



## **MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON 18 MAY 2010**

I hereby certify that the Minutes of the Ordinary Council Meeting 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, 18 MAY 2010 AT 6:00 PM

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

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

### 2. RECORD OF ATTENDANCE

Cr F Mills	Shire President
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
B Weaver	Executive Assistant (Minute Taker)
I D'Arcy	Director Development Services
R Williams	Acting Director Infrastructure Services
K Apperley	Director Community Development
J Ellis	Director Corporate Services

### GALLERY

Bradley Callanan  
Donna Worthington

### APOLOGIES

Nil

### LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Nil

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

- **Financial Interest**

Cr K Wright declared a Financial Interest in Item 12.4.2 Proposed Amendment 35 to TPS No. 7 – Bull Run Road Rezoning as he is a Director of a Company that owns property in the area.

Cr F Mills declared a Financial Interest in Item 12.4.2 Proposed Amendment 35 to TPS No. 7 – Bull Run Road Rezoning due to being employed by Keith Wright who is a Director of a Company that owns property in the area.

Cr F Mills declared a Financial Interest in Item 12.4.6 Proposed Development Control Policy 6 – Mobile and Itinerant Vendors as he runs a Market food stall.

Cr R Addis declared a Financial Interest in Item 12.4.3 Draft Local Planning Policy 10 – Rural Living, Special Rural and Rural Smallholding Development Standards as he is a landowner.

Cr R Addis declared a Financial Interest in Item 15.5 Proposed Community Layout Plan – Kandiwal Community due to his employer having a sub-lease on the Reserve.

- **Impartiality Interest**

Nil

- **Proximity Interest**

Nil

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

Nil

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

Nil

### **6. PETITIONS**

Nil

## 7. APPLICATIONS FOR LEAVE OF ABSENCE

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### **COUNCIL DECISION**

*Minute No: 9136*

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

*That a leave of absence is approved for Cr K Torres for the Ordinary Council Meeting to be held on 22 June 2010.*

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

*Minute No: 9137*

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

*That a leave of absence is approved for Cr R Addis for the Ordinary Council Meeting to be held on 22 June 2010.*

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

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## 8. CONFIRMATION OF MINUTES

### **8.1 CONFIRMATION OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON 20 APRIL 2010**

#### **RECOMMENDATION**

That Council confirm the Minutes of the Ordinary Council Meeting held on 20 April 2010.

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### **COUNCIL DECISION**

*Minute No: 9138*

*Moved: Cr K Wright  
Seconded: Cr K Torres*

*That Council confirm the Minutes of the Ordinary Council Meeting held on 20 April 2010.*

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

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**8.2 CONFIRMATION OF MINUTES OF SPECIAL COUNCIL MEETING HELD ON 27 APRIL 2010**

**RECOMMENDATION**

That Council confirm the Minutes of the Special Council Meeting held on 27 April 2010.

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**COUNCIL DECISION**

**Minute No: 9139**

**Moved: Cr K Wright**

**Seconded: Cr D Ausburn**

That Council confirm the Minutes of the Special Council Meeting held on 27 April 2010.

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

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

The Shire President announced that the Shire of Wyndham East Kimberley was presented with a display shovel for the Commencement of Works on the Ord East Kimberley Expansion Project – 14 May 2010.

**10. DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

Nil

**11. MINUTES OF COUNCIL COMMITTEE MEETINGS**

**11.1 MINUTES OF AUDIT COMMITTEE MEETINGS**

**11.1.1 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 11 MAY 2010**

**RECOMMENDATION**

That Council note the unconfirmed Minutes of the Audit Committee Meeting held on 11 May 2010.

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**COUNCIL DECISION**

**Minute No: 9140**

**Moved: Cr D Ausburn**

**Seconded: Cr J Parker**

**That Council note the unconfirmed Minutes of the Audit Committee Meeting held on 11 May 2010.**

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

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**11.2 MINUTES OF AIRPORT COMMITTEE MEETINGS**

Nil

## 12. REPORTS

### 12.1 MATTERS ARISING FROM COMMITTEES OF COUNCIL

#### 12.1.1 MATTERS ARISING FROM AUDIT COMMITTEE MEETING HELD ON 11 MAY 2010

<b>DATE:</b>	18 May 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>	61.34.04
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

To consider recommendations from Council's Audit Committee.

#### **BACKGROUND**

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

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

#### **STATUTORY IMPLICATIONS**

Local Government Act 1995 – Section 7.1A

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

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

#### **STRATEGIC IMPLICATIONS**

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

#### **COMMUNITY CONSULTATION**

Community Consultation is not required in relation to this item.

## **COMMENT**

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

## **ATTACHMENTS**

1. Sundry Debtors as at 5 May 2010.
2. Policy F11 – Cheque and Electronic Payment Signing Authority.
3. Draft Administrative Policy – Authorisation and Payment of Accounts.
4. Actions to be taken in relation to results of Audit for the Year Ended 30 June 2009.

## **VOTING REQUIREMENT**

Simple Majority

### **AUDIT COMMITTEE RECOMMENDATION 1**

That Council:

1. Acknowledges that the Audit Committee has reviewed the listing of 90 Day Sundry Debtors and reports to Council that the actions being undertaken by the administration in regard to 90 Day Sundry Debtors are sufficient and appropriate and no further actions are recommended at this time with the exception of debtor 82899.
2. Requests the Chief Executive Officer to firstly meet with and secondly correspond with the management of debtor 82899 in regard to practice of paying outside of Councils payment terms on a consistent basis.

### **AUDIT COMMITTEE RECOMMENDATION 2**

That Council acknowledges that the actions being undertaken by the administration in regard to debts under legal action are appropriate and sufficient and that no additional actions are recommended in relation to these debts at this time.

### **AUDIT COMMITTEE RECOMMENDATION 3**

That Council Repeals Policy F11 – Cheque and Electronic Payment Signing Authority.

### **AUDIT COMMITTEE RECOMMENDATION 4**

That Council having ensured that appropriate actions and progress is being made in relation to results of audit for the year ended 30 June 2009, adopts the report to be forwarded to the Minister of Local Government by 30 June 2010.

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**COUNCIL DECISION**

**Minute No: 9141**

**Moved: Cr K Wright**

**Seconded: Cr D Ausburn**

**1. That Council:**

- 1.1 Acknowledges that the Audit Committee has reviewed the listing of 90 Day Sundry Debtors and reports to Council that the actions being undertaken by the administration in regard to 90 Day Sundry Debtors are sufficient and appropriate and no further actions are recommended at this time with the exception of debtor 82899.**
- 1.2 Requests the Chief Executive Officer to firstly meet with and secondly correspond with the management of debtor 82899 in regard to practice of paying outside of Councils payment terms on a consistent basis.**

**2. That Council:**

***Acknowledges that the actions being undertaken by administration in regard to debts under legal action are appropriate and sufficient and that no additional actions are recommended in relation to these debts at this time.***

**1. That Council:**

***Repeals Policy F11 – Cheque and Electronic Payment Signing Authority.***

**2. That Council:**

***Having ensured that appropriate actions and progress is being made in relation to results of audit for the year ended 30 June 2009, adopts the report to be forwarded to the Minister of Local Government by 30 June 2010.***

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

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**Attachment 1  
Sundry Debtors as of 5 May 2010**

<b>Debtor Number</b>	<b>90 Days</b>	<b>Balance as at 5 May 2010</b>	<b>Debt Collection Status for Debts over 90 Days</b>
82899	<b>85,829.68</b>	283,839.03	Rang and left message
81714	<b>96.19</b>	2,232.21	Faxed through copies of invoices
132	<b>585.00</b>	594.37	Attempting to locate customer
96224	<b>11,000.00</b>	11,000.00	Awaiting advice from Management
83026	<b>73.50</b>	116.87	Attempting to locate customer.
96383	<b>3,873.54</b>	3,943.58	Faxed through copies of invoices
7	<b>33.00</b>	34.76	Being disputed
82571	<b>50.19</b>	69.28	Faxed through copies of invoices
96468	<b>210.50</b>	213.80	First letter sent
96479	<b>420.00</b>	428.23	Coming in to pay
81444	<b>200.00</b>	200.05	Disputing charges
82043	<b>283.50</b>	591.68	Going to pay 7 May 2010
129	<b>21.00</b>	21.41	Unable to contact
82928	<b>126.00</b>	128.47	Attempting to locate customer
80737	<b>199.00</b>	203.62	Unable to locate – debt from 2008
56	<b>92.40</b>	94.55	Unable to locate
82949	<b>817.00</b>	1,812.96	Sent through copy of invoices.
126	<b>52.50</b>	53.72	Attempting to locate customer
80165	<b>19,630.55</b>	19,630.55	Paying \$125.00 week as per agreement
98563	<b>10,800.00</b>	10,959.48	Refer Agenda Item Debts Under Legal Action.
96352	<b>1,014.51</b>	2,686.60	Attempting to get account back into 30 days
96375	<b>407.50</b>	1,207.22	Second letter sent
81455	<b>400.00</b>	400.00	Rang and left a message
86188	<b>1,060.50</b>	1,089.69	Need to send second letter
	<b>\$137,275.64</b>	<b>\$341,552.12</b>	

## Attachment 2 – Policy F11

<b>POLICY No:</b>	<b>F11</b>
<b>DIVISION</b>	<b>Finance</b>
<b>SUBJECT:</b>	<b>Cheque and Electronic Payment Signing Authority</b>
<b>REPORTING OFFICER</b>	<b>Director Finance &amp; Administration</b>
<b>ENABLING LEGISLATION</b>	

### **OBJECTIVE:**

To facilitate an efficient and timely cheque signing facility without disruption or compromise to the security of Council payments.

### **POLICY:**

Municipal Fund and Trust Fund cheques are to be signed by:

Council Officers

- Chief Executive Officer
- Executive Manager, Corporate and Community Services
- Accountant
- Senior Administration Officer

Council

- Members of the Council's Audit Committee

All cheques will require at least one signatory to be a Councillor.

All electronic payments, excluding payroll, must be view and approved by an authorised Council Officer and a Councillor prior to being processed by the Shire's bank.

**ADOPTED: 17/07/1997**

**REVIEWED:**

**AMENDED:**

## Attachment 3 – Draft Administrative Policy



# *Shire of Wyndham East Kimberley* **Administrative Policy Number: AP/FIN-xxx** **Authorisation and Payment of Accounts**

### **OBJECTIVE:**

#### Statement of intent

To ensure efficient and timely authorisation and payment of accounts and to ensure security of Council Funds.

### **POLICY:**

#### Scope & Limitations

This policy applies to payments from the Municipal and Trust Funds including Electronic Funds Transfer, Cheque Payments and transfers between Shire Bank Accounts.

#### Background

Local Government (Financial Management) Regulations 1995

#### 11. Payment of accounts

- (1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —
  - (a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and
  - (b) petty cash systems.
- (2) A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so.
- (3) Payments made by a local government —
  - (a) subject to subregulation (4), are not to be made in cash; and
  - (b) are to be made in a manner which allows identification of —
    - (i) the method of payment;
    - (ii) the authority for the payment; and
    - (iii) the identity of the person who authorised the payment.
- (4) Nothing in subregulation (3)(a) prevents a local government from making payments in cash from a petty cash system.

#### Guiding Statement

The following Officers are authorised to act as signatories to the Shire of Wyndham East Kimberley banks accounts.

- Chief Executive Officer.
- Director Corporate Services.
- Manager Financial Services.

- Team Leader Financial Services.
- Senior Finance Officer.

Two Officers must sign each transaction with one of these Officers the Chief Executive Officer, Director of Corporate Services or Manger Finance.

All payments must be supported by adequate source documentation that details:

- The payee's name and ABN;
- The amount of the payment;
- The date of the transaction;
- Sufficient information to identify the transaction including a description of the goods or services provided; and
- Purchase Order cross reference (where relevant).

Source documentation includes:

- Creditors Invoices
- Cheque/Payment Requests (internally generated)
- Credit Card Statements and accompanying receipts
- Petty Cash Reconciliations and accompanying receipts
- Payroll Reports

All payments, excluding payroll, are to be processed using the Creditors Module in Synergy Soft and may be paid via Municipal Fund or Trust Fund Cheques or by Electronic Funds Transfer from the Municipal Fund.

Prior to being entered into Synergy Creditors Module for payment all supporting documentation must be:

- Endorsed by the Officer who received the goods or service;
- Certified as approved for payment by an Officer with relevant delegated authority to purchase as per Council Delegation 97 – Authority to Order. The identity of the person authorising the payment must be clear on the supporting documentation.
- Checked for accuracy and completeness by the Creditors Officer.

Creditor Payments are generally processed in batches. The Creditors Officer is to attach all supporting documentation to the Batch Payment Reports and endorse the report to demonstrate that the report has been checked to supporting documentation.

Payroll is to be processed using the Payroll Module in Synergy Soft and paid by Electronic Funds Transfer from the Municipal Fund.

- All payroll source documentation, including timesheets and payroll adjustments must be signed off by the relevant manager or the Manager Organisational Development.
- Final Payroll Reports that summarise the payroll are to be endorsed by the Payroll Officer and Certified as checked and approved by the Manager Organisational Development.

Prior to uploading the Electronic Funds Transfer to the bank software or signing of Cheques, the batch payment report and supporting documentation or payroll report is to be checked and signed off by two Officers authorised to act as bank signatories. Supporting documentation should clearly identify the Officers authorising the payment.

All payments are to be filed and ready for review within 24 hours of the payment being approved.

In preparation of the List of Accounts Paid Under Delegation 18 all payments appearing on the list should be set aside and available for Councillors to review.

Councillors may make an appointment to view the payments with the Director of Corporate Services or Manager Financial Services and the Listing of Accounts and files of payments will be made available to be viewed at the Kununurra Office. Any questions in regard to payments must be through the Director Corporate Services or in their absence the Manager Financial Services or Chief Executive Officer.

#### Outcomes

All payments from the Municipal and Trust Funds must be signed by two authorised Officers based on appropriate supporting documentation signed off by purchasing officers within delegated authority.

#### **POLICY ADMINISTRATION**

<b>Directorate</b>		<b>Officer Title</b>		<b>Contact:</b>	
Corporate Services		Director Corporate Services		Ext: 108	
<b>Date Effective</b>	DD/MM/YYYY				
<b>Date Endorsed</b>	DD/MM/YYYY	<b>Last Reviewed</b>		DD/MM/YYYY	
<b>Risk Rating</b>	High	<b>Review Cycle</b>	Bi-Annual	<b>Next Due</b>	May 2012
<b>Legislative Compliance</b>	LG Act 1995 – Section 6.10 LG (FM) Regs – 11. Payment of Accounts				
<b>Organisational Compliance</b>	Delegations Manual – Delegation 18 Payment of Creditors - Delegation 97 Authority to Order				
<b>Process Links</b>	N/A				

**Attachment 4 - Actions be taken in relation to the results of Audit for the Year Ended 30 June 2009**

**Audit Issue** - *Annual and Primary Returns of Councillors and Staff.*  
 Upon review of the Financial Interests Register and the Primary and Annual Returns of Councillors and Staff, it was noted various sections of the return were blank. In addition the return of one employee could not be found in the Financial Interest Register.

**Management Response** – *Annual and Primary Returns of Councillors and Staff.*

1. The requirement to complete all sections, including those with no disclosure is noted.
2. The employee submitted two annual returns with the same date range in error.  
 This has been amended and all returns are now on file with the correct dates.

Action Required (Minute 8910)	Responsible Officer(s)	Actions taken to Date
Letters to Councillors and Staff requesting the Annual Returns be completed will include relevant guidance regarding leaving blanks in the return.	PA to CEO	Letters are yet to be sent as the audit report was issued in November 2009 and the Annual Returns are due in August each year.
All Annual Returns will be checked by the Executive Support Officer to ensure compliance.	PA to CEO	No Annual Returns have been received since the audit report was issued.

**Audit Issue** - *Convening Electors' Meetings.*  
 The CEO did not give at least 14 days local public notice of the electors meeting held in December 2008.

**Management Response** – *Convening Electors' Meetings.*  
 Management acknowledges that the notice in the Kimberley Echo was not 14 days prior to the Annual Electors Meeting, however 14 days notice was given by way of Public Notices on notice boards in Wyndham and Kununurra.

Action Required (Minute 8910)	Responsible Officer(s)	Actions taken to Date
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## 12.2 CORPORATE SERVICES

### 12.2.1 LIST OF ACCOUNTS PAID UNDER DELEGATION 18

<b>DATE:</b>	18 May 2010
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire Of Wyndham East Kimberley
<b>AUTHOR:</b>	Sue Dillon, Senior Finance Officer
<b>REPORTING OFFICER:</b>	Jo-Anne Ellis, 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 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**

Not Applicable

## **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 39502 - 39535 (15 – 30 April 2010)	\$92,488.39
Trust cheques 29 - 35 (12 – 30 April 2010)	\$60,435.59
Municipal EFT108884 – EFT 109116 (9 – 29 April 2010)	\$1,372,839.46
Trust EFT500033 – EFT 500036 (28 – 30 April 2010)	\$27,892.75
Payroll (1 – 30 April 2010)	\$311,492.96
Direct bank debits (1 – 30 April 2010)	\$24,263.63
<b>Total</b>	<b>\$1,889,412.78</b>

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**COUNCIL DECISION**

**Minute No: 9142**

**Moved: Cr J Parker**

**Seconded: Cr J Moulden**

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

<b>Municipal cheques 39502 - 39535 (15 – 30 April 2010)</b>	<b>\$92,488.39</b>
<b>Trust cheques 29 - 35 (12 – 30 April 2010)</b>	<b>\$60,435.59</b>
<b>Municipal EFT108884 – EFT 109116 (9 – 29 April 2010)</b>	<b>\$1,372,839.46</b>
<b>Trust EFT500033 – EFT 500036 (28 – 30 April 2010)</b>	<b>\$27,892.75</b>
<b>Payroll (1 – 30 April 2010)</b>	<b>\$311,492.96</b>
<b>Direct bank debits (1 – 30 April 2010)</b>	<b>\$24,263.63</b>
<b>Total</b>	<b>\$1,889,412.78</b>

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

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## LIST OF ACCOUNTS PAID UNDER DELEGATION 18

List of Accounts Submitted to Council 18 May 2010

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT108884	9/04/10	NPM GROUP PTY LTD T/AS ARK HOMES	PROGRESS PAYMENT # 6 CONSTRUCTION STAFF HOUSES	57,962.14
EFT108885	15/04/10	ADCORP	PROFESSIONAL APPOINTMENTS ADVERTISING	7,153.43
EFT108886	15/04/10	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	370.71
EFT108887	15/04/10	AUSTRAL MERCANTILE COLLECTIONS P/L	PROFESSIONAL FEES	9,083.35
EFT108888	15/04/10	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	189.00
EFT108889	15/04/10	AUTO CONTROL DOORS	AUTO DOOR SERVICE - KLC	226.05
EFT108890	15/04/10	AVP COMMERCIAL POOLS	PROGRESS CLAIM # 6 WYNDHAM POOL UPGRADE	13,475.00
EFT108891	15/04/10	ALLGEAR M/CYCLES & SMALL ENGINES	4 STROKE VAC BLOWER	530.10
EFT108892	15/04/10	BOSS FLUID POWER	20LTR DISINFECTANT CLEANER	140.89
EFT108893	15/04/10	BUSH CAMP SURPLUS STORES	PPE	427.80
EFT108894	15/04/10	CODA	COMPILE PROPOSAL FOR PROJECT BRIEF NEW SWEK BLDG	4,042.17
EFT108895	15/04/10	COMMUNICATION & PROTECTIVE SOL.	PC PORT CABLING FOR P/COPIER	546.45
EFT108896	15/04/10	CORPORATE EXPRESS	FURNITURE TRANSPORTABLE OFFICE	4,710.94
EFT108897	15/04/10	COUNCILLOR DI AUSBURN	QUARTERLY COUNCILLOR PAYMENTS	2,350.00
EFT108898	15/04/10	COUNCILLOR JANE PARKER	QUARTERLY COUNCILLOR PAYMENTS	2,350.00
EFT108899	15/04/10	COUNCILLOR KEITH WRIGHT	QUARTERLY COUNCILLOR PAYMENTS	2,350.00
EFT108900	15/04/10	COURIER AUSTRALIA	FREIGHT FOR KNX LIBRARY	132.67
EFT108901	15/04/10	CR FRED MILLS	QUARTERLY COUNCILLOR PAYMENTS	6,850.00
EFT108902	15/04/10	CR JACQUELYN F MCCOY	QUARTERLY COUNCILLOR PAYMENTS	2,350.00
EFT108903	15/04/10	CR KENNETH TORRES	QUARTERLY COUNCILLOR PAYMENTS	2,350.00
EFT108904	15/04/10	CRIPPS, KELLY	WATER SUBSIDY CLAIM 3/11/09 - 19/03/10	122.50
EFT108906	15/04/10	CANCELLED		0.00

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT108907	15/04/10	DAVEY TYRE & BATTERY SERVICE	TYRE & TUBES FOR RIDE ON MOWER	49.00
EFT108908	15/04/10	EAST KIMBERLEY PLUMBING	REPAIR PROTRUDING PIPES KLC	1,615.97
EFT108909	15/04/10	EAST KIMBERLEY HARDWARE	CLEANING PRODUCTS AIRPORT TERMINAL TOILETS	212.30
EFT108910	15/04/10	FUJI XEROX AUSTRALIA P/L	PRINTER CHARGES WYN REC CENTRE	19.86
EFT108911	15/04/10	FRANMOR CONSTRUCTIONS PTY LTD	INSTALLATION OF SECURITY SCREENS KNX DEPOT	2,853.45
EFT108912	15/04/10	GAULT, JOHN DOUGLAS	WATER SUBSIDY CLAIM 28/11/09 - 25/03/10	130.75
EFT108913	15/04/10	GULLIVERS TAVERN	LUNCH FOR BUDGET REVIEW MEETING	54.00
EFT108914	15/04/10	GELGANYEM LTD	BARRAMUNDI CONCERT 2010 GRANT	5,500.00
EFT108915	15/04/10	IAN DEMPSEY	SALARY PACKAGE REIMBURSEMENT	482.64
EFT108916	15/04/10	INTERCON MILLAR LOGISTICS	FREIGHT OF CHLORINE CYLINDERS WYN POOL	2,319.00
EFT108917	15/04/10	ICE AGE REFRIGERATION & AIRCON	REPAIR AIRCON 29 BOOBIALLA WY	77.00
EFT108918	15/04/10	JSW HOLDINGS PTY LTD	DELIVERY OF WATER TO LANDFILL SITE	308.00
EFT108919	15/04/10	JAB INDUSTRIES	EXCAVATOR HIRE	1,347.50
EFT108920	15/04/10	KIMBERLEY GROUP TRAINING	HOST EMPLOYERS CONTRIBUTIONS	1,633.28
EFT108921	15/04/10	KIMBERLEY MOTORS	TOURIST INFORMATION - WYNDHAM	690.60
EFT108922	15/04/10	KIMBERLEY WASTE SERVICES	EMPTY SKIP BIN KLC	300.00
EFT108923	15/04/10	KUNUNURRA HOME & GARDEN	VARIOUS HARDWARE ITEMS	131.74
EFT108924	15/04/10	KUNUNURRA LOCK & KEY	REPLACE LOCK ON ENTRY DOOR	456.80
EFT108925	15/04/10	KUNUNURRA MEDICAL	RANDOM DAMP TESTING - AIRPORT	145.20
EFT108926	15/04/10	KUNUNURRA PLUMBING & GAS FITTING	REPAIR LEAKING BACK WASH VALVE KLC	1,126.80
EFT108927	15/04/10	KUNUNURRA SECURITY SERVICE	PASSENGER SCREENING AND HEAD TAX 24/02/10 - 09/03/10	20,808.00
EFT108928	15/04/10	KIMBERLEY COMMUNICATIONS	RESET FM RADIO STATION	55.00
EFT108929	15/04/10	KIMBERLEY KOOL REFRIG & AIRCON	FIT NEW AIR CONDITIONER WYNDHAM AIRPORT	2,387.00
EFT108931	15/04/10	L.G.R.C.E.U	PAYROLL DEDUCTIONS	17.40
EFT108932	15/04/10	LANDGATE	GROSS RENTAL VALUATIONS 17/10/09 - 13/11/09	126.24

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT108933	15/04/10	LENNYS LANDSCAPE	TREE REMOVAL TOWN OVAL	783.75
EFT108934	15/04/10	MARTIN PRINT	BUSINESS CARDS	68.00
EFT108935	15/04/10	MCLEODS BARRISTERS AND SOLICITORS	PROFESSIONAL SERVICES	561.00
EFT108936	15/04/10	MEGAN HUNT	CLEANING VARIOUS LOCATIONS WYN	2,680.10
EFT108937	15/04/10	ORD RIVER ELECTRICS	DISTRIBUTION BOARD OVAL LIGHTS AT SPORTS CLUB	693.00
EFT108938	15/04/10	ORICA AUSTRALIA PTY LTD	CHLORINE	424.12
EFT108939	15/04/10	OUR COMMUNITY PTY LTD	ANNUAL SUBSCRIPTION EASY GRANTS NEWSLETTER	330.00
EFT108940	15/04/10	ORD FUEL SUPPLIES	FUEL PURCHASE KNX DEPOT	7,173.52
EFT108941	15/04/10	PIVOTEL	SATELLITE PHONE CHARGES	105.00
EFT108942	15/04/10	RACHEL WORNES	WATER SUBSIDY CLAIM 20/11/09 - 09/03/10	143.60
EFT108943	15/04/10	ROYAL LIFE SAVING (WA BRANCH)	BRONZE MEDALLION COURSE	79.20
EFT108944	15/04/10	RUMOURS PATISSERIE	LUNCH COMMUNITY SERVICE MEETING	165.00
EFT108945	15/04/10	SAVE THE CHILDREN	SENIOR FIRST AID COURSE	149.50
EFT108946	15/04/10	SHELF SUPPLY	PPE	896.00
EFT108947	15/04/10	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	580.00
EFT108948	15/04/10	SYNETRIX	MICROSOFT PROJECT 2007	8,024.50
EFT108949	15/04/10	SALLY JOHNSON	CLEANING OF PUBLIC TOILETS - WYNDHAM	1,230.00
EFT108950	15/04/10	THE SMART SECURITY COMPANY	MONITORING OF ALARMS	171.60
EFT108951	15/04/10	THINKWATER	RETICULATION PARTS	792.00
EFT108952	15/04/10	TNT AUSTRALIA PTY LIMITED	FREIGHT FOR WATER SAMPLES	13.87
EFT108953	15/04/10	TOLL EXPRESS	VARIOUS FREIGHT CHARGES	4,859.24
EFT108954	15/04/10	TONY'S PLUMBING & EXCAVATION P/L	UNBLOCK TOILET & REPAIR WATER SUPPLY	222.75
EFT108956	15/04/10	TST ELECTRICAL	ELECTRICAL REPAIRS - VARIOUS LOCATIONS KNX	2,142.00
EFT108957	15/04/10	TOWN AND COUNTRY DIESEL SERVICES	P305 GRADER TRANSMISSION REPAIRS	521.95
EFT108958	15/04/10	URBIS PTY LTD	LOCAL PLANNING SCHEME	1,653.45

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT108959	15/04/10	URS AUSTRALIA	HYDROLOGY STUDY	25,668.91
EFT108960	15/04/10	WA LOCAL GOVT SUPER PLAN	SUPERANNUATION CONTRIBUTIONS	22,202.47
EFT108961	15/04/10	WARINGARRI MEDIA ABORIGINAL CORP	STUDIO HIRE	110.00
EFT108962	15/04/10	WAYNE RICHARDS	WATER SUBSIDY CLAIM 20/11/09 - 19/03/10	59.40
EFT108963	15/04/10	WESTRAC EQUIPMENT PTY LTD	PARTS FOR LOADER P474	66.42
EFT108964	15/04/10	WHELANS	PROFESSIONAL SERVICES	7,612.00
EFT108965	15/04/10	WYNDHAM EXCAVATIONS	LOADER LANDFILL SITE	2,376.00
EFT108966	15/04/10	WYNDHAM SUPERMARKET	REFRESHMENTS FOR COUNCIL MEETING	29.65
EFT108967	16/04/10	HITACHI CONSTRUCTION MACHINERY	SUPPLY, DELIVERY, LICENSING JOHN DEERE 670G GRADER	371,800.00
EFT108968	16/04/10	NPM GROUP PTY LTD T/AS ARK HOMES	PROGRESS PAYMENT # 7 STAFF HOUSING	103,680.50
EFT108969	19/04/10	BOAB BABIES	FDC ESTABLISHMENT SUBSIDY PAYMENT	2,750.00
EFT108970	22/04/10	AUSFUEL	DIESEL TO DEPOT	9,534.60
EFT108971	22/04/10	AUST LOCAL GOVT JOB DIRECTORY	JOB ADVERTISEMENTS	792.00
EFT108972	22/04/10	AUSTRALIAN TAXATION OFFICE	BAS FEB 2010	74,289.00
EFT108973	22/04/10	AVDATA SERVICES	REPAIR AVDATA MACHINE WYNDHAM AIRPORT	88.00
EFT108974	22/04/10	ALLGEAR M/CYCLES & SMALL ENGINES	VISOR, DISC BLADE & THROTTLE CABLE	152.65
EFT108975	22/04/10	ARGYLE MOTORS	TOYOTA HILUX WY 13923	45,761.19
EFT108976	22/04/10	BOC GASES AUSTRALIAN LIMITED	GAS BOTTLE RENTAL FOR MARCH 2010	296.44
EFT108977	22/04/10	BUSH CAMP SURPLUS STORES	PPE	366.65
EFT108978	22/04/10	BEAUREPAIRES FOR TYRES	NEW TYRES FITTED, BALANCED P360 & WY12320	1,640.68
EFT108979	22/04/10	BILL BUTLER PAINTING & DECORATING	PAINTING AIRPORT OFFICE AREA	7,920.00
EFT108980	22/04/10	CENTURION TRANSPORT	VARIOUS FREIGHT CHARGES	815.17
EFT108981	22/04/10	COMMUNICATION AND PROTECTIVE SOL.	SET UP PHONE & CONNECTIONS KNX LANDFILL SITE	798.79
EFT108982	22/04/10	CORPORATE EXPRESS	VARIOUS STATIONERY ITEMS, DESKS YOUTH CENTRE	5,956.60
EFT108983	22/04/10	CR FRED MILLS	REIMBURSEMENT OF FOOD PURCHASED	154.25

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT108984	22/04/10	EAST KIMBERLEY PLUMBING	VARIOUS PLUMBING REPAIRS KNX ADMIN & KLC	3,954.54
EFT108985	22/04/10	EAST KIMBERLEY HARDWARE	VARIOUS HARDWARE ITEMS, HAND CLEANER	1,163.60
EFT108986	22/04/10	FRONTIER POST & NEWS	POSTAGE & PAPERS	109.50
EFT108987	22/04/10	FUJI XEROX AUSTRALIA P/L	PHOTOCOPIER CHARGES ENGINEERING DEPT	429.31
EFT108988	22/04/10	FIVE RIVERS CAFÉ	MORNING TEA FOR FAREWELL	80.00
EFT108989	22/04/10	GUERINONI & SON	GRADING OF VARIOUS ROADS	6,253.50
EFT108990	22/04/10	GARY GAFFNEY	REIMBURSEMENT OF MEALS	154.98
EFT108991	22/04/10	HART SPORT	GYM GEAR	1,068.00
EFT108992	22/04/10	IT VISION ITV	SYSTEM ADMINISTRATION TRAINING	9,566.59
EFT108993	22/04/10	IAN O'LEARY	REIMBURSEMENT OF RELOCATION COSTS	1,200.00
EFT108994	22/04/10	J BLACKWOOD & SON LIMITED	2 X TREACLE VALVES	295.92
EFT108995	22/04/10	JACK IN THE BOX	RE-BRANDING	1,059.30
EFT108996	22/04/10	JASON SIGNMAKERS LTD	VARIOUS SIGNS	2,006.29
EFT108997	22/04/10	JH COMPUTER SERVICES	PRINTER CARTRIDGES	651.26
EFT108998	22/04/10	JORRITSMA H & CO	COPPER CAPS	57.20
EFT108999	22/04/10	JSW HOLDINGS PTY LTD	CONCRETE FOR DRAINAGE REPAIRS	286.00
EFT109000	22/04/10	JAB INDUSTRIES	HIRE EXCAVATOR & SIDE TIPPER AT LANDFILL SITES	19,668.00
EFT109001	22/04/10	K & M ALLCLEAN	CLEANING OF VARIOUS LOCATIONS KNX	16,479.02
EFT109002	22/04/10	KATE LYNCH	STAFF DINNER	49.42
EFT109003	22/04/10	KIMBERLEY WASTE SERVICES	EMPTY SKIP BIN KLC	200.00
EFT109004	22/04/10	KIMBERLEY WILDLIFE RESCUE INC	DONATION MADE BY STAFF MEMBER IN LIEU OF GIFT	150.00
EFT109005	22/04/10	KUNNERS SWAGS	RADIATOR GUARD P204	60.00
EFT109006	22/04/10	KUNUNURRA BETTA ELECTRICAL & GAS	VARIOUS ITEMS FOR YOUTH CENTRE	259.84
EFT109007	22/04/10	KUNUNURRA LOCK & KEY	REPLACE BROKEN LOCK ON DISABLED TOILET	308.00
EFT109008	22/04/10	KUNUNURRA MAINTENANCE SERVICE	REMOVE & INSTALL SHADE SAILS KLC	2,174.70

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT109009	22/04/10	KUNUNURRA PANEL BEATING WORKS P/L	EXCESS INSURANCE CLAIM	300.00
EFT109010	22/04/10	KUNUNURRA POOLS AND SPAS	REPAIR AUTO VAC, MANUAL POOL VAC POLE	125.00
EFT109011	22/04/10	KUNUNURRA REFRIG & AIR CON P/L	REPAIR MAIN AIR CONS KLC	374.00
EFT109012	22/04/10	KIMBERLEY COMMUNICATIONS	RESET SBS RADIO/TELEVISION STATION	55.00
EFT109013	22/04/10	KIMBERLEY TAFE KUNUNURRA CAMPUS	COURSE FEE FOR CERT III IN BUSINESS	87.50
EFT109014	22/04/10	LESTER BLADES	ADVERTISING, RECRUITMENT & SELECTION	6,325.00
EFT109015	22/04/10	MEGAN HUNT	CLEANING OF VARIOUS LOCATIONS WYNDHAM	1,629.38
EFT109016	22/04/10	MIRIMA COUNCIL, LANGUAGE & CULTURE	CULTURAL AWARENESS COURSE	616.00
EFT109017	22/04/10	MCLEAN ENTERPRISES PTY LTD	FREIGHT	38.50
EFT109018	22/04/10	NICOLE SIEMON AND ASSOCIATES	CONSULTANT ENVIRONMENTAL IMPACT ASSESSMENT	5,197.50
EFT109019	22/04/10	ORD RIVER ELECTRICS	CABLE LOCATION TOWN OVAL	165.00
EFT109020	22/04/10	ORDCO	CULVERT HELCOR	924.00
EFT109021	22/04/10	ORIA ORCHARDS	WEEKLY FLOWER DELIVERY KNX OFFICE	60.00
EFT109022	22/04/10	ROYAL LIFE SAVING (WA BRANCH)	BRONZE MEDALLION	532.50
EFT109023	22/04/10	REBECCA MINICHILLI	REIMBURSEMENT TRAVEL & EXPENSES	477.96
EFT109024	22/04/10	SETON AUSTRALIA PTY LTD	VARIOUS ITEMS FOR WYNDHAM POOL UPGRADE	8,054.95
EFT109025	22/04/10	SHELF SUPPLY	STORAGE BIN, DOG FOOD	323.00
EFT109026	22/04/10	SPORTSPEOPLE	ADVERTISING	229.90
EFT109027	22/04/10	STATE LAW PUBLISHER	ADVERTISING	209.16
EFT109028	22/04/10	THINKWATER	HUNTER SPRINKLERS & IRRIGATION PARTS	1,385.22
EFT109029	22/04/10	THORLEY'S STORE	TRANSPORT, DELIVERY SHIRE BAG WYN & KNX	378.00
EFT109030	22/04/10	TNT AUSTRALIA PTY LIMITED	FREIGHT FOR WATER SAMPLES	505.38
EFT109031	22/04/10	TONY'S PLUMBING & EXCAVATION P/L	PLUMBING REPAIRS WYN POOL & PUBLIC CONVENIENCE	445.50
EFT109032	22/04/10	TOTAL EDEN KP PUMPS	3 WAY VALVES	121.84
EFT109033	22/04/10	TOTAL SAFETY & FIRE SOLUTIONS	FACE SHIELD, GLOVES	42.90

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT109034	22/04/10	WESTRALIA AIRPORTS CORPORATION P/L	ASIC CARDS PRINTING KNX AIRPORT	100.00
EFT109035	22/04/10	WHELANS	CROWN SURVEY KUNUNURRA FORESHORE LEASE SITES	11,935.00
EFT109036	22/04/10	WILLIAMS, RUSSELL J	STAFF REIMBURSEMENT	520.00
EFT109037	22/04/10	WYNDHAM EXCAVATIONS	GRADER HIRE PARRY CREEK ROAD	9,058.50
EFT109038	23/04/10	SHIRE OF WYNDHAM EAST KIMBERLEY	BCITF COMMISSION	316.80
EFT109039	23/04/10	SHIRE OF WYNDHAM EAST KIMBERLEY	COMMISSION FOR BRB	258.50
EFT109040	29/04/10	ATTORNEY GENERAL'S DEPT AUSCHECK	AUSCHECK ASIC CARDS	704.00
EFT109041	29/04/10	AUSFUEL	FUEL - MARCH 2010	2,519.32
EFT109042	29/04/10	AUST LOCAL GOVT JOB DIRECTORY	ADVERTISING	396.00
EFT109043	29/04/10	AUSTRALIA POST	POSTAGE	487.36
EFT109044	29/04/10	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	189.00
EFT109045	29/04/10	AVDATA SERVICES	AVDATA BROADCAST RECORDER	1,402.86
EFT109046	29/04/10	AVP COMMERCIAL POOLS	FLIGHTS, ACCOM, CAR HIRE FOR CALL OUT TO WYN POOL	5,005.00
EFT109047	29/04/10	ARGYLE MOTORS	NEW VEHICLE TOYOTA HILUX	48,363.74
EFT109048	29/04/10	BOSS FLUID POWER	TOILET PAPER, HAND TOWELS, LIQUID HAND WASH	1,500.42
EFT109049	29/04/10	BP ORD RIVER ROADHOUSE	LPG CYLINDER REFILLS	156.55
EFT109050	29/04/10	BROADCAST AUSTRALIA PTY LTD	FACILITIES LEASING	54.44
EFT109051	29/04/10	BUSH CAMP SURPLUS STORES	GPS FOR LOCATION OF ASBESTOS & MEDICINAL WASTE	273.00
EFT109052	29/04/10	BEAUREPAIRES FOR TYRES	TYRE REPAIR - P366	18.70
EFT109053	29/04/10	CORPORATE EXPRESS	VARIOUS ITEMS FOR YOUTH CENTRE	116.60
EFT109054	29/04/10	COUNCILLOR JANE PARKER	TRAVEL EXPENSES WYN - KNX	70.66
EFT109055	29/04/10	COMFORT HOTEL PERTH CITY	ACCOMMODATION 11/04/10 - 15/04/10	1,030.90
EFT109056	29/04/10	DIGGA WEST	TS2 & TS3 - P469	1,177.00
EFT109057	29/04/10	DIMENSION DATA LEARNING SOLUTIONS	MICROSOFT DEVELOPING WEB APPLICATIONS	3,400.00
EFT109058	29/04/10	DIGITAL MAPPING SOLUTIONS	CONVERSION OF DATA INTO TAB FILES FOR MAP INFO	396.00

