



## **MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON 16 FEBRUARY 2010**

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

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**Shire President Confirmed**

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# SHIRE OF WYNDHAM-EAST KIMBERLEY

## MINUTES

PRESENTED TO THE ORDINARY COUNCIL MEETING  
HELD ON TUESDAY, 16 FEBRUARY 2010 AT 6:00 PM

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

The Shire President declared the meeting open at 6.00pm.

### 2. RECORD OF ATTENDANCE /

Cr F Mills	Shire President
Cr J McCoy	Councillor
Cr J Parker	Councillor
Cr K Wright	Councillor
Cr K Torres	Councillor
Cr J Moulden	Deputy Shire President
Cr R Addis	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
S Russell	Executive Support Officer (Minute Taker)
B Weaver	Executive Assistant
K Cripps	Senior Environmental Health Officer
K Tang	Town Planning Officer

### GALLERY

J Griffiths  
D Griffiths

### APOLOGIES

Cr D Ausburn      Councillor

### LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Nil

**3. DECLARATIONS OF INTEREST**

- **Financial Interest**  
Nil
- **Impartiality Interest**  
Nil
- **Proximity Interest**  
Nil

**4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**5. PUBLIC QUESTION TIME**

Nil

**6. PETITIONS**

Nil

**7. APPLICATIONS FOR LEAVE OF ABSENCE**

**COUNCIL DECISION**

*Minute No 9027*

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

*That a leave of absence is approved for Cr F Mills for the Ordinary Council Meeting to be held 16 March 2010.*

**CARRIED UNANIMOUSLY: (7/0)**

**8. CONFIRMATION OF MINUTES**

**8.1 CONFIRMATION OF ORDINARY COUNCIL MEETING HELD ON 19 JANUARY 2010**

**RECOMMENDATION**

That Council confirm the Minutes of the Ordinary Council Meeting held on 19 January 2010.

Cr K Wright left the room at 6.02pm.  
Cr K Wright returned to the room at 6.03.

**COUNCIL DECISION**

*Minute No 9028*

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

*That Council confirm the Minutes of the Ordinary Council Meeting held on 19 January 2010.*

**CARRIED UNANIMOUSLY: (7/0)**

**9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

Condolence Motion for David Saunders.

**COUNCIL DECISION**

*Minute No 9029*

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

*That Council express their Condolence to the family of the late David Saunders.*

**CARRIED UNANIMOUSLY: (7/0)**

**10. DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

Nil

**11. MINUTES OF COUNCIL COMMITTEE MEETINGS**

**11.1. MINUTES OF AUDIT COMMITTEE MEETINGS**

Nil

**11.2. MINUTES OF AIRPORT COMMITTEE MEETINGS**

**11.2.1 MINUTES OF THE AIRPORT COMMITTEE MEETING HELD ON 12 FEBRUARY 2010**

**RECOMMENDATION**

That Council note the unconfirmed Minutes of the Airport Committee held on 12 February 2010.

**COUNCIL DECISION**

***Minute No 9030***

***Moved: Cr J Parker***

***Seconded: Cr K Wright***

***That Council note the unconfirmed Minutes of the Airport Committee held on 12 February 2010.***

***CARRIED UNANIMOUSLY: (7/0)***

## 12 REPORTS

### 12.1. MATTERS ARISING FROM COMMITTEES OF COUNCIL

#### 12.1.1 MATTERS ARISING FROM THE AIRPORT COMMITTEE MEETING HELD ON 12 FEBRUARY 2010

<b>DATE:</b>	16 February 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Shire Of Wyndham East Kimberley
<b>AUTHOR:</b>	Jo-Anne Ellis, Executive Manager Corporate Services
<b>REPORTING OFFICER:</b>	Jo-Anne Ellis, Executive Manager Corporate Services
<b>FILE NO:</b>	60.14.13
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

To consider recommendations from Council's Airport Committee.

#### **BACKGROUND**

The Airport Committee meets on a bi-monthly basis to fulfil and achieve the requirements of the terms of reference of the committee. These meetings are not open to the public, however the agenda and minutes are available.

The Airport 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

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

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

#### **STRATEGIC IMPLICATIONS**

The Airport Committee supports Council in providing effective corporate governance by providing an oversight function relating to airport matters. Airport Services are essential to the economy of the East Kimberley.

## **COMMUNITY CONSULTATION**

Community Consultation is not required in relation to this item.

## **COMMENT**

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

## **ATTACHMENTS**

Nil

## **VOTING REQUIREMENT**

Simple Majority

## **AIRPORT COMMITTEE RECOMMENDATION 1**

The Airport Committee recommendation contains material that is commercial in confidence as it relates to information that has a commercial value to a person and contains financial information about the project that if recorded in the public minutes may lead to less than competitive tender submission for the project.

The report and the recommendations of the Airport Committee will be considered behind closed doors at Item 16.1. Sections 5.23 (2) (c) and (e) (ii) of the Local Government Act 1995 apply.

## 12.2 CORPORATE SERVICES

### 12.2.1 MONTHLY FINANCIAL REPORT

<b>DATE:</b>	16 February 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Shire Of Wyndham East Kimberley
<b>AUTHOR:</b>	Gill Old, Manager Financial Services
<b>REPORTING OFFICER:</b>	Jo-Anne Ellis, Executive Manager Corporate Services
<b>FILE NO:</b>	60.14.02
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to note and accept the Monthly Financial Report for January 2010.

#### **BACKGROUND**

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

#### **STATUTORY IMPLICATIONS**

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

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

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

#### **STRATEGIC IMPLICATIONS**

*Key Result Area 5 – Governance*

Council's financial position and forward planning is sound.

#### **COMMUNITY CONSULTATION**

No Community Consultation was required in the preparation of the report.

#### **COMMENT**

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

**ATTACHMENTS**

Monthly Financial Report for January 2010.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council accept the Monthly Financial Report for the month of January 2010.

**COUNCIL DECISION**

*Minute No 9031*

*Moved: Cr K Wright*

*Seconded: Cr J Parker*

*That Council accept the Monthly Financial Report for the month of January 2010.*

**CARRIED UNANIMOUSLY: (7/0)**



# **Shire of Wyndham East Kimberley**

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

**As at 31 January 2010**

**Presented to Council 16 February 2010**

- 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 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 January 2010

	YTD Budget 2009 '10		YTD Actual 2009 '10		YTD Variance 2009 '10	
	\$	\$	\$	\$	\$	%
<b>Revenues</b>		6,033,881		6,057,954		
General Purpose Funding	1,800,541		1,872,135		71,594	4%
Governance	28,015		55,473		27,458	98%
Law, Order And Public Safety	28,562		33,837		5,272	18%
Health	7,230		8,950		1,670	23%
Education And Welfare	75,500		80,526		(5,074)	-8%
Housing	33,300		33,083		(217)	0%
Community Amenities	1,120,817		1,208,257		87,445	8%
Recreation And Culture	453,033		430,775		(22,308)	-5%
Transport	2,181,894		2,152,321		(29,573)	-1%
Economic Services	111,655		123,997		12,342	11%
Other Properties And Services	143,433		19,603		(123,836)	-86%
<b>Expenses</b>		(9,568,723)		(8,959,480)		
General Purpose Funding	(233,729)		(253,740)		(20,011)	9%
Governance	(840,317)		(565,144)		75,173	-12%
Law, Order And Public Safety	(747,340)		(783,388)		(41,048)	17%
Health	(1,179,403)		(180,779)		18,624	-10%
Education And Welfare	(219,305)		(174,559)		47,746	-20%
Housing	(160,977)		(171,976)		(10,999)	7%
Community Amenities	(231,603)		(1,632,144)		683,893	30%
Recreation and Culture	(2,115,088)		(2,000,897)		114,191	-3%
Transport	(7,339,003)		(7,968,077)		(129,069)	5%
Economic Services	(408,567)		(258,009)		140,558	-34%
Other Property and Services	(213,957)		(450,773)		(286,816)	125%
<b>Adjustments for Cash Budget Requirements</b>						
Adjustments and Accruals		908,796		1,238,073		
<i>(Profit)/Loss on Asset Disposals</i>	(131,369)		1,512		132,881	-101%
<i>Movement in Accruals and Provisions</i>	(224,618)		(224,618)			0%
<i>Depreciation on Assets</i>	1,265,782		1,511,179		245,397	
Purchase of Non-Current Assets		(5,651,409)		(5,730,799)		
<i>Purchase Land Held for Resale</i>	(42,000)		(41,851)		149	0%
<i>Purchase Land and Buildings</i>	(1,066,950)		(819,913)		247,037	-23%
<i>Purchase Infrastructure Assets - Roads</i>	(1,976,378)		(2,195,640)		(218,762)	11%
<i>Purchase Infrastructure Assets - Parks</i>	(50,000)		(82,943)		(32,943)	66%
<i>Purchase Infrastructure Assets - Footpaths</i>	(78,400)		(23,127)		55,273	-71%
<i>Purchase Infrastructure Assets - Drainage</i>	(92,800)		(87,576)		5,224	-6%
<i>Purchase Infrastructure Assets - Other</i>	(1,750,750)		(1,578,816)		201,935	-12%
<i>Purchase Plant and Equipment</i>	(474,592)		(374,812)		99,780	-21%
<i>Purchase Furniture and Equipment</i>	(119,039)		(56,111)		62,928	-53%
Capital Income		7,577,606		6,192,754		
<i>Grants / Contributions for Development of Assets</i>	7,339,605		6,189,827		(1,199,778)	-16%
<i>Proceeds from Disposal of Assets</i>	92,000				(92,000)	-100%
<i>Proceeds from Sale of Land Held for Resale</i>	96,000		2,927		(93,073)	-97%
Debentures		923,547		(385,700)		
<i>Repayment of Debentures</i>	(314,468)		(931,780)		42,688	-4%
<i>Proceeds from New Debentures</i>	1,831,000		566,000		(1,315,000)	-70%
<i>Self-Supporting Loan Principal Income</i>	17,015				(17,015)	-100%
Reserves		946,087		124,134		
<i>Transfers to Reserves (Restricted Assets)</i>	(136,433)		(134,389)		2,044	-1%
<i>Transfers from Reserves (Restricted Assets)</i>	1,082,520		258,523		(823,997)	-76%
<i>Add Estimated Surplus/(Deficit) July 1 B/Fwd</i>	5,526,799	5,526,799	5,526,796	5,526,796	(3)	0%
<i>Less Estimated Surplus/(Deficit) June 30 C/Fwd</i>	1,021,573	11,821,573	9,721,492	9,721,492	(2,100,081)	-18%
<b>Amount Required to be Raised from Rates</b>	5,123,991	5,123,991	5,087,830	5,087,830	(36,161)	-1%

## Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity  
For the Period Ended 31 January 2010

	YTD Actual 2009/10 \$	Brought Forward 1 July 2009 \$
<b>Net Current Assets</b>	<b>\$</b>	<b>\$</b>
<b>Composition of Net Current Asset Position</b>		
<b>Current Assets</b>		
Cash - Unrestricted	3,771,939	6,140,740
Cash - Reserves	6,614,571	6,738,705
Cash - Restricted Unspent Grants	5,479,485	-
Investments - Restricted		
Receivables	1,582,782	1,174,211
Self Supporting Loans	-	1,118
Inventories	4,968	6,387
Land Held for Resale	-	-
	17,453,744	14,061,161
<i>Less</i>		
<b>Current Liabilities</b>		
Payables	(1,117,682)	(1,795,659)
	(1,117,682)	(1,795,659)
<i>Less</i>		
<b>Restricted Reserves</b>		
Cash	(6,614,571)	(6,738,705)
Investments		
<b>Net Current Asset Position</b>	9,721,492	5,526,796

## Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity  
For the Period Ended 31 January 2010

### Explanation of Material Variances

variances +/- \$50,000

#### Operating

##### Recurrent Revenue - Excluding Rates

###### General Purpose Funding:

Higher than expected interest received to date (\$25K) compared to forecast on Reserve Investments due to earlier maturity dates. This will even out over financial year. Interest received on East Kimberley Development Package funds invested that was not included in original budget (\$29K).

###### Community Amenities:

Higher year to date revenue received against year to date estimates for rubbish disposal and refuse collection revenue (combined \$87K) and development application fees (\$18K). Erosion control and weed control grants (\$37K) received that were not in budget. Youth Services grants underachieved year to date by \$36K offset by higher year to date fee revenue of \$5K.

###### Other Property and Services:

Profit on sale of assets estimated year to date not achieved (\$116K) due to delay in purchase and disposal of plant.

##### Recurrent Expenditure

###### Governance:

Zone project plan submission costs (\$24K) delayed pending commencement of Zone Executive Officer. Governance salaries and wages underexpended by \$62K due to vacancy in CEO position for period, this is partially offset by higher administrative overheads (\$15K) will be offset by salary and wages expenses in other areas.

###### Community Amenities:

Tip Maintenance expenditure is overspent year to date by \$33K. Refuse Collection under spent, (\$62K) due to invoices for January not yet received. Town planning consultants overspent by \$23K partially offset by vehicle expenses under spent by \$7K, may be some journals required. Youth staffing costs under spent by \$87K compared to year to date budget due to staff vacancies. Lake Kunurra Project expenditure (\$70K) incorrectly budgeted against recurrent, this is offset by unbudgeted expenditure in capital. This will be corrected at budget review. Weaber Plain Flood Mitigation under spent by \$515K. Cumbung management overspent by \$12K due to underestimation of costs associated to undertake project.

###### Recreation and Culture:

Celestion project delayed to resolve queries unspent \$30K. Ord River Sailing Club project delayed until leases and land tenure finalised, under spent by \$76K. Ord River Sports Club Membership Study under spent by \$28K against year to date estimate. Skaloobark maintenance overspent by \$16K due to higher than expected costs from contractor and depreciation expenses higher than estimated (\$19K), budgets to be adjusted at review. Salaries for Wyndham Pool under spent against year to date by \$24K due to position vacancy, this will be offset by salary and wages expenses in other areas. Wyndham foreshores and boat ramps under spent against year to date by \$17K.

###### Transport:

Rural road and Kunurra urban road maintenance variances due to staff being engaged on rural roads as a priority due to seasons, a net impact of \$91K over expenditure as a timing difference. Depreciation expense is \$718K higher than budgeted for transport. This will be corrected at budget review. East Kimberley Regional Airport (\$150K) and Wyndham Airport (\$27K) operational budgets forecast earlier than actual expense due to staff priorities being given to other capital projects, expected to correct over time.

###### Economic Services:

Annual Grants are under expended by \$70K due to timing of distribution compared to budget. Second round adopted at November 2009 Council meeting. Economic Services wages and overheads are under expended by \$63K due to position of Economic Development Manager not being filled, this is offset by salary and wages expenses in other areas.

###### Other Property and Services:

Public Works Overheads exceeds the recovery of the overheads against jobs by \$262K. This is a timing issue due to the delay in construction projects, will be reviewed at budget review.

#### Capital

##### Adjustments and Accruals

Depreciation expenses exceed year to date budget by \$245K. The impact of the implementation of the new asset capitalisation policy has been reviewed and budgets will be adjusted accordingly at review. This is offset by year to date profit/loss on disposal of assets not being achieved due to delays in disposing of assets (\$132K).

##### Capital Expenditure and Revenue

###### Purchase Infrastructure Assets (Land and Buildings)

Kunurra Leisure Centre stage upgrade budget forecast earlier than actual expenditure. Project mainly completed, pending purchase of some final equipment and payment of invoices (\$20K). Patern Transfer Facility project tender advertised in January 2010, current under spent of \$142K. Staff housing expenditure forecasted year to date \$67K delayed whilst housing options under review.

## Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity  
For the Period Ended 31 January 2010

(Continued)

### Capital Expenditure and Revenue (continued)

#### Purchase Infrastructure Assets (Roads)

Coolibah Drive reconstruction project \$103K over budget due to addition of project management overheads, requires budget amendment. Carlor Hill Road upgrade over budget \$95K, expenditure being reviewed incorrect postings. Barding Loop reconstruct over expended to annual budget (\$26K), due to additional area required for cement stabilisation. Budget amendment required.

#### Purchase Infrastructure Assets (Footpaths)

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

#### Purchase Infrastructure Assets (Other)

Lake Kununurra Project expenditure (\$70K) incorrectly budgeted against recurrent, offset by this unbudgeted expenditure in capital. This will be corrected at budget review. Wyndham Pool upgrade year to date underspent \$184K due to earlier forecasting than expenditure. Forecasted expenditure Multipurpose Courts yet to occur \$38K. Kununurra Airport car park modifications \$16K less than predicted year to date budget. Street light upgrades underspent \$35 against year to date forecast, contractors engaged, pending commencement of works.

#### Purchase Infrastructure Assets (Plant and Equipment)

Plant purchases occurring later than forecasted (\$118K)

#### Purchase Infrastructure Assets (Furniture and Equipment)

Kununurra and Wyndham Youth kit/outset up under expended by combined \$60K delayed by staff recruitment.

#### Grants/Contributions to Development of Assets

Wyndham Pool Upgrade Income overachieved by \$50K against year to date forecast. Roads to Recovery grants based on project timing - cash flow estimates to be revised due to changes in the works program (\$704K). Regional Road Group Grant application not yet lodged pending commitment of works by Main Roads on Weaber Plain Road \$283K. Royalties for Regions funding not yet released \$1.1M offset by East Kimberley Development Package funding received earlier than estimated \$833K. Grants for Celebrity Tree Park toilet and carpark (\$105) received not in budget. Regional and Local Community Infrastructure funding (\$100K) pending approval. Country Housing Authority Grant \$100K yet to be claimed for staff housing.

#### Proceeds from Disposal of Assets

Plant purchases and disposals delayed (\$82K)

#### Proceeds from Sale of Land Held for Resale

Land at East Kimberley Regional Airport undergoing subdivision, delaying sale \$95K.

#### Debentures and Reserves

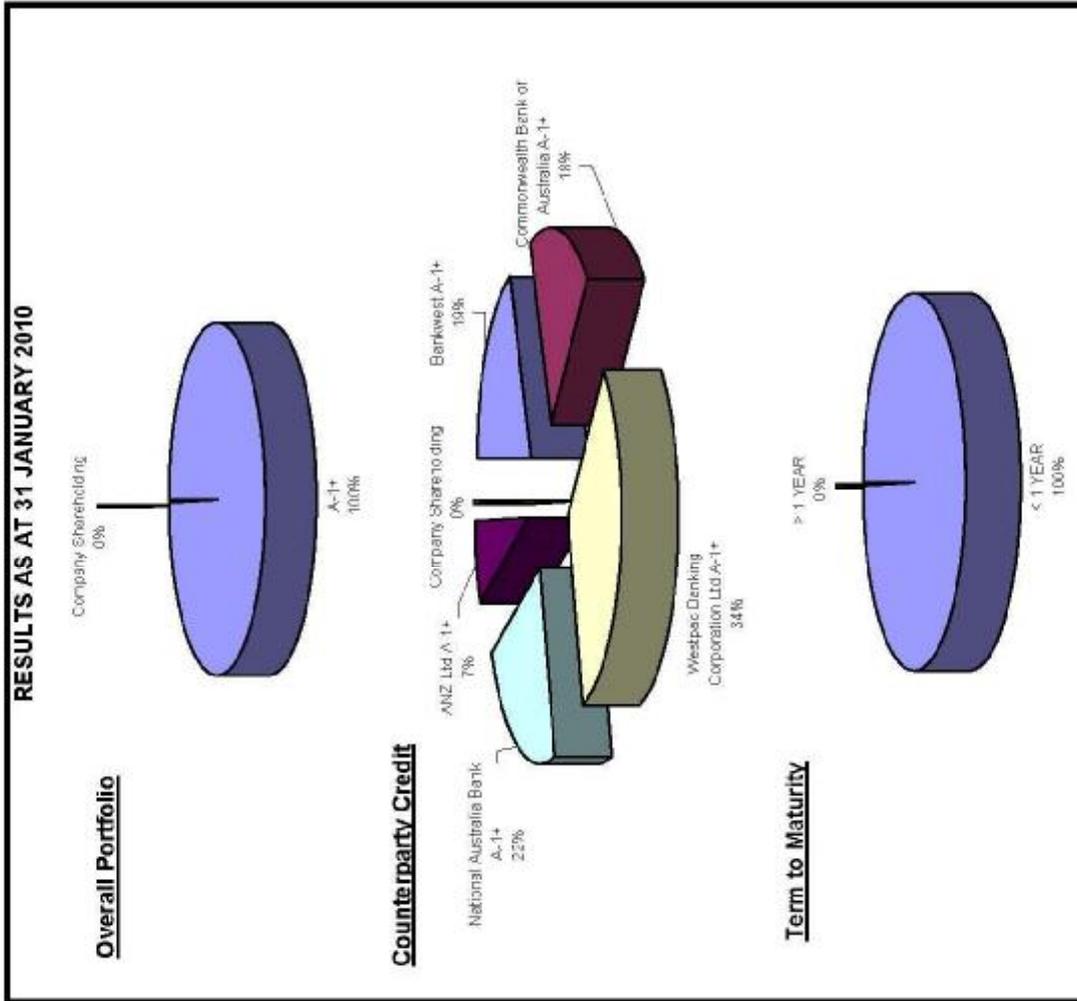
Full amount forecast in budget for refinancing Childcare loan not required, impact of \$55K (in loan and reserve transfer). Self supporting loan for Ord River Sports Club delayed pending negotiations impact \$53K. Loans for administration building land (\$490K) and staff housing (\$700) delayed whilst options under review. Transfers from Reserve funds occurring later than estimated due to ongoing projects \$823K.

**Shire of Wyndham East Kimberley**  
**Notes to Statement of Financial Activity**  
**Budget to Collect / Spend**  
as at 31 January 2010

	Amended Adopted Budget 2009-10		YTD Actual 2009-10		Budget Remaining 2009-10	
	\$	\$	\$	\$	\$	\$
<b>Revenues</b>		10,864,758		6,057,954		4,806,844
General Purpose Funding	3,565,207		1,672,135		1,483,072	
Governance	39,196		66,473		(16,278)	
Law, Order And Public Safety	49,456		33,834		15,621	
Health	35,500		8,950		26,550	
Education And Welfare	114,000		69,526		44,474	
Housing	501,021		88,083		217,936	
Community Amenities	2,068,040		1,208,267		849,783	
Recreation And Culture	673,766		430,775		442,991	
Transport	3,536,000		2,152,321		1,383,679	
Economic Services	222,800		123,997		98,803	
Other Properties And Services	279,814		19,603		260,211	
<b>Expenses</b>		(15,136,548)		(8,959,480)		(7,176,568)
General Purpose Funding	(467,130)		(253,740)		(213,380)	
Governance	(1,080,822)		(585,144)		(515,688)	
Law, Order And Public Safety	(450,824)		(283,368)		(167,246)	
Health	(316,142)		(180,779)		(155,363)	
Education And Welfare	(377,384)		(174,669)		(202,715)	
Housing	(291,153)		(171,976)		(119,177)	
Community Amenities	(8,435,508)		(1,632,144)		(1,803,362)	
Recreation and Culture	(3,923,469)		(2,000,867)		(1,922,602)	
Transport	(4,869,304)		(2,968,072)		(1,901,232)	
Economic Services	(637,312)		(268,009)		(369,303)	
Other Property and Services	(287,452)		(490,773)		193,321	
<b>Adjustments for Cash Budget Requirements</b>						
Adjustments and Accruals		1,696,628		1,288,073		408,555
<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		1,511,179		658,931	
Purchase of Non-Current Assets		(23,911,516)		(5,230,789)		(18,680,727)
<i>Purchase Land Held for Resale</i>	(192,000)		(11,861)		(180,139)	
<i>Purchase Land and Buildings</i>	(8,967,263)		(819,913)		(8,147,350)	
<i>Purchase Infrastructure Assets - Roads</i>	(6,137,882)		(2,136,640)		(2,942,242)	
<i>Purchase Infrastructure Assets - Parks</i>	(240,000)		(82,943)		(157,057)	
<i>Purchase Infrastructure Assets - Footpaths</i>	(78,400)		(23,127)		(55,273)	
<i>Purchase Infrastructure Assets - Drainage</i>	(254,900)		(97,676)		(167,224)	
<i>Purchase Infrastructure Assets - Other</i>	(6,738,000)		(1,548,816)		(5,240,185)	
<i>Purchase Plant and Equipment</i>	(1,362,711)		(374,812)		(987,899)	
<i>Purchase Furniture and Equipment</i>	(280,500)		(56,111)		(224,389)	
Capital Income		13,904,888		6,132,764		7,712,134
<i>Grants / Contributions for Development of Assets</i>	13,508,388		6,189,827		7,119,561	
<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		1,765,160		(365,700)		2,130,948
<i>Repayment of Debentures</i>	(1,037,947)		(931,760)		(126,067)	
<i>Proceeds from New Debentures</i>	2,806,000		666,000		2,240,000	
<i>Self-Supporting / can Principal Income</i>	17,015				17,015	
Reserves		1,653,940		124,134		1,529,806
<i>Transfers to Reserves (Restricted Assets)</i>	(899,880)		(134,369)		(765,511)	
<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>Less Estimated Surplus/(Deficit) June 30 C/Fwd</i>	490,705	490,705	9,721,492	9,721,492	(9,230,787)	(9,230,767)
<b>Amount Required to be Raised from Rates</b>		5,126,079		5,087,830		38,249

**MONTHLY REPORT ON INVESTMENT PORTFOLIO (CASH)**

<b>INVESTMENT POLICY F17</b>			
<b>"Overall Portfolio Limits"</b>			
S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %	Managed Funds Maximum %
AAA	A-1+	100%	100%
AA	A-1	100%	100%
A	A-2	60%	80%
<small>Note: S&amp;P ratings for Structured Finance credit ratings only</small>			
<b>"Counterparty Credit Framework"</b>			
S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %	Managed Funds Maximum %
AAA	A-1+	45%	50%
AA	A-1	35%	45%
A	A-2	30%	40%
<b>"Term to Maturity Framework"</b>			
<b>Overall Portfolio Term to Maturity Limits</b>			
Portfolio % < 1 year	100% max 40% min		
Portfolio % > 1 year	60%		
Portfolio % > 3 year	35%		
Portfolio % > 5 year	25%		
Individual Investment Maturity Limits			
ADI	5 years		
Non ADI	3 years		
<small>Note: All investments are Australian Corporate Issuance structured under the Structured Act 1999</small>			



**EXPLANATION OF VARIANCES:**

Company shareholding (non S&P rated or ADI) represents less than 1% of investment portfolio. Council minute 8314 of 19 August 2008 provides instruction to sell shareholding. Council minute 8812 of 15 September 2009 instructs that status of shares be re-examined in six months time.

