief Executive Officer.

- b) Members of staff will give effect to the lawful policies of the Local Government, whether or not they agree with or approve of them.

4.5 Administration and Management Practices

Members of staff will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

4.6 Corporate Obligations

a) Standard of Dress

Staff are expected to comply with neat and responsible dress standards at all times. Management reserves the right to raise the issue of dress with individual staff.

b) Communication and Public Relations

All aspects of communication by staff (including verbal, written or personal), involving Local Government's activities should reflect the status and objectives of that Local Government. Communications should be accurate, polite and professional.

4.7 Relationships between Members and Staff

An effective member of staff will work as part of the Council team with the Councillor's Chief Executive Officer and other members of staff. That teamwork will only occur if Members and staff have a mutual respect and co-operate with each other to achieve the Council's corporation goals and implement the Council's strategies.

5. Dealing with Council Property

5.1 Use of Local Government Resources

Members of staff will;

- a) be scrupulously honest in their use of Local Government's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
- b) use Local Government's resources entrusted to them effectively and economically in the course of their duties; and
- c) not use Local Government's resources (including the services of Council staff) for private purposes (other than when supplied as part of a contract of employment) unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).

5.2 Travelling and Sustenance Expenses

Members of staff will only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the Local Government in accordance with Local Government policy and the provisions of the Local Government Act.

5.3 Access to Information

Staff will ensure that Members of Council are given access to all information necessary for them to properly perform their functions and comply with their responsibilities as members.

ADOPTED: 24/06/2003

REVIEWED:

ACCEPTED:

**Attachment 4
Draft Revised Policy CP/HR16 – Superannuation**

POLICY No:	C/HR16
DIVISION:	Human Resources
SUBJECT:	Superannuation
REPORTING OFFICER:	Chief Executive Officer
ENABLING LEGISLATION:	Local Government Act 1995 Section 5.47(1)

OBJECTIVE

To meet legislative requirements and to maintain a competitive position in the recruitment and retention of staff.

POLICY

That Council contributes the statutory contribution of 9% of an employees ordinary time earnings (OTE) for superannuation, plus an amount equal to 3% and up to 4% after 4 years service and up to 5% after 5 years service or more, of the OTE.

The above is subject to the staff member matching the additional Council contribution unless otherwise negotiated.

Employee contribution to superannuation can be salary sacrificed.

**ADOPTED: 03/07/2003
REVIEWED: 20/02/2006
ACCEPTED: 20/02/2006**

**Attachment 5
Draft Revised Policy CP/HR18 – Fitness for Work**

POLICY No:	CP/HR18
DIVISION	Human Resources
SUBJECT:	Fitness for Work
REPORTING OFFICER	Chief Executive Officer
ENABLING LEGISLATION	Local Government Act 1995 Workers Compensation and Rehabilitation Act 1981

OBJECTIVE

The aim of this policy is to ensure a safe and healthy workplace free from the effects of fatigue, illness, drugs and alcohol. The Policy is directed towards the welfare of the individual and the safety and health of other people. Although disciplinary action may be necessary, the focus is on preventative measures.

POLICY

Employees are obliged to present themselves for work in a fit state so that in carrying out normal work activities they do not expose themselves, their co-workers or the public to unnecessary risks to safety and health. The employee is responsible for any civil or criminal penalty, which results from being under the influence of fatigue, drugs or alcohol in the workplace.

The use of drugs or alcohol in the workplace - including Council premises, parks, reserves, vehicles, plant, or any other Local Government building or physical asset, is forbidden.

The Chief Executive Officer may waive this requirement where circumstances warrant (for example, during a social event). The focus of this Policy is fatigue, illness, drug and alcohol dependence, which affects the work performance of the individual. This Policy is directed towards maintaining a satisfactory level of employee health, safety and work performance.

Testing individuals for presence of drugs or alcohol

Worksafe Australia (1993) stated that because drug testing in the workplace raised issues of privacy, it should be carried out only if “substantial” risk existed for the employee, co-workers or the public. Employees should be notified of testing programs—not individual tests—and the consequences. The Privacy Committee of NSW (1993) Report stated that drug and alcohol testing should be limited to certain justifiable circumstances including:

- Where an employee’s impairment by drugs or alcohol poses a substantial and demonstrable safety risk to the employee or to other people.

- where there is reasonable cause to believe that the employee to be tested may be impaired by drugs or alcohol.
- where the type of test to be used can identify the presence of a drug or alcohol at concentrations which may cause impairment.
- where it is a legislative requirement to be drug and alcohol free e.g. heavy vehicles and working at airports.

Procedure

In general, intoxication is the temporary loss of control, due to alcohol or drug abuse, over psychological or physical faculties.

If a Manager or Supervisor has justifiable cause to doubt an employee's fitness for duty, the Chief Executive Officer (or appropriate employee) may have the employee removed from the workplace and may initiate any reasonable action considered necessary. If it is believed that fatigue, illness and drugs or alcohol renders risk to the health or safety of the employee, co-workers or the public, the Shire of Wyndham East Kimberley reserves the right to remove the employee from duty pending an urgent medical examination to determine fitness for duty.

The procedure for dealing with drug and alcohol abuse is divided into three stages:-

- Stage One - discussion between the employee and immediate Supervisor.
- Stage Two - discussion between the employee, supervisor, manager and representative (optional).
- Stage Three - disciplinary action.

Stage One

The employee and immediate Supervisor should participate in Stage One, although the employee may request a representative to be present. An observer should be present if an employee representative attends.

The first stage of the process should be presented as a counselling session. Procedural fairness must be observed and the Supervisor must clearly state the performance-related reasons for the interview with the employee must be given the opportunity to respond. The Supervisor must clearly state what standards of performance are required or expected.

The Supervisor should offer assistance by encouraging the employee to participate in an Employee Assistance Program, although the employee is not obliged to accept.

A timeframe for a review should be established. The employee should be informed of expected changes, on-going performance monitoring by the supervisor and the compulsory interview at the end of the review period.

The employee should be made aware of possible consequences if there is no significant improvement.

The Supervisor should prepare a brief summary of the interview and give two copies to the employee. After reading the summary, the employee should sign one of the copies and return it to the Supervisor. This copy should be placed under confidential cover on file.

The review interview should be held at the prescribed time. The points discussed should respond exactly to those raised at the first interview; improvements should be acknowledged. Continuing problems, such as continued decline in performance, and any new performance-based problems should also be identified and discussed. The Supervisor should again prepare a summary of the interview.

Stage Two

The participants at Stage Two should be the employee, supervisor, manager, at the option of the employee, a representative.

The second meeting should be held using the same procedure as the first, although the employee should be made fully aware of the possible consequences if there is no significant improvement and that this represents a final warning.

Stage Three

If the issue remains a problem, the third stage of the procedure is in accordance with Council's disciplinary procedure.

Responsibilities

Managers and Supervisors are responsible for ensuring compliance with the Policy.

It is the employee's responsibility to advise their Supervisor if they are taking any prescribed drug or medication, which may affect their fitness for duty or work performance. The employee should also find out from their doctor or pharmacist what the effects of the prescribed drugs are on work performance.

ADOPTED: 15/05/2007

REVIEWED:

ACCEPTED:

**Attachment 5
Sundry Debtors as of 31 October 2009**

Debtor Number	90 Days	Balance as at 31 October 2009	Debt Collection Status for Debts over 90 Days
96224	11,000.00	11,303.14	Further research being undertaken.
7	198.00	198.00	Message left for customer to make contact.
96340	78,856.49	78,856.49	Final acquittal requires letter of certification – to be completed by Engineering Department.
96465	378.00	903.50	Invoice being disputed. Currently with Engineering Department.
95	40.00	40.00	Invoice being disputed. Currently with Engineering Department.
129	230.00	251.00	Message left for customer to make contact.
82636	10.00	10.00	Customer disputing charges related to them. Investigations occurring.
96235	400.00	400.00	All correspondence being returned. Attempting to locate customer.
80737	199.00	199.00	Message left for customer to make contact.
82288	216.00	664.00	Chq sent but not presented – debtor to re-issue chq
96244	40.00	40.00	Attempting to locate customer.
80165	13,453.53	23,005.55	Refer Council minute 8797 - Customer instructed payment to be made in full by 30 September 2009.
71	1,120.00	1,120.00	Company in the hands of a receiver. Have notified receivers of debt.
98563	12,300.00	12,300.00	Refer Agenda Item Debts Under Legal Action.
97	110.00	110.00	Customer advised payment will be paid shortly once Treasurer is contacted.
82551	1,023.00	1,805.00	Spoke to debtor – waiting for reply to advise payment date.
96375	292.00	292.00	Spoke to debtor – awaiting payment.
	\$119,866.02	\$131,497.68	

12.2. CORPORATE SERVICES

12.2.1 MONTHLY FINANCIAL REPORT (8911)

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Jo-Anne Ellis, Executive Manager Corporate Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	60.14.02
ASSESSMENT NO:	N/A

PURPOSE

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

BACKGROUND

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

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Key Result Area 5 – Governace
Councils financial position and forward planning is sound.

COMMUNITY CONSULTATION

Community consultation was not required in the preparation of this report.

COMMENT

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

ATTACHMENTS

Monthly Financial Report for October 2009

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

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

COUNCIL DECISION

Minute No. 8911

Moved:Cr D Ausburn

Seconded:Cr K Wright

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

CARRIED UNANIMOUSLY: (7/0)



Shire of Wyndham East Kimberley

Monthly Financial Report 2009/2010

As at 31 October 2009

Presented to Council 17 November 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 31 October 2009

	YTD Budget		YTD Actual		YTD Variance	
	2009-10		2009-10		2009-10	
	\$	\$	\$	\$	\$	%
Revenues		3,800,351		3,919,806		
General Purpose Funding	993,910		974,962		(18,948)	-2%
Governance	15,061		27,082		11,401	73%
Law, Order And Public Safety	14,430		21,690		7,260	50%
Health	4,160		4,949		789	19%
Education And Welfare	49,500		46,897		(2,603)	-6%
Housing	47,600		47,650		50	0%
Community Amenities	971,260		1,007,827		36,567	4%
Recreation And Culture	289,188		308,603		19,415	7%
Transport	1,362,428		1,400,908		38,480	3%
Economic Services	36,660		61,434		24,774	68%
Other Properties And Services	15,554		18,034		2,480	16%
Expenses		(5,109,370)		(5,080,845)		
General Purpose Funding	(128,023)		(115,938)		12,087	-9%
Governance	(350,775)		(333,624)		17,155	-5%
Law, Order And Public Safety	(137,362)		(164,723)		(27,055)	20%
Health	(103,300)		(92,163)		11,637	-11%
Education And Welfare	(118,515)		(94,537)		24,082	-20%
Housing	(100,545)		(102,785)		(2,141)	2%
Community Amenities	(996,797)		(900,664)		96,133	-10%
Recreation and Culture	(1,192,708)		(1,157,888)		34,820	-1%
Transport	(1,669,008)		(1,664,606)		4,402	0%
Economic Services	(262,570)		(169,743)		92,826	-35%
Other Property and Services	(108,750)		(285,083)		(176,333)	144%
Adjustments for Cash Budget Requirements						
Adjustments and Accruals		496,955		645,042		
<i>(Profit)/Loss on Asset Disposals</i>	(31,731)		1,512		33,243	-105%
<i>Movement in Accruals and Provisions</i>	(224,518)		(224,618)			0%
<i>Depreciation on Assets</i>	723,304		871,148		147,844	
Purchase of Non-Current Assets		(4,202,830)		(2,727,765)		
<i>Purchase Land Held for Resale</i>	(42,000)		(41,851)		149	0%
<i>Purchase Land and Buildings</i>	(262,000)		(123,547)		138,453	-53%
<i>Purchase Infrastructure Assets - Roads</i>	(2,161,877)		(1,769,938)		371,939	-17%
<i>Purchase Infrastructure Assets - Parks</i>	(50,000)		(59,173)		(9,173)	18%
<i>Purchase Infrastructure Assets - Footpaths</i>	(78,400)		(22,682)		55,718	-71%
<i>Purchase Infrastructure Assets - Drainage</i>	(35,300)		(53,233)		2,567	-7%
<i>Purchase Infrastructure Assets - Other</i>	(1,300,711)		(501,447)		799,264	-61%
<i>Purchase Plant and Equipment</i>	(236,436)		(126,330)		110,106	-47%
<i>Purchase Furniture and Equipment</i>	(35,566)		(29,563)		6,103	-17%
Capital Income		2,087,215		983,706		
<i>Grants / Contributions for Development of Assets</i>	2,072,465		980,779		(1,091,686)	-53%
<i>Proceeds from Disposal of Assets</i>	14,750				(14,750)	-100%
<i>Proceeds from Sale of Land Held for Resale</i>			2,927		2,927	
Debentures		(251,951)		(346,980)		
<i>Repayment of Debentures</i>	(912,951)		(912,980)		1	0%
<i>Proceeds from New Debentures</i>	621,000		566,000		(55,000)	-9%
<i>Self-Supporting Loan Principal Income</i>						
Reserves		215,120		215,548		
<i>Transfers to Reserves (Restricted Assets)</i>	(71,380)		(42,975)		28,405	-40%
<i>Transfers from Reserves (Restricted Assets)</i>	290,000		258,523		(31,477)	-11%
<i>Add Estimated Surplus/(Deficit) July 1 B/Fwd</i>	6,626,799	6,626,799	6,626,796	6,626,796	(3)	0%
<i>Less Estimated Surplus/(Deficit) June 30 C/Fwd</i>	7,657,936	7,657,936	8,234,683	8,234,683	(576,747)	9%
Amount Required to be Raised from Rates	5,122,743	5,122,743	5,102,374	5,102,374	(20,369)	0%

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity
For the Period Ended 31 October 2009

	YTD Actual 2009/10 \$	Brought Forward 1 July 2009 \$
Net Current Assets	\$	\$
<i>Composition of Net Current Asset Position</i>		
Current Assets		
Cash - Unrestricted	6,577,252	6,140,740
Cash - Reserves	6,523,157	6,738,705
Cash - Restricted Unspent Grants	5,450,966	-
Investments - Restricted		
Receivables	2,159,294	1,174,211
Self Supporting Loans	-	1,118
Inventories	14,823	6,387
Land Held for Resale	-	-
	20,725,492	14,061,161
<i>Less</i>		
Current Liabilities		
Payables	(1,394,624)	(1,795,659)
	(1,394,624)	(1,795,659)
<i>Less</i>		
Restricted Reserves		
Cash	(11,096,185)	(6,738,705)
Investments		
Net Current Asset Position	8,234,683	5,526,796

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity
For the Period Ended 31 October 2009

Explanation of Material Variances

Variances +/- \$50,000

Operating

Recurrent Revenue - Excluding Rates

No explanation of material variances required

Recurrent Expenditure

Community Amenities:

Tip Maintenance expenditure is overspent year to date by \$46K this relates to cleaning, sorting and chipping the backlog of green waste (\$40K), a large waste oil (\$20K) and tyre cleanup (\$10K). Improved practices of storage of materials and more regular disposal of these items will reduce the ongoing costs.

Litter Collection and Refuse Collection is \$20K and \$80K underspent due to invoices not being received from contractors.

This is partially offset by Youth Wages being underspent by \$45K compared to year to date budget due to staff vacancies.

Cumbungi Management budget has been fully expended and overspent by \$30K savings need to identified to offset this permanent difference.

Economic Services:

Annual Grants are under expended by \$50K due to timing of distribution compared to budget.

Economic Services Wages and Overheads are under expended by \$30K due to position of Economic Development Manager not being filled.

Other Property and Services:

Public Works Overheads exceeds the recovery of the overheads against jobs by \$98K. This is a timing issue due to the delay in construction projects.

Plant Operation expenses exceed recovery by \$43K. This is expected to be a timing issue.

Capital

Adjustments and Accruals

Depreciation expenses exceed year to date budget by \$147K. The impact of the implementation of the new asset capitalisation policy needs to be reviewed and budgets adjusted accordingly.

Capital Expenditure and Revenue

Purchase Infrastructure Assets (Land and Buildings)

Kununurra Leisure Centre stage upgrade (77K) budget forecast earlier than actual expenditure. Project underway, due for completion end of November.

Pending final quotation for Kununurra Childcare capital improvements (\$20K year to date budget estimate).

Kununurra administrator transportable project works expected completion in November, budget variation \$35K

Project Management EKRA terminal upgrade budget expenditure of \$12K invoiced in November.

Purchase Infrastructure Assets (Roads)

Coclibah Drive reconstruction project \$87K over budget due to addition of project management overheads, requires budget amendment.

This is offset by:

Carlton Hill Road Upgrade (\$202K) timing difference due to project delays

\$50K year to date budget for Lake Argyle Culverts, actual expenditure nil, contract awarded.

Research Station Road and Cato Court Reconstruct year to date budgets of \$175K and \$80K are under expended due to timing of project, now expected in May 2010.

Purchase Infrastructure Assets (Footpaths)

Expenditure on lighting for Lakeside Link path delayed whilst investigating options (\$55K)

Purchase Infrastructure Assets (Other)

Wyndham Pool Upgrade initial progress payments smaller than expected. This will correct itself at completion of project expected in December, impact of \$727K.

Forecasted expenditure for basketball furniture for Multipurpose Courts yet to occur \$38K.

Kununurra Airport car park modifications \$36K less than predicted year to date budget.

Purchase Infrastructure Assets (Plant and Equipment)

Airport plant quotations received pending Council decision \$70K.

Awaiting arrival of several vehicles, some replacements have been delayed due to work load (\$46K)

Grants/Contributions to Development of Assets

Wyndham Pool Upgrade income corresponds with progress payments for project and will be completed by December, impact of \$28K on year to date budget.

Pending notification from Lotterywest regarding Youth Centre grant funding (\$36K).

Aboriginal Roads Federal funding forecasted incorrectly, is received quarterly. (\$182K)

Roads to Recovery grants based on project timing - cash flow estimates to be revised due to changes in the works program. (\$352K).

Debentures and Reserves

Full amount forecast in budget for refinancing Childcare loan not required. Impact of \$55K

Shire of Wyndham East Kimberley
Notes to Statement of Financial Activity
Budget to Collect/ Spend
as at 31 October 2009

	Amended Adopted Budget		YTD Actual		Budget Remaining	
	2009-10		2009-10		2009-10	
	\$	\$	\$	\$	\$	\$
Revenues		10,864,798		3,919,806		6,944,992
General Purpose Funding	3,355,207		974,962		2,380,245	
Governance	39,195		27,062		12,133	
Law, Order And Public Safety	49,435		21,890		27,545	
Health	39,500		4,949		34,551	
Education And Welfare	114,300		46,687		67,613	
Housing	301,021		47,650		253,371	
Community Amenities	2,058,040		1,007,827		1,050,213	
Recreation And Culture	873,766		305,603		568,163	
Transport	3,536,300		1,400,908		2,135,392	
Economic Services	222,800		61,434		161,366	
Other Properties And Services	279,514		18,034		261,480	
Expenses		(16,136,048)		(5,086,845)		(1,049,208)
General Purpose Funding	(467,130)		(115,936)		(351,194)	
Governance	(1,080,832)		(333,624)		(747,208)	
Law, Order And Public Safety	(450,634)		(164,723)		(285,911)	
Health	(316,142)		(92,163)		(223,979)	
Education And Welfare	(377,384)		(94,537)		(282,847)	
Housing	(291,153)		(102,785)		(188,368)	
Community Amenities	(3,435,506)		(900,664)		(2,534,842)	
Recreation and Culture	(3,923,469)		(1,182,858)		(2,740,611)	
Transport	(4,869,304)		(1,664,696)		(3,204,608)	
Economic Services	(637,012)		(169,743)		(467,269)	
Other Property and Services	(227,452)		(265,083)		(22,369)	
Adjustments for Cash Budget Requirements						
Adjustments and Accruals		1,696,628		648,042		1,048,586
<i>(Profit)/Loss on Asset Disposals</i>	(453,439)		1,512		(454,951)	
<i>Movement in Accruals and Provisions</i>	(20,043)		(224,618)		204,575	
<i>Depreciation on Assets</i>	2,170,110		871,148		1,298,962	
Purchase of Non-Current Assets		(23,911,546)		(2,727,765)		(2,183,781)
<i>Purchase Land Held for Resale</i>	(752,000)		(41,851)		(710,149)	
<i>Purchase Land and Buildings</i>	(8,967,253)		(123,547)		(8,843,706)	
<i>Purchase Infrastructure Assets - Roads</i>	(5,137,882)		(1,789,938)		(3,347,944)	
<i>Purchase Infrastructure Assets - Parks</i>	(240,000)		(59,173)		(180,827)	
<i>Purchase Infrastructure Assets - Footpaths</i>	(78,400)		(22,682)		(55,718)	
<i>Purchase Infrastructure Assets - Drainage</i>	(264,800)		(33,233)		(231,567)	
<i>Purchase Infrastructure Assets - Other</i>	(6,758,000)		(501,447)		(6,256,553)	
<i>Purchase Plant and Equipment</i>	(1,362,111)		(126,330)		(1,235,781)	
<i>Purchase Furniture and Equipment</i>	(280,500)		(29,563)		(250,937)	
Capital Income		13,904,888		983,706		12,921,182
<i>Grants / Contributions for Development of Assets</i>	13,308,388		980,779		12,327,609	
<i>Proceeds from Disposal of Assets</i>	500,500				500,500	
<i>Proceeds from Sale of Land Held for Resale</i>	96,000		2,927		93,073	
Debentures		1,765,168		(346,980)		2,112,148
<i>Repayment of Debentures</i>	(1,057,847)		(912,950)		(144,897)	
<i>Proceeds from New Debentures</i>	2,806,300		566,000		2,240,000	
<i>Self-Supporting Loan Principal Income</i>	17,015				17,015	
Reserves		1,653,940		215,542		1,438,392
<i>Transfers to Reserves (Restricted Assets)</i>	(859,680)		(42,975)		(816,705)	
<i>Transfers from Reserves (Restricted Assets)</i>	2,553,820		258,523		2,295,297	
<i>Add Estimated Surplus/(Deficit) July 1 B/Fwd</i>	5,526,799	5,526,799	5,526,796	5,526,796	3	3
<i>Loss Estimated Surplus/(Deficit) June 30 C/Fwd</i>	490,705	490,705	8,234,683	8,234,683	(7,743,978)	(7,743,978)
Amount Required to be Raised from Rates	5,126,379	5,126,079	5,102,374	5,102,374	23,705	23,705

12.2.2 LIST OF ACCOUNTS PAID UNDER DELEGATION 18(8912)

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Sue Dillon, Senior Finance Officer
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	60.14.03
ASSESSMENT NO:	N/A

PURPOSE

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

Community consultation was not required in the preparation of this report.

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 Fund

Municipal cheques 39238 -39291 (1 to 29 October 2009)	\$107,837.95
EFT 107287 – EFT 107580 (1 to 29 October 2009)	\$1,345,325.11
Payroll (7 to 23 October 2009)	\$282,381.39
Direct bank debits (1 to 30 October 2009)	\$17,073.34

Trust Fund

Trust cheques 1 – 2 (9 October 2009)	\$200.00
EFT 500002 – 500004 (29 October 2009)	\$25,115.50
Total	\$1,777,933.29

COUNCIL DECISION

Minute No. 8912

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

Municipal Fund

Municipal cheques 39238 -39291 (1 to 29 October 2009)	\$107,837.95
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Trust Fund	
Trust cheques 1 – 2 (9 October 2009)	\$200.00
EFT 500002 – 500004 (29 October 2009)	\$25,115.50
Total	\$1,777,933.29

CARRIED UNANIMOUSLY: (7/0)

List of Accounts Paid Under Delegation 18

List of Accounts Submitted to Council 17 November 2009

Municipal Fund EFT

Chq/EFT	Date	Name	Description	Amount
EFT107287	1/10/2009	ABC 2000	BUTTON BADGE MAKING STARTER KIT	539.00
EFT107288	1/10/2009	ALLGEAR MOTORCYCLES	BLADES FOR HONDA SELF PROPELLED MOWERS	48.00
EFT107289	1/10/2009	ARGYLE MOTORS	SUPPLY ALTERNATOR WY9901& REPAIR HYD LEAK WY13133	1,017.38
EFT107290	1/10/2009	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	133.66
EFT107291	1/10/2009	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	189.00
EFT107292	1/10/2009	BEAUREPAIRES (KUNUNURRA)	NEW TYRES FITTING AND BALANCE WY12646	1,171.32
EFT107293	1/10/2009	BOSS FLUID POWER	10 X CARTONS OF TOILET ROLL	916.50
EFT107294	1/10/2009	BRUCE HARDING	WATER SUBSIDY 25/03/09 - 28/07/09	204.35
EFT107295	1/10/2009	BUDGET RENT A CAR	HIRE CAR FOR CEO CANDIDATE G.GAFFNEY 11 - 14 SEPT 09	419.20
EFT107296	1/10/2009	CALCUTT WATSON & ASSOC PTY LTD	AAA 2009 NATIONAL AIRPORTS & AVIATION REGI CR F MILLS	3,560.00
EFT107297	1/10/2009	COUNCILLOR DI AUSBURN	MEETING FEE FOR PERIOD OF 01/07/09 - 30/09/09	2,350.00
EFT107298	1/10/2009	COUNCILLOR JANE PARKER	MEETING FEE FOR PERIOD OF 01/07/09 - 30/09/09	2,350.00
EFT107299	1/10/2009	COUNCILLOR KEITH WRIGHT	MEETING FEE FOR PERIOD OF 01/07/09 - 30/09/09	2,350.00
EFT107300	1/10/2009	COUNTRY COMFORT INTER CITY PERTH	ACCOMM. FOR GARY GAFFNEY 11-12 SEPT 09	182.00
EFT107301	1/10/2009	COWBOY REFRIGERATION	SERVICE AIRCON KNX AIRPORT DEPOT 12 MONTH MTCE	110.00
EFT107302	1/10/2009	CR FRED MILLS	MEETING FEE PRESIDENT FOR PERIOD 01/07/09 - 30/09/09	6,850.00
EFT107303	1/10/2009	CR KENNETH TORRES	MEETING FEE FOR PERIOD OF 01/07/09 - 30/09/09	2,350.00
EFT107304	1/10/2009	DERRICK STEENSON	CRANE HIRE TO LOAD CULVERTS AT DEPOT FOR PARRY CK RD	759.00
EFT107305	1/10/2009	EAST KIMBERLEY HARDWARE	37 X BAGS RAPID SET CEMENT	628.95
EFT107306	1/10/2009	EAST KIMBERLEY PLUMBING	BP LEASE CONNECTION TO BOUNDARY OF BLOCK - OFF LOT 181	9,825.20
EFT107307	1/10/2009	FESA EMERGENCY SERVICES LEVY	2009/10 ESL FIRST QUARTER	49,660.43
EFT107308	1/10/2009	FRONTIER POST & NEWS	POSTAGE, NEWSPAPERS AND STATIONERY	28.40
EFT107309	1/10/2009	GRUNT LABOUR SERVICES PTY LTD	LABOUR HIRE - KNX LANDFILL SITE	2,278.42
EFT107310	1/10/2009	GUERINONI & SON	MOLASSES AND WATER CART ON DROVERS ROAD (1/2 SHIRE)	1,535.33

Chq/EFT	Date	Name	Description	Amount
EFT107311	1/10/2009	J BLACKWOOD & SON LIMITED	4 X BOXES OF 12 CARTRIDGES OF GREASE	210.14
EFT107312	1/10/2009	JAB INDUSTRIES	CRUST TESTS IN SEWAGE POOL AND REMOVAL	1,738.00
EFT107313	1/10/2009	JSW HOLDINGS PTY LTD	12 TN 150MM X 200MM OVERSIZE RIVER ROCK	396.00
EFT107314	1/10/2009	K & M ALLCLEAN	MONTHLY CLEANING OF OFFICE, KLC, PUBLIC TOILETS AUG 09	14,568.82
EFT107315	1/10/2009	KIMBERLEY ECHO ALBANY ADVERTISER	ADVERTISEMENT PUBLIC NOTICES, TENDERS ETC	1,027.60
EFT107316	1/10/2009	KIMBERLEY MOTORS	FUEL FOR THE MONTH OF JULY 09	2,797.40
EFT107317	1/10/2009	KIMBERLEY WASTE SERVICES	STREET SWEEPING AUGUST 09	10,597.50
EFT107318	1/10/2009	KUNUNURRA DISTRICT HIGH SCHOOL	SHIRE CONT. - TRAVEL COSTS LIBRARY MANAGER 28-29 MAY	565.24
EFT107319	1/10/2009	KUNUNURRA PEST MANAGEMENT	3 EUCALYPTUS CLOSE ANNUAL TERMITE CHECK	99.00
EFT107320	1/10/2009	L.G.R.C.E.U	PAYROLL DEDUCTIONS	15.30
EFT107321	1/10/2009	MCKINLAY, BETTY	WATER SUBSIDY 01/04/09 - 31/07/09	1,011.69
EFT107322	1/10/2009	MEGAN HUNT	WEEKLY CLEAN OF WYN ADMIN, REC CENTRE & PRH	973.50
EFT107323	1/10/2009	METAL ARTWORK CREATIONS	GOLD DESK NAME PLATE - JARRAH BASE FOR CR.JACKIE MCCOY	32.56
EFT107324	1/10/2009	NATURE LOO	2 x CLASSIC CHAMBERS 1000 SQUARE (SPARES)	1,344.00
EFT107325	1/10/2009	ORIA ORCHARDS	WEEKLY FLOWER DELIVERY	15.00
EFT107326	1/10/2009	REM	CD FOR FITNESS THUMP, STIMULATE, ROTATE, MOTIVATE	192.00
EFT107327	1/10/2009	ROBERT BOSHAMMER	MEETING FEE FOR PERIOD 01/07/09 - 30/09/09	2,350.00
EFT107328	1/10/2009	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	780.00
EFT107329	1/10/2009	SNOWBALL, MIKE	REIMBURSE B/FAST & LATE CHECKOUT NOT CHARGED TO RM	85.00
EFT107330	1/10/2009	THE KIMBERLEY GRANDE	ACCOMM. - G. GAFFNEY 11-14 SEPT INC. B/FAST AND ALL MEALS	705.00
EFT107331	1/10/2009	TNT AUSTRALIA PTY LIMITED	FREIGHT FOR POOL SAMPLES	352.59
EFT107332	1/10/2009	TOLL EXPRESS	FREIGHT FOR LIBRARY	167.22
EFT107333	1/10/2009	TOP END MOTORS	80,000 SERVICE & NEW W/SCREEN WY01- SERVICE 1CLI595	2,242.77
EFT107334	1/10/2009	WA LOCAL GOV. SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	22,348.28
EFT107335	1/10/2009	WANNA WORK LABOUR HIRE SOLUTIONS	LAWN AND LANDSCAPING OF ROTARY CENTENARY PARK	2,730.00
EFT107336	1/10/2009	WAYNE RICHARDS & REBECCA MORRALL	REIMBURSEMENT OF CONSUMABLES PURCHASED FOR KLC	162.04
EFT107337	1/10/2009	WB MOBILE WINDSCREENS	REPLACE DAMAGED REAR WINDOW PRIVATE VEHICLE UEX475	396.00
EFT107338	2/10/2009	AVP COMMERCIAL POOLS	WYNDHAM POOL UPGRADE PROGRESS PAYMENT # 1	126,500.00
EFT107339	2/10/2009	RNAS	8 WEEK COMPREHENSIVE IT AND NETWORK SUPPORT	11,263.56

Chq/EFT	Date	Name	Description	Amount
EFT107340	8/10/2009	ACCOR ALL SEASONS KUNUNURRA	ROOM HIRE FOR PUBLIC MEETING 16/09/09	325.00
EFT107341	8/10/2009	ALLGEAR MOTORCYCLES	STIHL BRUSH CUTTER, WHIPPER SNIPPER CORD, SPARK PLUGS	1,355.90
EFT107342	8/10/2009	ARGYLE MOTORS	1 X 20LTR UDT HDY OIL FOR KUBOTA M125 X TRACTOR	133.10
EFT107343	8/10/2009	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	242.18
EFT107344	8/10/2009	AUSTRALIAN FUEL DISTRIBUTORS	FUEL FOR JULY	3,795.29
EFT107345	8/10/2009	AUSTRAL MERCANTILE COLLECTIONS P/L	PROFESSIONAL SERVICES	1,157.70
EFT107346	8/10/2009	AUSTRALIA POST	POSTAGE CHARGES	912.99
EFT107347	8/10/2009	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	189.00
EFT107348	8/10/2009	BEAUREPAIRES (KUNUNURRA)	NEW TYRE FOR VEHICLE WY13434	158.69
EFT107349	8/10/2009	BRANKO BP MOTORS	ITEMS FOR WYN A/PORT POWER HOUSE GEN SET MTCE & OIL	189.70
EFT107350	8/10/2009	BRIDGESTONE AUSTRALIA LTD	SUPPLY & FIT 2 X NEW TYRES TO WY 12885	1,004.79
EFT107351	8/10/2009	BUSH CAMP SURPLUS STORES	3 X PAIRS SAFETY BOOTS	537.00
EFT107352	8/10/2009	CABCHARGE	CAB CHARGES VARIOUS STAFF - TRAINING	1,111.21
EFT107353	8/10/2009	CAFE CORPORATE	COFFEE BEANS	261.60
EFT107354	8/10/2009	CENTURION TRANSPORT	FREIGHT FROM WESTRAC	152.90
EFT107355	8/10/2009	COMFORT INN PERTH HOTEL	ACCOMM FOR K.LYNCH, S.VALE, F. HAMILTON 6-15 SEPT 09	3,346.20
EFT107356	8/10/2009	COMM. & PROTECTIVE SOLUTIONS	EXT 106 NOT FUNCTIONING. TRACE ERROR AND REPAIR	297.00
EFT107357	8/10/2009	COURIER AUSTRALIA	FREIGHT FOR FIRE BRIGADE UNIFORMS	117.11
EFT107358	8/10/2009	DRYSDALE RIVER STATION	MAINTENANCE GRADE - KALUMBURU ROAD	19,470.00
EFT107359	8/10/2009	DUROMER PRODUCTS PTY LTD	GUIDE POSTS AS QUOTED	5,087.50
EFT107360	8/10/2009	EAST KIMBERLEY GLASS	REPLACE SMASHED WINDOW AT KLC AFTER BREAK IN	433.40
EFT107361	8/10/2009	EAST KIMBERLEY HARDWARE	RAKE AND FERTILISER SPREADER	118.80
EFT107362	8/10/2009	EAST KIMBERLEY PLUMBING	WYN REC CENTRE TOILET REPLACED, DEPOT TOILET REPAIRS	1,611.80
EFT107363	8/10/2009	FIONA HAMILTON	REIMBURSEMENT OF EXCESS BAGGAGE CHARGES K.LYNCH	847.27
EFT107364	8/10/2009	FORTE AIRPORT MANAGEMENT	CONSULTANCY FEE SPECIFICATIONS TENDER KNX AIRPORT	2,376.00
EFT107365	8/10/2009	FUJI XEROX AUSTRALIA P/L	PHOTOCOPIER CHARGES - YOUTH CENTRE 01/08/09-31/08/09	59.45
EFT107366	8/10/2009	FULTON HOGAN PTY LTD	RESEAL OF KNX AIRPORT CARPARK	28,932.75
EFT107367	8/10/2009	GRUNT LABOUR SERVICES PTY LTD	LABOUR HIRE - KNX LANDFILL SITE	1,198.23
EFT107368	8/10/2009	GULLIVERS TAVERN	DINNER FOR ORDINARY COUNCIL MEETING 15 SEPT 09	480.00

Chq/EFT	Date	Name	Description	Amount
EFT107369	8/10/2009	HEALTH CORPORATE NETWORK	POISON PERMIT 09/10 TO PURCHASE SCHEDULED POISONS	200.00
EFT107370	8/10/2009	IBAC PLUMBING PTY LTD	REPAIR MALE TOILET TAPS & INSTALL COLD TAP KNX TERMINAL	178.20
EFT107371	8/10/2009	IMAGE PRINTING	2000 x DL WINDOW ENVELOPES 2000 x C4 YELLOW ENVELOPES	759.00
EFT107372	8/10/2009	J BLACKWOOD & SON LIMITED	SWIFT LIFT 1.3 TN	300.23
EFT107373	8/10/2009	JACK IN THE BOX	REBRANDING OF SWEK CLAIM #1	12,103.00
EFT107374	8/10/2009	JASON SIGNMAKERS LTD	SIGNAGE	259.60
EFT107375	8/10/2009	JSW HOLDINGS PTY LTD	GRAVEL KNX AIRPORT, DRAINAGE MTCE SPEARGRASS	6,703.95
EFT107376	8/10/2009	K & M ALLCLEAN	MONTHLY CLEAN OF YOUTH CENTRE - SEPT 09	834.00
EFT107377	8/10/2009	KATE LYNCH	REIMBURSE MEALS & TAXI FARES DURING TRAINING COURSE	174.78
EFT107378	8/10/2009	KIMBERLEY ECHO ALBANY ADVERTISER	ADVERTISEMENT PUBLIC NOTICES, EMPLOYMENT	3,124.01
EFT107379	8/10/2009	KIMBERLEY HYDRAULICS	SEAL KIT FOR HYDRAULIC RAMS - SLASHER	231.00
EFT107380	8/10/2009	KIMBERLEY MARKETING	ICECREAM FOR RE-SALE - KLC	1,521.07
EFT107381	8/10/2009	KIMBERLEY TREE SERVICES PTY LTD	CUT DOWN AND REMOVE 1 X DEAD AND 1 X SPLIT TREE	1,007.50
EFT107382	8/10/2009	KUNUNURRA BETTA ELECTRICAL & GAS	CAMCORDER GZMG630S & CARRY POUCH , FUJI 4 GB	767.95
EFT107383	8/10/2009	KUNUNURRA CONCRETE	REPAIRS TO FOOTPATH - BETTA ELECTRICAL	4,070.00
EFT107384	8/10/2009	KUNUNURRA LOCK & KEY	8 X KEYS CUT FOR KNX LEISURE CENTRE	114.00
EFT107385	8/10/2009	L.G.R.C.E.U	PAYROLL DEDUCTIONS	15.30
EFT107386	8/10/2009	LANDGATE	PROPERTY USAGE AND CLASSIFICATION DETAILS	616.90
EFT107387	8/10/2009	LOCAL GOVT MANAGERS AUSTRALIA	2009/2010 LGMA MEMBERSHIP SUBSCRIPTION K APPERLEY	368.00
EFT107388	8/10/2009	MCLEAN ENTERPRISES	DRUMS OF EMULSION	1,245.00
EFT107389	8/10/2009	MEGAN HUNT	WEEKLY CLEAN WYN ADMIN, REC & PRMH - STRIP & SEAL PRH	1,852.23
EFT107390	8/10/2009	MIRIMA COUNCIL, LANGUAGE & CULTURE	CULTURAL AWARENESS COURSE	143.00
EFT107391	8/10/2009	ORIA ORCHARDS	16 X TREES FOR ROTARY CENTENARY PARK	78.00
EFT107392	8/10/2009	PIVOTEL	SATELLITE PHONE CHARGES FOR SEPT 09	117.19
EFT107393	8/10/2009	PLANT HIRE SERVICES PTY LTD	SUPPLY, DEL & SPREAD RIVER ROCK - KING EDWARD CROSSING	42,999.00
EFT107394	8/10/2009	RECFISHWEST	PAYMENT FOR ROUND 1 GRANT - FISHING CLINIC	3,520.00
EFT107395	8/10/2009	RED ELEVEN RED 11 PTY LTD	NEW COMPUTERS	4,866.71
EFT107396	8/10/2009	SHERIDAN'S FOR BADGES	NAME BADGES FOR STAFF	121.29
EFT107397	8/10/2009	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	1,130.00

Chq/EFT	Date	Name	Description	Amount
EFT107398	8/10/2009	SHOAL AIR PTY LTD	AIR CHARTER FOR HEALTH INSPECTIONS	2,000.00
EFT107399	8/10/2009	ST JOHN AMBULANCE	SENIOR FIRST AID TRAINING 23 SEPTEMBER 09	405.00
EFT107400	8/10/2009	STEWART & HEATON CLOTHING CO. P/L	FIRE BRIGADE UNIFORMS	307.03
EFT107401	8/10/2009	STITCHED UP EMBROIDERY SERVICES	12 MONTH REPLACEMENT UNIFORMS FOR SHIRE STAFF	4,147.80
EFT107402	8/10/2009	SYNETRIX	4 X NEW LAPTOPS	6,451.50
EFT107403	8/10/2009	TENSENS CLEANING SUPPLIES	HAND WASH LOTION REFILLS	181.24
EFT107404	8/10/2009	THINKWATER	REPLACE BURST PIPE MAIN ON IVANHOE ROAD	440.08
EFT107405	8/10/2009	TNT AUSTRALIA PTY LIMITED	FREIGHT FOR PAW PAW INVESTIGATION	433.07
EFT107406	8/10/2009	TOLL EXPRESS	KNX LIBRARY FREIGHT	345.73
EFT107407	8/10/2009	TONY'S PLUMBING & EXCAVATION P/L	FIX BURST PIPE WYN CHILDCARE CENTRE	379.50
EFT107408	8/10/2009	TOTAL EDEN KP PUMPS	120X RAINBIRD POP UP SPRINKLERS 50MM - 2 X DECODERS	1,608.53
EFT107409	8/10/2009	TST ELECTRICAL	CHECK AND REPAIR LIGHTS AT KNX DEPOT	763.00
EFT107410	8/10/2009	VISIMAX	BUSH FIRE ACT PERMIT BOOKLETS	96.75
EFT107411	8/10/2009	WA LOCAL GOVT SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	21,795.96
EFT107412	8/10/2009	WANNA WORK LABOUR HIRE SOLUTIONS	MAINTENANCE FOR PINDAN PARK - LAWNS	330.00
EFT107413	8/10/2009	WESTRALIA AIRPORTS CORP PTY LTD,	ASIC CARDS PRINTED	300.00
EFT107414	8/10/2009	WYNDHAM EXCAVATIONS	SIDE TIPPER - REINSTATE PARRY CK RD AFTER FIT. CULVERTS	16,331.70
EFT107415	13/10/2009	GRACE REMOVALS	RELOCATION OF K. LYNCH & F. HAMILTON - VIC TO KNX	8,502.64
EFT107416	15/10/2009	ALLGEAR MOTORCYCLES	SAW REPAIRS CLUTCH, BAR & THROTTLE CABLE POLE	253.55
EFT107417	15/10/2009	ARGYLE MOTORS	PURCHASE OF REPLACEMENT VEHICLE FOR P104 (EMDS)	61,286.15
EFT107418	15/10/2009	BODAN CONSTRUCTIONS PTY LTD	KNX TRANSPORTABLE OFFICE EXT - PROGRESS PAYMENT #1	22,000.00
EFT107419	15/10/2009	BRANKO BP MOTORS	JERRY CAN FUEL FOR AUGUST 2009	289.77
EFT107420	15/10/2009	BUDGET RENT A CAR	VEHICLE HIRE FOR TRIP TO HALLS CREEK 17-18/09/09	322.70
EFT107421	15/10/2009	C & S JOLLY ELECTRICS	REPAIR TERMINAL FANS IN ARRIVALS AREA	271.32
EFT107422	15/10/2009	CASSON HOLDINGS	70 X SUNSET BASKETBALL SINGLETs	1,173.00
EFT107423	15/10/2009	CENTURION TRANSPORT	FREIGHT FOR SIGNS	67.28
EFT107424	15/10/2009	CIVIC LEGAL	PROFESSIONAL SERVICES	1,584.00
EFT107425	15/10/2009	DEVITA'S AUTO ELECTRICS	NEW FAN AND ALTERNATOR - WY9901	149.60
EFT107426	15/10/2009	DOUGLAS ALEXANDER	WATER SUBSIDY 03/04/09 - 06/08/09	413.03
EFT107427	15/10/2009	E & MJ ROSHER PTY LTD	COVER DISCHARGE, PIN SPRING AND BOLT WY11485	266.85

Chq/EFT	Date	Name	Description	Amount
EFT107428	15/10/2009	EAST KIMBERLEY HARDWARE	20KG TROPIGRO FERTILIZER	308.65
EFT107429	15/10/2009	EAST KIMBERLEY PLUMBING	2 X TOILET ROLL HOLDERS WYN REC & UNBLOCK AUTO TOILET	293.70
EFT107430	15/10/2009	FIONA HAMILTON	REIMBURSEMENT OF WORKING WITH CHILDREN CHECK	50.00
EFT107431	15/10/2009	FUGRO PMS	VARIATION HEAVY WEIGHT DEFLECTOMETER SURVEY RUNWAY	1,925.00
EFT107432	15/10/2009	FUJI XEROX AUSTRALIA P/L	01/09/09 - 30/09/09 XEROX CONTRACT ENGIN. PHOTOCOPIER	2,460.12
EFT107433	15/10/2009	GRUNT LABOUR SERVICES PTY LTD	LABOUR HIRE - KNX LANDFILL SITE	1,198.23
EFT107434	15/10/2009	GUERINONI & SON	40M3 GRAVEL FOR TIP AND WATER TRUCK FOR AG OVAL	1,100.00
EFT107435	15/10/2009	HART SPORT	84 X SIZE 7 BASKETBALLS FOR KLC	1,123.60
EFT107436	15/10/2009	IBAC PLUMBING PTY LTD	KLC CHECK & FIX LEAKING TAP IN MALE TOILET & SQUASH CRTS	355.30
EFT107437	15/10/2009	IT VISION ITV	TRUST WEBINAR TRAINING TUESDAY 8SEPTEMBER 2009	220.00
EFT107438	15/10/2009	JH COMPUTER SERVICES	PRINTER CARTRIDGES	738.00
EFT107439	15/10/2009	JORRITSMA H & CO	HOSES AND FITTINGS FOR SKULL ROCK TOILET	69.40
EFT107440	15/10/2009	JSW HOLDINGS PTY LTD	50M YELLOW SAND CARPARK KNX AIRPORT	1,650.00
EFT107441	15/10/2009	K & M ALLCLEAN	MONTHLY CLEANING OF OFFICE, KLC, PUBLIC TOILETS SEPT 09	14,710.72
EFT107442	15/10/2009	KIMBERLEY INDUSTRIES METALAND	SHEETS 2400MM x 1200MM GAL - WEABER PLAIN ROAD	626.28
EFT107443	15/10/2009	KIMBERLEY MARKETING	KLC DISCO FOOD ITEMS FOR RE-SALE	231.84
EFT107444	15/10/2009	KIMBERLEY MOTORS	8 X VEHICLES SERVICED	2,600.22
EFT107445	15/10/2009	KUNUNURRA DIESEL SERVICES	HYDRAULIC HOIST REPAIRS, DRAIN TANK, HYD OIL WY11160	1,024.90
EFT107446	15/10/2009	KUNUNURRA MEDICAL	DAMP DRUG TESTING PRE-EMPLOYMENT	48.40
EFT107447	15/10/2009	KUNUNURRA POOLS AND SPAS	10 x 10 KG CHLORINE	690.00
EFT107448	15/10/2009	KUNUNURRA VISITORS CENTRE	4 x MY HEART MY HOME DVD'S	64.00
EFT107449	15/10/2009	LGIS LIABILITY	CASUAL HIRERS 07/09/09 - 30/06/2010	1,445.13
EFT107450	15/10/2009	MULTIMEDIA ENTERTAINMENT	200 X SILICONE WRIST BANDS FOR SUNSET BASKETBALL EVENT	375.00
EFT107451	15/10/2009	ORDCO	20LTR GLYPHOSATE	528.00
EFT107452	15/10/2009	RAECO INTERNATIONAL P/L	PROTEC 80 GLOSS 300MM X 50M 955300 ACID FREE	42.55
EFT107453	15/10/2009	RAPISCAN SYSTEMS AUSTRALIA PTY LTD	MN100020 SAMPLING CARTRIDGES	151.25
EFT107454	15/10/2009	RICON CONTRACTORS PTY LTD	RELOCATE STORM WATER ON LOT 100 RIVERFIG AVE KNX	50,160.00
EFT107455	15/10/2009	RICK SPRY	ELECTRICITY SUBSIDY 28/07/09 - 23/09/09	250.55
EFT107456	15/10/2009	ROYAL LIFE SAVING (WA BRANCH)	POOL LIFEGUARD REQUALIFICATION 21 AUGUST	460.00

Chq/EFT	Date	Name	Description	Amount
EFT107457	15/10/2009	RPS KOLTASZ SMITH	SCHEME AMENDMENT - REZONE LOT 501 WATER LILLY PL L/SIDE	742.50
EFT107458	15/10/2009	SHELF SUPPLY	BAGS OF DOG PELLETS	130.00
EFT107459	15/10/2009	SNOWBALL, MIKE	ELECTRICITY SUBSIDY 12/06/09 - 11/08/09	702.38
EFT107460	15/10/2009	STATE RECORDS AUTHORITY OF NSW	KEYWORDS FOR COUNCIL FOR RECORDS – BOOK	71.50
EFT107461	15/10/2009	SYLEX ERGONOMICS	BRACKET ADAPTOR TO SUIT LA911 MONITOR ARM	22.00
EFT107462	15/10/2009	SYNETRIX	LOGITECH CORDLESS LAPTOP STANDS	704.00
EFT107463	15/10/2009	TNT AUSTRALIA PTY LIMITED	FREIGHT FOR PRIVATE SAMPLING	81.86
EFT107464	15/10/2009	TOLL EXPRESS	FREIGHT	57.74
EFT107465	15/10/2009	TOTAL EDEN KP PUMPS	SPRINKLERS, COIL SOLENOID	223.63
EFT107466	15/10/2009	WAYNE RICHARDS & REBECCA MORRALL	REIMBURSE FOOD ITEMS PURCHASED - SUNSET BASKETBALL	147.11
EFT107467	22/10/2009	ADVENTURE OFFROAD CAMPERS	BALANCE CAMPER TRAILER OOMBULGURRI YOUTH SERVICES	20,514.00
EFT107468	22/10/2009	ALLIGATOR AIRWAYS PTY LTD	FLIGHT TO MORNINGTON STATION FOR NTH KIM LCDC MEETING	2,100.00
EFT107469	22/10/2009	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	240.71
EFT107470	22/10/2009	ATTORNEYGENERAL'S DEPT AUSCHECK	ASIC AUSCHECK	167.00
EFT107471	22/10/2009	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	189.00
EFT107472	22/10/2009	BEAUREPAIRES (KUNUNURRA)	NEW TYRE AND 2 X PUNCTURE REPAIRS - PVBFB FAST ATTACK	256.13
EFT107473	22/10/2009	BOB'S BRUSH STROKES	REPAINT OFFICE IN OLD FLIGHT SERVICE AREA KNX A/PORT	2,170.00
EFT107474	22/10/2009	BOC GASES AUSTRALIAN LIMITED	WELDING GASES AND BOTTLE RENTAL	245.79
EFT107475	22/10/2009	BOSS FLUID POWER	20LTR X VANILLA WOOD DISINFECTANT	428.89
EFT107476	22/10/2009	BRANKO BP MOTORS	SERVICE WY11633 & 1CGF957 REPAIR MUDGUARD & LIGHTS	1,499.65
EFT107477	22/10/2009	BUSH CAMP SURPLUS STORES	SWAGS FOR YOUTH SERVICE OOMBULGURRI	2,766.00
EFT107478	22/10/2009	CABCHARGE	CAB CHARGES VARIOUS STAFF – TRAINING	872.30
EFT107479	22/10/2009	CAMLISMAR INVESTMENTS PTY LTD	RECOVER ABANDONED VEHICLE LAKE ARGYLE TO KNX DEPOT	176.00
EFT107480	22/10/2009	CORPORATE EXPRESS	STATIONERY KNX ADMIN OFFICE & PRINTER CARTRIDGES	2,822.98
EFT107481	22/10/2009	COVENTRYS	2 x 20LTR JERRY CANS, CABLE TIES, ARMORAL, CLAMPS, ETC	409.43
EFT107482	22/10/2009	DANIELLE RYDER	REIMBURSE FUEL WHILST AT POOL OPERATIONS COURSE	211.50
EFT107483	22/10/2009	EAST KIMBERLEY HARDWARE	RETIC FITTINGS, GLOVES, TROWEL, FORK, SAW AND FERTILISER	462.40
EFT107484	22/10/2009	FARMERS FRUIT & VEG MART	REFRESHMENTS/FOOD LEMAC MEETING FOR AIRPORT	350.00
EFT107485	22/10/2009	FRONTIER POST & NEWS	POSTAGE, NEWSPAPERS AND STATIONERY	42.65

Chq/EFT	Date	Name	Description	Amount
EFT107486	22/10/2009	GHD PTY LTD	CONSTRUCTION DRAWINGS & SPECS FOR M1 CHANNEL IN KNX	12,636.73
EFT107487	22/10/2009	GRAB A BARGAIN VARIETY STORE	BEADS, THREAD, SEWING KITS - SCHOOL HOLIDAY PROGRAM	119.80
EFT107488	22/10/2009	GRUNT LABOUR SERVICES PTY LTD	LABOUR HIRE - KNX LANDFILL SITE	2,396.46
EFT107489	22/10/2009	HOTEL KUNUNURRA	ACCOMM WALGA TRAINER FROM 30 SEPT TO 3 OCT 09	562.00
EFT107490	22/10/2009	J BLACKWOOD & SON LIMITED	1 x BOX DOWNLIGHT GLOBES	25.75
EFT107491	22/10/2009	JAB INDUSTRIES	MODIFICATIONS A/PORT C/PARK,CLEAN DRAINS VAR LOCATIONS	128,254.50
EFT107492	22/10/2009	JACK IN THE BOX	REBRANDING OF SWEK CLAIM #2	8,068.70
EFT107493	22/10/2009	JASON SIGNMAKERS LTD	SIGN GRADER AHEAD ON QUAD STANDS	303.60
EFT107494	22/10/2009	KIMBERLEY COMMUNICATIONS	RESET SBS AND JJJ AFTER HOURS	88.00
EFT107495	22/10/2009	KIMBERLEY ECHOALBANY ADVERTISER	ADVERTISEMENTS PUBLIC NOTICES, JOB VACANCY	2,779.89
EFT107496	22/10/2009	KIMBERLEY INDUSTRIES METALAND	WELDING RODS - PARRY CREEK GRIDS	64.49
EFT107497	22/10/2009	KIMBERLEY MARKETING	ICECREAMS FOR RE-SALE - KLC	2,226.69
EFT107498	22/10/2009	KIMBERLEY MOTORS	FUEL FOR CHAINSAWS, WHIPPER SNIPPERS, JERRY CANS	200.84
EFT107499	22/10/2009	KUNUNURRA DIESEL SERVICES	NEW COMPRESSOR AND AIR CON REPAIRS FOR GRADER	2,687.55
EFT107500	22/10/2009	L.G.R.C.E.U	PAYROLL DEDUCTIONS	15.30
EFT107501	22/10/2009	LANGFORD MACHINERY PTY LTD	REPAIR WORK ON FRONT LOAD BUCKET ON TRACTOR WY11719	440.00
EFT107502	22/10/2009	LGIS LIABILITY	LGIS LIABILITY INSURANCE - 2ND INSTALMENT 09/10	39,682.50
EFT107503	22/10/2009	MANSELL PTY LTD	RATE COMPARISON REPORT 2008/2009	132.00
EFT107504	22/10/2009	MEGAN HUNT	WEEKLY CLEAN OF WYN ADMIN, REC CENTRE, PRMH & WCC	1,470.57
EFT107505	22/10/2009	OFFICE NATIONAL KUNUNURRA	CANON NPG15 PHOTOCOPIER INK CARTRIDGE	138.47
EFT107506	22/10/2009	ORIA ORCHARDS	WEEKLY FLOWER DELIVERY KNX OFFICE	30.00
EFT107507	22/10/2009	ORIMATECH	POOL REMOTE FOR ELECTRIC VACUUM	269.50
EFT107508	22/10/2009	PEERLESS JAL PTY LTD	6 X CARTONS PLASTIC CUPS	360.23
EFT107509	22/10/2009	RAPISCAN SYSTEMS AUSTRALIA PTY LTD	SENSOR MATRIX CHANGED ON MINI NOSE 1000 SDT UNIT	1,012.55
EFT107510	22/10/2009	SAMANTHA VALE	REIMBURSEMENT OF MEAL EXPENSES - POOL OPS COURSE	181.45
EFT107511	22/10/2009	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	425.00
EFT107512	22/10/2009	Simon National Carriers	FREIGHT FOR KNX ACTIVITIES TRAILER	384.00
EFT107513	22/10/2009	THINKWATER	24 X BOXES I31 ADJ SPRINKLERS	3,872.00
EFT107514	22/10/2009	TONY'S PLUMBING & EXCAVATION P/L	CLEAR BLOCKED DRAIN AT 67 KOOJARRA ST & BONAPARTE WC	313.96
EFT107515	22/10/2009	TROPICAL PEST CONTROL	MOSQUITO FOGGING AT SKI BEACH 3 OCT 2009	165.00