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT109059	29/04/10	EAST KIMBERLEY HARDWARE	VARIOUS HARDWARE ITEMS	140.15
EFT109060	29/04/10	ENZED SERVICE CENTRE DARWIN	REPAIRS TO HYDRAULICS P469	434.30
EFT109061	29/04/10	FARMERS FRUIT & VEG MART	CATERING FOR AIRPORT STAKEHOLDERS MEETING	393.01
EFT109062	29/04/10	FUJI XEROX AUSTRALIA P/L	PHOTOCOPYING CHARGES KNX ADMIN	1,667.33
EFT109063	29/04/10	GARRARDS PTY LTD	THERMAL CARRIER & RESLIN	5,632.22
EFT109064	29/04/10	HALLMARK EDITIONS	ADVERTISING	4,125.00
EFT109065	29/04/10	HYDRAMET PTY LTD	MAJOR SERVICE OF CHLORINATION SYSTEM	10,181.49
EFT109066	29/04/10	INSYNC SURVEYS	EMPLOYEE SURVEY	4,675.00
EFT109067	29/04/10	JASON SIGNMAKERS LTD	SIGN	99.00
EFT109068	29/04/10	JORRITSMA H & CO	SWIVELS	241.80
EFT109069	29/04/10	JSW HOLDINGS PTY LTD	TOP SOIL FILL HOLE AFTER TREE REMOVAL	1,278.75
EFT109070	29/04/10	JAB INDUSTRIES	REMOVE OLD AVGAS TANK WYNDHAM AIRPORT	9,796.88
EFT109071	29/04/10	KIMBERLEY ECHOALBANY ADVERTISER	ADVERTISING	2,841.50
EFT109072	29/04/10	KIMBERLEY GROUP TRAINING	TRAINEE	1,939.22
EFT109073	29/04/10	KIMBERLEY MARKETING	FOOD FOR DISCO	502.50
EFT109074	29/04/10	KIMBERLEY TAFE CAMPUS WYNDHAM	ENROLMENT CERT IV IN TRAINING & ASSESSMENT	256.35
EFT109075	29/04/10	KIMBERLEY WASTE SERVICES	REFUSE COLLECTION	81,676.37
EFT109076	29/04/10	KUNUNURRA LOCK & KEY	EXTERNAL & EXTERNAL PADLOCKS CHANGED 1 CODED KEY	1,617.50
EFT109077	29/04/10	KUNUNURRA PLUMBING & GAS FITTING	PIPE WORK REPAIRS KIDS POOL KNX	993.40
EFT109078	29/04/10	KUNUNURRA SECURITY SERVICE	AIRPORT BAGGAGE & SCREENING KNX	22,425.20
EFT109079	29/04/10	KIMBERLEY EXHAUST & SPRING CENTRE	REPAIR AIRCONDITIONING P303	1,193.50
EFT109080	29/04/10	KIMBERLEY KOOL REFRIG & AIRCON	REPLACE CAPACITOR IN AIRCON - KNX AIRPORT	217.80
EFT109081	29/04/10	KUNUNURRA COURIERS	SPRING WATER	18.50
EFT109082	29/04/10	KUNUNURRA DIESEL SERVICE	10,000 KM SERVICE P367	534.75
EFT109083	29/04/10	KUNUNURRA FURNISHINGS	VARIOUS ITEMS FOR YOUTH CENTRE	906.30

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT109084	29/04/10	L.G.R.C.E.U	PAYROLL DEDUCTIONS	17.40
EFT109085	29/04/10	LANDGATE	GROSS RENTAL VALUATIONS	420.72
EFT109086	29/04/10	LGMA DIARY PROGRAMME	LGMA DIARIES	113.08
EFT109087	29/04/10	MARTIN PRINT	BUSINESS CARDS	68.00
EFT109088	29/04/10	OFFICE NATIONAL KUNUNURRA	STORAGE CONTAINERS	49.90
EFT109089	29/04/10	ORD RIVER ELECTRICS	FINANCE CHARGE	10.00
EFT109090	29/04/10	ORD RIVER MEAT SUPPLY	SAUSAGES & STEAK FOR FAREWELL	150.80
EFT109091	29/04/10	ORIA ORCHARDS	WEEKLY FLOWER DELIVERY KNX OFFICE	15.00
EFT109092	29/04/10	PETER FOX	SLASHING FIREBREAKS	3,102.00
EFT109093	29/04/10	PAUL'S OUTBACK WELDING SERVICES	WELD STEPS BACK ON TIP LOADER P474	440.00
EFT109094	29/04/10	PHIL DIEDERICHSEN	1ST INSTALLATION OF SCHOLARSHIP	2,857.00
EFT109095	29/04/10	R & R TAPE & SAFETY SUPPLIES	RIGGERS GLOVES, MICRO MESH SHIRTS	612.70
EFT109096	29/04/10	RNAS	EXTERNAL IT SUPPORT	2,933.48
EFT109097	29/04/10	RED SUN SPORTS	SPORTS EQUIPMENT KNX YOUTH CENTRE	37.70
EFT109098	29/04/10	RNR CONTRACTING	PODS EMULSION	2,156.00
EFT109099	29/04/10	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	515.00
EFT109100	29/04/10	SYNETRIX	LINKSYS BY CISCO WAG160N + MODEM ROUTER	192.50
EFT109101	29/04/10	SALLY JOHNSON	CLEANING OF VARIOUS TOILETS - WYNDHAM	1,200.00
EFT109102	29/04/10	THINKWATER	CULVERT PACKING	272.86
EFT109103	29/04/10	TOLL EXPRESS	FREIGHT	309.53
EFT109104	29/04/10	TOP END MOTORS	SERVICE - P104	320.00
EFT109105	29/04/10	TOTAL EDEN KP PUMPS	CHLORINE	1,451.64
EFT109106	29/04/10	TUCKERBOX/RETRAVISION	VARIOUS ITEMS MARCH 2010	1,333.84
EFT109107	29/04/10	TOP END BUILDING COMPANY	BUILDING MODIFICATION WORKS	67,221.00
EFT109108	29/04/10	VANDERFIELD MACHINERY PTY LTD	SLASHER BLADES, BOLTS, NUTS, P401	378.15

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
EFT109109	29/04/10	VEOLIA ENVIRONMENTAL SERVICES	REMOVE WASTE OIL KNX LANDFILL & WYN DEPOT	5,285.86
EFT109110	29/04/10	WA LOCAL GOVT ASSOCIATION WALGA	ADVERTISING	9,763.11
EFT109111	29/04/10	WA LOCAL GOVT SUPER PLAN	SUPERANNUATION CONTRIBUTIONS	21,991.74
EFT109112	29/04/10	WAYNE RICHARDS	REIMBURSEMENT OF FUEL	138.35
EFT109113	29/04/10	WESFARMERS KLEENHEAT GAS PTY LTD	ANNUAL RENTAL	60.50
EFT109114	29/04/10	WHELANS	UNDERTAKE FEATURE & CONTOUR SURVEY	2,552.00
EFT109115	29/04/10	WYNDHAM EXCAVATIONS	HIRE 140 GRADER & 130 GRADER KING RIVER ROAD	26,141.50
EFT109116	29/04/10	WYNDHAM SUPERMARKET	VARIOUS FOOD ITEMS WYN YOUTH SERVICES DISCO	43.80
<b>TOTAL MUNI EFT PAYMENTS</b>				<b>1,372,839.46</b>

<b>CHQ</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
39502	15/04/10	AXA AUSTRALIA	SUPERANNUATION CONTRIBUTIONS	182.28
39503	15/04/10	BISLAND LIBRARY CONSULTANTS	TECHNICAL SUPPORT WYN LIBRARY	570.00
39504	15/04/10	COLONIAL PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	453.19
39505	15/04/10	CR JOHN HAMILTON MOULDEN	QUARTERLY COUNCILLOR PAYMENTS	3,100.00
39506	15/04/10	CR RALPH ADDIS	QUARTERLY COUNCILLOR PAYMENTS	2,350.00
39507	15/04/10	EARTH GARDEN	ANNUAL SUBSCRIPTION	27.00
39508	15/04/10	HORIZON POWER	ELECTRICITY CHARGES VARIOUS LOCATIONS	17,990.67
39509	15/04/10	LG SUPER	SUPERANNUATION CONTRIBUTIONS	202.30
39510	15/04/10	MAGSHOP	ANNUAL SUBSCRIPTION	49.95
39511	15/04/10	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	352.75
39512	15/04/10	NATHAN SIEBERT	REFUND PLANNING APPLICATION # DA46/10	100.00
39513	15/04/10	REST SUPER	SUPERANNUATION CONTRIBUTIONS	631.98
39514	15/04/10	STATEWIDE SUPERANNUATION TRUST	SUPERANNUATION CONTRIBUTIONS	160.13
39515	15/04/10	TELSTRA	EXECUTIVE LANDLINE CHARGES MARCH 2010	170.19

<b>CHQ</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
39516	15/04/10	VISION SUPER	SUPERANNUATION CONTRIBUTIONS	1,010.64
39517	15/04/10	WATER CORPORATION	WATER CHARGES FOR VARIOUS LOCATIONS	5,663.90
39518	22/04/10	CASH PETTY CASH KNX DEPOT	PETTY CASH REIMBURSEMENT	92.85
39519	22/04/10	HORIZON POWER	ELECTRICITY CHARGES VARIOUS LOCATIONS	15,290.46
39520	22/04/10	THE HONDA SHOP	HIGH PRESSURE CLEANER	1,399.00
39521	22/04/10	WATER CORPORATION	WATER CHARGES FOR VARIOUS LOCATIONS	27.55
39522	22/04/10	WYNDHAM HEALTH SERVICE	PRE EMPLOYMENT MEDICAL	156.00
39523	29/04/10	AXA AUSTRALIA	SUPERANNUATION CONTRIBUTIONS	182.68
39524	29/04/10	CASH PETTY CASH KNX AIRPORT	PETTY CASH REIMBURSEMENT	93.10
39525	29/04/10	COLONIAL PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	453.19
39526	29/04/10	DEPT PLANNING & INFRASTRUCTURE	VARIOUS ANNUAL REGISTRATIONS	526.35
39527	29/04/10	HORIZON POWER	ELECTRICITY CHARGES VARIOUS LOCATIONS	24,542.75
39528	29/04/10	LG SUPER	SUPERANNUATION CONTRIBUTIONS	364.71
39529	29/04/10	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	352.75
39530	29/04/10	REST SUPER	SUPERANNUATION CONTRIBUTIONS	729.70
39531	29/04/10	STATEWIDE SUPERANNUATION TRUST	SUPERANNUATION CONTRIBUTIONS	160.13
39532	29/04/10	VISION SUPER	SUPERANNUATION CONTRIBUTIONS	1,010.64
39533	29/04/10	WATER CORPORATION	WATER CHARGES FOR VARIOUS LOCATIONS	13,591.55
39534	29/04/10	ZURICH AUSTRALIAN INSURANCE	PAYMENT OF EXCESS	300.00
39535	30/04/10	CASH – FLOAT FOR DISCO	FLOAT FOR DISCO	200.00
<b>TOTAL MUNI CHEQUES PAYMENTS</b>				<b>92,488.39</b>

<b>EFT</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
500033	28/04/10	TRUST DPI CLEARING	TRANSPORT CLEARING 22/4/10	746.20
500034	28/4/10	TRUST DPI CLEARING	TRANSPORT CLEARING 21/4/10	18,057.65
500035	30/04/10	TRUST DPI CLEARING	TRANSPORT CLEARING 23/4/10	3,389.45
500036	30/04/10	TRUST DPI CLEARING	TRANSPORT CLEARING 30/4/10	5,699.45
<b>TOTAL TRUST EFT PAYMENTS</b>				<b>27,892.75</b>

<b>CHQ</b>	<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
29	12/04/10	MAGLION ENTERPRISES PTY LTD	REFUND FOOTPATH/KERB BOND BLDG LICENCE 196/2009	270.00
30	23/04/10	COLIN WILKINSON DEV. PTY LTD	REFUND FOOTPATH/KERB DEPOSIT APP NO 67289	540.00
31	23/04/10	BCITF	BCITF PAYMENT DECEMBER 2009 - MARCH 2010	57,229.09
32	23/04/10	BUILDERS' REGISTRATION BOARD OF W.A.	BUILDERS REGISTRATION BOARD PAYMENT JANUARY - MARCH 2010	1,616.50
33	30/04/10	TOP END BUILDING COMPANY	REFUND FOOTPATH/KERB BOND APP 67393	270.00
34	30/04/10	MARK TIERNEY	REFUND FOOTPATH/KERB BOND APP 66618	370.00
35	30/04/10	DEPART FOR PLAN & INFRAST	SWEK SPECIAL SERIES NUMBER PLATE 123WY	140.00
<b>TOTAL TRUST CHQ PAYMENTS</b>				<b>60,435.59</b>

<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
28/04/2010	PAYROLL	ONE OFF PAY	1,265.00
7/04/2010	PAYROLL	PAYROLL	148,738.78
1/04/2010	PAYROLL	ONE OFF PAY	3548.84
1/04/2010	PAYROLL	ONE OFF PAY	3,492.51
21/04/2010	PAYROLL	PAYROLL	154,447.83
<b>TOTAL PAYROLL PAYMENTS</b>			<b>311,492.96</b>

<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
27/4/10	DIRECT DEBIT	RENT 12/33 KONKERBERRY DRIVE, KUNUNURRA	2,080.00
15/4/10	DIRECT DEBIT	RENT 4 BOOBIALLA WAY, KUNUNURRA	2,491.67
20/4/10	DIRECT DEBIT	RENT 20 BARRINGTONIA WAY, KUNUNURRA	2,426.66
6/4/10	DIRECT DEBIT	RENT 9B PLUM COURT, KUNUNURRA	1,300.00
20/4/10	DIRECT DEBIT	RENT 9B PLUM COURT, KUNUNURRA	1,300.00
1/4/10	DIRECT DEBIT	RENT 11 KWINANA STREET, WYNDHAM	1,235.00
Apr-10	DIRECT DEBIT	BANK FEES	182.45
Apr-10	DIRECT DEBIT	BPOINT	166.25
6/4/10	DIRECT DEBIT	VISA PAYMENT	1,473.92
20/4/10	DIRECT DEBIT	MASTERCARD	9,673.02
Apr-10	DIRECT DEBIT	MERCHANT FEE	425.57
07/04/10	DIRECT DEBIT	WESTNET P/L	1,509.09
		<b>TOTAL DIRECT DEBIT PAYMENTS</b>	<b><u>24,263.63</u></b>

## 12.2.2 MONTHLY FINANCIAL REPORT

<b>DATE:</b>	18 May 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 April 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 April 2010.

**VOTING REQUIREMENT**

Simple Majority

**OFFICER'S RECOMMENDATION**

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

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**COUNCIL DECISION**

***Minute No: 9143***

***Moved: Cr J Moulden***

***Seconded: Cr K Torres***

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

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

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# **Shire of Wyndham East Kimberley**

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

**As at 30 April 2010**

**Presented to Council 18 May 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 30 April 2010

	YTD Budget 2009-10		YTD Actual 2009-10		YTD Variance 2009-10	
	\$	\$	\$	\$	\$	%
<b>Revenues</b>		9,175,532		8,467,512		
General Purpose Funding	2,758,517		2,756,087		(2,430)	0%
Governance	119,607		118,695		(912)	-1%
Law, Order And Public Safety	56,644		56,790		146	0%
Health	12,510		14,333		1,823	15%
Education And Welfare	101,500		96,068		(5,432)	-5%
Housing	124,300		116,037		(8,263)	-7%
Community Amenities	1,387,896		1,324,836		(63,060)	-5%
Recreation And Culture	706,351		513,970		(192,381)	-27%
Transport	3,429,883		3,024,110		(405,773)	-12%
Economic Services	248,410		277,545		29,135	12%
Other Properties And Services	229,914		189,041		(40,873)	-18%
<b>Expenses</b>		(13,560,265)		(12,477,263)		
General Purpose Funding	(362,436)		(337,787)		24,649	-7%
Governance	(862,302)		(778,249)		84,053	-10%
Law, Order And Public Safety	(367,101)		(367,880)		(779)	0%
Health	(248,593)		(243,702)		4,891	-2%
Education And Welfare	(340,464)		(279,336)		61,128	-18%
Housing	(283,064)		(254,822)		28,272	-10%
Community Amenities	(2,885,836)		(2,223,638)		662,198	-23%
Recreation and Culture	(3,217,885)		(2,859,629)		358,256	-11%
Transport	(4,375,225)		(4,054,951)		320,274	-7%
Economic Services	(497,835)		(378,129)		119,706	-24%
Other Property and Services	(119,494)		(699,140)		(579,646)	485%
<b>Adjustments for Cash Budget Requirements</b>						
Adjustments and Accruals		1,700,938		1,802,128		
<i>(Profit)/Loss on Asset Disposals</i>	(179,369)		(88,137)		91,232	-51%
<i>Movement in Accruals and Provisions</i>	(224,618)		(224,618)			0%
<i>Depreciation on Assets</i>	2,104,925		2,114,883		9,958	
Purchase of Non-Current Assets		(9,327,291)		(6,452,606)		
<i>Purchase Land Held for Resale</i>	(42,000)		(41,851)		149	0%
<i>Purchase Land and Buildings</i>	(3,646,251)		(1,361,100)		2,284,151	-63%
<i>Purchase Infrastructure Assets - Roads</i>	(2,394,627)		(2,196,816)		197,811	-8%
<i>Purchase Infrastructure Assets - Parks</i>	(68,900)		(81,918)		(13,018)	19%
<i>Purchase Infrastructure Assets - Footpaths</i>	(87,400)		(32,388)		55,012	-63%
<i>Purchase Infrastructure Assets - Drainage</i>	(159,800)		(93,479)		66,321	-42%
<i>Purchase Infrastructure Assets - Other</i>	(1,837,000)		(1,670,237)		166,763	-9%
<i>Purchase Plant and Equipment</i>	(927,317)		(892,386)		34,931	-4%
<i>Purchase Furniture and Equipment</i>	(164,996)		(82,431)		82,565	-50%
Capital Income		9,198,066		7,157,431		
<i>Grants / Contributions for Development of Assets</i>	8,731,766		6,979,413		(1,752,353)	-20%
<i>Proceeds from Disposal of Assets</i>	370,300		175,091		(195,209)	-53%
<i>Proceeds from Sale of Land Held for Resale</i>	96,000		2,927		(93,073)	-97%
Debentures		178,145		(434,132)		
<i>Repayment of Debentures</i>	(1,019,870)		(1,000,132)		19,738	-2%
<i>Proceeds from New Debentures</i>	1,181,000		566,000		(615,000)	-52%
<i>Self-Supporting Loan Principal Income</i>	17,015				(17,015)	-100%
Reserves		456,797		104,133		
<i>Transfers to Reserves (Restricted Assets)</i>	(165,373)		(154,390)		10,983	-7%
<i>Transfers from Reserves (Restricted Assets)</i>	622,170		258,523		(363,647)	-58%
<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>	8,473,960	8,473,960	8,823,817	8,823,817	349,857	4%
<b>Amount Required to be Raised from Rates</b>	5,125,239	5,125,239	5,109,818	5,109,818	(15,421)	0%

## Shire of Wyndham East Kimberley

### Notes to Statement of Financial Activity

For the Period Ended 30 April 2010

	YTD Actual 2009/10 \$	Brought Forward 1 July 2009 \$
<b>Net Current Assets</b>	<b>\$</b>	<b>\$</b>
<b>Composition of Net Current Asset Position</b>		
<b>Current Assets</b>		
Cash - Unrestricted	2,846,648	6,140,740
Cash - Reserves	6,634,572	6,738,705
Cash - Restricted Unspent Grants	5,093,380	-
Investments - Restricted		
Receivables	1,269,969	1,174,211
Self Supporting Loans	-	1,118
Inventories	21,777	6,387
Land Held for Resale	-	-
	15,866,346	14,061,161
<i>Less</i>		
<b>Current Liabilities</b>		
Payables	(407,957)	(1,795,659)
	(407,957)	(1,795,659)
<i>Less</i>		
<b>Restricted Reserves</b>		
Cash	(6,634,572)	(6,738,705)
Investments		
	(8,823,817)	(8,526,796)
<b>Net Current Asset Position</b>	<b>8,823,817</b>	<b>5,526,796</b>

## Shire of Wyndham East Kimberley

### Notes to Statement of Financial Activity

For the Period Ended 30 April 2010

#### Explanation of Material Variances

Variances +/- \$50,000

##### Operating

###### Recurrent Revenue - Excluding Rates

###### Community Amenities:

Youth Services grants for Wyndham overachieved (\$15K). Youth Service grants for East Kimberley Youth Services not received by budget forecast (\$84K).

###### Recreation and Culture:

Foreshore Leases underachieved due to delays in land tenure (\$40K). Wyndham Picture Gardens grant budget forecasted earlier than achieved. East Kimberley Development Package project tied to expenditure. (\$150K).

###### Transport:

Kununurra Regional Airport revenue for landing fees, head taxes and screening fees forecast earlier than received (\$310K). Profit on sale of asset (truck) for Airport delayed pending delivery of new truck ordered (\$89K).

###### Recurrent Expenditure

###### Governance:

Conferences members overspent. Reallocation of expenses incurred for Zone yet to occur (\$17K). Governance salaries and wages underexpended, this is partially offset by higher administrative overheads. Salary and wages expenses in other areas will offset (\$81K). Administration Building loan not yet drawn therefore interest costs forecasted not incurred (\$13K). Asset Management expenditure delayed due to position vacancy earlier than anticipated (\$19K).

###### Education and Welfare:

Wyndham Childcare Centre salaries and wages underexpended, this is partially offset by higher administrative overheads. Salary and wages expenses in other areas will offset (\$28K). Kununurra Childcare Centre loan interest showing underspend due to accrual entries and credit for restructure of loan. This will correct itself at the end of the financial year (\$24K).

###### Community Amenities:

Tip Maintenance expenditure overspent year to date (\$49K) offset by Refuse Collection under spent (\$78K) pending receipt of contractor invoices. Expected to be on track at end of financial year. Town planning salaries current overspend (\$32K) offset by salaries and wages in other areas. Youth underspend against year to date forecast (\$94K) primarily in area of salaries is tied to grant revenue (including Crime Prevention Initiative). Community Development and Other Community Amenities salaries underspend (\$19K) offset by salaries and wages expenses in other areas. Weaber Plain Flood Mitigation underspent (\$519K) tied to external funding. Street tree planting underspend (\$10K), trees on order.

###### Recreation and Culture:

Celestion project delayed (\$30K). Ord River Sports Club Masterplanning Study underspent (\$35K) against year to date estimated. Salaries for Recreation and Sport, Kununurra Leisure Centre, Wyndham pool and Wyndham Recreation Centre combined underspent against year to date (\$53K) is offset by salary and wages expenses in other areas. Peter Reid Memorial Hall Building Maintenance underspent against year to date (\$14K) pending receipt of invoices. Kununurra Leisure Centre building maintenance and other expenses overspend against year to date projections (\$22K). Kununurra Oval Maintenance expenses less than budget forecast (\$8K). Wyndham Oval Building maintenance underspent against year to date projection (\$6K). Wyndham and Kununurra foreshores and boat ramps underspent (\$15K). Potential savings dependant on finish of wet season. Library Joint Use Contribution invoices not yet received (\$42K). Club Development underspent due to vacancy (\$24K). Wyndham Picture Gardens refurbishment project yet to commence construction (\$127K). Parks, gardens and grounds maintenance underspent against year to date forecast (\$19K).

###### Transport:

Rural Road Maintenance underspend against year to date (\$54K) pending receipt of invoices. Wyndham Urban Road Maintenance overspend against annual budget (\$19K). Kununurra Urban Road Maintenance underspend against year to date budget (\$103K). East Kimberley Regional Airport (\$93K) and Wyndham Airport (\$16K) operational budgets forecast earlier than actual expense due to staff priorities being given to other capital projects, expected to correct over time. Consultancy fees and Technical Services for both Airports underspent against year to date budget (\$67K), this is offset by an overexpenditure against Other Expenses for East Kimberley Regional Airport (\$42K) and possible journals for incorrect postings are being investigated. Budget expected to be achieved by end of financial year. Aerodrome plant and vehicle expenses underspent (\$42K). Building maintenance on Airport house underspent against year to date projection (\$11K).

###### Economic Services:

Annual Grants are under expended (\$41K) due to timing of distribution compared to budget. Salaries and overheads for Economic Services and Building Control under expended (\$51K) due to vacancies, offset by salary and wages expenses in other areas. Visitor information bays under expended (\$8) due to overestimation of annual budget.

###### Other Property and Services:

Public Works Overheads exceeds the recovery of the overheads against jobs (\$431K). This is a timing issue due to the delay in finalisation of construction projects for posting of overhead costs. Plant costs under recovered against plant expenditure (\$129K) expected to correct by end of year.

##### Capital

###### Adjustments and Accruals

Profit/loss on disposal of assets transactions yet to occur partially due to delay in disposing of assets (\$91K).

## Shire of Wyndham East Kimberley

### Notes to Statement of Financial Activity

For the Period Ended 30 April 2010

(Continued)

#### Capital Expenditure and Revenue

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

Kununurra Leisure Centre stage upgrade expenditure delayed pending receipt of funding (\$30K). Bastion toilet underspend against year to date forecast (\$20K). Waterlily place project delayed pending review of costings and options (\$2.3M) tied to Royalties for Regions funding. Capital improvements Kununurra Childcare expenses incurred earlier than amended forecast (\$58K).

##### Purchase Infrastructure Assets (Roads)

Carlton Hill Road upgrade underspend (\$24K) overheads yet to be applied. Crossing Falls Road and Packsaddle Road shoulder repairs (\$58K) budget forecast earlier than expenditure. Ski Beach Access Road budget forecast earlier than expenditure (119K) surveying commenced.

##### Purchase Infrastructure Assets (Footpaths)

Lakeside Linkpath lighting on order, underspend against year to date (\$55K).

##### Purchase Infrastructure Assets (Drainage)

Riverfarm Road drainage upgrade underspent pending approval for increase in funding (\$44K). Weaber Plain Road drainage upgrade underspent against year to date budget (\$17K).

##### Purchase Infrastructure Assets (Other)

Wyndham Pool Upgrade year to date underspent (\$107K) pending receipt of invoices. Kununurra Airport car park modifications less than predicted year to date budget (\$16K) pending invoices. Wyndham BMX track project delayed (\$12K). Town Entry Statements budget forecast earlier than expenditure (\$45K) pending invoices.

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

East Kimberley Youth Services plant and equipment overspend to annual (\$35K). Fully externally funded. This is offset by plant purchases occurring later than forecasted (\$68K)

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

Kununurra Youth fitout under expend (\$67K) delayed by staff recruitment. Fully externally funded. Synergy Implementation (IT) underexpended against year to date forecast budget (\$10K).

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

Wyndham Pool Upgrade income forecast earlier than received (May) (\$97K). Royalties for Regions funding not yet released (\$1.1M). Regional and Local Community Infrastructure funding (\$150K) pending approval. Country Housing Authority Grant final payment pending completion of houses (\$50K). Youth Grants not yet received (\$55K) tied to expenditure. Multipurpose Courts grants forecasted not yet received (\$158K). Regional Airport Development Scheme funding will be received on completion of project (\$134K). Wyndham BMX Track funding forecast earlier than actual (\$5K).

##### Proceeds from Disposal of Assets

Sale of 16 Kimberley Street pending finalisation of documentation (\$175K). Plant revenue underachieved due to delays in plant purchases (\$19K).

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

Land at East Kimberley Regional Airport subdivision process delayed affecting sale (\$93K).

##### Debentures and Reserves

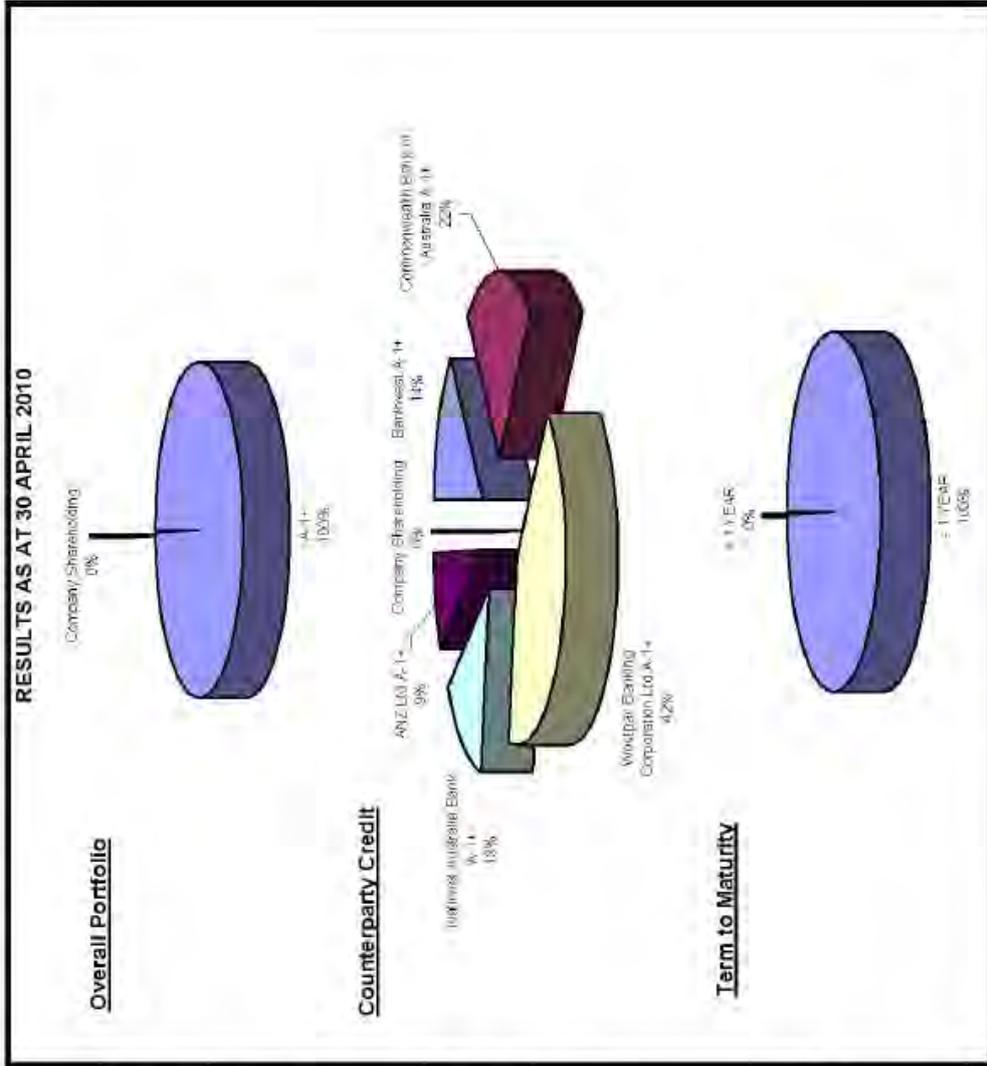
Full amount forecast in budget for refinancing Childcare loan not required, impacting loan and reserve transfer (\$55K). Self supporting loan for Ord River Sports Club not proceeding (\$70K). Loan for administration building land (\$490K) delayed pending options review. Transfers from Reserve funds occurring later than estimated due to ongoing projects (\$363K).

**Shire of Wyndham East Kimberley**  
**Notes to Statement of Financial Activity**  
**Budget to Collect / Spend**  
as at 30 April 2010

	Amended Adopted		YTD		Budget	
	Budget		Actual		Remaining	
	2009-10		2009-10		2009-10	
	\$	\$	\$	\$	\$	\$
<b>Revenues</b>		11,845,396		8,487,512		3,357,884
General Purpose Funding	3,595,802		2,756,087		839,715	
Governance	148,233		118,695		29,538	
Law, Order And Public Safety	66,105		56,790		9,315	
Health	39,200		14,333		24,867	
Education And Welfare	114,000		96,068		17,932	
Housing	151,057		116,037		35,020	
Community Amenities	2,222,892		1,324,836		898,056	
Recreation And Culture	907,716		513,970		393,746	
Transport	3,945,880		3,024,110		921,770	
Economic Services	300,200		277,545		22,655	
Other Properties And Services	354,311		189,041		165,270	
<b>Expenses</b>		(16,703,819)		(12,477,263)		(4,226,556)
General Purpose Funding	(470,630)		(337,787)		(132,843)	
Governance	(1,148,034)		(778,249)		(369,785)	
Law, Order And Public Safety	(459,645)		(367,880)		(91,765)	
Health	(307,447)		(243,702)		(63,745)	
Education And Welfare	(408,079)		(279,336)		(128,743)	
Housing	(334,105)		(254,822)		(79,283)	
Community Amenities	(3,351,016)		(2,223,638)		(1,127,378)	
Recreation and Culture	(4,076,931)		(2,859,629)		(1,217,302)	
Transport	(5,310,342)		(4,054,951)		(1,255,391)	
Economic Services	(619,712)		(378,129)		(241,583)	
Other Property and Services	(217,878)		(699,140)		481,262	
<b>Adjustments for Cash Budget Requirements</b>						
Adjustments and Accruals		2,164,272		1,802,128		362,144
<i>(Profit)/Loss on Asset Disposals</i>	(295,275)		(88,137)		(207,138)	
<i>Movement in Accruals and Provisions</i>	(20,043)		(224,618)		204,575	
<i>Depreciation on Assets</i>	2,479,590		2,114,883		364,707	
Purchase of Non-Current Assets		(18,501,412)		(6,452,606)		(12,048,806)
<i>Purchase Land Held for Resale</i>	(792,000)		(41,851)		(750,149)	
<i>Purchase Land and Buildings</i>	(6,720,470)		(1,361,100)		(5,359,370)	
<i>Purchase Infrastructure Assets - Roads</i>	(5,525,131)		(2,196,816)		(3,328,315)	
<i>Purchase Infrastructure Assets - Parks</i>	(258,900)		(81,918)		(176,982)	
<i>Purchase Infrastructure Assets - Footpaths</i>	(106,900)		(32,388)		(74,512)	
<i>Purchase Infrastructure Assets - Drainage</i>	(248,800)		(93,479)		(155,321)	
<i>Purchase Infrastructure Assets - Other</i>	(3,209,500)		(1,670,237)		(1,539,263)	
<i>Purchase Plant and Equipment</i>	(1,379,711)		(892,386)		(487,325)	
<i>Purchase Furniture and Equipment</i>	(260,000)		(82,431)		(177,569)	
Capital Income		18,851,750		7,157,431		11,694,319
<i>Grants / Contributions for Development of Assets</i>	18,246,850		6,979,413		11,267,437	
<i>Proceeds from Disposal of Assets</i>	508,900		175,091		333,809	
<i>Proceeds from Sale of Land Held for Resale</i>	96,000		2,927		93,073	
Debentures		1,883,778		(434,132)		2,317,910
<i>Repayment of Debentures</i>	(1,039,237)		(1,000,132)		(39,105)	
<i>Proceeds from New Debentures</i>	2,906,000		566,000		2,340,000	
<i>Self-Supporting Loan Principal Income</i>	17,015				17,015	
Reserves		(74,637)		104,133		(178,770)
<i>Transfers to Reserves (Restricted Assets)</i>	(1,637,707)		(154,390)		(1,483,317)	
<i>Transfers from Reserves (Restricted Assets)</i>	1,563,070		258,523		1,304,547	
<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>	10,118,205	10,118,205	8,823,817	8,823,817	1,294,388	1,294,388
<b>Amount Required to be Raised from Rates</b>	5,126,079	5,126,079	5,109,818	5,109,818	16,261	16,261

## 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%
Notes: S & P ratings to Standard & Poor's credit rating agency			
<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%
A-1	A-1	35%	45%
A	A-2	20%	40%
<b>"Term to Maturity Framework"</b>			
Overall Portfolio Term to Maturity Limits			
Portfolio % < 1 year	100%	max 40%	min
Portfolio % > 1 year			60%
Portfolio % > 3 year			35%
Portfolio % > 5 year			25%
Individual Investment Maturity Limits			
ADI		5 years	
Non ADI		3 years	
Note: "ADI" refers to an Admitted Deposit Institution regulated under the Banking Act 1989.			



**EXPLANATION OF VARIANCES:**

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

## 12.3 ENGINEERING & REGULATORY SERVICES

No Reports

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### **COUNCIL DECISION**

**Minute No: 9144**

**Moved: Cr K Wright**

**Seconded: Cr J Moulden**

***That Council consider Item 12.4.9 at this point in the meeting given the proponent was present to hear the decision on this item.***

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

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### **12.4.9 APPLICATION FOR CHANGE OF USE ON LOT 108 KESTREL PLACE, KUNUNURRA**

<b>DATE:</b>	18 May 2010
<b>PROPONENT:</b>	Bradley Callanan
<b>LOCATION:</b>	Lot 108 Kestrel Place, Kununurra
<b>AUTHOR:</b>	Kevin Tang, Town Planning Officer
<b>REPORTING OFFICER:</b>	Ian D'arcy, Director Development Services
<b>FILE NO:</b>	01.5083.02
<b>ASSESSMENT NO:</b>	A5083

### **PURPOSE**

For Council to consider the proposed change of use from Single Dwelling to Bed and Breakfast, at Lot 108 Kestrel Place, Kununurra

### **BACKGROUND**

The Shire of Wyndham East Kimberley has received an application from Mr. Bradley Callanan for change of use from Single Dwelling to Bed and Breakfast at his residence on Lot 108 Kestrel Place Kununurra.

The proponent is intending to use part of his dwelling, two bedrooms, as Bed and Breakfast that will cater for families and couples to have a break away from town. Attachment 1 and 2 provide a copy of floor plan of proponent's residence and some site photos. The Shire's building surveyor does not raise any issues in regard to the change of land use to Bed and Breakfast. However, in order to function as a Bed and Breakfast, the proponent is required to be registered as a food business that is subject to scheduled inspections by Shire's Environmental Health Officers.

The subject site is located on the Kestrel Place just off the Weaber Plain Road and surrounded by predominantly Rural Living area.

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



Figure 1 - Location Plan

### **STATUTORY IMPLICATIONS**

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

The subject site is zoned 'Rural Living' in the Town Planning Scheme No. 7 – Kununurra and Environs. The objectives for the Rural Living zone are:

- (a) To provide for the provision of land for people wishing to reside on a small rural holding;*
- (b) To prohibit the use of any land which may be incompatible to or adversely affect the amenity of the surrounding land uses;*
- (c) To maintain the rural/residential character of the land; and*
- (d) To ensure adequate services are provided to sustain a rural residential community.*

The definition of Bed and Breakfast is stipulated in the Scheme as follows:

*A dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast.*

According to Town Planning Scheme No. 7, Bed and Breakfast is a use class that requires the discretionary approval of Council (AA) within this zone.

### **POLICY IMPLICATIONS**

Nil

### **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, as the proposed Bed and Breakfast and home style accommodation is very low key. In addition, the surrounding land owners have provided support in writing for the proposed development. Attachment 3 displays all of the written supports from the neighbouring land owners.

## **COMMENT**

The proposed change of use from Single Dwelling to Bed and Breakfast requires Council's discretionary approval.

Given the number of guests it can accommodate, the proposed Bed and Breakfast is considered to be a low key and low impact development that will have little effect on the surrounding properties; while providing affordable accommodation for local residents and tourists wanting to stay away from the town.

It is therefore recommended that Council approves the application subject to conditions.