## 12.2.2 LIST OF ACCOUNTS PAID UNDER DELEGATION 18

<b>DATE:</b>	16 February 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Shire Of Wyndham East Kimberley
<b>AUTHOR:</b>	Sue Dillon, Senior Finance Officer
<b>REPORTING OFFICER:</b>	Jo-Anne Ellis, Executive Manager Corporate Services
<b>FILE NO:</b>	60.14.03
<b>ASSESSMENT NO:</b>	N/A

### **PURPOSE**

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

### **BACKGROUND**

Delegation 18 – Payment of Creditors was reviewed and adopted by Council on 16 June 2009.

This delegation gives authority to make payments from the Municipal Fund or Trust Fund to the Chief Executive Officer. There is a sub delegation to the Executive Manager Corporate Services, Manager Financial Services and Senior 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**

No Community Consultation was 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

## **MANAGERS' RECOMMENDATION**

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

Municipal cheques 39390 to 39413 (7 – 28 January 2010)	\$69,170.77
Trust cheques 18 to 20 (29 January 2010)	\$45,459.34
Municipal EFT 108158 to 108360 (7 – 28 January 2010)	\$851,485.35
Trust EFT 500015 to 500016 (29 January 2010)	\$17,868.65
Municipal Payroll (13 to 27 January 2010)	\$276,857.23
Municipal Direct bank debits (January 2010)	\$18,171.47
<b>Total</b>	<b>\$1,279,012.81</b>

**COUNCIL DECISION**

**Minute No 9032**

**Moved: Cr K Wright**

**Seconded: Cr J Moulden**

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

<b>Municipal cheques 39390 to 39413 (7 – 28 January 2010)</b>	<b>\$69,170.77</b>
<b>Trust cheques 18 to 20 (29 January 2010)</b>	<b>\$45,459.34</b>
<b>Municipal EFT 108158 to 108360 (7 – 28 January 2010)</b>	<b>\$851,485.35</b>
<b>Trust EFT 500015 to 500016 (29 January 2010)</b>	<b>\$17,868.65</b>
<b>Municipal Payroll (13 to 27 January 2010)</b>	<b>\$276,857.23</b>
<b>Municipal Direct bank debits (January 2010)</b>	<b>\$18,171.47</b>
<b>Total</b>	<b>\$1,279,012.81</b>

**CARRIED UNANIMOUSLY: (7/0)**

## List of Accounts Paid Under Delegation 18

### List of Accounts Submitted to Council 16 February 2010

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT108158	7/01/10	ANSTAT	ANNUAL FEE 09/10	396.00
EFT108159	7/01/10	ARGYLE AUTO AIR	FIT CONDENSER FAN - P330	1,965.50
EFT108160	7/01/10	ALLAN JAMES BOB CAT & WATER TRUCK HIRE	BOBCAT HIRE WYNDHAM SWIMMING POOL	2,640.00
EFT108161	7/01/10	ARGYLE MOTORS	NEW STARTER MOTOR P355 AND P362	753.60
EFT108162	7/01/10	CABCHARGE	TAXI FARES 23/11 - 26/11/09	401.82
EFT108163	7/01/10	DERRICK STEENSON	HEAVY DUTY STAND - RETICULATION PUMP WYNDHAM POOL	746.90
EFT108164	7/01/10	EAST KIMBERLEY PLUMBING	REPAIR WYNDHAM PORT TOILETS	529.90
EFT108165	7/01/10	EAST KIMBERLEY HARDWARE	60 BAGS RAPIDSET CEMENT KNX AIRPORT	1,664.55
EFT108166	7/01/10	GRUNT LABOUR SERVICES PTY LTD	SUPPORT OFFICER COMMUNITY EXECUTIVE	2,323.01
EFT108167	7/01/10	IBAC PLUMBING PTY LTD	PLUMBING REPAIRS KLC, KNX AIRPORT	1,521.30
EFT108168	7/01/10	IT VISION ITV	OFFICE INTEGRATION	220.00
EFT108169	7/01/10	J BLACKWOOD & SON LIMITED	DOWN LIGHT GLOBES KNX ADMIN	23.68
EFT108170	7/01/10	JSW HOLDINGS PTY LTD	HIRE SEMI TRAILER	265.65
EFT108171	7/01/10	JAB INDUSTRIES	SUPPLY CONCRETE	1,128.60
EFT108172	7/01/10	KIMBERLEY MARKETING	ITEMS PURCHASED FOR RE-SALE - KLC	1,081.26
EFT108173	7/01/10	KUNUNURRA LOCK & KEY	LOCKS & KEYS	556.00
EFT108174	7/01/10	KUNUNURRA SECURITY SERVICE	AIRPORT SECURITY	20,604.00
EFT108175	7/01/10	KIMBERLEY COMMUNICATIONS	REMOVAL OF RADIO, SPEAKERS AND ROOF RACK - P341	148.50
EFT108176	7/01/10	TELFORD INDUSTRIES	WATER TESTING TABLETS AND CHEMICALS FOR KLC	3,004.43
EFT108177	7/01/10	TNT AUSTRALIA PTY LIMITED	FREIGHT FOR WATER SAMPLES	300.64
EFT108178	7/01/10	WYNDHAM EXCAVATIONS	WATER, LOADER & TIPPER TRUCK TO EXTINGUISH FIRE	7,227.00
EFT108179	11/01/10	SHIRE OF WYNDHAM EAST KIMBERLEY	COMMISSION BRB JULY TO DECEMBER 2009	1,058.20
EFT108180	14/01/10	APPERLEY, KARYN	ELECTRICITY SUBSIDY CLAIM 30/09/09 - 26/11/09	475.14
EFT108181	14/01/10	ASP PTY LTD	BLADES (10 SETS) P355 AND P362	1,642.85
EFT108182	14/01/10	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	370.71
EFT108183	14/01/10	AUSTRALIAN FUEL DISTRIBUTORS	SUPPLY DIESEL TO SHIRE DEPOT	6,488.35
EFT108184	14/01/10	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	189.00
EFT108185	14/01/10	ALLGEAR MOTORCYCLES AND SMALL ENGINES	CHAINSAW - SAFETY SERVICE	101.80

EFT108186	14/01/10	ARGYLE MOTORS	FULL SERVICE KUBOTA TRACTOR P355	1,256.85
EFT108187	14/01/10	BOAB REFRIGERATION AND AIRCON	CHECK & REPAIR AIRCON AT 67 KOOJARRA ST WYNDHAM.	99.00
EFT108188	14/01/10	BRANKO BP MOTORS	SERVICE P326	300.90
EFT108189	14/01/10	BRIDGESTONE AUSTRALIA LTD	1 X TYRE P358	258.26
EFT108190	14/01/10	BEAUREPAIRES FOR TYRES	FIT TYRE ISUZU TRUCK P342	47.33
EFT108191	14/01/10	CAFE CORPORATE	CONSUMABLES	290.00
EFT108192	14/01/10	COASTAL DISTRIBUTING AND PROVEDORING	CLEANING PRODUCTS	187.32
EFT108193	14/01/10	EAST KIMBERLEY PLUMBING	PLUMBING REPAIRS STAFF HOUSING KNX	422.29
EFT108194	14/01/10	FRANMOR CONSTRUCTIONS PTY LTD	BREAK IN 12/12/09 BOARD UP SMASHED WINDOW KLC	372.30
EFT108195	14/01/10	GAULT, JOHN DOUGLAS	ELECTRICITY SUBSIDY CLAIM 17/10/09 - 15/12/09	614.27
EFT108196	14/01/10	GRUNT LABOUR SERVICES PTY LTD	LABOUR HIRE - LANDFILL SITE	798.82
EFT108197	14/01/10	GARY GAFFNEY	REIMBURSEMENT OF PURCHASES	50.50
EFT108198	14/01/10	HART SPORT	ASSORTED SPORTING EQUIPMENT	1,364.20
EFT108199	14/01/10	HOST DIRECT	FUEL CANS AND GLASSWARE	183.70
FT108200	14/01/10	IBAC PLUMBING PTY LTD	REPAIR LEAKING TAPS KNX AIRPORT CUBICLE	221.10
EFT108201	14/01/10	ICE AGE REFRIGERATION & AIRCONDITIONING	SERVICE AND CLEAN AIRCON 28 EUGENIA ST KNX	253.00
EFT108202	14/01/10	INSYNC SURVEYS	50% PAYMENT EMPLOYEE SURVEY	4,675.00
EFT108203	14/01/10	J BLACKWOOD & SON LIMITED	PPE SUPPLIES	282.49
EFT108204	14/01/10	JSW HOLDINGS PTY LTD	WATER TRUCK HIRE - LANDFILL SITE	599.50
EFT108205	14/01/10	JAB INDUSTRIES	PLANT HIRE 23/12/09	330.00
EFT108206	14/01/10	K & M ALLCLEAN	CLEANING YOUTH CENTRE DEC 09	834.00
EFT108207	14/01/10	KIMBERLEY LINEMARKING	LINE MARKING	14,861.17
EFT108208	14/01/10	KIMBERLEY MARKETING	CONSUMABLES	61.39
EFT108209	14/01/10	KIMBERLEY MOTORS	FUEL NOVEMBER 09	3,457.35
EFT108210	14/01/10	KIMBERLEY WASTE SERVICES	LITTER COLLECTION TENDER 07, STREET SWEEPING	25,918.78
EFT108211	14/01/10	KINGS CROWN INSTRUMENTATION & ELECT.	UPGRADE POWER BOARD PRM HALL WYNDHAM	3,340.00
EFT108212	14/01/10	KUNUNURRA HOME & GARDEN	GENERAL PURPOSE & RAPID SET CONCRETE	1,541.98
EFT108213	14/01/10	KUNUNURRA LOCK & KEY	REPLACE BARREL OFFICE DOOR - WYNDHAM ADMIN.	141.50
EFT108214	14/01/10	KUNUNURRA PLUMBING & GAS FITTING	INSTALL FIRE SERVICE ROD HODNETT DR TO SHIRE OFFICE	11,430.95
EFT108215	14/01/10	KUNUNURRA POOLS AND SPAS	REPAIR MANUAL VAC UNIT	125.30
EFT108216	14/01/10	KIMBERLEY COMMUNICATIONS	NEW SATELLITE RECEIVER SBS	308.00
EFT108217	14/01/10	KIMBERLEY KOOL REFRIGERATION & AIRCON	REPAIR KNX ADMIN OFFICE AIRCON	594.00
EFT108218	14/01/10	KUNUNURRA COURIERS	SUPPLY WATER BOTTLES	55.50

EFT108219	14/01/10	KUNUNURRA DIESEL SERVICE	REFUND OVERPAYMENT OF DEBTOR INVOICE	200.00
EFT108220	14/01/10	L.G.R.C.E.U	PAYROLL DEDUCTIONS	15.30
EFT108221	14/01/10	MCLEAN ENTERPRISES PTY LTD	2 X 200 LTRS OF BITUMEN - KNX AIRPORT	890.00
EFT108222	14/01/10	MEGAN HUNT	CLEANING OF VARIOUS LOCATIONS - WYNDHAM	1,947.00
EFT108223	14/01/10	NPM GROUP PTY LTD TRADING AS ARK HOMES	PROGRESS PAYMENT # 1 - SHIRE HOUSING	311,210.90
EFT108224	14/01/10	ORD RIVER ELECTRICS	ELECTRICAL REPAIRS KLC SQUASH COURTS	108.55
EFT108225	14/01/10	RACHEL WORNES	ELECTRICITY SUBSIDY CLAIM 23/10/09 - 27/11/09	273.15
EFT108226	14/01/10	SHERIDAN'S FOR BADGES	STAFF NAME BADGES	303.40
EFT108227	14/01/10	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	850.00
EFT108228	14/01/10	ST JOHN AMBULANCE	FIRST AID COURSES	250.00
EFT108229	14/01/10	THINKWATER	RETICULATION ITEMS NICHOLSON & LAKE KNX PROJECTS	16,788.91
EFT108230	14/01/10	TNT AUSTRALIA PTY LIMITED	FREIGHT FOR WATER SAMPLES	226.13
EFT108231	14/01/10	TOLL EXPRESS	FREIGHT DEPOT	212.40
EFT108232	14/01/10	TOTAL EDEN KP PUMPS	POOL CHLORINE	376.28
EFT108233	14/01/10	TOYWORLD KUNUNURRA	VARIOUS GAMES - YOUTH CENTRE	682.81
EFT108234	14/01/10	TROPICAL PEST CONTROL	PEST CONTROL WYN ADMIN & PRM HALL	570.00
EFT108235	14/01/10	UHY HAINES NORTON (WA) PTY LTD	NUTS AND BOLTS ACCOUNTING COURSE - STAFF TRAINING	4,840.00
EFT108236	14/01/10	WA LOCAL GOVT SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	21,073.36
EFT108237	14/01/10	WESTRAC EQUIPMENT PTY LTD	LOADER PARTS	156.56
EFT108238	14/01/10	WORKING RELATIONSHIPS	ANNUAL MANAGEMENT FEE EMPLOYEE ASSIST PROGRAM	396.00
EFT108239	14/01/10	WYNDHAM EXCAVATIONS	PLANT HIRE FOR WYNDHAM POOL	6,688.00
EFT108240	14/01/10	COUNCILLOR DI AUSBURN	MEETING FEE FOR PERIOD 01/10/09 - 31/12/09	2,350.00
EFT108241	14/01/10	COUNCILLOR JANE PARKER	MEETING FEE FOR PERIOD 01/10/09 - 31/12/09	2,350.00
EFT108242	14/01/10	COUNCILLOR KEITH WRIGHT	MEETING FEE FOR PERIOD 01/10/09 - 31/12/09	2,350.00
EFT108243	14/01/10	CR FRED MILLS	MEETING FEE FOR PERIOD OF 1/10/09 - 31/12/09	6,850.00
EFT108244	14/01/10	CR KENNETH TORRES	MEETING FEE FOR PERIOD 01/10/09 - 31/12/09	2,350.00
EFT108245	14/01/10	K & M ALLCLEAN	CLEANING - VARIOUS LOCATIONS	14,950.72
EFT108246	14/01/10	KIMBERLEY ECHO ALBANY ADVERTISER	ADVERTISING NOVEMBER 2009	2,084.71
EFT108247	14/01/10	KIMBERLEY WASTE SERVICES	REFUSE COLLECTION KNX	34,879.05
EFT108248	21/01/10	APPERLEY, KARYN	08/09 ANNUAL AIRFARE ALLOWANCE	2,600.00
EFT108249	21/01/10	AUST LOCAL GOVERNMENT JOB DIRECTORY	ADVERTISING	1,056.00
EFT108250	21/01/10	AUSTRALIA POST	POSTAGE, NEWSPAPERS AND STATIONERY	792.44
EFT108251	21/01/10	ALL SEASONS KUNUNURRA	STAFF CHRISTMAS PARTY	4,420.00

EFT108252	21/01/10	ALLGEAR MOTORCYCLES AND SMALL ENGINES	NEW HOSE PUMP ASSY & SERVICE - P356	1,161.50
EFT108253	21/01/10	BOAB CARPENTRY PTY LTD	LOUVRE DOOR 67 KOOJARRA ST, WYN	492.14
EFT108254	21/01/10	BRANKO BP MOTORS	REPAIRS P326, MISC ITEMS WYN AIRPORT	1,095.27
EFT108255	21/01/10	COATES HIRE OPERATIONS PTY LTD	PLANT HIRE	299.97
EFT108256	21/01/10	COMMUNICATION AND PROTECTIVE SOLUTIONS	NEW PHONE SYSTEM - KLC	4,802.05
EFT108257	21/01/10	CRIPPS, KELLY	09/10 ANNUAL AIRFARE ALLOWANCE	2,600.00
EFT108258	21/01/10	CROCODILE SIGNS	SIGNS WYNDHAM COMMUNITY JETTY	844.80
EFT108259	21/01/10	CT MANAGEMENT GROUP	PURCHASE DELTAS ASSET MANAGEMENT PROGRAM	6,270.00
EFT108260	21/01/10	DOUGLAS ALEXANDER	ELECTRICITY SUBSIDY 22/10/09 - 22/12/09	585.56
EFT108261	21/01/10	FISCHER, CYNTHIA	CLEANING OF VARIOUS LOCATIONS AUG 09 - JAN 10	18,211.85
EFT108262	21/01/10	FRONTIER POST & NEWS	POSTAGE, NEWSPAPERS AND STATIONERY	61.95
EFT108263	21/01/10	FUJI XEROX AUSTRALIA P/L	PRINTING COSTS	314.76
EFT108264	21/01/10	GULLIVERS TAVERN	DINNER BRIEFING SESSION	253.99
EFT108265	21/01/10	HART SPORT	TABLE TENNIS TABLE - YOUTH CENTRE	476.80
EFT108266	21/01/10	ICE AGE REFRIGERATION & AIRCONDITIONING	REPAIR AIR CONDITIONER UNIT 16 HIBISCUS ST	77.00
EFT108267	21/01/10	J BLACKWOOD & SON LIMITED	SIKAFLEX	80.16
EFT108268	21/01/10	JAB INDUSTRIES	PLANT HIRE CLEAR VEGETATION FROM DRAINS & TIP MTCE	10,169.50
EFT108269	21/01/10	KENNETH COTTER	ELECTRICITY SUBSIDY 06/10/09 - 02/12/09	566.37
EFT108270	21/01/10	KIMBERLEY ECHO ALBANY ADVERTISER	ADVERTISING DECEMBER	2,919.47
EFT108271	21/01/10	KIMBERLEY INDUSTRIES METALAND	SIGN POLES & CAPS FOR VARIOUS LOCATIONS	4,282.80
EFT108272	21/01/10	KIMBERLEY MARKETING	ITEMS PURCHASED FOR RE-SALE - KLC	3,188.83
EFT108273	21/01/10	KIMBERLEY MOTORS	TOURIST INFORMATION SERVICE FOR WYNDHAM	660.04
EFT108274	21/01/10	KINGS CROWN INSTRUMENTATION & ELECT.	LIGHTING WYN POOL	1,881.00
EFT108275	21/01/10	KUNUNURRA MOBILE WELDING SERVICE	REPAIR EXTERNAL FENCE WYN SWIMMING POOL	6,853.00
EFT108276	21/01/10	KUNUNURRA PANEL BEATING WORKS WA P/L	REPLACE L/H/F DOOR WINDOW P365 EXCESS FOR P105	878.23
EFT108277	21/01/10	KUNUNURRA REFRIGERATION & AIR CON P/L	REPAIR PRM HALL AIR CONDITIONERS	2,267.43
EFT108278	21/01/10	LW PROPERTY CARE	CLEANING GAS BBQ'S AT SWIM BEACH	528.00
EFT108279	21/01/10	MCKINLAY, BETTY	WATER SUBSIDY FOR PERIOD 31/7/09 - 02/12/09	35.97
EFT108280	21/01/10	MCLACHLAN, SHARON	ELECTRICITY SUBSIDY FOR PERIOD 07/10/09 - 13/12/09	268.18
EFT108281	21/01/10	MEGAN HUNT	CLEANING OF VARIOUS LOCATIONS - WYNDHAM	2,231.18
EFT108282	21/01/10	METAL ARTWORK CREATIONS	GOLD DESK NAME PLATE	33.66
EFT108283	21/01/10	MCARTHUR	REMUNERATION SURVEY	550.00
EFT108284	21/01/10	NATURE LOO	EXTRA WASTE CHUTES	252.00

EFT108285	21/01/10	NORTHLINE	EXTRA COST TO FREIGHT GRAFFITI TRAILER	2,411.07
EFT108286	21/01/10	OFFICE NATIONAL KUNUNURRA	PRIVACY SCREEN CABIN BAGGAGE X-RAY MONITOR	274.85
EFT108287	21/01/10	ORDCO	LORSBAN FOR ANTS KNX AIRPORT	121.00
EFT108288	21/01/10	ORIA ORCHARDS	WEEKLY FLOWER DELIVERY KNX OFFICE	30.00
EFT108289	21/01/10	PEERLESS JAL PTY LTD	NIFTY NABBERS - LITTER PICKER UPS	707.52
EFT108290	21/01/10	PLAYRIGHT AUSTRALIA PTY LTD	INSPECTION CERTIFICATE CHANGE	19.80
EFT108291	21/01/10	RICK SPRY	TELEPHONE SUBSIDY FOR PERIOD 01/11/09 - 30/11/09	34.77
EFT108292	21/01/10	RNR CONTRACTING	POD EMULSION	1,078.00
EFT108293	21/01/10	SHELF SUPPLY	WORK SHORTS AND SHIRTS	166.00
EFT108294	21/01/10	STANLEY GRADER & CONTRACTING PTY LTD	10/12/09 - 16/12/09 MAINTENANCE GRADE PARRY CRK ROAD	18,920.00
EFT108295	21/01/10	STATE LAW PUBLISHER	ADVERTISING	542.48
EFT108296	21/01/10	THINKWATER	HUNTER SPRINKLERS POLY PIPE ASSORTED RETIC FITTINGS	2,459.21
EFT108297	21/01/10	TOLL EXPRESS	VARIOUS FREIGHT	1,642.87
EFT108298	21/01/10	TOP END MOTORS	SERVICE WY 01	276.32
EFT108299	21/01/10	TRIPP, KATYA MARIE	WATER SUBSIDY FOR PERIOD OF 06/08/09 - 30/11/09	276.71
EFT108300	21/01/10	URBIS PTY LTD	LOCAL PLANNING SCHEME - MAPPING AND TEXT	7,357.41
EFT108301	21/01/10	CANCELLED		
EFT108302	21/01/10	WESTRAC EQUIPMENT PTY LTD	PARTS LOADER - P350	242.67
EFT108303	21/01/10	WILLIAMS, RUSSELL J	REIMBURSE TRAVEL & ACCOMMODATION EXPENSES	1,291.22
EFT108304	21/01/10	WYNDHAM EXCAVATIONS	WYNDHAM POOL UPGRADE WORKS	22,796.00
EFT108305	21/01/10	WYNDHAM SUPERMARKET	BREAKFAST AUSTRALIA DAY	253.37
EFT108306	28/01/10	ALLIED PICKFORDS	REMOVALIST COSTS PLANNING OFFICER	5,828.90
EFT108307	28/01/10	ATTORNEY GENERAL'S DEPT AUSCHECK	AUSCHECK - ASIC	440.00
EFT108308	28/01/10	AUST PERFORMING RIGHT ASSOC. LTD	ACTUAL LICENSE FEES 08/09 AND 09/10	254.93
EFT108309	28/01/10	ALL SEASONS KUNUNURRA	ACCOMMODATION 16 - 17/12/09	527.00
EFT108310	28/01/10	ALLGEAR MOTORCYCLES AND SMALL ENGINES	5LT HONDA ENGINE OIL	42.00
EFT108311	28/01/10	ARGYLE MOTORS	SUPPLY AND FIT KINGPIN KITS P307	2,080.40
EFT108312	28/01/10	BOB'S BRUSH STROKES	28 EUGENIA ST RE-PAINT INTERIOR	3,385.00
EFT108313	28/01/10	BOC GASES AUSTRALIAN LIMITED	SUPPLY G SIZE OF OXY & ACETYLENE WYN DEPOT	896.45
EFT108314	28/01/10	BIG SAFETY	PPE EQUIPMENT	3,201.00
EFT108315	28/01/10	BRANKO BP MOTORS	VARIOUS ITEMS	813.30
EFT108316	28/01/10	CAFÉ CORPORATE	CONSUMABLES	534.60
EFT108317	28/01/10	CORPORATE EXPRESS	STATIONERY KLC, KNX ADMIN	2,809.09

