



## **MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON 20 APRIL 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

OF THE ORDINARY COUNCIL MEETING  
HELD ON TUESDAY, 20 APRIL 2010 AT 6:00 PM

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

The Deputy Shire President declared the meeting open at 6:02pm.

### 2. RECORD OF ATTENDANCE

Cr J Moulden	Deputy Shire President
Cr J McCoy	Councillor
Cr D Ausburn	Councillor
Cr K Torres	Councillor
Cr R Addis	Councillor
Cr J Parker	Councillor
Cr K Wright	Councillor
G Gaffney	Chief Executive Officer
I D'Arcy	Director Development Services
K Apperley	Director Community Development
R Williams	Director Engineering and Regulatory Services (Acting)
J Ellis	Director Corporate Services
J Ninyette	Town Planning Officer
K Cripps	Senior Environmental Health Officer
B Weaver	Executive Assistant (Minute Taker)
L Hon	Project Works Officer (7:38pm)

### GALLERY

Rhonda Nation  
Miriam Earsman

### APOLOGIES

Nil

### LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Cr F Mills

### **3. DECLARATIONS OF INTEREST**

- **Financial Interest**

Cr R Addis declared a Financial Interest in Item 12.4.16 Draft Council Policy CP/HTH-3760 - Guidelines for Nature Based Camp Facilities, due to his employer owning business that operates two Nature Based Camps in the Shire of Wyndham East Kimberley.

- **Impartiality Interest**

Cr R Addis declared an Impartiality Interest in Item 12.4.5 Proposed Subdivision – Lot 15 Packsaddle Road, Kununurra as he owns a similar Packsaddle Road property.

- **Proximity Interest**

Nil

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

Nil

### **5. PUBLIC QUESTION TIME**

Nil

### **6. PETITIONS**

Nil

### **7. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**8. CONFIRMATION OF MINUTES**

**8.1 CONFIRMATION OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON 16 MARCH 2010**

**RECOMMENDATION**

That Council confirm the Minutes of the Ordinary Council Meeting held on 16 March 2010.

**COUNCIL DECISION**

**Minute No: 9085**

**Moved: Cr K Wright**

**Seconded: Cr D Ausburn**

***That Council confirm the Minutes of the Ordinary Council Meeting held on 16 March 2010.***

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

**8.2 CONFIRMATION OF SPECIAL COUNCIL MEETING HELD ON 6 APRIL 2010**

**RECOMMENDATION**

That Council confirm the Minutes of the Special Council Meeting held on 6 April 2010.

**COUNCIL DECISION**

**Minute No: 9086**

**Moved: Cr D Ausburn**

**Seconded: Cr J Parker**

***That Council confirm the Minutes of the Special Council Meeting held on 6 April 2010.***

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

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

Nil

**10. DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

Nil

**11. MINUTES OF COUNCIL COMMITTEE MEETINGS**

**11.1 MINUTES OF AUDIT COMMITTEE MEETINGS**

Nil

**11.2 MINUTES OF AIRPORT COMMITTEE MEETINGS**

**11.2.1 MINUTES OF THE AIRPORT COMMITTEE MEETING HELD ON 13 APRIL 2010**

**RECOMMENDATION**

That Council note the unconfirmed Minutes of the Airport Committee Meeting held on 13 April 2010.

**COUNCIL DECISION**

***Minute No: 9087***

***Moved: Cr K Wright***

***Seconded: Cr D Ausburn***

***That Council note the unconfirmed Minutes of the Airport Committee Meeting held on 13 April 2010.***

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

## 12. REPORTS

### 12.1 MATTERS ARISING FROM COMMITTEES OF COUNCIL

#### 12.1.1 MATTERS ARISING FROM AIRPORT COMMITTEE MEETING HELD ON 13 APRIL 2010

<b>DATE:</b>	20 April 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Shire Of Wyndham East Kimberley
<b>AUTHOR:</b>	Jo-Anne Ellis, Director Corporate Services
<b>REPORTING OFFICER:</b>	Jo-Anne Ellis, Director 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 as public documents.

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, details 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**

That Council:

- 1) Advises Kimberley Air in writing that no reduction in landing or parking fees will be granted; and
- 2) Endorses the allocation to Kimberley Air, two aircraft parking bays adjacent to gate 6 and that any aircraft using that space be relocated to the visitors parking area or the area in front of their hangar.

## **AIRPORT COMMITTEE RECOMMENDATION 2**

That Council:

- 1) Amend the project budget for Upgrade of Taxiways A, B & C at East Kimberley Regional Airport to \$1.4 Million;
- 2) Submit a request for additional funding to Regional Airports Development Scheme;
- 3) Transfer an additional amount of up to \$840,000 from the Airport Reserve Fund to fund the additional cost of the project;
- 4) Award Tender 13 09/10 Upgrade of RPT Taxiways A, B & C East Kimberley Regional Airport to Fulton Hogan Pty Ltd at the tendered sum of \$1,416,871 incl GST (\$1,288,067 excl GST) as the most advantageous to Council, subject to variations to be negotiated by Chief Executive Officer;

- 5) Delegate authority to the Chief Executive Officer to negotiate variations to the tender requirements and tendered sum in relation to the following:
  - a) additional works not defined in the tender but required to ensure integrity of works;
  - b) savings due to change in methodology regarding manufactured base course materials; and
  - c) savings due to reduction in area of works.

**COUNCIL DECISION**

**Minute No: 9088**

**Moved: Cr J Parker**

**Seconded: Cr K Wright**

**AIRPORT COMMITTEE RECOMMENDATION 1**

**That Council:**

- 1) **Advises Kimberley Air in writing that no reduction in landing or parking fees will be granted; and**
- 2) **Endorses the allocation to Kimberley Air, two aircraft parking bays adjacent to gate 6 and that any aircraft using that space be relocated to the visitors parking area or the area in front of their hangar.**

**AIRPORT COMMITTEE RECOMMENDATION 2**

**That Council:**

- 1) **Amend the project budget for Upgrade of Taxiways A, B & C at East Kimberley Regional Airport to \$1.4 Million;**
- 2) **Submit a request for additional funding to Regional Airports Development Scheme;**
- 3) **Transfer an additional amount of up to \$840,000 from the Airport Reserve Fund to fund the additional cost of the project;**
- 4) **Award Tender 13 09/10 Upgrade of RPT Taxiways A, B & C East Kimberley Regional Airport to Fulton Hogan Pty Ltd at the tendered sum of \$1,416,871 inclusive of GST (\$1,288,067 exclusive of GST) as the most advantageous to Council, subject to variations to be negotiated by the Chief Executive Officer;**
- 5) **Delegate authority to the Chief Executive Officer to negotiate variations to the tender requirements and tendered sum in relation to the following:**
  - a) **additional works not defined in the tender but required to ensure integrity of works;**
  - b) **savings due to change in methodology regarding manufactured base course materials; and**
  - c) **savings due to reduction in area of works.**

## 12.2 CORPORATE SERVICES

### 12.2.1 MONTHLY FINANCIAL REPORT

<b>DATE:</b>	20 April 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, Director 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 March 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 March 2010.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER'S RECOMMENDATION**

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

**COUNCIL DECISION**

***Minute No: 9089***

***Moved: Cr D Ausburn***

***Seconded: Cr J Parker***

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

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



# **Shire of Wyndham East Kimberley**

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

**As at 31 March 2010**

**Presented to Council 20 April 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 to Collect/Spend)
- Monthly Report on Investment Portfolio (Cash)

**Shire of Wyndham East Kimberley**  
**Statement of Financial Activity**  
Year to Date Actual v Year to Date Budget  
as at 31 March 2010

	YTD Budget		YTD Actual		YTD Variance		
	2009-10		2009-10		2009-10		
	\$	\$	\$	\$	\$	%	
<b>Revenues</b>		7,644,844		7,647,832			
General Purpose Funding	2,571,812		2,639,963		68,151	3%	
Governance	31,462		63,452		31,990	102%	
Law, Order And Public Safety	37,996		35,921		(2,075)	-5%	
Health	9,360		13,451		4,091	44%	
Education And Welfare	88,000		77,557		(10,443)	-12%	
Housing	107,100		100,206		(6,894)	-6%	
Community Amenities	1,183,430		1,288,559		105,129	9%	
Recreation And Culture	520,654		486,302		(34,352)	-7%	
Transport	2,788,204		2,754,386		(33,818)	-1%	
Economic Services	154,985		162,638		7,653	5%	
Other Properties And Services	151,841		25,396		(126,445)	-83%	
<b>Expenses</b>		(12,142,999)		(11,170,147)			
General Purpose Funding	(371,408)		(325,787)		45,621	-12%	
Governance	(818,930)		(670,345)		148,585	-18%	
Law, Order And Public Safety	(323,662)		(334,593)		(10,931)	3%	
Health	(234,745)		(208,808)		25,937	-11%	
Education And Welfare	(284,970)		(246,317)		38,653	-14%	
Housing	(208,818)		(229,809)		(20,991)	10%	
Community Amenities	(2,771,297)		(1,989,620)		781,677	-28%	
Recreation and Culture	(2,735,696)		(2,551,281)		184,415	-7%	
Transport	(3,669,577)		(3,631,411)		38,166	-1%	
Economic Services	(495,954)		(338,096)		157,858	-32%	
Other Property and Services	(227,942)		(644,081)		(416,139)	183%	
<b>Adjustments for Cash Budget Requirements</b>							
Adjustments and Accruals		1,223,447		1,690,766			
<i>(Profit)/Loss on Asset Disposals</i>	(179,369)		1,512		180,881	-101%	
<i>Movement in Accruals and Provisions</i>	(224,618)		(224,618)			0%	
<i>Depreciation on Assets</i>	1,627,434		1,913,872		286,438		
Purchase of Non-Current Assets		(10,318,644)		(5,763,896)			
<i>Purchase Land Held for Resale</i>	(42,000)		(41,851)		149	0%	
<i>Purchase Land and Buildings</i>	(3,596,504)		(1,170,960)		2,425,544	-67%	
<i>Purchase Infrastructure Assets - Roads</i>	(2,401,878)		(2,195,640)		206,238	-9%	
<i>Purchase Infrastructure Assets - Parks</i>	(50,000)		(82,218)		(32,218)	64%	
<i>Purchase Infrastructure Assets - Footpaths</i>	(78,400)		(32,388)		46,012	-59%	
<i>Purchase Infrastructure Assets - Drainage</i>	(159,800)		(92,174)		67,626	-42%	
<i>Purchase Infrastructure Assets - Other</i>	(2,989,225)		(1,610,143)		1,379,082	-46%	
<i>Purchase Plant and Equipment</i>	(817,591)		(469,665)		347,926	-43%	
<i>Purchase Furniture and Equipment</i>	(183,246)		(68,858)		114,388	-62%	
Capital Income		8,290,742		6,929,242			
<i>Grants / Contributions for Development of Assets</i>	8,057,742		6,751,224		(1,306,518)	-16%	
<i>Proceeds from Disposal of Assets</i>	137,000		175,091		38,091	28%	
<i>Proceeds from Sale of Land Held for Resale</i>	96,000		2,927		(93,073)	-97%	
Debentures		859,535		(434,132)			
<i>Repayment of Debentures</i>	(1,038,480)		(1,000,132)		38,348	-4%	
<i>Proceeds from New Debentures</i>	1,881,000		566,000		(1,315,000)	-70%	
<i>Self-Supporting Loan Principal Income</i>	17,015				(17,015)	-100%	
Reserves		930,147		107,970			
<i>Transfers to Reserves (Restricted Assets)</i>	(172,373)		(150,553)		21,820	-13%	
<i>Transfers from Reserves (Restricted Assets)</i>	1,102,520		258,523		(843,997)	-77%	
<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>	7,138,695	7,138,695	9,612,095	9,612,095	2,473,400	35%	
<b>Amount Required to be Raised from Rates</b>		5,124,823		5,077,665		(47,158)	-1%

**Shire of Wyndham East Kimberley**  
**Notes to Statement of Financial Activity**  
**For the Period Ended 31 March 2010**

<b>Net Current Assets</b>	<b>YTD Actual 2009/10 \$</b>	<b>Brought Forward 1 July 2009 \$</b>
<b>Composition of Net Current Asset Position</b>		
<b>Current Assets</b>		
Cash - Unrestricted	2,939,971	6,140,740
Cash - Reserves	6,630,736	6,738,705
Cash - Restricted Unspent Grants	5,963,956	-
Investments - Restricted		
Receivables	1,002,541	1,174,211
Self Supporting Loans	-	1,118
Inventories	13,109	6,387
Land Held for Resale	-	-
	<u>16,550,312</u>	<u>14,061,161</u>
<i>Less</i>		
<b>Current Liabilities</b>		
Payables	<u>(307,482)</u>	<u>(1,795,659)</u>
	(307,482)	(1,795,659)
<i>Less</i>		
<b>Restricted Reserves</b>		
Cash	(6,630,736)	(6,738,705)
Investments		
<b>Net Current Asset Position</b>	<u><u>9,612,095</u></u>	<u><u>5,526,796</u></u>

## Shire of Wyndham East Kimberley

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

### Explanation of Material Variances

Variances +/- \$50,000

#### Operating

##### Recurrent Revenue - Excluding Rates

###### General Purpose Funding:

Higher than expected interest received to date on invested Municipal Funds (\$30K) compared to forecast. Budget estimates to be increased at budget review. Interest received on East Kimberley Development Package funds invested that was not included in original budget (\$38K). These funds to be used on package projects.

###### Community Amenities:

Rubbish disposal revenue higher than expected year to date (\$51K). Annual budget to be amended. Annual development application fees achieved, and budget to be amended (\$18K). Erosion control and weed control grants (\$37K) received that were not in budget. \$30K of this to be spent next financial year.

###### Other Property and Services:

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

##### Recurrent Expenditure

###### Governance:

Zone project plan submission costs (\$24K) underspend due to delay in appointing Zone Executive Officer. Payment to members and election expenses forecast earlier, will be processed in April (\$35K). Governance salaries and wages underexpended, this is partially offset by higher administrative overheads. Salary and wages expenses in other areas will offset (\$68K). Administration Building loan not yet drawn therefore interest costs forecasted not incurred (\$13K).

###### Community Amenities:

Tip Maintenance expenditure overspent year to date (\$40K) offset by Refuse Collection under spent (\$72K). Expected to be on track at end of financial year. Town planning consultants budget and expenditure to be consolidated with Other Properties & Services Town Planning Scheme Review (\$17) and salaries current underspend (\$34K) offset by salaries and wages in other areas. Youth underspend against year to date forecast (\$74K) is tied to grant revenue (including Crime Prevention Initiative). Building and garden maintenance costs for Youth Centre less than year to date forecast (\$11K). Community Development salaries underspend (\$24K) offset by salaries and wages expenses in other areas. Depreciation costs (\$20K), budget will be adjusted at budget review. Lake Kununurra 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 underspent (\$519K) tied to external funding. Cumbungi management overspent (\$12K) due to underestimation of costs associated to undertake project. Street tree planting underspend (\$10K), trees on order.

###### Recreation and Culture:

Celestion project delayed (\$30K). Ord River Sailing Club project delayed until leases and land tenure finalised (\$76K). Ord River Sports Club Masterplanning Study underspent (\$25K) against year to date estimated. Skatepark maintenance overspend (\$16K) due to higher than expected costs from contractor, budget to be adjusted at review. Depreciation expenses over whole program higher than estimated (\$64K), budgets to be adjusted at review. Salaries for Wyndham Pool underspent against year to date (\$42K) is offset by salary and wages expenses in other areas. Kununurra Pool operating overspend (\$15K) expected to continue due to increased chemical costs, budget to be amended at review. Wyndham foreshores and boat ramps underspent (\$22K). Potential savings dependant on finish of wet season. Club Development underspent due to vacancy (\$20K). Wyndham Picture Gardens refurbishment project yet to commence construction (\$49K). Parks, gardens and grounds maintenance underspent against year to date forecast (\$38K). Kununurra Oval Lights expenses and Hardcourts maintenance more than forecasted (\$29), annual budgets to be adjusted at review.

###### Transport:

Rural road and Kununurra urban road maintenance variances due to seasonal priorities, a net impact (\$58K) under expenditure. Depreciation expense over whole program higher than budget (\$251K). This will be corrected at budget review. Airports plant costs underspend (\$42K) partially due to delay in plant replacement and inaccurate forecasting. To be amended at budget review. East Kimberley Regional Airport (\$91K) 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. Consultancy fees for both Airports underspent against year to date budget (\$47K). Budget expected to be achieved by end of financial year. Building maintenance at Wyndham Airport delayed pending receipt of quotations (\$14K). Building maintenance on Airport house underspent against year to date projection (\$11K).

###### Economic Services:

Annual Grants are under expended (\$46K) due to timing of distribution compared to budget. Second round adopted at November 2009 Council meeting. Salaries and overheads for Economic Services and Building Control under expended (\$92K) due to vacancies, offset by salary and wages expenses in other areas. Visitor information bays underexpended (\$10) due to possible misallocations, being researched.

###### Other Property and Services:

Public Works Overheads exceeds the recovery of the overheads against jobs (\$333K). This is a timing issue due to the delay in finalisation of construction projects for posting of overhead costs. Town Planning Scheme review shows overexpend (\$40K) which will be corrected with budget adjustment at review. Plant costs under recovered against plant expenditure (\$22K) expected to correct by end of year.

#### Capital

##### Adjustments and Accruals

Depreciation expenses exceed year to date budget (\$286K). The impact of the implementation of the new asset capitalisation policy has been reviewed and budgets will be adjusted accordingly at review. Profit/loss on disposal of assets transactions yet to occur partially due to delay in disposing of assets (\$180K).

## Shire of Wyndham East Kimberley

### Notes to Statement of Financial Activity

For the Period Ended 31 March 2010

(Continued)

#### Capital Expenditure and Revenue

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

Kununurra Leisure Centre stage upgrade expenditure delayed pending receipt of funding (\$30K). Patient Transfer Facility project tender awarded, construction to commence this month, current under spend (\$237K). Staff housing construction invoice posted earlier than forecasted (\$162K) offset against underspend (\$112K) delayed whilst housing options under review. Administration Building (transportable) project overspend (\$15K). Budget to be adjusted at review. Bastion toilet underspend against year to date forecast (\$20K). Waterlily place project delayed pending review of costings and options (\$1.5M). Airport Terminal Project Management and Terminal Upgrade Project delayed due to review of options and funding (\$665K).

##### Purchase Infrastructure Assets (Roads)

Coolibah Drive reconstruction project over budget (\$103K) due to addition of project management overheads, requires budget amendment. Weaber Plain Road reconstruction budget estimated earlier than expense (\$420K). Carlton Hill Road upgrade over budget (\$95K), expenditure being reviewed incorrect postings. Roads to Recovery projects funding amendments requested, Barding Loop reconstruct over expended to annual budget (\$26K) due to additional area required for cement stabilisation, Lake Argyle Road culverts savings (\$8K). Budget amendments required.

##### Purchase Infrastructure Assets (Drainage)

Riverfarm Road drainage upgrades budget forecast earlier than expenditure (\$44K). Roads to Recovery funded, application made to increase funding. Weaber Plain Road drainage upgrade underspent against year to date forecast (\$18K).

##### Purchase Infrastructure Assets (Other)

Lake Kununurra Project expenditure (\$73K) 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 (\$134K) due to earlier forecasting than expenditure. Forecasted expenditure Multipurpose Courts yet to occur (\$38K). Kununurra Airport car park modifications less than predicted year to date budget (\$16K). Street light upgrades underspent (\$35) against year to date forecast, contractor is engaged, pending commencement of works. Wyndham BMX track project delayed (\$10K). Wyndham Jetty and Community/Hostel Oval budget forecast earlier than expenditure (\$1.1M). Airport Hydrology Study underspent against year to date forecast (\$22K). Town Entry Statements project delayed pending costing and funding review (\$45K). Projects funded under the Regional and Local Community Infrastructure funding delayed pending confirmation of funding approval & signing of agreements (\$80K).

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

East Kimberley Youth Services plant and equipment overspend to annual (\$35K). Fully externally funded. Plant purchases being reviewed, occurring later than forecasted (\$392K)

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

Kununurra and Wyndham Youth fitout/set up combined under expend (\$85K) delayed by staff recruitment. Fully externally funded. Server and Network Upgrades (IT) underexpended against year to date forecast budget (\$13K).

##### Grants/Contributions to Development of Assets

Wyndham Pool Upgrade income overachieved (\$525K) 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 (\$1M). 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 (\$150K) pending approval. Country Housing Authority Grant (\$100K) yet to be claimed for staff housing. Developer contributions for parking received (\$95K) not in budget. Youth Grants not yet received (\$70K) tied to expenditure. Grants for Waterlily Place project overachieved against year to date forecast (\$20K). Multipurpose Courts grants forecasted not yet received (\$125K).

##### Proceeds from Disposal of Assets

Income from sale of grader received earlier than forecast is offset against delays in disposal of other plant giving an net overachievement of budget against year to date (\$38K)

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

Land at East Kimberley Regional Airport undergoing subdivision, delaying sale (\$93K).

##### Debentures and Reserves

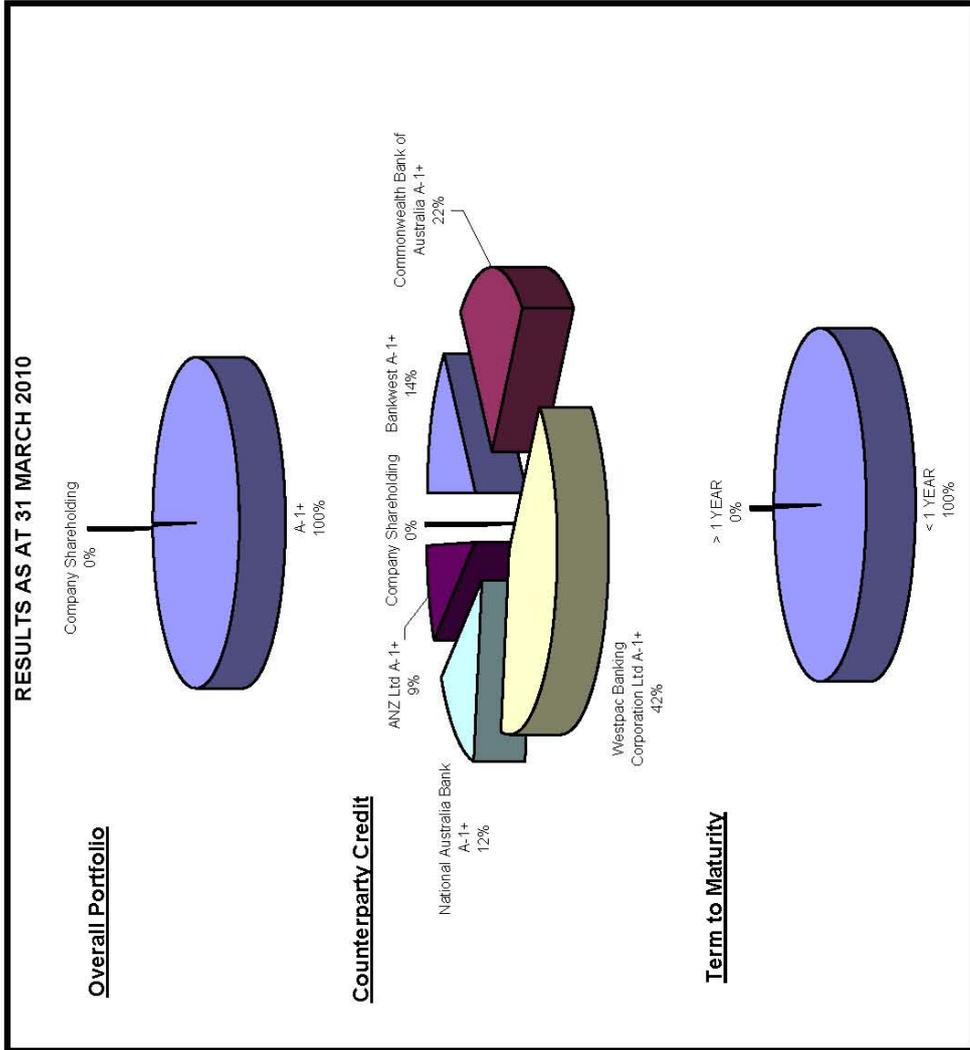
Full amount forecast in budget for refinancing Childcare loan not required, impacting loan and reserve transfer (\$55K). Self supporting loan for Ord River Sports Club not proceeding (\$70K), budget adjustment required. Loans for administration building land (\$490K) delayed pending options review. Staff housing (\$700) pending advertisement, application and budget amendment for increase. Transfers from Reserve funds occurring later than estimated due to ongoing projects (\$843K).

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

	Amended Adopted Budget 2009-10		YTD Actual 2009-10		Budget Remaining 2009-10	
	\$	\$	\$	\$	\$	\$
<b>Revenues</b>		10,864,798		7,647,832		3,216,966
General Purpose Funding	3,355,207		2,639,963		715,244	
Governance	39,195		63,452		(24,257)	
Law, Order And Public Safety	49,455		35,921		13,534	
Health	35,500		13,451		22,049	
Education And Welfare	114,000		77,557		36,443	
Housing	301,021		100,206		200,815	
Community Amenities	2,058,040		1,288,559		769,481	
Recreation And Culture	873,766		486,302		387,464	
Transport	3,536,000		2,754,386		781,614	
Economic Services	222,800		162,638		60,162	
Other Properties And Services	279,814		25,396		254,418	
<b>Expenses</b>		(16,136,048)		(11,170,147)		(4,965,901)
General Purpose Funding	(467,130)		(325,787)		(141,343)	
Governance	(1,080,832)		(670,345)		(410,487)	
Law, Order And Public Safety	(450,634)		(334,593)		(116,041)	
Health	(316,142)		(208,808)		(107,334)	
Education And Welfare	(377,384)		(246,317)		(131,067)	
Housing	(291,153)		(229,809)		(61,344)	
Community Amenities	(3,435,506)		(1,989,620)		(1,445,886)	
Recreation and Culture	(3,923,499)		(2,551,281)		(1,372,218)	
Transport	(4,869,304)		(3,631,411)		(1,237,893)	
Economic Services	(637,012)		(338,096)		(298,916)	
Other Property and Services	(287,452)		(644,081)		356,629	
<b>Adjustments for Cash Budget Requirements</b>						
Adjustments and Accruals		1,696,628		1,690,766		5,862
<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		1,913,872		256,238	
Purchase of Non-Current Assets		(23,911,546)		(5,763,896)		(18,147,650)
<i>Purchase Land Held for Resale</i>	(792,000)		(41,851)		(750,149)	
<i>Purchase Land and Buildings</i>	(8,967,253)		(1,170,960)		(7,796,293)	
<i>Purchase Infrastructure Assets - Roads</i>	(5,137,882)		(2,195,640)		(2,942,242)	
<i>Purchase Infrastructure Assets - Parks</i>	(240,000)		(82,218)		(157,782)	
<i>Purchase Infrastructure Assets - Footpaths</i>	(78,400)		(32,388)		(46,012)	
<i>Purchase Infrastructure Assets - Drainage</i>	(254,800)		(92,174)		(162,626)	
<i>Purchase Infrastructure Assets - Other</i>	(6,798,000)		(1,610,143)		(5,187,857)	
<i>Purchase Plant and Equipment</i>	(1,362,711)		(469,665)		(893,046)	
<i>Purchase Furniture and Equipment</i>	(280,500)		(68,858)		(211,642)	
Capital Income		13,904,888		6,929,242		6,975,646
<i>Grants / Contributions for Development of Assets</i>	13,308,388		6,751,224		6,557,164	
<i>Proceeds from Disposal of Assets</i>	500,500		175,091		325,409	
<i>Proceeds from Sale of Land Held for Resale</i>	96,000		2,927		93,073	
Debentures		1,765,168		(434,132)		2,199,300
<i>Repayment of Debentures</i>	(1,057,847)		(1,000,132)		(57,715)	
<i>Proceeds from New Debentures</i>	2,806,000		566,000		2,240,000	
<i>Self-Supporting Loan Principal Income</i>	17,015				17,015	
Reserves		1,653,940		107,970		1,545,970
<i>Transfers to Reserves (Restricted Assets)</i>	(899,680)		(150,553)		(749,127)	
<i>Transfers from Reserves (Restricted Assets)</i>	2,553,620		258,523		2,295,097	
<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	9,612,095	9,612,095	(9,121,390)	(9,121,390)
<b>Amount Required to be Raised from Rates</b>	5,126,079	5,126,079	5,077,665	5,077,665	48,414	48,414

# MONTHLY REPORT ON INVESTMENT PORTFOLIO (CASH)

INVESTMENT POLICY F17			
<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" relates to Standard &amp; Poors credit rating agency</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	20%	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%		
<b>Individual Investment Maturity Limits</b>			
ADI	5 years		
Non ADI	3 years		
<small>Note: "ADI" relates to an Authorised Deposit Institution (authorised under the Banking Act 1959)</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 2008 instructs that status of shares be re-examined in six months time. Council minute 9067 of 16 March 2010 confirms Councils intention to sell, requested listing with Company for disposal and reviewing status in twelve months if still held. A Council decision is required for the disposal of the shares.  
 Reporting of an 'at call' account has been removed from the investment report from this month onwards, as funds are 'at call' not an 'investment'.

## 12.2.2 LIST OF ACCOUNTS PAID UNDER DELEGATION 18

<b>DATE:</b>	20 April 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Shire Of Wyndham East Kimberley
<b>AUTHOR:</b>	Kelly D'Arcy, Senior Finance Officer
<b>REPORTING OFFICER:</b>	Jo-Anne Ellis, Director 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 39458 – 39501(4 to 31 March 2010)	\$90,112.61
Trust cheques 25 - 28 (4 to 31 March 2010)	\$920.00
Municipal EFT 108607 – EFT 108883 (4 to 31 March 2010)	\$895,863.32
Trust EFT 500022 – EFT 500032 (2 to 31 March 2010)	\$25,447.50
Payroll (10 – 24 March 2010)	\$295,959.20
Direct bank debits (March 2010)	\$26,488.75
<b>Total</b>	<b>\$1,334,791.38</b>

**COUNCIL DECISION**

**Minute No: 9090**

**Moved: Cr D Ausburn**

**Seconded: Cr J Parker**

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

<b><i>Municipal cheques 39458 – 39501(4 to 31 March 2010)</i></b>	<b><i>\$90,112.61</i></b>
<b><i>Trust cheques 25 - 28 (4 to 31 March 2010)</i></b>	<b><i>\$920.00</i></b>
<b><i>Municipal EFT 108607 – EFT 108883 (4 to 31 March 2010)</i></b>	<b><i>\$895,863.32</i></b>
<b><i>Trust EFT 500022 – EFT 500032 (2 to 31 March 2010)</i></b>	<b><i>\$25,447.50</i></b>
<b><i>Payroll (10 – 24 March 2010)</i></b>	<b><i>\$295,959.20</i></b>
<b><i>Direct bank debits (March 2010)</i></b>	<b><i>\$26,488.75</i></b>
<b><i>Total</i></b>	<b><i>\$1,334,791.38</i></b>

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

## List of Accounts Paid Under Delegation 18

### List of Accounts Submitted to Council 20 April 2010

EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT108607	4/03/2010	ALLIED PICKFORDS	RELOCATION COSTS SENIOR YOUTH OFFICER WYN	9,373.10
EFT108608	4/03/2010	APPERLEY, KARYN	ELECTRICITY SUBSIDY CLAIM 27/11/09 - 29/01/10	282.96
EFT108609	4/03/2010	ATTORNEY GENERAL'S DEPARTMENT AUSCHECK	AUSCHECK ASIC CHECKS - KNA AIRPORT	264.00
EFT108610	4/03/2010	AUST LOCAL GOVERNMENT JOB DIRECTORY	VARIOUS ADVERTISEMENTS	1,188.00
EFT108611	4/03/2010	AUSTRAL MERCANTILE COLLECTIONS PTY LTD	PROFESSIONAL CHARGES	1,300.45
EFT108612	4/03/2010	ALLGEAR MOTORCYCLES AND SMALL ENGINES	24 MOUNT WHACKER PACKER P356, CORDS, BLADES, BOLTS	1,416.98
EFT108613	4/03/2010	ARGYLE MOTORS	PRADO VX AUTO DIESEL STN SEDAN 2010	71,083.10
EFT108614	4/03/2010	B VISUAL MEDIA	PORTRAIT & GROUP PHOTOS	1,100.00
EFT108615	4/03/2010	BOC GASES AUSTRALIAN LIMITED	ACETYLENE & OXYGEN BOTTLE HIRE FOR THE MONTH	572.20
EFT108616	4/03/2010	BRIDGESTONE AUSTRALIA LTD	SUPPLY & FIT NEW TYRE P331	388.37
EFT108617	4/03/2010	BRANKO BP MOTORS	FUEL FOR THE MONTH OF JAN 10	1,917.37
EFT108618	4/03/2010	CIVIC LEGAL	DEED OF VARIATION AIR SERVICES AUSTRALIA	1,175.20
EFT108619	4/03/2010	CORPORATE EXPRESS	STATIONERY	29.08
EFT108620	4/03/2010	DOUGLAS ALEXANDER	09/10 ANNUAL AIRFARE ALLOWANCE	2,600.00
EFT108621	4/03/2010	DAVEY TYRE & BATTERY SERVICE	FREIGHT COSTS 2 KUBOTA TRACTOR TYRES P355	208.82
EFT108622	4/03/2010	DELISH'US	LUNCH EXECUTIVE MANAGERS BUDGET MEETING	120.00
EFT108623	4/03/2010	EAST KIMBERLEY PLUMBING	REPLACE SEPTIC TANK PUMP KNA SWIM BEACH	1,233.22
EFT108624	4/03/2010	EAST KIMBERLEY HARDWARE	VARIOUS HARDWARE ITEMS	685.45
EFT108625	4/03/2010	FESA EMERGENCY SERVICES LEVY PAYMENTS	THIRD QUARTER EMERGENCY SERVICES LEVY	49,660.43
EFT108626	4/03/2010	FUJI XEROX AUSTRALIA P/L	PHOTOCOPIER CHARGES KNA DEPOT	10.55
EFT108627	4/03/2010	GLOBE AUSTRALIA PTY LTD	5 X 20 LTR CARMEL CARRIER & 2 X 20 LTR RESLIN	5,746.40
EFT108628	4/03/2010	GRACE REMOVALS	RELOCATION COSTS CEO	18,278.19
EFT108629	4/03/2010	HART SPORT	FREIGHT BULKY ITEMS KLC	704.90
EFT108630	4/03/2010	IAN & KELLY D'ARCY	ELECTRICITY SUBSIDY CLAIM 30/09/09 - 26/11/09	1,581.79
EFT108631	4/03/2010	J BLACKWOOD & SON LIMITED	VARIOUS HARDWARE ITEMS	274.46
EFT108632	4/03/2010	JOOROOK NGARNI ABORIGINAL CORP	2ND ROUND 09/10 ANNUAL GRANTS WELA BUS SERVICE	4,840.00
EFT108633	4/03/2010	JENNIFER NINYETTE	ELECTRICITY SUBSIDY CLAIM 25/11/09 - 27/01/10	147.93
EFT108634	4/03/2010	KEN LIDDICOAT	WATER SUBSIDY CLAIM 28/07/09 - 20/11/09	115.95
EFT108635	4/03/2010	KIMBERLEY MARKETING	ICE CREAMS FOR RESALE - KLC	1,302.75

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT108636	4/03/2010	KIMBERLEY MOTORS	DIESEL - GEN SET WYNDHAM AIRPORT, BATTERY P351	414.05
EFT108637	4/03/2010	KIMBERLEY TREE SERVICES PTY LTD	CUT DOWN LARGE RAIN TREE - FORESHORE RD WYNDHAM	2,709.00
EFT108638	4/03/2010	KIMBERLEY WILDLIFE RESCUE INC	2ND ROUND 09/10 ANNUAL GRANTS	11,000.00
EFT108639	4/03/2010	KINGS CROWN INSTRUMENTATION & ELECT	REPAIR FAN WYN REC CENTRE OFFICE	203.50
EFT108640	4/03/2010	KUNUNURRA BETTA ELECTRICAL & GAS	MINI DVD PLAYER AND MICRO HI FI SYSTEM	298.00
EFT108641	4/03/2010	KUNUNURRA MAINTENANCE SERVICE	REPLACE, INSTALL AND PAINT SLIDING DOORS	646.53
EFT108642	4/03/2010	KUNUNURRA MEDICAL	PRE EMPLOYMENT MEDICALS	660.00
EFT108643	4/03/2010	KUNUNURRA MOTOCROSS CLUB	2ND ROUND 09/10 ANNUAL GRANT FIRST AID POST	7,000.00
EFT108644	4/03/2010	KUNUNURRA REFRIGERATION & AIR CON P/L	REPAIR MAIN COMMON AREA AIRCONS KLC	436.70
EFT108645	4/03/2010	KUNUNURRA SECURITY SERVICE	SECURITY PATROLS & MONITORING OF ALARMS JAN 2010	1,949.20
EFT108646	4/03/2010	KIMBERLEY COMMUNICATIONS	UHF AERIAL P471	39.00
EFT108647	4/03/2010	KIMBERLEY KOOL REFRIGERATION & AIRCON	CLEAN AIRCONS KNA DEPOT OFFICE	308.00
EFT108648	4/03/2010	LOCAL GOVERNMENT NETWORK	VARIOUS ADVERTISING	132.00
EFT108649	4/03/2010	LUBOR HON	ELECTRICITY SUBSIDY CLAIM 26/10/09 - 02/12/09	309.77
EFT108650	4/03/2010	MCKINLAY, BETTY	ELECTRICITY SUBSIDY CLAIM 28/10/09 - 04/12/09	340.96
EFT108651	4/03/2010	MEGAN HUNT	CLEANING OF VARIOUS LOCATIONS - WYNDHAM	482.63
EFT108652	4/03/2010	NPM GROUP PTY LTD TRADING AS ARK HOMES	PROGRESS PAYMENT # 4 CONSTRUCT STAFF HOUSING	60,691.15
EFT108653	4/03/2010	OFFICE NATIONAL KUNUNURRA	STATIONERY KNA AIRPORT	11.75
EFT108654	4/03/2010	OLD, GILL	ELECTRICITY SUBSIDY CLAIM 01/10/09 - 27/11/09	337.78
EFT108655	4/03/2010	ORIA ORCHARDS	WEEKLY FLOWER DELIVERY KNA OFFICE	30.00
EFT108656	4/03/2010	ORICA AUSTRALIA PTY LTD	CHLORINE	359.21
EFT108657	4/03/2010	PIVOTEL	SATELLITE PHONE CHARGES - FEB 10	105.00
EFT108658	4/03/2010	RACHEL WORNES	ELECTRICITY SUBSIDY CLAIM 28/11/09 - 01/02/10	401.62
EFT108659	4/03/2010	RICK SPRY	ELECTRICITY SUBSIDY CLAIM 24/11/09 - 25/01/10	382.97
EFT108660	4/03/2010	SHELF SUPPLY	GUN DEGREASER & BRUSHES	189.00
EFT108661	4/03/2010	THINKWATER	BOX OF RAINBIRD NOZZLES	107.25
EFT108662	4/03/2010	TNT AUSTRALIA PTY LIMITED	FREIGHT FOR WATER SAMPLES	105.18
EFT108663	4/03/2010	TOLL EXPRESS	FREIGHT CHARGES KNA ADMIN	642.67
EFT108664	4/03/2010	TONY'S PLUMBING & EXCAVATION PTY LTD	PLUMBING UPGRADE WYNDHAM POOL	5,267.57
EFT108665	4/03/2010	TOP END MOTORS	RELOCATE ABANDONED CAR TO DEPOT	110.00
EFT108666	4/03/2010	WANNA WORK LABOUR HIRE SOLUTIONS	CONSTRUCT FOOTPATH & 2 PRAM RAMPS	9,702.00
EFT108667	4/03/2010	WYNDHAM SUPERMARKET	CLEANING PRODUCTS WYN PUBLIC CONVENIENCES	160.08
EFT108668	11/03/2010	AIRSERVICES AUSTRALIA	ANNUAL TECHNICAL INSPECTION (ELECTRICAL) KNA	7,108.31

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT108669	11/03/2010	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	370.71
EFT108670	11/03/2010	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	189.00
EFT108671	11/03/2010	AUSTRALIAN TAXATION OFFICE	BAS JANUARY 2010	88,860.00
EFT108672	11/03/2010	ALLGEAR MOTORCYCLES AND SMALL ENGINES	REPAIRS TO AXEL SHAFT FOR MOWER P356 & OIL	91.50
EFT108673	11/03/2010	BERM BACKHOE HIRE	VERGE SLASHING T 07 0708 FEBRUARY PAYMENT # 17	29,117.00
EFT108674	11/03/2010	BUSH CAMP SURPLUS STORES	PPE	337.00
EFT108675	11/03/2010	BRANKO BP MOTORS	REPAIR HANGER DOORS WYN AIRPORT	354.10
EFT108676	11/03/2010	CENTURION TRANSPORT	FREIGHT KNA DEPOT	880.96
EFT108677	11/03/2010	CHRISTINE ANN MCLACHLAN	REIMBURSE REFRESHMENTS PURCHASED FOR MEETINGS	130.29
EFT108678	11/03/2010	CORPORATE EXPRESS	STATIONERY	804.21
EFT108679	11/03/2010	DEPARTMENT OF TREASURY AND FINANCE	DAMAGED LIBRARY BOOK	24.20
EFT108680	11/03/2010	DAVEY TYRE & BATTERY SERVICE	2 X TYRES KUBOTA TRACTOR P355 KNX AIRPORT	4,086.00
EFT108681	11/03/2010	EAST KIMBERLEY PLUMBING	PLUMBING REPAIRS VARIOUS LOCATIONS WYNDHAM	1,511.55
EFT108682	11/03/2010	EAST KIMBERLEY HARDWARE	VARIOUS HARDWARE ITEMS	564.75
EFT108683	11/03/2010	FUJI XEROX AUSTRALIA P/L	PRINTER CHARGES FEBRUARY 2010	42.29
EFT108684	11/03/2010	GLOBE AUSTRALIA PTY LTD	MOSQUITO PESTICIDES	231.00
EFT108685	11/03/2010	HALLMARK EDITIONS	SUBSCRIPTION RENEWALS	660.00
EFT108686	11/03/2010	J BLACKWOOD & SON LIMITED	8 X 5 LTR WATER COOLERS	232.14
EFT108687	11/03/2010	JASON SIGNMAKERS LTD	DOUBLE SIDED SIGNS	198.00
EFT108688	11/03/2010	JH COMPUTER SERVICES	BACKUP EXEC SERVER 12 MONTH RENEWAL	1,166.00
EFT108689	11/03/2010	KIMBERLEY FIRST NATIONAL REAL ESTATE	REFUND OVERPAYMENT OF RATES	1,415.43
EFT108690	11/03/2010	KNA CHAMBER OF COMMERCE & INDUSTRY	EAST KIMBRELEY BUSINESS BREAKFAST CEO	50.00
EFT108691	11/03/2010	KUNUNURRA HOME & GARDEN	CLEANING EQUIPMENT FOR LANDFILL SITE	175.25
EFT108692	11/03/2010	KUNUNURRA RURAL TRADERS	CHECK, TEST AND TAG ALL FIRE EXTINGUISHERS KLC	188.75
EFT108693	11/03/2010	KUNUNURRA SECURITY SERVICE	PASSENGER SCREENING KNX AIRPORT	19,428.00
EFT108694	11/03/2010	KIMBERLEY COMMUNICATIONS	REPAIR TV SYSTEM AT 28 EUGENIA ST KUNUNURRA	150.00
EFT108695	11/03/2010	KUNUNURRA COMMERCIAL BODY WORKS	REPAIRS P109	646.17
EFT108696	11/03/2010	KUNUNURRA FURNISHINGS	LOTTERIES GRANT" FIT OUT YOUTH CENTRE	4,194.75
EFT108697	11/03/2010	L.G.R.C.E.U	PAYROLL DEDUCTIONS	17.40
EFT108698	11/03/2010	MCKINLAY, BETTY	NATIONAL POLICE CERTIFICATE	106.50
EFT108699	11/03/2010	MEGAN HUNT	CLEANING OF VARIOUS LOCATIONS - WYNDHAM	1,146.75
EFT108700	11/03/2010	MODERN TEACHING AIDS	TEACHING AID EQUIPMENT WYN CHILD CARE	739.21
EFT108701	11/03/2010	OFFICE NATIONAL KUNUNURRA	STATIONERY	138.60

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT108702	11/03/2010	ORDCO	10 X 20LTR GLYPHOSATE	1,100.00
EFT108703	11/03/2010	ORIMATECH	HAMMERHEAD MANUAL VAC UNIT WYNDHAM POOL	4,445.10
EFT108704	11/03/2010	RAPISCAN SYSTEMS AUSTRALIA PTY LTD	ALCOHOL SWABS KNA AIRPORT	22.00
EFT108705	11/03/2010	REBECCA MINICHILLI	REIMBURSEMENT OF PET RELOCATION	124.50
EFT108706	11/03/2010	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	830.00
EFT108707	11/03/2010	STATE LAW PUBLISHER	VARIOUS ADVERTISING	1,082.47
EFT108708	11/03/2010	SUE GAFFNEY	REIMBURSEMENT OF ACCOMMODATION	168.50
EFT108709	11/03/2010	TELFORD INDUSTRIES	4 X 40KG CHEMCHLOR	1,306.80
EFT108710	11/03/2010	TENSENS CLEANING SUPPLIES	GOJO CRYSTAL PINK LOTION - KLC	178.24
EFT108711	11/03/2010	TNT AUSTRALIA PTY LIMITED	FREIGHT FOR WATER SAMPLES	245.66
EFT108712	11/03/2010	TOLL EXPRESS	FREIGHT CHARGES VARIOUS ITEMS	2,168.93
EFT108713	11/03/2010	TONY'S PLUMBING & EXCAVATION PTY LTD	PLUMBING REPAIRS PETER REID HALL	617.10
EFT108714	11/03/2010	TOTAL EDEN KP PUMPS	RETICULATION PARTS	42.29
EFT108715	11/03/2010	VANDERFIELD MACHINERY PTY LTD	SLASHER BLADES/KITS P401 & P435	1,079.41
EFT108716	11/03/2010	WA LOCAL GOVT SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	21,429.75
EFT108717	11/03/2010	WA POLICE LEGACY (INC)	ANNUAL GRANT GIBB RIVER ROAD MTN BIKE CHALLENGE	2,000.00
EFT108718	11/03/2010	WAYNE RICHARDS & REBECCA MORRALL	ELECTRICITY SUBSIDY CLAIM 04/12/09 - 11/02/10	244.26
EFT108719	11/03/2010	WESTRAC EQUIPMENT PTY LTD	PARTS FOR 966D LOADER	665.62
EFT108720	11/03/2010	WESTRALIA AIRPORTS CORPORATION PTY LTD,	ASIC CARDS	200.00
EFT108721	15/03/2010	LANDGATE	LAND ENQUIRIES	18.00
EFT108722	18/03/2010	AUST LOCAL GOVERNMENT JOB DIRECTORY	VARIOUS ADVERTISING	792.00
EFT108723	18/03/2010	AUSTRAL MERCANTILE COLLECTIONS PTY LTD	PROFESSIONAL CHARGES	112.19
EFT108724	18/03/2010	AUSTRALIA POST	POSTAGE & ANNUAL RENEWAL OF POST OFFICE BOXES	506.10
EFT108725	18/03/2010	AUSTSWIM LTD	TSW COURSE FEES X 2 STAFF	590.00
EFT108726	18/03/2010	ALLGEAR MOTORCYCLES AND SMALL ENGINES	HONDA BRUSHCUTTER	735.50
EFT108727	18/03/2010	AMADA AMAVIC	EXAMINATION COUCH WYNDHAM POOL	544.50
EFT108728	18/03/2010	ARGYLE MOTORS	SERVICE RIDE ON MOWER P362	467.10
EFT108729	18/03/2010	BILL BUTLER PAINTING & DECORATING	REPAIRS TO 28 EUGENIA ST KUNUNURRA	880.00
EFT108730	18/03/2010	BRANKO BP MOTORS	SLASHER REPAIRS P435	181.00
EFT108731	18/03/2010	CARPET, VINYL & TILE CENTRE	INSTALL NEW BLINDS 28 EUGENIA ST	1,707.20
EFT108732	18/03/2010	COMFORT HOTEL PERTH CITY	ACCOMMODATION 20 - 22/02/10	693.20
EFT108733	18/03/2010	DAVEY TYRE & BATTERY SERVICE	NEW TYRES P204	678.34
EFT108734	18/03/2010	EAST KIMBERLEY DINGO	INSTALLATION OF POOL FENCE WYNDHAM POOL	6,195.00

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT108735	18/03/2010	EAST KIMBERLEY EARTHWORKS	SUPPLY & DELIVER AGGREGATE EUGENIA STREET	1,210.00
EFT108736	18/03/2010	EAST KIMBERLEY HARDWARE	FENCE DROPPERS,FERTILISER, MESH, HARDWARE	2,238.45
EFT108737	18/03/2010	FRONTIER POST & NEWS	POSTAGE & PAPERS FEB 10	39.50
EFT108738	18/03/2010	FUJI XEROX AUSTRALIA P/L	PRINTING CHARGES KNX ADMIN FEB 10	1,639.20
EFT108739	18/03/2010	IOR PETROLEUM PTY LTD	FUEL DELIVERY KNA DEPOT	8,820.75
EFT108740	18/03/2010	IT VISION ITV	CONFERENCING TRAINING 09/02/2010	275.00
EFT108741	18/03/2010	ICE AGE REFRIGERATION & AIRCONDITIONING	REPAIRS WYN SWIMMING POOL OFFICE AIRCON	412.50
EFT108742	18/03/2010	J BLACKWOOD & SON LIMITED	DISINFECTANT	108.57
EFT108743	18/03/2010	JAB INDUSTRIES	MOBILISATION, DEMOBILISATION & EXCAVATOR HIRE	990.00
EFT108744	18/03/2010	K & M ALLCLEAN	CLEANING OF VARIOUS LOCATIONS FEB 10	15,871.67
EFT108745	18/03/2010	KIMBERLEY ECHOALBANY ADVERTISER	ADVERTISING	2,287.60
EFT108746	18/03/2010	KUNUNURRA HOME & GARDEN	POST HOLE SHOVELS	156.00
EFT108747	18/03/2010	KUNUNURRA LOCK & KEY	RESET NEW COMBINATION ON SAFE	88.00
EFT108748	18/03/2010	KUNUNURRA MEDICAL	DRUG SCREEN	96.80
EFT108749	18/03/2010	KIMBERLEY COMMUNICATIONS	SUPPLY & INSTALL SECURITY SYSTEM KNA DEPOT OFFICE	2,046.00
EFT108750	18/03/2010	KIMBERLEY PUMPING SERVICE	REPAIRS TO PUMP AT KLC	2,112.00
EFT108751	18/03/2010	LEONIE NORRINGTON	AUTHOR TALK - KNA LIBRARY	330.00
EFT108752	18/03/2010	MEGAN HUNT	CLEANING OF VARIOUS LOCATIONS - WYNDHAM	3,852.37
EFT108753	18/03/2010	METAL ARTWORK CREATIONS	GOLD DESK PLATE	33.66
EFT108754	18/03/2010	NPM GROUP PTY LTD TRADING AS ARK HOMES	PROGRESS PAYMENT # 5 FOR STAFF HOUSING	17,604.97
EFT108755	18/03/2010	OFFICE NATIONAL KUNUNURRA	PHOTOCOPY PAPER, STATIONERY	3,065.43
EFT108756	18/03/2010	ORD RIVER ELECTRICS	REPAIR CIRCUIT BREAKER KNA ADMIN OFFICE	435.11
EFT108757	18/03/2010	ORDCO	GLYPHOSATE	620.40
EFT108758	18/03/2010	REBECCA MINICHILLI	REIMBURSE RELOCATION OF DOG	132.00
EFT108759	18/03/2010	SANDOVER PINDER ARCHITECTS	EAST KIMBERELY REGIONAL AIRPORT EXPANSION	31,597.20
EFT108760	18/03/2010	SLINGAIR PTY LTD	AIRCRAFT RADIOTELEPHONE OPERATOR CERTIFICATE	160.00
EFT108761	18/03/2010	SYNETRIX	SOFTWARE LICENCE	2,314.40
EFT108762	18/03/2010	SALLY JOHNSON	CLEANING OF PUBLIC TOILETS 13/02/10 - 26/02/10	1,140.00
EFT108763	18/03/2010	TNT AUSTRALIA PTY LIMITED	FREIGHT CHARGES FOR WATER SAMPLES	684.55
EFT108764	18/03/2010	TONY'S PLUMBING & EXCAVATION PTY LTD	CONNECT DEEP SEWER WYNDHAM POOL UPGRADE	3,757.50
EFT108765	18/03/2010	TOP END MOTORS	SERVICE P204	639.60
EFT108766	18/03/2010	TOTAL EDEN KP PUMPS	CHLORINE	1,024.69

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT108767	18/03/2010	UHY HAINES NORTON (WA) PTY LTD	FEES FOR RATES STRATEGY REVIEW	3,850.00
EFT108768	18/03/2010	URBIS PTY LTD	FEES FOR LOCAL PLANNING SCHEME	16,678.67
EFT108769	18/03/2010	VANDERFIELD MACHINERY PTY LTD	JOHN DEER 2305 KNA AIRPORT	13,684.65
EFT108770	18/03/2010	WESTPARK SERVICES PTY LTD	DRINKING FOUNTAINS FOR OOMULGURRI	2,986.50
EFT108771	18/03/2010	WYNDHAM SUPERMARKET	CONSUMABLES	203.07
EFT108772	25/03/2010	AERODROME MANAGEMENT SERVICES	ANNUAL TECHNICAL INSPECTION & REPORT KNA AIRPORT	7,788.00
EFT108773	25/03/2010	AUSFUEL AFD AUSTRALIAN FUEL DISTRIBUTORS	FUEL FOR THE MONTH OF FEBRUARY 2010	497.18
EFT108774	25/03/2010	AUST GOVT NAT MEASUREMENT INST	WATER SAMPLE ANALYSIS COOLIBAH DEVELOPMENT	488.40
EFT108775	25/03/2010	ALLGEAR MOTORCYCLES AND SMALL ENGINES	NEW BUMP HEAD WHIPPER SNIPPER	301.50
EFT108776	25/03/2010	ARGYLE ENGINEERING	REPAIR REAR GATE 10 TONNER P309	210.77
EFT108777	25/03/2010	ARGYLE MOTORS	SERVICE P313	1,054.95
EFT108778	25/03/2010	BOC GASES AUSTRALIAN LIMITED	GAS BOTTLE RENTAL FEBRUARY 2010	267.81
EFT108779	25/03/2010	BOSS FLUID POWER	CONSUMABLES FOR VARIOUS LOCATIONS	2,165.73
EFT108780	25/03/2010	BEAUREPAIRES FOR TYRES	CHANGE TYRE 924H LOADER P350 AT LANDFILL SITE	65.00
EFT108781	25/03/2010	BERNADETTE WEAVER	REIMBURSEMENT OF AUSTSWIM COURSE	295.00
EFT108782	25/03/2010	BRANKO BP MOTORS	BATTERIES, FUEL, REPAIRS WYNDHAM DEPOT	1,767.55
EFT108783	25/03/2010	BRITEX METAL PRODUCTS	WALL MOUNTED HAND BASIN	1,183.60
EFT108784	25/03/2010	C & S JOLLY ELECTRICS	REPLACE TRANSFORMERS AND WIRING ON RUNWAY	964.35
EFT108785	25/03/2010	CAFE CORPORATE	CONSUMABLES	290.00
EFT108786	25/03/2010	CHEFMASTER AUSTRALIA	GARBAGE BAGS	877.40
EFT108787	25/03/2010	CHEMISTRY CENTRE (WA)	3 SAMPLES OF WATER	330.00
EFT108788	25/03/2010	CIVIC LEGAL	PROFESSIONAL CHARGES	308.66
EFT108789	25/03/2010	CROCODILE SIGNS	YOUTH CENTRE SIGNS	476.30
EFT108790	25/03/2010	CREATING COMMUNITIES	SPORT AND RECREATION MASTER PLAN	16,539.51
EFT108791	25/03/2010	DEPARTMENT OF TREASURY AND FINANCE	LOST BOOKS	171.60
EFT108792	25/03/2010	DEXION BALCATT	BOXES OF FULLVUE KOLOR KODE FILING PRODUCTS	122.65
EFT108793	25/03/2010	DANIEL COX	REIMBURSEMENT OF RELOCATION COSTS PTH TO KNA	2,314.24
EFT108794	25/03/2010	DAVEY TYRE & BATTERY SERVICE	TRACTOR TYRES P355	2,185.57
EFT108795	25/03/2010	EAST KIMBERLEY HARDWARE	CEMENT & VARIOUS HARDWARE ITEMS	1,846.55
EFT108796	25/03/2010	FUJI XEROX AUSTRALIA P/L	PHOTOCOPYING CHARGES YOUTH CENTRE	18.59
EFT108797	25/03/2010	GULLIVERS TAVERN	DINNER FOR BRIEFING SESSION 02/02/2010	380.98
EFT108798	25/03/2010	HAMILTON SOFTWARE & TRAINING	KINDY MANAGER ANNUAL SUPPORT FEE	495.00
EFT108799	25/03/2010	JACK IN THE BOX	PROGRESS PAYMENT CLAIM # 6	3,177.90

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT108800	25/03/2010	JSW HOLDINGS PTY LTD	WHITE SAND FOR NICHOLSON PARK	660.00
EFT108801	25/03/2010	JAB INDUSTRIES	EXCAVATOR HIRE FOR POLLUTION TRAPS	1,375.00
EFT108802	25/03/2010	KIMBERLEY INDUSTRIES METALAND	METAL FOR A STAND FOR EMULSION POD	1,042.40
EFT108803	25/03/2010	KUNUNURRA MAINTENANCE SERVICE	PAINTING BUILDING EXTERIORS WITHIN WYNDHAM POOL	17,435.00
EFT108804	25/03/2010	KUNUNURRA REFRIGERATION & AIR CON P/ L	REPAIR KLC HALL AIR CON UNIT	1,214.84
EFT108805	25/03/2010	KUNUNURRA SECURITY SERVICE	PASSENGER SCREENING 10/2/2010 - 23/2/2010	19,776.00
EFT108806	25/03/2010	KASSIE BIN SWANI	REIMBURSEMENT OF WORKING WITH CHILDREN CHECK	50.00
EFT108807	25/03/2010	KIMBERLEY COMMUNICATIONS	RESET CCT BREAKER IN RADIO HUT	55.00
EFT108808	25/03/2010	KUNUNURRA COURIERS	WATER FOR KNA ADMIN	74.00
EFT108809	25/03/2010	LANDGATE	GROSS RENTAL VALUATIONS 09/01/10 - 05/02/10	851.15
EFT108810	25/03/2010	LAWRENCE & HANSON GROUP	12V BATTERY KUNUNURRA AIRPORT	198.39
EFT108811	25/03/2010	LGIS WORKCARE	ACTUAL WAGES ADJUSTMENT 30/06/08 - 30/06/09	15,265.80
EFT108812	25/03/2010	MEGAN HUNT	CLEANING OF VARIOUS LOCATIONS - WYNDHAM	482.63
EFT108813	25/03/2010	NICOLE SIEMON AND ASSOCIATES	CLAIM # 2 CONSULTANT ENVIRON IMPACT ASSESSMENT	4,455.00
EFT108814	25/03/2010	OFFICE NATIONAL KUNUNURRA	WHITE BOARD AND CORK BOARD	854.00
EFT108815	25/03/2010	ORD RIVER ELECTRICS	REPAIR ELECTRIC HOIST IN WORKSHOP	184.25
EFT108816	25/03/2010	ORIA ORCHARDS	WEEKLY FLOWER DELIVERY KNA OFFICE	30.00
EFT108817	25/03/2010	PILBARA REGIONAL COUNCIL	2010 KIMBERLEY/PILBARA JOINT FORUM	1,425.00
EFT108818	25/03/2010	PROTEUS	3 DAY INTENSIVE LEADERSHIP DEVELOPMENT PROGRAM	11,835.00
EFT108819	25/03/2010	RNR CONTRACTING	2000 LITRES (2 X PODS) EMULSION	2,156.00
EFT108820	25/03/2010	SEARLES MECHANICAL REPAIRS	MIRROR HEAD & BRACKET P342	107.95
EFT108821	25/03/2010	TELFORD INDUSTRIES	4X 40KG CHEMCHLOR	808.50
EFT108822	25/03/2010	THORLEY'S STORE	MONTHLY TRANSPORT/DELIVERY SHIRE BAG WYN/KNA	684.00
EFT108823	25/03/2010	TNT AUSTRALIA PTY LIMITED	FREIGHT FOR WATER SAMPLES	200.56
EFT108824	25/03/2010	TOLL EXPRESS	VARIOUS FREIGHT	1,062.72
EFT108825	25/03/2010	TOP END MOTORS	SERVICE P107, REPAIRS AND SERVICE P466	2,740.79
EFT108826	25/03/2010	TOTAL SAFETY & FIRE SOLUTIONS	PPE	130.00
EFT108827	25/03/2010	TOWNSVILLE ENGRAVING WORX	1 X BRASS PLAQUE FOR WYNDHAM ADMIN OFFICE	486.20
EFT108828	25/03/2010	TUCKERBOX/RETRAVISION	PLASMA TV FOR YOUTH CENTRE	4,961.86
EFT108829	25/03/2010	WANNA WORK LABOUR HIRE SOLUTIONS	MOWING & GARDEN MTCE ROTARY & CENTENARY PARK	924.00
EFT108830	25/03/2010	WESTERN AUST. TREASURY CORPORATION	LOAN NO. 118 CONSTRUCT YOUTH CENTRE	8,872.90
EFT108831	25/03/2010	WYNDHAM SUPERMARKET	ITEMS FOR WYN CHILD CARE CENTRE	80.76

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT108832	31/03/2010	AIT SPECIALISTS PTY LTD AITS	REVIEW OF RECORDS AND DETERMINATION	200.54
EFT108833	31/03/2010	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	370.71
EFT108834	31/03/2010	ATTORNEYGENERAL'S DEPT AUSCHECK	AUSCHECK ASIC CHECK KNA AIRPORT STAFF	264.00
EFT108835	31/03/2010	AUST LOCAL GOVERNMENT JOB DIRECTORY	VARIOUS ADVERTISING	407.00
EFT108836	31/03/2010	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	189.00
EFT108837	31/03/2010	ALLGEAR MOTORCYCLES AND SMALL ENGINES	WHIPPER SNIPPER SPOOLS	70.65
EFT108838	31/03/2010	ARGYLE MOTORS	SERVICE & REPAIRS P109, P362 & P355	733.39
EFT108839	31/03/2010	AUSSIE ALL ROUNDER	PPE	295.20
EFT108840	31/03/2010	AUTO ONE KUNUNURRA	TOOL KIT KNA LANDFILL SITE	332.45
EFT108841	31/03/2010	BRUCE HARDING	ELECTRICITY SUBSIDY CLAIM 28/11/09 - 01/02/10	73.61
EFT108842	31/03/2010	BEAUREPAIRES FOR TYRES	TYRES FOR EARTHMOVER	5,342.00
EFT108843	31/03/2010	BILL BUTLER PAINTING & DECORATING	REPAIR AND PAINTING AT 23 BOOBIALLA WAY	500.00
EFT108844	31/03/2010	CIVIC LEGAL	PROFESSIONAL CHARGES	1,655.83
EFT108845	31/03/2010	CLEVERPATCH	MATERIALS & STORAGE TROLLEY FOR STORYTIME	616.25
EFT108846	31/03/2010	COMFORT HOTEL PERTH CITY	ACCOMMODATION 14/03/10	305.92
EFT108847	31/03/2010	DOUGLAS ALEXANDER	ELECTRICITY SUBSIDY CLAIM 23/12/09 - 16/02/10	380.76
EFT108848	31/03/2010	DUROMER PRODUCTS PTY LTD	EARTHLITE GUIDE POSTS	5,225.00
EFT108849	31/03/2010	DELISH'US	FINGER FOOD FOR YEAR OF WOMEN CELEBRATION 2010	250.00
EFT108850	31/03/2010	FRANMOR CONSTRUCTIONS PTY LTD	CALLOUT KLC TO REPAIR BROKEN WINDOW	1,258.75
EFT108851	31/03/2010	GAULT, JOHN DOUGLAS	ELECTRICITY SUBSIDY CLAIM 16/12/09 - 17/02/10	377.05
EFT108852	31/03/2010	GEOFF GUNSON ELECTRICAL	SUPPLY/FIT FLOW SWITCH & TIME CLOCK RETIC PUMP	1,356.30
EFT108853	31/03/2010	J BLACKWOOD & SON LIMITED	VARIOUS HARDWARE ITEMS	136.10
EFT108854	31/03/2010	JOANNE ELLIS	ELECTRICITY SUBSIDY CLAIM 16/10/09 - 14/12/09	475.85
EFT108855	31/03/2010	JSW HOLDINGS PTY LTD	SUPPLY CONCRETE FOR KUNUNURRA AIRPORT	286.00
EFT108856	31/03/2010	KIMBERLEY WASTE SERVICES	KUNUNURRA AND WYNDHAM REFUSE COLLECTION	48,132.07
EFT108857	31/03/2010	KUNUNURRA HOME & GARDEN	SHADE SAIL & FITTINGS	179.35
EFT108858	31/03/2010	KUNUNURRA SECURITY SERVICE	SECURITY PATROLS & MONITORING OF ALARMS FEB 10	1,977.20
EFT108859	31/03/2010	KIMBERLEY CAFE	DINNER FOR COUNCIL MEETING	146.30
EFT108860	31/03/2010	KIMBERLEY KOOL REFRIGERATION & AIRCON	REPAIR AIRCON WYNDHAM AIRPORT	385.00
EFT108861	31/03/2010	KUNUNURRA DIESEL SERVICE	2 BATTERIES – P305	410.00
EFT108862	31/03/2010	KUNUNURRA TENNIS CLUB	REIMBURSEMENT OF ELECTRICITY FOR HARD COURTS	559.14
EFT108863	31/03/2010	L.G.R.C.E.U	PAYROLL DEDUCTIONS	17.40

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT108864	31/03/2010	LANDGATE	LAND ENQUIRY	54.00
EFT108865	31/03/2010	LW PROPERTY CARE	CLEANING OF BBQ'S AT SWIM BEACH 01/02/09 - 26/02/10	528.00
EFT108866	31/03/2010	MEGAN HUNT	CLEANING OF VARIOUS LOCATIONS WYNDHAM	1,146.75
EFT108867	31/03/2010	OLD, GILL	ELECTRICITY SUBSIDY CLAIM 28/11/09 - 01/02/10	279.66
EFT108868	31/03/2010	ORDCO	SUPPLY 2X1LTR ZEUS INSECTICIDE	121.00
EFT108869	31/03/2010	ORIA ORCHARDS	WEEKLY FLOWER DELIVERY KNA OFFICE	15.00
EFT108870	31/03/2010	RICK SPRY	TELEPHONE SUBSIDY CLAIM 01/02/10 - 28/02/10	36.85
EFT108871	31/03/2010	RUMOURS PATISSERIE	LUNCH FOR BUDGET REVIEW MEETING	72.70
EFT108872	31/03/2010	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	877.17
EFT108873	31/03/2010	SALLY JOHNSON	CLEANING OF PUBLIC TOILETS WYN	1,140.00
EFT108874	31/03/2010	THINKWATER	RETICULATION – GEAR DRIVE POP UPS	2,663.76
EFT108875	31/03/2010	TNT AUSTRALIA PTY LIMITED	FREIGHT FOR WATER SAMPLES	449.79
EFT108876	31/03/2010	TOP END MOTORS	SERVICE AND REPAIRS P103	689.78
EFT108877	31/03/2010	TOTAL EDEN KP PUMPS	POOL CHLORINE 2X40KG	723.36
EFT108878	31/03/2010	TRIPP, KATYA MARIE	ELECTRICITY SUBSIDY CLAIM 16/12/09 - 17/02/10	221.38
EFT108879	31/03/2010	VANDERFIELD MACHINERY PTY LTD	FIRE CONTROL SPRAY RIG PUMP KIT	233.08
EFT108880	31/03/2010	WA LOCAL GOVT SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	22,259.79
EFT108881	31/03/2010	WESTERN ANGLER	SUBSCRIPTION RENEWAL WESTERN ANGLER	45.00
EFT108882	31/03/2010	WESTRAC EQUIPMENT PTY LTD	PARTS FOR TIP LOADER	494.18
EFT108883	31/03/2010	WYNDHAM SUPERMARKET	CONSUMABLES WYN CHILDCARE CENTRE	111.15
<b>TOTAL MUNI EFT PAYMENTS</b>				<b><u>895,863.32</u></b>

<b>CHQ</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
39458	4/03/2010	DEPT FOR PLANNING & INFRASTRUCTURE	ANNUAL REGISTRATION RENEWAL	506.40
39459	4/03/2010	HORIZON POWER	ELECTRICITY CHARGES VARIOUS LOCATIONS	3,700.85
39460	4/03/2010	METRO HOTEL ON CANNING	ACCOMODATION 3 NIGHTS	834.00
39461	4/03/2010	TELSTRA	LANDLINE CHARGES	107.20
39462	4/03/2010	WYNDHAM COMMUNITY CLUB	QUICK GRANT FOR CRICKET EQUIPMENT	990.00
39463	11/03/2010	AXA AUSTRALIA	SUPERANNUATION CONTRIBUTIONS	182.68
39464	11/03/2010	CASHPETTY CASH W.N.C.	SCRAP BOOKS, COOKING MATERIALS	58.50
39465	11/03/2010	COLONIAL PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	453.19

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
39466	11/03/2010	COMFORT INN BEL EYRE PERTH	ACCOMODATION 01-03/02/10	632.00
39467	11/03/2010	HORIZON POWER	ELECTRICITY CHARGES VARIOUS LOCATIONS	12,785.98
39468	11/03/2010	MAGSHOP	SUBSCRIPTION RENEWAL 2010/2011	84.90
39469	11/03/2010	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	353.15
39470	11/03/2010	REST SUPER	SUPERANNUATION CONTRIBUTIONS	549.91
39471	11/03/2010	STATEWIDE SUPERANNUATION TRUST	SUPERANNUATION CONTRIBUTIONS	160.53
39472	11/03/2010	VISION SUPER	SUPERANNUATION CONTRIBUTIONS	1,010.64
39473	11/03/2010	WOODHOUSE LEGAL	PROFESSIONAL SERVICES	687.50
39474	18/03/2010	DEPT FOR PLANNING & INFRASTRUCTURE	REGISTRATION RENEWAL P335	48.60
39475	18/03/2010	DEPARTMENT OF TRANSPORT	ANNUAL JETTY LICENCE LIONS PARK BOAT RAMP	96.00
39476	18/03/2010	GRASS ROOTS MAGAZINE	ANNUAL SUBSCRIPTION 09/10	39.50
39477	18/03/2010	HORIZON POWER	ELECTRICITY CHARGES VARIOUS LOCATIONS	1,841.20
39478	18/03/2010	LANDGATE	SUBDIVISION LODGEMENT FEE TITLES OFFICE	316.00
39479	18/03/2010	MRS N ANONTAPHAN	DINNER FOR COUNCIL MEETING	300.00
39480	18/03/2010	R M WILLIAMS PUBLISHING	ANNUAL SUBSCRIPTION 2010/2011	49.00
39481	18/03/2010	TELSTRA	MOBILE PHONE CHARGES FOR FEB 10	1,774.83
39482	18/03/2010	WYNDHAM COMMUNITY CLUB	ACCOMMODATION GRANT	220.00
39483	25/03/2010	AUSTRALIA POST (WYNDHAM)	ANNUAL POST OFFICE RENEWAL 2010 WYN CHILDCARE	19.00
39484	25/03/2010	CASH PETTY CASH KNX AIRPORT	PETTY CASH REIMBURSEMENT	99.50
39485	25/03/2010	CASH PETTY CASH KNX OFFICE	PETTY CASH REIMBURSEMENT	106.95
39486	25/03/2010	DEPT FOR PLANNING & INFRASTRUCTURE	12 MONTHS REGISTRATION RENEWAL	6,480.25
39487	25/03/2010	CANCELLED CHEQUE		0.00
39488	25/03/2010	HORIZON POWER	ELECTRICITY CHARGES VARIOUS LOCATIONS	23,735.99
39489	25/03/2010	KIMBERLEY TAFE KUNUNURRA CAMPUS	ENROLMENT FEES CERTIFICATE III IN COMMUNITY SERVICES	3,765.45
39490	25/03/2010	TELSTRA	LANDLINE CHARGES FEBRUARY 2010	3,897.24
39491	25/03/2010	TEX GUN SUPPLIES	BIRD DISPERSION BULLETS	1,464.00
39492	25/03/2010	TELSTRA NETWORK & SERVICES	CONNECTIONS NEW BP LEASE SITE AT KNA AIRPORT	19,171.58
39493	31/03/2010	AXA AUSTRALIA	SUPERANNUATION CONTRIBUTIONS	183.49
39494	31/03/2010	COLONIAL PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	453.19
39495	31/03/2010	DEPT FOR PLANNING & INFRASTRUCTURE	ANNUAL REGISTRATION P354	242.50
39496	31/03/2010	MAGSHOP	SUBSCRIPTION RENEWAL - DIRT BIKE	129.95
39497	31/03/2010	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	353.15
39498	31/03/2010	REST SUPER	SUPERANNUATION CONTRIBUTIONS	681.04

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
39499	31/03/2010	STATEWIDE SUPERANNUATION TRUST	SUPERANNUATION CONTRIBUTIONS	160.53
39500	31/03/2010	VISION SUPER	SUPERANNUATION CONTRIBUTIONS	1,010.64
39501	31/03/2010	WATER CORPORATION	WATER CHARGES VARIOUS LOCATIONS	375.60
<b>TOTAL MUNI CHEQUE PAYMENTS</b>				<b>90,112.61</b>

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
500022	2/03/2010	TRUST DPI CLEARING	TRANSPORT CLEARING 24/2/10	354.45
500023	2/03/2010	TRUST DPI CLEARING	TRANSPORT CLEARING 26/2/10	1,840.50
500024	9/03/2010	TRUST DPI CLEARING	TRANSPORT CLEARING 4/3/10	3,066.80
500025	23/03/2010	TRUST DPI CLEARING	TRANSPORT CLEARING 8/3/10	2,795.70
500026	24/03/2010	TRUST DPI CLEARING	TRANSPORT CLEARING 19/3/10	5,651.85
500027	26/03/2010	TRUST DPI CLEARING	TRANSPORT CLEARING 23/3/10	1,249.50
500028	29/03/2010	TRUST DPI CLEARING	TRANSPORT CLEARING 24/3/10	102.95
500029	30/03/2010	TRUST DPI CLEARING	TRANSPORT CLEARING 25/3/10	943.35
500030	31/03/2010	TRUST DPI CLEARING	TRANSPORT CLEARING 26/3/10	7,890.80
500031	31/03/2010	TRUST DPI CLEARING	TRANSPORT CLEARING 29/3/10	557.70
500032	31/03/2010	TRUST DPI CLEARING	TRANSPORT CLEARING 30/3/10 & 31/3/10	993.9
<b>TOTAL TRUST EFT PAYMENTS</b>				<b>25,447.50</b>

CHQ	DATE	NAME	DESCRIPTION	AMOUNT
25	9/03/2010	ST JOSEPH'S SCHOOL (WYNDHAM)	BOND REFUND FOR PRM HALL	100.00
26	16/03/2010	FRANMOR CONSTRUCTIONS PTY LTD	REFUND OF FOOTPATH/KERB BOND APPLN 66021	450.00
27	16/03/2010	CANCELLED CHEQUE		0.00
28	26/03/2010	FORMULA INTERIORS	REFUND FOOTPATH BOND APPLN 69261	370.00
<b>TOTAL TRUST CHEQUE PAYMENTS</b>				<b>920.00</b>

DATE	NAME	DESCRIPTION	AMOUNT
10/03/2010	PAYROLL	PAYROLL	143,778.52
23/03/2010	PAYROLL	ONE OFF PAY	1,545.35
24/03/2010	PAYROLL	PAYROLL	150,635.33
<b>TOTAL PAYROLL PAYMENTS</b>			<b>295,959.20</b>

<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
25/03/2010	DIRECT DEBIT	RENT 12/33 KONKERBERRY DRIVE	2,036.66
15/03/2010	DIRECT DEBIT	RENT 4 BOOBIALLA WAY	2,491.67
22/03/2010	DIRECT DEBIT	RENT 20 BARRINGTONIA WAY	2,426.66
23/03/2010	DIRECT DEBIT	RENT 9B PLUM COURT	1,300.00
9/03/2010	DIRECT DEBIT	RENT 9B PLUM COURT	1,300.00
31/03/2010	DIRECT DEBIT	BANK FEES	728.36
31/03/2010	DIRECT DEBIT	BPOINT	124.23
2/03/2010	DIRECT DEBIT	VISA PAYMENT	353.64
18/03/2010	DIRECT DEBIT	MASTERCARD	14,311.28
31/03/2010	DIRECT DEBIT	MERCHANT FEE	387.01
31/03/2010	DIRECT DEBIT	WESTNET P/L	1,029.24
		<b>TOTAL DIRECT DEBIT PAYMENTS</b>	<b><u>26,488.75</u></b>

### 12.2.3 BUDGET REVIEW 28 FEBRUARY 2010

<b>DATE:</b>	20 April 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Shire Of Wyndham East Kimberley
<b>AUTHOR:</b>	Jo-Anne Ellis, Director Corporate Services
<b>REPORTING OFFICER:</b>	Jo-Anne Ellis, Director Corporate Services
<b>FILE NO:</b>	61.21.09
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

To consider and adopt the budget review for the period 1 July 2009 to 28 February 2010.