Chq/EFT	Date	Name	Description	Amount
EFT107516	22/10/2009	URBIS PTY LTD	LOCAL PLANNING STRATEGY REVIEW RURAL/RESIDENTIAL	15,658.17
EFT107517	22/10/2009	VANDERFIELD MACHINERY PTY LTD	SPRAY TRIGGER GUN	164.45
EFT107518	22/10/2009	CANCELLED		
EFT107519	22/10/2009	WA LOCAL GOVT SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	22,116.69
EFT107520	22/10/2009	WANNA WORK LABOUR HIRE SOLUTIONS	WEED AND LITTER REMOVAL FROM LINK PATH 25/09/09	1,135.00
EFT107521	22/10/2009	WYNDHAM EXCAVATIONS	HIRE GRADER & WATER TRUCK UNSEALED ROADS WYNDHAM	2,909.50
EFT107522	29/10/2009	ACCOR ALL SEASONS KUNUNURRA	DINNER - CEO CANDIDATE, EXEC MANAGEMENT TEAM & CRS	752.50
EFT107523	29/10/2009	ALLGEAR MOTORCYCLES	4 X MOWER BLADE KITS	108.00
EFT107524	29/10/2009	ALLIGATOR AIRWAYS PTY LTD	FLIGHT 7 OCTOBER FROM KNX - DERBY AND DERBY-KNX	3,145.00
EFT107525	29/10/2009	ARGYLE MOTORS	2500HR SERVICE WY11719	659.00
EFT107526	29/10/2009	AUSTRALIAN FUEL DISTRIBUTORS	KNX DEPOT FUEL	1,164.35
EFT107527	29/10/2009	BEAUREPAIRES (KUNUNURRA)	2 X TYRES FOR JD TRACTOR WY 12280, REPAIR TYRE WY11655	2,019.89
EFT107528	29/10/2009	BERM BACKHOE HIRE	PROGRESS PAYMENT # 15 REACH MOWING OF FORESHORE	660.00
EFT107529	29/10/2009	BOAB REFRIGERATION AND AIRCON	FILTER,CONDENSORS BLOCKED WYN REC - SRVC ALL IN OFFICE	814.00
EFT107530	29/10/2009	CENTURION TRANSPORT	FREIGHT	134.77
EFT107531	29/10/2009	DAVEY TYRE AND BATTERY SERVICE	NEW TYRES 1CIU595	727.34
EFT107532	29/10/2009	E & MJ ROSHER PTY LTD	PARTS FOR WY11485	24.20
EFT107533	29/10/2009	EAST KIMBERLEY HARDWARE	DROPPERS	905.70
EFT107534	29/10/2009	FESA EMERGENCY SERVICES LEVY	2009/2010 ESL SECTIONS 36L & 36M	3,091.81
EFT107535	29/10/2009	FEWSTER, KELLY	ELECTRICITY SUBSIDY 06/08/09 - 05/10/09	424.95
EFT107536	29/10/2009	HART SPORT	BASKETBALL SHIRTS FOR SUNSET BASKETBALL PROGRAM	1,219.20
EFT107537	29/10/2009	HIDDEN VALLEY TOURIST PARK	05/10/09 - 02/11/09 ACCOMMODATION FOR PETER SHERRIFF	2,000.00
EFT107538	29/10/2009	HOT CHILLI SOURCE PTY LTD	240 X PAIRS RIGGERS GLOVES, GLASSES, DUCT TAPE AND GPS	2,310.00
EFT107539	29/10/2009	HYDRAMET PTY LTD	1 x S10K CHLORINATOR TO PANEL WITH VENT VALVE	1,320.89
EFT107540	29/10/2009	IBAC PLUMBING PTY LTD	REPLACE 3 INLET VALVES, 2 ADAPTORS, 2 PLUNGERS YTH CTRE	613.80
EFT107541	29/10/2009	ICEAGE REFRIGERATION & AIRCON	CLEAN & CONDUCT SERVICE ALL AIR CONS 264C RIVERFIG KNX	165.00
EFT107542	29/10/2009	K & M ALLCLEAN	CLEAN FLOOR IN AIR SERVICES OFFICE AREA FOR CASA	198.00
EFT107543	29/10/2009	KENNETH COTTER	ELECTRICITY SUBSIDY 06/08/09 - 05/10/09	241.10
EFT107544	29/10/2009	KIMBERLEY INDUSTRIES METALAND	SUPPLY OF MATERIALS GRID CONSTRUCTION - PARRY CREEK	15,119.01

Chq/EFT	Date	Name	Description	Amount
EFT107545	29/10/2009	KIMBERLEY MOTORS	FUEL FOR KNX DEPOT AND TOURIST INFORMATION SERVICES	3,756.63
EFT107546	29/10/2009	KUNUNURRA COURIERS	2 x NEVERFAIL SPRING WATER REFILLS	55.50
EFT107547	29/10/2009	KUNUNURRA MAINTENANCE SERVICE	57A RIVERFIG AVE, SHOWER GROUT COMING AWAY - RE-GROUT	302.50
EFT107548	29/10/2009	KUNUNURRA MEDICAL	DAMP DRUG TESTING RANDOM SELECTION	48.40
EFT107549	29/10/2009	KUNUNURRA POOLS AND SPAS	10KG BUCKET OF DRY CI2	690.00
EFT107550	29/10/2009	KUNUNURRA REFRIGERATION & AIR CON	REPAIR PRMH WYN, MAIN FRIDGE UNIT BEHIND BAR AREA	759.00
EFT107551	29/10/2009	LANDGATE	GROSS RENTAL VALUATIONS 25/07/09 - 21/08/09	990.59
EFT107552	29/10/2009	LANGFORD MACHINERY PTY LTD	REPAIR MULTI TYRE ROLLER 8TS219	712.00
EFT107553	29/10/2009	LGIS WORKCARE	LGIS WORKCARE SECOND INSTALMENT	87,532.50
EFT107554	29/10/2009	LOCK, STOCK & FARRELL LOCKSMITH	SUPPLY 24 X BLUE LOCK KEYS 0709 KEY	903.60
EFT107555	29/10/2009	MARTIN PRINT	500 x FULL COLOUR GLOSS BUSINESS CARDS	137.00
EFT107556	29/10/2009	MCLACHLAN, SHARON	08/09 ANNUAL AIRFARE ALLOWANCE	2,600.00
EFT107557	29/10/2009	MEGAN HUNT	WEEKLY CLEAN OF WYN ADMIN, REC CENTRE & PRH	973.50
EFT107558	29/10/2009	MERIT LINING SYSTEMS	PREFABRICATED LINER 60M X 10.4 M	6,177.60
EFT107559	29/10/2009	OFFICE NATIONAL KUNUNURRA	ASSORTED SWEK STAMP FOR PLANS AND LICENCES	355.55
EFT107560	29/10/2009	OLD, GILL	08/09 ANNUAL AIRFARE ALLOWANCE	2,600.00
EFT107561	29/10/2009	ORIA ORCHARDS	FLOWERS FOR KNX RECEPTION	15.00
EFT107562	29/10/2009	ORICA AUSTRALIA PTY LTD	4 x 70KG CHLORINE GAS CYLINDERS	1,591.69
EFT107563	29/10/2009	ORIMATECH	RADIO HAND CONTROL FOR ELECTRIC VACUUM	269.50
EFT107564	29/10/2009	PLANT HIRE SERVICES PTY LTD	DOZER HIRE MOB/DEMOB LANDFILL SITE	7,502.00
EFT107565	29/10/2009	RAPISCAN SYSTEMS AUSTRALIA PTY LTD	MN100020 SAMPLING CARTRIDGES	1,511.95
EFT107566	29/10/2009	RICK SPRY	TELEPHONE SUBSIDY 01/09/09 - 30/09/09	33.19
EFT107567	29/10/2009	SHIRE OF WYNDHAM EAST KIMBERLEY	BUILDING LICENCE APPLICATION 67436 BCITF & BRB	407.00
EFT107568	29/10/2009	SHOAL AIR PTY LTD	FLY 8 PEOPLE KALUMBURU -KNX & RETURN FOR 'DEADLY DIVAS'	3,080.00
EFT107569	29/10/2009	SPORTSPEOPLE	ADVERTISEMENT - KLC COORDINATOR	183.92
EFT107570	29/10/2009	STANLEY GRADER & CONTRACTING P/L	PROGRESS PAYMENT # 1 CARLTON HILL TENDER T0309/10	187,000.00
EFT107571	29/10/2009	STUBBS, PETER	ELECTRICITY SUBSIDY 20/06/09 - 24/07/09	130.78
EFT107572	29/10/2009	THINKWATER	REPLACEMENT CENTRE STRIPS - KONKERBERRY DVE	183.00
EFT107573	29/10/2009	THORLEY'S STORE	TRANSPORT & DEL OF SHIRE BAG KNX/WYN - SEPT 09	472.75

EFT107574	29/10/2009	TNT AUSTRALIA PTY LIMITED	FREIGHT - SAMPLES	1,282.82
EFT107575	29/10/2009	TOLL EXPRESS	FREIGHT - LIBRARY, DEPOT, KNX OFFICE	645.07
EFT107576	29/10/2009	TOTAL EDEN KP PUMPS	WATERPROOF TORO CONTROLLER - HIBISCUS DRAIN	367.27
EFT107577	29/10/2009	TUCKERBOX/RETRAVISION	FUJI CAMERA, BAG & 2GB CARD, CANON DIGITAL CAMERA & BAG	2,587.72
EFT107578	29/10/2009	WA LOCAL GOVERNMENT ASSOC WALGA	ADVERTISEMENT - TENDER T03 09/10 & BUSINESS PLANS	2,583.51
EFT107579	29/10/2009	WHELANS	PLAN AMEND UPDATED SURVEY - COMMERCIAL BOAT FACILITY	308.00
EFT107580	29/10/2009	WYNDHAM SUPERMARKET	FOOD ITEMS FOR WYN YOUTH CENTRE HOLIDAY PROGRAM	415.13
				1,345,325.11

Municipal Fund Cheques

Chq/EFT	Date	Name	Description	Amount
39238	1/10/2009	AMP LIFE LTD	SUPERANNUATION CONTRIBUTIONS	193.91
39239	1/10/2009	ASGARD SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	224.03
39240	1/10/2009	AUSTRALIAN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	54.18
39241	1/10/2009	AXA AUSTRALIA	SUPERANNUATION CONTRIBUTIONS	170.91
39242	1/10/2009	COLONIAL PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	462.75
39243	1/10/2009	CR JOHN HAMILTON MOULDEN	MEETING FEE FOR PERIOD 01/07/09 - 30/09/09	2,350.00
39244	1/10/2009	CR PAUL CALEY	MEETING FEE FOR PERIOD 01/07/09 - 30/09/09	2,350.00
39245	1/10/2009	CR RALPH ADDIS	MEETING FEE FOR PERIOD 01/07/09 - 30/09/09	3,100.00
39246	1/10/2009	DEPT. FOR PLANNING & INFRA.	JETTY LICENCE- WYN FLOATING PONTOON PUBLIC JETTY# 1998	32.00
39247	1/10/2009	HORIZON POWER	ELECTRICITY - VARIOUS LOCATIONS	17,254.08
39248	1/10/2009	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	351.94
39249	1/10/2009	QUADRANT SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	268.60
39250	1/10/2009	REST SUPER	SUPERANNUATION CONTRIBUTIONS	446.54
39251	1/10/2009	TELSTRA	MOBILE PHONE BILL 26/08/09 - 01/09/09	968.40
39252	1/10/2009	VICSUPER	SUPERANNUATION CONTRIBUTIONS	173.09
39253	1/10/2009	WATER CORPORATION	INSTALL SERVICE ON WATER MAIN ROD HODNETT DVE	3,732.00
39254	8/10/2009	AMP LIFE LTD	SUPERANNUATION CONTRIBUTIONS	136.14

Chq/EFT	Date	Name	Description	Amount
39255	8/10/2009	ASGARD SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	220.12
39256	8/10/2009	AUSTRALIAN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	122.81
39257	8/10/2009	AXA AUSTRALIA	SUPERANNUATION CONTRIBUTIONS	170.10
39258	8/10/2009	CASH PETTY CASH KNX AIRPORT	GAS BOTTLE REFILL	97.50
39259	8/10/2009	CASH PETTY CASH KNX DEPOT	COFFEE, SUGAR, MILK, BISCUITS, FOOD STORER CONTAINERS	99.85
39260	8/10/2009	CASH PLEASE PAY CASH	CASH FLOAT DISCO FRIDAY 09/10/09 AT LEISURE CTRE	200.00
39261	8/10/2009	COLONIAL PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	462.75
39262	8/10/2009	HORIZON POWER	ELECTRICITY - VARIOUS LOCATIONS	2,302.65
39263	8/10/2009	HORIZON POWER NON ENERGY	KUNUNURRA AIRPORT STREET LIGHTS	12,253.00
39264	8/10/2009	K & J CONTRACTORS	CLEAN DRAIN FROM BANDICOOT TO VICTORIA HWY	1,848.00
39265	8/10/2009	KUNUNURRA HOME & GARDEN	116 X BAGS RAPID SET CONCRETE	1,597.20
39266	8/10/2009	METRO ON CANNING	ACCOMMODATION R MORRALL INJURY MANAGEMENT COURSE	800.50
39267	8/10/2009	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	352.75
39268	8/10/2009	QUADRANT SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	268.60
39269	8/10/2009	REST SUPER	SUPERANNUATION CONTRIBUTIONS	489.93
39270	8/10/2009	VICSUPER	SUPERANNUATION CONTRIBUTIONS	173.08
39271	8/10/2009	WREST POINT HOTEL CASINO	ACCOM. A DOUGLAS 25-30 AUG NAT LANDFILL & TRANSFER STNS	1,710.00
39272	15/10/2009	DEPT PLANNING & INFRASTRUCTURE	REGISTRATION RENEWAL FOR WY1 TILL OCT 2010	327.95
39273	15/10/2009	DEPT. FOR PLANNING & INFRA.	JETTY LICENCE - PUBLIC BOAT RAMP SKULL ROCK EAST KIM	64.00
39274	15/10/2009	HORIZON POWER	ELECTRICITY - VARIOUS LOCATIONS	2,024.36
39275	15/10/2009	CANCELLED		
39276	22/10/2009	AMP LIFE LTD	SUPERANNUATION CONTRIBUTIONS	193.91
39277	22/10/2009	ASGARD SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	221.74
39278	22/10/2009	AUSTRALIAN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	154.12
39279	22/10/2009	AXA AUSTRALIA	SUPERANNUATION CONTRIBUTIONS	170.91
39280	22/10/2009	CASH PETTY CASH KNX OFFICE	VARIOUS ITEMS	183.85
39281	22/10/2009	COLONIAL PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	462.75
39282	22/10/2009	HORIZON POWER	ELECTRICITY - VARIOUS LOCATIONS	5,043.34
39283	22/10/2009	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	355.18

39284	22/10/2009	QUADRANT SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	268.60
39285	22/10/2009	REST SUPER	SUPERANNUATION CONTRIBUTIONS	389.07
39286	22/10/2009	VICSUPER	SUPERANNUATION CONTRIBUTIONS	173.09
39287	22/10/2009	WATER CORPORATION	WATER CHARGES 51A RIVERFIG AVE 23/03/09 - 24/07/09	258.20
39288	29/10/2009	HORIZON POWER	ELECTRICITY - VARIOUS LOCATIONS	30,335.69
39289	29/10/2009	HORIZON POWER NON ENERGY	STREET LIGHTING 01/09/09-30/09/09	10,233.01
39290	29/10/2009	KEN LIDDICOAT	WATER SUBSIDY CLAIM 02/04/09 - 28/07/09	140.70
39291	29/10/2009	TELSTRA	MOBILE PHONE ACCOUNT SEPT 09	1,400.07
				107,837.95

Trust Fund Direct Debits

Chq/EFT	Date	Name	Description	Amount
500002	29/10/2009	TRUST DPI CLEARING	TRANSPORT CLEARING SEPT 09	17,968.85
500003	29/10/2009	TRUST DPI CLEARING	TRANSPORT CLEARING SEPT 09	7,089.90
500004	29/10/2009	TRUST DPI CLEARING	TRANSPORT CLEARING SEPT 09	56.75
				25,115.50

Trust Fund Cheques

Chq/EFT	Date	Name	Description	Amount
1	9/10/2009	JULIE WOODS	BOND REFUND FOR HIRE OF PETER REID HALL	100.00
2	9/10/2009	YIRRA YAAKIN ABORIGINAL CORP	BOND REFUND FOR HIRE OF PETER REID HALL	100.00
				200.00

Date	Name	Details	Amount
07/10/2009	PAYROLL	PAYROLL	143,978.91
21/10/2009	PAYROLL	PAYROLL	138,097.96
23/10/2009	PAYROLL	ONE OFF PAYROLL	304.52
Total Payroll Payments			282,381.39

Municipal Fund Direct Debits

Date	Name	Description	Amount
26/10/2009	DIRECT DEBIT	RENT 12/33 KONKERBERRY DRIVE KUNUNURRA	2,036.66
15/10/2009	DIRECT DEBIT	RENT 4 BOOBIALLA WAY	2,491.67
20/10/2009	DIRECT DEBIT	RENT 20 BARRINGTONIA WAY	2,426.66
Oct-09	DIRECT DEBIT	BANK FEES	254.00
Oct-09	DIRECT DEBIT	BPOINT	855.23
Oct-09	DIRECT DEBIT	VISA PAYMENT	0.00
Oct-09	DIRECT DEBIT	MASTERCARD	6,141.90
Oct-09	DIRECT DEBIT	MERCHANT FEE	1,298.97
Oct-09	DIRECT DEBIT	WESTNET P/L	1,568.25
		Total Direct Debit Payments	<u>17,073.34</u>

12.2.3 ACCEPTANCE OF 2008-09 ANNUAL REPORT(8913)

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Jo-Anne Ellis, Executive Manager Corporate Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	60.27.01
ASSESSMENT NO:	N/A

PURPOSE

To recommend to Council the Annual Report of the Shire of Wyndham East Kimberley for the Year Ended 30 June 2009.

BACKGROUND

The Annual report is a statutory obligation and is required to be prepared for the year ending 30 June each year.

A general meeting of the electors is to be held once every financial year no later than 56 days after accepting the annual report. The meeting is to be convened by the CEO giving at least 14 days local public notice.

STATUTORY IMPLICATIONS

Local Government Act 1995

5.27. Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed

5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —
 - (a) a report from the mayor or president;
 - (b) a report from the CEO;
 - [(c), (d) deleted]
 - (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;
 - (f) the financial report for the financial year;
 - (g) such information as may be prescribed in relation to the payments made to employees;
 - (h) the auditor's report for the financial year;
 - (ha) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993;

- (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —
- (i) the number of complaints recorded in the register of complaints;
 - (ii) how the recorded complaints were dealt with; and
 - (iii) any other details that the regulations may require; and
- (i) such other information as may be prescribed.

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

** Absolute majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

6.4. Financial report

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.
- (2) The financial report is to —
- (a) be prepared and presented in the manner and form prescribed; and
 - (b) contain the prescribed information.
- (3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —
- (a) the accounts of the local government, balanced up to the last day of the preceding financial year; and
 - (b) the annual financial report of the local government for the preceding financial year.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

STRATEGIC IMPLICATIONS

Accountability and transparency of the Shire's accounting functions
Reporting information about the Shires operations to stakeholders

COMMENT

The Annual Report 2008-09 includes the Shire Presidents Report, CEO's Report, Report on Operations, Financial Report for the Year Ended 30 June 2009 and the Independent Audit to the Electors of the Shire of Wyndham East Kimberley.

A general meeting of electors is endorsed by the Shire President to be held on Tuesday 15 December 2009.

ATTACHMENTS

Annual Report 2008-09 has been distributed under separate cover

VOTING REQUIREMENT

Absolute Majority

OFFICERS RECOMMENDATION

That Council accepts the Annual Report for the Year Ended 30 June 2009.

COUNCIL DECISION

Minute No. 8913

Moved:Cr D Ausburn

Seconded:Cr J McCoy

That Council accepts the Annual Report for the Year Ended 30 June 2009.

CARRIED UNANIMOUSLY :(7/0)

12.2.4 DELEGATION 97 - AUTHORITY TO ORDER (8914)

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Jo-Anne Ellis, Executive Manager Corporate Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manger Corporate Services
FILE NO:	60.01.07
ASSESSMENT NO:	N/A

PURPOSE

To consider and amend Delegation 97 – Authority to Order

BACKGROUND

Council adopted this delegation with the delegations register review by Minute 7798 on 17 July 2007. Delegation 97 was reviewed subsequently on 21 August 2007 (Minute 7851) and 18 March 2008 (Minute 8107).

The annual review of the delegations register was adopted on 16 June 2009 (Minute 8705)

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 5.42

POLICY IMPLICATIONS

Delegations Register
Policy F19 – Purchasing and Tendering Policy

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

COMMUNITY CONSULTATION

No community consultation was required in regard to this item.

COMMENT

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

Position	Amount
Chief Executive Officer	\$no limit
Executive Manager Engineering and Regulatory Services	\$100,000
Executive Manager Corporate Services	\$100,000
Executive Manager Town Planning and Economic Development	\$100,000
Executive Manager Community Services	\$100,000
Manager Financial Services	\$10,000
Manager Human Resources	\$5,000
Information Technology Coordinator	\$2,000
Senior Finance Officer	\$2,000
Payroll Officer	\$1,000
Manager Engineering Projects	\$10,000
Environmental Health Officers	\$1,000
Building Surveyors	\$5,000
Building Maintenance Officer	\$500
Manager Recreation and Leisure	\$5,000
Leisure Centre Coordinator	\$1,000
Recreation Officers / Duty Supervisors	\$500
Wyndham Pool Manager	\$1,000
Wyndham Child Care Centre Director	\$5,000
Youth Coordinator	\$5,000
Youth Officer	\$500
Wyndham Operations Manager	\$10,000
Kununurra Works Manager	\$10,000
Airport Manager	\$10,000
Airport Operations Officer	\$5,000
Executive Support Officers	\$1,500
Environmental Project Officer	\$5,000
Kununurra Works Supervisor	\$2,000
Depot Stores/Admin Officer	\$2,000
Project Officer	\$500
Librarian (only while employed by Shire of Wyndham East Kimberley)	\$500

The following changes are recommended:

- Increase Building Maintenance Officer from \$500 to \$2,000
- Increase Librarian from \$500 to \$1,000 and remove the words (only while employed by Shire of Wyndham East Kimberley)
- Removal of Project Officer
- Addition of Economic Development Officer with a limit of \$5,000
- Addition of Support Officer with a limit of \$1,000

ATTACHMENTS

Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

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

Position	Amount
Chief Executive Officer	\$no limit
Executive Manager Engineering and Regulatory Services	\$100,000
Executive Manager Corporate Services	\$100,000
Executive Manager Town Planning and Economic Development	\$100,000
Executive Manager Community Services	\$100,000
Economic Development Officer	\$5,000
Executive Support Officers	\$1,500
Support Officers	\$1,000
Manager Financial Services	\$10,000
Manager Human Resources	\$5,000
Airport Manager	\$10,000
Airport Operations Officer	\$5,000
Information Technology Coordinator	\$2,000
Senior Finance Officer	\$2,000
Payroll Officer	\$1,000
Manager Engineering Projects	\$10,000
Kununurra Works Manager	\$10,000
Wyndham Operations Manager	\$10,000
Kununurra Works Supervisor	\$2,000
Depot Stores/Admin Officer	\$2,000
Environmental Project Officer	\$5,000
Environmental Health Officers	\$1,000
Building Surveyors	\$5,000
Building Maintenance Officer	\$2,000
Manager Recreation and Leisure	\$5,000
Leisure Centre Coordinator	\$1,000
Recreation Officers / Duty Supervisors	\$500
Wyndham Pool Manager	\$1,000
Wyndham Child Care Centre Director	\$5,000
Youth Coordinator	\$5,000
Youth Officer	\$500
Librarian	\$1,000

COUNCIL DECISION

Minute No. 8914

Moved:Cr K Wright

Seconded:Cr J Parker

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

Position	Amount
Chief Executive Officer	\$no limit
Executive Manager Engineering and Regulatory Services	\$100,000
Executive Manager Corporate Services	\$100,000
Executive Manager Town Planning and Economic Development	\$100,000
Executive Manager Community Services	\$100,000
Economic Development Officer	\$5,000
Executive Support Officers	\$1,500
Support Officers	\$1,000
Manager Financial Services	\$10,000
Manager Human Resources	\$5,000
Airport Manager	\$10,000
Airport Operations Officer	\$5,000
Information Technology Coordinator	\$2,000
Senior Finance Officer	\$2,000
Payroll Officer	\$1,000
Manager Engineering Projects	\$10,000
Kununurra Works Manager	\$10,000
Wyndham Operations Manager	\$10,000
Kununurra Works Supervisor	\$2,000
Depot Stores/Admin Officer	\$2,000
Environmental Project Officer	\$5,000
Environmental Health Officers	\$1,000
Building Surveyors	\$5,000
Building Maintenance Officer	\$2,000
Manager Recreation and Leisure	\$5,000
Leisure Centre Coordinator	\$1,000
Recreation Officers / Duty Supervisors	\$500
Wyndham Pool Manager	\$1,000
Wyndham Child Care Centre Director	\$5,000
Youth Coordinator	\$5,000
Youth Officer	\$500
Librarian	\$1,000

CARRIED UNANIMOUSLY: (7/0)

12.3. ENGINEERING & REGULATORY SERVICES

12.3.1 SITING OF KUNUNURRA TOWN ENTRY STATEMENTS(8915)

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Victoria Highway, Kununurra
AUTHOR:	Alex Douglas, Executive Manager Engineering and Regulatory Services
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering and Regulatory Services
FILE NO:	40.09.01
ASSESSMENT NO:	N/A

PURPOSE

The purpose of this report is to approve the locations of the entry statements to be positioned on the western and eastern approaches to Kununurra.

BACKGROUND

At the Council Meeting held on 21 July 2009, Council resolved:

Minute No: 8759

Moved:Cr K Wright

Seconded:Cr P Parker

That Council commission Mr Al Mason to develop town entry statements at the eastern and western entry to Kununurra at a cost of \$14,140 each plus GST at a location to be determined.

CARRIED: (5/3)

For: Cr F Mills, Cr R Addis, Cr D Ausburn, Cr K Wright, Cr J Moulded and

Against: Cr J Parker Cr K Torres, Cr P Caley.

Siting options have been assessed over two Briefing Sessions and the preferred sites have been identified.

STATUTORY IMPLICATIONS

The sites are both located on Victoria Highway and will require the approval of Main Roads WA.

POLICY IMPLICATIONS

No specific policies apply.

FINANCIAL IMPLICATIONS

Council has allocated \$45,000 for the design, fabrication and erection of the two signs.

STRATEGIC IMPLICATIONS

There are no strategic implications associated with this report.

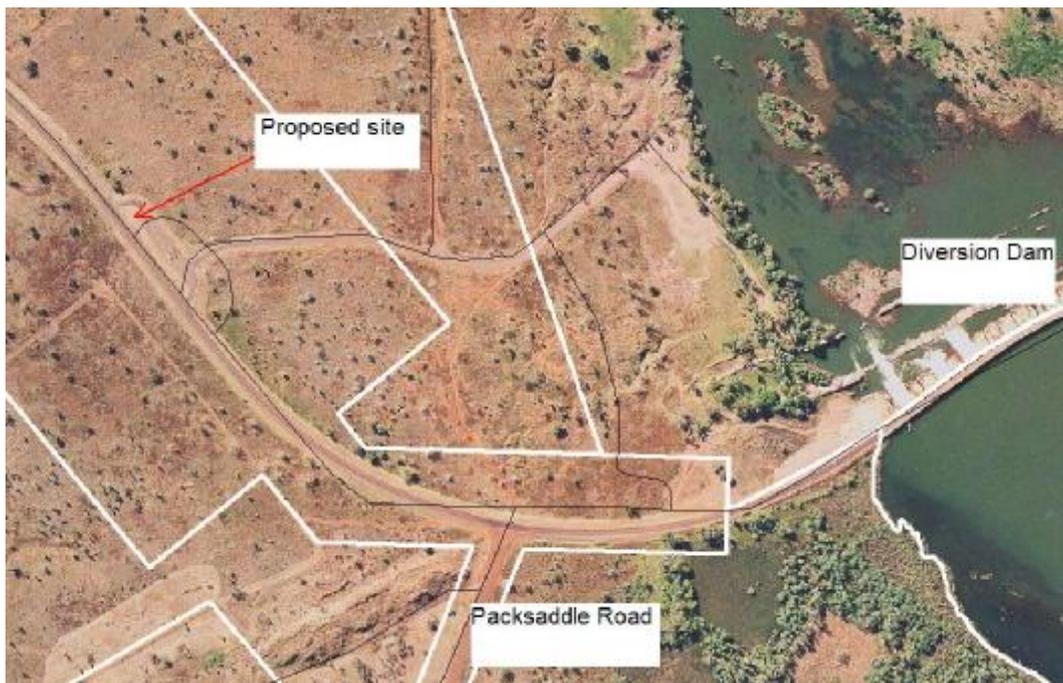
COMMUNITY CONSULTATION

No community consultation has been undertaken in the preparation of this report.

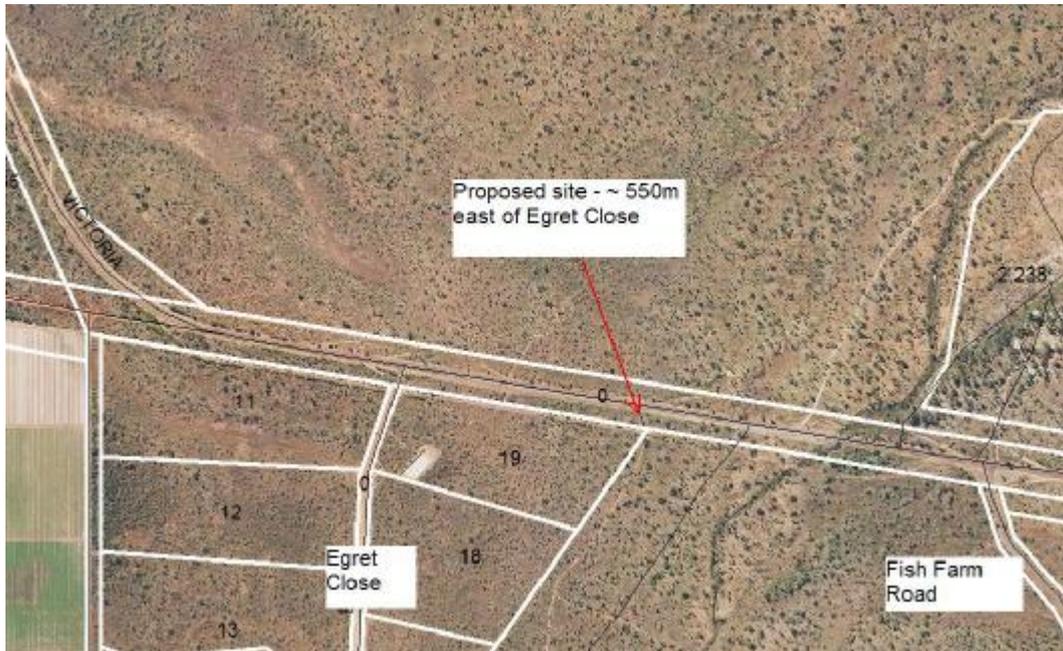
COMMENT

A range of sites were assessed, and the preferred sites are:

Western approach – on the verge in front of the Lions Park tourist information bay.



Eastern approach – on the south side of the highway between Egret Close and Fish Farm Rd intersections (approximately 550 metres east of the Egret Close intersection)



ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER'S RECOMMENDATION

That Council approve the siting of the Kununurra entry statement signs as follows:

- a) Western approach – north verge in front of the Lions Park tourist information bay, Victoria Highway.
- b) Eastern approach – south verge, approximately 550 metres east of the Egret Close/Victoria Highway intersection.

COUNCIL DECISION

Minute No. 8915

Moved:Cr K Wright

Seconded:Cr D Ausburn

That Council approve the siting of the Kununurra entry statement signs as follows:

- a) Western approach - north verge in front of the Lions Park tourist information bay, Victoria Highway.***
- b) Eastern approach - south verge, approximately 550 metres east of the Egret Close/Victoria Highway intersection.***

CARRIED UNANIMOUSLY: (7/0)

12.3.2 PROCUREMENT ARRANGEMENTS FOR INDIGENOUS EMPLOYMENT (8916)

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Alex Douglas, Executive Manager Engineering and Regulatory Services
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering and Regulatory Services
FILE NO:	60.02.01
ASSESSMENT NO:	N/A

Cr R Addis left the meeting at 6.40pm as he declared a Financial Interest.

PURPOSE

The purpose of this report is to establish selection and performance criteria for construction projects that require tenders to be invited.

BACKGROUND

The Federal Government's East Kimberley Development Package is intended to stimulate expenditure within the local economy, compliment the State Government's Ord Irrigation Area Expansion Project and create a lasting and positive effect on the social wellbeing for the local indigenous population.

The employment of members of the indigenous population is also a focus of the State Government's funding, and criteria are being developed to for construction tenders that will provide training and long term employment opportunities.

It is both necessary and appropriate that the Shire takes a similar approach and the proposed evaluation and performance criteria are considered to achieve the longer term objective of a greater participation of local indigenous people within the workforce.

STATUTORY IMPLICATIONS

The funding requirements for the East Kimberley Development Package require that the Shire identifies indigenous employment opportunities within the projects assigned to the Shire, with those opportunities being both short and long term. Reporting against the short term opportunities will be a component of the acquittal process.

POLICY IMPLICATIONS

The proposed evaluation and performance criteria will be incorporated in to the existing Policy F19, Purchasing and Tendering Policy.

FINANCIAL IMPLICATIONS

The effect on project budgets is considered minimal.

The longer term implications are all positive with the aimed improvement in the social wellbeing of the local indigenous population leading to a lower reliance on welfare funding.

STRATEGIC IMPLICATIONS

Council's Strategic Plan Key Result Area 5 (Governance) includes "Leadership and advocacy on issues relevant to the region".

The betterment of the broader aboriginal community and within Kununurra and Wyndham in particular is a critical element of improving the overall economic and social wellbeing of the Shire.

COMMUNITY CONSULTATION

No community consultation has been undertaken in the preparation of this report.

COMMENT

There are a number of options that could be considered. Within our tender documentation (projects of a value that exceed \$100,000) there are several areas where reference to indigenous employment can be made:

1. Compliance – information must be provided to enable consideration of submission
2. Evaluation – various assessments by which the submission is scored/weighted
3. Performance – not usually included but can be required for assessment during the contract period
4. Penalties – amounts that can be imposed based on performance etc

Essentially, the use of the compliance only approach means that a tenderer is required to declare that they do or will employ a set/minimum number of local indigenous people before commencement and during the contract. In this situation a submission that does not provide that declaration will not be considered compliant and therefore not assessed.

Where the employment of local indigenous people is a basis for evaluation rather than compliance a tenderer would be required to nominate a level of employment for the duration of the contract.

The following details are provided for discussion:

1. Compliance approach:

A tenderer is to nominate their current local indigenous employment numbers and the percentage relative to full time employees.

Where a tenderer is to engage sub-contractors the information pertaining to the sub-contractor is to be provided together with the percentage of the total project cost that the sub-contractor will perform.

A tenderer failing to provide this information could be deemed to be non-compliant.

2. Evaluation approach:

For the purposes of evaluating submissions a weighting of 10% will be applied against the employment/engagement of local indigenous people.

A score range of 0 to 5 would apply and be scored as follows:

Score	Description
0	No existing or proposed local indigenous employment
1	1 to 5% local indigenous employment
2	6-10% local indigenous employment
3	11-25% local indigenous employment
4	26-75% local indigenous employment
5	More than 75% local indigenous employment

3. Performance approach:

Performance in respect of this criterion for the successful tenderer will be monitored for the project in the following manner:

a) Project duration up to 5 weeks

- (i) prior to the issue of a contract the contractor is to submit details of the current employees for himself and those of any sub-contractors.

b) Project duration from 6 to 13 weeks

- (i) prior to the issue of a contract the contractor is to submit details of the current employees for himself and those of any sub-contractors.
- (ii) The contractor is to submit details of the current employees for himself and those of any sub-contractors prior to the beginning of week 6.

c) Project duration greater than 13 weeks

- (i) prior to the issue of a contract the contractor is to submit details of the current employees for himself and those of any sub-contractors.
- (ii) The contractor is to submit details of the current employees for himself and those of any sub-contractors at 6 weekly intervals.

4. Penalties approach:

Where the percentage of employees falls below the contractor's prescribed number of local indigenous employees the following penalties will apply, and be deducted from progress payments or the final claim.

Description	Penalty (of total contract value)
Maintains nominated level	Nil
Falls below nominated level by 10%	0.25%
Falls below nominated level by 11-30%	0.5%
Falls below nominated level by 31-100%	1%
Achieves and maintains increase of greater than 15% of the nominated level for at 50 percent of the project timeframe	Bonus of +2%

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER'S RECOMMENDATION

That Council adopt the following clauses for inclusion in Policy F19 Purchasing and Tendering Policy prior to the heading "Sustainable Procurement":

Indigenous Employment Opportunities

Where tenders are to be invited for the provision of infrastructure, either new or expansion) the following clause will be incorporated in to the tender documentation:

I) Evaluation Criteria

Indigenous employment criteria – 10%

Tenderers are to be advised that the scoring of this weighting will be a score range of 0 to 5 applies and scored as follows:

Score	Description
0	No existing or proposed local indigenous employment
1	1 to 5% local indigenous employment
2	6-10% local indigenous employment
3	11-25% local indigenous employment
4	26-75% local indigenous employment
5	More than 75% local indigenous employment

II) Performance measure

Tenderers are to be advised that the following performance measure provisions will be assessed prior to and during the execution of the contract:

a) Project duration up to 5 weeks

- (ii) prior to the issue of a contract the contractor is to submit details of the current employees for himself and those of any sub-contractors.

b) Project duration from 6 to 13 weeks

- (iii) prior to the issue of a contract the contractor is to submit details of the current employees for himself and those of any sub-contractors.
- (iv) The contractor is to submit details of the current employees for himself and those of any sub-contractors prior to the beginning of week 6.

c) Project duration greater than 13 weeks

- (iii) prior to the issue of a contract the contractor is to submit details of the current employees for himself and those of any sub-contractors.

- (iv) The contractor is to submit details of the current employees for himself and those of any sub-contractors at 6 weekly intervals.

III) Failure to meet performance criteria

Where the percentage of employees falls below the contractor's prescribed number of local indigenous employees the following penalties will apply, and be deducted from progress payments or the final claim.

Description	Penalty (of total contract value)
Maintains nominated level	Nil
Falls below nominated level by 10%	0.25%
Falls below nominated level by 11-30%	0.5%
Falls below nominated level by 31-100%	1%
Achieves and maintains increase of greater than 15% of the nominated level for at 50 percent of the project timeframe	Bonus of +2%

COUNCIL DECISION

Minute No. 8916

Moved: Cr J Parker

Seconded: Cr J Moulden

That Council adopt the following clauses for inclusion in Policy F19 Purchasing and Tendering Policy prior to the heading "Sustainable Procurement":

Indigenous Employment Opportunities

Where tenders are to be invited for the provision of infrastructure, either new or expansion) the following clause will be incorporated in to the tender documentation:

I) Evaluation Criteria

Indigenous employment criteria – 10%

Tenderers are to be advised that the scoring of this weighting will be a score range of 0 to 5 applies and scored as follows:

Score	Description
0	No existing or proposed local indigenous employment
1	1 to 5% local indigenous employment
2	6-10% local indigenous employment
3	11-25% local indigenous employment
4	26-75% local indigenous employment
5	More than 75% local indigenous employment

II) Performance measure

Tenderers are to be advised that the following performance measure provisions will be assessed prior to and during the execution of the contract:

a) Project duration up to 5 weeks

- (iii) prior to the issue of a contract the contractor is to submit details of the current employees for himself and those of any sub-contractors.

b) Project duration from 6 to 13 weeks

- (v) prior to the issue of a contract the contractor is to submit details of the current employees for himself and those of any sub-contractors.
- (vi) The contractor is to submit details of the current employees for himself and those of any sub-contractors prior to the beginning of week 6.

c) Project duration greater than 13 weeks

- (v) prior to the issue of a contract the contractor is to submit details of the current employees for himself and those of any sub-contractors.
- (vi) The contractor is to submit details of the current employees for himself and those of any sub-contractors at 6 weekly intervals.

III) Failure to meet performance criteria

Where the percentage of employees falls below the contractor's prescribed number of local indigenous employees the following penalties will apply, and be deducted from progress payments or the final claim.

Description	Penalty (of total contract value)
Maintains nominated level	Nil
Falls below nominated level by 10%	0.25%
Falls below nominated level by 11-30%	0.5%
Falls below nominated level by 31-100%	1%
Achieves and maintains increase of greater than 15% of the nominated level for at 50 percent of the project timeframe	Bonus of+2%

CARRIED: (4/2)

*For: Cr F Mills, Cr J Moulden, Cr J McCoy and Cr J Parker.
Against: Cr D Ausburn and Cr K Wright.*

Cr R Addis returned to meeting at 6.41pm and advised of outcome.

12.3.3 REVIEW OF BUSINESS PLAN - WATERLILY PLACE GROUP HOUSING DEVELOPMENT (8917)

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Lot 501 Waterlily Place, Kununurra
AUTHOR:	Alex Douglas, Executive Manager Engineering and Regulatory Services
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering and Regulatory Services
FILE NO:	01.2860.08
ASSESSMENT NO:	A2860

PURPOSE

The purpose of this report is to review the advertised Business Plan for the development of group housing on Lot 501 Waterlily Place, Kununurra and consider the advertising for a joint venture partner via an Expression of Interest process.

BACKGROUND

The development of the Waterlily Place land acquired by Council earlier this year required a Business Plan to be developed and advertised in order to comply with the provisions of the Local Government Act 1995, s3.59 (4).

Advertising took place in August with submissions closing on 12 September 2009. No submissions were received.

The inviting of tenders for the town house style development of Lot took place and subsequently Council resolved to not accept any tenders as the prices for the houses exceeded the budget.

STATUTORY IMPLICATIONS

The Local Government (Functions and General) Regulations 1996, Part 3 applies:

Part 3 — Commercial enterprises by local governments (s. 3.59)

7. Minimum value of major land transaction

For a land transaction to be a major land transaction the total value of —

(a) the consideration under the transaction; and

(b) anything done by the local government for achieving the purpose of the transaction,

has to be more, or worth more, than either \$1 000 000 or 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year.

8. Transactions that cannot be major land transactions

(1) A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if the local government enters into it —

(a) without intending to produce profit to itself; and

(b) without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction.

(2) For the purposes of subregulation (1)(b) a person is given joint use of land if the land is to be jointly used for a common purpose by the local government and that person (whether or not other persons are also given joint use of the land).

(3) A transaction under which a local government disposes of a leasehold interest in land is an exempt land transaction for the purposes of section 3.59 of the Act if —

(a) all or any of the consideration to be received by the local government under the transaction is by way of an increase in the value of the land due to improvements that are to be made without cost to the local government; and

(b) although the total value referred to in the definition of “major land transaction” in that section is more, or is worth more, than the amount prescribed for the purposes of that definition, it would not be if the consideration were reduced by the amount of the increase in value mentioned in paragraph (a).

9. Minimum expenditure involved in a major trading undertaking

(1) For a trading undertaking to be a major trading undertaking the expenditure by the local government that —

(a) the undertaking involved in the last completed financial year; or

(b) the undertaking is likely to involve in the current financial year or the financial year after the current financial year,

has to be more than either \$500 000 or 10% of the lowest operating expenditure described in subregulation (2).

(2) The lowest operating expenditure referred to in subregulation (1) is the lowest of —

(a) the operating expenditure incurred by the local government from its municipal fund in the last completed financial year;

(b) the operating expenditure likely to be incurred by the local government from its municipal fund in the current financial year; and

(c) the operating expenditure likely to be incurred by the local government from its municipal fund in the financial year after the current financial year.

10. Other matters of which details to be given in business plan

(1) If a local government is required to prepare a business plan because of a major trading undertaking or major land transaction that it is to carry on or enter into jointly with another person —

(a) the business plan is to include details of the whole undertaking or transaction, even though the local government is not the only joint venturer; and

(b) the business plan is to include details of —

(i) the identity of each joint venturer other than the local government;

(ii) the ownership of, and any other interests in, property that is involved in, or acquired in the course of, the joint venture;

(iii) any benefit to which a joint venturer other than the local government may become entitled under or as a result of the joint venture; and

(iv) anything to which the local government may become liable under or as a result of the joint venture.

(2) in subregulation (1) —

joint venture means the major trading undertaking or major land transaction that is to be jointly carried on or entered into;

joint venturer means the local government or another person with whom the local government is to carry on or enter into the joint venture.

POLICY IMPLICATIONS

No specific policies apply.

FINANCIAL IMPLICATIONS

The advertised Business Plan showed a potential profit of \$1.5 million based on the estimated cost of constructing 11 – 3 x 2 dwellings. The project is intended to utilise funds from the State Government's Royalties for Regions scheme.

The intent of the Officer Recommendation will lead to a new project being developed and will require a new business plan. This will involve the preferred joint venture partner and at this time it is not appropriate to estimate the total expenditure and possible net profit.

STRATEGIC IMPLICATIONS

This project is aimed to achieve benefits to the broader community by increasing the availability of housing in Kununurra and provide funds for the development of a new Administration Centre.

The development of a new Administration Centre is seen as essential to provide appropriate and effective governance for the Shire for the next 50 years.

The current Administration Centre does not provide appropriate office accommodation for the existing staff levels let alone the expected increase as a result of the growing communities of Kununurra and Wyndham.

COMMUNITY CONSULTATION

The Business Plan was advertised and no submissions were received.

A proposed joint venture project will not require a public consultation process to enable an Expression of Interest for the joint development of the group housing site, however the actual project for the development as a joint venture with the preferred partner will require a new Business Plan and advertising in accordance with the Local Government Act and Regulations.

COMMENT

The original development estimate was prepared based on \$315,000 per (3x2) unit and was provided under a paid arrangement with a local builder. The natural consequence of the larger area if utilised will increase the development cost and would require the raising of a larger loan (originally estimated at \$925,000) to meet the increased cost. Whilst the potential for an increased profit is possible there is a concern that the loan costs will negate the additional profit.

The other concern is that the higher than expected construction costs will also reduce the profit margins. This still achieves the intended outcome but the net result impinges on the intended use of the profits toward the development of a new administration and council chambers.

In considering the acceptance or rejection of tenders, staff provided two options to Council, being:

Invite tenders based on a specified floor plan, or
Build the units utilising a suitably qualified staff member.

Council determined that the new tender option was preferred. The Executive Manager of Engineering and Regulatory Services believes that given the amount interest being shown by developers as a result of the Ord expansion project that a joint venture project is worth pursuing.

Essentially, the proposal would be advertised by an Expression of Interest process with a specified floor plan with development and subsequent sale and profits being shared.

The selection of a small panel of tenderers would be based on experience and outcomes with joint venture projects, local and regional based capacity, proposed joint venture options etc.

This is viewed as a more effective arrangement than paying a builder to construct the houses including their profit margin, then selling the houses. The Shire has a capacity to provide both cash and the land value as our contribution with a joint venture partner having to provide cash and construction expertise. On face value it is reasonable to expect that a builder/developer with a cash stakeholding is likely to produce a better shared profit margin than a simple construction tender.

A new Business Plan would have to be prepared as well as investigate appropriate contract documentation.

ATTACHMENTS

Business Plan (July 2009) for Lot 501 Waterlily Place, Kununurra

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. not proceed with the development of Lot 501 Waterlily Place, Kununurra as proposed by the Business Plan dated July 2009, and
2. invite expressions of interest from suitably qualified and experienced construction companies for the joint development of Lot 501 Waterlily Place, Kununurra for the purposes of group dwelling housing.

COUNCIL DECISION

Minute No. 8917

Moved:Cr K Wright

Seconded:Cr D Ausburn

That Council:

1. ***not proceed with the development of Lot 501 Waterlily Place, Kununurra as proposed by the Business Plan dated July 2009, and***
2. ***invite expressions of interest from suitably qualified and experienced construction companies for the joint development of Lot 501 Waterlily Place, Kununurra for the purposes of group dwelling housing.***

CARRIED UNANIMOUSLY: (7/0)

Shire of Wyndham East Kimberley



Business Plan

Proposed Grouped Dwelling Development

Lot 2466 Water Lily Place, Kununurra.

July 2009

1.0 Introduction

It is the Shire of Wyndham East Kimberley's intention to develop Lot 2466 Water Lily Place, Kununurra for a grouped dwelling to a R30 Residential housing density that potentially could yield between 12 – 15 units.

As the proposed development qualifies as a major land transaction under Section 3.59 of the *Local Government Act Regulations, 1996* and the *Functions and General Regulations*, this Business Plan is required prior to entering the transaction that includes an opportunity for public comment.

The purpose of the grouped dwelling development is to;

1. Accelerate housing availability in Kununurra to meet increasing demand in response to rising economic growth.
2. Use the Royalties for Regions Local Government funding allocations for construction in needed community infrastructure in a way which triggers positive outcomes for the community and local economy.
3. Raise funds from the sale and/or lease of the residential units to assist in financing a proposed new Council Administration Centre planned for construction in Kununurra in 2011.

2.0 Property Description

Lot 2466 (Lot 501 on DP 63347), being 5,261 m² in area, is situated in the 'Lakeside' residential suburb of Kununurra on the corner of Water Lily Place and Casuarina Drive.

The subject property has dual road frontage with adjacent access to services including reticulated power, water, sewer and telecommunications. The land was formerly part of Reserve 41812 jointly vested to the Shire of Wyndham East Kimberley and the Department of Water, and is in the process of being rezoned by the Shire to accommodate the proposed development.

Lot 2466 is adjacent Lily Creek and improved public open space, including a recently constructed pedestrian link path between the Lakeside suburb and Kununurra town centre. This pedestrian link has been established to encourage walking and cycling to and from the town centre.

Figure 1 below provides an understanding of the location of the property.

The funding model is underpinned by the value of Lot 2466 presently valued at 1 million dollars and owned on an unencumbered basis by the Shire.

Cost estimates for construction are based on written advice from experienced local builders (refer to Table 1 below). A formal tender process has been called to ensure maximum value, sustainable housing design and a high standard of development is achieved to meet market expectations.

Water Lily Place Development				Total	08/09	09/10	10/11
Grant Funding							
Royalties for Regions				2,700,000	1,700,000	1,000,000	
KDC - Headworks				150,000		150,000	
				<u>2,850,000</u>	<u>1,700,000</u>	<u>1,150,000</u>	<u>0</u>
Expenditure							
Land Purchase				(50,000)	(50,000)		
Rezoning / Survey				(10,000)	(10,000)		
Headworks				(150,000)		(150,000)	
Construction							
	11	315,000	(3,465,000)			(3,465,000)	
	0	305,000	0			0	
Fencing and Lanscaping				(100,000)		(100,000)	
				<u>(3,775,000)</u>	<u>(60,000)</u>	<u>(3,715,000)</u>	<u>0</u>
Surplus (Deficit) in funding				(925,000)	1,640,000	(2,565,000)	0
Carry Forward						1,640,000	
Borrowings Required				(925,000)		(925,000)	0
Sale Proceeds							
	11	500,000	5,500,000				5,500,000
	0	400,000	0				0
				<u>5,500,000</u>			<u>5,500,000</u>
Other Expenses							
	3%		(165,000)				(165,000)
	4% 2 years		(74,000)			(37,000)	(37,000)
				<u>(239,000)</u>	<u>0</u>	<u>(37,000)</u>	<u>(202,000)</u>
Net Profit				1,486,000			
Return on Investment				52%			

Table 1

4.0 Project Risk Analysis

The following provides an understanding of the anticipated low level of risk associated with this project:

- Kununurra forms part of an expanding regional economy where significant and increasing demand exists for residential housing. Largely this is driven by public sector investment in the Ord Irrigation Expansion and Commonwealth stimulus funding amounting to 420 million dollars over a 2 year period.
- An expression of interests has been lodged to the State Governments housing needs programs with the aim of pre selling 30% of the development for Government housing needs.
- The project is underpinned by unencumbered freehold land and cash funds to the tune of 2.85 million dollars.
- The regional building skills are expected to be available for delivery of construction on the back an influx of builders and trades people in response to current economic stimulus.
- The property is strategically well located in a desirable residential area and adjacent to attractive public open space on two sides providing a high level of residential amenity.
- The property is located in close proximity to services with easy access to the Lily Creek Lagoon water front and town centre.
- The proposed dwellings will be sold by auction or tender process to ensure the appropriate market return to achieve the desired project objectives.

5.0 Expected Effect on Matters Referred to in the Local Government's Plan for the Future.

Section 5.56 of the *Local Government Act, 1995* provides for a general obligation to plan for the district and meeds the needs of the community. In compliance with this obligation the Council has prepared a 'Strategic Plan' and 'Plan for the Future' which were both advertised for public comment in 2008.

The 'Plan for the Future' identifies the need for greater housing and a new Shire Administration Centre, upon which this project is intending to deliver.

6.0 Ability of the Shire of Wyndham East Kimberley to Manage the Transaction

The Shire of Wyndham East Kimberley regularly manages a range of construction projects. In recent years the Shire has managed the following projects;

- \$2.2M new Childcare - Kununurra
- \$1.8M new Youth Centre - Kununurra
- \$1.2M hard court upgrade - Kununurra
- \$1.6M Airport improvements - Kununurra

Additionally, the Shire will be managing the following projects from late 2009 to early 2011:

- \$5.0 M Airport terminal upgrade - Kununurra
- \$1.4 M Swimming pool upgrade - Wyndham
- \$0.4 M Patient transfer facility - Kununurra Airport
- \$5.0 M Recreational fishing jetty - Wyndham
- \$0.3 M Picture gardens re-development - Wyndham
- \$4.2 M Recreational ground development - Kununurra

7.0 Conclusion

As the East Kimberley region is entering a period of growth accelerated by the imminent Ord Irrigation Expansion (\$220M) and Australian Government investment of \$195M the pressing need for more housing is apparent where the potential for rents to spiral upwards is immense. Rents pitching at around \$600-\$700 per week for a 4 x 2 home are already deemed to be high driving the need for a greater supply to quell increasing demand. In consideration of this the development of Lot 2466 Water Lily Place as a quality group housing development is sound and fortuitous given the pending development pressures for the East Kimberley region.

Furthermore the development will provide additional leverage to fund a new Shire administration centre to accommodate the governance needs for this region moving forward.

Alex Douglas
Executive Manager Engineering and Regulatory Services

12.3.4 LEASE OF PRE-CASTING YARD - KUNUNURRA WORKS DEPOT (8918)

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Kununurra Works Depot, Bandicoot Drive
AUTHOR:	Alex Douglas, Executive Manager Engineering and Regulatory Services
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering and Regulatory Services
FILE NO:	60.12.02
ASSESSMENT NO:	N/A

PURPOSE

The purpose of this report is to consider a request from WannaWork Labour Hire Solutions to lease the pre-casting yard located at the Kununurra Works Depot.

BACKGROUND

The pre-cast yard was established by the Beacon Foundation in 2008 under a project titled "Something Concrete". The site occupies an area of 1700 square metres. The combined two lots comprising the Depot are 10,500 square metres.

The intent was to develop a business that would cast tilt-up panels for local (East Kimberley) housing projects. The project halted as negotiations with the then Department of Housing and Works (DHW) could not be finalised. Essentially it was not possible to achieve a nil risk position for the Shire to participate.

WannaWork Labour Hire Solutions have written seeking a lease of the site for an initial five year period on a peppercorn rent. This would allow them to establish the operation, ascertain initial demand and the long term prospects.

The facility is not fully developed (no staff facilities, i.e. toilet, crib room etc). These were to be built upon signing of a supply contract with DHW.

STATUTORY IMPLICATIONS

The Local Government Act 1995, s3.58 will require the advertising of a private treaty lease. The land is owned freehold by the Shire and therefore Minister for Lands approval is not required.

3.58. Disposing of property

(1) In this section —
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

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

(2) Except as stated in this section, a local government can only dispose of property to —
(a) the highest bidder at public auction; or

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

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

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned;
(ii) giving details of the proposed disposition; and
(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

(a) the names of all other parties concerned;
(b) the consideration to be received by the local government for the disposition; and
(c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.

(5) This section does not apply to —

(a) a disposition of land under section 29 or 29B of the *Public Works Act 1902*;
(b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;
(c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
(d) any other disposition that is excluded by regulations from the application of this section.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

FINANCIAL IMPLICATIONS

The site is presently unused other than a temporary storage yard.

A lease would require the development or provision of certain facilities (e.g. crib room, ablutions etc) that may be of a permanent or temporary nature depending on the level of usage of the pre-casting facility.

These facilities would be at the lessee's cost.

A recommended lease payment of \$100 per month would be exclusive of any outgoings such as utilities charges which would be at the lessee's cost.

STRATEGIC IMPLICATIONS

The Strategic Plan, Key Result Area 3 – Economic Development includes “promote and facilitate economic opportunities”.

COMMUNITY CONSULTATION

No community consultation has been undertaken in the preparation of this report. The proposed private treaty lease would be advertised in accordance with the provisions of the Local Government Act and Regulations.

COMMENT

The site is not being utilised as was originally intended and it would be appropriate to have a local indigenous company make use of the facility as part of a business development opportunity.



The lease sought is for 5 years, with a peppercorn rent (\$1 per annum). Staff consider that there should be a nominal rent but not peppercorn. In addition the facility warrants use and should the proposed lessee not use the facility for a continuous period of more than 6 months the lease should be forfeited. The definition of ‘use’ would relate to the pre-casting of concrete products for a minimum of two or more consecutive days.