EFT108318	28/01/10	CR JACQUELYN F MCCOY	MEETING FEE FOR PERIOD 01/10/09 - 31/12/09	2,350.00
EFT108319	28/01/10	CREATING COMMUNITIES	SPORT AND RECREATIONAL MASTER PLAN	1,925.00
EFT108320	28/01/10	DAVEY TYRE & BATTERY SERVICE	2 X NEW TYRE P309, BATTERY P204 & P211	1,951.20
EFT108321	28/01/10	EAST KIMBERLEY DINGO	MATERIALS & FREIGHT WYN POOL UPGRADE	10,011.00
EFT108322	28/01/10	EAST KIMBERLEY PLUMBING	PLUMBING PARTS & REPAIRS 28 EUGENIA ST	1,243.87
EFT108323	28/01/10	EAST KIMBERLEY HARDWARE	VARIOUS ITEMS KNX AIRPORT	102.95
EFT108324	28/01/10	FUJI XEROX AUSTRALIA P/L	PRINTING COSTS	784.47
EFT108325	28/01/10	GUERINONI & SON	TANKER HIRE SPRAY MOLASSES UNSEALED ROADS WYN	3,943.23
EFT108326	28/01/10	IMAGE PRINTING	LETTERHEADS	231.00
EFT108327	28/01/10	JASON SIGNMAKERS LTD	VARIOUS SIGNS	1,296.90
EFT108328	28/01/10	K & M ALLCLEAN	EXTRA CLEANING OF KLC	49.50
EFT108329	28/01/10	KIMBERLEY FIRST NATIONAL REAL ESTATE	REFUND OVERPAYMENT OF LEASE	761.93
EFT108330	28/01/10	KIMBERLEY MARKETING	CONSUMABLES COUNCIL MEETINGS & DRY ICE	421.55
EFT108331	28/01/10	KIMBERLEY MOTORS	FUEL FOR WYNDHAM	3,078.80
EFT108332	28/01/10	KIMBERLEY PROPERTY VALUERS	INSURANCE REVALUATIONS ON SHIRE BUILDINGS	15,510.00
EFT108333	28/01/10	KUNUNURRA COUNTRY CLUB RESORT	ACCOMMODATION 14/01/2010	186.50
EFT108334	28/01/10	KUNUNURRA HOME & GARDEN	SIGNS FOR KLC	46.35
EFT108335	28/01/10	KUNUNURRA LOCK & KEY	KEYS TO FIT CUPBOARD DRAWER KNX ADMIN	129.00
EFT108336	28/01/10	KUNUNURRA MAINTENANCE SERVICE	REMOVE GRAFFITI	200.00
EFT108337	28/01/10	KUNUNURRA MEDICAL	DAMP TESTING PRE-EMPLOYMENT	48.40
EFT108338	28/01/10	KUNUNURRA MOBILE WELDING SERVICE	SELF CLOSING GATE WYNDHAM POOL	1,232.00
EFT108339	28/01/10	KUNUNURRA SECURITY SERVICE	SECURITY KNX & WYN ADMIN, KLC, REC CENTRE WYN	1,949.20
EFT108340	28/01/10	KUNUNURRA TYREPOWER	SPARE RIM P107, SPARE TYRE P109 & P103	430.00
EFT108341	28/01/10	KUNUNURRA COURIERS	WATER BOTTLES	74.00
EFT108342	28/01/10	MEGAN HUNT	CLEANING OF VARIOUS LOCATIONS - WYNDHAM	1,112.38
EFT108343	28/01/10	MOBILE MASTERS	2 WAY'S, BASE AND LICENCE	4,023.20
EFT108344	28/01/10	NJ GAFF & C YATES	PLANTS WYNDHAM POOL	463.00
EFT108345	28/01/10	OFFICE NATIONAL KUNUNURRA	STATIONERY KNX APIRPORT	93.26
EFT108346	28/01/10	ORDCO	140 LT GLYSOPHATE KNX AND WYN	1,447.60
EFT108347	28/01/10	PROCUT GARDEN MAINTENANCE	GARDEN MTCE LANDSIDE AREA KNX AIRPORT	231.00
EFT108348	28/01/10	RAPISCAN SYSTEMS AUSTRALIA PTY LTD	MINI NOSE SAMPLING DISKS	305.25
EFT108349	28/01/10	RUMOURS PATISSERIE	LUNCH - EXECUTIVE MEETING	95.00
EFT108350	28/01/10	SETON AUSTRALIA PTY LTD	PPE ITEMS KNX & WYN	1,651.59

EFT108351	28/01/10	SHERIDAN'S FOR BADGES	STAFF BADGES	64.22
EFT108352	28/01/10	SPORTSPEOPLE	ADVERTISING JOB VACANCY	183.92
EFT108353	28/01/10	TELFORD INDUSTRIES	VARIOUS CHEMICALS KNX & WYN POOL	721.40
EFT108354	28/01/10	THINKWATER	ITEMS FOR RETICULATION UPGRADE WYNDHAM POOL	5,926.18
EFT108355	28/01/10	TONY'S PLUMBING & EXCAVATION PTY LTD	PLUMBING REPAIRS 67 KOOJARRA ST, WYN	200.20
EFT108356	28/01/10	UHY HAINES NORTON (WA) PTY LTD	RATING POLICY REVIEW	29,867.20
EFT108357	28/01/10	VANDERFIELD MACHINERY PTY LTD	PARTS FOR SPRAY RIG	168.87
EFT108358	28/01/10	WA LOCAL GOVERNMENT ASSOCIATION WALGA	ADVERTISING	6,114.31
EFT108359	28/01/10	WESTRAC EQUIPMENT PTY LTD	PARTS GRADER - P350	64.71
EFT108360	28/01/10	WYNDHAM EXCAVATIONS	PAVING WYN POOL UPGRADE	15,691.00
<b>Total Muni EFT</b>				<b>851,485.35</b>

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
39390	7/01/09	CANCELLED		-
39391	7/01/10	HORIZON POWER	ELECTRICITY CHARGES VARIOUS LOCATIONS	25,398.13
39392	7/01/10	MERCURE INN BROOME	ACCOMMODATION 14-15/12/2009	322.00
39393	7/01/10	TELSTRA	LANDLINE PHONE CHARGES	3,769.23
39394	14/01/10	AUSTRALIAN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	165.90
39395	14/01/10	AXA AUSTRALIA	SUPERANNUATION CONTRIBUTIONS	168.08
39396	14/01/10	COLONIAL PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	462.75
39397	14/01/10	FOSSEYS AUSTRALIA P/L (TARGET COUNTRY)	WYNDHAM YOUTH XMAS BALL	976.53
39398	14/01/10	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	350.67
39399	14/01/10	REST SUPER	SUPERANNUATION CONTRIBUTIONS	526.19
39400	14/01/10	VICSUPER	SUPERANNUATION CONTRIBUTIONS	173.23
39401	14/01/10	VISION SUPER	SUPERANNUATION CONTRIBUTIONS	866.60
39402	14/01/10	CANCELLED		
39403	14/01/10	CR JOHN HAMILTON MOULDEN	MEETING FEE FOR PERIOD 01/10/09 - 31/12/09	3,100.00
39404	14/01/10	CR RALPH ADDIS	MEETING FEE FOR PERIOD 01/10/09 - 31/12/09	2,350.00
39405	21/01/10	CASH PETTY CASH KNX OFFICE	REIMBURSE PETTY CASH	144.00
39406	21/01/10	DEPART FOR PLAN & INFRAST	LOCAL AUTHORITY SERIES SPECIAL PLATES	140.00
39407	21/01/10	HORIZON POWER	VARIOUS LOCATIONS ELECTRICITY CHARGES	16,634.97
39408	21/01/10	TELSTRA	LANDLINE & MOBILE PHONE CHARGES SEPTEMBER 2009	11,469.92

39409	28/01/10	AIRSERVICES AUSTRALIA	ERSA SPIRAL BOUND WITH RDS 12 MONTH KNX AIRPORT	109.65
39410	28/01/10	CASH PLEASE PAY CASH	COVERING OF DISCREPANCY IN BANKWEST AGENCY CASH	150.00
39411	28/01/10	DEPT. FOR PLANNING & INFRA.	10/11 ANNUAL JETTY LICENCE	32.00
39412	28/01/10	HORIZON POWER	ELECTRICITY CHARGES VARIOUS LOCATIONS	1,585.92
39413	28/01/10	IMELDA AGARS	REFUND OF FUNERAL DIRECTORS LICENCE	275.00
<b>Total Muni Cheques</b>				<b>69,170.77</b>

EFT	DATE	NAME	DESCRIPTION	AMOUNT
500015	29/01/10	TRUST DPI CLEARING	TRANSPORT CLEARING JANUARY 2010	15,901.20
500016	29/01/10	TRUST DPI CLEARING	TRANSPORT CLEARING JANUARY 2010	1,967.45
<b>Total Trust EFT</b>				<b>17,868.65</b>

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
18	18/01/10	JULIE WOODS	REFUND BOND PETER REID MEMORIAL HALL	1,000.00
19	11/01/10	BUILDERS' REGISTRATION BOARD OF W.A.	REFUND BRB PAYMENTS JULY TO DECEMBER 2009	3,850.00
20	18/01/10	BCITF	REFUND BCITF PAYMENT JULY TO NOVEMBER 2009	40,609.34
<b>Total Trust Cheques</b>				<b>45,459.34</b>

DATE	NAME	DESCRIPTION	Amount
13/01/2010	PAYROLL	PAYROLL	133,960.35
15/01/2010	PAYROLL	ONE OFF PAY	4,287.08
19/01/2010	PAYROLL	ONE OFF PAY	1,436.19
27/01/2010	PAYROLL	PAYROLL	137,173.61
<b>Total Payroll Payments</b>			<b>276,857.23</b>

DATE	NAME	DESCRIPTION	Amount
25/01/2010	DIRECT DEBIT	RENT 12/33 KONKERBERRY DRIVE KUNUNURRA	2,036.66
15/01/2010	DIRECT DEBIT	RENT 4 BOOBIALLA WAY	2,491.67
20/01/2010	DIRECT DEBIT	RENT 20 BARRINGTONIA WAY	2,426.66
Jan-10	DIRECT DEBIT	BANK FEES	202.85

Jan-10	DIRECT DEBIT	BPOINT	93.92
4/01/2010	DIRECT DEBIT	VISA PAYMENT	2,546.28
20/01/2010	DIRECT DEBIT	MASTERCARD	6,009.00
Jan-10	DIRECT DEBIT	MERCHANT FEE	507.19
Jan-10	DIRECT DEBIT	WESTNET P/L	1,857.24
		<b>Total Direct Debit Payments</b>	<b><u>18,171.47</u></b>

## 12.3 ENGINEERING & REGULATORY SERVICES

### 12.3.1 APPLICATION FOR FUNERAL DIRECTOR LICENCE - MR PAUL CORNISH

<b>DATE:</b>	16 February 2010
<b>PROPONENT:</b>	Derby Funeral Services
<b>LOCATION:</b>	Shire Of Wyndham East Kimberley
<b>AUTHOR:</b>	Alex Douglas, Executive Manager Engineering & Regulatory Services
<b>REPORTING OFFICER:</b>	John Gault, Works Manager Kununurra
<b>FILE NO:</b>	33.14.20
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to consider an application from Mr Paul Edward Cornish for an annual Funeral Director Licence.

#### **BACKGROUND**

Mr Cornish, trading as Derby Funeral Services and Broome Funeral Services, made application for an ad hoc licence initially but due to further requests for funeral services, amended the application to be for an annual licence.

#### **STATUTORY IMPLICATIONS**

Section 17 (2) of the Cemeteries Act, 1986, namely:

An applicant who satisfies the Board that the applicant –

- a. is of good repute and is fit to hold a funeral director's licence; and
- b. has suitable facilities and equipment for handling and storing dead bodies and conducting funerals.

Section 18 (1) of the Cemeteries Act 1986, namely:

A Board may, by notice in writing delivered to the holder of the licence, cancel or suspend the licence if:

- a. the licence was issued erroneously or in consequence of a false or fraudulent document, statement or representation;
- b. the fee for the licence is due and unpaid;
- c. the holder of the licence is convicted of an offence against this Act or any local law or any by-law made under this Act; or
- d. the Board is no longer satisfied in relation to the holder of the licence with respect to the matters referred to in section 17 (2)."

#### **POLICY IMPLICATIONS**

There are no applicable policies relating to this item.

## **FINANCIAL IMPLICATIONS**

A fee of \$275 is payable for an annual licence to operate as a funeral director within the Shire.

## **STRATEGIC IMPLICATIONS**

There are no specific strategic implications associated with this report.

## **COMMUNITY CONSULTATION**

No community consultation was undertaken in the preparation of this report, and no consultation was considered necessary.

## **COMMENT**

Due to a number of services being requested of Mr Cornish prior to the Council Meeting, staff accepted his completed application, fee and evidence of licences held with the other Kimberley Shires as being suitable to allow him to conduct services until the application had been considered by Council.

The applicant has Funeral Director Licences with the Shire's of Derby West Kimberley, Broome and Halls Creek. Mr Cornish has held a Funeral Director's Licence for 18 years.

The required application form, information and fee have been received.

The applicant has a good reputation within the three Kimberley Shires and staff recommend that a Licence be approved.

## **ATTACHMENTS**

Nil – a copy of the application may be viewed by elected members on request.

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council approve the granting of an annual Funeral Director's Licence to Mr Paul Edward Cornish.

## **COUNCIL DECISION**

*Minute No 9033*

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

*That Council approve the granting of an annual Funeral Director's Licence to Mr Paul Edward Cornish.*

***CARRIED UNANIMOUSLY: (7/0)***

### 12.3.2 ADOPTION OF FIREBREAK ORDER 2010/2011

<b>DATE:</b>	16 February 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Shire Of Wyndham East Kimberley
<b>AUTHOR:</b>	Alex Douglas, Executive Manager Engineering & Regulatory Services
<b>REPORTING OFFICER:</b>	Alex Douglas, Executive Manager Engineering & Regulatory Services
<b>FILE NO:</b>	32.13.13
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to adopt the 2010/2011 Firebreak Order for the Shire of Wyndham East Kimberley that is to apply for the period 1 April 2010 until 1 January 2011.

#### **BACKGROUND**

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

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

#### **STATUTORY IMPLICATIONS**

Bush Fires Act 1954  
Part III – Prevention of Bush Fires  
Division 6 – General Restrictions, Prohibitions and Offences  
Section 33 – Local Government May Require Occupier of Land to Plough or Clear Firebreak

- “(1) *Subject to subsection (2) a local government at any time, and from time to time, may, and if so required by the Minister shall, as a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur, give notice in writing to an owner or occupier of land situated within the district of the local government or shall give notice to all owners or occupiers of land in its district by publishing a notice in the Government Gazette and in a newspaper circulating in the area requiring him or them as the case may be within a time specified in the notice to do or to commence to do at a time so specified all or any of the following things –*
- (a) to plough, cultivate, scarify, burn or otherwise clear upon the land firebreaks in such a manner, at such places, of such dimensions, and to such number, and whether in parallel or otherwise, as the local government may and is hereby empowered to determine and as are specified in the notice, and thereafter to maintain the firebreaks clear of inflammable matter;*
  - (b) to Act as and when specified in the notice with respect to anything which is upon the land, and*

*which in the opinion of the local government or its duly authorized officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire;*

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

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

## **POLICY IMPLICATIONS**

### Policy FC2 – Fire Break Order

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

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

#### *1. Rural Lands:*

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

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

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

#### *2. Pastoral Lands:*

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

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

3. *Townsite Land:*

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

4. *Rural Lands:*

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

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

5. *Rubbish Sites:*

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

6. *Fuel Dumps and Depots:*

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

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

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

## **FINANCIAL IMPLICATIONS**

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

It is difficult to provide an exact figure with respect to advertising costs, as these are calculated on a "per centimetre" basis. However, it is anticipated that the cost of publishing the Firebreak Order in both the "Kimberley Echo" and the Government Gazette will be less than \$1,000.00. Postage costs will be in the vicinity of \$700.00.

## **STRATEGIC IMPLICATIONS**

There are no specific strategic implications associated with this report.

## **COMMUNITY CONSULTATION**

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

The Notice will be advertised in accordance with the provisions of the Act and Regulations.

## **COMMENT**

In the interests of improving fire control measures throughout the Shire of Wyndham East Kimberley, Officers intend not only to comply with the requirements of Section 33, but to make as many landowners and/or residents aware of their obligations with respect to fire control as possible. The 2010/2011 Fire Break orders will be advertised in the local paper and Government Gazette. In addition to this, all ratepayers will be posted a copy.

## **ATTACHMENTS**

Draft 2010/2011 Firebreak Order

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council adopt the Shire of Wyndham East Kimberley 2010/2011 Firebreak Order as presented.

**COUNCIL DECISION**

**Minute No 9034**

**Moved: Cr K Wright**

**Seconded: Cr J Moulden**

**That Council withdraw this item and refer it back to the Officer for further clarification.**

**CARRIED UNANIMOUSLY: (7/0)**

The Council Decision differs from the Officers Recommendation due to the need to amend firebreak requirements for rural living subdivision.

**BUSH FIRES ACT 1954**  
*Shire of Wyndham East Kimberley*  
**Firebreak Order and Bushfire Information 2010/2011**

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

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

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

PERSONS WHO FAIL TO COMPLY WITH THE REQUIREMENTS OF THE ORDER MAY BE ISSUED WITH AN INFRINGEMENT NOTICE (PENALTY \$250) OR PROSECUTED WITH AN INCREASED PENALTY UP TO (\$1,000). IN ADDITION, THE SHIRE MAY CARRY OUT THE REQUIRED WORK AT COST TO THE OWNER OR OCCUPIER OF THE LAND.

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

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

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

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

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

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

**1. Ord River Irrigation Project Area:**

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

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

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

**2. Pastoral Lands:**

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

**3. Townsite Land:**

Where the area is 2000m<sup>2</sup> or less, all inflammable material (with the exception of standing live trees) shall be removed from the whole of the land by clearing or slashing.

Where the area of the land is greater than 2000m<sup>2</sup>, a firebreak of not less than six (6) metres in width immediately surrounding any buildings, or not less than three (3) metres in width inside and along the whole of the external boundaries of the land is required.

**4. Rural Lands:**

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

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

**5. Rubbish Sites:**

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

**6. Fuel Dumps and Depots:**

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

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

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

**RESTRICTED BURNING PERIOD**  
**1 April to 1 January Each Year**

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

**PERMITS TO BURN**

1. Permits to burn are required for the whole of the Restricted Period, and must be obtained from one of the Fire Control Officers identified for your area (see overleaf).
2. Any special conditions imposed by the Fire Control Officer when issuing permits must be strictly adhered to.
3. The permit holder shall give notice of his intention to burn to:
  - a. The Shire's Kununurra Administration Centre by no later than 24 hours prior to the day when the burning is to take place. Weekend burning must be notified by 4.00pm, Friday;
  - b. The owner or occupier of adjoining land; and
  - c. The nearest Department of Environment and Conservation (DEC) office if the land is situated within three (3) kilometres of State Forest land, National Park, Nature Reserve or other DEC lands.
4. The period of notice to neighbours prior to burning cannot be more than twenty eight (28) days or less than four (4) days, although lesser notice may be determined by mutual agreement of all neighbours.
5. Your attention is drawn to Items 5, 6 and 7 as listed on the back of the permit.
6. Burning under permit is permitted during the Restricted Burning Period on Sundays and Public Holidays.
7. All landowners and occupiers who suffer a bush fire have an obligation to assist each Area Fire Control Officer to compile a Fire Report Form.
8. Garden refuse (excluding GREEN clippings) burnt on the ground may be lit only between 6.00pm and 11.00pm, and must be completely extinguished with water or earth by midnight. All flammable matter is to be cleared within five (5) metres of all points of the site of the fire, and a person must be in attendance during the whole time the fire is lit.
9. Any incinerator used to burn rubbish must be properly constructed – an open drum (with or without a lid) is not an appropriate incinerator.
10. With reference to Item 8 and 9 of this summary, burning may not take place if the Fire Weather Warning for the day is "Very High" or "Extreme".

Gary Gaffney  
Chief Executive Officer

### 12.3.3 REVIEW OF LAKE KUNUNURRA FORESHORE PLAN

<b>DATE:</b>	16 February 2010
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Lake Kununurra, Kununurra
<b>AUTHOR:</b>	Katya Tripp, Environmental Officer
<b>REPORTING OFFICER:</b>	Ian D'arcy, Executive Manager Development Services
<b>FILE NO:</b>	43.03.03
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to consider the formation of a technical working group for review of the Lake Kununurra Foreshore Plan.

#### **BACKGROUND**

The Lake Kununurra Foreshore Plan was developed by a community driven Foreshore Group and written in 2006. The Foreshore Plan was endorsed by Council at the Ordinary Meeting on 17 October 2006.

The Foreshore Plan outlines a number of recommendations and specific actions to be achieved over several years.

Interest in development along the foreshore and water continues to grow, including enquiries and proposals for land suited to the operation of self hire and drive dinghies and house boats, float planes, and paddle boats.

Use of the foreshore by business and community is strongly linked to the water. Having several different activities on the water can become a safety concern. At this point in time there is no plan to guide how the water should be used.

#### **STATUTORY IMPLICATIONS**

Lily Creek Lagoon and the portion of Lake Kununurra are reserved as Waterway Reserve under the Town Planning Scheme No. 7 – Kununurra and Environs.

The objective of the Scheme Reserve is to identify and protect significant lakes, rivers and irrigation channels and ensuring that environmental values are paramount in any consideration by the Council for applications for use of a waterway reserve.

As such, any use or development within a waterway, including foreshore land, requires planning consent to be granted by the Council.

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

As such, a number of agencies are ultimately involved in approving commercial activities and development on Lily Creek Lagoon and Lake Kununurra including:

- Water Corporation;
- Department of Water;
- Department of Environment and Conservation;
- Department of Transport; and
- Department of Regional Development and Lands.

### **POLICY IMPLICATIONS**

The Shire has no current policies in place in regards to tourist/commercial operations on waterways, however, it is recommend that policy and/or procedures in this regard should be created in consideration of developing a broader Management Plan incorporating the foreshore and waterway area from the diversion dam to Emu Creek. As already mentioned, this is based on the increased interest in commercial and recreational activity and the need for protection of the natural environment and public safety.

### **FINANCIAL IMPLICATIONS**

Costs for public advertising would not be expected to exceed \$300. An indirect financial implication will be the time given by particular Councillors and Officers to attend meetings and provide input.

### **STRATEGIC IMPLICATIONS**

Both Lake Kununurra and Lily Creek Lagoon are regionally significant assets from an economic, environmental and social perspective and therefore need to be well managed to achieve a desirable and sustainable balance.

From an economic basis, there are already a number of commercial businesses that utilise both lakes and the adjoining foreshore areas that form an integral and increasingly important component of tourism in this region.

With increasing commercial and recreational activity generating the risk for conflict, particularly on Lake Kununurra, there is a pressing need to strategically plan for and manage the types and levels of activity on the Lake and portions of the foreshore area to ensure the environmental and social values together with public safety is not compromised.

Given that the combined water body of Lake Kununurra and Lake Argyle is a Ramsar wetland, there is a requirement for an overall management strategy to be prepared through a collective approach by Commonwealth, State and Local Government Agencies, usually facilitated by the Department of Environment and Conservation and involving key stakeholders. As the process could take 2-3 years to complete it is suggested an update and review of the Foreshore Management Plan, incorporating the adjacent waterway, be undertaken for the portion of Lake Kununurra from the Diversion Dam upstream to Emu Creek.

Figure 1 to this report illustrates the area of Lake Kununurra in question:



### **COMMUNITY CONSULTATION**

A period of public comment will be required once the foreshore review has been completed by the technical group.

### **COMMENT**

In regards to improved control, management and planning for the future use of the foreshore and respective waterways of Lily Creek Lagoon and Lake Kununurra, it is suggested that a technical working group undertake a review of the Foreshore Plan to focus on the following:

- development of a plan for the water that complements the overall land use plan;
- identification of one or more site options for a communal 'service site' for the refuelling and sullage removal of commercial vessels;
- identification of options for stage 2 of a commercial boating facility; and
- management of aquatic weeds within the lagoon.

A draft 'Terms of Reference' is to be presented to council at the March briefing session for endorsement at the March meeting.

### **ATTACHMENTS**

Nil

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER'S RECOMMENDATION**

That Council:

1. Supports the formation of a technical working group to review the Foreshore Plan, focussing on the following:

- development of a plan for the water that complements the overall land use plan;
- identification of one or more site options for a communal 'service site' for the refuelling and sullage removal of commercial vessels;
- identification of options for stage 2 of a commercial boating facility; and
- management of aquatic weeds within the lagoon.

2. Agrees that membership of this group is to consist of representatives from:

Council, Council administration, Department of Water, Department of Conservation and Land Management, Water Corporation, MG Corporation, Ord Land and Water, Department of Transport, Department of Regional Development and Lands, and Tourism WA.

With letters of invitation to be distributed before a Terms of Reference has been finalised.