## **ATTACHMENTS**

Attachment 1 – Floor Plan

Attachment 2 – Site Photos

Attachment 3 – Letter of Support from Neighbouring Properties

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council grant planning consent for proposed change of use on Lot 108 Kestral Place Kununurra from Single Dwelling to Bed and Breakfast subject to the following conditions:

1. Development shall be in accordance with the attached approved plan(s) dated 30 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 Bed and Breakfast use shall be limited to a maximum of two (2) bedrooms and the total number of guests shall not exceed six (6) persons at any one time.
3. The Bed and Breakfast hereby approved shall be occupied by persons undertaking short stay accommodation only based on a single stay for a period of not more than a total of three (3) months in any one (1) twelve (12) month period.
4. The Bed and Breakfast use shall not commence until the Local Government Environmental Health Officer has issued approval for the premises, including

the kitchen/food preparation facilities, and approved of the potable water supply for public consumption.

5. A compacted gravel area suitable for the parking and manoeuvring of two (2) guest vehicles shall be provided adjacent or in close proximity to the dwelling.

Advice:

- (a) All signage associated with Bed and Breakfast use is required to comply with Council's Signage Policy.
- (b) The kitchen must be registered as a food business with Shire's Environmental Health Department. An application for registration is enclosed and should be submitted along with a drawn plan of the kitchen and the appropriate registration fee. The food business will be subject to annual surveillance charges which are determined by Council each financial year.

It is the responsibility of the developer to provide sufficient evidence of a potable water supply compliant with the Australian Drinking Water Guidelines 2004. A list of water analysis is provided to assist you in meeting this requirement.

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**COUNCIL DECISION**

**Minute No: 9145**

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

***That Council grant planning consent for proposed change of use on Lot 108 Kestral Place Kununurra from Single Dwelling to Bed and Breakfast subject to the following conditions:***

- 1. Development shall be in accordance with the attached approved plan(s) dated 30 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 Bed and Breakfast use shall be limited to a maximum of two (2) bedrooms and the total number of guests shall not exceed six (6) persons at any one time.***
- 3. The Bed and Breakfast hereby approved shall be occupied by persons undertaking short stay accommodation only based on a single stay for a period of not more than a total of three (3) months in any one (1) twelve (12) month period.***
- 4. The Bed and Breakfast use shall not commence until the Local Government Environmental Health Officer has issued approval for the premises, including the kitchen/food preparation facilities, and approved of the potable water supply for public consumption.***

5. ***A compacted gravel area suitable for the parking and manoeuvring of two (2) guest vehicles shall be provided adjacent or in close proximity to the dwelling.***

**Advice:**

- (a) ***All signage associated with Bed and Breakfast use is required to comply with Council's Signage Policy.***
- (b) ***The kitchen must be registered as a food business with Shire's Environmental Health Department. An application for registration is enclosed and should be submitted along with a drawn plan of the kitchen and the appropriate registration fee. The food business will be subject to annual surveillance charges which are determined by Council each financial year.***

***It is the responsibility of the developer to provide sufficient evidence of a potable water supply compliant with the Australian Drinking Water Guidelines 2004. A list of water analysis is provided to assist you in meeting this requirement.***

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

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ATTACHMENT 2



CLINTON MOREY AS THE OWNER OF

110 PARADISE KESTRAL PLACE GIVE MY SUPPORT TO THE PROPOSAL

AT 108 KESTRAL PLACE TO USE THE CURRENT DWELLING AS A COUPLE /  
FAMILY RETREAT.

  
SIGNED

29/4/10  
DATE

John Gregory AS THE OWNER OF

Lot 107 KESTRAL PLACE GIVE MY SUPPORT TO THE PROPOSAL

AT 108 KESTRAL PLACE TO USE THE CURRENT DWELLING AS A COUPLE /  
FAMILY RETREAT.

  
SIGNED

15/04/2010  
DATE

Helen + Scott Munro AS THE OWNER OF

111 KESTRAL PLACE GIVE MY SUPPORT TO THE PROPOSAL

AT 108 KESTRAL PLACE TO USE THE CURRENT DWELLING AS A COUPLE /  
FAMILY RETREAT.

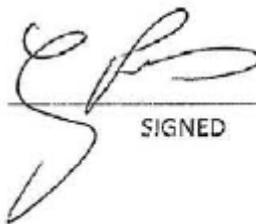
SMunro  
SIGNED

15/4/10  
DATE

Thomas Breig AS THE OWNER OF

109 KESTRAL PLACE GIVE MY SUPPORT TO THE PROPOSAL

AT 108 KESTRAL PLACE TO USE THE CURRENT DWELLING AS A COUPLE /  
FAMILY RETREAT.

  
SIGNED

15/4/2010  
DATE

RICHARD CEGG AS THE OWNER OF

LOT 112 KESTRAL PLACE GIVE MY SUPPORT TO THE PROPOSAL

AT 108 KESTRAL PLACE TO USE THE CURRENT DWELLING AS A COUPLE /  
FAMILY RETREAT.

  
SIGNED

15/4/10  
DATE

## 12.4 DEVELOPMENT

### 12.4.1 DRAFT LOCAL PLANNING POLICY 14 - CAR PARKING

<b>DATE:</b>	18 May 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Townsites Of Wyndham And Kununurra
<b>AUTHOR:</b>	Ian D'arcy, Director Development Services
<b>REPORTING OFFICER:</b>	Ian D'arcy, Director 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**

As outlined in the previous report to Council, a draft Policy has been prepared to introduce appropriate car parking standards for development in Kununurra and Wyndham on a consistent basis. The draft Policy also seeks to offer clarity for a range of matters, including the application of cash in lieu.

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 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.

Moved: Cr J Moulden  
Seconded: Cr J Parker

Cr K Wright proposed an amendment to the Officer's Recommendation:

That under Section 4. Car and Bicycle Parking Standards - 4.1 The Standards Table on page 40, 41, 42 and 43, those use classes whereby bus and coach parking is expected, that adequate parking arrangements be included and these arrangements take into account the total number of beds.

LAPSED

The proposed amendment lapsed for want of a seconder.

---

**COUNCIL DECISION**

**Minute No: 9146**

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

***That Standing Order 7.5 be suspended to allow Councillors to speak more than once on the matter.***

**CARRIED: (4/4)**

**FOR: Cr J Moulden  
Cr D Auburn  
Cr K Wright  
Cr F Mills**

**AGAINST: Cr J McCoy  
Cr K Torres  
Cr R Addis  
Cr J Parker**

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Cr F Mills used his Casting Vote to carry the motion.

Standing Orders were suspended at 6:17pm.

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**COUNCIL DECISION**

**Minute No: 9147**

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

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

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

Standing Orders resumed at 6:20pm.

Moved: Cr K Wright  
Seconded:

That this item be deferred to a Briefing Session to allow adequate preparation of the agenda item.

LAPSED

The motion lapsed for want of a seconder.

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**COUNCIL DECISION**

**Minute No: 9148**

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

***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.***

***That under Section 4. Car and Bicycle Parking Standards - 4.1 The Standards Table on page 40, 41, 42 and 43, those use classes whereby bus and coach parking is expected, that adequate parking arrangements be included and these arrangements take into account the total number of beds.***

**CARRIED: (7/1)**

**FOR:** Cr F Mills  
Cr J McCoy  
Cr D Ausburn  
Cr K Torres  
Cr R Addis  
Cr J Parker  
Cr K Wright

**AGAINST: Cr J Moulden**

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Council decision was different to the Officer's Recommendation as the draft Local Planning Policy 14 – Car Parking, did not include provision for bus parking.

## ATTACHMENT 1

POLICY NO:	LPP 14 (draft – May 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. Similarly, the Standards Table included in Section 4 of the Policy is to provide consistency in parking ratios for development in both Wyndham and Kununurra.

#### **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 carparking 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 carparking 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 further amount, being 20% of the cash-in-lieu payment, is to be paid to the local government for the future maintenance of the car parking and landscaping as provided by the Shire with the cash-in-lieu funds.
- 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 walkability) 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 carparking 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 Standards Table

<b>ZONE</b>	<b>MINIMUM NUMBER OF CAR PARKING BAYS</b>	<b>BICYCLE RACKS</b>
<b>Residential</b>	Requirements for carparking 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
<b>LAND USE</b>	<b>MINIMUM NUMBER OF CARPARKING BAYS</b>	<b>BICYCLE RACKS</b>
<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>Automotive Sales/Hire</b>	1 car bay every 50m <sup>2</sup> GFA up to 200 m <sup>2</sup> in area thereafter 1 bay every 200 m <sup>2</sup> GFA or part thereof	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>	1:10 m <sup>2</sup> GFA	At least one
<b>Caravan Park/ Camping Ground</b>	1 car bay per site plus 1 visitor space for every ten sites.	At least one
<b>Caretaker's Dwelling</b>	1 car bay for every dwelling unit	Not applicable
<b>Childminding facility/kindergarten</b>	1 bay for every employee and 1 bay for every four children attending	At least one
<b>Cinema/Theatre</b>	1 car bay per every 4 seats plus 1 bay for each employee	1:30 seats <b>or</b> 1:50 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 1:15 people accommodated
<b>Community Purposes/Clubs</b>	1 : 4 persons capable of being accommodated	1:30 seats or 1:50 people accommodated
<b>Consulting Rooms (medical)</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 one
<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/setdown 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/Takeaway</b>	1 bay for every 10 m <sup>2</sup> GFA or part thereof or 1 bay every four seats provided whichever is greater.	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>Health Studio/Centre</b>	1 bay for every 20 m <sup>2</sup> GFA (including swimming pools) or part thereof	1: 50 people attending
<b>Hospital</b>	1:3 Beds plus 1:2 staff	1:20 beds
<b>Hotel/Tavern</b>	1 bay per two bedrooms plus 1 for every 6 m <sup>2</sup> of bar and public area	At least one
<b>Industry- General</b>	1 bay for every 100 m <sup>2</sup> GFA or part thereof	Not applicable
<b>Industry – Light</b>	1 bay for every 65 m <sup>2</sup> GFA up to 200 m <sup>2</sup> then 1 bay every 100 m <sup>2</sup> thereafter or part thereof	Not applicable
<b>Industrial Unit Building (Multiple Occupancy)</b>	2 bays per industrial unit or 1 bay for every 100 m <sup>2</sup> of part thereof GFA whichever is greater	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>Motel</b>	1 bay per two units plus 1 bay for every four seats in any restaurant	Not applicable
<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 Vehicle 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	Not applicable

	area and office space plus 2 car bays per service bay.	
<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>	1 bay for every 40 m <sup>2</sup> GFA or part thereof	1 : 200m <sup>2</sup> GFA or 1 : 750m <sup>2</sup> for visitors
<b>Open Air Display</b>	1 bay for every 50 m <sup>2</sup> or part thereof	Not applicable
<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>Public Assembly/public worship</b>	1 bay for every eight seats provided	1: 20 seats provided
<b>Reception Centre</b>	1 bay for every 10 m <sup>2</sup> GFA or 1 bay for every four seats provided whichever is the greater	1 : 30 seats or 1 : 100 people accommodated
<b>Recreation Outdoor/Indoor</b> –	1 car bay per 3 spectator seats in a sporting venue. 3 car bays per tennis or squash court. 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. All other recreation types at the discretion of Council.	As determined by Council.
<b>Residential Building or Residential Hotel or Boarding House</b>	1 car bay for each two beds.	1:10 beds provided
<b>Restaurant (including Alfresco dining areas)</b>	1 bay for every 10 m <sup>2</sup> GFA or 1 bay for every four seats whichever is the greater	1 : 30 seats or 1 : 100 people accommodated
<b>Rural Pursuit</b>	1 car bay per employee plus 2 additional bays.	Not applicable
<b>Service Station</b>	2 bays plus 1 bay for every employee with a total minimum of four bays	Not applicable
<b>Shop</b>	1 bay per 20 m <sup>2</sup> GFA	1 : 200m <sup>2</sup>
<b>Showroom</b>	1 bay for every 50 m <sup>2</sup> GFA or part thereof and thereafter 1 bay every 100 m <sup>2</sup> GFA or part thereof	At least one
<b>Tavern</b>	1:6m <sup>2</sup> public drinking area.	1 : 50m <sup>2</sup> GFA

<b>Tourist Accommodation</b>	1 bay per 2 bedrooms of accommodation	At least one
<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>Veterinary Consulting Rooms</b>	4 bays plus 1 bay per employee	1:50 m <sup>2</sup>
<b>Warehouse</b>	1 bay every 100 m <sup>2</sup> GFA or part thereof	Not applicable
<b>Workers' Accommodation (use not listed) – Refer to Local Planning Policy 12</b>	1 bay per 2 beds (Single Rooms).	1: 5 rooms
<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 carparking 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:

## 12.4.2 PROPOSED AMENDMENT 35 TO TPS NO. 7 - BULL RUN ROAD REZONING

<b>DATE:</b>	18 May 2010
<b>PROPONENT:</b>	Urbis Pty Ltd
<b>LOCATION:</b>	Bull Run Road, Kununurra
<b>AUTHOR:</b>	Ian D'arcy, Director Development Services and Urbis Planning Consultants
<b>REPORTING OFFICER:</b>	Ian D'arcy, Director Development Services
<b>FILE NO:</b>	43.31.35
<b>ASSESSMENT NO:</b>	N/A

Cr K Wright left the room at 6:23pm as he had declared a Financial Interest in this item as he is a Director of a Company that owns property in the area.

Cr F Mills left the room at 6:23pm as he had declared a Financial Interest in this item as he is employed by Keith Wright who is a Director of a Company that owns property in the area.

Cr J Moulden took the Chair at 6:24pm.

### **PURPOSE**

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

1. Rezone a portion of Unallocated Crown Land (UCL), which is described as Land Identification No. 3094059, from Rural Living to Light Industry and Composite Industry, with the alignment of Stockman Road providing delineation between the two zones;
2. Amend Scheme provisions for the Composite Industry zone to facilitate an orderly and proper subdivision and development outcome;
3. Amend Scheme provisions for Overall Planning Area No. 3 to reflect the proposed development intentions for the site; and
4. Insert a new Scheme provision addressing the statutory status of a structure plan.

The proposed Scheme Amendment shall be known as Amendment No. 35.

### **BACKGROUND**

#### Context

LandCorp has requested that the Council initiate an Amendment to TPS 7, to rezone a portion of Unallocated Crown Land (UCL), which is described as Land Identification No. 3094059, from 'Rural Living' to 'Light Industry' and 'Composite Industry'. The Amendment is proposed to facilitate the creation of sites for the development of light/service industry and residential dwellings, and sites for the development of industry alone.

Initial discussions between LandCorp, Shire staff and consultants, have indicated a need for an Amendment to the Scheme provisions, for the 'Composite Industry' zone to achieve an orderly and proper subdivision and development outcome. Revised provisions have also been requested for Overall Planning Area No. 3, to reflect the

revised development intentions for the Bull Run Road precinct and a new provision is proposed to address the statutory status of a structure plan.

The proposed Scheme Amendment accords with the outcome of these initial discussions.

### Location

The subject site is located on the periphery of the Kununurra townsite. The site is bounded by Victoria Highway to the west, Mirima (Hidden Valley) National Park to the north and east and 'General Rural' zoned land to the south. The Highway access affords good connections to the region and represents a major gateway to Kununurra.

### Land Tenure & Site Details

The site consists of a portion of UCL described as Land Identification No. 3094059, Kununurra, which is proposed to be acquired by LandCorp prior to development. This area is approximately 83.9 hectares in size, comprising of approximately 40.4 hectares of proposed light industry and 43.5 hectares of proposed composite industry, divided by Stockman Road.

### Physical Condition

The subject land is generally in a natural state, although some clearing has occurred on the northern portion of the site. There are currently no buildings on the subject area of this rezoning proposal.

The site surrounds consist of large 'Composite Industry' zoned lots, fronting Bull Run Road. The majority of these lots have been cleared, however the northern-most lot is relatively well vegetated. Various sheds are located upon these lots, together with a house on each lot. Some transient accommodation is established on the second lot in from the Stockman Road.

A fuel depot, servicing commercial machinery, buses and road trains is located on the corner of Victoria Highway and Stockman Road is zoned 'Special Site (Fuel Depot)'.

## **Envisaged Development**

### Light Industry

Approximate half of the Scheme Amendment area is proposed to be developed as light industry. The types of land use within this area are expected to be similar to that found within the existing light industry area abutting Weaber Plain Road.

Based on existing LandCorp sales data, land for light industrial purposes is in high demand. This demand is expected to increase, in parallel with the expansion of the agricultural land associated with the Ord 2 project. Industries to service and complement the agricultural sector are likely to be sited within the proposed Bull Run Road precinct, given its readily accessible location on the Victoria Highway.

Residential land uses are not considered appropriate within the 'Light Industry' zone and may preclude some uses from operating. On this basis, the scale and nature of industrial development in the Light Industry zone should preclude residential development with appropriate planning controls being imposed, to ensure orderly and proper development outcomes are achieved.

## Composite Industry

The remaining half of the Scheme Amendment area is proposed to be developed for composite industry purposes. This form of development generally consists of lots entailing a light/service industry use and a supporting residential dwelling.

The intent for this form of development is to allow for a person or persons directly involved in a business, including their family and/or dependents, to reside on the same land as that business.

This is reflected in the objective for the 'Composite Industry' zone as detail in the Town Planning Scheme, which states:

*“to provide for the establishment of minor industrial pursuits and single residential development on the same lot with particular regard being given to operating hours, levels of development, and potential impact of the development on adjoining composite industrial zone lots and future rural residential uses in the locality.”*

From an urban design perspective, the manner in which composite industry develops varies from site to site depending on the surrounding environment and land uses. One development outcome may include locating the industrial use to the rear and the residential dwelling to the front. In this way, the development of the area achieves a low density residential streetscape, with the industry mostly screened from public view.

This development outcome can however be varied in the instance of lots with dual-frontages. In such situations, it is necessary to determine the most appropriate frontage for the industrial component and residential use. Having an industrial use fronting a major road may prove beneficial in terms of exposure and for noise buffering of the residential use. The residential use can then be provided on a lower-scale internal road to ensure a consistent and low residential density streetscape is maintained.

The development form could also vary within a site, with residential dwellings being sited to the rear of a lot where it abuts a sensitive interface such as other residential development and/or a significant landscape or environmental feature. In a similar regard, an interface between light industry development and composite industry development could be achieved through locating the industrial use to the front of the lot.

It is likely that a combination of design outcomes will be required to respond to the nature of the Bull Run Road Precinct, which is proposed for light and composite industry and is bounded by a major highway and National Park.

The existing TPS 7 sets out planning controls for this form of development. The Scheme Amendment proposes to update these controls to facilitate an enhanced composite industry development outcome. Further discussion on the revised controls is contained in subsequent sections of this report.

LandCorp has identified an immediate demand for this form of development as outlined at the last Council Briefing Session. This demand is expected to increase given the economic expansion associated with the Ord 2 project and proposals to encourage and facilitate the relocation of residential components from existing Light Industry and Mixed Business zoned land within Kununurra.

## **Strategic Context and Planning Framework**

The subject site is located within the Kununurra townsite of the Shire. The following are key elements of the planning framework applicable to the site:

#### Kununurra Wyndham Area Development Strategy

The Kununurra Structure Plan, contained within the Kununurra Wyndham Area Development Strategy (KWADS), identifies the subject site for Future Rural Residential. Given the nature of existing composite and industrial land uses in proximity to the Scheme Amendment area, this designation is not considered appropriate.

The Structure Plan was finalised in 2000 and has since been superseded by the Shire's Local Planning Strategy and the recent Kununurra Enquiry by Design outcomes.

#### Shire of Wyndham East Kimberley Local Planning Strategy

With regard to Bull Run Road and industrial development, the Local Planning Strategy (LPS):

- Identifies constraints on the land due to the close proximity of exhausted extractive industry pits and intermittent creek beds, making it inadequate for Rural Living purposes.
- Identifies the land as being constrained by non-exclusive Native Title rights.
- Recognises the likely long term presence of the fuel depot and proposes that development at Bull Run Road be consolidated and zoned 'Composite Industry', with Stockman Road forming a buffer to the fuel depot.
- Identifies the need for an Outline Development Plan (Structure Plan) prior to development of the land.
- Recognises that the area is located outside of land identified for Priority Agricultural Land, and has good accessibility to power, water and transportation via Victoria Highway. However the site is not considered appropriate for General Industry as:
  - a) Proximity to Victoria Highway has the potential to visually impact the natural bushland that provides a key entry statement into town;
  - b) The site is not strategically located near the Ord River Irrigation Area Stage 2. Until such time as the Heavy Haulage Route is built, the location will draw heavy vehicle traffic through the town; and
  - c) There is potential for conflict with proposed and future residential areas to the west of Victoria Highway.

The Strategy recognises that an appropriately designed 'Composite' zone can allow for the protection of the natural bushland values at a major entry into town, while ensuring a higher and better use of the land.

The Land Use Plan contained within the LPS provides the following recommendations for Bull Run Road:

- *Retain existing fuel depot and composite industry;*
- *Land currently zoned rural living to become composite industry allowing low key industry and a single residence on lots greater than 2,000 m<sup>2</sup>; and*

- *Land uses consistent with this zoning would be transport depot, light industry, cottage industry or service industry.*

The proposed Amendment is generally consistent with the recommendations of the LPS in providing for composite industry development. It is however proposed that the southern portion of the site be zoned for light industry. This proposal is in response to current demand for light industrial land and the need for an appropriate land use to site in proximity to the existing fuel depot.

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

The site is currently zoned 'Rural Living' under TPS 7. The proposed Scheme Amendment will see this land rezoned to 'Light Industry' and 'Composite Industry' as reflected in Attachment 1 to this report.

The objectives for the 'Light Industry' zone as set out in Clause 5.13.1 of the Scheme are:

*'To provide for areas for the establishment of light industrial pursuits such as small scale manufacturing, service industry pursuits, prefabrication and vehicle repairs and storage;*

*'To ensure that residential uses are not established in the area unless the residential use is a caretaker's dwelling associated with an established industrial use, and that the Council is satisfied that the proposed residential use will not compromise existing industrial activity both on the site and any adjoining site and that it is contained on land zoned Light Industry zone at the date of the gazettal of Town Planning Scheme No. 7.'*

As previously mentioned Clause 5.15.1 of TPS 7 sets out the objective for the 'Composite Industry' zone is:

*'To provide for the establishment of minor industrial pursuits and single residential development on the same lot with particular regard being given to operating hours, levels of development, and potential impact of the development on adjoining composite industrial lots and future rural residential uses in the locality.'*

The Amendment proposes to update the Scheme provisions relating to the 'Composite Industry' zone to improve subdivision and development outcomes, with these new provisions to be incorporated into the new Town Planning Scheme No.8.

## Kununurra Enquiry by Design Draft Development Concept Plan and Strategy Plan

The Kununurra Enquiry-By-Design Draft Development Concept Plan and Strategy Plan identify the potential for the Bull Run industrial precinct to accommodate a future power station (based on the relocation of the existing power station on Messmate Way) and associated industry. It was acknowledged that should this option be pursued, appropriate controls and buffers would be needed to ensure a new power station has minimal impact on sensitive land uses, such as residential development within the 'Composite Industry' zone.

Although a decision for the relocation of the power station is yet to be made it is appropriate that the strategic planning provide for this development to be accommodated in the proposed Light Industry portion of the proposed Scheme Amendment area.

### **Issues for Consideration**

#### Interfaces

The Bull Run Road precinct is bound by a National Park to the north and west and Victoria Highway to the east. The National Park entails landscape, environmental and cultural values and Victoria Highway forms a gateway to the Kununurra townsite; catering for much tourism traffic. As such, development of the site needs to be carefully planned and designed to ensure interfaces with these bounding land uses are appropriately treated.

To this end, appropriate interface treatments may include:

- Increased development setbacks;
- Vegetated buffers;
- Appropriate building placement requirements; and
- Building design requirements.

The application of these and various other treatment methods will be explored in further depth at the more detailed structure planning, subdivision and development stages.

It will also be necessary to address the interface between composite industry and light industry development, ensuring an adequate separation of residential uses from larger-scale light industrial uses. This separation could be achieved through the methods outlined above or through the provision site specific larger lots and increased setbacks at the land use transition area. Additional investigations will also be required in this regard.

#### Contamination

As part of the preparation of a structure plan for the site issues of possible contamination will also be identified, investigated and, where necessary and practical, remediated.

### Infrastructure/Engineering

It is understood that existing infrastructure and services within Kununurra, including sewer, water and electricity have capacity to cater for the proposed development. Through the Enquiry-By-Design process, the Water Corporation has advised that proposed growth in Kununurra is catered for by the current sewer and water system. Local upgrades may however be required as a result of unplanned development and redevelopment. The Water Corporation will assess the Scheme Amendment to determine any infrastructure capacity issues.

On this basis it is expected that the proposed development will be supported through standard extensions and upgrade measures to existing services and utilities, including extension of the reticulated water and sewerage system to service future subdivision of this area.

### Environmental

It is understood the applicant, LandCorp, has engaged environmental consultants to undertake spring surveys for the site to establish the presence, condition and priority listing of plant species and local wildlife. The results of these surveys will feed into subsequent more detailed planning stages; structure planning in particular.

### Aboriginal Heritage/Native Title

An Aboriginal heritage enquiry has been conducted which has revealed that there are two (2) sites of significance within the immediate area of the subject site. These sites are contained within the permanent register of the Register of Aboriginal Sites. In order to clarify the location and significance of these sites there is a need for further investigation to determine if there are any implications for the subject proposal.

On this basis, the Amendment will be referred to the Department of Indigenous Affairs for comment during the formal advertising period, should the Council support the initiation of this Scheme Amendment.

### Zoning Boundaries

LandCorp has expressed an interest in providing a mix of light industry and composite industry development on the subject site. This approach is supported by Shire staff, with the reasons for this position previously detailed in the envisaged development section of this Council report.

Based on the advice of Shire staff, LandCorp have utilised the existing alignment of Stockman Road to differentiate between the areas of 'Composite Industry' and 'Light Industry' zoning. The utilisation of Stockman Road primarily responds to the existing land use on the site, with composite industry development to the north of Stockman Road and light industry development (the fuel depot) to the south.

### Revised Scheme Provisions for Composite Industry

As already stated this Scheme Amendment proposes to amend the existing development control provisions relating to the Composite Industry Zone. The revised provisions seek to:

- Ensure that lots are developed with both a residential and industrial component;

- Stipulate occupancy requirements for the residential component;
- Stipulate employee requirements for the associated industrial use;
- In recognition of the residential use of the land; ensure land use compatibility;
- Set requirements for the size of outbuildings;
- Require a minimum standard of landscaping; and
- Set noise and hours of operation requirements and restrictions for the industry use.

In addition, changes to the zoning table are proposed to minimise land use conflict with residential uses and to preclude industrial and other uses which are considered to be more appropriate for other zones.

The revised Scheme provisions are proposed to ensure that any composite industrial subdivision and development which occurs prior to the new Scheme coming into force is appropriately managed.

### New Local Planning Scheme

The Shire is currently in the process of preparing a new Local Planning Scheme. The aim of the project is to consolidate the Shire's two existing Schemes (TPS 6 and TPS 7) and prepare a comprehensive Scheme covering the entire Shire. Given the scale of this project, it is assumed that Amendment No. 35 will be finalised first and in turn be incorporated into the new Scheme.

This approach is not envisaged to have any adverse implications for the subdivision and development of the site or for the drafting and finalisation of the Shire's new Local Planning Scheme.

The 'Light Industry' and 'Composite Industry' zones are proposed to be retained under the new Local Planning Scheme.

### Structure Planning

Under TPS 7, the Scheme Amendment area is contained within the Overall Planning Area No. 3 – Stockman Road Rural Residential Area. The Scheme provisions of this overall planning area, address various aspects related to the development of the site for rural-residential purposes; reflective of its current 'Rural Living' zone. A key provision applicable to the Overall Planning Area is the preparation of a structure plan to guide and facilitate subdivision and development.

Whilst the Amendment proposes to retain Overall Planning Area No. 3, it also seeks to revise the provisions, to more appropriately reflect the proposed development of the site for composite industry and light industry uses. The requirement for structure planning is needed, given the size of the development site and the various planning and development matters that need to be addressed on a holistic basis, prior to the subdivision and development stages proceeding.

In summary, the revised Overall Planning Area provisions require:

- The area to be subdivided and development for composite and light industry;
- Subdivision and development to be generally in accordance with a structure plan;
- Structure planning to address interface treatments between development and the National Park, Victoria Highway and the between composite and light industrial development;
- The achievement of an orderly and proper composite industry subdivision and development outcome; and
- The consideration of lot sizes and development configuration for the composite lots in structure planning.

### Structure Plan Operation

Given the integration of residential and light/service industry uses, there is a need for a new provision be inserted into the Scheme, regarding the operational aspects of a structure plan. This provision clarifies the statutory status of the provisions of a structure plan and works to ensure their effective implementation.

### Timeframes

The provision of land for composite and light industrial purposes, is considered vital in servicing the economic expansion likely to result from the Ord 2 project.

To this extent, LandCorp has advised of its intentions to commence works on the subject site in the dry season of 2011. Given that the Scheme Amendment processes can sometimes take in excess of twelve months to finalise, it is prudent that the Amendment be expedited, to ensure that an adequate supply of lots, for composite and light industry uses, is maintained.

### **STATUTORY IMPLICATIONS**

The Scheme Amendment must be progressed in accordance with the requirements of the *Planning and Development Act (2005)* and relevant subsidiary legislation and regulations.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications for the Shire. Costs associated with the amendment will be borne by the proponent (LandCorp).

### **STRATEGIC IMPLICATIONS**

The proposed amendment is consistent with the general strategic intentions identified within Council's LPS and the outcomes of the Kununurra EBD as highlighted above.

The proposal is also consistent with the intentions for economic development.

### **COMMUNITY CONSULTATION**

Should Council resolve to adopt the proposed Scheme Amendment, Shire staff will request the applicant to prepare formal Scheme Amendment documentation and subsequently, forward the Amendment to the Environmental Protection Authority for comment, and Western Australian Planning Commission for information. Subject to no objections being received from the Environmental Protection Authority, and acknowledgement being received from the Western Australian Planning Commission, staff will advertise the proposed Amendment, seeking public comment.

### **COMMENT**

The proposed Scheme Amendment will facilitate the subdivision and development of the subject site for light industry and composite industry purposes. These forms of development are experiencing high demand and this is only expected to increase with the progression of the Ord 2 project. On this basis, LandCorp have indicated a necessity to progress planning for this site, which is supported by the Council's planning instruments.

Notably, this Scheme Amendment is the first stage of the planning process which in turn will be followed by a detailed structure plan that will be used to guide and facilitate subdivision and development. The structure plan will also investigate and address many of the matters raised within this report.

Therefore, on this understanding, it is recommended the Council initiate the Scheme Amendment as per the officer recommendation.

### **ATTACHMENTS**

Attachment 1 – Proposed Scheme Amendment Map

### **VOTING REQUIREMENT**

Simple majority

### **OFFICER'S RECOMMENDATION**

That Council:

1. In pursuance of Section 75 of the Planning and Development Act (2005) (as amended), amend Town Planning Scheme No. 7 – Kununurra and Environs by:
  - (a) Rezoning the portion of Unallocated Crown Land (Land Identification No. 3094059) corresponding with Overall Planning Area 3, from 'Rural Living' to 'Light Industry' and 'Composite Industry', as indicated on the Scheme Amendment Map; and
  - (b) Deleting Clauses 5.15.2 and 5.15.3 of the Scheme and replacing them with the following text:

*5.15.2 General Development Requirements*

*Within a lot situated within the Composite Industry zone, a person may only:*

- a) Progress development which incorporates both an industrial and residential component;*

- b) *Allow a residence to be occupied by the owner, manager or employee (and their family and/or dependents) of the industrial pursuit;*
- c) *Other than immediate family or dependents, not more than 4 persons may be employed in the industrial pursuit; and*
- d) *Establish an industry that is of a nature as determined by the local government that can operate compatibly with residential living and with minimal impact on adjoining properties.*

### 5.15.3 Detailed Development Standards

*The following development standards for the Composite Industry zone take precedence over the standards prescribed for a specific use classification in Table 1 – Zoning Table or in an adopted Local Planning Policy:*

- a) *A minimum of 20 percent landscaping coverage of the lot area shall be provided in accordance with an approved landscaping plan, and this landscaping shall be installed and maintained to the satisfaction of the local government.*
  - b) *The maximum aggregate area for all outbuildings (including residential outbuildings and the industrial building[s]) shall be no greater than 10 percent of the lot area, and any industrial building(s) shall not be greater than 250m<sup>2</sup>, with an overall height of no greater than 5.0 metres measured from natural ground level.*
  - c) *All machines used in conducting a business or industrial activity shall be dampened or muffled for noise and suppressed to eliminate interference with electronic devices.*
  - d) *All business and industrial activities shall operate within reasonable hours as prescribed by the Local Government.*
- (a) Amending Table 1 – Zoning Table of the Scheme by changing the permissibility of the following land uses within the Composite Industry zone from SA or AA to X, as indicated in the table below:

<i>'Use Classes</i>	<i>9</i>
<i>Bakery – Retail</i>	<i>X</i>
<i>Brewery</i>	<i>X</i>
<i>Farm Supply Centre</i>	<i>X</i>
<i>Lunch Bar</i>	<i>X</i>
<i>Market</i>	<i>X</i>
<i>Public Amusement</i>	<i>X</i>
<i>Service Station</i>	<i>X</i>
<i>Showroom</i>	<i>X</i>
<i>Wayside Stall</i>	<i>X</i>
<i>Winery</i>	<i>X</i>
<i>Transient Accommodation</i>	<i>X</i>
<i>Fuel Depot</i>	<i>X</i>

- (b) Deleting Clause 6.4 of the Scheme and replacing it with the following text:

#### *6.4 Overall Planning Area No. 3 – Bull Run Road Precinct*

*6.4.1 The Overall Planning Area is to be subdivided and developed for light industry and composite industry.*

6.4.2 *Subdivision and development shall be generally in accordance with an endorsed structure plan for the Overall Planning Area.*

6.4.3 *A structure plan will need to address the following specific matters in addition to those required by Clause 6.6.3 of the Scheme:*

- (a) Interface treatments between development and the abutting National Park, development and Victoria Highway, and between composite and light industrial development.*
- (b) Achieving an orderly and proper composite industry subdivision and development outcome.*
- (c) Lot sizes.*
- (d) Land use and development configuration for composite industry lots.*

(c) Adding a new Clause 6.6.7 to the Scheme as follows:

*'6.6.7 Any provision, standard or requirement of a structure plan is to be given the same force and effect as if it were a provision, standard or requirement of the Scheme.'*

2. That Council advise the applicant of its resolution and request formal Scheme Amendment documentation to be prepared to enable referral to the Environmental Protection Authority and Western Australian Planning Commission.
3. That the Council forward Amendment No. 35 to Town Planning Scheme No. 7 to the Environmental Protection Authority for comment, pursuant to Section 81 of the *Planning and Development Act (2005)* and the Western Australian Planning Commission for information, and subject to no objections being received from the Environmental Protection Authority and acknowledgement being received from the Western Australian Planning Commission, the Amendment be advertised for public comment pursuant to Regulation 25(2) of the Town Planning Regulations (1967) for a period of 42 days to the satisfaction of the Director Development Services.

Cr J Parker moved the Officer's Recommendation with an amendment.

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### **COUNCIL DECISION**

**Minute No: 9149**

**Moved: Cr J Parker**

**Seconded: Cr R Addis**

**That Council:**

1. **In pursuance of Section 75 of the Planning and Development Act (2005) (as amended), amend Town Planning Scheme No. 7 – Kununurra and Environs by:**
  - (a) Rezoning the portion of Unallocated Crown Land (Land Identification No. 3094059) corresponding with Overall Planning Area 3, from 'Rural Living' to 'Light Industry' and 'Composite Industry', as indicated on the Scheme Amendment Map; and**
  - (b) Deleting Clauses 5.15.2 and 5.15.3 of the Scheme and replacing them with the following text:**

### 5.15.2 General Development Requirements

*Within a lot situated within the Composite Industry zone, a person may only:*

- (a) Progress development which incorporates both an industrial and residential component;*
- (b) Allow a residence to be occupied by the owner, manager or employee (and their family and/or dependents) of the industrial pursuit;*
- (c) Other than immediate family or dependents, not more than 4 persons may be employed in the industrial pursuit; and*
- (d) Establish an industry that is of a nature as determined by the local government that can operate compatibly with residential living and with minimal impact on adjoining properties.*

### 5.15.3 Detailed Development Standards

*The following development standards for the Composite Industry zone take precedence over the standards prescribed for a specific use classification in Table 1 – Zoning Table or in an adopted Local Planning Policy:*

- a) A minimum of 20 percent landscaping coverage of the lot area shall be provided in accordance with an approved landscaping plan, and this landscaping shall be installed and maintained to the satisfaction of the local government.*
  - b) The maximum aggregate area for all outbuildings (including residential outbuildings and the industrial building[s]) shall be no greater than 10 percent of the lot area, and any industrial building(s) shall not be greater than 250m<sup>2</sup>, with an overall height of no greater than 5.0 metres measured from natural ground level.*
  - c) All machines used in conducting a business or industrial activity shall be dampened or muffled for noise and suppressed to eliminate interference with electronic devices.*
  - d) All business and industrial activities shall operate within reasonable hours as prescribed by the Local Government.*
- (a) Amending Table 1 – Zoning Table of the Scheme by changing the permissibility of the following land uses within the Composite Industry zone from SA or AA to X, as indicated in the table below:**

<b>'Use Classes</b>	<b>9</b>
<b>Bakery – Retail</b>	<b>X</b>
<b>Brewery</b>	<b>X</b>
<b>Farm Supply Centre</b>	<b>X</b>
<b>Lunch Bar</b>	<b>X</b>
<b>Market</b>	<b>X</b>
<b>Public Amusement</b>	<b>X</b>
<b>Service Station</b>	<b>X</b>
<b>Showroom</b>	<b>X</b>
<b>Wayside Stall</b>	<b>X</b>

<i>Winery</i>	<i>X</i>
<i>Transient Accommodation</i>	<i>X</i>
<i>Fuel Depot</i>	<i>X</i>

- (b) Deleting Clause 6.4 of the Scheme and replacing it with the following text:

**6.4 Overall Planning Area No. 3 – Bull Run Road Precinct**

**6.4.1 The Overall Planning Area is to be subdivided and developed for light industry and composite industry.**

**6.4.2 Subdivision and development shall be generally in accordance with an endorsed structure plan for the Overall Planning Area.**

**6.4.3 A structure plan will need to address the following specific matters in addition to those required by Clause 6.6.3 of the Scheme:**

- (a) *Interface treatments between development and the abutting National Park, development and Victoria Highway, and between composite and light industrial development.*
- (b) *Achieving an orderly and proper composite industry subdivision and development outcome.*
- (c) *Lot sizes.*
- (d) *Land use and development configuration for composite industry lots.*

- (c) Adding a new Clause 6.6.7 to the Scheme as follows:

***‘6.6.7 Any provision, standard or requirement of a structure plan is to be given the same force and effect as if it were a provision, standard or requirement of the Scheme.’***

2. That Council advise the applicant of its resolution and request formal Scheme Amendment documentation to be prepared to enable referral to the Environmental Protection Authority and Western Australian Planning Commission.
3. Scheme No. 7 to the Environmental Protection Authority for comment, pursuant to Section 81 of the *Planning and Development Act (2005)* and the Western Australian Planning Commission for information, and subject to no objections being received from the Environmental Protection Authority and acknowledgement being received from the Western Australian Planning Commission, the Amendment be advertised for public comment pursuant to Regulation 25(2) of the Town Planning Regulations (1967) for a period of 42 days to the satisfaction of the Director Development Services.
4. That Council will not support the development of this land without all of the site constraints being addressed particularly the issue of flooding and water inundation.