ATTACHMENTS

Correspondence from WannaWork Labour Hire Solutions

VOTING REQUIREMENT

Absolute majority

OFFICER'S RECOMMENDATION

That Council approve the leasing of portion of the Kununurra Works Depot to the WannaWork Labour Hire Solutions at a monthly rent of \$100 (\$1200 per annum) and that the proposed private treaty lease be advertised in accordance with the provisions of s3.58 of Local Government Act 1995.

COUNCIL DECISION

Foreshadow motion

Moved:Cr K Wright

Seconded:

That Council defer the item to the Ordinary Meeting of Council to be held 15 December 2009 for the purpose of obtaining a valuation.

LAPSED

Motion lapsed for want of seconder.

Minute No: 8918

Moved:Cr D Ausburn

Seconded:Cr J Moulden

That Council approve the leasing of portion of the Kununurra Works Depot to the WannaWork Labour Hire Solutions at a monthly rent of \$100 (\$1200 per annum) and that the proposed private treaty lease be advertised in accordance with the provisions of s3.58 of Local Government Act 1995.

CARRIED: (6/1)

For: Cr F Mills, Cr J Moulden, Cr D Ausburn, Cr R Addis, Cr J Parker and Cr J McCoy.

Against: Cr K Wright

Doc No.	067519
Date	8 SEP 2009
Officer	LEO
Response	
File	60.12.02
Cross Ref.	



CEB Industrial Services

ABN 121 304 085 61
PO Box 1233
Kununurra W.A. 6743
Ph 08 91682368
Fax 08 91682368
Mob 0439960045 or 0419555717
E-mail - wannawork@westnet.com.au

Alex Douglas
 CEO
 Shire of Wyndham East Kimberley
 PO Box 614 Kununurra W.A

Dear Alex

WannaWork Labour Hire Solutions would like to formally express our interest in leasing the Concrete Precast Yard in Kununurra from The Shire of Wyndham East Kimberley.

We would like to initially lease the yard on "peppercorn lease" for 5 years. This will allow us to establish the operation and find out what the initial demand for product is going to be and what long term demand and usage will be.

We currently do not have the resources to arrange a formal lease using a lawyer etc, however we will be happy to work with the Council on a generic lease document to lock in place the arrangement with the Shire to lease the yard and allow WannaWork to move forward with discussions with a potential joint venture or business partners.

WannaWork is happy to meet with you at your convenience to progress the proposal further and reach a positive conclusion.

Yours sincerely

Richard Beeck

Duck Chulung

*Item to Oct. Briefing Session
 of Council*

12.3.5 PROPOSED COMMUNITY OVAL - MEMORANDUM OF UNDERSTANDING WITH ABORIGINAL HOSTELS LIMITED(8919)

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Lot 300 Victoria Highway, Kununurra
AUTHOR:	Alex Douglas, Executive Manager Engineering and Regulatory Services
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering and Regulatory Services
FILE NO:	01.6822.02
ASSESSMENT NO:	N/A

PURPOSE

The purpose of this report is to adopt a Memorandum of Understanding with the Aboriginal Hostels Limited (AHL) for the use of a proposed community oval to be located on Lot 300 Victoria Highway, Kununurra.

BACKGROUND

The development of a community oval adjoining the new Aboriginal Hostel Ltd (AHL) 40 bed student hostel attracted interest and funding from the Federal Government through the East Kimberley Development Package.

A total of \$3.25 million has been allocated a project plan has been approved.

The initial conversations with the student hostel architects and then representatives of the AHL indicated that they were not interested in having the oval on their land, and subsequent concept designs showed that the oval and facilities (changerooms and carparking) would not fit.

The planning then moved to the adjoining UCL (Lot 300) to the north of the AHL site. Native Title is not yet cleared from the land however discussions with the MG Corporation has suggested that there are minimal issues and they would support the development of a community oval to compliment the student hostel. It has also been suggested that Lot 300 could be further developed as a recreational precinct.

STATUTORY IMPLICATIONS

Lot 300 is currently Unallocated Crown Land without clearance of Native Title.

Discussions have commenced with State land Services with regards to the land required for the oval, and the MG Corporation has been asked to support the clearance of Native Title for the land given the broad community benefit that will be obtained from its development.

POLICY IMPLICATIONS

There are no specific policy implications associated with this report.

FINANCIAL IMPLICATIONS

The project is to be funded from the East Kimberley Development Package (Federal Government funds) with a budget allocation of \$3.25 million.

The estimated costs included in the funding agreement are as follows:

BUDGET		
Cost Item	Description	Amount (GST exclusive)
Consultancy Fees	Specialist design consultancies	\$150,000
Headwork Costs	Upgrading and extension of power and water mains	\$100,000
Construction of road access and car park	Construct new access to Victoria Highway, access road and car park plus intersection street lighting	\$780,000
Reticulation pump station upgrade and reticulation main line	Upgrade pump station at Lakeside (Lily Creek Lagoon) and construct/install reticulation mainline to new oval	\$300,000
Construct Oval	Construct oval	\$500,000
Install Reticulation	Design and construct oval reticulation	\$105,000
Install oval lighting	Design and construct oval lighting	\$100,000
Construct change rooms	Construct change rooms suitable for two football teams and umpires facilities, plus a kiosk	\$1,080,000
Administration and Project Management	Allowance for Shire resources to project manage and administer the project, and applicable fees	\$135,000
Nation Building – Economic Stimulus Funding (GST Exclusive)		\$3,250,000
Other Contributions – Financial (GST Exclusive)		\$0
Total Funding (GST Exclusive)		\$3,250,000

Council has previously been advised that grounds maintenance is expected to be \$50,000 per annum plus operating costs such as power and water.

STRATEGIC IMPLICATIONS

It is a rare opportunity to develop a new sporting oval fully funded by external agencies. The siting of the oval adjacent the new AHL student hostel and the developing residential area of Lakeside will provide for improved recreational facilities and taking pressure off the existing facilities within the vicinity of the Kununurra CBD.

COMMUNITY CONSULTATION

No community consultation has been undertaken in the preparation of this report.

COMMENT

The expansion of residential development of Lakeside is progressively shifting the residential centroid of Kununurra. Other than a large community park there are no active recreation facilities within walking distance (nominal 1000 metre radius) of the area.

The development of the oval will provide a facility with contemporary standard lighting and facilities.

The draft Memorandum of Understanding was presented to the 3 November Briefing Session and has been provided to the AHL for comment. The AHL have responded positively however they ask that Council not charge user fees as their operating budgets are limited and the small recreational area they have developed on their land will meet most of their needs.

The draft MOU has been prepared to reflect the request, however the use of the oval floodlighting should involve a user fee and this could be set by Council annually.

With respect to the allocation of fixtures for the Hostel, if Council agrees with not charging for daytime use, it is reasonable to set a maximum number of daytime fixtures that will be available in any 12 month period. The suggested number is 12 bookings.

ATTACHMENTS

Draft Memorandum of Understanding

VOTING REQUIREMENT

Simple majority

OFFICER'S RECOMMENDATION

That Council authorise the Chief Executive Officer to negotiate with Aboriginal Hostels Limited a Memorandum of Understanding for the use of the proposed community oval to be constructed on Lot 300 Victoria Highway, Kununurra based on the Draft Memorandum of Understanding as presented.

COUNCIL DECISION

Minute No. 8919

Moved:Cr D Ausburn

Seconded:Cr K Wright

That Council authorise the Chief Executive Officer to negotiate with Aboriginal Hostels Limited a Memorandum of Understanding for the use of the proposed community oval to be constructed on Lot 300 Victoria Highway, Kununurra based on the Draft Memorandum of Understanding as presented.

CARRIED UNANIMOUSLY: (7/0)

Draft Memorandum of Understanding

Parties; the parties to this Memorandum of Understanding are the Shire of Wyndham East Kimberley and Aboriginal Hostels Ltd.

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

Background: this MOU comes into place coinciding with a major capital project for a Community Oval to be located on land adjoining the AHL Student Hostel which is located on Lot 302, Victoria Highway, Kununurra.

The project provides for full size reticulated Australian Rules Football Oval, changerooms, and parking for 72 vehicles with independent access to Victoria Highway.

The Shire of Wyndham East Kimberley Covenants:

1. Maintain the assets (including mowing reticulation maintenance, pavement maintenance, weed control, line marking, fencing, lights etc).
2. Insure the physical asset, and take out public liability insurance to protect the Council.
3. Provide access to public toilets in the changerooms.
4. Operate a casual booking systems for the oval (ensuring priority booking for the Student Hostel usage on agreed dates to a maximum of 12 daytime bookings per annum).
5. To review fees for the use of the floodlights annually as part of the Council budget cycle.

The Aboriginal Hostels Limited Covenants:

1. Pay fees as adopted by the Council for the use of the oval only when floodlights are used.
2. Hold public liability insurance for AHL organised competitions.
3. Submit fixtures for usage to facilitate casual hire.
4. Report in writing any damage/faults for the assets.
5. Remove all litter following AHL games or training.
6. Turn off all lights not required for use or at the end of games or training.

Chief Executive Officer
SWEK

General Manager
Aboriginal Hostels Limited

Date Signed: _____

12.3.6 DEVELOPMENT OF NEW ADMINISTRATION CENTRE - REVIEW OF COMMUNITY SURVEY(8920)(8921)(8922)

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Kununurra
AUTHOR:	Alex Douglas, Executive Manager Engineering and Regulatory Services
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering and Regulatory Services
FILE NO:	01.2148.01
ASSESSMENT NO:	A 2148

PURPOSE

The purpose of this report is to progress the development of a preferred site or sites for a new administration centre for the Shire of Wyndham East Kimberley to enable investigation of development options that may involve co-location with other agencies.

BACKGROUND

At the 7 July 2009 Briefing Session, Councillors were provided with a range of options for the siting of a proposed new administration centre to be built in Kununurra. Councillors agreed to invite submissions from the community on the six siting options and this commenced at the 2009 Agricultural Show.

The sites identified for community consultation are: -

- Site 1: Portion of Reserve 27603 Coolibah Drive – current location
- Site 2: Lot 81 Victoria Highway – Airport land
- Site 3: Portion of Reserve 41812 Victoria Highway (nominally opposite the All Seasons Motel)
- Site 4: Reserve 33112 Chestnut Drive – adjacent the Ord River Sports Club
- Site 5: Reserve 48978 – corner of Casuarina Way and Victoria Highway
- Site 6: Portion of Lot 2484 Victoria Highway – adjacent to Lily Creek and opposite Casuarina Way

A survey form was distributed with the Rates Notices, and ratepayers were asked to complete and return the form via the prepaid envelope. Other forms were available at the Kununurra Shire Office.

A total of 134 responses were received.

STATUTORY IMPLICATIONS

There are no specific statutory implications associated with the Officer Recommendation.

POLICY IMPLICATIONS

No specific policies apply

FINANCIAL IMPLICATIONS

The development of a new administration centre for Kununurra will be a major investment for the Shire and is anticipated to be funded by a combination of municipal and loan funds.

No estimate is proposed at this time other than to suggest that the range will be from \$5 - \$8 million. Subject to site costs, allowance for expansion, interim lease of surplus office space, and co-location with other entities (e.g. MG Corporation) the range of options yields a range of development costs.

Whatever the options to be evaluated the decisions around a new administration centre will be based on expectations for the next 50 years.

STRATEGIC IMPLICATIONS

A range of Key Result Areas apply to the provision of a new administration centre. The present building has had a number of external and internal alterations over the years and capacity is now at its limit. A temporary solution has been implemented with the installation of a transportable office at the rear of the building.

A new building is required to meet the needs of the Shire's administration and governance for at least the next twenty years where the population of the Shire is conservatively expected to double with the main centre of population being Kununurra.

COMMUNITY CONSULTATION

A survey of ratepayers and residents was undertaken over approximately 6 weeks during July and August 2009.

COMMENT

The results of the survey are summarised as follows with a number of sites scoring ½ points where a number of responses suggested two sites.

Site Number	Number of Responses	Summary of comments
SITE 1	66.5	Visitors Centre move to Site 3 and Shire use previous location and expand current site. Town centre, Less cost. Double Storey. Leaves other sites open for further development Other sites too far from Business centre, and Tourism possibilities.No analysis for relocation. Visitors centre moves = more room for both. Site 3 should be for Tourism. Centre and Site 2 is inconvenient.
SITE 2	7	Move out of CBD, increase availability of CBD land, join with Depot, Away from residential Central to rural areas, Wyndham and airport.
SITE 3	19.5	Central location, better parking, Co-location with Visitors Centre, Visible,remains central with growth of town, Combine with Site 5 into larger precinct. Easily accessible and prominent. Scenic site ideal for both businesses.
SITE 4	25	Central, but Shire office does not need to be in the very centre of town, Convenient, away from residential areas, allows development of current site - retail ect. In line with URBIS plans.
SITE 5	1.5	With growth of Kununurra, avoids CBD congestion
SITE 6	13	Central to Lakeside and town, all residents, frees vaulable land in CBD and waterfront Room for expansion, visual statement, next to new Visitors Centre site, more parking
OTHER	1.5	Shire Depot and UCL between channel and ivanhoe Road.

The ability to retain the existing site as an operational building whilst redevelopment work is undertaken is very difficult. There are currently no other locations where the Shire could effectively relocate 40 staff together with all the administrative functions of the Shire.

An interpretation of the results could suggest that the desire to retain the existing location is the ability to combine shopping and business activities, in particular the proximity to the Post Office when there is no postal service.

If that interpretation is correct then the provision of a 'Shop Front' facility could go a long way to addressing the concerns. In that case the options for the siting of the new office are expanded.

The MG Corporation has been allocated \$4 million to develop a joint administration facility with the Gelganyem Trust. Informal discussions with representatives of the MG Corporation suggest that there are many financial and symbolic benefits to be derived from a joint office development. This may not involve a single building but could include a common site with shared carparking, and other shared infrastructure such as utility headworks costs.

The progressive concept development of the proposed temporary workers accommodation site utilising portion of Lot 2484 Victoria Highway (opposite Lakeside) has raised the possibility of using one of the proposed lots for a co-location site.

Whilst this area (combination of Sites 5 and 6) yielded the fourth order of preference staff believe that there is scope to develop the option with MG Corporation. The attraction of this site is that the Shire and MG Corporation have been nominated as co-lessees of a total of 13 hectares. A 1 hectare site could provide adequate land for co-located facilities and a potential to minimise land purchase costs and development costs.

ATTACHMENTS

Attachment 1 - Briefing Paper for Administration Centre Site Options

VOTING REQUIREMENT

Simple majority

OFFICER'S RECOMMENDATION

That Council approve in principle the development of a co-located site with the MG Corporation with a preferred option being on a site near Lakeside within Lot 2484 Victoria Highway to enable staff to develop concept plans and cost estimates.

COUNCIL DECISION

Minute No. 8920

***Moved:Cr K Wright
Seconded:Cr F Mills***

That Council support in principle development of Site 2 being a portion of Lot 81 Victoria Highway (East Kimberley Regional Airport Land)

LOST: (2/5)

For: Cr K Wright and Cr F Mills

Against: Cr J Moulden, Cr R Addis, Cr D Ausburn, Cr J Parker and Cr J McCoy.

Minute No: 8921

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

That Council approve in principle the development of a co-located site with the MG Corporation with a preferred option being on a site near Lakeside within Lot 2484 Victoria Highway to enable staff to develop concept plans and cost estimates.

LAPSED

Cr J Moulden withdrew support for motion.

Motion lapsed.

Minute No: 8922

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

That Council defer this item to the December briefing session.

CARRIED UNANIMOUSLY: (7/0)

Attachment 1

Shire of Wyndham East Kimberley

Proposed New Council Administration Centre

Kununurra

1.0 Introduction

The East Kimberley is entering the most rapid period of expansion it has experienced for some decades.

The combined investment of the State Government's Ord Expansion project (\$220M) and the Australian Governments East Kimberley Development Package (\$195M) is the stimulus for this development.

The coming together of these two key investments recognises the opportunity to advance the Ord Final Agreement, which settled native title over much of the Ord Valley and Kununurra in 2005. Pivotal to this Agreement is need for the region take new, bold and innovative steps to improve the social disadvantage of the regions 50% indigenous population, and in particular the MG people.

The expanded economic base generated by the Ord Irrigation Expansion is anticipated to trigger a multiplier effect of job creation on small business and service delivery.

Local Government as the first tier of government and the closest government to people will need to grow its capacity to meet and increased service needs of the region. That demand has already commenced and is expected to grow on the back of providing quality delivery of service the broader Wyndham East Kimberley Community.

2.0 Background

The Shire of Wyndham East Kimberley operates an Administration/Service Centre at both Wyndham and Kununurra.

The Wyndham Administration/Service Centre was substantially re furnished in 2007/08, making it both functional and largely adequate for delivery of municipal services to the Wyndham community for the foreseeable future.

The Kununurra Administration/Service Centre, in Coolibah Drive, Kununurra was initially constructed in 1963 and has subsequently seen a number of additions with the most recent to be a transportable building located on the northern end in September 2009 to provide much needed office accommodation to meet current demand. As such the initial building is now 46 years old, and will be 48 years old by 2011 when it is intended to construct a new Kununurra Administration/Service Centre.

The Kununurra Administration/Service Centre is located on Reserve 27603 vested to the Shire of Wyndham East Kimberley, and centrally located in the town centre.

Recently the Council sought to excise and acquired a portion (~3,500m²) of the Reserve containing the current Kununurra Administration/Service Centre to be placed in a fee simple (freehold) title, with the view of selling the site to facilitate redevelopment of this area as commercial land in the town centre. It is hoped this in turn will encourage and stimulate greater redevelopment through out the town centre.

In 2011 the town of Kununurra will reach its 50th year as a gazetted town site, clearly a significant milestone in the town's history. Similarly, the life of the current Administration/Service Centre building, which has served the broader community well, is nearing its expiration. In consideration of replacement of the existing building a new Kununurra Administration/Service Centre is proposed to be built with an estimated life of at least 40-50 years. It is recognised this building needs to holistically account for the delivery of quality service to the region for both now and in the future, based on:

- An anticipated (projected) population of around 25,000 people in the Shire by around 2036 (25 years) when the governance and service needs of the region will be considerably different;
- The optimum location is to best serve all sectors of the community from an access and delivery perspective; and
- The potential to co-locate and share facilities where possible and practicable.

3.0 Funding

The Shire of Wyndham East Kimberley is estimated to receive \$3.3M in uncommitted funding from the State Governments Royalties for Regions Program over the period 2008/09 to 2010/2011. This funding must be used according the funding guidelines and represents a unique opportunity to lessen the impact on local funds in creating a new Kununurra Administration/Service Centre.

The Council proposes to initially use the funding 2009-2011 to build a grouped dwelling complex of 11-12 town houses. It is intended that funds from the sale of this development will be re-invested in the construction of a new Kununurra Administration/Service Centre in 2011. This short term use of the Royalties for Regions funding helps to increase the communities housing stock and to stimulate the local economy while final planning for the new Kununurra Administration/Service Centre is completed.

Council has structured it loan ratios and debt to accommodate this project and is well positioned finally to add borrowing to the Royalties for Regions funding to fund the new Kununurra Administration/Service Centre for completion in 2011.

4.0 Possible Sites

A decision will need to be made in 2009 to confirm a site for the new Kununurra Administration/Service Centre. There are a range of considerations to be had around this matter, which is expected to have a high level of public interest and where public comment needs to be sought.

The following is a summary of potential sites, advantages and disadvantages provided to stimulate public comment (also refer to Figure 1). Note, other sites may be identified that are not listed in this table:

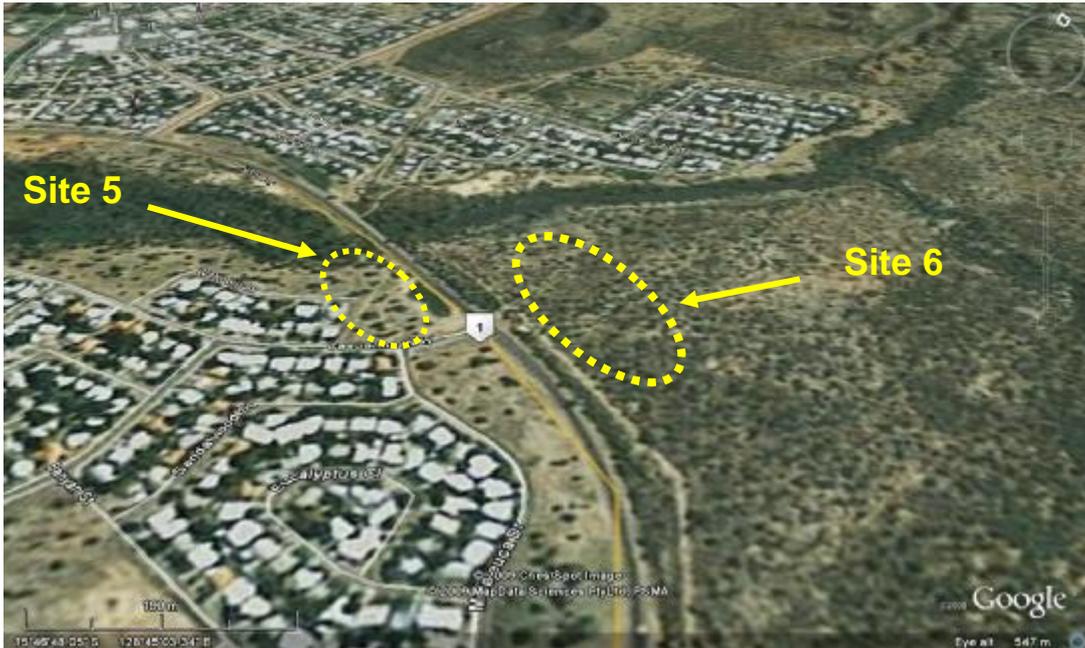
	Possible Site	Advantages	Disadvantages
1.	Portion of Reserve 27603 Coolibah Drive - current location	<ul style="list-style-type: none"> • Land is vested in Council – no acquisition costs – subject portion of Reserve soon to be freehold. • Centrally located with convenient access for all sectors of the community. • Strategically placed adjacent to municipal recreation centre. 	<ul style="list-style-type: none"> • Difficult to continue Shire operations while new centre is being developed. • Result in less revenue for new centre due to loss of revenue from sale of current site- estimated at \$1.5m-\$2M. • Site is limited in size – may constrain opportunity to co-locate and share facilities with other agencies
2.	Lot 81 Victoria Highway - Airport Land	<ul style="list-style-type: none"> • Land is owned by Council – no acquisition costs • Could lead to/encourage a major business precinct around the Airport • Greenfield site – affords sufficient site area for new Admin Centre, Depot facility and potential co-location with other agencies. • Significant entry point for some tourism and business • Allows continuation of Shire operations while new centre is being developed. 	<ul style="list-style-type: none"> • Reduces/affects land area available for subdivision and other commercial businesses opportunities • Not centrally located - may present inconvenience (access issues / difficulties) for some sectors of the community • Convenient to airport, but removed from other civic facilities

3.	Pt Reserve 41812 Victoria Highway	<ul style="list-style-type: none"> • Land is reserved and partly vested with the Shire – no acquisition costs apply • Symbolically centrally located, between growing Lakeside suburb and Kununurra town centre • Greenfield site – affords sufficient site area for new Admin Centre, Visitors Centre and potential co-location with other agencies. • Would sit adjacent the new Rotary Centenary Park and Lakeside link path. • Highway will revert to a local road when the Kununurra Heavy Haulage Road is built • Allows continuation of Shire operations while new centre is being developed. 	<ul style="list-style-type: none"> • Relies on land to be transferred from Road Reserve into Reserve 41812 requiring negotiation with Main Roads WA - could cause protracted delay. • Removed from other civic facilities
4.	Reserve 33112 Adjacent Ord River Sports Club	<ul style="list-style-type: none"> • Land is vested with Shire – no acquisition costs • Possible re development/refurbishment of Sport Club simultaneously with new Kununurra Administration/Service Centre. • Close proximity to other civic/ community infrastructure (courts, oval, childcare, Library, and Town centre). • Remains central to expanded town centre and maintains convenience. 	<ul style="list-style-type: none"> • Marginally reduces land area available for expanded sporting facilities • Site is limited in size – may constrain opportunity to co-locate and share facilities with other agencies

5.	Reserve 48978 Corner of Casuarina Way and Victoria Highway	<ul style="list-style-type: none"> • Land is vested with Council – no acquisition costs. • Strategically located adjacent to residential growth corridor of Lakeside. • Prominent Highway Exposure 	<ul style="list-style-type: none"> • Horizon Power easement aligned through property. • Constrained by overall area (6083m²) if on western side of Casuarina Drive. – preference to eastern side • Anticipated higher costs associated with site works and connection to utilities. • Removed from other civic facilities
6..	Portion of Unallocated Crown Land (UCL) adjacent to Lilly Creek and opposite Casuarina Way intersection	<ul style="list-style-type: none"> • Land could be vested with Council – no acquisition costs. • Strategically located opposite residential growth corridor of Lakeside. • Prominent Highway Exposure • Greenfield site – affords sufficient site area for new Admin Centre, and potential co-location with other agencies. 	<ul style="list-style-type: none"> • Anticipated higher costs associated with site works and connection to utilities. • Land currently being assessed for new caravan park. • Removed from other civic facilities







5.0 Proposed Project Timeline

The Council has nominated the following timeline to achieve realisation of this project:

- Jul- Sept Public consultation on various sites
- Sept 2009 Council consideration of public comment
- Sept 2009 Council to confirm preferred site
- Oct-Nov Due diligence on preferred site
- Dec 2009 Engagement of architectural services
- Apr 2010 Draft design- consideration by Council
- June 2010 QS estimates
- Jul-Sept Tender preparation
- Oct-Nov Call tenders
- Dec Evaluate tenders/award contract
- Apr 2011 Construction commences

6.0 Lodgement of Submissions

A person wishing to provide comment of this project is required to complete the attached form and lodged with the Shire by 31 August 2009.

In the interim should clarification be required on the discussion paper please contact the Shire's Executive Manger of Development Services on 91 684100.

12.3.7 SALE OF EXCESS MULCH FROM THE KUNUNURRA LANDFILL SITE(8923)

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Kununurra Landfill Site
AUTHOR:	Katya Tripp, Environmental Projects Officer
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering and Regulatory Services
FILE NO:	52.09.07
ASSESSMENT NO:	N/A

PURPOSE

For Council to approve the sale of excess mulch at the landfill to the public at \$30 per standard 1.8m x 1.2m trailer.

BACKGROUND

Shire Officers have identified that there is an excess of mulched green waste at the Kununurra landfill. In order to create more space at the landfill as well as the potential to offset costs associated with the mulching of the green waste Shire Officers propose the sale of the excess mulch to the general public.

STATUTORY IMPLICATIONS

A new fee will need to be incorporated into Council's fees and charges. This new fee will require advertising within the provisions of the Local Government Act.

POLICY IMPLICATIONS

There are no specific policy implications with this report.

FINANCIAL IMPLICATIONS

Depending on the quantity of greenwaste received, approximately \$20-30,000 is spent per annum on the mulching of green waste at the Kununurra landfill. Any income derived from the sale of the mulch will be added to the tipping fees.

STRATEGIC IMPLICATIONS

Increased recycling and reuse of waste reflects the intent of Key Result Area 4 Environment.

COMMUNITY CONSULTATION

No community consultation has been undertaken in preparation of this report.

COMMENT

The product should be referred to as raw mulch or chipped garden waste which indicates it has not been treated. Signage and advertising that makes the buyer aware that the mulch is non uniform in sizing and may

contain weed seeds, traces of non biodegradable material, sticks and leaves is recommended.

Signage will be in accordance with the requirements of the Health (Garden Soil) Regulations 1998 – adequate signage needs to be installed on site with the following health warning: *This product contains micro-organisms that may be harmful to your health. Avoid breathing dust or mists from this product. Wear gloves and keep product moist when handling. Wash hands immediately after use.*

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER'S RECOMMENDATION

That Council amend the 2009/10 Fees and Charges to introduce a new item into the Council tipping fees. This item would read as follows: "sale of mulch, standard 1.8m x 1.2m trailer, \$30 per load".

COUNCIL DECISION

Minute No. 8923

Moved: Cr R Addis

Seconded: Cr D Ausburn

That Council amend the 2009/10 Fees and Charges to introduce a new item into the Council tipping fees. This item would read as follows: 'sale of mulch, standard 1.8m x 1.2m trailer, \$30 per load'.

CARRIED UNANIMOUSLY: (7/0)

12.3.8 **LOADER PURCHASE - KUNUNURRA LANDFILL SITE (8924)**

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	John Gault, Kununurra Works Manager
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering and Regulatory Services
FILE NO:	52.14.01
ASSESSMENT NO:	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

There are no policy implications associated with this report.

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 Waste Management Reserve. The anticipated balance for the Reserve account at 30 June 2010 is \$468,863.

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.

Type	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 estimated at \$73,000 (excluding GST) from the Waste Management Reserve.
2. agree to the purchase of a 966D CAT loader Reg 1BYE709 for \$65,000 (plus GST) from Ord River Contracting

COUNCIL DECISION

Minute No. 8924

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

That Council:

1. ***agree to fund the purchase of a second hand loader and immediate repairs as detailed estimated at \$73,000 (excluding GST) from the Waste Management Reserve.***
2. ***agree to the purchase of a 966D CAT loader Reg 1BYE709 for \$65,000 (plus GST) from Ord River Contracting***

CARRIED UNANIMOUSLY: (7/0)

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"/> Parrallel 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:	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.	

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	
Recent Repairs:		
Comments: Oil leak from hydraulic pump.		

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 ---	REPAIRS	REBUILDS
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: <input type="checkbox"/> Yes <input type="checkbox"/> No	4 Wheel: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Efficiency good %	Parking Brake good %
Recent Repairs / Comments: Brake fluid leaking from hoses on top of rear diff, needs repair ASAP. 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
Recent Repairs / Comments: LHS front mudguard bent/loose.	
RHS & LHS platforms loose and bolts missing.	
RHS engine side door catch broken.	

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
Recent Repairs: Refurbished bucket fitted, no size indicated.	
Comments:	

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
Recent Repairs:	
Comments: Pins and bushes worn but serviceable.	
Bucket cylinder leaking ram seals	
LHS lift cylinder leaking ram seals	

CJD loader appraisal form

12.3.9 PROVISION OF INCREASED RECYCLING SERVICES AT KUNUNURRA LANDFILL(8925)

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Kununurra Land Fill Site
AUTHOR:	Katya Tripp, Environmental Projects Officer
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering and Regulatory Services
FILE NO:	52.09.01, 52.09.07
ASSESSMENT NO:	N/A

PURPOSE

For Council to approve the progression of a project that aims to provide a basic drop off facility at the Kununurra Landfill Site for specific waste streams that can be readily recycled.

BACKGROUND

In late 2008 a community survey was completed to assess the interest in and willingness of the community to pay for kerb side recycling. Although there was a strong interest in and agreement for recycling within the towns of Kununurra and Wyndham the implementation of a kerb side collection was just too expensive.

In the interest of providing some form of affordable recycling, a project is proposed that introduces the recycling of aluminium cans, electronic waste and glass through the provision of a community basic drop off facility at the Kununurra Landfill.

STATUTORY IMPLICATIONS

An objective of the Waste Avoidance and Resource Recovery Act is:

- (a) promoting the most efficient use of resources, including resource recovery and waste avoidance.

Resource recovery includes reuse, reprocessing, recycling and energy recovery.

POLICY IMPLICATIONS

There are no specific policy implications associated with this report.

FINANCIAL IMPLICATIONS

Monies will be received for the provision of sorted, baled aluminium cans to CMA Recyclers. Amounts per kg will fluctuate with the market.

Funding will be sort through the National Packaging Covenant and Department of Environment & Conservation to cover the costs of an aluminium can baler, hard stand, glass crusher and other required materials.

STRATEGIC IMPLICATIONS

Assists in achieving Key Result Area 4 - Environmental under the Shire's Strategic Plan:

- waste management services meet legislative and sustainable objectives.

COMMUNITY CONSULTATION

The community's views on recycling were collected, independently analysed and presented to Council through the recycling survey in 2008. The results showed that local residents consider recycling and waste minimisation to be important and that 71% of respondents felt that it is essential for people to recycle and reduce their waste.

COMMENT

Discussions with the National Packaging Covenant and recycling companies that operate within the region has identified that low capital cost recycling projects could be undertaken, and as the population and community interest increase the level of sophistication of the projects can be increased.

It is intended for this project to be implemented in three stages beginning with aluminium cans, then e- waste and finally glass. Progression from one stage to the next will be largely dependent upon the success of each and every stage.

In order to obtain volumes that will actual yield a decent monetary return then restaurants, bars and hotels need to be engaged.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council endorse the progressive implementation of a project that focuses on the diversion and recycling of aluminium cans, electronic waste and glass from the Shire's landfills utilising a combination of grant funds and working with interested recycling companies.

COUNCIL DECISION

Minute No. 8925

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

That Council endorse the progressive implementation of a project that focuses on the diversion and recycling of aluminium cans, electronic waste and glass from the Shire's landfills utilising a combination of grant funds and working with interested recycling companies.

CARRIED UNANIMOUSLY: (7/0)

12.3.10 REPLACEMENT OF 7 TONNE TIP TRUCK (P330)(8926)

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Wyndham Works Depot
AUTHOR:	Alex Douglas, Executive Manager Engineering and Regulatory Services
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering and Regulatory Services
FILE NO:	66.41.06
ASSESSMENT NO:	N/A

PURPOSE

The purpose of this report is to consider the quotations received for the replacement of the 7 tonne tip truck (Reg # 1APW 431), Plant # 330 based in Wyndham

BACKGROUND

The replacement for this truck was originally budgeted in the 2008/09 financial year and was re-committed in the 2009/10 Budget.

The WA Local Government Association (WALGA) has been developing purchasing arrangements for local government to access preferred supplier panels. The category of trucks has been added to the list, and staff have obtained quotations from the nominated suppliers.

STATUTORY IMPLICATIONS

The panel supplier contract has been developed consistent with the requirements of the Local Government (Functions and General) Regulations 1996.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

Council Policy F19 – Purchasing and Tendering Policy applies however the functions of the purchasing protocols have been established by WALGA.

FINANCIAL IMPLICATIONS

The budgeted amount for the replacement of the truck is \$100,000 net of GST.

STRATEGIC IMPLICATIONS

Key Result Area 1 – Infrastructure applies and includes “sustainable asset management for infrastructure under the Shire’s control”.

COMMUNITY CONSULTATION

No community consultation has been undertaken in the preparation of this report.

COMMENT

Quotations were sought from three suppliers, and their prices are summarised as follows:

Supplier	Make/Model	Purchase (incl GST)	Trade (Incl GST)	Net Cost (incl GST)
Waltons	Isuzu FH FSR700/850 (the 850 series is available as a \$400 cost upgrade)	106,425 plus \$7,500 delivery and pick up of trade	24,002	84,423 (plus \$400 for 850 model)
Purcher - International	Mitsubishi FK 7.0	107,430 plus \$520 licensing	28,000	79,950
Purcher - International	Mitsubishi FK 10.0	111,726 plus \$520 licensing	28,000	95,419
WA Hino Sales And Service	Hino FG1527 Six (speed)	126,400.23 plus licensing at cost	35,000	91,400.23 plus licensing at cost.

Staff have assessed the trucks offered and consider the Isuzu FSR850 is adequate for the intended use. The Mitsubishi FK 7.0 is at a lower net cost but has a 2,000 kg lower Gross Vehicle Mass (GVM) – 12,000 kg versus 14,000 kg.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER'S RECOMMENDATION

That Council accept the quotation by Waltons for the supply, delivery and licensing of one only 2009 Isuzu FH Series FSR850 Long Cab and Chassis with tipping body and accessories as specified for the cost of \$114, 325 (incl. GST) and the disposal of a 2000 Mitsubishi Fighter tip truck registration 1APW 451 (Plant No. P330) for a price of \$24,002 (incl. GST).

COUNCIL DECISION

Minute No. 8926

Moved:Cr J Parker

Seconded:Cr D Ausburn

That Council accept the quotation by Waltons for the supply, delivery and licensing of one only 2009 Isuzu FH Series FSR850 Long Cab and Chassis with tipping body and accessories as specified for the cost of \$114, 325 (incl. GST) and the disposal of a 2000 Mitsubishi Fighter tip truck registration 1APW 451 (Plant No. P330) for a price of \$24,002 (incl. GST).

CARRIED UNANIMOUSLY: (7/0)

12.3.11 GAWOOLENG YAWOODENG ABORIGINAL CORPORATION (GYAC) REQUEST TO WAIVE WASTE DISPOSAL FEES (8927)

DATE:	17 November 2009
PROPONENT:	Gawooleng Yawoodeng Incorporated
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	John Gault, Works Manager Kununurra
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering and Regulatory Services
FILE NO:	52.09.07
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider the request from Gawooleng Yawoodeng Aboriginal Corporation (GYAC) to have invoice 14630 written off and future fees for the disposal of waste at the Kununurra landfill site waived.

BACKGROUND

The Shire received the attached email from GYAC requesting consideration of exemption from paying fees for disposal of waste at the Kununurra Landfill Site. Currently the process at the Landfill site is to record all non domestic waste entering the site and process a monthly invoice.

STATUTORY IMPLICATIONS

The following section of the Local Government Act 1995 applies:

6.12 (1) Subject to subsection (2) and any other written law, a local government may –

(c) write off any amount which is owed to the local government.

*absolute majority required

POLICY IMPLICATIONS

Council policies F22 – Collection of Fees and Charges and F17 - Sundry Debt Collection apply.

FINANCIAL IMPLICATIONS

GYAC currently uses the Landfill site intermittently at best and an annual amount paid to the Shire is difficult to estimate.

STRATEGIC IMPLICATIONS

There are no strategic implications associated with this report.

COMMENT

At the Ordinary Council Meeting held on 15 September 2009 a request from the East Kimberley CDEP was considered. Council declined to waive any fees. Staff believe that the same response should be made in this instance.

The Kununurra Landfill Site currently takes in on average 20,000m³ of commercial waste per year. This waste is paid for by all businesses at a standard rate set by Council in its schedule of fees. Ratepayers also pay for the collection of kerbside rubbish through the rates system.

ATTACHMENTS

Attachment 1 - Email requesting waiver I-4097 - FW: Tip Fees

Attachment 2 - Invoice No: 14630 (+ tipping sheet)

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That Council:

1. Not write off invoice 14630 in the amount of \$40.00 for the disposal of waste at the Kununurra Landfill Site.
2. Not waive waste disposal fees for Gawooleng Yawoodeng Aboriginal Corporation

COUNCIL DECISION

Minute No. 8927

Moved:Cr D Ausburn

Seconded:Cr K Wright

That Council:

1. ***Not write off invoice 14630 in the amount of \$40.00 for the disposal of waste at the Kununurra Landfill Site.***
2. ***Not waive waste disposal fees for Gawooleng Yawoodeng Aboriginal Corporation***

CARRIED UNANIMOUSLY: (7/0)

ATTACHMENT 1 - Email

John

This is the corporation that believes that they should not be getting tip fees.

Got her to put it in writing as you requested

Tip fees for March 09 - \$40.00 - is the charge outstanding and is what she is disputing.

Please view and advise.

Cheers

Sandy Griffiths

Finance Officer Creditors & Sundry Debtors

Shire of Wyndham East Kimberley

PO Box 614 Kununurra WA 6743

PH: 08 9168 4100 FX: 08 9168 1798

E: fo3@thelastfrontier.com.au

W: www.thelastfrontier.com.au

From: Petina Pitt-Lancaster [<mailto:gawooleng@westnet.com.au>]

Sent: Monday, 12 October 2009 2:13 PM

To: Sandy Griffiths

Subject: Tip Fees

Hi Sandy

As a follow up to our telephone conversation regarding tipping fees for Gawooleng Yawoodeng Aboriginal Corporation (GYAC) I would like to request that the fees be overturned for the following reasons:

1. GYAC is a not for profit organisation and pay reduced shire rates for both our properties.
2. GYAC were charged for two tipping fees in March this year. One was signed by Kerriane Trust who is an employee of this organisation, and the other one was signed by Dwayne Kennedy who was working for Miriuwong Gajerrong Corporation.
3. I have been employed by GYAC since 2002 and we have never been charged for tipping fees.

If you require any further information please contact me on 91691049.

Yours sincerely

Petina Pitt-Lancaster
Coordinator

ATTACHMENT 2 – Invoice and Tipping Sheet



SHIRE OF WYNDHAM-EAST KIMBERLEY

Kununurra Office: 115 Coolibah Drive Kununurra
 Wyndham Office: Koolama Street Wyndham
 PO BOX 614 KUNUNURRA WA 6743
 Telephone : (08) 9168 4100 Facsimile: (08) 9168 1798
OFFICE HOURS: 8.00am - 4.00pm Monday to Friday

TAX INVOICE

ABN: 35 647 145 756

DUE: STRICTLY THIRTY DAYS

DATE 17/04/2009

GAWOOLENG YAWOODENG INCORPORATED
 PO BOX 997
 KUNUNURRA WA 6743

DEBTOR NUMBER 95

Page No. 1

INVOICE NUMBER	DESCRIPTION	AMOUNT
14630	TIPPING FEES MARCH 2009. 4.00 @ 10.00 ea * Local Govt. Charge \$36.36 GST charge \$3.64	40.00 *
<i>* indicates item includes GST</i>		
TOTAL PAYABLE		\$40.00

COPY

3<----- REMITTANCE ADVICE

SHIRE OF WYNDHAM-EAST KIMBERLEY

NAME: GAWOOLENG YAWOODENG INCORPORATED

DEBTOR NO.: 95

TOTAL PAYABLE: \$ 40.00

INVOICE NO.: 14630

Pay in Person
 Present this invoice to the Cashier at the Kununurra or Wyndham offices between 8.00am and 4.00pm Monday to Friday. VISACARD, MASTERCARD, EFTPOS, DINERS Cash and/or Cheque can be accepted.

Payment by Mail
 Detach this remittance advice and send it with your cheque made payable to SHIRE OF WYNDHAM-EAST KIMBERLEY and crossed 'Not Negotiable' Post to: PO Box 614, Kununurra WA 6743 **Keep top portion for your records**
Tick here if receipt required.

Details of our Banking Institution for electronic funds transfer
Reference Number: 14630
BSB Number: 306-045
Account Number: 5356458

12.4. DEVELOPMENT

12.4.1 PROPOSED AMENDMENT 32 TO TOWN PLANNING SSCHEME NO 7 - FINAL ADOPTION(8928)

DATE:	17 November 2009
PROPONENT:	Landcorp /RPS Koltasz Smith
LOCATION:	Agricultural And Conservation Areas, Weaber Plain, East Kimberley
AUTHOR:	Ian D'arcy, Executive Manager Development Services / RPS Koltasz Smith
REPORTING OFFICER:	Ian D'arcy, Executive Manager Development Services
FILE NO:	43.31.32
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider the adoption of Amendment No. 32 to the Shire of Wyndham East Kimberley Town Planning Scheme No. 7 (TPS 7) – Kununurra and Environs, to:

1. Rezone the identified agricultural land within the TPS Area to the “Rural Agriculture 1” zone under the Shire of Wyndham-East Kimberley TPS No. 7;
2. Expand 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;
3. Reserve 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
4. Expand 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.

BACKGROUND

Context

The rezoning and expansion of the TPS 7 area is proposed to facilitate the strategic development of the Ord Stage 2 Expansion to realise the full potential of available resources in the East Kimberley to create a vibrant and major regional centre.

Further, it is understood that this project is a key priority of the State Government’s Royalties for Regions initiative. On this basis LandCorp is

administering the roll-out of the program and managing the planning and environmental approvals process.

Scheme Amendment

Council, at its meeting of 16 June 2009 resolved (Minute No. 8702) to initiate Amendment No. 32 to Town Planning Scheme No. 7 – Kununurra and Environs, to rezone the subject site to “Rural Agriculture 1” and facilitate the protection of areas to be reserved for “Conservation and Environmental Protection”.

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 significance to the economic development of the Shire and involvement in the project.

STRATEGIC IMPLICATIONS

The Shire draft Plan for the Future 2008 -2010 outlines the following strategic directions:

Key Result Area 2 - Community

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

Key Result Area 3 – Economic Development

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

In consideration of these strategic directions the Amendment facilitates the extension of Ord Stage 2, a major state economic development project that will provide for local and regional jobs both during construction and operation.

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. 32 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 three submissions were received, and Shire staff comments thereon are provided in the following schedule of submissions.

Schedule of Submissions

No.	Submitter	Summary of Content	Staff Response and Comment	Action
1	Department of Water (DoW)	<p>DoW, LandCorp and other state agencies are currently working in conjunction to resolve the environmental and water supply issues.</p> <p>No objection to the Scheme Amendment provided the appropriate studies detailed in the environmental authority conditions are undertaken at the detailed design phase.</p> <p>Additional drainage required as the development will impact on the middle reach of Border Creek. The developer is to contact DoW to clarify the details required and compliance with the plan approved in March 2000.</p> <p>Residual flood risk remains and this level of risk will depend on levee design criteria.</p> <p>Advice given by DoW re residual flood risk is as follows:</p> <p>a) The drainage design should consider relief flow paths;</p> <p>b) Building envelopes should be located away from a levee; and</p> <p>c) Building envelopes to have habitable floor levels 0.5 metre above the 1 in 100 year ARI floor level</p>	<p>Noted.</p> <p>Noted</p> <p>Noted, appropriate conditions may be included in any subdivision approval issued by the WA Planning Commission.</p> <p>Noted, appropriate conditions may be included in any subdivision approval issued by the WA Planning Commission.</p>	<p>Nil</p> <p>Nil</p> <p>Nil</p> <p>Nil</p>
2	Horizon Power	No comment	Noted	Nil
3	Department for Education and Training	No comment made in regard to Amendment No 32 – Second letter received confirming it has no objections	Noted	Nil

COMMENT

The proposed zoning to 'Rural Agriculture 1' is essential to the successful extension of the Ord Stage 2 project, thus ensuring consistency in zoning with the prime agricultural land in the Ord Stage 1 development.

Further, it is recognised the Ord Stage 2 project will be a significant catalyst for new economic investment in the region that will bolster social and community infrastructure. Some of the investments and improvements expected in the short term include:

- New sports oval, lit for night sport to be included with the new 42 bed indigenous hostel under construction in 2009;
- Kununurra Airport Terminal Expansion;
- Wyndham Swimming Pool Upgrade, almost complete;
- Community and Private Housing Development;
- Expansion of Education Facilities, including a new primary school in Kununurra;
- Expansion of Health facilities in Kununurra;
- New Early Childhood Centre for Wyndham;
- New Community Jetty for Wyndham;
- New co-located Community/School Library; and
- Wyndham Port Upgrade.

Additionally, it is accepted the proposal accords with the Shire Local Planning Strategy (LSP) which acknowledges the importance of the agricultural industry to the region and resultantly seeks to identify and protect the subject land for this purpose.

ATTACHMENTS

Attachment 1 – Proposed Scheme Amendment Map

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council

1. 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.
2. 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. 32 to Town Planning Scheme No. 7 – Kununurra and Environs, as follows:
 - a) Rezone the identified agricultural land within the TPS Area to the "Rural Agriculture 1" zone under the Shire of Wyndham-East Kimberley TPS No. 7;

- b) Expand 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;
 - c) Reserve 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
 - d) Expand 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.
3. 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).
 4. 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).
 5. Request the Honourable Minister for Planning to grant final approval to Amendment No. 32 to Town Planning Scheme No. 7 – Kununurra and Environs.
 6. Inform those agencies and persons who made a submission on Amendment No. 32 to Town Planning Scheme No. 7 – Kununurra and Environs of its decision.

COUNCIL DECISION

Minute No. 8928

Moved:Cr J Moulden

Seconded:Cr K Wright

That Council

1. 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.
2. 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. 32 to Town Planning Scheme No. 7 – Kununurra and Environs, as follows:
 - a) Rezone the identified agricultural land within the TPS Area to the “Rural Agriculture 1” zone under the Shire of Wyndham-East Kimberley TPS No. 7;

- b) Expand 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;
 - c) Reserve 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
 - d) Expand 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.
- 3. 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).
 - 4. 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).
 - 5. Request the Honourable Minister for Planning to grant final approval to Amendment No. 32 to Town Planning Scheme No. 7 – Kununurra and Environs.
 - 6. Inform those agencies and persons who made a submission on Amendment No. 32 to Town Planning Scheme No. 7 – Kununurra and Environs of its decision.

CARRIED UNANIMOUSLY: (7/0)

12.4.2 DRAFT GUIDELINES FOR NATURE BASED CAMP FACILITIES(8929)

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Kelly Cripps, Environmental Health Officer
REPORTING OFFICER:	Ian D'arcy, Executive Manager Development Services
FILE NO:	43.02.01
ASSESSMENT NO:	N/A

Cr R Addis left the meeting at 7.07pm as he declared a Financial Interest in this Item.

PURPOSE

This report relates to the preparation of a draft policy guideline for Nature Based Camp Facilities within the Shire of Wyndham East Kimberley.

BACKGROUND

This draft policy has been prepared in response to a number of disparities that currently exist in the licensing and assessment of nature based parks within the Shire. It aims to;

1. Acknowledge that nature based parks offer a different experience for campers than caravan parks, and therefore should be assessed fairly on the basic facilities they provide.
2. Set clear guidelines for which nature based parks are approved, licensed and routinely assessed for compliance with the *Caravan Parks and Camping Grounds Regulations 1997*.
3. Offer an avenue for operators of nature based parks to have their annual fees reconsidered to reflect that they often only operate for a portion of the year due to access issues.

STATUTORY IMPLICATIONS

This policy is prepared as a joint local planning and health policy. Local Government is empowered under the *Caravan Parks and Camping Grounds Regulations 1997* to license nature based parks and set minimum standards for certain aspects of their operation.

Caravan Parks and Camping Grounds Regulations 1997

49. Position of transit parks and nature based parks

A local government is not to grant a licence for a transit park or a nature based park if there is a facility within 50 kilometres, or such shorter distance as is approved in writing by the Minister in a particular case, of the proposed facility.

Schedule 7

23. Number of showers, toilets and hand basins at nature based parks

A nature based park is to have such toilets, showers and hand basins as is approved.

POLICY IMPLICATIONS

This policy will provide clarity on the minimum standards expected of nature based camp facilities and ensure consistency in the way in which they are assessed.

FINANCIAL IMPLICATIONS

Advertising costs in the order of \$300-\$400 will be incurred by Council.

There is a potential for annual caravan park and camping ground fees received by the Shire to decrease by approx \$500 if nature based parks take advantage of the fee reimbursement option in the policy.

STRATEGIC IMPLICATIONS

Nil

COMMUNITY CONSULTATION

There is no minimum requirement for advertising a policy made under the *Caravan Park and Camping Ground Regulations 1997*, however it is recommended that the draft policy be advertised in accordance with other development policies. Similar to requirements of clause 3.3.2 (a) of the Shire's Town Planning Scheme No.6 and clause 12.6.4 of the Shire's Town Planning Scheme No.7, the draft policy should be advertised at least once per week for two consecutive weeks in a local newspaper requesting for any submissions to be lodged within a period of no less than 21 days.

In addition to advertising, it is also recommended that the draft policy be sent to all licensed caravan park and camp ground operators in the Shire.

COMMENT

This draft policy applies to nature based camp facilities currently licensed by the Shire and those that will be developed in the future. The need for this policy has come about following discussions with current nature based camp facility operators who feel they need some clarity as to what level of service is expected.

The main intent of the policy is to:

1. Inform nature based park operators, developers and the public on minimum requirements expected of such camp facilities; and
2. Ensure fairness and consistency in the way nature based camp facilities are approved and assessed by Council Officers.

ATTACHMENTS

Attachment 1 - Draft Guidelines for Nature Based Camp Facilities

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council resolve to adopt the draft Development Control Policy 2 - Guidelines for Nature Based Camp Facilities as shown in attachment 1 and proceed to advertise to this effect in the local newspaper at least once per week for two consecutive weeks requesting for any submissions to be lodged within a period of not less than 21 days.

COUNCIL DECISION

Minute No. 8929

Moved:Cr D Ausburn

Seconded:Cr K Wright

That Council resolve to adopt the draft Development Control Policy 2 - Guidelines for Nature Based Camp Facilities as shown in attachment 1 and proceed to advertise to this effect in the local newspaper at least once per week for two consecutive weeks requesting for any submissions to be lodged within a period of not less than 21 days.

CARRIED UNANIMOUSLY: (7/0)

Cr R Addis returned to the meeting at 7.08pm and advised of the outcome.

Attachment 1 - Draft Guidelines for Nature Based Camp Facilities

POLICY NO:	DC2
DIVISION:	Development Control
SUBJECT:	(draft) Guidelines for Nature Based Camp Facilities
REPORTING OFFICER:	Executive Manager Development Services
ENABLING LEGISLATION:	<i>Caravan Parks and Camping Grounds Regulations 1997</i>

OBJECTIVE

- To acknowledge that nature based camp facilities offer a different experience for campers than caravan parks, and may only provide basic facilities.
- To set clear guidelines for the minimum licensing standards of nature based parks within the Shire and ensure consistency in the way in which they are assessed.
- To ensure that applications for the development of Nature Based Parks are assessed in a consistent, fair, thorough and timely manner.
- To provide guidance to staff, Councillors, other government agencies, landowners, and the general public regarding the assessment of applications for nature based parks.

POLICY

1.0 Introduction

A nature based park is a caravan park/camping ground which is intended to only have basic facilities.

The regulations require local government set standards on the number of toilets, showers and hand basins provided at a nature based park.

The requirements for water, electricity (if available) and roads are as approved by the local government. If water is not available then alternatives may be considered for fire fighting (fire extinguishers or slip on fire units).

Local government is not permitted to grant a licence for a nature based park if there is a licensed caravan park and camping ground within 50 kilometres. The Minister for Local Government may approve a shorter distance.

2.0 Definitions

“Nature based park” means a facility where an occupier may stay no longer than 3 consecutive months (*Caravan Parks & Camping Grounds Regulations 1997*).

3.0 Location

A proposal to establish a nature based park within 50km of an existing licensed caravan and camping ground will generally not be given favourable consideration

by Council, unless general support is expressed from other holiday park operators and there is a genuine demand for such facility - refer to section 5.0.

4.0 Tenure

An application for a nature based license must demonstrate legal entitlement to occupy and use the land as a nature based facility.

5.0 Need

The applicant shall detail the need for a 'Nature Based' camping facility. The Shire in turn will examine the explanation provided by the applicant and have due regard for:

- The justification provided in the application;
- Any economic impact on existing caravan park establishments, if within a 50km radius;
- Any specific reference and/or requirements of the Shire's Town Planning Scheme, Local Planning Strategy or an Interim Development Order; and
- Any requirements of the *Caravan Parks and Camping Grounds Regulations 1997*.

6.0 Environment

The design and location of a Nature Based Park must be sensitive and complimentary to environmental 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.

7.0 Amenity

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

8.0 Specific Application Detail

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

- A minimum of 4 sets of accurately scaled and dimensioned locality plans, site layout plans, and floor plans/elevations of communal buildings and facilities;
- An analysis of the physical characteristics of the site;
- Details regarding the maximum number of bays/camp sites;
- Details on how development is to be staged, if applicable;
- Information regarding how the minimum essential services are to be provided to the site;
- Details of proposed materials and colours to be used for all buildings;
- Details of any prior consultation with local communities and government agencies;
- A facility management plan.

9.0 Fees

Fees shall be charged on an annual basis in accordance with 'Schedule 3 - Fees' of the *Caravan Parks and Camping Grounds Regulations 1997*.

An operator of a nature based park may, at the end of the financial year, apply for a reimbursement of fees for the period they were not have been able to operate due to climatic or access issues. Any application for reimbursement of fees must be accompanied by sufficient evidence (such as booking sheets or advertising material) that clearly demonstrates when the park was not in operation.

10.0 Minimum Requirements

Applications should demonstrate that the Nature Based camping facility meets the following minimum requirements:

10.1 Ablutions

Ablution facilities shall be provided in accordance with the following table;

Sites	Toilets	Showers	Hand basins
0-20	2	2	2
20-40	4	2	2
40-80	7	4	4
80-120	9	6	6
120-160	12	8	8

Ablutions may either be stand alone unisex facilities or split 50/50 for male and female use.

Ablutions must be connected to an on-site effluent disposal system approved by Shire's Environmental Health Officer. This may include composting systems suitable for remote locations.

Laundry and washing up facilities are not required at nature based parks.

10.2 Water

There must be a centrally located tap with running water for use by all occupiers. A tap must be no more than 90m from any campsite.

Where a potable supply of water cannot be provided, taps must be clearly signed with the following or similar:

<p>“WARNING”</p> <p>“WATER SUPPLY IS NOT TREATED AND MAY NOT COMPLY WITH AUSTRALIAN DRINKING WATER GUIDELINES”</p>

Any advertising associated with the nature based park should clearly state that visitors need to bring their own drinking water as it is not provided on-site.

10.3 Wastewater

Nature based parks are not required to provide a communal chemical soil waste dump point. If a dump point is provided it must be connected to a wastewater disposal system approved by Shire's Environmental Health Officer.