### **COUNCIL DECISION**

**Minute No 9035**

**Moved: Cr K Wright**

**Seconded: Cr J Moulden**

**That Council:**

**1. Supports the formation of a technical working group to review the Foreshore Plan, focussing on the following:**

- **development of a plan for the water that complements the overall land use plan;**
- **identification of one or more site options for a communal 'service site' for the refuelling and sullage removal of commercial vessels;**
- **identification of options for stage 2 of a commercial boating facility; and**
- **management of aquatic weeds within the lagoon.**

**2. Agrees that membership of this group is to consist of representatives from:**

**Council, Council administration, Department of Water, Department of Conservation and Land Management, Water Corporation, MG Corporation, Ord Land and Water, Department of Transport, Department of Regional Development and Lands, and Tourism WA.**

**With letters of invitation to be distributed before a Terms of Reference has been finalised.**

**CARRIED UNANIMOUSLY: (7/0)**

## 12.4 DEVELOPMENT

### 12.4.1 RECISION OF DEVELOPMENT CONTROL POLICIES

<b>DATE:</b>	16 February 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Town Planning Scheme Areas
<b>AUTHOR:</b>	Ian D'arcy, Executive Manager Development Services
<b>REPORTING OFFICER:</b>	Ian D'arcy, Executive Manager Development Services
<b>FILE NO:</b>	43.02.01
<b>ASSESSMENT NO:</b>	N/A

#### PURPOSE

For a range of development control policies to be rescinded as they have been replaced by recently adopted local planning policies.

#### BACKGROUND

Over the past 9 months the Development Services Directorate has been reviewing development control policies that were mostly adopted in 2004, and has proceeded to prepare replacement and new local planning, building and health policies that more accurately align with current and projected growth pressures across the Shire.

The following index details a complete list of the development control policies in question and the current status of each policy, with those in red text having already been rescinded:

**Table 1 – Development Control Policies 2004**

NUMBER	POLICY	STATUS
DC1	Airport Development Control	Current – pending review
DC2	Battleaxe Leg Blocks	Previously Rescinded Nov. 2004
DC3	Car Parking and Landscaping Standards	Current – pending rescision
DC4	Car Parking Provision for Commercial Developments	Current – pending review
DC5	Development Levels - Lake Kununurra	Current – pending review
DC6	Development Outside of Townsites	Current – pending rescision
DC7	Development Performance Bonds	Previously Rescinded Nov. 2004
DC8	Development and Subdivision Contributions	Current – pending review
DC9	Pergolas	Previously Rescinded Nov. 2004
DC10	Radio Masts	Current – pending review
DC11	Relocated Dwellings	Current – pending rescision
DC12	Temporary Accommodation	Current – pending review
DC13	Town Planning Scheme - Rezoning	Previously Rescinded Nov.

		2004
DC14	Itinerant Food Vendors	Current – pending review
DC15	Outdoor Advertising on Council Property	Current – pending recision
DC16	Special Licenses	Current– pending review
DC17	Development on Waterways	Previously Rescinded Nov. 2004
DC18	Stallholders License	Previously Rescinded Nov. 2004
DC19	Community Signage	Current – pending recision
DC20	Unknown	Unknown
DC21	Home Occupations and Home Business	Current – pending recision
DC22	Houseboat Policy	Previously Rescinded Nov. 2004
DC23	Lakeside Design Guidelines	Previously rescinded 2009 - Replaced by LPP 3
DC24	Verge Treatments and Street Trees	Current – pending review
DC25	Residential Design Codes Exemptions - Outdoor Living and Stormwater	Current – pending review

### **STATUTORY IMPLICATIONS**

The ability to prepare, amend or rescind a Development Control Policy (specifically Local Planning Policy) is afforded to the Council under Section 3.3 of the Shire of Wyndham East Kimberley Town Planning Scheme No.6 and Section 12.6 of the Shire of Wyndham East Kimberley Town Planning Scheme No.7.

### **POLICY IMPLICATIONS**

The objective of this process is to ‘tidy’ and implement a range of policies that provide an ‘up to date’ policy framework to guide the Development Services Directorate and inform the community on the minimum standards applied by Council.

### **FINANCIAL IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

Generally and for the most part, development control (planning, building and health) policies are formulated within the legal framework prescribed by legislation and aligned with the strategic direction as set by the Council. These policies aim at prescribing minimum standards acceptable to the Council in consideration of community sentiment for various types of development and use. 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**

There is no requirement to consult with the community in regard to rescinding a Development Control Policy other than publishing a notice once in a local newspaper.

## **COMMENT**

In reading the 'current' 2004 policies, it is noted that a number are 'out of step' with present development pressures and need to be rescinded. The policies are listed below and provided as Attachments 1 – 6:

- **DC3 Car Parking and Landscaping Standards** – this policy appears vague, incomplete and would be better incorporated into a broader Subdivision Standards Policy.
- **DC6 Development Outside of Townsites** – this policy prescribes the need for an overall development plan that provides details of subdivisional design, projected population and essential services, including roads, sanitation, water and power. However, the Town Planning Schemes and State Planning Policy already requires a structure plan to be prepared and endorsed as a precursor to subdivision occurring. Therefore, this policy has no relevance.
- **DC11 Relocated Dwellings** – this policy has been superseded by Local Planning Policy 7 – Relocated Buildings.
- **DC15 Outdoor Advertising on Council Property** – the general intent of this policy should be incorporated in a broader signage policy, with draft presently being prepared for Council's consideration.
- **DC19 Community Signage** – again, the general intent of this policy should be incorporated in a broader signage policy, particularly as the Local Laws relating to Signs Hoarding & Bill Posting has been repealed.
- **DC21 Home Occupations and Home Business** – this policy says no more than what is already prescribed in the Town Planning Scheme and the Shire delegation register. Therefore, this policy has no relevance.

Additionally there are a number of policies that should be reviewed together with a range of policies to be developed. For ease of reference, the following table below details those policies that have recently been adopted (blue text) and those that are suggested for review or preparation (black text).

Furthermore, it is also recommended the numbering be changed to more easily distinguish a planning policy from a health and building policy and those policies that apply to all three disciplines, referred to as Development Control Policies.

**Table 2 – Development Control Policies 2009/10**

<b>NUMBER</b>	<b>POLICY</b>	<b>STATUS</b>
DC1	Lodgement of Development Applications	Adopted Dec. 2009
DC2	Compliance and Enforcement	Adopted Aug. 2009
DC3	Events Application Package	Adopted Aug. 2009
DC4	Consultation – Development Applications	Being prepared
DC5	Nature Based Camping Facilities	To be prepared
DC6	Street Traders and Itinerant Vendors	To be prepared
DC7	Development Inspections (Building, Health, Planning)	To be prepared
LBP1	Construction Hours – Building Sites	To be prepared
LBP2	Site Requirements – Building Sites	To be prepared
LBP3	Building Bonds	To be prepared
LBP4	Building Information Sheets	To be prepared
LHP1	Temporary Food Businesses	Being prepared
LHP2	Mosquito Management	Being prepared
LHP3	Health Inspections	To be prepared
LHP4	Health Information Sheets	To be prepared
LHP5		
LPP1	Lakeside Design Guidelines (as amended)	Adopted Aug. 2009
LPP2	Airport Development Standards	To be reviewed
LPP3	Weaber Plain LIA Design Guidelines	Adopted Aug. 2009
LPP4	Radio Masts	To be reviewed
LPP5	Sea (Shipping) Containers	Adopted Aug. 2009
LPP6	Caretakers Dwelling in Light Industrial Areas	Adopted Dec. 2009
LPP7	Relocated Buildings	Adopted Dec. 2009
LPP8	Residential Building Design – Climate Response	To be prepared
LPP9	Residential Design Codes - Variations	Being prepared
LPP10	Rural Residential (Rural Living and Special Rural) Development Standards	Being prepared
LPP11	Transient Accommodation	Adopted Nov. 2009
LPP12	Temporary Workers Accommodation	Adopted Nov. 2009
LPP13	Road Names	Being prepared
LPP14	Car Parking	Being prepared
LPP15	Signage, Hoardings and Billposting	Being prepared
LPP16	Fencing Standards	To be prepared
LPP17	Low Impact Tourism	To be prepared
LPP18	Ancillary Accommodation	To be prepared

LPP19	Development Bonds	To be prepared
LPP20	Developer Contributions	To be prepared
LPP21	Subdivision Standards	To be prepared
LPP22	Parking of Commercial Vehicles in Residential Areas	To be prepared
LPP23	Temporary Accommodation	To be reviewed
LPP24	Verge Treatment and Street Trees	To be prepared
LPP25	Setback Distances – Rural Agriculture 2	To be prepared
LPP26	Alfresco Dining	To be reviewed
LPP27	Design Guidelines – Coolibah/Chestnut Drive	To be reviewed

Upon endorsing this table, whilst not necessarily complete, it is intended the Development Control Unit (DCU) will proceed with review and preparation of new policies to be presented to the Council for consideration over the coming months.

Similarly, it is also proposed that a revised list of standard development conditions and schedule of delegation, aimed at streamlining the application process without diminishing the quality and standard of approvals, will be presented to the Council in due course.

### **ATTACHMENTS**

- Attachment 1: DC3 Car Parking
- Attachment 2: DC6 Development Outside of Town Sites
- Attachment 3: DC11 Relocated Dwellings
- Attachment 4: DC15 Outdoor Advertising on Council Property Bus Shelter Advertising Hoardings
- Attachment 5: DC19 Community Signage
- Attachment 6: DC21 Home Occupation

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER'S RECOMMENDATION**

That Council:

1. Pursuant to Clause 3.3.3 (b) of the Shire of Wyndham East Kimberley Town Planning Scheme No.6 and Clause 12.6.5(b) of the Shire of Wyndham East Kimberley Town Planning Scheme No.7, rescind Current Development Control Policies DC3, DC6, DC11, DC15, DC19, DC21 and proceed to publish a notice for all of the Policies (as shown in Attachment 1 – 6) to this effect in the local newspaper.
2. Endorse Table 2 of this report for the purpose of establishing a re-numbering system for policies prepared under the Development Services Directorate.

**COUNCIL DECISION**

**Minute No 9036**

**Moved: Cr J Parker**

**Seconded: Cr J McCoy**

**That Council:**

- 1. Pursuant to Clause 3.3.3 (b) of the Shire of Wyndham East Kimberley Town Planning Scheme No.6 and Clause 12.6.5(b) of the Shire of Wyndham East Kimberley Town Planning Scheme No.7, rescind Current Development Control Policies DC3, DC6, DC11, DC15, DC19, DC21 and proceed to publish a notice for all of the Policies (as shown in Attachment 1 – 6) to this effect in the local newspaper.**
- 2. Endorse Table 2 of this report for the purpose of establishing a re-numbering system for policies prepared under the Development Services Directorate.**

**CARRIED: (6/1)**

For: Cr F Mills, Cr J McCoy, Cr R Addis, Cr K Torres, Cr J Parker and Cr J Moulden  
Against: Cr K Wright

## Attachment 1: DC3 Car Parking

POLICY NO:	DC3
DIVISION:	Development Control
SUBJECT:	Car Parking / <del>Landscaping Standards</del>
REPORTING OFFICER:	Executive Manager Engineering and Development Services
ENABLING LEGISLATION:	Town Planning Scheme 7

### **OBJECTIVE:**

Ensure appropriate standard of parking amenity in all development areas.

### **POLICY:**

#### **Standards**

##### Car Parking

- Town Centre and Composite Zones - Sealed drained and marked.
- Industrial Areas - Sealed and drained.
- Rural / Rural Industry - Generally sealed and drained, however drained gravel hardstand could be considered dependant upon size of development and type of use.

##### Landscaping

- ~~- Council may provide advice on landscaping but will not impose development conditions.~~

**ADOPTED:** 17/07/1997  
**REVIEWED:** July 2004  
**AMENDED:**

## Attachment 2: DC6 Development Outside of Town Sites

POLICY NO:	DC6
DIVISION:	Development Control
SUBJECT:	Development Outside of Town Sites
REPORTING OFFICER:	Executive Manager Engineering and Development Services
ENABLING LEGISLATION:	Town Planning Scheme 7

### **OBJECTIVE:**

To ensure that essential and appropriate infrastructure is provided in terms of developing communities outside of established townsite areas.

### **POLICY:**

Any applications for the excision of Crown land for residential purposes must include an overall development plan that provides details of subdivisional design, projected population and essential services, including roads, sanitation, water and power.

As a general policy, standards provided in the development plan will need to comply with Council policy on infrastructure standards.

The location of any settlement is not to compromise surrounding land use and must be appropriately zoned, **if located within a Planning Scheme Area.**

**ADOPTED:** 17/07/1997  
**REVIEWED:**  
**AMENDED:**

### Attachment 3: DC11 Relocated Dwellings

POLICY NO:	DC11
DIVISION:	Development Control
SUBJECT:	Relocated Dwellings
REPORTING OFFICER:	Executive Manager Engineering and Development Services
ENABLING LEGISLATION:	Town Planning Scheme 7

#### **OBJECTIVE:**

To maintain a parity of the completed standard between relocated buildings, newly built dwellings and caretakers' accommodation.

#### **POLICY:**

##### **Conditions of Approval:**

The Chief Executive Officer may grant approval for the use of a building or caravan as a dwelling on a lot in accordance with table 1, definitions and the following conditions where applicable;

1. The proposed use complies with the provisions of the Town Planning Scheme.
2. A transportable dwelling is to have the appearance of a dwelling.
3. A bond where applicable of a minimum of \$7,500 is imposed to ensure that any condition on the approval is observed.
4. Chief Executive Officer is authorised to make progressive refunds of the bond as the required works are completed.
5. A transported building is to be modified to give the appearance of being a dwelling. i.e. roof line, verandahs etc.
6. A caravan is to be used for temporary accommodation for a maximum period of three months, or for such time as the Council deems appropriate (reviewed annually), where approval by the Department of Local Government has been granted in accordance with Part 2, section 11(1) (2) of the Caravan Parks and Camping Grounds Regulations 1997.
7. An outbuilding used as a dwelling must comply with the Building Codes of Australia and the provisions of the Health Act.

##### **Definitions**

1. Transportable Dwelling (relocated) is a building that was originally designed, constructed and occupied as a dwelling and is able to be relocated onto another site.
2. Transportable dwelling (new) is a new building that is designed & constructed, and has the appearance of a dwelling and is able to be transported onto another site.

3. Transportable Building (previously used) is a building that does not have the appearance of a dwelling, however is capable of being converted into a dwelling that will satisfy the requirements of the Health Act.
4. Transportable Building (new) is a building that does not have the appearance of a dwelling, however is capable of being converted into a dwelling that will satisfy the requirements of the Health Act.
5. Caravan means a vehicle as defined under the Road Traffic Act 1974-82 maintained in condition suitable for licence under that Act at all times and being designed or fitted or capable of use as a habitation or for a dwelling or sleeping purposes.
- 6, 7. Outbuilding is a structure, designed as a shed, garage or the like. An outbuilding that is to be used as a dwelling is required to contain the facilities of a dwelling to satisfy the requirements of the Health Act.

**ADOPTED: 17/07/1997**  
**REVIEWED: 20/07/2000**      **July 2004**  
**AMENDED: 15/10/1998**  
**AMENDED:**

**Attachment 4: DC15 Outdoor Advertising on Council Property Bus Shelter Advertising Hoardings**

POLICY NO:	DC15
DIVISION:	Development Control
SUBJECT:	Outdoor Advertising on Council Property Bus Shelter Advertising Hoardings
REPORTING OFFICER:	<del>Director Development Services</del> Executive Manager Engineering and Development Services
ENABLING LEGISLATION:	

**OBJECTIVE:**

To enable revenue to be raised through commercial advertising on Council property within defined parameters.

**POLICY:**

**1. BUS SHELTER**

- The external end walls of bus shelters may have an advertising hoarding fitted not exceeding 600mm wide by 900mm high.
- Businesses or products advertised on the hoardings shall be approved by the Council.
- An annual licence fee for the hoarding shall be paid to the Council based upon a fee determined by the Council having regard to the location of the bus shelter.
- The annual licence fee shall be payable annually in advance and the licence period shall be renewable.
- The licence shall be responsible for the installation and upkeep of the hoarding. If not maintained to the satisfaction of the Council it may be removed and the licence cancelled.

## Attachment 5: DC19 Community Signage

POLICY NO:	DC19
DIVISION:	Development Control
SUBJECT:	Community Signage
REPORTING OFFICER:	Executive Manager Engineering and Development Services
ENABLING LEGISLATION:	Consolidated Local Laws Relating to Signs Hoardings & Bill Posting Town Planning Scheme No 7

### **OBJECTIVE:**

To control community roadside advertising of community events within road reserves.

### **POLICY:**

Free standing double sided advertising boards, (portable A frame), constructed in accordance with the Council's Consolidated Local Laws relating to Signs Hoarding & Bill Posting will be permitted subject to the following conditions.

- (a) The signs are to advertise community activity, sporting events, charitable functions, public exhibition or activities of public interest.
- (b) A maximum of two (2) signs will be permitted:
  - (i) On the road reserve adjacent to the venue.
  - (ii) (a) On the road reserve corner of Konkerberry Drive and Ebony Street, Kununurra; or  
(b) On the road reserve Koolinda Street Wyndham
- (c) Signs are to be displayed for a maximum of two (2) weeks prior to the event and removed immediately following the event.
- (d) Signs not removed immediately after the event will be removed and disposed of by the Council.
- (e) Signs are to be located in such a position as to not cause any interference to pedestrians or traffic.

**ADOPTED:** 19/08/1999  
**REVIEWED:** July 2004  
**AMENDED:** 18/10/2001  
**AMENDED:**

## Attachment 6: DC21 Home Occupation

POLICY NO:	DC21
DIVISION:	Development Control
SUBJECT:	Home Occupation
REPORTING OFFICER:	Executive Manager Engineering and Development Services
ENABLING LEGISLATION:	Town Planning Scheme 7

### **OBJECTIVE:**

- 1) To provide clear guidelines for applicants wishing to apply for a Home Occupation Licence.
- 2) To provide a delegation of authority to the Chief Executive Officer to approve certain types of applications for Home Occupations.

### **POLICY:**

- 1) This policy must be read in conjunction with, and is subservient to the Shire of Wyndham East Kimberley Town Planning Scheme.
- 2) In accordance with the Scheme "**Home Occupation**" is defined as follows:

*"means an occupation carried on in a dwelling or on land around a dwelling by a resident of the dwelling which:*

- (a) *does not entail the retail sale, display or hire of goods of any nature;*
- (b) *does not cause injury to or prejudicially affect the amenity of the neighbourhood;*
- (c) *does not detract from the residential appearance of the dwelling house or domestic building;*
- (d) *does not entail the employment of any person not a member of the occupier's household;*
- (e) *does not occupy an area greater than 20m<sup>2</sup>;*
- (f) *does not display a sign exceeding 0.2m<sup>2</sup> in area*
- (g) *will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling and will not result in a substantial increase in the amount of vehicular traffic in the vicinity; and*
- (h) *does not entail the presence, parking and garaging of a vehicle of more than 1 tonne tare weight.*

- 3) Home Occupations are permitted at Councils discretion within the:
- Residential;
  - Residential Development;
  - Composite Industry;
  - General Rural;
  - Rural Agriculture 1;
  - Rural Agriculture 2 and
  - Rural Living Zones.
- 4) The approval for any development application for a Home Occupation shall be delegated to the Chief Executive Officer.
- 5) All home occupation approvals shall be issued for a period of twelve (12) months, at the expiration of which it will be the responsibility of the licensees to re-apply to Council for further approval. All such applications for renewal shall be delegated to the Chief Executive Officer for approval. In the event that the Chief Executive Officer recommends refusal of a licence renewal the application shall be referred to Council for consideration.
- 6) All Home Occupation approvals shall be subject to an annual licence fee as determined by Council from time to time.
- 7) Any Home Occupation must comply with all relevant Acts and Regulations.

ADOPTED: 15/03/2001

REVIEWED: July 2004

**AMENDED:**

## 12.4.2 AMENDMENT 26 - TOWN PLANNING SCHEME NO. 7.

<b>DATE:</b>	16 February 2010
<b>PROPONENT:</b>	Landcorp
<b>LOCATION:</b>	Lot 500 Hibiscus Drive, Lakeside, Kununurra.
<b>AUTHOR:</b>	Ian D'arcy, Executive Manager Development Services
<b>REPORTING OFFICER:</b>	Ian D'arcy, Executive Manager Development Services
<b>FILE NO:</b>	43.31.26
<b>ASSESSMENT NO:</b>	N/A

### **PURPOSE**

For Council to consider the adoption of Amendment No. 26 to the Shire of Wyndham East Kimberley Town Planning Scheme No. 7 (TPS 7) – Kununurra and Environs, to rezone Lot 500 Hibiscus Drive, Kununurra (Stages 5, 6 & 7 Lakeside) from Residential Zone (R15, R15/R50) General Rural Zone and Parks and Recreation Reserve, Public Purpose (Drain) Reserve, Local Road Reserve to Residential Development Zone.

### **BACKGROUND**

The Council at its meeting on 18 March 2008 resolved (Minute No. 8123) to initiate Amendment No. 26 to Town Planning Scheme No. 7 – Kununurra and Environs.

Accordingly, formal documentation was prepared and forwarded to the Environmental Protection Authority (EPA) for assessment. However, though a lack of spatial information being provided, the EPA requested further information be submitted in order to progress the Amendment. A delay in providing this information resulted in the Amendment temporarily stalling. In the latter half of 2009, staff followed up on the progress of the amendment and forwarded the required information to the EPA. With no formal assessment set, the proposal was advertised seeking public and agency comment. This report now seeks to present the submissions received from the formal advertising.

Figure 1 below provides an understanding of the area of Lakeside the subject of rezoning.

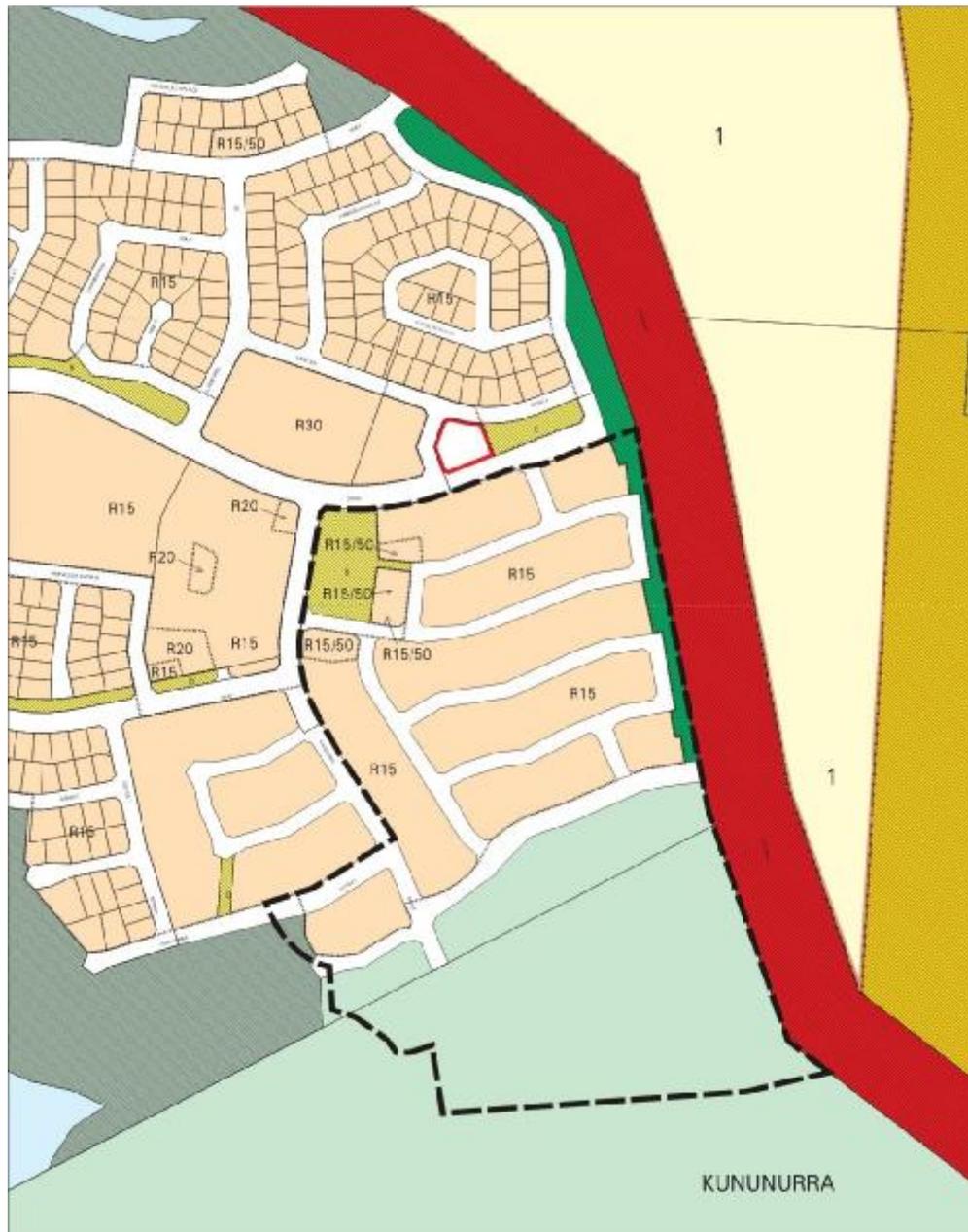


Figure 1 – Area subject to Rezoning

### **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**

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**

Council's adopted Local Planning Strategy (LPS) identifies Lakeside as a predominant area for future residential growth in Kununurra, with the subject land notated as a future urban development area. On this basis, it is accepted that the proposed zoning is consistent with the strategic direction established by the Shire and endorsed by the Western Australian Planning Commission.