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

Council decision was different to the Officer's Recommendation as Council were not prepared to support the land development in the existing form as recommended without the site constraints being addressed.

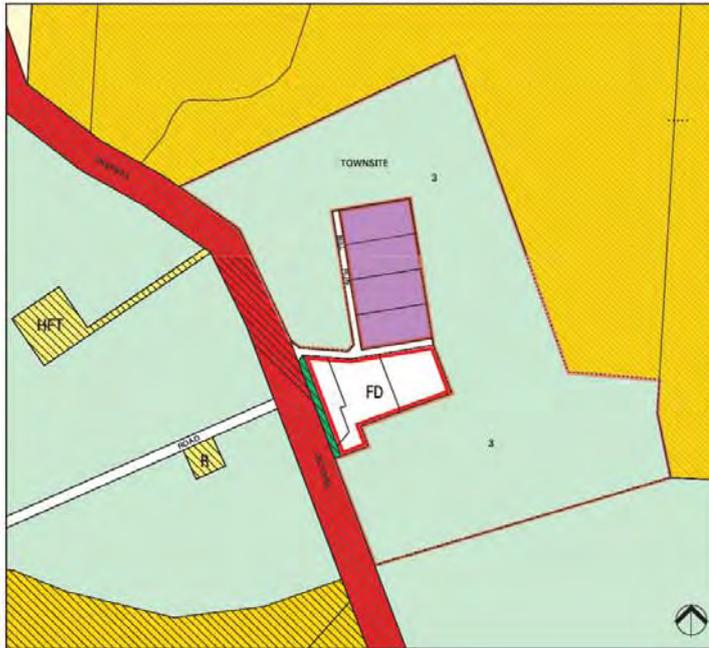
Cr F Mills and Cr K Wright returned to the room at 6:31pm.

Cr J Moulden advised Cr F Mills and Cr K Wright of the Items outcome.

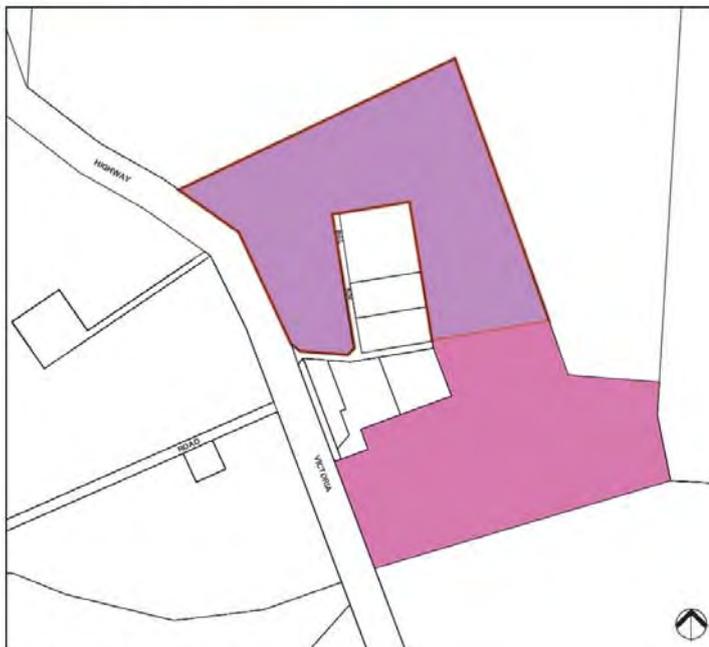
Cr F Mills returned to the Chair at 6:32pm.

**ATTACHMENT 1**

**SHIRE OF WYNDHAM EAST KIMBERLEY  
TOWN PLANNING SCHEME NO. 7 -  
KUNUNURRA AND ENVIRONS  
AMENDMENT NO. 35**



EXISTING ZONING



PROPOSED ZONING

**LEGEND**

**LOCAL SCHEME RESERVES PROTECTION**

-  CONSERVATION/ENVIRONMENTAL
-  MAJOR ROAD
-  PARKS AND RECREATION
-  PUBLIC PURPOSES  
DENOTED AS FOLLOWS:  
HFT HIGH FREQUENCY TRANSMITTER  
R REMOTE RADIO RECEIVER

**ZONES**

-  RESIDENTIAL DEVELOPMENT
-  SPECIAL SITE  
DENOTED AS FOLLOWS:  
FD FUEL DEPOT
-  RURAL LIVING
-  GENERAL RURAL
-  COMPOSITE INDUSTRY
-  LIGHT INDUSTRY

**OTHER**

-  OVERALL PLANNING AREA  
(SEE SCHEME TEXT)

**AMENDMENT NO. 35**

BULL RUN ROAD PRECINCT

DATE 09.03.2010

DWG NO 001

REV A

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### 12.4.3 DRAFT LOCAL PLANNING POLICY 10 - RURAL LIVING, SPECIAL RURAL AND RURAL SMALLHOLDING DEVELOPMENT STANDARDS

<b>DATE:</b>	18 May 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Rural Living, Special Rural And Rural Smallholding Zones
<b>AUTHOR:</b>	Ian D'arcy, Director Development Services
<b>REPORTING OFFICER:</b>	Ian D'arcy, Director Development Services
<b>FILE NO:</b>	43.02.01
<b>ASSESSMENT NO:</b>	N/A

Cr R Addis left the room at 6:32pm as he had declared a Financial Interest in this item as he is a landowner.

#### **PURPOSE**

The purpose of this report is to seek Council's consideration and endorsement of draft Local Planning Policy 10 – Rural Living, Special Rural and Rural Smallholding Development Standards

#### **BACKGROUND**

In light of the pending release of the lots at Valentine Falls, zoned 'Rural Living', and the recent introduction of the 'Rural Small Holdings' zone in Town Planning Scheme No.7, staff have prepared a draft Local Planning Policy that provides the necessary guidance on the development standards, to be applied to future subdivisional area development, on a consistent basis.

This policy prescribes the minimum, and in some instances the maximum standards, for:

- access;
- dwellings;
- location of structures;
- outbuildings sizes;
- vegetation protection;
- provision of a potable water supply;
- fencing; and
- the keeping of large animals.

A copy of draft Local Planning Policy 1 – Rural Living, Special Rural and Rural Smallholding Development Standards 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**

There are no strategic implications associated with this Policy, but more so this Policy aims to provide guidance and clarity to the minimum standards to be applied to development and land management across the zones of Rural Living, Special Rural and Rural Smallholdings.

## **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**

While the intent of this policy is to ensure that matters such as water supply, fire management and residential amenity are adequately addressed, and landowners are well informed of the standards set by Council, the policy once adopted should also provide a sound foundation for the standard of development to be maintained across the respective 'Rural Living', 'Special Rural' and 'Rural Smallholdings' zones.

Accordingly, as with all Local Planning Policies, this document should compliment the objectives of each zone and be read in conjunction with the general provisions and development standards of the respective Town Planning Schemes.

## **ATTACHMENTS**

Attachment 1 – Local Planning Policy 10 – Rural Living, Special Rural and Rural Smallholding Development Standards

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council adopt draft Local Planning Policy 10 – Rural Living, Special Rural and Rural Smallholding Development Standards 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 J Moulden moved the Officer's Recommendation with an amendment.

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**COUNCIL DECISION**

**Minute No: 9150**

**Moved: Cr J Moulden**

**Seconded: Cr J Parker**

***That Council adopt draft Local Planning Policy 10 – Rural Living, Special Rural and Rural Smallholding Development Standards with the inclusion of point 5. on page 66 headed Relevance: This policy only applies to developments approved after the date of adoption of the policy. This is 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.***

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

---

Council decision was different to the Officer's Recommendation as Council wanted the policy to only apply to developments approved after the policy adoption date.

Moved: Cr K Wright

Seconded: Cr F Mills

Point 3.3b on page 66 be deleted.

Point 3.2c on page 63 change the wording of the fifth dot point to:

“verandas on the north east and west elevation sides to provide articulation and energy efficiency”.

This motion was not voted on because there was confusion about what motion was being put by the Shire President.

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**Minute No: 9151**

**Moved: Cr J Moulden**

**Seconded: Cr J Parker**

***That Cr K Wright be no longer heard on this item.***

**CARRIED: (4/3)**

**FOR: Cr J McCoy**

**Cr K Torres**

**Cr J Parker**

**Cr J Moulden**

**AGAINST: Cr F Mills**

**Cr D Ausburn  
Cr K Wright**

**Minute No: 9152**

**Moved: Cr J Moulden  
Seconded: Cr F Mills**

***That Council adopt draft Local Planning Policy 10 – Rural Living, Special Rural and Rural Smallholding Development Standards with the inclusion of point 5. on page 66 headed Relevance: This policy only applies to developments approved after the date of adoption of the policy. The deletion of point 3.3b on page 66 and change the wording in point 3.2c on page 63 dot point 5 to “verandahs on the north east and west elevation sides to provide articulation and energy efficiency”. This is 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.***

**CARRIED: (4/3)**

**FOR: Cr F Mills  
Cr D Ausburn  
Cr J Moulden  
Cr K Wright**

**AGAINST: Cr J Parker  
Cr J McCoy  
Cr K Torres**

---

Given the uncertainty about the validity of the above vote and Councillor’s seeking clarification of the amended motion, on advice from the Chief Executive Officer, the Shire President re-put the amended motion.

Russell Williams left the room at 6:48pm

Cr K Wright left the room at 6:50pm.

Russell Williams returned to the room at 6:50pm.

Cr K Wright returned to the room at 6:51pm.

---

**Minute No: 9153**

**Moved: Cr J Moulden**  
**Seconded: Cr F Mills**

***That Council adopt draft Local Planning Policy 10 – Rural Living, Special Rural and Rural Smallholding Development Standards with the inclusion of point 5. on page 66 headed Relevance: This policy only applies to developments approved after the date of adoption of the policy. The deletion of point 3.3b on page 66 and change the wording in point 3.2c on page 63 dot point 5 to “verandahs on the north east and west elevation sides to provide articulation and energy efficiency”. This is 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.***

**LOST: (3/4)**

**FOR: Cr F Mills**  
**Cr D Ausburn**  
**Cr K Wright**

**AGAINST: Cr J Moulden**  
**Cr K Torres**  
**Cr J Parker**  
**Cr J McCoy**

---

Cr J Parker left the room at 6:56pm.

---

**Minute No: 9154**

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

***That Standing Order 7.5 be suspended to allow Councillors to speak more than once on the matter.***

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

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Standing Order were suspended at 6:56pm.

Cr J Parker returned to the room at 6:58pm.

---

**Minute No: 9155**

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

**That Standing Order 7.5 be resumed.**

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

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Standing Orders were resumed at 6:59pm.

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**Minute No: 9156**

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

**That Council adopt draft Local Planning Policy 10 – Rural Living, Special Rural and Rural Smallholding Development Standards with the inclusion of point 5. on page 66 headed Relevance: This policy only applies to developments approved after the date of adoption of the policy. This is 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.**

**CARRIED: (6/1)**

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

**AGAINST: Cr K Wright**

---

Council decision was different to the Officer's Recommendation as Council wanted the policy to only apply to developments approved after the policy adoption date.

Cr K Torres left the room at 6:59pm.

Cr R Addis returned to the room at 7:00pm.

Cr F Mills advised Cr R Addis of the Items outcome.

Cr K Torres returned to the room at 7:03pm.

## ATTACHMENT 1

POLICY NO:	Draft LPP 10
DIVISION:	Development Services
SUBJECT:	Rural Living, Special Rural and Rural Smallholding Development Standards
REPORTING OFFICER:	Director Development Services
ENABLING LEGISLATION:	Town Planning Scheme No 7 – Kununurra & Environs Town Planning Scheme No 6 – Wyndham

### **Objective:**

To provide guidance on the standards applicable to Rural Living, Special Rural and Rural Smallholding development and use in order to preserve the rural ambience and protect the local amenity within these zones.

### **Policy:**

#### **1.0 Introduction**

This policy prescribes the minimum, and in some instances the maximum standards, for development in the Rural Living, Special Rural and Rural Smallholding zones, including access, dwellings, location of structures, outbuildings, vegetation, potable water, fencing and keeping of large animals.

#### **2.0 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 regard to this policy when determining development applications within the Rural Living, Special Rural and Rural Smallholding zones.

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

#### **3.0 Development Standards**

##### **3.1 Vehicular Access**

A crossover (with drainage culvert, if applicable) is to be provided to a compacted gravel standard and accord with the minimum specifications of the local government. Specific information on the specifications can be obtained by contacting the Shire's Infrastructure Directorate.

##### **3.2 Dwellings**

- (a) Only one dwelling is permitted on any lot within a Rural Living, Special Rural or Rural Smallholdings zone.
- (b) The use of light colours for external roof and wall claddings and finishes is encouraged.

(c) Where possible new houses should include:

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

### 3.3 Potable Water

All dwellings on lots within a Rural Living, Special Rural or Rural Smallholdings zone shall be connected a potable water supply for domestic and fire fighting use sourced from either:

- (a) The Water Corporation reticulated water supply system; or
- (b) Rain water catchment from on-site building structures supported by a minimum 92,000 litre rainwater tank; or
- (c) An on-site dam, ground water bore or other water body (subject to approval from the Department of Water) supported by a 10,000 litre storage tank.

*(Note: All water storage tanks shall include the installation of an outlet with gate valve and male coupling located at the base of the tank to the local Fire Brigade specifications and be clearly marked "Fire Brigade Connection Point". Also, water catchment and holding such as that provided by rainwater tanks, dams or the like should be designed to prevent the harbourage and breeding of mosquitoes)*

### 3.4 Drainage

- (a) Storm-water runoff from all buildings should be mechanically directed into the local government's purposely designed and constructed storm-water system or disposed of onsite without pooling against any buildings or structures.
- (b) Storm-water runoff from all buildings shall not be mechanically directed on to neighbouring properties.

### 3.5 Outbuildings

- (a) Outbuildings on lots within a Rural Living, Special Rural or Rural Smallholdings zone shall be limited to following standards:

Zone	Standard	Maximum
Rural Living and Special Rural (Lots < 4 ha)	Area (per building)	120 m <sup>2</sup>
	(total aggregate)	200 m <sup>2</sup>
	Wall Height	3.6 metres
	Overall Height (single story)	5.0 metres
	Overall Height (double story barn)	6.5 metres
Rural Smallholdings (Lots > 4 ha)	Area (per building)	200 m <sup>2</sup>
	(total aggregate)	300 m <sup>2</sup>
	Wall Height	4.2 metres
	Overall Height (single story)	5.5 metres
	Overall Height (double story barn)	6.5 metres

- (b) Other than for general storage and/or agricultural purposes an outbuilding shall not be used for any commercial or industrial use without prior approval from Council.
- (c) An outbuilding (Class 10 building) as defined under the Building Code of Australia (BCA) is **NOT** to be used for any form of permanent or temporary residential habitation.
- (d) An outbuilding is required to be sited behind the 'front building line' of a dwelling on lots less than 4.0 hectares in area in all zones, unless sufficient justification has been provided by the applicant and the building is consistent in design and materials with the existing dwelling.

*(Note: For the purpose of this statement the 'front building line' is to be measured from the closest point of the house to the boundary parallel with the road.)*

### 3.6 Location of Structures

The placement of building and structures on any lot within a Rural Living, Special Rural or Rural Smallholdings zone shall accord with the following provisions:

- (a) Where possible all building structures should be clustered together.
- (b) Building structures are not to be located in any area/s identified as 'Development Exclusion Area' or 'Re-vegetation Area', or similar as shown on a structure plan or fire management plan or deposited plan.
- (c) Where a building envelope is identified on a 'structure plan' or 'fire management plan' or deposited plan all building structures shall be contained within the designated envelope area.

- (d) Where a building envelope exists on a particular lot an application for planning approval to amend or relocate the building envelope is required, and shall be accompanied by relevant building plans and information addressing visual amenity, privacy and screening, vegetation loss, access, and proximity to natural features.

*(Note: The local government when considering an application to amend or relocate a designated building envelope will have regard for unacceptable visual clutter; unnecessary clearing; visual obtrusiveness; impact on an adjoining property and compliance with the land-use, setbacks, building height, development exclusion, vegetation protection, bushfire requirements and other pertinent provisions of the Town Planning Scheme and associated Planning Policies.)*

### 3.7 Vegetation

The clearing of remnant vegetation or revegetation on Rural Living and Special Rural zoned land is not permitted except where:

- (a) The clearing is allowed under the *Bush Fires Act 1954* (as amended), the local government's Bush Fire Notice and/or any fire management plan endorsed by the local government, or the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.
- (b) Clearing is reasonably required to accommodate an approved building and associated curtilage, or vehicular access to an approved building or other land use approved by the local government.
- (c) Trees are diseased or dangerous and need to be removed in the interest of safety.

### 3.8 Keeping of Animals

- (d) The keeping of animals (other than domestic household pets) on Rural Living, Special Rural and Rural Smallholding zoned land shall accord with the maximum stocking rates of animals to the hectare as prescribed by the Department of Agriculture and Food Western Australia.
- (e) Application for approval of a stocking rate above the prescribed level by the Department of Agriculture and Food Western Australia requires the planning approval of the local government.
- (f) Where the keeping of large animals (ie horses) results in problems of land degradation the local government may reduce and restrict stocking rates below those prescribed by the Department of Agriculture and Food Western Australia.

### 3.9 Fencing

- (a) All boundary fencing shall be of an open style and rural nature (ie post and wire) and shall exclude fibre cement, pickets, sheet iron

and any other material which in local government's opinion would detract from the rural character and amenity of the area.

- (b) All internal yard fencing for a dwelling may consist of a solid fence to a maximum height of 1.8 metres.
- (c) A gateway entry statement is permitted to a maximum of 5.0 metres in length, 1.8 metres in height where the use of solid fencing materials may be entertained.

### 3.10 Fire Management

In addition to complying with the local government Bush Fire Notice:

- (a) All buildings located on lots within a Rural Living, Special Rural and Rural Smallholding zone shall be maintained with a minimum 30 metre building protection zone around the dwelling measured from the outer wall of the building, which is to be kept free of combustible undergrowth and ground litter at all times. If a buildings is setback less than 30 metres from a boundary then the protection zone may be reduced to accord with the setback distance.
- (b) All external water pipes shall be laid under ground to a minimum depth of 300mm to withstand the effects of a bush fire.
- (c) Owners of Rural Living, Special Rural and Rural Smallholding zoned properties are encouraged to acquire and maintain their own fire fighting appliance in areas considered to be of a medium to high bushfire risk.

## 4.0 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*

ADOPTED:

REVIEWED:

AMENDED:

#### 12.4.4 FINAL ADOPTION OF LOCAL PLANNING POLICY 15 - SIGNAGE

<b>DATE:</b>	18 May 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Shire Of Wyndham East Kimberley
<b>AUTHOR:</b>	Kevin Tang, Town Planning Officer
<b>REPORTING OFFICER:</b>	Ian D'arcy, Director Development Services
<b>FILE NO:</b>	43.02.01
<b>ASSESSMENT NO:</b>	N/A

#### **PURPOSE**

To consider final adoption of Local Planning Policy 15 – Signage in accordance with Shire of Wyndham - East Kimberley's Town Planning Scheme No. 6 and No. 7.

#### **BACKGROUND**

The Council at its ordinary meeting in 16 March 2010, resolved to advertise the draft Signage Policy seeking public comments, in accordance with the requirements of Shire's Town Planning Scheme No. 6 and No. 7.

In the course of advertising, only one submission has been received from Shire's insurer LGIS, which is in relation to public liability insurance cover.

A copy of the amended draft Policy 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**

Refer to Comment Section.

#### **FINANCIAL IMPLICATIONS**

An advertisement is required to be published in the local newspaper, notifying the public of adoption of respective policy, at a cost in the order of \$150-\$200.

#### **STRATEGIC IMPLICATIONS**

Generally the Local Planning Policy is formulated within the legal framework prescribed by legislation and aligned with the strategic direction, as set by the Council. Also, the policy aides in providing a foundation for delegation to be set, in order to assist in the streamlining of the approval processes and to establish a relative level of compliance.

## **COMMUNITY CONSULTATION**

The policy has been advertised for a period of 21 days, seeking public comment, in accordance with Section 3.3 of Town Planning Scheme No. 6 and Section 12.6 of Town Planning Scheme No. 7.

In response, only one submission was received from Shire's insurer LGIS, recommending that any signs to be placed on Council Reserves should be covered by public liability insurance to the amount of \$10 million. A copy of this submission is provided as Attachment 2.

## **COMMENT**

The intent of this policy is to safeguard visual amenity and enhance traffic safety, affected by a range of different signs. The policy prescribes the location, height, bulk, scale and appearance of signs, hoardings and bill postings. It also addresses the material and responsibility of signs in the case of damage or injury.

Additionally, there is no relevant policy reference in relation to signage regulations in Council's delegation policy. It is perceived that the proposed policy will provide useful guidance for future planning decision making.

In relation to the submission from LGIS, an additional sentence has been added under Clause 4.2.5. The Clause will now read:

### *4.2.5 Liability*

*The applicant shall be solely responsible for any damage or accident caused by the sign. Signs placed on Council Reserves shall be covered by public liability insurance to the amount of \$10 million.*

From consultation with an insurer it is understood public liability insurance with a cover of \$10 million for a small business would generally cost in the order of \$500-\$600. It is also understood that most shop owners will have to purchase public liability insurance for their businesses and that any extension of their insurance policy to cover signs on Council Reserve, (for example, sandwich boards), will not incur additional cost.

Furthermore, the Council's insurer LGIS has confirmed that the Shire's public liability insurance does not cover any liability caused by the third party. Therefore, signs placed on Council Reserves will still have to be covered by independent insurance companies at applicants' costs.

## **ATTACHMENTS**

Attachment 1 - Draft Local Planning Policy 15 – Signage  
Attachment 2 - Email from LGIS

## **VOTING REQUIREMENT**

Simple Majority

Moved: Cr K Wright  
Seconded:

That this item be deferred to a Briefing Session.

LAPSED

The motion lapsed for want of a seconder.

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**Minute No: 9157**

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

**That Council pursuant to Clause 3.3.2 (b) of the Shire of Wyndham - East Kimberley Town Planning Scheme No.6 and Clause 12.6.1(b) of the Shire of Wyndham - East Kimberley Town Planning Scheme No.7 finally adopt Policy LPP15 with the following amendments:**

**Item 4.2.2 Glass in Signs be deleted as it is covered in 4.3.11 2e Illuminated Signs and would be contradictory.**

**Item 4.3.14.2a and b be deleted.**

**Item 4.3.11.1 be deleted.**

**Then proceed to publish a notice for the Policy (as shown in Attachment 1) to this effect in the local newspaper.**

**LOST: 1/7**

**For: Cr K Wright**

**Against: Cr F Mills**  
**Cr J McCoy**  
**Cr D Ausburn**  
**Cr K Torres**  
**Cr R Addis**  
**Cr J Parker**  
**Cr J Moulden**

**Minute No: 9158**

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

**That the Officer's Recommendation be put.**

**CARRIED UNANIMOUSLY: 8/0**

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Cr J Parker moved the Officer's Recommendation with an amendment.

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**Minute No: 9159**

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

***That Council pursuant to Clause 3.3.2 (b) of the Shire of Wyndham - East Kimberley Town Planning Scheme No.6 and Clause 12.6.1(b) of the Shire of Wyndham - East Kimberley Town Planning Scheme No.7 finally adopt the following Policy LPP15 with the deletion of Item 4.22 Glass Signs – be deleted as it is covered in 4.3.11 2e under Illuminated Signs and would be contradictory. Proceed to publish a notice for the Policy (as shown in Attachment 1) to this effect in the local newspaper.***

**CARRIED: (7/1)**

**FOR:** Cr F Mills  
Cr J McCoy  
Cr D Ausburn  
Cr K Torres  
Cr R Addis  
Cr J Parker  
Cr J Moulden

**AGAINST: Cr K Wright**

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Council decision was different to the Officer's Recommendation as Council noted a duplication covering glassed signs that was contradictory.

## ATTACHMENT 1

POLICY NO:	LPP 15
DIVISION:	Development Services
SUBJECT:	Signage
REPORTING OFFICER:	Executive Manager Development Services
ENABLING LEGISLATION:	Town Planning Scheme No 7 – Kununurra & Environs Town Planning Scheme No 6 – Wyndham

### **Objectives:**

- To control signs in order to safeguard the visual amenity of the Shire
- To ensure safety on state lands and local thoroughfares
- To set out standards which apply to development applications for a range of different signs

### **Policy:**

#### **1. Introduction**

Previously, signage in the Shire had been regulated by the Signs and Hoardings and Bill Posting local law, which was repealed in 2003. Ever since, there has been a lack of effective policy guidance in determining development applications for signage. In the absence of such a policy the potential exists for the visual amenity and traffic safety within the Shire to be compromised.

In an endeavour to address this issue and provide a proper guidance in planning decision making it is intended that this policy prescribe the location, height, bulk, scale and appearance of signs, hoardings and bill postings.

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

The policy is made 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 Council with respect to any applications for planning approval but the Council shall have due regards to the policy. This policy should be read in conjunction with the relevant part controlling advertising in the Town Planning Schemes. If there is any inconsistency between this policy and the Scheme, the Scheme prevails.

#### **3. Definitions**

**Sign** - includes a notice, flag, mark, structure or device on which may be shown words, numbers, expressions or symbols and an “**Advertisement**” has the same meaning as sign.

**Bill Posting** – means the attaching, sticking, painting, or stencilling of any bill, poster, placard or advertisement on any building, wall, hoarding or structure whether erected upon private property or upon a public place.

**Development sign** - an advertisement displayed on a lot advertising units or lots for sale that have been approved by either Western Australian Planning Commission or the Shire.

**Display Home sign** – means an advertisement sign which is displayed on a lot advertising a building company and inviting members of the public to inspect their dwelling on display.

**Entry Statement** – is an optional element of landscape work that marks and defines the entry to a property, including individual developments, resorts, residential estate or precincts.

**Freestanding sign** – a sign not permanently attached to a structure or fixed to the ground and includes “A frame” or “sandwich boards” signs consisting of 2 sign boards attached to each other by hinges or other means.

**Horizontal sign** – an advertisement attached to a building with its largest dimension horizontal.

**Illuminated sign** – an advertisement that is so arranged as to be capable of being lighted either from within or without the advertisement by artificial light provided, or mainly provided, for that purpose.

**Institutional sign** – means a sign erected or placed on land or a building used for or in connection with a surgery, clinic, hospital, rest home, home for the aged, or other institutions or places of a similar nature.

**Pennons** – long narrow flag, triangular or swallow-tailed flag.

**Projection sign** – an advertisement that is made by projection of artificial light on a structure.

**Property transaction sign** – an advertisement indicating that the premise on which it is displayed is for sale or for lease or to be auctioned.

**Pylon sign** – an advertisement supported by one or more piers and which is not attached to a building and includes a detached sign framework supported on one or more piers to which sign infill may be added.

**Roof sign** – an advertisement displayed on the roof of a building.

**Rural producer’s sign** – an advertisement displayed on land used for horticultural purposes and which advertises products produced or manufactured upon the land and includes the property owner’s or occupier’s name.

**Semaphore sign** – means a sign attached or affixed to a structure or building which sign is affixed and supported at, or by, one of its ends only.

**Tower sign** – an advertisement displayed on a mast, tower, chimneystack or similar structure.

**Verandah sign** – an advertisement above, on or under a verandah, cantilever awning, cantilever verandah and balcony whether over a public thoroughfare or private land.

**Vertical sign** – an advertisement attached to a building with its largest dimension on the vertical.

**Wall panel** – means a panel used for displaying a posted or painted message and affixed to or adjoining the wall of business premises or erected on the forecourt of any business premises.

#### **4. Matters to be considered in assessing and determining applications**

##### **4.1 Location of Signs**

A sign shall not be displayed:

- (1) Where it would detract from the aesthetic environment of a park or other land used by the public for recreation;
- (2) In the case of an internally illuminated sign, where its display would cause glare or dazzle that would have an adverse effect on the amenity of the immediate surrounds;
- (3) In the case of an externally illuminated sign, where the light would not be directed solely onto the device and its structural surround and the light source be so shielded that glare would not occur or extend beyond the sign and cause the driver of any vehicle to be distracted;
- (4) Where it would be likely to interfere with, or cause risk or danger to traffic on a thoroughfare by virtue of the fact that it may obscure the vision of a person driving a vehicle;
- (5) In the case of an illuminated sign, where it may be confused with or mistaken for the stop or tail light of a vehicle;
- (6) Where it significantly obstructs or obscures the view of a river, the sea or any other natural feature of beauty;
- (7) Where it would detrimentally affect the general amenity of the area;
- (8) Where it is not associated with the approved use of the property on which it is displayed;
- (9) On or adjacent to a footpath which results in the pedestrian access being less than 1.5m in width;
- (10) On a dividing strip, roundabout or traffic island; and
- (11) On any local road reserve without the consent from the Shire.

## **4.2 Sign Safety and Maintenance**

### **4.2.1 Fixing of Signs**

Every sign or advertising device shall be securely fixed to the structure by which it is supported, to the satisfaction of Shire Building Surveyor, and the structure and the method of securing shall be maintained in good order and repair to the satisfaction of the Building Surveyor.

### **4.2.2 Glass in Signs**

Glass shall not be used in any sign or hoarding unless it is part of an illuminating globe or tube.

### **4.2.3 Readily Combustible Material**

Except in the case of posters securely affixed to a signboard or other structure, readily combustible materials including but not limited to paper, cardboard or cloth shall not form part of or be attached to any sign or hoarding.

### **4.2.4 Maintenance of Signs**

Every sign or hoarding, whether licensed or required to be licensed or not, shall be kept clean and free from unsightly matter and shall be maintained by the licensee (if any) or owner in good order and repair to the satisfaction of the Building Surveyor.

### **4.2.5 Liability**

The applicant shall be solely responsible for any damage or accident caused by the sign. Signs placed on Council Reserves shall be covered by public liability insurance to the amount of \$10 million.

## **4.3 Sign Standards:**

### **4.3.1 Banners, Flags & Pennons**

No more than 5 (in total) banners, flags or pennons signs shall be erected in relation to the one building or business and must not obstruct in any way the use of any thoroughfare.

### **4.3.2 Bill Posting**

A person shall not bill post within the District of the Shire of Wyndham East Kimberley.

### **4.3.3 Blimps or Balloons**

The use of blimps or balloons for advertising and signage purposes is subject to the special approval of the Council for a maximum of 30 days in any 12 month period.

### **4.3.4 Clocks**

A clock shall:

- (1) If suspended under a verandah or in an arcade, have its centre coinciding with the centre line of the footway there under shall comply as to size to the following table:

<b>Height of bottom of clock above footway maximum diameter of width of clock face</b>	<b>Depth of clock including lettering</b>
2.7 metres and under 4 metres	500 millimetres
4.0 metres and under 6 metres	750 millimetres
6.0 metres and under 12 metres	1.0 metres
12.0 metres and over	1.50 metres

- (2) Be fixed either parallel or at right angles to the wall to which it is attached;
- (3) Afford a minimum headway of 2.70 metres; and
- (4) If fitted with chimes, not be permitted to strike between 10 pm and 7 am without the approval in writing of the local government.

#### **4.3.5 Development Signs**

- (1) A development sign is to be removed from the site within 2 years from the date of approval or when 80% of the lots by number in the subdivision (or stage of subdivision) have been sold, whichever is the sooner.
- (2) No more than 2 development signs should be erected in relation to one subdivision.
- (3) Development signs shall:
  - (a) Only be erected where the area of residential land being subdivided exceeds 1 hectare;
  - (b) Not exceed 22m<sup>2</sup> in area;
  - (c) Not have any part more than 6m above the level of the ground immediately below it; and
  - (d) Be displayed at the entrance to the subdivision and not remote from the lots being sold unless special approval is granted by the Council.

#### **4.3.6 Display Home Signs**

- (1) Display home signs:
  - (a) May be provided in a ratio not exceeding 2m<sup>2</sup> per home in a display centre, with no individual sign exceeding 4m<sup>2</sup>, the overall height of the sign shall not exceed 4m;
  - (b) Shall not be illuminated after 9 pm; and
  - (c) Shall be removed for the site at the time the building no longer serves as a display home.

#### **4.3.7 Entry Statement**

- (1) Entry statements shall have due regards to the surrounding built and natural environment and be of heritage value and architectural aesthetics, subject to Shire's consent.
- (2) The design and materials used in the construction should be practical and durable and minimise opportunities for graffiti and vandalism.
- (3) The location and form of the Entry Statement must not unduly impede or restrict pedestrian, cyclist or public and private vehicular movement to or from the site.

#### **4.3.8 Freestanding Signs**

- (1) There shall be no more than one freestanding sign that relates to a specific activity or business placed on private property or on reserve land.
- (2) Freestanding signs should:
  - (a) Not exceed 1m in height;
  - (b) Not exceed an area of 1m<sup>2</sup> on any side;
  - (c) Not be placed in any position other than immediately adjacent to the building or business or property to which the sign relates;
  - (d) Be removed each day at the close of the business to which it relates and not be placed on site again until the business next opens for trading ; and
  - (e) Be covered under the public liability insurance of the business to which it relates, if located on a thoroughfare, with proof of insurance cover to be presented to the local government.

#### **4.3.9 Hoardings**

- (1) A hoarding shall not:
  - (a) Be erected on land that is zoned for residential purposes by a Town Planning Scheme for the time being in force;
  - (b) Except with the special approval of the Council be erected within 15 metres of a street or other public place and in any case not closer than its own height to a street or public place; and
  - (c) Be of greater area than 22 square metres.

#### **4.3.10 Horizontal Signs**

- (1) A horizontal sign shall:
  - (a) Not exceed 3m in height or 4m in length;
  - (b) Not exceed 5m<sup>2</sup> in area;
  - (c) Not project more than 1.5m from the wall to which it is attached;
  - (d) Not project more than 1m above the top of the wall to which it is attached;
  - (e) Afford a minimum headway of 2.75m where the sign projects more than 12mm into a pedestrian thoroughfare;
  - (f) Not be within 450mm of the edge of a carriageway; and
  - (g) Not be closer than 600mm from either end of the wall to which it is attached.

#### **4.3.11 Illuminated Signs**

- (1) No more than one illuminated sign shall be erected in relation to the one building or business.
- (2) An illuminated sign shall:
  - (a) Not exceed 3m in height or 4m in length;
  - (b) Not exceed 8m<sup>2</sup> in area;
  - (c) Not have any part more than 6m above the level of the ground immediately below it;
  - (d) Have any boxing or casing in which it is enclosed, constructed of incombustible material;
  - (e) 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;
  - (f) Be maintained to operate as an illuminated sign;
  - (g) Not have a light of such intensity as to cause annoyance to the public or be a traffic hazard;
  - (h) Not emit a flashing light; and
  - (i) Be treated appropriately to minimise damage from vandalism and/or graffiti.

#### **4.3.12 Institutional Signs**

An institutional sign shall not exceed 2m<sup>2</sup>.

#### **4.3.13 Property Transaction Signs**

- (1) A property transaction sign advertising an auction shall not be erected more than 28 days before the proposed auction date and shall be removed no later than 14 days after the auction.
- (2) A property transaction sign for a dwelling shall:
  - (a) Not exceed 2m in height or 2m in length;
  - (b) Not exceed 2m<sup>2</sup> in area; and
  - (c) Not have any part more than 3m above the level of the ground immediately below it.
- (3) A property transaction sign for multiple dwellings, shops etc. shall:

- (a) Not exceed 4m in height or 4m in length;
  - (b) Not exceed 5m<sup>2</sup> in area; and
  - (c) Not have any part more than 5m above the level of the ground immediately below it.
- (4) A property transaction sign for large properties not cover by 4.3.13(2) and 4.3.13 (3) above, shall:
- (a) Not exceed 6m in height or 6m in length;
  - (b) Not exceed 10m<sup>2</sup> in area; and
  - (c) Not have any part more than 6m above the level of the ground immediately below it.

#### **4.3.14 Pylon Signs**

- (1) 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.
- (2) A pylon sign shall:
- (a) Not exceed 3.5m in width or 6m in height;
  - (b) Not exceed 9m<sup>2</sup> in area; and
  - (c) Be constructed to prevent access under the sign or have a minimum clearance of 2.6 metres.

#### **4.3.15 Roof Signs**

- (1) A roof sign shall not extend laterally beyond the external wall of the structure or building on which it is erected or displayed.
- (2) No more than one roof sign is to be erected in relation to the one building.
- (3) A roof sign shall comply with the following:

Height of main building above ground level where sign is to be fixed	Maximum height of sign
5m and under	1.25m
Above 5m to 6m	1.5m
Above 6m to 12m	2.0m
Above 12m to 18m	2.5m
Above 18m to 24m	3.0m
Above 24m	3.5m

#### **4.3.16 Rural Producer's Sign**

- (1) A rural producer's sign shall:
  - (a) Not advertise anything other than the sale of produce grown on the land on which the sign is erected;
  - (b) Not exceed 2m<sup>2</sup> in area; and
  - (c) Not exceed a height of 3m above the level of the ground immediately below it.

#### **4.3.17 Semaphore Signs**

- (1) A semaphore sign shall:
  - (a) Afford a minimum headway of 2.7m;
  - (b) Be affixed at right angles to the wall to which it is affixed or attached;
  - (c) Not project more than 1m horizontally from the point of attachment nor be of greater heights at any point than 1m; and
  - (d) Not be erected under or over any verandah.
- (2) Not be limited to one sign fixed over or adjacent to any one entrance to a building.

#### **4.3.18 Signs on Vehicles**

No vehicle with a sign upon or inside, adapted and exhibited primarily to facilitate advertising is to park for any lengthy period of time (as determined by the Shire) on any thoroughfare, with the exception of being parked at the owners residence or with the consent of the Shire.

#### **4.3.19 Signs on Fences**

Signs on fences shall not be permitted, except for free standing signs adjacent to fence line.

#### **4.3.20 Verandah Signs**

- (1) A verandah sign fixed to the outer or fascia of the verandah shall not project beyond the outer frame or surround of the fascia nor exceed 600mm in width.
- (2) A verandah sign under a verandah shall:
  - (a) Be fixed at right-angles to the front wall of the building to which it is to be affixed except on a corner of a building at a thoroughfare intersection where the sign may be placed at an angle with the wall so as to be visible from both thoroughfares;
  - (b) Afford a minimum headway of 2.75m;
  - (c) Not exceed 1.5m in length or 400mm in width;
  - (d) Not be constructed of glass or any material which upon impact or breaking produces particles or shapes which may be hazardous to the public; and
  - (e) Not weigh more than 50kg unless certified by a practising structural engineer that the structure to which the sign is to be

attached is capable in all respects of withstanding the total load to be imposed by the sign under all conditions.

#### **4.3.21 Vertical Sign**

- (1) A vertical sign shall:
- (a) Not exceed 4m in height or 3m in length;
  - (b) Not exceed 5m<sup>2</sup> in area;
  - (c) Not project more than 1m from the wall to which it is attached;
  - (d) Not project more than 1m above the top of the wall to which it is attached;
  - (e) Afford a minimum headway of 2.70m where the sign projects more than 12mm into a thoroughfare;
  - (f) Not be within 450mm of the edge of a carriageway;
  - (g) Not be within 600mm of either end of the wall to which it is attached; and
  - (h) Not be within 4m of another vertical sign on the same building.

#### **4.3.22 Wall Panel**

- (1) A wall panel shall:
- (a) not exceed 6m x 3m;
  - (b) be fixed to the face of a wall of a building; and
  - (c) not project beyond the boundaries of the lot.