10.4 Rubbish

The disposal of rubbish on site is not permitted.

While rubbish bins are not required to be provided, advertising and notice to campers arriving at the park must be provided through approved signage advising that campers must take their own waste with them.

If bins are provided they shall be located within 90m of every site and emptied as necessary, but at least once a week.

Rubbish bins are to be sealed to prevent infestation from insects and vermin.

10.5 Fire fighting Equipment

Where a facilities water supply is not adequate to operate fire hoses effectively, the facility may have;

- i) fire extinguishers accessible at all times within 90m of every site; or
- ii) a portable fire fighting unit with a minimum capacity of 1000L, which must be full and easily accessible at all times. The operational capacity of a fire fighter unit shall be demonstrated upon request by the Shire's Fire Control Officer or a FESA representative.

10.6 Setbacks

All camp sites shall be clearly defined and marked so it is clear to users where they shall and shall not camp.

There shall be no more than ten (10) people permitted to camp on a site at any one time.

10.7 Protection from cattle

Consideration should be given to preventing cattle entering the camp area through the erection of rural style fencing around the perimeter of the nature based camp facility.

10.8 Caretaker's Residence

The provision of a single Caretaker's Residence is supported subject to:

- The internal floor area not exceeding 100m² and not more than 3 bedrooms;
- A potable water supply to a minimum storage capacity of 92,000 litres (20,000 gal.);
- All building materials and colours to be complimentary and in harmony with the natural landscape;
- The residence to be prominently and adequately sign posted to service the Nature Based camping area.

REFERENCE:

Caravan Parks and Camping Grounds Act 1995
Caravan Parks and Camping Grounds Regulations 1997
Shire of Wyndham East Kimberley Town Planning Schemes 6 and 7
Shire of Wyndham East Kimberley Local Planning Strategy
Shire of Wyndham East Kimberley Interim Development Order No. 10

Adopted:

Review:

Amended:

12.4.3 PROPOSED REZONING OF LAND - LOT 100 FARM HILL ROAD KUNUNURRA(8930)

DATE:	17 November 2009
PROPONENT:	N R Jones
LOCATION:	Lot 100 Farm Hill Road Kununurra
AUTHOR:	Ian D'arcy, Executive Manager Development Services
REPORTING OFFICER:	Ian D'arcy, Executive Manager Development Services
FILE NO:	43.31.34
ASSESSMENT NO:	A54

PURPOSE

A request for reconsideration of Council decision to remove requirement for amalgamation of land associated with the rezoning of Lot 100 Farm Hill Road Kununurra from 'Conservation' Reserve to 'Special Site – Airport' zone.

BACKGROUND

The Council at its meeting on 18 August 2009 considered a request to initiate an amendment to its Town Planning Scheme No.7 to rezone Lot 100 Farm Hill Road Kununurra from 'Conservation' Reserve to 'Special Site – Airport' zone where it resolved:

Minute No. 8794

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

That Council:

- 1. 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.***

CARRIED UNANIMOUSLY: (8/0)

A plan of the subject land is provided in Figure 1 and the current zoning map is offered in Figure 2 of this report.



Figure 1

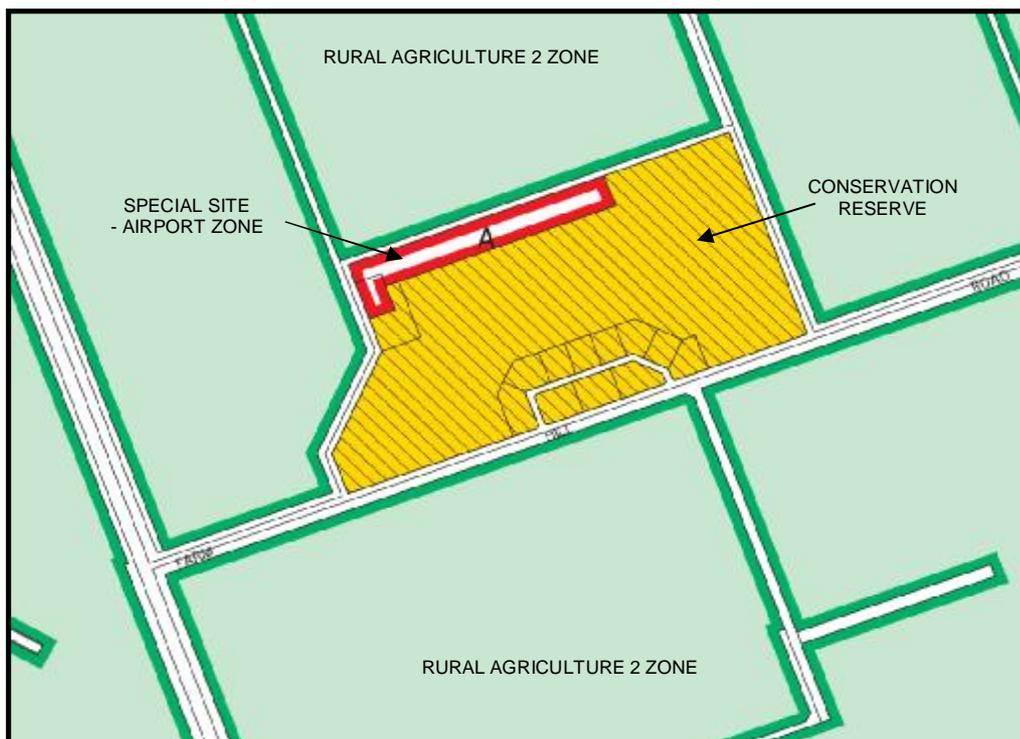


Figure 2

The Council on the 15th September 2009 then considered request to support the rezoning process to run in parallel with amalgamation of the subject land parcels to the point of advertising the Town Planning Scheme Amendment, where it resolved:

Minute No. 8822

Moved:Cr P Caley

Seconded:Cr R Boshammer

- 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**
- 2. That Council:**
 - a. Pursuant to Section 75 of the Planning and Development Act 2005 (as amended), amend the Shire of Wyndham-East Kimberley Town Planning Scheme No. 7 (Kununurra and Environs) by:**
 - i. Rezoning Lot 100 Farm Hill Road, Kununurra from 'Conservation' Reserve to 'Special Site - Airport' zone;**
 - ii. Amending the Scheme Maps accordingly.**
 - b. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation;**
 - 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];**
 - d. Request the consultant to initiate amalgamation of the Lot 100 with the adjoining Lot 286; and**
 - 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**
 - 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.**

CARRIED UNANIMOUSLY: (8/0)

The landowner has now submitted a request for further reconsideration of the requirement to amalgamate the two parcels of land tied to the proposed rezoning process. The reasoning offered by the landowner in support of this request is that:

1. Both lots have operated separately for airport related uses in the past and will [continue] to do so in the future;
2. We currently use Lot 100 for the purpose of building and restoring aircraft that is not dependent of the existing airstrip on Lot 286 and can also be used for helicopter use that is also not dependent on the airstrip on Lot 286;
3. The zoning (special airport) of Lot 286 and Lot 100 also limits the ability to develop the land for any other use that is not airport related which we feel should give SWEK protection from any conceived problems in the future.

A copy of this correspondence is provided as Attachment 1 to this report.

STATUTORY IMPLICATIONS

As previously reported a Scheme Amendment is prepared pursuant to Section 75 of the *Planning and Development Act 2005*, with the process to amend the zoning enacted under the *Town Planning Regulations, 1967*.

On the amalgamation land parcels this process is regulated under the *Town Planning Regulations, 1967* determined by the Western Australian Planning Commission.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

There are no strategic implications associated with this proposal, however the proposal to initiate rezoning for the subject land is logical as it will provide a consistency in zoning and support development that compliments the existing air strip on the adjoining property.

COMMUNITY CONSULTATION

The Scheme Amendment process involves advertising of the proposed rezoning for a period of 42 days, however, the amalgamation process does not entail any public consultation process.

COMMENT

The views expressed by the landowner are not supported at an officer level.

As outlined in the previous reports, the amalgamation of Lot 100 with Lot 286 is integral to the proposed change in zoning for Lot 100 to 'Special Site – Airport'. This is particularly important as the applicant is intending to construct a caretaker's residence that will have a direct relationship to the air strip located on Lot 286. Any separate land ownership for each of the lots could generate amenity and/or conflict issues between the aviation and residential use.

Furthermore, it is expected that the Western Australian Planning Commission will require some mechanism for the two lots to be tied to each other before the proposed rezoning is supported.

With this acknowledged, an alternative approach to amalgamation of the lots could be the application of a restrictive covenant being placed on each of the respective titles that prevents one lot from being sold without the other. This will ensure separate ownership of the two lots does not result in potential conflict arising in the future.

Therefore, it is suggested the Council support the placement of restrictive covenants on the titles, as opposed to amalgamation of the two lots, with one or the other approach being completed prior to the Scheme Amendment being advertised as required in the Council's previous resolution.

ATTACHMENTS

Attachment 1: Letter of request from applicant

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council inform the owner of Lots 286 and 100 Farm Hill Road that:

1. It is not prepared to support advertising of the Scheme Amendment without a mechanism in place that ensures tenure of the two lots remains in the same ownership to avoid any potential conflict issues in the future;
2. It is prepared to support the placement of restrictive covenants on respective titles to prevent the sale of one lot without the other, as opposed to amalgamation of the two lots, with one or the other approach being completed prior to the Scheme Amendment being advertised as required in the Council's previous resolution.

COUNCIL DECISION

Minute No. 8930

Moved:Cr J Moulden

Seconded:Cr K Wright

That Council does not consider the Item.

CARRIED UNANIMOUSLY: (7/0)

The Council decision differs from the Officer's Recommendation because Councillors advised staff that further information should be sought before the matter could be discussed.

Doc No.	06808
Date	
Officer	CEO KMTPEB
Response	
File	01-0054-02
Cross Ref.	

30 October 2009

Ian D'Arcy
Town Planner
Shire of Wyndham East Kimberley
PO Box 614
KUNUNURRA WA 6743

Dear Ian

PROPOSED AMALGAMATION- LOT 100 FARM HILL ROAD

We are in the process of rezoning land recently amalgamated by the DPI with our land.

Council's resolution on 15 September requires the amalgamation of Lot 100 and Lot 286 which are both owned by us. We do not consider this necessary as both lots have operated separately for airport related uses in the past, and will do so in the future.

We currently use Lot 100 for the purpose of building and restoring aircraft that is not dependant on the airstrip on Lot 286. Lot 100 can also be used for helicopter use that is also not dependant on the air strip on Lot 286.

The zoning (special airport) of Lot 286 and Lot 100 also limits the ability to develop the land for any other use that is not airport related which we feel should give SWEK protection from any conceived problems in the future.

We request your reconsideration of this requirement, which places undue cost on us with the rezoning process.

We look forward from hearing from you in the near future.

Regards
Neville Jones and Julie Turnbull
PO Box 791
Kununurra WA 6743
Ph 91691335 W/H
Ph 91691212 A/H
Email tardis.who@westnet.com.au

COPY

12.4.4 ROAD NAMES - VALENTINE FALLS SUBDIVISION (8931)

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Various
AUTHOR:	Jennifer Ninyette, Town Planning Officer
REPORTING OFFICER:	Ian D'arcy, Executive Manager Development Services
FILE NO:	43.11.03
ASSESSMENT NO:	A2462

PURPOSE

For Council to reconsider the naming of new roads within the Valentine Falls subdivision, located off of Weero Road, Kununurra.

BACKGROUND

Council received a request to approve nominated names of rivers within the East Kimberley region for thematic naming of the roads within the Valentine Falls subdivision.

These nominated road names were considered by Council at the Ordinary Council Meeting on 20th October 2009, whereat it was resolved:

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***

Accordingly, the Council endorsed road names were referred to the Geographic Names Committee by the surveyor on behalf of the Shire, and Geographic Names have approved the following road names:

- Salmond
- Pentecost
- Keep

However, Geographic names advised that the following names were not acceptable for the reasons stated:

- Valentine Falls - (double barrelled name) and also Valentine Spring Road exists in Wyndham Shire
- Dunham – Name exists as a private road in Wyndham Shire (Durack – Woolah Community)
- Ord – Name exists as a private road in Wyndham Shire (Wyndham - Guda Guda Community), and as a public road in the locality of Wyndham.

- King – Name has been used 77 times state-wide.

Subsequently, Geographic Names suggested that the developers prepare a list for their pre-approval, before submitting another plan and request to the Council.

As such, the following list affords the preapproved names, which are shown on the plan offered as Attachment 2 to this report;

- Chamberlain Drive
- Drysdale Approach
- Berkeley Crescent
- Behm Close

Three alternative road names were also preapproved by the Geographic Names Committee, which may be substituted for any of the above if desired:

- Bow
- Ernest
- Ullinger

Council's consideration is therefore sought on the alternative nominations offered.

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.

COMMENT

The names suggested in the Valentines Falls Estate subdivision will introduce a new road naming thematic and given the size and location of the subdivision, is considered to be appropriate and is also recommended for approval.

As any delay in the nomination and approval of road by Council will delay the subdivision process unnecessarily, it is requested that Council consider the alternative nominations in this instance, to prevent any further interruption.

ATTACHMENTS

Attachment 1: Original Valentine Falls Estate Subdivision & Road Name Plan
Attachment 2: Revised Valentine Falls Estate subdivision & Road Name Plan

VOTING REQUIREMENT

Simple majority

OFFICER'S RECOMMENDATION

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

- Chamberlain Drive
- Drysdale Approach
- Berkeley Crescent
- Behm Close

As per the plan at Attachment 2

COUNCIL DECISION

Minute No. 8931

Moved:Cr D Ausburn

Seconded:Cr K Wright

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

- Chamberlain Drive***
- 'Drysdale Approach***
- 'Berkeley Crescent***
- 'Behm Close***

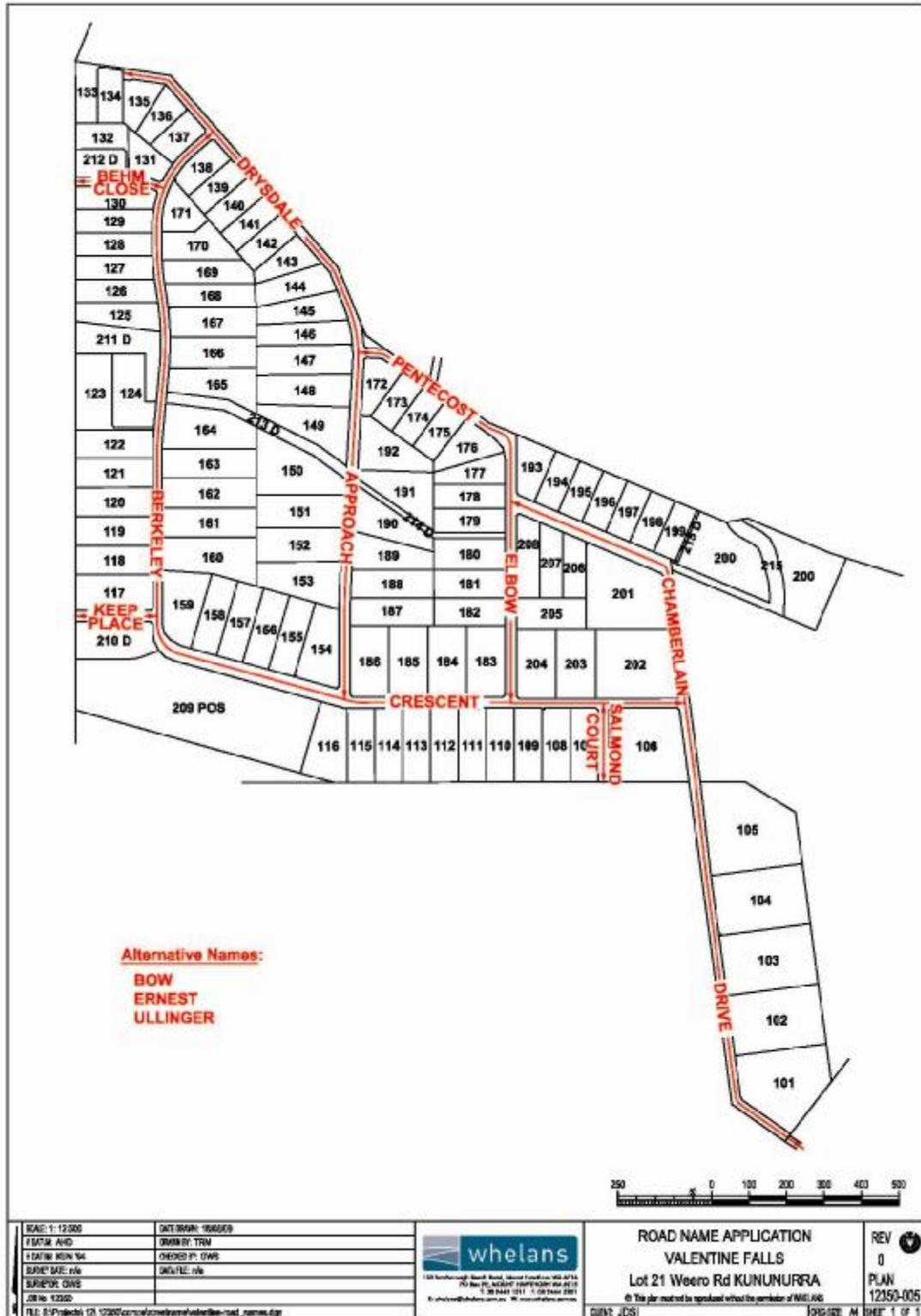
As per the plan at Attachment 2

CARRIED UNANIMOUSLY: (7/0)

ATTACHMENT 1



ATTACHMENT 2



12.4.5 PROPOSED ROAD CLOSURE - WEABER PLAIN ROAD KUNUNURRA (8932)

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Loc 672 Weaber Plain Road, Kununurra
AUTHOR:	Jennifer Ninyette, Town Planning Officer
REPORTING OFFICER:	Ian D'arcy, Executive Manager Development Services
FILE NO:	01.2272.02
ASSESSMENT NO:	A2272

PURPOSE

For Council to consider the closure of a portion of Weaber Plain Road for amalgamation with adjoining Location 672 Weaber Plain Road, Kununurra.

BACKGROUND

The Shire has received correspondence from Cambridge Gulf Limited stating that the Ord River District Cooperative (ORDCO) wish to acquire a portion of the Weaber Plain road reserve adjoining the ORDCO property (Location 672) located on the corner of Weaber Plain Road and Mills Road, Kununurra. A copy of this correspondence is shown at Attachment 1.

ORDCO wish to acquire the land as it has been inadvertently developed with a truck lay down area and a number of garden areas, and also to rationalise the boundary to the road frontage.

The Shire's Engineering Department has investigated the requirement for this portion of the road reserve, and has determined that the majority of the road reserve is redundant, with a small section to be retained intersectional purposes. A plan showing the portion of road recommended to be closed is shown at Attachment 2.

STATUTORY IMPLICATIONS

In order to effect the road closure, it is a requirement under the Land Administration Act 1997 (LAA) that the Local Government Authority advertises the proposal for a period of 35 days, following which Council is required to consider any submissions prior to passing a resolution to close the road.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The applicant will be responsible for advertising costs. If Council resolve to close the road following advertising, the matter is then finalised by the State.

STRATEGIC IMPLICATIONS

Nil

COMMUNITY CONSULTATION

The proposed road closure will be required to be advertised in a local newspaper for a period of 35 days in line with requirements of the *Land Administration Act 1997* (LAA), and notification letters would also be sent to service agencies and adjoining landowners seeking their comment.

COMMENT

Shire Officers have determined that the majority of the road reserve is redundant, with only a small section required to be retained for intersectional purposes.

Given this, and the existing encroachment, it is considered appropriate for the road closure to be supported.

ATTACHMENTS

Attachment 1: Letter from ORDCO

Attachment 2: Recommended Road Closure Plan

VOTING REQUIREMENT

Simple majority

OFFICER'S RECOMMENDATION

That Council:

1. Advertise the proposed road closure
2. Resolve to close a portion of Weaber Plain Road subject to no objections being received during the advertising period.
3. Following completion of the advertising period, request the Department for Regional Development and Lands to close a portion of Weaber Plain Road, as shown at Attachment 2, for amalgamation with adjoining Loc 672 Weaber Plain Road, Kununurra.

COUNCIL DECISION

Minute No. 8932

Moved:Cr D Ausburn

Seconded:Cr K Wright

That Council:

- 1. Advertise the proposed road closure***
- 2. Resolve to close a portion of Weaber Plain Road subject to no objections being received during the advertising period.***

- 3. Following completion of the advertising period, request the Department for Regional Development and Lands to close a portion of Weaber Plain Road, as shown at Attachment 2, for amalgamation with adjoining Loc 672 Weaber Plain Road, Kununurra.**

With the amendment that costs associated with dot point one is paid for by the applicant.

CARRIED UNANIMOUSLY: (7/0)

ATTACHMENT 1



Peter Stubbs
CEO Shire of Wyndham East Kimberley
PO Box
Kununurra WA 6743

Doc No.	066565
Date	30 JUN 2009
Office	TPO/XMT/DED
Response	
File	01-2272-02
Cross Ref.	

June 26th 2009

Dear Peter,

Re: Co-op Property Cnr Weaber Plains Road and Mills Road Kununurra

The Ord River District Co-operative (ORDCO) wishes to investigate the possibility of acquiring the land adjacent to the block up to the Weaber Plains road verge. This land is apparently part of the Weaber Plains Road reserve although there is no obvious logic for the deviation from the normal road reserve width that is followed immediate north of the block refer following aerial photograph.



ORDCO has two accesses off of the Weaber Plains Road and neither of these is in an area where the block has immediate frontage to the road.

Head Office:
672 Weaber Plains Road (PO Box 238)
Kununurra Western Australia 6743

Ph: 61 (0)8 91682255
Fax: 61 (0)8 91682226

ORDCO also has a creek lay down area and a number of garden areas that have been inadvertently developed on this land outside of the ORDCO property boundary.

Can you please confirm the SWBK process that ORDCO will need to follow to acquire this land for amalgamation into the existing block

Yours sincerely

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Tony Chater
Chief Executive Officer

Cc Peter Brockmeuler DPI Kununurra

Head Office:
672 Weaber Plains Road (PO Box 238)
Kununurra Western Australia 6743

Ph: 61 (0)8 91682255
Fax: 61 (0)8 91682226

ATTACHMENT 2



RECOMMENDED PORTION OF ROAD TO BE CLOSED

12.4.7 PROPOSED ROAD CLOSURE - PORTION OF CARPENTARIA STREET, KUNUNURRA

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Carpentaria Street
AUTHOR:	Jennifer Ninyette, Town Planning Officer
REPORTING OFFICER:	Ian D'arcy, Executive Manager Development Services
FILE NO:	01.5203.02, 01.2861.02
ASSESSMENT NO:	A5203, A2861

PURPOSE

For Council to reconsider a resolution to close a portion of Carpentaria Street road reserve, and amalgamate the land into adjoining properties.

BACKGROUND

The Shire has received a request from the owner of Lot 16 Cocus Way to construct a road within the portion of Carpentaria Street road reserve located between the southern boundary of Lot 16 and the Kentia Way intersection. A copy of the email correspondence from the owner of Lot 16 is shown at Attachment 1.

Council resolved to close this portion of the road reserve at the Ordinary Council Meeting in February 2009, subject to no objections being received during the submission period. A plan of the road closure area is shown at Attachment 2.

The closure was initiated following a request from the owner of Lot 2340 Kentia Way to purchase a 1500 m² portion adjoining their property, to provide more space for truck and bin storage for their business (Kimberley Waste Services).

It was determined at that time that the Shire had no intention to construct this portion of the road due to the northern section serving an important drainage function, and considered that construction of this portion was not required as Lot 16 already has legal access via Cocus Way.

It was therefore considered appropriate to amalgamate approximately 1000 m² of the unconstructed road reserve, with the adjoining drainage reserve, Reserve 41909, which is under the care, control and management of the Shire, and for the remaining 1500 m² to be amalgamated into adjoining Lot 2340 Kentia Way.

No submissions were received during the advertising period, therefore a request was sent to the Department of Regional Development and Lands (DRDL) requesting for the road closure to be effected. Notwithstanding this, the road has not yet been closed and the DRDL are awaiting further advice from the Shire regarding the recent request.

This portion of road reserve in question was requested to be created in 1999, following a request from the owner of then Lot 2339, to enable the southern half of the lot to be subdivided off, prior to which, it was part of Drainage Reserve 41909.

Although the road reserve was created, the road has never been constructed and therefore the intended subdivision did not proceed.

In October 2005, Mr Cole submitted another subdivision application to the Western Australian Planning Commission (WAPC), this time for the subdivision of Lot 16 into 5 lots with an 8 metre wide carriageway to be constructed within the Weaber Plain Road reserve. This subdivision was approved in January 2006. A copy of the subdivision application plan is shown at Attachment 3.

A portion of this subdivision was affected, which resulted in the creation of Lot 16 and Lot 11 Cocus Way, however the planning approval lapsed in January 2009. A copy of the deposited plan (DP 51199) is shown at Attachment 4.

Council's reconsideration is requested to support an alternative option to allow the owner of Lot 16 the opportunity to purchase some of the road reserve to create a battleaxe access to the property.

SITE AND SURROUNDS

The portion of Carpentaria Street road reserve proposed to be closed is located within the Weaber Plain Light Industrial Area, parallel to Weaber Plain Road and north of the intersection of Carpentaria Street and Kentia Way. The total area of road reserve proposed to be closed is approximately 2500 m².



STRATEGIC IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

Council has undertaken the required advertised and already passed a resolution to close the subject portion of road.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

COMMUNITY CONSULTATION

The road closure has already been advertised in a local newspaper for a period of 35 days in line with requirements of the *Land Administration Act 1997* (LAA), and no submissions were received during the timeframe.

CONCLUSION/COMMENT

As the Shire has no intention to construct and maintain this portion of the road, it is still considered appropriate to close this section of road reserve.

However, it is considered appropriate to support an alternative option of amalgamating a portion of the land into Lot 16 Cocus Way to create a battleaxe access of a minimum width of 8 metres. Construction and maintenance of this battleaxe access will then become the sole responsibility of the landowner, and will create the option for further subdivision at a later date.

As the road reserve is 30 metres wide, this will still also result in amalgamation of portions of the land into adjoining Reserve and Lot 2340 Kentia Way, as originally intended.

ATTACHMENTS

Attachment 1: Email Request from Brian Cole.
Attachment 2: Proposed Road Closure Area.
Attachment 3: 2006 Subdivision Plan
Attachment 4: Deposited Plan 51199
Attachment 5: Proposed Amalgamation Plan

VOTING REQUIREMENT

Simple Majority

Note: Consideration of a motion to rescind a resolution of Council requires the support of at least three elected members.

OFFICER'S RECOMMENDATION

That Council

1. Rescind Part 3 of Minute No. 8562, recommendation which reads, "Following completion of the advertising period, request the Department for Planning and Infrastructure (DPI) to close an approximately 2,500 m² portion of the Carpentaria Street with;
 - (i) The northern 1000m² portion to be amalgamated into Drainage Reserve 41909; and
 - (ii) The southern 1500 m² portion to be sold and amalgamated into Lot 2340 Kentia Way."
2. That Council Request the Department for Regional Development and Lands (DRDL) to close an approximately 2,500 m² portion of the Carpentaria Street with;
 - (i) Portion to be amalgamated into Lot 16 Cocus Way to create a battleaxe access with a minimum width of 8 metres;
 - (ii) Portion to be amalgamated into Drainage Reserve 41909; and
 - (iii) Portion to be amalgamated into Lot 2340 Kentia Way.

COUNCIL DECISION

Minute No. 8933

Moved:Cr J Parker

Seconded:Cr K Wright

That Council

1. Rescind Part 3 of Minute No. 8562, recommendation which reads, "Following completion of the advertising period, request the Department for Planning and Infrastructure (DPI) to close an approximately 2,500 m² portion of the Carpentaria Street with;
 - (i) The northern 1000m² portion to be amalgamated into Drainage Reserve 41909; and
 - (ii) The southern 1500 m² portion to be sold and amalgamated into Lot 2340 Kentia Way."
2. That Council Request the Department for Regional Development and Lands (DRDL) to close an approximately 2,500 m² portion of the Carpentaria Street with;
 - (iii) Portion to be amalgamated into Lot 16 Cocus Way to create a battleaxe access with a minimum width of 8 metres;
 - (iv) Portion to be amalgamated into Drainage Reserve 41909; and
 - (v) Portion to be amalgamated into Lot 2340 Kentia Way.

CARRIED UNANIMOUSLY: (7/0)

ATTACHMENT 1

From: Brian Cole [b.w.cole@bigpond.net.au]

Sent: Sunday, October 18, 2009 5:19 PM

To: Jennifer Ninyette

Cc: Murray Raven

Subject: Carpenteria St for access to Lot 16, Cocus Way, Kununurra.

Attachments: scan0002.pdf

Jennifer. Sealink Transport owns Lot 16. Cocus Way, Kna & has been approached by the owners of Lot 11, Cocus Way, Kna to sell a parcel of land I have shaded in yellow on the attached drawing; Sealink is prepared to sell this land & it is my intention to use Carpenteria St to access the undeveloped land at the southern end of Lot 16. Please advise if Carpenteria St can be used for this purpose & the specifications required for the road & drain. Regards, Brian Cole, Director for sealink transport Pty Ltd.

_____ Information from ESET Smart Security, version of virus signature database 4518 (20091017) _____

The message was checked by ESET Smart Security.

<http://www.eset.com>

From: Brian Cole [b.w.cole@bigpond.net.au]

Sent: Monday, October 19, 2009 2:58 PM

To: Jennifer Ninyette

Cc: Broekmeulen, Peter

Subject: Carpenteria St for access to Lot 16 Cocus Way, Kna.

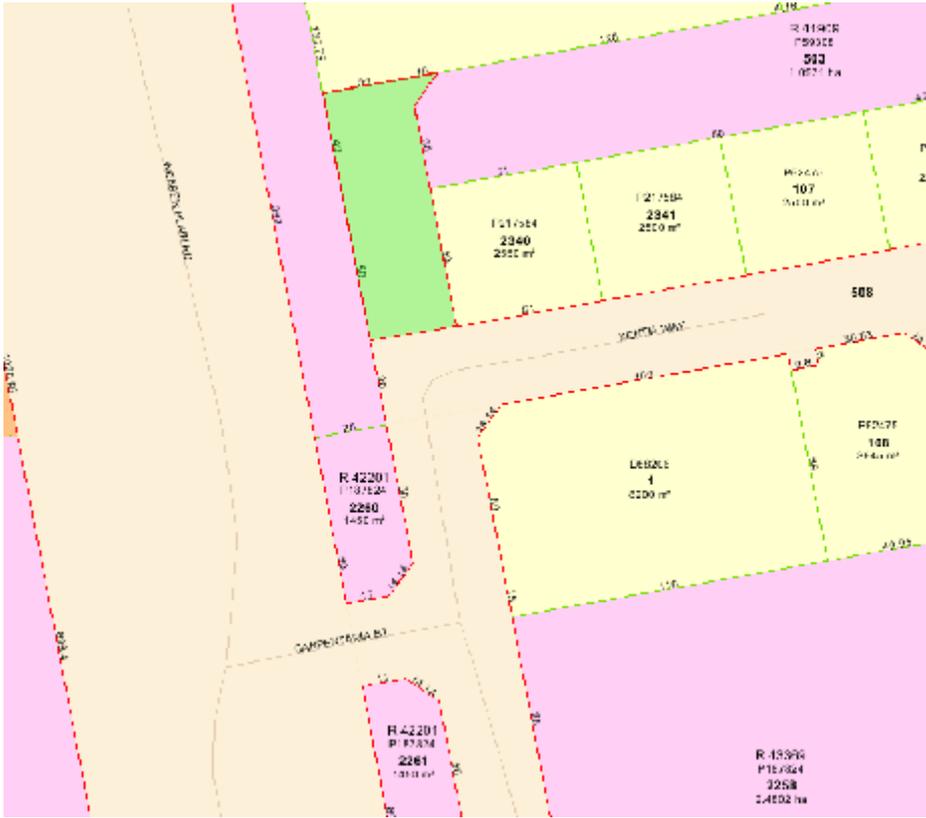
Jennifer. I spoke to Peter Broekmuelen earlier today & he is prepared to put a hold on the closure of the Carpenteria St road reserve pending SWEK giving me specifications for the road & culvert construction; this will allow me to determine the cost of construction & assess the economics of building Carpenteris St. Can you let me know when I can expect to receive the road & culvert construction specifications? Regards, Brian Cole...

_____ Information from ESET Smart Security, version of virus signature database 4520 (20091018) _____

The message was checked by ESET Smart Security.

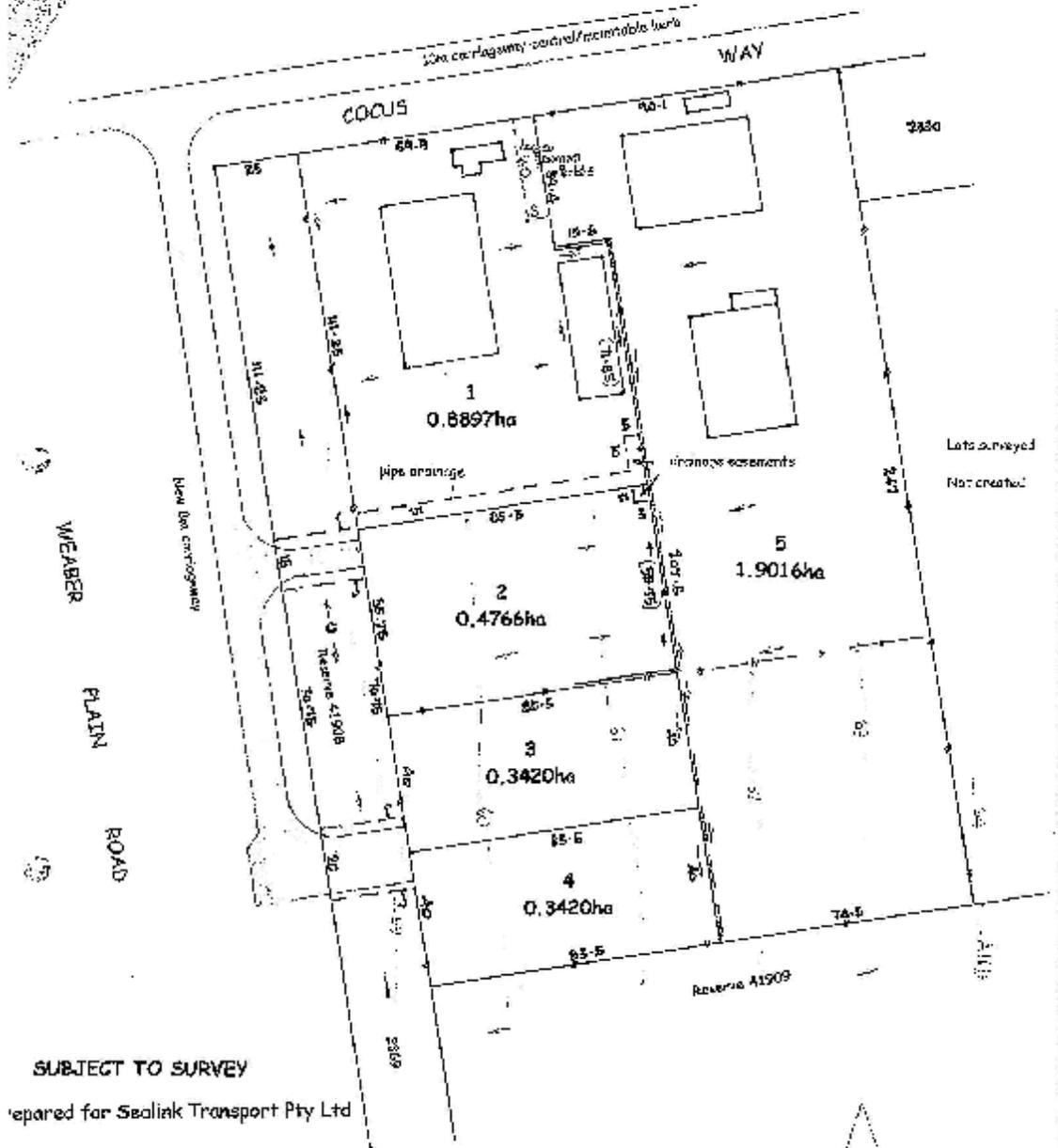
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ATTACHMENT 2

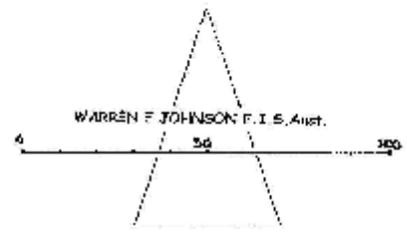


ATTACHMENT 3

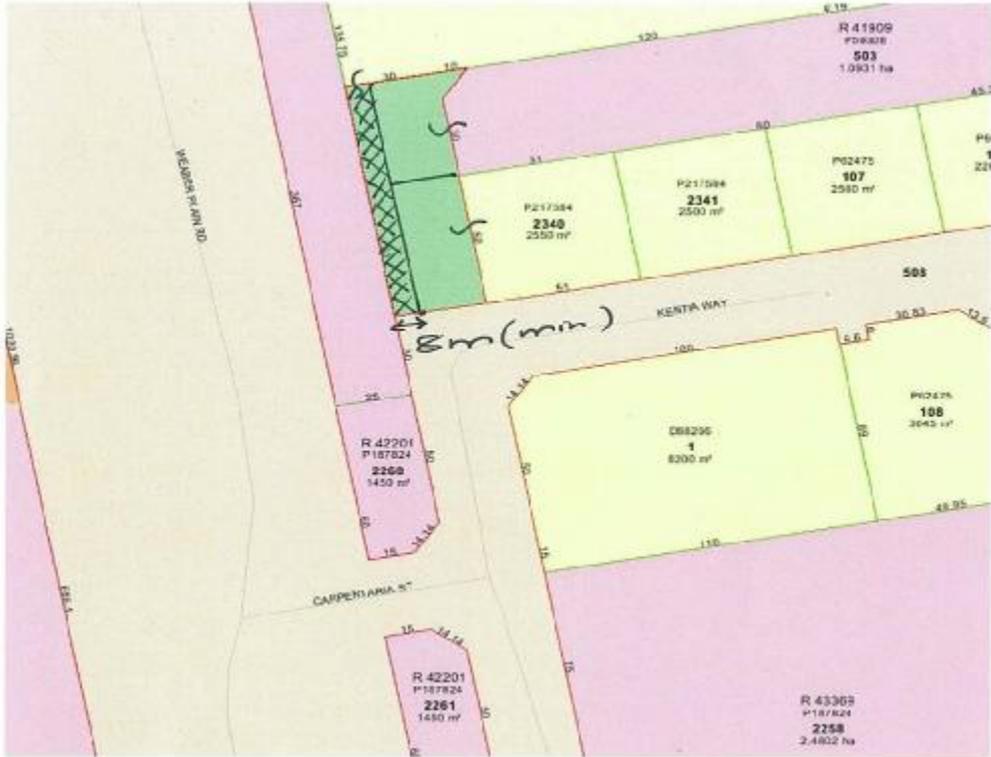
KUNUNURRA - PROPOSED SUBDIVISION LOT 2339, COCUS WAY.



- denotes retaining wall.
- ∠ all angles 90°.
- denotes high cyclone fence and barbed wire.
- ▭ buildings are steel sheds.
- let 1 & 70% of lot 5 have formal drainage & are sealed.
- denotes drainage direction.
- the 20m. and 15m wide crossings of the drain reserve required to be identified as roads as well as drainage to give lots 2, 3, & 4 frontage.
- ⊗ slight/break point of drainage.
- new retaining wall to be constructed.



ATTACHMENT 5



**12.4.8 TOWN PLANNING SCHEME NO 7 AMENDMENT 24 -
WEABER PLAIN ROAD LIGHT INDUSTRIAL AREA,
KUNUNURRA(8934)**

DATE:	17 November 2009
PROPONENT:	Landcorp
LOCATION:	Weaber Plain Road Light Industrial Area, Kununurra
AUTHOR:	Jennifer Ninyette, Town Planning Officer
REPORTING OFFICER:	Ian D'arcy, Executive Manager Development Services
FILE NO:	43.31.24
ASSESSMENT NO:	N/A

PURPOSE

For Council to adopt an amendment to the Shire of Wyndham East Kimberley Town Planning Scheme No 7 - Kununurra and Environs for the rationalisation of existing light industry land, including the realignment of local road and drainage reserves and an increase in the Parks and Recreation Reserve in the Weaber Plain Road Light Industrial Area.

BACKGROUND

The amendment proposes to rezone land within the Weaber Plain Road Light Industrial Area to enable the release of land for Light Industrial purposes.

A substantial amount of work was undertaken to facilitate release of this land, including negotiations with the Native Title holders, which resulted in modifications to the lot layout of the proposed subdivision in order to increase the buffer area to the adjacent National Park. The amendment is therefore required to facilitate this changed subdivision layout.

Approval for the subdivision application for the modified layout was received prior to the amendment process, to enable construction to commence while the amendment process was ongoing, and therefore subdivision of the land has already been finalised.

Council resolved to initiate the Town Planning Scheme Amendment in December 2007. The formal documents were in turn forwarded to the Environmental Protection Authority (EPA) for assessment prior to advertising the Amendment, with advice to this effect offered to the Western Australia Planning Commission (WAPC).

The EPA advised that the amendment did not require any formal assessment under Part IV Division 3 of the *Environmental Protection Act 1986* and the proposal was subsequently advertised for the mandatory period of 42 days in accordance with the Town Planning Regulations, 1967 (as amended).

The advertising period closed on 22 August 2008, however final approval has not occurred to date, and therefore the amendment is presented to Council for this purpose.

STATUTORY IMPLICATIONS

Planning and Development Act (2005)

Amendments to Local Planning Schemes are required to be undertaken in accordance with the provisions of the *Planning and Development Act, 2005* [the Act] and the Town Planning Regulations, 1967. Council is therefore required to adopt the Amendment for final approval in accordance with Regulations 17(2) and 22(1) of the Town Planning Regulations 1967 (as amended).

Local Planning Strategy

The amendment conforms to Councils adopted Local Planning Strategy (LPS), which designates the area as Light Industrial.

Local Planning Scheme No 7

The scheme amendment is consistent with the Scheme as the rezoning constitutes a modification to the subdivision lot layout.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Nil

COMMUNITY CONSULTATION

As mentioned in the background section of this report the amendment was advertised for a period of 42 days from 10 July 2008 to 22 August 2008, with an advertisement placed in the Kimberley Echo and notification available for viewing at the Shire offices, and notices posted to affected and surrounding land owners and relevant service agencies.

Two (2) submissions were received detailed in Attachment 1 – Schedule of Submissions. Of these submissions:

- One is from the Department of Water, advising that there is no comment and no objection to the proposed Amendment; and
- One is from the Water Corporation advising that no assets would be affected by the realignment, and although there is no wastewater system in the vicinity, it is within the Water Corporation's Sewer Operating Licence area.

COMMENT

The amendment proposes to amend the zoning of the land to facilitate subdivision into lots for development of light industrial land uses.

However, the subdivision and release of the light industrial land has already occurred, and therefore the amendment will in effect rezone the land so that it accords with the current lot layout, and final adoption is required to finalise the amendment.

ATTACHMENTS

Attachment 1: Schedule of Submissions
Attachment 2: Scheme Amendment Map
Attachment 3: Subdivision Layout Plan

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council resolves to:

1. 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.
2. 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. 24 to Town Planning Scheme No. 7 – Kununurra and Environs, as follows:
 - a) Reclassifying Weaber Plain Industrial Area Lots, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2343, 2345, 2346, 2347, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 235, 2366, 2367, drainage reserves 2368, 2344, and part 41909 and adjoining allocated crown land from Light Industry Zone, Local Road Reserve and Public Purpose (Drainage) Reserve to a Parks and Recreation Reserve, Light Industry Zone and Local Road Reserve and Public Purpose (Drainage) Reserve.
 - b) Amending the Scheme Maps accordingly.
3. 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).
4. 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).
5. Request that the Honourable Minister for Planning and Infrastructure grants final approval to Amendment 24 of Town Planning Scheme No. 7 – Kununurra and Environs.
6. Inform those agencies and persons who made a submission on Amendment No. 24 to Town Planning Scheme No. 7 – Kununurra and Environs of its decision.

COUNCIL DECISION

Minute No. 8934

Moved:Cr J Moulden

Seconded:Cr R Addis

That Council resolves to:

- 1. 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.**
- 2. 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. 24 to Town Planning Scheme No. 7 - Kununurra and Environs, as follows:**
 - a) Reclassifying Weaber Plain Industrial Area Lots, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2343, 2345, 2346, 2347, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 235, 2366, 2367, drainage reserves 2368, 2344, and part 41909 and adjoining allocated crown land from Light Industry Zone, Local Road Reserve and Public Purpose (Drainage) Reserve to a Parks and Recreation Reserve, Light Industry Zone and Local Road Reserve and Public Purpose (Drainage) Reserve.**
 - b) Amending the Scheme Maps accordingly.**
- 3. 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).**
- 4. 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).**
- 5. Request that the Honourable Minister for Planning and Infrastructure grants final approval to Amendment 24 of Town Planning Scheme No. 7 - Kununurra and Environs.**
- 6. Inform those agencies and persons who made a submission on Amendment No. 24 to Town Planning Scheme No. 7 - Kununurra and Environs of its decision.**

CARRIED UNANIMOUSLY: (7/0)

ATTACHMENT 1

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

Amendment No. 24: Reclassifying Weaber Plain Industrial Area lots, drainage reserves and adjoining allocated crown land from Light Industry Zone, Local Road Reserve and Public Purpose (Drainage) Reserve to a Parks and Recreation Reserve, Light Industry Zone and Local Road Reserve and Public Purpose (Drainage) Reserve.

Schedule of Submissions

SUBMISSION NO. NAME & ADDRESS	OBJECTION OR SUPPORT	SUMMARY OF RESPONSES (all comments typed as received)	COMMENTS
<p>RESPONSE 1</p> <p>Water Corporation PO Box 84 Karratha WA 6714</p>	<p>Comment</p>	<p>The Water Corporation has no objections and provides the following advice:</p> <ol style="list-style-type: none"> 1. The water supply will not be affected, as the realigned roads are not currently serviced. 2. There is no wastewater system in this vicinity; however it is within the Water Corporation's Sewer Operating Licence area. 3. The Water Corporation has no assets that will be affected by this change. 	<ol style="list-style-type: none"> 1. Noted. 2. Noted. 3. Noted.
<p>RESPONSE 2</p> <p>Department of Water PO Box 625 Kununurra WA 6743</p>		<ol style="list-style-type: none"> 1. The Department of Water has no objection to the proposed amendment to rationalise existing light industry land, including the realignment of local road and drainage reserves and an increase in the Parks and Recreation Reserve, in the Weaber Plain Road Light Industrial Area. 	<ol style="list-style-type: none"> 1. Noted

ATTACHMENT 2



EXISTING SCHEME MAP

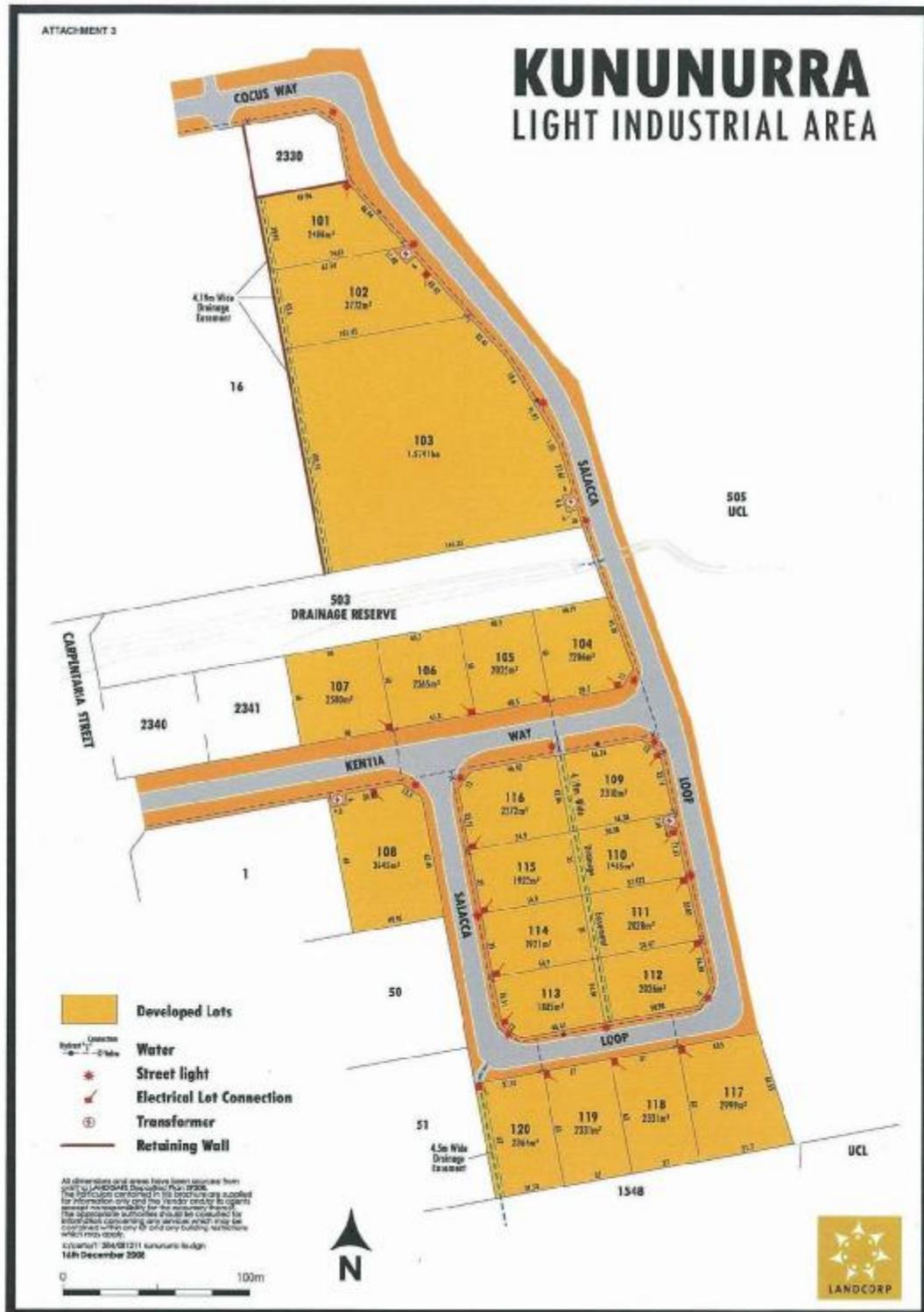
PROPOSED SCHEME AMENDMENT MAP

- LEGEND**
- ZONES**
- LIGHT INDUSTRY
- LOCAL SCHEME RESERVES**
- CONSERVATION/ ENVIRONMENTAL PROTECTION
 - PUBLIC PURPOSES - DRAIN
 - PARKS AND RECREATION
- OTHER**
- NO ZONE
 - OVERALL PLANNING AREA

**SHIRE OF WYNDHAM EAST KIMBERLEY
TOWN PLANNING SCHEME NO 7 - KUNUNURRA & ENVIRONS**

AMENDMENT 24 - WEABER PLAIN ROAD LIA

ATTACHMENT 3



12.4.9 KUNUNURRA SPORTS PRECINCTS MASTER PLAN PROJECT - SELECTION OF CONSULTANT (8935)

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Kununurra Recreation Precincts; 1 Lots 503, 2313 & 1196; 2 Reserve 29790; 3 Reserves 29167, 41812, 29297; 4 Reserve 30290; 5 Lot 302
AUTHOR:	Ben Flynn, Club Development Officer
REPORTING OFFICER:	Ian D'arcy, Executive Manager Development Services
FILE NO:	43.04.39
ASSESSMENT NO:	N/A

PURPOSE

For Council to endorse the selection of a consultant for the Kununurra Sports Precincts Master Plan.

BACKGROUND

At the Ordinary Council Meeting, 18 August 2009, Council endorsed the Kununurra Sports Precincts Master Plan Project Brief (Minute No. 8775) in recognising the need to cater for a growing and diverse community. The aim of the Master Plan is to guide the future management, development and use of the existing and proposed Kununurra Sports and Recreation Precincts.

The implementation of the Kununurra Sports Precincts Master Plan is a two stage process with each stage guided by a Steering Group consisting of a representative from all appropriate Sporting Clubs and Associations, Department of Sport and Recreation, MG Corp and Landcorp. In addition the Shire representatives are Cr John Moulden (Chairperson), Cr Keith Wright, Ian D'Arcy, Executive Manager Development Services and Ben Flynn, Club Development Officer. The Shire representatives also form the selection panel chartered to evaluate and recommend a consultant from the four submissions that were received for this project, listed in order of scoring and selection as follows:

Consultants

1. Creating Communities and CODA
2. RPS Koltazs Smith Planning Consultants
3. Urbis Planning Consultants
4. Whelans Planning Consultancy and Black Stump Solutions

The selection Panel assessed the respective submissions against the following criteria and weightings:

Criteria and Weightings

- | | |
|-----------------------------------|-------|
| 1. Level of experience and skill | - 30% |
| 2. Methodology of approach | - 30% |
| 3. Experience in similar projects | - 30% |
| 4. Budget compliance | - 10% |

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council has provided financial support for the Recreation Precinct Master Planning exercise with \$40,000 listed in the Adopted Budget for 2009/10 to complete phase 1 of the project. The additional funding to complete phase 2 has been sought from the Department of Sport and Recreation - \$25,000 and Landcorp \$25,000.

At the time of writing this report confirmation of the additional funding to complete phase 2 of the project had yet to be received, although staff are confident that confirmation will be forthcoming prior to the Council meeting.

Failing receipt of some or all of the funding for the project a further grant application will need to be completed and lodged with the Kimberley Development Commission (KDC) seeking contribution under the Royalties for Regions funding. In any event it is intended to lodge a further grant application with the KDC to undertake further more detailed analysis of the leisure centre based on a projected need over the next 25 years.

STRATEGIC IMPLICATIONS

The project falls within the key areas outlined in the Shire Strategic Plan:

- 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.’
- Key Result Area 5 – Governance includes the objective ‘Council’s financial position and forward planning is sound.’ & ‘Council has effective relationships with external organisations.’

COMMUNITY CONSULTATION

Community consultation is not required for this part of the project.

COMMENT

All of the submissions received were of an extremely high quality with considerable planning depth and experience. As price was not a strong factor in the evaluation process the task of selecting a consultant was challenging and relatively close in scoring.

Nevertheless, the panel members through consensus has nominated Creating Communities and CODA as the preferred consultant based on their sound

methodology, and more importantly their broad level of experience and expertise in sports/recreation planning.

On this understanding it is the selection panel's recommendation that a contract be awarded to Creating Communities and CODA to undertake the process of completing the Kununurra Sports Master Plan in accordance with the project brief and their submission.

A copy of the evaluation scoring is provided under separate cover as Attachment 1, while a copy of each submission can be forwarded upon request.

ATTACHMENTS

Attachment 1 will be provided under confidential cover.

VOTING REQUIREMENT

Absolute majority

OFFICER'S RECOMMENDATION

That Council

1. Award the contract for preparation of the Kununurra Sports Precincts Master Plan project to 'Creating Communities & CODA' for phase 1 based on:
 - a) Adherence with the Project Brief August 2009 and 'Creating Communities & CODA' submission received 15 October 2009, unless otherwise varied by the CEO in consultation with the Steering Group Chairman;
 - b) All disbursements being reimbursed by the Shire upon receipt of invoice accompanied by supporting documentation (copies of receipts) for expenditure incurred plus 10% administration cost, with the overall cost for disbursements not to exceed the amount specified in the endorsed submission, unless otherwise approved by the CEO in consultation with the Steering Group Chairperson.
2. Subject to receipt of funding for phase 2 of the project, delegate authority to the CEO to extend the contract with 'Creating Communities & CODA' to complete the second phase in accordance with conditions 1a) and 1 b) above.

COUNCIL DECISION

Minute No. 8935

Moved:Cr K Wright

Seconded:Cr D Ausburn

That Council

1. ***Award the contract for preparation of the Kununurra Sports Precincts Master Plan project to 'Creating Communities & CODA' for phase 1 based on:***
 - a) ***Adherence with the Project Brief August 2009 and 'Creating Communities & CODA' submission received 15 October 2009, unless otherwise varied by the CEO in consultation with the Steering Group Chairman;***
 - b) ***All disbursements being reimbursed by the Shire upon receipt of invoice accompanied by supporting documentation (copies of receipts) for expenditure incurred plus 10% administration cost, with the overall cost for disbursements not to exceed the amount specified in the endorsed submission, unless otherwise approved by the CEO in consultation with the Steering Group Chairperson.***
2. ***Subject to receipt of funding for phase 2 of the project, delegate authority to the CEO to extend the contract with 'Creating Communities & CODA' to complete the second phase in accordance with conditions 1a) and 1 b) above.***

CARRIED UNANIMOUSLY: (7/0)

12.4.10 PROPOSED COOLIBAH SUBDIVISION AND AGED CARE HOUSING (8909)

This Item was considered as the next of Item of Business after Item 11.2.
Refer Minute No. 8908

DATE:	17 November 2009
PROPONENT:	Landcorp, P A Buchanan
LOCATION:	Lots 505 And Portion Of Lot 501 Coolibah And Chestnut Drive Kununurra
AUTHOR:	Ian D'arcy, Executive Manager Development Services
REPORTING OFFICER:	Ian D'arcy, Executive Manager Development Services
FILE NO:	43.04.38
ASSESSMENT NO:	N/A

Cr R Addis left the room at 6.15pm due to a Declared Financial Interest.