## **COMMUNITY CONSULTATION**

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

The Environmental Protection Authority advised that Amendment No. 26 did not require environmental assessment and did not provide any additional advice or recommendations.

The Scheme Amendment was subsequently advertised for 42 days which closed 5 February 2010.

A total of 7 submissions were received, and Shire staff comments thereon are provided in the following schedule of submissions. A late submission is also expected from the Water Corporation to be tabled at the Council meeting.

### Schedule of Submissions

<b>No.</b>	<b>Submitter</b>	<b>Summary of Content</b>	<b>Staff Response and Comment</b>	<b>Action</b>
1	Peter Manners PO Box 812 Kununurra 6743	No objection to the Scheme Amendment however there is a lack of public open space in response to growing community.	Comment is noted - Structure Plan has already been completed and endorsed by Council and the Western Australian Planning Commission that offers a considerable area of POS.  Furthermore a future trails network is proposed that will assist in passive recreation along the Lake Kununurra Foreshore with access from the Lakeside Estate. Also a new sports oval is to be constructed on the opposite side of Victoria Highway to the subject area.	No action required
2	Martina and Peter Manners PO Box 671 Kununurra 6743	No objection to the Scheme Amendment however there is a lack of public open space in response to growing community.	Comment is noted - Structure Plan has already been completed and endorsed by Council and the Western Australian Planning Commission that offers a considerable area of POS.  Furthermore a future trails network is proposed that will assist in passive recreation	No action required

			along the Lake Kununurra Foreshore with access from the Lakeside Estate. Also a new sports oval is to be constructed on the opposite side of Victoria Highway to the subject area.	
3	Horizon Power	No objection to the Scheme Amendment.	Comment is noted.	No action required
4	Tourism WA	No objection to the Scheme Amendment.	Comment is noted.	No action required
5	Department of Land and Housing	No objection to the Scheme Amendment.	Comment is noted.	No action required
6	Department of Health	No objection to the Scheme Amendment subject to all development complying with the provisions of the draft Country Sewerage Policy where the proposal exceeds an R5 residential density.	Comment is noted however the subject area is connected to reticulated sewer and the endorsed structure plan does not advocate a density lower than R20.	No action required
7	Department of Environment and Conservation	No objection to the Scheme Amendment.	Comment is noted.	No action required
8	Water Corporation	Late submission to be tabled.		

A copy of each submission can be provided on request.

### **COMMENT**

As reflected in the Scheme Amendment, the proposed change in zoning seeks to provide greater diversity and flexibility in delivering much needed residential housing to Kununurra in response to considerable growth.

Furthermore, the proposal is consistent with the strategic planning and expansion plans for the Lakeside area, with an endorsed structure plan already in place to facilitate and guide future subdivision and housing density for this area.

In regards to the submissions received, it is noted that there are no objections and no required changes to the Amendment.

Further, there is not expected to be any concerns raised from the Water Corporation.

### **ATTACHMENTS**

Attachment 1: Scheme Amendment Map

Attachment 2: Endorsed Structure Plan - Stages 5, 6 & 7 Lakeside.

### **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council:

1. Direct Shire staff to undertake the actions detailed within the table of submissions contained within this report.
2. Pursuant to Regulation 17(1) of the Town Planning Regulations, 1967 (as amended), note the submissions received and endorse the response to those submissions prepared by Shire staff.
3. Pursuant to Section 75 of the *Planning and Development Act, 2005 (as amended)* and Regulation 17(2)(a) of the Town Planning Regulations, 1967 (as amended), adopt Amendment No. 26 to Town Planning Scheme No. 7 – Kununurra and Environs, with modifications as follows:
  - (a) rezoning Lot 500 Hibiscus Drive, Gardenia, Drive Victoria Highway and part undefined vacant crown land from Residential Zone (R15, R15/R50) General Rural Zone and Parks and Recreation Reserve, Public Purpose (Drain) Reserve, Local Road Reserve to Residential Development Zone; and
  - (b) amending the Scheme Amendment Maps accordingly.
4. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation pursuant to Regulation 22(1) of the Town Planning Regulations, 1967 (as amended).
5. 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 Regulation, 1967 (as amended).
6. Request the Honourable Minister for Planning to grant final approval to Amendment No. 26 to Town Planning Scheme No. 7 – Kununurra and Environs.
7. Inform those agencies and persons who made a submission on Amendment No. 26 to Town Planning Scheme No. 7 – Kununurra and Environs of its decision.

## **COUNCIL DECISION**

***Minute No 9037***

***Moved: Cr K Wright***

***Seconded: Cr K Torres***

***That Council:***

1. ***Direct Shire staff to undertake the actions detailed within the table of submissions contained within this report.***

- 2. Pursuant to Regulation 17(1) of the Town Planning Regulations, 1967 (as amended), note the submissions received and endorse the response to those submissions prepared by Shire staff.**
- 3. Pursuant to Section 75 of the Planning and Development Act, 2005 (as amended) and Regulation 17(2)(a) of the Town Planning Regulations, 1967 (as amended), adopt Amendment No. 26 to Town Planning Scheme No. 7 – Kununurra and Environs, with modifications as follows:**
  - (a) rezoning Lot 500 Hibiscus Drive, Gardenia, Drive Victoria Highway and part undefined vacant crown land from Residential Zone (R15, R15/R50) General Rural Zone and Parks and Recreation Reserve, Public Purpose (Drain) Reserve, Local Road Reserve to Residential Development Zone; and**
  - (b) amending the Scheme Amendment Maps accordingly.**
- 4. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation pursuant to Regulation 22(1) of the Town Planning Regulations, 1967 (as amended).**
- 5. 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 Regulation, 1967 (as amended).**
- 6. Request the Honourable Minister for Planning to grant final approval to Amendment No. 26 to Town Planning Scheme No. 7 – Kununurra and Environs.**
- 7. Inform those agencies and persons who made a submission on Amendment No. 26 to Town Planning Scheme No. 7 – Kununurra and Environs of its decision.**

**CARRIED UNANIMOUSLY: (7/0)**

**Attachment 1: Scheme Amendment Map**



EXISTING SCHEME MAP



PROPOSED SCHEME AMENDMENT MAP

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

Proposed Amendment No.

Attachment 2: Endorsed Structure Plan - Stages 5, 6 & 7 Lakeside.



R40	MIXED USE ZONE	R17.5	SINGLE RESIDENTIAL	PEDESTRIAN LINKS
R30	GROUP HOUSING	WATERWAY RESERVE	STAGE BOUNDARY	ABORIGINAL HERITAGE AGREEMENTS LINE
R25	SMALL DTS	POS		

**WIND ACCESS**

Kununurra is predominately exposed to South-Easterlies for the majority of the year.

**SUMMER SOLSTICE 21ST DECEMBER**

Summer Sun Noon Altitude Angle: 78°20'

1. Aim to avoid effects of peak insolation

1. Azimuth Angle: 225°41'05"

**ORIENTATION**

1. The Summer sun path is almost directly overhead

1. SW to NE lot alignment

1. NW to S/E street alignment to reduce heat gain

1. Long axis house alignment to allow



Kununurra Lakeside Structure Plan

LSP 12 November 07



### 12.4.3 APPLICATION FOR JOHN DEERE SIGN ON MANGO STREET, KUNUNURRA.

<b>DATE:</b>	16 February 2010
<b>PROPONENT:</b>	Albert Smith Signs Pty Ltd C/- Public Link
<b>LOCATION:</b>	Lot 210 Mango Street, Kununurra
<b>AUTHOR:</b>	Keving Tang, Town Planning Officer
<b>REPORTING OFFICER:</b>	Ian D'arcy, Executive Manager Development Services
<b>FILE NO:</b>	01.0793.02
<b>ASSESSMENT NO:</b>	A0793

#### **PURPOSE**

For Council to consider a proposed pylon sign at Lot 210 Mango Street, Kununurra for John Deere dealership.

#### **BACKGROUND**

The Shire has received an application for a permanent free standing pylon sign on 17 December, 2009 by Albert Smith Signs Pty Ltd on behalf of John Deere Dealership. The proposed sign is an illuminated fluorescent sign that measures 7.2 metres in height and has an approximately 9 square metres face area. The content of the sign will only include the John Deere Dealership name and the logo. The sign is proposed to be setback 6 metres east of the property boundary along Mango Street.

The applicant has advised that while the height of the sign can be reduced, the area of the sign can not due to the sign being moulded plastic to a standard applied to John Deere outlets.

#### **SITE AND SURROUNDS**

The subject site is located on Mango Street and developed as a showroom by Vanderfield Pty. Ltd to sell John Deere and other agricultural equipment.

The surrounding land is used for a variety of uses, including a panel beater across the street and a refrigeration and air conditioning service to the south. There is no residential use to be found in the surrounding area.

Figure 1 affords an understanding of the location of the subject property.

Similarly, Attachments 1 – 5 provides an understanding of the proposed sign and the selected location.



Figure 1 - Location Plan

### **STRATEGIC IMPLICATIONS**

Nil

### **STATUTORY IMPLICATIONS**

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

The site is zoned 'Mixed Business' in the Town Planning Scheme No. 7 and the proposed pylon sign is not exempted under Clause 9.4 of Town Planning Scheme No. 7, which exempts specific types of signs from the requirement to obtain planning approval.

Therefore, the sign requires planning approval although there are no specific development requirements included in the Scheme. The Scheme does however refer to the provisions of Council's Signage Local Laws for determining signage within the Shire.

#### Signs and Hoardings and Bill Posting Local Laws

Council's Local Laws relating to signage have been revoked, however, they do form a valid guide with regard to the appropriateness of any signage within the Shire. Notably, Clause 187 of the Signs Local Laws stipulates that any pylon sign that exceeds 6 metres in height and has a greater superficial area than 4 square meters is subject to Council's approval. Accordingly, the proposed sign requires Council's discretion for planning approval.

### **POLICY IMPLICATIONS**

With the repeal of the Signs and Hoardings and Bill Posting Local Law there has been a lack of policy guidance for controlling signage within the entire Shire. In order to ensure proper and orderly planning and preserve the amenity in the Shire, there is an urgent need for Council to prepare for a Local Planning Policy with respect to signage control.

The ability to prepare a 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.

Presently, planning staff are in the process of preparing a draft policy for Council's consideration in the coming months.

### **FINANCIAL IMPLICATIONS**

A \$100 application fee has been paid for this application.

### **COMMUNITY CONSULTATION**

There is no perceived need for consultation to be undertaken in relation to this application, as there is no residential use that will be affected by the sign.

### **CONCLUSION/COMMENT**

Using the Signs and Hoardings and Bill Posting Local Laws, as a guide, the proposed sign would clearly not comply with the maximum allowable standards.

From an Officer's perspective, it is argued that with the subject property abutting a local road that carries light traffic through a 'Mixed Business' area and given the maximum speed limit is 50 km, the need for a sign of this height and dimension is unwarranted. This view is based on a comparison with the 'BP' sign on Messmate Way that conforms to the Local Laws and still provides an effective landmark and identification of the business and its location.

Although the applicant has argued the sign will not affect the amenity of the area given there are no heritage, significant landscape or residential issues to contend with, it is suggested the height of the sign at 7.2 metres alone will be out of character with the area, as most John Deere signs are usually displayed in more prominent and open locations that front either a major road, such as highway or freeway, or the main street of a country town.

In consideration of the site location, the position of the sign is acceptable based on the adequacy of setback from the roadway and there being no residential occupancy in close proximity to the proposed sign.

Regarding surface area, it is accepted the proposed sign, while large in area and unwarranted for this location, is unlikely to present any amenity or safety issues due to its location.

Therefore, based on these comments, it is recommended the Council support the application for the sign as submitted, with the exception of the overall height being reduced to 6.0 metres from ground level to the top of the sign.

### **ATTACHMENTS**

Attachment 1: Statement from Public Ink

Attachment 2: Site Plan

Attachment 3: General Layout of the Sign

Attachment 4: Face Decoration of the Sign

Attachment 5: The Sign Viewed at Night

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council grant planning consent for an illuminated pylon sign on Lot 210 Mango Street, Kununurra, subject to the following conditions:

- 1) Development shall be in accordance with the attached approved plan(s) dated 17 December, 2009 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered, without the prior written approval of the local government;
- 2) The height of the sign shall be reduced to be no more than 6 metres to the top of the sign from ground level; and
- 3) The sign shall be setback a minimum of 6 metres from the western boundary of the property.

***Moved: Cr K Wright***

***That Council grant planning consent for an illuminated pylon sign on Lot 210 Mango Street, Kununurra, subject to the following conditions:***

- 1) ***Development shall be in accordance with the attached approved plan(s) dated 17 December, 2009 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered, without the prior written approval of the local government;***
- 2) ***The height of the sign shall be 7.2 metres to the top of the sign from ground level; and***
- 3) ***The sign shall be setback a minimum of 6 metres from the western boundary of the property.***

***Cr J Moulden foreshadowed the following motion:-***

***That Council does not move the Officers Recommendation.***

**Minute No 9038**

**Moved: Cr J Parker**

**Seconded: Cr J Moulden**

**That Council suspend Standing Order 7.5 to allow Councillors to speak more than once on this matter.**

**CARRIED: (6/1)**

Standing Orders 7.5 were suspended at 6.12pm.

For: Cr F Mills, Cr J McCoy, Cr K Torres, Cr K Wright, Cr J Parker and Cr R Addis.

Against: Cr J Moulden

**COUNCIL DECISION**

**Minute No 9039**

**Moved: Cr J Parker**

**Seconded: Cr K Wright**

**That Council resume Standing Order 7.5**

**CARRIED UNANIMOUSLY: (7/0)**

Standing Orders 7.5 were resumed at 6.25pm.

**Council then considered the first motion:**

**That Council grant planning consent for an illuminated pylon sign on Lot 210 Mango Street, Kununurra, subject to the following conditions:**

- 1) Development shall be in accordance with the attached approved plan(s) dated 17 December, 2009 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered, without the prior written approval of the local government;**
- 2) The height of the sign shall be 7.2 metres to the top of the sign from ground level; and**
- 3) The sign shall be setback a minimum of 6 metres from the western boundary of the property.**

**The motion lapsed for want of a seconder.**

**Minute No 9040**

**Moved: Cr J Moulden**

**Seconded: Cr J Parker**

**That Council refuse planning consent on the basis that the sign is oversized and unsuitable for the precinct.**

**LOST: (3/4)**

For: Cr F Mills, Cr. Cr K Wright and Cr R Addis

Against: Cr J Moulden, Cr J McCoy, Cr K Torres and Cr J Parker

**Minute No 9041**

**Moved: Cr R Addis**

**Seconded: Cr K Torres**

**That Council grant planning consent for an illuminated pylon sign on Lot 210 Mango Street, Kununurra, subject to the following conditions:**

- 1) Development shall be in accordance with the attached approved plan(s) dated 17 December, 2009 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered, without the prior written approval of the local government;**
- 2) The height of the sign shall be reduced to be no more than 6 metres to the top of the sign from ground level; and**
- 3) The sign shall be setback a minimum of 6 metres from the western boundary of the property.**

**LOST: (3/4)**

For: Cr F Mills, Cr. Cr K Wright and Cr R Addis

Against: Cr J Moulden, Cr J McCoy, Cr K Torres and Cr J Parker

**Minute No 9042**

**Moved: Cr K Wright**

**Seconded: Cr R Addis**

**That Council grant planning consent for an illuminated pylon sign on Lot 210 Mango Street, Kununurra, subject to the following conditions:**

- 1) Development shall be in accordance with the attached approved plan(s) dated 17 December, 2009 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered, without the prior written approval of the local government;**
- 2) The height of the sign shall be reduced to be no more than 7.15 metres to the top of the sign from ground level; and**

**3) The sign shall be setback a minimum of 6 metres from the western boundary of the property.**

**LOST: (3/4)**

For: Cr F Mills, Cr. Cr K Wright and Cr R Addis

Against: Cr J Moulden, Cr J McCoy, Cr K Torres and Cr J Parker

**Minute No 9043**

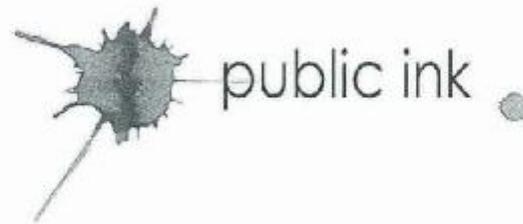
**Moved: Cr K Wright**

**Seconded: Cr J Moulden**

**That Council defer consideration of this Item to the next meeting to be held 16 March 2010.**

**CARRIED UNANIMOUSLY: (7/0)**

## Attachment 1: Statement from Public Ink



### Proposed John Deere Pylon Sign at Kununurra, WA

#### 1. Description of proposed development:

The proposal is for a 7.2m high x 3.47m wide freestanding pylon sign at 28 Mango Street, Kununurra, WA 6743 (Lot 210 Mango Street) as illustrated on the sign drawings accompanying this application. The sign is a business identity sign that identifies the primary use of the site as a John Deere dealership.

#### 2. Subject site and general locality:

The site is zoned "Mixed Business" under the *Kununurra Local Planning Scheme No.7*. The surrounding businesses are predominantly small automotive retail and service providers therefore the proposal will impact only on non-residential neighbours and will not conflict with or have a negative impact on the amenity of the locality or effect specific views or vistas to or from adjoining lots.

#### 3. Advertising pattern and theme in the area:

The general advertising pattern is for the business name to be displayed using wall signs on the building facades and a pole or pylon sign bearing name and logo providing an advance marker to motorists at the driveway. The proposed sign will replace an existing John Deere sign as shown on the accompanying site plan, and is consistent with the advertising pattern and theme of the area.

#### 4. Design characteristics of proposal:

The proposed sign has a total height of 7.2 metres and is a contemporary representation of the John Deere logo, company and dealership name. It uses the green and gold company colours in a clear and legible graphic style and only the logo and name are illuminated at night, keeping intrusive light to a minimum.

The materials are of high quality and will maintain an excellent appearance of the sign for many years to come.

#### 5. Compliance with the *Kununurra Local Planning Scheme No.7 – Part IX – Control of Advertising*

The proposed sign is not exempt under the *Kununurra Local Planning Scheme No.7 Part IX Appendix 7 – Exempted Advertisements* as it exceeds the maximum height of 5 metres and the maximum area of 6m<sup>2</sup> allowable on industrial and warehouse premises without approval and is therefore assessable development.

In relation to *Part IX 9.3 – Consideration of Applications* the proposed sign complies as follows:

The proposed sign complies with these requirements as follows:

5.9 metres high

Same area

1

public ink Pty Ltd ACN 109 473 289  
ph: 07 3899 9834 fax: 07 3899 8376  
PO Box 692 Morningside QLD 4170 Australia  
e-mail: publicink@in.com.au  
ABN: 99 262 278 561

Council will consider the application with particular reference to:

- *The character and amenity of the locality including its historic or landscape significance and traffic safety.*

The site is within a Mixed Business Zone and does not possess any particular natural environment, heritage value or residential character sensitivity.

The sign will not obstruct any driver's view of any traffic control device as it is set back from the boundaries of private property and is not in the vicinity of any such device.

The sign will not cause glare or dazzle due to its low level of illumination and its size, design and colouring are not of a type to distract drivers. The illuminated elements in the sign are the words "John Deere", the dealership name and the leaping deer logo and are not likely to be mistaken for traffic control devices.

- *The amenity of adjacent areas which may be affected.*

The proposed sign is consistent with the present and future character of the surrounding area. It will replace an existing sign with redesigned John Deere business identification and will not cause visual disorder or clutter of signs.

Due to the nature of the surrounding area, the sign's illumination will not detract from the amenity of any residence or other form of accommodation.

## **6. Conclusion:**

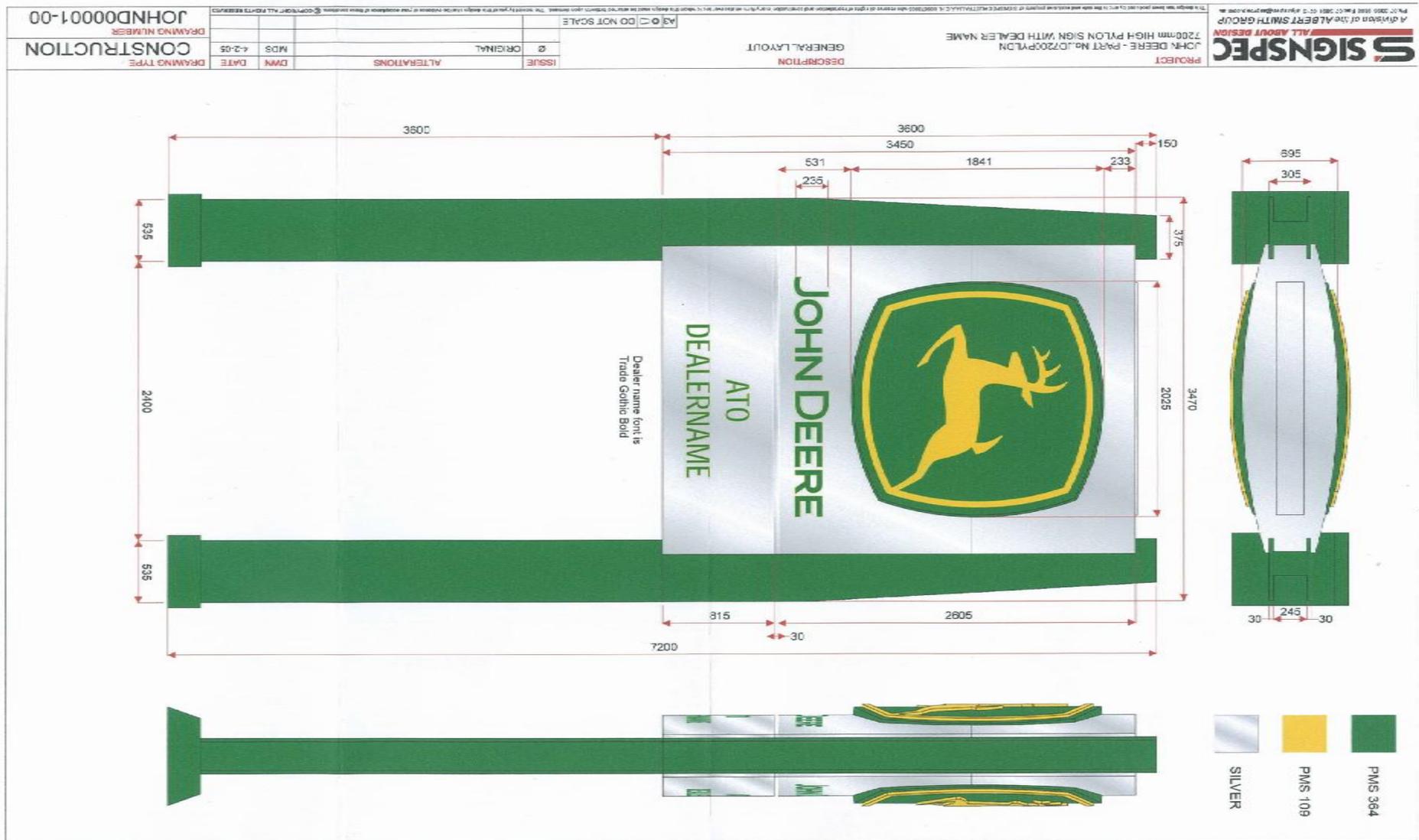
The proposed signage is appropriate in scale and built form for the commercial nature of the land use. As the proposed signage complies with the purposes and provisions prescribed in the *Kununurra Local Planning Scheme* we submit that the signage be considered favourably.

**Prepared by Public Ink on behalf of Albert Smith Signs**

**November 2009**



**Attachment 3: General Layout of the Sign**



Attachment 4: Face Decoration of the Sign

**S SIGNSPEC**  
A Division of The ALBERT SMITH GROUP  
VAL ABOUT DESIGN

PROJECT: JOHN DEERE - PART NO. J37203PYLEM  
720MM HIGH PYLON SIGN WITH DEALER NAME

DESCRIPTION: FACE DECORATION

ISSUE: ORIGINAL

DATE: +2-05

DRAWING TYPE: CONSTRUCTION

DRAWING NUMBER: JOHND00001-01

AS 0-1 DO NOT SCALE

Dealer name text is Trade Gothic Bold

**Moulded Logo Construction Notes**

1. Cut the 4.5mm Clear polycarbonate sheet to size.
2. Laminate the sheet with John Deere green vinyl 3M - VT12096 ensuring that the vinyl does not touch anything.
3. Dry out the sheets in the oven to manufacturer's specifications.
4. Place sheet into moulding arms with vinyl facing up.
5. Preheat tool with overhead heaters.
6. Ensure that the tool is perfectly clean and dust free.
7. Mould the sheet.
8. Spray back of face with Yalmask.
9. Kicks out and remove the green vinyl where required.
10. Backspray detail areas John Deere Yellow PMS 108.
11. Backup entire face with white.