#### **4.3.23 Acceptable Deviation**

The Council may exercise its discretion to approve a deviation from the specific standards subject to the applicant demonstrating that the likely effect of the location, height, bulk, scale, orientation and appearance of the advertisement will not:

- (a) Conflict with or detrimentally affect the amenity of the locality; and
- (b) Interfere with traffic safety.

#### **4.4 Responsibilities:**

The policy is subject to an annual Council review. As per Council's Delegation Policy, Chief Executive Officer or Executive Manager Development Services shall sign the relevant application/s as the authorising agent.

#### **4.5 Exempt Signs**

Exempt signs are stipulated in Town Planning Schemes No. 6 and No. 7 and are only exempt from planning approval (a building licence may still be required).

#### **REFERENCE:**

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

*Planning and Development Act 2005*

ADOPTED:  
REVIEWED:  
AMENDED:

## ATTACHMENT 2

Page 1 of 1

**Kevin Tang**

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**From:** Kelly D'Arcy  
**Sent:** Tuesday, 13 April 2010 7:14 AM  
**To:** Kevin Tang  
**Cc:** Ian D'Arcy  
**Subject:** FW: Public liability Insurance

**Importance:** High

Hi Kevin

For your information;

Kind Regards

*Kelly D'Arcy*

Senior Finance Officer  
Shire of Wyndham East Kimberley  
PO Box 614  
Kununurra WA 6743  
Ph: (08) 9168 4100  
Fax: (08) 9168 1798  
Email: [sfo2@swek.wa.gov.au](mailto:sfo2@swek.wa.gov.au)  
Website: [www.swek.wa.gov.au](http://www.swek.wa.gov.au)

---

**From:** Lise.Crowhurst@jita.com.au [mailto:[Lise.Crowhurst@jita.com.au](mailto:Lise.Crowhurst@jita.com.au)]  
**Sent:** Monday, 12 April 2010 6:48 PM  
**To:** Kelly D'Arcy  
**Subject:** RE: Public liability Insurance  
**Importance:** High

Hi Kelly

We recommend that you seek a minimum of \$10,000,000 any one loss cover for Public Liability Insurance. If there is an increased risk (damages in excess of \$10,000,000 could be caused e.g. signage is placed on main arterial route that is used by mining companies and access could be blocked) or signage is to be placed in heavy pedestrian/traffic areas a higher limit of liability may be warranted, for your interest, most shopping centres now require all shop owners/stall holders/vendors to carry a minimum limit of liability of \$20,000,000 any one loss.

I hope this helps.

Cheers

Lise

Regards

**Lise Crowhurst**

Manager - LGIS Insurance Broking  
Phone 08 9483 8861  
Facsimile 08 9481 5639  
Mobile 0449 969 276  
Email [Lise.Crowhurst@jita.com.au](mailto:Lise.Crowhurst@jita.com.au)  
Website [www.lgiswa.com.au](http://www.lgiswa.com.au)

Please confirm receipt of this email

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21/04/2010

## 12.4.5 PROPOSED LOCAL PLANNING POLICY 28 - HOME BASED BUSINESSES

<b>DATE:</b>	18 May 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Shire Of Wyndham East Kimberley
<b>AUTHOR:</b>	Kevin Tang, Town Planning Officer
<b>REPORTING OFFICER:</b>	Ian D'arcy, Director Development Services
<b>FILE NO:</b>	43.02.01
<b>ASSESSMENT NO:</b>	N/A

### **PURPOSE**

To seek the Council's consideration and endorsement of draft Local Planning Policy 28 Home Based Businesses (Including Cottage Industry).

### **BACKGROUND**

Council's Town Planning Schemes make reference to several types of commercial land uses that are based from home, such as, Cottage Industry, Home Office, Home Business and Home Occupation. Home Office is also a use that is exempt from planning approval.

However, the Schemes do not provide sufficient clarification as to how to differentiate between the different uses and what uses are to be exempt from planning approval.

The Shire of Wyndham East Kimberley's Development Services Directorate has recently received an increasing number of applications and queries in relation to the operation of food businesses from home. Without adequate guidance there is a risk that public amenity might be adversely affected by unregulated business activities operating in residential areas. Therefore, to address this matter a Local Planning Policy has been prepared by staff to provide clarity on the establishment of home based businesses and qualify those activities that are deemed to be a hobby.

Hence, the objectives of the draft policy are:

1. To provide clarification as to the different types and scale of home based businesses (or commonly referred to as "home occupations" or "cottage industries");
2. To ensure that these types of uses do not compromise the amenity of the area; and
3. To ensure that the activity remains an ancillary use to the main dwelling or the principle land use on the property.

A copy of the respective draft Policy 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 publication of advertisements in the local newspaper will be incurred by Council should it support the policy.

### **STRATEGIC IMPLICATIONS**

Nil

### **COMMUNITY CONSULTATION**

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

### **COMMENT**

As already outlined, the intent of the policy is to provide a proper clarification to a range of different land uses based from home, and to assist in the streamlining of planning approvals by exempting those business operations that are considered low key to the neighbourhood amenity, particularly in residential areas. Accordingly, the policy stipulates four different types of home based businesses and effectively separates hobby from daily commercial operation.

Additionally, as there is no relevant policy reference in relation to home businesses in the Council's delegation policy, it is intended that this policy will provide useful guidance for applicants, Council and staff when determining future applications for home business uses and activities.

### **ATTACHMENTS**

Attachment 1 - Draft Local Planning Policy 28 - Home Based Businesses (Including Cottage Industry)

### **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council adopt draft Local Planning Policy 28 - Home Based Businesses (Including Cottage Industry) 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.

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## **COUNCIL DECISION**

**Minute No: 9160**

**Moved: Cr R Addis**

**Seconded: Cr J Parker**

***That Council adopt draft Local Planning Policy 28 - Home Based Businesses (Including Cottage Industry) with Home Occupation Item f) being changed from 2.5 tonne to 3.5 tonne 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.***

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

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## ATTACHMENT 1

# Local Planning Policy 28 – Home Based Businesses (including Cottage Industry)

### Objectives:

- To provide clarification as to the different types and scale of home based businesses (or commonly referred to as “home occupations” or “cottage industries”).
- To ensure that these types of uses do not compromise the amenity of the area.
- To ensure that the activity remains an ancillary use to the main dwelling or the principle land use on the property.

### Policy:

#### 1. Definitions

For the purposes of this policy the following definitions shall apply.

**Cottage Industry** - means a trade or light industry (including but not limited to producing arts and crafts goods, food business, card making and sewing for commercial gain) which do not fall within the definition of a home occupation or hobby and which:

- a). does not cause injury to or adversely affect the amenity of the neighbourhood;
- b). where operated in a residential zone, does not employ any person other than a member of the occupier's household;
- c). is conducted in an outbuilding which is compatible with the principle use to which land in the zone in which it is located may be put;
- d). does not occupy an area greater than 50m<sup>2</sup>; and
- e). does not display a sign exceeding 0.2m<sup>2</sup>.

**Hobby** – means an activity or interest that is undertaken for pleasure or relaxation, often in one's spare time, and where the goods and products produced:

- a). is of a low key nature that will not cause nuisance or amenity issues (ie noise, dust, odour, or electrical interference);
- b). is kept; gifted or donated or sold on a non-commercial basis (not subject to taxation declaration); and
- c). does not involve retail trade other than at a weekend market, fund raising or charitable event.

**Home Business** - means a business, service or profession (including but not limited to Beautician, Chiropractor, Massage) carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:

- a). does not employ more than 2 people not members of the occupier's household;
- b). will not cause injury to or adversely affect the amenity of the neighbourhood;
- c). does not occupy an area greater than 20m<sup>2</sup>;
- d). does not involve the retail sale, display or hire of goods of any nature;
- e). in relation to vehicles and parking:
  - does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
  - does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight.
- f). does not involve the use of an essential service of greater capacity than normally required in the zone.

**Home Occupation** - means an occupation (including but not limited to Property Valuer, Lawyer, Accountant, Tax Agent) 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 neighbourhood;
- c). does not occupy an area greater than 20m<sup>2</sup>;
- d). does not display a sign exceeding 0.2m<sup>2</sup>;
- 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 volumes in the neighbourhood;
  - 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.
- g). does not involve the use of an essential service of greater capacity than normally required in the zone.

**Home Office** - means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not:

- a). entail clients or customers travelling to and from the dwelling;
- b). involve any advertising signs on the premises; or
- c). require any external change to the appearance of the dwelling.

## 2. General

- 2.1 Planning approvals for all types of home based businesses shall be limited to a maximum period of 12 months, after which the further renewal of the approval by the local government is required annually. **This is the responsibility of the applicant as the local government will not automatically re-issue approvals.**
- 2.2 Planning approval is not required for a “Home Office” or “Hobby” provided the activity is fully compliant with the definition as per Part 1, but may be subject to other approvals or licensing depending on the nature of the activity.
- 2.3 Planning approvals are issued only to the specific occupier of the particular parcel of land and is not transferable to any other person or to any other land parcel. Should there be a change of the occupier on the land in respect of which the planning approval was issued the approval shall no longer be valid.
- 2.4 Operating hours for home based businesses should be determined on the type of business being undertaken and having regard to the objectives of this policy.  
  
As a general guide only, operating hours for businesses in residential areas should conform to what are considered normal business hours (generally 7.30am to 5.30pm, Monday to Friday and 8.30am to 1.00pm on Saturday).
- 2.5 Where an activity involves the visitation of clients or customers these appointments should be limited to 10 per day in accordance with hours as per Clause 2.4.
- 2.6 With the exception of a home office or hobby, activities should not be located on a site which has been intensely developed for group dwellings.
- 2.7 All materials and/or equipment used in relation to the activity must be stored within the dwelling, outbuilding and/or rear yard of the property, or behind property fences or appropriately maintained screening vegetation.
- 2.8 Activities must be ancillary to the principal use of the land as a residence, and are not to be construed as an alternative use.
- 2.9 For activities involving the preparation of food for commercial purposes, the domestic premises may need to be upgraded in accordance with the relevant health regulations.
- 2.10 Activities involving the following services will not be supported as a “Home Occupation” or “Cottage Industry”:
  - Spray painting of any kind;
  - Vehicle wrecking/body repairs; and

- The use of machinery causing excessive noise or processes causing unacceptable aromas, dust levels, rhythmic vibrations, lighting conditions, or electrical interference.

2.11 A "Cottage Industry" involving the retail sale, display or hire of goods of any nature will only be supported in non-residential areas.

2.12 The land use permissibility of home based businesses (including cottage industries) shall be in accordance with the respective Town Planning Scheme designations.

### **3. Application Requirements**

3.1 Applications shall include the following information:

- Details of the proposed activity inclusive of any equipment used, proposed hours of operation, employees (if any) and their relationship to the occupier of the dwelling, frequency of clients or customers to the site and any other information considered relevant to the proposal; and
- A site plan, and where applicable a floor plan, showing the dwelling and curtilage of the dwelling depicting where the activity is to take place, including areas for storage and/or administration and car parking provision where necessary.

3.2 Annual renewal of approvals is granted provided there have been no written complaints received during the 12 months period preceding the request for renewal, and there has been no change in the circumstances under which the previous approval was granted.

### **4. Consultation**

Unless otherwise provided for in the Town Planning Scheme/s, an application for a home based business involving a variation to the standards as prescribed in the relevant definition, will require consultation with effected landowners and/or occupiers and neighbour consent should preferably be given.

### **5. Responsibilities:**

The policy is subject to an annual Council review. The authority is delegated to the Chief Executive Officer and Director Development Services.

### **REFERENCE:**

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

*Planning and Development Act 2005*

## 12.4.6 PROPOSED DEVELOPMENT CONTROL POLICY 6 - MOBILE AND ITINERANT VENDORS

<b>DATE:</b>	18 May 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Shire Of Wyndham East Kimberley
<b>AUTHOR:</b>	Kevin Tang, Town Planning Officer
<b>REPORTING OFFICER:</b>	Ian D'arcy, Director Development Services
<b>FILE NO:</b>	43.02.01
<b>ASSESSMENT NO:</b>	N/A

Cr F Mills left the room at 7:16pm as he had declared a Financial Interest in this item as he runs a Market Food Stall.

Cr J Moulden took the Chair at 7:16pm.

### **PURPOSE**

To seek the Council's consideration and endorsement of draft Development Control Policy 6 - Mobile and Itinerant Vendors.

### **BACKGROUND**

The Shire of Wyndham East Kimberley has recently received applications for the operation of itinerant food vans in Kununurra and Wyndham. However, it has become a contentious issue as to where the appropriate trading places are, and what application requirements are suitable for the operation. In addition, there are traffic safety and commercial competition concerns, from local residents and businesses in regard to the operation of food vans.

Currently, the Shire of Wyndham East Kimberley's 'Activities in Thoroughfares and Public Places and Trading Local Law', makes reference to traders and stallholders, but does not specifically and sufficiently address mobile and itinerant vendor activity.

In order to manage this matter more efficiently, it is necessary to seek Council's direction by presenting this draft Development Control policy. The Council at its ordinary meeting on 20 April 2010 approved the operation of an itinerant food van in Kununurra, subject to a range of conditions, which provided initial guidance for this draft Policy.

The objectives of the draft Policy are:

1. To provide guidance on the approval and operation of Mobile and Itinerant Vendors within the Shire.
2. To avoid the creation of adverse traffic, pedestrian and general public safety conditions, particularly on routes where the dominant function is the safe movement of vehicular traffic.
3. To regulate the level and intensity of vendor activities on road reserves and other public places necessary to ensure that the site is retained primarily for its purpose (i.e. community/traffic use and not commercial).

4. To accommodate appropriate vendor activities in order to provide services that enhance the visitor/resident experience without adverse affect on the local retail business community.
5. To ensure that the parking of vehicles (or erection of other equipment) will not adversely affect the public amenity and the streetscape characteristic of the area and the street.

A copy of the respective draft Policy is provided as Attachment 1 to this report.

### **STATUTORY IMPLICATIONS**

The ability to prepare a Development Control (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**

Refer to comment section.

### **FINANCIAL IMPLICATIONS**

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

### **STRATEGIC IMPLICATIONS**

Nil

### **COMMUNITY CONSULTATION**

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

### **COMMENT**

As already outlined, the intent of policy is to provide guidance as to how to manage mobile and itinerant vendors' activity properly. It is important that mobile and itinerant vendors will provide convenience for local residents, and in the meantime ensure they do not pose traffic hazards on local and state thoroughfares and unfairly compete with the existing local businesses.

The Council, at its ordinary meeting on 20 April 2010, granted an approval for a food van subject to a range of conditions, which provided direction for this draft policy. It is perceived that the proposed policy will provide useful guidance for future planning decision making.

### **ATTACHMENTS**

Attachment 1 - Draft Development Control Policy 6 - Mobile and Itinerant Vendors

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council adopt draft Development Control Policy 6 Mobile and Itinerant Vendors 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.

Moved: Cr D Ausburn

Seconded: Cr K Torres

Cr K Wright proposed an amendment to the Officer's Recommendation.

That 3.2 be changed to read no music or mechanical chimes be generated above the level prescribed in the EPA Noise Regulation Act.

LAPSED

The motion lapsed for want of a seconder.

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## **COUNCIL DECISION**

**Minute No: 9161**

**Moved: Cr D Ausburn**

**Seconded: Cr K Torres**

***That Council adopt draft Development Control Policy 6 Mobile and Itinerant Vendors 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.***

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

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Cr F Mills returned to the room at 7:25pm.

Cr J Moulden informed Cr F Mills of the Items outcome.

Cr F Mills took the Chair at 7:26pm.

## ATTACHMENT 1

# Development Control Policy 6 – Mobile and Itinerant Vendors

### Objectives:

- To avoid the creation of adverse traffic, pedestrian and general public safety conditions, particularly on routes where the dominant function is the safe movement of vehicular traffic.
- To regulate the level and intensity of vendor activities on road reserves and other public places necessary to ensure that the site is retained primarily for its purpose (ie. community/traffic use and not commercial).
- To accommodate appropriate vendor activities in order to provide services that enhance the visitor/resident experience.
- To ensure that the parking of vehicles (or erection of other equipment) will not adversely affect the public amenity and the streetscape characteristic of the area and the street.

### Policy:

#### 1. Definitions

The main difference between an “Itinerant Vendor” and a “Mobile Vendor” is that a mobile vendor can solicit business from a parked location whereas an itinerant vendor has to be stopped by customers (an ice cream van is an itinerant vendor whereas a vehicle parked selling fresh flowers or produce is a mobile vendor).

For the purposes of this Policy:

**Mobile** - means working in one place for a short period of time and then moving on to operate in another place, but does not involve the stopping on transit between locations.

**Itinerant** - means a person who travels along a road looking for customers and who sells, hires or provides a product or service from a vehicle which is parked temporarily to customers who stop the vendor or come to the vendor while the vehicle is so parked.

**Vendor** - means someone who promotes, exchanges or hires goods or services for money.

**Public Place** - includes a road or place which the public are allowed to use, whether or not the road or place is on private property, but does not include—

- a) premises on private property from which trading is lawfully conducted under a written law; and
- b) local government property.

#### 2. Application of Policy

2.1 This Policy does not apply to the following:

- A ‘Produce Stall’ or ‘Wayside Stall’ within private property;
- Selling of newspapers;
- Where a vendor is part of an event, carnival, market, fete or the like;

- Where the activity is a one-off occurrence such as a garage sale, an opening or open day for a business/premises;
- Trading from private property strictly under consent of the land owner, providing the land has approval from the local government for the type of trading that is proposed (eg. selling sheep skin car seat covers from a truck in a Bunnings car park); and
- Community health mobile clinics and other government/community like uses.

2.2 Where the activity is based from home reference should be made to the “Home Based Businesses (including Cottage Industry)” Local Planning Policies.

Where approvals are required for the above they should be dealt with in one application.

2.3 This Policy is to be read in conjunction with the “Activities in Thoroughfares and Public Places and Trading Local Law 2005”.

2.4 Prior to commencing the activity you are required to obtain a Planning Approval (from Town Planning Department). In addition if an activity is regulated under the Health Act 1911 or the Food Act 2008, (eg. sale of prepared food, hair and beauty activities or activities involving organic soils) other relevant approval from Environmental Health may be required.

2.5 If an additional Permit is required then the Planning Approval shall only remain valid while the Permit remains current and valid. On the expiration or earlier termination of the Permit, the Planning Approval shall cease to be valid.

### **3. General**

3.1 Itinerant Vendors should be limited to the predominant sale of ice creams (with other subsidiary products such as drinks and lollies).

3.2 The use of mechanical chimes or amplified music which could cause a noise nuisance is not permitted.

3.3 Itinerant Vendors shall not stop at any one location longer than 30 minutes and are to move on when all customers at a particular location have been satisfied (refer to Part 2 for definitions).

3.4 Public liability insurance cover of \$10 million is required where an activity occurs on local government managed land.

3.5 The local government may seek hire or usage fees for Celebrity Tree Park, Oval and other Shire reserves.

3.6 Planning Approval shall only be issued to the specific applicant and is not transferable to any other person or to any other land parcel.

3.7 Trading shall not be conducted in the Town Centre Zone as stipulated in Town Planning Scheme No. 6 and 7, unless otherwise approved by Council.

### **4. Application Requirements**

4.1 Applications must be in writing and be accompanied by:

- a). Details of goods/merchandise and or services to be offered;

- b). Details of vehicle intended to be used for trading including a photograph(s) of the vehicle (such vehicle may be subject to assessment in order to determine its suitability for the purpose proposed);
- c). Specific details of area(s) or route (including site plans);
- d). Times, days and dates sought; and
- e). Evidence of public liability insurance.

4.2 Where the road is under the control of Main Roads WA, their written consent is required prior to processing the application.

4.3 Where the land is NOT under the care, control and management of the local government, the written consent of the Crown via the Department of Regional Development & Lands or other vesting Authorities is required prior to processing the application.

4.4 Where the land is privately owned, the written consent of the land owner is required prior to processing the application.

## **5. Site Requirements**

5.1 A place will only be approved if it:

- a). Is readily and safely accessible to customers;
- b). Provides adequate parking for customers;
- c). Does not present a traffic hazard or danger to the public;
- d). Has adequate rubbish disposal facilities or rubbish to be disposed of elsewhere;
- e). Does not breach any regulatory or signposted car parking restrictions;
- f). Takes place where the goods displayed and the gathering of customers will not impede pedestrians or vehicle movements or cause conflict with other activities; and
- g). Will not interfere with access to other facilities and/or businesses (including occupying car parking areas to the detriment of the public).

5.2 There is a general presumption against trading in road reserves for Mobile Vendors unless the site has a formal parking area (such as rest areas).

5.3 Itinerant Vendors are generally not appropriate on roads with speed limits greater than 60km/hr.

5.4 Approvals will generally not be given on sites within 300m of permanent businesses that are deemed to sell or offer the same or similar product or service.

5.5 No trading is permitted within 200m, including adjoining streets, of schools between the hours of 8:00am and 16:00 (except during school holidays).

5.6 Based on experience of the impacts of previous/similar activities (within or outside the municipality), the fragile nature of certain areas, and/or the dominant public use of certain areas, the local government is of the view that certain activities should not be supported in certain areas and also that a restriction on the number of certain activities in certain areas should be prescribed.

5.7 These restrictions (if any) are attached to this policy and are based on knowledge and experience at this time and may be amended from time to time by the local government as further knowledge and experience is accumulated.

## **6. Approval Periods**

6.1 Approval periods for a Mobile Vendor are generally restricted to:

- A maximum of 3 days a week (regardless of the number of sites visited) with no more than 3 consecutive days of operation at any time; and
- No more than 4 hours in any one location each day.

6.2 These approval times are what is considered a “short period of time” for a Mobile Vendor (refer to Part 2 for definitions).

6.3 Approvals for Itinerant Vendor will be granted for a specified period of time and over a specified number of days annually.

6.4 Trading is to take place between 07:00 – 19:00 hours (notwithstanding no trading is to take place during hours of darkness).

### **7. Responsibilities:**

The policy is subject to an annual Council review. The authority is delegated to the Chief Executive Officer and Director Development Services for the following:

- a). Determine if Policy is applicable (Clause 3.1).
- b). Approval of other types of Itinerant Vendors (Clause 4.1).
- c). Minor variations to site requirements (Part 6).
- d). Minor variations to approval periods (Part 7).

### **REFERENCE:**

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

Planning and Development Act 2005

## 12.4.7 INTRODUCTION OF DEVELOPMENT ASSESSMENT PANELS

<b>DATE:</b>	18 May 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Shire Of Wyndham East Kimberley
<b>AUTHOR:</b>	Ian D'arcy, Director Development Services
<b>REPORTING OFFICER:</b>	Ian D'arcy, Director Development Services
<b>FILE NO:</b>	43.01.23
<b>ASSESSMENT NO:</b>	N/A

### **PURPOSE**

The purpose of this report is to inform the Council of the pending change to the Shire of Wyndham East Kimberley's planning function, with the introduction of Development Assessment Panels (DAP), by the Minister for Planning at the end of 2010.

### **BACKGROUND**

The Minister for Planning, Hon. John Day launched a Discussion Paper entitled *Implementing Development Assessment Panels in Western Australia* in September 2009. The discussion paper outlined that the State Government is committed to implementing the Development Assessment Panel model in Western Australia and has proceeded to detail the two different types of DAPs, being:

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

The Paper described that each DAP is to consist of 3 independent experts and 2 elected Local Government representatives, which have the powers to be the decision making body for development applications, of a certain class and value (over 1 million dollars for the regional area of WA), that would normally be determined by Council.

Additionally the Discussion Paper detailed that the DAP objective is to:

- streamline the determination process for particular types of development applications, by eliminating the requirement for dual approval under both the local and region schemes;
- involve independent technical experts in the determination process;
- encourage an appropriate balance between independent professional advice and local representation in decision-making for significant projects; and
- reduce the number of complex development applications being determined by local governments, to allow local governments to focus their resources on strategic planning.

In response to the Discussion Paper, a total of 177 submissions were received from across the state that has culminated in a Policy Statement being prepared by the

Minister for Planning. This paper, provided as Attachment 2 to this report, details a number of changes to the implementation and operation of Development Assessment Panels, summarized as follows:

- 1. Financial Threshold** – Applications that exceed \$7 million (previously proposed to be \$1 million) for non-metropolitan Local Governments must be assessed by a DAP. Applications under this threshold are assessed by the Local Government unless the applicant requests the DAP determine the application should it fall between \$3m - \$7m in value.
- 2. Class Categories** – Taking into account the financial threshold, applications that are exempt for referral to a DAP are one or more single houses; grouped or multiple dwelling developments of ten units or less; and minor development such as sheds, carports, house extensions etc.
- 3. Panel proxies** – The initial Discussion Paper advocated a panel composition of three technical experts (one being the chairperson) and two Councilors. Whilst this remains unchanged the Minister has determined a proxy will be required for the elected members and separate proxy to the specialist members to be taken from a pool. A quorum will consist of the chair (or deputy chair), one elected member and one specialist member.
- 4. Sitting Fees** – The sitting fee of \$400 was initially to be paid to specialist members only, but will now be paid to all panel members funded from a specific Development Assessment Panel application fee.
- 5. Application Fees** – A review of the Planning Fees is currently being undertaken by consultants of behalf of the Department of Planning to address the financial burden that will be placed on local governments, with a new fee to be introduced for applications that are referred to a DAP.
- 6. Appeals** – The initial proposal was for Local Governments to defend the decision of a DAP should an application of appeal be lodged with the State Administrative Tribunal. The Minister has accepted that the DAP should be the respondent as opposed to the Local Government; however it is unclear as to who will fund the respondent.

A copy of the Ministers Letter is provided as Attachment 1 and a copy of the Policy Statement, as mentioned above, is included as Attachment 2.

Also, it was initially promoted that the introduction of DAPs would come into effect on 01 July 2010. However, in interpreting the Policy Statement, it would appear that the process will not commence until the end of 2010.

A further paper has since been received from the Department for Planning titled *Implementing Development Assessment Panels in Western Australia – Report on Submissions – April 2010*.

This report, included as Attachment 3, offers a more in depth understanding on the matters raised through the 177 submissions received, and provides insight into the information being used to inform the drafting of the *Planning and Development (Development Assessment Panels) Regulations 2010*.

The document advocates under Section 1.4 that the draft Regulations will address the following matters:

- the types of applications that are to be determined by DAPs;
- the duties and responsibilities of local governments and the Western Australian Planning Commission (WAPC) in relation to DAP applications;
- the procedures to be followed in relation to DAP applications, including the payment of fees;

- the delegation of functions to a DAP by local governments and the WAPC;
- the composition of DAPs;
- the nomination and appointment of DAP members;
- sitting fees for DAP members;
- the creation and maintenance of a register of persons eligible to be DAP members;
- meeting procedures;
- the removal of DAP members;
- the conduct of DAP members, including conflicts of interest, gifts and breaches of the rules of conduct;
- administration of DAPs;
- the payment of costs and expenses incurred by DAPs;
- reporting on the performance of DAPs; and
- other miscellaneous and operational matters.

**It is recommended Councilors read Attachment 3 in its entirety, in order to gain a complete understanding of the Minister's current position on the establishment and function of Development Assessment Panels.**

### **STATUTORY IMPLICATIONS**

The head of power under the *Planning and Development Act, 2005* ultimately sits with the Minister for Planning. The provisions of the Act also empower the WAPC and grant delegation to local government to determine and enforce development matters by way of preparing and administering a Town Planning Scheme/s pursuant to the *Town Planning Regulations, 1967 (as amended)*.

In this instance the Minister is seeking to introduce an amendment to the *Planning and Development Act 2005* to incorporate the establishment and function of Development Assessment Panels. Associated regulations are also being prepared to guide the operations of DAPs in determining development applications.

### **POLICY IMPLICATIONS**

While the introduction of DAPs will not directly implicate Shire Policies, the operation of DAPs will rely on direction set by local planning instruments, including Planning Policies that have been prepared and formally adopted by Council.

### **FINANCIAL IMPLICATIONS**

There is expected to be a considerable financial impost on Local Government through the implementation and operation of Development Assessment Panels. As explained at the 4 May 2010 Briefing Session, Local Governments will be responsible for the funding of panels inclusive of administration and processing of applications, sitting fees, travel and accommodation expenses, and appeals costs.

As outlined in the Policy Statement, the Minister is investigating the introduction of a specific fee in the Planning Regulations to cover these costs, although detail in relation to this fee has not yet been provided.

With no clear understanding of the likely financial implication to Council, even though it is evident that the Council will incur considerable cost toward the operation of DAPs, including the possibility of incurring all respondent costs associated with an appeal, it is recommended that the Council charge the maximum fees permissible under the *Planning and Development Regulations 2009* for all development applications.

## **STRATEGIC IMPLICATIONS**

Nil

## **COMMUNITY CONSULTATION**

Consultation on the introduction of DAPs has been through the release of the Discussion Paper entitled *Implementing Development Assessment Panels in Western Australia* in September 2009. This paper focused on the pending implementation of DAPs and did not canvas local government as to whether DAPs were supported within the industry. The Minister in his recent visit to Kununurra confirmed that DAPs would be introduced in 2010 and that current consultation would only focus on operational and procedural structure to be incorporated into the draft Regulations.

## **COMMENT**

While the Minister's intent on the introduction of DAPs across the state is clear, there are a number of concerns in relation to the operation DAPs. Specifically, it is suggested that clarity should be pursued on two matters through the Western Australian Local Government Association Kimberley Country Zone, being:

1. **The variation in costs incurred by non-metropolitan local governments.** Certainly one DAP fee for non-metropolitan local governments will not be equitable given the variation in distances and higher costs. For example the cost to convene a DAP in Northam will be vastly different to the cost of doing the same in Kununurra. This matter needs to be addressed in the new fee structure to ensure cost differences are accurately reflected in the fees.
2. **The equitable distribution of administrative responsibility and associated costs.** When taking into account that the Kimberley DAP will serve four 'remote' local governments; the distances to be travelled between the respective administrative centres and Perth are considerable and costly. The current development pressures in the Kimberley are considerable with much of the scale/value of individual development being in excess of \$3m; and the ability for an applicant to request their application be referred to the DAP, if valued between \$3m - \$7m. There is a likelihood that the DAP for this region will need to convene at least once a month.

On this assumption, clarity is needed in regard to the conduct of practical meetings, lead administrative responsibility, and equitable distribution of costs between the Department for Planning and each of the local governments responsible for administering the DAP.

Additionally, the Council needs to be mindful of the potential costs associated with an appeal to the State Administrative Tribunal. While the Minister has accepted that the DAP will be the respondent on appeals for matters it determines, there is no specific mention as to who will bare the cost. Currently, local government funds its own defence on appeal applications, where it is not unusual for the cost of a Class 2 Appeal (Developments with a value in excess of \$250,000), to run into tens of thousands of dollars. Whilst it may be argued that the funding arrangement for appeals should continue to be covered by local government through receipt of application fees, it is anticipated that most applications for appeal on projects valued in excess of \$3m will be complex and prove costly. On this understanding, it is recommended that the Council charge the maximum planning application fees allowed under the Planning Regulations to minimise the financial burden on rate payers, and increase its annual

budget allocation for 'legal expenses' on development matters to cover potential increased costs.

### **ATTACHMENTS**

Attachment 1 – Letter from the Minister for Planning

Attachment 2 – Development Assessment Panel Policy Statement – April 2010

Attachment 3 – Development Assessment Panel Report on Submissions – April 2010, will be provided under separate cover.

### **VOTING REQUIREMENT**

Simple Majority for Recommendation 1

Absolute Majority for Recommendations 2 and 3.

### **OFFICER'S RECOMMENDATION**

That Council:

1. Request the Western Australian Local Government Association Kimberley Country Zone seek clarification from the Minister for Planning on the following matters in relation to the implementation and operation of Development Assessment Panels in the Kimberley Region:
  - (a) The introduction of a variable (zone) fee structure for Development Assessment Panel applications taking into account distance and higher costs associated with remoteness; and
  - (b) The equitable distribution of administrative responsibility and associated costs given:
    - The Kimberley DAP will serve four 'remote' local governments;
    - The distances to be travelled between the respective administrative centres and Perth is considerable and costly;
    - The current development pressures and scale/value of development in excess of \$3m across the region; and
    - The ability for applicants to request their application be referred to the DAP, if valued between \$3m - \$7m.
2. Charge the maximum planning application fees allowed under the *Planning and Development Regulations 2009 (as amended)* in an attempt to cover the increase costs associated with administration of Development Assessment Panels.
3. Increase its annual budget allocation of \$20,000 for 'legal expenses' associated with development matters to \$30,000 in the 2010/2011 municipal budget, with all unspent moneys from each year to carry forward to the next financial year on an accumulative basis for the same purpose.

---

### **COUNCIL DECISION**

**Minute No: 9162**

**Moved:** Cr K Wright  
**Seconded:** Cr K Torres

**That Council:**

- 1. Request the Western Australian Local Government Association Kimberley Country Zone seek clarification from the Minister for Planning on the following matters in relation to the implementation and operation of Development Assessment Panels in the Kimberly Region:**
  - (a) The introduction of a variable (zone) fee structure for Development Assessment Panel applications taking into account distance and higher costs associated with remoteness; and**
  - (b) The equitable distribution of administrative responsibility and associated costs given:**
    - The Kimberley DAP will serve four 'remote' local governments;**
    - The distances to be travelled between the respective administrative centres and Perth is considerable and costly;**
    - The current development pressures and scale/value of development in excess of \$3m across the region; and**
    - The ability for applicants to request their application be referred to the DAP, if valued between \$3m - \$7m.**
- 2. Charge the maximum planning application fees allowed under the Planning and Development Regulations 2009 (as amended) in an attempt to cover the increase costs associated with administration of Development Assessment Panels.**
- 3. Increase its annual budget allocation of \$20,000 for 'legal expenses' associated with development matters to \$30,000 in the 2010/2011 municipal budget, with all unspent moneys from each year to carry forward to the next financial year on an accumulative basis for the same purpose.**

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

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# ATTACHMENT 1



Government of **Western Australia**  
Department of **Planning**

Our ref: DP/09/00036/1

Mr Ian D'Arcy  
Executive Manager Town Planning  
Shire of Wyndham-East Kimberley  
PO Box 614 KUNUNURRA WA 6743.0

Dear Ian

## **Policy Statement on Development Assessment Panels**

The Government is committed to improving transparency, accountability and consistency in the planning system in Western Australia. To further this commitment, the Department released the discussion paper, "Implementing Development Assessment Panels in Western Australia," for public comment on 10 September 2009. A total of 177 submissions were received on the discussion paper. Analysis of these submissions has now been completed by the Department of Planning.

The Department has prepared a Policy Statement on development assessment panels, a copy of which is attached for your information. The Minister announced the release of this Policy Statement in Parliament today. It is also available on the Planning WA website at [www.planning.wa.gov.au](http://www.planning.wa.gov.au)

The Policy Statement outlines the key policy direction for development assessment panels in Western Australia, particularly in response to the six key issues raised in submissions on the discussion paper. It provides a high level summary of the submission received on these issues, and how the proposed model has been amended to address the issues raised.

The Department intends to release a Report on Submissions at a later date, to expand on this policy statement and provide more detail on the submissions received.

Yours sincerely

A handwritten signature in black ink, appearing to read "Eric Lumsden".

Eric Lumsden PSM  
*Director General*

20/04/2010

Encl: Implementing Development Assessment Panels in Western Australia - Policy Statement.

Albert Facey House, 469 Wellington Street, Perth, Western Australia 6000  
Tel: (08) 9264 7777 Fax: (08) 9264 7566 [www.dpi.wa.gov.au](http://www.dpi.wa.gov.au)  
ABN 40 996 710 314

## ATTACHMENT 2



Government of Western Australia  
Department of Planning

# Implementing Development Assessment Panels in Western Australia

Policy Statement  
April 2010

## 1 Introduction

This policy statement outlines the key policy direction for development assessment panels in Western Australia. The statement takes into consideration issues raised in submissions received on the discussion paper, *Implementing Development Assessment Panels in Western Australia* and the government's objectives for introducing development assessment panels. The refined model will provide the basis for the drafting of the new Planning and Development (Development Assessment Panels) Regulations 2010.

The discussion paper *Implementing Development Assessment Panels in Western Australia* was released for public comment on 10 September 2009. A total of 177 submissions were received on the discussion paper. A separate report detailing the analysis of submissions received on the discussion paper will be released by the Department to expand on this policy statement.

### 1.1 Key issues

The submissions received focused on a number of key areas of the development assessment panel model proposed for Western Australia. These key issues include:

- Financial thresholds and class categories to determine which applications will be determined by a development assessment panel.
- Panel composition and balance between local government elected members and technical specialist members.
- Appointment of proxies for panel members.
- Sitting fees.
- Development assessment panel application fee.
- Appeals process for decisions made by a development assessment panel.

The following section of this policy statement addresses the key issues and resultant amendments made to the model proposed in the discussion paper.

## 2 Development assessment panel financial thresholds and class categories

### 2.0.1 Financial thresholds

The discussion paper proposed that development assessment panels would determine applications of a prescribed class with a total development value of  $\geq \$2$  million in the metropolitan area and  $\geq \$1$  million in non-metropolitan areas. In addition it was proposed that non-metropolitan local governments could choose to delegate all of their development applications, regardless of value or class, to the relevant development assessment panel on a voluntary basis. This flexibility was provided to assist regional local governments with limited resource capabilities.

Ninety eight respondents made specific comments regarding the financial threshold proposed. Of these respondents

- Eighty three argued that the financial threshold proposed were too low to capture the significant applications the panels were intended for.
- Local governments advised that current delegations to officers are set above the proposed class categories and financial thresholds, and so development assessment panels would be determining applications currently determined by planning officers.
- The majority of respondents who suggested a new financial threshold considered  $\geq \$10$  million to be appropriate. Equal numbers of respondents considered  $\geq \$5$  million and  $\geq \$15$  million as the second most appropriate thresholds.
- Two respondents considered the financial threshold as too high and five considered the thresholds proposed appropriate.

Twenty one respondents specifically advocated the voluntary referral of applications to a development assessment panel for determination. Of these respondents:

- Fourteen advocated that the mandatory threshold be removed and applications be determined by a DAP on a voluntary basis only.
- Seven respondents considered it appropriate to have both mandatory thresholds and an optional referral process operating simultaneously.

### Mandatory thresholds

Given the level of feedback regarding this element the Department of Planning investigated scenarios across a range of financial thresholds. The financial threshold prescribing which applications must be determined by a development assessment panel have been modified to **≥\$15 million for the City of Perth and ≥\$7 million for all other local governments across the state**. These monetary values are considered a reasonable compromise between the financial thresholds proposed in the discussion paper and by respondents and the most appropriate for focusing the panels on significant and complex applications.

### Optional thresholds

Under the new development assessment panel model, applicants will have the ability to choose which decision maker shall determine an application that is not of the mandatory financial threshold and prescribed class category discussed above. This amendment to the model has been put forward to acknowledge that some applications with a lower development value are complex and may raise issues of particular state, regional or local significance that are appropriate for consideration by a development assessment panel.

This process will apply to the following types of development applications:

- For applications lodged in Western Australia (excluding the City of Perth), where the development proposed is of a value of between \$3 million and <\$7 million (and not one of the exempt categories of development).

- For applications lodged in the City of Perth where the development proposed is of a value of between \$10 million and <\$15 million (and not one of the exempt categories of development).

In addition the ability for local governments to choose to delegate all their development applications to a development assessment panel will be available to all local governments in the state.

### 2.0.2 Class categories

The discussion paper prescribed a set of class categories to determine which applications above the appropriate financial threshold should be determined by a development assessment panel.