#### **BACKGROUND**

Local Governments are required to conduct a budget review between 1 January and 31 March each financial year. A budget review is a detailed comparison of the year to date actual results with the adopted or amended budget.

The budget review is to be submitted to Council within 30 days of the review for Council to consider and determine whether or not to adopt the review and any recommendations made in the review.

A copy of the review and Council decision is to be provided to the Department of Local Government within 30 days of the decision by Council.

#### **STATUTORY IMPLICATIONS**

Regulation 33A – local Government (Financial Management) Regulations 1996.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

The budget review enables management to establish whether the local government continues to meet its budget commitments. It enables Council to determine whether income and expenditures are in accordance with adopted budget.

#### **STRATEGIC IMPLICATIONS**

The budget review helps determine and document any projects that are unlikely to be completed during the budget year and new opportunities that have arisen during the year. The review process ensures management and Councillors review the performance of the Council for the year to date and apply corrective actions if required prior to 30 June to ensure a balanced budget is maintained.

#### **COMMUNITY CONSULTATION**

Nil

## **COMMENT**

A Budget Review was conducted in September 2009 primarily due to the East Kimberley Development Package Funding received after budget adoption. The amendments included in the September Budget Review are included in this review.

The Budget Review for the period 1 July 2009 to 28 February 2010 has been conducted by management and is provided as a separate attachment to this agenda.

## **ATTACHMENTS**

Budget Review as at 28 February 2010

## **VOTING REQUIREMENT**

Absolute Majority

## **OFFICER'S RECOMMENDATION**

That Council consider the budget review for the period 1 July 2009 to 28 February 2010 and adopts the review as tabled.

### **COUNCIL DECISION**

***Minute No: 9091***

***Moved: Cr D Ausburn***

***Seconded: Cr R Addis***

***That Council consider the budget review for the period 1 July 2009 to 28 February 2010 and adopts the review as tabled.***

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



# **Shire of Wyndham East Kimberley**

## **Budget Review February 2010**

**2009/2010**

**As at 28 February 2010**

**Presented to Council 20 April 2010**

- Statement of Financial Activity
- Account Detail Report
- East Kimberley Development Package

**Shire of Wyndham East Kimberley  
Budget Review as at 28 February 2010  
Statement of Financial Activity**

	July 2009	September 2009	September 2009	February 2010	February 2010	February 2010
	Adopted Budget 2009-10 \$	Budget Amendment 2009-10 \$	Amended Budget 2009-10 \$	Budget Amendment 2009-10 \$	Budget Projection 2009-10 \$	YTD Actual 2009-10 \$
<b>Recurrent Revenue - Excluding Rates</b>						
General Purpose Funding	3,355,207		3,355,207	240,695	3,595,802	2,802,169
Governance	39,195		39,195	109,038	148,233	56,894
Law, Order And Public Safety	49,455		49,455	16,650	66,105	35,200
Health	35,500		35,500	3,700	39,200	10,474
Education And Welfare	114,000		114,000		114,000	73,006
Housing	301,021		301,021	(149,964)	151,057	92,849
Community Amenities	2,058,040		2,058,040	164,852	2,222,892	1,231,637
Recreation And Culture	572,268	301,500	873,768	33,950	907,718	452,578
Transport	3,536,000		3,536,000	409,850	3,945,850	2,478,721
Economic Services	202,800	20,000	222,800	77,400	275,000	132,962
Other Properties And Services	244,814	35,000	279,814	74,497	354,311	23,588
	10,508,298	356,500	10,864,798	980,598	11,820,196	7,190,077
<b>Recurrent Expenditure</b>						
General Purpose Funding	(467,130)		(467,130)	(3,500)	(470,630)	(312,820)
Governance	(1,080,832)		(1,080,832)	(67,202)	(1,148,034)	(821,288)
Law, Order And Public Safety	(450,634)		(450,634)	(9,011)	(459,645)	(314,972)
Health	(316,142)		(316,142)	8,695	(307,447)	(189,460)
Education And Welfare	(377,384)		(377,384)	(30,695)	(408,079)	(223,269)
Housing	(291,153)		(291,153)	(42,952)	(334,105)	(204,153)
Community Amenities	(3,235,981)	(199,525)	(3,435,506)	84,490	(3,351,016)	(1,850,471)
Recreation and Culture	(3,611,399)	(312,100)	(3,923,499)	(153,432)	(4,076,931)	(2,244,275)
Transport	(4,869,304)		(4,869,304)	(441,038)	(5,310,342)	(3,313,935)
Economic Services	(592,012)	(45,000)	(637,012)	17,300	(594,512)	(315,650)
Other Property and Services	(143,519)	(143,933)	(287,452)	69,574	(217,878)	(501,939)
	(15,435,490)	(700,558)	(16,136,048)	(567,771)	(16,678,819)	(10,092,220)
<b>Capital Revenues</b>						
Grants / Contributions for Development of Assets	6,505,221	6,803,167	13,308,388	4,938,462	18,246,850	6,722,327
Proceeds from Disposal of Assets	500,500		500,500	8,400	508,900	166,591
Proceeds from Sale of Land Held for Resale	96,000		96,000		96,000	2,927
	7,101,721	6,803,167	13,904,888	4,946,862	18,851,750	6,891,845
<b>Capital Expenditure (by Class)</b>						
Purchase Land Held for Resale	(750,000)	(42,000)	(792,000)		(792,000)	(41,851)
Purchase Land and Buildings	(5,741,920)	(3,225,333)	(8,967,253)	2,311,783	(6,655,470)	(1,060,108)
Purchase Infrastructure Assets - Roads	(5,053,450)	(84,432)	(5,137,882)	(387,249)	(5,525,131)	(2,195,640)
Purchase Infrastructure Assets - Parks	(240,000)		(240,000)	(18,900)	(258,900)	(84,006)
Purchase Infrastructure Assets - Footpaths	(71,400)	(7,000)	(78,400)	(28,500)	(106,900)	(32,388)
Purchase Infrastructure Assets - Drainage	(195,800)	(59,000)	(254,800)	6,000	(248,800)	(92,174)
Purchase Infrastructure Assets - Other	(1,798,000)	(5,000,000)	(6,798,000)	3,523,500	(3,274,500)	(1,575,250)
Purchase Plant and Equipment	(1,377,711)	15,000	(1,362,711)	(17,000)	(1,379,711)	(444,774)
Purchase Furniture and Equipment	(285,500)	5,000	(280,500)	20,500	(260,000)	(62,127)
	(15,513,781)	(8,397,765)	(23,911,546)	5,410,134	(18,501,412)	(5,888,317)
<b>Adjustments</b>						
Repayment of Debentures	(1,057,847)		(1,057,847)	18,610	(1,039,237)	(995,329)
Proceeds from New Debentures	2,806,000		2,806,000	100,000	2,906,000	566,000
Self-Supporting Loan Principal Income	17,015		17,015		17,015	
Transfers to Reserves (Restricted Assets)	(899,680)		(899,680)	(738,027)	(1,637,707)	(134,544)
Transfers from Reserves (Restricted Assets)	1,132,520	1,421,100	2,553,620	(990,550)	1,563,070	258,523
	1,998,008	1,421,100	3,419,108	(1,609,967)	1,809,141	(305,350)
<b>Adjustments for Cash Budget Requirements</b>						
(Profit)/Loss on Asset Disposals	(453,439)		(453,439)	158,164	(295,275)	1,512
Movement in Accruals and Provisions	3,264	(23,307)	(20,043)		(20,043)	(224,618)
Depreciation on Assets	2,170,110		2,170,110	309,480	2,479,590	1,704,119
Add Estimated Surplus/(Deficit) July 1 B/Fwd	4,924,844	601,965	5,526,799		5,526,799	5,526,799
Less Estimated Surplus/(Deficit) June 30 C/Fwd	429,614	61,091	490,705	9,627,500	10,118,205	10,191,788
<b>Amount Required to be Raised from Rates</b>	5,126,079		5,126,079		5,126,079	5,087,944

Shire of Wyndham East Kimberley Budget Review as at 28 February 2010 Account Detail Report	July 2009	September 2009	September 2009	February 2010	February 2010 Budget Adjustment Detail					February 2010	
	Adopted Budget 2009-10	Budget Amendment 2009-10	Amended Budget 2009-10	Budget Adjustment 2009-10	Transfer Between Accounts or Offset	East Kimberley Development Package	Reserve Funded Operations	Project Savings or Additional Revenue	Budget Overrun or Reduction in Revenue	Explanation of Budget Amendment	Budget Projection 2009-10
	\$	\$	\$	\$	\$	\$	\$	\$	\$		
<b>Revenues</b>											
<b>General Purpose Funding</b>											
<b>Rates</b>											
Instalment Interest - Rates	16,000		16,000	(2,347)	(2,347)					Less Ratepayers used instalment plans than expected	13,653
Other Income - Rates (No GST)	3,000		3,000	(2,500)	(2,500)					Transfer to 1000115 due to GST treatment of income	500
Administration Charges - Rates	5,000		5,000	(358)					(358)	Less Ratepayers used instalment plans than expected	4,642
Other Income Rates (GST)	1,000		1,000	4,000	4,000					Transfer from 1000115 due to GST treatment of income	5,000
Emergency Services Levy - Rates	154,500		154,500	10,400	10,400					Additional ESL raised, offset by increased expense	164,900
<b>Other General Purpose Funding</b>											
Interest Income - Municipal Fund	120,000		120,000	45,000			45,000			Additional interest due to funds available to invest for longer	165,000
Interest Income - Reserve Fund	215,645		215,645	49,000		49,000				Additional interest due to funds available to invest for longer	264,645
Interest Income - East Kimberley Development Package Fund				135,000		135,000				New account - Interest Income EKDP not included in original budget	135,000
Non Payment Penalty Interest - Sundry Debtors				3,000				3,000		New account required - Council policy to charge interest on sundry debtor accounts	3,000
<b>Governance</b>											
<b>Other Governance</b>											
Advertising Rebate - Other Governance	4,000		4,000	538				538		Actual rebate higher than budgeted	4,538
Other Income - Other Governance	2,000		2,000	34,000				34,000		Additional income including \$20K insurance rebate, \$9K budgeted loan repayment, C	36,000
Contributors - Kimberley Zone				75,000	75,000						75,000
Insurance Rebate on Valuations	4,800		4,800	(800)	(800)					Rebate less due to expenditure lower than budgeted amount	4,000
<b>Law, Order And Public Safety</b>											
<b>Fire Prevention</b>											
Firebreak Income	1,500		1,500	5,250			5,250			\$6,750 Firebreak income in arrears from 2008/09	6,750
<b>Other Law, Order And Public Safety</b>											
Roadside Education - Grant Income				11,400	11,400					Grant administered on behalf of Wyndham Roadside Committee	11,400
<b>Health</b>											
<b>Preventative Services - Administration</b>											
Effluent Disposal Application Fee (Not GST Applicable)				4,000	4,000					New account required for correct GST treatment	4,000
Lodging House Licence Fee	8,000		8,000	(800)					(800)	Less licences to be issued than originally estimated	5,400
Rating House Licence And Registration Fee	9,000		9,000	3,000			3,000			More licences to be issued than originally estimated	12,000
Private Water Sampling	2,000		2,000	4,300	2,000		2,300			More sampling done than originally estimated	6,300
Effluent Disposal Applicatn Fee (GST Applicable)	7,000		7,000	(7,000)	(4,000)				(3,000)	Partially offset by new account 1070411, budget overestimated	
<b>Housing</b>											
<b>Staff Housing</b>											
28 Eugenia Kurunuma - Rental Income	6,550		6,550	1,200			1,200			Market rent paid while not in use by employee	7,750
Ivanhoe Curwen Park - Rental Income				1,000	1,000					Rent paid by Employee	1,000
11 Kewmans St Wyndham - Rental Income				2,500	2,500					Estimated rent payable by employee	2,500
98 Plum Court Kurunuma - Rental Income				3,500	3,500					Estimated rent payable by employee	3,500
Profit On Sale Of Assets - Staff Housing	158,154		158,154	(158,154)	(158,154)					Council resolution to defer sale	
<b>Community Amenities</b>											
<b>Sanitation - Household Refuse</b>											
Refuse Collection	607,650		607,650	16,000			16,000			New bins not included in modelling - new residences	623,650
Additional Refuse Collection	137,520		137,520	(10,000)			(10,000)			Bins handed back by ratepayers	127,520
UV Waste Management Levy	45,240		45,240	1,030			1,030			Additional revenue raised in rates billing	47,270
Landfill Recycling Income				3,000			3,000			New account to differentiate series income from disposal fees	3,000
Repair And Replacement Bins	5,000		5,000	8,000			8,000			More bin repairs than expected	13,000
Rubbish Disposal Charges	200,000		200,000	80,000			80,000			Revenue budget underestimated	280,000
<b>Protection Of The Environment</b>											
<b>Weed Control Grants</b>											
Erosion Control Lot 328 (UCL) Weeber Plains - Protection of Environment				7,822	7,822					New account for unbudgeted grant income	7,822
Environmental Services Revenue - Protection of the Environment				30,000	30,000					New account for unbudgeted grant income	30,000
Environmental Services Revenue - Protection of the Environment				3,900	3,900					New account for provision of environmental services	3,900
<b>Town Planning And Regional Development</b>											
Development Application Fees	28,000		28,000	24,000			24,000			Increase in development applications above budget	50,000
Subdivision Fees	5,000		5,000	1,100			1,100			Additional subdivision fees	6,100
<b>Other Community Amenities</b>											
Charges - Cemetery	23,000		23,000	(1,000)	(1,000)					Tif funeral directors fee budget to 1100711	22,000
Charges - Cemetery (Non GST apply)				1,000	1,000					Tif funeral directors fee budget ex 1100710	1,000
<b>Recreation And Culture</b>											
<b>Public Halls</b>											
Wyndham Hall Hire	3,500		3,500	2,500	2,500					Additional hire revenue anticipated	6,000
<b>Swimming Areas And Beaches</b>											

Pool Courses - Kurunuma Swimming Complex	8,000		8,000	(3,500)			(3,500)	Less revenue than anticipated at budget	4,500
Swim School Income - Kurunuma Swimming Complex	20,000		20,000	(3,000)			(3,000)	Less revenue than anticipated at budget	17,000
Pool Hire (Functions) - Kurunuma Swimming Complex	2,000		2,000	2,500		2,500		Additional revenue from hire of facility	4,500
Pool Admissions - Wyndham Swimming Complex	8,000		8,000	(3,000)			(3,000)	Pool opening later than expected when budget set	5,000
Pool Courses - Wyndham Swimming Complex	5,000		5,000	(4,000)			(4,000)	Pool opening later than expected when budget set	1,000
Pool Hire (Functions) - Wyndham Swimming Complex	500		500	(500)			(500)	Pool opening later than expected when budget set	
Other Recreation And Sport									
Old River Sports Club Frednot Master Training - Grant	40,000		40,000	10,000	10,000			\$25K CSRFP, \$25K Public Open Space ex Trust	50,000
Recreation Hall Hire - Kurunuma Leisure Centre	25,000		25,000	2,500		2,500		Additional revenue anticipated	27,500
Classes And Programming - Kurunuma Leisure Centre	30,000		30,000	5,000		5,000		Additional revenue anticipated	35,000
Squash Court And Equipment - Kurunuma Leisure Centre	10,000		10,000	(2,000)			(2,000)	Budget estimate too high	8,000
Sale Of Consumables - Kurunuma Leisure Centre	7,000		7,000	23,000	17,000	8,000		Additional revenue anticipated, offset by increase in cost of consumables purchased	30,000
Lease Fee - Kurunuma Leisure Centre	4,000		4,000	(4,000)			(4,000)	Kiosk lease opportunity not taken up	
Court Hire - Wyndham Recreation Centre	3,000		3,000	(2,500)			(2,500)	Recreation position not filled	500
Classes And Programming - Wyndham Recreation Centre	5,000		5,000	(5,000)			(5,000)	Recreation position not filled	
Casual Use - Wyndham Recreation Centre	3,000		3,000	1,000		1,000		Increase in casual use	4,000
Grants - Wyndham Recreation Centre	5,000		5,000	(5,000)			(5,000)	Grant opportunity not achieved	
Oval Hire - Kurunuma Grounds	5,000		5,000	1,000		1,000		Additional revenue anticipated	6,000
Hardcourt Hire - Kurunuma Grounds	2,500		2,500	9,000		9,000		Additional revenue anticipated	11,500
Hire Of Parks	1,500		1,500	500				Additional revenue anticipated	2,000
Contributions - Water Supply	15,000		15,000	7,000		7,000		Additional revenue anticipated	22,000
Libraries									
Waters Festival Income - Libraries	25,000		25,000	2,450		2,450		Income from 2008/09 received in 2009/10	27,450
Transport									
Streets Roads And Bridges - Maintenance									
MRTA Direct Grants	118,400		118,400	1,350		1,350		Grant slightly higher than budgeted	117,790
Contributions - Directional Signage				1,000			1,000	New account, budget required	1,000
Aerodromes									
Aircraft Landing Fees - East Kimberley Regional Airport	1,100,000		1,100,000	300,000		300,000		More landing fees than anticipated	1,400,000
Leases - East Kimberley Regional Airport Other	39,500		39,500	30,500		30,500		Additional lease fees - Air BP and CASA	70,000
Private Works - Airport Operations	13,000		13,000	5,000		5,000		More private works than anticipated	18,000
Reimbursements - East Kimberley Regional Airport				35,000		35,000		Electricity reimbursements left out of budget	35,000
Other Income - East Kimberley Regional Airport	10,000		10,000	(5,000)		(5,000)			5,000
Aircraft Landing Fees - Wyndham Airport	30,000		30,000	17,000		17,000		More landing fees than anticipated	47,000
Other Income - Wyndham Airport	20,000		20,000	25,000		25,000		Electricity and water reimbursements left out of budget	45,000
Economic Services									
Tourism And Arts Promotion									
Camping Fees (Overflow Caravan Park)				25,200	25,200			Overflow Caravan Park at Race Course Proposed	
Camping Fees (Temporary Caravan Park)	2,800		2,800	(2,800)	(2,800)			Temporary Park did not go ahead renews account	
Building Control									
Licences - Building Control	100,000		100,000	50,000		50,000		Additional revenue anticipated due to increase in building applications	150,000
Fees And Charges (Cat Apply) - Building Control	3,500		3,500	3,000		3,000		Additional revenue anticipated due to increase in building applications	6,500
Fees & Charges (No Cat) - Building Control	8,500		8,500	2,000		2,000		Additional revenue anticipated due to increase in building applications	8,500
Other Properties And Services									
Unclassified									
Transfer In Long Service Leave Entitlements				74,497		74,497		Tf in LSL entitlements from another State - to be transferred to Reserve	74,497
General Purpose Funding									
Rates									
Wine Offs - Rates	(40,000)		(40,000)	7,000		7,000		Expected Savings	(33,000)
Emergency Services Levy Payment - Rates	(154,500)		(154,500)	(10,400)	(10,400)			Additional ESL raised, offsets increased revenue	(164,900)
Other General Purpose Funding									
Bank Charges - East Kimberley Development Package Fund				(100)	(100)			New account for EDDP bank fees	(100)
Governance									
Members Of Council									
Member Fees - Meeting Allowance	(50,000)		(50,000)	5,000		5,000		Savings due to Member Vacancies	(55,000)
Member Fees - Communication Allowance	(21,800)		(21,800)	2,000		2,000		Savings due to Member Vacancies	(19,800)
Member Fees - Technology Allowance	(9,000)		(9,000)	800		800		Savings due to Member Vacancies	(8,200)
Other Governance									
Subscriptions And Memberships - Governance	(2,000)		(2,000)	(2,000)			(2,000)	Additional Subscriptions and Memberships	(4,000)
Strategic Planning Expenses	(500)		(500)	500		500		Budget not required	
Branding	(40,000)		(40,000)	(20,000)			(20,000)	Additional costs to implement brand eg merchandise, signage	(60,000)
Contribution Staff Social Club	(4,000)		(4,000)	(1,120)			(1,120)	Additional cost of christmas function	(5,120)
Legal Fees	(5,000)		(5,000)	15,000		15,000		Additional requirement to incur Legal Fees	10,000
Insurance Revaluations	(12,000)		(12,000)	2,000	800	1,200		Savings on revaluation costs	(10,000)
Sponsorship AIDS Seminar	(4,800)		(4,800)	3,818		3,818		Sponsorship not required	(882)
Landbank - Tourism WA	(20,000)		(20,000)	1,800		1,800		GST included in budget	(18,200)
Zone Project Plan - RRR Submission	(25,000)		(25,000)	25,000	25,000			Tf to Zone Expenses	

Zone Expenses (Various accounts)				(100,000)	(100,000)				Costs of administering the Kimberley Zone, \$2511 from 2046225 (SWMK contribution) \$75K from other member Councils	(100,000)
Law, Order And Public Safety										
Fire Prevention										
Depreciation - Fire Prevention	(3,677)	(3,677)	3,677	3,677					Depreciation adjustment re new policy	
Depreciation - Fees	(4,712)	(4,712)	(1,288)	(1,288)					Depreciation adjustment re new policy	(6,000)
Other Law, Order And Public Safety										
Roadwise Education - Expenditure			(11,400)	(11,400)					Grant administered on behalf of Wyndham Roadwise Committee	(11,400)
Health										
Maternal And Infant Health										
Depreciation - Maternal & Infant Health	(312)	(312)	(206)	(206)					Depreciation adjustment re new policy	(500)
Preventative Services - Administration										
Sampling Expenses - Preventative Services	(7,000)	(7,000)	(2,000)	(2,000)					Increase costs associated with private water sampling	(9,000)
Health Trainee Program	(18,000)	(18,000)	10,000	3,500			8,500		Costs allocated to activities	(6,000)
Community Liaison	(3,500)	(3,500)	(3,500)	(3,500)					Increase required to fund charter flights	(7,000)
Preventative Services - Pest Control										
Mosquito Control	(30,880)	(30,880)	5,000				5,000		Savings on mosquito program	(25,880)
Depreciation - Preventative Services - Pest Control	(648)	(648)	(402)	(402)					Depreciation adjustment re new policy	(950)
Other Health										
Depreciation - Aboriginal Health	(1,255)	(1,255)	(195)	(195)					Depreciation adjustment re new policy	(1,450)
Education And Welfare										
Care Of Families And Children										
Family Daycare and Training Subsidy			(5,500)					(5,500)	Expeded claims on Council Offered Subsidy	(5,500)
Depreciation - Wyndham Childcare Centre	(2,749)	(2,749)	(2,051)	(2,051)					Depreciation adjustment re new policy	(4,800)
Depreciation - Ewin Centre	(2,931)	(2,931)	2,931	2,931					Depreciation adjustment re new policy	
Building Maintenance - Kununurra Childcare Centre	(4,000)	(4,000)	(2,000)	(2,000)					TfT from Garden Maintenance	(6,000)
Garden Maintenance - Kununurra Childcare Centre	(10,865)	(10,865)	2,000	2,000					Savings on Garden Maintenance	(8,865)
Depreciation - Kununurra Childcare Centre	(38,925)	(38,925)	(26,075)	(26,075)					Depreciation adjustment re new policy	(63,000)
Housing										
Staff Housing										
Building Maintenance - 23 Booballa Kununurra	(3,000)	(3,000)	(2,300)				(2,300)		Garden Maintenance while vacant	(5,300)
Building Maintenance - 28 Eugenia Kununurra	(4,000)	(4,000)	(17,000)				(17,000)		Painting and other maintenance while house was vacant	(21,000)
Building Maintenance - 16 Hibiscus Kununurra	(3,500)	(3,500)	(2,200)				(2,200)		Unbudgeted Airconditioner replacement	(5,700)
Lease Costs - 11 Kwinana St, Wyndham			(8,585)	(2,500)			(4,085)		Accommodation Wyndham Childcare and Youth Services	(6,585)
Lease Costs - 95 Plum Court, Kununurra			(11,700)	(3,500)			(8,200)		Accommodation for replacement to Works Supervisor Role	(11,700)
Building Maintenance - 16 Kimberley Wyndham			(2,500)				(2,500)		No budget as house to be sold, delayed	(2,500)
New Loan Staff Housing Loan - Interest	(11,744)	(11,744)	9,000				9,000		Savings because loan not taken out when expected	(2,744)
Insurance - Staff Housing	(7,780)	(7,780)	(385)				(385)		Additional cost due to insurance revaluation	(8,165)
Depreciation - Staff Housing	(80,412)	(80,412)	(7,588)	(7,588)					Depreciation adjustment re new policy	(88,000)
Other Housing										
Depreciation - Other Housing	(1,729)	(1,729)	(1,121)	(1,121)					Depreciation adjustment re new policy	(2,850)
Community Amenities										
Sanitation - Household Refuse										
Depreciation - Sanitation - Household Refuse	(5,133)	(5,133)	133	133					Depreciation adjustment re new policy	(5,000)
Sanitation - Other										
Fire Cyclone Cleanups	(40,428)	(40,428)	(9,050)				(9,050)		Additional costs of contractors for Kununurra Cleanup	(49,478)
Urban Stormwater Drainage										
Depreciation - Urban Stormwater Drainage	(1,290)	(1,290)	790	790					Depreciation adjustment re new policy	(500)
Protection Of The Environment										
Lake Kununurra Project	(70,000)	(70,000)	70,000	70,000					TfT to capital account 4100510	
Erosion Control Lot 528 (UCL) Wember Plains - Protection of Environment			(30,000)	(30,000)					Expenditure of new grant 1100530	(30,000)
Litter Clean Ups	(2,000)	(2,000)	2,000				2,000		Budget not required 2009/10	
Baby Trees Program	(5,000)	(5,000)	(2,500)	(2,500)					TfT Native trees 2100517	(7,500)
Native Tree Program	(2,500)	(2,500)	2,500	2,500					TfT to Baby trees 2100516	
Cumbrung Management	(75,000)	(75,000)	(12,700)				(12,700)		Additional project costs of trial	(87,700)
Environmental Services Expenses - Protection of the Environment			(3,900)	(3,900)					New account for expenses relating to provision of environmental services	(3,900)
Town Planning And Regional Development										
Consultants - Town Planning And Regional Development	(15,000)	(30,000)	(45,000)	30,000	30,000				Transfer to Town Planning Scheme Review 2141010	(15,000)
Advertising - Town Planning And Regional Development	(5,000)		(5,000)	(5,000)				(5,000)	Additional costs due to increase in planning activity	(10,000)
Salary And Wages - Town Planning & Regional Development	(194,898)	(40,000)	(234,898)	40,000	40,000		40,000		Adjustment to EKDP Project Schedule	(194,898)
Salary Overheads - Town Planning & Regional Development	(37,041)	(35,000)	(72,041)	35,000	35,000		35,000		Adjustment to EKDP Project Schedule	(37,041)
Other Community Amenities										
Depreciation - Other Community Amenities	(7,670)	(7,670)	(4,330)	(4,330)					Depreciation adjustment re new policy	(12,000)
Depreciation - Public Conveniences	(5,217)	(5,217)	(27,783)	(27,783)					Depreciation adjustment re new policy	(33,000)
Depreciation - Cemetery	(601)	(601)	(399)	(399)					Depreciation adjustment re new policy	(1,000)
Garden Maintenance - Kununurra Youth Centre	(13,289)	(13,289)	8,000	8,000					TfT to Kununurra Sports Oval 2111011	(5,289)
Crime Prevention Initiative	(27,000)	(27,000)	2,000	2,000					TfT to graffiti trailer 4101010	(25,000)

Hype Program Costs - Kurunuru	(7,500)	(7,500)	7,500			7,500	No budget required, costs already acquired	
Hype Program Costs - Wyndham	(7,500)	(7,500)	7,500			7,500	No budget required, costs already acquired	
Depreciation - Youth Services	(48,729)	(48,729)	(25,271)	(25,271)			Depreciation adjustment re new policy	(72,000)
<b>Recreation and Culture</b>								
<b>Public Halls</b>								
Depreciation - Public Halls	(7,208)	(7,208)	(4,792)	(4,792)			Depreciation adjustment re new policy	(12,000)
<b>Swimming Areas And Beaches</b>								
Depreciation - Swimming Areas And Beaches	(29,288)	(29,288)	9,288	9,288			Depreciation adjustment re new policy	(20,000)
Pool Operating - Kurunuru Swimming Complex	(50,000)	(50,000)	(22,500)			(22,500)	Additional cost of chemicals	(72,500)
Garden Maintenance - External Kurunuru Swimming Complex	(37,359)	(37,359)	20,000			20,000	Savings due to better management of time and costs	(17,359)
Depreciation - Kurunuru Swimming Complex	(41,818)	(41,818)	(33,394)	(33,394)			Depreciation adjustment re new policy	(75,000)
Pool Maintenance - Wyndham Swimming Complex	(10,000)	(10,000)	5,000	7,000		1,000	Pool opening delayed due to construction	(2,000)
Building Maintenance - Wyndham Swimming Complex	(5,000)	(5,000)	(7,000)	(7,000)			Maintenance costs required but not included in upgrade	(12,000)
Equipment Maintenance - Wyndham Swimming Complex	(1,000)	(1,000)	800			800	Pool opening delayed due to construction	(200)
Programming Costs - Wyndham Swimming Complex	(2,000)	(2,000)	1,000			1,000	Pool opening delayed due to construction	(1,000)
Insurance - Wyndham Swimming Complex	(4,989)	(4,989)	(1,881)			(1,881)	Additional costs due to insurance revaluation	(6,870)
Depreciation - Wyndham Swimming Complex	(7,453)	(7,453)	(4,547)	(4,547)			Depreciation adjustment re new policy	(12,000)
Depreciation - Other Swimming Areas And Beaches	(2,247)	(2,247)	(1,753)	(1,753)			Depreciation adjustment re new policy	(4,000)
<b>Other Recreation And Sport</b>								
Ond River Sport Club Project Master Planning	(80,000)	(80,000)	(10,000)	(10,000)			\$40K council, \$25K CSRFP, \$25K POS Reserve	(90,000)
Depreciation - Other Recreation & Sport	(1,909)	(1,909)	(43,091)	(43,091)			Depreciation adjustment re new policy	(45,000)
Projects Recreation Services	(30,000)	(29,800)	(55,800)	15,000		10,000	Reduction in expenditure to offset other over expenditures	(40,800)
Depreciation - Recreation Services	(31,124)	(31,124)	26,624	26,624			Depreciation adjustment re new policy	(4,500)
Purchase Of Consumables For Sale - Kurunuru Leisure Ce	(5,000)	(5,000)	(17,000)	(17,000)			Additional consumables purchased, income also increased	(22,000)
Depreciation - Kurunuru Leisure Centre	(103,729)	(103,729)	(28,271)	(28,271)			Depreciation adjustment re new policy	(130,000)
Programming Costs - Wyndham Recreation Centre	(2,400)	(2,400)	2,000			2,000	Programs not run due to staff vacancies	(400)
Depreciation - Wyndham Recreation Centre	(21,388)	(21,388)	(10,814)	(10,814)			Depreciation adjustment re new policy	(32,000)
Agricultural Oval Maintenance	(34,068)	(34,068)	7,000	7,000			Tf to Kurunuru Sports Oval 2111011	(27,068)
Kurunuru Sports Oval Maintenance	(29,829)	(29,829)	(23,000)	(23,000)			Transfer from Poochoos, Youth Centre and Ag Oval	(52,829)
Oval Lights - Kurunuru Grounds	(20,000)	(20,000)	(9,000)			(9,000)	Light repairs and globe replacements ordered in 09/09 not invoiced until 09/10	(29,000)
Handicrafts Maintenance - Kurunuru Grounds	(500)	(500)	(9,000)			(9,000)	Electricity and grounds maintenance not factored into budget	(9,500)
Stapleak Maintenance - Kurunuru Grounds	(11,373)	(11,373)	(13,827)			(13,827)	Additional works approved by CEO due to safety concerns	(25,000)
Poochoos Grounds Maintenance	(8,987)	(8,987)	8,000	8,000			Tf to Kurunuru Sports Oval 2111011	(987)
Depreciation - Kurunuru Grounds	(11,853)	(11,853)	(2,347)	(2,347)			Depreciation adjustment re new policy	(14,000)
Depreciation - Wyndham Grounds	(541)	(541)	(159)			(159)	Depreciation adjustment re new policy	(700)
Insurance - Kurunuru Parks and Gardens			(159)	(109)				(109)
Depreciation - Kurunuru Parks And Gardens	(78,629)	(78,629)	3,820	3,820			Depreciation adjustment re new policy	(75,000)
Depreciation - Wyndham Parks And Gardens	(15,789)	(15,789)	(7,211)	(7,211)			Depreciation adjustment re new policy	(23,000)
<b>Television And Radio Re Broadcasting</b>								
Depreciation - Television & Radio Re Broadcasting	(9,253)	(9,253)	253	253			Depreciation adjustment re new policy	(9,000)
<b>Libraries</b>								
Visiting Author Program - Libraries	(2,500)	(2,500)	(1,700)			(1,700)	Budget overruns on 2009 writers festival	(4,200)
Writers Festival - Libraries	(27,500)	(27,500)	5,000	(2,490)		(2,500)	Budget overruns on 2009 writers festival	(32,500)
<b>Heritage</b>								
Depreciation - Heritage	(1,521)	(1,521)	(979)	(979)			Depreciation adjustment re new policy	(2,500)
<b>Other Culture</b>								
Depreciation - Other Culture	(75)	(75)	(50)	(50)			Depreciation adjustment re new policy	(125)
<b>Transport</b>								
<b>Streets, Roads And Bridges - Non Capital</b>								
Depreciation - Streets, Roads & Bridges - Non Capital	(9,917)	(9,917)	(5,083)	(5,083)			Depreciation adjustment re new policy	(15,000)
<b>Streets Roads And Bridges - Maintenance</b>								
Rural Road Maintenance	(637,480)	(637,480)	(130,000)	(130,000)			Tf from Urban Road Maint 2100211 and 2100212	(767,480)
Urban Road Maintenance - Wyndham	(297,841)	(297,841)	90,000	90,000			Tf to Rural Road Maint 2100210	(207,841)
Urban Road Maintenance - Kurunuru	(719,613)	(719,613)	40,000	40,000			Tf to Rural Road Maint 2100210	(679,613)
Street Lighting	(110,000)	(110,000)	(15,000)			(15,000)	Additional budget required due to increased electricity costs	(125,000)
Depreciation - Streets, Roads & Bridges - Maintenance	(688,158)	(688,158)	(383,844)	(383,844)			Depreciation adjustment re new policy	(1,030,000)
<b>Parking Facilities</b>								
Depreciation - Parking Facilities	(14,419)	(14,419)	(3,581)	(3,581)			Depreciation adjustment re new policy	(18,000)
<b>Traffic Control</b>								
Depreciation - Traffic Control	(9,159)	(9,159)	(841)	(841)			Depreciation adjustment re new policy	(10,000)
<b>Aerodromes</b>								
Plant Maintenance - East Kimberley Regional Airport	(6,000)	(6,000)	6,000			6,000	Budget not required allocated through plant usage	
Airside Operations - East Kimberley Regional Airport	(300,000)	(300,000)	50,000			50,000	Savings anticipated	(250,000)
Passenger Screening Expenses - East Kimberley Regional A	(500,000)	(500,000)	(150,000)			(150,000)	Additional costs of screening due to more RPT flights	(650,000)
Depreciation - East Kimberley Regional Airport	(341,581)	(341,581)	31,581	31,581			Depreciation adjustment re new policy	(310,000)
Plant Maintenance - Wyndham Airport	(10,000)	(10,000)	10,000			10,000	Budget not required allocated through plant usage	
Depreciation - Wyndham Airport	(3,730)	(3,730)	(270)	(270)			Depreciation adjustment re new policy	(4,000)

Economic Services											
Tourism And Area Promotion											
Other Expenses (Overtow Caravan/Park)				(25,200)	(25,200)						Expenses of running proposed overtow caravan park
Other Expenses Temporary Caravan Park	(2,500)		(2,500)	2,500	2,500						Did not go ahead, remain account
Building Control											
Salary And Wages - Building Control	(130,888)	(30,000)	(160,888)	30,000	30,000						Adjustment to EKDP Project Schedule
Salary Overheads - Building Control	(40,093)	(10,000)	(50,093)	10,000	10,000						Adjustment to EKDP Project Schedule
Other Property and Services											
Public Works Overheads											
Engineering Consultancy	(35,000)		(35,000)	(7,000)	(7,000)						Accommodation costs of consultant
Depot Wyndham - Refurbish Toilets	(15,000)		(15,000)	15,000	15,000						Tf to Capital 4140210 (New Account)
Depreciation - Public Works Overheads	(11,818)		(11,818)	818	818						Depreciation adjustment re new policy
General Administration Overheads											
Salary And Wages - Koroore Administration		(30,000)	(30,000)	30,000	30,000						Adjustment to EKDP Project Schedule
Salary Overheads - Koroore Administration	(88,932)	(10,000)	(98,932)	10,000	10,000						Adjustment to EKDP Project Schedule
Depreciation - Koroore Administration	(89,872)		(89,872)	(8,028)	(8,028)						Depreciation adjustment re new policy
Depreciation - Wyndham Administration	(13,953)		(13,953)	(1,947)	(1,947)						Depreciation adjustment re new policy
Depreciation - Information Services	(28,859)		(28,859)	8,859	8,859						Depreciation adjustment re new policy
Consultant Expenses - East Kimberley Development Package		(33,333)	(33,333)	33,333	33,333						Adjustment to EKDP Project Schedule
Plant Operation											
Plant Operating Cost Allocated	795,154		795,154	(183,912)	(183,912)						Adjust allocation to recover actual costs
Depreciation - Plant Operation	(438,348)		(438,348)	217,851	217,851						Depreciation adjustment re new policy
Town Planning Schemes											
Town Planning Scheme Review	(30,000)		(30,000)	(45,000)	(30,000)						Transfer \$30K Town Planning plus \$15K required additional
Adjustments and Accruals											
(Profit)/Loss on Asset Disposals											
Profit On Sale Of Assets - Staff Housing	(158,184)		(158,184)	158,184	158,184						Council Resolution to defer sale
Movement In Accruals and Provisions	3,264	(23,307)	(20,043)								(20,043)
Depreciation on Assets											
Depreciation - Fire Prevention	3,677		3,677	(3,677)	(3,677)						Depreciation adjustment re new policy
Depreciation - Fees	4,712		4,712	1,288	1,288						Depreciation adjustment re new policy
Depreciation - Maternal & Infant Health	312		312	208	208						Depreciation adjustment re new policy
Depreciation - Preventative Services - Pest Control	548		548	402	402						Depreciation adjustment re new policy
Depreciation - Aboriginal Health	1,258		1,258	195	195						Depreciation adjustment re new policy
Depreciation - Wyndham Childcare Centre	2,749		2,749	2,061	2,061						Depreciation adjustment re new policy
Depreciation - Eyre Centre	2,931		2,931	(2,931)	(2,931)						Depreciation adjustment re new policy
Depreciation - Koroore Childcare Centre	38,925		38,925	28,075	28,075						Depreciation adjustment re new policy
Depreciation - Staff Housing	80,412		80,412	7,588	7,588						Depreciation adjustment re new policy
Depreciation - Other Housing	1,729		1,729	1,121	1,121						Depreciation adjustment re new policy
Depreciation - Sanitation - Household Refuse	5,133		5,133	(133)	(133)						Depreciation adjustment re new policy
Depreciation - Urban Stormwater Drainage	1,290		1,290	(790)	(790)						Depreciation adjustment re new policy
Depreciation - Other Community Amenities	7,870		7,870	4,330	4,330						Depreciation adjustment re new policy
Depreciation - Public Conveniences	5,217		5,217	27,783	27,783						Depreciation adjustment re new policy
Depreciation - Cemetery	601		601	399	399						Depreciation adjustment re new policy
Depreciation - Youth Services	48,729		48,729	25,271	25,271						Depreciation adjustment re new policy
Depreciation - Public Halls	7,208		7,208	4,792	4,792						Depreciation adjustment re new policy
Depreciation - Swimming Areas And Beaches	29,298		29,298	(9,298)	(9,298)						Depreciation adjustment re new policy
Depreciation - Koroore Swimming Complex	41,818		41,818	33,384	33,384						Depreciation adjustment re new policy
Depreciation - Wyndham Swimming Complex	7,453		7,453	4,547	4,547						Depreciation adjustment re new policy
Depreciation - Other Swimming Areas And Beaches	2,247		2,247	1,753	1,753						Depreciation adjustment re new policy
Depreciation - Other Recreation & Sport	1,909		1,909	43,091	43,091						Depreciation adjustment re new policy
Depreciation - Recreation Services	31,124		31,124	(28,824)	(28,824)						Depreciation adjustment re new policy
Depreciation - Koroore Leisure Centre	103,729		103,729	28,271	28,271						Depreciation adjustment re new policy
Depreciation - Wyndham Recreation Centre	21,388		21,388	10,814	10,814						Depreciation adjustment re new policy
Depreciation - Koroore Grounds	11,853		11,853	2,347	2,347						Depreciation adjustment re new policy
Depreciation - Wyndham Grounds	541		541	159	159						Depreciation adjustment re new policy
Depreciation - Koroore Parks And Gardens	78,820		78,820	(9,820)	(9,820)						Depreciation adjustment re new policy
Depreciation - Wyndham Parks And Gardens	15,789		15,789	7,211	7,211						Depreciation adjustment re new policy
Depreciation - Television & Radio Re Broadcasting	9,253		9,253	(253)	(253)						Depreciation adjustment re new policy
Depreciation - Heritage	1,521		1,521	979	979						Depreciation adjustment re new policy
Depreciation - Other Culture	75		75	50	50						Depreciation adjustment re new policy
Depreciation - Streets, Roads & Bridges - Non Capital	9,917		9,917	5,083	5,083						Depreciation adjustment re new policy
Depreciation - Streets, Roads & Bridges - Maintenance	688,158		688,158	383,644	383,644						Depreciation adjustment re new policy
Depreciation - Parking Facilities	14,419		14,419	3,581	3,581						Depreciation adjustment re new policy
Depreciation - Traffic Control	9,159		9,159	841	841						Depreciation adjustment re new policy
Depreciation - East Kimberley Regional Airport	341,581		341,581	(31,581)	(31,581)						Depreciation adjustment re new policy
Depreciation - Wyndham Airport	3,730		3,730	270	270						Depreciation adjustment re new policy

Depreciation - Public Works Overheads	11,818		11,818	(518)	(518)			Depreciation adjustment re new policy	11,000
Depreciation - Kununurra Administration	89,972		89,972	8,028	8,028			Depreciation adjustment re new policy	96,000
Depreciation - Wyndham Administration	13,053		13,053	1,947	1,947			Depreciation adjustment re new policy	15,000
Depreciation - Information Services	28,859		28,859	(8,859)	(8,859)			Depreciation adjustment re new policy	20,000
Depreciation - Plant Operation	438,348		438,348	(217,851)	(217,851)			Depreciation adjustment re new policy	220,497
Purchase of Non-Current Assets									
Purchase Land and Buildings									
Administration Building - Transportable Office	(147,000)	(53,000)	(200,000)	(18,000)			(16,000)	Additional costs to fit out building	(216,000)
Staff Housing - Construction	(800,000)		(800,000)	(100,000)	(100,000)			Additional costs of housing - \$50K per Council resolution, \$20K increase costs of footings	(900,000)
Staff Housing - Park Homes		(100,000)	(100,000)			180,000		Adjustment to EKDP Project Schedule	
Lot 829 Kookana St - Demolition Costs	(48,950)		(48,950)	4,450			4,450	Savings on demolition	(44,500)
Protec Management Terminal Upgrade - East Kimberley Re	(100,000)	(25,000)	(125,000)			70,000		Budget to be transferred to 2010/11	(55,000)
Terminal Building Upgrade/Expansion - East Kimberley Regional Airport		(2,583,333)	(2,583,333)	2,183,333		1,183,333	1,000,000	Adjustment to EKDP Project Schedule	(400,000)
Patient Transfer Facility - East Kimberley Regional Airport		(380,000)	(380,000)			20,000	20,000	Adjustment to EKDP Administration Allowance	(360,000)
Public Conveniences - Wyndham Airport				(5,000)			(5,000)	Unbudgeted works carried over from previous year due to timing of invoices	(5,000)
Depot Wyndham - Refurbish Toilets				(25,000)	(15,000)			Tf \$15K ex 2140214, Additional \$10K required	(25,000)
Purchase Infrastructure Assets - Roads									
Kalbaruru Road - Re-Sheet	(1,170,000)		(1,170,000)	(15,000)	(15,000)			Increase in AAR funding for project	(1,185,000)
Wesley Plain Road - Reg - Reconstruct	(425,000)		(425,000)	(137,500)	(137,500)			Increase in RRDC funds for project, State contribution RGR funded	(562,500)
Coolbath Drive - RGR2 Reconstruct	(1,044,450)	58,568	(985,882)	(103,480)	(103,480)			Project over budget as project management overheads not included in budget	(1,089,342)
River Farm Road - Reconstruct	(100,000)		(100,000)	(302,000)		8,890		Savings of project	(293,110)
Road Upgrade - Carlton Road Hill	(459,000)		(459,000)	(120,229)			(120,229)	Additional cost of Cattle Grids (DEC partly funded)	(579,229)
Lake Apple Road - Culvert Replacements	(100,000)		(100,000)	8,250			8,250	Savings on Project	(91,750)
Barding Loop - Reconstruct	(115,000)		(115,000)	(28,000)			(28,000)	Increase in cost of cement stabilisation	(143,000)
Purchase Infrastructure Assets - Parks									
Parks - Pindan Park				(4,400)			(4,400)	Unbudgeted works carried over from previous year re park construction	(4,400)
Parks - Relocation Main Line Wesley Plain Road				(14,500)			(14,500)	Carry forward costs of 2009/10 project	(14,500)
Purchase Infrastructure Assets - Footpaths									
Wesley Plains Road - Footpath Construction				(28,500)	(28,500)			New Job - Backlog Funded 3120217	(28,500)
Purchase Infrastructure Assets - Drainage									
Barding Loop - Sub-soil Drainage	(25,000)		(25,000)	8,000			8,000	Savings on Project	(29,000)
Purchase Infrastructure Assets - Other									
Lake Kununurra Project - Capital Expenses				(72,000)	(70,000)			Tf from operating 2100510	(72,000)
Wyndham Recreational Jetty	(950,000)		(950,000)	800,000		800,000		Adjustment to EKDP Project Schedule	(150,000)
Aboriginal Hostel/Community Care	(3,087,500)		(3,087,500)	2,787,500		2,787,500		Adjustment to EKDP Project Schedule	(300,000)
Regional & Local Community Infrastructure Grant	(164,000)		(164,000)	184,000		164,000		Funds allocated to projects as per grant application	
Celebrity Tree Park - Power Upgrade				(40,000)	(40,000)			Allocation of Regional & Local Community Infrastructure Grant	(40,000)
Wyndham Pool - Water Feature				(54,000)	(54,000)			Allocation of Regional & Local Community Infrastructure Grant	(54,000)
Kununurra Landfill Site - Shed				(65,000)	(65,000)			Allocation of Regional & Local Community Infrastructure Grant	(65,000)
Wyndham Parks - Fencing				(5,000)	(5,000)			Allocation of Regional & Local Community Infrastructure Grant	(5,000)
Street Light Upgrades	(25,000)		(25,000)	8,000			8,000	Program for year less than anticipated	(27,000)
RPT Tachery Upgrade - East Kimberley Regional Airport				(50,000)			(50,000)	Tf between RADS projects	(50,000)
Hydrology Study - East Kimberley Regional Airport				(140,000)			90,000	Tf between RADS projects	(50,000)
Purchase Plant and Equipment									
Crime Prevention Program - Capital	(18,000)		(18,000)	(8,000)	(2,000)		(4,000)	\$4K Infrastructure contribution to trailer, Tf \$2K ex operating 2101020	(24,000)
Checked Baggage Screening Equipment				(50,000)			(50,000)	New ETD required	(50,000)
Airport Plant - Purchase Price	(141,000)		(141,000)	13,000			13,000	Savings on Purchases	(128,000)
AFRU and PAL Unit	(25,530)		(25,530)	12,000			12,000	Savings of project	(13,530)
Heavy Plant - Purchase Price	(888,000)		(888,000)	2,000			(3,000)	\$73K Loader for landfill site, as per Council Resolution, Savings \$75K on purchases	(893,000)
Light Plant - Purchase Price	(306,000)		(306,000)	12,000		12,000		Additional cost of vehicles \$23K offset by deferral of lease P362 (maintenance use)	(294,000)
Purchase Furniture and Equipment									
Kununurra Chambers - Table And Chairs	(8,000)		(8,000)	500			500	Savings on purchase	(5,500)
Wyndham Youth Service - Setup	(28,000)		(28,000)	20,000		20,000		Grant funding will not be received	(48,000)
Library Server and Computer Upgrades	(8,000)		(8,000)	(1,000)	(1,000)			Transfer between IT purchases	(9,000)
Server And Network Upgrades - Information Technology	(27,500)		(27,500)	4,000		4,000		Transfer between IT purchases	(23,500)
Laptop And Desktop Upgrades - Information Technology	(22,000)		(22,000)	(3,000)	(3,000)			Transfer between IT purchases	(25,000)
Capital Income									
Grants / Contributions for Development of Assets									
Celebrity Tree Park Toilet - Grant (Dof)				30,000			30,000	Grant revenue not claimed in 2009/10	30,000
Wyndham Youth Services - Capital Grant	20,000		20,000	(20,000)	(20,000)			Grant funding will not be received	
Wyndham Recreational Jetty Grant		1,000,000	1,000,000	2,000,000		2,000,000		Adjustment to EKDP Project Schedule	3,000,000
Aboriginal Hostel/Community Care Grant		3,250,000	3,250,000	(500,000)		(500,000)		Adjustment to EKDP Project Schedule	2,750,000
Celebrity Tree Park Car Park Grant				75,000			75,000	Grant revenue not claimed in 2009/10	75,000
Aboriginal Roads Funding - Federal Grants	220,000		220,000	10,000		10,000		Increase in funding Kalbaruru Road	230,000
Aboriginal Roads Funding - State Grants	110,000		110,000	5,000		5,000		Increase in funding Kalbaruru Road	115,000
Regional Road Group Grants	283,400		283,400	91,800		91,800		Increase in funding (Wesley Plain Road)	375,200

Regional Road Group Backlog of Funding			28,500	28,500					New funding for 4100000 Weaber Plain Footpath	28,500
Road Contributions Carlton Hill Road			80,000				80,000		Estimate of DEC Funding for Cattle Grid	80,000
Road To Recovery Grants	1,409,221	1,409,221	165,029	165,029					Increase in funding claimed to fund project overruns	1,574,250
Developer Contributions - Parking			120,000				120,000		Developer Contributions - to be transferred to reserve	120,000
Land Subdivision East Kimberley Regional Airport - Grant	50,000		50,000	20,000			20,000		Additional funding - Kimberley Regional Grants Scheme	70,000
East Kimberley Regional Airport Terminal Upgrade		1,666,667	1,668,667	2,833,333			2,833,333		Adjustment to EKDP Project Schedule	4,500,000
Proceeds from Disposal of Assets										
Airport Plant - Trade Value	29,500		29,500	13,000			13,000		Grader trade values achieved	42,500
Heavy Plant - Trade Value	180,000		180,000	5,400			5,400		Grader trade values achieved	185,400
Light Plant - Trade Value	107,000		107,000	(13,000)	(13,000)				PS02 not being traded due to additional cost of other light plant	94,000
Debentures										
Repayment of Debentures										
NL - Administration Building Land - Principal Repayment	(18,610)		(18,610)	18,610			18,610		Loan repayment bot due prior to 30.6.2010	
Proceeds from New Debentures										
New Loan - Staff Housing	700,000		700,000	100,000	100,000				Increase loan as per Council Resolution	800,000
Reserves										
Transfers to Reserves (Restricted Assets)										
Reserve Interest - Transfer To Reserve	(215,645)		(215,645)	(49,000)			(49,000)		Additional interest due to funds available to invest for longer	(264,645)
Waste Management Reserve - Transfer To Reserve	(106,970)		(106,970)	(96,000)			(96,000)		Additional transfer to reserve re increased tipping fees	(202,970)
Airport General Reserve - Transfer to Reserve	(210,472)		(210,472)	(396,500)			(396,500)		Additional transfer to reserve re no impact of amendments relating to Airport Operations	(606,972)
Paving Reserve - Transfer to Reserve				(120,000)			(120,000)		Developer Contributions transferred to Reserve	(120,000)
Staff Entitlement Reserve - Transfer to Reserve				(74,497)			(74,497)		Transfer LSL Entitlements transferred from another State	(74,497)
Transfers from Reserves (Restricted Assets)										
Airport General Reserve - Transfer From Reserve		1,375,500	1,375,500	(1,000,000)			(1,000,000)		Adjustment to EKDP Project Schedule	375,500
Plant And Equipment Reserve - Transfer From Reserve	200,000		200,000	(75,000)			(75,000)		Savings on changeover cost of Grader	125,000
Waste Management Reserve - Transfer from Reserve				73,000			73,000		Council Decision re purchase of loader at landfill site	73,000
Staff Housing Reserve - Transfer From Reserve	45,950		45,950	(4,450)			(4,450)		Savings on demolition of infant health building	44,500
Parks Reserve - Transfer From Reserve	241,400	45,900	287,300	18,900			18,900		To fund cost overruns	305,900
Add Estimated Surplus/(Deficit) July 1 B/Pwd	4,504,844	601,955	5,526,799							5,526,799
Less Estimated Surplus/(Deficit) June 30 C/Pwd	429,614	61,091	490,705	9,827,500			9,827,500			10,118,205
<b>Amount Required to be Raised from Rates</b>										
Rates Revenue	5,281,079		5,281,079	(28,000)	(28,000)				Mining leviments handed back reducing revenue, offset by interim rates	5,253,079
Rates Discount	(180,000)		(180,000)	28,000	28,000				Less discount claimed than budgeted	(152,000)

**Shire of Wyndham East-Kimberley**  
**Budget Review February 2010**  
**East Kimberley Development Package**  
**as at 28 February 2010**

	Adopted	Budget	Amended	EKDP	Budget	Amended	EKDP
	Budget	Amendment	Budget	Whole	Amendment	Budget	Whole
	2009-10	2009-10	2009-10	of Life	2009-10	2009-10	of Life
	30 June 2009	22 September 2009			28 February 2010		
	\$	\$	\$	\$	\$	\$	\$
<b>Revenues</b>							
<i>Other General Purpose Funding</i>							
Interest Income - East Kimberley Development Package Funds					135,000	135,000	200,000
<i>Other Culture</i>							
Wyndham Picture Gardens Grant		300,000	300,000	300,000		300,000	300,000
<i>Grants / Contributions for Development of Assets</i>							
Wyndham Pool Upgrade - Capital Grants and Contributions	1,338,000	(50,000)	1,388,000	950,000		1,388,000	950,000
Patient Transfer Facility Grant - East Kimberley Regional Airport		400,000	400,000	400,000		400,000	400,000
East Kimberley Regional Airport Terminal Upgrade Grant		1,666,667	1,666,667	5,000,000	2,833,333	4,500,000	5,000,000
Wyndham Recreation Jetty		1,000,000	1,000,000	5,000,000	2,000,000	3,000,000	5,000,000
Aboriginal Hostel/Community Oval Grant		3,250,000	3,250,000	3,250,000	(500,000)	2,750,000	3,250,000
<b>Expenses</b>							
<i>Town Planning and Regional Development</i>							
Town Planner (2 Year Contract)		(75,000)	(75,000)	(200,000)	75,000		(200,000)
<i>Recreation and Culture</i>							
<i>Other Culture</i>							
Wyndham Picture Gardens Refurbishment		(285,000)	(285,000)	(285,000)		(285,000)	(285,000)
<i>Economic Services</i>							
<i>Building Control</i>							
Building Surveyor Trainee (LS 2 Year Contract)		(40,000)	(40,000)	(130,000)	40,000		(130,000)
<i>Other Property and Services</i>							
<i>General Administration Overheads</i>							
Support Services (LS 2 Year Contract)		(40,000)	(40,000)	(130,000)	40,000		(130,000)
Consultants EKDP		(33,333)	(33,333)	(65,000)	33,333		(65,000)
Administration Costs EKDP		(5,000)	(5,000)	(20,000)		(5,000)	(20,000)
Overhead Costs EKDP		(5,000)	(5,000)	(20,000)		(5,000)	(20,000)
<i>Capital Expenditure</i>							
<i>Purchase Land and Buildings</i>							
Terminal Building Upgrade/Expansion - East Kimberley Regional Airport		(1,583,333)	(1,583,333)	(4,750,000)	1,183,333	(400,000)	(5,000,000)
Patient Transfer Facility - East Kimberley Regional Airport		(380,000)	(380,000)	(380,000)	30,000	(380,000)	(380,000)
Staff Housing - Units		(180,000)	(180,000)	(180,000)	180,000		(356,250)
<i>Purchase Infrastructure Assets - Other</i>							
Wyndham Pool Upgrade	(1,338,000)	97,500	(1,340,500)	(902,500)		(1,340,500)	(902,500)
Aboriginal Hostel/Community Oval		(3,087,500)	(3,087,500)	(3,087,500)	2,787,500	(300,000)	(3,006,250)
Wyndham Recreation Jetty		(950,000)	(950,000)	(4,750,000)	800,000	(150,000)	(4,625,000)
<b>Carry Forward Surplus</b>					(9,627,500)	(9,627,500)	
		0	0		(0)		

*Note: the difference between individual project revenue and project expenditure is a 6 - 10% administration allowance  
This allowance is to be spent on additional resourcing to enable the organisation to achieve the Commonwealth project deadlines*

## 12.2.4 STRATEGIC RATING REVIEW AND POLICY

<b>DATE:</b>	20 April 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Shire Of Wyndham East Kimberley
<b>AUTHOR:</b>	Jo-Anne Ellis, Director Corporate Services
<b>REPORTING OFFICER:</b>	Jo-Anne Ellis, Director Corporate Services
<b>FILE NO:</b>	61.22.01
<b>ASSESSMENT NO:</b>	N/A

### **PURPOSE**

To present to Council for consideration and adoption of the draft Strategic Rates Review Report and draft Strategic Rating Policy.

### **BACKGROUND**

In the financial year 2008/2009 Council approved initial funding to undertake a review of the Shire of Wyndham East Kimberley rating structures and strategies to determine a clear and effective rating methodology.

Expressions of interest were called for in January 2009, funding was increased in the 2009/2010 year, and the chosen consultant, UHY Haines Norton, was appointed July 2009.

The consultant has met twice with members of the Audit Committee during the review process to present information and obtain feedback. A presentation summarising the review process, the review itself, the outcomes and actions was provided to the Council briefing session in March 2010.

### **STATUTORY IMPLICATIONS**

Local Government Act 1995  
Waste Avoidance and Resource Recovery Act 2007

### **POLICY IMPLICATIONS**

F18 Community Group Rating Policy needs to be repealed as it is inconsistent with the Local Government Act.

### **FINANCIAL IMPLICATIONS**

Nil at this stage, excepting budgeted consultant costs.

### **STRATEGIC IMPLICATIONS**

Shire of Wyndham East Kimberley Strategic Plan key result area 5 "Governance" indicates a requirement to make decisions consistent with policy and strategies, have a sound financial position and forward planning, and ensure revenue is diversified and maximised.

The Rating Strategy Review was listed in the Shire of Wyndham East Kimberley Plan for the Future (2008-2010) as a key strategic project under key result area of Governance

## **COMMUNITY CONSULTATION**

No community consultation has been undertaken in regard to this process.

Proposed differential rates are advertised annually for public comment as part of budget adoption process.

## **COMMENT**

The Strategic Rates Review Report details the legislative framework, current rating practices, principals of rating, alternate rating structures and recommendations for change.

The report recommends a Strategic Rating Policy that outlines the principals and methodology Council will use when exercising the discretionary power to determine the level and structure of rates levied under the Local Government Act 1995.

The policy identifies five principles of rating being: Equity, Capacity to Pay, Simplicity and Efficiency, Benefit and Compliance. The application of each of these principles is described along with the object and reasons of the Rating Structure. This policy has been amended by staff to include transitional provisions.

The Strategic Rating Policy and associated forms is the first step in implementing the recommendation from the Strategic Rates Review Report. It is suggested that the implementation of the other recommendations from the report is reported and monitored through the Audit Committee.

## **ATTACHMENTS**

1. Strategic Rates Review Report – January 2010 has been provided to Councillors as a separate attachment.
2. Draft Council Policy – Strategic Rating Policy.
3. Draft Form – Application for Rate Exemption.
4. Draft Form – Not for Profit Community Groups, Application for Rate Waiver/Concession.
5. Council Policy F18 – Community Group Rating Policy.

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council having considered the Strategic Rates Review Report and associated documentation:

1. Repeals Council Policy F18 – Community Group Rating Policy;
2. Adopts the draft Strategic Rates Review Report as attached;
3. Adopts draft Council Policy – Strategic Rating Policy;
4. Adopts draft Council Form – Application for Rate Exemption;
5. Adopts draft Council Form – Not for Profit Community Groups, Application for Rate Waiver/Concession; and

6. Requests a status report be included in the project updates to the Audit Committee to report and monitor the implementation of the recommendations from the Strategic Rates Review Report.

**COUNCIL DECISION**

**Minute No: 9092**

**Moved: Cr K Wright**

**Seconded: Cr D Ausburn**

**That Council having considered the Strategic Rates Review Report and associated documentation:**

1. **Repeals Council Policy F18 – Community Group Rating Policy;**
2. **Adopts the draft Strategic Rates Review Report as attached;**
3. **Adopts draft Council Policy – Strategic Rating Policy;**
4. **Adopts draft Council Form – Application for Rate Exemption;**
5. **Adopts draft Council Form – Not for Profit Community Groups, Application for Rate Waiver/Concession; and**
6. **Requests a status report be included in the project updates to the Audit Committee to report and monitor the implementation of the recommendations from the Strategic Rates Review Report.**

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

# **Shire of Wyndham East Kimberley**

## **Strategic Rates Review Report**

**January 2010**

**Adopted by Council 20 April 2010  
(Minute 9092)**

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UHY Haines Norton (WA) Pty Ltd  
Chartered Accountants | January 2010



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## EXECUTIVE SUMMARY

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### BACKGROUND

The Shire of Wyndham East Kimberley engaged UHY Haines Norton to undertake a review of the Shire's current rating structures. The outcomes of the review are set out below:

- Review the current differential rate categories with a focus on the reasons and objects for applying each category and their relevant rate levels.
- Determine the current level of minimum payments and the relationship to the number of rated properties.
- Review the extent of exempt properties, their exemption status, eligibility review periods and the basis for granting the exemption.
- Review mixed use properties with particular reference to tourism operations on pastoral lease land.

### LEGISLATIVE FRAMEWORK

Rates are calculated using values supplied by the Valuer General's Office. Land used predominantly for rural purposes is valued on its Unimproved Value (UV) with all other land valued on its annual Gross Rental Value (GRV). A change in the basis of land valuation is determined by the Minister for Local Government.

A council can set a uniform rate in the dollar for each valuation method or alternatively define differential categories within each valuation method. The Shire of Wyndham East Kimberley currently has two differential categories within GRV and five differential categories in UV.

The Council does not levy a service charge as defined under the Local Government Act (Act) nor does it apply an additional rate to any specified area of the district. During the course of our review we did not become aware of any issue which would cause us to recommend the use of any of these rating structures.

Since 2002 the Council has applied a rubbish levy under the Health Act to selected properties surrounding the town sites to help offset the cost of maintaining rubbish tip sites. The power to apply this levy has since been shifted to the Waste Avoidance and Resource Recovery Act 2007. Since its inception the levy has been applied as a flat charge rather than a rate in the dollar as provided for under the Act. The application of this flat charge should be reviewed to ensure compliance with the legislation.

### CURRENT RATING PRACTICES

In 2009-10 the Shire rated 2,315 properties being 77% GRV and 23% UV achieving \$5.3m in revenue, \$3.75m (71%) derived from GRV and \$1.55m (29%) from UV properties. In relation to the \$3.75m rates sourced from GRV properties 90% (\$3.37m) was raised from the Kununurra town site and 10% (\$0.38m) from Wyndham. The 2009-10 GRV rate in the dollar was 11.2244 cents applied across a valuation base of \$32.2m

## EXECUTIVE SUMMARY

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### CURRENT RATING PRACTICES

The 2009-10 budget contained five separate UV differential rate categories as follows:

Category	Rates \$	%	Characteristic
Rural Agriculture 1	471,674	31	Zoning
Mining	383,783	25	Land Use
Rural Agriculture 2	237,535	15	Zoning
Pastoral	230,361	15	Land Use
Rural Living	218,926	14	Zoning

A comparison of the rates set by the Shire of Wyndham East Kimberley with others in the Region shows the GRV rate in the dollar to be similar with the minimum payment amount slightly higher than most.

Within the Region there is little by way of a comparison with regard to the Shire's Rural Agriculture 1, 2 and Rural Living differential rate categories, however all have a pastoral and mining differential rate. The Shire of Wyndham East Kimberley has a lower mining and pastoral rate in the dollar than most others, most noticeably the immediate neighbour Derby West Kimberley. There is scope to consider an increase in these rating levels to ensure greater consistency.

All land in the District is rateable unless exempted by the Act. 811 properties in the Shire are recorded as exempt represented by Local Government/Crown Land (649, 80%), Charitable/Aboriginal Land Trust (124, 15%), Other Charitable (14, 2%), Religious Bodies (13, 2%) and Other (11, 1%).

Exemptions represent a lost revenue opportunity to the Shire. To ensure equity across the rate base and maximum possible revenue it is important to constantly review the validity of these exemptions. We have made a recommendation for improvements in this area and also provided reference material to the staff to assist in this regard.

The Shire does not have a Council policy that specifically addresses the reasons and objective of its current rating structure. The only formal rating policy (F18) that has come to our attention sets out the process for approval of exemptions for not-for-profit groups who own their own land. After reviewing this policy (to maintain compliance) we have recommended a change in practice from an exemption granted under Section 6.12 of the Act to the issue of an annual waiver under Section 6.47.

A Council policy addressing why differential rates are imposed and establishing some principles to support these decisions would assist the public and other stakeholders understand why variations in rating outcomes occur and provide confidence this function is being undertaken within a conceptual framework. We have included as Appendix E a draft Council policy for consideration.

## EXECUTIVE SUMMARY

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### PRINCIPLES OF RATING

To support the objects and reasons for the exercise of the Council's discretionary rating power we have outlined five principles of rating being; Equity, Capacity to Pay, Simplicity & Efficiency, Benefit and Compliance.

In essence the rating structures and rating levels should reflect fairness and equality across the rate base, consider the ratepayers capacity to pay due to their individual circumstances, be as simple as possible to explain, be transparent in its calculation and not be so complex as to deliver inefficient practices, should broadly reflect the level of benefit returned to the ratepayer and also be in compliance with the relevant legislation.

We have applied these five principles to the current rating structure to determine what changes would be required to generally meet the objectives.

### APPLYING THE PRINCIPLES TO GRV PROPERTIES

Currently GRV properties are effectively rated with a single uniform GRV rate in the dollar. Considering the distribution of the GRV values across the rate base this results in a rating structure that is consistent with the five rating principles of equity, capacity to pay, benefit, simplicity & efficiency and compliance. We support the continuation of this rating structure in the GRV town site areas.

### APPLYING THE PRINCIPLES TO UV PROPERTIES

We modelled the consequences of applying a uniform rate across all UV valued properties. Due to the distribution of values a uniform rate would result in a significant re-distribution of the rate burden. The result being a 88% reduction in rates for Pastoral, 60% reduction in Mining and a 70% increase for Rural Agriculture 1. This consequence could not be reconciled with the equity, benefit and capacity to pay principles albeit it would make the rating structures simpler and more efficient.

### APPLYING THE PRINCIPLES TO GRV PROPERTIES

The review examined the circumstances of mixed land use on pastoral leases. The Shire is aware of established tourism operations on these leases which are rated as pastoral regardless of the higher use put to the land. To maintain equity with other tourism operations in the town sites we examined the rating alternatives available to the Council. We consider it most appropriate to continue to seek approval for the land on which these non-rural activities are undertaken to be changed to a GRV valuation basis.

### ALTERNATIVE RATING – GRV

After reviewing the current practices and keeping in mind the principles of rating we have made recommendations for an alternative structure.

## EXECUTIVE SUMMARY

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### ALTERNATIVE RATING – GRV (CONTINUED)

The current uniform GRV general rate should be maintained for the town sites. In addition, the existing category of GRV Other should be retained but the rate in the dollar be the subject of a discount to that applicable to the town sites. This discounted GRV rate would be applicable to all industry, commerce and tourism operations outside the designated town site boundaries.

The discount gives effect to the benefit principle in that non-rural operations in remote areas are more self reliant and have access to fewer amenities than those within the town site boundaries. The level of the discount is at the discretion of the Council but we consider a discount of say between 40% and 60% to be appropriate.

The quantity of all GRV properties subject to a level of minimum payments is 22.5% (8.5% of the revenue). The maximum level allowable without ministerial approval is 50%. Over the past five years this percentage has been as low as 17%. The number of properties subject to a minimum payment appears reasonable and the Council should seek to maintain this percentage at between 15% and 30%. Minimum payments act as an incentive to develop vacant land and ensure an equitable contribution is made to the maintenance of non-exclusive services such as roads and community facilities.

### ALTERNATIVE RATING – UV

On assessment of the current UV differential rate categories we conclude there are sufficient reasons to maintain the Mining, Pastoral and Rural Living categories in their present form.

We identify a scope to increase the level of rating for Mining and Pastoral based on comparisons with the levels adopted by other local government in the Region. We also make a comparison of the rates currently applied to the Rural Living zoned and provide a means by which these can be assessed against GRV rated properties.

In reference to Rural Agriculture 1 and 2, during the review we were not able to establish a sufficient case for maintaining two separate differential rates applicable to each zone. General maintenance of the equity principle (the rate payable should be determined by the valuation) would see the two categories merge over time (say three years) so that all properties are rated at the same level under a new category of general agriculture.

This new differential rate would not be exclusive to any particular zone and would apply to all properties with a UV valuation that is not Mining, Pastoral or Rural Living. This will resolve a current anomaly where any UV rated property not zoned Rural Agriculture 1 or 2 or Rural Living and not used for pastoral or mining does not have a rate in the dollar to apply. We are aware of this circumstance in at least one case within the district.

## EXECUTIVE SUMMARY

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### SUMMARY

We consider adoption of the recommendations contained in this report will result in the Council being able to consistently and clearly respond to questions concerning the reasons and objective of the current rating structure. In addition a detailed review of the current exemptions will lead to greater equity and maximise rate revenue opportunities within the current legislative framework.

The mechanism for effecting this change is the adoption of a formal Council Policy outlining the rating structure, formalising the principles and setting out the objects and reasons for adopting differential rates.

We would like to acknowledge and thank the Executive Manager of Corporate Services and staff for their assistance during the course of this review.