**DETAIL A**

10°

vinyl

Paint

vinyl

**Section of Detail B**

Apply 3M Perforated Vinyl PMS C1N/DN12204 to the front face

Backspray the rear of the acrylic panel to match PMS 108 John Deere Yellow

Cast out aluminum face paint silver

Fit 3mm clear acrylic to letter colour

**DETAIL B**

As viewed at Night

**Typical Section Through Logo**

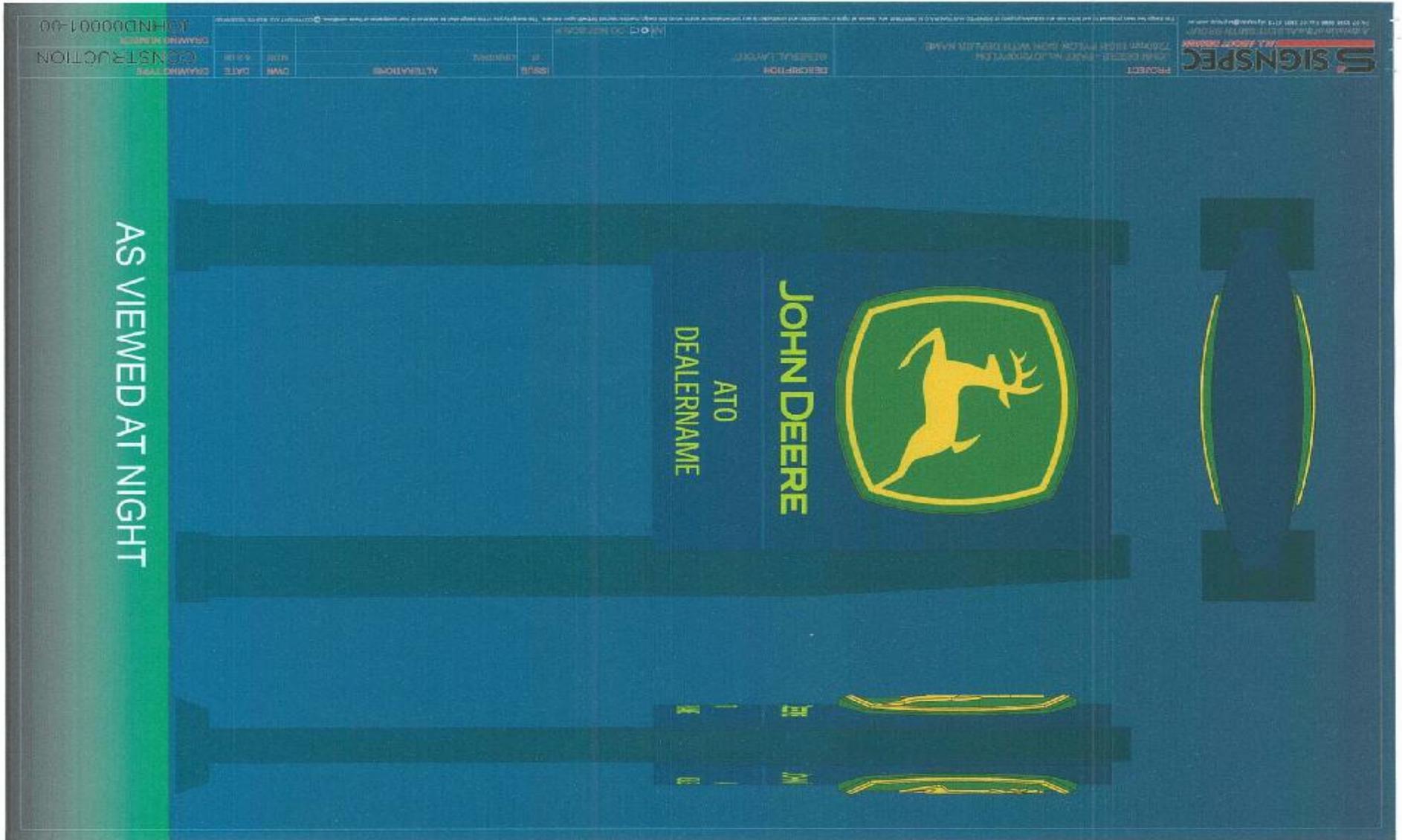
Detail A

7200

JOHN DEERE  
ATO  
DEALERNAME

**Attachment 5: The Sign Viewed at Night**



## **12.5 COMMUNITY SERVICES**

No reports from Community Services.

## 12.6 CHIEF EXECUTIVE OFFICER

### 12.6.1 USE OF COMMON SEAL

<b>DATE:</b>	16 February 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Shire Of Wyndham East Kimberley
<b>AUTHOR:</b>	Bernadette Weaver, Executive Assistant
<b>REPORTING OFFICER:</b>	Gary Gaffney, Chief Executive Officer
<b>FILE NO:</b>	60.14.02
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to receive this report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 12 January 2010 to 15 February 2010.

Information is presented to inform Council on those documents to which the Shire's Common Seal has been applied. In the time period specified above, the following documents have had the Shire of Wyndham East Kimberley Common Seal applied:

<b>Date of Use</b>	<b>Document</b>	<b>Officer</b>
20/01/2010	Notification Under Section 70A Valentine Falls Estate Pty Ltd New Planting (Lots 101 to 106, 198, 199, 201 and 202)	Jennifer Ninyette
20/01/2010	Notification Under Section 70A Valentine Falls Estate Pty Ltd Exclusion Zone 100 Metres (Lots 106 to 116)	Jennifer Ninyette
20/01/2010	Notification Under Section 70A Valentine Falls Estate Pty Ltd Exclusion Zone 150 Metres (Lots 101 to 106, 201 and 202)	Jennifer Ninyette
29/01/2010	Deed of Lease between SWEK and Broome Aviation Pty Ltd T/A Northwest Regional Airlines Infrastructure at Wyndham Airport	Jo-Anne Ellis

#### **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's Common Seal.

### **ATTACHMENTS**

Nil

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER'S RECOMMENDATION**

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 12 January 2010 to 15 February 2010.

### **COUNCIL DECISION**

*Minute No 9044*

*Moved: Cr K Wright*

*Seconded: Cr J Moulden*

*That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 12 January 2010 to 15 February 2010.*

**CARRIED UNANIMOUSLY: (7/0)**

## 12.6.2 DELEGATED AUTHORITY REPORT

<b>DATE:</b>	16 February 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Shire Of Wyndham East Kimberley
<b>AUTHOR:</b>	Bernadette Weaver, Executive Assistant
<b>REPORTING OFFICER:</b>	Gary Gaffney, Chief Executive Officer
<b>FILE NO:</b>	60.14.02
<b>ASSESSMENT NO:</b>	N/A

### **PURPOSE**

To report to Council on the use of Delegated Authority by Officers for the period 1 January 2010 to 31 January 2010.

### **BACKGROUND**

Use of Council approved Delegated Authority by Officers is reported to Council on a monthly basis.

The attached tables outline use of Delegated Authority by relevant officers for the above period.

### **STATUTORY IMPLICATIONS**

Local Government Act 1995 - Sect 5.46

5.46. Register of, and records relevant to, delegations to CEO's and employees.

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

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

## **COMMUNITY CONSULTATION**

Not Applicable

## **COMMENT**

The attached report outlines the 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 January 2010 to 31 January 2010.

## **COUNCIL DECISION**

*Minute No 9045*

*Moved: Cr K Wright*

*Seconded: Cr K Torres*

*That Council receive the Delegated Authority Report for the period 1 January 2010 to 31 January 2010 with the amendment to the Town Planning Delegated Authority Approvals list to be corrected by listing the correct property address.*

**CARRIED UNANIMOUSLY: (7/0)**

**ATTACHMENT: DELEGATED AUTHORITY REPORT  
BUILDING LICENCES ISSUED UNDER DELEGATED AUTHORITY FOR THE PERIOD 1 – 31 JANUARY 2010**

LIC#	DATE RECEIVED	DATE LICENCED	OWNER	BUILDER	LOCATION	DESCRIPTION	NEW/ADD	EST. VALUE	COMMENT/ PROCESSING TIME (WORKING DAYS)
001/2010	13/01/10	18/01/10	CW Paul & LF Cunningham	CW Paul & LF Cunningham	Lot 443 Weaber Plain Road Kununurra	Class 10B - Relocation of existing swimming pool	Add	\$3,000.00	3/15 days
212/2009	18/12/09	20/01/09	Daniel Rouse	Daniel Rouse	Lot 221 Ghost Gum Street Kununurra	Class 1A dwelling with attached class 10A Verandah and Carport	New	\$300,000.00	18/15 days
002/2010	17/10/08	20/01/10	Aboriginal Lands Trust	Aboriginal Lands Trust	Loc 21 Kalumburu Community Via Wyndham	Class 1A dwelling with Class 10A verandah - conversion of existing site office	Add	\$60,000.00	60+ days
003/2010	23/10/09	21/01/10	Jason Lerch	Jason Lerch	Loc 259 Weaber Plain Road Kununurra	Class 10A Open Shed (not for commercial production or processing)	New	\$40,000.00	60+ days
004/2010	21/01/10	22/01/10	Matthew Dear	Matthew Dear	Lot 54 (6) Ironwood Drive Kununurra	Class 10A - Patio & Deck addition to existing dwelling	Add	\$15,000.00	1/15 days
005/2010	11/01/10	22/01/10	Kim Croot	Darren Fulcher	Lot 209 Casuarina Way Kununurra	Class 1A dwelling with attached Class 10A Carport & Outdoor Living	New	\$350,000.00	9/15 days
006/2010	26/10/10	28/01/10	R Hextall	R Hextall	Lot 248 Emu Apple Street Kununurra	Class 1A dwelling with attached Class 10A Carport & Verandah	New	\$424,000.00	60+ days No Eng. Provided
007/2010	11/03/09	25/01/10	Ingle Pty Ltd	Ingle Pty Ltd	Lot 2263 (50) Casuarina Way Kununurra	Class 3 Accommodation Units (5 x 4 Sole Occupancy Units)	Add	\$275,000.00	
008/2010	23/12/09	28/01/10	T & M Floyd	T & M Floyd	Lot 133 Whimbrel Road Kununurra	Class 10A Lean-to carport on existing shed	Add	\$12,000.00	20/15 days - insufficient information supplied by builder
009/2010	25/01/10	29/01/10	Frigebol Pty Ltd	Franmor Constructions	Lot 553 & Lot 554 (4) Papuana Street Kununurra	Class 6 - United Building - cutting new door way & 3 x openings in existing wall	Add	\$4,200.00	4/15 days
190/2009	2/11/09	26/01/10	El Jay Investment Holdings Pty Ltd	Nimble Homes Pty Ltd	Lot 758 (2) Calytrix Avenue Kununurra	Class 1A Group dwellings with Class 10A carports and stores attached (2 units)	New	\$466,757.77	11/15 days - insufficient information supplied by builder.
								<b>\$1,949,957.77</b>	

**DEMOLITION LICENCES ISSUED UNDER DELEGATED AUTHORITY FOR THE PERIOD 1 – 31 JANUARY 2010**

<b>Licence Number</b>	<b>Date</b>	<b>Assess No</b>	<b>Property Address</b>	<b>Premises</b>	<b>Owner</b>	<b>Builder/ Contractor</b>	<b>Contact Details</b>	<b>Comments (Asbestos)</b>
001/2010	6/01/2010	1511	Lot 7 (150) Coolibah Drive Kununurra	Class 1A dwelling	Department of Housing & Works	Colin Wilkinson Developments Pty Ltd	PO Box 3112 Broome WA	Timber frame - asbestos clad
002/2010	7/01/2010	1295	Lot 688 (60) Riverfig Avenue Kununurra	Class 1A dwelling	Department of Housing & Works	Maglion Enterprises	PO BOX 977 KUNUNURRA 6743	Timber frame - asbestos clad
003/2010	8/01/2010	2558	Loc 1 & 2 Forrest River (Oombulgurri Community)	Demolition of Class 1A dwellings and 10A ablutions to community Lots 5, 6, 7, 8, 9, 10, 14, 15, 28 & 30. Demolition of Class 10A ablutions to Lots 22, 23, 26, 40, 43, 44, 48, 49 and 56.	Aboriginal Lands Trust/Oombulgurri Community	Wyndham Excavations	PO Box 74 Wyndham 6740	Timber frame block & asbestos

**BUILDINGS COMMENCED ON BEHALF OF GOVERNMENT AGENCIES – No Building Licence issued (Record Purposes Only)**

**DECEMBER 2009 and JANUARY 2010**

<b>Doc ID</b>	<b>Date</b>	<b>Lot No</b>	<b>Assess No</b>	<b>Address</b>	<b>Description</b>
68479	04/12/2009	252	A7044	3 Lovegrass Way Kununurra	3x2 Bedroom grouped units
68480	04/12/2009	825	A364	42 Koolama Street Wyndham	1x2 bedroom and 1x3 bedroom dwellings
68517	04/12/2009	259	A7051	22 Gardenia Drive Kununurra	4x2 Bedroom grouped dwelling
68583	09/12/2009	1214	A464	21 Delamere Street Wyndham	3x2 bedroom grouped units
68920	18/01/2010	688	A1295	60 Riverfig Avenue Kununurra	3x2 bedroom dwellings
68921	18/01/2010	1021	A407	14 Kangaroo Drive Wyndham	4x1 bedroom dwellings
68922	18/01/2010	1023	A408	18 Kangaroo Drive Wyndham	1x2 bedroom and 1x3 bedroom dwelling
68923	18/01/2010	820	A5218	29 Great Northern Highway Wyndham	1x2 bedroom & 1x3 bedroom dwellings
68930	18/01/2010	721	A1317	5 Mistletoe Street Kununurra	3x2 bedroom dwellings
68937	18/01/2010	1018	A406	8 Kangaroo Drive Wyndham	1x2 bedroom & 1x3 bedroom dwelling
68938	18/01/2010	821	A5220	27 Great Northern Highway Wyndham	1x2 bedroom & 1x3 bedroom dwellings
68939	18/01/2010	823	A362	23 Great Northern Highway Wyndham	1x2 bedroom & 1x3 bedroom dwellings
68940	18/01/2010	631	A338	17 Flinders Street Wyndham	1x3 bedroom dwelling
69069	28/01/2010	685	A1293	7 Pindan Avenue Kununurra	2x2 & 1x3 Bedroom dwellings
69070	28/01/2010	862	A1353	24 Barringtonia Avenue Kununurra	1x4 & 1x3 Bedroom dwellings

**TOWN PLANNING DELEGATED AUTHORITY APPROVALS FOR THE PERIOD 1 – 31 DECEMBER 2009**

Application/Delegation Number	Approval Type	Date Received	Applicant	Owner	Property Address	Proposed Development	Assess't Number	Approval Date	Comment
128/09	P	11/12/2009	Heritage Pioneer Development (Daly & Shaw)	Heritage Pioneer Development (Daly & Shaw)	3/15 Keates Road Armadale WA 6112	6 x 3 bedroom 2 bathroom single story dwellings	7157	04/01/2010	Approved by Ian D'Arcy
132/09	IP	22/12/2009	Trevor & Marion Floyd	Trevor & Marion Floyd	PO Box 1467 Kununurra	Lean-to/carport extension to existing shed	5767	04/01/2010	Approved by Ian D'Arcy
116/09	P	18/11/2009	Savannah Nickel Mine Pty Ltd	Cambridge Gulf Pty Ltd	Lot 2 Barytes Road Wyndham	Nickel storage/loading shed	260	12/01/2010	Approved by Ian D'Arcy
119/09	P	26/11/2009	Phil Read	Phil Read	PO Box 1185 Kununurra	Industrial shed with caretakers residence	7108	12/01/2010	Approved by Ian D'Arcy
131/09	P	18/12/2009	DE Carpenters	Kym Croot	PO Box 315 Kununurra	Residential dwelling with 1205 setback	7001	12/01/2010	Approved by Ian D'Arcy

**COMMUNITY SERVICES DELEGATED AUTHORITY FOR THE PERIOD 1 – 31 JANUARY 2010**

Approval Date	Organisation	Purpose of Quick Grant	Total Project Cost	Amount Requested	Amount Approved
20/01/2010	Wyndham Community Club	Cricket equipment (for facility in non-licensed area of the Club)	\$750.00	\$500.00	\$500.00

**THERE WERE NO SIGN LICENCES ISSUED UNDER DELEGATED AUTHORITY FOR THE PERIOD 1 – 31 JANUARY 2010**

## 12.7 ELECTED MEMBER REPORTS

### Cr D Ausburn

Date	Event
20 January 2010	Official Launch Ord Valley Muster- Announcement 2010
22 January 2010	Wyndham Pool Opening
25 January 2010	Liquor Accord Meeting (Hotel Kununurra)
26 January 2010	Australia Day – Kununurra Leisure Centre
2 February 2010	Official Photo Shoot Shire
3 February 2010	Community Rangers Meeting
3 February 2010	KCCI Meeting
11 February 2010	CEO Briefing Chamber
12 February 2010	Airport Committee Meeting
16 February 2010	Liquor Accord Meeting (OVAHS)

### Cr F Mills

February 2010	Local Government Reform Meeting with the Minister Local Government – The Hon GM (John) Castrilli MLA
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### Cr K Wright

2 February 2010	Regional Road Group workshop held at the Town of Vincent to discuss the review of the State – Local Government Road Funding Agreement.
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## 13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

**15. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

**COUNCIL DECISION**

*Minute No 9046*

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

*That Council consider Urgent Business:*

- *Item 15.1 Proposed Assistant Minister Dwelling – St James Anglican Church;*
- *Item 15.2 Reserve Excision – Excision of portion of Reserve 41812;*
- *Item 15.3 Proposed Road Closure – Unnamed Road, Kununurra; and*
- *Item 15.4 Reserve Excision – Inclusion on Unallocated Crown Land into Reserve 41812.*

**CARRIED UNANIMOUSLY: (7/0)**

**15.1 PROPOSED ASSISTANT MINISTER DWELLING - ST JAMES ANGLICAN CHURCH**

<b>DATE:</b>	16 February 2010
<b>PROPONENT:</b>	St James Anglican Church
<b>LOCATION:</b>	Lot 73 Kurrajong Street, Kununurra.
<b>AUTHOR:</b>	Keving Tang, Town Planning Officer
<b>REPORTING OFFICER:</b>	Ian D'arcy, Executive Manager Development Services
<b>FILE NO:</b>	01.0824.02
<b>ASSESSMENT NO:</b>	A0824

**PURPOSE**

For the Council to consider a second dwelling on Lot 73 Kurrajong Street, Kununurra (St James Anglican Church) to accommodate the Assistant Minister and a further request for the waiving of planning fees for the development application.

**BACKGROUND**

The Shire has received a development application for a proposed dwelling from St James Anglican Church. The application indicates the proposed dwelling will be used for the specific purpose of housing an additional full time Minister for work in the communities of Kununurra, Wyndham and Oombulgurri.

The applicant has also sought a waiving of planning fees on the basis that the dwelling will be used solely for church use that serves the community. The written request is shown at Attachment 1 to this report.

Currently, there are two buildings on the subject site, one being the church and the other being the existing Senior Minister's residence.

The proposed development is a 4 bedroom x 2 bathroom dwelling with a garage that consists of 139.4 m<sup>2</sup> in floor area. 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 at the corner of Konkerberry Drive and Leichhardt Street and is in close proximity to town centre. The area of site is about 7043 m<sup>2</sup>. The proposed development is mainly surrounded by low density residential areas, with the White Gum Park to the south and the Roman Catholic Church to the east. At present there is a two storey dwelling for housing the Senior Minister of the parish along with a church building on the site. Figure 1 below shows the location of the site.



Figure 1 Location Plan

### **STRATEGIC IMPLICATIONS**

Nil

### **STATUTORY IMPLICATIONS**

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

The site is zoned “Special Site” in the Town Planning Scheme No. 7 – Kununurra and Environs.

The objective for this zone is to reflect those sites specifically established for a particular use and any conditions imposed by the Planning Approval must be determined by the Council.

#### Streetscape and Building Design Requirements

The proposed development is surrounded by R20 low density residential areas. It is therefore prudent to impose similar standards on this residential building to preserve the existing neighbourhood character. In accordance with Table 1 Residential Design Codes Western Australia, a single house under R20 density requires a minimum

primary street setback of 6 metres. The proposed development has a 6.5 metre primary street setback, which complies with this requirement.

As the site is in close proximity to the town centre, it is important to improve the streetscape by using plant and grass landscaping at the street frontage area.

It is sensible that all buildings have climate sensitive design features, such as extensive roof overhang, verandahs and other solar designs, to address the climatic conditions in the Kimberley region. The proposed development does not appear to have provided such features especially at the street frontage. It is therefore important that the development should be incorporated with a portico entry and other climatic sensitive features at the front of the building. This will also assist in the proposed dwelling addressing the streetscape for an aesthetic perspective.

#### Boundary Setback Requirements

Under Residential Design Codes, side boundary setbacks are determined by the height and length of wall and major openings on the wall. The proposed residential building has a 1.5 metres setback to the western boundary and 6.5 metres setback from the shed to the east, which are both considered to meet the R-Codes requirements.

#### Essential Facilities Requirements

From the application, it is unclear whether the proposed development will provide adequate facilities such as, clothes-drying area for the residents. It is therefore necessary to impose these requirements as conditions on any approval that may be forthcoming to the Council. Similarly, it would be appropriate that a fenced rear yard area be provided to provide a level of private open space.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

The applicant is requesting that the planning fees of \$215 be waived due to their status as a religious and charitable organisation. Presently, the Council has no clear guidelines or policy on the waiving of development application (planning, building and health) fees. Should the Council entertain this request, it would be prudent for a policy to be prepared that clearly outlines the criteria by which the waiving of fees should be applied for further applications.

#### **COMMUNITY CONSULTATION**

Community consultation is not required.

#### **CONCLUSION/COMMENT**

It is recognised that St James Anglican Church is a religious organisation that continues to serve Kununurra, Wyndham and Oombulgurri community and accepts that the proposed dwelling is needed to provide housing for an additional full-time Minister and his family.

On this basis, it is recommended that the Council support the application through the exercise of discretion on the condition:

1. The development accords with the development standards that would usually apply to the Residential R20 housing density.
2. The dwelling is restricted to the occupation of Church employees.

With regard to the request to waive planning fees for the development application, this is a matter that the Council needs to give careful consideration, in the context of the broader application to the forfeit of fees for similar development applications in the future.

### **ATTACHMENTS**

Attachment 1: Letter of Request

Attachment 2: Site Plan

Attachment 3: Floor Plan

Attachment 4: Elevation

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER'S RECOMMENDATION**

That Council:

1. Grant planning consent for the development of a second dwelling on Lot 73 Kurrajong Street, Kununurra subject to the following conditions:
  - (a) all development shall be in accordance with the attached approved plan(s) dated 2 February 2010 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 colour of the building shall be consistent or complimentary to the existing buildings on the site. In this regard, a nomination of external colours shall be submitted with the application for building licence to be endorsed by local government officers;
  - (c) an adequate clothes-drying area appurtenant to the dwelling shall be provided and screened from the primary street;
  - (d) the plans to be submitted for a building licence shall incorporate a portico entry or verandah that provides adequate all weather protection and enhances the architectural presentation to the front of the building;
  - (e) a rear fenced yard shall be provided to a minimum of 45m<sup>2</sup> in area to the satisfaction of the local government;
  - (f) landscaping shall be provided at the street frontage area between the dwelling and the property boundary to enhance the streetscape;
  - (g) the dwelling shall be restricted in residential occupation to Anglican Parish employees, unless otherwise approved by the local government;

- (h) a vehicle crossover shall be constructed to an impervious paved surface and drained standard to the satisfaction of the local government; and
  - (i) 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 Regulatory Services and submitted with the building application.
2. Agree to waive the local government development application fees on the basis that the development serves a charitable organisation and subject to the applicant submitting a statutory declaration, that clearly acknowledges the second dwelling will only be used to meet employee accommodation needs.