Fifty nine respondents commented on the class categories proposed. The majority of respondents believed the class criteria would:

- Capture applications that are not complex or significant enough to warrant determination by a development assessment panel, and
- Complicate the process of identifying which applications are to be determined by a development assessment panel.

The class categories have been amended to focus on applications that are exempt from development assessment panel determinations only. This provides a more concise and simplistic process for determining which applications will be subject to a development assessment panel. The refined exempt list of developments is as follows:

- applications for approval for the purpose of one or more single houses;
- applications for approval for ten or less grouped or multiple dwellings, including aged and dependant persons dwellings;
- minor applications such as carports, sheds, house extensions, outbuildings.

## 2.1 Panel composition

The development assessment panels proposed in the discussion paper consisted of:

- the chairperson (a specialist member);
- two other specialist members; and
- two local government representatives from the relevant local government.

Eighty six respondents commented on panel composition. Of these:

- The majority of respondents requested that local government elected members either equal or outnumber specialist members on the panels.
- Several respondents suggested the introduction of larger panels to generate greater discussion on and increase technical input to the decision-making process.

It is not proposed to amend the panel composition from that detailed in the discussion paper, as the emphasis on technical expertise is considered to be a key element of the model. Panels will consist of equal numbers of local government elected members and technical specialists, plus an independent chair who is also a technical specialist. As outlined in the discussion paper a quorum will consist of the chair or deputy chair, one local government elected member and one specialist member.

## 2.2 Panel proxies

The two main options put forward in the questions and answers section of the discussion paper in regard to proxies were the appointment of proxies to individual panels or the establishment of a pool of proxies. The first option advocated that specialist member proxies and local government proxies (for each local government) be appointed to individual panels. The second option proposed the creation of a centralised pool of proxy panel members for different panels to draw from.

Fifty one respondents commented on the appointment of proxies. Of these:

- Thirteen respondents, nine of which were local governments, supported the appointment of proxies to individual panels.

- Thirty three respondents, thirteen of which were made by local governments, supported the centralised pool option.

The refined model will require one local government proxy from each local government to be appointed to each development assessment panel in addition to the two permanent LG members on the panel. In the metropolitan area three specialist member proxies will be appointed by the Minister to a centralised pool from which all metropolitan development assessment panels can draw replacement panel members. Given concerns raised regarding travel distances of regional panel members, one specialist member proxy will be appointed by the Minister for each non-metropolitan panel. Proxies will only be used when there is failure to reach a quorum. This will ensure the complexity and disruption of bringing proxies on and off the panel in joint development assessment panel meetings is minimised.

## 2.3 Sitting fees

In the discussion paper it was proposed that specialist members be paid a sessional sitting fee by the relevant local government. These fees were to be comparable to the fees paid to members of WAPC committees. On this basis, it was proposed that the sessional fee paid to panellists in Western Australia would be \$400 for specialist members and \$500 for the chairperson. It was not proposed to pay local government elected members a sitting fee as their role on the development assessment panel was considered to be an extension of their current duties.

Seventy nine respondents commented on sitting fees. Of these:

- Twenty three respondents considered the proposed sitting fees too low to attract the appropriate specialists.
- Forty four respondents, predominantly local government, felt that the local government elected members should be paid equal sitting fees to those of the two specialist members.

As the fees proposed in the discussion paper were based on the WAPC committee member fees undertaking similar roles to that expected of development assessment panel members, it is not proposed to alter the sitting

fee rates. However, given that local government elected members will be undertaking the same responsibilities as the specialist members it was considered appropriate to amend this element of the model and provide local government members the same sitting fee of \$400/ session. In addition, all panel members will receive travel expenses.

## 2.4 Development assessment panel application fee

The model as outlined in the discussion paper, proposed that the relevant local government would cover the costs incurred by the development assessment panel when determining an application (eg provision of the venue sitting fees and secretariat support). It was proposed that the development application fees that would ordinarily be paid to the local government under the Planning and Development Regulations 2009 would be used to cover the additional costs incurred by the panels.

Eighty seven respondents commented on the resource implications of panels for local government. Of these:

- Comments focused on the cost of sitting fees for panel members, provision of secretariat support by the local government and planning officer time involved in report writing.
- The majority of respondents advocated either an increase in current application assessment fees or the introduction of a new fee as it was considered inappropriate for local government to cover the costs from existing budgets.

In response the Department of Planning engaged consultants to undertake a financial modeling exercise to develop an appropriate development assessment panel application fee. The additional fee will be paid by the applicant to the local government to cover the sitting fee and travel expenses of the panel members determining the application, and as such the fee will vary between metropolitan and non-metropolitan development assessment panels to allow for greater travel costs incurred in regional areas. This additional fee will be established through an amendment to the Planning and Development Regulations 2009. The final fee structure modeling work and analysis is still being progressed.

## 2.5 Appeals

Under the development assessment panel model proposed in the discussion paper the local government would be the respondent for any appeal against a decision made by the relevant development assessment panel under the local planning scheme. Similarly, the WAPC would be the respondent for any application for review lodged for a panel decision made under a region planning scheme.

Fifty nine respondents commented on the appeals system proposed in the discussion paper. Of these:

- The majority of respondents considered it inappropriate and inequitable for local government (or the WAPC) to be required to defend development assessment panel decisions.
- Twenty five comments focused on the additional resources required by local government in terms of officer time, hiring of consultants or additional panel member sitting fees to defend these decisions.

In response the new model requires the relevant development assessment panel to defend their decision at the State Administrative Tribunal (SAT). Therefore, the development assessment panel will be the respondent in SAT proceedings regarding their determinations.

## 3 Next steps

The Department of Planning is currently finalising a summary report outlining the analysis of all submissions received on the discussion paper.

As the key policy issues have been finalised the drafting of the Planning and Development (Development Assessment Panels) Regulations 2010 has commenced. These regulations will not come into effect until the Approvals and Related Reforms (No. 4) (Planning) Bill 2009 has been proclaimed.

The Department of Planning will be developing guidance documents to assist in the operation of panels across the state. These documents will include but not be limited to:

- development assessment panel guidance manual;
- code of conduct;
- standing orders;

- a series of procedural templates (eg agenda, minutes, officer reports, decision notices);
- training manual;
- policy reference manual (specific to each local government and panel).

Expressions of interest for specialist development assessment panel members and nominations from local government are anticipated to be requested in late 2010, depending on when the *Approvals and Related Reforms (No.4) (Planning) Bill 2009* is proclaimed. The nomination and appointment processes for all development assessment panel members will be set out in the new Planning and Development (Development Assessment Panels) Regulations 2010.

## 12.4.8 PROPOSED FLOAT PLANE OPERATIONS - LAKE KUNUNURRA AND LAKE ARGYLE

<b>DATE:</b>	18 May 2010
<b>PROPONENT:</b>	Kimberley Air Pty Ltd
<b>LOCATION:</b>	Lake Kununurra And Lake Argyle
<b>AUTHOR:</b>	Ian D'arcy, Director Development Services
<b>REPORTING OFFICER:</b>	Ian D'arcy, Director Development Services
<b>FILE NO:</b>	01.2860.08
<b>ASSESSMENT NO:</b>	A2860

### **PURPOSE**

The purpose of this report is for Council to determine an application for planning consent for the operation of two float planes on Lake Kununurra and Lake Argyle.

### **BACKGROUND**

The Council is in receipt of an application for planning consent from Kimberley Air Pty Ltd, seeking approval to operate two float planes on Lake Kununurra and Lake Argyle; as part of a new venture involving scenic air tours and charter flights in the Kimberley region. The applicants have indicated that they are keen to commence operations as soon as practical on a staged approach, that will ultimately see the operation permanently based on Lake Kununurra, desirably as part of Stage 2 of the Commercial Boating Facility.

To this end the application details that:

- Passenger transfers will be conducted at the Kununurra Airport in the immediate term, subject to respective approvals from Council for air-side operations;
- The proposed landing and take off of float planes on Lake Kununurra will occur within a 2 km area from the Kununurra Ski Club facilities in the west to the Kununurra Race Course to the east;
- Operations will also be conducted on Lake Argyle within an open stretch of water for a length of 2km across the front of the dam wall orientated in a north to south direction;
- The operation would initially focus on ad-hoc charter flights to remote coastal destinations as well as offer scenic flights of the region using an 11 seat Cessna 208 Caravan Amphibian and a smaller 6 seat Cessna 206 Amphibian;
- The water landings on both lakes will be conducted in day light hours on an intermittent basis in accordance passenger demand and subject to weather conditions;
- Both aircraft will be operated and maintained to the highest standard in accordance with the Civil Aviation Safety Authority regulations, standards and licence conditions;
- All pilots will be commercially licenced and endorsed for floatplane operations;
- Refuelling and maintenance will primarily occur at the Kununurra Airport, but at times refuelling may also need to be conducted at Lake Argyle use a portable tank on the back of a utility. All refuelling and maintenance will be conducted in accordance with regulations;
- The operations will be conducted in a safe manner and in no way impede the safe operation of any other vessel on Lake Kununurra or Lake Argyle as the aircraft can exercise a high level of visibility before taking off and landing. Where

possible take off and landing will be conducted down stream of the Pump-house Restaurant and Discovery Holiday Park;

- The floatplanes do not present any greater impact on the environment than most other vessels and in some instances, such exhaust fumes and wake, are more sympathetic than boats;
- The noise from floatplanes (approx. 80dB) is comparable to a speed boat with the benefit that float plane noise is limited to short periods of around 30 seconds in a specific direction relevant to take off. Noise from landing and taxiing of the aircraft is negligible. Further, flight paths will where possible avoid densely populated residential areas, particularly during early mornings.; and
- The use of a floating pontoon jetty structure on both Lakes constructed to survey and licenced for passenger access/egress in the future subject to funding and approvals for installation associated with foreshore access.

A copy of the application is provided as Attachment 1.

Additionally, the proponents have secured broad support from a number of State Government agencies and the resort owner/operator at Lake Argyle. The proposal has also been advertised for a period of 21 days seeking public comment. The submissions received are outlined in the table under the Consultation Section of this report.

### **STATUTORY IMPLICATIONS**

Lake Kununurra is reserved as Waterway Reserve under the Town Planning Scheme No. 7 – Kununurra and Environs.

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

As such, any use or development within a waterway, including foreshore land, requires planning consent to be granted by the Council pursuant to the provisions under Part II of the Scheme.

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

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

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

Conversely, Lake Argyle does not fall within a gazetted Town Planning Scheme area, even though it was previously regulated through an 'Interim Development Order' (IDO). This IDO has since lapsed, with no land-use controls being applied to development at Lake Argyle. This matter is being addressed through the preparation of a new Local Planning Scheme that applies to the whole of the Shire.

## **POLICY IMPLICATIONS**

The Shire has no current policies in place in regards to tourist/commercial operations on water-ways however this will be rectified through the pending review of the Lake Kununurra Foreshore Management Plan.

## **FINANCIAL IMPLICATIONS**

There are no financial implications applicable to this proposal other than the payment of the prescribed \$100 application fee.

## **STRATEGIC IMPLICATIONS**

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

From an economic perspective there are a number of commercial businesses that utilise both lakes and the adjoining foreshore areas that form an integral and increasingly important component of tourism in this region. Presently enterprises operating on Lake Kununurra include sightseeing boat trips, entertainment cruisers, several canoe hire businesses, hire and self-drive boats and a single commercial houseboat. The inclusion of aircraft landing on both lakes is viewed as important value adding to the local tourism industry. However, without an appropriate level of management on the water, particularly for Lake Kununurra, there is the potential in the longer term for conflict between commercial users and the public that could result in significant safety issues. In light of this, a technical review of the Lake Kununurra Foreshore Management Plan is currently being progressed that will incorporate an aquatic use plan. It is intended that this plan will provide improved management of the waterway, taking into account the foreshore usage together with commercial and recreational activities on the water. It is suggested that through this process, consideration will be given to the allocation, possible gazettal, and physical marking of a designated landing area for float planes to avoid any potential conflict and/or safety issues.

With regard to the use of Lake Argyle, this presents slightly different circumstances given the greater expanse of water, and less congested activity and competing interests on the water.

## **COMMUNITY CONSULTATION**

As mentioned, the application was advertised for a period of 21 days pursuant to Section 11.2 of Town Planning Scheme No.7. This involved writing to government agencies and operators of existing activities on the foreshore of Lake Kununurra, including the Kununurra Water Ski Club, the Pump-house Restaurant and the Discovery Holiday Park, as well as publishing notices in the Echo Newspaper.

In response two submissions were received in addition comment obtained by the applicant from state government agencies and Lake Argyle Pty Ltd. The following table provides a summary of each submission.

Submitter	Position	Comment
Water Corporation	Offers in principal support	Water Corporation is prepared to grant an interim approval for a period of twelve (12) month licence subject to:

		<ul style="list-style-type: none"> <li>- consent from other agencies, including the Shire;</li> <li>- plan of the proposed landing area;</li> <li>- completion of a signed indemnity form;</li> <li>- provision of public liability risk;</li> <li>- provision of business licence;</li> <li>- no impacts on other users;</li> <li>- no refuelling on either lake;</li> <li>- the use of pontoon structures to be the subject of further approvals;</li> <li>- the potential resolution of native title; and</li> <li>- adherence to the 'Standard Conditions for Commercial Operators'.</li> </ul>
Department of Water	Offers in principal support	<p>Department of Water advises that operation of aircraft:</p> <ul style="list-style-type: none"> <li>- on Lake Kununurra include an exclusion zone of 25 metres for the P1 bore field area;</li> <li>- on both Lakes may require a Bed and Banks approval under the '<i>Rights in the Water and Irrigation Act, 1914</i>'; and</li> <li>- may be subject to approval from other agencies, including the Shire.</li> </ul>
Lake Argyle P/L - owner/operator of the Lake Argyle Resort and Caravan Park	Offers support	<p>Lake Argyle Pty Ltd believes that the operation of float planes will:</p> <ul style="list-style-type: none"> <li>- fill a void in the activities on Lake Argyle</li> <li>- the local tourism industry;</li> <li>- offer a new dimension for the local tourism industry; and</li> <li>- be a plus for the region driven by local operators.</li> </ul>
Cameron Mackie - Triple J Tours	Offers support	<p>Triple J Tours welcomes the additional activity to the local tourism industry.</p>
David Bavington -Discovery Holiday Park	Offers support	<p>Discovery Holiday Park requests over riding consideration to recreational users (fishing, canoeing, general boating) out of the Holiday Park.</p>

A copy of each of the submissions can be provided upon request.

### **COMMENT**

While the operation of float planes on Lake Kununurra is supported at an officer level, particularly given there are no substantiated objections raised from other stakeholders, it is nevertheless viewed, that any approval granted by Council should be based on a trial period. This is recommended so that the Council can:

- accurately determine and assess the level of impact, if any, on the other commercial and recreational activities on the Lake;
- accurately determine and assess the level of impact, if any, on the local environment;

- establish through review of the Lake Kununurra Foreshore Management Plan whether the designated area for landing and take-off of float planes is appropriately sited; and
- gain a greater understanding of the float plane operations on the Lake in conjunction with the other activities.

Upon expiry of the six month approval the Chief Executive Officer to be granted delegation to further determine the proposal in light of the findings from the points outlined above.

With respect to the operations on Lake Argyle it is not foreseen that there will be any significant issues, even though the Council is technically, not in a position to determine this part of the proposal.

### **ATTACHMENTS**

Attachment 1 – Kimberley Air Application

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER'S RECOMMENDATION**

That Council:

1. Grant planing consent to Kimberley Air Pty Ltd to operate two (2) float planes (landing and take-off) on Lake Kununurra in accordance with the approved plan dated 18 May 2010 and subject to the following conditions:
  - (a) Passenger transfers, maintenance and refuelling of aircraft shall be conducted at the Kununurra Airport;
  - (b) A brochure shall be prepared and distributed to government agencies, foreshore users and the Kununurra Visitors Centre prior to commencement of operations that clearly details the approved landing and take off area on Lake Kununurra in accordance with the approved plan;
  - (c) The operation of float planes on Lake Kununurra shall be limited to an 11 seat Cessna 208 Caravan Amphibian and a smaller 6 seat Cessna 206 Amphibian;
  - (d) The water landings and take-offs shall be limited day light hours conducted on an intermittent basis in accordance passenger demand and subject to weather conditions;
  - (e) The operations shall be conducted in a safe manner and in no way impede the safe operation of any other vessel on Lake Kununurra. Where possible take-off and landing shall be conducted up stream of the Pump-house Restaurant and Discovery Holiday Park in the area designated on on the approved plan;
  - (f) The mooring of float planes on Lake Kununurra under this approval is not permitted, unless through exception circumstances such as mechanical failure or an emergency.

- (g) The approval of float plane operations shall be limited to a period of six (6) months trial period only, upon which further consideration will be undertaken based on review of the Lake Kununurra Foreshore Management Plan and performance of operations.
2. Inform Kimberley Air Pty Ltd that it supports the operation (landing and take-off) of float planes on Lake Argyle in accordance with the approved plan date 18 May 2010 and subject to:
- (a) Passenger transfers, maintenance and refuelling of aircraft shall be conducted at the Kununurra Airport;
  - (b) A brochure shall be prepared and distributed to government agencies, Lake Argyle Pty Ltd and the Kununurra Visitors Centre prior to commencement of operations that clearly details the approved landing and take off area on Lake Argyle in accordance with the approved plan;
  - (c) The operation of float planes on the lake shall be limited to an 11 seat Cessna 208 Caravan Amphibian and a smaller 6 seat Cessna 206 Amphibian;
  - (d) The water landings and take-offs shall be limited day light hours conducted on an intermittent basis in accordance passenger demand and subject to weather conditions; and
  - (e) The operations shall be conducted in a safe manner and in no way impede the safe operation of any other vessel on Lake Argyle.
3. Grant delegation to the Chief Executive Officer to assess and determine planning consent for the continued operation of float planes on Lake Kununurra beyond this approval in consideration of:
- (a) Performance and management of operations on the lake over the approved six (6) month period in conjunction with other commercial and recreational activities and the broader interest of public safety and environmental impact; and

- (b) The outcomes of the technical review for the Lake Kununurra Foreshore Management Plan, particularly in relation to the appropriate location of a designated area for landing and take-off of float planes for the long term.

4. Advise Kimberley Air Pty Ltd:

- (a) A right of appeal to the State Administrative Tribunal exists in relation to the Council's decision; and
- (b) Further approvals may be required from other Government Agencies prior to commencement of operations of float planes on both Lake Kununurra and Lake Argyle.

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**Minute No: 9163**

**Moved: Cr J Moulden**

**Seconded: Cr J McCoy**

**That Council:**

1. ***Grant planning consent to Kimberley Air Pty Ltd to operate two (2) float planes (landing and take-off) on Lake Kununurra in accordance with the approved plan dated 18 May 2010 and subject to the following conditions:***
  - (a) ***Passenger transfers, maintenance and refuelling of aircraft shall be conducted at the Kununurra Airport;***
  - (b) ***A brochure shall be prepared and distributed to government agencies, foreshore users and the Kununurra Visitors Centre prior to commencement of operations that clearly details the approved landing and take off area on Lake Kununurra in accordance with the approved plan;***
  - (c) ***The operation of float planes on Lake Kununurra shall be limited to an 11 seat Cessna 208 Caravan Amphibian and a smaller 6 seat Cessna 206 Amphibian;***
  - (d) ***The water landings and take-offs shall be limited day light hours conducted on an intermittent basis in accordance passenger demand and subject to weather conditions;***
  - (e) ***The operations shall be conducted in a safe manner and in no way impede the safe operation of any other vessel on Lake Kununurra. Where possible take-off and landing shall be conducted up stream of the Pump-house Restaurant and Discovery Holiday Park in the area designated on the approved plan;***
  - (f) ***The mooring of float planes on Lake Kununurra under this approval is not permitted, unless through exception circumstances such as mechanical failure or an emergency.***

- (g) *The approval of float plane operations shall be limited to a period of six (6) months trial period only, upon which further consideration will be undertaken based on review of the Lake Kununurra Foreshore Management Plan and performance of operations.*
2. *Inform Kimberley Air Pty Ltd that it supports the operation (landing and take-off) of float planes on Lake Argyle in accordance with the approved plan date 18 May 2010 and subject to:*
- (a) *Passenger transfers, maintenance and refuelling of aircraft shall be conducted at the Kununurra Airport;*
  - (b) *A brochure shall be prepared and distributed to government agencies, Lake Argyle Pty Ltd and the Kununurra Visitors Centre prior to commencement of operations that clearly details the approved landing and take off area on Lake Argyle in accordance with the approved plan;*
  - (c) *The operation of float planes on the lake shall be limited to an 11 seat Cessna 208 Caravan Amphibian and a smaller 6 seat Cessna 206 Amphibian;*
  - (d) *The water landings and take-offs shall be limited day light hours conducted on an intermittent basis in accordance passenger demand and subject to weather conditions; and*
  - (e) *The operations shall be conducted in a safe manner and in no way impede the safe operation of any other vessel on Lake Argyle.*
3. *Grant delegation to the Chief Executive Officer to assess and determine planning consent for the continued operation of float planes on Lake Kununurra beyond this approval in consideration of:*
- (a) *Performance and management of operations on the lake over the approved six (6) month period in conjunction with other commercial and recreational activities and the broader interest of public safety and environmental impact; and*
  - (b) *The outcomes of the technical review for the Lake Kununurra Foreshore Management Plan, particularly in relation to the appropriate location of a designated area for landing and take-off of float planes for the long term.*
4. *Advise Kimberley Air Pty Ltd:*
- a. *A right of appeal to the State Administrative Tribunal exists in relation to the Council's decision; and*
  - b. *Further approvals may be required from other Government Agencies prior to commencement of operations of float planes on both Lake Kununurra and Lake Argyle.*

**LOST: (4/4)**

**FOR:** Cr J McCoy  
Cr K Torres

**Cr J Moulden**  
**Cr J Parker**

**AGAINST: Cr D Ausburn**  
**Cr K Wright**  
**Cr R Addis**  
**Cr F Mills**

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Cr F Mills used his casting vote to defeat the motion.

Cr K Wright moved an amendment to the Officer's Recommendation:

Moved: Cr K Wright  
Seconded:

That 1(g) The approval of float plane operations shall be limited to a period of six (6) months trial period only, upon which further consideration will be undertaken based on review of the Lake Kununurra Foreshore Management Plan and performance of operations be removed.

LAPSED

The amendment lapsed for want of a seconder.

Cr R Addis moved an amendment to the Officer's Recommendation:

That 1(g) be amended to read that the approval float plane operations is subject to the possibility that council may redefine the landing area following the outcome of the Lake Kununurra Foreshore Management Plan and performance of operations.

---

**Minute No: 9164**

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

**That 1(g) be amended to read that the approval float plane operations is subject to the possibility that council may redefine the landing area following the outcome of the Lake Kununurra Foreshore Management Plan and performance of operations.**

**LOST: 3/5**

**FOR: Cr R Addis**  
**Cr K Wright**  
**Cr F Mills**

**AGAINST: Cr J McCoy**  
**Cr D Ausburn**  
**Cr K Torres**  
**Cr J Parker**  
**Cr J Moulden**

---

Karyn Apperley left the room at 7:42pm.

Cr R Addis moved an amendment:

That the Officers Recommendation together with 1(g) be amended to read:  
The approval of float plane operations is subject to the possibility that council may redefine the landing area following the outcome of the Lake Kununurra Foreshore Management Plan and performance of operations.

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**COUNCIL DECISION**

**Minute No: 9165**

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

**That Council:**

1. ***Grant planning consent to Kimberley Air Pty Ltd to operate two (2) float planes (landing and take-off) on Lake Kununurra in accordance with the approved plan dated 18 May 2010 and subject to the following conditions:***
  - (a) ***Passenger transfers, maintenance and refuelling of aircraft shall be conducted at the Kununurra Airport;***
  - (b) ***A brochure shall be prepared and distributed to government agencies, foreshore users and the Kununurra Visitors Centre prior to commencement of operations that clearly details the approved landing and take off area on Lake Kununurra in accordance with the approved plan;***
  - (c) ***The operation of float planes on Lake Kununurra shall be limited to an 11 seat Cessna 208 Caravan Amphibian and a smaller 6 seat Cessna 206 Amphibian;***
  - (d) ***The water landings and take-offs shall be limited day light hours conducted on an intermittent basis in accordance passenger demand and subject to weather conditions;***
  - (e) ***The operations shall be conducted in a safe manner and in no way impede the safe operation of any other vessel on Lake Kununurra. Where possible take-off and landing shall be conducted up stream of the Pump-house Restaurant and Discovery Holiday Park in the area designated on the approved plan;***
  - (f) ***The mooring of float planes on Lake Kununurra under this approval is not permitted, unless through exception circumstances such as mechanical failure or an emergency; and***
  - (g) ***The approval of float plane operations is subject to the possibility that council may redefine the landing area following the outcome of the Lake Kununurra Foreshore Management Plan and performance of operations.***

2. **Inform Kimberley Air Pty Ltd that it supports the operation (landing and take-off) of float planes on Lake Argyle in accordance with the approved plan date 18 May 2010 and subject to:**

**(a) Passenger transfers, maintenance and refuelling of aircraft shall be conducted at the Kununurra Airport;**

**(b) A brochure shall be prepared and distributed to government agencies, Lake Argyle Pty Ltd and the Kununurra Visitors Centre prior to commencement of operations that clearly details the approved landing and take off area on Lake Argyle in accordance with the approved plan;**

**(c) The operation of float planes on the lake shall be limited to an 11 seat Cessna 208 Caravan Amphibian and a smaller 6 seat Cessna 206 Amphibian;**

**(d) The water landings and take-offs shall be limited day light hours conducted on an intermittent basis in accordance passenger demand and subject to weather conditions; and**

**(g) The operations shall be conducted in a safe manner and in no way impede the safe operation of any other vessel on Lake Argyle.**

3. **Grant delegation to the Chief Executive Officer to assess and determine planning consent for the continued operation of float planes on Lake Kununurra beyond this approval in consideration of:**

**(a) Performance and management of operations on the lake over the approved six (6) month period in conjunction with other commercial and recreational activities and the broader interest of public safety and environmental impact; and**

**(b)The outcomes of the technical review for the Lake Kununurra Foreshore Management Plan, particularly in relation to the appropriate location of a designated area for landing and take-off of float planes for the long term.**

4. **Advise Kimberley Air Pty Ltd:**

**(a) A right of appeal to the State Administrative Tribunal exists in relation to the Council's decision; and**

**(b)Further approvals may be required from other Government Agencies prior to commencement of operations of float planes on both Lake Kununurra and Lake Argyle.**

**CARRIED: (5/3)**

**FOR:**  
**Cr F Mills**  
**Cr K Torres**  
**Cr R Addis**  
**Cr J Moulden**  
**Cr K Wright**

**AGAINST: Cr J McCoy  
Cr D Ausburn  
Cr J Parker**

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Council decision was different to the Officer's Recommendation as Council did not agree to a specific timeframe limit on the trial period.

Karyn Apperley returned to the room at 7:45pm.

## ATTACHMENT 1

Float Plane Tours & Charter in the Kimberley, Western Australia

**Kimberley Air**  
TOURS

Monday 5th April 2010

Dear Ian,

Please find attached to this letter our application for planning approval, in order for Kimberley Air to conduct water takeoffs and landings on Lake Kununurra for the purposes of scenic air tours and charter flights from May 1st 2010. Included with this application are the documents requested including:

- Letters of approval from the Department of Water as well as the Water Corporation,
- A letter of support from Charlie Sharpe, proprietor of Resort Lake Argyle,
- Diagrams of Aircraft Landing Areas for both Lake Kununurra and Lake Argyle.

We have also spoken extensively to the Department of Environment and Conservation as well as the Department of Transport. At this point in time we are working with both departments to meet their requirements.

As Kimberley Air will be commencing operations from the Kununurra airport, we are currently in discussion with the airport manager and close to confirming access to ablutions at the Kununurra terminal building. Kimberley Air will be providing a complimentary pick up and drop off service for its clients; hence we are also seeking to secure one car parking space for the exclusive use of Kimberley Air company vehicles.

As previously advised, our intention to place a floating pontoon at the Pumphouse restaurant has been put on hold whilst we investigate further the Kununurra Commercial Boat Facility. We do still intend on transferring our passengers to the Pumphouse for complimentary refreshments, this has been discussed with and agreed to by the proprietors of the Pumphouse, including access to ablutions and parking of Kimberley Air vehicles.

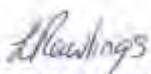
With regards to Lake Argyle, Kimberley Air will shortly be entering in to an agreement with other tour operators for the provision of complimentary passenger transfers to and from the Lake Argyle resort to our aircraft at the boat ramp. This service will negate the need for guests to drive themselves to the Lake Argyle boat ramp, and hence reduce the number of vehicles parking at this location.

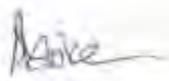
Kimberley Air has provided details to both the Department of Water and the Water Corporation of our intended operations and will comply with all standard conditions for commercial operators (see attached).

As floatplanes have already been operating on Lake Kununurra and Lake Argyle for the past 25 years we hope that the shire will move swiftly to approve our operation in time for the start of the 2010 tourist season.

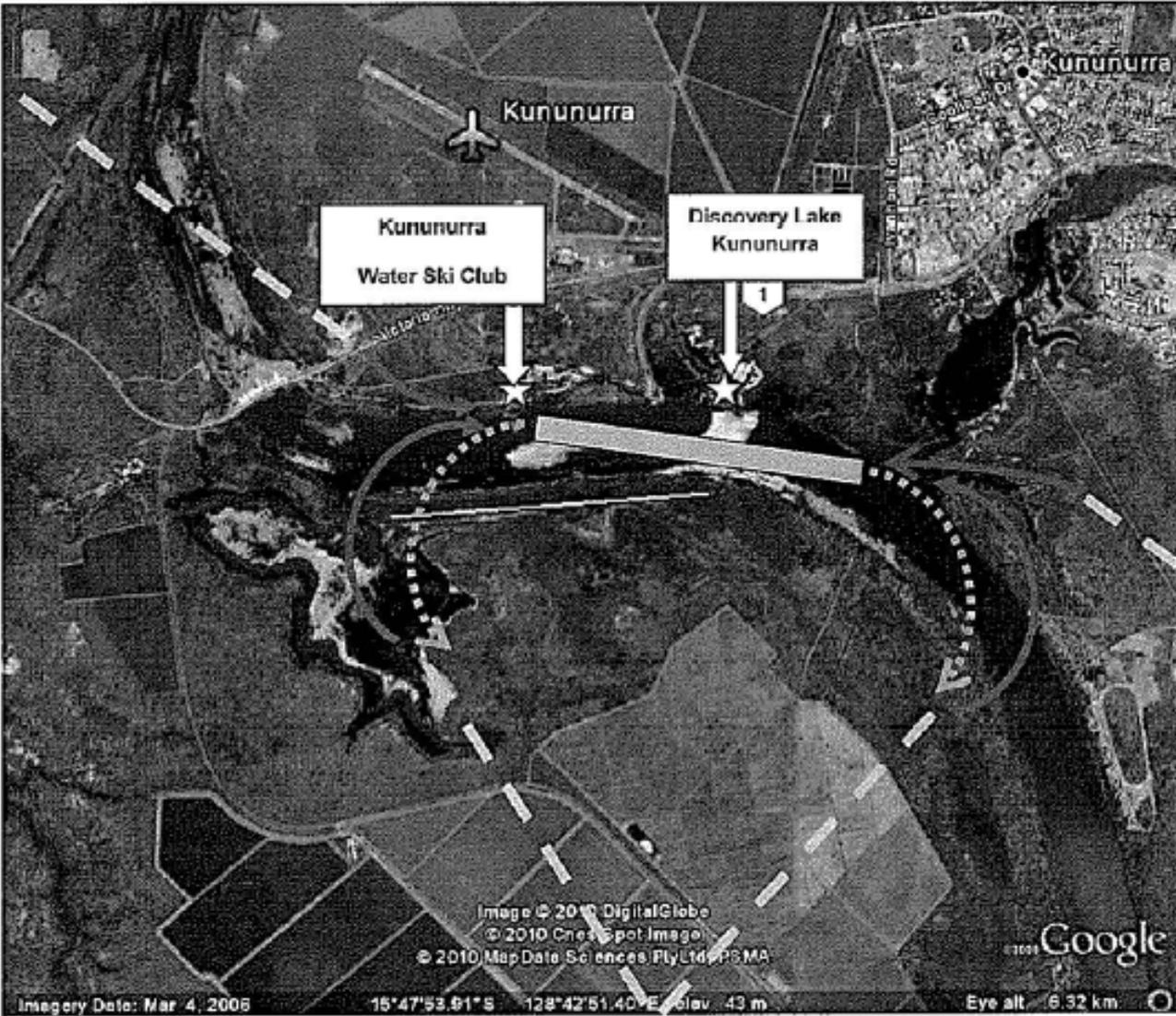
If we can provide any further information or answer any questions please do not hesitate to contact us:

Kind Regards,

  
Leigh Rawlings

  
Adam Stoker

**Appendix 1a – Aircraft Landing Area – Lake Kununurra**



- Takeoff / Landing Area – 2km 
- Take-off Path 
- Landing Path 
- Inbound / Outbound Flight Path 
- Critical Location 

**Appendix 1b – Aircraft Landing Area – Lake Argyle**



- Takeoff / Landing Area – 2km 
- Take-off Path 
- Landing Path 
- Inbound / Outbound Flight Path 
- Critical Location 

**NOTE:** The closest distance between Landing area and the Lake Argyle dam wall or inlet tower is 300m.

# Seaplane Environmental Issues

Summary

## INTRODUCTION

**S**eaplanes excel at providing fast, safe, low-impact transportation to remote and sensitive areas. Explorers, researchers, backcountry hikers and backpackers, search and rescue teams, law enforcement agencies, sportsmen, and many other groups use seaplanes to satisfy their transportation needs. As we become more environmentally conscious, the impact of traditional modes of transportation is under increasing scrutiny. This document summarizes what is known about the environmental impact of seaplanes.

## IMPACT STUDIES

**V**ery few environmental impact assessments have been conducted on seaplanes. The U.S. Army Corps of Engineers' environmental appraisal of seaplane operations on the Sacramento District Project Lakes stands as one of the few unbiased reports. Their conclusions:

1. Air Quality: no impact
2. Water Quality: no impact
3. Soil Quality: no impact
4. Wildlife: no impact
5. Fisheries: no impact
6. Hydrology: no impact
7. Noise: similar to that created by a large speedboat

J.J. Frey, President of the EDO Float Corporation, presented testimony for a study of the Kenal River to the effect that floatplanes generate no more than a two to three inch wake, not enough to be a factor in shoreline erosion.

## RELATIVE IMPACT

**S**eaplanes compare favorably to other forms of mechanized transportation, including boats and automobiles.

Seaplanes have a number of environmental advantages over motorized boats. Seaplanes do not store or discharge oily bilge water or sewage, and are not

treated with toxic anti-fouling paints. Unlike many boats, exhaust from seaplane engines is discharged into the air, well above the water's surface, where it can dissipate without significantly impacting water quality. Aviation fuel does not contain MTBE, a toxic additive found in automotive and marine fuels.. Furthermore, aviation fuel is not mixed with oil, and thus contains a fraction of the oil and oil residue found in two-stroke marine exhaust.

A seaplane's propellers are entirely above the water, and thus do not disturb sediments or marine life. Most seaplanes generate a wake of only two to three inches in amplitude. And although seaplanes generate noise levels comparable to large motorboats, that noise lasts only the 20 to 60 seconds that a seaplane requires to take off and depart the area.

Seaplanes and cars are comparable in direct environmental impact, but seaplanes are distinctly better for the environment when indirect impacts are considered. Whereas seaplanes require only a body of water and suitable beach, dock, or ramp, automobiles require an extensive network of roadways that are expensive to build and maintain, occupy valuable land, and adversely affect water quality, soil quality, and wildlife.

## CONCLUSION

**S**eaplanes do not significantly impact the environment. Seaplanes compare very favorably to conventional motorized boats in areas of air and water pollution, wakes, and disturbance of plants, wildlife, and sediments. Noise generated by seaplanes is similar in amplitude to that generated by large speedboats, but unlike motorboats, noise from a seaplane is brief and transitory. Seaplanes also compare favorably to automobiles, primarily because seaplanes do not require an intrusive or extensive infrastructure.

There is no factual basis for the restriction of seaplanes for environmental reasons at locations where motorized boats are permitted. Further, seaplanes are acceptable modes of transportation even on many waterways that are inappropriate for use by motorized boats.

*Please forward comments or questions to the Seaplane Pilots Association, 4315 Highland Park Blvd, Suite C, Lakeland, FL 33813. The Seaplane Pilots Association is a non-profit individual membership organization with over 7,500 members world-wide.*

**12.4.9 APPLICATION FOR CHANGE OF USE ON LOT 108 KESTREL PLACE, KUNUNURRA**

The above Item was considered after Item 12.2.2.

**12.5 COMMUNITY SERVICES**

No Reports

## 12.6 CHIEF EXECUTIVE OFFICER

### 12.6.1 USE OF COMMON SEAL

<b>DATE:</b>	18 May 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 15 April 2010 to 10 May 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>
30/04/2010	Contract of Employment for Bernadette Weaver dated 10 December 2009	Rebecca Morrall
05/05/2010	Supervising Officer/'Person to Act in Place of' Renewal Application - Body Corporate or Public Authority	Elizabeth McKinley
05/05/2010	License Renewal Application - Body Corporate or Public Authority	Elizabeth McKinley

#### **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 15 April 2010 to 10 May 2010.

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**COUNCIL DECISION**

***Minute No: 9166***

***Moved: Cr J Parker***

***Seconded: Cr K Torres***

***That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 15 April 2010 to 10 May 2010.***

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

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## 12.6.2 DELEGATED AUTHORITY REPORT

<b>DATE:</b>	18 May 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>	Nil

### **PURPOSE**

To report to Council on the use of Delegated Authority by Officers for the period 1 April 2010 to 30 April 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 April 2010 to 30 April 2010.