### UHY HAINES NORTON

UHY Haines Norton is an association of independent firms. Responsibility for this report rests with UHY Haines Norton (Perth), which carries on business separately and independently from other UHY Haines Norton associated offices in Australia and UHY associated offices worldwide. These other independent offices shall have no legal liability to your organisation.

Our engagement was not an audit in accordance with Australian Auditing Standards or a review in accordance with Australian Auditing Standards applicable to review engagements. Had we undertaken such a review other matters might have come to our attention that would have been reported to you. Our report is solely for the Shire's information and is not to be used for any other purpose. We do not express any audit assurance on the balances stated in this report.

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## EXECUTIVE SUMMARY

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### SUMMARY OF RECOMMENDATIONS

#### We recommend:

	<b>Pg.</b>
<b>1</b> Processes be developed to ensure permanent changes in predominant land use from rural to non-rural generate an application to the Minister for a change in valuation method	<b>10</b>
<b>2</b> The Shire of Wyndham East Kimberley consult with the owner(s) of the property prior to any application to the Minister.	<b>10</b>
<b>3</b> The inclusion of a full description of the objects and reasons for the application of differential rates be available to the public to ensure compliance with Section 6.36(3)(c) of the Local Government Act.	<b>12</b>
<b>4</b> A review of the rubbish levy be undertaken to ensure legislative compliance is met and to confirm the original objectives of the Council's resolution remain.	<b>15</b>
<b>5</b> A review of all rate exempt properties to assess and determine their current eligibility.	<b>22</b>
<b>6</b> Granting an annual waiver under Section 6.47 of the Act by passing of a resolution (by absolute majority) at the time of adopting the annual budget which lists the entities to receive the waiver.	<b>26</b>
<b>7</b> No application of a uniform general rate for properties in the UV valuation category.	<b>35</b>
<b>8</b> A general uniform rate be applied to for GRV properties within a designated town site.	<b>36</b>
<b>9</b> The Council establish a new UV General Agriculture differential rate with a rate in the dollar in between the existing Rural Agriculture 1 and 2 differential rates and the variance between the two previous rates in the dollars gradually be adjusted over time (say a three year period) until all Agricultural properties are rated as General Agriculture.	<b>39</b>
<b>10</b> A new GRV differential rate category be created with a rate in the dollar at a discount to the current GRV town site rate in the dollar.	<b>44</b>
<b>11</b> A continuation of a UV differential rate for Pastoral Leased land.	<b>45</b>
<b>12</b> The Shire of Wyndham East Kimberley consider increasing the UV mining differential rate in the dollar to a level more comparable with surrounding local governments.	<b>46</b>

## BACKGROUND

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### OUTCOMES

The following review outcomes have been determined following discussions during the course of the review with the Elected Members and Staff at the Shire of Wyndham East Kimberley:

- Review the current differential rate categories with a focus on the reasons and objects for applying each category and their relevant rate levels.
- Determine the current level of minimum payments and the relationship to the number of rated properties.
- Review the extent of exempt properties, their exemption status, eligibility review periods and the basis for granting the exemption.
- Review mixed use properties with particular reference to tourist operations on pastoral lease land.

### METHODOLOGY

A summary of the methodology used in the development of our report as follows:

Action	Summary of Methodology
Onsite Workshop	Undertake an onsite workshop with Elected Members to discuss the issues and clarify the scope of the review.
Base Research	Assess: Rating history; current valuations and rating structures; strategic plans; current IT systems; the accuracy of the current rating data and current financial capacity.
Exemptions	Investigate the current exemptions in relation to land used for charitable purposes.
Calculations	Develop a spreadsheet model including alternative rating strategy calculations and predictions.
Draft Report	Preparation of a draft report following onsite meetings, base research and calculations.
Onsite Workshop	Undertake an onsite workshop with Elected Members to present the draft report and receive feedback.
Final report	Production of the final report after draft feedback.

## **LEGISLATIVE FRAMEWORK**

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### **INTRODUCTION**

The power to raise local government property rates is provided under the Local Government Act 1995 (the Act). The level of rates is determined annually with the adoption of a budget and using the following process set out under the Act:

- Identify the amount of any discretionary funds remaining from the previous budget period.
- Identify the expenditure for the budget year.
- Identify the revenue and income (independent of rates).
- Determine the deficiency, if any, (between the above components) which is to be met by raising property rates (providing the amount of total rates is not more or less than 10% of any deficiency).

Within this basic process the Council is free to raise rates at its discretion.

Determining the level of rate revenue required to meet the service needs of the District is not within the scope of our engagement and is ultimately determined annually by the current Elected Members. Rather, our review examines the rating structures and policies currently used to achieve the present level of rate revenue.

### **METHODS OF VALUATION**

#### **OVERVIEW**

There are two property valuation methods available under the Section 6.28 of the Act these are Gross Rental Value (GRV) and Unimproved Value (UV).

Land used predominately for rural purposes is valued using the UV method with the remainder valued using GRV.

Valuations are determined independent of the local government by the Valuer General's Office (Land Gate) in accordance with relevant legislation.

The bill amount of the annual property rate is determined by multiplying the current valuation (GRV or UV) by a rate in the dollar as adopted by the Council at the time of approving the annual budget.

## LEGISLATIVE FRAMEWORK

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### METHODS OF VALUATION (CONTINUED)

#### OVERVIEW (CONTINUED)

Unimproved values are provided to local governments annually however this is not the case for GRV's which are, on average, updated every three to five years. This makes comparing the level of the adopted GRV rate dollar between local governments less reliable than UV. This variance in valuation timing should be taken into consideration when making comparisons between local governments.

#### CHANGING METHODS

A change of valuation method is achieved by making application to the Minister for Local Government (The Minister). If the application is successful, a technical description of the subject land and notice of the change is published in the W.A. Government Gazette.

Due to a change in valuation type potentially resulting in a change in the level of rates contributed it is usual for consultation to occur with the property owner prior lodging an application with the Minister.

The Department of Local Government administers the process for the Minister and publishes guidance<sup>1</sup> (attached as **Appendix A**) which provides information on the process involved in making the application.

Where land is jointly used for rural and non-rural purposes there are two methods (detailed below) which may be used to apply different valuation methods to portions of the land.

#### SPLIT VALUATIONS

A split valuation may be applied to a portion of a lot or location. The process involves a local government (at its cost) identifying the subject area of land in alternate use and makes application to the Minister to approve a split valuation. This identification would usually be achieved by a survey or GPS reference and should be sufficient to generate a technical description.

#### SPOT VALUATIONS

Where the alternative use of the land occurs entirely on a separate lot or location, not just a portion, the local government may make application to the Minister for a change in valuation method and seek a spot valuation from the Valuer General.

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<sup>1</sup> 'Changing Methods of Valuation of Land Local Government Operational Guidelines - Number 02 May 2002'

## LEGISLATIVE FRAMEWORK

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### METHODS OF VALUATION (CONTINUED)

#### REVIEW OF PREDOMINANT USE

Close monitoring of changes in land use from rural to urban and the subsequent application to the Minister for valuation method would ensure the Shire maximises its rate revenue capacity and maintains rating equity within the district.

Our review identified a lack of developed processes for the regular review or monitoring of changes in the predominant land use characteristics across the district. ***We recommend processes be developed to ensure permanent changes in predominant land use from rural to non-rural generate an application to the Minister for a change in valuation method.*** Information regarding a change in the predominant use of property is available from any of the following sources:

- Building and development approvals;
- Town planning scheme amendments;
- Subdivision approvals; and
- Local knowledge and monitoring local advertising

#### CONSULTATION

A change in the valuation method can result in a change in the level of rates due by the property owner(s). For this reason ***we recommended the Shire of Wyndham East Kimberley consult with the owner(s) of the property prior to any application to the Minister.*** Indicative alternative values are available from the Valuer General for a fee. These indicative values would help quantify the potential change in financial outcome for the ratepayer.

### UNIFORM GENERAL RATES

#### OVERVIEW

As a default, a local government sets a general rate in the dollar for each valuation type (one rate for GRV and a different rate for UV). This is termed a uniform general rate in the dollar and would apply to all properties within a valuation type regardless of location or land use.

#### MINIMUM PAYMENTS

A local government may impose a general minimum payment on each valuation method (and also within each differential category). This result is all properties paying at least the

## LEGISLATIVE FRAMEWORK

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minimum payment amount regardless of the properties valuation. A lesser minimum may also be imposed on any portion of the district.

### UNIFORM GENERAL RATES

#### MINIMUM PAYMENTS (CONTINUED)

The Act restricts the maximum number of properties attracting a minimum payment to no more than 50% of the total rated properties. In addition, the number of properties with a minimum payment within each GRV and UV category cannot be greater than 50% of the number of rated properties within each category.

The Shire is well within this cap in the 2009-10 budget with the total rated properties being 2,315 of which 525 (23%) were on a minimum payment. Within each valuation type of GRV and UV the Shire was also well within the capping.

#### EXEMPTION FROM RATES

All land in the district is rateable unless exempted under Section 6.26 of the Act. Aside from land owned by the local government, the most common categories of exemptions under the Act are:

- Land owned or controlled by the Crown;
- Land held by a religious body as a place of worship, a related purpose or a school; and
- Land used exclusively for charitable purposes.

To achieve an exemption from rates the entity is usually required to submit an application for determination by the Council.

## DIFFERENTIAL RATES

#### OVERVIEW

As an alternative to setting a uniform general rate for each valuation method a local government may apply different rates in the dollar within each category. A different rate may be applied using the following characteristics, or combination thereof:

- The zoning of the land;
- The predominant use (as determined by the local government);
- If the land is vacant or not; and
- Any characteristics prescribed (nothing prescribed at present).

## LEGISLATIVE FRAMEWORK

### DIFFERENTIAL RATES (CONTINUED)

#### RESTRICTIONS ON DIFFERENTIAL RATES

Restrictions apply to these discretionary powers to ensure the rate in the dollar spread does not result in the highest differential rate being more than twice the lowest differential rate.

A local government may also impose a minimum payment on differentially rated properties but, similar to a uniform general rate, must ensure no more than 50% of the total rated properties in each differential category are minimum payments. The following table summarises the Shire's 2009-10 differential rate categories:

**TABLE 1 - SUMMARY OF THE RELEVANT MINIMUM PAYMENT COMPONENTS IN EACH DIFFERENTIAL CATEGORY (2009-10 BUDGET)**

Rate Category	Rate in \$	Total No. prop	No. Of Mins.	Twice Rate rule	50% Min. Rule
GRV - Townsite/Other	11.2244	1789	402	N/A	✓
UV - Rural Agriculture 1	0.4429	103	14	✓	✓
UV - Rural Agriculture 2	0.5729	116	6	✓	✓
UV - Rural Living	0.6746	93	0	✓	✓
UV - Pastoral	8.3171	28	1	×	✓
UV - Mining	10.4250	186	102	×	×

*Source data: Shire of Wyndham East Kimberley's published 2009-10 budget.*

The majority of differential categories in the 2009-10 budget were structured to meet the requirements of the Act with the crosses Table 1 highlighting the exceptions. UV pastoral and mining had a rate over twice the lowest UV differential rate and UV mining had more than 50% of the rates being minimum payments. We were advised the Minister for Local Government provided approval for these variations to the Act.

Before imposing differential rates and differential minimum payments a local government must provide local public notice of its intention to do so and consider any resultant submissions. We were advised that local public notice was given in respect of the 2009-10 differential rates and provided with the text of the advertisement.

Section 6.36(3)(c) of the Act requires a document describing the objects and the reasons for each proposed differential rate and minimum to be available for public inspection. On review of this document we consider it is lacking an adequate description of the objects and reasons for each differential rate. **We recommend the inclusion of a full description of the objects and reasons for the application of differential rates be available to the public to ensure compliance with Section 6.36(3)(c) of the Local Government Act.**

## **LEGISLATIVE FRAMEWORK**

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### **DIFFERENTIAL RATES (CONTINUED)**

#### **RESTRICTIONS ON DIFFERENTIAL RATES**

We acknowledge the absence of clarity surrounding the objects and reasons for each differential rate is one motivation for this review and the history behind the setting of differential rates may have been lost over time and not obvious to the current administration.

### **SERVICE CHARGES**

#### **OVERVIEW**

The Act permits service charges to be raised on owners and occupiers of land in limited circumstances such as:

- television and radio rebroadcasting;
- underground electricity;
- property surveillance and security; and
- water.

The Shire did not set a service charge in the 2009-10 budget and during our review we did not become aware of any issues which would lead us to recommend the raising of such a charge.

### **SPECIFIED AREA RATES**

#### **OVERVIEW**

The Act permits the raising of a specified area rate in addition to a general rate. This type of rate is used to fund specific work undertaken for a specific portion of the district. The use of any funds derived from a specified area rate must be applied to the purpose for which the rate was imposed.

Specified area rates are used as a funding source for defined projects within a limited area. For example, they may be raised to repay a loan for the construction of a community asset (say a Swimming Pool) or used to accumulate funds to meet future maintenance costs.

Many new residential developments constructed with a higher level of amenities than the surrounding suburbs attract a specified area rate to help offset the local government cope with the additional future maintenance costs.

The Shire did not raise a specified area rate in the 2009-10 budget and during our review we did not become aware of any issues which would lead us to recommend the introduction of such a rate.

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## **LEGISLATIVE FRAMEWORK**

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### **RUBBISH RATES**

#### **OVERVIEW**

On 31<sup>st</sup> July 2002, the Council passed a resolution (Ref. 4954) to establish a levy of \$115 on all properties within the T.P. zones Agriculture 1 and Agriculture 2 and also all properties with a constructed residence in the Rural Living zone. The amount of the levy has increased over time to \$160 in the 2009-10 budget.

The objective of the levy was to ensure the cost of managing and servicing refuse sites is distributed among residents reasonably expected to make use of the sites. It is understood properties to which the levy applies do not receive a rubbish receptacles collection service but may deposit their rubbish at the sites by independent means. Residents provided with a mandatory rubbish collection service would make contribution to the upkeep of the refuse sites though the \$350 annual bin collection charge.

#### **LEGISLATIVE POWER**

The head of power for the establishment of the levy was referenced in the Council minutes as Section 41 of the Health Act 1911 which, at the time, provided the authority to levy a rate to recover costs relevant to maintaining rubbish sites. The Health Act has subsequently been amended and the relevant powers are now contained within the new Waste Avoidance and Resource Recovery Act 2007 (WARR Act)

On reading of the original Section 41 we consider the levy is intended to be implemented as a rate in the dollar multiplied by properties GRV or UV and not as a flat charge as set in the original resolution. The intent of the section is supported by the existence of a capping within Section 41 setting a maximum rate in the dollar of 12 cents for GRV and 3 cents for UV properties. A reference to a rate and the rate capping has been carried over within Section 66 of the WARR Act.

In addition, at a briefing meeting with the Shire's Audit Committee we noted concern was expressed questioning if the objectives of the original resolution were being met as the levy was currently being applied to a number of vacant properties which are not contributing to the dumping of rubbish at the sites.

## LEGISLATIVE FRAMEWORK

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### RUBBISH RATES (CONTINUED)

#### LEGISLATIVE POWER (CONTINUED)

On review of the property and rating data provided to us we note the following:

- On thirty three occasions where the current \$160 levy was applied the zoning description was other than the zoning descriptions present in the original resolution.
- we identified six occasions where the \$160 levy was applied to a property with a land use of vacant Land.
- Except for assessment 1929, had the levy been applied as a rate in the dollar as opposed to a flat levy of \$160 it would not have resulted in a breach of the caps set under Section 66 of the WARR Act.

It would appear the rubbish levy has not been implemented as originally provided for in the Health Act and now the WARR Act. Considering this compliance matter and the concerns expressed regarding the objectives of the levy ***we recommend a review of the rubbish levy be undertaken to ensure legislative compliance is met and to confirm the original objectives of the Council's resolution remain.***

## CURRENT RATING PRACTICES

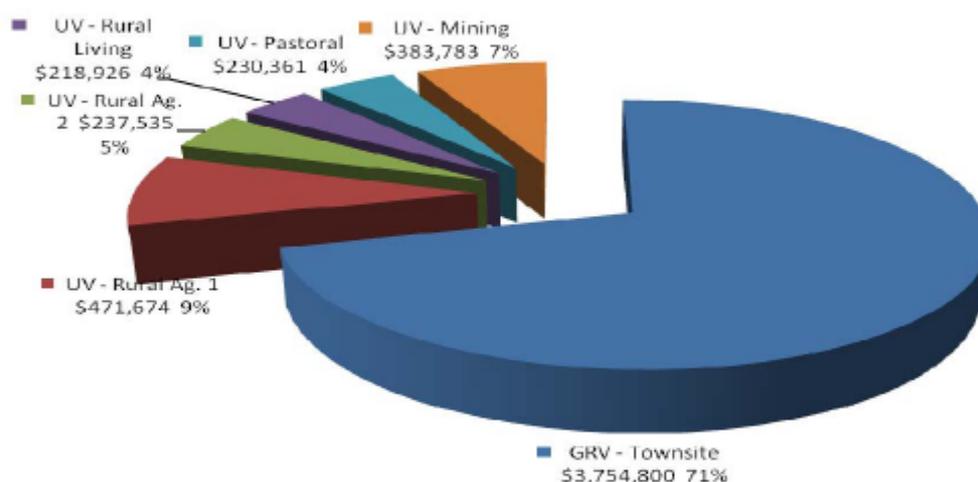
### INTRODUCTION

#### OVERVIEW

The 2009-10 Budget shows the Shire of Wyndham East Kimberley with 2,315 rated properties being 1,789 on a GRV basis and 526 properties valued using the UV method.

Graph 1 below shows the total estimated rate revenue of \$5,297,079 separated into the six different rating categories.

**GRAPH 1 – SHIRE OF WYNDHAM EAST KIMBERLEY ESTIMATED RATE REVENUE FOR 2009-10 SEPARATED BY RATING CATEGORIES**



*Data Source: Shire of Wyndham East Kimberley's published annual budget for 2009-10.*

Rates derived from the town sites provide 71% of the Shire's rate base with the second largest contributing category being properties zoned Rural Agriculture 1. Combined the two town sites and Rural Agriculture 1 are the source of 80% of the Shire's annual rate revenue.

Broadly, the Shires rate revenue is derived from two different valuation sources GRV and UV. The GRV valuation method is applied to non-rural properties and UV to the remaining rural properties. The proportion derived from each valuation basis varies from local government to local government dependent on the level of urbanisation.

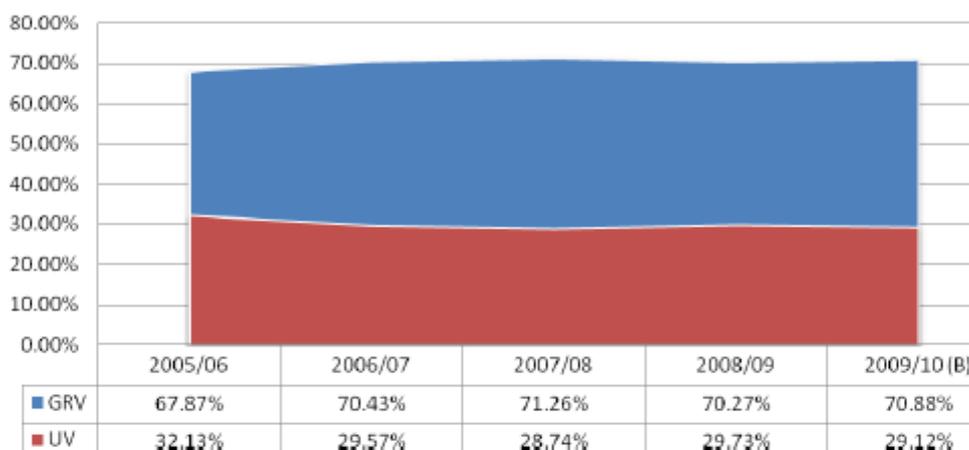
For the Shire of Wyndham East Kimberley the proportion of rates derived from the different valuation methods has remained relatively over the past five years stable at a 70% GRV 30% UV split with only slight variations as represented by the information in Graph 2 below.

## CURRENT RATING PRACTICES

### INTRODUCTION (CONTINUED)

#### OVERVIEW

**GRAPH 2 – THE SHIRE OF WYNDHAM EAST KIMBERLEY PROPORTION OF RATE REVENUE FROM GRV AND UV OVER TIME**



Data Source: Shire of Wyndham East Kimberley's published annual financial reports and 2009-10 annual budget.

### GROSS RENTAL VALUES

#### OVERVIEW

The 2009-10 general rate in the dollar for all GRV valued properties was 11.2244 cents, an increase of 5 percent on the previous budget period. The rate was levied on a GRV valuation base of \$32.2million and raised \$3,754,800 in rate revenue. This amount represents an annual rate contribution of 11.66% of the two town sites capacity to generate gross rental fees.

Table 2 below presents the GRV rate in the dollar adopted by the Council over the past five years.

**TABLE 2 - SUMMARY OF THE GRV RATE IN THE DOLLAR OVER THE PREVIOUS FIVE YEARS.**

	2005-06	2006-07	2007-08	2008-09	2009-10 (B)
GRV Town site	10.2644	9.3900	9.8980	10.6899	11.2244

The rate in the dollar has remained relatively stable with a dip in 2006-07 occurring due to the timing of the last general GRV revaluation provided by the Valuer General's Office. Another revaluation is scheduled for 1<sup>st</sup> July 2010 at which time the rate in the dollar is likely to again be adjusted to compensate for a global increase in the gross amount of GRV valuations.

## CURRENT RATING PRACTICES

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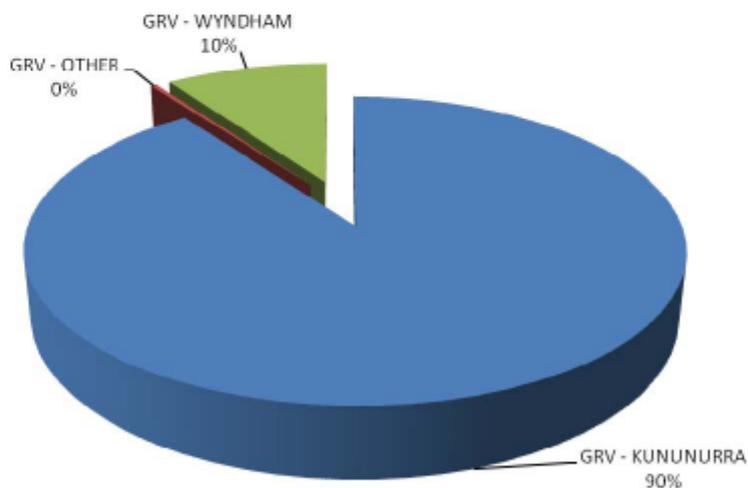
### GROSS RENTAL VALUES (CONTINUED)

#### DIFFERENTIAL RATES

The majority of GRV valued properties are within the town sites of Wyndham and Kununurra however there are two properties rated differentially as GRV – Other which are outside the designated town site areas. Although described as a differential rate the rate in the dollar applied to these two properties is the same as those in the town sites. In effect this results in the GRV rate in the dollar being applied as a uniform general rate.

GRV valuations are generally restricted to the within the designated town site boundaries and presented in Graph 3 below is the proportion of 2009-10 rate revenue estimated to be derived from each town site.

**GRAPH 3 – GRV RATE REVENUE SEPARATED BY LOCATION FOR 2009-10.**



*Data Source: Extracted by Management from the Shire of Wyndham East Kimberley property records as at 15 October 2009 (data may vary slightly from 2009-10 adopted budget due to interim valuation changes).*

In respect of the 2009-10 rate revenue collected from Wyndham approximately 64% of this is derived by the application of the \$788 minimum payment. In the case of Kununurra the proportion of minimum payments is significantly lower at approximately 2%.

## CURRENT RATING PRACTICES

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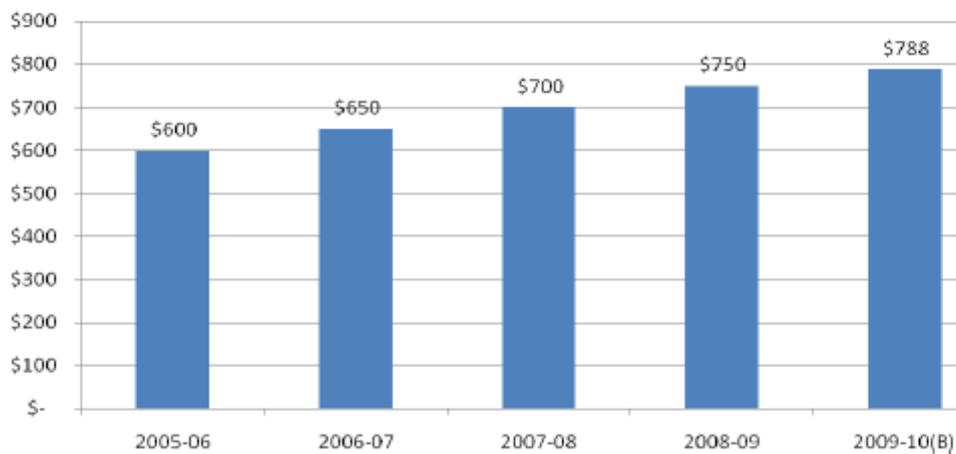
### GROSS RENTAL VALUES (CONTINUED)

#### MINIMUM PAYMENTS

The 2009-10 minimum payment amount across all GRV valued properties was \$788.00.

The following graph shows the changes in the minimum payment amount over the previous five years (2005-06 to 2009-10)

**GRAPH 4 – MINIMUM PAYMENT AMOUNT FOR THE PERIOD 2005-06 TO 2009-10.**



*Data Source: Shire of Wyndham East Kimberley's published annual financial reports and the annual budget for the periods.*

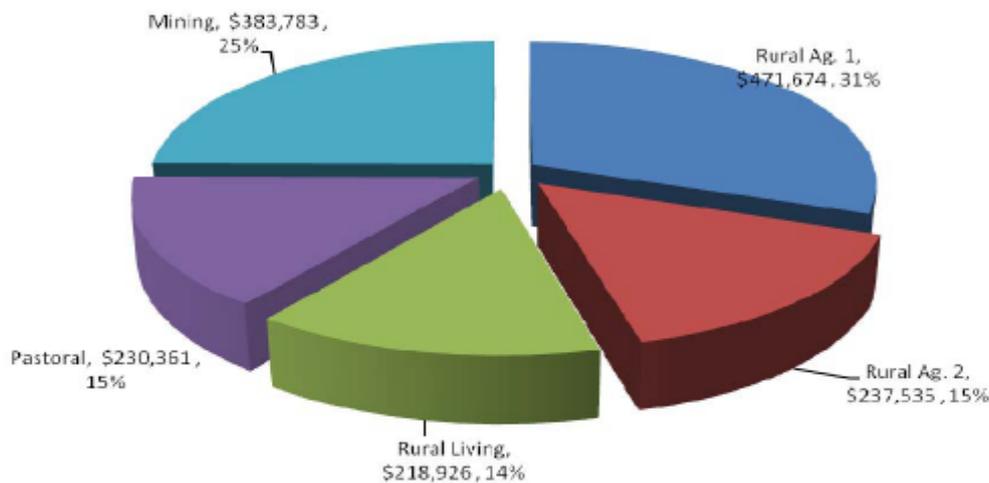
## CURRENT RATING PRACTICES

### UNIMPROVED VALUES

#### OVERVIEW

The number of UV valued properties in the 2009-10 budget was 526 raising revenue of \$1,542,279. Graph 5 below shows this amount separated into each of the 5 UV differential rate category.

**GRAPH 5 – RATE REVENUE FROM EACH UV DIFFERENTIAL CATEGORY FOR THE 2009-10 BUDGET.**



Data Source: Shire of Wyndham East Kimberley's published annual budget 2009-10.

#### DIFFERENTIAL RATES

The 2009-10 budget contained five differential rate categories each with a different rate in the dollar. These differential rate categories are determined using the following characteristics.

Differential Category	Basis of Differentiation
Rural Agriculture 1	Zoning
Rural Agriculture 2	Zoning
Rural Living	Zoning
Pastoral	Land Use
Mining	Land Use

Table 3 below presents a history of the UV differential rates in the dollar adopted by the Council over the past 5 years.

## CURRENT RATING PRACTICES

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### UNIMPROVED VALUES (CONTINUED)

#### DIFFERENTIAL RATES (CONTINUED)

**TABLE 3 - A HISTORY OF THE RATE IN THE DOLLAR FOR EACH DIFFERENTIAL RATE CATEGORY FROM 2005-06 TO 2009-10**

Category	2005-06	2006-07	2007-08	2008-09	2009-10 (B)
UV Rural Ag. 1	0.6128	0.6400	0.5745	0.4257	0.4429
UV Rural Ag. 2	0.9819	0.9000	0.5780	0.5466	0.5729
UV Rural Living	1.1478	1.1180	0.7665	0.6619	0.6746
UV Pastoral	6.7027	6.9700	7.5750	7.9210	8.3171
UV Mining	8.3883	8.7200	9.1931	9.9286	10.4250

*Data Source: Shire of Wyndham East Kimberley's published annual financial reports and the annual budget.*

These rates in the dollar resulted in the UV rate revenue percentages presented in Table 4 below.

**TABLE 4 - A HISTORY OF THE PROPORTION OF RATE REVENUE DERIVED FROM EACH DIFFERENTIAL RATE CATEGORY FROM 2005-06 TO 2009-10**

Category	2005-06	2006-07	2007-08	2008-09	2009-10 (B)
UV Rural Ag. 1	31.3%	38.4%	31.9%	30.1%	30.6%
UV Rural Ag. 2	14.5%	15.5%	15.7%	15.1%	15.4%
UV Rural Living	9.7%	10.0%	10.2%	16.2%	14.2%
UV Pastoral	14.8%	13.7%	14.7%	14.6%	14.9%
UV Mining	29.6%	22.4%	27.5%	24.0%	24.9%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

#### MINIMUM PAYMENTS

The 2009-10 minimum payment amount for UV valued properties was \$788 for all properties except mining which was \$1,000.

## CURRENT RATING PRACTICES

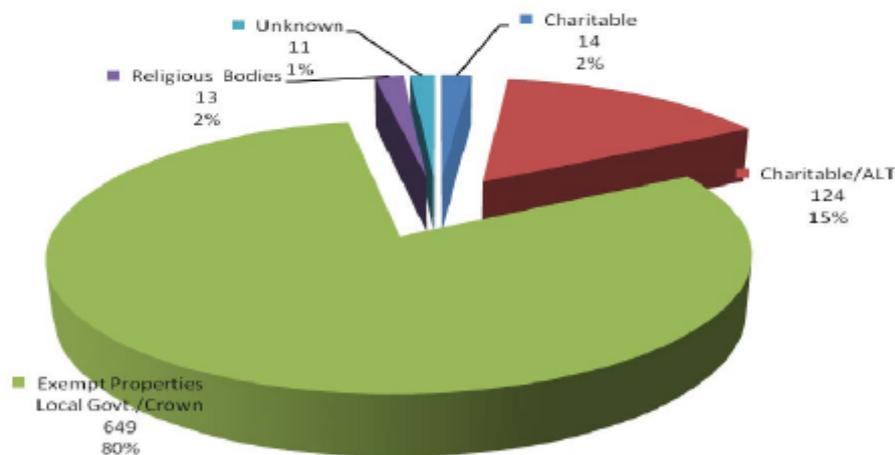
### EXEMPTIONS

#### OVERVIEW

There are presently 811 properties exempted from property rates for a variety of reasons under Section 6.26 of the Act. Due to the lack of a current valuation for these properties we are not able to determine the extent of revenue forgone in relation to these exemptions.

Graph 6 below represents a dissection of the 811 exempted into their various exemption categories. The majority of the exemptions (80%) relate to land owned by the Crown or the Shire. A significant number (17%) of properties are recorded as exempt due to their charitable status or recorded as in the ownership of the Aboriginal Lands Trust.

**GRAPH 6 – THE SHIRE OF WYNDHAM EAST KIMBERLEY NON RATED PROPERTIES BY EXEMPTION CATEGORY.**



*Data Source: Shire of Wyndham East Kimberley property register extract 15 October 2009 supplied by Management.*

#### EXEMPTION PROCESSES

During the course of our review we noted a lack of a developed process for the assessment, recording and review of exemptions granted under Section 6.26 of the Act. We consider there is an opportunity to make improvements in this area. We observed some progress staff have made toward a review of the exempt status of properties and encourage a continuation of this process. **We recommend a review of all rate exempt properties to assess and determine their current eligibility.** As part of the review the Shire may consider requesting previously exempted entities to re-apply to confirm their continued eligibility for the exemption. To assist in the process, we have attached as **Appendix B** a standard exemption application form sourced from another local government.

## CURRENT RATING PRACTICES

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### EXEMPTIONS (CONTINUED)

#### EXEMPTION PROCESSES (CONTINUED)

As a policy a review should occur at regular future intervals (say every three years) to ensure eligibility is current and in line with any recent case decisions regarding exemptions such as charitable purposes.

Attention is drawn to **Appendix C** which contains an extract from the Western Australian Bar Association Review Issue 6, October 2008 and summarises the outcomes of a case between Shire of Derby-West Kimberley –v- Yungngora Association Inc [2007]. The case involved the eligibility for rates exemption under section 6.26(2)(g) of the Act and provides guidance on when land is used exclusively for charitable purposes. We have also attached as **Appendix D** a copy of a document published by the Aboriginal Lands Trust which refers to their current practices and policy relevant to the payment of rates. From our review and discussions with staff there appears on face value a case for rates to be payable on some properties currently exempted by virtue of their ownership by the Aboriginal Land Trust.

### COMPARISONS – OTHER LOCAL GOVERNMENTS

#### RATE IN THE DOLLAR

On the following page we have compiled a summary of the rates set by selected local governments in the Kimberley and Pilbara region during 2008-09. Although the comparison adds context it should be remembered there will be differences in the timing of GRV valuations which may impact on the comparison.

## CURRENT RATING PRACTICES

**TABLE 5 – RATES INFORMATION FROM A SELECTION OF LOCAL GOVERNMENTS IN THE KIMBERLEY AND PILBARA REGION FOR THE 2008-09 FINANCIAL YEAR.**

	Wyndham East Kimb.	Derby West Kimb.	Halls Creek	Broome	East Pilbara	PT Hedland	Roebourne
<b>GRV</b>							
<b>Minimum</b>							
GRV	\$ 750	\$ 605	\$ 515	\$ 885	\$ 650	\$ 630	\$ 921
Nulleqine					\$ 475		
<b>Rate in \$</b>							
General	10.6899	10.2322	10.4500	10.1279	3.5766	11.6365	8.3537
Industrial					3.3856		
Town Centre					5.7668		
Town Centre/Airport							8.3427
Commercial				10.4317			
Commercial/Tourism				11.4445			8.3427
Industry/Mixed Business							8.0444
Nullagine					7.9605		
Marble Bar					7.7418		
Transient Workforce Accomm					6.3596		27.3868
<b>UV</b>							
<b>Minimum</b>							
UV	\$ 750	\$ 605	\$ 515	\$ 885	\$ 250	\$ 30	\$ 200
Mining	\$ 750		\$ 640				
<b>Rate in the \$</b>							
General		13.5490	6.9300		14.2619	9.6976	9.7227
Mining/Prospecting	9.9286	17.3737	12.6500	9.7142	12.5505	18.9369	9.7227
Pastoral	7.9210	12.9270		6.4835	9.7222		
Rural Aq. 1	0.4257						
Rural Aq. 2	0.5466						
Rural Living	0.6619						
Short Stay Accomm				3.0296			
Industrial					9.0180		
Town Centre					9.2592		
Coconut Wells				0.2047			
Twelve Mile				0.2253			
Commercial & Pearl Leases				2.0947			
Horticulture/Wattle Downs				0.6500			
Dampier Skuthorpe				0.3762			
Other						10.5409	
Other Vacant						10.5408	

Data Source: WA Local Government Rates Comparison 2008-09 Mansell Pty Ltd February 2009

## CURRENT RATING PRACTICES

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### RE-VALUATIONS

#### GROSS RENTAL VALUATIONS

GRV's are updated every 3 to 5 years depending on the resources available to the Valuer General's Office. However, local governments receive interim valuation changes in the intervening period where development triggers a new valuation for individual properties. The Shire of Wyndham East Kimberley is due to receive a general GRV re-valuation effective from 1<sup>st</sup> July 2010. General re-valuations may result in a re-distribution of the rate burden due to global changes in economic circumstances.

#### UNIMPROVED VALUATIONS

Unimproved valuations are revised and provided by the Valuer General's Office annually. This requires an annual adjustment by the local government of the rate in the dollar each budget to ensure the actual dollar yield is in line with the increase sought by the Council. In contrast with GRV, the availability of annual UV re-valuations results in any re-distribution of values occurring regularly making their impact appear less dramatic.

Table 6 presented below summarises the changes in valuation within each rate category over the past three financial years. There has been a steady increase in GRV's and UV pastoral values over this time however UV Rural Agriculture 1 and 2 experienced a sharp increase during 2007-08 to 2008-09 while UV mining was reduced.

**TABLE 6 - SHIRE OF WYNDHAM EAST KIMBERLEY CHANGES IN VALUATIONS WITHIN EACH RATE CATEGORY OVER THE PREVIOUS THREE YEARS**

<b>Category</b>	<b>2007-08</b>	<b>2008-09</b>	<b>2009-10 (B)</b>
GRV - Town site	31,102,566	31,571,100	32,206,039
UV - Rural Ag. 1	69,608,672	104,005,850	105,351,650
UV - Rural Ag. 2	34,581,000	41,462,000	41,462,000
UV - Rural Living	16,897,000	32,452,800	32,452,800
UV - Pastoral	2,426,253	2,625,253	2,766,253
UV - Mining	3,334,459	2,603,803	2,950,776

*Data Source: Shire of Wyndham East Kimberley's published annual financial reports and 2009-10 annual budget.*

## CURRENT RATING PRACTICES

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### CURRENT POLICY

#### OVERVIEW

With the exception of the policy outlined below, we did not identify any general Council policies relating to rating and in particular none outlining the principles, objects and reasons for the application of the current rating structures including the creation of differential rate categories.

The existence of a Council policy specifically relating to rating would help establish a framework within which staff may administer the rates function and help convey to the community the concepts and principles used by the Council in establishing the rating structures and arriving at various rating outcomes.

#### CURRENT RATING POLICIES

Policy number F18 - Community Group Rating Policy

Policy F18 established a process to permit not-for-profit community groups who own land in the district to apply to the Chief Executive Officer for a rate exemption. The rationale for the exemption is to allow these groups to achieve parity with community groups operating from exempt Council owned property.

The policy cites the enabling legislation as Section 6.12 of the Local Government Act 1995. We consider subsection 6.12 (2) of the Act does not permit the 'exemption' of money owing or the granting of a waiver or concession in respect of rates and service charges.

To achieve the objectives of the policy ***we recommend granting an annual waiver under Section 6.47 of the Act by passing of a resolution (by absolute majority) at the time of adopting the annual budget which lists the entities to receive the waiver.***

#### PRINCIPLES OF RATING

To assist with the establishment of a general policy relevant to rating we have identified five principles of rating which are explained in the following pages. We have also prepared a draft policy for Council consideration at **Appendix E** which incorporates these principles and sets out the objectives and reasons for various differential rating categories.

## **PRINCIPLES OF RATING**

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### **FIVE PRINCIPLES**

#### **OVERVIEW**

There are a number of principles which are generally accepted as being relevant to the establishment of a suitable rating structure. We have summarised these concepts into the following five areas:

- Equity
- Capacity to pay
- Simplicity and efficiency
- Benefit
- Compliance

#### **EQUITY**

Equity in property rating would in theory result in each ratepayer being taxed fairly in relation to all other ratepayers. In practice, fairness is achieved when ratepayers with similar wealth pay an equal or similar rate contribution and the wealthier ratepayers pay more due to their increased capacity to pay.

In determining the rate contribution level of each ratepayer a local government is restricted. The Act has determined that the level of rate contributions will be linked to the ratepayer's property value. By using the value of property as a proxy for wealth the Act seeks to establish an equitable or fair distribution of the rate burden.

#### **CAPACITY TO PAY**

As a proxy for capacity to pay the value of property is not always the most representative. In recognition of this imperfect relationship the Act provides a Council with the power to grant, at its discretion, annual rate concessions and waivers.

The value of a ratepayer's property is only a proxy for capacity to pay. Property ownership can span over many life stages and well into retirement. Accumulated property values over time can distort the relationship between income and property wealth. For this reason pensioners have a claim under the Rates and Charges (Rebates and Deferments) Act 1992 for a rebate or the right to defer rates. Regardless of a ratepayers property ownership level there is a limit to the capacity of most ratepayers to contribute to services through property rates. This limit must be considered when setting the level of rates to meet community needs and wants.

## **PRINCIPLES OF RATING**

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### **FIVE PRINCIPLES (CONTINUED)**

#### **SIMPLICITY AND EFFICIENCY**

The basis for setting the rates should be able to be explained to the ratepayer in simple terms. The calculation should not be so complex as to obscure its rationale and reduce understanding. The principle of simplicity extends to transparency and openness with the ratepayer having access to the underlying information relating to the rates calculation.

Added to the principle of simplicity is the need for the rating system to be efficient and cost effective. Rating options under the Act provide for various powers to set differential rates. The greater the number of differential rates the more complex the rating system is to administer leading to increased overheads and less efficiency.

#### **BENEFIT**

This principle is concerned with the relationship between the level of rates contributed and the benefits returned to the ratepayer. Rates are not a fee for service arrangement and the direct benefit received is unlikely to be equal to the level of the ratepayer's contributions. Rates contribute to the general benefit of the District and as such different ratepayers will receive different levels of service depending on their location and circumstances.

Although not a fee for service there is still a need to consider the level of benefit received by the ratepayer and, if possible, develop a structure that is somewhat proportional to the level of rates contributed. Generally, property owners in proximity to a town-site have access to a greater range of services than those in remote areas. However there are some 'public good' services that are of benefit to all ratepayers such as emergency management, health, building, and planning services. The presence of such 'public good' services supports the establishment of a minimum rate payment.

#### **COMPLIANCE**

The Council has an obligation to apply its discretionary rating powers within the framework of the Local Government Act and seek to maximise opportunities to derive rates for the benefit of the community.

## PRINCIPLES OF RATING

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### APPLYING THE PRINCIPLES

#### OVERVIEW

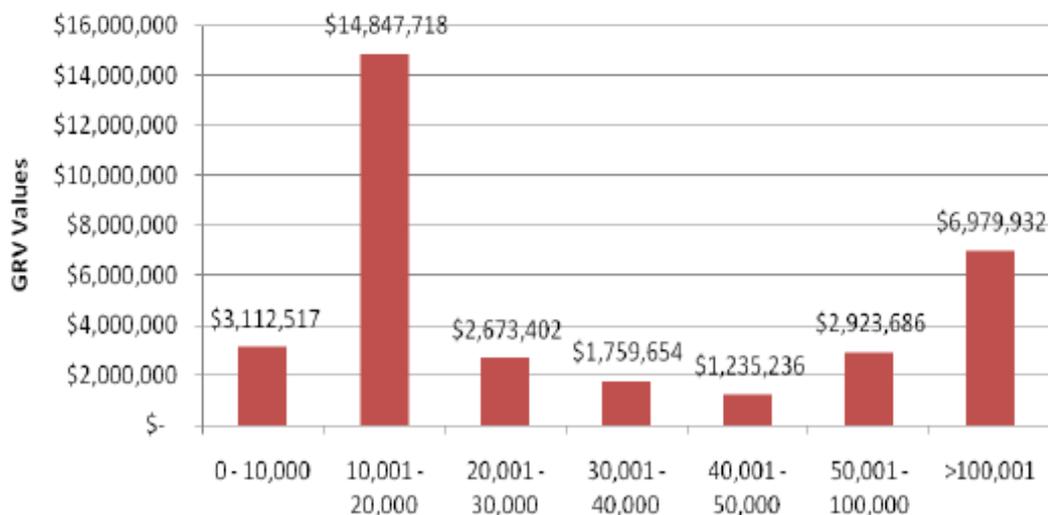
In the following section we apply the five principles outlined above against the Shire's existing rating structures.

#### GROSS RENTAL VALUES

The Council currently applies an effective uniform GRV general rate within the boundaries of the town site. In terms of the **equity** principle this uniform general rate allows for the distribution of the rate burden based upon property values.

Graph 7 shows the distribution of GRV valuations across all GRV valued properties and graph 8 represents the number of assessments in each band. From this information it is clear the majority of valuations occur in the under \$20,000 valuation bracket. This GRV distribution combined with the presence of a minimum payment suggests the majority of ratepayers make a similar rate contribution.

**GRAPH 7 - SHIRE OF WYNDHAM EAST KIMBERLEY GRV VALUATION BASE FOR 2009-10 SEPARATED INTO VALUATION GROUPINGS.**



*Data Source: Extracted by Management from the Shire of Wyndham East Kimberley property records as at 15 October 2009 (data may vary from 2009-10 adopted budget due to interim valuation changes).*

## PRINCIPLES OF RATING

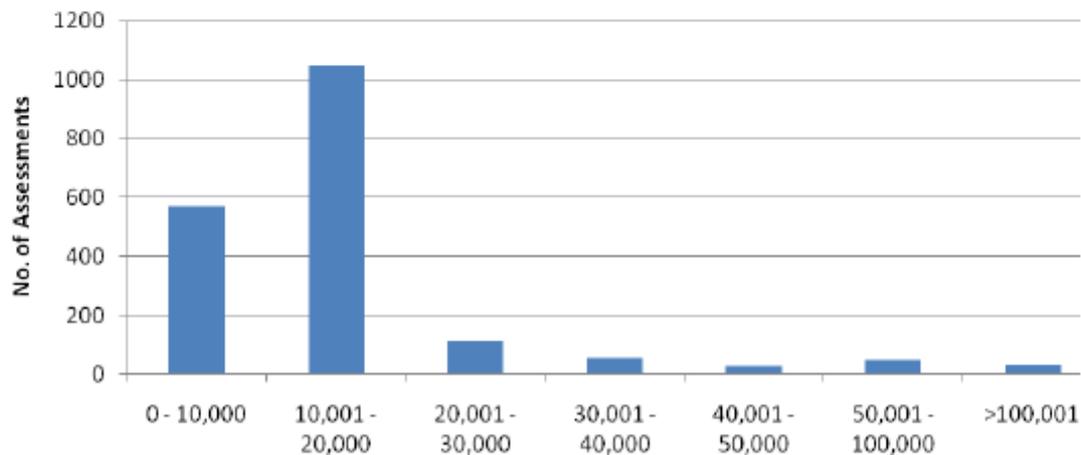
### APPLYING THE PRINCIPLES (CONTINUED)

#### GROSS RENTAL VALUES (CONTINUED)

**Capacity to pay** is accommodated by access to the deferment of rates and rebates available to eligible pensioners, waivers for eligible not-for-profit community groups and arrangements for payment terms for ratepayers with a temporary incapacity to pay.

A general uniform rate is the **simplest** and most **efficient** way to administer the rating process and explain the rates outcome to ratepayers. Although it may be argued there are variations between the level of facilities in each town site it can be argued the **benefits** enjoyed by each ratepayer is relatively equal when compared with remotely located ratepayers.

**GRAPH 8 - SHIRE OF WYNDHAM EAST KIMBERLEY GRV VALUATION BASE FOR 2009-10 DISPLAYING THE NUMBER OF ASSESSMENTS IN EACH VALUATION GROUPING.**



*Data Source: Extracted by Management from the Shire of Wyndham East Kimberley property records as at 15 October 2009 (data may vary from 2009-10 adopted budget due to interim valuation changes)*

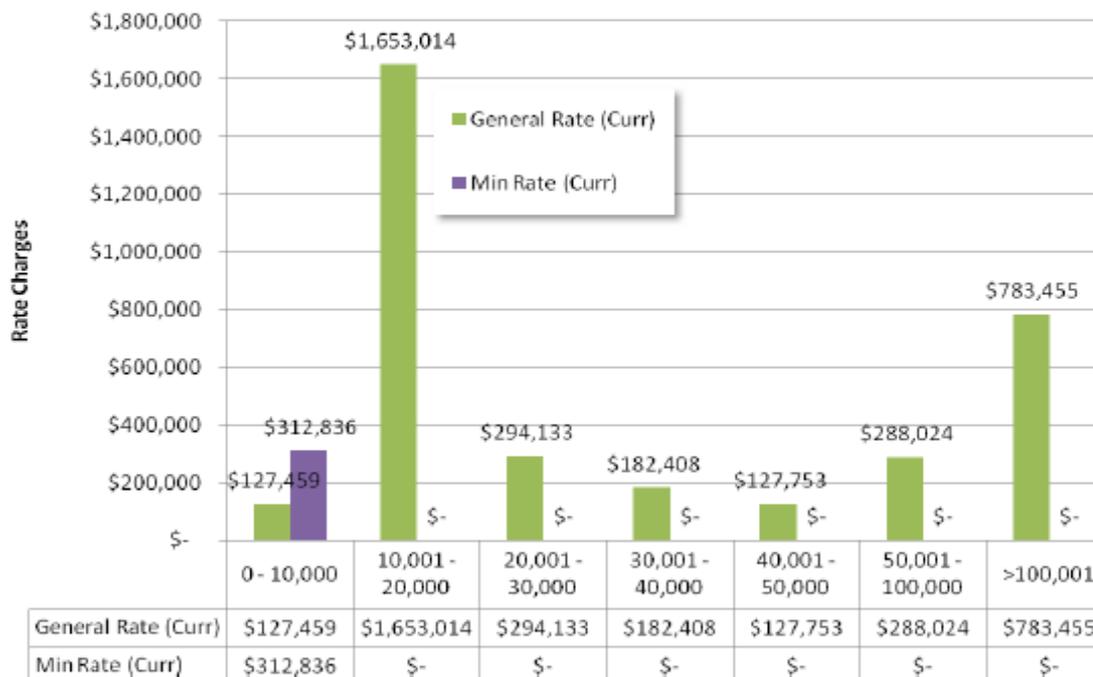
## PRINCIPLES OF RATING

### APPLYING THE PRINCIPLES (CONTINUED)

#### GROSS RENTAL VALUES (CONTINUED)

Graph 9 shows the amount of rates levied in 2009-10 in each of the GRV valuation bands separated into rates sourced from a calculated means and from a minimum payment.

**GRAPH 9 - SHIRE OF WYNDHAM EAST KIMBERLEY 2009-10 GRV RATE REVENUE SPLIT BY CALCULATION AND MINIMUM PAYMENT**



*Data Source: Extracted by Management from the Shire of Wyndham East Kimberley's property records as at 15 October 2009 (data may vary from 2009-10 adopted budget due to interim valuation changes).*

The majority of revenue was derived from ratepayers who were charged based on the calculation of the rate in the dollar and the property value. Minimum payments were applied to GRV values below \$7,020 which represented 22.5% of GRV rated properties and 8.5% of the rate revenue.

It is considered this level of minimum payment rating is acceptable and is not of the magnitude which creates a distortion of the **equity** principle.

## PRINCIPLES OF RATING

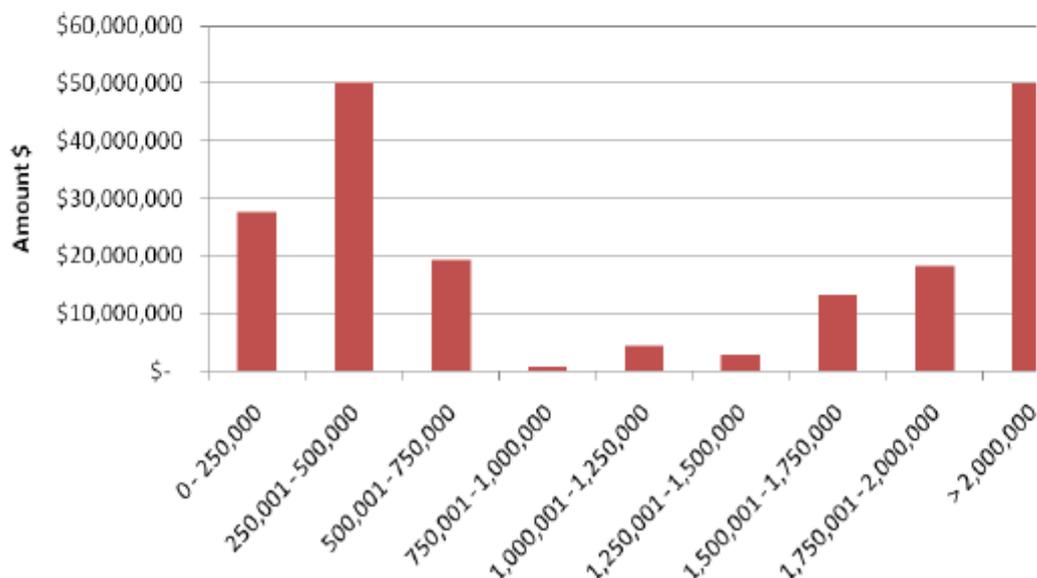
### APPLYING THE PRINCIPLES (CONTINUED)

#### UNIMPROVED VALUES

Generally, adherence to the **equity** principle involves the application of a uniform general rate so individual property valuations determine the amount of rates contributed. Only when the equity principle is not served by the application of a uniform general rate would differential rating be applied.

Reference to Graph 10 below shows that in contrast to GRV the spread of UV properties is grouped largely at the beginning and end of the valuation scale. This presents some challenges in applying a uniform general rate to this valuation type. A uniform rate would not result in an equitable outcome as property owners at the high end of the property values would be contributing a very high proportion of the rate compared to the property owners at the lower end of the UV valuation scale.

**GRAPH 10 SHIRE OF WYNDHAM EAST KIMBERLEY 2009-10 UV VALUATIONS SEPARATED INTO VALUATION GROUPINGS.**



*Data Source: Extracted by Management from the Shire of Wyndham East Kimberley's property records as at 15 October 2009 (data may vary from 2009-10 adopted budget due to interim valuation changes).*

## PRINCIPLES OF RATING

### APPLYING THE PRINCIPLES (CONTINUED)

#### UNIMPROVED VALUES (CONTINUED)

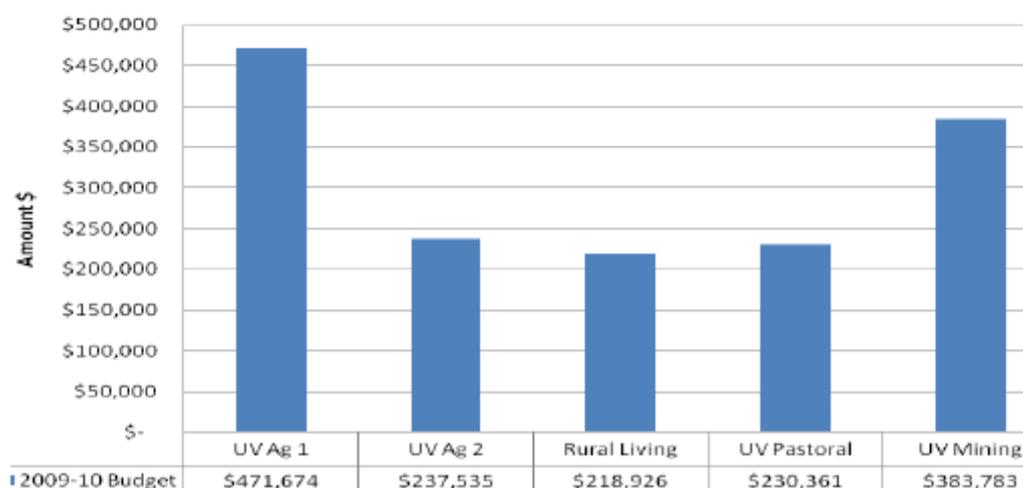
The Council currently applies differential rates as set out in Table 7 below.

**TABLE 7 - SHIRE OF WYNDHAM EAST KIMBERLEY 2009-10 UV DIFFERENTIAL RATES**

	<b>Budget 2009-10 Rate in \$</b>
UV Rural Agriculture 1	0.4429
UV Rural Agriculture 2	0.5729
UV Rural Living	0.6746
UV Pastoral	8.3171
UV Mining	10.425

These rates in the dollar result in the following level of rates levied for each differential rate category as follows:

**GRAPH 11 - SHIRE OF WYNDHAM EAST KIMBERLEY 2009-10 BUDGET UV DIFFERENTIAL RATE REVENUE**



Data Source: Shire of Wyndham East Kimberley's published 2009-10 budget.

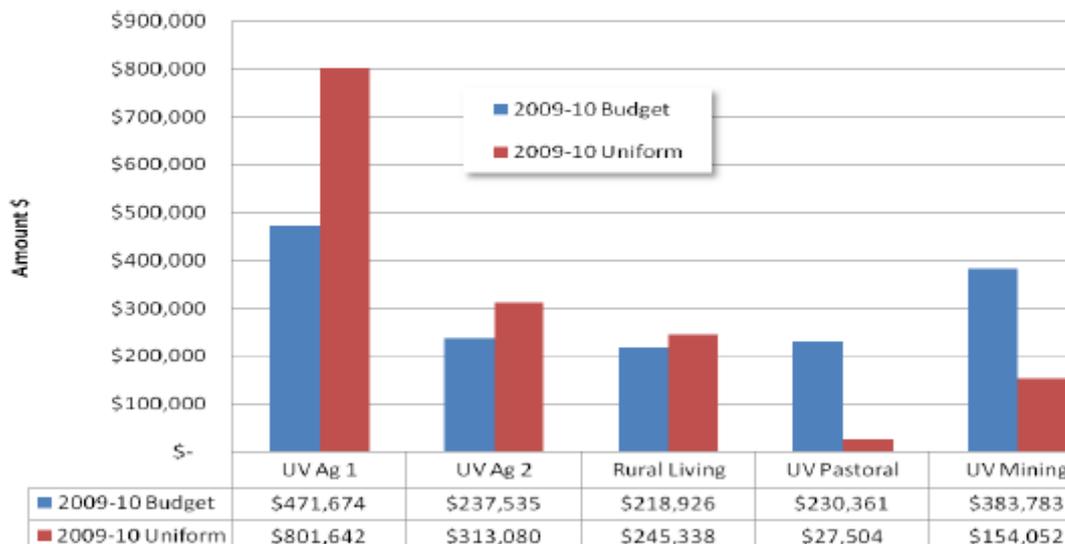
## PRINCIPLES OF RATING

### APPLYING THE PRINCIPLES (CONTINUED)

#### UNIMPROVED VALUES (CONTINUED)

If a uniform UV general rate was applied to all categories it would produce the outcome represented in Graph 12 below.

**GRAPH 12 - SHIRE OF WYNDHAM EAST KIMBERLEY 2009-10 BUDGET UV DIFFERENTIAL RATE REVENUE COMPARED TO THE APPLICATION OF A UNIFORM UV RATE IN THE DOLLAR.**



*Data Source: Extracted by Management from the Shire of Wyndham East Kimberley's property records as at 15 October 2009 and 2009-10 budget. (data for the uniform calculation based on valuations as at 15<sup>th</sup> October 2009).*

A uniform general rate (same rate in the dollar) across all the current categories would result in a large re-distribution of the rate burden away from Mining and Pastoral to Rural Agriculture 1 and 2. In the case of Rural Agriculture 1 the change would result in an increase of 70%. This reflects this categories high proportion of the UV valuation base represented as in graph 13 on the following page.

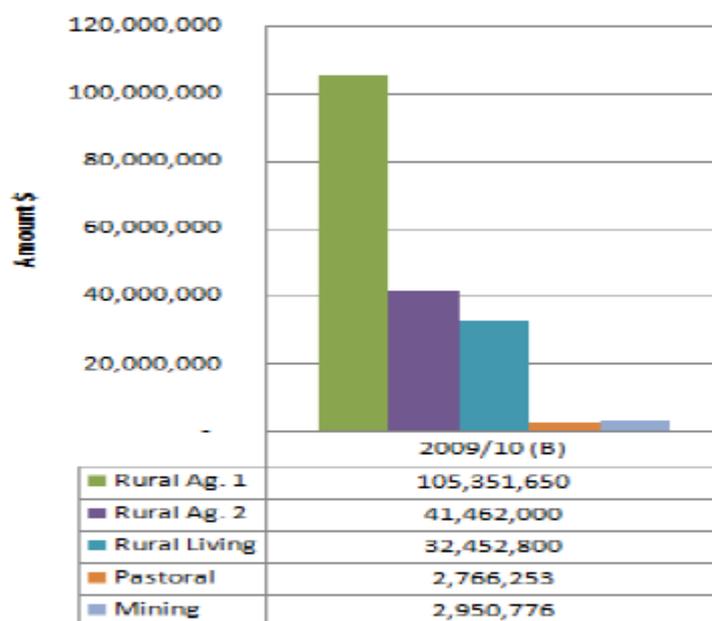
## PRINCIPLES OF RATING

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### APPLYING THE PRINCIPLES (CONTINUED)

#### UNIMPROVED VALUES (CONTINUED)

GRAPH 13 - SHIRE OF WYNDHAM EAST KIMBERLEY 2009-10 BUDGET UV DIFFERENTIAL RATE VALUATIONS.



Data Source: Shire of Wyndham East Kimberley's published 2009-10 budget.

The application of a uniform general rate to all UV valuations would support the principles of **simplicity, efficiency and compliance** however would conflict with the other principles of **equity, capacity to pay and benefit**.

For the above reasons ***we do not recommend the application of a uniform general rate for properties in the UV valuation category.***

Having applied the principles of rating to the existing structures we move on to consider alternative rating structures and compare the Shire's current rating levels with other local governments.

## ALTERNATIVE RATING STRUCTURES

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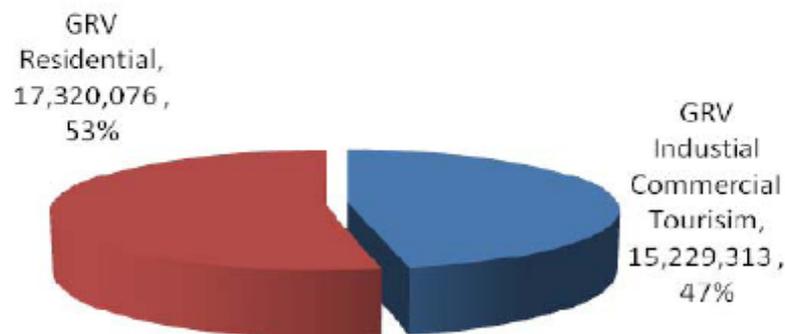
### GROSS RENTAL VALUATIONS

#### GENERAL UNIFORM RATE

We have established previously that the present uniform GRV rate does not conflict with the five principles of rating. It is simple and easily understood with a low maintenance cost and allows issues of equity to be decided based on an independent valuation of the property.

On review of the GRV rate base we have looked at the split between the sources of revenue within GRV and Graph 14 shows the GRV category residential rates account for just over half of the valuations with the remainder being sourced from industry, commerce and business.

**GRAPH 14 - SHIRE OF WYNDHAM EAST KIMBERLEY 2009-10 GRV VALUATION SPLIT INTO CATEGORIES.**



*Data Source: Extracted by Management from the Shire of Wyndham East Kimberley's property records as at 15 October 2009 (data may vary from 2009-10 adopted budget due to interim valuation changes).*

#### DIFFERENTIAL RATES

Unless there is the perception that the share of the rate burden between residential and business is presently unequitable ***we recommend a general uniform rate be applied to for GRV properties within a designated town site.***

#### MINIMUM PAYMENTS

Essentially, the level of a minimum payment is largely a matter of judgement. There is no right or wrong level only an obligation to fit within the statutory limitation on the quantity of impacted properties.

In the 2009-10 budget a minimum payment was required of 22.5% of the number of GRV rated properties and raised 8.5% of the rate revenue.

## ALTERNATIVE RATING STRUCTURES

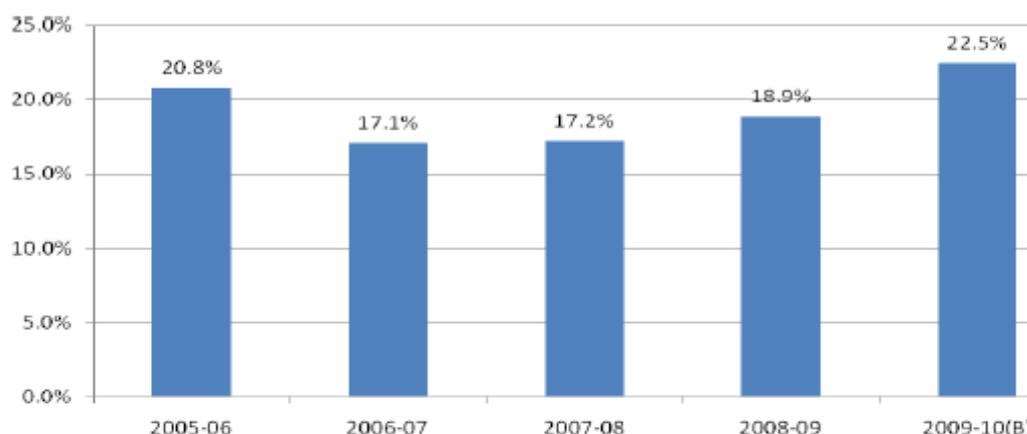
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### GROSS RENTAL VALUATIONS (CONTINUED)

#### MINIMUM PAYMENTS (CONTINUED)

Graph 15 represents the proportion of minimum payment GRV properties to all GRV properties over the past 5 years.

**GRAPH 15 - SHIRE OF WYNDHAM EAST KIMBERLEY PROPORTION OF MINIMUM PAYMENT GRV PROPERTIES TO TOTAL PROPERTIES OVER THE PAST 5 YEARS.**



*Data Source: Shire of Wyndham East Kimberley published financial statements and 2009-10 budget.*

Applying a minimum payment is an adjustment to the **equity** principle as it results in some properties paying a flat rate. This adjustment can be justified if the impact is not substantial and results in an outcome beneficial to the community. One justification for a minimum payment level is that it acts as a disincentive to the speculative holding of vacant land and an incentive for development. Another is that it requires a minimum contribution to freely available local government services.

We do not consider the current proportion of GRV minimum payment to be excessive and it would not be unreasonable to maintain in the future a range of 15% to 25% of rateable properties being required to pay a minimum amount.

### UNIMPROVED VALUATIONS

#### DIFFERENTIAL RATES

As previously discussed, if a uniform general rate was applied across all UV properties it would result in a large re-distribution of the current rate burden. While a uniform rate would bring greater simplicity and efficiency it would cause unacceptable outcomes for the other rating principles. If a differential rate structure is to continue it should occur with the best fit within five outlined principles.

## ALTERNATIVE RATING STRUCTURES

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### UNIMPROVED VALUATIONS

#### RURAL AGRICULTURE 1 AND 2

Considering simplify and efficiency we consider there is potential to combine the current differential rates for Rural Agriculture 1 and 2 to achieve a single differential category described as Rural Agriculture.

A review of the current Town Planning Scheme 7 shows the two zones have a different objective and similar permitted uses. The major difference being Rural Agriculture 2 has access to water leading to more intensive practices.

Extract from Shire of Wyndham East Kimberley Town Planning Scheme No 7:

#### 5.18 RURAL AGRICULTURE 1 ZONE

##### 5.18.1 Objective

- (a) that the land be retained for extensive agriculture and/or horticulture. The land shall be retained in viable farm sized lots to prevent subdivision and subsequent loss of this limited resource.

#### 5.19 RURAL AGRICULTURE 2 ZONE

##### 5.19.1 Objectives

- (a) to ensure the adequate supply of land for intensive agricultural and horticultural holdings in localities of adequate water supply and suitable soil types;
- (b) To promote the use of these lots for the production of horticultural crops and associated uses. *AMD 13 GG 26/10/04*

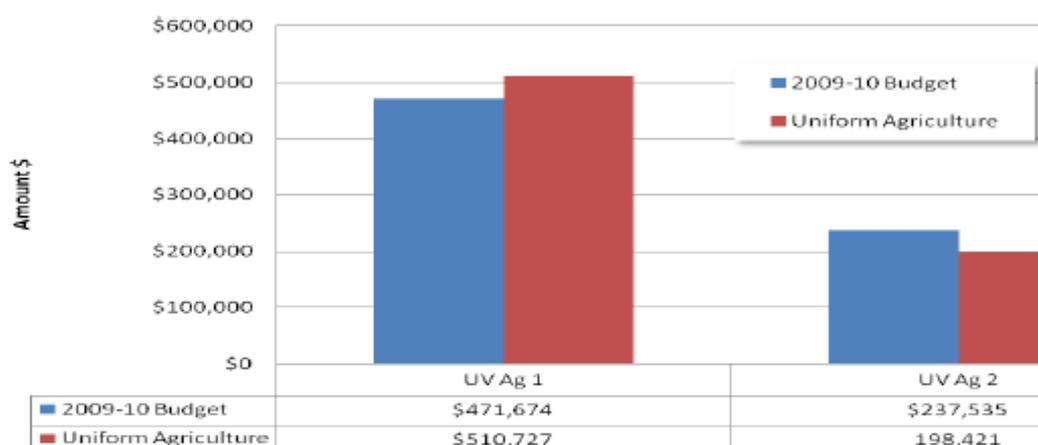
## ALTERNATIVE RATING STRUCTURES

### UNIMPROVED VALUATIONS (CONTINUED)

#### RURAL AGRICULTURE 1 AND 2 (CONTINUED)

To achieve the same amount of rate revenue as in the 2009-10 budget with a uniform rate across Rural Agriculture 1 and 2 would result in the following redistribution of the rate source.

**GRAPH 16 - SHIRE OF WYNDHAM EAST KIMBERLEY RE-DISTRIBUTION OF 2009-10 RATES WITH A COMBINED RURAL AGRICULTURE DIFFERENTIAL RATE**



*Data Source: 2009-10 budget and extracted by Management from the Shire of Wyndham East Kimberley's property records as at 15 October 2009 (the calculated uniform rate outcome may vary from the 2009-10 adopted budget due to interim valuation changes).*

In 2007-2008 the rates in the dollar difference between the two categories was very slight and has subsequently been adjusted to compensate for changes in valuations. We can find little justification to maintain a differential rate for these specific categories of agriculture on a basis of equity.

In addition the Shire does not have a catch all UV rate in the dollar for agricultural pursuits. The current differential rates are specific in their reference to either a T.P. zone of a land use.

We are aware of a property which is neither valued as a pastoral lease or fits an existing differential category. To cover this situation ***we recommend the Council establish a new UV General Agriculture differential rate with a rate in the dollar in between the existing Rural Agriculture 1 and 2 differential rates and the variance between the two previous rates in the dollars gradually be adjusted over time (say a three year period) until all Agricultural properties are rated as General Agriculture.***

## ALTERNATIVE RATING STRUCTURES

### UNIMPROVED VALUATIONS (CONTINUED)

#### RURAL LIVING

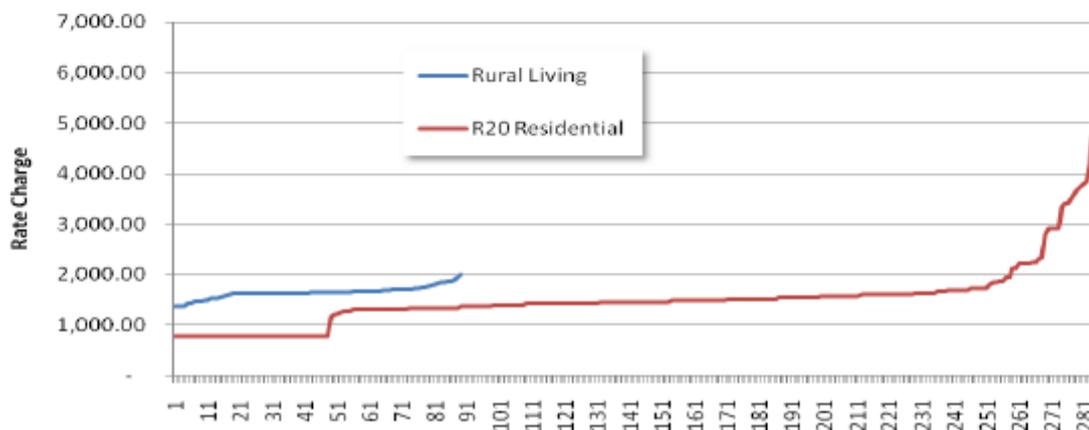
Properties zoned Rural Living are located in reasonable proximity to town sites. This permits a rural lifestyle with reasonable access to facilities and services. In recognition of:

- the benefits and proximity to services received when compared to other UV properties,
- the maintenance of equity between GRV and UV residential properties, and
- the additional effort required to service a rural living environment in comparison to rural agriculture

the Rural Living zone has traditionally been applied a higher rate in the dollar than other rural agriculture zones. For the last two budgets the rural living rate in the dollar has been 50% more than the Rural Agriculture 1 rate.

Due to the different basis of valuation it is not possible to directly compare the rate in the dollar of Rural Living properties to GRV valued residences. However if we plot rating outcomes we can develop some basis of comparison. Graph () shows the rate outcomes for all rural living properties against the rates outcomes for R20 residential zoned properties.

**GRAPH 17 - SHIRE OF WYNDHAM EAST KIMBERLEY 2009-10 UV RURAL LIVING RATES COMPARED TO GRV R20 ZONED RATES.**



Data Source: Data extracted by Management from the Shire of Wyndham East Kimberley’s property records as at 15 October 2009 (Data may vary from the 2009-10 adopted budget due to interim valuation changes).

## ALTERNATIVE RATING STRUCTURES

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### UNIMPROVED VALUATIONS (CONTINUED)

#### RURAL LIVING (CONTINUED)

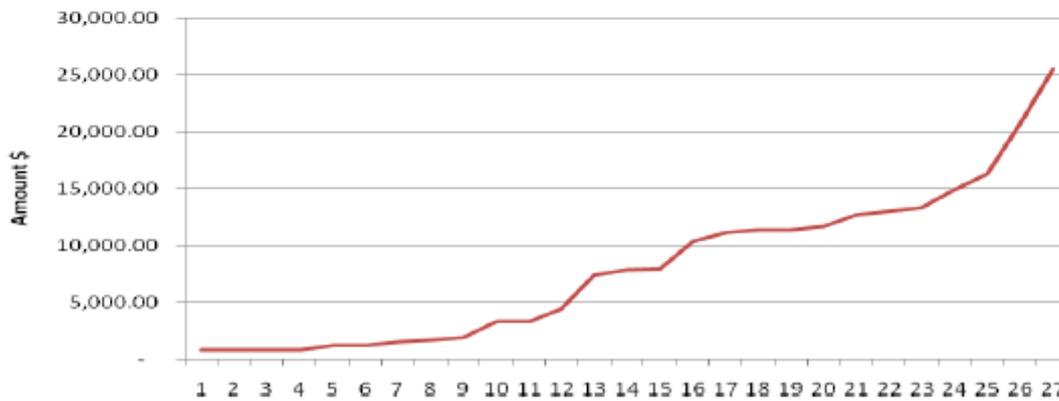
It would appear from Graph 17 that Rural Living properties are rated in a similar band as common GRV residential properties in that the majority of R20 zoned properties pay rates of between \$1,000 and \$2,000 annually. We do not draw any specific conclusion from this comparison however it may offer a basis for comparison for future rate setting.