### **COUNCIL DECISION**

**Minute No 9048**

**Moved: Cr K Wright**

**Seconded: Cr J Moulden**

***That Council move the Officer's Recommendation with the deletion of dot point 2.***

***That Council:***

1. ***Grant planning consent for the development of a second dwelling on Lot 73 Kurrajong Street, Kununurra subject to the following conditions:***
  - (a) ***all development shall be in accordance with the attached approved plan(s) dated 2 February 2010 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 colour of the building shall be consistent or complimentary to the existing buildings on the site. In this regard, a nomination of external colours shall be submitted with the application for building licence to be endorsed by local government officers;***
  - (c) ***an adequate clothes-drying area appurtenant to the dwelling shall be provided and screened from the primary street;***
  - (d) ***the plans to be submitted for a building licence shall incorporate a portico entry or verandah that provides adequate all weather protection and enhances the architectural presentation to the front of the building;***
  - (e) ***a rear fenced yard shall be provided to a minimum of 45m<sup>2</sup> in area to the satisfaction of the local government;***

- (f) landscaping shall be provided at the street frontage area between the dwelling and the property boundary to enhance the streetscape;**
- (g) the dwelling shall be restricted in residential occupation to Anglican Parish employees, unless otherwise approved by the local government;**
- (h) a vehicle crossover shall be constructed to an impervious paved surface and drained standard to the satisfaction of the local government; and**
- (i) 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 Regulatory Services and submitted with the building application.**

**CARRIED UNANIMOUSLY: (7/0)**

**Attachment 1: Letter of Request**



# Anglican Parish of Kununurra

Our Mission is to.....Serve Christ in the Kimberley

St James  
Kununurra

St Boniface  
Wyndham

St Michaels  
Combulguri

---

Minister in Charge  
Rev Gary Alexander

Assistant Minister  
Andrew Hedfield

Assistant Minister  
Kim Beales

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Cnr Conkerberry Drive &  
Leichhardt Street

PO Box 117  
Kununurra WA 6743

Phone  
08 8189 1650  
0410 638 723

Email  
g.alexander@anglican.kununurra.com.au

ABN: 57 226 538 238

Planning Department  
Shire Wyndham East Kimberley  
PO Box 614  
Kununurra WA 6743

Friday 5<sup>th</sup> February, 2010

To Whom It May Concern:

The Trustees of the Diocese of North West Australia (Anglican Church) are seeking planning approval for a new dwelling for Lot 73 Kurrajong Street, Kununurra.

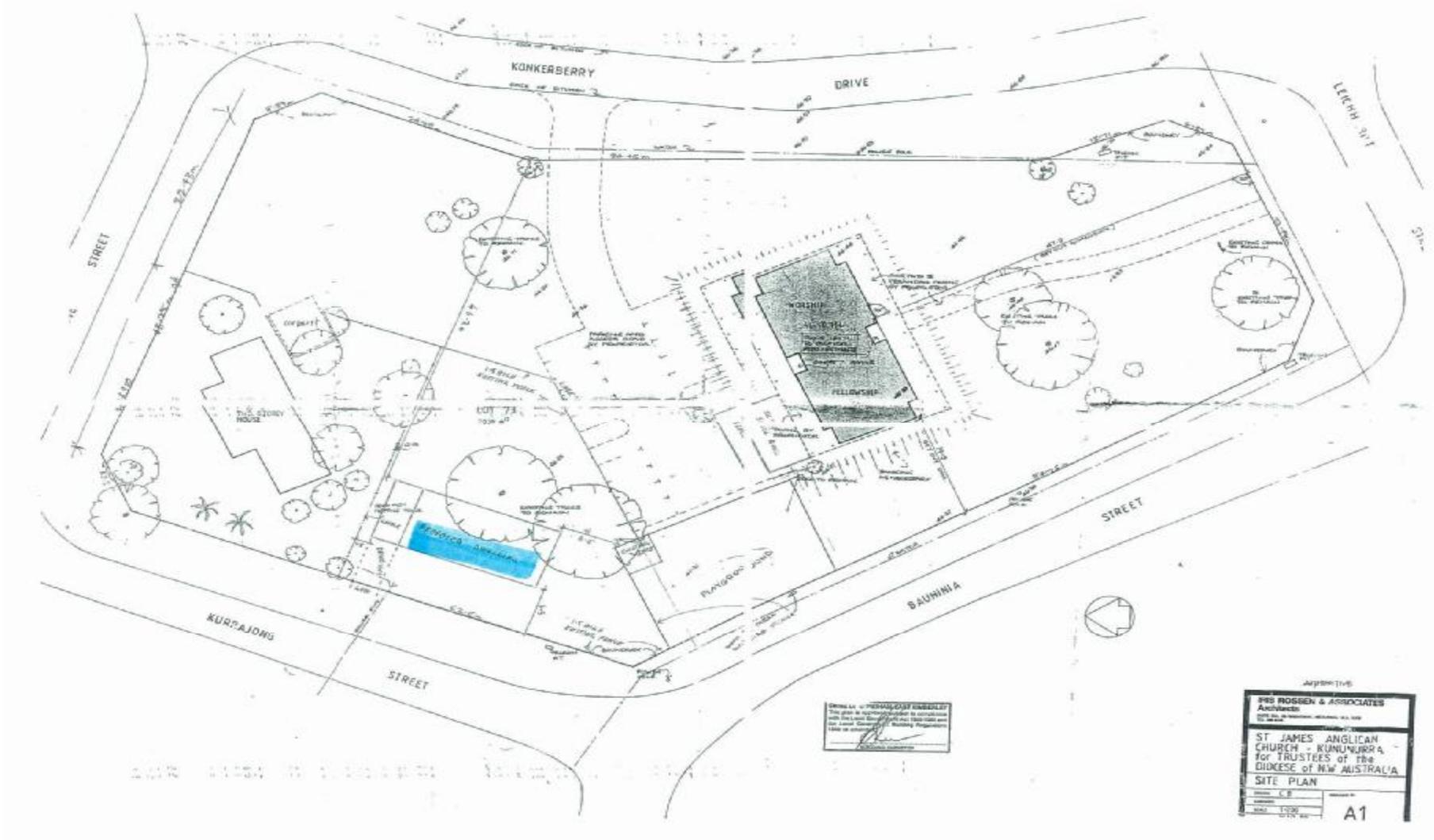
This new dwelling will be used for the specific purpose of housing an additional full time Minister for work in the communities of Kununurra, Wyndham and Combulguri.

This additional dwelling is required as we need to provide housing for two ministry families. The current house is allocated for the Senior Minister and his family, and the new proposed dwelling is to provide room for a new Assistant Minister and his family. Without this additional dwelling, we would not be able to expand our ministry staff which would directly affect our work in the community.

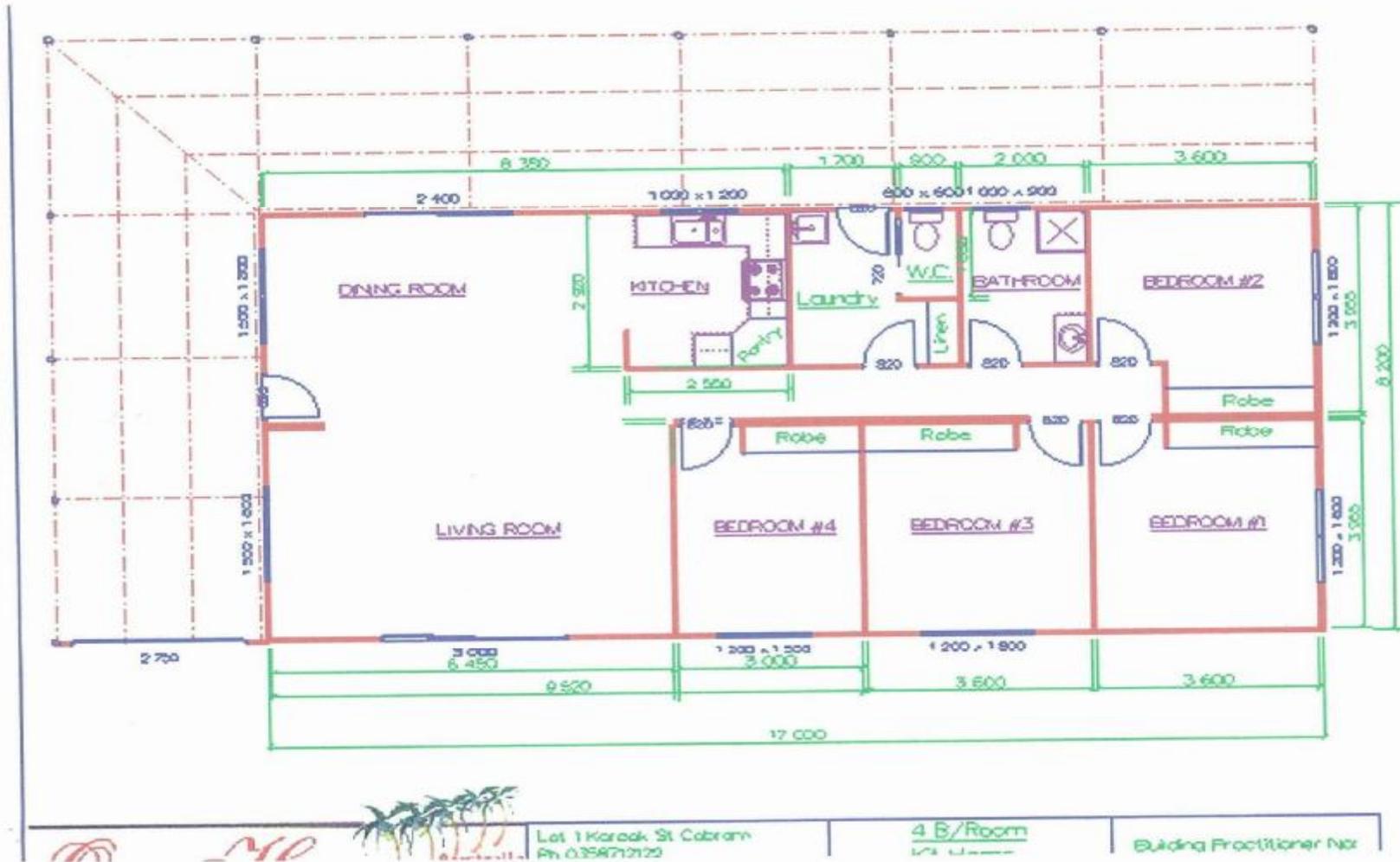
Yours sincerely,

Reverend Gary Alexander  
Minister in Charge

**Attachment 2: Site Plan**



Attachment 3: Floor Plan



Attachment 4: Elevation



## 15.2 RESERVE EXCISION - EXCISION OF PORTION OF RESERVE 41812

<b>DATE:</b>	16 February 2010
<b>PROPONENT:</b>	NWR Water Corporation
<b>LOCATION:</b>	Lot 3000 Victoria Highway, Kununurra
<b>AUTHOR:</b>	Jennifer Ninyette, Town Planning Officer
<b>REPORTING OFFICER:</b>	Ian D'arcy, Executive Manager Town Planning
<b>FILE NO:</b>	01.2860.08
<b>ASSESSMENT NO:</b>	A2860

### **PURPOSE**

For Council to consider a request from the Water Corporation to support excision of a portion of Reserve 41812 to be reserved separately for management by the Water Corporation.

### **BACKGROUND**

The Water Corporation has requested the written consent from the Shire for the excision of a portion of 'Foreshore and Recreation' Reserve 41812 adjacent to the diversion dam (currently the site of the Water Corporation's Stop Log Gantry) to become a separate reserve to be managed by the Water Corporation. A copy of this correspondence is shown in Attachment 1.

The portion of land proposed to be excised from Reserve 41812 has an area of approximately 1.9 hectares and is predominantly bush land, with the northern portion developed with the Water Corporation's infrastructure and utilised by that agency. The proposed excision area is shown bordered red on the location plan in Attachment 2.

As the management body for 'Foreshore and Recreation' Reserve 41812, the Shire's consent has been sought to enable reserve amendment action to be initiated by the Department of Regional Development and Lands on behalf of the Minister for Lands.

### **STATUTORY IMPLICATIONS**

#### **Land Administration Act 1997**

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

Under section 51 of the *Land Administration Act, 1997*, the Minister for Land may by order cancel, change the purpose of or amend the boundaries of, or the locations or lots comprising, a reserve.

Therefore, any action to amend Reserve 41812 (and subsequently create a separate reserve) is ultimately required to be undertaken by the Department of Regional Development and Lands on behalf of the Minister for Lands.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

The subject land is earmarked as 'Gateway' Bushland Area in the Lake Kununurra Foreshore Plan, as shown on the Precinct 2 plan at Attachment 3. However it should be noted that it is also a key recommendation of the Lake Kununurra Foreshore Plan (endorsed by Council in October 2006) to:

*Excise portion of Reserve 41812 near the Diversion Dam and vest in Water Corporation, subject to the following conditions [SWEK, **Water Corporation**, DPI]:*

§ *No clearing of native vegetation; and*

§ *All weed and pest species, including Neem, Leucaena, Rain Trees and Calotropis, shall be removed.*

It is not clear in the Foreshore Plan document as to what extent of the Foreshore Reserve should be excised for management by the Water Corporation, however there is a clear intent to maintain the native vegetation within this vicinity.

## **COMMUNITY CONSULTATION**

Community consultation is not required.

## **COMMENT**

The Lake Kununurra Foreshore Plan supports the proposal to excise a portion of Reserve 41812 located near the Diversion Dam, to facilitate creation of a separate reserve for the Water Corporation's existing assets.

However, it is also clearly the intent of the Foreshore Plan to maintain the existing native vegetation/bushland within this area and therefore, to ensure these existing areas of vegetation along the embankment should be retained as part of the Foreshore Reserve.

In consideration of this, it is recommended that only the portion currently developed and utilised by the Water Corporation be excised from Reserve 41812, as depicted in blue on the plan in Attachment 4.

## **ATTACHMENTS**

Attachment 1: Correspondence from the Water Corporation

Attachment 2: Location Plan

Attachment 3: Precinct 2 Plan (Lake Kununurra Foreshore Plan)

Attachment 4: Recommended Excision Plan

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council:

1. Advise the Water Corporation that it supports an approximately 6500m<sup>2</sup> portion of Lot 3000 on Deposited Plan 46759 containing existing Water Corporation infrastructure to be excised from Foreshore and Recreation Reserve 41812, as depicted in blue on the plan in Attachment 4.
2. Upon written acceptance of Council's position by the Water Corporation, request the Department of Regional Development and Lands initiate action to excise an approximately 6500m<sup>2</sup> portion of Reserve 41812 depicted in blue on the plan in Attachment 4, to enable a separate reservation for the purposes and management of the Water Corporation.

## **COUNCIL DECISION**

**Minute No 9049**

**Moved: Cr K Wright**

**Seconded: Cr K Torres**

**That Council:**

1. **Advise the Water Corporation that it supports an approximately 6500m<sup>2</sup> portion of Lot 3000 on Deposited Plan 46759 containing existing Water Corporation infrastructure to be excised from Foreshore and Recreation Reserve 41812, as depicted in blue on the plan in Attachment 4.**
2. **Upon written acceptance of Council's position by the Water Corporation, request the Department of Regional Development and Lands initiate action to excise an approximately 6500m<sup>2</sup> portion of Reserve 41812 depicted in blue on the plan in Attachment 4, to enable a separate reservation for the purposes and management of the Water Corporation.**

**CARRIED UNANIMOUSLY: (7/0)**

**Attachment 1: Correspondence from the Water Corporation**

JT1 2006 13313 V01  
Eugene Stuart  
9420 2827

Doc No.	068771
Date	30 DEC 2009
Officer	TPO/EO
Response	
File	01 2860-08
Cross Ref.	



22 December 2009

Shire of Wyndham-East Kimberley  
PO Box 614  
KUNUNURRA W A 6743

529 Newcastle Street  
Leederville 6007  
Western Australia  
PO Box 100  
Leederville 6002  
Perth Western Australia  
Tel (+61 8) 9420 2420  
www.watercorporation.com.au  
ABN 28 003 434 917

Dear Sir

**Subject: Stop Log Gantry - Reserve 41812, Kununurra**

As you may be aware the Water Corporation's Stop Log Gantry which is adjacent to Kununurra Diversion Dam is situated on part Lot 3000 on Deposited Plan 46759 to the extent shown on attached plan. Lot 3000 is incorporated within Reserve 41812 and Management Order for this is issued to the Shire of Wyndham-East Kimberley for Foreshore Protection and Recreation.

Although the Water Corporation maintains the area of land used for Stop Log Gantry a separate Management Order for that area has not been issued to us to protect existing assets.

Due to security risks associated with assets, the Corporation is keen to have that part of Lot 3000 shown on the plan excised from Reserve 41812 with a view to create a separate reserve with Management Order issued to us by the Department of Regional Development and Lands (DRDL).

The Corporation seek your written consent to the excision of part Lot 3000 from Reserve 41812 so that we can request DRDL to initiate amendments to the reserve at the Corporation's costs.

I await your favourable consideration and if you wish to discuss the matter, please contact the above named officer on 9420 2827.

Yours sincerely

Eugene Stuart  
Acquisitions Officer

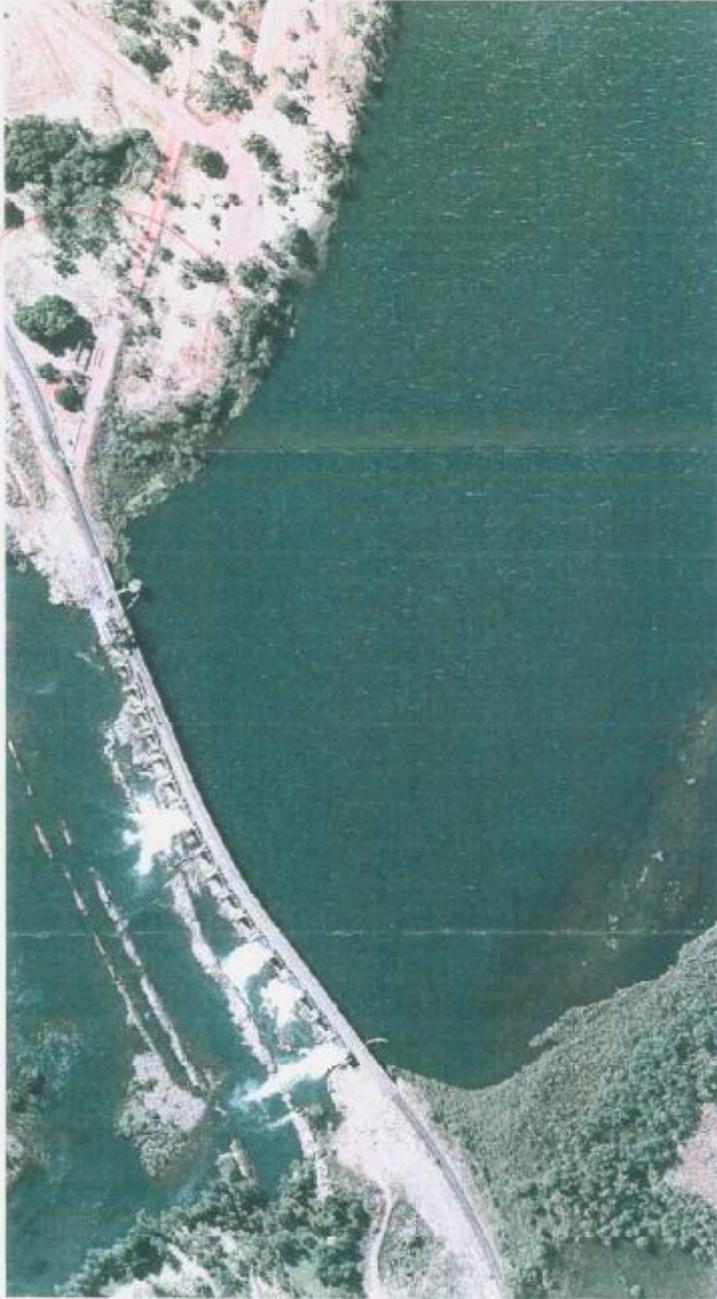
*Copy to DRDL ref: 50011/2007 Job No. 070113.*



LAND LEASER ③ **Stp Log Sanctuary** is situated on part of Reserve 41812 - Lot 3000. Currently MO to Shini JW/EK This portion to be excised from Reserve 41812 - Lot 3000

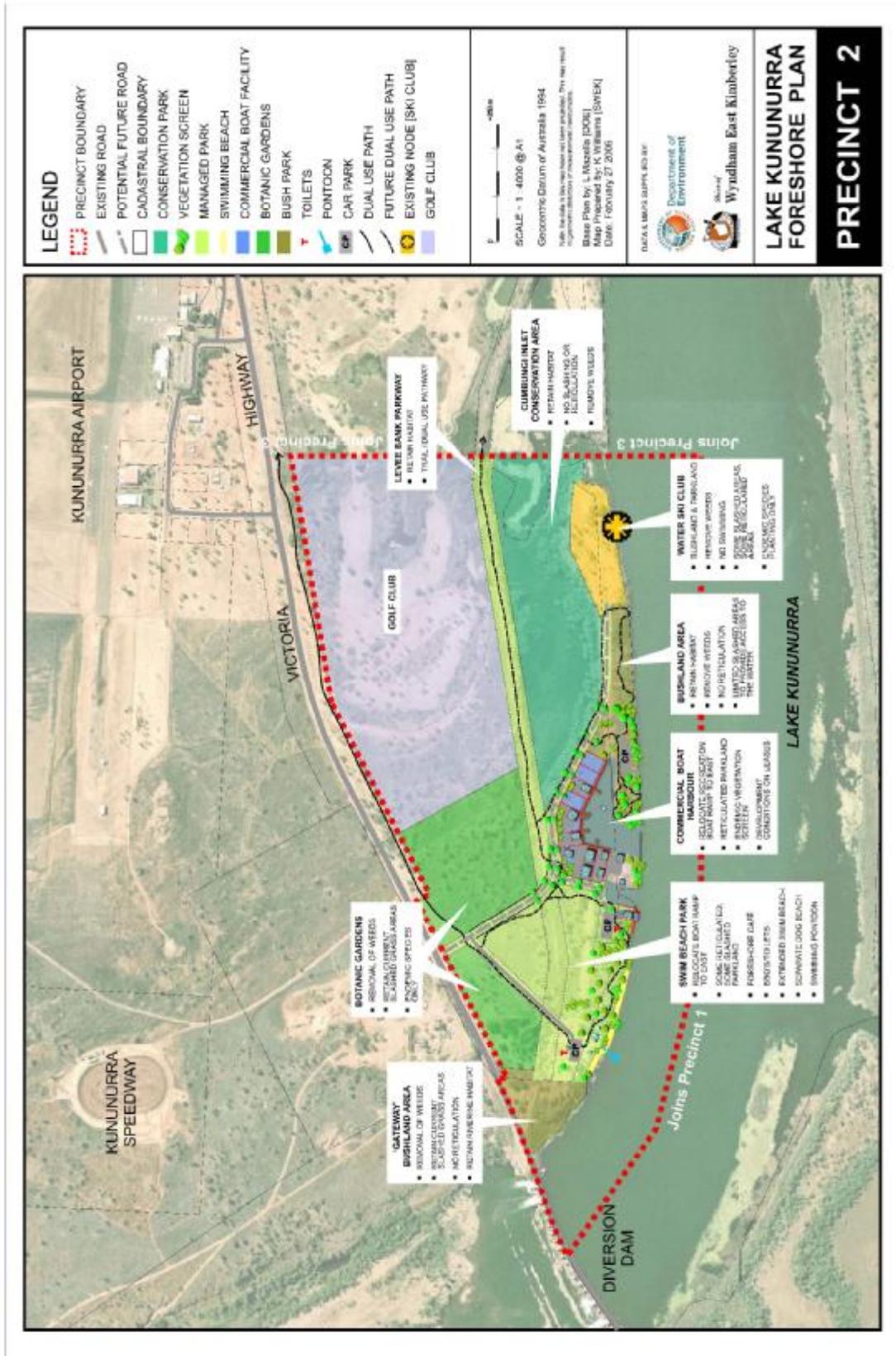
[http://www.landgate.com.au/mapviewer/erm\\_mapviewer.htm?user=Roesx04&token=e51e2e3d014d821cc29e8671685d934477ac184e46...](http://www.landgate.com.au/mapviewer/erm_mapviewer.htm?user=Roesx04&token=e51e2e3d014d821cc29e8671685d934477ac184e46...) 15/07/2009

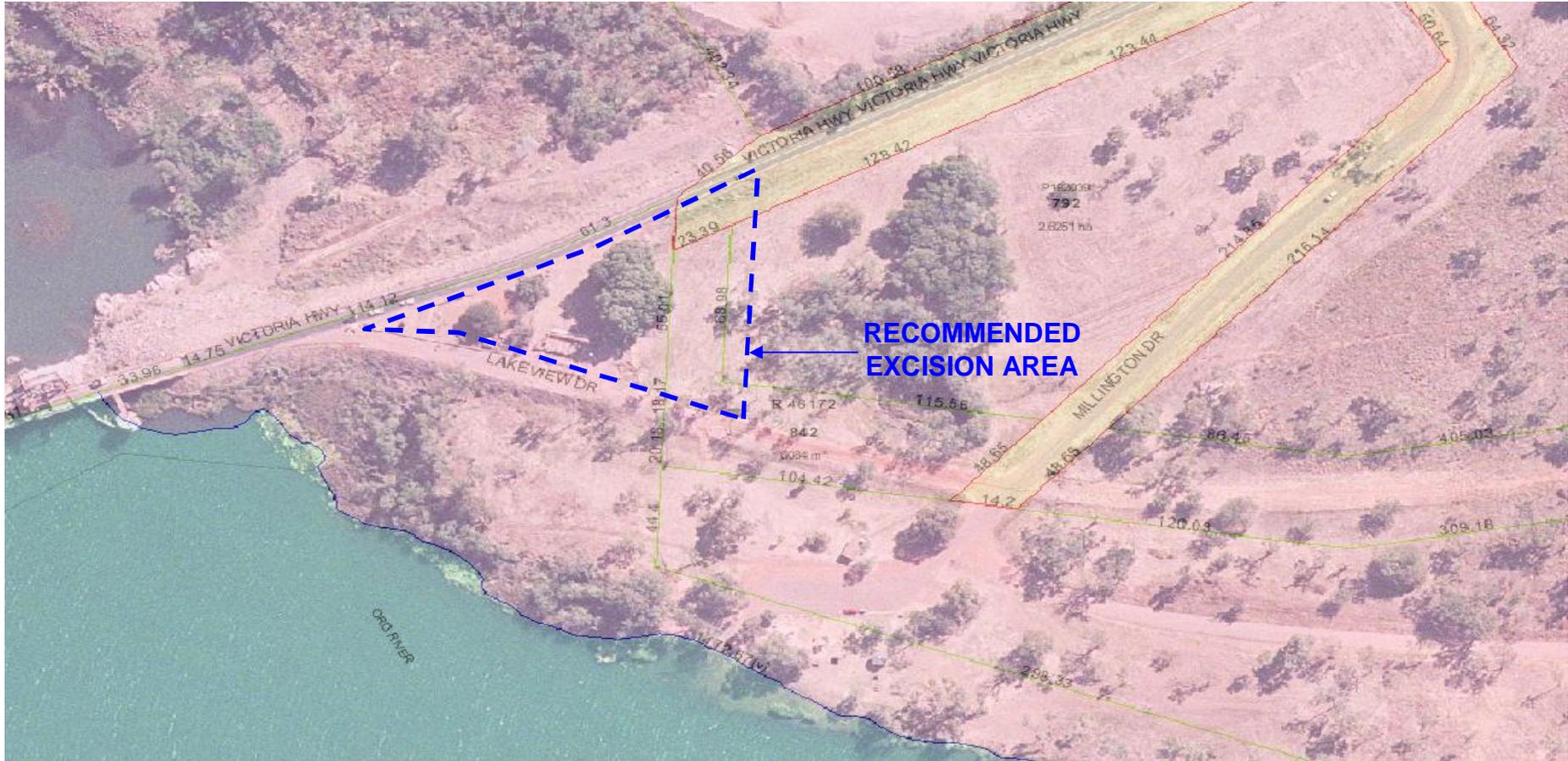
*Smiffit area*





Attachment 3: Precinct 2 Plan (Lake Kununurra Foreshore Plan)





**ATTACHMENT 4 — RECOMMENDED EXCISION PLAN**

### 15.3 PROPOSED ROAD CLOSURE – UNNAMED ROAD, KUNUNURRA

<b>DATE:</b>	16 February 2010
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Farm Hill Road, Kununurra
<b>AUTHOR:</b>	Jennifer Ninyette, Town Planning Officer
<b>REPORTING OFFICER:</b>	Ian D'Arcy, Executive Manager Development Services
<b>FILE NO:</b>	01.0054.02
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to consider the closure of an unconstructed and unnamed road reserve located off of Farm Hill Road Kununurra, to enable reservation of the land for the purpose of 'Conservation'.