PURPOSE

For the Council to consider and provide comment on the draft subdivision plan provided by Landcorp for the Coolibah/Chestnut development in consideration of provision of transitional and other housing needs and recent representations on aged care housing.

BACKGROUND

The Council on 16 May 2006 resolved to support a land exchange, detailed as follows:

MINUTE NO 7436

Moved: Cr K Wright

Seconded: Cr B Barnes

That Council advise the Department for Planning & Infrastructure to effect the three way land swap between the Shire, FESA and the Department of Health, as per the plan in this report, subject to the following conditions:

- 1. FESA and the Department of Health shall be responsible for all costs associated with the land swap.***

The land transfer is as follows:

- 6500 m2 Reserve 29799 being excised by Council and transferred to the Department of Health***
- 4900 m2 of Reserve 29387 being excised from the Department of Health and transferred to FESA; and***
- All of Lot 987, 988 and 989 being transferred from FESA and SES to the Shire of Wyndham East Kimberley.***

CARRIED UNANIMOUSLY (6-0)

The following Figure 1 provides an understanding of subject land involved in the land exchange.



Figure 1 – Land parcels the subject of exchange

In the officers report for this proposal the following statement was provided:

“Importantly, the land swap will also result in additional aged care facilities, as well as a new Home And Community Care facility close to the existing hospital.”

Some two years on the Council at its 15th April 2008 ordinary meeting resolved in relation to the Coolibah/Chestnut site to:

Minute No. 8163

Moved: Cr K Wright

Seconded: Cr J Buchanan

That point 1 of the motion be amended to read:

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

Carried Unanimously: 9/0

With the announcement of the East Kimberley Funding Package and allocation of 50 million dollars for social housing by the Prime Minister, the Minister for Regional Development and Lands expedited the excision of land from Reserve 29799 and allocated resources through Landcorp to develop the site for medium density residential housing with some mixed use (commercial) development.

The Council in June of this year initiated a Scheme Amendment (No.31) to rezone the site from 'Parks and Recreation' to 'Town Centre' zone with the inclusion of an additional use of a single house. The Amendment was undertaken to facilitate the development of the subdivision and accommodate transitional 'Stepping Stone' housing as part of an approach to integrate aboriginal people into main stream work.

The Council at the 15th September 2009 ordinary meeting then considered a draft subdivision plan for the proposed development and provided feed back to Landcorp on amending the plan to provide wider road reserves within the development, reduce the density of housing adjoining the child care and neighbourhood house sites and set aside lots approximately 450m² for single houses, while corner lots above 450m² and below 600m² should be developed as detached single storey grouped dwelling sites only.

Taking on board the Council's suggestions the subdivision has been amended and is again presented to Council for consideration as effectively the final layout – refer to Attachment 1 to this report.

At the 20th October ordinary meeting Scheme Amendment 31 was presented to Council for consideration of the submissions received from public advertising. Specifically, two of the submissions expressed concern that the formal documentation and supporting reports prepared by officers on the Amendment failed to provide previous reference to the provision of aged housing within the subdivision – refer to Attachment 2 and Attachment 3. Notwithstanding the validity of these concerns, the officer's report:

1. questioned the relevancy of these submissions in relation to the proposed change in the land-use zoning as the scheme amendment process it is not the appropriate vehicle for the provision of age care accommodation;
2. acknowledged the 'Town Centre' zone when approved will support all forms of aged person's accommodation through a development application process; and
3. Recommended the provision of aged care accommodation be referred to the Department of Housing, Department of Health and Landcorp for their consideration and action.

Subsequently, Mrs Pat Buchanan has approached Councillors and staff expressing concern over the lack of identified land for future age care facilities when previous resolutions of Council had sought to do so within the recently created Lot 505. To this end, Mrs Buchanan has submitted a paper that provides historical background and her rationale behind the need for 2 hectares of land to be set aside in perpetuity within the 'Coolibah/Chestnut' subdivision to cater for a range of age care facilities in the future – refer to Attachment 4 .

The following Figure 2 provides an indicative understanding of the subdivision location highlighted by a red dash line and the 2 hectares of land as referred to by Mrs Buchanan outlined by a yellow dotted line.



Figure 2 – Location Plan

Notably, Mrs Buchanan has provided a number of references in support of her position, listed as follows, and is currently seeking the Council's support and influence to have the draft subdivision plan prepared by LandCorp (as shown in Attachment 1) amended to quarantine the 2 hectares adjacent to the Kununurra Hospital for future age care facilities:

- Kununurra Aged Care Committee Needs Analysis Report (October 2000)
- Council of the SWEK – Minute 7436 (May 2006)
- Council of the SWEK – Minutes 8164 (April '08) and preamble to Minute 8820.(Sept '09)
- SWEK Plan for the Future, '08-'10 – p69 under Reserve 29799 Redevelopment
- Regional Hotspots Land Supply Update Nov 2008, p8.- prepared by DPI with Landcorp for WAPC
- Enquiry by Design Report, October 2009. (personal communication, URBIS)

Notwithstanding Mrs Buchanan's request, Landcorp is keen to progress the subdivision plan for lodgement with the Department of Planning some time this month, and therefore seeks the Council final endorsement of the subdivision provided as Attachment 1 to this report.

STATUTORY IMPLICATIONS

Refer to Comment Section below

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Under the current draft subdivision plan there are no perceived financial implications for the Council other than continued allocation of staff time to work

with Landcorp and Department of Housing in delivering transitional and other forms of housing within the East Kimberley Funding Package.

STRATEGIC IMPLICATIONS

Refer to Comment Section below

COMMUNITY CONSULTATION

There have been a number of methods engaged in the delivery of consultation on the Coolibah/Chestnut project, listed below:

1. Direct discussions by LandCorp representatives with key stakeholders;
2. Public presentation of information through the Ord Expansion Information Sessions
3. Formal advertising of Amendment 31.

COMMENT

As advocated by Mrs Buchanan is it important the Council plan to meet the future needs of the community by way of providing for aged care facilities to accommodate long term residents. Clearly the Council, through identification in the Strategic Plan, Future Plan and Local Planning Strategy, is mindful of this need and accordingly has supported a change in zoning for the Coolibah/Chestnut site to 'Town Centre' zone. Under this zoning aged care development can be approved at the Council's discretion through the development application process.

Additionally, as part of the strategic planning currently being undertaken through the Enquiry by Design and Town Planning Scheme Review processes further investigation and consideration on identifying suitable location/s and area of land for age care facilities can be pursued.

However, such actions should not impede the provision of much needed residential land to cater for housing need and current demand for a range of tenancies. It is evident all three tiers of government have acknowledged the provision of housing as a priority for the district and has pro-actively sought to 'fast track' the planning and development processes to establish the Coolibah/Chestnut site for this purpose. This has proved to be at considerable cost and effort to meet the required timelines for delivery of the East Kimberley Funding package.

Should the Council now give favour to the request to set aside 2 hectares of land for future aged care needs within the Coolibah/Chestnut site, concern is raised at an officer level that this project may be severely compromised at 'the eleventh hour'. Specifically, this concern relates to a potential delay in construction of the subdivision and funded housing, and the reduction of land area to accommodate an adequate 'mix' of transitional to other housing within the estate.

With this said, the following points are raised for the Council's information and consideration:

1. The proposed 'Town Centre' zone allows for aged care housing to be incorporated with the current subdivision layout to meet current need. To this end, a needs analysis was conducted in 2000 that quantified the need for increased aged and health care. Notwithstanding, the Council can request a number of the grouped housing sites (Lots 35 – 38) adjacent to

the Hospital boundary to be identified on the subdivision guide plan for aged care development based on anticipated demand. Also, should this approach be taken then it is suggested the Council engage in discussions with the Department of Health and Department of Housing to review the 2000 Needs Analysis Study in order to formally qualify immediate and projected long term demand for age care needs in the Shire;

2. The adjoining reserve land could be investigated and considered for future health and age care facilities in the longer term based a projected needs analysis. Presently the adjoining land to the north, being the balance of Reserve 29799, is leased to the Kununurra Agricultural Society for the purpose of sport and recreation. This includes the annual agricultural show, football, overflow camping and equestrian uses. From a planning perspective these uses would ordinarily give way to 'higher order' uses such as health and aged care facilities, and medium density housing given:
 - (a) The strategic value of this land to the town centre and medical facilities;
 - (b) The ease of servicing the site based on improvements to infrastructure as a result of development of the Coolibah/Chestnut site;
 - (c) The available options to relocate recreational facilities elsewhere within the townsite.
3. Notwithstanding point 2 above, some forms of age care development do not necessarily need to be sited adjacent to medical, commercial or civic facilities. This view is supported in the 2000 Needs Analysis Study that promotes facilities in close proximity to medical services and the town centre. In this regard consideration could also be given to the future growth areas of Kununurra where some age care accommodation, particularly lifestyle/retirement villages, could potentially be incorporated into these newer areas through the current forward planning processes.
4. With reference to the current subdivision plan LandCorp has largely incorporated the Council's request for a mix of housing density that will be regulated through the Town Planning Scheme provisions as part of Amendment 31. In total 124 residential units will be provided for in the subdivision. In order to adhere to the required timeframe and allow for a formal subdivision application to be lodged this month it is imperative any additional change to the plan to be determined at this meeting and forwarded to LandCorp as a matter of priority.
5. On the matter of transitional housing staff has met with LandCorp and Department of Housing representatives to further progress the ratio of transitional to other housing in the Coolibah/Chestnut estate as part of the East Kimberley package. Through these discussions the current position is:
 - (a) The Department is seeking 30% (or 40 residential dwelling units) within the Coolibah/Chestnut estate.
 - (b) LandCorp has expressed concern that this ratio may be too high and has taken the view that 20% (or 25 residential units) of transitional housing would be more appropriate;
 - (c) Staff in principle has supported LandCorp's position based on a conservative approach to ensuring a high standard of residential

amenity is achieved. This also applies to the placement of transitional housing units to be dispersed through-out the subdivision to promote greater social integration and normality of housing tenure.

In October individual Councillors were consulted on this matter via email with the majority expressing a lower ratio of around 10%, or 12 residential units would be acceptable. However at the 3 November 2009 Briefing Session it was broadly accepted that this is not realistic given the demographics and high percentage of aboriginal population in the East Kimberley. To this end, some clear direction is required from Council as to its final position on this matter.

ATTACHMENTS

Attachment 1: Current Subdivision Guide Plan

Attachment 2: Submission on Amendment 31 – Mr S Davis

Attachment 3: Submission on Amendment 31 – Mrs P Buchanan

Attachment 4: Paper from Mrs P Buchanan

VOTING REQUIREMENT

Simple majority

OFFICER'S RECOMMENDATION

That Council:

1. In relation to development of Lots 505 and Portion of Lot 501 Coolibah and Chestnut Drive, Kununurra:
 - a) Request LandCorp identify on the subdivision guide plan and set aside proposed Lots 35 – 38 adjacent to the Hospital boundary for aged care development;
 - b) Engage in discussions with the Department of Health and Department of Housing to review the Kununurra Aged Care Needs Analysis Study 2000 in order to formally qualify immediate and projected long term demand for age care needs in the Shire, including the development of proposed Lots 35 – 38 of the Coolibah/Chestnut Development for this purpose;
 - c) Inform Landcorp and Department of Housing that it supports a ratio of 20% of transitional housing dispersed through-out the subdivision to promote a greater level of social integration and normality of housing tenure.
2. In consideration of the request from Mrs Pat Buchanan undertake an investigation through the Kununurra Enquiry By Design process, the Kununurra Sports Master Planning exercise and the Shire Town Planning Scheme Review with the view to identify suitable land to be held in perpetuity for future aged care facilities, including subsequent discussions with relevant agencies to achieve this outcome;
3. Inform Mrs Pat Buchanan of the Council's decision in relation to this matter.

COUNCIL DECISION

Discussed as first Item of business in advance.

Minute No. 8909

Moved:Cr K Wright

Seconded:Cr J Parker

That Council defer Item 12.4.10 Proposed Coolibah Subdivision and Aged Care Housing to the 15 December Ordinary Meeting of Council.

CARRIED: (4/2)

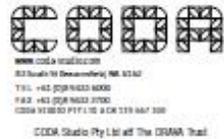
For: Cr D Ausburn, Cr K Wright, Cr J Parker and Cr J McCoy

Against: Cr F Mills and Cr J Moulden

The Council decision differs from the Officer's Recommendation as elected members' required additional information to be obtained

Cr R Addis returned to the meeting at 6.30pm and was advised of the outcome of Item 12.4.10.

ATTACHMENT 1



SUBDIVISION COOLIBAH PROJECT COOLIBAH DRIVE		SCALE AT A3: 1:100	JOB REF: A09018	<table border="1"> <tr><td>1</td><td>03/09/08</td><td>AMENDMENT SUBDIVISION SUBDIVISION PLAN</td></tr> <tr><td>2</td><td>03/09/08</td><td>AMENDMENT SUBDIVISION SUBDIVISION PLAN, ROAD 3, 4, 5 + 6 - 10 ROAD MARKINGS</td></tr> <tr><td>3</td><td>03/09/08</td><td>AMENDMENT SUBDIVISION SUBDIVISION PLAN</td></tr> <tr><td>4</td><td>03/09/08</td><td>AMENDMENT SUBDIVISION SUBDIVISION PLAN</td></tr> <tr><td>5</td><td>03/09/08</td><td>SUBDIVISION SUBDIVISION PLAN</td></tr> </table>	1	03/09/08	AMENDMENT SUBDIVISION SUBDIVISION PLAN	2	03/09/08	AMENDMENT SUBDIVISION SUBDIVISION PLAN, ROAD 3, 4, 5 + 6 - 10 ROAD MARKINGS	3	03/09/08	AMENDMENT SUBDIVISION SUBDIVISION PLAN	4	03/09/08	AMENDMENT SUBDIVISION SUBDIVISION PLAN	5	03/09/08	SUBDIVISION SUBDIVISION PLAN	DRAWING: SUBDIVISION GUIDELINE PLAN
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NOTE: Check all site levels and existing dimensions prior to fabrication, installation or stop drawings. Report any discrepancies immediately to builder. This is a CAD drawing. Do not amend manually.				© COPYRIGHT: This design drawing remains the property of CODA. It may not be used for any purpose without the express written authority of CODA. Any unauthorised changes made to this design constitute an infringement of Copyright.	SCALE: E	DWG No.: A1.01														

ATTACHMENT 2

02/10/2009 12:43

0889417533

FRONTIER SERVICES

FORM 04/06



0889417533 0889417533 0889417533 0889417533

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 Sharon Davis Phone 0889825201

Address PO Box 336 DARWIN NT 0801

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.)

I am the representative of Frontier Services, an agency of the Uniting Church in Australia, responsible for residential aged care. Frontier Services is currently developing an area adjacent to Kununurra District Hospital for our community care services with a view to future provision of independent living options for seniors.

ADDRESS OF PROPERTY AFFECTED BY SCHEME (if applicable).

(Include lot number and nearest street intersection). N/A

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

My concern is that future needs for residential aged care be considered in the planning process. I have 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 population and the need to increase the number of allocated residential care places for Kununurra & Wyndham. There are currently 10 high care places within the hospital and 9 low care places at Marigu Village in Wyndham. The predicted rise in the number of people diagnosed with dementia in the next decade indicates that there will be a need to increase capacity in a stand alone facility. It has been proposed on several occasions that the area affected by Scheme Amendment 31 would be the most suitable development proposal due to the proximity to the hospital and the town centre.

Date: 2 October 2009

Signature

Comments form (47).doc

COPY

ATTACHMENT 3

- 2 OCT 2009

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



Ground Floor 53 Ord Street,
West Perth WA 8005 Australia

Tel: +618 9346 0500
Fax: +618 9321 1790

info@urbis.com.au
www.urbis.com.au

Urbis Pty Ltd ABN 50 105 256 029
Australia - Asia - Middle East

- 2 OCT 2009

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 91581779
Address PO Box 507, Kununurra WA 6743

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.

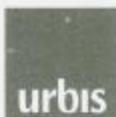
The "Envisaged Development" outlined in the Proposed Amendment No. 31 document dated 16 June 2009, does not include the development of aged care facilities.

In 2000, the Kununurra Aged Care Committee, with funding assistance from Kununurra community organisations, commissioned Leslie Gevers 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."

Comment_form_4(1)-Amendment 31



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 Weaber Plains Road to Health Department land facing Ivarhoe 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 needs 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 Kununurra 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 Kununurra, it is the responsibility of current Kununurra community members to plan now for their older generation's needs for 10, 20, 40 years hence.

Submission

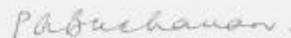
1. That the envisaged development on Lots 501/505, include accommodation and other facilities for older people with a range of needs – high care, low care, respite, palliative, dementia, post acute care, renal dialysis, supported accommodation.
2. That an area of land next to the hospital be permanently 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, Kununurra District Hospital site to the south, the Kununurra 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.

Thankyou

Patricia Buchanan

Date 2 October 2009

Signature



ATTACHMENT 4

Kununurra Land for Aged Care Facilities

Aim of this paper:

To secure in perpetuity an approx 2ha block of land (portion of Lot 505) next to the Kununurra District Hospital for the development of Aged Care Facilities.

Preamble:

It has become apparent that the need for land for aged care facilities (portion of Lot 505 next to the hospital) may have been overlooked in the scramble to spend the dollars associated with the Commonwealth's East Kimberley Development Package. Unless this is rectified, it may also be seen as discrimination against the older people of Kununurra and district.

Background:

This situation first came to attention when –

1. presenters at an Ord Expansion Community Reference Group spoke about the use of the whole of Lot 505 and portion of Lot 501 for a range of residential accommodation uses, without allocation of land for future aged care facilities when the SWEK Plan for the Future, 2008-2010, provides for development of aged care facilities in that location, Lot 505, and
2. submissions were called for comment on the proposed rezoning of land (Lots 505, 506, 507 and part of 501) under Town Planning Scheme No.7, amendment 31, and
3. research for such a submission, found proposed subdivision plans (minus aged care) for this block already under discussion by the Council of the Shire of Wyndham East Kimberley.

Land adjacent to the hospital site has long been recognized as the preferred site for the development of aged care facilities. Please refer to the paragraph below re Location.

Details of the Land recognized and proposed for aged care facilities -

Approx 2ha of Lot 505, part of Unallocated Crown Land, Deposited Plan 61898, ex Reserve 29799, adjacent to the hospital block, bound by Chestnut Avenue to the east, Kununurra District Hospital site to the south, the Kununurra Agricultural Society showgrounds to the west and a northern boundary marking out an area of approx 2 ha.

Please note – a long thin triangular portion about 6500sq m, on the northern edge of Lot 501 (hospital site), was transferred in 2006 from Reserve 29799 to the Health Department in exchange for the block of land, Reserve 49245, for use by FESA for their building.

Explanations:

- **The Need for Aged Care Facilities** for residents of Kununurra and district was established by the Kununurra Aged Care Committee with its Needs Analysis (Report October 2000) that was funded in part by the Rotary Club of Kununurra and SWEK. As a result, a Kununurra District Hospital wing extension was built to host 10 high care beds, as an interim measure. And the population is now 10 years older!
- **Aged Care Facilities – including:**
Accommodation for residential care and allied facilities and services eg including some or all of the following:
 - Independent Living Units
 - Supported accommodation
 - Low care (hostel accommodation)
 - High care (nursing home accommodation)
 - Accommodation for renal dialysis patients

Post acute care
Palliative care

Respite care
Dementia care

- **Location – rationale for land that is near the town centre and adjacent to the hospital.**
 - Near to town centre is well recognized as a preferred location, offering possibilities for greater interaction by aged care residents with the wider community.
 - It also allows residents with greater mobility, personal access to town centre facilities.
 - Adjacent to the hospital provides easier access by residents and staff to hospital facilities.
 - It also allows for possible use of existing hospital facilities like laundry and kitchen - no duplication
 - Portion of Lot 505 about 2ha, fulfils these criteria.
 - This parcel of land has been identified and/ or recognized for Aged Care facilities by:
 - Kununurra Aged Care Committee Needs Analysis Report (October 2000)
 - Council of the SWEK – Minute 7436 (May 2006)
 - Council of the SWEK – Minutes 8164 (April '08) and preamble to Minute 8820.(Sept '09)
 - SWEK Plan for the Future, '08-'10 – p69 under Reserve 29799 Redevelopment
 - Regional Hotspots Land Supply Update Nov 2008, p8.- prepared by DPI with Landcorp for WAPC
 - Enquiry by Design Report, October 2009. (personal communication, URBIS)

Securing this parcel of land:

It is imperative that this parcel of land be formally secured immediately in such a way that it is held in perpetuity for the development of aged care facilities, for now or in the future and is not 'lost or forgotten' or used for another purpose, should there be a loss of 'historical memory.'

That this parcel of land, meeting the needs of aged care facilities development of location and size, be then available for that development **whenever and by whomever** is the appropriate entity/s at the time when further need is recognised. That entity may be an external or Kununurra private developer, not for profit community organization, organization such as UCA Frontier Services, State Health Department, Department of Housing and Works, any or some of these in combination or others.

Members of the Kununurra community have a responsibility to plan and provide for the accommodation needs of its older population, now and in the future. Planning has to be undertaken **now** for those citizens who are 40, 50, 60 plus years old today, irrespective of the colour of their skin.

The assistance and leadership of the Councilors of Shire of Wyndham East Kimberley is respectfully requested in securing in perpetuity an approx 2ha block of land (portion of Lot 505) next to the Kununurra District Hospital for the development of Aged Care Facilities.

Patricia Buchanan

4 November 2009

Reference

REPORT:

“Analysis of the needs for residential aged care services in Kununurra”

prepared by Leslie Gevers Community Management Services

for the Kununurra Aged Care Committee

October 2000.

Unfortunately, this report is not available in electronic form. A hard copy will be hand delivered to Council.

References attached:

Please note any highlighting is by this author.

- Survey Plan of Lot 505
- Aerial photo of Lot 501 (Hospital) and part of Lot 505 and Reserve 29799.
- *A copy of a Landgate map of Lot 505 and surrounding blocks will be hand delivered.*
- SWEK Minute 7436 16 May 2006
- SWEK Minute 8164 15 April 2008
- SWEK Plan for the Future 2008-2010
- Regional Hotspots Land Supply Update for Kununurra – WA Planning Commission, Department of Planning and Infrastructure and Landcorp, November 2008

- Proposed Amendment No. 31 – Landcorp, SWEK, URBIS, June 2009
- SWEK Minute 8700 16 June 2009 Amendment No. 31
- SWEK Minute 8820 15 September 2009 Subdivision
- SWEK Minute 8871 20 October 2009 Amendment No. 31

12.4.11 FINAL ADOPTION OF LOCAL PLANNING POLICIES DC 1, LPP 6, LPP 7, LPP 11 AND LPP 12(8936)

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Ian D'arcy, Executive Manager Development Services
REPORTING OFFICER:	Ian D'arcy, Executive Manager Development Services
FILE NO:	43.02.01
ASSESSMENT NO:	N/A

PURPOSE

To consider final adoption of Local Planning Policies DC1 and LPP 6, 7, 11 and 12 in accordance with the Shire of Wyndham - East Kimberley's Town Planning Scheme No.6 and No.7.

BACKGROUND

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

- DC 1 - Lodgement of Development Applications (draft)
- LPP 6 - Caretakers Dwellings in Light Industrial Areas (draft)
- LPP 7 - Relocated and Transportable Buildings (draft)
- LPP 11 - Transient Accommodation (draft)
- LPP 12 - Temporary Workers Accommodation (draft)

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

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

Refer to Comment Section.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Generally and for the most part development control (planning) policies are formulated within the legal framework prescribed by legislation and aligned with

the strategic direction as set by the Council. These policies are aimed at prescribing minimum standards and the type of development and use, acceptable to the Council in consideration of community sentiment. Additionally, these policies also aid in providing a foundation for delegation to be set in order to assist in streamlining the approval processes and establishing relative levels of compliance.

COMMUNITY CONSULTATION

As mentioned above the respective policies we advertised seeking public comment for a period of 21 days in accordance with Section 3.3 of Town Planning Scheme No.6 and Section 12.6 of Town Planning Scheme No.7.

In response only one submission has been received that relates to Local Planning Policy 11 - Transient Accommodation. A copy of this submission is provided as Attachment 6.

In summary the submission promotes further definition of Transient Accommodation to prescribe the maximum number of persons based on scale of small intensive agricultural operations as opposed to larger rural enterprises. It is suggested this could be achieved through a variance between zoning of Rural Agriculture 1 and Rural Agriculture 2 zoning, or by ratio of workers to land area.

COMMENT

There are no recommended modifications to draft policies DC 1 to LPP 6, 7 and 12.

In regards to the submission received on Local Planning Policy 11 – Transient Accommodation the request for further definition applicable to scale, at least with respect to small ‘boutique’ agricultural operations, is supported. Certainly, transient accommodation should be matched appropriately to scale of the agricultural pursuit and with at genuine intent to address the need to seasonal workforce requirements for that particular operation.

On this understanding it is considered appropriate that further refinement be provided to the draft Policy by amending the definitions to read, in addition to the Town Planning Scheme interpretation:

Rural Transient Accommodation 1 – applies to respective rural zones covered by Town Planning Scheme No.7 where the land parcel is equal to or less than 12 hectares in area and the total number persons to be housed in the accommodation does not exceed seven (7) persons directly employed in a related rural use on the subject property.

Rural Transient Accommodation 2 - applies to respective rural zones covered by Town Planning Scheme No.7 where the land parcel is greater than 12 hectares in area and the total number persons to be housed in the accommodation does not exceed thirty (30) persons directly employed in a related rural use on the subject property.

Townsite Transient Accommodation – applies to the Kununurra townsite only where Transient Accommodation development is permissible under Town Planning Scheme No.7 and the total number of persons allowed to be housed in the accommodation does not exceed seven (7) persons on a lot

containing another land use, of which the Transient Accommodation may or may not be ancillary too.

ATTACHMENTS

- Attachment 1: draft DC 1 - Lodgement of Development Applications (draft)
- Attachment 2: draft LPP 6 - Caretakers Dwellings in Light Industrial Areas (draft)
- Attachment 3: draft LPP 7 - Relocated and Transportable Buildings (draft)
- Attachment 4: draft LPP 11 - Transient Accommodation (draft)
- Attachment 5: draft LPP 12 - Temporary Workers Accommodation (draft)
- Attachment 6: Submission from Mr J Storey

VOTING REQUIREMENT

Simple majority

OFFICER'S RECOMMENDATION

That Council:

1. Pursuant to Clause 12.6.1(b) of the Shire of Wyndham - East Kimberley Town Planning Scheme No.7 finally adopt Local Planning Policy (LPP) 11 – Transient Accommodation, as presented in Attachment 4 to this report subject to:

Section 2.1 to read:

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 three definitions as follows:

***Rural Transient Accommodation 1** – applies to respective rural zones covered by Town Planning Scheme No.7 where the land parcel is equal to or less than 12 hectares in area and the total number persons to be housed in the accommodation does not exceed seven (7) persons directly employed in a related rural use on the subject property.*

***Rural Transient Accommodation 2** - applies to respective rural zones covered by Town Planning Scheme No.7 where the land parcel is greater than 12 hectares in area and the total number persons to be housed in the accommodation does not exceed thirty (30) persons directly employed in a related rural use on the subject property.*

Townsite Transient Accommodation – applies to the Kununurra townsite only where Transient Accommodation development is permissible under Town Planning Scheme No.7 and the total number of persons allowed to be housed in the accommodation does not exceed seven (7) persons on a lot containing another land use, of which the Transient Accommodation may or may not be ancillary too.

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. Pursuant to Clause 3.3.2 (b) of the Shire of Wyndham - East Kimberley Town Planning Scheme No.6 and Clause 12.6.1(b) of the Shire of Wyndham - East Kimberley Town Planning Scheme No.7 finally adopt the following Policies DC1, LPP 6, LPP7, LPP12 and proceed to publish a notice for all of the Policies (as shown in Attachment 1 – 5) to this effect in the local newspaper.

COUNCIL DECISION

Minute No.8936

Moved: Cr J Parker

Seconded: Cr K Wright

That Council:

1. Pursuant to Clause 12.6.1(b) of the Shire of Wyndham - East Kimberley Town Planning Scheme No.7 finally adopt Local Planning Policy (LPP) 11 – Transient Accommodation, as presented in Attachment 4 to this report subject to:

Section 2.1 to read:

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in area and the total number persons to be housed in the accommodation does not exceed seven (7) persons directly employed in a related rural use on the subject property.

Rural Transient Accommodation 2 - applies to respective rural zones covered by Town Planning Scheme No.7 where the land parcel is greater than 12 hectares in area and the total number persons to be housed in the accommodation does not exceed thirty (30) persons directly employed in a related rural use on the subject property.

Townsite Transient Accommodation – applies to the Kununurra townsite only where Transient Accommodation development is permissible under Town Planning Scheme No.7 and the total number of persons allowed to be housed in the accommodation does not exceed seven (7) persons on a lot containing another land use, of which the Transient Accommodation may or may not be ancillary too.

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

- 2. Pursuant to Clause 3.3.2 (b) of the Shire of Wyndham - East Kimberley Town Planning Scheme No.6 and Clause 12.6.1(b) of the Shire of Wyndham - East Kimberley Town Planning Scheme No.7 finally adopt, LPP12 and proceed publish a notice for all of the Policies (as shown in Attachment 4 and 5) to this effect in the local newspaper.**
- 3. That Policies DC1, LPP6 and LPP7 be referred to the 15 December 2009 Ordinary Meeting of Council.**

CARRIED (5/2)

The Council decision differs from the Officers Recommendation as elected members required additional information on the deferred policies.

For: Cr F Mills, Cr J Moulden, Cr K Wright, Cr J Parker and Cr J McCoy
Against: Cr D Ausburn and Cr R Addis.

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 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 licence 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 list/s 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 endeavoured to be processed within the following time frames where all required information is provided:

Planning	no advertising	delegation	30 days
	no advertising	no delegation	45 days
	advertising	delegation	60 days
	advertising	no delegation	70 days
Building		delegation	21 days
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:

- 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)*

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 (Applicant to Tick)	CHECKED (Officer to Tick)
COMPLETED APPLICATION FORM for planning consent signed by applicant or owners of the property		
SITE PLAN (Scale of not less than 1:500 – 3 copies) 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.		
FLOOR PLAN (Scale not less than 1:100 – 3 copies) To include identification of specific rooms, outdoor living areas and vehicle parking under main roof.		
ELEVATIONS (Scale not less than 1:100 – 3 copies) To include reference to natural ground level, height of walls; roof pitches.		
* LANDSCAPING PLAN (scale of not less than 1:500) To include location and area for landscaping to be shown.		
* SCHEDULE OF MATERIALS/COLOURS To include the type of external wall and roof claddings and relevant colours.		
* STORMWATER MANAGEMENT PLAN (scale of not less than 1:500) 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 B

Building Application Check List

(Please read thoroughly)

Every application for a Building Licence shall be accompanied by the following minimum information:

MINIMUM INFORMATION	PROVIDED (Applicant to Tick)	CHECKED (Officer to Tick)
COMPLETED APPLICATION FORM Envelope with applicant signature and builders registration number		
SITE PLAN (Scale not less than 1:500 – 2 copies) To include street name/s; lot number/s; north point; lot dimensions; existing and proposed buildings; use of new buildings; buildings; relative levels of the site with respect to the street or way adjoin, Storm water control and proposed sheet flow 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. Note site plans to address all aspects of the R Code requirements		
FLOOR PLAN (for each floor) (Scale not less than 1:100 – 3 2opies)		
ELEVATIONS & CROSS SECTIONS (Scale not less than 1:100 – 2 copies showing height of each story footings proposed finished ground levels)		
SPECIFICATIONS – 2copies		
STRUCTURAL ENGINEER CERTIFICATION All structural plans to be signed off by a registered structural engineer		
BCA ENERGY EFFICIENCY CHECK SHEET(S) including 5 star plus requirements or star rating assessment		
WATER CORPORATION APPROVAL All building applications are to be lodged with the Water Corporation by the applicant/builder for certification prior to lodgement with the Shire. Applications will not be processed without Water Corporation endorsement shown on the plans.		
HOME INDEMNITY INSURANCE CERTIFICATION Applies to houses(domestic buildings) built by a registered builder		
* FIRE & EMERGENCY SERVICE APPROVAL (FESA) Applies to all commercial buildings		
BCITF LEVY FORM Payable on all projects over \$20,000.		

Note: 1. * means optional for single house and outbuilding developments;
 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 (Applicant to Tick)	CHECKED (Officer to Tick)
<p>COMPLETED APPLICATION FORM Completion of application form for on-site effluent disposal apparatus including signatures</p>		
<p>SITE PLAN (scale of not less than 1:500 – 2 copies) 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> <div style="text-align: center;"> </div>		
FLOOR PLAN (Scale not less than 1:100 – 3 copies)		
PAYMENT OF FEE (\$208)		

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

ATTACHMENT 2

POLICY NO:	LPP 6
DIVISION:	Development Services
SUBJECT:	Caretaker's Dwellings in Light Industrial Areas (draft)
ENABLING LEGISLATION:	Town Planning Scheme No.6 - Wyndham Town Planning Scheme No 7 - Kununurra & Environs

OBJECTIVES:

- To reiterate, clarify and to some degree relax the development standards applied to the establishment of a Caretaker's Dwelling in industrial zones as prescribed under Clauses 5.13.1(b), 5.13.2 a) – f) and 5.16.5 of Town Planning Scheme No.7 and apply consistent standards through Town Planning Scheme No.6.
- To ensure that residential living through the use of caretaker's dwellings does not impose constraints on lawful use of land for industrial purposes nor compromise the integrity of industrial areas.
- To acknowledge that caretaker's dwellings at times are needed for financial and security purposes, whilst equally recognising that the physical environment in industrial areas is potentially unsafe and unattractive for residents.
- To provide for caretaker's dwellings in industrial areas subject to appropriate planning controls.

POLICY:

1.0 Introduction

A Caretaker's Dwelling is listed as a permitted use in the Shire's Town Planning Scheme No.6 and Town Planning Scheme No.7 providing an industrial use has first been approved and established on the same property.

However, it is widely accepted that caretaker's dwelling, deemed a sensitive land use under the Environmental Protection Authority guidelines, can potentially conflict with some industrial uses, particularly general industry uses. In light of this, consideration needs to be given to a range of standards and provisions that provide for a caretaker's dwelling whilst ensuring the industrial purpose and integrity of the zoning is adequately maintained.

2.0 Definitions

“Caretaker’s Dwelling” means a habitable building used by a person having the care of buildings, plant, equipment and grounds associated with an industrial business or use that is conducted on the same site.

3.0 Policy Statements

- 3.1 This policy is only applicable to the establishment of a caretaker’s dwelling in the Industrial’ zone in TPS No.6 and the ‘Light Industry’ zone for TPS No.7.
- 3.2 A caretaker’s dwelling is to be incidental to the predominant industrial use of the site.
- 3.3 Only one (1) caretaker’s dwelling may be supported on any one lot.
- 3.4 A caretaker’s dwelling will not be supported by the local government without a legitimate industrial use/business also being applied for and approved at the same time.
- 3.5 Failure to proceed with a legitimate industrial use/business within a two (2) period may result in the Local Government instigating enforcement action to remove the caretaker’s use.
- 3.6 A caretaker’s dwelling shall not take the form of a caravan or basic ‘flat roof’ transportable accommodation unit, although a park home structure may be acceptable based on condition and overall presentation of the building at the discretion of the Local Government.
- 3.7 A caretaker’s dwelling is to fully accord with the requirements of the Building Code of Australia (BCA) for a Class 1 or 4 building.
- 3.8 A caretaker’s dwelling shall, as per the Town Planning Scheme provisions:
 - a) not exceed three bedrooms and a total floor area of 100m² measured from the external face of the outer walls. Open verandahs may be permitted but must not be enclosed by any means unless the total floor area remains within the 100m² in floor area;
 - b) be adequately screened from view from the street, and where possible, be located behind existing buildings on the lot.
- 3.9 The applicant for a caretaker’s dwelling is to submit with an application for planning consent a Statutory Declaration that clearly acknowledges the potential for high levels of nuisance

(ie noise, dust, traffic, and hours of operation) that can emanate from an industrial activity that may have an adverse effect on the residential habitation of a caretaker's dwelling.

- 3.10 This applicant is to place a notification on the Certificate of Title for the subject property that affords notice to any prospective purchaser and heir or successor of the Title in regards to Statement 2.9, above.
- 3.11 The Local Government will not support a survey strata subdivision that involves a caretaker's dwelling unless a viable industrial business is established on the same strata lot – refer to Figure 1.

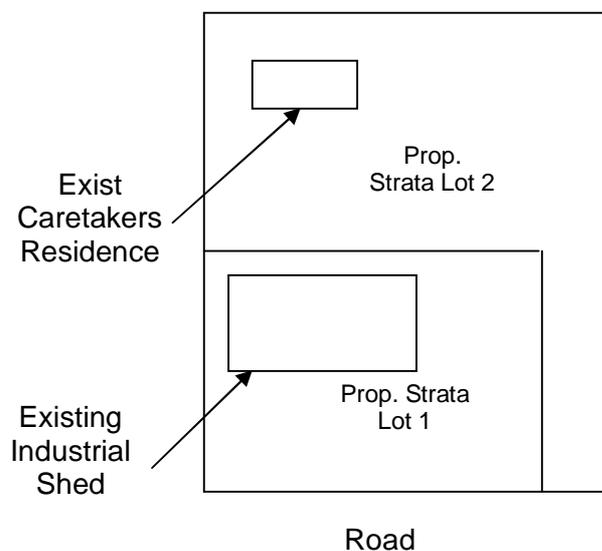


Figure 1 – Proposed Survey Strata Subdivision – **not supported**

- 3.12 Notwithstanding Statement 3.10 above, the Local Government will only support one caretaker's dwelling on the 'parent' lot where approval for a built strata subdivision is sought.

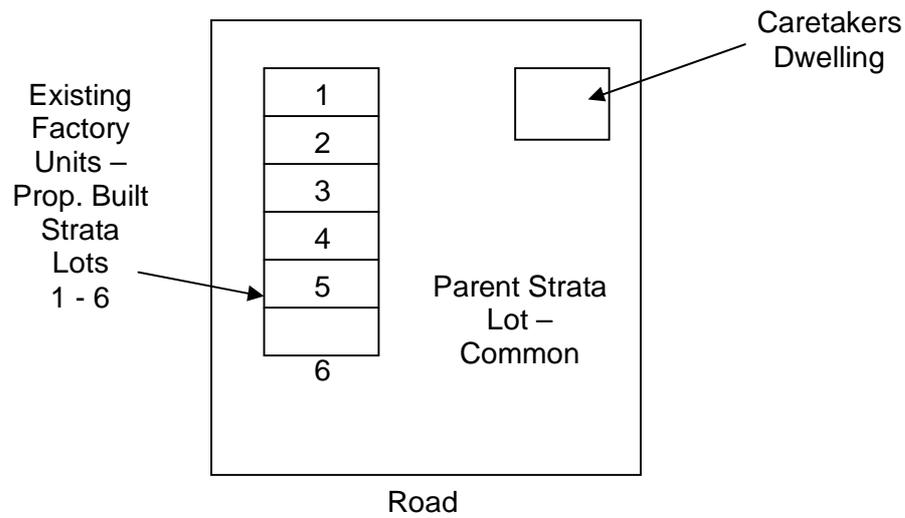


Figure 2 – Proposed Built Strata Subdivision – **only one caretaker’s dwelling**

REFERENCE:

The Shire of Wyndham – East Kimberley Town Planning Scheme No.6 and No.7, and the *Planning & Development Act (2005)*.

ADOPTED:
REVIEWED:
AMENDED:

ATTACHMENT 3

POLICY NO:	LPP7
DIVISION:	Development Services
SUBJECT:	Relocated and Transportable Buildings
REPORTING OFFICER:	Executive Manager of Development
ENABLING LEGISLATION:	Town Planning Scheme No 7 - Kununurra & Environs Town Planning Scheme No.6 - Wyndham

OBJECTIVE:

This policy is intended to:

- Ensure an acceptable quality of development is achieved that does not detrimentally affect the amenity and streetscape of a locality.
- Establish clear guidelines for the assessment of proposals to transport or relocate new and 'second-hand' buildings to land within the Shire.

POLICY:

1.0 Introduction

This Policy seeks to provide a level of clarity as to the requirements for relocation of previously used buildings and the transportation of purpose built new or near new pre-fabricated buildings.

In many circumstances relocated buildings are 20 – 40 years of age and are often clad with asbestos, which when transported can present a significant health risk. Additionally, the structural integrity of the building needs to be considered, particularly with the use of 'second hand' materials, and design and placement of the building requires due consideration to its presentation and harmony with surrounding environs.

To the contrary transportable buildings are usually designed and pre-fabricated for transportation with a specific purpose, and therefore do not require the same level consideration and assessment.

2.0 Definitions

2.1 “**Relocated Building**” (previously used) means a building that was originally designed, constructed for purpose and is capable of being relocated and re-used on another site for the same purpose.

2.2 “**Transportable Building**” (new or near new) means a new prefabricated building that is designed & constructed for transport to a site on a design for purpose basis.

3.0 Policy Statements

- 3.1 An application for transportable building shall be accompanied by a relevant building licence application inclusive of site plan, floor plan, elevations, working drawings and specification, engineering certification, and energy efficiency assessment.
- 3.2 The application for a Relocated Building (previously used) shall be accompanied by:
- a) A floor plan of the re-located building drawn to scale of no less than 1:100;
 - b) A series of photographs of each elevation of the relocated building prior to it being dismantled showing its standard of presentation;
 - c) A site plan of the property where the building is being relocated too showing the proposed location of the relocated building (and effluent disposal system if applicable) in relation to boundary setbacks, natural features, and existing buildings;
 - d) A detail report on the structural integrity of the relocated building prepared by a certified Building Surveyor or practicing structural engineer;
 - e) An energy efficient assessment should the intended use of the building be for residential habitation;
 - f) A written submission from the proponent detailing the proposed works to be undertaken to the relocated building to improve its visual presentation and ensure it complies with the relevant building and health standards as required under the *Building Code of Australia* and the *Health Act 1911*.
- 3.3 The Local Government may not support the placement of a transportable or relocated building on a particular property should there be concern regarding design and aesthetic presentation of the building that could have an adverse affect on the quality of housing stock in a specific area or locality.
- 3.4 A relocated or transportable building shall not be sited on a property within the Shire without planning consent and a building licence being first obtained from the Local Government.
- 3.5 Any dwelling containing or suspected of containing asbestos must be considered by Shire's Environmental Health Department prior to relocation. If asbestos is determined as present, it shall be removed prior to the building it being transported in the Shire. Any removal of asbestos must comply with WorkSafe WA Asbestos Handling Guidelines.
- 3.6 The Local Government at its discretion may impose conditions requiring the relocated building to be re-roofed, re-clad and/or re-painted within a specified time frame to ensure the building presentation is of an acceptable standard to the Council.
- 3.7 The Local Government at its discretion may impose a bond or bank guarantee to a minimum value of \$7,500 to ensure that any condition on

the approval is observed and met to the satisfaction of the Local Government.

ADOPTED:
REVIEWED:
AMENDED:

ATTACHMENT 4

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 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 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.

3.3 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 two (2) 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;

§ The ability for larger vehicles to access and leave the site in forward gear.

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 5

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 Town Planning Scheme No 6 – Wyndham 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 Decommission

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:

ATTACHMENT 6

5 November 2009

J & A Storey
PO Box 366
KUNUNURRA WA 6743

Mr Ian Dempsey
Town Planner
Shire Wyndham East Kimberley
PO Box 614
KUNUNURRA WA 6743

Dear Ian,

Re: Draft Policy LPP11 on Transient Accommodation

Further to our discussion today, I feel that the above policy is well prepared, having due regard for the requirements of the State Planning Policy 2.4 and clear in its intent and meaning.

One small area I feel needs more defining though, is the allowable number of persons or units on the smaller horticultural lots of Rural 2. At present the draft puts Rural 1 and 2 together under 'Rural' and allows up to 30 persons to be accommodated. As you can appreciate, this number is fairly large for a six or eight hectare lot, especially the long narrow blocks in both our horticultural areas. If adjoining lots were to house such numbers it would result in considerably large population densities in small areas.

I feel there needs to be limits written into the policy limiting numbers on these smaller lots. This could be done by either separating Rural 1 and 2, or even use lot sizes, i.e. up to 8 hectares. Numbers could then be limited on these lots by either:-

- a. specifying actual numbers, or
- b. limiting numbers to the amount of staff that would reasonably be required to help work that particular farming operation.

At present the specified 30 persons is fine for broad acre hectare farms, but is really too much for the smaller horticultural holdings

Very Sincerely,

John Storey

12.4.11 DEVELOPMENT APPLICATION - KUNUNURRA WATER SKI CLUB (8937)

DATE:	17 November 2009
PROPONENT:	Kununurra Water Ski Club
LOCATION:	Lake Kununurra Foreshore, Kununurra
AUTHOR:	Jennifer Ninyette, Town Planning Officer
REPORTING OFFICER:	Ian D'arcy, Executive Manager Development Services
FILE NO:	01.5626.02
ASSESSMENT NO:	A5626

PURPOSE

For Council to consider the development application submitted by the Kununurra Water Ski Club for the proposed development of shade structures on their leasehold site on the Lake Kununurra foreshore.

BACKGROUND

The Kununurra Water Ski Club have a current lease over portion of Recreation Reserve 29297 and Foreshore Reserve 41812 located on the Lake Kununurra foreshore commonly referred to as Ski Beach. The lease area is shown on the plan at Attachment 1.

The lease to the Ski Club was issued in 1992 for a term of 21 years, and the permitted purpose of the lease is "Ski Club and related water/land recreational activities". This lease agreement is only between the Shire and the Ski Club and has been endorsed by the Minister for Lands.

However, as the proposed shade structures are to be developed within the jointly managed foreshore reserve, Shire Officers have also requested comment from the Department of Water in relation to the proposal.

The proposed development consists of a two (2) shade structures, measuring 6 metres in width and length, which are intended to shelter barbecues. The Ski Club has been allocated funding in the Shire's Annual Grant Round 1 which will be used to purchase a barbecue. It is anticipated that the second barbecue will be purchased by the Ski Club at a later date.

The lease allows for public access, predominantly pedestrian and marine, to the foreshore, so that the general community will have access to utilise the proposed shade structures and barbecues.

The proposed site plan and plans of the shade structures are shown at Attachments 2 and 3.

STATUTORY IMPLICATIONS

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, and their comment on this proposal has been sought.

In accordance with the submitted plans the proposed shade structures and barbecue will solely be located within Recreation Reserve 41812.

Notably, it is the intention for the Shire to be granted sole management of the majority of the foreshore reserve, including this portion of the foreshore, with power to lease for up to 21 years.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Ski Club have also requested for the planning and building fees to be waived. A copy of this request is shown at Attachment 4.

Given the Club's status as a not for profit community group, and the Shire's financial commitment to grant funding for a barbecue for the club, it is considered appropriate that the planning fees be waived.

The Ski Club will be responsible for the construction costs of the shade structures, which along with the barbecue, which will also benefit the general public that access the Ski Beach.

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 site will allow the Kununurra Water Ski Club the opportunity to grow, and as public access to the foreshore is maintained, the shade structures and barbecues will also benefit the general community.

COMMUNITY CONSULTATION

Community consultation is not required.

COMMENT

The Water Ski Club are one of the few foreshore based groups that have a current lease endorsed by the Minister for Lands.

Based on this, and based on the fact that the Ski Beach is a site that is commonly used by the general community, it is considered that Council has the ability to permit the development within portion of Reserve 41812, on the provision that the Department of Water also consents to the development.

In regard to the request to waive the planning application fee it is suggested that the Council give favourable consideration this request on the understanding that the proposed development will provide a recreational benefit to the general community.

ATTACHMENTS

Attachment 1: Lease Area Plan
Attachment 2: Site Plan
Attachment 3: Shade Structure Plan
Attachment 4: Request for Fee Waiver

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Subject to consent of Department of Water, grant planning approval for the development of two (2) barbecue shade structures subject to the following conditions:
 - (a) All development shall be in accordance with the attached approved plan(s) dated 17 November 2009 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
 - (b) All 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).
 - (c) The shade structures are to be setback a minimum distance of 10 metres from the waters edge.
 - (d) All trees shall be retained unless their removal is required for the purposes of access, building development or fire protection.
 - (e) 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. 8937

Moved:Cr D Ausburn

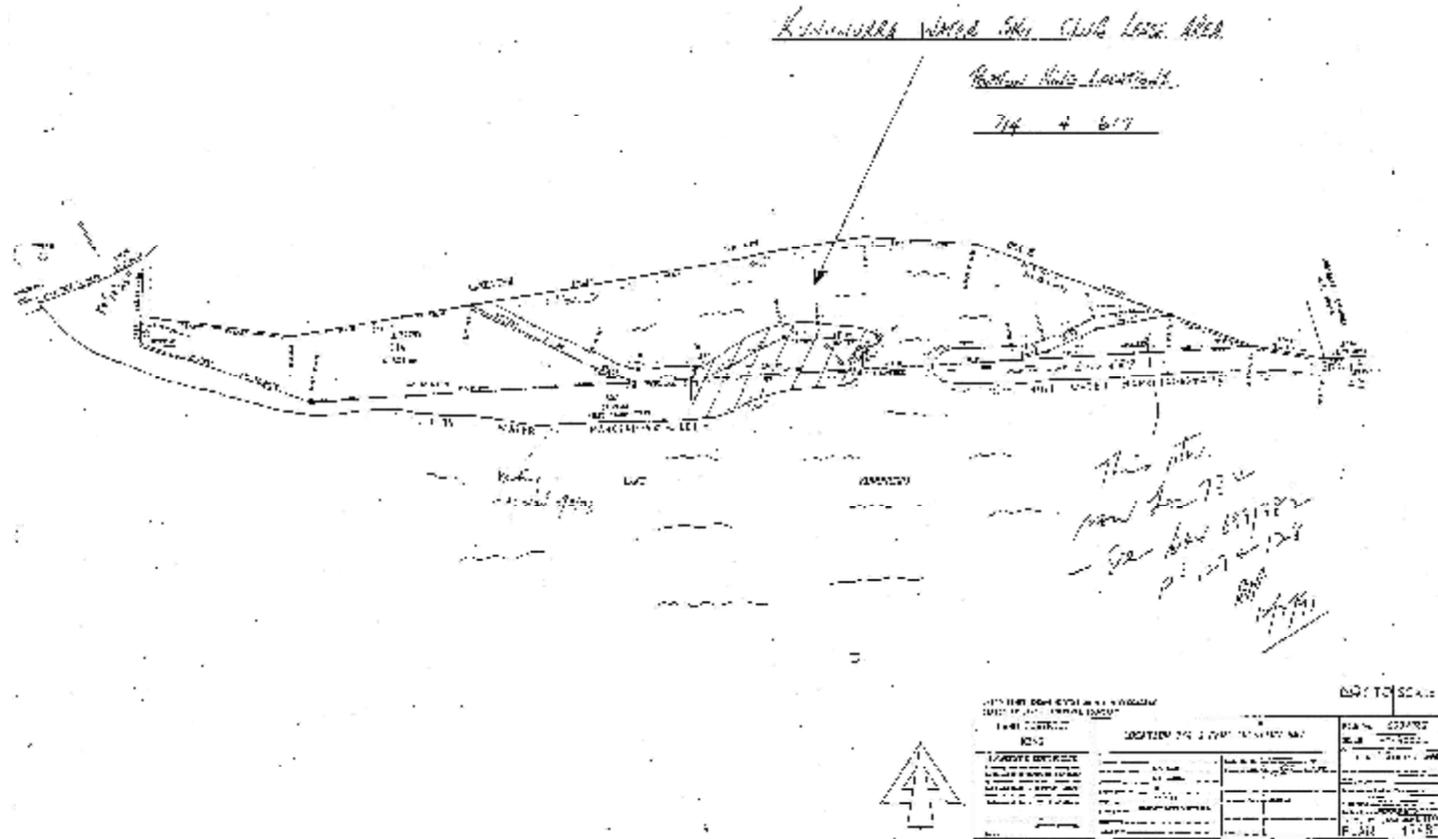
Seconded:Cr K Wright

That Council:

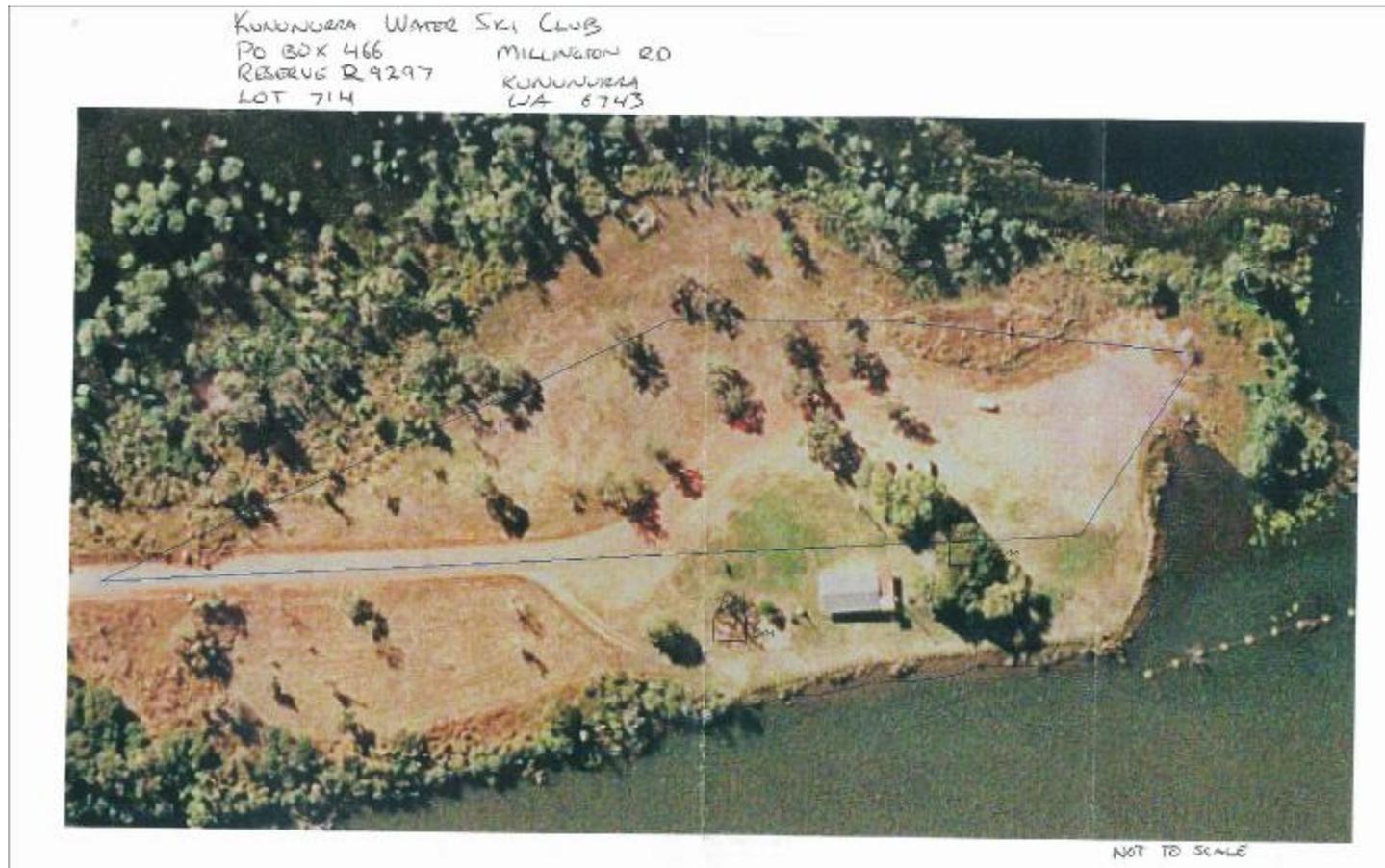
1. ***Subject to consent of Department of Water, grant planning approval for the development of two (2) barbecue shade structures subject to the following conditions:***
 - (a) ***All development shall be in accordance with the attached approved plan(s) dated 17 November 2009 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.***
 - (b) ***All 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).***
 - (c) ***The shade structures are to be setback a minimum distance of 10 metres from the waters edge.***
 - (d) ***All trees shall be retained unless their removal is required for the purposes of access, building development or fire protection.***
 - (e) ***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.***

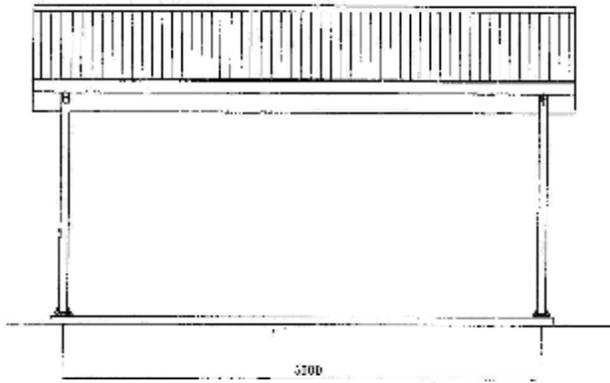
CARRIED UNANIMOUSLY: (7/0)

ATTACHMENT 1

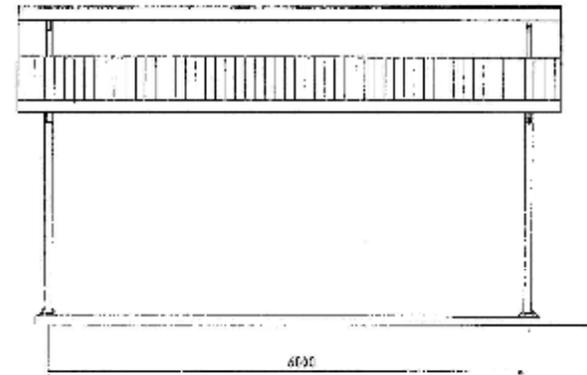


ATTACHMENT 2

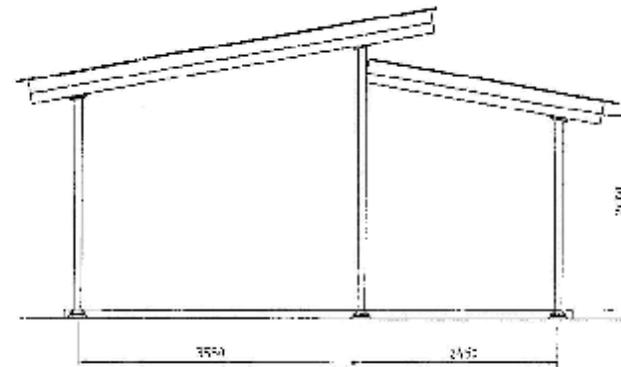




BACK ELEVATION



FRONT ELEVATION



SIDE ELEVATION

STRUCTURAL PERFORMANCE OF
TIMBER CONSIDERED BY
MR'S CONSULTANTS PTY LTD
Date: 17/2/09
403-2
Page 2 of 3

										D. S. READ 2008		1:75		NORTHERN DESIGN CONSULTANTS		PROJECT	
																PROPOSED SHADE STRUCTURE FOR THE KUNUNURRA WATER SKI CLUB	
																DATE	
																REV	
																REV	

ATTACHMENT 4

Shire Reference # A5626:68056:SM4445

Kununurra Water Ski Club 03/11/2009
PO Box 466
Reserve 29297
Lot 714 Millington Rd
Kununurra WA 6743



Jennifer Ninyette Town
Planning Officer Shire
Wyndham East Kimberley PO
BOX 614 Kununurra WA 6743

RE: Building Application – BBQ Shelters – Waive of fees

Dear Jennifer,

I am writing in regard to our proposed BBQ shelters planned to be built at the Water Ski Club.