Considering the particular circumstances of Rural Living we consider they warrant the continuation of a differential rate in the dollar to other UV activities.

#### PASTORAL

The average pastoral property is rated approximately \$8,500 per annum. Graph 18 shows the spread of 2009-10 rates over all pastoral properties.

**GRAPH 18 - SHIRE OF WYNDHAM EAST KIMBERLEY 2009-10 UV PASTORAL RATES.**



*Data Source: Data extracted by Management from the Shire of Wyndham East Kimberley's property records as at 15 October 2009 (Data may vary from the 2009-10 adopted budget due to interim valuation changes).*

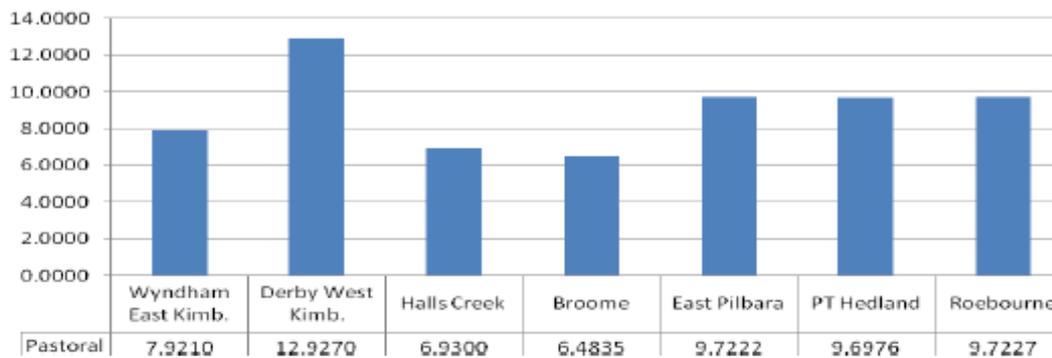
Represented in Graph 19 is a comparison of the 2008-09 pastoral rates in the dollar for the Shire of Wyndham East Kimberley with other local governments in the Kimberley and Pilbara region. The comparison shows the Shire's pastoral rate of 7.9210 cents in the dollar is at the lower end of the scale.

## ALTERNATIVE RATING STRUCTURES

### UNIMPROVED VALUATIONS (CONTINUED)

#### PASTORAL (CONTINUED)

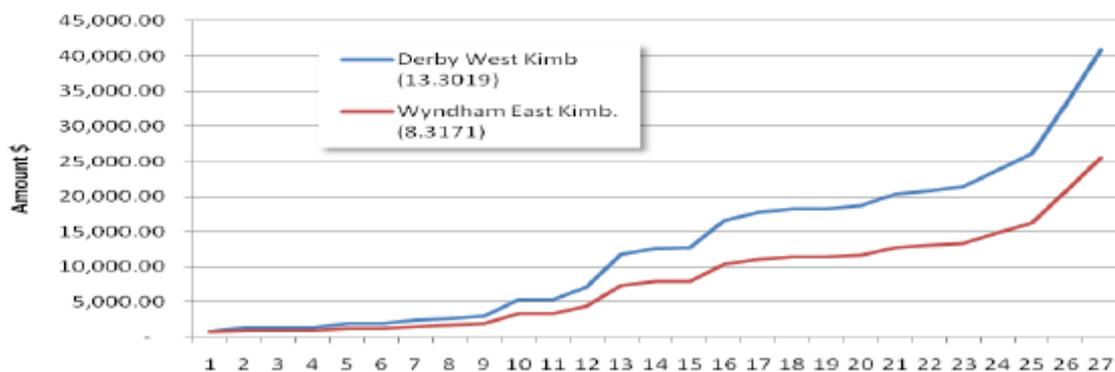
**GRAPH 19 - SHIRE OF WYNDHAM EAST KIMBERLEY 2008-09 PASTORAL RATE IN THE DOLLAR COMPARED TO OTHER LOCAL GOVERNMENTS.**



Data Source: WA Local Government Rates Comparison 2008-09, Mansell Pty Ltd, February 2009

If we advance a year and compare the 2009-10 pastoral rate in the dollar applied by the Shire of Wyndham East Kimberley with the rate used by the Shire of Derby West Kimberley (13.3019 cents) it would result in about an additional \$135,000 per annum in rate revenue as represented in Graph 20 below.

**GRAPH 20 - SHIRE OF WYNDHAM EAST KIMBERLEY 2009-10 PASTORAL RATE OUTCOMES COMPARED TO THE RATE OUTCOME IF THE HIGHEST REGIONAL RATE WAS USED.**



Data Source: Data extracted by Management from the Shire of Wyndham East Kimberley's property records as at 15 October 2009 (Data may vary from the 2009-10 adopted budget due to interim valuation changes).

The Shire is aware of examples of commercial tourist operations being undertaken on UV valued pastoral leases within the District. This has raised the issue of inequity between the level rates paid by these operations and a similar tourist operation within a town site.

## **ALTERNATIVE RATING STRUCTURES**

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### **UNIMPROVED VALUATIONS (CONTINUED)**

#### **PASTORAL (CONTINUED)**

A tourism operation in a town site is GRV valued (as non-rural activity) and as a result pay higher rates for a comparable land area than operations on a UV valued pastoral lease. There is an expectation that if the tourist operations on pastoral leases were separately valued as GRV it would result in a more equitable rating outcome.

When considering this situation the Shire has available two alternative rating practices as set out below.

#### **PASTORAL OPTION 1 - SPLIT VALUATION**

The Shire may seek Ministerial approval to have the portion of the pastoral lease separately valued using the GRV method on the basis that the land is not being used for a rural purpose. We are aware the Council unsuccessfully sought Ministerial approval (under section 6.28 of the Act) to change the method of valuation for a portion of El Questro from UV to GRV. The reason for the refusal is unclear from our reading of the available Council minutes however it may relate to the mixed use of the area and the interpretation of 'predominant use' under Section 6.28.

We understand from reading previous Council minutes the Argyle Diamond Mine is the subject of a State Agreement limiting the valuation method to UV.

If considering a split valuation the Council will need to consider the benefit principle and whether applying the same GRV rate in the dollar as in the town sites will result in an equitable outcome. It should be recognised that tourism operations in remote areas have less access to amenities and are more self reliant than similar businesses in a town site.

#### **PASTORAL OPTION 2 - NEW UV DIFFERENTIAL CATEGORY**

It is open to the Council to establish a new differential rate category specifically for tourist operations on land otherwise used for rural purposes. The Act permits the Council is determine the land use of and apply a different rate for this land use.

The valuation method would remain UV but the power to determine the land use would be at the discretion of the Council. The Council's current town planning scheme does not cover the pastoral lease areas however we are aware a proposed new scheme will capture this area in the future.

## ALTERNATIVE RATING STRUCTURES

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### UNIMPROVED VALUATIONS (CONTINUED)

#### PASTORAL OPTION 2 - NEW UV DIFFERENTIAL CATEGORY (CONT.)

In discussions with Town Planning staff the most likely treatment under any new scheme would be the recording of a permitted use of tourism for a defined portion of the lease. It is open to the Council to use any future permitted use area or an area defined by technical survey to identify the alternate land use area and then seek a valuation from the Valuer General's Office.

We have had discussions with the Chief Valuer, Country (Mr John Rowe) at Land Gate (VGO) on this matter. He advises the usual process would involve the area of land having a diversification permit issued by the Pastoral Land Board. If such a permit exists the separate valuation would be based on the permit. If no permit exists the valuation would be based on a pro-rate of the pastoral lease area. The VGO advised they has no record of a diversification permit having been issued for El Questro.

Considering the advice from the VGO it is expected any pastoral lease without a diversification permit would be valued on proportional land area basis. If this is the case the rate in the dollar will need to be substantially more than present pastoral rate of 8.3171 cents to make the application and maintenance of a new differential category cost effective. This is particularly the case considering the additional costs associated with the application process. In addition, any new differential rate in the dollar will likely require annual Ministerial approval as it will be more than twice the lowest differential rate.

#### PREFERRED OPTION

There are advantages and disadvantages with each of the two options. We consider the preferred option is to seek Ministerial approval for a change in valuation method to GRV in relation to the defined area no longer predominately used for rural purposes. In addition ***we recommend a new GRV differential rate category should be created with a rate in the dollar at a discount to the current GRV town site rate in the dollar.***

The level of any discount is a matter of judgement and would be somewhat relative to the different levels of benefit received. Unfortunately there is no benchmark comparative rate applied within the Region to assist with setting the level. As a starting point for discussions we suggest a 40% to 60% discount to the Town site rate.

If, for whatever reason, Ministerial approval is not forthcoming to change the basis of valuation the Council may resort to a less preferred option of creating a new UV differential rate category to cover the circumstances. It is difficult to suggest a rate in the dollar as it will be influenced by the general levels of UV supplied and the valuation methodology.

## ALTERNATIVE RATING STRUCTURES

### UNIMPROVED VALUATIONS (CONTINUED)

#### PASTORAL DIFFERENTIAL RATE

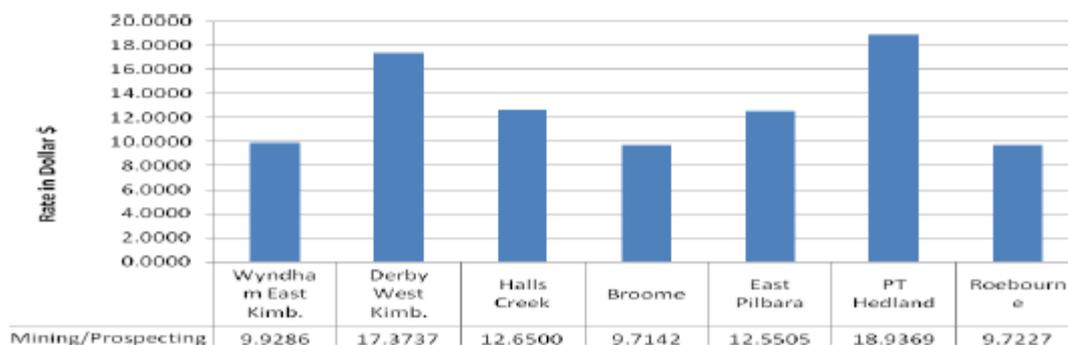
The UV values assigned to pastoral leases are significantly lower relative to the land area than other UV valued properties. Without the continuation of a differential rate this would result in pastoral activity with a high land use area contributing significantly less than other commercial agriculture. This distinction is widely recognised with all neighbouring Councils electing to implement a differential rate for pastoral leases. Considering the above ***we recommend a continuation of a UV differential rate for Pastoral Leased land.***

#### MINING

A review of other local governments within the Kimberley and Pilbara regions reveals a common practice of applying a differential rate to mining operations. We consider this is due to the intensive nature of mining operations on rural land and the impact mining operations have on general infrastructure.

The amount of each rate varies across the local governments but as the following graph shows the Shire of Wyndham East Kimberley applies one of the lowest rates in the dollar in 2008-09.

**GRAPH 21 - COMPARISON OF 2008-09 MINING RATES IN THE DOLLAR IN THE KIMBERLEY AND PILBARA REGIONS**



Source data: Local Government rate comparison report Mansell Pty Ltd 2008-09

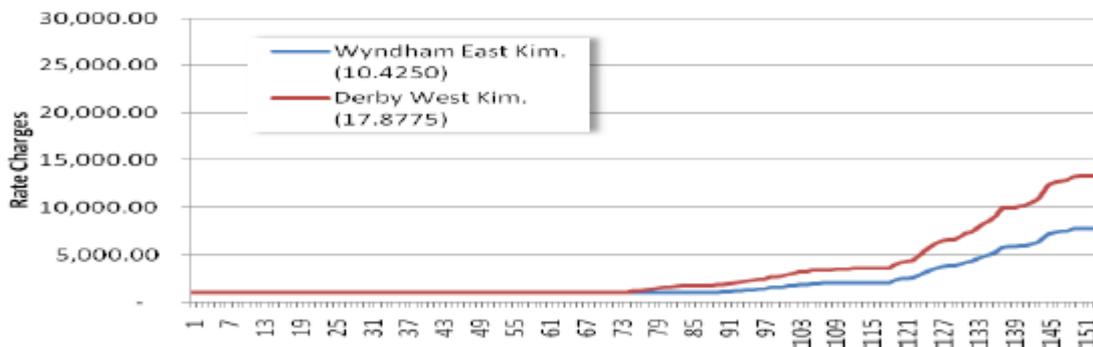
## ALTERNATIVE RATING STRUCTURES

### UNIMPROVED VALUATIONS (CONTINUED)

#### MINING (CONTINUED)

If the Council was to apply the same rate in the dollar as say the Shire of Derby West Kimberley to its 2009-10 mining property valuations it would result in approximately an additional \$185,000 in rate revenue as set out in Graph 22.

**GRAPH 22 - SHIRE OF WYNDHAM EAST KIMBERLEY 2009-10 MINING RATE OUTCOMES COMPARED TO THE RATE OUTCOME IF THE DERBY WEST KIMBERLEY RATE WAS USED.**



**We recommend the Shire of Wyndham East Kimberley consider increasing the UV mining differential rate in the dollar to a level more comparable with surrounding local governments** as (where a Council in the Region does have a different UV mining rate) it is on average 50% more than the pastoral rate. In the case of Wyndham East Kimberley the margin is only 25%.

## **CONCLUSION**

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We commenced our review with a summary of the legislative framework applicable to local government rating structures then continued with the examination of the current rating practices the Shire has employed to derive rate revenue.

In an effort to provide a conceptual base for future structures we identified five principles applicable to establishing and maintaining a rating system. These principles were applied to the current structure to determine the degree of compliance. This process has led to a number of recommendations for changes to the present differential rate categories and for the closer review of certain areas relating to exemptions and statutory compliance.

We consider adoption of these recommendations will result in the Council being able to consistently and clearly respond to questions concerning the objectives of and reasons for the Shire's rating structure. In addition a detailed review of the current exemptions will lead to greater equity and maximise rate revenue opportunities within the current legislative framework.

The mechanism for effecting this change is the adoption of a formal Council Policy outlining the rating structure, formalising the principles and setting out the objects and reasons for adopting differential rates. We have provided a draft Council Policy for consideration as Appendix E.

We would like to acknowledge and thank the Executive Manager of Corporate Services and staff for their assistance during the course of the review.

## Attachment 2 – Draft Council Policy CP/FIN-xxxx – Strategic Rating Policy



### *Shire of Wyndham East Kimberley* **Council Policy Number: CP/FIN-xxxx** **Strategic Rating Policy**

#### **OBJECTIVE:**

To outline the principles and methodology used when exercising the Council's discretionary powers to determine the level and structure of rates levied under the Local Government Act 1995.

#### **POLICY:**

The Local Government Act 1995 provides the Council with defined discretionary powers to levy rates and require contributions from the community for the provision of services to the district.

GRV refers to Gross Rental Value as defined by the Act.

UV refers to Unimproved Value as defined by the Act.

#### **1. RATING POLICY PRINCIPLES**

In the development, maintenance and application of its rating structures the Council will consider the following five (5) rating principles (not necessarily listed in priority order):

##### **1.1 Equity**

Equity is the concept of fairness within property rating in that each ratepayer will be rated fairly in relation to other ratepayers with a similar capacity to pay and will pay a similar amount and those having a greater capacity to pay contributing more. In accordance with Act, the Council is required to use the ratepayer's property value as a proxy for the ratepayer's capacity to pay.

The Council will administer its rating policy fairly and equally to all ratepayers and seek to apply the policy in a timely way.

##### **1.2. Capacity to Pay**

The Council acknowledges there is not a direct relationship between a ratepayer's capacity to pay and their property value and may use its discretionary powers to approve concessions and waivers to compensate for any identified deficiencies.

The Council also recognises that, while there is a high level of community demand for services, there is a limited capacity for ratepayers to contribute to these services in rates and limitations on the level of rates property owners can be expected to contribute.

##### **1.3. Simplicity and Efficiency**

The Council will endeavour to establish a rating system that:

- promotes simplicity, transparency and understanding;
- is efficient in collection and reduces the incidences of avoidance;
- reduces complexity; and
- is open to scrutiny.

#### **1.4. Benefit**

The Council acknowledges an obligation to return benefit to ratepayers for their rate contributions however this benefit may not be in direct proportion to the level of their contributions. Rate contributions will be used for the benefit of the District and are not a fee for service.

#### **1.5. Compliance**

The Council will apply its discretionary rating powers to comply with the Local Government Act 1995 while seeking to maximise rate revenue within the adopted rating framework.

### **2. APPLICATION OF RATING PRINCIPLES**

#### **2.1 Application of the Equity Principle**

The Council generally considers the application of a uniform general rate (being the same rate in the dollar for each ratepayer) resulting in a ratepayer's contribution being determined by the value of their property as the most equitable rating structure. Uniform general rates will be applied unless a more equitable outcome is achieved by the adoption of differential rates.

Where the predominant use of the land (or a portion) is for rural purposes the Council will seek to have the land valued on a UV basis. Where the predominant use of the land (or a portion) is for non-rural purposes the Council will seek to have the land valued on a GRV basis.

The Council will determine the level of rate revenue required on an annual basis and seek sufficient revenue to provide for the good governance of the district and the provision of services as determined necessary.

The Council will establish and maintain a minimum payment structure to ensure all ratepayers contributes a minimum amount regardless of their property value.

The Council accepts the adoption of a minimum payment amount is an adjustment to a blanket application of the equity principle. This adjustment is made to ensure property owners make a reasonable contribution to non-exclusive services provided for the benefit of the whole district and also to encourage the development of vacant land.

#### **2.2 Application of the Capacity to Pay Principle**

##### **2.2.1 Exemption from Rates**

The Council requires organisations seeking exemption from rates in accordance with section 6.26 of the Act to make application in accordance with the application form attached to this policy. These properties are to be reviewed every three years for continued eligibility.

##### **2.2.2 Pensioners**

The Council will provide concessions to Pensioners in accordance with the requirements of the Rates and Charges (Rebates and Deferments) Act 1992.

##### **2.2.3 Not-for-profit Community Groups**

The Council will accept applications from not-for-profit Community Groups within the District and consider granting a waiver or concession of rates annually in accordance with its discretionary powers provided by Section 6.47 of the Act.

Any rate waivers or concessions for the next financial year will be subject to consideration at the time of adopting the annual budget. Initial applications by not-for-profit community group for a waiver or concession will be accepted subject to

the applicant providing the following information as detailed on the application form attached to this policy.

#### **2.2.4 Payment Options**

The Council will offer three rate payment options as follows:

- Payment in full 35 days after the date of service appearing on the rate notice;
- Two instalments; and
- Four Instalments.

#### **2.2.5 Interest on Overdue Rates and Service Charges**

Rates and service charges not paid in accordance with the three payment options will be subject to an overdue interest rate set by the Council in accordance with the Act at the time of adoption the annual budget.

#### **2.2.6 Temporary Incapacity to Pay**

If a ratepayer is in arrears with overdue rates the Shire may accept a scheme of arrangement with the ratepayer subject to the approval of the Chief Executive Officer (or in their absence the Director Corporate Services). An administrative fee will apply to this service.

### **2.3 Application of the Simplicity and Efficiency Principle**

The Council will provide for changes in the

- level of rating; and
- structure of its rating policy; and
- application of its discretionary rating powers

in a way that promotes predictability, stability and transparency.

## **3. Object of and Reasons for the Rating Structure**

### **3.1 GRV Differential Rates**

The Council considers there is sufficient distinction between the benefits available to GRV valued properties located within town sites and those outside town sites to exclude the application of a single uniform general rate for GRV. The Council will apply a differential rate in order to achieve a reasonable application of rating policy principles set out in Section 1 of this policy.

#### **3.1.1 Differential Rate GRV - Town site**

A differential rate is applied to GRV valued properties within gazetted town sites in recognition of the increased level of access they have to facilities and amenities in comparison with remote GRV valued properties. To maintain equity across the GRV rate base these properties should have a higher different rate in the dollar applied than GRV valued properties outside a town site.

#### **3.1.2 Differential Rate GRV - Other**

A differential rate is applied to GRV valued properties located outside a gazetted town site. The differential rate is applied in order to result in a lower GRV rate in the dollar than GRV valued properties within a town site in recognition of the reduced level of access to general amenities and services and the greater degree of self reliance and self provision of services in comparison with similar properties within a town site. To maintain equity across the GRV rate base these properties should have applied a different rate in the dollar.

### **3.2 UV Differential Rates**

The Council considers there is sufficient variation in the distribution of UV values in the district and comparative access to services and facilities for UV properties to require the application of differential rates in order to achieve a reasonable application of the rating policy principles set out in Section 1 of this policy.

#### **3.2.1 UV – Rural Residential (Including Rural Living and Special Rural)**

A differential rate is applied to properties zoned Rural Residential and the like being properties having a common characteristic of a lifestyle property on a small rural holding with close proximity to an urban centre. Properties in this zoning have a residential basis and proximity access to higher levels of community facilities, amenities and services than other UV valued properties. The predominant use of many of these properties remains rural however the objective of the different rate is to maintain equity with the rates contributed by residences in the town sites. To ensure equity across the UV rate base, properties with this zoning should have applied a different rate in the dollar than other UV valued properties.

#### **3.2.2 UV – Pastoral**

A differential rate is applied to properties with a land use of Pastoral (or zoned Pastoral) with the common characteristic of a commercial operation in an undeveloped and sparsely populated area. Due to the valuation being based on a lease value the result is a low level of valuation over an extensive land area. To maintain a degree of equity with other rural based commercial operations land with a pastoral use (or zoned) pastoral should have applied a different rate in the dollar than other UV properties.

#### **3.2.3 UV – Mining**

A differential rate is applied to properties with a land use of Mining due to the intensive commercial nature of the activity. Such activities require a greater level of non-exclusive services than Pastoral activities in the same location and their impact on the community is of greater intensity. To maintain equity across the rate base properties with this land use should have applied a different rate in the dollar than other UV properties.

#### **3.2.4 UV – Other**

A differential rate is applied to all UV valued properties not otherwise rated as Rural Residential, Pastoral or Mining. The predominant land use in this category is agricultural including, but not limited to, properties zoned Rural Agriculture 1 and 2.

## **4. Transition Provisions**

It is considered necessary to transition properties currently rated in the categories of Rural Agriculture 1 and 2 to the new rating category of UV - Other over a three year period.

All properties currently rated under the rating category of Rural Agriculture 1 and 2 will transfer to the new rating category of UV -Other by 1<sup>st</sup> July 2012.

Any new properties created from land releases that fall into the description of UV - Other will be rated under the new category from inception.

## GOVERNANCE REFERENCES

<b>Statutory Compliance</b>	Local Government Act 1995 Section 6.26 & 6.47
<b>Industry Compliance</b>	Nil.
<b>Organisational Compliance</b>	Delegations Manual
<b>Process Links</b>	Application for Rate Waiver/Concession Application for Rate Exemption

## POLICY ADMINISTRATION

<b>Directorate</b>		<b>Officer Title</b>		<b>Contact:</b>	
Corporate Services		Director Corporate Services			
<b>Date Effective</b>					
<b>Date Adopted</b>		<b>Last Reviewed</b>			
<b>Risk Rating</b>	Medium	<b>Review Cycle</b>	Bi-Annual	<b>Next Due</b>	04/2012

**Attachment 3 – Draft Form EF/FIN-xxxx – Application for Rate Exemption Form**



***Shire of Wyndham East Kimberley***  
**Application for Rate Exemption Form**

Applicant Name			
Address of Business			
Telephone		Email	
Contact Name		Mobile	
Date commenced operation			
ABN			
<b>Please respond to the following questions</b>		YES	NO
1.	Is the organisation an incorporated body? (1)		
2.	Is the organisation Not-for-Profit?		
3.	Is the organisation a Public Benevolent Institution for taxation purposes? (2)		
4.	Does the organisation own or lease the rateable land? (If leased is the lessee responsible for rates under the lease agreement) (3)		
5.	Is the organisation exempt from payment of rates under Legislation other than the Local Government Act? (4)		
6.	Does the organisation run any commercial activities within the business structure? (5)		
(1)	If yes, please provide certificate of incorporation.		
(2)	If yes, please provide relevant Taxation information.		
(3)	If yes, please provide certificate of lease.		
(4)	If yes, please provide details of Legislation.		
(5)	If yes, please provide further information as outlined on the following page.		
Please attach copies of the organisation constitution and evidence of other exemptions being received by the organisation.			
Names of affiliated charities			

Organisations are required to provide financial information, including:

- Profit & Loss Statement (2 years)
- Balance Sheet (2 years)
- Sources of income, ie donations, business income, grants etc.
- Rents received if housing organisation
- Budget plan or 5-10 Budget projection.
- Business Plan

Such information should be accompanied by the attached Statutory Declaration signed by two authorised persons or office bearers of the organisation verifying the accuracy of the information.

Organisations are required to outline the nature of their operation, providing such information as:

- Client group for service provision
- Type of service provided, eg food, accommodation, shelter etc
- Frequency of service provision, ie on a full time basis or daily, weekly, monthly etc
- Whether payment is received for service

Organisations are also required to provide details on the proportion of operation that would be non-charitable, if relevant (eg, operation of any retail, commercial or business activity), including:

- A full description of the nature and extent of commercial or non-core activities and the location to which such activities are undertaken
- Profit distribution
- Detailed breakdown of the use of any income received – eg this could mean construction of new dwellings provided through rental income
- Details of what would happen to the assets of the organisation in the unlikely event of the organisation going out of business

Such information should be accompanied by the attached Statutory Declaration signed by two authorised persons or office bearers of the organisation verifying the accuracy of the information.

Organisations are required to provide a full list of land or lease holdings that are owned or occupied and attach a description of the purpose applied to each holding.

Such information should be accompanied by the attached Statutory Declaration signed by two authorised persons or office bearers of the organisation verifying the accuracy of the information.

Applicants are advised that in order to illustrate full eligibility to claim a rate exemption and to facilitate Local Government decision making, as much information as possible about the nature of their operation should be provided.

# STATUTORY DECLARATION

## *Statutory Declarations Act 1959*

We, \_\_\_\_\_ [insert name of office bearer #1] and  
\_\_\_\_\_  
\_\_\_\_\_ [insert name of office bearer #2] of  
\_\_\_\_\_  
\_\_\_\_\_ [insert name of organisation] in  
the State of Western Australia hereby solemnly and sincerely declare as follows:

1. The financial information as provided presents fairly in accordance with relevant legislation, applicable accounting standards and other professional mandatory requirements, the financial position, the results of operations and cash flows.
2. The nature and extent of non-charitable activities has been fully disclosed.
3. The description and purpose of each land or lease holding has been fully disclosed.

**AND WE MAKE** this solemn declaration by virtue of the *Statutory Declarations Act 1959* and, subject to the penalties provided by the Act for the making of false statements in statutory declarations, conscientiously believing the statement contained in this declaration to be true in every particular.

\_\_\_\_\_  
Signature of Office Bearer #1

\_\_\_\_\_  
Signature of Office Bearer #2

\_\_\_\_\_  
Name and Position of Office Bearer #1

\_\_\_\_\_  
Name and Position of Office Bearer #2

Declared at \_\_\_\_\_  
[insert name of location]

this [                    ] day of [                    ] month 20

Before me, \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Full name, qualifications and address of person before whom the declaration is made

Signature \_\_\_\_\_

A complete list of persons whom a statutory declaration may be made before can be found in the *Statutory Declarations Act 1959*, or for further clarification please contact the Shire Offices.

**Attachment 4 – Draft Form EF/FIN-xxxx – Application for Rate Waiver/Concession**



***Shire of Wyndham East Kimberley***  
**Application for Rate Waiver/Concession**  
**Not for Profit Community Groups**

As per Councils Strategic Rating Policy, applications can be made by not for profit Community Groups within the district for consideration of a waiver or concession of rates annually in accordance with Councils discretionary powers provided by Section 6.47 of the Local Government Act.

Any rate waivers or concessions are subject to annual review.

Applicants need to provide clear and concise information regarding the nature of your activities to illustrate eligibility for the waiver/concession to facilitate Councils decision making.

Applicant Name			
Address of Organisation			
Telephone		Email	
Contact Name		Mobile	
Date commenced operation			
ABN			
<b>Please respond to the following questions</b>		YES	NO
1.	Is the organisation an incorporated body? (1)		
2.	Is the organisation Not-for-Profit?		
3.	Is the organisation registered with the Australian Taxation Office as a Not For Profit Organisation for taxation purposes? (2)		
4.	Does the organisation own or lease the rateable land? (If leased is the lessee responsible for rates under the lease agreement) (3)		
5.	Does the organisation run a profit making business that is incidental to its operation? (4)		
6.	Does the organisation receive any other exemptions? (5)		
(1)	If yes, please provide certificate of incorporation.		
(2)	If yes, please provide relevant Taxation information.		
(3)	If yes, please provide certificate of lease.		
(4)	If yes, please provide further information as outlined on the following page.		
(5)	If yes, please provide further details and attach evidence.		

In addition to the completion of this application form, organisations are required to provide the following information in writing:

- An outline of the organisations objectives, nature and contribution to community life in the East Kimberley.
- The organisations target demographic.
- A description of the organisations activities in the community
- A description and details of the organisations not for profit status.
- A copy of the organisations current constitution.
- Details of any incidental profit making business including description of nature, extent and location; profit distribution; detailed breakdown of the use of any income received plus details of what would happen if the assets of the organisation in the unlikely event it went out of business.
- Such other information as is necessary to allow for the full consideration of the application.

Such information should be accompanied by the attached Statutory Declaration signed by two authorised persons or office bearers of the organisation verifying the accuracy of the information.

# STATUTORY DECLARATION

## *Statutory Declarations Act 1959*

We, \_\_\_\_\_ [insert name of office bearer #1] and  
\_\_\_\_\_ [insert name of office bearer #2] of  
\_\_\_\_\_ [insert name of organisation] in  
the State of Western Australia hereby solemnly and sincerely declare as follows:

4. The nature and extent of organisations activities has been fully disclosed.
5. The description and purpose of each land or lease holding has been fully disclosed.

**AND WE MAKE** this solemn declaration by virtue of the *Statutory Declarations Act 1959* and, subject to the penalties provided by the Act for the making of false statements in statutory declarations, conscientiously believing the statement contained in this declaration to be true in every particular.

\_\_\_\_\_  
Signature of Office Bearer #1

\_\_\_\_\_  
Signature of Office Bearer #2

\_\_\_\_\_  
Name and Position of Office Bearer #1

\_\_\_\_\_  
Name and Position of Office Bearer #2

Declared at \_\_\_\_\_  
[insert name of location]

this [                    ] day of [                    ] month 20

Before me, \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Full name, qualifications and address of person before whom the declaration is made

Signature \_\_\_\_\_

A complete list of persons whom a statutory declaration may be made before can be found in the *Statutory Declarations Act 1959*, or for further clarification please contact the Shire Offices.

## Attachment 5: Council Policy F18 – Community Group Rating Policy

POLICY NUMBER:	F18
DIVISION:	Corporate Services
SUBJECT:	Community Group Rating Policy
REPORTING OFFICER:	Executive Manager Corporate Services
ENABLING LEGISLATION:	6.12 Local Government Act 1995

### **OBJECTIVE**

To form a policy on the rating of community groups within the East Kimberley. In the past, community groups leasing land from Council have been exempt from rates. Community groups who possess their own land or lease from a third party have been rated.

The objective of this policy is to create equality across all community groups in the East Kimberley. Not for profit community groups which have a positive effect on life in the East Kimberley will not be rated.

### **POLICY**

*“Community group” – An organisation of people who are formed to promote a community or sporting activity which has a positive effect on the East Kimberley.*

Community groups within the East Kimberley who operate as not for profit organizations, yet do not fall under an exempt category as per section 6.26 of the Local Government Act, will be required to complete an “Application for Rates Exemption” form.

The policy allows not for profit community organizations to focus all finances on furthering their particular activities. Council encourages community groups within society who make the East Kimberley a more enjoyable place to live and work.

On completion of an “Application for Rates Exemption” form the details will be presented to the Chief Executive Officer. If the community group is successful in its application, the Rates Officer will be notified to label the property on our data base as exempt.

ADOPTED: 21/2/2006

AMENDED:

REVIEWED:



**APPLICATION FOR RATES EXEMPTION  
UNDER SECTION 6.12 OF THE LOCAL GOVERNMENT ACT 1995**

<b>Name</b>			
<b>Address of Organisation</b>			
<b>Telephone:</b>		<b>Facsimile:</b>	
<b>Date commenced operation</b>			
<b>ABN Number:</b>			
		<b>Yes</b>	<b>No</b>
<b>1.</b>	Is the organisation an incorporated body? *		
<b>2.</b>	Is the organisation considered not-for-profit?		
<b>3.</b>	Does the organisation own the rateable land?		
<b>4.</b>	Does the organisation run a profit making business that is incidental to its operation?		
<b>*</b>	If yes, please provide certificate of incorporation.		

**Organisations** need to outline the nature of their contribution to community life in the East Kimberley:

- Target demographic
- Description of the activity in the community
- 'Not for Profit' nature of the organisation

Maximum length: one typed page

**Applicants** need to illustrate eligibility to claim a rate exemption and to facilitate the Shire of Wyndham East Kimberley decision making, clear and concise information about the nature of your activities should be provided.

## **12.3 ENGINEERING & REGULATORY SERVICES**

No Reports

## 12.4 DEVELOPMENT

### 12.4.1 PROPOSED ROAD CLOSURE - OLD DARWIN ROAD, KUNUNURRA

<b>DATE:</b>	20 April 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Old Darwin 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>	21.10.064
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to consider a submission received in relation to the proposed closure of portion of Old Darwin Road, Kununurra, for amalgamation with adjoining properties.

#### **BACKGROUND**

Council considered a proposal to close a portion of the Old Darwin Road, road reserve, at the Ordinary Council Meeting of 15 December 2009 whereat it was resolved:

***Minute No. 8990***

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

***That Council:***

- 1. Advertise the proposed road closure.***
- 2. Resolve to close a portion of Old Darwin Road subject to no objections being received during the advertising period.***
- 3. Following completion of the advertising period, request the Department for Regional Development and Lands to close a portion of Old Darwin Road, as shown at Attachment 2, for amalgamation with adjoining Lots 1 and 2 (Diagram 87117) and King Location 448.***

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

A copy of the plan showing the road closure as per the resolution is at Attachment 1.

Accordingly the proposed closure, (as shown on the plan at Attachment 1), was advertised in The Kimberley Echo on 21 January 2010, for a period of 35 days, closing on 26 February 2010. Notification letters were also sent to adjoining landowners and service agencies.

A total of five (5) submissions were received during the advertising period, three of which were from the Department for Planning, Water Corporation and Horizon Power stating no objection. One submission was from Telstra advising of no objection in principle, however that services located within the vicinity are governed and protected by the

*Telecommunications Act 1997*, which allows Telstra to inspect, maintain and/or replace the infrastructure.

The fifth submission was from the owner's of Lot 2 Old Darwin Road (who instigated the road closure process), addressed to the Department of Regional Development and Lands (DRDL). The letter states that while they would like to proceed with the purchase of the portion of road to be closed adjoining their property, they are concerned about the unrealistic value placed on the land and requesting a review of the valuation. A copy of this submission is shown at Attachment 2.

The DRDL has since advised the Shire that the owner of Lot 2 does not wish to proceed with the purchase and amalgamation of the portion of Old Darwin Road adjoining that property.

In light of this submission and the recent advice from the DRDL, Council reconsideration of the resolution is now sought.

### **STATUTORY IMPLICATIONS**

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

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

There are no financial implications for the Council as the applicant is responsible for all advertising and land acquisition costs. Should the Council resolve to close the road following advertising, the remainder of the process is then finalised by the State.

### **STRATEGIC IMPLICATIONS**

Nil

### **COMMUNITY CONSULTATION**

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

During the advertising period a total of five (5) submissions were received – refer to comment in background section above.

### **COMMENT**

The intention of the original resolution is for the proposed portion of the Old Darwin Road Reserve to be closed for subsequent amalgamation with adjoining Lots 1 and 2 (Diagram 87117), and King Location 448 (Reserve 31780), as per the road closure plan at Attachment 1, of which Lot 1 is located between Lots 2 and King Location 448.

The DRDL has recently advised the Shire that the owner of Lot 2 Old Darwin Road does not wish to acquire the portion of road reserve adjoining their property, however that the owner of Lot 1 Old Darwin Road does wish to proceed with the purchase and amalgamation of the portion adjoining their property.

With this in mind, and given the existing encroachment form Lot 1, it is the Officers' view that the Council should proceed with the alternative road closure for only that portion adjoining Lot 1 Old Darwin Road as indicated on the plan at Attachment 3.

### **ATTACHMENTS**

Attachment 1 – Road Closure Plan (As resolved & advertised)  
Attachment 2 – Submission from Owner's of Lot 2 Old Darwin Road  
Attachment 3 – Alternative Road Closure Plan

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER'S RECOMMENDATION**

That Council:

1. Under section 58 of the *Land Administration Act 1997* resolve to close a portion of Old Darwin Road adjoining Lot 1 on Diagram 87117, as shown depict red on the plan at Attachment 3.
2. Request the Department for Regional Development and Lands to close a portion of Old Darwin Road, as depicted red on the plan at Attachment 3, for amalgamation with adjoining Lot 1 on Diagram 87117.

Cr K Wright foreshadowed a motion:

That if the closure of Old Darwin Road contiguous with Lot 1 has not proceeded, then Council withdraw the road closure and request for amalgamation with Lot 1.

The Officer's Recommendation lapsed for want of a mover.

Cr K Wright withdrew his foreshadowed motion.

Cr J Parker proposed a motion:

Moved: Cr J Parker  
Seconded: Cr D Ausburn

That Council does not close Old Darwin Road.

Cr J Parker withdrew her proposed motion.

**COUNCIL DECISION**

**Minute No: 9093**

**Moved: Cr J Parker**

**Seconded: Cr R Addis**

**That Council:**

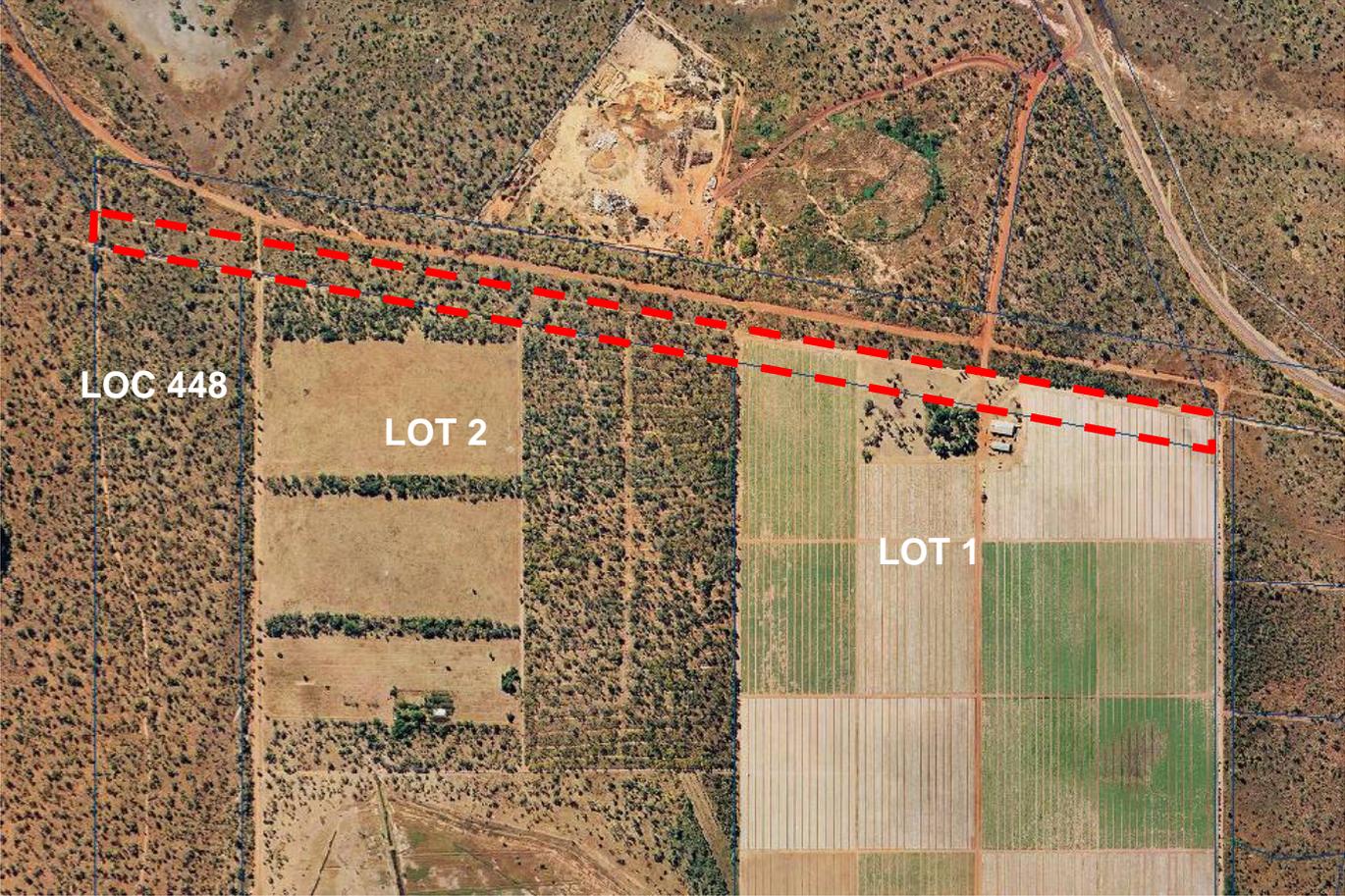
- 1. Under section 58 of the *Land Administration Act 1997* resolve to close a portion of Old Darwin Road adjoining Lot 1 on Diagram 87117, as shown depict red on the plan at Attachment 3.**
- 2. Request the Department for Regional Development and Lands to close a portion of Old Darwin Road, as depicted red on the plan at Attachment 3, for amalgamation with adjoining Lot 1 on Diagram 87117.**

**CARRIED: (5/2)**

**FOR: Cr J Moulden  
Cr J McCoy  
Cr K Torres  
Cr R Addis  
Cr J Parker**

**AGAINST: Cr K Wright  
Cr D Ausburn**

**ATTACHMENT 1**



**Portion of road reserve recommended to be closed**

29 JAN 2010

Doc No.	069088
Date	29 JAN 2010
Officer	TPO
Response	<del>IFG</del>
File	01.3021.02
Cross Ref.	

PO Box 88  
Kununurra WA 6743  
PH: 91 681430

25<sup>th</sup> January 2010

Mr. Peter Broekmeulen  
Dept of lands  
PO Box 630  
Kununurra WA 6743  
PH: 91 680602

Dear Peter,

RE KING LOC 438/2, OLD DARWIN ROAD:-

While we would like to proceed with the purchase of a portion of road reserve to the north of our property, we are concerned at the unrealistic value placed on this land. At \$24,000,(approximately) for 4 ha of uncleared, unfenced and unimproved non-productive land adjacent to the present Kununurra rubbish tip and within the current buffer zone prohibiting residence thereon, we find this outlay hard to justify.

It also compares unfavourably with adjacent Loc 438/1 which includes areas further from the tip, is cleared, fenced and reticulated.

We therefore request a review of the value of this land before proceeding any further.

Thanking you,

Yours faithfully,



RICHARD LETHBRIDGE

cc. SWEK Town Planning Officer.

**ATTACHMENT 3**



**Alternative road reserve closure plan**

## 12.4.2 ROAD NAMES - CHESTNUT AVENUE / COOLIBAH DRIVE SUBDIVISION, KUNUNURRA

<b>DATE:</b>	20 April 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Chestnut Avenue / Coolibah Drive, Kununurra
<b>AUTHOR:</b>	Jennifer Ninyette, Town Planning Officer
<b>REPORTING OFFICER:</b>	Ian D'arcy, Executive Manager Development Services
<b>FILE NO:</b>	43.04.38
<b>ASSESSMENT NO:</b>	N/A

### **PURPOSE**

For Council to consider the naming of new roads in the proposed Coolibah Drive/Chestnut Avenue subdivision within Kununurra, prior to the development of a Road Naming Policy and Reserve list of approved road names, including indigenous or non-indigenous pioneer names, being implemented.

### **BACKGROUND**

The Shire has received correspondence from Survey North to consider the nominated road names for the Chestnut Ave (also referred to as Coolibah Drive) Housing Development subdivision. A copy of this correspondence is shown at Attachment 1.

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

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

The Shire currently does not have a formal road naming policy; however Council has resolved for such a policy to be developed using pioneer names (Minute No. 8823).

Notwithstanding, a draft Road Naming Policy has been initiated, the compilation of a list of pioneer names and their background status, inclusive of indigenous and non-indigenous names, will take some time. On this understanding it is suggested that Council consider the nominations in this instance, to prevent any delays in progressing this subdivision.

The road names that have been nominated for the Chestnut Ave/Coolibah Drive subdivision are as follows:

- Adansonia Avenue
- Pantoleuca Avenue
- Lirata Pass
- Collina Way
- Bella Lane

As per the plan at Attachment 2.

## **STATUTORY IMPLICATIONS**

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

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

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

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

## **POLICY IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

Nil

## **COMMUNITY CONSULTATION**

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

However, it is considered appropriate that the implementation of a road naming policy include community consultation.

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

## **COMMENT**

Although Survey North has suggested a list of road names based on various tree and vegetation species for the Chestnut Avenue/Coolibah Drive subdivision it is recommended that alternative names be offered in place of two of the names nominated by Survey North, for ease of pronunciation and simplicity.

As such, it is recommended that the following list of names be endorsed by Council for the Chestnut Avenue/Coolibah Drive subdivision:

- Corkybark Drive
- Bluegrass Avenue
- Lirata Pass
- Collina Way
- Bella Lane

As per the plan at Attachment 4.

### **ATTACHMENTS**

Attachment 1 – Letter from Survey North  
Attachment 2 – Subdivision & Nominated Road Name Plan  
Attachment 3 – List of Tree names for road names  
Attachment 4 – Recommended Road Name Plan

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER'S RECOMMENDATION**

That Council:

Endorse the following road names for the Chestnut Avenue/Coolibah Drive subdivision and accordingly request approval from the Geographic Names Committee as per the plan at Attachment 4:

- Bluegrass Avenue
- Corkywood Drive
- Lirata Pass
- Collina Way
- Bella Lane

Moved: Cr K Torres

Seconded: Cr D Ausbrun

That Council endorse the following road names for the Chestnut Avenue/Coolibah Drive subdivision and accordingly request approval from the Geographic Names Committee as per the plan at Attachment 4:

- Bluegrass Avenue
- Corkywood Drive
- Lirata Pass
- Collina Way
- Bella Lane

Cr K Wright proposed an amendment to the motion:

That Council change the proposed Road Names as per the Plan to be:

1. Lot 41 to Lot 12 be named Corkybark Drive;
2. Lot 28 to Lot 9 be named Lirata Pass; and
3. Lot 12 to Lot 9 be named Jasmine Lane.

The amended motion became the substantive motion.

**COUNCIL DECISION**

**Minute No. 9094**

**Moved: Cr K Wright**

**Seconded: Cr J Parker**

**That Council change the proposed Road Names as per the Plan to be:**

- 1. Lot 41 to Lot 12 be named Corkybark Drive;**
- 2. Lot 28 to Lot 9 be named Lirata Pass; and**
- 3. Lot 12 to Lot 9 be named Jasmine Lane.**

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

**Minute No: 9095**

**Moved: Cr K Wright**

**Seconded: Cr J Parker**

**That Council:**

**Endorse the following road names for the Chestnut Avenue/Coolibah Drive subdivision and accordingly request approval from the Geographic Names Committee for the following:**

- 1. Lot 41 to Lot 12 be named Corkybark Drive;**
- 2. Lot 28 to Lot 9 be named Lirata Pass; and**
- 3. Lot 12 to Lot 9 be named Jasmine Lane.**

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

Note: Council decision differed from the Officer's recommendation as Landcorp had made Corkybark Drive non contiguous. The Council decision was to simplify naming within the subdivision in order to reduce potential confusion.

ATTACHMENT 1

KN122 it9 01

3 March 2009

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

ATTN: Ian D'Arcy



PO Box 1390 Kununurra, Western Australia 6743

Mobile: 0429 141 806  
Telephone: 08 9169 3405  
Email: admin@surveynorth.com.au

Dear Sir

**PROPOSED SUBDIVISION OF LOT 505, 508 AND PT LOT 501 COOLIBAH DRIVE  
KUNUNURRA- ROAD NAMES**

We act on behalf of LandCorp for the proposed subdivision of the above lots, and are seeking formal support from Council for the proposed road names within the subdivision.

In keeping with the Shire's current road naming theme for town based subdivisions tree names have been proposed. The subdivision requires five road names and the following are proposed

Road Number	Proposed Road Name	Scientific Name	Common Name
Road 1	Adansonia Avenue	Adansonia Gregorii	Boab
Road 2	Pantoleuca Avenue	Eucalyptus Pantoleuca	Round-leaved Gum
Road 3	Lirata Pass	Eucalyptus Lirata	Kimberley Yellowjacket
Road 4	Collina Way	Corymbia Collina	Silverleaf Boodwood
Road 5	Bella Lane	Corymbia Bella	Kununurra White Gum

A plan of the proposed subdivision showing the proposed road names is also included.

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

Yours faithfully

Nathan Allister  
Director  
**Survey North Pty Ltd**

encl. 96201pr-001b PROPOSED ROAD NAMES

*Licensed Land Surveyors and Land Development Consultants*

*Survey North Pty Ltd ACN 118 924 057*



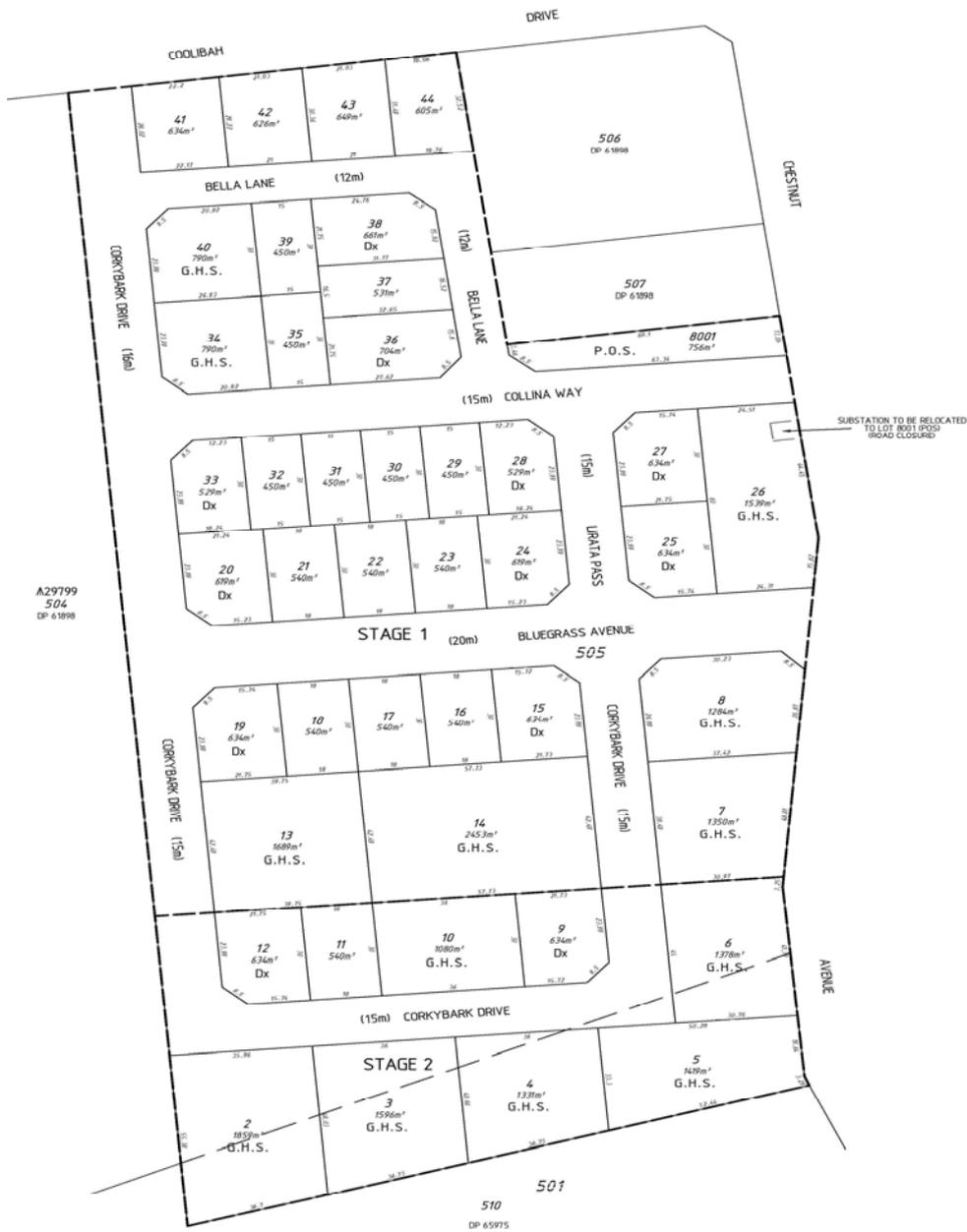
### ATTACHMENT 3

#### POSSIBLE TREE NAMES FOR ROAD NAMES

Names [scientific and common name]

Proposed Road Name	Scientific Name	Common name
Aristida	Aristida	Kerosene grass
Atalya	Atalya	Whitewood
Carissa	Carissa Lanceolata	Konkerberry
Heather	Calytrix Existipulata	Kimberley Heather or Turkey Bush
Quinine	Petalostigma Quadriloculare	Quinine Bush
Senna	Senna Notabilis	Cockroach Bush
Terminalia	Terminalia petiolaria	Terminalia
Dillenia	Dillenia alata	
Corymbia	Corymbia [species name]	
Phoenicia	Grevillea pteridifolia	Silky Grevillea
Collina	Corymbia collina	Silverleaf Bloodwood
Adansonia	Adansonia gregorii	Boab
Triodia	Triodia	Spinifex grass
Cycad	Cycas lane-poolei	Cycad
Leucadendra	Melaleuca leucadendra	Weeping Paperbark
Paperbark	Melaleuca leucadendra	Weeping Paperbark
Gubinge	Terminalis (sp)	Gubinge
Tea Tree	Melaleuca minutiflora	Tea Tree
Lirata	Eucalyptus Ilirata	Kimberley Yellowjacket
Suberosa	Acacia suberosa	Corkybark Wattle
Corkybark	Acacia suberosa	Corkybark Wattle
Wattle	Acacia suberosa	Corkybark Wattle
Bella	Corymbia Bella	Kununurra White Gum
Callitris	Callitris Intratropica	Cypress Pine
Carallia	Carallia brachiata	Freshwater Mangrove
Carnavalia	Carnavalia pres-caprae	
Pantoleuca	Eucalyptus pantoleuca	
Murraya	Murraya paniculata	Orange Jessamine
Jessamine	Murraya paniculata	Orange Jessamine
Alstonia	Alstonia Linearis	Bitterbark
Templetonia	Templetonia hookeri	
Ficus	Ficus platypoda	Rock Fig
Jasminum		Native Jasmine
Bluegrass	Dichanthium (sp)	Bluegrass
Peachwood	Ehretia Siligna	Peachwood

# ATTACHMENT 4



A29799  
504  
DP 61898

SUBSTATION TO BE RELOCATED  
TO LOT 8001 POSS  
ROAD CLOSED

LAND USE / STATISTICS			
ENTIRE SITE	WAPC Ref - NOT ISSUED		
PARCEL TYPE	MAP SYMBOL	NUMBER OF PARCELS	AREA (ha)
Traditional Lots		18	0.9526
Duplex Lots	Dx	12	0.7467
Group Housing Lots	G.H.S.	13	1.8559
Public Open Space	P.O.S.	1	0.0756
Roads (inc. Truncational)			1.6520
STAGE TOTAL			5.2828

### 12.4.3 APPROVED TEMPORARY WORKERS ACCOMMODATION CAMP - RE-CONSIDERATION OF CONDITIONS

<b>DATE:</b>	20 April 2010
<b>PROONENT:</b>	BrightHouse Consultants for LandCorp
<b>LOCATION:</b>	Lot 2484 Victoria Highway, 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>	01.7154.02
<b>ASSESSMENT NO:</b>	A7154

#### **PURPOSE**

The purpose of this report is for Council to consider a request for clarification and re-consideration of a number of conditions applied to Planning Consent 117/09 issued in January 2010, for the construction of a Temporary Workers Accommodation Camp on Lot 2484 Victoria Highway Kununurra.

#### **BACKGROUND**

The Council in January of this year granted conditional planning consent for a 300 person Temporary Workers Accommodation Camp on Lot 2484 Victoria Highway Kununurra to be implemented in three stages. The primary purpose of the camp facility is to house workers associated with a range of projects funded under the East Kimberley Funding Package and Royalties for Regions Funding, with particular focus on the Ord Expansion Project.

For the purpose of familiarisation Figure 1 below illustrates the location of the workers camp facility.



Figure 1 – Location Plan

In response to the development approval Brighthouse Consulting, acting on behalf of Landcorp and the recently appointed camp proponent, Fleetwood Pty Ltd, has requested reconsideration of a number of the conditions of the approval.

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

### **STATUTORY IMPLICATIONS**

1. Planning consent for the approved development was processed as an 'SA' use and was granted pursuant to Clause 3.1.6 (b) and Clause 11.2 of the Shire of Wyndham East Kimberley Town Planning Scheme No.7.
2. Re-consideration of a condition/s of a planning approval is usually addressed through a 'right of appeal' lodged with the State Administrative Tribunal within 28 days for the Council's determination. This entitlement is granted by specific provisions under the *Planning and Development Act, 2005* and Clause 12.51 of Town Planning Scheme No.7.

Furthermore, the alteration or rescission of a past motion or decision of Council is not usually recommended if the applicant has acted on the approval, as there is a significant risk of exposure to a compensation payment. However, in this instance, given the applicant has requested reconsideration and amendment to the approval it is recommended that Council, through formal resolution, entertain the applicant's request, but only to the extent of the request.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications associated with this request although the waiving of some or all of the conditions as requested may have a financial consequence to the future redundant use of the camp facility site.

### **STRATEGIC IMPLICATIONS**

The camp facility generally does not conform to any strategic direction set by Council, due to its short term nature.

However, the Council has been active in the preparation of a business plan for the core infrastructure, and possibly some of the transportable buildings, to form the basis of a redundant use/s that best suits the camp site in the longer term. Hence, the waiving of conditions applicable to the respective development approval may have minor implications for the redundant use.

### **COMMUNITY CONSULTATION**

There is no required community consultation applicable to this request.

## COMMENT

The following Table details the subject conditions, requests and comment to each of the requested amendments to the planning approval:

1.	<b>Condition 6(b,c&amp;d)</b>	<i>The Temporary Workers Accommodation shall consist of the following communal facilities: (b) Commercial kitchen and dining room to seat 150 people with ablution facilities. (c) A communal wet mess for licensed for 150 people including ablution facilities (d) A communal recreation/games/activity room with ablution facilities.</i>
	<b>Brighthouse Request</b>	Clarification is sought on the provision of ablutions for the dining room, wet mess and recreation building stating the proposed ablution facility is located within 35 metres from each of the communal building, which accords with the <i>Caravan and Camping Grounds Regulations, 1997</i> .
	<b>Officer Comment</b>	The applicant's position is accepted where by the one ablution facility as shown on the approved plans is adequate to serve the communal dining room, wet mess and recreation building.
2.	<b>Condition 6(g)</b>	<i>The Temporary Workers Accommodation shall consist of the following communal facilities: (g) A minimum of 4 public telephones at strategic locations through out the Accommodation site.</i>
	<b>Brighthouse Request</b>	Waiver is sought to the provision of 4 public telephones given the availability of mobile reception and the installation of <i>Voice Over Internet Protocol (V.O.I.P)</i> phones that can be used for local calls.
	<b>Officer Comment</b>	In light of the installation of <i>V.O.I.P.</i> technology with communal access the waiver of 4 public telephones is supported.
3.	<b>Condition 15</b>	<i>Each caravan site shall consist of a compacted gravel apron, lawn area, connection points for power, potable water supply and grey water disposal, rubbish bin and some level of shade.</i>
	<b>Brighthouse Request</b>	Waiver is sought to the provision of lawn area associated with caravan bays given the planting of turf will not benefit the occupant and likely become damaged or neglected as most occupants will be single tradespeople with caravan, annex, trailer and other work tools. Preference is given to compacted gravel surfacing for all caravan bays.
	<b>Officer Comment</b>	This condition was applied to afford a 'softening' effect for the caravan sites with the consideration that this area may be retained as part of a redundant use. Given the expanse of area it is viewed these sites could be of adequate size to incorporate a compacted gravel area and small lawn/turf area. On this basis it is recommended the condition remain unchanged.
4.	<b>Condition 25</b>	<i>Fencing (cyclone mesh style) shall be erected to a height of 1.8 metres around the perimeter of the site including the installation of a 6.0 metre wide emergency access/egress gates to be located in consultation of the Shire's Chief Fire Control Officer and a separate pedestrian access gate that strategically aligns with a walk trail within the adjoining National Park.</i>
	<b>Brighthouse Request</b>	Waiver is sought to the provision of a pedestrian gate in the rear perimeter fence aligned with walk trail into the National Park due to security concerns and potential issues relating to the licensed premises on the camp site.

	<b>Officer Comment</b>	This condition was imposed at the request of the Department of Environment and Conservation (DEC) with a shared view that a pedestrian access gate would prove beneficial for any future redundant use. Should security become a concern, which is not envisaged given the location of camp and positioning of the gate away from established residential areas, the gate could be locked as part of the operational management protocol. On this understanding it is recommended the condition remain unchanged.
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## **ATTACHMENTS**

Attachment 1 – Letter from Brighthouse Consulting

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council, in relation to Planning Consent 117/09:

1. Accept Brighthouse Consulting's requests for:
  - (a) The one ablution facility as shown on the approved plans to serve communal dining room, wet mess and recreation building subject to modification as a consequence the building licence assessment and approval.
  - (b) Condition 6(g) relating to the provision of 4 public telephones to be waived subject to the installation of *Voice Over Internet Protocol* (V.O.I.P) technology with communal access to a minimum of 4 users being installed in the recreation room.
  
2. Not accept Brighthouse Consulting's request for:
  - (a) Condition 15 to be waived as the provision of a small lawn area for each caravan site will afford a 'softening' affect and enhance the amenity for the occupant. Furthermore, each site/bay should be constructed to compacted gravel standard of an adequate size to accommodate occupants, including their vehicle, caravan, annex, and trailer/tools.
  - (b) Condition 25 to be waived as the pedestrian gate in the perimeter fence to align with a walk trail to the National Park is considered reasonable and that should security issues arise during the period of operation of the camp facility the gate can be locked to address these concerns.

**COUNCIL DECISION**

**Minute No: 9096**

**Moved: Cr K Wright**

**Seconded: Cr D Ausburn**

**That Council, in relation to Planning Consent 117/09:**

**1. Accept Brighthouse Consulting's requests for:**

**(a) The one ablution facility as shown on the approved plans to serve communal dining room, wet mess and recreation building subject to modification as a consequence the building licence assessment and approval.**

**(b) Condition 6(g) relating to the provision of 4 public telephones to be waived subject to the installation of Voice Over Internet Protocol (V.O.I.P) technology with communal access to a minimum of 4 users being installed in the recreation room.**

**2. Not accept Brighthouse Consulting's request for:**

**(a) Condition 15 to be waived as the provision of a small lawn area for each caravan site will afford a 'softening' affect and enhance the amenity for the occupant. Furthermore, each site/bay should be constructed to compacted gravel standard of an adequate size to accommodate occupants, including their vehicle, caravan, annex, and trailer/tools.**

**(b) Condition 25 to be waived as the pedestrian gate in the perimeter fence to align with a walk trail to the National Park is considered reasonable and that should security issues arise during the period of operation of the camp facility the gate can be locked to address these concerns.**

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

26 March 2010

Mr Ian D'Arcy  
Executive Manager Development Services  
Shire of Wyndham East Kimberley

By Email

Dear Ian

### **Decision on Application for Planning Approval**

Further to your letter of 25 January regarding the Planning Approval for a Temporary Workers Accommodation Camp - Lot 2484 Victoria Highway, Kununurra, we respectfully request the Shire of Wyndham – East Kimberley consider the comments below which relate to issues concerning the successful establishment and operation of the camp.

#### Requested amendments to the Planning Approval

- 6(b, c & d). Recreation Room, Ablution facilities - The plans submitted with the Planning Application included floor plans for the Commercial Kitchen/Dining, Wet Mess and Recreation rooms. The rooms are serviced by a common abluion block, as is normal practice for temporary worker's camps. The maximum distance to the abluion block to any of the above buildings is 35 metres, which is considerably less than the 90 metre minimum required between accommodation and abluions under the Caravan and Camping Grounds Regulations 1997.
- We wish to confirm that the proposed arrangement satisfies the criteria of items 6(b,c& d).
- 6(g) The requirement for 4 public telephones creates some difficulty. It is proposed that the camp have V.O.I.P telephones available for use by camp occupants (at local call rates) in the recreation room. The rooms are not serviced with individual telephones, as experience in other worker's camps is that where mobile reception is available, the occupants use mobile phones and public phones have become redundant.
- We request this item be deleted.
15. The temporary caravan sites on the plan are to service contractors and workers that have their own caravans as an alternative to the camp accommodation. It is not envisaged that the sites will accommodate anyone other than single workers. Those contractors who travel from one work location to another and are self-sufficient with caravan, annex, large tow vehicle and trailer containing work equipment and tools generally occupy the sites. As such, most of the site area, apart from the regulation set-backs are covered with caravan and annex and vehicles. We suggest that turf installed on the sites would soon become damaged and unsightly. There is ample provision of turf in the passive recreation areas and public open space.
- We request that the requirement for turf on the temporary caravan sites be removed and replaced with compacted gravel, which is better suited for the purpose.

25. We consider that a pedestrian gate aligned with a walk trail in the National Park would create a security issue for the camp and its occupants. The gate access may also create issues relating to the licensed premises on the camp site. The gate could be added later depending on the site's redundant use.

We request that this part of the condition be deleted.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'D Holland', written in a cursive style.

David Holland  
**Consultant**

#### 12.4.4 PROPOSED DECK EXTENSION TO CAFE - LOT 529 RIVERFARM ROAD, KUNUNURRA

<b>DATE:</b>	20 April 2010
<b>PROPONENT:</b>	Daniel Read
<b>LOCATION:</b>	Lot 529 Riverfarm Road, Kununurra
<b>AUTHOR:</b>	Kevin Tang, Town Planning Officer
<b>REPORTING OFFICER:</b>	Ian D'arcy, Executive Manager Development Services
<b>FILE NO:</b>	01.0119.02
<b>ASSESSMENT NO:</b>	A119

#### **PURPOSE**

For Council to consider an application for the use and development of a deck extension, to the existing cafe established on Lot 529 Riverfarm Road, Kununurra.

#### **BACKGROUND**

The Shire is in receipt of a development application from the owner of Lot 529 Riverfarm Road, Kununurra seeking approval to construct a deck extension to the existing café on the property. The existing café was approved by Council as a Wayside Stall, as at the time a Restaurant was not permitted. Subsequently, the Council approved the extension of the non-conforming right for the use of café/restaurant in September 2008, effectively allowing the wayside stall to be upgraded to a restaurant classification.

The proposed deck measures 7.2 metres in length and 5.54 metres in width, with an area of approximately 40 square metres. The deck extension is to enhance the café use with increased outside seating, consisting of 4 additional tables.

Attachment 1, 2 and 3 afford an understanding of the proposed development.

#### **SITE AND SURROUNDS**

The subject lot is located on the north side of Riverfarm Road approximately 2.5 kilometres northwest from its intersection with Ivanhoe Road. The site is an irregular rectangular shaped allotment, with a frontage of approximately 800 metres to Riverfarm Road and a total area of 8.9 hectares. The north property boundary adjoins an irrigation channel



Figure 1 – Location Plan

## **STRATEGIC IMPLICATIONS**

Shire's Local Planning Strategy recommends allowing economic diversification in Agricultural Zones subject to special development controls.

### *5.10.1.1 Diversified Uses in Agricultural Zones*

*...Diversification of land uses in agricultural zones is generally not supported due to the potential loss of productive PAL, the impact on management and operational practices and the potential externalisation of these impacts. However, where farmers and producers are seeking to supplement incomes to ensure viability of the principal agricultural land use, there is some scope for allowing subordinate land uses only, or uses that are wholly incidental or dependant on the principal agricultural use of land...*

Further, this application is also consistent with Amendment 18 to the Shire's Town Planning No.7 which promotes and supports diversification complimentary to agricultural production in the 'Rural Agriculture 2' zone.

## **STATUTORY IMPLICATIONS**

### Zoning

The site is zoned 'Rural Agriculture 2' in the Town Planning Scheme No. 7 – Kununurra and Environs. Further, 'Restaurant' (café is considered a restaurant under TPS as there is no listed use of café *per se*) is a use class that requires advertising and discretionary approval of Council ('SA') within this zone.

The objectives of the 'Rural Agriculture 2' zone are:

- (a) to ensure the adequate supply of land for intensive agricultural and horticultural holdings in localities of adequate water supply and suitable soil types;*
- (b) to promote the use of these lots for the production of horticultural crops and associated uses.*

While the proposed deck extension to the existing cafe is not directly related to agricultural production, the café does serve as an incidental use to the agricultural production (mangoes) on the property.

### Boundary setback

The proposed development is only setback 12 metres from the side boundary, which violates the 35 metres side boundary setback stipulated in Town Planning Scheme No. 7. In consideration of this matter the affected land owner Mr. Peter Cottle has offered a letter of support for the development based on the reduced setback distance. (See Attachment 4)

## **POLICY IMPLICATIONS**

While there are no specific policy implications associated with this proposal, it is the staff's intention to prepare a draft Local Planning Policy to reduce the boundary setback distances in the 'Rural Agricultural 2' zone due to the generous nature of the prescribed setbacks and the narrow width of many of the lots within this zone.

## **FINANCIAL IMPLICATIONS**

The \$100 application fee has been paid.

## **COMMUNITY CONSULTATION**

As Lot 529 is zoned 'Rural Agriculture 2' and a café/restaurant is a use which requires advertising and discretionary approval of Council ('SA') within this zone, all landowners along the Riverfarm Road were notified in writing and given the opportunity to respond to the proposed development from 3 March 2010 to 24 March 2010. As a result no submissions and/or objections have been received within this period.

## **CONCLUSION/COMMENT**

The Shire's Local Planning Strategy has recommended to allow for diversified land uses within the Rural Agricultural zones to supplement farmer's incomes due to price fluctuation of agricultural product; provided that the uses are incidental and related to the predominant agricultural uses and that appropriate measures are taken to minimise its negative impact on agriculture. Given that the proposed development will accommodate no more than twenty people, the use is still considered to be incidental and complementary to the existing agricultural use on the property.

Therefore, it is recommended the application for the deck extension to the café on Lot 529 Riverfarm Road Kununurra be approved, subject to conditions.

## **ATTACHMENTS**

Attachment 1 – Site Plan  
Attachment 2 – Floor Plan  
Attachment 3 – Elevations  
Attachment 4 – Letter of consent from Peter Cottle

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council grant planning consent for the proposed deck extension to the existing café/restaurant on Lot 529 Riverfarm Road, Kununurra, subject to the following conditions and advice being applied:

### **Conditions**

1. All development shall be in accordance with the attached approved plan(s) dated 5 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.
2. A vehicle crossover shall be upgraded to a minimum compacted gravel standard to the specifications of the local government at the owner's cost.
3. The area set aside for vehicle access roads and the parking of vehicles to a minimum of five (5) car parking bays and one (1) bus bay, together with the associated access and manoeuvring areas shall:

- (a) be provided and completed to the approval of the local government prior to the commencement of the use hereby permitted;
  - (b) thereafter be maintained to the approval of the local government;
  - (c) be made available for such use at all times and not used for any other purpose unless specifically approved;
  - (d) be properly formed to such levels that it can be used in accordance with the plan;
  - (e) be drained and constructed to an all weather standard to the approval of the local government;
  - (f) be clearly marked or sign posted visitor parking; and
  - (g) be configured to the minimum dimension of 2.8 metres in width and 5.5 metres in length for a standard car bay.
4. The deck extension shall be consistent in colour with the existing building to the approval of the local government.
  5. The deck extension shall include provision of access for people with disabilities in accordance with AS1428.1.
  6. The outside seating for the restaurant/café component of the development shall be limited to twenty (20) people based on four (4) seats per table.
  7. The operating times for restaurant/cafe shall be limited to the hours of 7.00am to 6.00pm, unless otherwise approved by the local government.
  8. The provision of a minimum 30 metre building protection zone around the deck extension which is to be kept free of combustible undergrowth and ground litter at all times.

#### Advice

- (a) The applicant should prepare and submit a management plan outlining the bio-security measures that will be implemented to protect the local Agricultural Industry to the satisfaction of the local government prior to the issue of a building licence.
- (b) Prior to the commencement of operation of the restaurant/café uses it is requested that all promotional information that applies to Agricultural bio-security shall be displayed in a prominent location within the development to the satisfaction of the local government.
- (c) The applicant is advised that the potable water supply for restaurant/café is required to be tested on a regular basis at the proponent's expense to ensure compliance with the state Health Act and Public Drinking Water Regulations.