#### **BACKGROUND**

The Shire received correspondence from the Department of Planning and Infrastructure (now Department of Regional Development and Lands) requesting the Council to begin the road closure process as per section 58 of the *Land Administration Act 1997*. A copy of this correspondence is shown at Attachment 1.

The intent is for the unconstructed and unnamed road reserve to be amalgamated with adjoining unallocated Crown land (UCL) to enable reservation of the land for the purpose of 'Conservation' under the care, control and management of the Department of Environment and Conservation.

The unconstructed and unnamed road reserve is shown on the plan at Attachment 2. The proposed 'Conservation' reserve is shown on the plan at Attachment 3.

Accordingly Councils' consent is being sought to advertise the proposed road closure, as well as a resolution to close the road subject to no objections being received during the submission period, as required under the *Land Administration Act 1997*.

#### **STRATEGIC IMPLICATIONS**

Nil

#### **STATUTORY IMPLICATIONS**

In order to effect the road closure, it is a requirement under Section 58 of the *Land Administration Act 1997 (LAA)* that the Local Government Authority advertises the proposal for a period of 35 days, following which the Council is required to consider any submissions prior to passing a resolution to close the road.

The land is reserved as Conservation/Environmental Protection under the Shire of Wyndham East Kimberley Town Planning Scheme No. 7 – Kununurra and Environs, and therefore the proposed reservation of the land is in keeping with the Scheme.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil. The State as 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.

## **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*, and notification letters will also be sent to service agencies and adjoining landowners seeking their comment.

## **CONCLUSION/COMMENT**

The unnamed road reserve was created as part of a proposed subdivision for the purpose of Rural Industry, however release of the land has proved unsuccessful due to the unsuitability of the land for development, and as such, the road has not been constructed.

The road reserve and surrounding land remains as one of the few uncleared areas within the Ord River Irrigation Area, and as such is considered to have conservation value as a wildlife 'corridor' for fauna migration through the valley and as remnant bushland habitat.

Given the intention to reserve the land for the purpose of 'Conservation', with the management order to be issued to the Department of Environment and Conservation, it is considered appropriate for the road closure to be supported.

To enable the proposed reservation to occur, the formal road closure process must first be instigated as required under section 58 of the *Land Administration Act 1997*, which requires Council to advertise, and pass a resolution, for the proposed road closure.

## **ATTACHMENTS**

Attachment 1: Letter from Department for Planning and Infrastructure

Attachment 2: Road Closure Plan

Attachment 3: Conservation Reserve Plan

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council:

1. Advertise the proposed road closure in accordance with section 58 of the *Land Administration Act 1997*.

2. Resolve to close the unnamed road reserve, as shown coloured blue on the plan at Attachment 2, subject to no objections being received during the advertising period in accordance with section 58 of the *Land Administration Act 1997*.
3. Following completion of the advertising period, advise the Department for Regional Development and Lands to close the unnamed road reserve, as shown coloured blue on the plan at Attachment 2, for amalgamation with adjoining unallocated Crown land.

**COUNCIL DECISION**

***Minute No 9050***

***Moved: Cr J Moulden***

***Seconded: Cr K Wright***

***That Council defer Item 15.3 Proposed Road Closure – Unnamed Road, Kununurra to the next Briefing Session to be held on 2 March 2010.***

***CARRIED UNANIMOUSLY: (7/0)***

The Council Decision differs from the Officers Recommendation to allow elected members to evaluate the implications of the road closure.

## 15.4 RESERVE EXCISION – INCLUSION OF UNALLOCATED CROWN LAND INTO RESERVE 41812

<b>DATE:</b>	16 February 2010
<b>PROPONENT:</b>	Department of Regional Development and Lands
<b>LOCATION:</b>	Lily Creek Lagoon, Kununurra
<b>AUTHOR:</b>	Jennifer Ninyette, Town Planning Officer
<b>REPORTING OFFICER:</b>	Ian D'Arcy, Executive Manager Development Services
<b>FILE NO:</b>	01.2860.08
<b>ASSESSMENT NO:</b>	A2860

### **PURPOSE**

For Council to consider a proposal from the Department of Regional Development and Lands to include a portion of unallocated Crown land into Reserve 41812.

### **BACKGROUND**

The Shire has received correspondence from the Department of Regional Development and Lands (DRDL) requesting comment on a proposal to include a portion of unallocated Crown land (Lily Creek Lagoon) into 'Foreshore and Recreation' Reserve 41812, which is now solely managed by the Shire. A copy of this correspondence is shown at Attachment 1.

The portion of unallocated Crown land (7.44 hectares) proposed to be incorporated into Reserve 41812 includes the upper portion of Lily Creek Lagoon waterway and a small portion of land to the south of the lagoon, as shown on the location plan at Attachment 2.

If the land and water is amalgamated into the Foreshore Reserve the Shire will become the responsible agency for the management of this portion of Lily Creek Lagoon, however will still be required to obtain statutory approvals from relevant agencies to undertake the necessary management and any future development of this area.

### **STRATEGIC IMPLICATIONS**

A key recommendation of the Lake Kununurra Foreshore Plan, which was endorsed by Council in October 2006, was for the portion of land between the entrance of Lily Creek Lagoon and the rowing club to be reserved for conservation, as shown on the plans for Precinct 5 & Precinct 6 at Attachment 3.

However, the land has remained unmanaged for quite some time, and access from the waterway is difficult due to infestation of uncontrolled native plant and weed species. As such substantial remediation work is required to remove the extensive growth of vegetation, to return the waterway and adjoining foreshore land to a manageable state. Furthermore, there may be aboriginal cultural significance associated with this area.

In consideration of the above, the proposal to reserve the land component of the subject area is in keeping with the Foreshore Plan in that the area is intended to be reserved to support its retention and management as a key conservation location along the foreshore.

## **STATUTORY IMPLICATIONS**

### **Land Administration Act 1997**

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

Under section 51 of the *Land Administration Act 1997* the Minister for Land may by order cancel, change the purpose of or amend the boundaries of, or the locations or lots comprising, a reserve.

Therefore, any action to amend Reserve 41812 is ultimately required to be undertaken by the Department of Regional Development and Lands on behalf of the Minister for Lands.

### **Town Planning Scheme**

The water and land areas proposed for inclusion are reserved as 'Waterway' and 'Special Foreshore Reserve' respectively under the Shire of Wyndham East Kimberley - Town Planning Scheme No. 7 – Kununurra and Environs.

As such, pursuant to the Town Planning Scheme, any use and development within this area requires approval by Council, and in this regard the Council shall have regard to the ultimate purpose intended for the scheme reserve.

In this instance it is considered that only the land parcel, being the portion reserved for 'Special Foreshore Reserve' should be considered for amalgamation into Reserve 41812 if the Council chose to support this proposal, and the waterway itself should remain separate from the Foreshore Reserve, ideally under the control and management of another government agency.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

If the land is included into the Foreshore Reserve, the Shire will incur costs involved with the remediation and management of the subject area, in conjunction with the remainder of the existing reserve.

## **COMMUNITY CONSULTATION**

Community consultation is not required.

## **COMMENT**

As previously mentioned, should the Council support the amalgamation of the subject unallocated Crown land into Reserve 41812, the Shire will be responsible for the management of the land and waters, yet will still require necessary approvals, such as clearing permits and bed and banks licences, from State instrumentalities to enable this management to be achieved.

Therefore, in consideration of this and expected difficulties (i.e. lack of resources and expertise), for the Shire to effectively manage the lagoon area it is considered that the Lily Creek Lagoon waterway portion of the unallocated Crown land should not be included into the Foreshore Reserve, but more so should remain separate from the foreshore in keeping with the remainder of the Lake Kununurra waterway.

However, this position is not necessarily applied to the portion of unallocated land area south of Lily Creek Lagoon which does carry merit in being amalgamated with Reserve 41812 and potentially could be reserved to enable the active management and preservation of habitat, flora & fauna along the foreshore fulfilling the purpose of conservation in line with the key recommendations of the Lake Kununurra Foreshore Plan. With this acknowledged, it is also noted the land and inlet to the south of the lagoon and the subject of this report has remained unmanaged for quite some time, and therefore substantial remediation work is required to remove the extensive vegetation growth and pest species in order to return the land and water to a manageable state. Therefore, it is considered that before Council accepts management of any portion of the subject unallocated Crown land, the State should commit to funding and leading a project to undertake the required remediation works to both the land and water portions.

### **ATTACHMENTS**

Attachment 1: Correspondence from Department for Regional Development and Lands

Attachment 2: Location Plan

Attachment 3: Precinct 5 & Precinct 6 Plan (Lake Kununurra Foreshore Plan)

Attachment 4: Recommended Inclusion Plan

### **VOTING REQUIREMENT**

Simple Majority

### **RECOMMENDATION**

That Council advise the Department of Regional Development and Lands that it will only support the inclusion of the land component of the unallocated Crown land located south of Lily Creek Lagoon, as depicted on the plan at Attachment 4, subject to the following:

1. The land and associated waterway inlet being remediated to a standard acceptable to the Shire of the Wyndham East Kimberley. This could be through a commitment to provide Government funding for remediation works that forms a project that could potentially be jointly managed by the State, MG Corporation and the Shire. Overall the project would be based on a clear intent to preserve the conservation and cultural values of the area whilst incorporating training and development opportunities for local indigenous people.
2. A further commitment to assured Government funding for the ongoing management of the land portion by the Shire of Wyndham East Kimberley to ensure preservation of conservation and cultural values area together with the development of low key activities such as walk trails and bird hides.

**COUNCIL DECISION**

***Moved: Cr J Moulden***

***Seconded: Cr K Wright***

**That Council defer Item 15.4 Reserve Excision – Inclusion on Unallocated Crown Land into Reserve 41812 to the next Briefing Session.**

Cr J Moulden and Cr K Wright withdrew the motion.

***Minute No 9051***

***Moved: Cr J Moulden***

***Seconded: Cr R Addis***

***That Council advise the Department of Regional Development and Lands that it will only support the inclusion of the land component of the unallocated Crown Land located south of Lily Creek Lagoon, as depicted on the plan as Attachment 4, subject to the following:***

- 1. The land and associated waterway inlet being remediated to a standard acceptable to the Shire of the Wyndham East Kimberley. This could be through a commitment to provide Government funding for remediation works that forms a project that could potentially be jointly managed by the State, MG Corporation and the Shire. Overall the project would be based on a clear intent to preserve the conservation and cultural values of the area whilst incorporating training and development opportunities for local indigenous people.***
- 2. A further commitment to assured Government funding for the ongoing management of the land portion by the Shire of Wyndham East Kimberley to ensure preservation of conservation and cultural values area together with the development of low key activities such as walk trails and bird hides.***

***CARRIED: (6/1)***

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

Against: Cr K Wright

**Attachment 1: Correspondence from Department for Regional Development and Lands**



Government of Western Australia  
Department of Regional Development and Lands

Lands Division

7 January 2010

Doc No.	068853
Date	12 JAN 2010
Officer	ym23/ 60/770
Response	
File	CI 2860.08
Cross Ref.	

Your ref:  
Our ref: 01488-1860/12 Prompt Job No. 100057  
Enquiries: Leanne Shaw Ph: (08) 9347 6083  
Fax: (08) 9347 6001  
leanne.shaw@lands.rdl.wa.gov.au

Chief Executive Officer  
Shire of Wyndham-East Kimberley  
PO Box 814  
KUNUNURRA WA 6743

Dear Sir or Madam:

**RESERVE 41812 – PROPOSAL TO INCLUDE ADJOINING UNALLOCATED CROWN LAND.**

The Department of Regional Development and Lands (RDL) is investigating the feasibility of including the unallocated Crown land shown highlighted green on the attached map into adjoining Reserve 41812.

Reserve 41812 is for the purpose of "Foreshore and Recreation" under the care, control and management of the Shire of Wyndham-East Kimberley with power to lease for any term up to twenty-one (21) years.

Please note that native title is deemed not to exist as native title rights and interests have been extinguished under the MG1 Determination.

It would be appreciated if the Shire could provide its comments regarding the above-mentioned proposal or any other matter it considers pertinent.

Please contact me on the numbers listed above if you have any further questions and quote Prompt Job No. 100057.

Yours sincerely

Leanne Shaw  
A/Senior State Land Officer  
State Lands – Kimberley/Pilbara  
Lands Division

**COPY**

Att.

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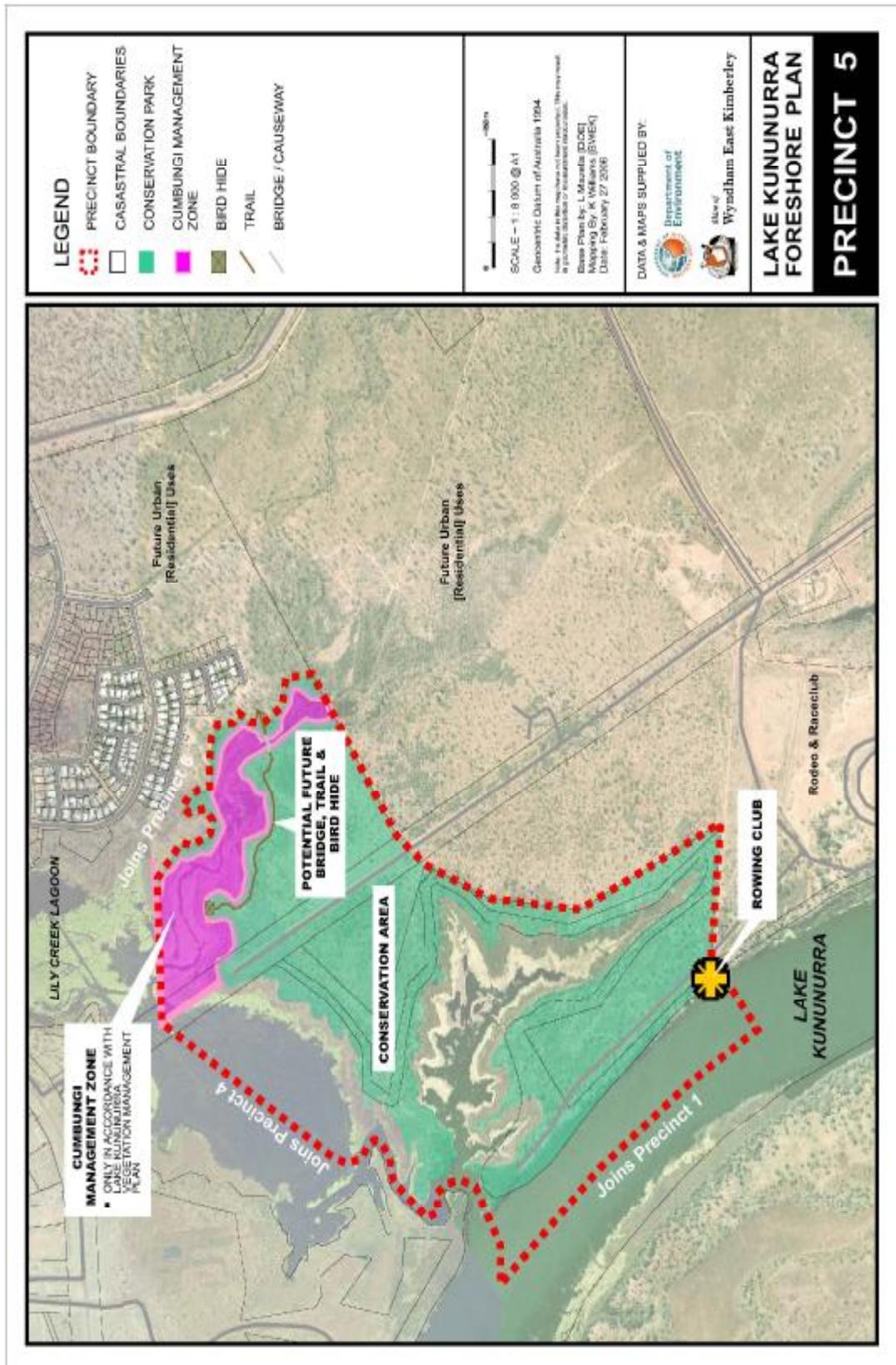
1 Midland Square, Midland, Western Australia 6056  
Postal Address: PO Box 1575, Midland, Western Australia 6936  
Tel: (08) 9347 5000 www.rdl.wa.gov.au ABN 28 807 221 246



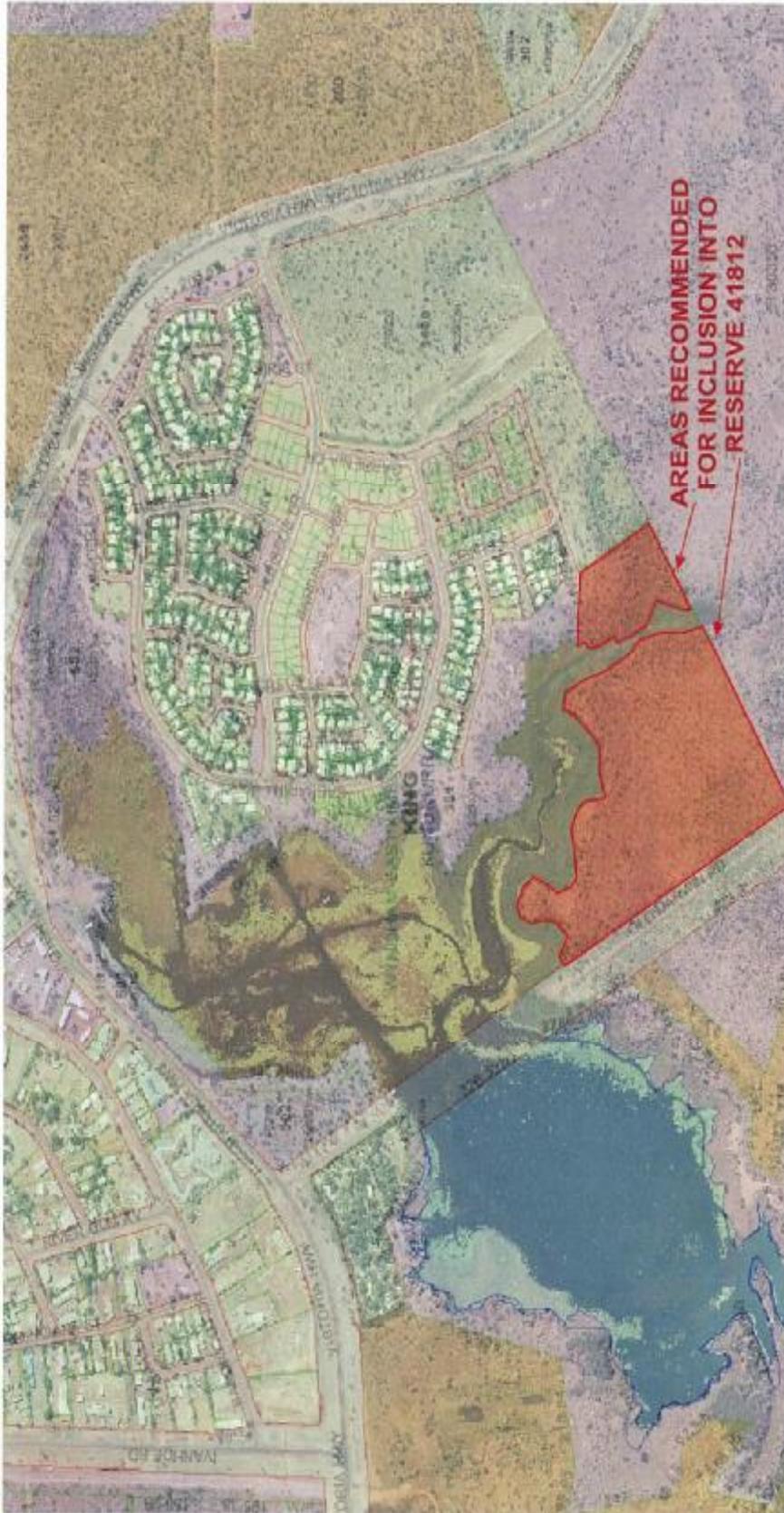


**ATTACHMENT 2 — LOCATION PLAN**

Attachment 3: Precinct 5 & Precinct 6 Plan (Lake Kununurra Foreshore Plan)







**ATTACHMENT 4 — RECOMMENDED INCLUSION PLAN**

## 16. MATTERS BEHIND CLOSED DOORS

*Minute No 9052*

*Moved: Cr K Torres*

*Seconded: Cr J Parker*

*That Council move to Behind Closed Doors.*

**CARRIED UNANIMOUSLY: (7/0)**

### 16.1 EAST KIMBERLEY REGIONAL AIRPORT TERMINAL UPGRADE

<b>DATE:</b>	16 February 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	East Kimberley Regional Airport
<b>AUTHOR:</b>	Jo-Anne Ellis, Executive Manager Corporate Services
<b>REPORTING OFFICER:</b>	Jo-Anne Ellis, Executive Manager Corporate Services
<b>FILE NO:</b>	60.14.13
<b>ASSESSMENT NO:</b>	N/A

This item will be discussed Behind Closed Doors under Section 5.23 (2) (c) & (e) (ii) as this is a matter that affects:

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
- (e) a matter that if disclosed, would reveal -
  - (ii) information that has a commercial value to a person.

The material that is contained in this item is confidential as it relates to information that has a commercial value to a person and contains financial information about the project that if recorded in the public minutes may lead to less than competitive tender submission for the project.

***Minute No 9054***

***Moved: Cr K Torres***

***Seconded: Cr R Addis***

***That Council move out of Behind Closed Doors.***

***CARRIED UNANIMOUSLY: (7/0)***

**17. CLOSURE**

With all matters of Business complete the Shire President declared the meeting closed at 6.56 pm.