As a not for profit organisation building and maintaining facilities which are used by the community we are requesting for and exemption from the building application fees associated with this project.

This will be additional support from the Shire of Wyndham East Kimberley along with the community grant supplied to the club. Can you please consider that both the town planning fee of \$125 and the building application fee of \$85 be waived for this project.

This assists in the clubs efforts to raise funds to further develop the Kununurra Water Ski Club.

I look forward to your response.

Yours sincerely,

Mark Coventry President Kununurra
Water Ski Club PH: 0407728486

12.4.12 PROPOSED EXTENSION - MIRIMA LANGUAGE CENTRE (8938)

DATE:	17 November 2009
PROPONENT:	Mirima Dawang Woorlab-Gereng Language and Cultural Centre
LOCATION:	Lot 2229 Button Drive, Kununurra
AUTHOR:	Jennifer Ninyette, Town Planning Officer
REPORTING OFFICER:	Ian D'arcy, Executive Manager Development Services
FILE NO:	01.1894.02
ASSESSMENT NO:	A1894

PURPOSE

For Council to consider an application for the extension of the Mirima Language Centre and a request to waive planning fees for the development application.

BACKGROUND

The Shire has received a development application from the Mirima Dawang Woorlab-Gereng Language and Culture Centre for a proposed extension to their existing building.

The proposed extension is to address growth of activities over the past few years, which includes interpreting services, educational programs for indigenous youth and cultural awareness courses for the wider public and government organisations.

The applicant has also sought waiving of the planning fees on the basis that they are a 'not for profit' organisation, which provides interpreting services, educational programs for indigenous youth and cultural awareness courses for the wider public and government organisations. This written request is shown at Attachment 1.

The decision to waive fees can only be decided by Council; therefore Council's consideration of this request is sought.

The proposed development is predominantly for a second building similar in size and complementary to the existing Language Centre. The proposed development consists of:

- New building incorporating meeting rooms, office, studio and store room;
- Ablutions;
- Bus Shed;
- Provision of 12 car parking bays;

A site plan, floor plan and elevations of the proposed development are shown at Attachment 2, 3 and 4 respectively.

SITE AND SURROUNDS

The site is located on Button Drive within the Nulleywah Community in the Aboriginal Lands Trust Reserve. Figure 1 below offers an understanding of the Language Centre.



Figure 1 – Location Plan

The adjoining lots within the Community have been established for Warringarri Radio, Warringarri Arts and Administration, and the Kimberley Land Council, and forms the 'Community Purposes' area as detailed in the relevant Community Layout Plan (CLP).

STRATEGIC IMPLICATIONS

The East Kimberley Development Package is an initiative aimed at investing directly in social and common use infrastructure that will promote healthy, strong and resilient communities and provide meaningful and sustainable jobs for local indigenous people in the East Kimberley region.

It is considered that the existing Language Centre plays an important role in regards to the heritage and identity of the traditional owners, and performs a beneficial community function through the activities and education it provides/promotes, which assists in promoting the abovementioned aims of the East Kimberley Development Package.

STATUTORY IMPLICATIONS

The site is zoned 'Settlement' in the Town Planning Scheme No. 7 – Kununurra and Environs.

The objective for this zone is to improve the general health, safety and amenity of Aboriginal communities by supporting the preparation, endorsement and implementation of CLP's.

Development within the zone is to be consistent with the CLP endorsed by the Community, Council and the Western Australian Planning Committee.

The subject site has a land use for 'Community Purposes' under the Nulleywah CLP, the purpose of which is to:

- Provide land for community uses including civic and social activities;
- Provide a convenient location for special activity centres, meeting areas, special interest group activities;
- Provide adequate schools and other educational and training facilities;
- Provide adequate area for the co-location of community uses to facilitate the sharing of infrastructure.
- Make sure the design of access, parking and use of such areas is safe and consistent with the requirements of the community.

It is considered that the proposed development will enhance the streetscape and amenity of the area, as well as provide additional facilities for educational, training and social activities.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The applicant is requesting that the planning fees of \$637 be waived due to their status as a non-profit organisation.

COMMUNITY CONSULTATION

Community consultation is not required.

CONCLUSION/COMMENT

It is considered that the existing Language Centre performs an important community function and that the proposed development will continue to promote a strong community as well as provide additional facilities for educational, training and social activities for local indigenous people. It is also considered that the proposed extension will enhance the streetscape and amenity of the area.

Therefore, on this basis, it is recommended that Council grant conditional approval that addresses consistency in presentation and amenity, adequate provision of onsite parking, retention of vegetation where possible and management of stormwater run-off.

In regard to the request to waive the planning application fee it is suggested that the Council give favourable consideration this request on the understanding this

organisation is 'not for profit' and also provides a charitable benefit to the community.

ATTACHMENTS

Attachment 1: Applicant request for fee waiver

Attachment 2: Site Plan

Attachment 3: Floor Plan

Attachment 4: Elevations

VOTING REQUIREMENT

Simple majority

OFFICER'S RECOMMENDATION

That Council:

1. Approve the application for extension to the Language Centre subject to the following conditions being applied:
 - a. All development shall be in accordance with the attached approved plan(s) dated 17th November 2009 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
 - b. All external building materials for the approved extensions shall be consistent in texture and colour/s with the existing building to the satisfaction of the local government.
 - c. The provision of twelve (12) car parking bays constructed to a minimum compact gravel standard shall be maintained to the satisfaction of the local government.
 - d. The area set aside for the parking of vehicles, together with the associated access (including street crossover) as delineated on the endorsed plan shall:
 - i. be provided and completed to the approval of the local government prior to the commencement of the use hereby permitted;
 - ii. thereafter be maintained to the approval of the local government;
 - iii. be made available for such use at all times and not used for any other purpose unless specifically approved;
 - iv. be properly formed to such levels that it can be used in accordance with the plan;
 - v. be drained and sealed with an all weather seal coat to the approval of the local government;
 - vi. have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the endorsed plan;
 - vii. be designed in accordance with AS2890.

- e. All trees shall be retained upon the site unless their removal is required for the purposes of access, building development or fire protection
 - f. 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 the existing road drainage 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.
2. Waive the planning application fee on the understanding the Mirima Dawang Woorlab-Gerren Language and Cultural Centre is 'not for profit' and also provides a charitable benefit to the community.

COUNCIL DECISION

Minute No. 8938

Moved:Cr K Wright

Seconded:Cr D Ausburn

That Council:

1. **Approve the application for extension to the Language Centre subject to the following conditions being applied:**
 - a. **All development shall be in accordance with the attached approved plan(s) dated 17th November 2009 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.**
 - b. **All external building materials for the approved extensions shall be consistent in texture and colour/s with the existing building to the satisfaction of the local government.**
 - c. **The provision of twelve (12) car parking bays constructed to an all weather seal standard shall be maintained to the satisfaction of the local government.**
 - d. **The area set aside for the parking of vehicles, together with the associated access (including street crossover) as delineated on the endorsed plan shall:**
 - i. **be provided and completed to the approval of the local government prior to the commencement of the use hereby permitted;**
 - ii. **thereafter be maintained to the approval of the local government;**

- iii. be made available for such use at all times and not used for any other purpose unless specifically approved;
 - iv. be properly formed to such levels that it can be used in accordance with the plan;
 - v. be drained and sealed with an all weather seal coat to the approval of the local government;
 - vi. have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the endorsed plan;
 - vii. be designed in accordance with AS2890.
- e. All trees shall be retained upon the site unless their removal is required for the purposes of access, building development or fire protection
- f. 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 the existing road drainage 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.
2. Waive the planning application fee on the understanding the Mirima Dawang Woorlab-Gerren Language and Cultural Centre is 'not for profit' and also provides a charitable benefit to the community.

CARRIED UNANIMOUSLY: (7/0)

ATTACHMENT 1

Doc No.	068015
Date	22.10.2009
Officer	
Response	
File	01-150702
Cross Ref	68014

Mirima Council

Speargrass Road, Kununurra WA
PO Box 48, Kununurra WA 6743
Telephone: (08) 9169 1029
Facsimile: (08) 9168 2639
Email: mirima@agn.net.au

To the C.E.O.
Shire of Wyndham-East Kimberley
PO Box 614
Kununurra, WA 6743

Kununurra, 22.10.2009

RE: Waiving of planning approval fees

Dear Sir

We hereby kindly request that the fees totalling \$637.00 for the planning approval of the Mirima Language Centre extension be waived.

Mirima Council Aboriginal Corporation and its public face, the local Mirima Language Centre is a community organisation with charity status (not-for-profit organisation - ICN 510; ABN 25/858/328/285). In a town with a mixed Indigenous and non-Indigenous population the Centre has been supporting the reconciliation process for many years.

The building project applied for is funded through a consortium of funding bodies. This project represents an expansion of the current facilities to address the growth of activities over the past few years. This includes interpreting services, educational programs for Indigenous youth and cultural awareness courses for the wider public and government organisations.

It is my understanding that in a case where the use or function of existing structures is not altered by a building expansion, an exemption from the planning approval fee could be granted.

We would be very grateful if the Shire were ready to grant this exemption and waive the abovementioned fee.

Kind regards,



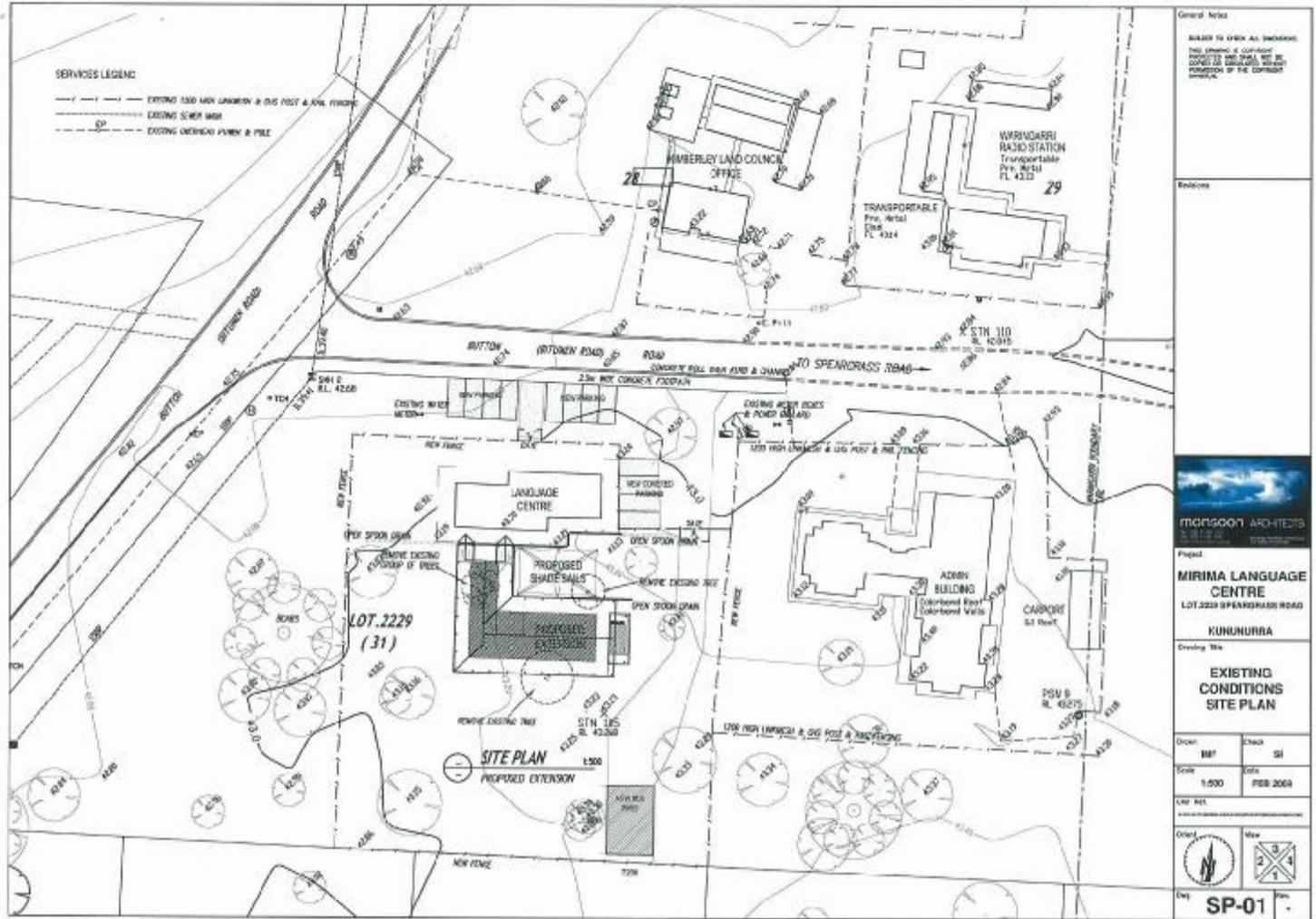
Dr Knut J. Olawsky, Senior Linguist / Coordinator

Phone: (08) 9169 1029 • Fax: (08) 9168 2639 • E-Mail: manager@mirima.org.au

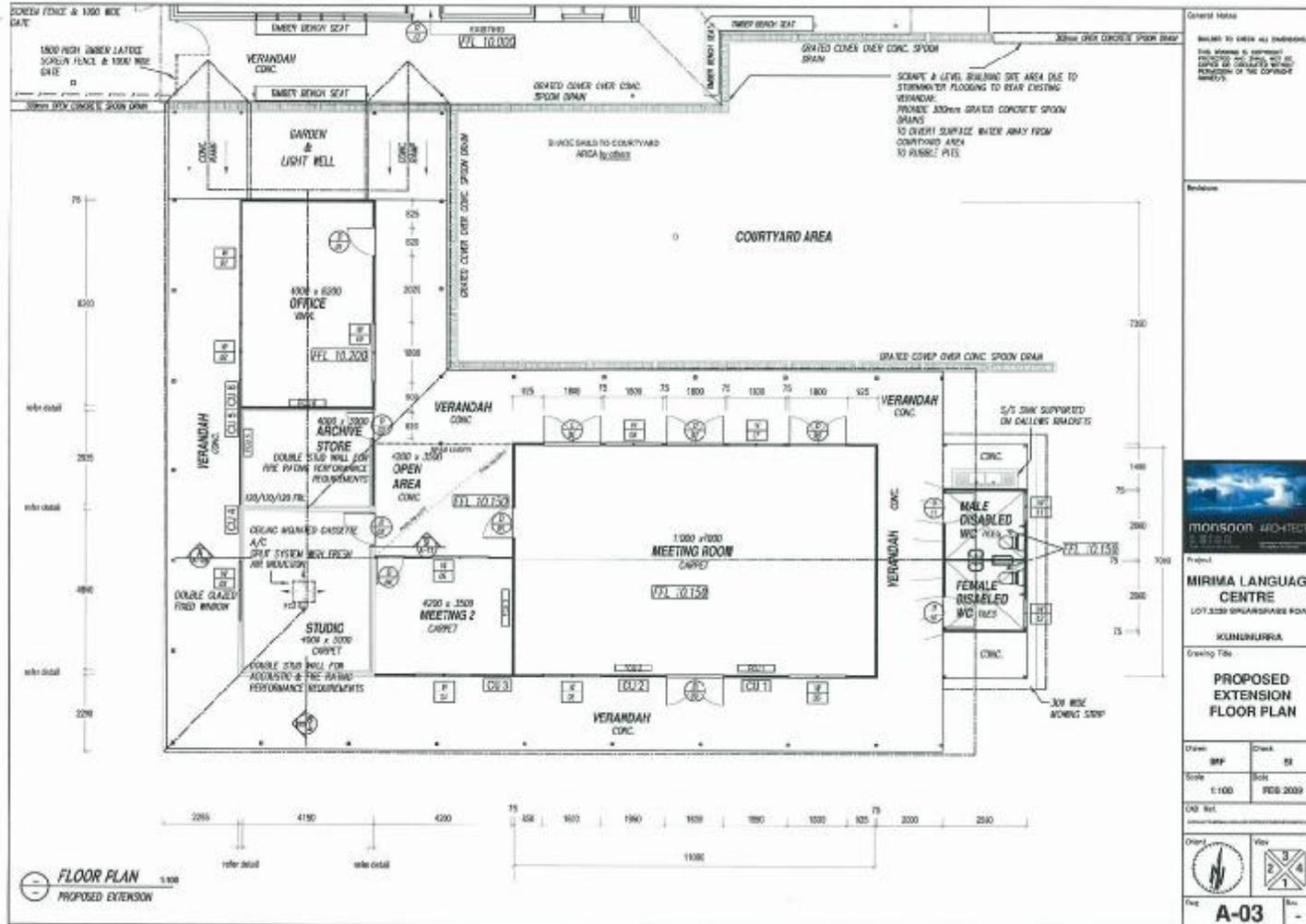
COPY

MIRIMA COUNCIL ABORIGINAL CORPORATION, KUNUNURRA WESTERN AUSTRALIA

ATTACHMENT 2



ATTACHMENT 3



12.4.13 IMPLEMENTATION OF THE FOOD ACT 2008 AND VARIATION TO HEALTH FEES AND CHARGES(8939)

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Kelly Cripps, Environmental Health Officer
REPORTING OFFICER:	Ian D'arcy, Executive Manager Development Services
FILE NO:	33.27.03
ASSESSMENT NO:	N/A

PURPOSE

To consider amending Council delegations and the 2009/2010 Health fees and charges to reflect proclamation of the *Food Act 2008*.

BACKGROUND

The Western Australian *Food Act 2008* and subsidiary legislation came into operation on 23 October 2009. This represents a major shift to the way food legislation is structured and aligns Western Australia's food regulatory system with the rest of the nation.

The new Act is the principal piece of legislation regulating the sale of food in WA. It provides regulation of the entire food chain; a paddock to plate approach.

The *Food Act 2008* applies to everyone involved in the sale of food in WA. In addition to the common meaning of 'sale', it is also more broadly defined to include;

- The supply of food as a meal to employees at their place of work in accordance with employment arrangements i.e. mine sites, workers camps and boarding houses.
- Offering of food as a prize or reward i.e. raffles, community sausage sizzles and fundraisers.
- The giving away of food for the purpose of advertisement i.e. taste testing, trials and competitions.
- The supply of food under contract together with accommodation, service or entertainment i.e. bed and breakfast, lodging houses and catering.

The previous regulatory system relating to food was prescriptive and subsequently very inflexible. In contrast the new Act encourages an outcomes based approach, which allows the food industry to be more innovative in relation to food safety management.

The Act brings into force the *Australian New Zealand Food Standards Code* (the Code) and all food safety requirements are contained within this national code. The advantage of this approach is that it provides for national consistency. That is, a food business operating in WA will need to meet the same requirements as a food business operating anywhere else in Australia. The Code contains the minimum food handling, hygiene and structural requirements for all food businesses.

The Act makes significant changes to the way food safety is managed and administered.

Food Safety Programs

Food Safety Programs must be implemented in food businesses which are captured under Standard 3.3.1 of the Food Standards Code '*Food Safety Programs for Food Service to Vulnerable Persons*'; specifically high-risk businesses such as hospitals, nursing homes and child care centres. The Shire will be working closely with these businesses to ensure they comply with the standard by 1 July 2010.

Although not a legal requirement for all food businesses, food safety programs are an effective food safety management tool and assist food businesses to manage their food safety risks. In addition, they are invaluable in ensuring that food businesses are able to demonstrate that all reasonable measures are being taken to produce safe a suitable food.

Registration

Section 109 of the Act states it is an offence to conduct a food business at any premises unless that food business is registered with the relevant enforcement agency (local government). This enables local government to be aware of all food businesses trading within its responsible area and collect information in relation to food handling so that targeted food safety education, surveillance, enforcement and awareness programs can be developed.

Registration is a once off process and takes the place of current 'applications to construct a food business'. Once businesses are registered they may sell food and will be subject to surveillance by Environmental Health Officers. The only means by which registration can be removed is if a food business fails to pay their annual surveillance charges.

Certain food businesses are exempt from registration;

- Where a food business is conducted to raise money solely for purposes that are charitable or of community nature, as long as the food handled is not potentially hazardous and is provided for immediate consumption.
- Businesses that solely sell foods that are not potentially hazardous and cannot be handled in the course of conducting the food businesses because the food is contained in a closed package.
- Food businesses that provide complimentary drinks in conjunction with another kind of business.

These businesses will be required to notify the Shire of their food activity but do not have to pay registration or annual surveillance charges.

Notification

Notification requirements apply any business selling food that is not registered. The information required includes contact details, the nature of the food business and the location of all proposed food premises.

The purpose of notification is so that enforcement agencies know of their existence can contact them if required, and know the type of food

businesses is operation. In addition, it enables the enforcement agency to make decision on whether a businesses needs to be registered.

The notification process takes the place of the Shire's current stall holder applications (for temporary food stalls) and will also capture many businesses selling foods which haven't previously been dealt with.

The Act provides the Shire with a number of new enforcement options, designed to assist us to manage compliance with the food standards. Depending on the severity of the food safety breach, Environmental Health Officers may issue any of the following;

- Formal warnings
- Improvement notices
- Prohibition orders
- Infringement notices (fines)
- Legal action through the courts (exercised only with the approval of the CEO, as stated in the delegations register)

STATUTORY IMPLICATIONS

The *Food Act 2008* gives Local Government responsibility to impose or recover fees under the *Local Government Act 1995* Part 6 Division 5 Subdivision 2 for:

Notification (s107)

The proprietor of a food business must not conduct the food business at any premises unless the proprietor has given written notification in respect of those premises to the appropriate enforcement agency, in the appropriate form, of the specified information.

*If the appropriate enforcement agency is a local government -
the fee for notification given to the agency under this section may be imposed and recovered by the agency under the Local Government Act 1995 Part 6 Division 5 Subdivision 2.*

Registration (s110)

The appropriate enforcement agency may register a food business and the application must be accompanied by a fee.

*If the appropriate enforcement agency is a local government -
The fee for an application may be imposed and recovered under the Local Government Act 1995 Part 6 Division 5 Subdivision 2.*

Fee and Charges may be imposed and recovered by local government (s140)

A Local Government may impose and recover under the Local Government Act 1995 Part 6 Division 5 Subdivision 2 a fee or charge for the performance of a function as an enforcement agency under this Act.

A fee of charge may be imposed and recovered by local government for the provision of information or for the carrying out of any inspection (whether or not the inspection is asked for or agreed to).

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The 2009/2010 budget allocation for eating house fees and charges is \$8000.

The proposed fee structure will increase this to \$20,000 in 2010/2011.

It is expected that the change to fees and charges will better reflect Environmental Health Officers time spent on assessing food businesses for compliance with legislation.

The registration fee is based on an hourly rate of \$65. This accounts for Environmental Health Officers time to assess plans, providing feedback to the proprietor and to conduct a number of site inspections prior to the business opening.

The surveillance charges are based on \$100 per inspection. That is, a high risk business can expect 3 inspections a year, medium risk 2 inspections and low risk 1 inspection. \$100 takes into account officer's time, administration and travel costs. It expects that an inspection and any follow up work should take no more than one and a half hours.

Surveillance fees will be paid on a pro rata basis for those food businesses that commence part way through the year.

No fee has been allocated for notification. This has been done to reflect that these businesses are either operated as not-for-profit organisations or community groups and only handle low risk food, or they only provide packaged food or drinks with another service. In these instances the only requirement of the Shire to keep a record of these activities.

The proposed fee structure is based upon cost recovery only.

STRATEGIC IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Changes to fees and charges will be advertised in accordance with the *Local Government Act 1995*.

In addition, all food businesses operating in the Shire will receive correspondence advising them of the important changes to food regulation in WA and to the Shire's fees and charges. The correspondence has been tailored to suit various types of food businesses so it is meaningful and easy to understand.

COMMENT

The *Food Act 2008* gives autonomy to Local Government to impose and recover fees under the *Local Government Act 1995 Part 6 Division 5 Subdivision 2* for functions such as notification, registration and surveillance. All WA Councils will be able to determine their own fee arrangements within the content of the Act. The fees considered by Council should reflect the cost incurred to provide the service to each individual food business.

In coming months Environmental Health Officer will be conducting risk assessments of each food business in the Shire to determine whether they are high, medium or low risk. A risk classification guide has been developed by the Department of Health to assist this process.

High risk businesses will incur a higher fee which reflects the more time Environmental Health Officers spend with them. The tiered fees mean that lower risk food businesses aren't penalised to compensate for others and the Shire's health service is better able to cover its costs. Businesses will have the opportunity to lower their risk rating, and thus lower their fees, by improving food safety practices, training staff and developing food safety plans. Similarly, poor performing food businesses can have their risk classification increased to account for extra time Environmental Health Officers spend bringing them up to standard. Risk classifications will be reviewed before setting the annual budget each year.

A risk based approach is best to ensure fairness and consistency in the way food businesses are charged fees. It is also expected that the new fee structure will act as an incentive for improved performance.

ATTACHMENTS

Attachment 1: Environmental Health Delegations

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

1. That Council advertise in accordance with the *Local Government Act 1995* its intent to remove the following health fees and charges on 31 December 2009:

Application for approval to construct a food premise		100.00
Eating House Licence / annum		200.00
Transfer of Eating Houses Licence		50.00
Temporary Food Stall Permit		
Monthly Licence (minimum)		30.00
Annual Licence		300.00
Itinerant Food Vendor		
Monthly Permit (minimum)		40.00
Annual Permit		400.00

2. That Council amend the delegated authority register to include delegations specific to the introduction and implementation of the *Food Act 2008* as per Attachment 1.

Notification of Food Business (Food Act 2008 s.107)		
Exempt food business (not-for-profit, community groups & very low risk)		No fee
Registration of Food Business (Food Act 2008 s.110)		
High Risk		200.00
Medium Risk		100.00
Low Risk		50.00
Food Business Annual Surveillance Charge (Food Act 2008 s.140)		
High Risk		300.00
Medium Risk		200.00
Low Risk		100.00

3. That Council amend the delegated authority register to include delegations specific to the introduction and implementation of the *Food Act 2008* as per Attachment 1.

COUNCIL DECISION

Minute No. 8939

Moved: Cr K Wright
Seconder: Cr J Moulden

4. That Council advertise in accordance with the *Local Government Act 1995* its intent to remove the following health fees and charges on 31 December 2009:

Application for approval to construct a food premise	100.00
Eating House Licence / annum	200.00
Transfer of Eating Houses Licence	50.00
Temporary Food Stall Permit	
Monthly Licence (minimum)	30.00
Annual Licence	300.00
Itinerant Food Vendor	
Monthly Permit (minimum)	40.00
Annual Permit	400.00

5. That Council amend the delegated authority register to include delegations specific to the introduction and implementation of the *Food Act 2008* as per Attachment 1.

Notification of Food Business (Food Act 2008 s.107)	
Exempt food business (not-for-profit, community groups & very low risk)	No fee
Registration of Food Business (Food Act 2008 s.110)	
High Risk	200.00
Medium Risk	100.00
Low Risk	50.00
Food Business Annual Surveillance Charge (Food Act 2008 s.140)	
High Risk	300.00
Medium Risk	200.00
Low Risk	100.00

6. That Council amend the delegated authority register to include delegations specific to the introduction and implementation of the *Food Act 2008* as per Attachment 1.

CARRIED UNANIMOUSLY: (7/0)

ATTACHMENT 1

#100 (COUNCIL)	ENVIRONMENTAL HEALTH
<p>Delegation to:</p> <ul style="list-style-type: none"> • Act under S26 of the <i>Health Act 1911</i> associated regulations and local laws; • Administer the <i>Food Act 2008</i> associated regulations and local laws; • Administer the Litter Act 1979 and regulations; • Act as an authorized person in accordance with S17 of the <i>Caravan Parks and Camping Grounds Act 1995</i> and to administer the Caravan and Camping Grounds Regulations 1997; • Administer the provisions of the Fly Eradication Regulations; • Administer the Environmental Protection Act 1986. <p>Authorised to administer the following local laws of the Shire of Wyndham-East Kimberley:</p> <ul style="list-style-type: none"> • 2003 Shire of Wyndham East Kimberley Local Laws • 2004 Shire of Wyndham East Kimberley Health Local Laws <p><u>Conditions and Exceptions:</u></p> <p>Health Act 1911 Environmental Health Officer to exercise and discharge all of Council's powers and functions under that Act, regulations and local laws made under this Act provided that the power to prosecute any person is only exercised with the approval of the Chief Executive Officer;</p> <p>Food Act 2008 Environmental Health Officer to exercise and discharge all of Council's powers and functions under that Act, regulations and local laws made under this Act provided that the power to prosecute any person is only exercised with the approval of the Chief Executive Officer;</p> <p>Litter Act 1979 Except the power to withdraw infringement notices issued under Acts, regulations or local laws.</p> <p><u>Caravan Parks and Camping Grounds Act 1995:</u> The power to prosecute any person may only be exercised with the approval of the Chief Executive Officer;</p> <p>Fly Eradication regulations The power to prosecute may only be exercised with the approval of the Chief Executive Officer.</p>	
LEGISLATIVE POWER	Health Act 1911 Food Act 2008 Litter Act 1979 Caravan and Camping Grounds Act 1995 Fly Eradication Regulations Environmental Protection Act 1986
DELEGATE	Chief Executive Officer
SUB DELEGATION	Executive Manager Development Services Environmental Health Officers

COUNCIL POLICY	
ADOPTED	17 November 2009
REVIEWED	17 November 2009

12.5. COMMUNITY SERVICES

12.5.1 REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM 2009/201 ALLOCATION(8940)(8941)(8942)(8943)

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Megan Alchin, Acting Executive Manager Community Services
REPORTING OFFICER:	Megan Alchin, Acting Executive Manager Community Services
FILE NO:	66.08.09
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider how to allocate and use a \$209,000 grant from the Australian Government's Regional and Local Community Infrastructure Program.

BACKGROUND

Councillors were advised that an allocation of \$209,000 is available for 2009/10 under the Australian Government's Regional and Local Community Infrastructure Program. Councillors and staff were requested to nominate suitable projects based on funding guidelines provided by the Department.

Through the recent budget review, adopted at the September Council meeting, \$45,000 was allocated to Town Entry Statements Kununurra. There is a remaining \$164,000 to be allocated to eligible projects, subject to departmental approval.

STATUTORY IMPLICATIONS

There are no strategic implications associated with this report.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

FINANCIAL IMPLICATIONS

The \$209,000 is the second round of funding from the Federal Government for this program. The Budget was amended in September to accommodate the additional funds.

At that time the only project identified was the entry statements for Kununurra and \$45,000 was allocated to that project. This report is to allocated the balance of funds, being \$164,000.

STRATEGIC IMPLICATIONS

Key Result Area 1: Sustainable asset management for infrastructure under the Shire's control

COMMUNITY CONSULTATION

No community consultation was undertaken in the preparation of this report.

COMMENT

There are a range of projects that Councillors and Shire staff have nominated to be considered when allocating funding:

1. "Tip Shop" - Kununurra Landfill Site: Construction of a concrete slab with steel framed and clad shed to allow for re-saleable items to be stored and sold. This supports re-use of discarded items and diversion of waste from landfill. *Estimated cost to construct structure is \$65,000.*
2. Completion of bollard fencing around playground and skate park at Wyndham Recreation precinct and inclusion of extended grassed area: Install chain between bollards to prevent children and young people running or riding onto the road from the skate park, proposed BMX track or playground areas thereby improving overall safety of the facilities. An additional area for grass turf to enable informal activity (e.g. kicking a ball) has been identified between the playground and proposed BMX track area. *Estimated cost is up to \$5,000.*
3. Celebrity Tree Park Power Upgrade: To support the request from Kununurra Markets Inc to conduct weekly dry season markets at Celebrity Tree Park rather than White Gum Park from 2010. Two power outlets with 6-7 15 amp power points each, to support markets activity as well as other community uses at Celebrity Tree Park e.g. small events, wedding ceremonies, etc. *Estimated cost is up to \$40,000.*
4. Common Use Facilities for Commercial Boat Harbour: Construction and installation of fuel dump, waste dump, boat ramp, hard stand areas, self lock storage areas, etc. *Estimated cost for these types of facilities could be as high as \$300,000.*
5. Multipurpose Court Toilet facilities: Due to one functioning toilet on site and high use of Youth Centre/Oval Change rooms toilet facilities with increasing patronage at Youth Centre, installation of 2 unisex toilets into existing head works on site, for shared user usage at Multipurpose Courts. *Based on costs associated with recent toilet facilities installed at Celebrity Tree Park/Boat Ramp area, estimated cost of up to \$60,000*
6. Camper Facilities: Original request for 'dump point' into Kununurra town sewerage system for travelling campers not required according to subsequent discussions with the RV Association. An alternative request from this group is now for low cost/nature based camp area/s. This type of facility has not been costed at this time as sufficient consideration of types and sites and associated management issues of such a facility has not occurred. Initial discussions associated with the Kununurra Recreation Master Plan process have identified potential interest in low level camping facilities from a number of recreation facility groups (e.g. Motocross Club). Therefore, it is anticipated

that this matter may be further addressed through the Recreation Master Plan process.

7. Wyndham Pool Water Feature: identified at the Council Briefing Session on 3 November 2009, Councillors indicated that a 'usable' structure be constructed in conjunction for Percent for Art funds expended at the Wyndham Pool. Water features range in price and will be dependent on total funding available. *Recommended allocation is \$54,000.*

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER'S RECOMMENDATION

That Council provide the Department of Infrastructure, Transport, Regional Development and Local Government with advice that the following projects are submitted for funding under the Regional and Local Community Infrastructure Program 2009/10:

1. Town Entry Statements: \$45,000
2. "Tip Shop" at Kununurra Landfill Site: \$65,000
3. Completion of bollard fencing around playground and skate park at Wyndham Recreation precinct and inclusion of extended grassed area: \$5,000
4. Celebrity Tree Park Power Upgrade: \$40,000
5. Wyndham Pool Water Feature: \$54,000

COUNCIL DECISION

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

That Council provide the Department of Infrastructure, Transport, Regional Development and Local Government with advice that the following projects are submitted for funding under the Regional and Local Community Infrastructure Program 2009/10:

1. *Town Entry Statements: \$45,000*
2. *'Tip Shop' at Kununurra Landfill Site: \$65,000*
3. *Completion of bollard fencing around playground and skate park at Wyndham Recreation precinct and inclusion of extended grassed area: \$5,000*
4. *Celebrity Tree Park Power Upgrade: \$40,000*
5. *Wyndham Pool Water Feature: \$54,000*

LAPSED

*Moved:Cr K Wright
Seconded:*

That Council fund Item 1,2, 4 and 5 being Multipurpose court toilet facility.

AMENDMENT MOVED

Amendment lapsed for want of a seconder.

Minute No: 8940

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

That the motion be put.

CARRIED: (4/3)

Cr D Ausburn withdrew her support of the motion on the table and foreshadowed a new motion to fund 1,2,3,4 and point 5 being Multipurpose Court toilet facilities at a budget of \$54,000.

Cr J Parker left the meeting at 7.49pm.

Minute No: 8941

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

Standing Order 7.5 was suspended at 7.49pm

CARRIED UNANIMOUSLY: (6/0)

Cr J Parker returned to the meeting at 7.51pm.

Minute No: 8942

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

Standing Order 7.5 resumed at 7.52pm

CARRIED UNANIMOUSLY: (7/0)

Minute No: 8943

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

That Council provide the Department of Infrastructure, Transport, Regional Development and Local Government with advice that the following projects are submitted for funding under the Regional and Local Community Infrastructure Program 2009/10:

- 1. Town Entry Statements: \$45,000**
- 2. "Tip Shop" at Kununurra Landfill Site: \$65,000**
- 3. Completion of bollard fencing around playground and skate park at Wyndham Recreation precinct and inclusion of extended grassed area: \$5,000**
- 4. Celebrity Tree Park Power Upgrade: \$40,000**
- 5. Wyndham Pool Water Feature: \$54,000.**

CARRIED: (4/3)

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

12.5.2 REVIEW OF POLICY CMS2 - ANNUAL GRANTS SCHEME(8944)

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Megan Alchin, Acting Executive Manager Community Services
REPORTING OFFICER:	Megan Alchin, Acting Executive Manager Community Services
FILE NO:	36.19.02
ASSESSMENT NO:	N/A

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

There are statutory implications associated with this report.

POLICY IMPLICATIONS

This report proposes amendments to Policy CMS 2 – Annual Grants Scheme

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this report.

STRATEGIC IMPLICATIONS

There are no strategic implications associated with this report.

COMMUNITY CONSULTATION

No community consultation was undertaken in the preparation of this report.

COMMENT

The proposed change to the current Policy CMS 2 – Annual Grants Scheme, 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 referred to a Briefing Session and then presented to an Ordinary Council Meeting.

The approved funding is then available to successful grant recipients after 1 July.

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 is 30 September.

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 as Attachment 1 to this item.

COUNCIL DECISION

Minute No. 8944

Moved:Cr K Wright

Seconded:Cr R Addis

That Council adopt the proposed amended Policy CMS 2 - Annual Grants Scheme as shown as Attachment 1 to this item.

CARRIED UNANIMOUSLY: (7/0)

ATTACHMENT: 1

POLICY No:	CMS 2
DIVISION	Community Services
SUBJECT:	Annual Grants Scheme
REPORTING OFFICER:	Executive Manager Community Services
ENABLING LEGISLATION:	Local Government Act 1995 Section 6.2

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 referred to a Briefing Session and then 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).

ADOPTED: 17 June 2008

12.5.3 ANNUAL GRANTS 2009, ROUND 2(8945)

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Megan Alchin, Acting Executive Manager Community Services
REPORTING OFFICER:	Megan Alchin, Acting Executive Manager Community Services
FILE NO:	36.19.02
ASSESSMENT NO:	N/A

Cr J Parker and Cr J McCoy left the meeting at 8.04pm due to a declared Financial Interest.

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

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

Policy CMS 2 – Annual Grants Scheme applies.

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. The Panel's recommended funding allocations total \$61,440.

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

Community groups are invited to submit grant applications twice yearly.

There has been no community consultation in the preparation of the recommended funding allocations.

COMMENT

A total of 10 applications were received for Round 2 of the Annual Grants Scheme, with requests totalling \$127,840. A summary of each of these applications with grant panel comments is provided below:

Applicant	Purpose	Funds Requested	Other Contributions	Grant Panel Comments
Australia's North West Tourism	Contribution for East Kimberley Marketing Campaign (Re-submitted)	\$25,000	Organisation: \$25,000 Grant: \$50,000	<ul style="list-style-type: none"> - Funding given to Visitors Centre in Round 1 for marketing. - Lack of evidence provided that funding in previous years has resulted in an increase in visitors to the area. - Lack of contribution by KCCI.
Joorook Nargani Aboriginal Corporation	WELA Bus Service	\$4,440	Lotterywest: \$48,040 Colemen Brothers: \$4,560 Argyle Diamonds Pty Ltd: \$4,440	<p><i>Note: Cr Parker left the room for discussions</i></p> <ul style="list-style-type: none"> - May increase attendance which is beneficial for child development and school readiness. - Large contributions by other sources included Lotterywest to purchase bus.
St James Anglican Church on behalf of Kununurra Playgroup	Playground Expansion	\$15,000	Organisation: \$6,800 Other Sponsorship: \$15,600	<ul style="list-style-type: none"> - Recognised as necessity for outdoor play - Playgroup has strong benefits for child development - Concerns re have not seen written agreement between church and playgroup, although have been operating as such for a number of years.

Applicant	Purpose	Funds Requested	Other Contributions	Grant Panel Comments
Argyle Diamonds Ord Valley Muster	Argyle Diamonds Ord Valley Muster	\$25,000 cash \$7,000 in-kind	Organisation: \$305,573 Eventscorp: \$40,000 Fosters: \$28,000 Sponsorship: \$318,000	<ul style="list-style-type: none"> - Great community event that promotes and area and attracts visitors - Panel will recommend decreasing funding by \$5,000 each year to encourage sustainability
Wyndham Community Club Inc	Facility Upgrade Projects	\$17,400	Organisation: \$13,000 FaHCSIA: \$4,800	<ul style="list-style-type: none"> - \$7,000 not eligible as project is already in progress - Remainder considered core business and should be budgeted expenditure.
Gelganyem Trust	2010 Barramundi Concert	\$5,000	Organisation: \$4,124 Other grants: \$35,500 Argyle Diamonds: \$20,000 Sponsorship: \$22,958	<ul style="list-style-type: none"> - Great event that is affordable for community and visitors to attend and is an annual event that is appealing for the indigenous community. - Includes workshops that develops community members
Kununurra Motocross Club	First Aid Post	\$7,000	Organisation: \$3,620 Maglion: \$8,100	<ul style="list-style-type: none"> - Project identified through Club's Strategic Plan - Has large community support and future plans will create economic development by attracting competitors outside of the Shire.
Kununurra Visitors Centre	Media Famils – Racing The Planet 2010	\$10,000	Organisation: \$5,000 Sponsorship: \$5,000	Grant considered ineligible as funding conditions state that only one Annual Grant can be received in a financial year. \$25,000 was received in Round 1 for marketing.
Kimberley Wildlife Rescue Inc	Annual KWR Inc Consumables	\$10,000	Organisation: \$112,000 Sponsorship: \$10,000 Donations: \$8,000	<ul style="list-style-type: none"> - Supported by large number of community groups and businesses - Provides educational, social and environmental benefits.
WA Police Legacy	Gibb River Road Mountain Bike Challenge	\$2,000	Government Funding: \$17,500 Sponsorship: \$12,000 Participants & Merchandise: \$120,250	<ul style="list-style-type: none"> - Fundraiser that benefits wider community - Widespread promotion of event creates promotion of the East Kimberley

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

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

1. That Council allocate \$20,000 cash and \$5,000 in-kind to Argyle Diamonds Ord Valley Muster for Round 2 of the Annual Grants Scheme.
2. That Council allocate \$0 to Australia's North West Tourism for Round 2 of the Annual Grants Scheme.
3. That Council allocate \$5,000 to Gelganyem Trust for Round 2 of the Annual Grants Scheme.
4. That Council allocate \$4,400 to Joorook Nargani Aboriginal Corporation for Round 2 of the Annual Grants Scheme.
5. That Council allocate \$10,000 to Kimberley Wildlife Rescue Inc for Round 2 of the Annual Grants Scheme.
6. That Council allocate \$7,000 to Kununurra Motocross Club for Round 2 of the Annual Grants Scheme.
7. That Council allocate \$0 to Kununurra Visitors Centre for Round 2 of the Annual Grants Scheme.
8. That Council allocate \$8,000 to St James Anglican Church on behalf of Kununurra Playgroup for Round 2 of the Annual Grants Scheme.
9. That Council allocate \$2,000 to WA Police Legacy Inc for Round 2 of the Annual Grants Scheme.
10. That Council allocate \$0 to Wyndham Community Club for Round 2 of the Annual Grants Scheme.

COUNCIL DECISION

Minute No. 8945

Moved:Cr D Ausburn

Seconded:Cr J Moulden

1. ***That Council allocate \$20,000 cash and \$5,000 in-kind to ArgyleDiamonds Ord Valley Muster for Round 2 of the Annual Grants Scheme.***
2. ***That Council allocate \$0 to Australia's North West Tourism for Round 2 of the Annual Grants Scheme.***
3. ***That Council allocate \$5,000 to Gelganyem Trust for Round 2 of the Annual Grants Scheme.***
4. ***That Council allocate \$4,400 to Joorook Nargani Aboriginal Corporation for Round 2 of the Annual Grants Scheme.***
5. ***That Council allocate \$10,000 to Kimberley Wildlife Rescue Inc for Round 2 of the Annual Grants Scheme.***
6. ***That Council allocate \$7,000 to Kununurra Motocross Club for Round 2 of the Annual Grants Scheme.***
7. ***That Council allocate \$0 to Kununurra Visitors Centre for Round 2 of the Annual Grants Scheme.***
8. ***That Council allocate \$8,000 to St James Anglican Church on behalf of Kununurra Playgroup for Round 2 of the Annual Grants Scheme.***
9. ***That Council allocate \$2,000 to WA Police Legacy Inc for Round 2 of the Annual Grants Scheme.***
10. ***That Council allocate \$0 to Wyndham Community Club for Round 2 of the Annual Grants Scheme.***

CARRIED: (3/2)

For: Cr J Moulden, Cr R Addis, Cr J Parker

Against: Cr F Mills and Cr K Wright.

Cr J Parker and Cr J McCoy returned to the meeting at 8.05pm and were advised of the outcome.

12.5.4 WYNDHAM CHILD CARE CENTRE FEE REVIEW (8946)

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Wyndham
AUTHOR:	Megan Alchin, Acting Executive Manager Community Services
REPORTING OFFICER:	Megan Alchin, Acting Executive Manager Community Services
FILE NO:	31.14.03
ASSESSMENT NO:	N/A

PURPOSE

To consider a change in fee structure at the Wyndham Child Care Centre.

BACKGROUND

At Council's Audit Committee Meeting 20 July 2009, it was requested that a review be conducted of the Wyndham Child Care Centre. A report was provided and a presentation made at a Briefing Session where a committee were formed to further review the current service.

As part of this review, the fee structure of the Centre was examined and compared to the Kununurra Child Care Centre fee structure. It was expressed that Wyndham fees should be in line with Kununurra fees and therefore an alternative fee structure has been provided.

STATUTORY IMPLICATIONS

Local Government Act 1995, 6.16 Imposition of fees and charges: Council set the fees and charges for the Wyndham Child Care Centre as a component of the 2009/10 budget process. If Council wishes to alter from those established in the budget process, an absolute majority decision of Council is required.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

FINANCIAL IMPLICATIONS

A change in adopted fees and charges will result in a change in the fee for service at the Wyndham Child Care Centre for the majority of users.

Due to the low usage of the Centre the additional funds is expected to yield any significant reduction in the net operating loss.

STRATEGIC IMPLICATIONS

Key Result Area 2: Quality child care facilities and services

COMMUNITY CONSULTATION

The proposed change in fees will be advertised in accordance with the provisions of the Local Government Act and Regulations as any Fees or Charges set by Council outside of the adoption of the Annual Budget must be advertised for a period of 21 days.

COMMENT

Fees and charges for the Wyndham Child Care Centre are adopted annually with budget adoption, however as the Centre is required to change their fees in line with a calendar year, fees from 1 January 2010 are also shown in the table below.

The fee structure (ex GST) for the Centre is as follows:

	<u>2009</u>	<u>2010</u>
Full week	\$230	\$240
Full Day (greater than 4.5 hours)	\$55	\$58
Half Day (up to 4.5 hours)	\$37	\$38
Hourly rate	\$8	\$8.50

The fees for the Kununurra Child Care Centre are also provided as a comparison. It is important to note however that the Kununurra Centre is open until 5.15pm as opposed to 4.30pm in Wyndham, and employs a cook and lunch is provided for all children whereas in Wyndham lunch must be provided by the parents. A half day is any time (whether entire period or portion) before 12.30pm or after 12.30pm.

	<u>Full Day</u>	<u>½ Day</u>
Babies	\$70	n/a
Toddies	\$67	\$45
Big Kids	\$63	\$42
Vacation care	\$63	\$42
Building Levy: \$5.20 per family		

In order to bring the fee structure closer in line with fees and charges in Kununurra, a new fee system is suggested which includes introducing a scaled rate based on age, and the exclusion of the hourly rate.

Rather than have a time limit on a half day, it will be any amount of care between 7.30am – 12pm or 12pm – 4.30pm, as midday is the central point of opening hours. Allowing for half days for all users provides greater flexibility for parents and carers.

The proposed new fee structure in Wyndham is provided below:

	<u>½ Day</u>	<u>Full Day</u>	<u>Weekly</u>
Babies (0-2yrs)	\$41	\$61	\$255
Toddies (2-3yrs)	\$38	\$58	\$240
Big Kids (3+ yrs)	\$36	\$56	\$230

ATTACHMENTS

Nil

VOTING REQUIREMENT

Absolute majority

OFFICER'S RECOMMENDATION

That Council amend fees and charges payable at the Wyndham Child Care Centre applicable from 1 January 2010 and be advertised accordingly, to be as follows:

Age Group	<u>½ Day</u>	<u>Full Day</u>	<u>Weekly</u>
Babies (0-2yrs)	\$41	\$61	\$255
Toddies (2-3yrs)	\$38	\$58	\$240
Big Kids (3+ yrs)	\$36	\$56	\$230

COUNCIL DECISION

Minute No. 8946

Moved:Cr K Wright

Seconded:Cr D Ausburn

That Council amend fees and charges payable at the Wyndham Child Care Centre applicable from 1 January 2010 and be advertised accordingly, to be as follows:

Age Group	<u>½ Day</u>	<u>Full Day</u>	<u>Weekly</u>
Babies (0-2yrs)	\$41	\$61	\$255
Toddies (2-3yrs)	\$38	\$58	\$240
Big Kids (3+ yrs)	\$36	\$56	\$230

CARRIED UNANIMOUSLY: (7/0)

12.5.5 EXTENSION OF FAMILY DAY CARE INCENTIVE PACKAGE (8947)

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Kununurra
AUTHOR:	Megan Alchin, Acting Executive Manager Community Services
REPORTING OFFICER:	Megan Alchin, Acting Executive Manager Community Services
FILE NO:	31.03.05
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider extending the Family Day Care Incentive Package currently offered in Kununurra.

BACKGROUND

At its Ordinary Council Meeting 17 November 2008, Council resolved:

That Council offer to partner with the business community through the Kununurra Chamber of Commerce and Industry to promote the increase of Family Day operators in Kununurra to assist in meeting the growing child care need by offering a \$2,500 subsidy for up to five new Family Day Care operators to commence in Kununurra.

On the following conditions:

- 1. That the offer expire 20th December 2009.*
- 2. That the offer be matched by the KCCI other businesses or persons.*
- 3. That any new Family Day Centre accepting the offer, accept a written agreement that 50% of the total subsidy will be repaid if the Centre closes within 2 years.*
- 4. That Department of Community coordinate the offer and process.*
- 5. That Council Planning and or Building Fees be waived for the proposed five new Family Care operators.*

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report as the anticipated expenditure is included in 2009/2010 adopted budget.

STRATEGIC IMPLICATIONS

Key Result Area 2: Quality child care facilities and services

COMMUNITY CONSULTATION

The adopted model was developed with input from the Ewin Centre Committee, State Government and some businesses. The Kununurra Chamber of Commerce has provided an email response on 11 November 2008 stating that; "The KCCI supports any efforts to increase child care capacity, and will participate wherever we are able."

COMMENT

Since the Incentive Package was offered by Council, a number of interested individuals have contacted both Shire officers and the Department for Communities for further information on running a Family Day Care business.

To date, there have been no new Family Day Cares established in Kununurra, however there remain individuals who are investigating the opportunity of becoming a new operator and may be eligible for the package in the near future.

As the closing date of 20 December 2009 is rapidly approaching, it is recommended that this offer be extended until the end of financial year, 30 June 2010.

Although the waiting list for child care in Kununurra is currently lower than figures provided at the beginning of this Incentive Package, there remains a waiting list that has the potential to continue growing.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER'S RECOMMENDATION

The Council extend the closing date for the submission period from 20 December 2009 to 30 June 2010 for the Family Day Care Incentive Package on the basis that it is expected to increase the opportunity of applications for the subsidy of \$2,500 for up to five new Family Day Care operators to commence in Kununurra.

COUNCIL DECISION

Minute No. 8947

Moved:Cr J Parker

Seconded:Cr J Mccoy

The Council extend the closing date for the submission period from 20 December 2009 to 30 June 2010 for the Family Day Care Incentive Package on the basis that it is expected to increase the opportunity of applications for the subsidy of \$2,500 for up to five new Family Day Care operators to commence in Kununurra.

CARRIED UNANIMOUSLY: (7/0)

12.6. CHIEF EXECUTIVE OFFICER

12.6.1 USE OF COMMON SEAL(8948)

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Fiona Kuiper, Executive Support Officer
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering and Regulatory Services
FILE NO:	60.14.02
ASSESSMENT NO:	N/A

PURPOSE

For Council to receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from the period 21 October to 5 November 2009.

BACKGROUND

Information is presented to inform Council on those documents to which the Shire Common Seal has been applied. In the time period specified above, the following documents have had the Shire of Wyndham East Kimberley Common Seal applied:

Date of Use	Document	Officer
14/10/09	Occupation Licence 00047-2008_1_132 SWEK and MG	Alex Douglas
03/11/09	Service Agreement East Kimberley Youth Service for Young People at Risk	Megan Alchin

STATUTORY IMPLICATIONS

Local Government Act 1995

Council's Standing Order Local Law makes reference to the application of the Common Seal.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

COMMENT

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

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That Council receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from 21 October to 5 November 2009.

COUNCIL DECISION

Minute No. 8948

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

That Council receive the report on the application of the Shire of Wyndham East Kimberley Common Seal from 21 October to 5 November 2009.

CARRIED UNANIMOUSLY: (7/0)

12.6.2 DELEGATED AUTHORITY REPORT (8949)

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Fiona Kuiper, Executive Support Officer
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering and Regulatory Services
FILE NO:	60.14.02
ASSESSMENT NO:	N/A

PURPOSE

To report to Council on the use of Delegated Authority by Officers for the period 1 August 2009 to 31 August 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

There is no specific policy relevant to this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

STRATEGIC IMPLICATIONS

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

COMMUNITY CONSULTATION

Community consultation was not required in the preparation of this report.

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 August 2009 to 31 August 2009.

COUNCIL DECISION

Minute No. 8949

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

That Council receive the Delegated Authority Report for the period 1 August 2009 to 31 August 2009.