Moved: Cr K Wright

Seconded: Cr J Parker

That Council grant planning consent for the proposed deck extension to the existing café/restaurant on Lot 529 Riverfarm Road, Kununurra, subject to the following conditions and advice being applied:

## Conditions

- 1) All development shall be in accordance with the attached approved plan(s) dated 5 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.
- 2) A vehicle crossover shall be upgraded to a minimum compacted gravel standard to the specifications of the local government at the owner's cost.
- 3) The area set aside for vehicle access roads and the parking of vehicles to a minimum of five (5) car parking bays and one (1) bus bay, together with the associated access and manoeuvring areas shall:
  - (a) be provided and completed to the approval of the local government prior to the commencement of the use hereby permitted;
  - (b) thereafter be maintained to the approval of the local government;
  - (c) be made available for such use at all times and not used for any other purpose unless specifically approved;
  - (d) be properly formed to such levels that it can be used in accordance with the plan;
  - (e) be drained and constructed to an all weather standard to the approval of the local government;
  - (f) be clearly marked or sign posted visitor parking; and
  - (g) be configured to the minimum dimension of 2.8 metres in width and 5.5 metres in length for a standard car bay.
4. The deck extension shall be consistent in colour with the existing building to the approval of the local government.
5. The deck extension shall include provision of access for people with disabilities in accordance with AS1428.1.
6. The outside seating for the restaurant/café component of the development shall be limited to twenty (20) people based on four (4) seats per table.
7. The operating times for restaurant/cafe shall be limited to the hours of 7.00am to 6.00pm, unless otherwise approved by the local government.
8. The provision of a minimum 30 metre building protection zone around the deck extension which is to be kept free of combustible undergrowth and ground litter at all times.

## Advice

- (a) The applicant should prepare and submit a management plan outlining the bio-security measures that will be implemented to protect the local Agricultural Industry to the satisfaction of the local government prior to the issue of a building licence.
- (b) Prior to the commencement of operation of the restaurant/café uses it is requested that all promotional information that applies to Agricultural bio-security shall be displayed in a prominent location within the development to the satisfaction of the local government.
- (c) The applicant is advised that the potable water supply for restaurant/café is required to be tested on a regular basis at the proponent's expense to ensure compliance with the state Health Act and Public Drinking Water Regulations.

Cr D Ausburn proposed an amended motion:

That Condition 5 be removed from the Officer's Recommendation.

The amendment lapsed for want of a seconder.

**COUNCIL DECISION**

**Minute No: 9097**

**Moved: Cr K Wright**

**Seconded: Cr J Parker**

***That Council grant planning consent for the proposed deck extension to the existing café/restaurant on Lot 529 Riverfarm Road, Kununurra, subject to the following conditions and advice being applied:***

**Conditions**

- 1. All development shall be in accordance with the attached approved plan(s) dated 5 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.***
- 2. A vehicle crossover shall be upgraded to a minimum compacted gravel standard to the specifications of the local government at the owner's cost.***
- 3. The area set aside for vehicle access roads and the parking of vehicles to a minimum of five (5) car parking bays and one (1) bus bay, together with the associated access and manoeuvring areas shall:***
  - (a) be provided and completed to the approval of the local government prior to the commencement of the use hereby permitted;***
  - (b) thereafter be maintained to the approval of the local government;***
  - (c) be made available for such use at all times and not used for any other purpose unless specifically approved;***
  - (d) be properly formed to such levels that it can be used in accordance with the plan;***
  - (e) be drained and constructed to an all weather standard to the approval of the local government;***
  - (f) be clearly marked or sign posted visitor parking; and***
  - (g) be configured to the minimum dimension of 2.8 metres in width and 5.5 metres in length for a standard car bay.***
- 4. The deck extension shall be consistent in colour with the existing building to the approval of the local government.***
- 5. The deck extension shall include provision of access for people with disabilities in accordance with AS1428.1.***
- 6. The outside seating for the restaurant/café component of the development shall be limited to twenty (20) people based on four (4) seats per table.***

- 7) The operating times for restaurant/cafe shall be limited to the hours of 7.00am to 6.00pm, unless otherwise approved by the local government.
- 8) The provision of a minimum 30 metre building protection zone around the deck extension which is to be kept free of combustible undergrowth and ground litter at all times.

**Advice**

- (a) The applicant should prepare and submit a management plan outlining the bio-security measures that will be implemented to protect the local Agricultural Industry to the satisfaction of the local government prior to the issue of a building licence.
- (b) Prior to the commencement of operation of the restaurant/café uses it is requested that all promotional information that applies to Agricultural bio-security shall be displayed in a prominent location within the development to the satisfaction of the local government.
- (c) The applicant is advised that the potable water supply for restaurant/café is required to be tested on a regular basis at the proponent's expense to ensure compliance with the state Health Act *and Public Drinking Water Regulations*.

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



ATTACHMENT 2

**STEELWORK**

1. COMPLY WITH AS4100 AND AS1554.
2. SITE CHECK ALL DIMENSIONS.
3. PINNACLED WELDS SHALL BE 6mm FILLET WELDS, U.N.O.
4. SEAL ALL HOLLOW SECTIONS WITH 4mm END PLATES.
5. ALL STEELWORK SHALL BE MECHANICALLY CLEANED AND COATED WITH DULUX ZINC CHROMATE PRIMER.

**DESIGN CRITERIA**

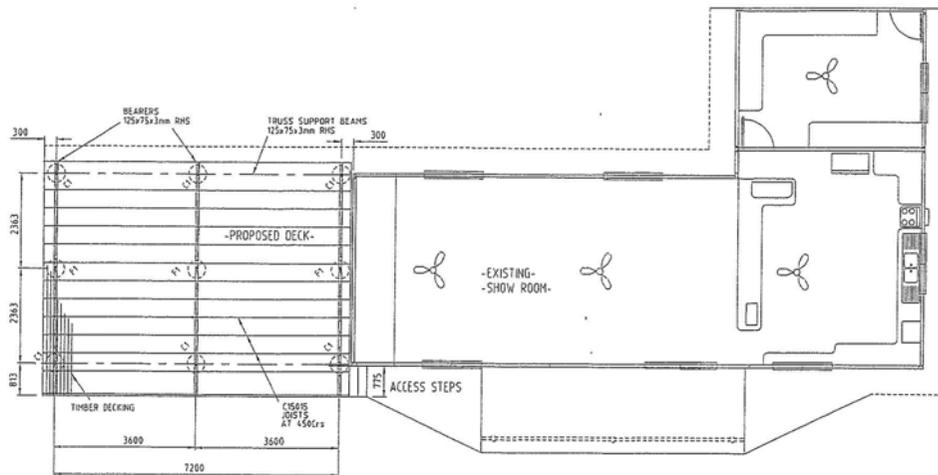
1. DEAD AND LIVE WIND LOADS IN ACCORDANCE WITH AS1170.1 AND AS1170.2 AND AS4555-1992
2. TERRAIN CATEGORY Z5, WIND REGION B
3. BASIC WIND VELOCITY  $V_{w,b}$  47m/s

ELEVATION 2  
1/82-17

ELEVATION 3  
1/82-17

ELEVATION 4  
1/82-17

ELEVATION 1  
1/82-17



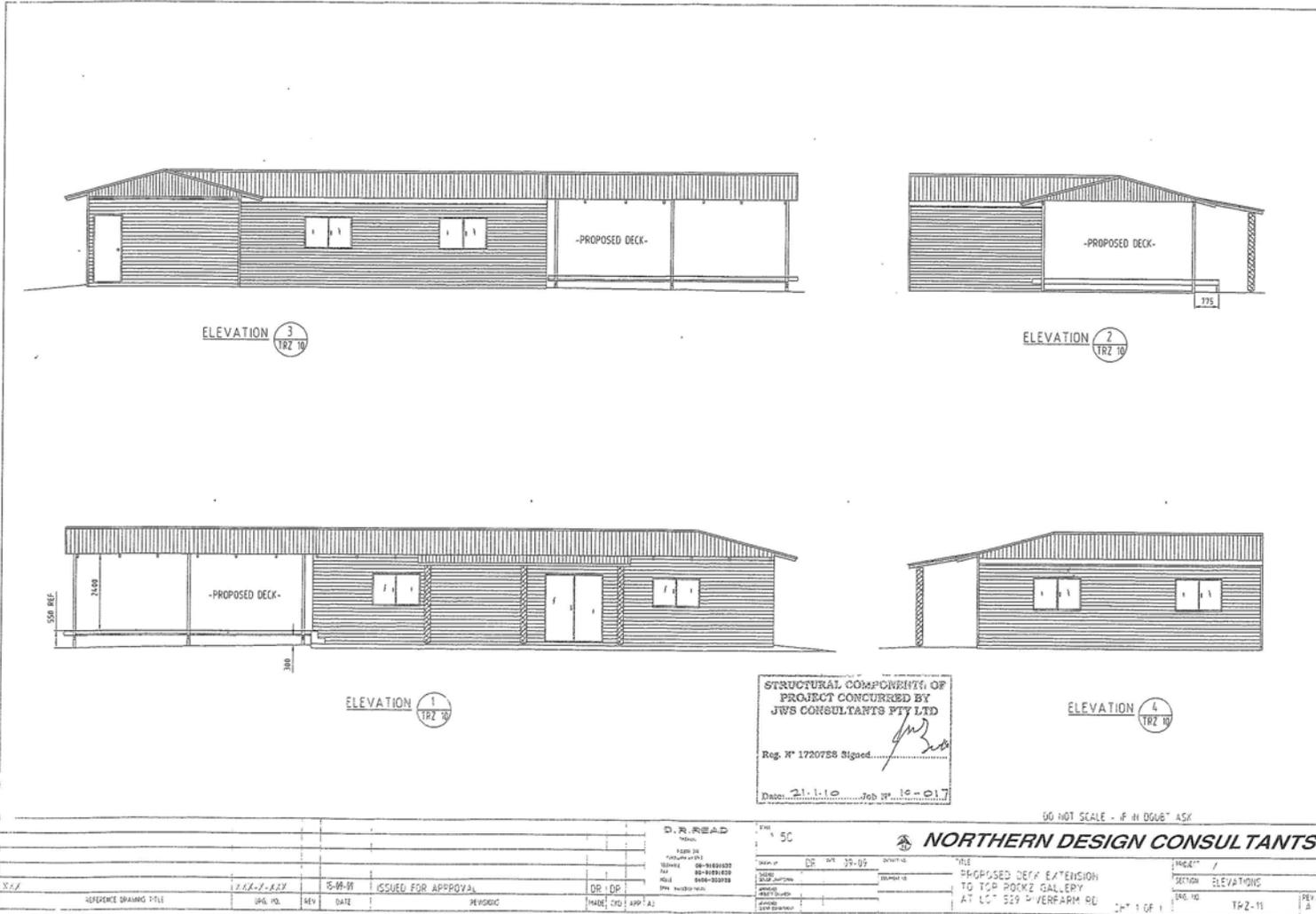
PLAN

STRUCTURAL COMPONENTS OF  
PROJECT CONCURRED BY  
JWS CONSULTANTS PTY LTD  
Reg. N° 1720758 Signed: *[Signature]*  
Date: 21.1.10 Job N° 10-D17

DO NOT SCALE - IF IN DOUBT ASK

<p>REFERENCE DRAWING TITLE: 242-A-17X A 15-09-09 ISSUED FOR APPROVAL</p>				<p>DATE: 09-09</p>		<p>PROJECT: PROPOSED DECK EXTENSION TO TOP ROCKZ GALLERY AT LOT 529 P JEFFERMAN RD</p>		<p>SECTION: FLOOR PLAN</p>	
<p>DATE: 15-09-09</p>	<p>REV: A</p>	<p>DATE: 09-09</p>	<p>ISSUED FOR APPROVAL</p>	<p>DATE: 09-09</p>	<p>PROJECT: PROPOSED DECK EXTENSION TO TOP ROCKZ GALLERY AT LOT 529 P JEFFERMAN RD</p>	<p>SECTION: FLOOR PLAN</p>	<p>DATE: 09-09</p>	<p>REV: 1</p>	<p>DATE: 09-09</p>

ATTACHMENT 3



## P.A. and S. M. Cottle

March 4, 2010

Mr Dan Reid  
Lot 529 Riverfarm Road  
KUNUNURRA WA 6743

Dear Dan

We are formally responding to your query re the construction of a deck area adjacent to your commercial outlet located at Lot 529 Riverfarm Road. It is council regulations for a structure of this type to be located at least 20 metres from the lot boundary

We understand given the position of the existing building and the preferred site for the deck area this condition can not be met. Given that your lot and our lot, Lot 528, each have a driveway along the adjoining boundary forming a natural barrier we have no objection to the deck being built. We also understand that the deck will be less than 20 metres from our boundary.

Please do not hesitate to contact us if there is additional information required.

Kind regards,



Peter Cottle



Susan Cottle

Doc No.	069437
Date	- 4 MAR 2010
Officer	TPO
Response	
File	01.0119.02
Cross Ref.	

PO Box 1998  
KUMUMURRA WA 6743  
Ph 08 91692445 Mob 0429807444  
cottle.yamba@bigpond.com

## 12.4.5 PROPOSED SUBDIVISION - LOT 15 PACKSADDLE ROAD, KUNUNURRA

<b>DATE:</b>	20 April 2010
<b>PROPONENT:</b>	Whelans Consultants for Melaluca Plantations of Bungawalbyn P/L & DRDL
<b>LOCATION:</b>	Lot 15 Packsaddle Road, 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>	01.1812.02
<b>ASSESSMENT NO:</b>	A1812

### **PURPOSE**

The purpose of this report is for Council to consider a proposal to subdivide Lot (No.15) on Packsaddle Road in Kununurra, zoned 'Rural Agriculture 2', into two distinct allotments, with the view to provide advice to the Western Australian Planning Commission on the application.

### **BACKGROUND**

#### **Application for Subdivision**

The Council is in receipt of an application from the Western Australian Planning Commission seeking comment on a proposal to subdivide a 19.86 lot, and an additional 4.4 hectares of foreshore land, to create two freehold lots, being Lot A of 12.09 hectares and Lot B of 9.21 hectares as shown in Attachment 1 to this report.

An aerial Photo of the property is shown in Figure 1 below:



Figure 1 – Lot 15 Packsaddle Road Kununurra

## **Physical Description**

As evident in Figure 1 the existing allotment and adjoining foreshore land is predominantly clear of native vegetation and has traditionally been used for intensive agricultural production. A natural drainage swale exists within the northern portion of the property that feeds into Lake Kununurra. Notably, the property is bordered by Lake Kununurra (and foreshore) which is a gazetted Ramsar Wetland to the east, while neighbouring land to the north and south is also zoned 'Rural Agriculture 2' and farmed on a commercial or semi-commercial basis. The land to the west on the opposite side of Packsaddle Road is zoned 'Rural Agriculture 1' and commercially planted with sandalwood.

Located in the western portion of the property is an existing residence connected to a reticulate power over head supply and underground telecommunications, and an onsite effluent disposal system. A number of smaller outbuildings are strategically located across the property.

A water supply to the property for domestic and commercial purposes is extracted from Lake Kununurra through the foreshore reserve.

Access to the property is via Packsaddle Road, constructed to a bitumen seal standard.

## **Zoning**

Lot 15 is currently zoned 'Rural Agriculture 2' under Town Planning Scheme No.7 – Kununurra and Environs. Accordingly, Clause 5.19.1 of the Scheme details the objectives of the 'Rural Agricultural 2' as:

- (a) to ensure the adequate supply of land for intensive agricultural and horticultural holdings in localities of adequate water supply and suitable soil types; and
- (b) to promote the use of these lots for the production of horticultural crops and associated uses only.

Additionally, Amendment 18 to Town Planning Scheme No.7, gazetted in January 2010, affords varying levels of permissibility for a range of diversified uses within the 'Rural Agriculture 2' zone including Bed and Breakfast, Farm Stay, Reception Centre, Restaurant, Shop and Tourist Accommodation, Wayside Stall, Plant Nursery, Art and Craft Centre or Gallery.

As for the 4.4 hectares of foreshore land, this land is zoned 'Special Foreshore' under Town Planning Scheme No.7 – Kununurra and Environs.

An extract for the relevant Scheme Map is provided as Figure 2 below for reference purposes:

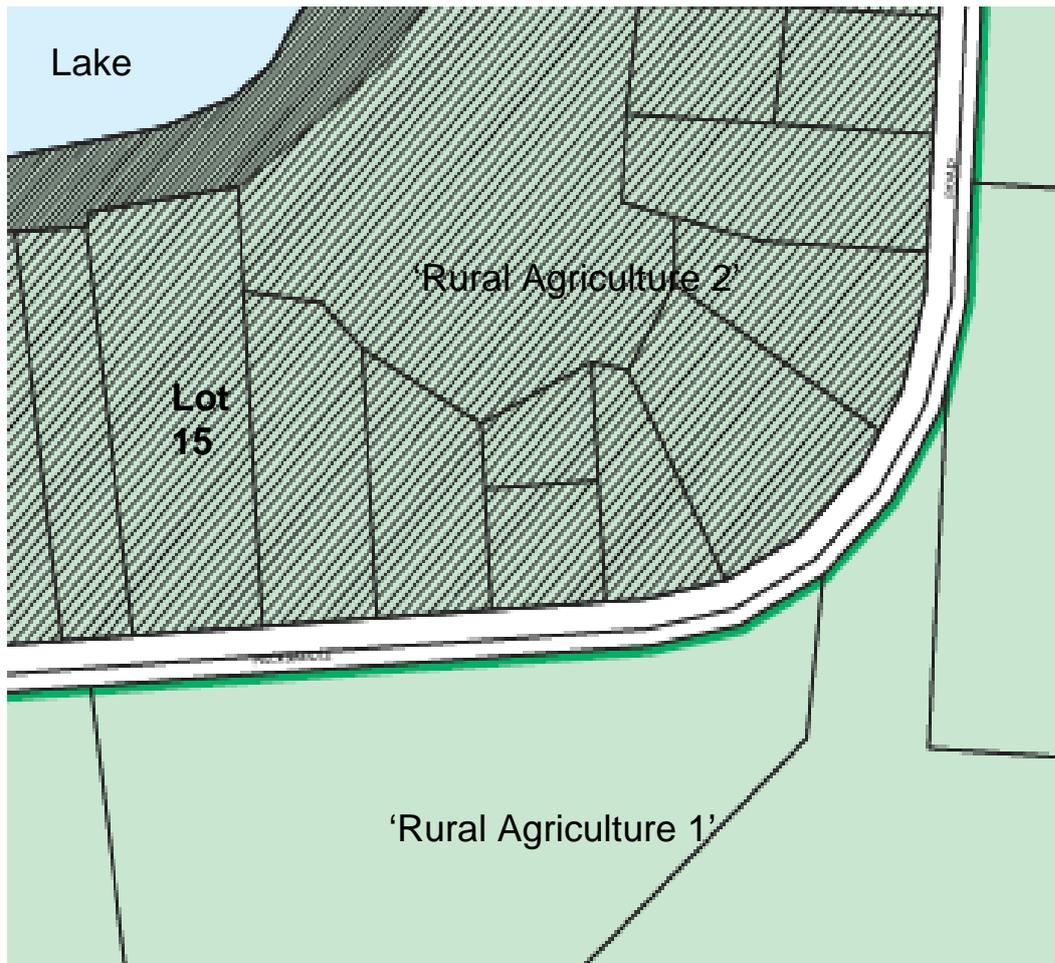


Figure 2 – Extract of Zoning Map 12 – TPS 7

### **Minimum Lot Size**

There is no minimum lot size specified for 'Rural Agriculture 2' zone, although the draft 'Kununurra Wyndham Area Development Strategy' released for public comment in August 1999 advocated that the 'Rural B' zone (Rural Agriculture 2 zone) should have a minimum lot size of 8.0 hectares to accommodate more intensive agricultural production.

It is also understood the local community has accepted 8.0 hectares as a minimum lot size even though this did not transfer into an endorsed planning instrument of currency.

### **Ord Final Agreement**

The existing Lake Kununurra foreshore area is being reduced to a 30 metre width facilitated by the Department of Regional Development and Lands (DRDL). As a result the surplus portion of the foreshore land is being offered for sale by DRDL to the adjoining landowners for amalgamation with their properties. It is understood the proceeds from the sale of this land will form part of the Ord Final Agreement to benefit the MG Corporation.

Notably, the proposal to subdivide is based on the inclusion of 4.4 hectares of foreshore land with the existing Lot 15, as reflected in the proposed subdivision plan – Attachment 1. However, this application does not detail the methodology and progress of the DRDL process.

## **STATUTORY IMPLICATIONS**

The Council is a referral agency for subdivision proposals pursuant to the *Town Planning Regulations, 1997*, with the responsibility for determining applications for subdivision resting with the Western Australian Planning Commission, under the guidance of the Department for Planning and Infrastructure.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

The Shire's Local Planning Strategy does not provide specific guidance in relation to the subdivision of land within the Packsaddle area, but merely acknowledges the subject area has evolved over time to support intensive agriculture with a lifestyle opportunity, offers increased opportunity for diversification and should not be considered for rezoning to a Rural Residential zoning of 1 – 4 hectares size lots due to the area having the primary classification as Prime Agricultural Land (PAL).

On this understanding the draft Local Planning Scheme (No.8) proposes to change the zoning of 'Rural Agriculture 2' to 'Agriculture Diversification' zone, to more accurately reflect the current land use and opportunities afforded through Amendment 18 to the current Town Planning Scheme No.7.

## **COMMUNITY CONSULTATION**

There is no statutory requirement for community consultation in relation to local government providing comment on subdivision applications.

## **COMMENT**

This proposal is effectively testing the validity of subdivision of 'Rural Agriculture 2' zoned land based on a minimum lot size of 8.0 hectares as previously suggested in the draft 'Kununurra Wyndham Area Development Strategy' and embraced by the local Packsaddle Community.

However, notwithstanding historical assessment and general local community sentiment, it is determined that the proposed subdivision has merit given that the new lot sizes are consistent with the prevailing lot size, lot configuration and general settlement pattern for the Packsaddle area. This is supported by the prevailing lot size for lots on the eastern side of Packsaddle Road that, at around 9 hectares, has proven to sustain intensive agriculture and also affords potential for diversification to include other uses, including low key tourist uses. This is reflected in Amendment 18 to Town Planning Scheme No.7. On this understanding the Shire's draft Local Planning Scheme (No.8) is proposing to change the zoning of 'Rural Agriculture 2' to 'Agriculture Diversification' zone to more accurately reflect the current land use and the opportunities offered through Amendment 18, as mentioned in the Background Section of this report.

With regard to the proposed amalgamation of 4.4 hectares of foreshore land, it is not expected this process will have any adverse affect on the subdivision or future use of Lot 15. Although the restrictive nature of the current 'Special Foreshore' zoning will provide limited opportunity until this land is rezoned in the future. However, the Council should be mindful of Lake Kununurra being a Ramsar Wetland and ensure that any use and/or development of the

proposed new lots, does not compromise the environmental status of remaining foreshore land and the Lake in general.

### **ATTACHMENTS**

Attachment 1 – Proposed Plan of Subdivision

### **VOTING REQUIREMENT**

Simple Majority

Note: Cr R Addis left the room 6:40pm

### **OFFICER'S RECOMMENDATION**

That Council advise the Western Australian Planning Commission it supports the application to subdivide Lot 15 Packsaddle Road Kununurra as:

- (a) The proposed subdivision is consistent with the prevailing lot size, lot configuration and general settlement pattern for the Packsaddle area;
- (b) The land capability supports continued agricultural production of the subject land based on the proposed 2 lot subdivision; and
- (c) The proposed new lots are of a suitable size to accommodate increased diversification through the recent approval of Amendment 18 to Town Planning Scheme No. 7 – Kununurra and Environs.

Accordingly, the Council requests the following conditions be place on any approval that may be granted by the Commission:

1. All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the Shire of Wyndham East Kimberley Town Planning Scheme No. 7 – Kununurra and Environs.
2. The subdivider making arrangements with the Local Government for the construction of a second crossover to proposed Lot B at the subdivider's expense and Local Governments specifications.
3. The subdivider making arrangements with the Local Government to ensure the prospective purchasers and successors in title are aware of the provisions of Shire of Wyndham East Kimberley Town Planning Scheme No.7 relating to the 'Rural Agriculture 2' zone and 'Special Foreshore' zone together with associated Local Planning, Building and Health Policies where applicable.

## **COUNCIL DECISION**

**Minute No: 9098**

**Moved: Cr K Wright**

**Seconded: Cr D Ausburn**

**That Council advise the Western Australian Planning Commission it supports the application to subdivide Lot 15 Packsaddle Road Kununurra as:**

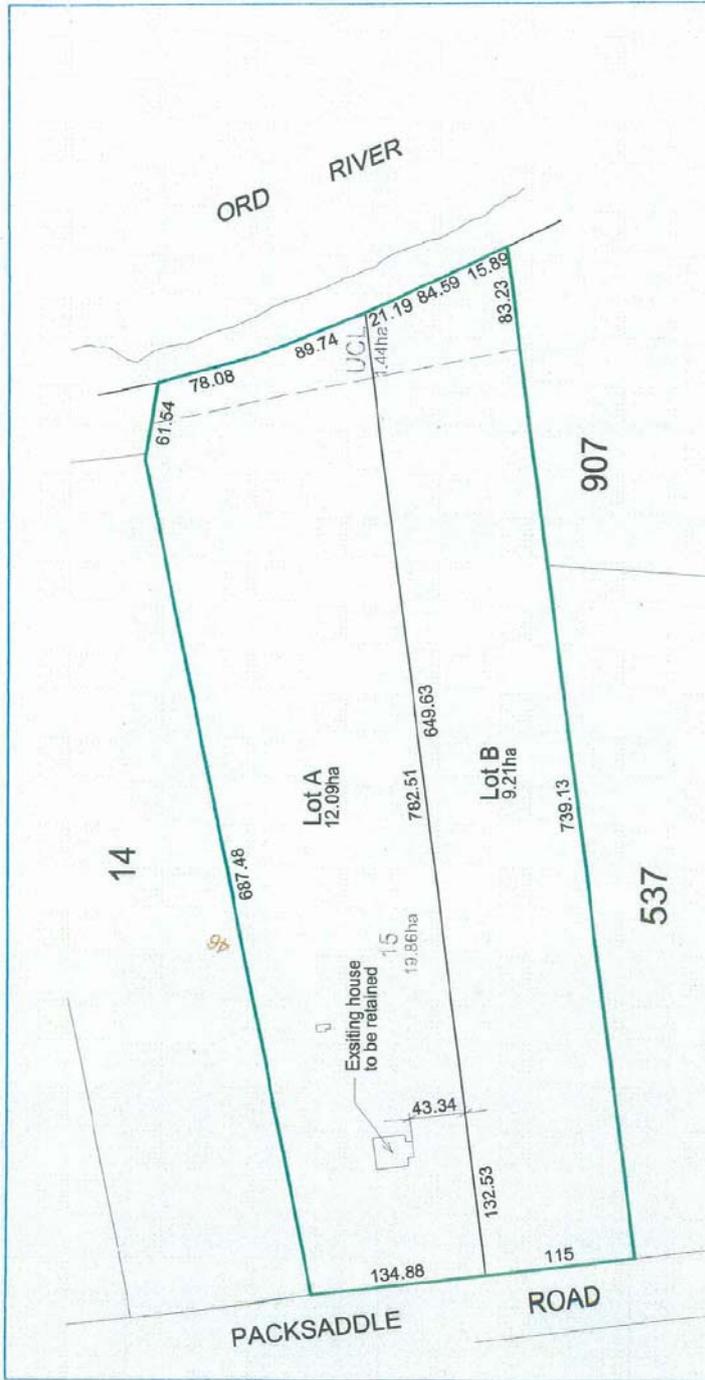
- (a) The proposed subdivision is consistent with the prevailing lot size, lot configuration and general settlement pattern for the Packsaddle area;**
- (b) The land capability supports continued agricultural production of the subject land based on the proposed 2 lot subdivision; and**
- (c) The proposed new lots are of a suitable size to accommodate increased diversification through the recent approval of Amendment 18 to Town Planning Scheme No. 7 – Kununurra and Environs.**

**Accordingly, the Council requests the following conditions be place on any approval that may be granted by the Commission:**

- 1. All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the Shire of Wyndham East Kimberley Town Planning Scheme No. 7 – Kununurra and Environs.**
- 2. The subdivider making arrangements with the Local Government for the construction of a second crossover to proposed Lot B at the subdivider's expense and Local Governments specifications.**
- 3. The subdivider making arrangements with the Local Government to ensure the prospective purchasers and successors in title are aware of the provisions of Shire of Wyndham East Kimberley Town Planning Scheme No.7 relating to the 'Rural Agriculture 2' zone and 'Special Foreshore' zone together with associated Local Planning, Building and Health Policies where applicable.**

**CARRIED UNANIMOUSLY: (6/0)**

Note: Cr R Addis returned to the room at 6:42pm.



Job Number: 12558  
 Sheet Name: 12558-1  
 Scale: 1:400 @ A4  
 Date: 02 December 2009  
 Drawn By: S.F.  
 Checked by: A.F.

This proposal is preliminary & design is subject to change.  
 All dimensions and areas are subject to survey.  
 The plan is subject to copyright and should not be reproduced without the permission of W.P.E. A/E/C.

The electronic version lodged for the year and not to exceed on URS&A Date: 30 September 2009  
 Date of issue: 30 September 2009  
 Date of issue: 30 September 2009

Existing  
 Lot 15 - 19.86ha  
 UCL - 1.44ha

Proposed  
 Lot A - 12.09ha  
 Lot B - 9.21ha

Existing No. Lots 1  
 Proposed No. Lots 2



**PROPOSED SUBDIVISION  
 LOT 15 PACKSADDLE ROAD  
 KUNUNURRA**

133 Scarborough Beach Road, Albany (Western Australia) 6550  
 PO Box 97, Mount Magnet (Western Australia) 6715  
 E: whelans@whelans.com.au W: www.wheelans.com.au

**whelans**  
 TOWN PLANNING

## 12.4.6 DRAFT LOCAL PLANNING POLICY 14 - CAR PARKING

<b>DATE:</b>	20 April 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Townsites Of Wyndham And 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>	43.02.01
<b>ASSESSMENT NO:</b>	N/A

### **PURPOSE**

The purpose of this report is to seek Council's consideration and endorsement of draft Local Planning Policy 14 - Car parking.

### **BACKGROUND**

In order to ensure appropriate standards are applied on a consistent basis and clarity is provided to the provision of car parking across a range of developments, staff have prepared a draft local planning policy for the Council's consideration.

The objectives of the draft policy are as follows:

- To provide sufficient parking for all developments within the townsites of the Shire of Wyndham East Kimberley.
- To minimise any negative impacts of car parking on the streetscape within the Scheme areas.
- To provide specific car parking requirements within the Scheme areas and to complement car parking requirements for individual use classes under the Shire's Town Planning Schemes.
- To ensure that developments are provided with an acceptable standard of car parking; which is safe, convenient and practical for the operation of the site and for the community in general.

A copy of draft Local Planning Policy 14 – Car Parking is provided as Attachment 1 to this report.

### **STATUTORY IMPLICATIONS**

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

### **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

A cost in the order of \$150 - \$200 for the publication of advertisements in the local newspaper will be incurred by Council, should it support the policy.

## **STRATEGIC IMPLICATIONS**

Whilst this policy provides clarity to the standards and provision of car parking associated with development, there is a need as reflected in the draft Enquiry by Design document, to undertake a review of past studies, with the view to preparing a parking and traffic management strategy that will provide the necessary guidance for traffic flow and public parking provision within the town centre areas, particularly for the Kununurra townsite.

## **COMMUNITY CONSULTATION**

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

## **COMMENT**

As outlined above the draft car parking policy has been prepared to complement the parking standards set out in Town Planning Schemes 6 and 7, as well as assist in ensuring a consistent and balanced approach can be maintained to the provision of car parking across a range of uses inclusive of grouped residential, tourist, commercial and industrial developments.

Additionally, the draft policy also prescribes a guideline for car parking access and design, and the application of cash in lieu parking arrangements which will aid both developers in the preparation and staff in the assessment of development applications.

## **ATTACHMENTS**

Attachment 1 – Local Planning Policy 14 – Car Parking Policy

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council adopt draft Local Planning Policy 14 – Car Parking for the purpose of advertising for a period of 21 days pursuant to Clause 3.3.2 a) of the Shire of Wyndham East Kimberley Town Planning Scheme No.6, and Clause 12.6.1 (a) of the Shire of Wyndham East Kimberley Town Planning Scheme No. 7, and proceed to publish a notice to this effect in the local newspaper pursuant to Clauses 3.3.2 (a) and 12.6.4 (a) of the respective Schemes.

Cr K Wright proposed an alternate motion.

**COUNCIL DECISION**

**Minute No: 9099**

**Moved: Cr K Wright**

**Seconded: Cr J Parker**

***That Council refer Item 12.4.6 to Development Services Directorate so that relevant parking requirements from Town Planning Scheme No. 6 and Town Planning Scheme No. 7 can be incorporated into Local Planning Policy 14 in order to provide consistency, with the draft being presented at a Briefing Session.***

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

**Minute No: 9100**

**Moved: Cr K Wright**

**Seconded: Cr J Parker**

***That Council refer Item 12.4.6 to Development Services Directorate so that relevant parking requirements from Town Planning Scheme No. 6 and Town Planning Scheme No. 7 can be incorporated into Local Planning Policy 14 in order to provide consistency, with the draft being presented at a Briefing Session.***

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

Note: Council decision differed from the Officer's recommendation as the Council is seeking a policy that encompasses all car parking requirements and standards for ease of convenience.

## ATTACHMENT 1

POLICY NO:	LPP 14 (draft – April 2010)
DIVISION:	Development Services
SUBJECT:	Car Parking
REPORTING OFFICER:	Director Development Services
ENABLING LEGISLATION:	Town Planning Scheme No 7 – Kununurra & Environs Town Planning Scheme No 6 – Wyndham

### **Objectives:**

- To provide sufficient parking for all developments within the townsites of the Shire of Wyndham East Kimberley.
- To minimise any negative impacts of car parking on the streetscape within the Scheme areas.
- To provide specific car parking requirements within the Scheme areas and to complement car parking requirements for individual use classes under the Shire's Town Planning Schemes.
- To ensure that developments are provided with an acceptable standard of car parking, which is safe, convenient and practical for the operation of the site and for the community in general.

### **Policy:**

#### **1. Introduction**

This car parking policy is to complement car parking standards set out in Town Planning Scheme/s and further add bicycle parking requirements for different land uses as a way to encourage the use of non fossil fuel mode of transportation. It also provides a guideline for cash in lieu parking arrangements and car parking access and design.

In regard to payment of cash in lieu for car parking, Section 3 of this policy is not intended to conflict with Clause 7.3 of Town Planning Scheme No.6, nor Clause 8.4 of Town Planning Scheme No.7, but more so provide clarity and a consistent approach to the application of cash in lieu parking arrangements.

#### **2. Legislative and Strategic Context**

The policy has been prepared in accordance with Clause 12.6.1 of Town Planning Scheme No. 7 and Clause 3.3.1 of Town Planning Scheme No. 6. The policy does not bind the local government with respect to any applications for planning approval, although the local government should have due regards to this policy when determining development applications that are reliant on the provision of car parking.

Should there is any inconsistency between this policy and a Planning Scheme, the Planning Scheme provisions shall prevail.

#### **3. Cash in Lieu Arrangements**

3.1 Where a person who applies for planning approval is required to provide car parking spaces in accordance with the Scheme, that person may, if the Local government so agrees and is satisfied that adequate constructed parking is available in close proximity to a proposed development, it may receive cash payment in lieu of the provision of car parking spaces;

- 3.2 In consideration of statement 3.1, above the local government will only permit a cash in lieu concession of not more than 30% for commercial development within the Town Centre zone, that is, 70% of parking shall be provided on site;
- 3.3 Where desirable the local government will support an agreed cash-in lieu arrangement up to a 100% concession to facilitate the conservation of a heritage place contained on the State Register of Heritage Places, the Heritage List or situated within a heritage area.
- 3.4 Notwithstanding statement 3.1 above, the local government will not allow the payment of cash in lieu for car parking spaces required for residential development, but does allow for the provision of visitor parking bays for grouped or multiple dwellings to be placed within an adjacent road reserve subject to sufficient road reserve area and the developer accepting all construction costs.
- 3.5 The cash in lieu payment is not to be less than the estimated cost for the owner or developer of providing and constructing the parking spaces required by the Scheme/s plus the value of that area of the land which would have been occupied by the parking space.
- 3.6 Before the local government agrees to accept a cash payment of parking spaces, there must be:
- (a) An existing public car parking area located within 300 metres of the proposed development; or
  - (b) A firm proposal to construct a public car park within a 300 metre radius of the development and within a period of not more than eighteen months from the time of agreeing to accept the cash payment;
- 3.7 The estimated cost of the land referred to in clause 3.3 shall be determined by the Valuer General or by a licensed valuer appointed by the Local government.

*Note: Valuations for the purposes of calculating cash in lieu payments for car parking will only be valid for a period of 6 months from the date of valuation. If payment is not received within the 6 months of the date of valuation a new valuation will be required.*

- 3.8 The estimated cost of development of the parking bays referred to in clause 3.3 shall be determined by the local government or by a person nominated by the local government who is competent in the field of architecture or engineering;

*Note: The estimated cost of construction is reviewed annually as part of the Council annual budgetary process.*

- 3.9 The monies received by the local government under clause 3.3 will be paid into a separate car parking fund and only be used for the acquisition or development of land as a public car park or to reimburse the local government for any expenses it has incurred including loan repayments, within the locality and shall relate as much as practicable to the development of the land the subject of the payment;
- 3.10 If the parties cannot agree upon the amount payable, it shall be determined by arbitration in accordance with the *Commercial Arbitration Act 1985*. The costs of the arbitration shall be borne by the applicant.
- 3.11 Where offsite bays are proposed to be located within the road reserve adjoining the property, the developer is to pay the local government:
- (a) The land value component for each car bay, as determined in accordance with statement 3.5 and based on an area of 30.8 m<sup>2</sup> per car bay inclusive of manoeuvring area, but excluding standard crossovers, and

(b) The estimated construction cost as determined by in accordance with statement 3.6, unless the applicant accepts construction for the said bays to the local government's specifications.

3.12 The use of cash in lieu payments to meet car parking requirements is not 'as of right' and shall be determined at local government's discretion applicable to commercial development within the Town Centre areas of Wyndham and Kununurra. The use of cash in lieu for parking applied to residential development is unlikely to be supported, unless special circumstances can be demonstrated.

3.13 Where the Developer is granted a cash-in-lieu payment a Deed of Agreement shall be prepared at the proponent's cost and executed with the local government prior to the development first being occupied. Such agreement shall bind the owner/lessee as the party responsible for the maintenance of car parking and landscaping on the road reserve. In this regard the local government may lodge a caveat against the Certificate of Title to the land to secure the performance of that maintenance obligation.

3.14 Any cash in lieu payment paid to the local government will be held in trust to be applied solely for the provision, construction and maintenance of further car parking facilities including associated lighting, paths and landscaping for the car park, which should be in reasonable proximity (a 300m radius to allow for walk ability) to the premises from which the payment was derived.

3.15 Cash in lieu contributions will be included as a condition of planning approval for the proposed development and shall be payable prior to first occupation of the building. Where a cash-in-lieu contribution is to be provided for more than 20 car parking bays, the applicant may enter into an agreement for staged payments at the discretion of Council.

#### 4. Car and Bicycle Parking Standards

4.1 The table below is in addition to car parking standards listed in Table 2 of Town Planning Scheme No.7 and Appendix IV of Town Planning Scheme No. 6.

ZONE	MINIMUM NUMBER OF CAR PARKING BAYS	BICYCLE RACKS
<b>Residential</b>	Requirements for car parking in residential areas are to be in accordance with the provisions of the Residential Design Codes <b><i>with the exception of those use classes which do not fall into the classification of residential development, which shall comply with the use class car parking requirements as listed below.</i></b>	For Grouped and Multiple Dwellings. 1:6 units for residents 1:24 units for visitors
LAND USE	MINIMUM NUMBER OF CARPARKING BAYS	BICYCLE RACKS
<b>Amusement Parlour</b>	1:4 seats or 1:4 people accommodated	1:50 m <sup>2</sup> GFA
<b>Aquaculture</b>	1 car bay per employee plus 2 additional bays. Where public access/tours are provided, an additional 1 bay per 40m <sup>2</sup> of display area and 1 bay per 4 seats provided in any demonstration or lecture area.	Not applicable
<b>Art and Craft Centre</b>	1 car bay per 25m <sup>2</sup> of gross floor area plus 1 per employee	At least one

<b>Art Gallery</b>	1 : 40 m <sup>2</sup> GFA	At least one
<b>Bed and Breakfast Accommodation</b>	1 car bay per employee <b>plus</b> 1 car bay for each guest bedroom.	Not applicable
<b>Betting Agency</b>	1:15 m <sup>2</sup> GFA	At least one
<b>Caretaker's Dwelling</b>	2 car bays	Not applicable
<b>Cinema/Theatre</b>	1 car bay per every 4 seats plus 1 bay for each employee	1:30 seats <b>or</b> 1:100 people accommodated
<b>Civic Use</b>	1 car bay per 40 m <sup>2</sup> plus 1 bay per staff member	1:30 seats or 1:100 people accommodated
<b>Community Purposes/Clubs</b>	1 : 4 persons capable of being accommodated	1:30 seats or 1:100 people accommodated
<b>Consulting Rooms</b>	4 car bays for each professional person, plus 1 for each other employee.	Not applicable
<b>Convenience Store</b>	1:15m <sup>2</sup> GFA	At least two
<b>Dry Cleaning Premises</b>	4 customer bays plus 1 per employee	Not applicable
<b>Education facilities</b>	1 car bay per staff member plus adequate pickup/set down areas on site; and Provision of on-site bus standing and turning areas; and if students are of driving age, adequate provision for student onsite parking, at the discretion of Council.	Primary School – 1:4 students  Secondary School – 1:2 students
<b>Fast Food Outlet</b>	See TPS NO. 6 & 7	At least two
<b>Fuel Depot</b>	1 car bay per 30m <sup>2</sup> of ancillary office floor area, with a minimum of 2 bays, plus 1 per employee. Adequate parking and manoeuvring for heavy vehicles shall also be provided, at the discretion of Council.	Not applicable
<b>Funeral Parlour</b>	1 car bay per 30m <sup>2</sup> of administration and customer service area.  1 car bay per 4 persons capable of being accommodated for any memorial service areas. Where bodies are stored and/or prepared for service or cremation, an additional 2 car bays.	Not applicable
<b>Hospital</b>	1:3 Beds plus 1:2 staff	1:20 beds
<b>Home Business</b>	In addition to any car bays required by the Residential Design Codes, 1 additional car bay for each employee not resident in the dwelling and 1 car bay for clients.	Not applicable
<b>Industry (all types)</b>	See TPS NO. 6 & 7	Not applicable
<b>Library</b>	1 car bay per 40 m <sup>2</sup> of floor area plus 1 bay per staff member	1:100m <sup>2</sup> GFA
<b>Liquor Store</b>	1 : 15m <sup>2</sup> GFA.	At least one
<b>Lunch Bar</b>	1 : 15m <sup>2</sup> GFA	At least one
<b>Market</b>	At the discretion of Council.	Not applicable
<b>Medical Centre</b>	5:1 Practitioner or 5:1 Consulting Room	1: 3 consulting rooms
<b>Motor Vehicle Hire</b>	1 car bay per 30m <sup>2</sup> of sales/customer service area and office space.	

	4 additional drop off bays. Separate car parking for hire vehicles.	
<b>Motor Repairs and Wrecking</b>	1 car bay per 50m <sup>2</sup> gross floor area where for vehicle wreckers. For vehicle repairs, 1 car bay per 30m <sup>2</sup> of sales/customer service area and office space plus 2 car bays per service bay.	Not applicable
<b>Motor Vehicle Sales</b>	1 car bay per 150m <sup>2</sup> of site area allocated to vehicle display and sales (including buildings). Where vehicle servicing is provided, 1 car bay per 30m <sup>2</sup> of sales/customer service area and office space plus 2 car bays per service bay.	
<b>Museum</b>	1:40 m <sup>2</sup> gross floor area	1 : 100m <sup>2</sup> GFA
<b>Nightclub</b>	1:6m <sup>2</sup> public drinking area.	Not applicable
<b>Office</b>	See TPS NO. 6 & 7	1 : 200m <sup>2</sup> GFA or 1 : 750m <sup>2</sup> for visitors
<b>Plant nursery</b>	1 bay per employee and where selling occurs 1 bay per 50m <sup>2</sup> of publicly accessible sales area.	Not applicable
<b>Poultry Farm</b>	1 car bay per employee plus 2 additional bays.	Not applicable
<b>Reception Centre</b>	See TPS NO. 6 & 7	1 : 30 seats or 1 : 100 people accommodated
<b>Recreation Outdoor/Indoor</b>	<p>1 car bay per 3 spectator seats in a sporting venue.</p> <p>3 car bays per tennis or squash court.</p> <p>15 car bays per bowling green. 1 car bay per 25m<sup>2</sup> of gross floor area in a gym, health club or basketball court(s), or the like.</p> <p>All other recreation types at the discretion of Council.</p>	As determined by Council.
<b>Residential Building</b>	1 car bay for each six beds.	
<b>Restaurant (including Alfresco dining areas)</b>	See TPS NO. 6 & 7	1 : 30 seats or 1 : 100 people accommodated
<b>Rural Pursuit</b>	1 car bay per employee plus 2 additional bays.	Not applicable
<b>Shop</b>	See TPS NO. 6 & 7	1 : 200m <sup>2</sup>
<b>Tavern</b>	1:6m <sup>2</sup> public drinking area.	1 : 50m <sup>2</sup> GFA
<b>Transient Accommodation</b>	1:2 beds.	1: 5 rooms
<b>Transport Depot</b>	1 car bay per 30m <sup>2</sup> of ancillary office floor area, with a minimum of 4 bays, plus 1 bay per employee. Adequate parking and manoeuvring for heavy vehicles shall also be provided.	Not applicable
<b>Workers'</b>	1:2 beds.	1: 5 rooms

<b>Accommodation (use not listed) – Refer to Local Planning Policy 12</b>		
<b>Zoological Gardens</b>	1 car bay per employee plus 2 additional bays. Where public access/tours are provided, an additional 1 bay per 40m <sup>2</sup> of indoor display and 1 bay per 80m <sup>2</sup> of outdoor area and 1 bay per 4 seats provided in any demonstration or lecture area.	Not applicable
<b>OTHER REQUIREMENTS</b>		
There shall be at least one (1) shade tree planted in the car parking area for every 8 car parking spaces provided on the lot.		

**GFA means Gross Floor Area**

**4.2 Special Purpose Bays**

- 4.2.1 The Council may require the provision of parking bays marked exclusively for the use of motor cycles, bicycles, delivery and services vehicles, taxis, buses, coaches and courier services.
- 4.2.2 The Council will determine the number of parking bays to be allocated for bicycles and vehicles listed above depending on the nature of the development.

**4.3 Access Design**

- 4.3.1 Except for single residences and certain duplex proposals, all car parking spaces must be situated such that vehicles can enter and leave the site in a forward direction.
- 4.3.2 Car parking must be designed so that either ingress to or egress from each space can be achieved in one movement.
- 4.3.3 Tandem or stack car parking will not be permitted in any commercial development. Although generally discouraged Council may permit tandem or stack parking in some forms of residential development.
- 4.3.4 Internal driveway access shall be of a sufficient width to accommodate two way traffic and shall be more less than 5.5 metres in width, and where practical should be 6.0 metres or greater to accommodate larger passenger vehicles.
- 4.3.5 Internal battle-axe driveway shall be more less than 4.0 metres in width for residential developments.
- 4.3.6 A vehicular driveway (ingress and/or egress) should:
  - (a) be located to the street with the lowest traffic volume;
  - (b) have separate entry/exit if it is likely that it will be used simultaneously by vehicles both entering and leaving the site and obstruction to traffic in the street could occur; and
  - (c) be more than 6 metres from: an intersection; a break in the median strip; the commencement of a curve linking the carriageways of the public streets at an intersection; and the approaches to “stop” or “give way” signs.

- (d) not be within 25 metres of any signalised intersection and preferably not within 90 metres of a signalised intersection of any major road;
- (e) not be closer than 1.5 metres to side boundaries;
- (f) be located such that any vehicle turning from the street into the driveway or into the street from the driveway can be readily seen by the driver of an approaching vehicle and be clear of all obstructions which may prevent drivers from having a timely view of pedestrians;
- (g) be relatively level within 6 metres of the site boundary or any footpath.

4.3.7 Council may require that new commercial or industrial developments be provided with dedicated service access and loading bays, which must be situated such that commercial vehicles can be positioned wholly within a bay when loading and that loading activities can occur without undue disruption to, or access to, other car spaces.

## **5. Construction Standard**

- 5.1 Car parking bays for all developments, including all forms of residential development, shall conform to the minimum internal dimensions of 5.5 metres in length and 2.8 metres in width, except for parallel parking in a road reserve which shall conform to a minimum dimension of 7.0 metres in length and 3.0 metres in width.
- 5.2 All car parking areas are to be sealed, line-marked and drained to the satisfaction of the local government, except as provided for in statement 5.3 below.
- 5.3 Staff, resident and visitor car parking shall be appropriately marked and/or signposted to the satisfaction of the local government.
- 5.4 Car parking situated in rural and agricultural zones, or generally behind the actual building line within industrial or business developments, may be constructed to a suitable gravel standard only. All car parking within front setbacks and/or associated with showroom/front office use shall be sealed and landscaped to the satisfaction of the local government.
- 5.5 Car park design and construction shall include adequate provision for landscaping comprising screen, features and shade trees and shrubs (of indigenous species) as appropriate.
- 5.6 Council may require the lodgement of performance guarantees against the satisfactory construction, completion and establishment of car parking areas and associated landscaping.

## **6. Responsibilities:**

All proposals that fail to conform to the standards prescribed in this policy and the applicable Town Planning Scheme shall be referred to the Council for determination.

This policy is subject to an annual Council review.

## **REFERENCE:**

The Shire of Wyndham East Kimberley Town Planning Scheme No. 6 and No. 7

*Planning and Development Act 2005*

*Australian Standards 1428 and 2890.1*

ADOPTED:  
REVIEWED:  
AMENDED:

## 12.4.7 DRAFT LOCAL HEALTH POLICY 2 - LICENSING OF OVERFLOW SITES IN CARAVAN PARKS AND CAMPING GROUNDS

<b>DATE:</b>	20 April 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Shire Of Wyndham East Kimberley
<b>AUTHOR:</b>	Kelly Cripps, Environmental Health Officer
<b>REPORTING OFFICER:</b>	Ian D'arcy, Executive Manager Development Services
<b>FILE NO:</b>	33.14.15, 43.02.01
<b>ASSESSMENT NO:</b>	N/A

### **PURPOSE**

This report relates to the preparation of a draft policy for the licensing of overflow sites within caravan parks and camping grounds in the Shire of Wyndham East Kimberley.

### **BACKGROUND**

This draft policy has been prepared in response to a number of disparities that currently exist in the licensing and assessment of caravan parks and camping grounds within the Shire. It aims to provide guidance to Staff, Councillors and Caravan Park Operators on the approval of overflow sites, within licensed caravan parks and camping grounds.

### **STATUTORY IMPLICATIONS**

Local Government is empowered under the *Caravan Parks and Camping Grounds Regulations 1997* to license overflow sites for a period of time and in accordance with relevant conditions.

#### *Caravan Parks and Camping Grounds Regulations 1997*

##### *20. Use of overflow area*

*The licence holder of a facility is to ensure that an overflow area of the facility is used only -*

- (a) With the approval of local government;*
- (b) For the period of time specified in that approval; and*
- (c) In accordance with any conditions specified in that approval.*

*Penalty \$2000.*

### **POLICY IMPLICATIONS**

This policy will provide clarity on the Council's expectations for the licensing of overflow sites.

### **FINANCIAL IMPLICATIONS**

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

The following annual fees are determined by the *Caravan Parks and Camping Grounds Regulations 1997*. They are charged by the Shire at the commencement of each financial year.

- Long and short stay sites \$6/annum

*Long Stay Site: means a site at a caravan park which is to be occupied consecutively by the one person or group of persons for any period of time*

*Short Stay Site: means a site at a caravan park which is to be occupied consecutively by the one person or one group of persons, for no longer than 3 consecutive months*

- Camp sites \$3/annum  
*Includes to camp in a vehicle but not caravans.*
- Overflow sites \$1.50/annum  
*May only be used with the approval of the local government, for a period of time specified in that approval, and in accordance with any conditions placed on that approval*

There are 285 overflow sites licensed in caravan parks and camping grounds throughout the Shire. Should the policy be adopted these sites will be converted to camp or short stay sites. Additional income from fees and charges will be not more than \$500/annum.

### **STRATEGIC IMPLICATIONS**

From a strategic perspective it is important that the local government authority provide a consistent approach to the establishment of a policy framework that affords a concise understanding of the minimum standards that are expected by the local community. Hence, the aim of formulating Local Health Policies for caravan and camping ground facilities, is to offer clarification and set acceptable minimum standards that are not specifically prescribed in the *Caravan Park and Camping Ground Regulations 1997*, but more over default to the local government to determine.

As already detailed, the intent of this policy is to provide clarification on the application of overflow camping in relation to licensed caravan parks and camp grounds.

### **COMMUNITY CONSULTATION**

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

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

### **COMMENT**

Despite common belief amongst most caravan parks, there is no reduction in the availability of services and conveniences to camping and overflow sites unless approved specifically by local government. Overflow sites are required to conform to the same standards as all other sites in relation to ablutions and laundry facilities, access to fire fighting equipment, drinking water and all other requirements of the regulations.

The lower fee for overflow sites aims to reflect lower occupancy rates throughout the year; however it could also be seen as a financial incentive for operators to license as many sites as possible as 'overflow'. Without a policy stating minimum standards for

overflow sites Shire Officers are unable to accurately assess parks for compliance with the regulations.

Given the information provided above it is important for a policy to be determined by Council that guides staff and park operators on how to proceed with the licensing of overflow sites. A number of options were considered when developing the draft policy.

#### OPTION 1

The Shire of Broome has adopted a policy that prohibits overflow sites in licensed caravan parks. This decision was based on the reality that overflow sites require the same facilities as permanent sites, so should be licensed as either long stay or short stay. A copy of the policy is provided as Attachment 1.

#### OPTION 2

The Shire of Derby West Kimberley allows for a percentage of a caravan parks sites to be licensed as overflow. Generally this has been 10-15% of the total sites (if a park has 150 sites, 15-22 sites may be overflow). The intention is that caravan parks pay a reduced fee on sites that are generally only occupied 6 months of the year. There are no further restrictions on the site. This is not a formally adopted policy but is the general accepted practice.

The Shire of Port Hedland and Shire of Roebourne have similar practices to that of Derby.

#### OPTION 3

The third option is to allow caravan parks to determine how many overflow sites they have and place restrictions on their use, as allowed for in the regulations. For example

- Overflow sites may only be used for 5 consecutive nights
- Overflow sites can only be provided facilities equivalent to that of a nature based park

Given that there are monitoring and compliance issues with option 3 it is unlikely that staff will be able to accurately enforce these types of restrictions, without making weekly visits to each licensed caravan park and camp ground in the Shire. This would be onerous and impractical, particularly given the history of non compliance across all of the licensed facilities to date.

Therefore, the draft policy has been prepared to establish a similar position to that of the Shire of Broome. Given that overflow sites require the same level of amenity and service as other sites they could be used 12 months of the year. In addition, it is expected that coming years will see an increase in the number of wet season travellers which also reduces the need for a separate overflow area.

With regard to remote camp sites that only operate during the dry season, provision is made in Development Control Policy 5 - Guidelines for Nature Based Camp Grounds, for these operators to request a reimbursement of fees for the months they cannot operate, therefore ensuring they are not disadvantaged.

### **ATTACHMENTS**

Attachment 1 – Shire of Broome Policy 4.2.11 Operation of Overflow Caravan Parks.

Attachment 2 – Draft Council Policy Licensing of Overflow Sites in Caravan Parks and Camping Grounds

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council resolve to adopt the draft Local Health Policy 2 - Licensing of Overflow Sites in Caravan Parks and Camping Grounds as shown in Attachment 2, and proceed to advertise to this effect in the local newspaper at least once per week for two consecutive weeks requesting for any submissions to be lodged within a period of not less than 21 days.

### **COUNCIL DECISION**

**Minute No: 9101**

**Moved: Cr J Parker**

**Seconded: Cr K Wright**

***That Council resolve to adopt the draft Local Health Policy 2 - Licensing of Overflow Sites in Caravan Parks and Camping Grounds as shown in Attachment 2, and proceed to advertise to this effect in the local newspaper at least once per week for two consecutive weeks requesting for any submissions to be lodged within a period of not less than 21 days.***

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

**DEVELOPMENT SERVICES**  
**Health Services**

**4.2.11**

**TITLE:** OPERATION OF OVERFLOW CARAVAN PARKS

**ADOPTED:** OCM 10 April 2008 - Pages 50 – 52

**REVIEWED:**

**ASSOCIATED LEGISLATION:** Caravan Parks and Camping Grounds Act 1995  
Caravan Parks and Camping Grounds Regulations 1997

**ASSOCIATED DOCUMENTS:**

**REVIEW RESPONSIBILITY:** Manager Health Services

**DELEGATION:**

---

Previous Policy Number N/A

**Objective:**

To provide overflow caravan park facilities in the Shire that will accommodate additional numbers of tourists stays when existing caravan parks are operating at or near capacity.

This policy will ensure that the operation of overflow caravan parks within the Shire of Broome complies with legislative requirements.

Ensure that there is a consistency of regulation so that all overflow caravan parks operate and meet the same standard.

Ensure that the operation of overflow caravan parks does not impact on the viability of permanent caravan parks.

**Legislative Requirements:**

The legislative base for the overflow caravan parks will be in accordance with the Caravan Parks and Camping Grounds Act and Regulations.

**Policy:**

1. This policy applies to the following approved overflow caravan parks, these are:
  - Broome Police and Citizens Youth Club (PCYC),
  - Broome Pistol Club
  - Seventh Day Adventist Church
  - Broome Speedway

2. The overflow caravan parks will only be opened upon direction from the Shire of Broome, once an inspection by an Environmental Health Officer has been conducted and the overflow caravan park meets legislative requirements (*Caravan Parks and Camping Grounds Regulations 1997*). They will be opened in the following order:
  - Broome Police and Citizens Youth Club (PCYC),
  - Broome Pistol Club
  - Seventh Day Adventist Church.
  - Broome Speedway

The opening dates for the approved overflow caravan parks will be determined by the Shire of Broome and formal advice will be provided to the overflow caravan park operator.

A written licence will be provided for the time that the overflow caravan park is operating. The expiry date on the licence is an approximate closing date. Direction will be given in writing when the overflow caravan park is to close.

The Shire will determine opening and closing times based on advice from the permanent caravan parks as to the number of sites left, Broome Visitor Centre enquiries and any other advice that comes to hand about the tourist numbers requiring caravan accommodation.

3. The Shire of Broome is responsible for and will monitor the legislative and licence conditions. Overflow caravan parks must comply with these requirements whilst the overflow caravan park is in operation.

The Shire of Broome has the right to revoke the licence at any time.

4. A maximum of seven nights stay within any 3 month period at the overflow caravan park will apply. People are permitted to stay for a total of seven days, but these days do not have to be consecutive. Overflow caravan park operators are to provide weekly, a copy of the register list to the Shire of Broome Health Services.
5. Overflow caravan park operators are to inform the Broome Visitors Centre twice daily, once in the morning at 10.30am and once in the afternoon at 3.30pm of their occupancy status.
6. It is up to the discretion of the overflow caravan park operator if they wish to accept animals, including dogs. If, an overflow caravan park does accept animals, then there are legislative requirements contained in the *Caravan Parks and Camping Grounds Regulations 1997* that must be met.
7. Patrons are not permitted to conduct commercial or profit making business activities within an overflow caravan park.
8. Advertising for overflow caravan parks is not permitted other than through the Broome Visitors Centre. Direction signage is allowed, as long as it complies with the Town Planning requirements.
9. Waste disposal including, sullage and refuse, is the responsibility of the overflow caravan park operator.

10. A caretaker is allowed to reside at the overflow caravan park for the term of the temporary licence upon request and written approval from the Shire of Broome. If additional caretakers are required, a request must be made in writing to the Shire of Broome.

11. Application may be made to the Shire of Broome for the approval to store caravans at the overflow caravan park. A request can be made in writing to the Shire of Broome. Approval will be assessed on the total number and the length of time that un-occupied caravans are to be parked on-site.

## **OVERFLOW SITES WITHIN A PERMANENT CARAVAN PARK**

### **Policy:**

1. The Shire of Broome will no longer specify in a licence for a permanent facility, an area of the facility as an overflow area.
2. The reduced rate for overflow sites within a permanent caravan park will no longer be applied to a licence.
3. The caravan park operator is to determine what sites of the permanent caravan park are to be used and when.

<b>POLICY NO:</b>	LHP2
<b>DIVISION:</b>	ENVIRONMENTAL HEALTH
<b>SUBJECT:</b>	Licensing of Overflow Sites in Caravan Parks and Camping Grounds
<b>REPORTING OFFICER:</b>	Executive Manager Development Services
<b>ENABLING LEGISLATION:</b>	<i>Caravan Parks and Camping Grounds Regulations 1997</i>

**OBJECTIVE**

- To provide guidance to staff, Councillors and caravan park operators on the licensing of overflow camp sites within Licensed Caravan Park and Camping Grounds.

**POLICY**

**1.0 Introduction**

The *Caravan Park and Camping Grounds Regulations 1997* give discretion to Local Government on the licensing of overflow sites. Section 20 of the regulations states;

*“The license holder of a facility is to ensure that an overflow area is used only;*

- (i) With the approval of the local government;*
- (ii) For the period of time specified in that approval; and*
- (iii) In accordance with any conditions specified in that approval.”*

**2.0 Definitions**

As taken from the *Caravan Parks and Camping Grounds Regulations 1997*

**‘Long Stay Site’** means a site at a caravan park which is to be occupied consecutively by the one person or group of persons for any period of time

**‘Short Stay Site’** means a site at a caravan park which is to be occupied consecutively by the one person or one group of persons, for no longer than 3 consecutive months

**‘Camp Site’** includes to camp in a vehicle but not caravans.

**‘Overflow Site’** may only be used with the approval of the local government, for a period of time specified in that approval, and in accordance with any conditions placed on that approval

**3.0 Location**

This policy applies to all licensed caravan parks and camping grounds within the Shire of Wyndham East Kimberley

**4.0 Policy**

The Shire of Wyndham East Kimberley will not specify or approve an overflow area within a caravan park or camping ground licence.

**REFERENCE:**

*Caravan Parks and Camping Grounds Act 1995*  
*Caravan Parks and Camping Grounds Regulations 1997*

**Adopted:**

**Review:**

**Amended:**

#### 12.4.8 APPLICATION FOR ARGYLE TOYOTA SIGNS ON LOT 231 BLOODWOOD DRIVE, KUNUNURRA

<b>DATE:</b>	20 April 2010
<b>PROPONENT:</b>	SPS Brand Management NSW
<b>LOCATION:</b>	Lot 231 Bloodwood Drive, Kununurra
<b>AUTHOR:</b>	Kevin Tang, Town Planning Officer
<b>REPORTING OFFICER:</b>	Ian D'arcy, Executive Manager Development Services
<b>FILE NO:</b>	01.0772.0201.0772.02
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to consider the proposed signs at Lot 231 Bloodwood Drive, Kununurra, for Argyle Toyota dealership.

#### **BACKGROUND**

The Shire has received an application from SPS Brand Management, on behalf of Argyle Toyota Dealership, for one corporate fascia, one free-standing pylon sign and two free-standing direction signs, to be placed at Lot 231 Bloodwood Drive, Kununurra.

The proposed signs are the result of the Toyota Motor Corporation global reimagining campaign. The content of the signs will only include the Toyota dealership name and the logo. The two direction signs will be placed on the entry and exit of the parking lot on site while the free standing pylon sign (3.6 metres in height and approximately 3.24 square metres in area) will be located in front of the Argyle Toyota showroom. The corporate fascia will be attached to the showroom wall.

Attachments 1-4 provide an understanding of the proposed sign and the selected locations.

#### **SITE AND SURROUNDS**

The subject site is located on the Bloodwood Drive and developed as a showroom by Argyle Motors to sell cars and other agricultural equipment.

The surrounding area is used for a variety of land uses, including the Town Caravan Park across the street and a cabinet making workshop, 4WD accessories store and small equipment/machinery dealership to the north. Residential use can be found in nearby Konkerberry Drive, to the north.

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

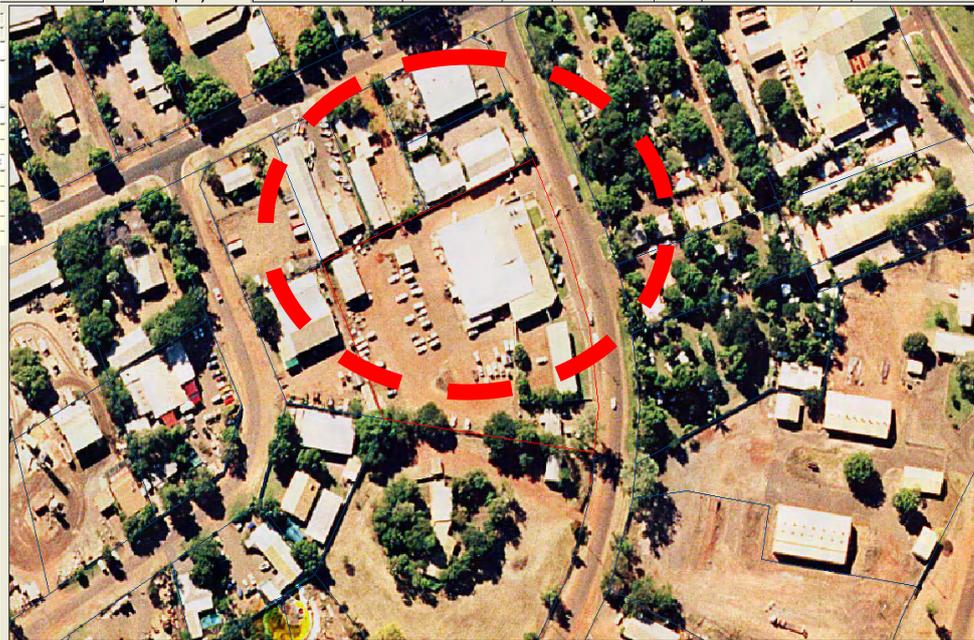


Figure 1 - Location Plan

### **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.

The corporate fascia sign is exempted under Clause 9.4 Appendix 7 of the Scheme, as it excludes the following signs from planning approval:

*(for Shops, Showrooms and other uses appropriate to a Shopping Area) all advertisement affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs, Hoarding and Bill Posting Bylaws.*

The other three free standing signs however require planning approval, although there are no specific development requirements included in the Scheme.

### **POLICY IMPLICATIONS**

At the 16 March 2010 Ordinary Meeting, the Council resolved to adopt 'draft Local Planning Policy 15 – Signage' in order to establish a clear set of standards for the provision of signage through out the Shire. The draft Policy was subsequently endorsed for advertising to obtain public comment, which was currently being undertaken at the time of preparing this report.

The proposed signs all have appropriate sizes to comply with the draft Signage policy.

Nevertheless, under Clause 4.3.14 (1) of the Policy, it indicates that:

*Where pylon signs are to be erected on a lot with multiple tenants/businesses the local government may require all the pylon signs be incorporated into one sign that allows for each tenant/business to have one sign within it.*

Therefore, the Council will need to exercise some discretion to allow for multiple pylon signs to be erected in this instance given that there is an existing free standing pylon sign on the same site that promotes Argyle Nissan. Attachment 5 provides an understanding of the current situation.

### **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 the size of sign is unlikely to affect nearby residential use.

### **CONCLUSION/COMMENT**

As previously mentioned the corporate fascia sign is exempt from a planning approval under Clause 9.4 of Town Planning Scheme No. 7. Therefore, the Council's consideration is only required for the proposed pylon sign, given that this sign will result in multiple signage structures, as opposed to one free standing pylon sign and the two directional signs.

Using the draft Signage Policy as a guide, the size of proposed signs clearly comply with the maximum allowable standards. Although the Policy states that the local government may require all of the pylon signs to be incorporated into one sign, Argyle Toyota and Argyle Nissan effectively represent different brands and corporate images. Flexibility should be allowed in this particular circumstance, given the size of the sign would not detrimentally affect the visual amenity of the surrounding area.

Meanwhile, the two direction signs will be located at the entry and exit of the parking lot. Due to spatial constraints, the existing driveway in the parking lot is narrow and impractical. All vehicles using the driveway are proceeding with an extra caution. On this understanding, signs shall be designed to give clear directions to prospective drivers with one sign marked 'Entry' and the other 'Exit'.

Therefore, based on these comments it is recommended the Council support the application for the sign as submitted.

### **ATTACHMENTS**

Attachment 1 – Site Plan  
Attachment 2 – Corporate Fascia  
Attachment 3 – Free-Standing Signs  
Attachment 4 – Rendered Image  
Attachment 5 – Site Photos

### **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council grant planning consent for one illuminated pylon sign, two directional signs and a fascia on Lot 231 Bloodwood Drive Kununurra, subject to the following conditions:

- 1) The placement, presentation and dimensions of all signs shall be in accordance with the attached approved plan(s) dated 20 April 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;
- 2) Two direction signs (S4 & S5) shall be clearly marked one for 'Entry' and the other for 'Exit';
- 3) The illuminated pylon sign shall:
  - (a) not have any boxing or casing in which it is enclosed constructed of combustible material;
  - (b) where comprising glass (other than fluorescent tubing) have the glass so protected as to prevent its falling into a public place in the event of a breakage;
  - (c) be maintained to operate as an illuminated sign;
  - (d) not have a light of such intensity as to cause annoyance to the public or be a traffic hazard;
  - (e) not emit a flashing light; and
  - (f) be treated appropriately to minimise damage from vandalism and/or graffiti.

Cr K Wright proposed an amended motion:

That Council include that the overall height of the sign be limited to 6 metres maximum.

The proposed amendment lapsed due to no Secunder.

**COUNCIL DECISION**

**Minute No: 9102**

**Moved: Cr D Ausburn**

**Seconded: Cr R Addis**

***That Council grant planning consent for one illuminated pylon sign, two directional signs and a fascia on Lot 231 Bloodwood Drive Kununurra, subject to the following conditions:***

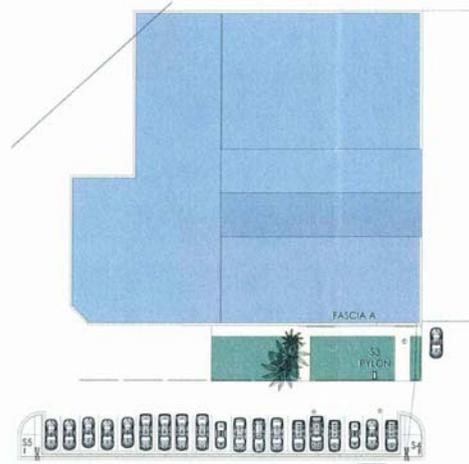
- 1) The placement, presentation and dimensions of all signs shall be in accordance with the attached approved plan(s) dated 20 April 2010 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government;***
- 2) Two direction signs (S4 & S5) shall be clearly marked one for 'Entry' and the other for 'Exit';***
- 3) The illuminated pylon sign shall:***
  - (a) not have any boxing or casing in which it is enclosed constructed of combustible material;***
  - (b) where comprising glass (other than fluorescent tubing) have the glass so protected as to prevent its falling into a public place in the event of a breakage;***
  - (c) be maintained to operate as an illuminated sign;***
  - (d) not have a light of such intensity as to cause annoyance to the public or be a traffic hazard;***
  - (e) not emit a flashing light; and***
  - (f) be treated appropriately to minimise damage from vandalism and/or graffiti.***

**CARRIED: (5/2)**

**FOR:** Cr J Moulden  
Cr K McCoy  
Cr D Ausburn  
Cr K Torres  
Cr R Addis

**AGAINST:** Cr K Wright  
Cr J Parker

ATTACHMENT 1



1 LOCATION PLAN  
1:500

NOTE:  
THE FOLLOWING DRAWINGS DEPICT THE PROPOSED SIGNAGE TO BE INSTALLED AT THE DEALERSHIP.

THE SIGNAGE CONTRACTOR IS RESPONSIBLE FOR:-  
1. MANUFACTURE AND INSTALLATION OF SIGNAGE AS DEPICTED ON THESE DRAWINGS  
2. REMOVAL OF ANY OTHER TOYOTA CORPORATE SIGNAGE ON THE FACILITY.

IT IS IMPORTANT TO NOTE THAT ALL CARE WILL BE TAKEN WHEN REMOVING THE OLD CORPORATE IMAGE SIGNAGE HOWEVER NO RESPONSIBILITY WILL BE TAKEN BY THE SIGNAGE CONTRACTOR OR TMCA FOR ANY DAMAGE CAUSED DURING THE REMOVAL

IT IS RECOMMENDED THAT THE DEALERSHIP ORGANISE FOR A BUILDER TO BE AVAILABLE ON SITE TO UNDERTAKE ANY RECTIFICATION WORK REQUIRED AS A RESULT OF REMOVAL OF THE OLD CORPORATE IMAGE SIGNAGE. COSTS ASSOCIATED WITH ANY SUCH WORK IS THE RESPONSIBILITY OF THE DEALERSHIP.