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## **COUNCIL DECISION**

***Minute No: 9167***

***Moved: Cr K Wright***

***Seconded: Cr J Parker***

***That Council receive the Delegated Authority Report for the period 1 April 2010 to 30 April 2010.***

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

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**ATTACHMENT: DELEGATED AUTHORITY REPORT**

**BUILDING LICENCES ISSUED UNDER DELEGATED AUTHORITY FOR THER PERIOD 1 – 30 April 2010**

LIC#	DATE RECEIVED	DATE LICENCED	OWNER	BUILDER	LOCATION	DESCRIPTION	NEW/ ADD	EST. VALUE	COMMENT / PROCESSING TIME – WORKING DAYS
037/2010	22/03/2010	8/04/2010	U & K Schomacker	Colin Wilkinson Developments Pty Ltd	Lot 351 Argentea Avenue Kununurra	Class 1A dwelling with attached Class 10A carport & patio	New	\$410,000.00	11/15 days
038/2010	10/03/2010	9/04/2010	Gecko Property Developments Pty Ltd	Colin Wilkinson Developments Pty Ltd	Lot 351 Argentea Avenue Kununurra	Class 1A dwelling with attached Class 10A carport & patio	New	\$397,000.00	18/15 days
039/2010	26/03/2010	9/04/2010	B & C Dawe	D E Fulcher	Lot 315 Zamia Link Kununurra	Class 1A dwelling with attached Class 10A carport & patio	New	\$352,000.00	7/15 days
040/2010	19/03/2010	9/04/2010	Gecko Property Developments Pty Ltd	Colin Wilkinson Developments Pty Ltd	Lot 307 Zamia Link Kununurra	Class 1A dwelling with attached Class 10A carport & patio	New	\$397,000.00	12/15 days
041/2010	19/03/2010	12/04/2010	Dextra Pty Ltd	Colin Wilkinson Developments Pty Ltd	Lot 348 Argentea Avenue Kununurra	Class 1A dwelling with attached Class 10A carport & patio	New	\$397,000.00	13/15 days
042/2010	5/04/2010	15/04/2010	G Gudsell	Gary Holben	Lot 396 Nauclea Way Kununurra	Class 1A dwelling with attached Class 10A carport & patio	New	\$455,000.00	8/15 days
043/2010	9/04/2010	15/04/2010	N & S Siebert	N & S Siebert	Lot 255 Lovegrass Way Kununurra	Class 10A Garage	New	\$15,000.00	3/15 days
044/2010	9/04/2010	15/04/2010	Government Employees Housing Authority	Franmor Constructions	Lot 1412 (62) Barringtonia Avenue Kununurra	Class 10A Patio extension	Add	\$8,500.00	3/15 days
045/2010	9/04/2010	16/04/2010	HCJB Australia	Stephen Sutherland	Lot 3000 (Part Loc 512 Res 35289) Packsaddle Road	4 x Class 10B Transmission Towers & 3 x	New	\$350,000.00	4/15 days

LIC#	DATE RECEIVED	DATE LICENCED	OWNER	BUILDER	LOCATION	DESCRIPTION	NEW/ADD	EST. VALUE	COMMENT / PROCESSING TIME – WORKING DAYS
					Kununurra	Antennae Arrays			
046/2010	2/03/2010	16/04/2010	G Revill	Gary Holben	Lot 394 Nauclea Way Kununurra	Class 1A dwelling with attached Class 10A carport & patio	New	\$455,000.00	27/15 days
047/2010	2/03/2010	19/04/2010	V Roper	Gary Holben	Lot 389 Nauclea Way Kununurra	Class 1A dwelling with attached Class 10A carport & patio	New	\$455,000.00	28/15 days
048/2010	31/03/2010	21/04/2010	C Sharpe	C Sharpe	Lot 206 (59) Hibiscus Drive Kununurra	Class 1A dwelling with attached Class 10A garage, free standing shed & patio	New	\$350,000.00	11/15 days
049/2010	19/04/2010	22/04/2010	Government Employees Housing Authority	Boab Carpentry & Maintenance	Lot 969 (12B) Kwinana Street Wyndham	Class 10A shed	New	\$8,567.73	2/15 days
050/2010	5/04/2010	22/04/2010	R Orej	Gary Holben	Lot 374 Tamarind Meander Kununurra	Class 1A dwelling with attached Class 10A carport & patio	New	\$455,000.00	12/15 days
051/2010	6/04/2010	23/04/2010	D & T Denaro	Darren Fulcher	Lot 247 (2) Emu Apple Street Kununurra	Class 1A dwelling with attached Class 10A carport & patio and Class 10B shade sails	New	\$387,000.00	12/15 days
052/2010	19/03/2010	23/04/2010	D Read	D Read	Lot 529 Riverfarm Road Kununurra	Class 4 Accommodation in existing Class 7B/8 Commercial Processing & Storage Shed	Add	\$10,000.00	20/15 days

LIC#	DATE RECEIVED	DATE LICENCED	OWNER	BUILDER	LOCATION	DESCRIPTION	NEW/ ADD	EST. VALUE	COMMENT / PROCESSING TIME – WORKING DAYS
053/2010	24/02/2010	23/04/2010	Shire of Wyndham - East Kimberley	Shire of Wyndham - East Kimberley	Lot 2370 (Res 42371) "Celebrity Tree Park" Old Darwin Road Kununurra	Class 10A gazebo	New	\$32,000.00	
054/2010	6/04/2010	28/04/2010	Janine Seaton	Darren Fulcher	Lot 316 Zamia Link Kununurra	Class 1A dwelling with attached Class 10A carport & patio	New	\$340,000.00	14/15 days
055/2010	14/04/2010	28/04/2010	RJ Hextall, MJ Hextall t/a The Paradise Trust	RJ Hextall, MJ Hextall t/a The Paradise Trust	Lot 268 Setosa Pass Kununurra	Class 1A dwelling with attached Class 10A carport & patio	New	\$389,240.00	8/15 days
056/2010	19/04/2010	28/04/2010	Shire of Wyndham - East Kimberley	Kimberley Green Constructions	Lot 302 Dusty Rankin Drive Kununurra	Class 9A Patient Transfer Facility	New	\$366,946.00	5/15 days
057/2010	13/04/2010	29/04/2010	Landcorp	Fleetwood Pty Ltd	Part Lot 2484 Victoria Highway Kununurra	Transient Workers Camp - Class 3 Sole Occupancy Units, Class 6 Dining, Kitchen, Ablution, Laundry & Gym facilities	New	\$6,525,000.00	10/15 days
058/2010	22/04/2010	30/04/2010	Catholic Education Department	Simon Gray t/a Environmental Construction Solutions	Lot 840 St Peter's Way Wyndham	Class 9B - alterations & additions to existing classroom	Add	\$553,000.00	4/15 days
059/2010	23/04/2010	30/04/2010	S & A Dahms	S & A Dahms	Lot 241 (38) Gardenia Way Kununurra	Class 10A carport attached to existing dwelling	Add	\$6,000.00	3/15 days
060/2010	5/03/2010	30/04/2010	R Pask	Glendale Homes Pty Ltd	Lot 233 (8) Ghost Gum Street Kununurra	Class 1A dwelling	New	\$238,254.00	33/15 days
								<b>\$13,352,507.73</b>	

**NO DEMOLITION LICENCES OR SIGN LICENCES WERE ISSUED UNDER DELEGATED AUTHORITY FOR THE PERIOD 1 – 30 APRIL 2010**

**TOWN PLANNING LICENSES ISSUED UNDER DELEGATED AUTHORITY FOR THE PERIOD 1 – 30 APRIL 2010**

Application / Delegation Number	Approval Type	Date Received	Applicant	Owner	Property Address	Proposed Development	Assessment Number	Approval Date	Comment
22/10	P	22/02/2010	Chris Done	Jeff Done	Lot 1 Research Station Road, Kununurra	Home Occupation Renewal	53	7/04/2010	Approved by Ian D'Arcy
23/10	P	25/02/2010	Andrew & Melissa McDonald	Andrew & Melissa McDonald	Lot 1049 Woollybutt Place, Kununurra	Sea Container	848	7/04/2010	Approved by Ian D'Arcy
31/10	P	4/03/2010	JC Walker	JC Walker	Lot 140 Rosewood Avenue, Kununurra	Placement of Sea container	1268	7/04/2010	Approved by Ian D'Arcy
32/10	P	8/03/2010	Lisa Read-Kimb Croc Backpackers	Lorimer Holdings - Lisa Read	Lot 1 Konkerberry Drive, Kununurra	Placement of Sea container	1567	7/04/2010	Approved by Ian D'Arcy
34/10	P	12/03/2010	Cherise Lauder	Cherise Lauder	Lot 145 Rosewood Avenue, Kununurra	Placement of Sea container	1270	7/04/2010	Approved by Ian D'Arcy
40/10	P	1/04/2010	Alex Fountis & Kerry Taylor	Russell Hextal	Lot 20 Messmate Way, Kununurra	Signage application	1145	14/04/2010	Approved by Ian D'Arcy
41/10	COU	1/04/2010	Alex Fountis & Kerry Taylor	Russell Hextal	Lot 20 Messmate Way, Kununurra	Change of Use to Alfresco dining	1145	14/04/2010	Approved by Ian D'Arcy
40/10	P	1/04/2010	Alex Fountis & Kerry Taylor	Russell Hextal	Lot 20 Messmate Way, Kununurra	Signage application	1145	14/04/2010	Approved by Ian D'Arcy

Application / Delegation Number	Approval Type	Date Received	Applicant	Owner	Property Address	Proposed Development	Assessment Number	Approval Date	Comment
41/10	COU	1/04/2010	Alex Fountis & Kerry Taylor	Russell Hextal	Lot 20 Messmate Way, Kununurra	Change of Use to Alfresco dining	1145	14/04/2010	Approved by Ian D'Arcy
45/10	P	12/04/2010	Gregory Hutchings	Gregory Hutchings	Lot 724 Mistletoe Street, Kununurra	Placement of Sea container	963	21/04/2010	Approved by Ian D'Arcy
33/10	P	12/03/2010	SPS Brand Management	Camer-Pesci	Lot 231 Bloodwood Drive, Kununurra	Erect/install signs	772	22/04/2010	Approved by Ian D'Arcy
48/10	P	21/04/2010	Department of Housing	Department of Housing	Lot 983 (17a) Koojarra Street, Wyndham	Placement of Sea container	398	29/04/2010	Approved by Ian D'Arcy
49/10	P	21/04/2010	Department of Housing	Department of Housing	Lot 1445 (63) Barringtonia Avenue, Kununurra	Placement of Sea container	1584	29/04/2010	Approved by Ian D'Arcy
50/10	AA	20/04/2010	Public Ink	Paula Camer-Pesci	Lot 210 Mango Street, Kununurra	4.2m high illuminated pylon sign	793	29/04/2010	Approved by Ian D'Arcy

**NO COMMUNITY QUICK GRANTS DETAILS WERE PROVIDED UNDER DELEGATED AUTHORITY FOR THE PERIOD 1 – 30 APRIL 2010**

**NO IN-KIND REQUESTS DETAILS WERE PROVIDED UNDER DELEGATED AUTHORITY FOR THE PERIOD 1 – 30 APRIL 2010**

### 12.6.3 REVIEW OF SHIRE NAME

<b>DATE:</b>	18 May 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Shire Of Wyndham East Kimberley
<b>AUTHOR:</b>	Megan Alchin, Economic Development Officer
<b>REPORTING OFFICER:</b>	Gary Gaffney, Chief Executive Officer
<b>FILE NO:</b>	66.09.01
<b>ASSESSMENT NO:</b>	NA

#### **PURPOSE**

To determine if Council wants to conduct a review of the current name of the Shire of Wyndham East Kimberley.

#### **BACKGROUND**

The Shire commenced a rebranding exercise in 2009 to examine the current name and logo of the Shire. The rebranding contract was awarded to Jack in the Box to provide a new logo for the Shire. Community feedback received during consultation prompted Jack in the Box to recommend that the name of the Shire be considered in isolation to the brand and therefore at this point in time, only consider the Shire logo. Councillors accepted this through the adoption of the Creative Brief provided by Jack in the Box.

Once the new logo had been devised and presented to the community, those who attended the community consultation session in Kununurra expressed the strong desire to remove the name 'Wyndham' from the Shire name. This opinion stemmed from the fact that Wyndham is no longer the primary town within the Shire and a more encapsulating name of today's population was needed.

#### **STATUTORY IMPLICATIONS**

Local Government Act 1995, Section 2.3(3), Schedule 2.2.

#### **POLICY IMPLICATIONS**

There are no policy implications.

#### **FINANCIAL IMPLICATIONS**

A review of the Shire's name will incur advertising costs and other miscellaneous expenses.

#### **STRATEGIC IMPLICATIONS**

There are no strategic implications.

#### **COMMUNITY CONSULTATION**

Community consultation was conducted in relation to the Shire rebranding. It is feedback from this consultation that prompted a review of the Shire name. Consultation will be carried out if it is resolved to conduct a review.

## **COMMENT**

Due to the response by community members regarding the request to change the Shire's name, it is recommended that a review be carried out in accordance with Schedule 2.2 of the Local Government Act 1995. A summary of what is involved in a review is shown at Attachment 1 to this item.

A review of the Shire's name is an opportunity to receive feedback from rate-payers and the entire community within the Shire of Wyndham East Kimberley. Once the consultation period had ended, Council will be presented with feedback to assist with decision making.

## **ATTACHMENTS**

Attachment 1: Process for Changing the Shire's Name

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council undertake a review of the current name of the Shire of Wyndham East Kimberley to determine if the name should be changed, in accordance with the Local Government Act 1995.

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## **COUNCIL DECISION**

**Minute No: 9168**

**Moved: Cr J Moulden**

**Seconded: Cr J Parker**

***That Council undertake a review of the current name of the Shire of Wyndham East Kimberley to determine if the name should be changed, in accordance with the Local Government Act 1995.***

**CARRIED: (7/1)**

**FOR:** Cr J McCoy  
Cr D Ausburn  
Cr R Addis  
Cr J Parker  
Cr J Moulden  
Cr K Wright  
Cr F Mills

**AGAINST: Cr K Torres**

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## ATTACHMENT 1

### **Process for Changing the Shire's Name**

Below is the process required to change the Shire's name.

- Council resolution to undertake a review of the Shire's name
- Public Notice to inform the community that the Council intends to conduct a review
- Advertise/promote review for a period of 42 days. This may include public meetings, media articles, sending information to non-resident electors, ratepayers or progress associations and distributing information to all households.
- Reach a decision at an Ordinary Council Meeting, with consideration to all submissions and community input received.
- If a decision is made to change the name, it must provide a written report about the assessment to the Local Government Advisory Board.

The Board considers all reports submitted by local governments and assesses them against the requirements of the Act. If the Board determines that some part of a assessment does not meet the requirements of the Act, then the local government may be requested to undertake another assessment that does meet the requirements.

The Board will consider all recommendations for change submitted as part of the review. The Board makes recommendations to the Minister for Local Government (the Minister) who has the final decision and may accept or reject the Board's recommendations.

It is estimated that this may take up to three months to submit the report and receive a response.

- If the change is approved, the change will be published in the *Government Gazette* including the date of implementation.

## 12.6.4 ORDINARY COUNCIL MEETING DATE CHANGE

<b>DATE:</b>	18 May 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Shire Of Wyndam 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>	Nil

### **PURPOSE**

For Council to consider a date change to the Ordinary Council Meeting to be held on Tuesday, 15 June 2010.

### **BACKGROUND**

The 2010 National General Assembly of Local Government will be held in Canberra from 14 to 17 June 2010. This years NGA will be held against the backdrop of a federal election, the Henry review into taxation and the Prime Minister's repeated commitment to addressing the three main drivers of economic growth – workforce participation, population and productivity or 'the 3ps'. The recently released Intergenerational Report 2010 (IGR3) focused on the 3 Ps and emphasised the substantial challenges for economic growth and long-term fiscal sustainability in the coming decades.

This year's National General Assembly will provide a platform for local government to develop strategies at the local and regional levels to respond to the challenges highlighted in the IGR3 report to ensure that Australia's future prosperity is secured and shared equally. It is also an opportunity to make sure council's views are reflected in the national priorities indentified for local government.

It was agreed by all Zone delegates at the Kimberley Zone of WALGA meeting held on Wednesday, 31 March 2010 that the President, Secretary and Executive Officer of the Kimberley Zone would attend the 2010 National General Assembly.

### **STATUTORY IMPLICATIONS**

Section 1.7.1(a) (b) (c) and Section 5.25.1(g) of the Local Government Act 1995.

### **POLICY IMPLICATIONS**

Nil

### **FINANCAIL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

Nil

### **COMMUNITY CONSULTATION**

Not Applicable

**COMMENT**

The Ordinary Council Meeting to be held on Tuesday, 15 June 2010 coincides with the 2010 National General Assembly to be held from 14 to 17 June 2010.

**ATTACHMENTS**

Nil

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

That Council:

Change the date of the June 2010 Ordinary Council Meeting to be held on Tuesday, 22 June 2010 at 6:00pm.

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**COUNCIL DECISION**

***Minute No: 9169***

***Moved: Cr J Moulden***

***Seconded: Cr J Parker***

***That Council:***

***Change the date of the June 2010 Ordinary Council Meeting to be held on Tuesday, 22 June 2010 at 6:00pm.***

**CARRIED UNANIMOUSLY:**

***(8/0)***

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## 12.7 ELECTED MEMBER REPORTS

Cr D Ausburn

27/04/2010	Budget Meeting
27/04/2010	Special Council Meeting
05/05/2010	KCCI Meeting
11/05/2010	Audit Meeting
11/05/2010	Special Council Meeting
12/05/2010	Governor General Civic Reception
14/05/2010	Ord Stage 2 Commencement of Works Opening

Cr J Moulden

25/04/2010	Anzac Dawn service
25/04/2010	Anzac Morning Service
27/04/2010	CRG Meeting
29/04/2010	ZCA Meeting in Broome
12/05/2010	Governor General Tree Planting
12/05/2010	Governor General Civic Reception
14/05/2010	Ord Stage 2 Commencement of Works Opening

## 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**

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**Minute No: 9170**

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

**That Council:**

**Accept Item 15. Urgent Business Approved by the Person Presiding or by Decision.**

- 15.1 Consideration of T15 Spray Seal and Cement Stabilisation Services Tender Assessment**
- 15.2 Consideration of T16 Kalumburu Road Improvement Works Tender Assessment Works**
- 15.3 Development Proposal – Mixed Use – Lot 30 Riverfig Avenue, Kununurra**
- 15.4 Reserve 39128 – Proposed Lease by Waringarri Arts**
- 15.5 Proposed Community Layout Plan – Kandiwal Community**
- 15.6 Proposed Public Art Project - LandCorp**
- 15.7 Commercial Boat Facility Lease Area - Ord River Sailing Club**

**CARRIED: (7/1)**

**FOR: Cr J McCoy  
Cr D Ausburn  
Cr K Torres  
Cr R Addis  
Cr J Parker  
Cr J Moulden  
Cr F Mills**

**AGAINST: Cr K Wright**

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**15.1 CONSIDERATION OF T15 SPRAY SEAL AND CEMENT STABILISATION SERVICES TENDER ASSESSMENT**

<b>DATE:</b>	11 May 2010
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	John Gault, Works Manager Kununurra
<b>REPORTING OFFICER:</b>	Russell Williams, Acting Director Infrastructure Services
<b>FILE NO:</b>	66.58.15
<b>ASSESSMENT NO:</b>	N/A

**PURPOSE**

For Council to consider T15 09/10 – Spray Seal and Cement Stabilisation Services – Tender Assessment.

**BACKGROUND**

Council’s annual resealing program is delivered by period contracts, with the most recent being awarded to Fulton Hogan (PMP) 2004/2005.

Tender T15 09/10 was advertised in ‘The West Australian’ and ‘Kimberley Echo’ on 8 and 9 April 2010 respectively. Tenders closed at 1600hrs on Thursday 6 May 2010 and were opened in the presence of Shire President Cr Fred Mills, Acting Director Infrastructure Services, Russell Williams, Project Officer Lubor Hon and Infrastructure Executive Support Officer, Fiona Kuiper.

Tenders were received from the following companies

<b>Company</b>	<b>Bitumen Sealing</b>	<b>Cement Stabilisation</b>
Fulton Hogan	Yes	Yes
Downer EDI Works	Yes	Yes
Keslake Nominees Pty Ltd	N/A	N/A

An email was received on Thursday 6 May 2010 at 11.38am from Keslake Nominees Pty Ltd advising that their tender had been sent on 4 May 2010. No tender was in the tender box at the time of opening and the tender was dismissed as a non-conforming tender.

The tender was advertised as a Schedule of Rates, based on the average annual square meters of sealing for the respective aggregate size and application rates undertaken by Council. Additionally, tenderers were required to submit the supply spreading, mixing, compacting and curing of cement stabilisation and mobilisations rates based on two visits per year.

The same criteria was utilised in the assessment process, with the total cost being the tenderer’s unit rates multiplied by Council’s average annual square metre of sealing plus the cost of two mobilisations.

The tender evaluation process was based on the following criteria:

Price	65%
Skills, qualifications and experience of key personnel	10%
Respondent's Resources (e.g. plant & equipment to undertake task effectively and efficiently)	10%
Demonstrated understanding of required tasks	10%
Local Supplier	5%
<b>Total</b>	<b>100%</b>

The Tender Assessment will be provided to Councillors under Confidential Cover.

### **STATUTORY IMPLICATIONS**

The Local Government (Functions and General) Regulations 1996

### **POLICY IMPLICATIONS**

Shire of Wyndham East Kimberley F19 Purchasing and Tendering Policy

### **FINANCIAL IMPLICATIONS**

Council allocates in the vicinity of \$200,000 per year to the resealing of Council's road Network. In addition to this the Shire also has a requirement to cement stabilise a high proportion of resealing works in the area to ensure longer road pavement life.

### **STRATEGIC IMPLICATIONS**

Key Result Area 1 – Transport

Goals 2 – Roads & Drainage:

That the Shire's roads and drainage are commensurate with community expectations.

### **COMMENT**

The tender assessment and evaluation criteria ranked Fulton Hogan at 43.5% and Downer EDI Works at 38.5% out of a possible 100%.

While Downer EDI Works had the lowest unit rates, their mobilisation charges per visit reflect the costs of mobilising from Perth/Port Hedland. Fulton Hogan currently mobilises from Katherine.

Additionally the proximity of the Katherine based company allows greater flexibility in the event that resealing works is delayed due to inclement weather or if the reseal program is rescheduled to coincide with the completion of construction projects. Council's direct management of nominated construction projects will also require additional mobilisations of bitumen sealing contractors as required.

Officers have concluded that the tender submission offered by Fulton Hogan provides Council with the greatest flexibility and value for money and recommend that Council enter into a three year contract with the option for a

one year extension subject to the agreement of both parties, with Fulton Hogan.

### **ATTACHMENTS**

Attachment 1: Tender Assessment

### **VOTING REQUIREMENT**

Simple Majority

### **RECOMMENDATION**

That Council awards Tender T15 09/10 – Spray Seal and Cement Stabilisation Services to Fulton Hogan for a three year period commencing 1 July 2010, with the option for a one year extension, subject to mutual agreement.

### **QUESTION ON NOTICE**

The following question was directed from Cr K Torres to the Acting Director Infrastructure:

Why has there been no Indigenous Employment Criteria included in the Tender Assessment?

The Acting Director Infrastructure advised he would take the Question on Notice and would respond as soon as possible.

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### **COUNCIL DECISION**

**Minute No: 9171**

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

***That Standing Order 7.5 be suspended to allow Councillors to speak more than once on the matter.***

***CARRIED: (7/1)***

**FOR:** Cr F Mills  
Cr J McCoy  
Cr D Ausburn  
Cr K Torres  
Cr R Addis  
Cr J Moulden  
Cr K Wright

**AGAINST: Cr J Parker**

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Standing Order were suspended at 8:08pm.

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**Minute No: 9172**

**Moved: Cr K Torres**

**Seconded: Cr K Wright**

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

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

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Standing Orders resumed at 8:10pm.

Cr R Addis proposed an alternate to the Officer's Recommendation.

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**Minute No: 9173**

**Moved: Cr R Addis**

**Seconded: Cr K Wright**

***That Item 15.1 be deferred to a Briefing Session or Special Council Meeting.***

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

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Council decision was different to the Officer's Recommendation as the Report did not provide enough information for an informed decision to be made.

## Attachment 1: Tender Assessment

### Scorecard for Spray Seal and Cement Stabilisation

#### Rating Scale:

10 = Outstanding offer, greatly exceeds criterion

8 = Very good offer, exceeds criterion

6 = Good offer, no deficiencies, meets criterion

4 = Fair offer, few deficiencies, almost meets criterion

2 = Marginal offer, some deficiencies, partly meets criterion

0 = Inadequate offer, many deficiencies, does not meet criterion

Insert Score out of 10 in Blue sectors -  
Weighted Score and Totals will  
automatically fill

Selection Criteria	Weighting	Fulton Hogan		EDI Works		
		Score (Out of 10)	Weighted Score	Score (Out of 10)	Weighted Score	
<b>Insert appropriate criteria and alter weightings to suit</b>						
<b>Price</b>	65%	3	19.5	3	19.5	<i>Note 1</i>
<b>Skills, Qualifications of key personnel</b>	10%	8	8	8	8	
<b>Respondents' Resources (Plant and equipment to undertake task effectively and efficiently)</b>	10%	7	7	5	5	<i>Note 2</i>
<b>Demonstrated understanding of required tasks</b>	10%	7	7	5	5	<i>Note 3</i>

<b>Local Supplier</b>	5%	4	2	2	1	<i>Note 4</i>
						<i>Note 5</i>
<b>Totals</b>			<b>43.5</b>		<b>38.5</b>	

**Note 1:** Both tender prices believed to be on the high side

**Note 2:** (FH) Use of quarry crushed aggregate preferred as it meets MRWA Standards and it is this standard to which the Shire is aspiring.

**Note 3:** (EDI) Double application rate on a two coat bitumen seal of a concern.

**Note 4:** (FH) Use of local supplier for trim, grade and roll. Use of local aggregate

**Note 5:** (EDI) Use of local aggregate

Pricing Comparison				
Items	Fulton Hogan		EDI Works	
Spread and compact aggregate 120m <sup>2</sup> /m <sup>3</sup>	Not Tendered	\$2.40	\$0.81	Not Tendered
<b>Bitumen Sealing Unit Rates</b>				
Prime 50/50 @ 1l/m <sup>2</sup>		Not Tendered	\$1.91	
Items	Fulton Hogan		EDI Works	
<b>Cement Stabilisation</b>				
3% GP or GB cement				
<b>Seal Using Precoated Aggregate</b>	<b>River Aggregate</b>	<b>Quarried Crushed Aggregate</b>	<b>River Aggregate</b>	<b>Quarried Crushed Aggregate</b>
Supply, spread, mix, compact and curing	Not Tendered	\$21.20	\$14.52	Not Tendered
14mm aggregate at 1.4lt/m <sup>2</sup>	Not Tendered	\$8.62	\$3.91	Not Tendered
10mm aggregate at 1.2lt/m <sup>2</sup>	Not Tendered	Included in Costs	\$1,980.00	Not Tendered
7mm aggregate at 1.0lt/m <sup>2</sup>	Not Tendered	\$7.04	\$3.43	Not Tendered
2 Coat bitumen reseal 14mm and 10mm @ 1.4lt/m <sup>2</sup>	Not Tendered	\$10.32	\$4.10	Not Tendered
Sealing Mobilisation/Demobilisation Costs		\$14,500.00	\$16,500.00	
<b>Bitumen Variation</b>		\$29,000.00	\$45,650.00	
Total amount per year for 2 visits and a total using class 170/320 bitumen and crushed and screened river stone aggregate for a total area of 80,000m <sup>2</sup> and 120,000 litres (per annum) in section 2 - \$/litre		\$2,944,700.00	\$357,500.00	
Cement Stabilisation		included as above	\$1,161,600.00	
<b>Breakdown of Bitumen Sealing Rates</b>				
Supply and deliver bitumen to Kununurra		\$2.00	\$1.76	
** MRWA standard LH cement cost for EDI Works is \$16.94/m <sup>2</sup>		\$1.50	\$0.33	
*** One Way	<b>River Aggregate</b>	<b>Quarried Crushed Aggregate</b>	<b>River Aggregate</b>	<b>Quarried Crushed Aggregate</b>
<b>Note:</b> Both Fulton Hogan and EDI Works recommend 250mm stabilised base (using existing materials) where cement stabilising with "top up" material excluded from the tendered price	Not Tendered	\$80.00	\$2.00	Not Tendered
Supply aggregate 10mm (\$/m <sup>3</sup> )	Not Tendered	\$80.00	\$82.05	Not Tendered
Supply aggregate 7mm (\$/m <sup>3</sup> )	Not Tendered	\$80.00	\$82.05	Not Tendered

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<b>Variations</b>				<b>Fulton Hogan</b>	<b>EDI Works</b>
2 Coat bitumen reseal 14mm and 10mm@2.8lt/m <sup>2</sup>				-	\$3.93
Primer seal mob/demob				\$6,000.00	-

## 15.2 CONSIDERATION OF T16 KALUMBURU ROAD IMPROVEMENT WORKS TENDER ASSESSMENT WORKS

<b>DATE:</b>	11 May 2010
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Kalumburu Road
<b>AUTHOR:</b>	Lubor Hon, Project Manager
<b>REPORTING OFFICER:</b>	Russell Williams, Acting Director Infrastructure
<b>FILE NO:</b>	66.58.16
<b>ASSESSMENT NO:</b>	N/A

### **PURPOSE**

For Council to consider T16 09/10 – Kalumburu Road Improvement Works Tender Assessment.

### **BACKGROUND**

Tender T15 09/10 was advertised in 'The West Australian' and 'Kimberley Echo' on 8 and 9 April 2010 respectively. Tenders closed at 1600hrs on Thursday 6 May 2010 and were opened in the presence of Shire President Cr Fred Mills, Acting Director Infrastructure Services, Russell Williams, Project Officer Lubor Hon and Infrastructure Executive Support Officer, Fiona Kuiper.

Tenders were received from the following companies:

- a) *ME & MF Jenkins;*
- b) *HAS Earthmoving;*
- c) *Roadtech Constructions;*
- d) *Stanley Grader & Contracting*
- e) *JAB Industries*

The tender evaluation process was based on the following criteria:

Price	65%
Skills, qualifications and experience of key personnel	10%
Respondent's Resources (e.g. plant & equipment to undertake task effectively and efficiently)	10%
Demonstrated understanding of required tasks	10%
Local Supplier	5%
<b>Total</b>	<b>100%</b>

The Tender Assessment will be provided to Councillors under Confidential Cover.

### **STATUTORY IMPLICATIONS**

The Local Government (Functions and General) Regulations 1996.

## **POLICY IMPLICATIONS**

Shire of Wyndham East Kimberley F19 Purchasing and Tendering Policy

## **FINANCIAL IMPLICATIONS**

Improvement works to the Kalumburu Road have been funded through the Roads to Recovery – Indigenous Access Roads Program.

## **STRATEGIC IMPLICATIONS**

Key Result Area 1 – Transport

Goals 2 – Roads & Drainage:

That the Shire's roads and drainage are commensurate with community expectations.

## **COMMENT**

Nil

## **ATTACHMENTS**

Attachment 1: Tender Assessment

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council awards Tender T16 09/10 – Kalumburu Road Improvement Works to ME & MF Jenkins as most advantageous to Council.

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## **COUNCIL DECISION**

***Minute No: 9174***

***Moved: Cr J Parker***

***Seconded: Cr K Torres***

***That Council awards Tender T16 09/10 – Kalumburu Road Improvement Works to ME & MF Jenkins as most advantageous to Council.***

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

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## ATTACHMENT 1

ROADTECH CONSTRUCTIONS					
Item	Description	Description	Daily Rate (Based on 10hr day)	Amount	Total Amount*
<b>1</b>	<b>PRELIMINARIES</b>				
1.1	Mobilisation & demobilisation		-	\$87,635.90	\$87,636
1.2	Traffic control	Based on 7 weeks	-	\$129,360	\$180,514**
1.3	Supervisor and vehicle		\$1,155	-	\$69,300
<b>2</b>	<b>PLANT and EQUIPMENT</b>				
2.1	Excavator (approximately 25 tonne)		\$2,035	-	\$122,100
2.2	Motor Grader (equivalent to CAT 14 or 140)		\$2,145	-	\$128,700
2.3	2 x Prime movers and two side tipping trailers each		\$4,510	-	\$270,600
2.4	Water tanker with spray bar (and pump system)	Semi Water Cart	\$1815	-	\$108,900
2.5	Vibrating Steel Roller (minimum 6 tonne)	12T	\$1,155	-	\$69,300
2.6	Mobile Camp (Ablutions/Kitchen/Sleeping Quarters etc)		\$3,220.80	-	\$193,248
<b>TOTAL COST (including GST)</b>					<b>\$1,230,298</b>

\* Total amount is based on 10 weeks (6 day/week) = 60 days

\*\* Based on \$10,000 for plans => 1week = \$17,051

<b>HAS EARTHMOVING</b>					
<b>Item</b>	<b>Description</b>	<b>Description</b>	<b>Daily Rate (Based on 10hr day)</b>	<b>Amount</b>	<b>Total Amount*</b>
<b>1</b>	<b>PRELIMINARIES</b>				
1.1	Mobilisation & demobilisation		-	\$81,158	\$81,158
1.2	Traffic control		-	\$4,840	\$4,840
1.3	Supervisor and vehicle		\$1,127.50	-	\$67,650
<b>2</b>	<b>PLANT and EQUIPMENT</b>				
2.1	Excavator (approximately 25 tonne)	24T	\$2,087.25	-	\$125,235
2.2	Motor Grader (equivalent to CAT 14 or 140)	CAT 120H to 14H (TBA)	\$2,238.50	-	\$134,310
2.3	2 x Prime movers and two side tipping trailers each		\$6,504.96	-	\$390,298
2.4	Water tanker with spray bar (and pump system)	20,000L	\$2197.25	-	\$131,835
2.5	Vibrating Steel Roller (minimum 6 tonne)		\$1,758.02	-	\$105,481
2.6	Mobile Camp (Ablutions/Kitchen/Sleeping Quarters etc)		\$7,177.5	-	\$430,650
<b>TOTAL COST (including GST)</b>					<b>\$1,471,457</b>

\* Total amount is based on 10 weeks (6 day/week) = 60 days

Stanley Grader & Contracting					
Item	Description	Description	Daily Rate (Based on 10hr day)	Amount	Total Amount*
<b>1</b>	<b>PRELIMINARIES</b>				
1.1	Mobilisation & demobilisation		-	\$100,000	\$100,000
1.2	Traffic control		-	\$24,500	\$24,500
1.3	Supervisor and vehicle		\$800	-	\$48,000
<b>2</b>	<b>PLANT and EQUIPMENT</b>				
2.1	Excavator (approximately 25 tonne)	30T Komatsu	\$2,550	-	\$153,000
2.2	Motor Grader (equivalent to CAT 14 or 140)	14H Cat	\$1,850	-	\$111,000
2.3	2 x Prime movers and two side tipping trailers each	Only priced one => we need double rate	2x \$2,200	-	\$264,000
2.4	Water tanker with spray bar (and pump system)	40,000L	\$1,400	-	\$84,000
2.5	Vibrating Steel Roller (minimum 6 tonne)	12T CAT	\$1,100	-	\$66,000
2.6	Mobile Camp (Ablutions/Kitchen/Sleeping Quarters etc)		\$1,600	-	\$96,000
<b>TOTAL COST (including GST)</b>					<b>\$946,500</b>

\* Total amount is based on 10 weeks (6 day/week) = 60 days

ME + MF JENKINS					
Item	Description	Description	Daily Rate (Based on 10hr day)	Amount	Total Amount*
<b>1</b>	<b>PRELIMINARIES</b>				
1.1	Mobilisation & demobilisation		-	\$100,000	\$100,000
1.2	Traffic control		\$700		\$49,000**
1.3	Supervisor and vehicle		\$800	-	\$48,000
<b>2</b>	<b>PLANT and EQUIPMENT</b>				
2.1	Excavator (approximately 25 tonne)	450 Komatsu or 330 CAT	\$2,200	-	\$132,000
2.2	Motor Grader (equivalent to CAT 14 or 140)	140G	\$1,800***	-	\$108,000
2.3	2 x Prime movers and two side tipping trailers each		\$4,000	-	\$240,000
2.4	Water tanker with spray bar (and pump system)	2xSemi Water Carts => we asked for one => we need to half the given rate	\$3,600/2	-	\$108,000
2.5	Vibrating Steel Roller (minimum 6 tonne)	12T	\$1,800****	-	\$108,000
2.6	Mobile Camp (Ablutions/Kitchen/Sleeping Quarters etc)		\$1,500	-	\$90,000
<b>TOTAL COST (including GST)</b>					<b>\$983,000</b>

\* Total amount is based on 10 weeks (6 day/week) = 60 days

\*\* Based on 10weeks => 70days

\*\*\* Chosen rate for 140G

\*\*\*\*Chosen rate for 12T

JAB Industries					
Item	Description	Description	Daily Rate (Based on 10hr day)	Amount	Total Amount*
<b>1</b>	<b>PRELIMINARIES</b>				
1.1	Mobilisation & demobilisation		-	\$175,000.96	\$175,001
1.2	Traffic control		-	\$12,100	\$12,100
1.3	Supervisor and vehicle		\$1,815	-	\$108,900
<b>2</b>	<b>PLANT and EQUIPMENT</b>				
2.1	Excavator (approximately 25 tonne)	CAT 325 Cu.	\$3,025	-	\$181,500
2.2	Motor Grader (equivalent to CAT 14 or 140)		\$3,025	-	\$181,500
2.3	2 x Prime movers and two side tipping trailers each		\$6,050	-	\$363,000
2.4	Water tanker with spray bar (and pump system)	30,000L	\$1,875.56	-	\$112,534
2.5	Vibrating Steel Roller (minimum 6 tonne)	10T	\$1,512.50	-	\$90,750
2.6	Mobile Camp (Ablutions/Kitchen/Sleeping Quarters etc)		\$2,072.12	-	\$124,327
<b>TOTAL COST (including GST)</b>					<b>\$1,349,612</b>

\* Total amount is based on 10 weeks (6 day/week) = 60 days

		<b>ME+MF JENKINS</b>		<b>HAS Earthmoving</b>		<b>ROADTECH CONSTRUCTIONS</b>		<b>Stanley Grader &amp; Contracting</b>		<b>JAB INDUSTRIES</b>	
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Selection Criteria	Weighting	Score (Out of 10)	Weighted Score								
<b>Insert appropriate criteria and alter weightings to suit</b>											
<b>Price Unit Rates</b>	60%	10	60	6	36	8	48	10	60	8	48
<b>Indigenous Employment</b>	10%	6	6	6	6	8	8	8	8	8	8
<b>Experience</b>	10%	8	8	6	6	8	8	6	6	8	8
<b>Resources (eg. plant &amp; equipment)</b>	10%	8	8	6	6	6	6	6	6	6	6
<b>Local Supplier</b>	10%	4	4	0	0	0	0	6	6	6	6
<b>Totals</b>			<b>86</b>		<b>54</b>		<b>70</b>		<b>86</b>		<b>76</b>

# RECOMMENDATION REPORT

<b>Title of Tender:</b>	<i>Kalumburu Road Improvement Works</i>
<b>RFT Number:</b>	<i>T16 09/10</i>

## RECOMMENDATION REPORT PRO FORMA

### 1. **INTRODUCTION**

#### 1.1 **TITLE**

The *Shire of Wyndham/East Kimberley* issued a *RFT* for the *Kalumburu Road Improvement Works* on 05/04/2010.

#### 1.2 **SCOPE**

The successful tenderer will be required to provide the following works:

Gravel sheeting works of numerous separate sections of existing road.

- Widen and re-form the existing cross-section, including table and off-shoot drains (utilising the existing catch drains).
- Sheeting with 200 mm of gravel/shale material sourced from existing borrow pits.

The successful tenderer will be reporting to *[insert position]* to fulfil the requirements as described in this report.

#### 1.3 **VALUE [DELETE FOR EO]**

The price basis for the contract is a *variable* price tender.

The budget estimate for the total contact, including all extension options is approximately \$ 1,530,000 AUD.

#### 1.4 **CONTRACT PERIOD**

The *RFT* seeks the provision of the required services for a period of *construction* commencing *within 2 weeks from the time when contractor is given possession of the site*.

#### 1.5 **ADVERTISING DETAILS**

The tender was advertised as follows:

- (a) The West Australian – 10/04/2010
- (b) *The Kimberley Echo* – 08/04/2010

## **RECOMMENDATION REPORT PRO FORMA**

### **2 BACKGROUND**

#### **2.1 TENDERER'S NAME**

Tenders were received from:

- a) *ME+MF JENKINS;*
- b) *HAS EARTHMOVING;*
- c) *ROADTECH CONSTRUCTIONS*
- d) *Stanley Grader & Contracting*
- e) *JAB INDUSTRIES*

#### **2.2 TENDER PRICE**

Proposed fees provided by tenderers in ascending order were as follows:  
(These prices were generated from proposed daily rates and based on 10 week construction programme – refer to the enclosed price calculations)

<b>Tenderer</b>	<b>Price</b>
<i>Stanley Grader &amp; Contracting</i>	<i>\$946,500</i>
<i>ME+MF JENKINS</i>	<i>\$983,000</i>
<i>ROADTECH CONSTRUCTIONS</i>	<i>\$1,230,298</i>
<i>JAB INDUSTRIES</i>	<i>\$1,349,612</i>
<i>HAS EARTHMOVING</i>	<i>\$1,471,457</i>

### **3 EVALUATION PANEL**

#### **3.1 PARTICIPANTS**

An Evaluation Panel assessed each tender. Details on members of the Panel are contained within the table below.