CARRIED UNANIMOUSLY: (7/0)

Attachment: Delegated Authority Report

BUILDING LICENCES ISSUED UNDER DELEGATED AUTHORITY – 1 – 31 October 2009

LIC#	DATE RECEIVED	DATE LICENCED	OWNER	BUILDER	LOCATION	DESCRIPTION	NEW/ADD	EST. VALUE	COMMENT / PROCESSING TIME – WORKING DAYS
160/2009	23/09/2009	30/09/2009	Terrantory	Maglion Enterprises	Lot 257 Whitewood Rd	Class 1a dwelling with attached Vdh/ carport.	New	\$359,096.00	
161/2009	1/10/2009	5/10/2009	Shire of Wyndham - East Kimberley	Ewin Centre Family Day Care	Lot 77 Coolibah Drive Kununurra	Class 10A Non-habitable shed	New	\$7,000.00	2/15 days
162/2009	1/10/2009	5/10/2009	Green Country Holdings Pty Ltd	Green Country Holdings Pty Ltd	Lot 102 Bullrun Road Kununurra	Class 10A - Verandah & deck addition to existing dwelling	Add	\$45,000.00	2/15 days
163/2009	1/10/2009	5/10/2009	A Dietrich	Ord Tropical Pools & Spas	Lot 2 (631F) Crossing Falls Road Kununurra	Class 10B - swimming pool	New	\$24,000.00	2/15 days
164/2009	29/07/2009	5/10/2009	A & K Roxburgh	Maglion Enterprises	Lot 105 Bullrun Road Kununurra	Class 1A - additions to existing dwelling	Add	\$164,400.00	47/15 days - PA required & insufficient information supplied by builder

165/ 2009	14/08/2009	8/10/2009	Kitmyth Pty Ltd	Kitmyth Pty Ltd	Lot 910 Koolinda St	Class 6 internal alterations	New	\$7,000.00	38/15 days - PA required & insufficient information supplied by builder
166/ 2009	8/10/2009	9/10/2009	Lake Argyle Pty Ltd	Lake Argyle Pty Ltd	Lot 3001 Lake Argyle Road Lake Argyle	Class 10A - Non habitable pump room, ablution & first aid post	New	\$36,000.00	1/15 days (PA approved prior)
167/ 2009	6/09/2009	9/10/2009	S Petty	Top end building Pty Ltd	Lot 2474 Celtis St	Class 1a additions	Add	\$7,000.00	2-15days
168/ 2009	26/08/2009	30/10/2009	O & A Freeth	O & A Freeth	Lot 1902 Sandlewood	Class 10A Non habitable generator shed	New	\$12,000.00	Planning required 46/15
169/ 2009	14/09/2009	13/10/2009	Geoffrey Cleeman	Gary Holben	Lot 219 (23) GhostGum Street Kununurra	Class 1A Single Dwelling	New	\$430,000.00	22/15 days
170/ 2009	6/10/2009	20/10/2009	Colin Wilkinson Investmen ts	Colin Wilkinson Developme nts Pty Ltd	Lot 213 (11) GhostGum Street Kununurra	Class 1A Single Dwelling	New	\$370,000.00	10/15 days
171/ 2009	9/10/2009	14/10/2009	Terry Howe	Terry Howe	Lot 301 (10) Cypas Close Kununurra	Class 10A shed & Class 10B fence	New	\$15,000.00	3/15 days
172/ 2009	12/10/2009	15/10/2009	Airservice s Australia	Archer Builders Pty Ltd	Reserve **** Doongan Loc 9 Gibb River - Kalumburu Road	Class 10A Non habitable generator shed	New	\$65,000.00	2/15 days

173/ 2009	17/09/2009	19/10/2009	Richard Hewitt	Richard Hewitt	Lot 2222 Weaber Plain Road Kununurra	Relocated Class 1A dwelling	New	\$35,000.00	21/15 days
175/ 2009	16/10/2009	21/10/2009	Gecko Property Developments	Colin Wilkinson Developments Pty Ltd	Lot 251 Gardenia Drive Kununurra	Class 1A Group Dwellings (5 units)	New	\$1,505,948.00	3/15 days
176/ 2009	1/09/2009	20/10/2009	Mark Coventry & Susan Green	Mark Coventry & Susan Green	Lot 1630 (22) Dryandra Road Kununurra	Class 10A - Non-habitable garage & carport with 1.0 metre reduced setback from property boundary	New	\$20,000.00	34/15 days - Planning approval required - delay in obtaining neighbours comments.
177/ 2009	24/08/2009	21/10/2009	Craig & Jemma Ninness	Gweed's Total Carpentry Service	Lot 689 (62) Riverfig Avenue Kununurra	Class 10A - Non-habitable garage	New	\$15,800.00	42/15 days - Planning approval required - insufficient information submitted by builder
178/ 2009	22/10/2009	22/10/2009	Brian & Angela Lovelock	Ord Tropical Pools & Spas	Lot 104 Bull Run Road Kununurra	Class 10B Pool & Shade Sail	New	\$26,500.00	1/15 days
179/ 2009	22/10/2009	23/10/2009	Reg Properties Pty Ltd & Colin	Colin Wilkinson Developments Pty Ltd	Lot 1039 (7) Greybox Crescent Kununurra	Class 1A Group Dwellings (6 units)	New	\$1,831,520.00	1/15 days

			Wilkinson Investments Pty Ltd & Rave Bay Holdings Pty Ltd						
181/2009	29/10/2009	30/10/2009	V McKeen & M Vickers	Kununurra Pools & Spas	Lot 1219 (22) Beefwood Street Kununurra	Class 10B - Swimming Pool	New	\$30,000.00	1/15 days
								\$5,006,264.00	

THERE WERE NO SIGN LICENCES ISSUED UNDER DELEGATED AUTHORITY – 1 – 31 October 2009

DEMOLITION LICENCES ISSUED UNDER DELEGATED AUTHORITY – 1 – 31 October 2009

Licence Number	Date	Assess No	Property Address	Premises	Owner	Builder/ Contractor	Contact Details	Comments (Asbestos)
019/2009	9/10/2009	1342	Lot 758 (2) Calytrix Avenue Kununurra	Class 1A dwelling	Eljay Investment Holdings Pty Ltd as trustee for the McLaughlin Family Trust	Calsen Pty Ltd t/a West Coast Plant & Equipment	PO Box 1095 Broome WA	Timber frame - asbestos clad

Planning Approvals Issued Under Delegated Authority 1 October to 31 October 2009

Application / Delegation Number	Approval Type	Date Received	Applicant	Owner	Property Address	Proposed Development	Assess't Number	Approval Date	Comment
84/09	P	27-Aug-09	Owen and Amy Freeth	Owen and Amy Freeth	Lot 1902 Sandlemwood Street	Shed	1498	12-Oct-09	Approved by Ian D'Arcy
83/09	P	21-Aug-09	Jemma Ninness	Jemma Ninness	Lot 689 Riverfig Avenue	Shed - Car storage	1296	20-Oct-09	Approved by Ian D'Arcy
85/09	P	31-Aug-09	Mark Coventry & Susan Green	Mark Coventry & Susan Green	Lot 1630 Dryandra Road	Shed - personal storage	1463	20-Oct-09	Approved by Ian D'Arcy
97/09	P	24-Sep-09	Ingle Pty Ltd	Ingle Pty Ltd	Lot 2263 Casuarina Way, Kununurra	Pool, caravan park extension and boat ramp	1736	20-Oct-09	Approved POOL ONLY by Ian D'Arcy
98/09	HOCC	25-Sep-09	Shannon Tuohey	Shannon Tuohey	Lot 11 Koolpam Court, Kununurra	Beauty therapy (massage, waxing and facial treatments)	6889	22-Oct-09	Approved by Ian D'Arcy and Kelly Cripps
105/09	P	24-Sep-09	Prestige Sheepskin	Kitmyth Pty Ltd	T/A Hotel Kununurra	Traders permit of the sale of sheepskins in truck	7076	27-Oct-09	Approved by Jennifer Ninnette

12.6.3 COUNCIL MEETING DATES 2010 (8950)

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Fiona Kuiper, Executive Support Officer
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering and Regulatory Services
FILE NO:	60.14.02
ASSESSMENT NO:	N/A

PURPOSE

For Council to adopt Ordinary Council Meeting dates for 2010.

BACKGROUND

In 2003 Councillors indicated a preference for monthly meetings at a regular time (third Tuesday) and resolved at the August 2003 Council Meeting to change the meeting venue ratio from one Kununurra and one at another location to three Kununurra and one at another location.

Over the past three years, Council has adopted meeting dates which reflect the decision to hold Council Meetings on a venue ratio of three Kununurra and one at another location.

STATUTORY IMPLICATIONS

The following clauses of the Local Government Act 1995 are relevant to this matter:

- 5.3 (1) A Council is to hold Ordinary Meetings and may hold special meetings*
- 5.3 (2) Ordinary meetings are to be held not more than three months apart.*
- 5.5 (10) The CEO is to convene an ordinary meeting by giving each Council member at least 72 hours notice of the date, time and place of the meeting and an agenda for the meeting*

POLICY IMPLICATIONS

There are no policy implications relating to this report.

FINANCIAL IMPLICATIONS

Costs associated with operating Ordinary Council Meetings have been built into the adopted budget.

STRATEGIC IMPLICATIONS

Ordinary Council Meetings, as the forums in which strategic and financial decisions are considered, are relevant to Strategic Plan Key Result Area 5 Governance.

COMMUNITY CONSULTATION

Community consultation was not required in the preparation of this report.

COMMENT

The ability to provide prompt, informed decisions and customer service implications are the key issues that need to be considered by Council when setting meeting dates and venues. While the proposed spacing of meetings means that there could potentially be a six week wait to obtain a Council decision, this scenario has been lessened due to the additional delegated authority to Officers on more routine matters and urgent matters can be considered faster if deemed necessary via Special Meetings.

Ordinary Council Meetings are held on the third Tuesday of each month.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council set the following dates for Ordinary Council Meetings in 2010:

Council Meeting Dates 2010	
19 January	Kununurra
16 February	Kununurra
16 March	Wyndham
20 April	Kununurra
18 May	Kununurra
15 June	Wyndham
20 July	Kununurra
17 August	Kununurra
21 September	Kununurra
19 October	Wyndham
16 November	Kununurra
14 December	Kununurra

COUNCIL DECISION

Minute No:8950

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

That Council set the following dates for Ordinary Council Meetings in 2010:

Council Meeting Dates 2010	
19 January	Kununurra
16 February	Kununurra
16 March	Wyndham
20 April	Kununurra
18 May	Kununurra
15 June	Wyndham
20 July	Kununurra
17 August	Kununurra
21 September	Kununurra
19 October	Wyndham
16 November	Kununurra
14 December	Kununurra

CARRIED UNANIMOUSLY: (7/0)

12.6.4 COUNCILLOR SEATING ALLOCATIONS(8951)

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Alex Douglas, Executive Manager Engineering and Regulatory Services
REPORTING OFFICER:	Alex Douglas, Executive Manager Engineering and Regulatory Services
FILE NO:	60.14.02
ASSESSMENT NO:	N/A

PURPOSE

The purpose of this report is for Council to allocate the seating for elected members during formal meetings of Council.

BACKGROUND

At the Briefing Session held on 3 November 2009 the seating arrangements for elected members was discussed and it was agreed that the method of seat allocation would be presented to the 17 November Council Meeting.

STATUTORY IMPLICATIONS

Council's Standing Orders Local Law 2003 includes the following clauses:

6. PART 6 - CONDUCT OF PERSONS AT COUNCIL AND COMMITTEE MEETINGS

6.2 Members to Occupy Own Seats

At the first meeting held after each ordinary elections day, the CEO is to allot a position at the Council table to each Councillor and the Councillor is to occupy that position when present at meetings of the Council until such time as there is a call by a majority of Councillors for a re-allotment of positions.

POLICY IMPLICATIONS

There are no specific policies applicable to this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

STRATEGIC IMPLICATIONS

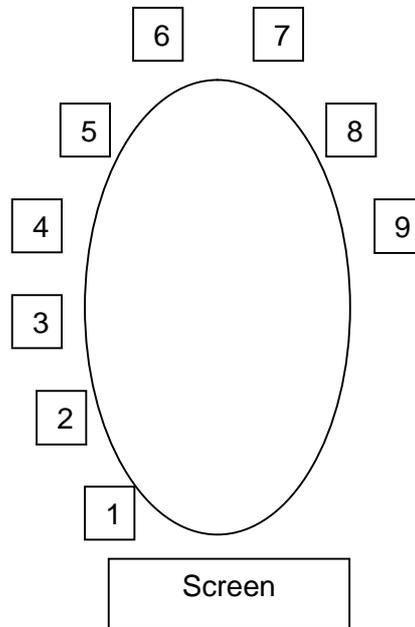
There are no specific strategic implications associated with this report.

COMMUNITY CONSULTATION

No community consultation was required or proposed.

COMMENT

The review of seating arrangements allows for the placement of recently elected members with longer standing members.



The suggested seating is as follows:

- 1 Shire President (Cr. Fred Mills)
- 2 Cr Jackie McCoy
- 3 Cr Di Ausburn
- 4 Cr Kenneth Torres
- 5 Cr. Keith Wright
- 6 Cr. Ralph Addis
- 7 Cr Jane Parker
- 8 Deputy Shire President (Cr. John Moulden)
- 9 Vacant (extraordinary election on 12 March 2009)

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That the seating arrangements as outlined in the report be implemented from the first meeting to be held following 17 November 2009.

COUNCIL DECISION

Minute No. 8951

Moved:Cr R Addis

Seconded:Cr J Parker

That the seating arrangements as outlined in the report be implemented from the first meeting to be held following 17 November 2009,with the amendment that Cr K Wright sits in seat number 9 so that the vacanct seat then be reserved for the incoming councillor after the election.

CARRIED UNANIMOUSLY: (7/0)

12.7. ELECTED MEMBER REPORTS

Cr K Wright

October/November 2009

22 October	Wyndham Day Care review committee
28 October	Meeting with Councillors, Alex Douglas, Ian D'Arcy, JoAnne Ellis and Shaun Mowbray, CEO mi Building Technology.
29 October	Wyndham public meeting Kimberley Metals Group
2 November	Dinner with Ken Baston, Jim Chow, Max Trenorden et al re water enquiry at request of President.
3 November	Meeting with members of water enquiry at request of President.

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

15. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

15.1 PROPOSED DEVELOPMENT LOT 100 RIVERFIG AVENUE, KUNUNURRA (8952)

DATE:	17 November 2009
PROPONENT:	Starcrest Holdings
LOCATION:	Lot 100 Riverfig Avenue, Kununurra
AUTHOR:	Jennifer Ninyette, Town Planning Officer
REPORTING OFFICER:	Ian D'arcy, Executive Manager Development Services
FILE NO:	01.5486.02
ASSESSMENT NO:	A5486

PURPOSE

For Council to consider an application for planning consent for a mixed use development on Lot 100 Riverfig Avenue, Kununurra.

BACKGROUND

Lot 100 was previously a public park which was converted to freehold in 2007 in accordance with the recommendations of the Shire Parks Plan 2004. The land was then sold to Ri-Con Constructions through a private tender process, to be developed to accommodate a mixed use development.

The property, which is yet to be developed, has recently been sold and subsequently, a development application has been submitted by the new owner.

The current proposal is for a mixed use development, comprising of seven (7) commercial offices and twelve (12) Grouped Dwellings to be constructed on Lot 100 Riverfig Avenue, was submitted on 2 November 2009 by Esam & Williams on behalf of the land owner. A copy of the proposed site plan is shown at Attachment 1.

The commercial office component of the development is proposed to utilise 1256m² of the site fronting Riverfig Avenue. This component of the proposal is for a single storey building to house seven office suites that will each be serviced by an internal unisex toilet and tea preparation station. The application reflects thirteen (13) car parking bays on site with six (6) diagonal parking bays within Council's road reserve.

A plan of the commercial office component is shown at Attachment 2, and an artist's impression of the façade is shown at Attachment 3.

The residential component will utilise the remaining 2105m² of Lot 100 with road frontage to Rosella Close. It is also the intention to amalgamate an additional 199m² parcel of land by closing portion of the Rosella Close road reserve, as initiated by the former landowner. This additional area is required to enable a yield of twelve (12) two storey townhouses units, without which, only eleven (11) dwellings is permissible.

Each townhouse will contain three bedrooms, along with two bathrooms and kitchen, dining, living and laundry facilities. A storage area and courtyard is also provided for each townhouse. Plans of the proposed residential component are shown at Attachment 4.

Additionally, each dwelling is provided with car parking space for two vehicles, all of which are proposed to be undercover (shade sails). Three visitor parking bays are provided, in accordance with Residential Design Codes requirements, however the location and dimensions of the proposed visitor bays are considered impractical.

This matter has been discussed with the developer, wherein it was recommended that it may be pertinent to reduce the proposed number of dwellings to enable the road reserve to be retained and utilised for visitor parking bays.

The proponent has advised that their first preference is to continue with the road closure and development of twelve (12) units on the basis of paying cash in lieu for the required visitor parking bays. Alternatively, should this arrangement not prove acceptable to the Council then they would consider reduction to eleven (11) residential units. A copy of the proponents email correspondence to this effect is shown at Attachment 5.

Therefore Council's consideration as to the provision of visitor parking is also sought in relation to this proposal.

SITE AND SURROUNDS

The subject site is located on the southern side of Riverfig Avenue, between the Messmate Way and Erythrina Street intersections. The property is irregular in shape with an area of 3361m² and has street frontages to both Riverfig Avenue and Rosella Close.

The lot, located opposite the Coles complex, currently remains vacant and adjoins the Kimberley Croc Lodge and a grouped dwelling residential development.

STRATEGIC IMPLICATIONS

As the development is located in the 'Town Centre' zone, it is considered appropriate to develop the northern section of the property for commercial offices as this effectively fronts the primary retail centre of town.

Conversely, the southern portion of the lot is clearly suited for residential purposes consistent with the surrounding residential uses in Rosella Close and River Fig Avenue.

This is assessed that both components are consistent with the objectives and development provisions of the Shire of Wyndham East Kimberley Local Planning Strategy.

STATUTORY IMPLICATIONS

Zoning Permissibility

The land is zoned 'Town Centre' under the Shire of Wyndham - East Kimberley Town Planning Scheme No.7 (Scheme), for which the use and development of offices and residential units are permitted in accordance with the use class tables under Part III of the Scheme.

More specifically Clause 5.10.4 of the Scheme states that group residential development within the 'Town Centre' zone may be permitted in accordance with the provisions and standards of the R50 density code outlined in the Residential Design Codes 2008. This is providing the development is in keeping with the surround land use. In this context the neighbouring developments to the west and south are already developed and used for grouped residential purposes.

The Residential Design Codes are a 5AA policy prepared and adopted under the Town Planning and Development Act. Clause 5.7 of the Town Planning Scheme adopts the codes. As they are adopted under the Scheme, the Codes take on the effect of Scheme provisions.

Car Parking Requirements

Part VIII of the Town Planning Scheme also outlines the car parking standards and provisions required for development within the Scheme area for commercial purposes, with the opportunity to make cash payment in lieu of the provision of all or any of the required number of car parking spaces at the Council's discretion. Parking standards for grouped residential purposes is also guided by the Residential Design Codes.

In any event the Scheme provides under Clause 8.4.2 that cash in lieu payment shall not be less than the estimated cost to the owner or developer of providing and constructing the parking spaces required by the Scheme, plus the value of the area of the land which would have been occupied by the parking spaces.

Accordingly, the Town Planning Scheme Table 2 – Development Standards prescribes for a commercial office development that one car parking bay is to be provided for every 40m² of Gross Floor Area or part thereof. Notwithstanding this requirement Clause 5.5 of the Town Planning affords the Council discretion to modify development standards in Table 2 should think fit.

The Residential Design Codes additionally specifies that each residential unit is to be supported by two under cover parking bays and an additional visitor bay for every 4 units.

On this basis the proposed office development is required to provide 13.6 car parking bays, 13 of which are shown to be provided on site. The application promotes an additional 6 angled bays be provided in the River Fig Avenue Road Reserve with an intent to make up the short fall of one parking bay off site. An alternative approach accepted by the proponent is the payment of cash in lieu for one car bay.

On assessment the Shire's Engineering Department does not support the angle parking due to minimum verge width and traffic movements, and has indicated a preference for parallel parking in the road reserve should Council support off street parking. Based on a recent valuation in Konkerberry Drive the cost of one car bay is estimated to be \$21,000 (land and construction costs). Should the Council accept parallel parking of three bays the construction costs are estimated to be \$24,000 with the land provided by the Shire.

Given the need for parking in this locality and the shortfall of one parking bay onsite it would be prudent for Council to accept the car parking to be provided in the road reserve to a minimum of 3 bays constructed at the developers cost and to the Shire's specifications.

In regard to the residential component, based on 12 residential units, there is requirement to provide 15 parking bays, which are all shown onsite. On assessment the unit bays are covered by shade sails while the visitor bays are randomly placed on the site. As shown on plan, both are considered impracticable and relatively un-workable from a planning perspective.

Specifically, the visitor bays have been discussed with the developer where it was recommended that the proposed number of dwellings be reduced from twelve to eleven. This will enable the road reserve to be retained and utilised for visitor parking bays in a safe and practical manner.

The proponent has advised that they would prefer to continue with the road closure to allow development of twelve units and pay cash in lieu for the required three visitor bays. If this is not acceptable consideration would be given to a reduction of the number of units only as a secondary option. A copy of the proponents email correspondence to this effect is shown at Attachment 5.

If Council is to allow closure and sale of the road reserve, and accept a cash in lieu payment for the three (3) required visitor bays, there is no reasonable location within the vicinity of the units to provide visitor parking.

On this basis it is recommended that Council not accept a cash in lieu payment in this instance, and instead request that the developer:

- Reduce the number of dwellings to eleven to allow visitor bays to be constructed within the road reserve; or
- Redesign the development to more appropriately locate visitor parking bays.

It is therefore recommended that the majority of the road reserve proposed to be closed (199m²) be retained, and consideration be given to a partial closure in order to allow the developer to construct the required visitor bays within this area – refer to Attachment 6.

This recommendation is based on a similar approach to a recent approval for a grouped dwelling development in Messmate Way.

Setbacks

Under the Residential Design Codes the setback to the rear and side boundary is determined subject to the height and length of the facing wall and where major openings (windows/doors) are located within these walls to address building bulk and privacy issues.

The setback of Units 1 – 6 from the western boundary is proposed to be 4.1 metres, however, as the wall is continuous length of greater than 30 metres the required setback is 6 metres. To address this it is recommended that the proponent revise the design to stagger the residences as per Units 7 – 12 on the opposite boundary.

However, the second storey bedroom windows (for all units) are to face the western and eastern boundary creating an over looking issue for neighbouring development. The privacy provisions of the Residential Design Codes require that such windows should be a minimum distance of 4.5 metres from the property boundary with alternatively screened through the installation of slatted or solid screening to non-compliant windows.

Bin Storage

It is also considered that the two proposed bin storage areas are of inadequate dimension to access the bins. However, in addressing the visitor parking arrangements there is an opportunity to rectify this issue and provide more room for bin enclosure area(s), which should be located near the access driveway and made available to waste collection services.

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

POLICY IMPLICATIONS

Council has a policy to address car parking provision for commercial developments, the objective of which is to ensure adequate and appropriate parking is provided for commercial development and that the rights and interests of adjoining and surrounding landholders are not compromised.

The policy states that cash in lieu payments in the absence of actual provision of car parking bays is to be based on the valuation of the land and cost of construction, and that the valuation component of land to be used for off-site parking is to be based on the unimproved site value of the land the subject of the development application.

It also states that cash in Lieu payments are not to be treated as an alternative to car parking if parking cannot reasonably be provided in a realistic vicinity of the development site, and in this circumstance development should not be given approval as it will have a deleterious impact on car parking availability to existing enterprise in the vicinity.

The Council has requested this policy be reviewed which is presently being undertaken by staff.

FINANCIAL IMPLICATIONS

The Application Fee of \$3,500 has been paid.

The cost of construction of the proposed parallel and visitor parking bays and footpath within Council's road reserve will be borne by the developer.

COMMUNITY CONSULTATION

Under Town Planning Scheme No. 7 – Kununurra and Environs, Office is a permitted ('P') use class and Grouped Dwellings is a discretionary ('AA') use class within the Town Centre zone neither of which are required to be advertised, unless a concession is sought by the proponent and supported by Council in relation to the Residential Design Codes standards.

ATTACHMENTS

- Attachment 1 – Site Plan
- Attachment 2 – Commercial (Office) Component Plan
- Attachment 3 – Artists Impression
- Attachment 4 – Residential Component Plan
- Attachment 5 – Email from Proponent
- Attachment 6 – Recommended Revisions to Proposed Development

CONCLUSION / COMMENT

It should be noted that:

- § The proposed commercial development component does not provide for rear access or loading areas, and the car parking ratio only applied to an 'office' use. In this regard the opportunity for retail uses cannot be entertained as the standards for a 'shop' or 'eating house' use is difference to that of an 'office' use.

- § Council has delegated the power to determine such applications to the Chief Executive, however as the proposal is seeking to provide parking with Council's road reserve and pay cash in lieu of provision of visitor parking, Council consideration is required.

With this in mind and based on the assessment outlined earlier in this report it is recommended that:

1. Planning consent be granted for the commercial office component subject to the proponent constructing three (3) parallel parking bays within the road reserve (as opposed to paying cash in lieu for one bay) and a footpath along the front boundary alignment to allow for pedestrian access to the Shire specifications.
2. Request that the developer revise the design and plans in accordance with Attachment 6 to address the issues raised in regards to setbacks, privacy, parking and bin storage to be submitted to the Shire for approval under delegated authority.
3. Grant in principle approval for the visitor car parking bays to be established within the Rosella Close road verge at the developer's costs and to the Shire specifications.
4. Proceed with a revised version of the road closure to facilitate the development of eleven residential units with the visitor parking provided in the road reserve.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

1. That Council grant planning consent for the development of Seven (7) Commercial Offices on Lot 100 Riverfig Avenue, Kununurra, subject to the following conditions:
 - (a) All development shall be in accordance with the attached approved plan(s) dated 17th November 2009 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
 - (b) The offices shall be used for office use only and shall not be used for retail or residential purposes without further application being lodged with the Shire.
 - (c) 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.

- (d) Roof downpipes must not openly discharge onto the ground or paved surface. All downpipes must discharge into a suitable piped stormwater drainage system.
- (e) During construction stage adjoining lots are not to be disturbed without the consent of the owner/s in writing;
- (f) All parking, driveway and access areas shall be constructed, sealed, drained and signed to the satisfaction of the local government.
- (g) Construction of a 1.5m wide footpath of 100mm thick unreinforced concrete along the Riverfig Avenue property alignment at the cost of the developer.
- (h) Provision of three (3) parallel parking bays within the Riverfig Avenue road reserve, to be constructed 150mm thick reinforced cast in situ concrete with kerbing and line marking at the cost of the developer. Plan(s) of this parking are to be submitted for approval with the building licence.
- (i) No site earthworks or development shall occur that will cause additional runoff of stormwater to adjacent properties.
- (j) All stormwater drainage shall be designed and constructed at the applicant's cost and in accordance with the requirements of Council and the current Australian Rainfall and Run-off Manual. Details on the proposed method of controlling the discharge are to comply with conditions [i] or [ii] as applicable. The preferred method for the subject site is to be determined in consultation with the Executive Manager of Engineering and Development Services prior to the submission of a building application.

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

A drainage contribution fee may be charged if the discharge into Council's drainage system necessitates upgrade of the system servicing the catchment area. The payment if required and the amount, is to be confirmed by the Applicant with the Executive

Manager of Engineering and Development Services prior to the submission of a building application.

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

2. That Council:

- (a) Request that the developer revise the design and plans for the residential component in accordance with Attachment 6 to address the issues raised in regards to setbacks, privacy, parking and bin storage to be submitted to the Shire for approval under delegated authority.
- (b) Grant in principle approval for the visitor car parking bays to be established within the Rosella Close road verge at the developer's costs and to the Shire specifications.
- (c) Proceed with a revised version of the road closure to facilitate the development of eleven residential units with the visitor parking provided in the road reserve.

COUNCIL DECISION

Minute No. 8952

Moved:Cr J Parker

Seconded:Cr D Ausburn

1. That Council grant planning consent for the development of seven (7) Commercial Offices on Lot 100 Riverfig Avenue, Kununurra, subject to the following conditions:

- (a) All development shall be in accordance with the attached approved plan(s) dated 17th November 2009 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.**

- (b) The offices shall be used for office use only and shall not be used for retail or residential purposes without further application being lodged with the Shire.**
 - (c) 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.**
 - (d) Roof downpipes must not openly discharge onto the ground or paved surface. All downpipes must discharge into a suitable piped stormwater drainage system.**
 - (e) During construction stage adjoining lots are not to be disturbed without the consent of the owner/s in writing;**
 - (f) All parking, driveway and access areas shall be constructed, sealed, drained and signed to the satisfaction of the local government.**
 - (g) Construction of a 1.5m wide footpath of 100mm thick unreinforced concrete along the Riverfig Avenue property alignment at the cost of the developer.**
 - (h) Provision of three (3) parallel parking bays within the Riverfig Avenue road reserve, to be constructed 150mm thick reinforced cast in situ concrete with kerbing and line marking at the cost of the developer. Plan(s) of this parking are to be submitted for approval with the building licence.**
 - (i) No site earthworks or development shall occur that will cause additional runoff of stormwater to adjacent properties.**
 - (j) All stormwater drainage shall be designed and constructed at the applicant's cost and in accordance with the requirements of Council and the current Australian Rainfall and Run-off Manual. Details on the proposed method of controlling the discharge are to comply with conditions [i] or [ii] as applicable. The preferred method for the subject site is to be determined in consultation with the Executive Manager of Engineering and Development Services prior to the submission of a building application.**
- [i] Stormwater run-off from roof and or other paved/impervious areas from the site shall be collected and discharged into Council's drainage system. Details on the proposed method of control and disposal of stormwater from the site, including**

access roads, parking areas and roofs are to be confirmed with the Executive Manager of Engineering and Development Services and submitted with the building application.

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

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

2. That Council:

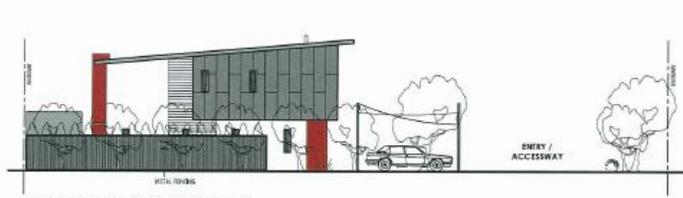
- (d) Request that the developer revise the design and plans for the residential component in accordance with Attachment 6 to address the issues raised in regards to setbacks, privacy, parking and bin storage to be submitted to the Shire for approval under delegated authority.
- (e) Grant in principle approval for the visitor car parking bays to be established within the Rosella Close road verge at the developer's costs and to the Shire specifications.
- (f) Proceed with a revised version of the road closure to facilitate the development of eleven residential units with the visitor parking provided in the road reserve.

CARRIED UNANIMOUSLY: (7/0)

Attachment 3



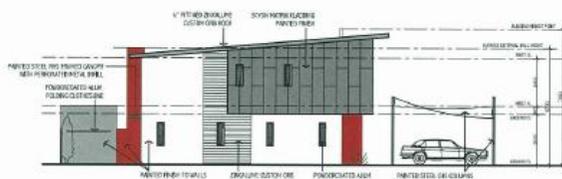
Attachment 4



ROSELLA CLOSE STREET ELEVATION
SCALE 1:100



RESIDENTIAL UNIT TYPICAL FRONT ELEVATION
SCALE 1:100



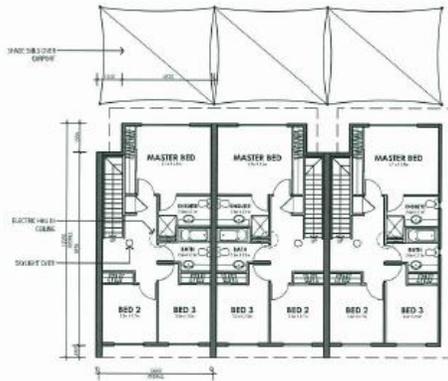
RESIDENTIAL UNIT TYPICAL SIDE ELEVATION
SCALE 1:100



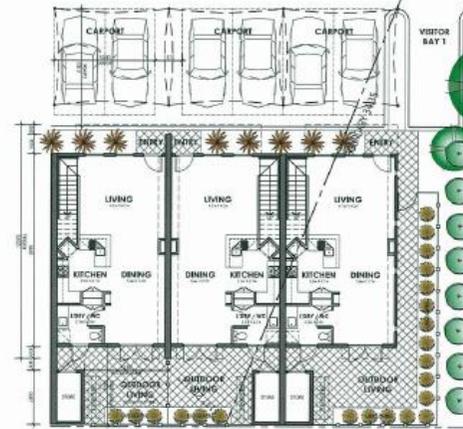
RESIDENTIAL UNIT TYPICAL REAR ELEVATION
SCALE 1:100

PLANNING INFORMATION

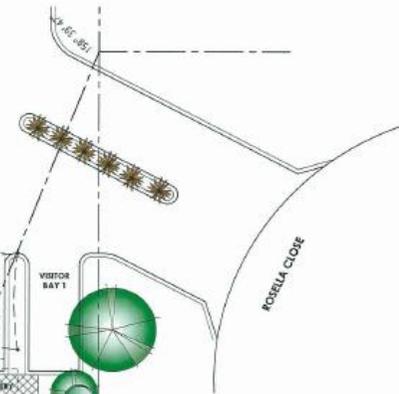
FORM	300M CLASS (RESIDENTIAL or R40)
LOT AREA (M ² LOT DIMENSION)	3562 SQM
RESIDENTIAL COMPONENT LOT AREA (R21 - RESIDUAL - 200M ² TYP) = 2120M ²	2184 SQM
RESIDENTIAL RESIDUAL RESIDUAL AREA (R21 - RES)	1416 SQM
RESIDENTIAL DEVELOPMENT COVER AREA (R21 - RES)	1532 SQM
RESIDENTIAL RESIDUAL RESIDUAL AREA (R21 - RES)	1416 SQM
RESIDENTIAL PARKING REQUIREMENT (2.5 CARPARKS)	2.5 CARPARKS
RESIDENTIAL PARKING PROVISION (2.5 CARPARKS)	2.5 CARPARKS
VEHICLE PARKING REQUIREMENT (1.0 CARPARKS)	1.0 CARPARKS
VEHICLE PARKING PROVISION (1.0 CARPARKS)	1.0 CARPARKS
TYPICAL UNIT INTERIOR FLOOR AREA	50 SQM
TYPICAL UNIT INTERIOR FLOOR AREA	50 SQM
TYPICAL UNIT TOTAL INTERIOR AREA	150 SQM
TYPICAL UNIT TOTAL INTERIOR AREA	150 SQM
TYPICAL UNIT GROSS FLOOR AREA (R21 - RES)	16.5 SQM



RESIDENTIAL UNIT TYPICAL FIRST FLOOR PLAN
SCALE 1:100



RESIDENTIAL UNIT TYPICAL GROUND FLOOR PLAN / SITE PLAN
SCALE 1:100



1	EXISTING DEVELOPMENT	10	EXISTING
2	EXISTING DEVELOPMENT - PROPOSED FOR REMOVAL	11	EXISTING
3	PROPOSED DEVELOPMENT	12	EXISTING
4	PROPOSED DEVELOPMENT - PROPOSED FOR REMOVAL	13	EXISTING

PROPOSED MIXED-USE DEVELOPMENT
16 (LOT 189) RIVERS PRG AVENUE
KUNMINURRA WA 6743

TYPICAL RESIDENTIAL UNITS PLANS & ELEVATIONS
STAR CREST HOLDINGS



OSAM + WILLIAMS
ARCHITECTS & ENGINEERS
100/101 STATION STREET, PERTH WA 6000
TEL: (08) 9447 1111
WWW.OSAMWILLIAMS.COM.AU

DATE	10/10/2019	BY	AT
PROJECT NO.	2019	PROJECT	DA02
DATE	OCT 2019	SCALE	C

Attachment 5

From: John Miller [JohnM@landdevelopment.com.au]
Sent: Tuesday, November 10, 2009 2:52 PM
To: Ian D'Arcy
Cc: Jennifer Ninyette
Subject: Shortfall of car bays
Ian,

With reference to the development application for Lot 100 River Fig Avenue our two options are as follows:

1. Our first option is to construct 12 units as per the submitted plans and apply for the road closure. The developer is willing to pay for parking inlieu.
2. Our second option is to reduce the number of units to 11 and construct the car bays for visitors within this area.

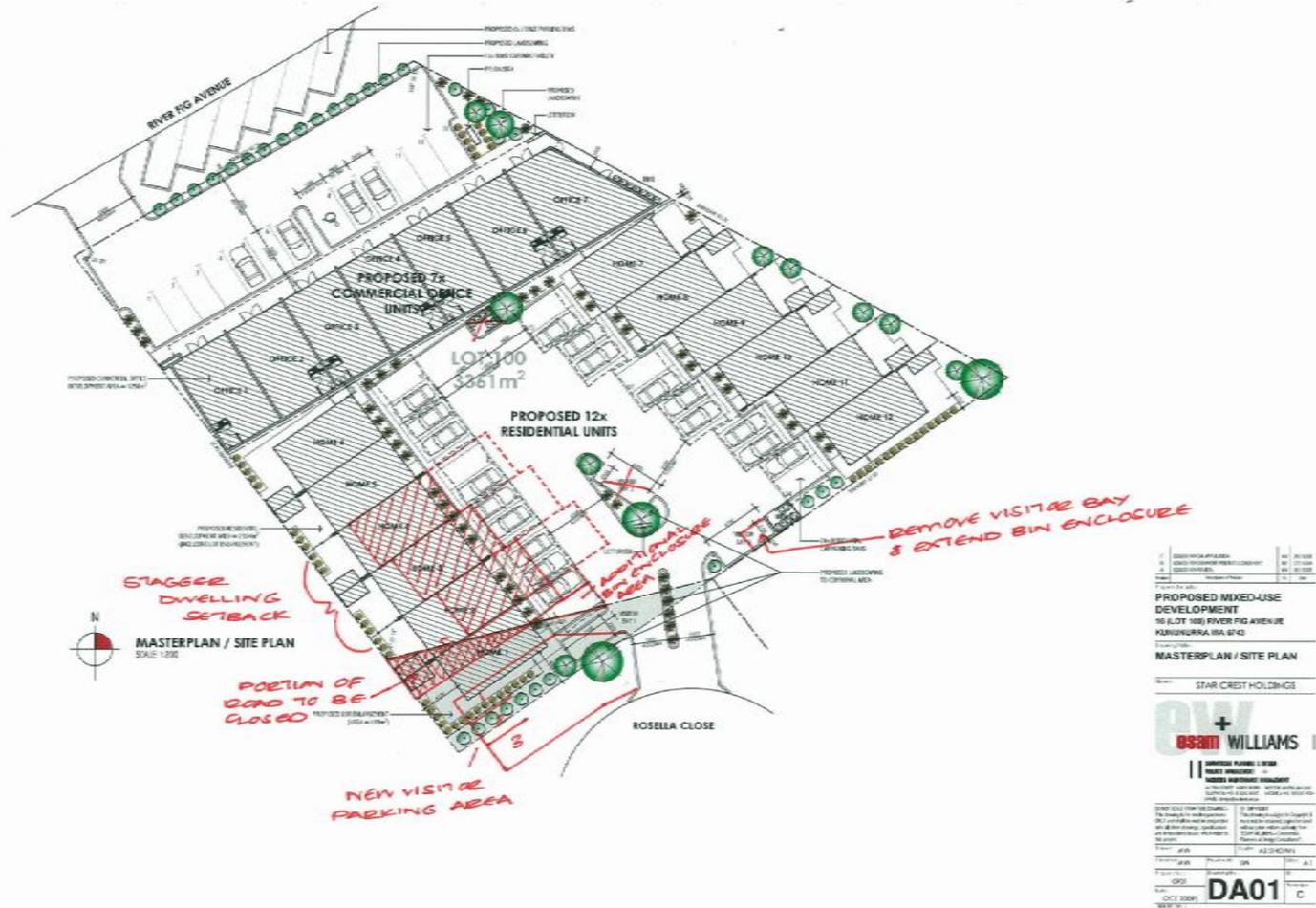
Regards

JOHN MILLER

P: (08) 6365 4546
F: (08) 9321 7333
A: 1101 Hay St, West Perth, WA 6005
P: Po Box 1068, West Perth, WA 6872
E: j.miller@landdevelopment.com.au

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Attachment 6



15.2 PROPOSED ROAD CLOSURE - ROSELLA CLOSE (8953)

DATE:	17 November 2009
PROPONENT:	Starcrest Holdings
LOCATION:	Rosella Close, Kununurra
AUTHOR:	Jennifer Ninyette, Town Planning Officer
REPORTING OFFICER:	Ian D'arcy, Executive Manager Development Services
FILE NO:	01.5486.02
ASSESSMENT NO:	A5486

PURPOSE

For Council to consider the closure of a portion of Rosella Close road reserve for amalgamation with adjoining Lot 100 Riverfig Avenue, Kununurra.

BACKGROUND

Lot 100 Riverfig Avenue was previously park land, which was disposed of via tender in August 2007 as part of Council's Park Plan land sales program. In early October 2007 the successful tenderer requested a partial road closure to facilitate a higher lot yield on the subject site.

Subsequently, Council considered this road closure at the Ordinary Council Meeting of 18 December 2007, where it was resolved that Council close portion of the road reserve as requested. A copy of this agenda item is shown at Attachment 1.

However, this road closure has not yet been formalised, as the Department for Regional Development and Lands (formerly DPI) require proof that the proposed closure was advertised in a local newspaper, allowing a submission period of 35 days.

Although consultation occurred with the neighbouring landowners in 2007, at that time it was not advertised in a local paper as required under the *Land Administration Act 1997*. As such, Council's previous resolution is invalid.

The proposed closure has now been advertised as required, and the matter is brought back to Council to consider the submission received and to make a valid resolution.

It should also be noted that Lot 100 has since been sold, and a revised development application has recently submitted for Lot 100 which incorporates the intention to utilise the proposed road closure area (see Item 15.1).

It is the new owners' preference for the proposed road closure to proceed as it will increase the dwelling yield of the site, however they have indicated that if the road closure was not supported there would be an acceptance to reduce

the number of proposed dwellings and, subject to the consent of Council, would apply to utilise the subject land for visitor parking 93 car bays).

STRATEGIC IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

In order to effect the road closure it is a requirement under the *Land Administration Act 1997* (LAA) that the Local Government Authority advertises the proposal for a period of 35 days following which Council is required to consider any submissions prior to passing a resolution to close the road.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Council has paid in the order of \$300 for advertising of the proposed road closure and should recoup this cost from the new owner of Lot 100 should the road closure proceed. Beyond this there are no other costs imposed on Council in relation to this matter.

COMMUNITY CONSULTATION

Letters were sent to neighbouring landowners and the proposed road closure was advertised in the Kimberley Echo on 16 July 2009 for a period of 35 days in accordance with the *Land Administration Act, 1997*.

One submission was received from the owners of adjoining Lot 1253 Rosella Close, who objected to the road closure on the following grounds.

- Loss of amenities and streetscape
- Loss of street frontage
- Potential for compromising privacy

However, this submission also states that the owner of Lot 1253 would like to leave 12.5 metres of uninterrupted frontage as per the proposal put forward by the previous developer. A copy of this submission is shown at Attachment 2.

CONCLUSION/COMMENT

In accordance with Shire's records the owners of Lot 1253 originally submitted an objection to the road closure in 2007, however withdrew their objection following discussions with the developer and stating that the amended site plan satisfied their initial concerns. This amended site plan, being the plan from the previous resolution, shows a triangular area of 40m² immediately

adjoining Lot 1253 not to be developed upon. The revised site plan is shown at Attachment 3.

Notwithstanding the current design concept a proposed proposed mixed use development is similar to the development approval granted previously, it is considered that a redesign of the development is required to address a number of issues in relation to a current development application, including boundary setback distances, over looking and privacy, bin storage and visitor parking arrangements.

In regards to the requirement for visitor parking, it is considered that the location and dimensions of the proposed visitor bays are impractical in relation to the development proposal. Therefore, Officers have suggested that it may be pertinent to reduce the proposed number of dwellings to enable the road reserve to be retained in part and utilised to accommodate visitor parking bays.

The proponent has advised that they wish to continue with the road closure to allow development of twelve (12) units and pay cash in lieu for the required for visitor bays. Should this more prove satisfactory the proponent has indicate a willingness to reduce the number of units as a secondary option.

If Council is to allow closure and sale of the road reserve as well as accept a cash in lieu payment for the three (3) required visitor bays, concern is raised that there is no reasonable location within the vicinity of the units to provide visitor parking. On this basis it is recommended that Council not accept a cash in lieu payment in this instance, and instead request that the developer reduce the number of dwelling units from twelve to eleven to allow visitor bays to be constructed within the road reserve.

Therefore, it is recommended that the majority of the road reserve to be closed (199m²) be retained, and consideration be given to close a reduced portion of the road to allow the developer to construct eleven residential units and the required visitor bays within this area, as per the plan at Attachment 4.

ATTACHMENTS

Attachment 1 – Copy of Council Agenda Item - OCM 18 December 2007

Attachment 2 – Adjoining Lot Owner Submission

Attachment 3 – Revised Site Plan

Attachment 4 – Recommended Road Closure Plan

VOTING REQUIREMENT

Simple majority

OFFICER'S RECOMMENDATION

That Council proceed with the closure of a portion of the road reserve, totalling 199m² for Rosella Close in accordance with the plan shown as Attachment 4 and the Section 58 of the *Land Administration Act, 1997*.

COUNCIL DECISION

Minute No. 8953

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

That Council proceed with the closure of a portion of the road reserve, totalling 199m² for Rosella Close in accordance with the plan shown as Attachment 4 and the Section 58 of the Land Administration Act, 1997.

CARRIED: (6/1)

For: Cr F Mills, Cr J Moulden, Cr D Ausburn, Cr J Parker, Cr J McCoy and Cr R Addis
Against: Cr K Wright

Attachment 1

15.1. Rosella Close - Closure Of Portion Of Road

DATE:	18 December 2007
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Rosella Close, Kununurra
AUTHOR:	Keith Williams, Executive Manager Town Planning
REPORTING OFFICER:	Keith Williams, Executive Manager Town Planning
FILE NO:	01.5486.02
ASSESSMENT NO:	5486

PURPOSE

For Council to consider action to close the road reserve of a portion of Rosella Close to facilitate development of Units on Lot 100 Riverfig Avenue.

BACKGROUND

The boundary of Lot 100 was modified when the site was re-surveyed as part of Council's Parks Plan land sales program. The successful tenderer has requested a partial road closure to facilitate a higher lot yield on the subject site.

The proposed road closure was accordingly advertised.

SITE LOCATION

The site is located on Rosella Close at the end of Beefwod Court. The area of road to be closed constitutes approximately 200m².

PROPOSED LAND USE / DEVELOPMENT

The closed portion of road would be used to develop an additional two townhouses on Lot 100.

FINANCIAL IMPLICATIONS

NA

PLANNING ASSESSMENT

Local Planning Strategy

The land is identified in Councils LPS as Road. Closure of the Road Reserve does not conflict with the LPS

Town Planning Scheme No 7

The land is identified in the Scheme as a Road. Closure of the Road Reserve does not conflict with the Scheme

Community Consultation

The Act requires that the closure of the road is advertised.

The proposed road closure was advertised to adjoining land owners, with correspondence being sent to these landowners.

One objection was submitted. This objection was subsequently withdrawn at the request of the landowner.

CONCLUSION

The closure of the road will reduce the frontage of Lot 1253 Rosella Close by 10.02 metres. The landowner initially objected to the closure, but has apparently reached an amicable resolution, and that there concerns have been addressed. Written confirmation has been received.

Council can accordingly close the road if desirable.

ATTACHMENTS

Attachment 1: Proposed Road Closure

Attachment 2: Correspondence from adjoining Landowner

VOTING REQUIREMENT

Simple Majority.

MANAGERS' RECOMMENDATION

That Council close a portion of the road reserve for Rosella Close in accordance with the plan attached as attachment 1.

Moved: Cr K Wright

Seconded: Cr D Ausburn

That Council not close portion of the road reserve for Rosella Close in accordance with the plan attached as attachment 1.

Note: Cr Ausburn withdrew support of the motion

Motion then lapsed for want of seconder

COUNCIL DECISION

Minute No. 8025

Moved: Cr R Addis

Seconded: Cr D Ausburn

That Council close portion of the road reserve for Rosella Close in accordance with the plan attached as attachment 1.

Carried 7/1

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

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

Against: Cr K Wright

Attachment 2

2009-08-21 16:52 Blackwoods Atkins 61 8 91682091 >> P 1/1
Page 1 of 1

Doc No.	067308
Date	24 AUG 2009
Officer	TPO
Response	
File	01-5486-02
Cross Ref.	

Michael Hinds

From: Michael Hinds
Sent: Friday, 21 August 2009 5:04 PM
To: 'mail@lastfrontier.com.au'
Subject: road closure rosella close

To Whom It May Concern:
Regarding the proposed road closure to Rosella Close as advertised in the Kimberley Echo 16/08/09, we would like to Submit the following objections in relation to this proposal.

1. loss of amenities and street scope
2. loss of street frontage
3. potential to comprising our privacy

We would like to leave 12.5 meters of uninterrupted frontage as per the proposal put forward by RI-con contracting
On 10/12/2007

Yours sincerely
Michael Hinds
On behalf of Ivanka Cavlovic

Michael Hinds | Customer Service Officer Kununurra
Phone: 08 9168 2499 | **Fax:** 08 9168 2091
1132 Ivanhoe RD, Kununurra WA 6743
PO BOX 22, Kununurra WA 6743
www.blackwoods.com.au
J. BLACKWOOD & SON PTY LTD ABN: 43 606 014 300

21/08/2009

15.3 PROPOSED WORKERS CAMP - LOT 2484 VICTORIA HIGHWAY, KUNUNURRA (8954) (8955) (8956)

DATE:	17 November 2009
PROPONENT:	Landcorp
LOCATION:	Lot 2484 Victoria Highway, Kununurra
AUTHOR:	Ian D'arcy, Executive Manager Development Services
REPORTING OFFICER:	Ian D'arcy, Executive Manager Development Services
FILE NO:	43.04.41, 01.7154.02
ASSESSMENT NO:	A7154

PURPOSE

For Council to approve advertising of sites for Temporary Workers Accommodation on acceptance of a 'use not listed' in the Shire Town Planning Scheme No.7.

BACKGROUND

In response to the recently signed Aboriginal Development Package (ADP), forming part of the State's Ord Final Agreement, a 13 hectare parcel of land on Lot 2484 Victoria Highway opposite the Casuarina Way intersection has been set aside to be co-leased by MG Corporation and the Shire of Wyndham East Kimberley. The intent of the State Government is for both organisations to give consideration to the establishment of Temporary Workers Accommodation to house workers associated with a range of projects funded under the East Kimberley Funding Package and Royalties for Regions Funding, including the Ord Expansion Project. The selection of this site is to also investigate and consider potential redundant long term use/s for the camp facility together with other complimentary development opportunities.

The Council is now in receipt of a development application seeking approval for a 316 room camp facility with associated amenity buildings to be constructed in three stages on Lot 2484 Victoria Highway. The first stage is to comprise 148 single men's quarters and 18 caravan sites plus amenities, while the second stage will consist of 100 additional rooms and the third stage likely add a further 68 rooms, if required. The application provides a comprehensive understanding of the proposed layout and built form of the camp facility structured around the redundant use of a caravan park.

A copy of the development application is provided as a separate document this report.

Lot 2484 is part of a larger area of Unallocated Crown Land (UCL) that is largely uncleared and currently zoned 'Residential Development' under Town Planning Scheme (TPS) No.7. From a geographic perspective Lot 2484 adjoins the Mirima National Park to the north and is bounded by Lily Creek and Hidden Valley residential area to the west, adjoins vacant crown land to

the east and is opposite the Lakeside residential area to the south. The distance to the town centre and adjacent recreational facilities is approximately 1.5 kilometres. The site is slightly elevated from Victoria Highway, is relatively well drained and can be readily serviced by extension of existing utilities located in the Lakeside subdivision, including reticulated power, water and sewerage. Access to the site will require the construction of a new road network intersecting with Victoria Highway.

A secondary site, not the subject of this application, being the old Main Roads WA depot, has also been identified in Bandicoot Drive (Lot 3000) as an interim temporary camp site. This property is approximately 7,600 m² in area, owned by MG Corporation and is zoned 'Town Centre' under TPS No.7. Further, it is recognised that this site is predominantly cleared, fully serviced with access available from Bandicoot Drive and Bloodwood Drive, and highly visible within the Town Centre. The surrounding land use is principally consists of office and commercial uses.

Figure 1 is an aerial photo that affords an understanding of both sites.



Figure 1 – Location Plan

With reference to Lot 2484 specifically, Figure 2 offers an indicative outline of the Temporary Workers Accommodation camp site and future road network:

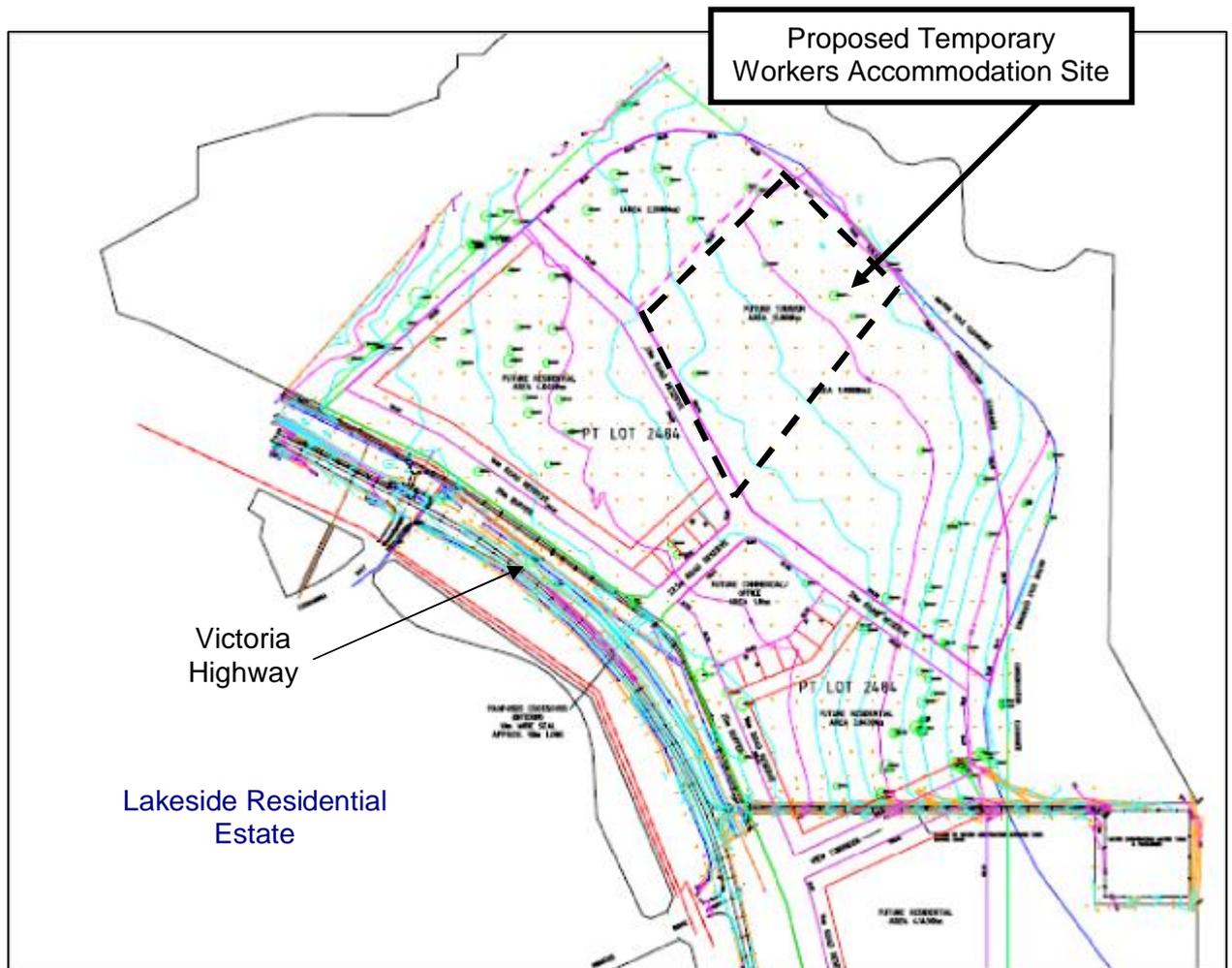


Figure 2 – Indicative Outline

The purpose of this report is to determine the appropriateness of Lot 2484 for a Temporary Workers Accommodation facility, as promoted in the application, and also give consideration to a second temporary site, being Lot 3000, that may also be required in the initial stages of construction.

STATUTORY IMPLICATIONS

Pursuant to Local Planning Policy 12, Temporary Workers Accommodation has been interpreted as follows:

‘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.”

With acceptance of this interpretation, particularly in relation to the use not being defined or listed in the Town Planning Scheme, specific reference needs to be given to Clause 3.1.6 of the Town Planning Scheme, which states:

3.1.6 If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use classes the Council may:

- (a) determine that the use is not consistent with the objectives and purpose of the particular zone and policy statement and is therefore not permitted; or*
- (b) determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the particular zone and policy statement and thereafter the Council will consider the application as an "SA" use.*

For the purpose of fully understanding Clause 3.1.6 (b), an "SA" is a symbol used in the cross reference in the Zoning Table of the Town Planning Scheme that:

.....means that the Council may, at its discretion, permit the use after notice of application has been given in accordance with Clause 11.2.

Clause 11.2 of the Scheme details the minimum requirements for advertising of a proposal. To this end, Step 3 of Local Planning Policy 12 intentionally aligns with the advertising requirements of the Scheme:

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.