LOCATION PLAN

DRAWING REFERENCE	WHITE ACM FASCIA RED UNDERLINE	SIGN NO. AND SPECIFICATION
3/6	17000 x 1000	S1 - LOGO TOYOTA 2046mm S2 - ARGYLE TOYOTA 2806mm
4/6	-	S3 - 3.6M HIGH PYLON S4 - 1.5m HIGH DIRECTION SIGN S5 - 1.5m HIGH DIRECTION SIGN
5/6	-	S6 - INTERNAL PARTS SIGN 2000 x 400mm S7 - INTERNAL SERVICE SIGN 2000 x 400mm
6/6	-	MONTAGE
approx l/m's -	-	17 km

LOCATION OF INTERNAL SIGNS TO BE CONFIRMED WITH DEALER ON SITE



**SPS**  
BRAND MANAGEMENT  
CORPORATE IDENTITY PROJECT MANAGEMENT DESIGN  
5-1 BLOODWOOD DRIVE KUNUNURRA WA 6411  
TEL. 02 9970 6411 FAX. 9970 6697

\* All dimensions to be verified on site prior to submission of quote.  
\* Do not scale from these drawings.  
\* All signage to comply with the Toyota corporate signage manual.  
\* All structural systems to be approved by engineer

Rev:	Date:	Description:
D	03.03.2010	CHANGE DR SIGN TO CLIP ON STYLE - ID
C	23.08.08	ADD PARTS SIGN INTERNAL ADD SERVICE SIGN INTERNAL - ID
B	03.03.08	REM PYLON ADD PROJ WALL SIGN - ID
A	14.11.07	REM PROJ WALL SIGN ADD PYLON - ID

Project Name:  
**ARGYLE TOYOTA**  
231 BLOODWOOD DRIVE  
KUNUNURRA, WA

Drawing Details:  
**LOCATION PLAN**

Client: **TOYOTA**

Project No:	6249	Date:	5.11.07	Drawing No:	2/6 D
Drawn:	E.H.	Scale:	1:500		
Surveyed By:	B.B.	Checked:			
TMCA Approval:		D.P. Approval:			

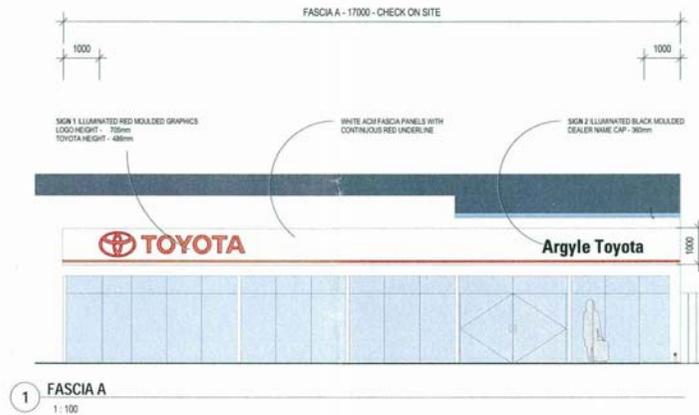
ATTACHMENT 2

NOTE:  
THE FOLLOWING DRAWINGS DEPICT THE PROPOSED SIGNAGE TO BE INSTALLED AT THE DEALERSHIP.

THE SIGNAGE CONTRACTOR IS RESPONSIBLE FOR :-  
1. MANUFACTURE AND INSTALLATION OF SIGNAGE AS DEPICTED ON THESE DRAWINGS  
2. REMOVAL OF ANY OTHER TOYOTA CORPORATE SIGNAGE ON THE FACILITY.

IT IS IMPORTANT TO NOTE THAT ALL CARE WILL BE TAKEN WHEN REMOVING THE OLD CORPORATE IMAGE SIGNAGE HOWEVER NO RESPONSIBILITY WILL BE TAKEN BY THE SIGNAGE CONTRACTOR OR TMCA FOR ANY DAMAGE CAUSED DURING THE REMOVAL

IT IS RECOMMENDED THAT THE DEALERSHIP ORGANISE FOR A BUILDER TO BE AVAILABLE ON SITE TO UNDERTAKE ANY RECTIFICATION WORK REQUIRED AS A RESULT OF REMOVAL OF THE OLD CORPORATE IMAGE SIGNAGE. COSTS ASSOCIATED WITH ANY SUCH WORK IS THE RESPONSIBILITY OF THE DEALERSHIP.



1 FASCIA A  
1:100

**SPS**  
BRAND MANAGEMENT  
CORPORATE IDENTITY PROJECT MANAGEMENT DESIGN  
101 WOODSIDE DRIVE SPRINGWOOD QLD 4127  
TEL: 02 9970 6411 FAX: 9970 6697

\* All dimensions to be verified on site prior to submission of quote.  
\* Do not scale from these drawings.  
\* All signage to comply with the Toyota corporate signage manual.  
\* All structural systems to be approved by engineer.  
Rev: Date: Description:  
D 03.03.2010 CHANGE DR SIGN TO CLIP ON STYLE - D  
C 23.06.08 ADD PARTS SIGN INTERNAL ADD SERVICE SIGN INTERNAL - D  
B 05.03.08 REM PYSIGN ADD PRG WALL SIGN - D  
A 14.11.07 REM PRG WALL SIGN ADD PYLON - D

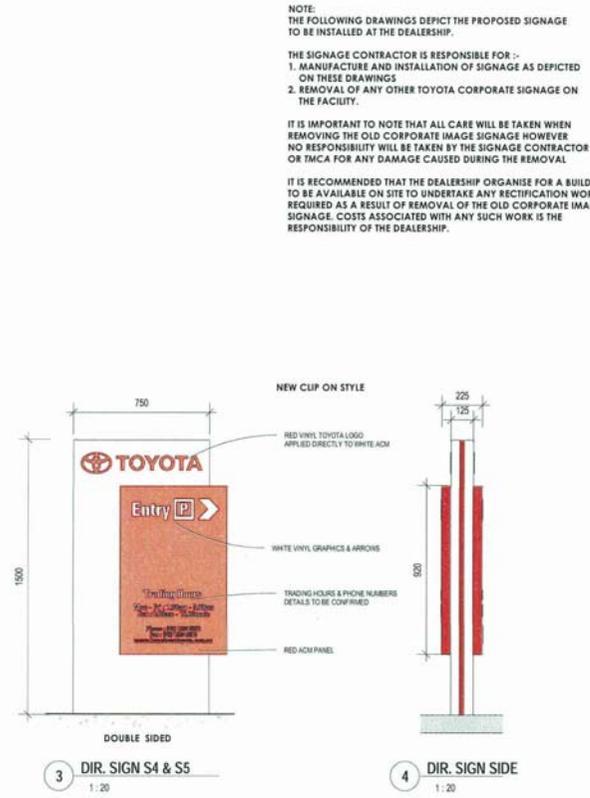
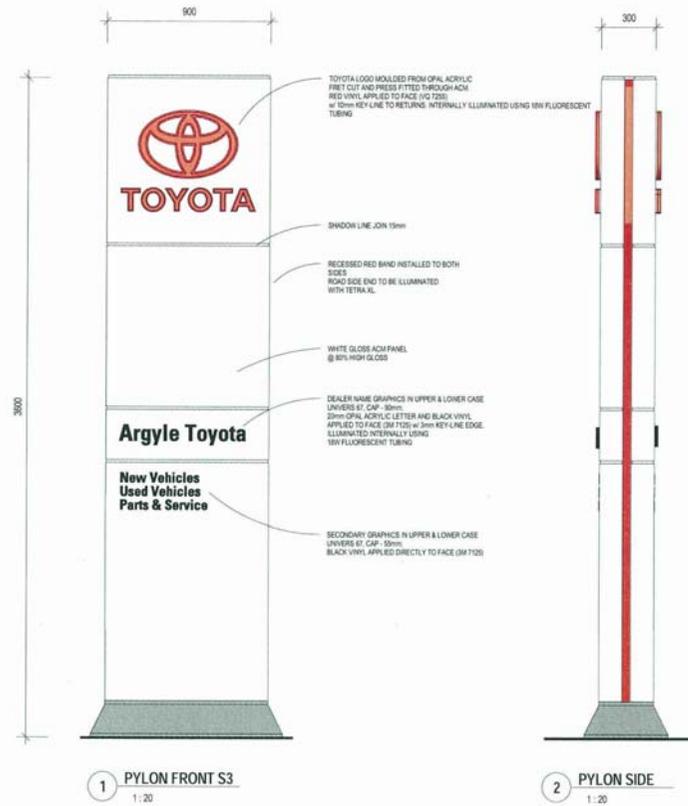
Project Name:  
ARGYLE TOYOTA  
231 BLOODWOOD DRIVE  
KUNUNURRA, WA

Drawing Details:  
ELEVATIONS

Client: **TOYOTA**

Project No:	6249	Date:	5.11.07	Drawing No:	
Drawn:	E.H.	Scale:	1 : 100		
Surveyed By:	B.B.	Checked:			3/6 D
TMCA Approval:		D.P. Approval:			

ATTACHMENT 3



**SPS**  
BRAND MANAGEMENT  
CORPORATE IDENTITY PROJECT MANAGEMENT DESIGN  
4/11 WOODSIDE DRIVE, BUNNINGS NSW 2208  
TEL: 02 9970 6411 FAX: 9970 6697

\* All dimensions to be verified on site prior to submission of quote.  
\* Do not scale from these drawings.  
\* All signage to comply with the Toyota corporate signage manual.  
\* All electrical systems to be approved by engineer.

D	03.03.2010	CHANGE DIR SIGN TO CLIP ON STYLE - ID
C	03.08.08	ADD PARTS SIGN INTERNAL ADD SERVICE SIGN INTERNAL - ID
B	03.03.08	REM PYLON ADD PRG: WALL SIGN - ID
A	14.11.07	REM PRG: WALL SIGN ADD PYLON - ID

Revi: Date: Description:

Project Name:  
**ARGYLE TOYOTA**  
231 BLOODWOOD DRIVE  
KUNUNURRA, WA

Drawing Details:  
**PYLON & DIR. SIGNS**

Client: **TOYOTA**

Project No:	6249	Date:	5.11.07	Drawing No:	4/6 D
Drawn:	E.H.	Scale:	1:20		
Surveyed By:	B.B.	Checked:			
TMCA Approval:		D.P. Approval:			

ATTACHMENT 4



3D VIEW FROM BLOODWOOD DRIVE

**SPS**  
**BRAND MANAGEMENT**  
 CORPORATE IDENTITY PROJECT MANAGEMENT DESIGN  
 6/1 THIRD PLACE BIRREDDIE ROAD, JOZE, 5015  
 TEL. 02 9970 6411 FAX. 9970 6697

\* All dimensions to be verified on site prior to submission of quote.  
 \* Do not scale from these drawings.  
 \* All signage to comply with the Toyota corporate signage manual.  
 \* All structural systems to be approved by engineer.

Rev.	Date	Description
D	03.03.2010	CHANGE OR SIGN TO CLIP ON STYLE - ID
C	23.09.08	ADD PARTS SIGN INTERNAL ADD SERVICE SIGN INTERNAL - ID
B	03.03.08	REM Pylon ADD PROJ WALL SIGN - ID
A	14.11.07	REM PROJ WALL SIGN ADD Pylon - ID

Project Name:  
**ARGYLE TOYOTA**  
 231 BLOODWOOD DRIVE  
 KUNUNURRA, WA

Drawing Details:  
**3D VIEWS**

Client: **TOYOTA**

Project No:	6249	Date:	5.11.07	Drawing No:	
Drawn:	E.H.	Scale:	1:1		
Surveyed By:	B.B.	Checked:			1/6 D
TMCA Approval:		D.P. Approval:			



## 12.4.9 DRAFT COUNCIL POLICY - LOCAL HEALTH POLICY 3 - LICENSING OF TEMPORARY CARAVAN PARKS AND CAMPING GROUNDS

<b>DATE:</b>	20 April 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Shire Of Wyndham East Kimberley
<b>AUTHOR:</b>	Kelly Cripps, Environmental Health Officer
<b>REPORTING OFFICER:</b>	Ian D'arcy, Executive Manager Development Services
<b>FILE NO:</b>	33.14.15, 43.02.01
<b>ASSESSMENT NO:</b>	N/A

### **PURPOSE**

This item relates to the preparation of a draft policy for the licensing of temporary camping grounds within the Shire of Wyndham East Kimberley.

### **BACKGROUND**

This draft policy has been prepared in response to:

- The need for designated short term overflow facilities in the peak tourist season;
- Current practise of camping at events such as the horse races and rodeo; and
- Interest from organisations to allow camping for events in the future such as the Kimberley Moon Experience, Motocross weekends, Ski Club and Speedway competitions.

### **STATUTORY IMPLICATIONS**

Local Government is empowered under the *Caravan Parks and Camping Grounds Regulations 1997* to grant temporary licenses for such facilities.

*Caravan Parks and Camping Grounds Regulations 1997*

#### **54. Temporary licence**

- (1) *A local government may, on payment of the fee set out in item 3 of Schedule 3, grant a temporary licence for a facility which is to remain in force for such period of less than one year, as is provided in the licence.*
- (2) *A local government is to endorse on a temporary licence for a facility as conditions of the licence -*
  - (a) The maximum number of sites that may be used at the facility;*
  - (b) The maximum number of sites of particular types that may be used at the facility; and*
  - (c) The services and facilities that are to be provided.*

### **POLICY IMPLICATIONS**

This policy will provide clarity on the Council's expectations for the licensing of temporary camping grounds and additionally provide the opportunity to meet the overflow camping need during the peak tourist period from May to August.

## **FINANCIAL IMPLICATIONS**

Costs applicable to advertising the draft policy are expected to be in the order of \$300-\$400.

Fees for the licensing of camping facilities are determined in Schedule 3 of the *Caravan Parks and Camping Grounds Regulations 199*, outlined as follows:

- Temporary Licence - reg.54  
*Pro rata amount of the fee payable under item 1 for the period of time which the licence is to be in force with a minimum of \$100.*

This equates to a pro rata amount of the following annual fees:

- Long Stay site           \$6 per site
  - Short stay site           \$6 per site
  - Camp site                 \$3 per site
  - Overflow site             \$1.50 per site
- NB: overflow sites would not be approved as per draft council policy on licensing of overflow areas*

## **STRATEGIC IMPLICATIONS**

From a strategic perspective, it is important that the local government provide a consistent approach to the establishment of a policy framework that affords a concise understanding of the minimum standards that are expected by the local community. Hence, the aim of formulating Local Health Policies for caravan and camping ground facilities is to offer clarification and set acceptable minimum standards that are not specifically prescribed in the *Caravan Park and Camping Ground Regulations 1997*, but more over default to the local government to determine.

As already detailed, the intent of this policy is to provide temporary camping facilities, operated on an occasional basis, to cover the overflow camping need as required, without having an adverse effect on the permanent caravan parks and camping grounds.

## **COMMUNITY CONSULTATION**

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

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

## **COMMENT**

The main aim of the policy is to set clear guidelines on their use and acceptable standards expected of temporary camping facilities, and to protect the integrity of licensed caravan parks within the Shire.

There is an increasing need for the development of a designated temporary camp site/s in Kununurra, to cope with the peak tourist season demand. Such a facility/s would need a

temporary licence in accordance with the regulations; therefore it is prudent to pursue a policy to deal with this matter.

An important consideration for this policy is the determination of 'need'. The Shire must be mindful of licensed caravan park operators when determining temporary licenses. Therefore, it is important for applicants to justify the need with an assessment on the level of impact that may be imposed on permanent license holders.

### **ATTACHMENTS**

Attachment 1: Draft Council Policy - Licensing of Temporary Camp Grounds

### **VOTING REQUIREMENT**

Simple Majority

Note: Cr R Addis left the room at 6:54pm.

### **OFFICER'S RECOMMENDATION**

That Council resolve to adopt the draft Local Health Policy 3 - Licensing of Temporary Camp Grounds as shown in Attachment 1, and proceed to advertise to this effect in the local newspaper at least once per week for two consecutive weeks requesting for any submissions to be lodged within a period of not less than 21 days.

#### **COUNCIL DECISION**

**Minute No: 9103**

**Moved: Cr K Wright**

**Seconded: Cr J Parker**

***That Council resolve to adopt the draft Local Health Policy 3 - Licensing of Temporary Camp Grounds as shown in Attachment 1, and proceed to advertise to this effect in the local newspaper at least once per week for two consecutive weeks requesting for any submissions to be lodged within a period of not less than 21 days.***

**CARRIED UNANIMOUSLY: (6/0)**

Note: Cr R Addis returned to the room at 6.55pm.

<b>POLICY NO:</b>	LHP3
<b>DIVISION:</b>	ENVIRONMENTAL HEALTH
<b>SUBJECT:</b>	(draft) Licensing of Temporary Camp Grounds
<b>REPORTING OFFICER:</b>	Executive Manager Development Services
<b>ENABLING LEGISLATION:</b>	<i>Caravan Parks and Camping Grounds Regulations 1997</i>

## **OBJECTIVE**

To provide guidelines on the approval of temporary camp grounds within the Shire of Wyndham East Kimberley

## **POLICY**

### **1.0 Introduction**

The *Caravan Park and Camping Grounds Regulations 1997* give discretion to Local Government on the granting of temporary licences for caravan parks and camping grounds.

Section 54 of the regulations states;

- “ (1) *A local government may grant a temporary licence for a facility which is to remain in force for such period of less than one year, as it provided in the licence.;*
- (2) *A local government is to endorse on a temporary licence for a facility as conditions of the licence-*
- (iv) The maximum number of sites that may be used at the facility;*
  - (v) The maximum number of sites of particular types that may be used at the facility; and*
  - (vi) The services that are to be provided*

### **2.0 Definitions**

Taken from the *Caravan Parks and Camping Grounds Regulations 1997*

- ‘Long Stay Site’** means a site at a caravan park which is to be occupied consecutively by the one person or group of persons for any period of time
- ‘Short Stay Site’** means a site at a caravan park which is to be occupied consecutively by the one person or one group of persons, for no longer than 3 consecutive months
- ‘Camp Site’** includes to camp in a vehicle but not caravans.
- ‘Overflow Site’** may only be used with the approval of the local government, for a period of time specified in that approval, and in accordance with any conditions placed on that approval

### **3.0 Location**

This policy applies to all locations within the Shire of Wyndham East Kimberley.

#### **4.0 Tenure**

An application for a temporary facility must demonstrate legal entitlement or signed written permission from the owner to occupy the land.

#### **5.0 Need**

The applicant shall detail the need for a temporary facility with particular due regard to;

- Providing justification for the temporary facility (why is it needed, who are the main users);
- Impact on existing caravan park and camping ground establishments within a 50km radius.

#### **6.0 Environment**

The design and location of a temporary facility must be sensitive and complimentary to environmental areas. Where there are concerns regarding the impact of a proposal on environmentally sensitive areas, the Shire may seek comment from the Environmental Protection Authority, Department of Environmental and Conservation, or equivalent, prior to determining the application.

#### **7.0 Amenity**

The Shire accepts that lower levels of amenity than those which could be typically expected within a permanent holiday or caravan park. However, all applications should as a minimum accord with standards prescribed in this policy and any other piece of environment, health and building legislation.

#### **8.0 Application detail**

The following shall be provided with the application for a temporary facility licence;

- 2 sets of accurately scaled and dimensioned locality plans, site layout plans and floor plans of buildings or facilities
- The number of sites
- The maximum number of people expected to use the facility
- Information on how each of the minimum requirements set out in this policy are to be addressed and how the facility will be managed
- Details of any consultation with local businesses, community groups or government agencies
- Dates of operation

#### **9.0 Fees**

Fees for operating a temporary caravan and camping ground licence are determined in 'Schedule 3 - Fees' of the *Caravan Park and Camping Grounds Regulations 1997*.

## 10.0 Minimum Requirements

### 10.1 Ablutions

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

Sites	Toilets	Showers	Hand basins
1-10	2	2	2
11-20	4	2	2
20-30	4	4	4
30-40	6	4	4
40-50	6	6	6
50-60	8	6	6

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

- Temporary ablutions must be pumped out on a regular basis.
- Permanent ablutions must be connected to an on-site effluent disposal system approved by Shire's Environmental Health Officer.

It is the responsibility of the facility licence holder to ensure that ablutions are maintained in a clean and suitable manner.

Laundry and washing up facilities are not required.

### 10.2 Water

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

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

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

Where drinking water is not provided, all occupants must be clearly notified prior to staying at the facility.

### 10.3 Electricity

Generators to 2kva are permitted between the hours of 7am and 9.30pm

### 10.4 Rubbish

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

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

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

## **10.5 Fire fighting Equipment**

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

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

## **10.6 Setbacks**

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

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

A maximum of one caravan, bus, campervan or tent is permitted per site.

A minimum of 3m is required between caravans, buses, campervans and tents on different sites.

Caravans, buses, campervan and tents must be set back at least 5m from the road.

## **10.7 Caretaker**

A caretaker may reside at the temporary facility for the term of the temporary license.

If a caretaker is not on-site then an emergency point of contact must be nominated and provided to each occupier of the facility.

## **10.8 Advertising and Commercial Activities**

Advertising the temporary facility is not permitted.

Patrons are not permitted to conduct commercial or profit making business activities within the temporary facility.

## **11.0 Licence**

Temporary facilities will only be issued a licence from the Shire of Wyndham East Kimberley once an Environmental Health Officer has inspected the site and determined that the facility meets minimum standards.

## **REFERENCE:**

*Caravan Parks and Camping Grounds Regulations 1997*

**Adopted:**

**Review:**

**Amended:**

## 12.4.10 WYNDHAM COMMUNITY JETTY - ENVIRONMENTAL IMPACT ASSESSMENT

<b>DATE:</b>	20 April 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Lot1232 Foreshore Drive, Wyndham
<b>AUTHOR:</b>	Katya Tripp, Environmental Officer
<b>REPORTING OFFICER:</b>	Ian D'arcy, Executive Manager Development Services
<b>FILE NO:</b>	43.04.42
<b>ASSESSMENT NO:</b>	N/A

### PURPOSE

For Council to consider and endorse the final report (see Attachment 1 and 2) for the Wyndham Community Jetty Environmental Impact Assessment (EIA).

### BACKGROUND

A community jetty in Wyndham is one of the key infrastructure projects resulting from the East Kimberley Investment package. The proposed jetty development is to provide a multi use community jetty and potential berthing facility for use by large tourist vessels (up to 500 ton displacement), tourist discovery tours (up to 25m in length), local recreational vessels, sea rescue operations and service barges and passenger vessels for remote communities. The plans are for a fixed jetty structure built to 128 metres in length and 4 metres wide, that allows vehicular and pedestrian access at Anthon's Landing, Wyndham. The jetty is to provide safe access to the above stakeholders and to pedestrians for fishing and general jetty use throughout all tides.

Figure 1 below provides an understanding of the jetty location for reference purposes:



Additionally, Attachment 1 to this report is a concept design of the jetty structure for the Council's information.

As part of this project there is a requirement to undertake an Environmental Impact Assessment for the jetty construction and operation. An independent consultant, Nicole Siemons and Assoc P/L, was employed to undertake this assessment on behalf of the Shire. From the final assessment, there appears to be no major environmental issues that will prevent the construction of the jetty, yet it is important to note the increased risk and management burden associated with the operation of a commercial jetty rather than solely a pedestrian jetty.

### **SITE AND SURROUNDS**

Anton's Landing, Wyndham – refer to Figure 1 above and also Map 1, pg 5 in Environmental Report provided as Attachment 2.

### **STATUTORY IMPLICATIONS**

The EIA will be submitted to the Department for Environment and Conservation and the Environmental Protection Agency for comment under the relevant State and Commonwealth legislation.

### **POLICY IMPLICATIONS**

An Environmental Management Plan (EMP) is a recommended outcome of this report.

Implementation of an EMP may require environmental policies to be endorsed by Council.

### **FINANCIAL IMPLICATIONS**

As mentioned under the Policy Implications once the jetty structure is complete the next stage is an EMP to ensure that the construction and operation of the jetty is carried out in accordance with expected environmental standards and best management practices.

This report will need to be financed from the current projects funds, should they be available.

### **STRATEGIC IMPLICATIONS**

The construction and operation of a community jetty was requested by the local community and funded by the Commonwealth Government as part of the East Kimberley Development Package. This provision is based on need through the absence of a jetty structure in Wyndham to accommodate recreational fishing and limited servicing commercial vessels.

Accordingly, should construction of the proposed structure prove feasible the new jetty facility will provide a safe platform for locals to fish from and commercial operators to service their vessels.

Therefore, the finalisation of the EIA is a necessary and important achievement to the continuation of this project.

### **COMMUNITY CONSULTATION**

Community consultation was carried out in preparation of this report. On site meetings, phone calls and consideration of past consultation, as documented in previous reports, were all undertaken as part of the EIA process.

### **COMMENT**

The report does not identify significant environmental impacts from the building of a pedestrian community jetty, yet does highlight the ongoing management burden and heightened environmental risk that will occur, should the Council manage the jetty for refuelling of and waste removal, from commercial vessels.

However, notwithstanding the importance of managing the risk associated with commercial operations, which needs further consideration by the Council, the EIA provides a sound assessment of the suitability and capability of Anthon's Landing to accommodate a steel Jetty structure.

### **ATTACHMENTS**

Attachment 1 – Concept Jetty Design

Attachment 2 - Environmental Impact Assessment by Nicole Siemon and Assoc PL

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER'S RECOMMENDATION**

That Council:

1. Adopt the Environmental Impact Assessment Report - April 2010 prepared by Nicole Siemons and Associates for the Wyndham Community Jetty and proceed to forward the document to the Western Australian Environmental Protection Authority and the Commonwealth Department of the Environment, Water, Heritage and the Arts as part of the process to deliver the jetty project.
2. Proceed with preparation of an Environmental Management Plan for the Wyndham Community Jetty structure and surrounding environs, inclusive of the Wyndham boat ramp and floating pontoon jetty, subject to sufficient funds being available within the financial scope of the Jetty project.

### **COUNCIL DECISION**

**Minute No: 9104**

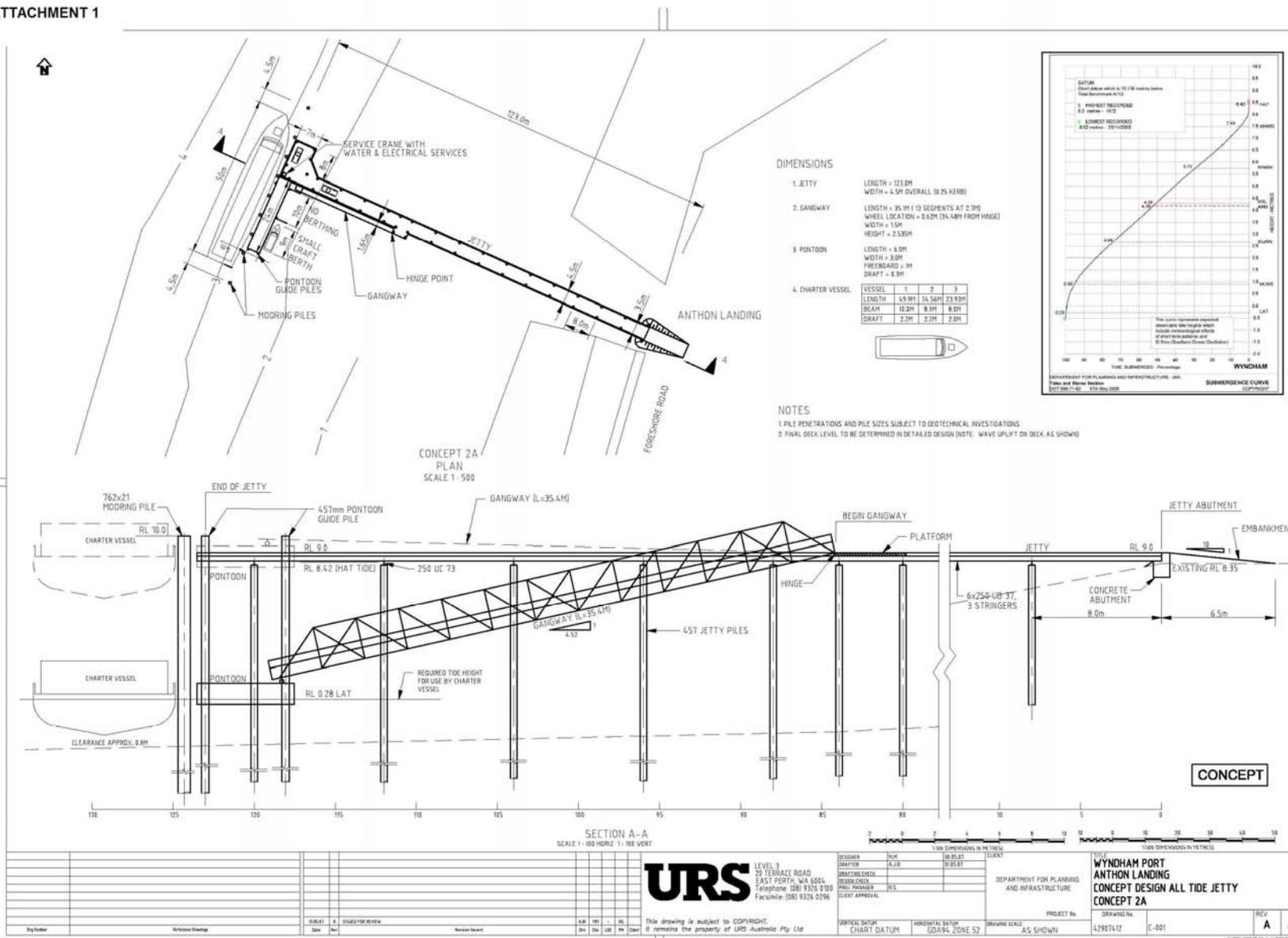
**Moved: Cr K Torres**

**Seconded: Cr D Ausburn**

**That Council:**

1. ***Adopt the Environmental Impact Assessment Report - April 2010 prepared by Nicole Siemons and Assoc P/L for the Wyndham Community Jetty and proceed to forward the document to the Western Australian Environmental Protection Authority and the Commonwealth Department of the Environment, Water, Heritage and the Arts as part of the process to deliver the jetty project.***
2. ***Proceed with preparation of an Environmental Management Plan for the Wyndham Community Jetty structure and surrounding environs, inclusive of the Wyndham boat ramp and floating pontoon jetty, subject to sufficient funds being available within the financial scope of the Jetty project.***

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



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 29 TERRACE ROAD  
 EAST PERTH, WA 6004  
 Telephone (08) 9326 0100  
 Facsimile (08) 9326 0296

DESIGNER: HCH	CHECKED: HCH	DATE: 10/01/07	CLIENT: WYNDHAM PORT
DRAWN: ALB	DESIGNED: HCH	DATE: 10/01/07	PROJECT No: 42907412
DRAWING CHECK: HCH	PROJECT MANAGER: HCH	CLIENT APPROVAL: HCH	DRAWING No: C-001
DEPARTMENT FOR PLANNING AND INFRASTRUCTURE	PROJECT No: 42907412	DRAWING No: C-001	REV: A1
PROJECT No: 42907412	DRAWING No: C-001	REV: A1	

# Shire of Wyndham East Kimberley

## Proposed Community Jetty Anthon's Landing



## Environmental Impact Assessment

March 2010



Nicole Siemon and Associates PL

PO Box 529  
Dunsborough 6281

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### **Appendix 1: Summary of environmental issues**

## 1.0 Background

The Shire of Wyndham East Kimberley is experiencing a period of significant growth with substantial State and Federal Government investment in the area making it a desirable place to live and work. There is also an increase in local tourism.

A number of key infrastructure projects are planned to support this increase. The community demand for facilities includes a proposed community jetty at Wyndham.

### **1.1 The proposal**

Funding has been obtained to construct a new community jetty at Anthon's Landing, Wyndham. The preliminary designs for the jetty include the capacity to allow tourist boats to tie up and offload passengers as well as providing general public access for fishing and boating.

Nicole Siemon and Associates PL has been commissioned to prepare an environmental impact assessment of the preliminary jetty design to identify the site characteristics, potential environmental issues and mitigation strategies that comply with relevant Federal, State and Local legislation, policies and plans.

### **1.2 Location**

Anthon's Landing is located (GPS coordinates) in GDA 94, Zone 52 E8290441.25 N403436.93. The jetty structure has been designed to be 4.5 m wide with a total length of 123 m, with a T-piece at the Gulf end. A side-hinged gangway leads to a pontoon.

### **1.3 The project - need for the project, evaluation of alternatives and benefits**

The current recreational boat ramps and associated pontoon are not suitable for 'all tides' access for larger tourism and supply vessels. It presents safety risks for recreational users. Although it has the capacity for five persons only at a time, anecdotal evidence suggests that there are frequently more than 20 fisher folk using it. The existing pontoon is close to the water and people often hang their legs over the side, even though a 3 metre crocodile is seen regularly in the area.

The existing commercial port facility has been subject to increased security regulations, making it more difficult for commercial vessels, including tourist and supply boats to use. Local community recreational use of the port facility has also been restricted.

The proposed development is to provide a community jetty for pedestrian and fishing use with potential future use as a berthing facility by large tourist vessels (up to 500 ton displacement), tourist discovery tour vessels (up to 25 m in length), local recreational vessels, sea rescue operations and service barges as well as passenger vessels for remote communities.

URS has prepared a concept design which features;

- a fixed jetty structure that allows vehicular and pedestrian access with a T-piece to allow for turning vehicles
- a floating landing platform that provides an all tide berth facility
- a hinged gangway structure that connects the fixed jetty to the floating landing platform.

The orientation and pile positioning shown in the concept design is intended to minimise the impact and potential entanglement of debris. The use of the floating platform pontoon shape and gangway are also intended to minimise entrapment of floating materials.

A schematic drawing of the proposed jetty is shown on Map 1. The jetty and associated infrastructure affects a minimal area of the foreshore. A foreshore management plan will dictate the final interface between the jetty and the foreshore.

The results of community consultation and previous reports indicate that there is agreement that Anthon's Jetty is the best location for the new facility as it does not require substantial clearing of mangroves or dredging.

#### ***1.4 The proponent***

The Shire of Wyndham East Kimberley is the proponent for this project. At the time of preparing this report, the funding body requires the money to be spent by August 2010.

#### ***1.5 Construction methods***

The laydown area for materials and machinery required for construction has yet to be confirmed. Potential sites include facilities at the Port, vacant lots in the townsite or the adjoining foreshore reserve. The contractors will need to ensure appropriate measures are implemented to manage their impact on the final site.

The likely construction method is through use of a dumb barge with a pile driver.

#### ***1.6 Environmental approval process if required***

The preparation of this environmental impact assessment and a heritage study will together guide the final project planning and implementation.

Should the construction of the jetty proceed without providing for fuel and water dispensing, or waste disposal facilities, then the direct and potential environmental impacts are negligible. This assessment should be submitted to the Department of Environment and Conservation.

Stringent procedures will need to be developed should fuel supply, waste disposal, water and general provisioning be facilitated by the new structure in the future. Further environmental issues could arise if access is provided for maintenance vehicles to service the commercial vessels. Administrative and operating plans would then be required to provide sufficient pre-requisite details to enable formal environmental assessment and licensing of the project.

**Map 1: Proposed location of community jetty, Wyndham**



-  Proposed jetty
-  Public toilets
-  Proposed rock retaining
-  Existing boat ramps
-  Cadastral boundaries

100 0 100 200 Meters



These would have to be submitted to the Environmental Protection Authority and the Department of Environment and Conservation for approval.

## 2. Existing environment

An understanding of the existing physical, biological and cultural environment is fundamental to the assessment of the potential impact of the proposed jetty development and associated infrastructure within the Wyndham area.

### *2.1 Introduction*

The East Kimberley is characterised by a variety of landforms, which are a reflection of the varied geology.

### *2.2 Physical environment*

#### *2.2.1 Terrestrial landforms*

The dominant features of the Wyndham area are the five rivers. Three of these, the King, Pentecost and Durack Rivers form a radial pattern upstream of the site and flow past Wyndham into Cambridge Gulf.

The original Wyndham townsite has an eroded sandstone flat topped (mesa) breakaway to the east (Bastion Range) with shallow stony and sandy soils on sandstones and neutral red and yellow earths on basalt. Anthon's Landing is geologically associated with this range.

The proposed development site is located within low-lying coastline fringed with mangals. The site is located on reclaimed land.

#### *2.2.2 Climate*

The region has a tropical, semi-arid to subhumid, monsoonal climate, with a median annual rainfall ranging from 650 - 1200 mm. Most of the rainfall is recorded between November and April. Tropical cyclones augment the monsoonal rains and can result in extensive flooding and erosion. Further details are provided in GDH (2009).

#### *2.2.3 Hydrology and drainage*

The old Wyndham townsite has a mixture of gutter flow and pipe systems with box culverts and open drains to the south. There is considerable sheet runoff from the hill behind the townsite and a diversion drain has been constructed to take peak flows away from buildings.

Sewage and greywater disposal systems in the townsite are historic and need significant upgrades to comply with current standards.

#### *2.2.4 Acid sulphate soils*

There is evidence of acid sulphate soils in the vicinity.

## **2.3 Biological environment**

### *2.3.1 Terrestrial flora*

The foreshore reserve is bare as it is reclaimed land. There are small numbers of colonising saltmarsh species and weeds in the proposed development site.

There are no Threatened Ecological Communities identified within a 10kilometre radius of the proposed development site.

The proposed development site is within a historically cleared area and is completely degraded. Mangrove wetlands occur upstream and downstream of the landfill site onto which the jetty will abut.

### *2.3.2 Terrestrial fauna*

The foreshore reserve against which the Anthon's Landing proposed jetty abuts is reclaimed landfill. There is no significant use of the area by fauna. Birds of prey and urbanised bird species may use the area.

## **2.4 Gulf environment**

The Cambridge Gulf at Wyndham experiences annual flooding. Extremes in tidal movement range in excess of 8 m and tidal currents can exceed 3 knots (Wallingford 1971).

### *2.4.1 Estuarine geomorphology and coastal processes*

There are extensive mudflats around the mouths of the major rivers and they are the only depositional features of the coastal region. The extreme tidal range of 6 to 8 m (king or macro tides to 10 m) transports the high volume of alluvial sediment carried by rivers during the wet season, past Wyndham to the Cambridge Gulf. Intensive rainfall events associated with cyclones or tropical lows can result in flash floods and washaways, as well as erosion of the main channels and adjoining tidal mud flats. Storm surges associated with tropical cyclones are historically negligible due to the coastal configuration of Cambridge Gulf.

The site proposed for development has a variable bathymetry but drops to just over 5 m within 160 metres of the shoreline, with the end of the proposed jetty facility at -3 m depth. The silt load is likely to be highly variable and may result in a fluctuating bathymetry.

GHD summarised four reports to interpolate some geotechnical data (2009) and concluded that firm substrate would occur at approximately -15m AHD to -27m AHD.

Considerable quantities of woody debris and assorted vegetative matter pass into Cambridge Gulf from the large numbers of rivers and creeks. This woody debris tends to get entangled in any marine structures.

#### *2.4.2 Estuarine water quality*

Suspended sediment is a characteristic of the Cambridge Gulf. As mentioned above, there are significant fresh water surges associated with the wet season between December and March. These surges contribute mud deposits up to 150 mm thick along shore areas, and the sediment can follow tidal movements for several cycles (GHD 2009).

There are issues associated with minimally treated sewage entering the Gulf in the vicinity of the townsite, however it is recognised that the historical nature of the problem and the difficulties for small remote communities, makes it problematic to retrofit the infrastructure to comply with *Environmental Protection (Unlicensed Discharge) Regulations 2004*. This difficulty is recognised by the Department of Environment and Conservation and the Shire. The Shire is developing a plan to require upgrades for facilities in the future.

The quantities of nutrient, faecal material and suspended sediment mobilised or released during construction are likely to be negligible in comparison to the contribution of the rivers.

#### *2.4.3 Estuarine flora*

There are 19 species of mangroves in the Cambridge Gulf covering a total area of 1 850 km<sup>2</sup>. The diversity of the mangrove ecosystem is highly variable in response to coastal hydrology, climate and freshwater contributions. There are notable knowledge gaps about mangrove ecosystems, their health, natural changes wrought by severe storms, sedimentation and climate change all are factors that affect their distribution. Sedimentation downstream is an anticipated consequence of catchment disturbance resulting from loss of vegetation cover and increases in instances of heavy rainfall.

The actual Anthon's Landing site of the proposed development is regenerating mangal, dominated by *Avicennia marina*. There are small numbers of seedlings in the vicinity of the jetty. The remainder of the foreshore reserve is bare as it is reclaimed land.

The Parry Floodplain system (saline coastal flat) is located approximately 2 kilometres downstream of the proposed development site. This is recognised in the *Directory of Important Wetlands of Australia (2007)*. The Ord River Floodplain, a recognised Ramsar wetland, is located 2.5 km upstream of the site.

#### *2.4.4 Estuarine fauna*

There are likely to be a range of animals living in the mudflats including resident hermit crabs, mud whelks and other snails. Burrowing crabs, shrimps and worms are likely to occur and the mangroves probably support a range of encrusting oysters, barnacles, wandering snails and boring insects.

#### *2.4.5 Estuarine vertebrates*

Birds, bats and a range of reptiles including crocodiles utilise the mangroves and the tidal mud flats at different times, while mangroves are recognised as important habitats for a diverse range of fish.

## ***2.5 Social environment***

### *2.5.1 Landuse and tenure*

Anthon's Landing was previously utilised as a jetty site and the townsite and foreshore are reclaimed land. The Department of Land Information has not categorized Anthon's Landing (classified as *Incomplete attribute data*). Two Crown Reserves surround it, vested in the Minister for Transport.

### *2.5.2 Contaminated sites*

The types of fill used historically are unknown, and anecdotal evidence suggests that in the last decade only inert fill has been used. Any contaminated sites are unknown. Chemical analysis may be needed if drill cores show potential contaminated waste.

### *2.5.3 Noise*

At present, the greatest noise impact is from trucks moving nickel, copper and cobalt concentrate through to the Port facility. An iron ore producer is currently working towards exporting materials from an area north of the township, which will increase traffic.

The Shire has not received any complaints about noise levels.

### *2.5.4 Air quality*

Dust and odour are currently not considered to be an issue within the townsite, principally because of the extensive hardstand areas and use of black shale as capping.

### *2.5.5 Recreation*

Recreation at Anthon's landing is principally land based. With access to the Wharf difficult, the existing boat ramp pontoon provides a key fishing point. The current boat launching and pontoon facility supports up to 35 pleasure craft per day during the peak dry season.

Significant increases in vessel numbers are anticipated with the expansion of the Ord River Irrigation area and potential new developments. Future vessel numbers appear to be highly speculative, however boat ownership is relatively high and the proposed facility is close to the larger population centres of East Wyndham and Kununurra. Seasonal tourist traffic can also be high.

Currently the commercial vessels have an effective working relationship with the commercial port facility. CGL Wyndham Port has the historical knowledge and practical experience of dealing with vessel operations. They advise that more than 59 skip bins are removed annually (excluding crane hire) and close to 400 000 bunkers of assorted fuel loaded excluding loads from the manifold if the berth is free.

In the short term, it is suggested that the new jetty facility be used only for loading and unloading passengers, rather than trying to offer fuel and water re-

loading facilities. Considerable logistical hurdles will need to be overcome and comprehensive management and administrative procedures developed, if these facilities are to be offered in the future.

### 3. Regulatory requirements

This section of the document outlines the relevant regulatory requirements pertaining to the environmental management of the site. Relevant sections of the various acts and regulations have been summarised. It is recommended that the actual legislation be consulted for further information.

#### **3.1 Federal legislation**

There are a number of Acts that are relevant. The extent of application and relevance to the proposed community jetty will vary depending on the final operating and management strategy relating to the facility.

*3.1.1 Quarantine* The *Quarantine Act 1908* and the *Quarantine Amendment Act 1999* provides for mandatory reporting requirements to prevent the introduction of foreign species to the terrestrial and marine environment. The act aims to prevent exotic marine pests from invading the Australian marine environment. The introduction into Australia of all disease germs, microbes and disease agents and all cultures viruses or substances or articles containing or likely to contain any disease germs, microbes or disease agents is prohibited (except under specific circumstances). Ships are required to report ballasting status, destinations and previous ports of call on standard AQIS Ballast Water Reporting Form. AQIS have mandatory access to a sampling point on the ship.

Hazardous Waste (Regulation of Exports and Imports) Act 1989 provides guidelines to regulate the importation and exportation of hazardous wastes. Proposals for the import of hazardous wastes must be lodged in accordance with the Environmental Protection (Impact of Proposals) Act 1974 and information must be sought from the Commonwealth or WA Environmental Protection Authority.

*3.1.2 Oil spills and marine pollution* *Marine Oil Spill Action Plan (MOSAP)* is a voluntary mutual aid oil spill contingency plan, which is used to manage and clean-up marine oil spills in Australian waters. The plan is administered and funded by the oil industry through the Australian Marine Spill Centre (AMOSC) and the Australian Marine Safety Agency (AMSA).

*National Plan to Combat Pollution of the Sea by Oil WA Marine Oil Pollution Emergency Management Plan* applies to offshore and adjacent areas of Australia and to all External Territories. It provides guidelines for the management of, and response to, marine oil spills.

In the event of an oil spill, the Port has responsibility within its area of jurisdiction. If the response required to combat an oil spill is beyond the capability of CGL Wyndham Port, external assistance may be requested.

In State waters, management of an oil spill may be transferred to the responsible State Authority (eg Department Of Transport) through the National Plan State Committee and assistance will be requested from AMSA, as required. An oil spill response controlled by the National Plan State Committee will follow the National Plan to combat Pollution of the Sea by Oil and an oil spill response controlled by the WA State Oil Spill Combat Committee will follow the WA Marine Oil Pollution Emergency Management Plan.

### ***3.2 State legislation***

#### ***3.2.1 Mangrove protection***

There are no specific laws to protect mangroves and tidal wetlands in Western Australia, only guidelines.

Protection, conservation and management of vegetation is covered under the Conservation and Land Management Act (1984) *as amended with associated regulations*, which has the regulatory function of the management of flora, fauna and reserves. It is administered by the Department of Environment and Conservation. Under this act it is an offence to interfere with, among other things, flora, fauna and habitats. The Act also has quarantine requirements to minimise the risk of spreading unwanted plants, diseases and weeds.

The *Environmental Protection (Clearing of native vegetation) Regulations 2004* requires any persons intending to clear native vegetation to apply for a clearing permit or an exemption must apply. There are Schedule 6 exemptions or exemptions under Regulations. For this development, a permit should not be necessary.

The *Fish Resources Management Act (1994)* manages fish habitat and fisheries within Western Australian waters. The act should be consulted for a full definition of WA waters. The objectives of this act are to conserve, develop and share the fish resources of Western Australia. The Act regulates commercial and recreational fishing, aquaculture, aquatic eco-tourism and the conservation and management of fish habitats. The act enables Fisheries Western Australia to manage fisheries and fish habitats. The proposed jetty construction is unlikely to have a substantial detrimental impact on fish and fish habitats. The Department of Fisheries could be approached to contribute to signage for the new structure.

***3.2.2 General environmental legislation*** The *Environmental Protection Act (1986)* (and associated regulations) controls the impacts of mining, fishing, shipping, industrial pollution or tourism. The Act regulates pollution, the management of waste, unreasonable noise, odour and electromagnetic radiation, discharge or emission. The Act also establishes the Environmental Protection Authority, to whom projects, developments and other changes in land use must be referred for assessment if they are likely to have a

significant impact on the environment. Note: The Environmental Protection Act overrides all other existing legislation and therefore, where approval by the Minister for the Environment or the DEP is required, new projects cannot be commenced until this approval has been obtained.

For this proposal, the relevant requirements relate to the prevention of pollution and emissions of noise and odour which unreasonably interfere with the health, welfare, convenience, comfort or amenity of any person.

Further under *Part V, Pollution Prevention* detrimental effects of the discharge of waste in circumstances likely to cause pollution must be prevented and minimised. Equipment cannot be used in such a way as to emit unreasonable noise. Pollution control equipment cannot be modified unless it will increase the efficiency of any pollution control equipment or unless it is in accordance with a works approval or license.

A licence must be held in order to cause or increase the discharge or alter the nature of waste or the emission of noise. Prescribed standards for the discharge of waste or the emissions of noise or odour must be complied with.

All information recorded as a result of a monitoring program must be supplied to the Chief Executive Officer (of the Department of Environment and Conservation at a specified time interval, and in the specified form and manner. The Chief Executive Officer must be notified of the prescribed details of a discharge which has caused or is likely to cause pollution, and occurs as a result of an emergency, accident or malfunction.

The Environmental Protection (Noise) Regulations 1997 specify the maximum allowable noise levels and acceptable methods for measuring noise emissions. This includes allowable noise levels from construction sites. It is an offence to emit noise that interferes with the health, welfare, convenience, comfort or amenity of any person. Assigned noise levels as per the regulations must be complied with.

The *Clean Air Regulations (1967)* provide guidelines to regulate the release of emissions to the atmosphere to maintain a clean atmospheric environment. A licence must be obtained from the DEP for atmospheric emissions of certain substances.

Land operations emitting dark smoke which lasts for more than four minutes in any one hour are not permitted. Emissions of dark smoke from vessels within the limits of any harbour or any inland navigable waters are only permitted for a total maximum period of 20 minutes in any hour when the vessel is underway, or a total of 10 minutes for a stationary vessel. These regulations may be invoked by the barge or drill rig associated with construction activities.

*3.2.3 Health considerations* The *Health Act 1911-1979 (as amended with associated regulations)* regulates matters of public health concern. It sets controls and standards for sanitation, the prevention of water pollution and the fitness of dwellings. The relevant

sections regulate waste management, pollution of water supplies and nuisances to public health, such as the design, approval and installation of on site sewage treatment facilities. The design and approval of individual facilities are the responsibility of the Department of Health Western Australia, while the supervision of installation and final approval is the responsibility of the Shire of Wyndham-East Kimberley.

This act will be invoked if sullage pump out facilities are planned as part of the development. Further, vessels mooring for the long term may need to be assessed by the Shire's Environmental Health Officer to ensure that the system on board complies with the relevant sections of the act.

*3.2.4 Gulf waters and port management* The *Port Authorities Act (1999)* establishes port authorities and specifies the functions of the port authorities. CGL Wyndham Port was contracted to act as an agent of the State, by the Department of Transport in 1988, but complies with the relevant regulations. One function is to protect the environment of the port and minimise the impact of port activities on that environment (Section 30). However, nothing in the *Port Authorities Act (1999)* limits or otherwise affects the operation of the *Environmental Protection Act (1986)*.

*Pollution of Water by Oil and Noxious Substances Act (1987) (with associated regulations)* applies to territorial seas of Western Australia, estuarine and other tidal waters. The Act regulates protection of the sea and other waters from pollution by oil and other noxious substances discharged from ships and places on land. It creates a duty to report certain spillage incidents, and duty of ships and oil tankers to keep an oil record book. The Act is administered by the Department of Transport and was designed to complement the Protection of the Sea Act (Commonwealth).

The *Shipping and Pilotage Act (1967) (as amended, with associated regulations)* regulates Shipping and Pilotage in and about the ports, fishing boat harbours and mooring control areas of the State. It dictates the powers of harbour masters. The harbour master of any port controls the entry and departure of vessels into and from the port and controls berthing, mooring and moving of vessels within the port. It is an offence to:

- fail to comply with any order or direction of a harbour master
- unlawfully interfere with any mooring, beacon, buoy, light or other port facility
- deposit or remove earth or spoil within a port beneath high water mark.

The waters are under the control and responsibility of the CGL Wyndham Port as an agent for the State and encompass all of the waters, sea floor and shorelines up to the High Water Mark (HWM). The adjoining foreshore reserve is vested in Marine and Harbours Department. CGL Wyndham Port leases the reserve from the Minister for Transport.

The movement of pleasure craft and vessels exempt from pilotage are subject to CGL Wyndham Port control. All vessels other than pleasure craft are required to maintain a radio listening watch while navigating within the Port waters, for

the purpose of receiving possible radio communications from the Harbour Master. Pleasure craft are required to avoid any interference and impedence of the safe navigation or mooring of commercial vessels using the Port.

*3.2.5 Explosives and Dangerous Goods* The *Explosives and Dangerous Goods Act (1961) as amended with associated regulations*, regulates the manufacture, importation and use of explosives; and the classification, marketing, storage, carriage and sale of explosives and dangerous goods. It requires compliance with Australian Standard 1940 – The Storage and Handling of Flammable and Combustible Liquids. This act is administered by the Department of Minerals and Energy.

The *Dangerous Goods (Transport) (General) Regulations 1999* requires compliance with the following codes, standards and rules: *Australian Code for the Transport of Explosives by Road and Rail; Recommendations on the Transport of Dangerous Goods; Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria*. These regulations define "dangerous goods" and dangerous goods that are too dangerous to be transported. This act is administered by the Department of Minerals and Energy.

The *Dangerous Goods (Transport) (Road and Rail) Regulations 1999*, incorporates a number of codes, standards and rules, define dangerous goods and responsibilities. This act is administered by the Department of Minerals and Energy.

The Department of Environmental Protection provides a Code of Practice for chemicals used in industry. It includes guidelines for storage and handling of chemicals as well as recommended procedures for receiving, handling and storage of chemicals. The guidelines also list fire extinguishing methods for common industrial chemicals and treatments for surfaces to prevent degradation by chemicals. This may become relevant should the Shire provide waste disposal facilities for commercial vessels.

### *3.2.6 Litter*

The Litter Act 1979 regulates the disposal of litter and it is an offence to litter under the Act.

*3.2.7 Local government Local Government (Miscellaneous Provisions) Act 1960 (as amended, with associated regulations)* regulates local authorities' power to make by-laws that could impose requirements on persons within their jurisdiction in relation to environmental matters. The Shire of Wyndham-East Kimberley may impose bylaws in relation to management of the facility, but only to the extent to which those issues fall within the local government jurisdiction.

### ***3.3 Local government local laws***

The only relevant local laws that will apply to the proposed development site will relate to Parking and parking facilities Local laws and those relating to Health.

Relevant Shire involvement in the foreshore reserves and provision of infrastructure relate to signage provided at the existing boat ramp and pontoon, prohibiting disposal of fish cleaning and food waste into the water. The Shire also puts up signage to discourage inappropriate disposal of paints, oils and flammable wastes through the receptacles.

The Minister for Transport as the owner of the land (Manager) has ultimate responsibility for reserve management.

## 4. Environmental impact identification and management

There are three levels of potential environmental impact:

- Lay-down and storage of construction materials
- Construction, and
- Operation.

At the time of generating this report, the lay-down and construction material storage sites and the method of construction have yet to be determined. Further, a decision has yet to be made about whether or not commercial vessel activity may be supported at the new facility.

This report is targeted at construction of a fishing platform rather than a multiuse jetty and highlights potential future issues should alternative uses be considered. Additional environmental reporting will need to be submitted to the Environmental Protection Authority and Department of Environment and Conservation for approval should the focus of the jetty use shift towards commercial operators and away from land-based users.

### ***4.1 Changes in hydrology, drainage and stormwater run off***

A number of sites are being assessed as potential laydown areas for equipment and materials required during the construction

The future foreshore management plan and detailed design will define the extent of the hardstand at the interface between the jetty and the foreshore reserve. Spoon drains and rock spillways down the bank will be used for stormwater discharge from the hardstand area.

The jetty itself will have minimal impact on drainage, hydrology or stormwater runoff. The associated hardstand infrastructure will contribute to increased localised runoff, however, the potential negative environmental impacts are considered insignificant.

If waste oil and general litter disposal facilities be provided, the contained bays for waste disposal will require a raised bund and gross pollutant and grease traps. Runoff generated by direct rainfall should be taken into consideration when determining any holding tank capacity.

A regular maintenance program, particularly during storm events and after long weekends or peak visitor periods would be needed.

#### *Proponent commitment*

- 1 Develop a detailed foreshore management plan, which shows infrastructure and hardstand areas, as well as details of any additional waste disposal facilities and treatment.
- 2 Develop a jetty management and maintenance program that defines the frequency or triggers for maintenance visits.

## ***4.2 Vegetation and flora***

A total of six juvenile and seedling mangals (diameter < 60mm) will be lost in the construction. Maintenance beneath the facility in the future is likely to result in selective removal of mangals from this area to ensure water flow beneath the jetty and reduce obstruction and trapping of floating debris.

Selective pruning of the mangals to the north of the jetty structure may be needed in the construction phase, however, the environmental impact will be minor. Additional revegetation works associated with the proposed foreshore management plan will result in a net increase of vegetation in the area. Additional mangals may require selective pruning should the jetty abutment be reinforced with rock, however the extent of the work is negligible.

No species identified at the site are unique to it. These species occur in extensive populations elsewhere. Consequently there will be no absolute or regional loss of species diversity as a result of the proposed development.

### *Proponent commitment*

3. Tag the working boundary for construction to ensure no inadvertent damage to the vegetation adjoining the construction site.

## ***4.3 Fauna management***

The jetty will have minimal impact on terrestrial or aquatic fauna. Should rock reinforcement be used to support the fill onto which the jetty is anchored, then a net increase in habitat will be achieved.

### *Proponent commitment*

4. Ensure the foreshore management plan includes protection of the banks from erosive forces using techniques that maximise the habitat for native fauna.

## ***4.4 Estuarine management***

### *4.4.1 Disturbance to and erosion of bed and banks*

Dredging results in disturbance of sediment of the sea bed which can affect fauna habitats. Maintenance dredging is unlikely to be required on a routine basis. In the opinion of Port staff, accretion will be negligible due to scouring by tidal currents. The jetty may need to be surveyed on a regular basis. Any dredging will be minor in comparison with the contribution of mobilised sediments from the three rivers upstream and the high tidal range.

There is a risk that the new structure could result in eddies, particularly if significant accumulations of woody debris occurs within the pylon structures. These eddies could then result in erosion of bank therefore affecting fauna habitats and the jetty structure. The abutment of the jetty therefore, and potentially the foreshore reserve margins to the south where filling occurs, may benefit from increased stabilisation measures.

Maintenance is still likely to be needed to remove debris that may collect or become entangled in the facility. The jetty will need to be assessed following cyclones or significant storm events.

*Proponent commitment*

- 1 Refer any future proposals for localised dredging to the Department of Environment and Conservation should the need arise.
- 2 Ensure the marine engineers review the coastal processes and include additional stabilisation of the banks around the jetty and reserve interface as required.
- 3 Ensure the jetty maintenance plan includes a system for ensuring rapid response to cleaning the structure following storm or cyclonic events.

*4.4.2 Marine fauna*

The jetty construction may involve some modification to the reclaimed land – while anchoring the structure. There will be minimal localised disturbance in this area. There is an opportunity to improve the stability of the foreshore using rocky material to protect the infrastructure and such works could be constructed to form terraces, which would increase the habitat available for estuarine fauna, including mud crabs.

Attaching invertebrates such as barnacles < 5 mm may adhere to the jetty in the splash zone. The use of chemical substances to prevent this (or for any other purpose in the construction of the jetty) and the possible subsequent leaching of these chemicals into the marine environment could damage other fauna populations in the area. Advice from the CGL Wyndham Port staff is that manual removal is sufficient to deal with the small numbers of colonising invertebrates. Additionally the pylons will not be painted with toxic compounds. Construction using plastic or steel-reinforced fibreglass would further reduce the attachment. Should steel be used, a cathodic protection system is used to control rust rather than toxic rust inhibitors. Woody debris may occasionally damage this system.

*Proponent commitment*

8. Ensure the jetty maintenance plan excludes the use of toxic anti-fouling or rust inhibiting paints.

*4.4.3 Water quality*

***Acid sulphate soils***

Acid sulphate soils exposed to air can result in flora and fauna deaths. The proposed construction method (pile driving or screw piles) will not result in exposure of sediment to the air, and therefore will minimise this issue.

***Ballast water***

Ballast water from coastal waters elsewhere in Australia or overseas may be a vehicle for the possible introduction of unwanted organisms into Australian waters which can affect local fauna populations. In early 1990, the Federal Government through AQIS introduced guidelines for the management of ballast water for vessels arriving in Australia from overseas ports. The principles

of these guidelines apply to vessels moving along the Western Australian and Northern Territory coasts.

#### ***Dirty ballast***

This refers to ballast water that is contaminated with chemical pollutants, usually oil from engine room bilges or tank washing. Its introduction into the marine environment could adversely affect fauna and flora populations. Disposal of dirty ballast is prohibited within the Port of Wyndham.

All vessels must abide by the Western Australian *Pollution of Waters by Oil and Noxious Substances Act, 1987*. This Act incorporates the *International Convention for the Prevention of Pollution from Ships, 1973*. Under the provisions of the Act, it is illegal to dispose of oily bilge water or other noxious liquid substances to Port waters.

It is the charter of Port staff to routinely inform all vessels using the Port of their responsibilities in this regard and it is not the responsibility of the Proponent. It will be impractical for the Shire to determine whether or not vessels proposing to use the facility have segregated or contained ballast tanks.

#### ***4.5 Pollution and waste management***

A number of management actions would be required to ensure the prevention of marine pollution. The possible sources of marine pollution from land-based activities include urban discharges and contaminated stormwater runoff from new hardstand areas.

During laydown, storage and construction there is the potential for substances such as oil, grease, paint, cleaning agents and other chemicals to be deposited on the site and later run off into the marine environment following rain events therefore affecting the marine fauna and flora. Council will require the successful contractor to provide a simple maintenance strategy detailing the process for ensuring their machinery maintenance including re-greasing does not result in on-site contamination.

The dumping of wastes at sea is prohibited by Australian legislation under the *Environmental Protection (Sea Dumping) Act 1981*, with the means of controlling all types of pollution from ships contained in the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78).

CGL Wyndham Port does not provide routine quarantine disposal services. Only small volumes of quarantine items are likely to enter the area and vessels should be required to retain all garbage with quarantine requirements and dispose of them elsewhere, either by off-loading at facilities or burning waste at sea. It is illegal under the Quarantine Regulations for materials that should be processed through formal quarantine procedures to be taken off ships arriving from Darwin or other WA ports, except with the approval of, and under direct supervision of AQIS or their representatives.

It is not practical to try to establish quarantine disposal facilities at the proposed jetty. As mentioned above, there are considerable logistical difficulties and prohibitive costs involved in collecting such quarantine materials from the jetty.

Should commercial vessels or larger pleasure craft utilise the jetty, they should be advised to retain any quarantine items on board. The Shire should install a sign advising boat owners of their responsibility to dispose of vegetative and other quarantinable wastes in accordance with quarantine regulations. Advice on wording should be sought from AQIS.

*Proponent commitment*

9. Install a sign at the end of the jetty facility reminding boat owners to keep quarantinable waste on board.

*4.5.1 Sullage from vessels* Sea-going vessels are required by the *International Convention for the Prevention of Pollution from Ships, 1973* to pump out their holding tanks at sea, remote from coastal resources. Large service vessels using the proposed facility have holding tanks for sewage generated onboard and have advised that they have no need to pump sullage.

The amount of untreated sewage that is directly discharged to Port waters from recreational vessels cannot be readily determined, but may be considerable. Associated with this would be possible concerns regarding microbiological and nutrient contamination of the receiving waters. The Port has regulations governing small craft mooring and anchoring which prohibit persons from living on board any vessel unless it is fitted with an approved chemical closet, which has an adequate holding tank. The system is to be approved by the Shire Health Officer and must only be voided on an outgoing tide away from sensitive areas.

An arrangement should be made with the Harbour Master to advise the Shire of long-term moorers, to enable the Environmental Health officer to review the boats' waste disposal system either by phone or site visit as required.

Data from studies using the common faecal bacteria, *Escherichia coli* as an indicator organism, have shown faecal bacteria die fairly rapidly in marine water, due largely to exposure to solar radiation (Rozen, Y., and S. Belkin. 2001). However there is recent debate about this.

The townsite has overflow from the existing sewage disposal system as a result of high groundwater and significant rainfall. Aerobic treatment units will be added to the townsite as properties come up for sale or with re-development.

The toilet facility near the proposed jetty was designed for a limited number of users and has minimal capacity. It is possible that it will not be sufficient to cope with influxes of tourists if the commercial operators start using the new proposed jetty or fishing competitions start up again.

*Proponent commitment*

10. Develop an agreement with the Harbour Master to advise the Shire's Environmental Health Officer of any significant increase in the number of vessels proposing long term mooring off Wyndham Port.

***Nutrient contamination***

The CGL Wyndham Port is an entry point for considerable quantities of nitrate for the Argyle Diamond Mine. Potential accidents associated with transporting this material pose the greatest single nutrient contamination threat to the townsite. It is unlikely that the proposed use of the community jetty will result in a significant potential point source of nutrient contamination. Nutrient contribution from any sewage escape will also be small in comparison to that carried by the five rivers.

*4.5.2 Refuelling of vessels and fuel storage*

The proposed fuel line design includes the addition of a steel-lined pipe with flexi pipe at each end. The greatest risk is associated with connecting the pipes. No fuel storage facility is proposed. Tanker feeds are planned which would mean that the total volume of fuel that could be spilled would be that held within the fuel line.

All fuel transfer operations will have to follow strict safety requirements designed to minimise both the risk of spillage and the volume that may be spilled. Current commercial vessels fuel requirements are in the order of 400 000 bunkers ranging from 1000 L to more than 30 000 L at a time. These figures are based on advice from GGL Wyndham Port data.

The commercial vessels currently depend on fuel trucks from Kununurra for unleaded and Jet A1 fuel and re-fuel at the berth at the CGL Port.

There are considerable logistical difficulties associated with managing a multiuse jetty when dangerous goods are being handled. Recreational users would have to be excluded from the facility for the duration of re-fuelling, through fencing and provision of a safety officer and appropriate signage. There are significant management implications for the Shire associated with such provisioning.

***Handling of dangerous goods***

Handling of dangerous goods in all port and jetty facilities must include stringent requirements for occupational and environmental safety. CGL Wyndham Port has comprehensive manuals which recognise the Association of Australian Port and Marine Authorities "Rules for the Safe Transport, Handling and Storage of Dangerous Substances and Oils in Port Areas (1992)."

All handling of flammable goods and explosives must comply with the Mines Department requirements pursuant to the Explosives and Dangerous Goods Act (1961). All vessels that are carrying, or intending to load, bulk flammable liquids or gas, should be required to submit a declaration regarding the safety of structures and fittings prior to using the facility.

Comprehensive liaison will be required between the Shire and Port to determine the most appropriate means of management, responsibility and capability, prior to developing this further. Additional environmental impact assessment reports will be needed.

*Proponent commitment*

11. Develop a strategy for the supply and management of fuel supplies that ensures compliance with the relevant legislation and regulations, if fuel is to be supplied.
12. Undertake appropriate environmental impact assessments, safety planning and licensing reviews and submit plans to the relevant authorities.

*4.5.3 Pollution discharge or spills*

Prevention is a fundamental priority in environmental management of the jetty facility. Application of stringent design and procedural requirements for vessel safety and safe handling of flammable materials renders the risk of any spillage occurring extremely small. Four levels of safety would have to occur:

1. vessel safety
2. safe handling of inflammable dangerous goods
3. oil spill response
4. cargo spill management.

*Proponent commitment*

13. Install signage stating that hazardous goods may not be loaded or unloaded at this facility and that it is the responsibility of the boat owner to advise the Harbour Master of any spill or issue.

***Emergency response***

All accidents resulting in damage to vessels, installations or property within the Port are required to be immediately reported to the Harbour Master. In such an event, the Harbour Master arranges or coordinates whatever action is appropriate to protect human safety, property and environment. In the event of cyclones or other emergencies within the Port waters, the Harbour Master may direct vessels to vacate the area.

*4.5.4 Hazardous materials ie abrasive blasting and protective coatings*

Liaison with the CGL Wyndham Port staff suggested that limited growth of algae or attaching fauna occurs on the Port pylons due to tidal movement, the high river flows and high suspended sediment load of the Gulf. The portion of the pylons requiring regular maintenance is in the splash zone above the high tide mark. As mentioned in Section 4.4.2, the materials used for the structure may be sufficient to prevent growth. Otherwise, manual removal should be sufficient.

***Vessel maintenance***

Anecdotal evidence suggests that there is some use of the existing boat ramp and jetty facility to provide slippage facilities for pleasure craft and enable maintenance and minor repairs to be carried out.

The commercial operators also indicated a preference for the proposed jetty structure to be sufficient to take mobile service vehicles, should larger vessels be authorised to utilise the facility. A wide range of light engineering, mechanical, electrical, airconditioning, plumbing and refrigeration contractors may seek use of the facility.

Should the jetty management systems allow for this use, there may be additional environmental impacts associated with oil or fuel leakage from the service vehicles or the chemicals carried on-board to enable the contractors to undertake the works required. This impact cannot be assessed without further detailed design and operational plans.

*Proponent commitment*

14. Ensure the management and maintenance plan for the jetty does not allow for applications for abrasive blasting licences from the Department of Environmental Protection nor cleaning or painting of vessels at low tide, unless appropriate licences are obtained.

## **4.6 Social environment**

### *4.6.1 Litter*

Indiscriminate and illegal discharge of rubbish from recreational and commercial vessels is a continuing problem within the area. In addition to aesthetic impacts of floating/beached rubbish, the dumping of plastic and other wastes is detrimental to marine life.

Considerable quantities of waste are generated on commercial vessels, in both unloading and re-stocking.

Non-quarantinable waste from vessels using the existing boat ramps and jetty facility is currently deposited in mobile skip bins provided by the Shire. Anecdotal evidence suggests that some illegal dumping of hydrocarbon products occurs. This becomes an issue for the Shire upon dumping of the waste.

Currently the skip bins that are provided are emptied twice a week and the green Sulo bins four times a week. The Port disposes of more than 59 skip bins per season from the commercial vessels.

A divided waste facility with banded cubicles for different sorts of waste may be appropriate, however, there is significant potential for mis-use of such a facility. Signage can be used to encourage increased environmental responsibility in this regard.

There is the potential for waste to be generated should repair and maintenance contractors utilise the jetty facility in the future.

Controlled waste such as construction materials and paint cans etc has to be transported back to Kununurra for disposal. There is a risk that controlled waste will be disposed of inappropriately.

*Proponent commitments*

15. Provide sufficient facilities and associated signage to encourage environmentally responsible waste disposal. Alternatively it may be better to provide minimal facilities and signs advising people to take their rubbish with them.
16. Develop a waste management plan and maintenance regime to ensure more frequent visits at peak times.
17. Develop a program to ensure regular Ranger visits to the site to prevent irresponsible use.

**4.6.2 Noise**

Noise will affect residents of Old Wyndham in three ways; delivery of materials, construction activities and ongoing use of the jetty. It is likely that the noise regulations will be exceeded for short periods in the construction phase as the piles are driven. There are large numbers of heavy haulage movements through the townsite currently and the additional vehicle movements in association with the jetty construction will be insignificant.

*Proponent commitments*

18. Advise residents of the townsite of the construction and the time period during which the noise may exceed the regulations.

**4.6.3 Air quality**

Dust is not considered to be a significant issue. Land operations emitting dark smoke that lasts for more than four minutes in any one hour are not permitted. Care will need to be taken to ensure all heavy equipment has been maintained adequately so that emissions do not exceed that allowable.

Emissions of dark smoke from vessels within the limits of any harbour or any inland navigable waters are only permitted for a total maximum period of 20 minutes in any hour when the vessel is underway, or a total of 10 minutes for a stationary vessel. Poorly maintained barges or drill rigs that may be utilised in construction could result in these regulations being invoked.

*Proponent commitment*

19. Ensure the successful construction company is advised of allowable emissions and that all equipment and vehicles are to be adequately maintained to ensure compliance with the relevant legislation.

**4.6.4 Public safety**

There have been regular reports of a 3 m crocodile visiting the existing jetty facility. Many fisherfolk enjoy their pastime with their legs dangling over the side of the jetty. Further, when many people are using the facility it becomes highly unstable and likely to tip people off.

The proposed jetty facility has considerable clearance above the high tide and therefore will improve public safety dramatically.

#### ***4.6.5 Fish Cleaning***

Fish offal may attract crocodile visits therefore affecting public safety. It may be useful to provide a fish cleaning facility well away from the foreshore, near the public toilets. This should be plumbed and specific waste bins provided and removed frequently.

#### *Proponent commitment*

20. Determine the feasibility of including a fish cleaning bench as part of the foreshore management planning process.

## **5. Consideration of previous community consultation**

The Proponent and participants in community consultation meetings assessed alternative development sites. No other locations nearby lend themselves to jetty construction, as they would require extensive clearing of mangroves and dredging.

Anthon's Landing was previously the site of a jetty, adjoins degraded, reclaimed foreshore reserves, has public toilets and presents the least management difficulties.

## **6. Proponent commitments**

There are a number of Proponent commitments provided in this document, which are directly related to the environmental impact assessment but also provide for more general foreshore management planning.

Table 3 below lists the commitments.

Table 3: Proponent commitments

No	Proponent commitment	Actioning agency	Timing
1	Develop a detailed foreshore management plan, which shows infrastructure and hardstand areas, as well as details of any additional waste disposal facilities and treatment approach.		
2	Develop a jetty management and maintenance program that defines the frequency or triggers for maintenance visits.		
3	Tag the working boundary for construction to ensure no inadvertent damage to the vegetation adjoining the construction site.		
4	Ensure the foreshore management plan includes protection of the banks from erosive forces using techniques that maximise the habitat for native fauna.		
5	Refer any future proposals for localised dredging to the Department of Environment and Conservation should the need arise.		
6	Ensure the marine engineers review the coastal processes and include additional stabilisation of the banks around the jetty and reserve interface as required.		
7	Ensure the jetty maintenance plan includes a system for ensuring rapid response to cleaning the structure following storm or cyclonic events.		
8	Ensure the jetty maintenance plan excludes the use of toxic anti-fouling or rust inhibiting paints.		
9	Install a sign at the end of the jetty facility reminding boat owners to keep quarantinable waste on board.		
10	Develop an agreement with the Harbour Master to advise the Shire's Environmental Health Officer of any significant increase in the number of vessels proposing long term mooring off Wyndham Port to enable inspections as required.		
11	Develop a strategy for the supply and management of fuel supplies that ensures compliance with the relevant legislation and regulations, if fuel is to be supplied.		
12	Undertake appropriate environmental impact assessments, safety planning and licensing reviews and submit plans to the relevant authorities.		
13	Install signage stating that hazardous goods may not be loaded or unloaded at this facility and that it is the responsibility of the boat owner to advise the Harbour Master of any spill or issue.		
14	Ensure the management and maintenance plan for the jetty does not allow for applications for abrasive blasting licences from Department of Environmental Protection nor cleaning or painting of vessels at low tide – unless appropriate licences are obtained.		
15	Provide sufficient facilities and associated signage to encourage environmentally responsible waste disposal. [it may be better to provide minimal facilities and signs advising people to take their rubbish with them??]		
16	Develop a waste management plan and maintenance regime to ensure more frequent visits at peak times.		
17	Develop a program to ensure regular Ranger visits to the site to prevent irresponsible use.		
18	Advise residents of the townsite of the construction and the time period when the noise will exceed the regulations.		

No	Proponent commitment	Actioning agency	Timing
19	Ensure the successful construction company are advised of allowable emissions and that all equipment and vehicles are to be adequately maintained to ensure compliance with the relevant legislation.		
20	Determine the feasibility of including a fish cleaning bench as part of the foreshore management planning process.		

This document should be submitted to the Department of Environment and Conservation to allow for their comments and submitted into the formal approval process if deemed appropriate.

Once comment has been received, the document should also be provided as an attachment to any agreements developed between the Minister for Transport, Shire of Wyndham-East Kimberley and CGL Wyndham Port.

## 7. Conclusions and recommendations

The jetty facility is appropriate for the proposed development site and will result in minimal direct negative environmental impacts. The likely construction method and dominant use of the facility once constructed are low impact.

Direct impacts will include the loss of six *Avicennia marina* seedlings and localised loss of benthic fauna where piles are driven (less than 20 sq m). Turbidity is naturally high and the small, localised scale of the development will not result in substantial impacts.

One environmental benefit would be increased fauna habitat should additional bank stabilisation work occur.

The significant potential environmental impacts are associated with discharge from marine vessels including ballast water, quarantinable wastes, occasional emergency or accidental cargo discharge, litter and sewage, wastewater discharges, potential oil and chemical spills during construction, chronic pollution from tributyl tin and other toxic metals that leach from marine structures (depends on materials used). These issues are regulated under the port acts and regulations and are beyond the scope of Shire management.

Liaison with Port staff detailed considerable management difficulties and expense associated with managing commercial vessels using CGL Wyndham Port. These include:

- the administrative responsibilities associated with the logistics of managing vessel movements, conflicts between commercial and pleasure craft operators and public safety during re-fuelling etc are substantial.
- monitoring of re-fuelling, water supply and washdown,
- litter disposal etc

- collection of appropriate fees and charges. Although the Port has long-established practices, anecdotal evidence suggests some administrative and monitoring difficulties are experienced.
- Use of the proposed jetty should re-fuelling, water supply, waste disposal etc be permitted will require development, advertising and provision of stringent guidelines to the commercial operators using the facility. Appropriate licensing would also be required. Enforcement would be necessary.

There are no significant environmental impediments of constructing this jetty facility at the proposed Anthon's Landing site.

It is recommended that in the short term a robust jetty facility be constructed for use by local residents and small pleasure craft but with the capacity for larger vessels once administrative, financial and logistical difficulties are resolved. Larger vessel access could potentially be limited to passenger loading and unloading only, to provide for access into food and beverage venues.

The Council should submit this report to the Department of Environment and Conservation for assessment.

REFERENCES Rozen, Y., and S. Belkin. 2001 Survival of enteric bacteria in seawater. FEMS Microbiol. Rev. 25 :513–529).

## 12.4.11 APPLICATION FOR SEA CONTAINER ON BOSSEA STREET, KUNUNURRA

<b>DATE:</b>	20 April 2010
<b>PROONENT:</b>	Brain and Trish Hill
<b>LOCATION:</b>	Lot 1798 Bossea Street, Kununurra
<b>AUTHOR:</b>	Kevin Tang, Town Planning Officer
<b>REPORTING OFFICER:</b>	Ian D'arcy, Executive Manager Development Services
<b>FILE NO:</b>	01.2072.02
<b>ASSESSMENT NO:</b>	A2072

### PURPOSE

For Council to consider a nine (9) month temporary stay of sea container at Lot 1798 Bossea Street, Kununurra.

### BACKGROUND

The Shire has received an application for a nine month temporary stay of sea container at Lot 1798 Bossea Street (Lakeside) Kununurra. The applicants have advised that they are the current tenants of the residence and are mainly using the sea container for storage purposes. Their lease on this property runs out in December 2010 when the applicants will be relocating elsewhere together with the sea container.

The sea container is located to the south side of the property in front of the existing shed and painted in grey colour.

Attachment 1, 2 and 3 afford an understanding of the above information, while the Figure 1 identifies the location of the subject property.



Figure 1 - Location Plan

## **STATUTORY IMPLICATIONS**

### Town Planning Scheme

Refer to Policy Implications below.

### Building Codes Australia

After consultation with Shire's Building Surveyor, the location of sea container does not pose any risk to fire safety.

## **POLICY IMPLICATIONS**

### Local Planning Policy 5 Sea (Shipping) Containers

Clause 2.2 states that the placement of a sea container on land in all zones, other than an industrial, agricultural or rural zone shall be subject of an application for planning consent, as a sea container is considered incidental 'development' under the Shire of Wyndham – East Kimberley Town Planning Scheme. The subject site is in a residential zone and therefore the placement of sea container on the property requires a planning approval.

Clause 2.6 stipulates that a sea container intended to be used for permanent storage greater than six (6) months will require a building licence and need to be tied down with engineered footings.

## **FINANCIAL IMPLICATIONS**

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

## **STRATEGIC IMPLICATIONS**

Nil

## **COMMUNITY CONSULTATION**

There is no perceived need for consultation to be undertaken in relation to this application.

## **COMMENT**

Although the Shire's Local Planning Policy requires a building licence for any sea container intended to be used for more than six months, the applicant has requested a concession on this timeframe as their tenancy lease runs out in December 2010 and at that time they will move to another property with the sea container. With this in mind the applicants are requesting an extension of three months to that allowed within Local Planning Policy 5.

Upon assessment it is evident that the sea container does not pose any fire safety risk nor does it present a visual amenity issue, given that it is properly fenced and screened from view of the street (see Attachment 3). Therefore, it is recommended that special consideration be given to the requested 3 month extension, subject to removal of the sea container upon expiry of the planning approval.

## **ATTACHMENTS**

Attachment 1: Letter from the Applicant

Attachment 2: Site Plan

Attachment 3: Site Photos

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council grant planning consent for an extended placement of sea container on Lot 1798 Bossea Street Kununurra, subject to the following conditions:

1. Placement of the sea container shall be in accordance with the attached approved plan(s) dated 20 April 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.
2. The sea container shall only be used for storage purposes.
3. The sea container shall be maintained to an acceptable standard and present in good condition (colour grey) at all times.
4. The sea container shall be removed on or before 31 December 2010.

### **COUNCIL DECISION**

**Minute No: 9105**

**Moved: Cr K Wright**

**Seconded: Cr D Ausburn**

***That Council grant planning consent for an extended placement of sea container on Lot 1798 Bossea Street Kununurra, subject to the following conditions:***

- 1. Placement of the sea container shall be in accordance with the attached approved plan(s) dated 20 April 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.***
- 2. The sea container shall only be used for storage purposes.***
- 3. The sea container shall be maintained to an acceptable standard and present in good condition (colour grey) at all times.***
- 4. The sea container shall be removed on or before 31 December 2010.***

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

ATTACHMENT 1

Date - 8 MAR 2010

BRIAN & TRISH HILL PO BOX 1973 KNY  
9 BOSSEA ST M: 0427 006 672  
LAKESIDE, 6743

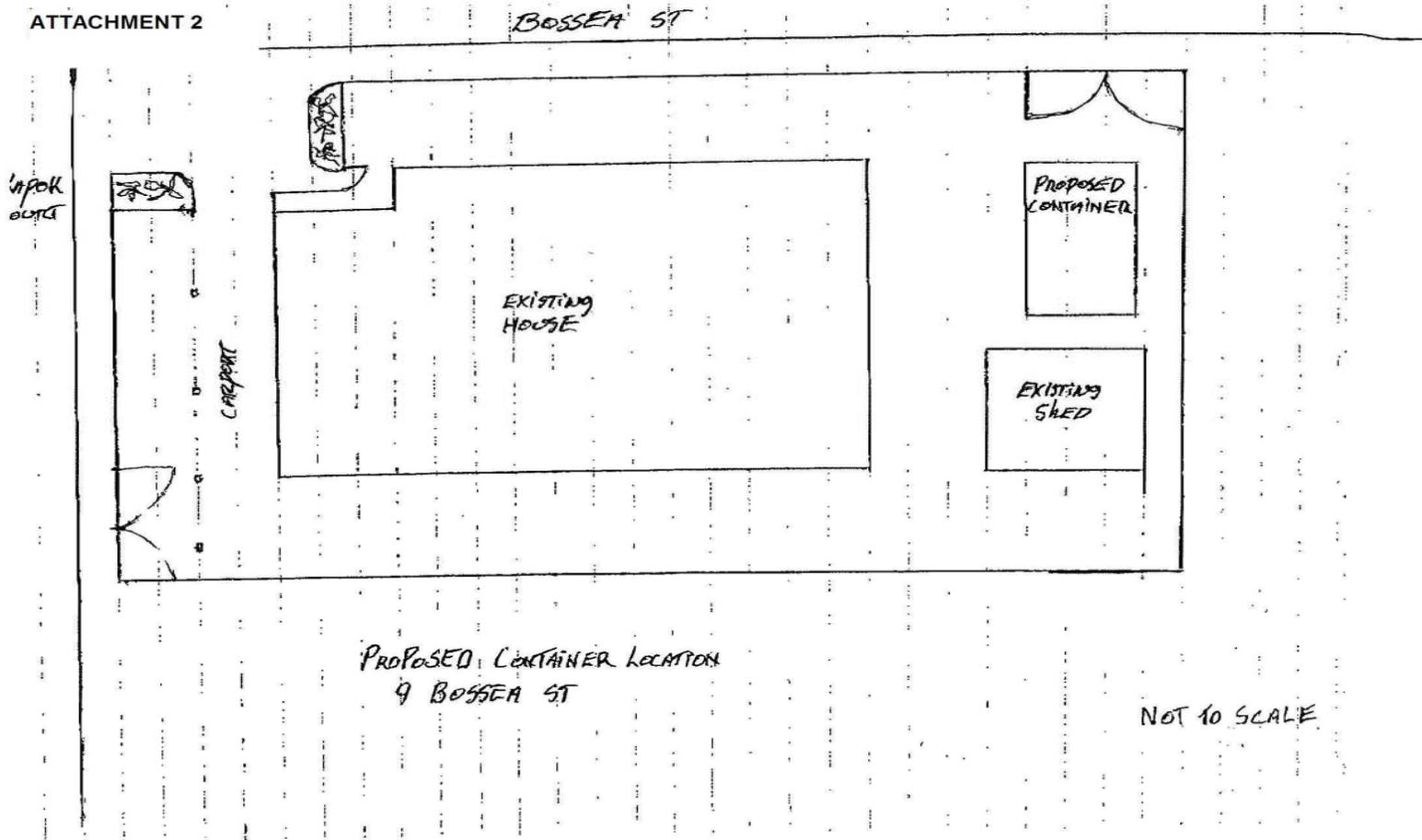
ATTENTION TAMMY

We are currently renting a property at the above address and would like to apply for a permit for a sea container that we have at the above property. The container is sitting inside the driveway behind a closed double gate on a gravel base directly in front and in line with a shed that I believe has had planning approval. We are using the container as a temporary storage unit as we don't have enough storage room within the house. This is a temporary measure until we can find somewhere to store the container. Our lease on this property runs out in December 2010 and I perceive that at that time we will be relocating elsewhere within Kununurra. We have been living and working in Kununurra for the past two and half years and have recently had all our furniture, goods & chattels relocated to Kununurra, hence the sea container. Thank you for your time and consideration in this matter.

Yours Sincerely

Brian & Trish Hill

ATTACHMENT 2



31-MAR-2010 09:58 From: STAFFORD PS  
28/03 2010 18 59 FAX 08 91892244

6173105961  
EASTKIMBERLEY REAL ESTATE  
To: 08 91692244

P.6/6  
007/007

**ATTACHMENT 3**



## 12.4.12 DRAFT COUNCIL POLICY - TEMPORARY CAMPING FACILITY AT THE KUNUNURRA RACE GROUNDS

<b>DATE:</b>	20 April 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Shire Of Wyndham East Kimberley
<b>AUTHOR:</b>	Kelly Cripps, Environmental Health Officer
<b>REPORTING OFFICER:</b>	Ian D'arcy, Executive Manager Development Services
<b>FILE NO:</b>	01.2860.03, 33.14.15
<b>ASSESSMENT NO:</b>	A2860

### **PURPOSE**

This item relates to the development of a temporary camping facility at the Kununurra race grounds to assist with peak tourist season demand.

### **BACKGROUND**

In April 2009, the Shire was approached by the Kununurra Visitors Centre and asked to assist with excess campers in Kununurra during the peak tourist season. The greatest need came during the July School holidays when the Agricultural Society Camp Grounds closed for the Agricultural Show. Camping around the Kununurra Town Oval was investigated however this posed some logistical and management issues, particularly with other oval users and the provision of ablution facilities.

The Visitors centre have advised that July and August are traditionally the most critical months for overflow camping, however results of the caravan and camping audit highlighted that the number of sites provided in 2009 far exceeded the parks actual capacity. It is expected that this will increase the need for overflow sites in 2010, more than previous years, however it is difficult to predict how great the need will be and when it will come.

### **STATUTORY IMPLICATIONS**

Local Government is empowered under the *Caravan Parks and Camping Grounds Regulations 1997* to grant temporary licenses for such facilities.

### **POLICY IMPLICATIONS**

This item relates to the Draft Council Policy - Licensing of Temporary Camp Grounds, previously presented to Council at this meeting as item 12.4.9.

### **FINANCIAL IMPLICATIONS**

Financial implications are dependant on the need and time for which a temporary facility will be required. The major cost is the hire of temporary ablutions on a monthly basis.

Expenses for a 3 month temporary facility will be in the order of \$28,400.

	<b>INCOME</b>	<b>EXPENSE</b>
Temporary Ablutions (3 months hire)		\$10,000
Water tank and pressure pump for ablutions		\$4,000
Plumbing and electrical connection		\$1,000
Daily Cleaning		\$4,200
Waste Bins Empty		\$1,000
Site slashing/mowing		\$2,000
Contribution to race club power, water & amenity		\$3,000
Site Fees - \$15/night @ 50% occupancy, 12 weeks	\$25,200	
	<b>\$25,200</b>	<b>\$25,200</b>
<b>NET POSITION</b>		<b>\$0</b>

Expenses for a 1 month temporary facility will be in the order of \$13,500.

	<b>INCOME</b>	<b>EXPENSE</b>
Temporary Ablutions (3 months hire)		\$3,500
Water tank and pressure pump for ablutions		\$4,000
Plumbing and electrical connection		\$1,000
Daily Cleaning		\$1,500
Waste Bins Empty		\$300
Site slashing/mowing		\$1,000
Contribution to race club power, water & amenity		\$1,000
Site Fees - \$15/night @70% occupancy, 4 weeks	\$11,760	
	<b>\$11,760</b>	<b>\$12,300</b>
<b>NET POSITION</b>		<b>-\$540.00</b>

Measures will be taken to recover expenses through the charging of site fees; however the unknown demand makes it difficult to determine the exact cost. Figures provided above are an estimate only.

### **STRATEGIC IMPLICATIONS**

This action is largely focused on addressing a projected need for overflow camping this year given the level of over crowding in caravan parks last year and the need for an alternative solution to camping at the Agricultural Grounds during the month of July. Whilst this is an immediate issue, there is a need for the Council to take a more pro-active stance and strategic approach, to the provision of additional caravan and camping facilities to accommodate the growing demand.

In part, this is already occurring through a number of initiatives, including:

- the formulation of policy to provide clarity around permanent and temporary caravan and camping facilities;
- the investigation of overflow camping sites through the Kununurra Sport and Recreation Master Plan process; and
- the potential future partnering with local sport and recreational organisations to improve their facilities to create additional capacity for overflow camping on an as required basis.

However, it is suggested that the Council also needs to give consideration to the strategic placement of future caravan and camping areas on Crown land vested in the local government, which could be zoned 'Caravan Park' in the draft Town Planning Scheme. In turn this will ensure future facilities are located on land that cannot be on sold and/or be redeveloped for a high level of accommodation.

## **COMMUNITY CONSULTATION**

Council Officers met with representatives of the Kununurra Race Club Committee on the 24<sup>th</sup> of March 2010 to discuss the temporary camp grounds proposal. Verbal support was given for the draft temporary camp grounds policy and management guidelines provided in Attachment 1.

The outcomes of the meeting were:

- The Kununurra Race Club is supportive of a temporary overflow facility and is happy to assist, by allowing the Shire to use part of their lease area.
- Draft management guidelines provided by the Shire were acceptable to the race club delegates.
- In the longer term, the Kununurra Race Club would be interested in managing a temporary overflow facility themselves. This would include the provision of permanent ablutions.

In addition to meeting with the Race Club, staff held discussions with the Kununurra Visitors Centre on the need for overflow camping in 2010. This meeting yielded support for a temporary overflow facility with agreement from the Visitors Centre to assist with management through a referral system. That is, campers will need to obtain a permit from the visitors centre before they can use the overflow facility. The Kununurra Visitors Centre will only grant a permit once they are satisfied there are no sites available at licensed caravan parks and camping grounds. Site availability will be checked twice daily.

## **COMMENT**

Given the increasing significance of this matter, it is recommended that the Council take a number of actions, outlined as follows:

1. Develop and manage a temporary overflow camping facility at the Kununurra Race Grounds in 2010 (approximately 40 sites) in accordance with the draft policy for temporary camping facilities (previous item 12.4.9) and draft management guidelines provided in Attachment 1. In this regard the race club overflow facility will not be developed until a request is received from the Kununurra Visitors Centre.
2. Contribute \$10,000 in the 2010/2011 budget towards a new permanent ablution block at the race grounds, with the remaining cost being met by the race club. The funding should be conditional on the Sport and Recreation Master Plan identifying the Race Club site as a suitable overflow camping area and the Race Club agreeing to provide for temporary overflow camping for at least 4 years up until 2015. This option is more cost effective for the Shire than providing a temporary solution each year.
3. Investigate the strategic placement of future caravan and camping areas on Crown land vested in the local government which could be zoned 'Caravan Park' in the draft Town Planning Scheme.

## **ATTACHMENTS**

Attachment 1: Management Guidelines for Overflow Camping at Kununurra Race Club

## **VOTING REQUIREMENT**

Recommendation 1 – Absolute Majority  
Recommendation 2 – Simple Majority  
Recommendation 3 – Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council:

1. Approve the establishment and accept the management responsibility for a temporary camp ground at the Kununurra Race Club in accordance with the draft Local Health Policy 3 - Licensing of Temporary Camping Grounds and Management Guidelines (provided as Attachment 1 to this report) for a time determined by the Kununurra Visitors Centre. This includes an allocation of \$28,400 in the current 2009/2010 budget for the development of such a facility, with the intent of recovering most costs through site and user fees.
2. Allocate \$10,000 in the 2010/2011 budget and assist in building design and project facilitation in the construction of a permanent ablution block at the Kununurra Race Grounds. The contribution is conditional on the Kununurra Race Club meeting the remaining costs and constructing the ablutions before May 2011. The Race Grounds must then be available for use as an overflow facility for at least four years up until 2015.
3. Have the Development Services directorate investigate the strategic placement of future caravan and camping areas on Crown land with the Shire, to be vested in the local government and zoned 'Caravan Park' in the draft Town Planning Scheme.

**COUNCIL DECISION**

**Minute No: 9106**

**Moved: Cr K Wright**

**Seconded: Cr D Ausburn**

**That Council:**

- 1. Approve the establishment and accept the management responsibility for a temporary camp ground at the Kununurra Race Club in accordance with the draft Local Health Policy 3 - Licensing of Temporary Camping Grounds and Management Guidelines (provided as Attachment 1 to this report) for a time determined by the Kununurra Visitors Centre. This includes an allocation of \$28,400 in the current 2009/2010 budget for the development of such a facility, with the intent of recovering most costs through site and user fees.**
- 2. Allocate \$10,000 in the 2010/2011 budget and assist in building design and project facilitation in the construction of a permanent ablution block at the Kununurra Race Grounds. The contribution is conditional on the Kununurra Race Club meeting the remaining costs and constructing the ablutions before May 2011. The Race Grounds must then be available for use as an overflow facility for at least four years up until 2015.**
- 3. Have the Development Services directorate investigate the strategic placement of future caravan and camping areas on Crown land with the Shire, to be vested in the local government and zoned 'Caravan Park' in the draft Town Planning Scheme.**

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

## **MANAGEMENT GUIDELINES**

### OVERFLOW CAMPING AT KUNUNURRA RACE GROUND

1. The overflow facility at Kununurra Race Grounds will be managed by the Shire of Wyndham East Kimberley.

The opening dates will be determined by the Shire of Wyndham East Kimberley in consultation with Kununurra Visitors Centre, which monitors the availability of sites amongst all licensed caravan parks and camping grounds.

2. Persons will not be allowed to camp at the overflow facility unless they have received a permit from the Kununurra Visitors Centre.
3. A maximum of five (5) nights stay will apply unless otherwise approved by the Shire of Wyndham East Kimberley. These days do not have to be consecutive.
4. Facilities are to be provided in accordance with the Draft Council Policy - Licensing of Temporary Camp Grounds.
5. The Shire of Wyndham East Kimberley is responsible for and will monitor legislative and license conditions.
6. A maximum of 40 sites are permitted to be operated at the Kununurra Race Grounds.
7. A maximum of one caravan, bus, campervan or tent is permitted per site.
8. The operator of the overflow caravan park is to inform the Kununurra Visitor Centre of its occupancy rate twice daily. Once in the morning, before 10.30am, and once in the afternoon before 3.30pm.
9. Patrons are not permitted to conduct commercial or profit making business activities within the overflow park.
10. A caretaker must reside at the overflow caravan park for the term of the temporary license.

**LOCATION MAP**

**OVERFLOW CAMPING AT KUNUNURRA RACE GROUND**



**LAND AREA APPROX 7000m<sup>2</sup>**

## FACILITY MAP

### OVERFLOW CAMPING AT KUNUNURRA RACE GROUND



**ABLUTIONS**

**SKIP BIN**

**CAMPING AREA**

## **ADVICE FOR USERS**

### **OVERFLOW CAMPING AT KUNUNURRA RACE GROUND**

*Please be aware that the overflow area provided at the Kununurra Race Grounds IS NOT A CARAVAN PARK. It is set aside as an area to be used when all other camping options at Kununurra and Lake Argyle have been exhausted*

A maximum of (5) night's stay will apply. These days do not have to be consecutive.

#### **THE WATER SUPPLY IS NOT TREATED AND MAY NOT COMPLY WITH AUSTRALIAN DRINKING WATER GUIDELINES**

##### **There is NO MAINS POWER supply available**

The use of generators, with a max. of 2kva, is permitted between the hours of 7am and 9.30pm.

##### **There is NO SEWER connection or dump point at the race grounds**

Wastewater, including greywater, is to be contained and disposed of at an approved sewage dump point.

#### **LAUNDRY FACILITIES ARE NOT PROVIDED**

#### **SETBACKS**

A maximum of one caravan, bus, campervan or tent is permitted per site.

Caravans, buses, campervans and tents must be set at least 3m apart and 5m from the road.

#### **PETS**

Animals must be kept on a lead and within the site area at all times.

## 12.4.13 RESERVE EXCISION - EXCISION OF PORTION OF RESERVE 41812

<b>DATE:</b>	20 April 2010
<b>PROPONENT:</b>	Water Corporation
<b>LOCATION:</b>	Reserve 41812 Victoria Highway, 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 reconsider 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**

In late December 2009, the Water Corporation requested the written consent of the Shire for the excision of a portion of the '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 at 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 at 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.

This matter was considered by Council at the Ordinary Council Meeting on the 16<sup>th</sup> February 2010, whereat it was resolved:

*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)

The area resolved to be excised, is shown depicted in blue on the plan at Attachment 3 to this report.

The Water Corporation was advised of Council's resolution, and has recently responded to seek reconsideration on this matter on the basis that the area between the Stop Log Gantry and the water's edge is required to be excised solely for the purpose of preventing unauthorised entry to the exclusive zone, for safety and security reasons. A copy of this correspondence is shown at Attachment 4.

The Water Corporation has also provided copies of the consents obtained from the MG Corporation and the Department of Environment and Conservation for the excision of part Reserve 50438 for the other end of the Diversion Dam within the Packsaddle locality.

It should also be noted in that due to various reserve actions along other sections of Reserve 41812, the land description of the proposed excision area is no longer portion Lot 3000 on Deposited Plan 46759, and is now portion of Lot 500 on Deposited Plan 66529.

### **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 5. A key recommendation of the Lake Kununurra Foreshore Plan (endorsed by Council in October 2006) is 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*
- *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**

As 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, it is recommended the Water Corporation's request be supported.

However, it is also clear the intent of the Foreshore Plan is to maintain the existing native vegetation/bushland within this area and therefore any endorsement should require the existing areas of vegetation along the embankment to be retained together with an appropriate weed control and management program being instigated and maintained.

It is also recommended that Council stipulate that no commercial or industrial buildings are to be constructed outside of that portion currently developed and utilised by the Water Corporation, as depicted in green on the plan at Attachment 6.

### **ATTACHMENTS**

- Attachment 1 - Initial correspondence from the Water Corporation
- Attachment 2 - Location Plan
- Attachment 3 - Resolved Excision Plan
- Attachment 4 - Recent correspondence from the Water Corporation
- Attachment 5 - Precinct 2 Plan (Lake Kununurra Foreshore Plan)
- Attachment 6 - Recommended Excision Plan

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER'S RECOMMENDATION**

That Council:

1. Advise the Water Corporation that it supports an approximately 1.9 ha portion of Lot 500 on Deposited Plan 66529 containing existing Water Corporation infrastructure to be excised from Foreshore and Recreation Reserve 41812, as depicted in black on the plan at Attachment 6, subject to:
  - a. Existing riparian vegetation being protected and maintained by the Water Corporation through an appropriate weed control and management program within that portion as shown shaded green on the plan at Attachment 6 to this report; and
  - b. No commercial or industrial buildings are to be constructed within that portion shown shaded green on the plan at Attachment 6 to this report.

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 1.9 hectare portion of Reserve 41812 depicted in black on the plan at Attachment 6 to this report to enable a separate reservation for the purposes and management of the Water Corporation.

Cr K Wright proposed an amended motion.

**COUNCIL DECISION**

**Minute No: 9107**

**Moved: Cr K Wright**

**Seconded: Cr R Addis**

***That Council move the Officer's Recommendation with the addition of dot point 3 to advise the Water Corporation that no fencing of the excised lot will be allowed.***

**CARRIED UNANIMOUSLY:**

**(7/0)**

The amended motion because the substantive motion.

**Minute No: 9108**

**Moved: Cr K Wright**

**Seconded: Cr R Addis**

**That Council:**

- 1. Advise the Water Corporation that it supports an approximately 1.9 ha portion of Lot 500 on Deposited Plan 66529 containing existing Water Corporation infrastructure to be excised from Foreshore and Recreation Reserve 41812, as depicted in black on the plan at Attachment 6, subject to:
  - a. Existing riparian vegetation being protected and maintained by the Water Corporation through an appropriate weed control and management program within that portion as shown shaded green on the plan at Attachment 6 to this report; and**
  - b. No commercial or industrial buildings are to be constructed within that portion shown shaded green on the plan at Attachment 6 to this report.****
- 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 1.9 hectare portion of Reserve 41812 depicted in black on the plan at Attachment 6 to this report to enable a separate reservation for the purposes and management of the Water Corporation.**
- 3. The Water Corporation be advised that no fencing of the excised lot will be allowed.**

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

Doc No.	068771
Date	30 DEC 2009
Officer	TPO/EO
Response	
File	01 2860.08
Cross Ref.	



JT1 2006 13313 V01  
Eugene Stuart  
9420 2827

22 December 2009

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

629 Newcastle Street  
Leederville 6007  
Western Australia  
PO Box 100  
Leederville 6902  
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 REACUREMENT **A** Stop Log Gantry is situated on part of Reserve 41812 - Lot 3000.  
currently MO to same of W/ER  
This portion to be excised from Reserve 41812 - Lot 3000

[http://www.landgate.com.au/mapviewer/erm\\_mapviewer.htm?user=Ruexs04&token=e51e2e3d014d821cc29c8671685d934477acf84e46...](http://www.landgate.com.au/mapviewer/erm_mapviewer.htm?user=Ruexs04&token=e51e2e3d014d821cc29c8671685d934477acf84e46...) 15/07/2009

*Subject area*

Page 1 of 1



[http://www.landgate.com.au/mapviewer/erm\\_mapviewer.htm?user=Ruexs04&token=e51e2e3d014d821cc29c8671685d934477acf84e46...](http://www.landgate.com.au/mapviewer/erm_mapviewer.htm?user=Ruexs04&token=e51e2e3d014d821cc29c8671685d934477acf84e46...) 15/07/2009



ATTACHMENT 2 — LOCATION PLAN



**ATTACHMENT 3 — RESOLVED EXCISION AREA PLAN**

ATTACHMENT 4

68871: 01.2860.02: TP1569  
JT1 2006 03313 V01  
Eugene Stuart  
9420 2827

Doc No.	069866
Date	30 MAR 2010
Officer	JPO
Response	0
File	01.2860.08
Cross Ref.	



24 March 2010

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

629 Newcastle Street  
Leederville 6007  
Western Australia  
PO Box 100  
Leederville 6902  
Perth Western Australia  
Tel (+61 8) 9420 2420  
[www.watercorporation.com.au](http://www.watercorporation.com.au)  
ABN 28 003 434 917

Attention: Ms Jennifer Ninnette

Dear Jennifer

**Subject: Stop Log Gantry and Safety Exclusion Zone – Reserve 41812 Kununurra**

Thank you for your letter of 24 February 2010 giving consent to the Water Corporation to excise part Reserve 41812 for the purpose of Stop log Gantry as shown on your attachment 4 which is attached.

The area the Shire consented covers Stop Log Gantry and does not include part of the area bounded by blue on the attached map marked "A" requested by the Water Corporation in a letter dated 22 December 2009.

The area between Stop Log Gantry and the water edge is required to be included for excision solely for the purpose of preventing unauthorised entry to the exclusive zone for safety and security reasons. Map "C".

Please note that MG Corporation and the Department of Environment and Conservation have given their consents for the excision of part Reserve 50438 for the other end of Diversion Dam as shown on attached plan marked "B".

Could you please consider this matter in a favourable manner and if you wish to enquire further please give me a call on 9420 2827.

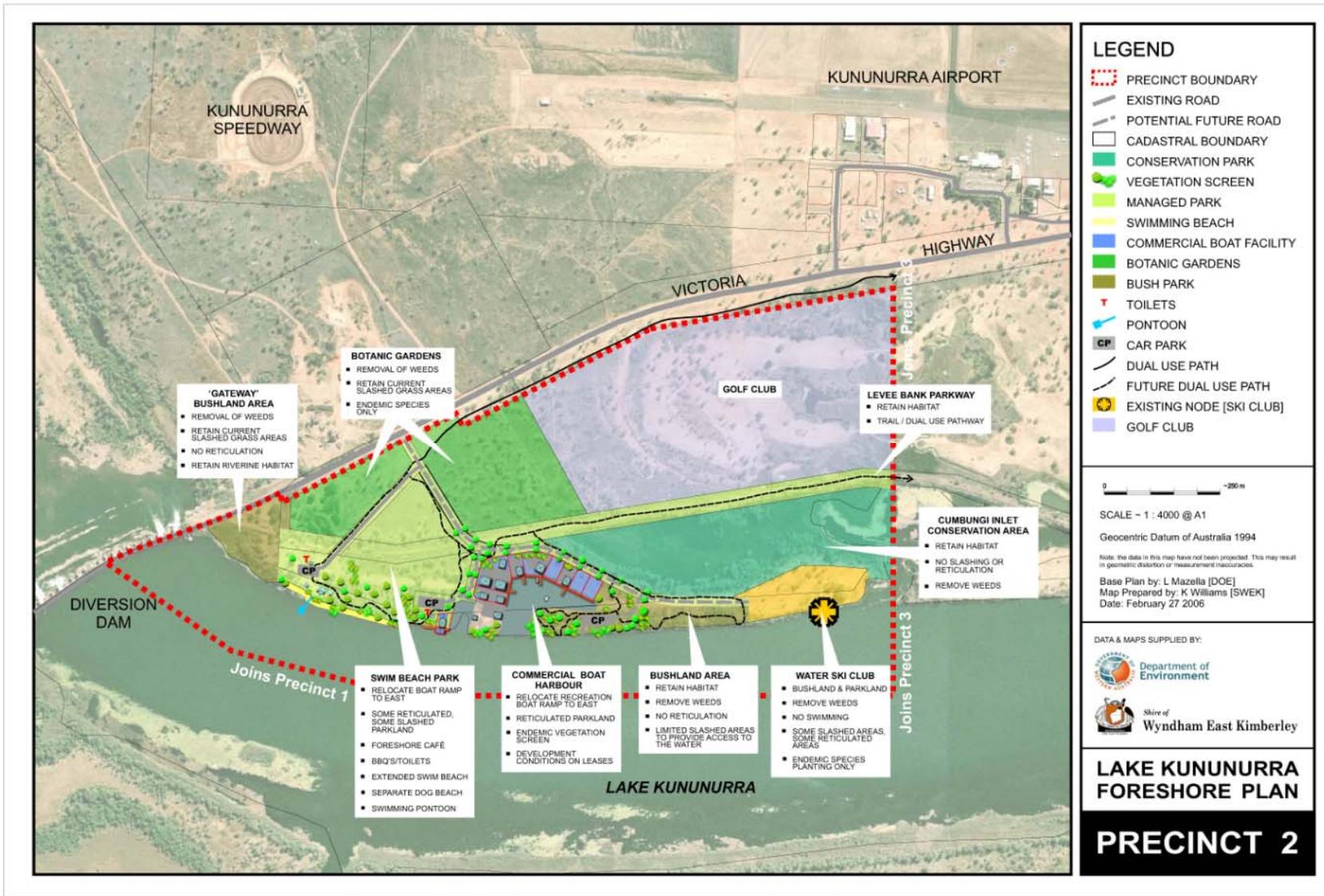
Yours sincerely

A handwritten signature in blue ink, appearing to be "E. Stuart", written over a blue wavy line.

Eugene Stuart  
Acquisitions Officer

Copy to Department of Regional Development and Lands attention: Mr Peter Broekmeulen







## 12.4.14 PROPOSED HOME OCCUPATION LICENCE RENEWAL - MOBILE FOOD VAN, KUNUNURRA

<b>DATE:</b>	20 April 2010
<b>PROPONENT:</b>	Ms Cuong Chan Luu
<b>LOCATION:</b>	Unit 1 / 18 Erythrina Street, Kununurra
<b>AUTHOR:</b>	Kevin Tang, Town Planning Officer
<b>REPORTING OFFICER:</b>	Ian D'arcy, Executive Manager Development Services
<b>FILE NO:</b>	01.0782.02
<b>ASSESSMENT NO:</b>	A0782

### **PURPOSE**

For Council to consider a proposed home occupation licence renewal for mobile food van operating from Unit 1/18 Erythrina Street, Kununurra.

### **BACKGROUND**

The Shire has recently received a planning application for home occupation licence renewal for a mobile food van. The van is based at the applicant's residence in which food products and ingredients are stored and the initial application for Home Occupation has been previously approved by the Shire. The proponent is intending to sell toys, ice cream, soft drinks and other assorted food products, which may be re-heated in the van before serving. The proponent has also indicated the trading hours are from 9 am to 8 pm Monday to Friday and intends to trade as an itinerant vendor, which roams around the streets of Kununurra with a particular on trading at White Gum Park and within the Aboriginal communities.

A copy of the information provided in the application is offered as Attachments 1, 2 and 3 to this report.

The Shire's Environmental Health Officers have previously inspected the van and the proponent's residence with no concerns or issues being raised.

### **STATUTORY IMPLICATIONS**

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

The proponent's house is zoned 'Residential' in the Town Planning Scheme No. 7 while the proposed Home Occupation is a 'P' (permitted) use in the zone, which is subject to a number of conditions as outlined in the definition for a home occupation:

***home occupation*** means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which —

- (a) does not employ any person not a member of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighborhood;
- (c) does not occupy an area greater than 20 square metres;
- (d) does not display a sign exceeding 0.2 square metres;
- (e) does not involve the retail sale, display or hire of goods of any nature;

- (f) *in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighborhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and*
- (g) *does not involve the use of an essential service of greater capacity than normally required in the zone;*

Clause (e) does not apply to this application as the retail sale will not take place from applicant's residence.

#### Activities in Thoroughfares and Public Places and Trading Local Law 2005

Clause 5.8 (2) of the Council's Local Law 'Activities in Thoroughfares and Public Places and Trading Local Law 2005' stipulates that a stallholder or trader shall not attempt to conduct a business within a distance of 300 metres of any shop or permanent place of business that is open for business and has for sale any goods of the kind being offered for sale by the stallholder or trader.

Additionally, the trading on privately owned land, on land vesting in a government agency, or within a thoroughfare under the management of the Main Roads Department will require the consent of the rightful custodian prior to the Council granting approval.

#### **POLICY IMPLICATIONS**

There is no uniform policy to regulate home occupation, itinerant and mobile vendor and traders at present. However, staff are in the process of preparing a draft Local Planning Policy, in relation to home occupations and itinerant vendors/traders with the view to presenting this draft policy to the Council for consideration in the near future.

#### **FINANCIAL IMPLICATIONS**

A \$55 Home Occupation renewal fee has been paid for this application.

#### **STRATEGIC IMPLICATIONS**

Nil

#### **COMMUNITY CONSULTATION**

There is no perceived need for consultation to be undertaken in relation to this application as the home occupation has already been operating for the applicant's residence, without complaint from neighbouring or nearby residents.

#### **COMMENT**

As a general comment Home Occupations should be encouraged from a planning perspective as they carry merit in the form of:

- Contribution to the local economic base and employment;
- Flexible working arrangements for individuals;
- Reduced travel between home and work with less energy consumption from transportation.

The Kununurra-Wyndham Area Development Strategy also flags support for small business enterprises that will attract tourists to Aboriginal Communities.

However, extra caution should be taken due to the nature of the Mobile Food Van, in addition to standard requirements for a Home Occupation licence. A Mobile Food Van is a business that is on the move and parks up on an occasional basis. This can cause issues, particularly in relation to interference with traffic flow and road safety. Therefore, restrictions should be put into place to minimise negative impacts on traffic, such as placing limitation on trading in high traffic areas (ie around schools) and main transport corridors (ie Highways).

Additionally, permanent businesses pay higher overheads including commercial rent and service rates to the local government and utility companies. Therefore, it is important that the Council not allow itinerant vendors (mobile food vans) to trade too close and compete with permanent businesses that will be significantly disadvantaged, even though the Council's Local Trading Laws currently limit itinerant vendors from trading within 300 metres of a permanent business.

In light of this a map, provided as Attachment 3, has been prepared that clearly defines where the mobile food van should be permitted to trade.

### **ATTACHMENTS**

Attachment 1 - Site Plan  
Attachment 2 - Letter from the Applicant  
Attachment 3 - Map of Trading Area

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER'S RECOMMENDATION**

That Council grant planning consent for Home Occupation and Itinerant Vendor (Mobile Food Van) Licence renewal on Unit 1/18 Erythrina Street Kununurra, subject to the following conditions:

1. All use shall occur in accordance with the submitted application unless otherwise required or directed by the following conditions. Any modifications to the proposed use must be submitted to Council for re-assessment and issuance of a revised planning approval.
2. The use shall not entail the employment of any person not a member of the occupier's household.
3. This approval is valid until 30 June 2011.
4. The use shall not cause injury to or prejudicially affect the amenity of the neighbourhood by way of noisy machinery and extended working hours beyond 7:00am – 7:00pm daily.
5. The use shall not detract from the residential appearance of the dwelling.
6. The use shall not occupy an area greater than 20m<sup>2</sup>.
7. No sign exceeding 0.2m<sup>2</sup> in area is permitted, except for signs affixed or painted on the vehicle.

8. The use shall not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood.
9. The mobile food van shall operate in accordance with the 'Kununurra Map - Trading Area' which forms an integral part of this approval.
10. Notwithstanding condition 9, the trading:
  - (a) within 300 metres of any shop or permanent place of business that is open and has for sale any of the same or similar goods being offered for sale by the food van is not permitted.
  - (b) In the Education Precinct, including the streets adjoining the Kununurra High School and Primary School, Kimberley TAFE, Kununurra Child Care Centre and St. Josephs Primary School, is only permitted outside of school hours being 8.00am to 3.30pm.
  - (c) In an Aboriginal Community is only to occur after written consent has been obtained from the Chairperson of the Community and a copy of that consent is forwarded to the Shire.
  - (d) Along any road or from any parcel of land not under the jurisdiction or control of local government (ie; Main Roads Reserve, other Crown Reserve or private property) is not permitted under this approval.
11. The mobile food van shall not stop at any one location for more than 30 minutes, unless otherwise approved by the by the local government.

Cr K Wright proposed an amended motion.

That Council add that the use of mechanical chimes or amplified music which could cause a noise nuisance is not permitted.

That Council change the time from 3.30pm to 2.30pm within Item 10 (b).

Amended motion lapsed for want of a seconder.

Cr J Parker proposed an amended motion.

That Council add that the use of mechanical chimes or amplified music which could cause a noise nuisance is not permitted.

**COUNCIL DECISION**

**Minute No: 9109**

**Moved: Cr J Parker**

**Seconded: Cr K Torres**

***That Council move the Officer's Recommendation and add that the use of mechanical chimes or amplified music which could cause a noise nuisance is not permitted.***

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

**Minute No: 9110**

**Moved: Cr J Parker**

**Seconded: Cr K Torres**

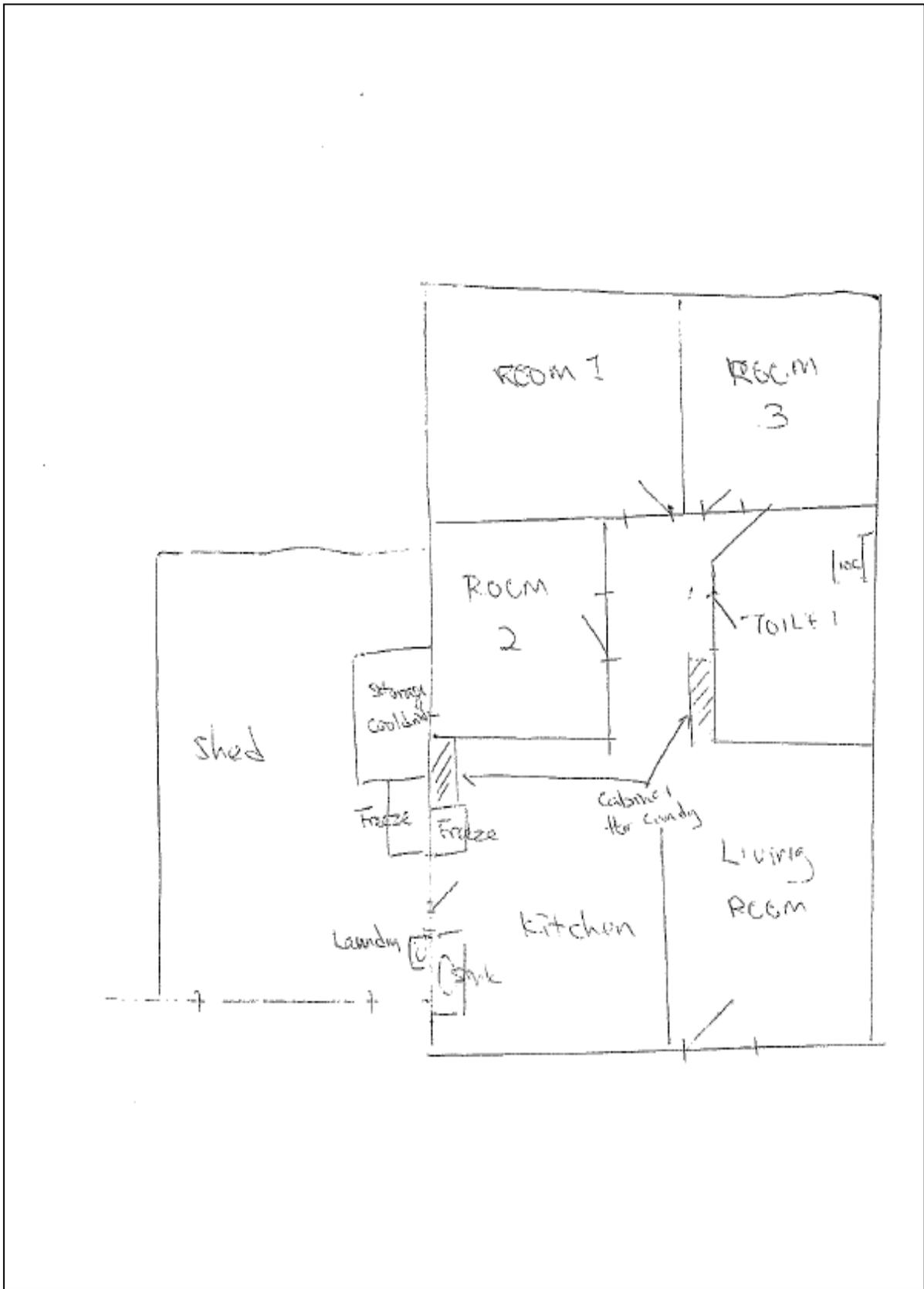
***That Council grant planning consent for Home Occupation and Itinerant Vendor (Mobile Food Van) Licence renewal on Unit 1/18 Erythrina Street Kununurra, subject to the following conditions:***

- 1. All use shall occur in accordance with the submitted application unless otherwise required or directed by the following conditions. Any modifications to the proposed use must be submitted to Council for re-assessment and issuance of a revised planning approval.***
- 2. The use shall not entail the employment of any person not a member of the occupier's household.***
- 3. This approval is valid until 30 June 2011.***
- 4. The use shall not cause injury to or prejudicially affect the amenity of the neighbourhood by way of noisy machinery and extended working hours beyond 7:00am – 7:00pm daily.***
- 5. The use shall not detract from the residential appearance of the dwelling.***
- 6. The use shall not occupy an area greater than 20m<sup>2</sup>.***
- 7. No sign exceeding 0.2m<sup>2</sup> in area is permitted, except for signs affixed or painted on the vehicle.***
- 8. The use shall not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood.***

9. *The mobile food van shall operate in accordance with the 'Kununurra Map - Trading Area' which forms an integral part of this approval.*
10. *Notwithstanding condition 9, the trading:*
- (a) within 300 metres of any shop or permanent place of business that is open and has for sale any of the same or similar goods being offered for sale by the food van is not permitted.*
  - (b) In the Education Precinct, including the streets adjoining the Kununurra High School and Primary School, Kimberley TAFE, Kununurra Child Care Centre and St. Josephs Primary School, is only permitted outside of school hours being 8.00am to 3.30pm.*
  - (c) In an Aboriginal Community is only to occur after written consent has been obtained from the Chairperson of the Community and a copy of that consent is forwarded to the Shire.*
  - (d) Along any road or from any parcel of land not under the jurisdiction or control of local government (ie; Main Roads Reserve, other Crown Reserve or private property) is not permitted under this approval.*
11. *The mobile food van shall not stop at any one location for more than 30 minutes, unless otherwise approved by the by the local government.*
12. *That the use of mechanical chimes or amplified music which could cause a noise nuisance is not permitted.*

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

ATTACHMENT 1



ATTACHMENT 2

Cuong Chan Luu  
PO Box 1208  
KUNUNURRA 6743

Date 04/03/10

Dear Kevin,

**HOME OCCUPATION LICENCE RENEWAL – MOBILE ICE CREAM VAN UNIT 18/1  
ERYTHRINA STREET, KUNUNURRA**

I am writing to respond my planning application for mobile ice cream van.

Our trading hours are from 9.00am to 8.00pm Mon – Sun (time may vary if customer request). Locations for business ice cream van stopping by and parking for only a while may also vary from areas to another. We however have a certain place for trading during peak seasons such as Foot ball Fete, Agriculture Show, and Aboriginal Communities.

Enclosed please find our business operational map.

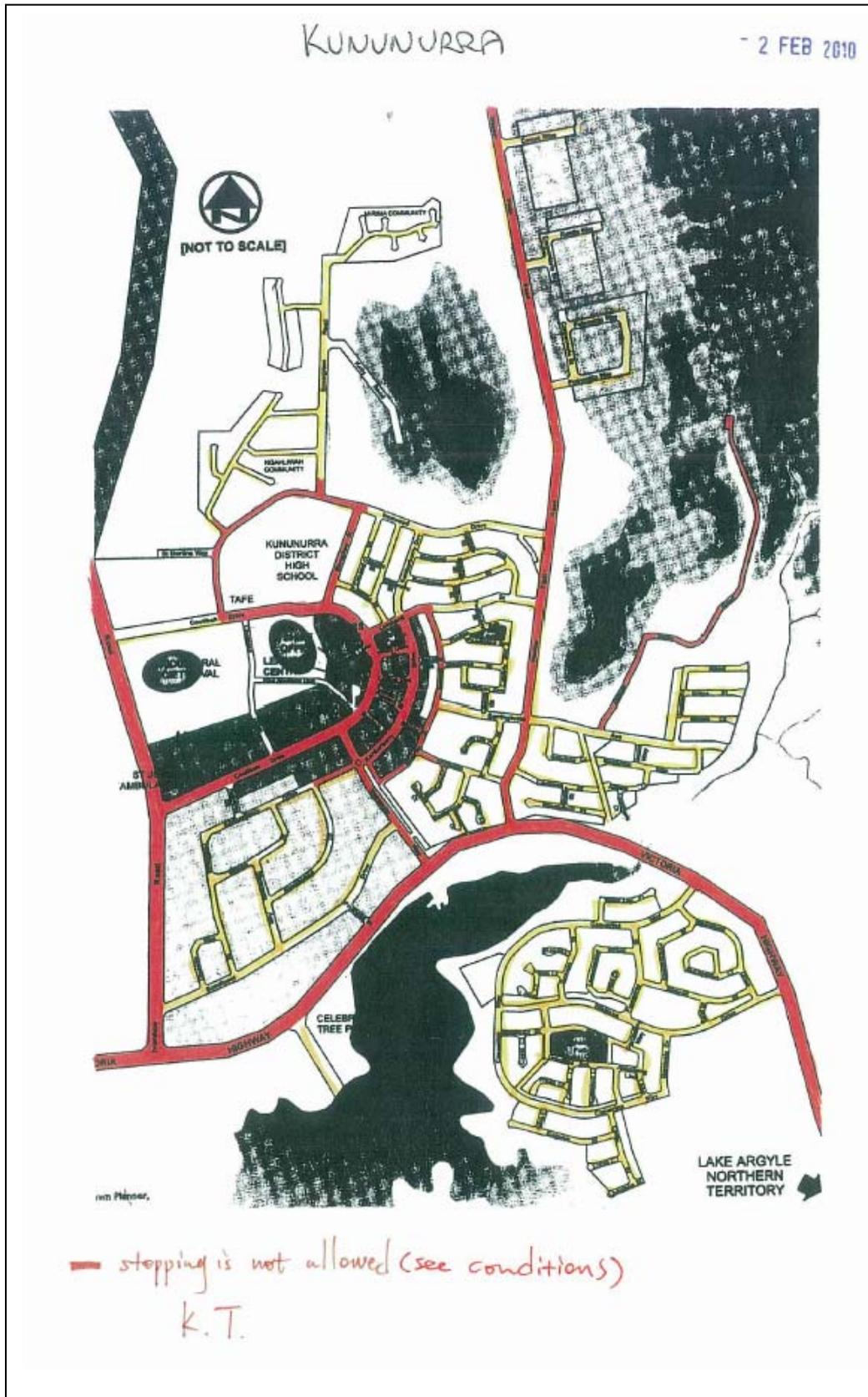
We sell toys, ice cream, soft drinks, and assorted food products from Super market and to be re-heated in the van before serve.

Yours Sincerely



**Cuong Chan Luu**  
**Mobile Ice Cream Van**

ATTACHMENT 3



## 12.4.15 PROPOSED FUEL DEPOT

<b>DATE:</b>	20 April 2010
<b>PROPONENT:</b>	Ord Fuel Supplies
<b>LOCATION:</b>	Unallocated Crown Land, Weaber Plain 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>	43.11.03
<b>ASSESSMENT NO:</b>	N/A

### PURPOSE

For Council to consider the submissions received in relation to a proposal to establish a fuel depot on Weaber Plain Road.

### BACKGROUND

Ord Fuel Supplies Pty Ltd previously applied for a portion of unallocated Crown land (UCL) on Weaber Plain Road, as a proposed site for an automated fuel depot and refuelling facility. There are two site options, being either side of the proposed heavy haulage road, as shown on the plan at Attachment 1.

The matter was considered by Council on 21 August 2007, whereat it was resolved:

**Minute No: 7848**

**Moved: Cr D. Ausburn**

**Seconded: Cr M. Middap**

***That Council:***

1. ***Advise the Department for Planning and Infrastructure that Site 1 is not supported for release for a fuel depot for the following reasons:***
  - ***Site 1 is located too close to existing and potential future Rural Living land;***
  - ***Site 1 is not identified in the Local Planning Strategy for future zoning for the proposed use;***
  - ***Site 2 is identified in the Local Planning Strategy for future zoning that is compatible with the proposed use;***
  - ***Site 1 does not have good access to Weaber Plain Road;***
  - ***Site 1 may compromise the future development of the proposed Ivanhoe Volunteer Bush Fire Brigade infrastructure;***
2. ***Advise the Department for Planning and Infrastructure that Site 2 is supported for release for a fuel depot; and***
3. ***Advise the Department for Planning and Infrastructure that the land identified as Site 2 will be required to be rezoned prior to commencement of development.***

4. ***That the Department for Planning and Infrastructure demonstrate to the Shire of Wyndham East Kimberley their consultation processes with the general public and all land owners / occupiers within a 1km radius of the proposed sites.***

**Carried Unanimously: 7/0**

A copy of the agenda item is shown at Attachment 2.

Subsequently, State Land Services sent letters to 44 landowners/occupiers within a 1 kilometre radius of proposed Site 2 and received 11 responses which included 9 objections, 1 response from a government agency and 1 letter stating no objection to the proposal.

State Land Services provided a summary of these responses, shown at Attachment 3, with the submissions tabulated (as shown at Attachment 4) for Council's consideration at the 3 November 2009 Briefing Session.

However, formal consideration by Council of these submissions has not occurred due to the pending nature of the Enquiry by Design (EbD) process, and the recommendation in this document as to whether further industry should be developed north of the existing industrial area on Weaber Plain Road.

Therefore, following Council's recent review of the EbD documentation and Officers' recommendations, it is intended to again clarify the Council's support for the proposed fuel depot to be established at proposed Site 2, and for the matter to be formally considered.

It should be noted that Ord Fuel Supplies Pty Ltd, owned and managed by Mr Guy Kimpton, is an existing business which involves the bulk transfer of fuel. Fuel is barged into Wyndham, where Mr Kimpton collects it and delivers to farmers within the ORIA, exploration companies and stations.

The proposed automated fuel depot and refuelling facility will expand Mr Kimpton's operation and allow him to store greater volumes of fuel, (subject to a licence for storage of dangerous goods), than he is currently permitted to do.

Mr Kimpton is leasing and utilising a portion of land which adjoins the airport land to the north as a base for his current operation. Access to this site is via a gravel access off of the Victoria Highway between the airport and the M1 channel bridge and traverses the Shire's airport land.

The map at Attachment 5 shows the portion of Lot 1 Ivanhoe Road, which is currently utilised.

## **STATUTORY IMPLICATIONS**

### **Land Administration Act 1997**

Under section 74 of the *Land Administration Act 1997* the Minister for Land may, release Crown land by inviting expressions of interest or public tenders, or sale by public auction, public tender or private treaty.

Therefore, release of the proposed unallocated Crown land will undertaken by the Department of Regional Development and Lands on behalf of the Minister for Lands.

It should also be noted that any release of proposed Site 2 will be subject to requirements under the Native Title Act 1993, as it is determined to be within an area where native title has been determined to exist.

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

Site 2 is zoned, but not used for Rural Agricultural 1 under TPS 7, and therefore rezoning of the land for industrial use will be required. This may be incorporated into the Town Planning Scheme Review which has been initiated.

Additionally, any future development of proposed Site 2 will be subject to relevant planning, building and other statutory approvals, to ensure the future development does not impact on the surrounding environment and landowners.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

The Shire of Wyndham East Kimberley Local Planning Strategy (LPS) identifies the need to ensure a sufficient supply of industrial land for a range of industrial uses that is appropriately located to service the economy and, in particular, the servicing demands of the Ord Irrigation Area, Stages 1 and 2.

As such, it is a specific action of the LPS to initiate the rezoning for the expansion of the Weaber Plain Road industrial area for the purposes of industry, in accordance with the Strategic Land Use Plan. The Strategic Land Use Plan identifies the proposed Site 2 as a small portion of a recommended future industrial area, which is considered to be a strategic location, adjacent to the proposed Kununurra Heavy Haulage Route and ORIA.

Council's recent consideration of the Enquiry by Design (EbD) process also supports the view that industrial land should be continued along the eastern side of Weaber Plain Road, from the existing light industrial area (LIA) to the proposed Kununurra Heavy Haulage Route.

## **COMMUNITY CONSULTATION**

Community consultation has been undertaken by the Department of Regional Development and Lands, via letters being sent to landowners within a 1 kilometre radius of the proposed sites, with these responses now being formally considered by Council as part of this item.

## **COMMENT**

Of the nine (9) objections received, all of these were from adjoining residential landowners, who are primarily concerned by the impact of the proposed fuel facility on their residential amenity.

The main concerns raised (in relation to both Sites 1 and 2) were:

1. That the proposed facility will destroy the natural attraction and conservation values of the adjacent Mirima national park, and recommend that the area be included in the national park.
2. Objection to the location on the basis that the proposed development is not compatible with the adjacent existing residential land use, and that development is likely to be aesthetically unattractive, detracting from the values of all properties within the vicinity, and concern that it will cause dust and fumes in a "residential area".
3. Consideration that the town already has a number of fuel storage depots, including a fuel facility less than a kilometre from the proposed site (Ord River District Co-op).
4. Concern that the proposed facility will exacerbate traffic problems within the area with the existing T junction at Mills Road, particularly with heavy haulage traffic adding unwanted extra noise possibly on a 24 hour basis.
5. Consider that the proposed facility presents a fire hazard and/or accident risk in close proximity to homes.
6. Believe that drainage lines may increase risk of contamination from both a spillage event and long term contaminant loss to the environment during the Wet Season, and drinking water from bores will be vulnerable to contamination.

In response to the above concerns the following comments are offered:

- It is expected population growth will result in need for further fuel supplies in Shire, albeit this facility intends to maintain a business market supplying fuel to farms, exploration companies and stations;
- The vicinity of Site 2 (setback from Weaber Plain Road) has been identified as future Industrial land in the Local Planning Strategy, and more recently the draft Enquiry by Design;
- Adequate separation distances from residences are determined under Dangerous Goods licensing requirements. It is understood that this facility, if located on proposed Site 2, will conform to these standards;
- All pollution and fire hazards that could potentially arise, are addressed as part of dangerous goods licensing requirements. Prevention of ground water contamination is also addressed as part of the dangerous goods and environmental approvals;
- Both the future bypass road and Weaber Plain Road will be main access to the Ord Stage 2 area, so traffic in this vicinity (particularly heavy vehicles) will increase in the area, regardless of approval for this development; and

- Development of a fuel facility near the proposed bypass road will require consultation with Main Roads WA during the planning stage.

In summary, it is considered that Site 2 is compatible with the proposed land use. The future development of the site will be subject to the relevant environmental, planning, building and other statutory approvals, to ensure that the development does not impact on the surrounding environment and landowners. These required approvals will address the majority of the concerns/issues, raised by the adjoining landowners, during the design stage, including drainage design, interface with Weaber Plain Road and the Mirima National Park, access and traffic management, environmental and dangerous goods licensing requirements.

### **ATTACHMENTS**

Attachment 1 - Proposed Sites Plan

Attachment 2 - Copy of Agenda Minute – 21 August 2007

Attachment 3 - DRDL Correspondence

Attachment 4 - Schedule of Submissions

Attachment 5 - Current Lease Location Plan

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER'S RECOMMENDATION**

That Council advise the Department for Regional Development and Lands that:

1. It offers 'In Principle Support' for a fuel depot to be located on proposed Site 2 on the basis this site is identified in the Shire of Wyndham East Kimberley Local Planning Strategy and further supported in the draft Enquiry by Design as suitable for future industrial zoning.
2. The land identified as Site 2 will need to be rezoned for 'Rural Agriculture 1' to 'Light Industry' prior to any subsequent development, which will also be subject to a range of statutory approvals from the Shire and other relevant government agencies.

Cr K Wright proposed an amended motion.

**COUNCIL DECISION**

**Minute No: 9111**

**Moved: Cr D Ausburn**

**Seconded: Cr J Parker**

**That Council change dot point 2 to read:**

- 2. The land identified as Site 2 will need to be rezoned from 'Rural Agriculture 1' to 'Light Industry' prior to any subsequent development, which will also be subject to a range of statutory approvals from the Shire and other relevant government agencies.**

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

**Minute No: 9112**

**Moved: Cr K Wright**

**Seconded: Cr R Addis**

**That Council advise the Department for Regional Development and Lands that:**

- 1. It offers 'In Principle Support' for a fuel depot to be located on proposed Site 2 on the basis this site is identified in the Shire of Wyndham East Kimberley Local Planning Strategy and further supported in the draft Enquiry by Design as suitable for future industrial zoning.**
- 2. The land identified as Site 2 will need to be rezoned from 'Rural Agriculture 1' to 'Light Industry' prior to any subsequent development, which will also be subject to a range of statutory approvals from the Shire and other relevant government agencies.**

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



**ATTACHMENT 1 – PROPOSED SITES FOR FUEL DEPOT AND REFUELLING FACILITY**

## ATTACHMENT 2

### 12.2.9. Proposed Fuel Depot - Weaber Plain Road

<b>DATE:</b>	21 August 2007
<b>PROPONENT:</b>	Department for Planning and Infrastructure
<b>LOCATION:</b>	UCL Weaber Plain Road
<b>AUTHOR:</b>	Keith Williams - Town Planner
<b>REPORTING OFFICER:</b>	Peter Stubbs - Chief Executive Officer
<b>FILE NO:</b>	60.14.02
<b>ASSESSMENT NO:</b>	NA

#### **PURPOSE**

For Council to consider advice to the Department for Planning and Infrastructure [DPI] regarding a proposed fuel depot proposed to be located on Unallocated Crown Land on Weaber Plain Road.

#### **BACKGROUND**

A referral was received from the DPI seeking Council comment on a proposed Fuel Depot intended to be located on Weaber Plain Road in the vicinity of the proposed heavy haulage route.

#### **SITE LOCATION**

The land is located on Weaber Plain Road to the North of Kununurra town site. Two options have been selected by the DPI for potential location of the proposed fuel depot - one to the north of the heavy haulage route and one to the south.



#### **PROPOSED LAND USE / DEVELOPMENT**

The release of the land by the DPI would potentially result in the development of an automated fuel depot on the site.

### **FINANCIAL IMPLICATIONS**

Should the land be released to the applicant, rezoning will be required. This will result in fees of \$1000 being paid to Council.

### **PLANNING ASSESSMENT**

#### **Local Planning Strategy**

The proposed land uses is consistent with the endorsed LPS for site 2 only. The LPS identifies this land for Industrial purposes. A copy of the LPS map for this site is attached as Attachment 1.

#### **Town Planning Scheme No 7**

Site 1 is currently zoned, but not used for, Rural Living purposes. Site 2 is zoned, but not used for, Rural Agriculture 1 purposes. As above, site 2 is identified for future industrial uses under the Local Planning Strategy. Accordingly, this site is preferred for the release of land for the intended land use.

### **CONSULTATION**

Given that the proposal is a referral from another agency, Council is not required to consult regarding this proposal. It is understood the referral agency [DPI] is responsible for consultation.

Advertising will occur as part of any amendment process if the land release proceeds.

### **CONCLUSION/COMMENT**

Site 1 is not supported for release for the proposed use as it is zoned Rural Living, and is within close proximity to existing rural living land uses.

Site 2 is located in an area identified for future industrial uses, and is therefore compatible with the proposed land use.

### **ATTACHMENTS**

1. EXTRACT FROM LOCAL PLANNING STRATEGY

### **VOTING REQUIREMENT**

Simple Majority.

### **MANAGER'S RECOMMENDATION**

That Council:

1. Advise the Department for Planning and Infrastructure that Site 1 is not supported for release for a fuel depot for the following reasons:
  - Site 1 is located too close to existing and potential future Rural Living land;

- Site 1 is not identified in the Local Planning Strategy for future zoning for the proposed use;
  - Site 2 is identified in the Local Planning Strategy for future zoning that is compatible with the proposed use;
  - Site 1 does not have good access to Weaber Plain Road;
  - Site 1 may compromise the future development of the proposed Ivanhoe Volunteer Bush Fire Brigade infrastructure;
2. Advise the Department for Planning and Infrastructure that Site 2 is supported for release for a fuel depot; and
  3. Advise the Department for Planning and Infrastructure that the land identified as Site 2 will be required to be rezoned prior to commencement of development.

#### **COUNCIL DECISION**

**Minute No: 7848**

**Moved: Cr D. Ausburn**

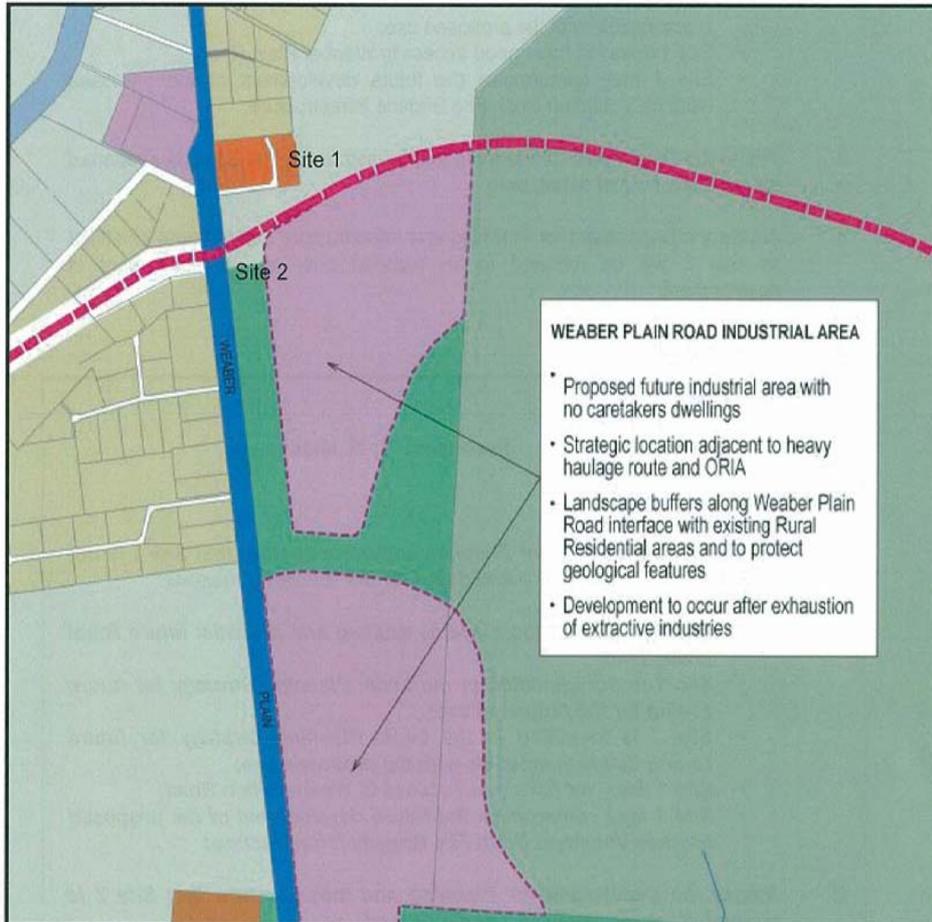
**Seconded: Cr M. Middap**

***That Council:***

1. ***Advise the Department for Planning and Infrastructure that Site 1 is not supported for release for a fuel depot for the following reasons:***
  - ***Site 1 is located too close to existing and potential future Rural Living land;***
  - ***Site 1 is not identified in the Local Planning Strategy for future zoning for the proposed use;***
  - ***Site 2 is identified in the Local Planning Strategy for future zoning that is compatible with the proposed use;***
  - ***Site 1 does not have good access to Weaber Plain Road;***
  - ***Site 1 may compromise the future development of the proposed Ivanhoe Volunteer Bush Fire Brigade infrastructure;***
2. ***Advise the Department for Planning and Infrastructure that Site 2 is supported for release for a fuel depot; and***
3. ***Advise the Department for Planning and Infrastructure that the land identified as Site 2 will be required to be rezoned prior to commencement of development.***
4. ***That the Department for Planning and Infrastructure demonstrate to the Shire of Wyndham East Kimberley their consultation processes with the general public and all land owners / occupiers within a 1km radius of the proposed sites.***

**Carried Unanimously: 7/0**

**ATTACHMENT 1 - EXTRACT FROM LOCAL PLANNING STRATEGY:**



# ATTACHMENT 3



Government of Western Australia  
Department of Regional Development and Lands

Your ref:  
Our ref: 50995-2006-02 Job No: 063434  
Enquiries: Salvin Loge  
Ph: (08) 9168 0602 Fax: (08) 9168 0600  
Email: salvin.loge@lands.rdl.wa.gov.au

Jennifer Ninyette  
Town Planning Officer  
Shire of Wyndham East Kimberley  
PO Box 614  
KUNUNURRA WA 6743

Doc No.	065701
Date	9 11 2009
Officer	TPO
Response	
File	43.11.03
Cross Ref.	

Dear Jennifer,

**RE: PROPOSED FUEL DEPOT AND REFUELLING FACILITY – WEABER PLAINS ROAD**

I refer to our letter dated on 7 January 2009, wherein the Department of Regional Development and Lands mentioned that of the 44 letter sent, the department received 10 objections to the proposal and 1 letter of support. I present your agency with the following objection response received from 10 landowners / occupiers within 1 kilometre:

1. Thomas & Dominique Breig believe the facility should not be located on the doorsteps of the National Park. It would spoil its natural attraction. They also mentioned that this town already has a number of fuel storage depots.
2. Scott & Tarja Goodson understands that the proposed area is identified as rural living in the Town Planning Scheme and Open Space Future in the Kununurra Structure Plan. They don't object to the specific type of development however they object to the location. They believe the proposed development is compatible with the adjacent existing land use. Further more they believe that the area should remain Open Space Future as identified in the Kununurra Structure Plan and recommended that the area possibly be considered as an extension to Mirima National Park.
3. Helen Vevers & Chris Woodbridge mentioned Co-op already has a fuel facility near the site and when the new road is eventually completed, surely AFD on the edge of the town will provide fuels needs. They are also fire threat to an area that already burns frequently at least once a year.
4. Paul & Elisabeth Stewart mentioned that it is not appropriate idea for a fuel Depot near houses. And recommended to move location to Ivanhoe road where the new by-pass road crosses over from the new bridge.
5. RL & JA Clarke believe this would exacerbate the traffic flow particularly with heavy vehicles adding unwanted extra noise as well as the development, being an industrial development, would most likely be aesthetically unattractive detracting from the values of all properties within the vicinity.
6. John Timms & Kim Fisher strongly opposed for the following reason:
  - a. They bought land because it zoned "Rural Living".
  - b. The site is directly opposite their home.
  - c. Pollution will be created from this site and there is a creek that runs through this area and through numerous properties, including their property and right onto Mills Roads during the Wet Season.
  - d. It is already a hazardous T-section at Mills Roads coming into Weaber Plains Roads and also there is a school bus depot for children of the rural community living.

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Cnr Bandicoot Drive and Messmate Way, Kununurra, Western Australia 6743  
Postal Address: PO Box 630, Kununurra, Western Australia 6743  
Tel: (08) 9168 0602 <http://www.rdl.wa.gov.au> ABN 28 807 221 246

- e. Fire Hazard is in close proximity to homes.
  - f. Dust.
  - g. 24 hour heavy haulage traffic in a Rural Area.
7. John & Kaye Ireland mentioned that the proposed fuel depot will have major environmental issue. The main one being the drainage and secondly all the houses in the area obtain their drinking water from bores and the underground water system which will be vulnerable to contamination. In heavy rain the drainage will not be able to cope and will be flooded with contaminated water because as they know all fuel depot have spillage as standard, putting aside any accident that may occur. There are other many issues such as fire and explosion, truck noise, the fact this is proposed for a T junction on the bypass road, dust and fumes will be in "residential area".
8. Kerri Gunson mentioned that the site less than a kilometre already has fuel depot and refuelling (Ord River District Co-Op).
9. Mainroads WA (MRWA) provided the following reason as the proposed development is adjacent to the planned Victoria Highway Heavy Vehicle Re-alignment:
- a. No direct vehicle access will be permitted onto the future Victoria Highway Heavy Vehicle Re-alignment from proposed lot.
  - b. No earthworks shall encroach onto land under the proposed Victoria Highway Heavy Vehicle Re-alignment Reserve.
  - c. No alteration to existing natural surface levels on land under the proposed Victoria Highway Heavy Vehicle Re-alignment Reserve.
  - d. No stormwater shall be discharged onto proposed Victoria Highway Heavy Vehicle Re-alignment Reserve from proposed lots.
  - e. MRWA is aware that the area nominated is subject to flooding and that any drainage design for the depot shall be compatible with the drainage design for Victoria Highway Heavy Vehicle Re-alignment.
10. Michael Harris provide the following reason:
- a. The conservation values for the UCL are high in that area given its proximity to Mirima National Park. He believes that the park should actually be extended to cover the area and this may be already being considered.
  - b. Drainage lines may increase risk of contamination from both a spillage event and long term contaminant loss to the environment.
  - c. The development is inconsistent with existing planning criteria for the area, developed over years with Shire and community.

Based on this feedback, this department request your agency's comments/advice on the proposal accordingly.

If you require further information, or wish to discuss this matter please do not hesitate to contact this office on 9168 0602.