Upon completion of the advertising the proposal will be referred to Council for consideration of submissions received in determining the application. This is detailed in Step 4 of the Policy, outlined as follows:

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.

With regard to the zoning both Lot 2484 and Lot 3000 support residential use and development under their respective zonings.

POLICY IMPLICATIONS

A detailed assessment of the application against the Council's Local Planning Policy 12 – Temporary Workers Accommodation will be undertaken when the proposal is referred back to Council for a determination.

However, on the matter of location the Policy states:

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.

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

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

3.2.4.2 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.

3.8.1 Applications should demonstrate the Temporary Workers Accommodation facility:

3.8.2.1 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;

3.8.2.2 Has direct access to an established road that meets the specifications of the Shire;

3.8.2.3 Is not located in an area of perceived environmental, social or visual sensitivity;

3.8.2.4 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;

In consideration of the above, it is considered that the application satisfies these requirements as the selected location for the temporary workers camp is sufficiently setback from residential areas and Victoria Highway to avoid potential conflict issues, such as noise and light spill, and be well screened from view. The selected location also offers the opportunity to 'value-add' through redundancy of the infrastructure once the camp facility is no longer required. To this end, conceptual plans for the camp facility has focused on a long term caravan park being established consistent with the Tourism WA report completed for this site in July 2009.

With regard to a Temporary Workers Accommodation facility being sited on Lot 3000 Bandicoot Drive there is some concern over its visual presentation and under utilisation of the site given its proximity and zoning. However, on a short term interim basis, suggested to be no longer than 12 months, this site could be utilised as a 'mini camp' of no more than 80 single men's quarters until the primary facility is sufficiently established. This assessment is based on an anticipated need for a short term facility and offers adequate proximity to all services, established access from two roads, and the neighbouring development is predominantly commercial and office uses with minimal impact on currently activities.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the current development application other than receipt of a development application fee.

STRATEGIC IMPLICATIONS

The proposed camp facility does not conform to any strategic direction set by Council due to its short term nature. However, discussions are currently underway to investigate the opportunities for redundant uses that best suit the long term strategic uses for each site.

COMMUNITY CONSULTATION

The application if supported by Council is subject to a formal advertising process seeking public comment for a minimum period of 21 days – refer to Statutory Implications Section above.

COMMENT

As reflected above both Lot 2484 and Lot 3000 could be utilised for establishment of a Temporary Workers Accommodation to varying scale and time limitation, given the broad acceptance under the respective land use zonings for residential development.

Furthermore, it is accepted that both Lots are strategically well located in close proximity to all services and utilities, with Lot 2484 in particular being sufficiently distanced from existing residential development and Victoria Highway to be adequately screened from view. Additionally, this site lends itself to considerable opportunity for redundant use which is clearly promoted in LPP 12 - Clause 3.8.1.4.

Therefore, based on this assessment and the comments provided in the Policy Implication Section of this report it is recommended the Council pursuant to Clause 3.1.6 of the Shire Town Planning Scheme No.7 endorse:

- (a) Lot 2484 Victoria Highway for the purpose of proceeding with advertising of the current application for establishment of a Temporary Workers Accommodation facility (316 room camp) in accordance with the provisions outlined in Clause 11.2 of the Scheme and Step 3 of LPP 12;
- (b) Lot 3000 Bandicoot Drive for the purpose of proceeding with advertising of an application for an interim Temporary Workers Accommodation facility (80 room camp for a period of no longer than 1 year), should one be received, under delegation afforded to the CEO and in accordance with the provisions outlined in Clause 11.2 of the Scheme and Step 3 of LPP 12. .

ATTACHMENTS

Development application provided under separate cover.

VOTING REQUIREMENT

Absolute majority

RECOMMENDATION

That Council pursuant to Clause 3.1.6 of the Shire Town Planning Scheme No.7 endorse:

1. Lot 2484 Victoria Highway for the purpose of proceeding with advertising of the current application for establishment of a Temporary Workers Accommodation facility (316 room camp) in accordance with the provisions outlined in Clause 11.2 of the Scheme and Step 3 of LPP 12;
2. Lot 3000 Bandicoot Drive for the purpose of proceeding with advertising of an application for an interim Temporary Workers Accommodation facility (80 room camp for a period of no longer than 1 year), should one be received, under delegated authority afforded to the CEO and in accordance with the provisions outlined in Clause 11.2 of the Scheme and Step 3 of LPP 12.

COUNCIL DECISION

Moved:Cr J Moulden

Seconded:Cr J Parker

That Council pursuant to Clause 3.1.6 of the Shire Town Planning Scheme No.7 endorse:

1. ***Lot 2484 Victoria Highway for the purpose of proceeding with advertising of the current application for establishment of a Temporary Workers Accommodation facility (316 room camp) in accordance with the provisions outlined in Clause 11.2 of the Scheme and Step 3 of LPP 12;***
2. ***Lot 3000 Bandicoot Drive for the purpose of proceeding with advertising of an application for an interim Temporary Workers Accommodation facility (80 room camp for a period of no longer than 1 year), should one be received, under delegated authority afforded to the CEO and in accordance with the provisions outlined in Clause 11.2 of the Scheme and Step 3 of LPP 12.***

With the following amendments:

1. ***Delete the reference to 316 room camp in point one***
2. ***Delete the reference to 80 room camp in point two.***
with the addition of dot point 3: that any such development be of a quality considered by council to be suitable for the area and a redundant use

Minute No: 8954

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

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

CARRIED UNANIMOUSLY: (7/0)

Standing Order 7.5 was suspended at 8.55pm.

Cr J Moulden withdrew the motion.

Minute No: 8955

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

That Council resume standing Order 7.5

CARRIED UNANIMOUSLY: (8/0)

Standing Order 7.5 resumed at 8.59pm

Minute No: 8956

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

That Council move this Item to a Special Council Meeting to be held after the December Briefing Session and that Landcorp be invited to present a revised proposal reflecting the ideals of a high quality redundant land use.

CARRIED UNANIMOUSLY: (7/0)

15.4 PROPOSED AMENDMENT 18 TPS NO 6 - REZONING OF BARYTES ROAD, WYNDHAM (8957)

DATE:	17 November 2009
PROPONENT:	Kimberley Metals Groou Pty Ltd, Whelans
LOCATION:	Barytes Road, Wyndham
AUTHOR:	Ian D'arcy, Executive Manager Development Services
REPORTING OFFICER:	Ian D'arcy, Executive Manager Development Services
FILE NO:	43.30.1843.30.18
ASSESSMENT NO:	N/A

PURPOSE

For Council to consider initiating a Town Planning Scheme Amendment for portion of Lot 3 Barytes Road Wyndham to provide for the use and development of the land for Industrial Purposes associated with the stockpiling and loading of iron ore and other raw materials.

BACKGROUND

Context

Lot 3 Barytes Road, located on the northern end of the Wyndham Port, is 82.2 hectares in area and is predominantly vacant with the exception of the Wyndham Crocodile Farm, which is located in the south eastern corner of the site. Notably, Barytes Road dissects the subject land in a north to south direction.

Figure 1 offers an understanding of the subject land and surrounding environs.

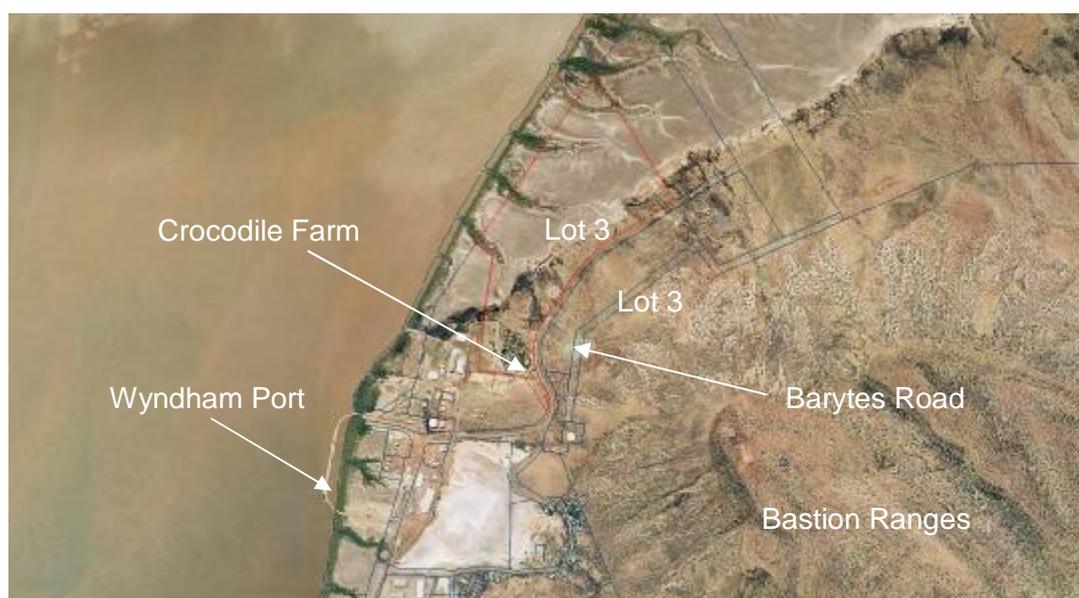


Figure 1 – Location Plan

In consideration of Figure 1 the Wyndham Port is located immediately to the south of the site and adjacent to the Crocodile Farm, with Cambridge Gulf immediately to the west. The land to the north is unutilised Unallocated Crown land, and to the east is the reserve for the Bastion Ranges.

A request has been received by Whelans Planning Consultants on behalf of the Kimberley Metals Group (KMG) to rezone the majority of Lot 3 from 'Special Site – Zoological Gardens and Ancillary Purposes' zone and 'Residential R2' and R5' to 'Industrial' zone.

A copy of the proposed submission is provided as Attachment 1, while the Scheme Amendment Map is included as Attachment 2.

This request has originated from the KMG needing a suitable site in the Port area to establish ship loading facilities to export bulk iron ore from its proposed Ridges Iron Ore Project, located some 165 kilometres to the south of Wyndham near the Argyle Diamond Mine site and Doon Doon settlement.

In summary the proposal details:

Operations

- § The mine, with an estimated life of between 5 -20 years, will initially provide for the export of 1.5 million tonnes of iron ore per annum to be transported by road to the Wyndham Port;
- § The crushing and bulk stock piling of iron ore will occur at the mine site before transportation by road to the Wyndham Port;
- § Road transport will consist of covered quad road trains each weighing 110 tonnes when loaded which will operate on a 24 hour basis;
- § Speed through the Wyndham town site will be limited to 40km per hour;
- § Discussions are being undertaken with Main Roads WA regarding transportation through the Wyndham (Port, Three Mile and Six Mile) and establishment of a by-pass road around Wyndham to access the Port;
- § Access to the proposed loading facilities at the northern end on Lot 3 is being investigated by GHD consulting engineers with three options being considered, including:
 - Upgrade of Barytes Road;
 - Access through the existing Port land to the adjoining Lot 3
 - Realignment of Barytes Road.
- § Stock piling at the Port site will consist of material dumps 50 metres wide, 300 metres long and 4 metres high.
- § Loading will be via conveyor belt onto a barge for subsequent trans-shipment to an iron (ship) carrier for transport to market.
- § Ships will be loaded over a 4-5 day period every two weeks.

Environmental

- § Noise will be limited to truck movements and barge loading, which will conform to the applicable noise regulations for built up areas and port operations;
- § Dust will be suppressed via watering of stock piles piped from a nearby dam, subject to Shire approval for entitlement to use the water under lease arrangement;
- § Truck trailers will also be covered to minimise dust through the Wyndham town site;
- § Formal assessment of the site has been undertaken in accordance with the EPA Guidance Statements 51 and 56 to review flora and fauna applicable/native to the area;
- § A two day survey was conducted, that included mangrove thickets, mudflats, remnant dry-land communities and weed infested fallow ground;
- § There was no identification of declared rare or priority species of plant;
- § The proposed port loading area (canal) is relatively small in context and therefore will result in minimal disturbance of native flora;
- § There is potential for minimal disturbance to the salt water crocodile population, although these reptiles are transient in nature;
- § The project has the potential to disturb individual water rat and rakali species, although the area of disturbance will be minimal;
- § Thirty one species of birds were identified with many being migratory marine species that may incur minimal disturbance, but no loss during construction;
- § Assessment has suggested acid sulphate soils may be present. Treatment will be undertaken in accordance with requirements issued by the Department of Environment and Conservation.
- § A search of the State Government Contaminated Sites data based confirms the subject land is not contaminated;
- § Further environmental assessment of the subject site will be conducted through the 2009/2010 wet season.

Social

- § The project in its entirety will directly employ 100 local people and overall generate 200 -300 employment positions in the region;
- § Employment will also focus on indigenous employment and training;
- § The stock piling and loading facilities in Wyndham will be a huge boost for the local economy;
- § A search of the Department of Indigenous Affairs data base has not revealed any registered heritage sites for Lot 3;
- § Lot 3 is not subject to native title given it is a freehold lot, although the surrounding land is subject to Native Title claim by the Balingarra Claimant Group.
- § All facilities will be located and designed as far as practical to to minimise visual impact.

Figure 2 offers a conceptual understanding of the Port Canal and Loading Facility:

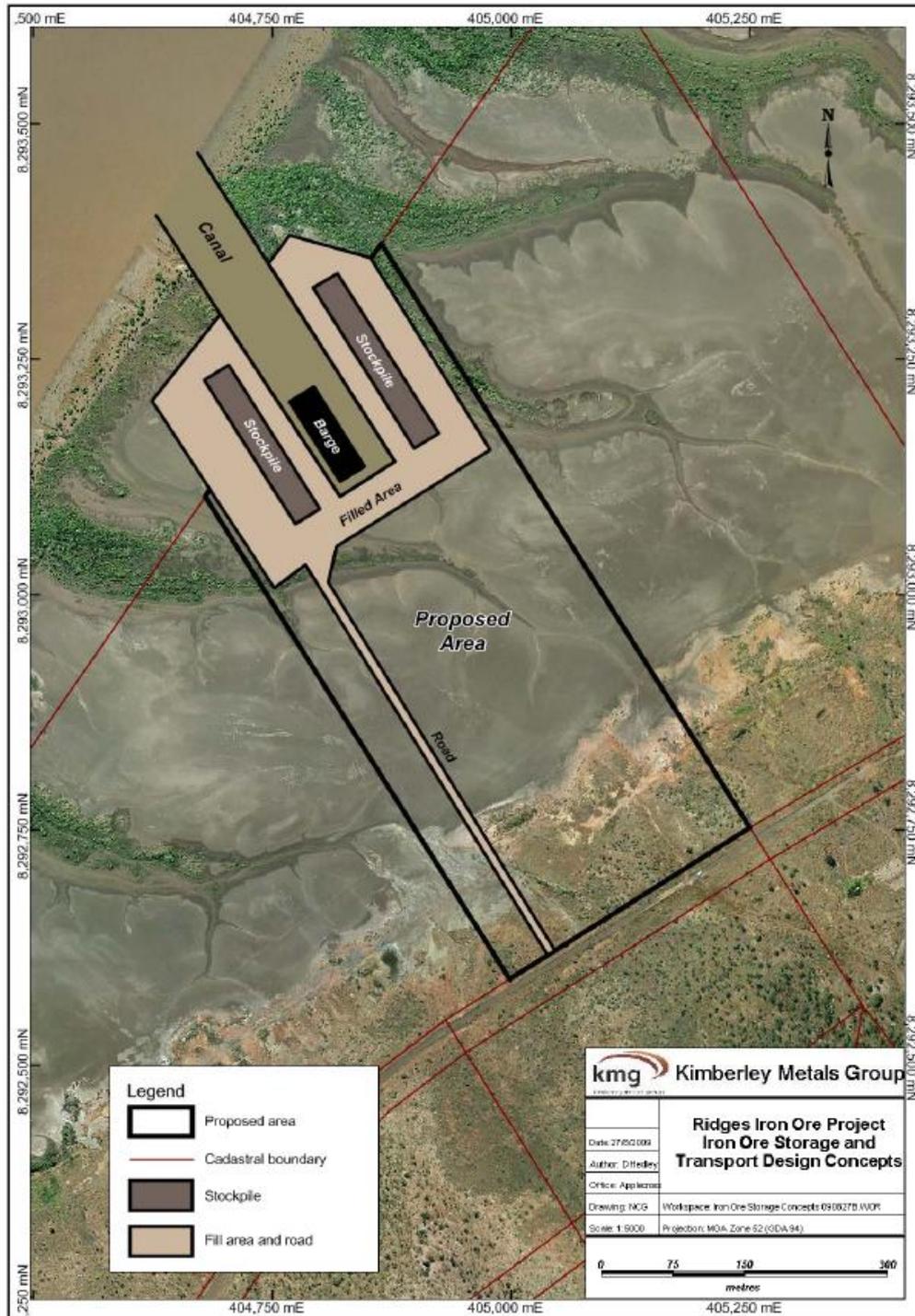


Figure 2 – Concept Design

STATUTORY IMPLICATIONS

Planning and Development Act, 2005

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)*.

Should Council initiate the proposed Scheme Amendment, the amendment and supporting documentation will be submitted to the EPA for assessment. When the EPA releases the amendment for advertising, the amendment is advertised in accordance with the *Town Planning Regulations 1967* and the *Planning and Development Act 2005*. At the completion of advertising, Council has an opportunity to review submissions prior to forwarding the amendment to the WAPC. Ultimately the WAPC will recommend to the Minister whether the amendment should be approved or not.

Local Planning Strategy

The Shire of Wyndham-East Kimberley Local Planning Strategy (LPS) clearly identifies expansion of the Port land for industrial uses to the north, including the subject site and adjoining Unallocated Crown Land.

On this understanding it is accepted the proposal accords with the Shire Local Planning Strategy (LPS) which acknowledges the importance of the industry to the region and resultantly seeks to identify and protect the subject land for this purpose.

Town Planning Scheme No 6 - Wyndham Town Site

Under the Shire of Wyndham East Kimberley Town Planning Scheme No 6 – Wyndham Town Site the subject site currently has two zones.

- § The land on the western side of Barytes Road zoned Special Site and denoted as Zoological Gardens and ancillary Purposes, allowing for the use of the site as a crocodile farm; and
- § The land on the eastern side of Barytes Road zoned Residential, with and applied R5 and R2 density.

The intent of the Scheme Amendment is to replace the existing zones for the purpose of expanding the Port operations and support activities. The exception is the land occupied by the Crocodile Farm that is to remain 'Special Site'.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

An initiation fee of \$500 is payable.

STRATEGIC IMPLICATIONS

The Strategic Plan outlines the following strategic directions:

Key Result Area 2 - Community

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

Key Result Area 3 – Economic Development

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

In consideration of these strategic directions the Amendment facilitates the extension of Wyndham Port and associated strategic industrial area, which is integral to local economic development and the provision local and regional jobs both during construction and operation.

COMMUNITY CONSULTATION

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

COMMENT

The proposed zoning to 'Industrial' is essential to the successful extension of the Wyndham Port area and increased opportunity for a range of additional uses to be entertained in the Port precinct.

Further, it is recognised the Wyndham Port will be a significant component for new economic investment for both Wyndham and the region in general that will bolster social and community infrastructure.

However, in supporting initiation of the proposed Scheme Amendment there are a number of matters that needs to be addressed in more detail by the proponent to provide greater understanding and clarity of the Amendment and proposed port development.

These matters are listed as follows:

- § Current landowners details;
- § Written landowner support for the proposed rezoning, use and development;
- § Proposed land tenure arrangements;
- § Proposed subdivision layout;
- § Relationship to existing port operations;
- § Anticipated Impacts and remedial measures (ie Crocodile Farm breeding and tourism);
- § Endorsed access to the site following discussions with Main Roads WA and the Executive Manager of Engineering and Regulatory Services;
- § Remedial measures associated with acid sulphate soils;
- § Description of utilities and services; and
- § Description of development and port operations (canal structure; associated buildings and designated uses; site security; vehicle movements during peak operations).

To this end it is considered reasonable for the Council to proceed with initiation of the Amendment conditional upon the formal documentation being prepared that adequately addresses the above-mentioned matters.

ATTACHMENTS

Attachment 1 - Proposed Amendment Submission

Attachment 2 - Scheme Amendment Map

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

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. 6 (Wyndham Townsite) by:
 - (a) Rezoning a portion of Lot 3 Barytes Road Wyndham from "Zoological Gardens and Ancillary Purposes" zone; "Residential R2" zone and "Residential R5" zone to "Industrial" zone under the Shire of Wyndham-East Kimberley TPS No. 6;
 - (b) Amending the Scheme Map accordingly.
2. Request the consultant prepare the formal Amendment documentation that includes the following matters to the satisfaction of the Executive Manager of Development Services:
 - (a) Current landowners details;
 - (b) Written landowner support for the proposed rezoning, use and development;
 - (c) Proposed land tenure arrangements;
 - (d) Proposed subdivision layout;
 - (e) Relationship to existing port operations;
 - (f) Anticipated Impacts and remedial measures (ie Crocodile Farm breeding and tourism);
 - (g) Endorsed access to the site following discussions with Main Roads WA and the Executive Manager of Engineering and Regulatory Services;
 - (h) Remedial measures associated with acid sulphate soils;
 - (i) Description of utilities and services;
3. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation;
4. Referral formal documentation to the Environmental Protection Authority for assessment of the Amendment be set pursuant to Section 48A of the Environment Protection Act 1986 [as amended]; and

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 in Wyndham and Kununurra, placement of the sign on-site and the posting of notices to affected parties.

COUNCIL DECISION

Minute No. 8957

Moved:Cr J Parker

Seconded:Cr R Addis

That Council:

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. 6 (Wyndham Townsite) by:**
 - (a) **Rezoning a portion of Lot 3 Barytes Road Wyndham from 'Zoological Gardens and Ancillary Purposes' zone; 'Residential R2' zone and 'Residential R5' zone to 'Industrial' zone under the Shire of Wyndham-East Kimberley TPS No. 6;**
 - (b) **Amending the Scheme Map accordingly.**
2. **Request the consultant prepare the formal Amendment documentation that includes the following matters to the satisfaction of the Executive Manager of Development Services:**
 - (a) **Current landowners details;**
 - (b) **Written landowner support for the proposed rezoning, use and development;**
 - (c) **Proposed land tenure arrangements;**
 - (d) **Proposed subdivision layout;**
 - (e) **Relationship to existing port operations;**
 - (f) **Anticipated Impacts and remedial measures (ie Crocodile Farm breeding and tourism);**
 - (g) **Endorsed access to the site following discussions with Main Roads WA and the Executive Manager of Engineering and Regulatory Services;**
 - (h) **Remedial measures associated with acid sulphate soils;**
 - (i) **Description of utilities and services;**
3. **Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation;**
4. **Referral formal documentation to the Environmental Protection Authority for assessment of the Amendment be set pursuant to Section 48A of the Environment Protection Act 1986 [as amended]; and**

5. ***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 in Wyndham and Kununurra, placement of the sign on-site and the posting of notices to affected parties.***

CARRIED UNANIMOUSLY: (7/0)

SHIRE OF WYNDHAM EAST KIMBERLEY

**TOWN PLANNING SCHEME No 7
AMENDMENT No**



Prepared By



21 October 2009

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME
SHIRE OF WYNDHAM EAST KIMBERLEY
TOWN PLANNING SCHEME No. 7
AMENDMENT No.

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

1. Rezoning portion of Lot 3 Barytes Road from Special Site – Zoological Gardens to Industrial;
2. Rezoning portion of Lot 3 barytes Road from Residential R2 and Residential R5 to Industrial;
3. Amending the Scheme Maps accordingly.

Dated this Day of 2009.

Chief Executive Officer

FILE NO. _____
PART OF AGENDA _____

PROPOSAL TO AMEND A TOWN PLANNING SCHEME.

- 1) LOCAL AUTHORITY:** SHIRE OF WYNDHAM EAST KIMBERLEY
- 2) DESCRIPTION OF TOWN PLANNING SCHEME:** TOWN PLANNING SCHEME No. 7 - KUNUNURRA AND ENVIRONS
- 3) TYPE OF SCHEME:** DISTRICT PLANNING SCHEME
- 4) SERIAL NUMBER OF AMENDMENT:** AMENDMENT No.
- 5) PURPOSE:**
1. Rezoning portion of Lot 3 Barytes Road from Special Site – Zoological Gardens to Industrial;
 2. Rezoning portion of Lot 3 barytes Road from Residential R2 and Residential R5 to Industrial;
 3. Amending the Scheme Maps accordingly.

PLANNING REPORT

Table of Contents

Contents:

INTRODUCTION	340
SUBJECT LAND AND SURROUNDS.....	341
FIGURE 2 – SITE PLAN DEVELOPMENT PROPOSAL	342
DEVELOPMENT PROPOSAL.....	343
PLANNING CONTEXT	350
PROPOSED AMENDMENT.....	351
JUSTIFICATION / CONCLUSION	352

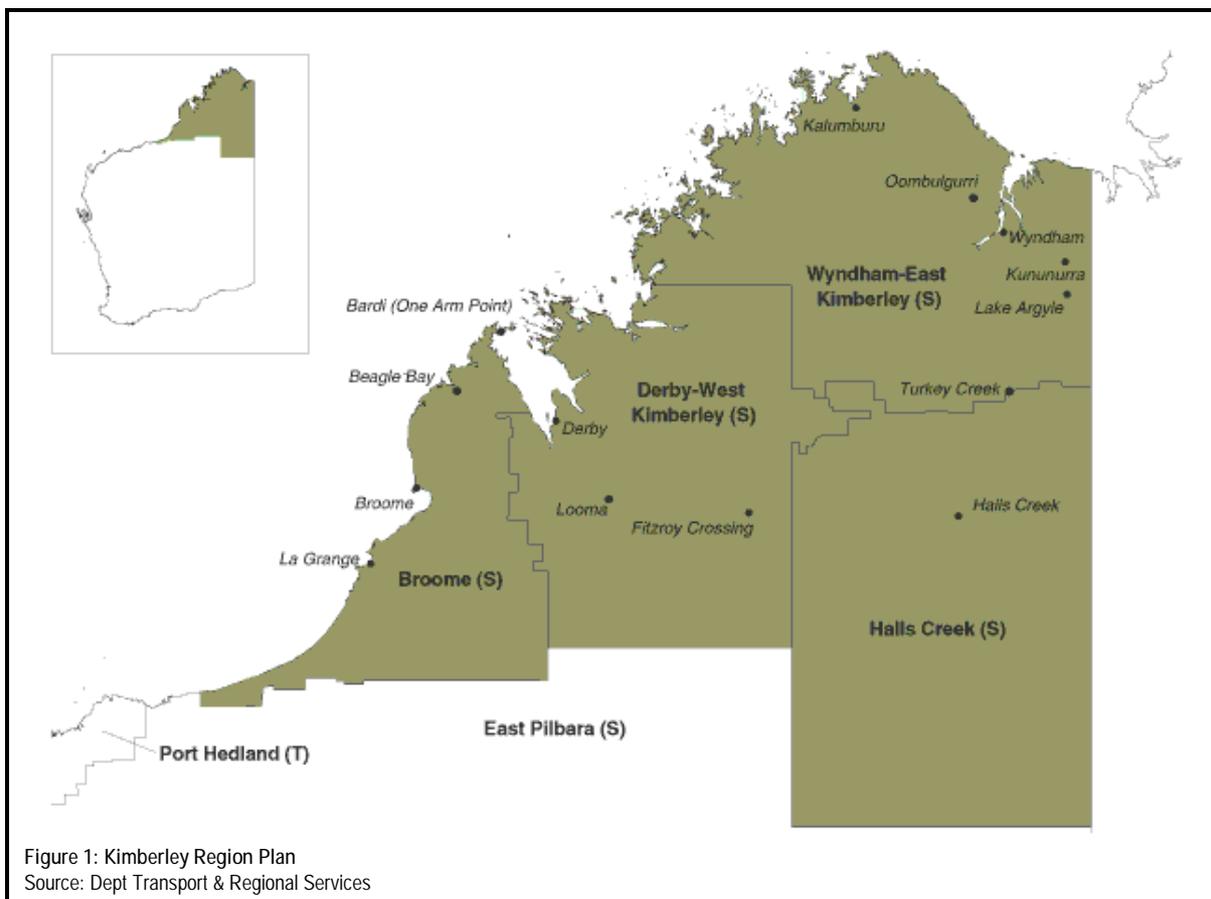
1. Introduction

The town of Wyndham is situated in the East Kimberley region, approximately 3050 kilometres from Perth by road. The port of Wyndham is strategically located on the Cambridge Gulf and services the surrounding region.

The Ridges Iron Ore Project consists of proposed iron ore mining, transportation and ship loading facilities. The mine will initially provide for the export of 1.5 million tonnes of iron ore per annum. Port facilities at Wyndham are required to be utilised for the export of the Iron Ore.

This scheme amendment seeks to recode the subject land located within the port of Wyndham to provide for a ship loading facility for iron ore product from the proposed Ridges Project for Kimberley Metals Group.

Mining activities are located outside of the Town Planning Scheme area, and consequently are described for information purposes.



2. Subject Land and Surrounds

The mine site is a Mining Lease under the Mining Act 1978. The mine site is situated 165km South of Wyndham by road, adjacent to the Great Northern Highway. Argyle Diamond Mine and Doon Doon community and roadhouse are the closest settlements, being 20km and 35km from the mine site respectively. The mine site is located on top of a North South trending ridge and has an access track which runs to the main deposit area.

The topography of both sites are typical of the Kimberley's and generally rocky and rugged.

The maximum elevation at the mine site is just less than 700 metres, with the valley to the west being at around 300 metres. Ground slopes range from flat to moderate in the project area, with a steep escarpment to the west.

The Exploration Licences held by KMG are on Doon Doon and Glen Hill stations and the Mining Licence Applications cover a smaller area over the planned mining areas, which is only on Doon Doon station.

The vegetation of these sandstone ranges is high grass savannah woodland consisting of moderately sized trees, bushes and undergrowth.

At the port site, the land is owned in freehold title by Mud Ark Pty Ltd, and is described as:

Lot 3 Barytes Road, on plan 18875 and being the whole of the land contained in certificate of title volume 1945 folio 590

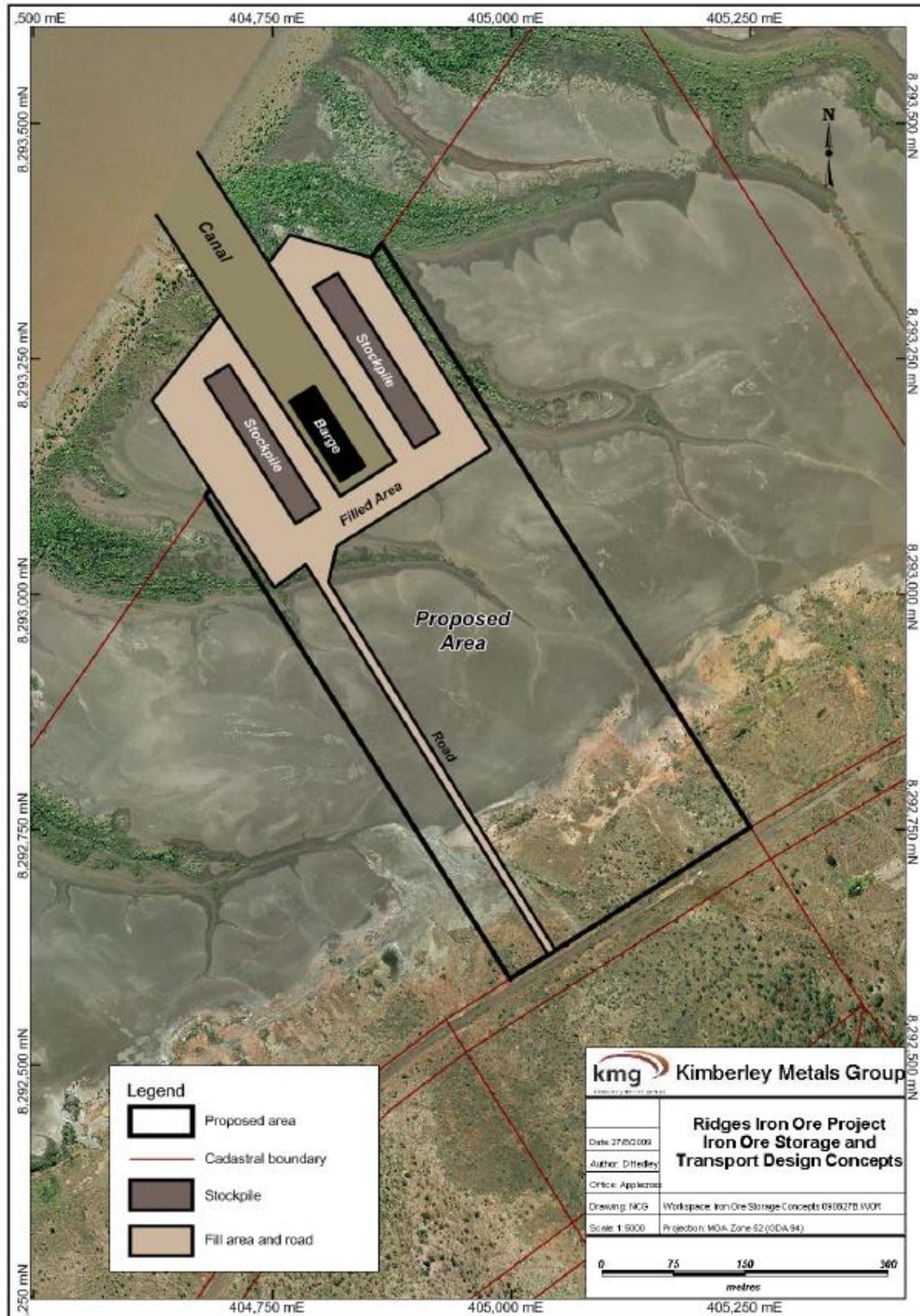
Lot 3 is 82.2 hectares in size. It is located at the northern end of the Wyndham Port, and has an irregular shape.

A crocodile farm has been located at the site for 23 years. This land use is located in the south eastern corner of the site. Barytes Road dissects the subject land north to south.

Wyndham Port is located immediately to the south of the site, with Cambridge Gulf immediately on the west. Land to the north is unutilised Unallocated Crown land, and to the east is the reserve for the Bastion Ranges.

Figure 2 shows the subject site in context of the Wyndham Port and surrounding land uses.

3. Figure 2 – Site Plan



Development Proposal

The proposed development consists of three elements: mining and raw materials processing and storage at the mine site, transportation, and storage and ship loading facilities. This amendment relates to the proposed port facilities at Wyndham, although mine site activities are also described for background purposes. Figure 3 shows the proposed port development.

Mine Site Activities:

The defined haematite resource at the project area is close to the surface and only 3-15m thick extending 3km long and 100 -200m wide, thus being easy to mine in shallow open pits and simple to rehabilitate. There is minimal overburden which results in only a small amount of waste being produced.

On current resources the production rate will be between 1-2 million tonnes a year for a mine life of up to 5 years. With the expected further exploration success KMG hope to have a final mine life of up to 15 years.

Continuous mining technology will be employed to mine the majority of the material. The ore will then be hauled down the escarpment to a Run-Of-Mine stockpile below, where the ore will be loaded in quad road-trains of 110t capacity, for the 165km haul to the Wyndham port. It is expected that blending will be required to maintain the iron grades and impurities at acceptable levels.

The ore body conditions are suitable for medium sized mining equipment including excavators, front end loaders and haul trucks. KMG are will be using various contracting company and hope to improve indigenous employment levels in the region.

KMG will carry out the crushing and screening of iron ore in close proximity to the stockpile location at the mine site. The crushing and screening circuit will be a simple industry standard small crushing circuit consisting of a primary and secondary cone crusher and associated screens. Plans to minimise dust and noise will be addressed as part of environmental studies.

Port Facilities:

The stockpiling of iron ore ready for export will require stockpiles 50m wide x 300m long and 4 m high. When delivered by road trains the ore will be stockpiled. Front end loaders will then transfer the iron ore from the stockpile to the loading conveyor, to load barges.

Barges will be utilised in a trans-shipment arrangement to transfer ore from the port to iron ore ships that will be anchored in deeper water in the Cambridge Gulf.

The use of barges is required due to the Wyndham wharf and the infrastructure at the port not being suitable for larger ships. The Wyndham port lacks the facilities and infrastructure suitable for bulk commodities and has been a major impediment to this project in the past, and remains the largest challenge for KMG in the development of the Ridges Project. At a production rate of 1.5 million tonnes per annum, a 65,000t ship is required to be loaded every two weeks and they will be loaded in 4-5 days, with a tug and two or three barges transferring the ore to the ship.

Existing land use:

The Wyndham Crocodile Farm is located on Lot 3. The Crocodile Farm has been in operation since 1987. These operations are located in the south east corner of Lot 3, and the majority of the site is vacant [see figure 2].

While the farm caters to tourists, the predominant use of the farm is for the breeding of crocodiles that are shipped live to Darwin for leather and meat processing.

In 2008, 700 crocodiles were shipped, and it is intended that this aspect of the land use will be expanded. 900 crocodiles are expected to be shipped in 2009, with this figure expected to grow to 1200 – 1500 within the next 12 to 24 months.

The capacity of the farm is 4000, and this is the long term intended production volume.

The facilities at the crocodile farm include an abattoir, and the long term future of the site includes the processing of crocodiles on site.

Noise:

Noise is unlikely to be a major concern at the site. No crushing will be undertaken at the port, with all crushing occurring at the mine site, which has no adjoining land uses that would be threatened by noise.

Likely sources of noise will be truck unloading and barge loading. Port operations will require EPA and DMP approvals, and noise will be assessed during this assessment.

Noise from transport vehicles is discussed below.

Dust:

The stockpiling of minerals at Lot 3 has the potential to create dust. It is planned to suppress this dust via sprinklers on these stockpiles. Saline water cannot be used for dust suppression, and accordingly water will be required to be sourced from a nearby dam.

A Miscellaneous Licences under the Mining Act 1978 has been obtained to gain access to the dam site, which is located within Reserve. This reserve is vested in the Shire of Wyndham East Kimberley, and a lease may be required to be obtained from the Shire to provide for the water supply.

Transport, Traffic and Access:

It is recognised that traffic and access will be the major impacts of the proposed development.

The trucking of the ore to Wyndham port is the most expensive aspect of the mining process. Unfortunately due to the location and small scale nature of the operation there is no alternative. The Great Northern Highway to Wyndham port will be used as the trucking route.

Kimberley Metals Group has been in communication with various government departments and have completed an open forum meeting in Wyndham in which every household receive a personal invite to attend. This community meeting was well attended with over 70 people present, and KMG provided a detailed presentation on the project and received many and varied questions. KMG will continue to lobby for the construction of a bypass road around Wyndham to the port, which will be a safer, more sustainable long term access option to the port.

Mined materials will be transported from the mine site to the port storage and ship loading facilities by quad road trains. Each road train will be approximately 110 tonnes. All road trains will be covered. An example of the road trains that will be utilised is shown in photo 1.



Photo 1: Typical Covered Road Train to be Utilised

Access at the mine site will be via a private access road directly on to the Great Northern Highway. This access is being designed to Main Roads Western Australia specifications, and discussions with Main Roads WA regarding this access are ongoing.

Access to the proposed port facilities at Lot 3 is being resolved. GHD Consulting engineers have been engaged to provide options for improving access to the port. These options include:

- Upgrading Barytes Road
- Access through Cambridge Gulf Limited properties adjoining Lot 3
- Realignment of Barytes Road.

This assessment will include review of the geometry of the existing road and traffic flow analysis, with specific emphasis on traffic impacts on the Wyndham Townsite [port, three mile and six mile].

Road train traffic through Wyndham is intended to occur on a 24 hour basis, with all traffic being restricted to 40 kilometres per hour within the town sites, and drivers being required to limit braking through the town sites.

Further information will be available as the GHD assessment progresses.

Environmental Issues:

The climate of the area is hot and tropical with summer rainfall resulting from cyclones and thunderstorms. The humidity is high with an annual rainfall of around 700mm and a winter dry season of 6-8 months.

Various environmental assessments have been or are being undertaken for both the mine site and the port site.

Hydrology

At the mine site, the bulk of the mining would be within 10m of surface, there are no geotechnical issues and all mining will be above the water table.

Notwithstanding the construction of barge loading facilities, the storage of bulk materials on Lot 3 are similarly not expected to have any impact on Hydrology.

Flora

A two day flora and fauna site assessment was made by APM biologists on 9 and 10 August, 2009. This was a Level 1 assessment consistent with EPA Guidance Statement 51 and 56. The survey area included mangrove thickets, mudflats, remnant native dry-land communities and weed infested fallow ground.

A total of 30 flora taxa (species and subspecies) from 19 families and 29 genera were recorded in the course of the survey.

No Declared Rare Flora species, pursuant to subsection 2 of section 23F of the Wildlife Conservation Act (1950) were located during the survey. No plant taxa pursuant to section 179 of the Environment Protection Biodiversity Conservation Act (1999) were located in the areas surveyed. No Priority taxa as defined by the Department of Environment and Conservation (2009) were located during the survey. The survey was undertaken during a dry period. Therefore, to adequately document the presence of annual flora a post-wet season would be required. However, this may not be necessary as the area proposed for clearing is small in context with the undisturbed adjacent similar habitats, and the likelihood of damaging whole populations of Declared Rare or Priority flora is very low.

Five plant communities were observed and described in the course of the survey. None of these resembled any of the Threatened Ecological Communities (TECs) listed under the federal Environment Protection and Biodiversity Conservation Act 1999, nor any of the TECs or Priority Ecological Communities listed by the Department of Environment and Conservation (2009b,c).

The proposed port construction is unlikely to have any significant impact on fauna and fauna habitats. As for the flora and vegetation, the fauna habitats to be disturbed within the project area are small compared with the areas of similar habitat immediately adjacent. Moreover, the nearby Ord River and Parry Lagoons Nature Reserves support similar habitats within a reserve area of some 115,953 ha managed as C class reserves for the purpose of 'Conservation of Flora and Fauna'.

The photo below shows the Mangrove habitat within the area. On the shoreline between this mangrove and the estuary there is the potential for some disturbance to saltwater crocodile (*Crocodylus porosus*) during construction. The crocodile is gazetted Schedule 4 and is protected under the Wildlife Conservation Act 1950 (cth). However, the area does not contain nesting habitat and individuals of this species are generally transient, and will therefore move away during construction.



Photo: Thicket of *Aegialitis annulata*, *Avicennia marina*, *Aegiceras corniculatum* and *Ceriops tagal*.

In 2004/05 flora and fauna assessment surveys were carried out in both the wet and dry seasons at the mine site, prior to any exploration work being conducted on the site. During these assessment surveys there were 4 Priority flora species recorded on the project area; *Eucalyptus ordiana* (Priority 2), *Phyllanthus aridus* (Priority 3), *Tephrosia valleculeata* (Priority 3) and *Grevillea miniata* (Priority 4). Most are located on the escarpment or sandstones areas beyond the area of influence of the exploration.

From a conservation perspective the most significant fauna species occurring within the vicinity of the project is the Gouldian Finch, with a few observations made during environmental assessment surveys along low lying creek lines. No observations were made during the extensive surveys up on the ridgeline

where the resource and proposed operations would be located, but further environmental surveys and work will be carried out to negate any impact.

It is likely due to the small scale nature of the proposed operation and low clearing level that no criteria will be triggered.

Fauna

An assessment has also been undertaken to determine the impact on Fauna.

Thirty one species of bird were recorded during one morning and one afternoon census of the sites. These records do not constitute a full inventory for the project area. Rather they comprise a basic representation of the species richness of the site.

During this survey the Great Egret (*Ardea alba*) and the Rainbow Bee eater (*Merops ornatus*) were recorded. Both species are listed as Migratory and Marine species under the Environment Protection and Biodiversity Conservation Act 1999. Populations and habitats for these species are not likely to be significantly impacted by the project as such habitats are broadly represented in adjacent areas.

The project has the potential to disturb individuals of the water rat or rakali (*Hydromys chrysogaster*). However, the canal construction will only disturb a small area of mangrove as shown in the attached plan. Few, if any individuals will be lost during clearing and construction.

Acid Sulphate Soils

An assessment of Acid Sulphate Soils [AS] has been undertaken by Soil Water Consultants Pty Ltd. This assessment has determined that there are probable ASS located at the proposed port facilities.

All AS soils will be treated in accordance with any requirements of the Department of Environment and Conservation [DEC]. The proponent has met with DEC specialists regarding AS soils and is obtaining further advice on how to address this issue.

Initial advice from the DEC indicates that any AS soil removed to create the barge landing site can be used to construct the reclaimed land stockpile area. The AS soil material is then capped and sealed to prevent any issues.

This project will require DEC approval, and continuing discussions will determine the best method of undertaking the works.

Contaminated Sites

A search of the Department of Environment and Conservation's contaminated sites database confirms the land is not affected by contamination

4.

Social Impact:

Employment

100 direct jobs will be created by the proposed development. The objective of the KMG is to employ the workforce locally where possible including a focus on indigenous employment. KMG are currently in negotiation with the Kimberley Land Council who are representing the Traditional Owners of the land to set some targets for indigenous employment and training. This will have a significant impact on the local economy, with a multiplying affect on job creation of three potentially contributing to the creation of 200 - 300 jobs in the region.

It is expected that the establishment of the iron ore stockpiling and exporting facility at the Wyndham port will be a huge boost for the local economy

Aboriginal Heritage

Aboriginal heritage has been assessed for the mine site. There have been many archaeological and ethnographic surveys conducted in the area from 1979 – 2002, particularly along the Great Northern Highway and in the vicinity of Argyle Diamond mine located 20km to the East. In 2004 more detailed extensive studies were conducted over the Ridges Project area.

As a result of the detailed archaeological surveys, it was established that 10 archaeological sites have been registered with the DIA within a 10km radius of the project area. The sites identified are all artefact scatters, with one also recorded with paintings (DIA id 14351) and one with a quarry site (DIA id 12547).

From the ethnographic surveys conducted by the various indigenous groups during 2004 it was established that the project area does not contain any Aboriginal Dreaming sites or areas of religious or spiritual significance to living Aboriginal people. However KMG have recently completed additional heritage surveys to ensure impact to aboriginal heritage sites is either avoided or minimised in accordance with the aboriginal heritage act.

Initial Assessment of Lot 3 does not indicate any sites of significance. A search of the Department of Indigenous Affairs Database of Registered indicates no sites have been indentified, however, further consultation with the local traditional owner groups is continuing.

Native Title

Lot 3 is freehold land, and is subsequently not subject to Native Title.

The surrounding land is subject to a Native Title claim by the Balingarra Claimant Group.

The port facilities are covered by Miscellaneous Licences under the Mining Act 1978. The Miscellaneous Licences are for Infrastructure Facility purposes, as defined in section 253 of the Native Title Act, and as such the right to negotiate provisions of the Native Title Act do not apply.

Under these provisions, the proponent is required to consult with the KLC as the representatives of the claimants as well as the claimants and accordingly KMG has entered into discussions with the Kimberley Land Council on behalf of the Native Title claimants.

The mine site is subject to a native title claim by the Lumugal Claimant Group, and is subject to separate negotiations.

Visual Impact

KMG acknowledge that this area, like all the Kimberley's is scenically beautiful and being environmentally responsible is one of the highest priorities.

All development will take into consideration the visual impact, and will be located and designed, as far as practical, to minimise any visual impact on the locality.

5. Planning Context

5.1. LOCAL PLANNING STRATEGY

The Shire of Wyndham-East Kimberley Local Planning Strategy [Strategy] clearly identifies expansion of the port land uses to the north, including the subject site, and Unallocated Crown Land to the immediate north of the subject site, being delineated as Industrial. The proposed rezoning is consistent with the LPS.

The Strategy also contains many statements that support this proposal to rezone either explicitly or in general terms.

5.2.

5.3. TOWN PLANNING SCHEME NO 6 - WYNDHAM TOWN SITE

Under the Shire of Wyndham East Kimberley Town Planning Scheme No 6 – Wyndham Town Site [the Scheme] the subject site currently has two zones.

The land on the western side of Barytes Road is zoned Special Site, denoted as Zoological Gardens and ancillary Purposes, allowing for the use of the site as a crocodile farm, while the eastern side of the site is zoned Residential, with R5 and R2 density codes.

A subdivision approval for the subdivision of the land on the eastern side of Barytes Road was approved in December 2003, however, the subdivision conditions were

never met, and the subdivision approval has lapsed. This demonstrates lack of demand for residential land uses in close proximity to the Wyndham Port.

5.4. SUBDIVISION

It is intended that a subdivision plan will be submitted to ensure that the boundary between the proposed Industrial land and the remaining zoned Special Site will coincide.

Further subdivision of then land to be rezoned industrial may also provide for additional industrial lots. Conditions relating to road access and services to these lots can be considered when the subdivision application is submitted and referred to the Shire for comment.

6. Proposed Amendment

Lot 3 Barytes Road is located on the Northern edge of the Wyndham Port, and has good access to the Cambridge Gulf. The site is zoned for use as a crocodile farm, and is 82 hectares in size. Only a small portion of the site is used for this existing land use.

The amendment proposes to rezone the north western portion of Lot 3 to Industrial, to provide for the proposed stockpiling and barge loading facilities required for the export of iron ore, as outlined in this report. This zoning will provide for the use and development of the land in accordance with the Local Planning Strategy, and will also allow for the use of the land for purposes more consistent with surrounding port related land uses.

Additionally, it is proposed that all of the residential land to the east of Barytes Road will also be rezoned to Industrial. This will reduce any potential for conflict between the proposed industrial use and any potential residential use permitted under the current zoning.

A subdivision may be undertaken over this land to provide additional industrial land within close proximity to the port of Wyndham.

The land utilised for the existing Crocodile farm will remain zoned as Special Site - Zoological Gardens, providing for the continuation of this land use.

Given that the major component of the crocodile farm is the sale of live crocodiles and that tourism is a relatively minor component of the existing land use, it is not considered that the zoning of the land to the north for industrial purposes is incompatible with this existing use. Furthermore, proposed expansion in capacity of production and export of crocodiles will increase the quasi industrial nature of this use.

7. Justification / Conclusion

The proposed recoding will provide for the utilisation of land that is zoned for a land use that will not be substantially increased in land area, while providing for uses more consistent with adjacent port related industrial zoning and land uses.

The LPS clearly identifies expansion of the port and industrial land uses to the north. The proposed rezoning is consistent with the LPS.

Rezoning of the land zoned residential will remove any land use conflict with the proposed zoning of the land intended to be developed by Kimberley Metals Group.

There is no flora, fauna or habitat issues associated with the construction of the Ridges Iron Ore Port facility in the port area of Wyndham, and the presence of Acid Sulphate soils can be addressed via conformance to guidance by the DEC.

It is considered that noise and dust issues can be ameliorated [the location of the proposed crusher was changed to the mine site for this reason], and traffic issues can be overcome to the satisfaction of the community and regulatory authorities.

The land is not subject to Native Title, and is not known to be affected by any Aboriginal Heritage Sites.

The land is capable of being used for the intended industrial use, and the rezoning will reduce any potential future land use conflict with adjoining residential land that will also be rezoned.

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME
SHIRE OF WYNDHAM EAST KIMBERLEY
TOWN PLANNING SCHEME No. 7
AMENDMENT No. 28

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

1. Rezoning portion of Lot 3 Barytes Road from Special Site – Zoological Gardens to Industrial;
2. Rezoning portion of Lot 3 barytes Road from Residential R2 and Residential R5 to Industrial;
3. Amending the Scheme Maps accordingly.

ADOPTION

ADOPTED by resolution of the Council of the Shire of Wyndham East Kimberley at the Ordinary Meeting held on the _____ day of 2009.

President

Chief Executive Officer

FINAL APPROVAL

ADOPTED for final approval by resolution of the Shire of Wyndham-East Kimberley at the Ordinary Meeting of Council held on the _____ day of 2009.

THE COMMON SEAL of the Shire of Wyndham East Kimberley was hereto affixed in the presence of

President

Date

Chief Executive Officer

Date

Recommended / Submitted for Final Approval

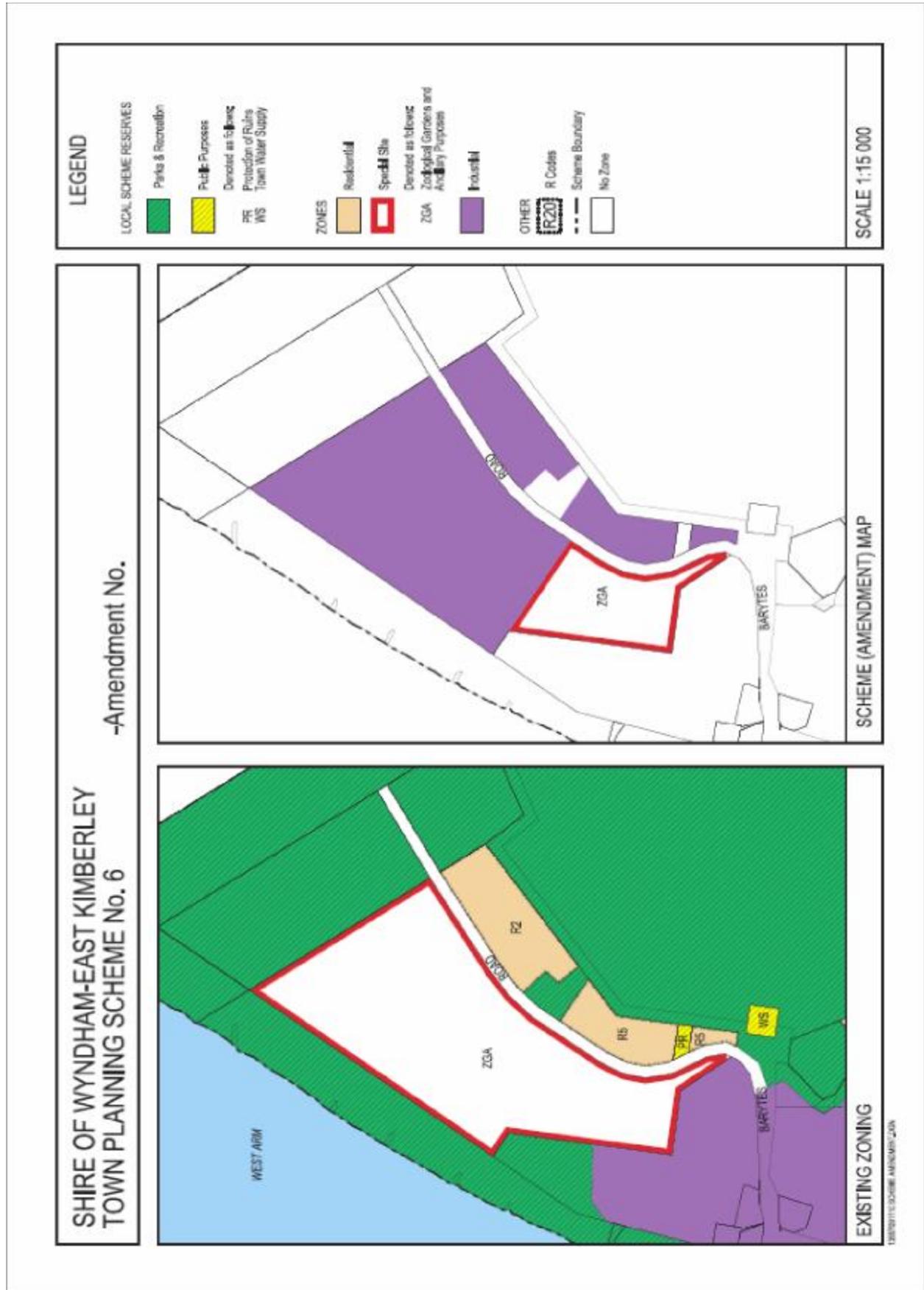
delegated under S.16 of PDAct 2005

Date

Final Approval granted

Minister for Planning

Date



16. MATTERS BEHIND CLOSED DOORS

COUNCIL DECISION

Minute No: 8958

Moved: Cr D Ausburn
Seconder: Cr J McCoy

That Council move Behind Closed Doors.

CARRIED UNANIMOUSLY: (7/0)

Council moved Behind Closed Door at 9.01pm.

16.1 DEBTS CURRENTLY IN LEGAL PROCESS (8959) (8960)

DATE:	17 November 2009
PROPONENT:	Shire Of Wyndham East Kimberley
LOCATION:	Shire Of Wyndham East Kimberley
AUTHOR:	Jo-Anne Ellis, Executive Manager Corporate Services
REPORTING OFFICER:	Jo-Anne Ellis, Executive Manager Corporate Services
FILE NO:	61.23.02, 61.22.14
ASSESSMENT NO:	N/A

This item will be discussed Behind Closed Doors under Section 5.23 (2) (e)(iii).

PURPOSE

To provide an update regarding debts currently in legal process.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council notes the confidential report provided to it in relation to debts owed to Council and under legal action.

COUNCIL DECISION

Minute No: 8959

Moved: Cr J Parker
Seconded: Cr J McCoy

That Council notes the confidential report provided to it in relation to debts owed to Council and under legal action.

CARRIED UNANIMOUSLY: (7/0)

Minute No: 8960

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

That Council come out of Behind Closed Doors at 9.25pm.

CARRIED UNANIMOUSLY: (7/0)

17. CLOSURE

With all matter of business complete the Shire President declared the meeting closed at 9.26pm.