Yours faithfully



Salvin Loge  
**ASSISTANT STATE LAND OFFICER**  
**KIMBERLEY/PILBARA REGION - STATE LAND SERVICES**

9 July 2009

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 Tel: (08) 9168 0602 <http://www.rdl.wa.gov.au> ABN 28 807 221 246

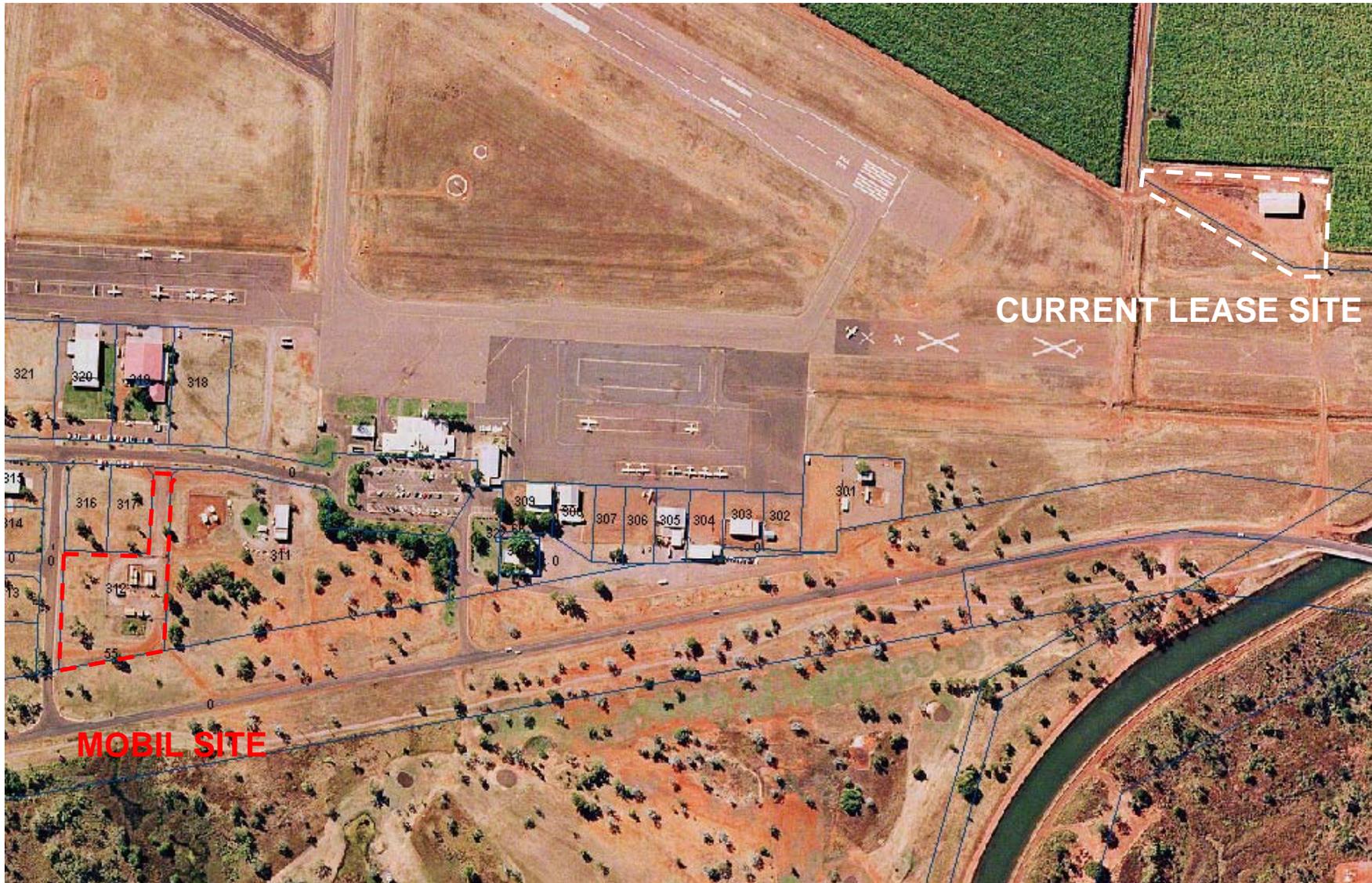
**ATTACHMENT 4**

**PROPOSED FUEL DEPOT AND REFUELLING FACILITY – WEBER PLAIN  
ROADS SURROUNDING LANDOWNER/OCCUPIER SUBMISSIONS**

<b>NAME</b>	<b>ADDRESS</b>	<b>SUBMISSION</b>	<b>SHIRE COMMENT</b>
Thomas & Dominique Breig	Lot 109 Pardalote Close	<ol style="list-style-type: none"> <li>1. Will destroy the natural attraction of the national park by having a fuel depot on its doorstep.</li> <li>2. Consider that the town already has a number of fuel storage depots</li> </ol>	Expected growth will result in need for further fuel supplies in Shire.
Scott & Tarja Goodson	Lot 14 Weaber Plain Road	<ol style="list-style-type: none"> <li>1. Understand land is identified as rural living in the TPS and Open Space Future in the Kununurra Structure Plan.</li> <li>2. Don't object o the specified type of development however object to the location.</li> <li>3. Believe the proposed development is not compatible with the adjacent existing land use.</li> <li>4. Believe the area should remain Open Space Future as identified in the Kununurra Structure Plan and recommend the area possible be considered as an extension to Mirima National Park.</li> </ol>	Site 1 zoned Rural Living, Site 2 zoned Rural Ag 1. Both sites shown as Regional Open Space – Future in the KWADS (2000). Vicinity of Site 2 (setback from Weaber Plain Road) identified as future Industrial land in LPS.
Helen Vevers & Chris Woodbridge	Lot 46 Weaber Plain Road	<ol style="list-style-type: none"> <li>1. Co-op already has a fuel facility near proposed site.</li> <li>2. Believes AFD on the edge of town will provide fuel needs when the proposed bypass is completed.</li> </ol>	The Co-op provides fuel only to shareholders and not to the general public. Existing business, already supplying fuel to farms, exploration companies and stations.
Paul & Elisabeth Stewart	Lot	<ol style="list-style-type: none"> <li>1. Believe it is not appropriate idea for a fuel depot near houses.</li> <li>2. Recommend to move the location to Ivanhoe road where the new by-pass road crosses over from the new bridge.</li> </ol>	Adequate separation distances from residences are determined under Dangerous Goods licensing requirements.

RL & JA Clarke	Lot 15 Weaber Plain Road	<ol style="list-style-type: none"> <li>1. Believe this will exacerbate traffic flow particularly with heavy vehicles adding unwanted extra noise.</li> <li>2. Development would most likely be aesthetically unattractive detracting from the values of all properties within the vicinity.</li> </ol>	Sites are proposed to be located near the bypass road, and Weaber Plain Road will be main access to Ord Stage 2 area, so traffic will increase in the area regardless.
John Timms & Kim Fisher	Lot 106 Weaber Plain Road	<p>Strongly opposed for the following reason:</p> <ol style="list-style-type: none"> <li>1. They bought land because it was zoned Rural Living</li> <li>2. The site is directly opposite their home.</li> <li>3. Pollution will be created from the site and there is a creek that runs through this area and through numerous properties, including their property and right onto Mills Roads during the Wet Season.</li> <li>4. It is already a hazardous T-section at Mills Road coming into Weaber Plains Road</li> <li>5. There is a school bus depot for children of the rural community living.</li> <li>6. Fire Hazard is in close proximity to homes.</li> <li>7. Dust</li> <li>8. 24 hour heavy haulage traffic in a Rural Area</li> </ol>	Preferred Site 2, would not be directly opposite the Mills Road intersection. Traffic in this vicinity is expected to increase due to the ORIA expansion (and eventually the bypass road). Any pollution and fire hazards are addressed as part of dangerous goods licensing requirements.
John & Kaye Ireland	Lot 103 Mills Road	<ul style="list-style-type: none"> <li>• Believe depot will have major environmental issues particularly drainage.</li> <li>• All the houses in the area obtain their drinking water from bores and the underground water system which will be vulnerable to contamination. In heavy rain the drainage will not be able to cope and will be flooded with contaminated water because all fuel depots have spillage as standard, putting aside any accident that may occur.</li> <li>• Fire explosion risk</li> <li>• Truck noise</li> <li>• Area is proposed for a T junction on the bypass road.</li> </ul> <p>Dust and fumes in a “residential area”.</p>	Ground water contamination is address as part of the dangerous goods licensing requirements.

Kerri Gunson	Lot 115 Pardalote Close	Already a fuel depot and refuelling facility less than a kilometre from the site (Ord River District Coop)	ORDCO is already within vicinity of residences. Only utilised by shareholders.
Main Roads WA		<p>Proposed development is adjacent to the proposed Victoria Hwy Heavy Vehicle Realignment, therefore the following conditions apply:</p> <ul style="list-style-type: none"> <li>• No direct vehicle access will be permitted onto the future Victoria Highway Heavy Vehicle Realignment from proposed lot</li> <li>• No earthworks shall encroach onto land under the proposed Heavy Haulage route</li> <li>• No alteration to existing natural surface levels on the land under the proposed Victoria Highway Heavy Vehicle Re-alignment reserve</li> <li>• No stormwater shall be discharged onto proposed Victoria Highway Heavy Vehicle Re-alignment reserve from proposed lots</li> <li>• MRWA is aware that the area nominated is subject to flooding and that any drainage design for the depot shall be compatible with the drainage design for Victoria Hwy heavy Vehicle Re-alignment</li> </ul>	Development of a fuel facility near the proposed bypass road will require consultation with Main Roads WA during the planning stage.
Michael Harris	Lot 42 Weaber Plain Road	<ul style="list-style-type: none"> <li>• The conservation values for the UCL are high in that area given the proximity to Mirima national Park. Believes this area should be included in the national park and this may already be considered.</li> <li>• Drainage lines may increase risk of contamination from both a spillage event and long term contaminant loss to the environment.</li> <li>• The development is inconsistent with existing planning criteria for the area, developed over the years with Shire and Community</li> </ul>	Vicinity of Site 2 (setback from Weaber Plain Road) identified as future Industrial land in LPS.
Cambridge Gulf Limited	Lot 672 Weaber Plain Road	No Objection.	



**ATTACHMENT 5 – AIRPORT LOCATION PLAN**

## 12.4.16 DRAFT COUNCIL POLICY CP/HTH-3760 - GUIDELINES FOR NATURE BASED CAMP FACILITIES

<b>DATE:</b>	20 April 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Shire Of Wyndham East Kimberley
<b>AUTHOR:</b>	Kelly Cripps, Environmental Health Officer
<b>REPORTING OFFICER:</b>	Ian D'arcy, Executive Manager Development Services
<b>FILE NO:</b>	43.02.01, 33.14.15
<b>ASSESSMENT NO:</b>	N/A

### **PURPOSE**

To seek Council's consideration and endorsement of draft Council Policy CP/HLTH-3760 – Guidelines for Nature Based Camp Facilities.

### **BACKGROUND**

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

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

A copy of the respective draft Policy is provided as Attachment 1 to this report.

### **STATUTORY IMPLICATIONS**

This policy is prepared under the *Caravan Parks and Camping Grounds Regulations 1997* to license nature based parks and set minimum standards for certain aspects of their operation.

*Caravan Parks and Camping Grounds Regulations 1997*

#### *49. Position of transit parks and nature based parks*

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

#### *Schedule 7*

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

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

## **POLICY IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

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

## **STRATEGIC IMPLICATIONS**

From a strategic perspective it is important that the local government provide a consistent approach to the establishment of a policy framework that affords a concise understanding of minimum standards that are expected by the local community. Hence, the aim of formulating Local Health Policies for caravan and camping ground facilities, is to offer clarification and set acceptable minimum standards that are not specifically prescribed in the *Caravan Park and Camping Ground Regulations 1997*, but more over default to the local government to determine.

As already detailed, the intent of this policy is to prescribe clear parameters and minimum standards by which Nature Based Parks can be established and operate under the auspice of Caravan and Camping legislation.

## **COMMUNITY CONSULTATION**

The draft policy was advertised once per week for two consecutive weeks in the local newspaper requesting for any submissions to be lodged within a period of no less than 21 days.

In addition to the advertising, the draft policy was also sent to all licensed caravan park and camp ground operators within the Shire.

A summary of comment submissions is provided as Attachment 2.

## **COMMENT**

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

The main intent of the policy is to:

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

## **ATTACHMENTS**

Attachment 1 - Draft Council Policy CP/HTH-3760 – Guidelines for Nature Based Camp Facilities

Attachment 2 – Summary of comment submissions

## **VOTING REQUIREMENT**

Simple Majority

Note: Cr R Addis left the room at 7.08pm

## **OFFICER'S RECOMMENDATION**

That Council formally adopt the draft Council Policy CP/HLTH-3760 – Guidelines for Nature Based Camp Facilities as provided in Attachment 1 and proceed to publish a notice of the adoption in the Kimberley Echo - SWEK News for public information.

### **COUNCIL DECISION**

***Minute No: 9113***

***Moved: Cr K Wright***

***Seconded: Cr K Torres***

***That Council formally adopt the draft Council Policy CP/HLTH-3760 – Guidelines for Nature Based Camp Facilities as provided in Attachment 1 and proceed to publish a notice of the adoption in The Kimberley Echo - SWEK News for public information.***

***CARRIED UNANIMOUSLY: (6/0)***

Note: Cr R Addis returned to the room at 7:09pm.

## **Draft Council Policy CP/HTH-3760 – Guidelines for Nature Based Camp Facilities**

### **OBJECTIVE:**

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

### **POLICY:**

#### **Scope & Limitations**

A proposal to establish a nature based park within 50km of an existing licensed caravan and camping ground will generally not be given favourable consideration by Council, unless general support is expressed from other holiday park operators and there is a genuine demand for such facility.

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

#### **Background**

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

The *Caravan Park and Camping Ground Regulations 1997* allow local government to set standards on the number of toilets, showers and hand basins provided at a nature based park.

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

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

#### **Guiding Statement**

##### **1. TENURE**

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

##### **2. NEED**

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

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

### 3. ENVIRONMENT

The design and location of a Nature Based Park must be sensitive and complimentary to environmental areas. Where there are concerns regarding the impact of a proposal on an environmentally sensitive area(s), the Shire may seek comment from the Environmental Protection Authority and/or the Department of Environment and Conservation, or equivalent, prior to determining the application.

### 4. AMENITY

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

### 5. SPECIFIC APPLICATION DETAIL

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

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

### 6. FEES

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

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

## 7. MINIMUM REQUIREMENTS

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

### 7.1 ABLUTIONS

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

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

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

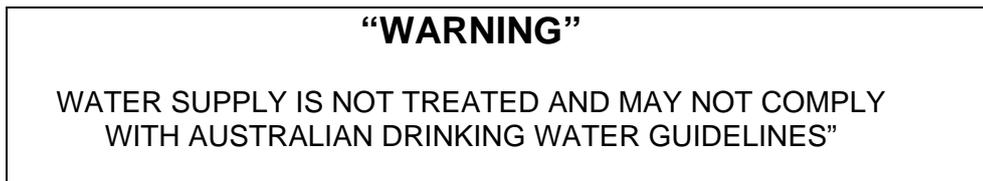
Ablutions must be connected to an on-site effluent disposal system approved by Shire's Environmental Health Officer. This may include composting systems suitable for remote locations.

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

### 7.2 WATER

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

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



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

### 7.3 WASTEWATER

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

### 7.4 RUBBISH

The disposal of rubbish on site is not permitted.

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

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

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

#### 7.5 FIRE FIGHTING EQUIPMENT

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

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

#### 7.6 SETBACKS

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

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

#### 7.7 PROTECTION FROM CATTLE

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

#### 7.8 CARETAKER'S RESIDENCE

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

- The internal floor area not exceeding 100m<sup>2</sup> and not more than 3 bedrooms;
- A potable water supply to a minimum storage capacity of 92,000 litres (20,000 gal.);
- All building materials and colours to be complimentary and in harmony with the natural landscape;
- The residence to be prominently and adequately sign posted to service the Nature Based camping area.

### Outcomes

The Guidelines for Nature Based Camp Facilities have been developed to allow a diversity of camping experiences in the Shire whilst maintaining an acceptable standard of amenity. It provides guidance to staff, Councillors, government agencies, landowners, and the general public regarding the assessment of applications for nature based parks.

## GOVERNANCE REFERENCES

<b>Statutory Compliance</b>	<i>Caravan Parks and Camping Grounds Act 1995 Caravan Parks and Camping Grounds Regulations 1997</i>
<b>Industry Compliance</b>	
<b>Organisational Compliance</b>	Delegations Manual
<b>Process Links</b>	

## POLICY ADMINISTRATION

<b>Directorate</b>		<b>Officer Title</b>		<b>Contact:</b>	
Development Services		Environmental Health Officer		Ext: 118	
<b>Date Effective</b>	20/04/2010				
<b>Date Adopted</b>	20/04/2010	<b>Last Reviewed</b>	20/04/2010		
<b>Risk Rating</b>	Low	<b>Review Cycle</b>	Tri-Annual	<b>Next Due</b>	20/04/2013

## SUMMARY OF COMMENT SUBMISSIONS

SUBMITTER	RESPONSE	SUMMARY OF CONTENT	STAFF RESPONSE AND COMMENT
Charlie Sharpe, Lake Argyle Resort	Support	Please ensure there is a clear definitive classification between nature based parks and regular caravan parks. Each park must be one or the other with no in between grey areas. What will stop existing parks classifying to become nature based camps.	Item 5 of the policy requires the applicant to determine the need for a nature based camping facility. This includes justification and economic impact of existing caravan parks within a 50km radius.
BushTrack Safaris	Support	Good idea. All parks should be checked on a regular basis to be sure facilities are kept to a high standard.	All caravan parks and camping grounds are inspected annually. There are some access issues for remote sites, particularly that operated by Bush Track Safaris.
Pat Lacey, Mt Elizabeth Station	Support	In nature based camping grounds it is hard to define exact camping sites, however the general area is defined and campers are advised. Although we try to keep cattle out of camping area, sometime quiet cattle get through the fences.	Item 10.6 has been amended to read 'camp area shall be clearly defined' rather than camp sites. Item 10.7 - The provision of a fence or other means to prevent cattle entry is adequate.
David Henry, El Questro Wilderness Park	Support	Great idea. Need sufficient time between draft and implementation to have the necessary infrastructure in place. Envisage that we would comply by the beginning of 2011 season.	Nil
McGowan Island Beach	Support	No comment	Nil
Bastiaan Kap, Doon Doon Roadhouse	Support	Creates business for the area.	Nil
Trevor Brown (Discovery Holiday Park)	Support	Re: 10.4 - Rubbish, I feel rubbish bins should be provided on site. Whilst most campers are responsible and will remove their waste a small percentage will not care and this will lead to a pollution issue. Also as guidelines all for up to 3 months stay it would be difficult for campers staying for weeks to remove rubbish from remote locations. Pollution and degradation of the site over long term will lead to a reduction in visitor numbers to the area, affecting the entire community.	Whilst providing a rubbish disposal service is not required, the policy is clear that waste management is the responsibility of the park operator. They are required to notify campers of waste disposal options.

SUBMITTER	RESPONSE	SUMMARY OF CONTENT	STAFF RESPONSE AND COMMENT
Joanna Koeyers, Drysedale River Station	Support/Indifferent	<p>Thankyou for providing the opportunity by mail and not just in the newspaper. It is nice to be 'in the loop'. I would not have noticed it in the paper.</p> <p>Re: 10.6 - Setbacks, perhaps wording could be amended to convey that the 'camping area' be defined/fenced rather than individual 'sites'.</p> <p>I would like to see bush camp grounds managed by DEC have to comply and meet the guidelines.</p>	<p>Issue relating to definition of camp area v's camp site has been addressed.</p> <p>Currently the crown is not bound by requirements of the <i>Caravan Park and Camping Ground Regulations 1997</i> therefore the Shire cannot enforce any standards. It is understood that camp grounds on leased land are captured i.e. ALT and pastoral leases.</p>
L.McKenzie, Kununurra Lakeside Resort	Disagree	<p>We strongly oppose the introduction of a caravan and camping facility within SWEK that will provide fewer facilities than that enforced upon our caravan and camping facility.</p>	<p>It is impractical to expect remote areas to comply with all aspects of the regulations. The policy has been developed to provide a minimum standard for remote camp grounds that cannot provide all the facilities due to their location and access to services.</p> <p>The policy is designed to encourage diversity whilst also setting acceptable minimum standards.</p>
Susan Bradley, Ellenbrae Station	Disagree	<p>If Ellenbrae had to meet the proposed guidelines we would close down. We offer basic camp sites for travellers on the Gibb River Road to people who would otherwise camp anywhere and everywhere.</p> <p>We do not advertise and we are only open between May and October. Capital investment in infrastructure would not be supported by income.</p>	<p>It is understood from previous inspections that Ellenbrae camp facilities largely comply with the policy.</p>
Ivanhoe Village Caravan Resort	Disagree	No comment	Nil
Richard Hewitt, Hidden Valley Caravan Park		<p>More advice needed. There are problems where a 'Caravan Park' and 'Nature Based Park' overlap. For example, at Hidden Valley Caravan Park we are developing our new area as a nature park, leaving the natural bush, all grass sites, walking trails adjacent to Mirima National Park, Eco certification etc. Many tourists prefer a natural camping area but 5 minutes to shops, rather than bitumen and concrete sites, playgrounds, traffic etc. My query is -does this mean I should become a nature based park or if I don't, could another park set-up nearby as a nature based park (with relevant approvals).</p>	<p>Hidden Valley Caravan Park would not be licensed as a nature based camp facility as it is within 50km of an existing licensed caravan park and camping ground.</p> <p>The natural bush and grass sites could be provided in the regular park with approval from Council's Environmental Health Officers.</p>

## 12.5 COMMUNITY SERVICES

### 12.5.1 PUBLIC LIBRARY SERVICES - CHANGES TO STATE/LOCAL GOVERNMENT FUNDING MODEL

<b>DATE:</b>	20 April 2010
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire Of Wyndham East Kimberley
<b>AUTHOR:</b>	Karyn Apperley, Director Community Development
<b>REPORTING OFFICER:</b>	Karyn Apperley, Director Community Development
<b>FILE NO:</b>	35.12.01
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

To inform Council of the current negotiations and changes being implemented in the delivery of Western Australian Public Library services.

#### **BACKGROUND**

A partnership between State and Local Governments, as outlined in the Public Library Framework Agreement, delivers public library services across Western Australia. While the majority of funding is provided by Local Governments, the State Government has traditionally provided library materials, and has retained ownership of this stock. State Government funding:

- enables the continuation of free public access to core library services; and
- provides for equity of access to core library services by compensating for different local circumstances affecting library service delivery in various parts of the State.

The governance arrangements and strategies that underpin the provision of public library services, including the *Library Board Act (1951)*, have not changed significantly to reflect contemporary public library service delivery.

A committee comprising representatives of State and Local Government stakeholders in public libraries commissioned a review of the current model for the provision of public library services to recognise the changing role of public libraries. This 2007 review (the Lunn Report) identified ten strategic outcomes for the State's public library services. It was recommended that State Government funding for public libraries and the model for delivery of this funding be changed to support the achievement of these strategic objectives. It was specifically recommended that the quota based allocation of State owned library materials be replaced by a system of recurrent grants to Local Governments to enable the acquisition of materials and services tailored to the local community needs. The Shire responded to the matters raised in the Report at the time.

The State budget for new public library materials in 2009/10 was \$6.5 Million, representing a 40% reduction on the level of funding allocated in 2008/09.

#### **STATUTORY IMPLICATIONS**

The *Library Board Act 1951* provides the legislative base for the operation and delivery of public library services in Western Australia and is supported by the 2004 Revised Public Library Framework Agreement (currently awaiting sign off by State Treasury.)

## **POLICY IMPLICATIONS**

There are no current policy implications associated with this report. However future policy direction regarding public library service provision could be affected by the proposed funding model and restructure.

## **FINANCIAL IMPLICATIONS**

For the 2009/10 financial year the State Government allocated \$6.5 Million for library resources being new materials and items, an approximate 40% reduction in funding levels from 2008/09. Under the current arrangements the Shire received a new book and items quota of \$23,091 for the 2009/10 financial year. This equates to approximately 1008 items under current average prices, with 10% of new items allocated to Wyndham Public Library. The Shire also receives approximately \$1,650 per annum to assist the Library Manager attend quarterly exchange weeks in Perth and participates in the state wide book exchange to 'refresh' collections with used materials.

While under the proposed funding model, the Shire would receive up to \$30,371 for its new materials budget, concerns about this funding model are linked to the implementation of the other aspects of restructure as not all ten priorities can be addressed concurrently.

The concerns identified to date are:

- No definition of 'core library services' which Local Governments will be responsible for.
- No set percentage of the proposed grants allocated to each Local Government specifically reserved for the purchase of library materials, leading to potential erosion of library stock.
- No tiered exchange model yet developed, as recommended in the Lunn report. This could have an impact on the funding received by the Shire.
- No regional model yet proposed for supporting regional Local Governments.

Therefore, full financial implications of the proposed funding model and other restructure are difficult to determine at this time.

## **STRATEGIC IMPLICATIONS**

The Shire's Strategic Plan identifies the objective of "providing and promoting public library services", within the goal of "developing the strengths and potential of our community now and into the future".

## **COMMUNITY CONSULTATION**

The Library Funding working group includes representatives from the State Library, public librarians from country and metropolitan libraries, LGMA and WALGA.

Comments on the proposed funding model have been sought and received from Local Governments directly and through a consultation forum in Perth on 4 February 2010. Feedback and recommendations have been included in the proposed model.

There has been a level of ongoing consultation between WALGA and the State Government regarding the draft framework agreement, development of the business case and proposed funding model.

It is anticipated that the WALGA State Council will be asked to consider a Public Library Funding Agreement with the State Government in June 2010. This agreement will include reference to an agreed funding allocation model.

There has been no local community consultation.

### **COMMENT**

The Strategic Library Partnership Agreement Steering Committee (SLPASC), comprising representatives from Local and State Government, established a Library Funding working group in August 2009 to develop a business case for increased State Government investment in public libraries and to investigate and present recommendations for a new funding allocation model.

It proposed that the existing quota system, which provides an annual allocation of new books to public libraries be replaced by a system of recurrent grants to Local Governments to support Core Library Services. This will provide increased flexibility to enable Local Government libraries to meet their community needs for library services. The new model to allocate State Government funding has been developed to support the strategic objectives outlined in the Lunn Report, *Structural Reform of Public Library Services in WA (2007)*.

The proposed model is based on the resident population of each Local Government Area adjusted for the additional demands placed on library services in metropolitan and non-metropolitan regional centres. The level of funding is then adjusted for disadvantage in the cost of delivering core library services due to location, number of population centres serviced and the existence of secondary libraries in smaller population centres. Each Local Government providing a library service will receive a minimum grant under the proposed allocation model.

As previously noted, the \$6.5 million budget for 2009/10 is an approximate 40% reduction in the local government public library funding from the previous financial year.

WALGA has requested \$11million for 2010/11 based on the business case developed by the Strategic Library Partnership Agreement Steering Committee (SLPASC). The Minister for Planning, Culture and Arts Minister has stated that final funding allocations will be confirmed in the State Budget and that the WA Library Board will determine the allocation of funds between public library service and State library materials purchasing budget at its June meeting.

The Public Librarians Association WA has commenced a lobbying campaign to the State Government involving media coverage, press releases, bumper stickers and petitions.

### **ATTACHMENTS**

Nil

### **VOTING REQUIREMENT**

Simple majority

## **OFFICER'S RECOMMENDATION**

1. That Council request the Minister for Planning, Culture and Arts to provide public library service funding at the level proposed by the business case developed by the Strategic Library Partnership Agreement Steering Committee, being \$11 million for 2010/11;
2. That Council seek commitment from the Minister for Planning, Culture and Arts for the adequate provision of public library services, particularly in regional and remote communities, as a result of any restructure of State public library service provision;
3. That Council support engagement of the local community in the lobbying campaign regarding funding levels for public library services being implemented by the Public Librarians Association WA; and
4. That Council note the proposed funding model, changes to the provision of State public library strategies and the potential financial and service delivery implications.

### **COUNCIL DECISION**

**Minute No: 9114**

**Moved: Cr K Wright**

**Seconded: Cr J Parker**

- 1. That Council request the Minister for Planning, Culture and Arts to provide public library service funding at the level proposed by the business case developed by the Strategic Library Partnership Agreement Steering Committee, being \$11 million for 2010/11;**
- 2. That Council seek commitment from the Minister for Planning, Culture and Arts for the adequate provision of public library services, particularly in regional and remote communities, as a result of any restructure of State public library service provision;**
- 3. That Council support engagement of the local community in the lobbying campaign regarding funding levels for public library services being implemented by the Public Librarians Association WA; and**
- 4. That Council note the proposed funding model, changes to the provision of State public library strategies and the potential financial and service delivery implications.**

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

## 12.6 CHIEF EXECUTIVE OFFICER

### 12.6.1 USE OF COMMON SEAL

<b>DATE:</b>	20 April 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 9 March 2010 to 14 April 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>
22/03/2010	Department of Environment and Conservation (Native Vegetation Conservation Branch). Application for a Clearing Permit – (Purpose Permit) Form C2	Katya Tripp

#### **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 9 March 2010 to 14 April 2010.

**COUNCIL DECISION**

***Minute No: 9115***

***Moved: Cr D Ausburn***

***Seconded: Cr K Torres***

***That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 9 March 2010 to 14 April 2010.***

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

## 12.6.2 DELEGATED AUTHORITY REPORT

<b>DATE:</b>	20 April 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 March 2010 to 31 March 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 March 2010 to 31 March 2010.

### **COUNCIL DECISION**

***Minute No: 9116***

***Moved: Cr J McCoy***

***Seconded: Cr D Ausburn***

***That Council receive the Delegated Authority Report for the period 1 March 2010 to 31 March 2010.***

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

**ATTACHMENT: DELEGATED AUTHORITY REPORT**

**BUILDING LICENCES ISSUED UNDER DELEGATED AUTHORITY FOR THE PERIOD 1 – 31 MARCH 2010**

LIC#	DATE RECEIVED	DATE LICENCED	OWNER	BUILDER	LOCATION	DESCRIPTION	NEW/ADD	EST. VALUE	COMMENT / PROCESSING TIME – WORKING DAYS
023/2010	1/12/2009	10/03/2010	Mark & Vicki Tierney	Maglion Enterprises Pty Ltd	Lot 1009 (2) Sorghum Place Kununurra	Class 1A Group dwellings (4 units) with Class 10A carports & patios attached	New	\$1,200,000.00	64/15 days - insufficient information from builder
024/2010	9/03/2010	11/03/2010	Wayne Mader	Wayne Mader	Lot 1297 Great Northern Highway Wyndham	Class 10A Patio addition to existing dwelling	Add	\$10,000.00	2/15 days
025/2010	9/03/2010	15/03/2010	N & S Siebert	Maglion Enterprises	Lot 255 Lovegrass Way Kununurra	Class 1A dwelling with attached Class 10A carport and patio	New	\$370,480.00	3/15 days
026/2010	2/03/2010	19/03/2010	G Ammerer	Gary Holben	Lot 380 Tamarind Meander Kununurra	Class 1A dwelling with attached Class 10A carport and patio	New	\$455,000.00	12/15 days
027/2010	27/01/2010	19/03/2010	Shire of Wyndham - East Kimberley	NPM Group Pty Ltd	Lot 191 (4) Quondong Street Kununurra	Class 1A dwelling with attached Class 10A carport and freestanding Class 10A shed	New	\$404,163.00	
028/2010	27/01/2010	19/03/2010	Shire of Wyndham - East Kimberley	NPM Group Pty Ltd	Lot 174 (14) Banyan Street Kununurra	Class 1A dwelling with attached Class 10A carport and freestanding Class 10A shed	New	\$404,163.00	
029/2010	12/03/2010	22/03/2010	K & C Matthews	Darren Fulcher	Lot 226 (22) Ghost gum Street Kununurra	Class 1A dwelling with attached Class 10A carport and patio	New	\$386,000.00	5/15 days
030/2010	1/02/2010	25/03/2010	Ord River House Pty Ltd	Gary Holben	Lot 2451 Konkerberry Drive Kununurra	Class 5 Commercial Office	New	\$870,000.00	37/15 days - builder to be advised

LIC#	DATE RECEIVED	DATE LICENCED	OWNER	BUILDER	LOCATION	DESCRIPTION	NEW/ADD	EST. VALUE	COMMENT / PROCESSING TIME – WORKING DAYS
031/2010	10/03/2010	28/03/2010	M & J Long & The Long Family Trust	Colin Wilkinson Developments Pty Ltd	Lot 366 Zamia Link Kununurra	Class 1A dwelling with attached Class 10A carport and patio	New	\$380,000.00	12/15 days - title release & information from builder
032/2010	10/03/2010	28/03/2010	K & R Bamkin & The Bamkin Family Trust	Colin Wilkinson Developments Pty Ltd	Lot 312 Zamia Link Kununurra	Class 1A dwelling with attached Class 10A carport and patio	New	\$405,600.00	12/15 days - title release & information from builder
033/2010	10/03/2010	28/03/2010	Colin Wilkinson Investments Pty Ltd	Colin Wilkinson Developments Pty Ltd	Lot 303 Zamia Link Kununurra	Class 1A dwelling with attached Class 10A carport and patio	New	\$430,000.00	12/15 days - title release & information from builder
034/2010	2/03/2010	28/03/2010	B Thomas	Gary Holben	Lot 387 Nauclea Way Kununurra	Class 1A dwelling with attached Class 10A carport and patio	New	\$455,000.00	18/15 days - title release
035/2010	10/03/2010	31/03/2010	Colin Wilkinson Investments Pty Ltd	Colin Wilkinson Developments Pty Ltd	Lot 355 Argentea Avenue Kununurra	Class 1A dwelling with attached Class 10A carport and patio	New	\$430,000.00	15/15 days - title release
036/2010	22/03/2010	31/03/2010	Heritage Pioneer Developments Joint Venture	Daly & Shaw Building Pty Ltd	Lot 11 Erythrina Street Kununurra	Class 1A group dwellings (6 units) with Class 10A carports & patios attached	New	\$1,959,900.00	6/15 days
								<b>\$8,160,306.00</b>	

**NO DEMOLITION LICENCES OR SIGN LICENCES WERE ISSUED UNDER DELEGATED AUTHORITY FOR THE PERIOD 1 – 31 MARCH 2010**

**TOWN PLANNING LICENCES ISSUED UNDER DELEGATED AUTHORITY FOR THE PERIOD 1 – 31 MARCH 2010**

APPLICATION / DELEGATION NUMBER	APPROVAL TYPE	DATE RECEIVED	APPLICANT	OWNER	PROPERTY ADDRESS	PROPOSED DEVELOPMENT	ASSESSMENT NUMBER	APPROVAL DATE	COMMENT
21/10	P	18/02/2010	Kerry Slingsby	Kerry Slingsby	Lot 209 River Farm Road, Kununurra	Studio room and garage	135	15/03/2010	Approved by Ian D'Arcy
24/10	IP	23/02/2010	Assemblies Of God Church	SWEK	Lot 720 & 1236 Great Northern Hwy, Wyndham	Event - Church Meetings	5214	12/03/2010	Approved by Ian D'Arcy
27/10	EP	11/02/2010	Tyrone Taylor	SWEK	SWEK - Wyndham Oval	Events application for a carnival WYN	5214	15/03/2010	Approved by Ian D'Arcy
30/10	EP	3/03/2010	Tyrone Taylor	SWEK	SWEK - Kununurra Oval	Events application for a carnival KNX	2153	15/03/2010	Approved by Ian D'Arcy

**COMMUNITY QUICK GRANTS ISSUED UNDER DELEGATED AUTHORITY FOR THE PERIOD 1 -31 MARCH 2010**

APPROVAL DATE	ORGANISATION	PURPOSE OF QUICK GRANT	TOTAL PROJECT COST	AMOUNT REQUESTED	AMOUNT APPROVED
16/03/2010	MG Corporation	Contribution to Harmony Day	\$5,000	\$500	\$500
30/03/2010	Save the Children	Contribution to School Holiday Program in Kununurra for 8-12 year olds	\$3,525	\$500	\$500

**COMMUNITY IN-KIND REQUESTS ISSUED UNDER DELEGATED AUTHORITY FOR THE PERIOD 1-31 MARCH 2010**

APPROVAL DATE	ORGANISATION	REQUEST DETAILS	IN-KIND VALUE
17/03/2010	St Joseph's P & C	St Patrick's Fund Raiser – Use of Kununurra Leisure Centre	\$491

### 12.6.3 STATUS REPORT

<b>DATE:</b>	20 April 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Shire Of Wyndham East Kimberley
<b>AUTHOR:</b>	Gary Gaffney, Chief Executive Officer
<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 and note a report summarising the status of Council decisions for the period January to March 2010.

#### **BACKGROUND**

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

#### **STATUTORY IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **STRATEGIC IMPLICATIONS**

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

#### **COMMENT**

Nil

#### **ATTACHMENTS**

Status Report for the period January to March 2010 to be distributed at the April OCM meeting.

#### **VOTING REQUIREMENT**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

That Council receive and notes the Status Report for the period January to March 2010.

**COUNCIL DECISION**

***Item Deferred***

***Moved: Cr K Wright***

***Seconded: Cr K Torres***

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

#### 12.6.4 KUNUNURRA HEAVY VEHICLE ROUTE STAGE 1 - LOCAL AUTHORITY CONCURRENCE

<b>DATE:</b>	20 April 2010
<b>PROPONENT:</b>	Main Roads Department
<b>LOCATION:</b>	Kununurra
<b>AUTHOR:</b>	Gary Gaffney, Chief Executive Officer
<b>REPORTING OFFICER:</b>	Gary Gaffney, Chief Executive Officer
<b>FILE NO:</b>	21.04.01
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

For Council to adopt a procedural resolution with respect to the Kununurra Heavy Vehicle Route land acquisitions by Main Roads WA.

#### **BACKGROUND**

Main Roads WA has written seeking the concurrence of Council with the required taking of land for inclusion with the road reserve for the proposed Kununurra Heavy Vehicle Route. A copy of the correspondence is included as an attachment to this report.

#### **STATUTORY IMPLICATIONS**

The Land Administration Act requires that the local authority agrees with the taking of land to form a dedicated road reserve.

#### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications for the Shire associated with this report as Main Roads WA will indemnify the Shire against all costs and charges that relate to this road dedication.

#### **STRATEGIC IMPLICATIONS**

The development of the Heavy Vehicle Route is a major improvement for the road transport requirements of Kununurra and the State. The continued use of the Diversion Dam imposes size and weight limits on the movement of freight across the WA-NT sections of Highway 1 as well as reducing the operational life of the Diversion Dam.

#### **COMMUNITY CONSULTATION**

Main Roads WA has conducted both general and direct consultation within the community for approximately 2 years and no further consultation has been, nor is proposed, in considering this report.

## **COMMENT**

The wording of the recommendation has been provided by Main Roads WA to ensure compliance with the provisions of the Land Administration Act.

## **ATTACHMENTS**

Attachment 1: Main Roads WA Correspondence  
Attachment 2: Main Roads WA Land Dealing Plans 1-3

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council at its meeting of 20 April 2010 concurred to the dedication of the land, the subject of Main Roads' plans 0660-063-2, 0660-064-2 and 0660-065-1, as road under Section 56 of the Land Administration Act.

### **COUNCIL DECISION**

***Minute No: 9117***

***Moved: Cr K Wright***

***Seconded: Cr J Parker***

***That Council at its meeting of 20 April 2010 concurred to the dedication of the land, the subject of Main Roads' plans 0660-063-2, 0660-064-2 and 0660-065-1, as road under Section 56 of the Land Administration Act.***

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

**Attachment 1: Main Roads WA**



Enquiries: Alf Parolo on 9323 4636  
Our Ref: 06/4291  
Your Ref:

Doc No.	069720
Date	22 MAR 2010
Officer	EMERS
Response	
File	21.04.01
Cross Ref.	



ABN: 50 860 676 021

11 March 2010

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

ATTENTION: GARY GAFFNEY

**KUNUNURRA BYPASS STAGE 1 - LOCAL AUTHORITY CONCURRENCE**

Attached for consideration by Council are Main Roads Land Dealing plans 0660-063-2, 0660-064-2 and 0660-065-1, which show the location of the proposed Bypass. In order for the project to proceed, the land shown shaded on the plans are required to be Taken and included in the road reserve.

To enable the land to be dedicated as road reserve it is a requirement of the Land Administration Act that Local Authority concurrence be given to the dedication action.

It would be appreciated if Council could consider the matter at its next meeting and provide the following statement in its letter of concurrence to satisfy State Land Services requirements:-

"Council at its meeting of DD/MM/YY concurred to the dedication of the land, the subject of Main Roads' plans 0660-063-2, 0660-064-2 and 0660-065-1, as road under Section 56 of the Land Administration Act".

In addition, State Land Services require a copy of the Council meeting minutes relating to the concurrence.

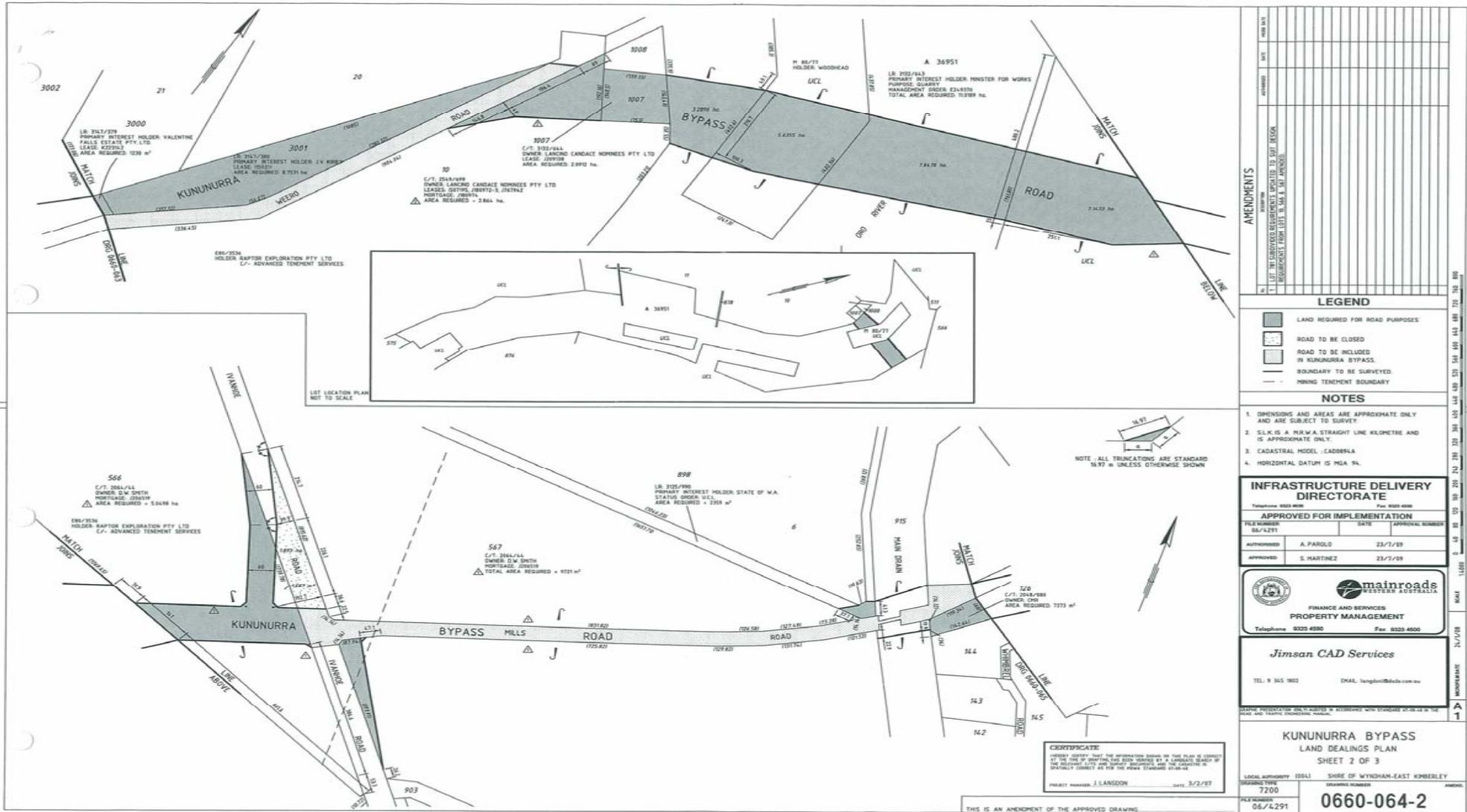
Main Roads will indemnify Council against all costs and charges that relate to this dedication action.

Please forward both the letter of concurrence and a copy of the relevant minutes to Alf Parolo at the above address and if you have any queries please do not hesitate to contact me 9323 4636.

Alf Parolo  
ROAD RESERVES MANAGER

Enc





NO.	DATE	DESCRIPTION
1		ISSUED FOR APPROVAL
2		ISSUED FOR APPROVAL
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**LEGEND**

- LAND REQUIRED FOR ROAD PURPOSES
- ROAD TO BE CLOSED
- ROAD TO BE INCLUDED IN KUNUNURRA BYPASS
- BOUNDARY TO BE SURVEYED
- MINING TENEMENT BOUNDARY

**NOTES**

- DIMENSIONS AND AREAS ARE APPROXIMATE ONLY AND ARE SUBJECT TO SURVEY.
- SL/K IS A P.M.W.A. STRAIGHT LINE KILOMETRE AND IS APPROXIMATE ONLY.
- CADASTRAL MODEL - CAD0894.
- HORIZONTAL DATUM IS MGA 94.

**INFRASTRUCTURE DELIVERY DIRECTORATE**  
 Telephone 9323 4000 Fax 9323 4000  
**APPROVED FOR IMPLEMENTATION**  
 FILE NUMBER: 06/4291 DATE: 23/7/09 APPROVAL NUMBER:  
 AUTHORIZED: A. PAROLO DATE: 23/7/09  
 APPROVED: S. MARTINEZ DATE: 23/7/09

**mainroads**  
 WESTERN AUSTRALIA  
 FINANCE AND SERVICES  
 PROPERTY MANAGEMENT  
 Telephone: 9323 4800 Fax: 9323 4800

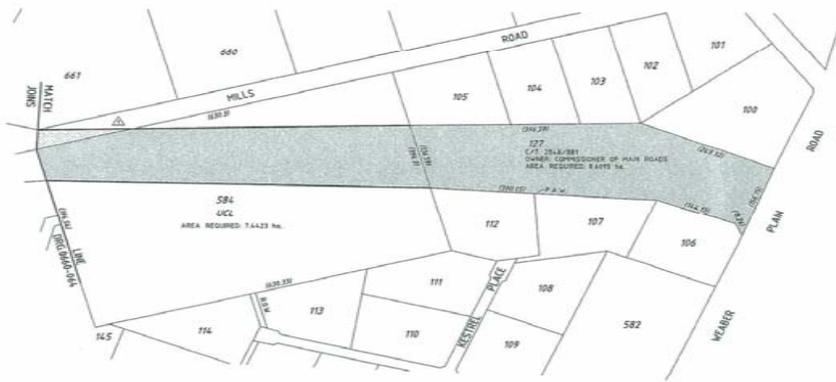
**Jimsan CAD Services**  
 TEL: 9 345 1803 EMAIL: langdon@jimsan.com.au

**CERTIFICATE**  
 WHEREAS I, J. LANGDON, being the responsible person in this regard, do hereby certify that the plan of proposed road shown by a LANDSAT SEARCH OF THE PUBLIC RECORDS AND THE PUBLIC RECORDS OF THE STATE OF WESTERN AUSTRALIA, is correct and that the same is in accordance with the provisions of the ROAD AND TRAFFIC (CLOSURE) ACT, 1980.

PROJECT MANAGER: J. LANGDON DATE: 3/7/09

THIS IS AN AMENDMENT OF THE APPROVED DRAWING.

LOCAL AUTHORITY: 10041 SHIRE OF WYNDHAM-EAST KIMBERLEY  
 DRAWING TITLE: 7200 DRAWING NUMBER: AMEND:  
 FILE NUMBER: 06/4291 **0660-064-2**



AMENDMENTS

NO.	DESCRIPTION
1	1. MILLS ROAD INCLUSE IN BYPASS

- LEGEND**
- LAND REQUIRED FOR ROAD PURPOSES AND ARE SUBJECT TO SURVEY
  - ROAD TO BE INCLUDED IN KUNUNURRA BYPASS
  - BOUNDARY TO BE SURVEYED

- NOTES**
1. DIMENSIONS AND AREAS ARE APPROXIMATE ONLY AND ARE SUBJECT TO SURVEY
  2. S.L.K. IS A N.R.M.A. STRAIGHT LINE KILOMETRE AND IS APPROXIMATE ONLY.
  3. CADASTRAL MODEL - CADERELA.
  4. HORIZONTAL DATUM IS MGA 94.

**INFRASTRUCTURE DELIVERY DIRECTORATE**  
 Telephone 0823 4850 Fax 0823 4850  
**APPROVED FOR IMPLEMENTATION**

FILE NUMBER 06/4291	DATE 22/01/09	APPROVAL NUMBER
AUTHORISED <i>[Signature]</i>		
APPROVED <i>[Signature]</i>		

**mainroads**  
 WESTERN AUSTRALIA  
 FINANCE AND SERVICES  
 PROPERTY MANAGEMENT  
 Telephone 0823 4850 Fax 0823 4850

**Jimsan CAD Services**  
 TEL: 9 345 1832 FAX: langdon@roads.com.au

**KUNUNURRA BYPASS**  
 LAND DEALINGS PLAN  
 SHEET 3 OF 3

LOCAL AUTHORITY (0042)	SHERE OF WINDHAM-EAST KIMBERLEY
DRAWING NUMBER	7200
FILE NUMBER	06/4291
<b>0660-065-1</b>	

**CERTIFICATE**  
 I HEREBY CERTIFY THAT THE INFORMATION CONTAINED ON THIS PLAN IS CORRECT AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT I AM A QUALIFIED SURVEYOR AND THAT I AM A MEMBER OF THE SURVEYING PROFESSION IN WESTERN AUSTRALIA.  
 PROJECT NUMBER: J. LANGDON DATE: 1/1/07

## 12.6.5 2010 - 2011 FIREBREAK ORDER

<b>DATE:</b>	20 April 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Shire Of Wyndham East Kimberley
<b>AUTHOR:</b>	Gary Gaffney, Chief Executive Officer
<b>REPORTING OFFICER:</b>	Gary Gaffney, Chief Executive Officer
<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.

Council considered the adoption of the Firebreak Order 2010/2011 at its Ordinary Council Meeting of 16 February 2010. Council referred the matter back to the officer on the basis of amending the provisions for firebreaks for rural living land.

The wording of the draft Firebreak Order presented at the February meeting has been amended to reflect changes for the rural living areas and is attached for Council's information. The Officer considers this amendment should be sufficiently generic for use on all rural living subdivisions eg Crossing Falls, Egret Close, and Valentine Falls.

### **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.*
- 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<sup>st</sup> May each year for permission to provide firebreaks in alternative positions or to take alternative action to abate fire hazards on the land."*

## **FINANCIAL IMPLICATIONS**

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

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

## **STRATEGIC IMPLICATIONS**

There are 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: 9118***

***Moved: Cr D Ausburn***

***Seconded: Cr K Torres***

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

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

**Attachment: Firebreak Notice 2010/2011**

**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 (\$1000). IN ADDITION, THE SHIRE MAY CARRY OUT THE REQUIRED WORK AT COST TO THE OWNER OR OCCUPIER OF THE LAND.

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

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

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

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

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

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

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

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

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

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

**2. Pastoral Lands:**

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

**3. Townsite Land:**

Where the area is 2 000m<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 2 000m<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. Rural Living Areas:**

1) Where land (up to 5 ha per lot) outside of the Wyndham and Kununurra town sites is used primarily for residential purposes firebreaks are to be provided to all boundaries in accordance with the following requirements:

- a) clear a 3 metre wide firebreak of all flammable material, immediately inside the external boundaries of the land; and
- b) trees must be trimmed back to provide a vertical clearance of 3.5 metres to allow fire appliances along the firebreak

2) Where a Shire managed Strategic Firebreak is provided the provisions of 1(a) do not apply to the boundaries abutting the Strategic Firebreak.

3) Where there is a risk soil erosion or the ground conditions do not permit (e.g. rocky terrain) the provisions of 1(a) may be deemed to be satisfied where the grasses are slashed and maintained at a height of 75mm or less.

**5. Rubbish Sites:**

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

**6. Fuel Dumps and Depots:**

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

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

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

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

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

**PERMITS TO BURN**

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

Gary Gaffney  
Chief Executive Officer

## 12.6.6 REQUEST TO PURCHASE WORKS OF ART

<b>DATE:</b>	20 April 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Shire Of Wyndham East Kimberley
<b>AUTHOR:</b>	Jo-Anne Ellis, Director Corporate Services
<b>REPORTING OFFICER:</b>	Jo-Anne Ellis, Director Corporate Services
<b>FILE NO:</b>	66.41.01
<b>ASSESSMENT NO:</b>	N/A

### PURPOSE

To consider a request from Mrs Rhonda Nation to purchase works of Art painted by her late husband Mr Darryl Nation.

### BACKGROUND

Council owns 3 paintings by Darryl Nation purchased from the Wyndham Art Exhibition Program in the 1970's. The late Mr Nation's wife came into the Kununurra Shire Office requesting to see the paintings and offering to purchase them. She was asked to put the request in writing and the text of the email was provided to Councillors at the April briefing. It is not appended to this item as it is personal in nature.

To assist Councillors to make a decision as whether to sell the paintings they were taken to Nadeen Lovell, Gallery Curator of Lovell Gallery to obtain a valuation. Her assessment is below:

*Re the paintings by Darryl Nation, which are part of the SWEK Art Collection:*

*As advised verbally ....the value of these paintings is hard to pin down without knowing anything of the artist, or if he made a name during his painting career. This of course has an important influence on value. I have not personally heard of him and he did not show up on a quick Google, but that does not mean he did not do well at some time and place.*

*The paintings are of average to reasonably good quality of work but painted on board not canvas, the latter usually being more desirable. The frames are in poor condition but the paintings would possibly clean up quite well. The small work with the birds would probably bring \$ 600 - \$800 if reframed. The other two would be hard to sell because of their subject matter not being anything special. ...maybe \$200 each if presented tidily.*

*If they are being sold purely on compassionate grounds I'd charge not more than \$500 all together. ...or just return them to the widow as a community gesture.*

*However, what is the legal implication here? While they are part of a SWEK asset, is any of the Art Collection, acquired over a number of years of acquisitive monetary prizes for the East Kimberley Art Awards, able to be just sold off. Maybe this is supposed to be kept in tact for the peoples of the Shire, and as part of history. Maybe one of these paintings should be kept for that purpose. This is a curly one. In time to come I would like to see the whole collection on display, as a time line in the history of art in the region. ( when we have the new SWEK offices perhaps or even our own Regional Gallery.)*

### **STATUTORY IMPLICATIONS**

The disposal of property requirements under the LG Act do not apply to the potential sale of these artworks as they are under \$20,000 in value and therefore exempt.

### **POLICY IMPLICATIONS**

There is no policy in regard to retention or sale of Works of Art.

### **FINANCIAL IMPLICATIONS**

The Works of Art are listed on Council Asset Register at a minimal amount.

### **STRATEGIC IMPLICATIONS**

No strategic implications apply to this item.

### **COMMUNITY CONSULTATION**

Community Consultation has not been undertaken in regard to this item.

### **COMMENT**

Council would generally not sell artworks, they tend to be purchased and retained. However, the paintings were not on display and two have broken frames and all have a low monetary value. The real value of them is the attachment of an individual to the artist.

The recommended action is to gift the paintings by Mr Darryl Nation to his widow Mrs Rhonda Nation.

### **ATTACHMENTS**

Nil

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER'S RECOMMENDATION**

That Council gift three paintings by Mr Darryl Nation purchased from the Wyndham Art Exhibition Program in the 1970's to his widow Mrs Rhonda Nation.

**COUNCIL DECISION**

**Minute No: 9119**

**Moved: Cr K Torres**

**Seconded: Cr K Wright**

***That Council gift three paintings by Mr Darryl Nation purchased from the Wyndham Art Exhibition Program in the 1970's to his widow Mrs Rhonda Nation.***

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

**Minute No: 9120**

**Moved: Cr R Addis**

**Seconded: Cr D Ausburn**

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

***That the meeting be suspended to make a presentation to Mrs Rhonda Nation.***

***The meeting was suspended at 7:34pm.***

***Cr J Moulden presented one of the three pictures to Mrs Rhonda Nation.***

**Minute No: 9121**

**Moved: Cr R Addis**

**Seconded: Cr K Torres**

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

***That the meeting be resumed.***

***The meeting resumed at 7:38pm.***

## 12.7 ELECTED MEMBER REPORTS

Cr Di Ausburn

<b>Date</b>	<b>Meeting Details</b>
17/03/2010	Rebranding Community Consultation - Wyndham
18/03/2010	Rebranding Community Consultation – Kununurra
19/03/2010	Women in Local Government Evening
23/03/2010	CEO Review
26/03/2010	KCCI Business After Hours Event – Leighton Announcement
08/04/2010	Farewell Evening for Alex Douglas
13/04/2010	Airport Stakeholders Meeting
13/04/2010	Airport Committee Meeting
14/04/2010	Westpac Bank Official Opening
16/04/2010	Shire By-Election Count
16/04/2010	KCCI Business After Hours Event - Slingair
19/04/2010	KDHSC Public Meeting
20/04/2010	Liquor Accord Meeting
20/04/2010	Council Meeting
20/04/2010	Budget Review Meeting

### **COUNCIL DECISION**

**Minute No:** 9122

**Moved:** Cr K Torres

**Seconded:** Cr J Parker

***That the Elected Member Report from Cr D Ausburn be accepted.***

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

## 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: 9123**

**Moved: Cr D Auburn**

**Seconded: Cr K Wright**

***That Item No. 15.1 Proposed Relocation of Paddleboat Hire Location at Lake Kununurra, Kununurra and Item No. 15.2 Proposed Recycled Clothing Itinerant Vendor – Wyndham and Kununurra.***

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

**Minute No: 9124**

**Moved: Cr R Addis**

**Seconded: Cr D Ausburn**

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

***That the meeting be adjourned whilst the Officer distributes the Items attachment.***

***The meeting was adjourned at 7:30pm.***

**Minute No: 9125**

**Moved: Cr K Torres**

**Seconded: Cr R Addis**

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

***That the meeting be resumed at 7:32pm.***

***The meeting was resumed at 7:32pm.***

## 15.1 PROPOSED RELOCATION OF PADDLEBOAT HIRE LOCATION AT LAKE KUNUNURRA, KUNUNURRA

<b>DATE:</b>	20 April 2010
<b>PROPONENT:</b>	William Butler
<b>LOCATION:</b>	Lake Kununurra Foreshore, Kununurra
<b>AUTHOR:</b>	Jennifer Ninyette, Town Planning Officer
<b>REPORTING OFFICER:</b>	Ian D'Arcy, Executive Manager Development Services
<b>FILE NO:</b>	01.2860.05
<b>ASSESSMENT NO:</b>	A2860

### **PURPOSE**

For Council to consider a request to relocate an existing paddleboat operation from Celebrity Tree Park to a portion of the Foreshore and Recreation Reserve 41812 opposite the Victoria Hwy - Messmate Way.

### **BACKGROUND**

The Shire has received an application for planning approval from the Kununurra Paddleboat Company (William Butler) to relocate their paddleboat hire operation from Celebrity Tree Park to a portion of the foreshore opposite the Victoria Hwy - Messmate Way intersection. A plan showing the proposed land based licence and mooring area is shown at Attachment 1.

Mr Butler wishes to relocate to this site, as it is more prominent to passing traffic and will provide for easier access from the existing car park to the paddleboat loading and mooring areas.

The planning application is to allow for the low impact use of setting up a table with umbrella and chairs during hours of operation. Mr Butler's trailer will act as portable signage during hours of operation, limited to daylight hours each day of the week. However actual hours of operation will be dependent on demand.

The applicant has also advised that a removable loading ramp will provide for access onto the paddleboats.

### **STRATEGIC IMPLICATIONS**

The Council has recently initiated the formation of a technical working group to review the Lake Kununurra Foreshore Plan, which will specifically focus on the development of a plan for the water that complements the overall land use plan. This is due to the increasing commercial and recreational activity generating the risk for conflict 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.

Therefore, in the medium term the Foreshore Plan review will identify appropriate sites for the different types of activities, such as non-powered craft versus powered hire craft.

## **STATUTORY IMPLICATIONS**

### **Deed of Licence**

The current deed of licence for the permitted use of paddle/pedal boat hire was issued by the Department of Water and the Shire of Wyndham East Kimberley, which at the time jointly managed Reserve 41812. This licence commenced on 1 January 2008 for a 3 year term, which terminates on 31 December 2010.

It is anticipated that the foreshore review will provide clarification for the appropriate sites/location for this type of activity, before the expiry of this licence, and can be taken into consideration for any future licensing of the nature of the applicant's business.

Therefore, in the interim it is considered that Mr Butlers' request to relocate can be considered as an amendment to the 'premises' (Clause 2.2) under the current licence agreement; although, the Department of Water's agreement to amend the licence will also be required to validate this change.

For information the current licence also states under Clause 6.1:

- 6.1 At the direction of the Licensor, the Licencee shall relocate to foreshore in the vicinity of the Kununurra Visitor's Centre if and when this centre is constructed adjacent to Lily Creek Lagoon.*

### **Development Approval**

The proposed operation area, is portion of Reserve 41812 and Lily Creek Lagoon, reserved 'Special Foreshore' and 'Waterway Reserve' respectively under the Shire's Town Planning Scheme No.7.

The Scheme states that where an application for a planning approval is made, in respect to land within a Reserve, the Council shall have regard to the ultimate purposes intended for the Reserve. Furthermore, 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, any use or development within a waterway, including foreshore land, requires planning consent to be granted by the Council after having consulted with other government agencies that have a vested interest.

Specifically, the application is for the 'use' of the land to, set up a table and chairs and moor paddleboats, as opposed to developing the foreshore and is therefore considered to be a low impact use that will not adversely affect public recreation or the environment. Additionally, the location is considered to be more appropriate for the existing paddleboat activities, than the current location at Celebrity Tree Park.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

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

## **COMMUNITY CONSULTATION**

Community consultation is not required in relation to this application.

However the review of the Lake Kununurra Foreshore Plan will involve community consultation to receive public comment and input into the review process.

### **COMMENT**

It is clear the applicant is seeking relocation of the paddleboats operation in order to improve visibility from Victoria Highway and accessibility for customers. Whilst it is accepted the selected location has merit, it is important any approval to relocate is based on an interim arrangement until the review of the Lake Kununurra Foreshore Plan is complete.

From the outset it is important the applicant understands that as a result of the Foreshore Review the Council may act on any recommendation from this process that could have implications for the applicant's business.

With this said, the Council has the ability under the current licence agreement to allow relocation of this low impact use, subject to agreement from the Department of Water.

Therefore, on this understanding it is recommended that Council approve the requested relocation, and refer the request for modification of the current licence, to the Department of Water for endorsement.

### **ATTACHMENTS**

Attachment 1 – Proposed paddleboat operation and mooring area

### **VOTING REQUIREMENT**

Simple Majority

### **RECOMMENDATION**

That Council:

1. Grant approval for the use of portion of Reserve 41812 adjacent to the intersection with Victoria Highway for paddleboat hire to W Butler, in accordance with the plan at Attachment 1.
2. Subject to consent from the Department of Water, amend the existing deed of licence to reflect the new location as the premises and licence area plan for the remaining term of the licence.
3. Review the applicants licence agreement upon the development of a water use management plan being undertaken as part of the review of the Lake Kununurra Foreshore Plan.
4. Inform the applicant that as a result of the Lake Kununurra Foreshore Plan review the Council may act on any recommendation from this process that could have implications for the current paddleboat hire business under a renewed licence agreement.

Officer's Recommendation lapsed for want of a mover.

Cr R Addis proposed at alternate motion.

**COUNCIL DECISION**

**Minute No: 9126**

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

***That the application for relocation of the license be refused pending the outcome of the Foreshore Technical Group report.***

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

**Minute No: 9127**

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

***That Council refuse the application for relocation of the license pending the outcome of the Foreshore Technical Group report.***

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

**ATTACHMENT 1**



**PROPOSED PADDLEBOAT HIRE OPERATION AREA - BUTLER**

## 15.2 PROPOSED RECYCLED CLOTHING ITINERANT VENDOR - WYNDHAM AND KUNUNURRA

<b>DATE:</b>	20 April 2010
<b>PROPONENT:</b>	JA & PD Melville
<b>LOCATION:</b>	16 Ironwood Drive 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>	
<b>ASSESSMENT NO:</b>	

### **PURPOSE**

The purpose of this report is for Council to consider an application for an itinerate vendor to sell recycled clothing in Wyndham and Kununurra, trading from Shire Reserve land.

### **BACKGROUND**

The Council is in receipt of an application seeking approval for an itinerant vendor to sell recycled clothing and manchester from a 4WD vehicle and tandem trailer. It is understood this business previously traded as the 'Clothing Shed' in the mixed business area of town.

As outlined in the application, the proposal involves the parking of the vehicles at 16 Ironwood Drive in Kununurra and the trading on every second Thursday; alternating in Kununurra and Wyndham. Intermediate trading is proposed to be conducted on Thursdays in Warmun and Timber Creek. The applicant has indicated a desire to trade from White Gum Park and the Town Oval in Kununurra, and the Town Oval in Wyndham.

A copy of the application including projected dates for trading is provided as Attachment 1 to this report.

The application was presented to a briefing session on the 06 April 2010 where the Council acknowledged the sale of recycled clothing serves an important part of the community, yet also acknowledged the Red Cross and Salvation Army shops that incur greater overheads. On this basis the Council indicated a preference for this type of business activity to be conducted at the Wyndham and Kununurra markets, which usually occur on Saturday morning.

Since the briefing session the it has been realised through an advert in the Kimberley Echo that the proponent is selling the business.

An attempt to contact the applicant to convey the Council's sentiment has not proven successful at the time of writing this report. Therefore, this item is being presented to Council for a formal determination.

### **STRATEGIC IMPLICATIONS**

Nil

## **STATUTORY IMPLICATIONS**

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

The proponent's house is zoned 'Residential' in the Town Planning Scheme No. 7 while the proposed Home Occupation is a 'P' (permitted) use in the zone, it is subject to a number of conditions as outlined in the definition for a home occupation:

***home occupation***” means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which —

- (a) does not employ any person not a member of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighborhood;
- (c) does not occupy an area greater than 20 square metres;
- (d) does not display a sign exceeding 0.2 square metres;
- (e) does not involve the retail sale, display or hire of goods of any nature;
- (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighborhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (g) does not involve the use of an essential service of greater capacity than normally required in the zone;

Clause (e) does not apply to this application as the retail sale will not take place from applicant's residence.

### Activities in Thoroughfares and Public Places and Trading Local Law 2005

Clause 5.8 (2) of the Council's Local Law 'Activities in Thoroughfares and Public Places and Trading Local Law 2005' stipulates that a stallholder or trader shall not attempt to conduct a business within a distance of 300 metres of any shop or permanent place of business that is open for business and has for sale any goods of the kind being offered for sale by the stallholder or trader.

Additionally, the trading on privately owned land, or land vested in a government agency, or within a thoroughfare under the management of the Main Roads Department, will require the consent of the rightful custodian, prior to the Council granting approval.

## **POLICY IMPLICATIONS**

There is no uniform policy to regulate home occupation, itinerant and mobile vendor and traders at present. However, staff are in the process of preparing a draft Local Planning Policy in relation to home occupations and itinerant vendors/traders with the view to presenting this draft policy to the Council for consideration in the near future.

## **FINANCIAL IMPLICATIONS**

A \$55 Home Occupation renewal 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 the home occupation only involves the parking of a tandem trailer and 4WD vehicle the applicant's residence, without compliant from neighbouring or nearby residents.

## **COMMENT**

It is important that the Council (should it support this proposal) select appropriate locations where the trading activity will not conflict with other commercial businesses or generate traffic concerns and/or safety issues. Hence, the selection of White Gum Park and the Town Oval in Kununurra are not considered suitable given their relative proximity to the Town Centre and established businesses that sell the same or similar products, such as the Red Cross Shop and Salvation Army Shop. With respect to the Wyndham Town (Football) Oval this concern does not apply.

On the matter of fair competition, the sentiment expressed by Council at the Briefing is that this activity should form part of the weekend markets, when trading in Kununurra and Wyndham, is supported. This view is largely based on:

- (a) a genuine concern that approval of this application may result in an emerging trend of itinerant vendors seeking to sell other goods and services from mobile vehicles, to the detriment of existing small business communities in Wyndham and Kununurra; and
- (b) the intent of the proponent to offer the business for sale, as a going concern whilst apparently speculating on the approval to trade. In this regard it is important the applicant understand that any approval granted by Council is based on a home occupation and itinerant vendors licence, which is a limited of 12 months and not transferable.

Therefore, in consideration of the above it is recommended the Council should not support the application for the proposed home occupation/itinerant vendor licence to sell recycled clothing and manchester, and offer alternative advice that trading at the weekend markets in Wyndham and Kununurra, and in remote small towns and communities is supported.

## **ATTACHMENTS**

Attachment 1 – Planning Application - Home Occupation and Itinerant Vendor Licence

## **VOTING REQUIREMENT**

Simple Majority

## **RECOMMENDATION**

That Council:

1. Refuse planning consent for a Home Occupation and Itinerant Vendor Licence to sell recycled clothing and manchester based at 16 Ironwood Drive Kununurra and trading from White Gum Park or the Kununurra Town Oval and the Wyndham Town Oval as:
  - (a) There is a potential conflict with existing small retail businesses that sell the same or similar goods;
  - (b) Approval of the application may result in an emerging trend of itinerant vendors seeking to sell other goods and services from mobile vehicles to the detriment of the existing small business communities in Wyndham and Kununurra;
2. Advise the applicant that it supports the sale of recycled clothing and manchester at the weekend markets in Wyndham and Kununurra and in remote small towns and communities where there is limited retail services and no potential conflict to fair trade with established local businesses.

### **COUNCIL DECISION**

**Minute No: 9128**

**Moved: Cr J Parker**

**Seconded: Cr K Torres**

**That Council:**

1. ***Refuse planning consent for a Home Occupation and Itinerant Vendor Licence to sell recycled clothing and manchester based at 16 Ironwood Drive Kununurra and trading from White Gum Park or the Kununurra Town Oval and the Wyndham Town Oval as:***
  - (a) There is a potential conflict with existing small retail businesses that sell the same or similar goods;***
  - (b) Approval of the application may result in an emerging trend of itinerant vendors seeking to sell other goods and services from mobile vehicles to the detriment of the existing small business communities in Wyndham and Kununurra; and***
2. ***Advise the applicant that it supports the sale of recycled clothing and manchester at the weekend markets in Wyndham and Kununurra and in remote small towns and communities where there is limited retail services and no potential conflict to fair trade with established local businesses.***

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

**ATTACHMENT 1**



**SHIRE OF WYNDHAM EAST KIMBERLEY**

**APPLICATION FOR A TRADER'S PERMIT**

SHIRE OF WYNDHAM EAST KIMBERLEY LOCAL LAWS 2003

This form and payment of application fees is NOT approval to trade. To ensure you receive approval, submit this form with the appropriate payment at least 7 days before you wish to begin trading.

**Particulars of Applicant**

Name JAMELVILLE B.P.O. Melville  
 Business name (if applicable) T/AS The Recycled Clothing shed.  
 Postal Address P.O. Box 1922 KNX Post Code 6743  
 Lot No. \_\_\_\_\_ Street No. 16 Street Name Ironwood Drive  
 Suburb Kununurra W.A. 6743  
 Phone 08 9169 1425 Fax \_\_\_\_\_  
 Email theclothingshed@bigpond.com Mobile \_\_\_\_\_

**Particulars of Stall**

Types of Goods or Services to be sold: Recycled clothing & Manchester.

Address at which food will be prepared  
 NB: if different from Residential address

Vehicle Registration: N/A  
1CTG-369 Car - 1BR 787 trailer

Size of stall: 1 4WD Landcruiser x 1 tandem trailer see picture Attach

Method of Construction: Mobile Shop Trailer. Open Doors & Racks

Place in which Stall to be set up Whitegum Park or town Oval Kununurra Wyndham

Date of operation: 1 Thursday in every month

Time of operation: 9am - 2pm

**Particulars of People working at Stall**

Names: Jennifer Melville. Owner/operator.

**Declaration**

(Making a false statement may be an offence)

The applicant named above hereby applies for the issue of him/her of a Trader's Permit in respect of the stall mentioned above. I/We declare that all details in this form are true and correct.

Signature of applicant/s [Signature] Date: 1/3/2010  
 Signature of applicant/s [Signature] Date: 1/3/2010

**OFFICE USE ONLY - NOTE APPLICATION CAN NOT BE PROCESSED UNTIL FEES ARE PAID IN FULL**

Date Received	<u>- 2 MAR 2010</u>
Fees Paid	
Receipt No	
General Ledger Account	
EHO Approved	

DA28/10.

Document No	<u>069378</u>
Officer	<u>TPO</u>
Response	
File	
Licence Issued	

Traders Application Form

Reviewed 21/10/08

1 of 1

Whitegum Park - 01.2152.02  
KNX Oval - 01.2153.02  
WYN Oval - 01.5214.02

**The Recycled Clothing Shed  
Mobile Trailer  
Times and Locations if Approved**

- 1 Thursday in every month. Kununurra location

March 25<sup>th</sup>

April 22<sup>nd</sup>

May 6<sup>th</sup>

June 3<sup>rd</sup>

July 1<sup>st</sup>

August 12<sup>th</sup>

- 1 Thursday in every month Wyndham location

April 8<sup>th</sup>

May 20<sup>th</sup>

June 17<sup>th</sup>

July 15<sup>th</sup>

August 26<sup>th</sup>

The other two Thursday will be operating from  
Warmun and Timber creek.



Moved: Cr J Parker  
Seconded: Cr D Ausburn

CARRIED UNANIMOUSLY: (7/0)

Cr K Wright requested a late item be accepted.

With reference to the Liquor Accord and gambling issues within Kununurra:

That Council write to the Police Minister with a copy to the District Inspector insisting that police react in a fashion similar to Perth or Northbridge.

**COUNCIL DECISION**

**Minute No: 9129**

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

***With reference to the Liquor Accord and gambling issues within Kununurra:***

***That Council write to the Police Minister with a copy to the District Inspector insisting that police react in a fashion similar to Perth or Northbridge.***

**CARRIED: 5/2**

**FOR: Cr J McCoy**  
**Cr D Ausburn**  
**Cr K Torres**  
**Cr J Parker**  
**Cr K Wright**

**AGAINST: Cr J Moulden**  
**Cr R Addis**

**16. MATTERS BEHIND CLOSED DOORS**

Nil

**17. CLOSURE**

With all matters of business complete, the Deputy President declared the meeting closed at 7:48pm.