<b>Name</b>	<b>Position/Role</b>
<i>Lubor Hon</i>	<i>Project Manager</i>
<i>Russell Williams</i>	<i>Acting Director Infrastructure</i>

## **RECOMMENDATION REPORT PRO FORMA**

### **4 SELECTION CRITERIA AND RATING SCALE**

#### **4.1 COMPLIANCE CRITERIA**

- (a) *Completeness – filled in Appendix B*
- (b) *Proof of Public Liability insurance*

#### **4.2 QUALITATIVE CRITERIA**

- (c) *Price Unit Rates [60%]*
- (d) *Indigenous Employment [10%]*
- (e) *Experience [10%]*
- (f) *Resources (eg. plant & equipment) [10%]*
- (g) *Local Supplier [10%]*

#### **4.3 RATING SCALE**

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

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

#### **4.4 PRICING**

The pricing submitted by each tenderer was assessed together with the qualitative criteria. The selected response is that which represents the most advantageous to the *Shire of Wyndham/East Kimberley*.

### **5 EVALUATION METHODOLOGY**

#### **5.1 INITIAL COMPLIANCE CHECK**

An initial compliance check was conducted by the *Evaluation Panel* on 07/05/2010 to identify submissions that were non-conforming with the immediate requirements of the *RFT*. This included compliance with contractual requirements and provision of requested information.

All tenders were processed through to qualitative criteria assessment on the basis that all terms and conditions and mandatory requirements of the *RFT* had been met.

#### **5.2 QUALITATIVE CRITERIA ASSESSMENT**

The qualitative criteria assessment was carried out by the *Evaluation Panel* on 07/05/2010, with the *Evaluation Panel* scoring the tenders according to the evaluation matrix. All applicants were assessed against the qualitative selection criteria. Specific criteria were weighted according to their importance as perceived and agreed by the *Evaluation Panel*. Relative weightings were published within the *RFT*.

## **RECOMMENDATION REPORT PRO FORMA**

Two tenderers [*Stanley Grader & Contracting and ME+MF JENKINS*] achieved satisfactory scores within the qualitative criteria assessment and could not be differentiated by price and were consequently progressed to the short list stage of evaluation.

### **5.3 SHORT-LIST EVALUATION**

The short-list evaluation took place on *10/05/2010* between 8:30 – 10:30 AM in *Director Infrastructure office*. The evaluation comprised of *personal visit of one contractor (Stanley Grader & Contracting) and phone call to another (ME+MF JENKINS)*.

This stage of evaluation was also used as an opportunity to seek clarification of issues that were identified in the course of the initial compliance check and qualitative criteria assessment.

## **6 EVALUATION TOOLS**

Refer to section 4.2 of the Evaluation Report for a description of the selection criteria.

As part of the qualitative criteria assessment, the Evaluation Panel scored tenders according to the evaluation matrix attached to this report.

The Evaluation Panel agreed that the evaluation matrix demonstrated that two tenderers [*Stanley Grader & Contracting and ME+MF JENKINS*] had similar capabilities in relation to the selection criteria and agreed to move to the short list stage of evaluation.

### **6.1 SHORT LISTED EVALUATION PROCESS AND OUTCOMES**

The short listed tenderers were contacted to discuss their proposal and elaborate upon specific areas. Each tenderer was requested to address the same areas.

## RECOMMENDATION REPORT PRO FORMA

The table below summarises how each area was addressed by the short listed tenderers.

	<i>Stanley Grader &amp; Contracting</i>	<i>ME+MF JENKINS</i>
<i>a. Plant &amp; Equipment availability</i>	Limited source of equipment.	All plant required coming from their asset plus additional plant is available if needed.
<i>b. Start date</i>	Middle of June.	Beginning of June.
<i>c. Their capabilities to stay on site longer if additional funds are allocated</i>	They can prolong their stay.	They can prolong their stay.
<i>d. Support for SWEK's supervisor</i>	Capable to meet our expectations/requirements.	Capable to meet our expectations/requirements.

## 7 **BASIS OF DECISION**

### 7.1 **BASIS FOR RECOMMENDING A TENDERER**

Given the fact that the work will be carried out in remote location which contains a high level of risk for time delays in case something goes unexpectedly wrong the evaluation panel assumes that to chose a contractor with a larger base and larger range of plants readily available shall be a preferable option.

## 8 **DECISION**

The Evaluation Panel recommends that *ME+MF JENKINS* be selected as the preferred supplier.

## 9 **ENDORSEMENT BY EVALUATION PANEL**

*Russell Williams*

\_\_\_\_\_  
(Signature)

10/01/2010  
(Date)

*Lubor Hon*

\_\_\_\_\_  
(Signature)

10/05/2010  
(Date)

### 15.3 DEVELOPMENT PROPOSAL – MIXED USE – LOT 30 RIVERFIG AVENUE, KUNUNURRA

<b>DATE:</b>	18 May 2010
<b>PROPONENT:</b>	Whelans Planning Consultants for Westral Holdings Pty Ltd
<b>LOCATION:</b>	Lot 30 Riverfig Avenue, Kununurra
<b>AUTHOR:</b>	Jennifer Ninnette, Town Planning Officer
<b>REPORTING OFFICER:</b>	Ian D'Arcy, Director Development Services
<b>FILE NO:</b>	01.0784.02
<b>ASSESSMENT NO:</b>	A784

#### PURPOSE

For Council to consider an application for planning consent, for a mixed use development on Lot 30 Riverfig Avenue, Kununurra.

#### BACKGROUND

The Shire has received a development application from Whelans Planning Consultants, acting on behalf of Westral Holdings Pty Ltd, for a mixed use development on Lot 30 Riverfig Avenue, Kununurra.

The proposal is for the redevelopment of the north eastern portion of the property, (referred to as Lot 30-1), including the retention of three (3) one bedroom existing dwellings to be refurbished.

The proposed mixed use development is to comprise of one (1) ground floor commercial space with two (2) multiple dwellings above, and five (5) Grouped Dwellings, to be constructed on Lot 30-1 Riverfig Avenue. A copy of the proposed site plan is shown at Attachment 1.

Officers have assessed the application against the Residential Design Codes (R Codes), Town Planning Scheme No. 7 – Kununurra and Environs, and other relevant legislation. As a result a number of issues identified have been raised with the developer with the plans (those attached) subsequently being revised. However, the applicant is still seeking a concession from Council for some of the items, as listed below:

- Payment of cash in lieu for a shortfall of three (3) car bays and a portion of the disabled bay that encroaches into the road reserve. The proposal is for the 3 car parking bays to be provided in the Riverfig Road reserve;
- Payment of in lieu for a shortfall of a further one (1) car bay if the commercial space is approved for 'shop' use; and
- Allow an awning to overhang the road reserve a maximum distance of 1 metre.

Accordingly, Councils consideration is sought on these matters.

Plans of the proposed commercial and multiple dwellings are shown at Attachment 2, while the plans of the proposed grouped dwellings are shown at Attachment 3.

## SITE AND SURROUNDS

The subject site is located on the southern side of Riverfig Avenue and the corner of Messmate Way. Lot 30, which consists of two (2) strata lots, is irregular in shape with an overall area of 4183m<sup>2</sup>, and has street frontages to both Riverfig Avenue and Messmate Way.

However, this application only applies the eastern portion of the site, being strata lot 1, as shown on the following aerial photo.



This strata lot, located opposite the Coles complex, and is currently developed with nine (9) residential units and one office/reception building. The property adjoins a vacant allotment to the east, and is north of lots developed for grouped and single dwelling residential development.

The adjoining vacant property to the east has been granted planning approval for a mixed use development consisting of seven (7) single storey offices fronting Riverfig Avenue and two storey grouped dwellings with access from Rosella Close.

The development application is for the redevelopment of the north eastern portion of Lot 30, (referred to as Lot 30-1), which has an area of 2009m<sup>2</sup>. The three existing dwellings within this portion of the property will be retained, and are currently being refurbished; with the existing office/reception building to be demolished.

The applicant has verbally advised, that the western 2170m<sup>2</sup> portion of the property (Lot 30-2) will also be developed at a later stage, involving the removal of six (6) existing dwellings and complete the redevelopment for mix of commercial and residential development.

## **STRATEGIC IMPLICATIONS**

As the development is located in the 'Town Centre' zone, it is considered appropriate to allow development of the commercial space immediately fronting Riverfig Avenue; as this effectively fronts the primary retail centre of town. The rear portion of the lot is better suited for residential purposes, consistent with the existing dwellings on the property and surrounding residential uses in Rosella Close.

It is assessed that the proposed mixed use for commercial and residential is consistent with the objectives of the Shire of Wyndham East Kimberley Local Planning Strategy (LPS); however that Council consideration is required to determine whether the development provisions are adequate.

## **STATUTORY IMPLICATIONS**

### Zoning Permissibility

The land is zoned 'Town Centre' under the Shire of Wyndham - East Kimberley Town Planning Scheme No.7 (Scheme), for which the use and development of shop/office and residential units are permitted in accordance with the Use Class Tables, under Part III of the Town Planning Scheme.

More specifically, Clause 5.10.4 of the Scheme states that group residential development within the 'Town Centre' zone may be permitted in accordance with the provisions and standards of the R50 density code outlined in the Residential Design Codes 2008. This is providing that the development is in keeping with the surrounding land use. In this context the neighbouring developments to the west and north are already developed and used for grouped residential purposes.

The Residential Design Codes are a 5AA Policy prepared and adopted under the *Planning and Development Act, 2005*. Clause 5.7 of the Town Planning Scheme adopts the Codes, to form the basis of Scheme provisions and development standards.

### Car Parking Requirements

Part VIII of the Town Planning Scheme, also outlines the car parking standards and provisions required for development within the Scheme area for commercial purposes. These provisions also afford an opportunity to make cash payment in lieu of providing all or any of the required number of car parking spaces at the Council's discretion. Parking standards for grouped residential purposes is also guided by the Residential Design Codes.

In any event the Scheme provides under Clause 8.4.2 that cash in lieu payment shall not be less than the estimated cost to the owner or developer of providing and constructing the parking spaces required by the Scheme, plus the value of the area of the land which would have been occupied by the parking spaces.

Accordingly, the Town Planning Scheme Table 2 – Development Standards, prescribes for a commercial office development, that one car parking bay is to be provided for every 40m<sup>2</sup> of Gross Floor Area or part thereof; and for a commercial shop development, one car parking bay is to be provided for every 20m<sup>2</sup> of Gross Floor Area or part thereof. Notwithstanding this requirement Clause 5.5 of the Town

Planning Scheme affords the Council discretion to modify development standards in Table 2.

On this basis, the proposed shop development is required to provide six (6), (5.26), car parking bays, two (2) of which are shown to be provided on site. The application shows the intent to provide three (3) parallel parking bays off site in the Riverfig Avenue road reserve, which still results in a short fall of one bay.

Therefore, the proposed commercial development will require cash in lieu payment for four (4) car bays, plus the percentage of the disabled bay (approx 1.65m<sup>2</sup>) within the road reserve.

Additionally, the Residential Design Codes specifies that each residential unit is to be supported by two under cover parking bays and an additional visitor bay for every four (4) units. In this regard, based on the five (5) new grouped dwellings, there is requirement to provide 10 under cover parking bays which are shown on the plans. The existing three (3) single bedroom units each have an existing single carport, as required, the provision of two (2) visitor bays has also been provided onsite for the total of the eight (8) dwellings proposed.

The multiple dwellings are one bedroom dwellings and as such, only require 1 dedicated car parking space each. Although no visitor bays are required for the two multiple dwellings; it is considered that the proposed commercial bays could be utilised as reciprocal visitor bays, outside hours of commercial operation.

#### Setbacks

Under the Residential Design Codes the setback to the rear and side boundary is determined, subject to the height and length of the facing wall and where major openings (windows/doors) are located within these walls to address building bulk and privacy issues.

The setback, of the unit on Site 3, from the northern boundary is proposed to be 1.5 metres however, as the wall is a length of 11.78 metres with a wall height of 6.5 metres with two major openings, the required setback is 3.0 metres. To address this, the proponent has stipulated that translucent film will be utilised on the second storey windows so that they are not considered as major openings and the setback complies.

Additionally, the second storey bedroom windows, for units on site 1, 2 and 3, are to face the eastern boundary, and the unit on site 5, the western boundary; creating an over looking issue, for neighbouring development. The privacy provisions of the Residential Design Codes require that such windows should be a minimum distance of 4.5 metres from the property boundary or alternatively screened through the installation of slatted or solid screening to non-compliant windows.

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

#### Awning overhanging road reserve

The proposed mixed use portion of the development (Site 9) is intended to have an awning that overhangs, (on a diagonal), the property boundary into the Riverfig Road reserve, at a maximum distance of 1 metre.

Section 400 of the *Local Government (Miscellaneous Provisions) Act, 1960* deals with encroachments of buildings over, on or under a street, and stipulates that the Local Government may approve an awning to overhang the street, provided that it is 2.75 metres above the footpath in a street, pedestrian access way, or other public place.

Given the harsh climate, the provision of awning to commercial buildings is encouraged. Therefore, it is recommended the proposed overhang be supported, subject to a footpath being constructed in the road reserve to provide for pedestrian access along the property frontage as well as to the site.

### **POLICY IMPLICATIONS**

Council has a draft policy to address car parking provisions for developments, the objective of which is to complement car parking standards set out in the Town Planning Scheme/s, and provide a guideline for cash in lieu parking arrangements and car parking access and design.

The draft policy states, that 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.

The draft policy also states that:

- The local government will only permit 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;
- 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;
- 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;
- 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;
- 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;
- Where the Developer is granted a cash-in-lieu payment a further amount, being 20% of the cash-in-lieu payment, is to be paid to the local government for the future maintenance of the car parking and landscaping as provided by the Shire with the cash-in-lieu funds;
  - 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; and
  - Car park design and construction shall include adequate provision for landscaping comprising screen, features and shade trees and shrubs (of indigenous species) as appropriate, and Council may require the lodgement of performance guarantees against the satisfactory construction, completion and establishment of car parking areas and associated landscaping.

Given the intent of the draft car parking policy and existing commercial parking in this locality it is considered appropriate for Council to accept the car parking to be provided in the road reserve. However, this should be subject to:

- a minimum of 3 bays to be constructed at the developers cost and to the Shire's specifications;
- A cash payment for the land component of the 3 constructed bays and portion of the disabled bay which encroaches into the road reserve;
- the estimated land and construction costs for the shortfall of one bay not provided on site or in the road reserve; and
- A further 20% of the total cash in lieu amount and construction costs for the 3 bays to be paid to the Shire for future maintenance of the car bays and associated landscaping and footpaths.

### **FINANCIAL IMPLICATIONS**

The financial implications relate to:

1. The payment of an Application Fee of \$1800.00; and
2. The applicant meeting the construction and land value component of the proposed parallel parking bays in the road reserve and construction of the footpath within Council's road reserve.

### **COMMUNITY CONSULTATION**

Under Town Planning Scheme No. 7 – Kununurra and Environs, an Office and Shop are permitted ('P') use classes, while Grouped Dwellings is a discretionary ('AA') use within the 'Town Centre' zone. None of the uses are required to be advertised, unless a concession is sought by the proponent and supported by Council in relation to the Residential Design Codes standards.

## **ATTACHMENTS**

Attachment 1 – Site Plan

Attachment 2 – Mixed Use (Commercial/Multiple Dwelling) Component Plan

Attachment 3 – Residential Floor & Elevation Plans (Site 1 - 5)

## **COMMENT**

It is considered that the proposed grouped dwelling component of the development is essentially compliant, and only need be conditioned to address privacy issues.

In regards to parking, which has been a contentious issue for Council in the past, it is viewed that the requested concessions should be supported in line with the Scheme provisions and the draft Car Parking Policy standards.

Further, given the proposed commercial development component does not provide for rear access or loading areas, any approval granted by Council should be conditioned to allow for an 'Office or 'Shop' use, but preclude the preparation and sale of food and bulky goods. Essentially this means that the commercial spaces can not be used for 'take-away' food or dine-in restaurant/cafe, or a retail showroom selling items such as furniture or floor coverings.

With this in mind and based on the assessment outlined earlier in this report it is recommended that planning consent be granted for subject to:

1. The proponent constructing three (3) parallel parking bays and portion within the road reserve and a footpath along the front boundary alignment to allow for pedestrian access to the Shire specifications;
2. The proponent paying cash in lieu (land and construction component) for one bay, and land component for the three bays and any portion of the disabled bay within Council's road reserve;
3. The proponent paying a further 20% of the total cash in lieu amount, for further future maintenance of the car parking and landscaping as provided by the Shire with the cash-in-lieu funds; and
4. The approval being conditioned to:
  - (a) Limit the use of the commercial component to office or small retail, and exclude take-away food, dine-in restaurant/café and retail showroom uses; and
  - (b) Require installation of slatted or solid screening to non-compliant windows for sites 1, 2, 3 and 5 to prevent overlooking of second storey windows onto neighbouring properties and development internal to the property.

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICERS RECOMMENDATION**

That Council

1. Grant planning consent for a mixed use and grouped dwelling development on Lot 30 Riverfig Avenue Kununurra, subject to the following conditions:
  - (a) All development shall be in accordance with the attached approved plan(s) dated 18<sup>th</sup> May 2010 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government;
  - (b) All land indicated as landscaped area on the approved plan(s) being developed with nature plant species prior to, or concurrently with the practical completion of the development and maintained thereafter to the approval of the local government;
  - (c) The commercial space shall be limited to the use of an 'Office' or 'Small Retail Shop', but not a take-away food premise, dine-in restaurant or café, or retail showroom use selling bulky type goods;
  - (d) Construction of a 1.5m wide footpath of 100mm thick unreinforced concrete along the Riverfig Avenue property frontage and parallel to the property alignment at the cost of the developer;
  - (e) Provision of three (3) parallel parking bays within the Riverfig Avenue road reserve, to be constructed 150mm thick reinforced cast in situ concrete with kerbing and line marking at the cost of the developer;
  - (f) The proponent shall make a payment of cash in lieu of a shortfall in the car parking to the local government in accordance with the following requirements:
    - (a) The estimated land value component for Four (4) car bays, as determined by a licensed valuer appointed by the local government, and based on an area of 30.8 m<sup>2</sup> per car bay inclusive of manoeuvring area, but excluding standard crossovers;
    - (b) The estimated construction cost of one bay as determined by the local government or by a person nominated by the local government who is competent in the field of engineering;
    - (c) A further amount, being 20% of the cash-in-lieu payment, for the future maintenance of the car parking and landscaping as provided by the Shire with the cash-in-lieu funds; and
    - (d) The payment shall be made to the local government prior to first occupation of the commercial building.
  - (g) Roof downpipes must not openly discharge onto the ground or paved surface. All downpipes must discharge into a suitable piped stormwater drainage system;

- (h) All parking, driveway and access areas shall be constructed, sealed, drained and for the disabled by signed to the satisfaction of the local government;
- (i) Driveway access for the mixed business component of the development (as shown on the existing Strata Lot 2) shall be secured by a minimum 6.0 wide easement to be shown on the respective Strata Plans in favour of the mixed use development;
- (j) The windows on the northeast walls and the second storey eastern facing windows for the Grouped Dwellings on Site 1, Site 2 and Site 3 shall be screened with slatted or solid panelling to a height of 1.6 metres to the satisfaction of the local government;
- (k) The second storey western facing windows for the Grouped Dwellings identified on Site 4 and Site 5 shall be screened with slatted or solid panelling to a height of 1.6 metres to the satisfaction of the local government;
- (l) All side and rear fencing shall consist of solid panel type construction to a maximum height of 1.8 metres. All fences and gates to front setbacks and front boundaries shall be a minimum of 50% transparent above 1.2 metres to a height of 1.8 metres;
- (m) The bin hardstand area for the residential units and commercial development shall be capable of storing a minimum of 11 standard wheeled rubbish bins for collection;
- (n) All plumbing pipes shall be ducted within the walls of the building;
- (o) No site earthworks or development shall occur that will cause additional runoff of stormwater to adjacent properties;
- (p) All stormwater drainage shall be designed and constructed at the applicant's cost and in accordance with the requirements of local government and the current Australian Rainfall and Run-off Manual. Details on the proposed method of controlling the discharge are to comply with conditions [i] or [ii] as applicable. The preferred method for the subject site is to be determined in consultation with the Shire's Infrastructure staff prior to the submission of a building application.
  - [i] Stormwater run-off from roof and or other paved/impervious areas from the site shall be collected and discharged into Council's drainage system. Details on the proposed method of control and disposal of stormwater from the site, including access roads, parking areas and roofs are to be confirmed with the Infrastructure staff and submitted with the building application.
  - [ii] Stormwater retention of run-off from roof and or other paved/impervious areas shall be provided on site. The design is to ensure the discharge of stormwater from the developed site is so as to restrict discharge to that which existed prior to development. Design overflow from soak wells and site drainage shall ensure no discharge onto or through adjoining properties. Details on the site specific design of control and disposal of stormwater from the site are to be submitted with the preparation of a building application.

A drainage contribution fee may also be charged if the discharge into Council's drainage system necessitates upgrade of the system servicing the catchment area. The payment, if required, is to be confirmed by the Applicant with the Infrastructure staff prior to the submission of a building application.

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**COUNCIL DECISION**

**Minute No: 9175**

**Moved: Cr J Parker**

**Seconded: Cr J McCoy**

**That Council**

**1. Grant planning consent for a mixed use and grouped dwelling development on Lot 30 Riverfig Avenue Kununurra, subject to the following conditions:**

- (a) All development shall be in accordance with the attached approved plan(s) dated 18<sup>th</sup> May 2010 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government;**
- (b) All land indicated as landscaped area on the approved plan(s) being developed with nature plant species prior to, or concurrently with the practical completion of the development and maintained thereafter to the approval of the local government;**
- (c) The commercial space shall be limited to the use of an 'Office' or 'Small Retail Shop', but not a take-away food premise, dine-in restaurant or café, or retail showroom use selling bulky type goods;**
- (d) Construction of a 1.5m wide footpath of 100mm thick unreinforced concrete along the Riverfig Avenue property frontage and parallel to the property alignment at the cost of the developer;**
- (e) Provision of three (3) parallel parking bays within the Riverfig Avenue road reserve, to be constructed 150mm thick reinforced cast in situ concrete with kerbing and line marking at the cost of the developer;**
- (f) The proponent shall make a payment of cash in lieu of a shortfall in the car parking to the local government in accordance with the following requirements;**
  - (a) The estimated land value component for Four (4) car bays, as determined by a licensed valuer appointed by the local government, and based on an area of 30.8 m<sup>2</sup> per car bay inclusive of manoeuvring area, but excluding standard crossovers;**

- (b) The estimated construction cost of one bay as determined by the local government or by a person nominated by the local government who is competent in the field of engineering;**
- (c) A further amount, being 20% of the cash-in-lieu payment, for the future maintenance of the car parking and landscaping as provided by the Shire with the cash-in-lieu funds; and**
- (d) The payment shall be made to the local government prior to first occupation of the commercial building.**
- (g) Roof downpipes must not openly discharge onto the ground or paved surface. All downpipes must discharge into a suitable piped stormwater drainage system;**
- (h) All parking, driveway and access areas shall be constructed, sealed, drained and for the disabled by signed to the satisfaction of the local government;**
- (i) Driveway access for the mixed business component of the development (as shown on the existing Strata Lot 2) shall be secured by a minimum 6.0 wide easement to be shown on the respective Strata Plans in favour of the mixed use development;**
- (j) The windows on the northeast walls and the second storey eastern facing windows for the Grouped Dwellings on Site 1, Site 2 and Site 3 shall be screened with slatted or solid panelling to a height of 1.6 metres to the satisfaction of the local government;**
- (k) The second storey western facing windows for the Grouped Dwellings identified on Site 4 and Site 5 shall be screened with slatted or solid panelling to a height of 1.6 metres to the satisfaction of the local government;**
- (l) All side and rear fencing shall consist of solid panel type construction to a maximum height of 1.8 metres. All fences and gates to front setbacks and front boundaries shall be a minimum of 50% transparent above 1.2 metres to a height of 1.8 metres;**
- (m) The bin hardstand area for the residential units and commercial development shall be capable of storing a minimum of 11 standard wheeled rubbish bins for collection;**
- (n) All plumbing pipes shall be ducted within the walls of the building;**
- (o) No site earthworks or development shall occur that will cause additional runoff of stormwater to adjacent properties;**
- (p) All stormwater drainage shall be designed and constructed at the applicant's cost and in accordance with the requirements of local government and the current Australian Rainfall and Run-off Manual. Details on the proposed method of controlling the discharge are to comply with conditions [i] or [ii] as applicable. The preferred method for the subject site is to be determined in consultation with the Shire's Infrastructure staff prior to the submission of a building application.**

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

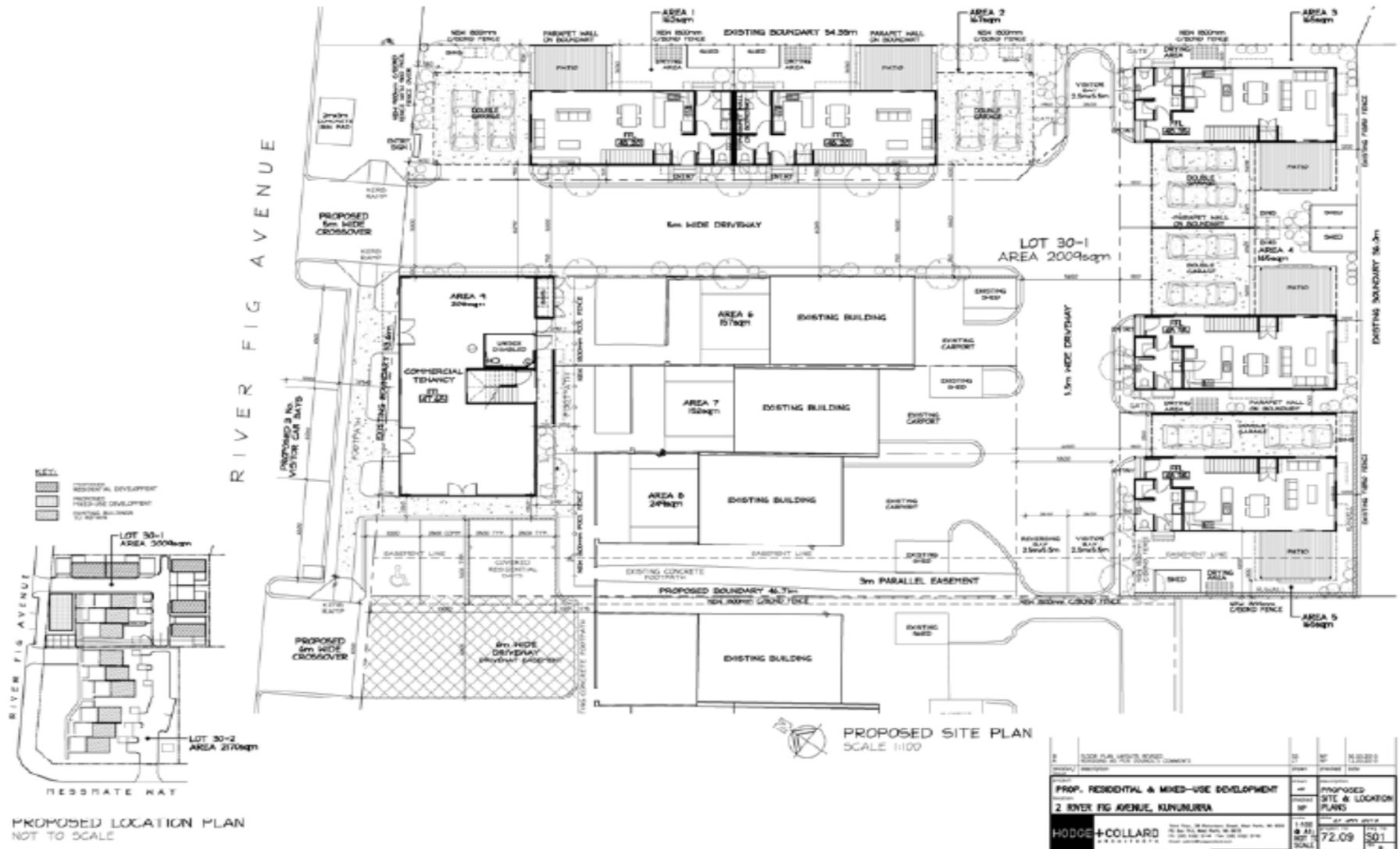
***[ii] Stormwater retention of run-off from roof and or other paved/impervious areas shall be provided on site. The design is to ensure the discharge of stormwater from the developed site is so as to restrict discharge to that which existed prior to development. Design overflow from soak wells and site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

***A drainage contribution fee may also be charged if the discharge into Council's drainage system necessitates upgrade of the system servicing the catchment area. The payment, if required, is to be confirmed by the Applicant with the Infrastructure staff prior to the submission of a building application.***

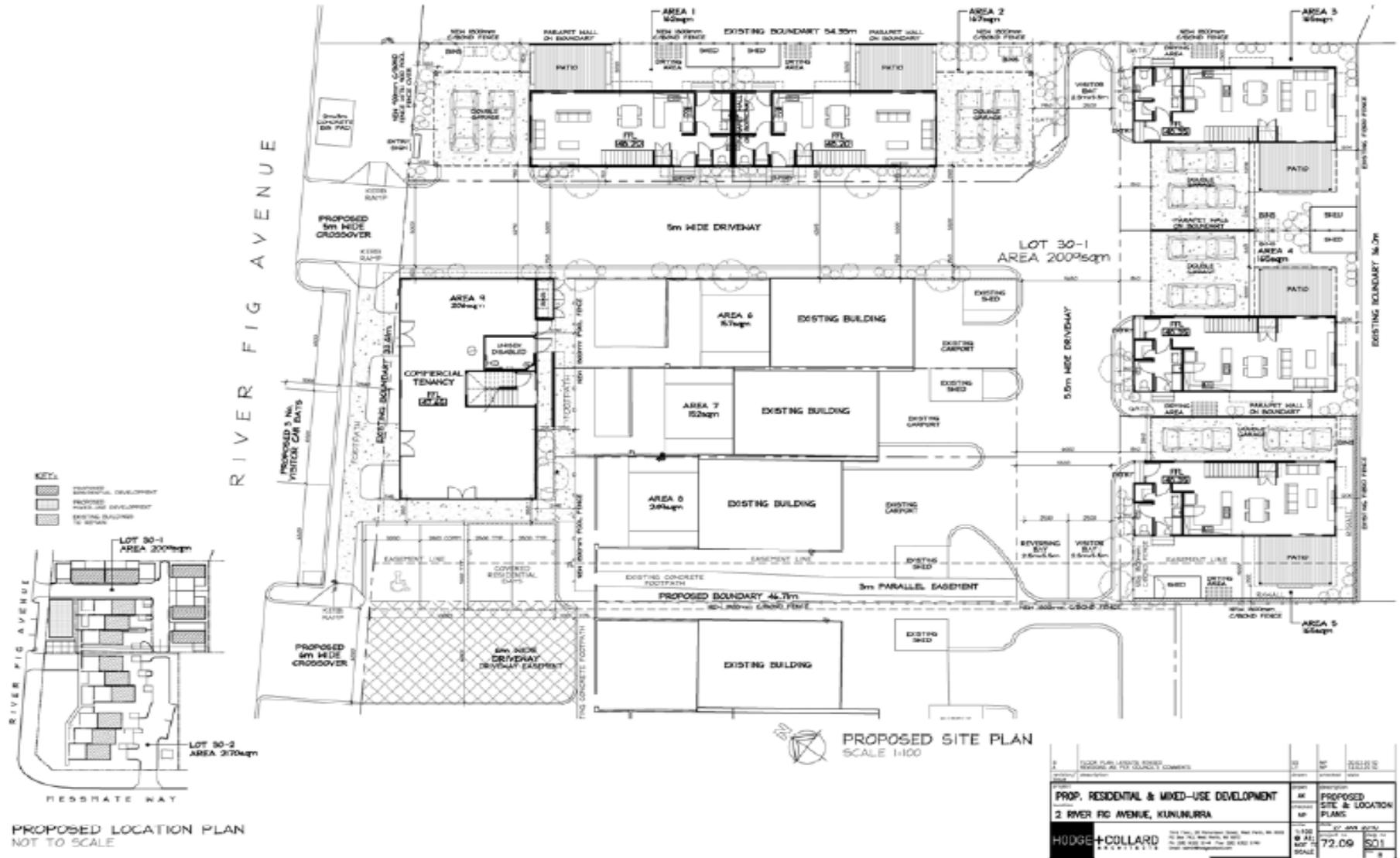
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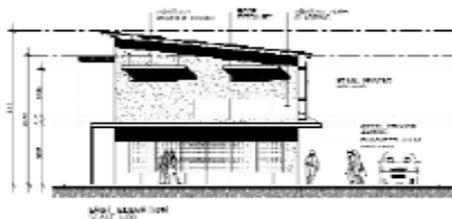
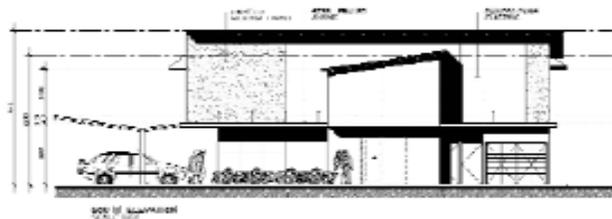
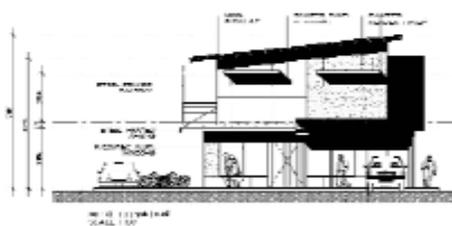
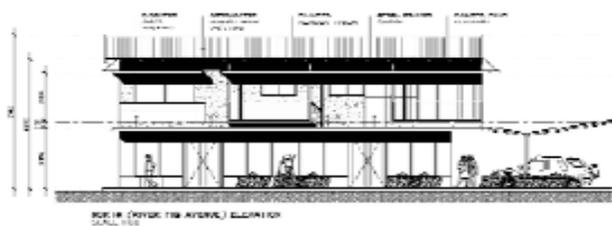
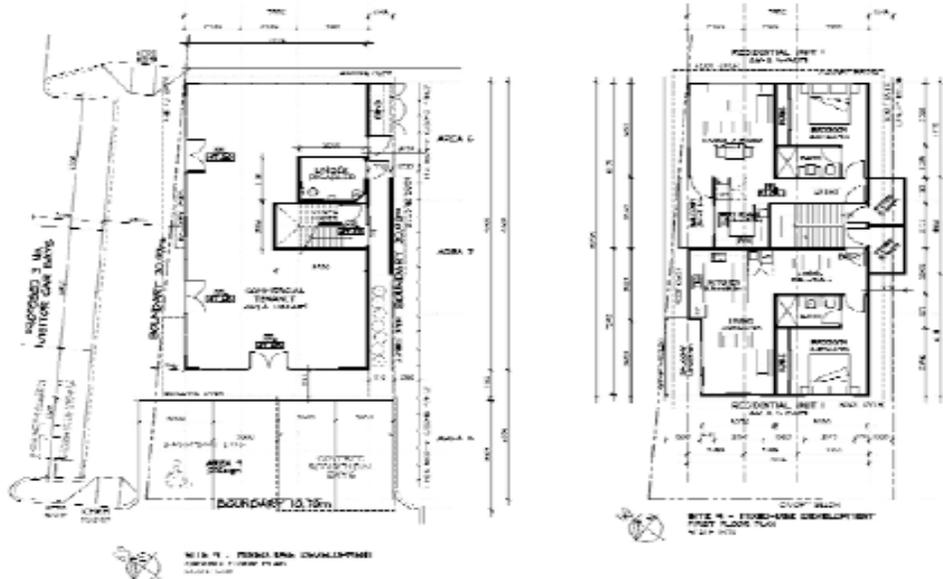
# ATTACHMENT 1



# ATTACHMENT 2



# ATTACHMENT 3



<b>PROPOSED MIXED-USE DEVELOPMENT</b> <b>2 RIVER PIC AVENUE, KUNUNURRA</b>		PROJECT NO. 118.09	DATE 22 JAN 2010
<b>HODGE+COLLARD</b> <small>ARCHITECTS</small>		SHEET NO. 501	OF SHEETS 501



## 15.4 RESERVE 39128 – PROPOSED LEASE BY WARINGARRI ARTS

<b>DATE:</b>	18 May 2010
<b>PROPONENT:</b>	Waringarri Aboriginal Arts
<b>LOCATION:</b>	Lot 2230 Speargrass Road, Kununurra
<b>AUTHOR:</b>	Jennifer Ninyette, Town Planning Officer
<b>REPORTING OFFICER:</b>	Ian D'Arcy, Director Development Services
<b>FILE NO:</b>	01.5496.02
<b>ASSESSMENT NO:</b>	A5496

### **PURPOSE**

For Council to consider a written request from Mark Phillips Architect, on behalf of Waringarri Aboriginal Arts, to lease a portion of Lot 2230 Speargrass Road Kununurra, (being Reserve 39128), for the purpose of 'Park'.

### **BACKGROUND**

Through the East Kimberley Development Package, funding has been received from the Commonwealth Government for the proposed new fence and upgrades to the Waringarri Aboriginal Arts Centre, located adjacent to in the Nulleywah Community.

As a result, the Shire has received a written request from architect Mark Phillips, on behalf of Waringarri Arts, seeking Council's endorsement to leasing a portion of Lot 2230 Speargrass Road; located between the Waringarri Arts Centre and Speargrass Road. A copy of this correspondence is at Attachment 1, along with a site plan and aerial photograph at Attachment 2 and 3 respectively.

Lot 2230 is Reserve 39128, shown highlighted yellow on the plan at Attachment 4, is set aside for the purpose of 'Park' with the management order held by the Shire. The reserve has an area of 2.9 hectares and abuts both the Mirima Community, in which Waringarri Aboriginal Arts is located, as well as the Nulleywah Community to the south.

Reserve 39128 is not reticulated with water and is largely under utilised, except for vehicle access to the Waringarri Arts building, encroachment of an existing fence, and a small drain aligned parallel and adjacent to the road reserve.

The request from Waringarri Arts is for the Shire to consider the possibility of leasing a portion, (approximately 3682m<sup>2</sup>), of Reserve 39128 to formalise the current access from Speargrass Road to accommodate a proposed redevelopment of the Arts centre, as well as establish new fencing and signage, additional parking, and a cultural area (performance space).

Waringarri Aboriginal Arts have suggested some possible advantages in the Shire providing a lease for this part of the reserve and are listed as follows:

- May have merit to develop a tourism node opposite the Kelly's Knob Look-out; with the Arts Centre as a strategically located tourist attraction complimentary to the look-out. Potential to zone land for "tourism" at such time as normalisation occurs, or as part of the Scheme Review;
- Waringarri Aboriginal Arts will be able to provide a viable "shop front" location on Speargrass Road for the commercial sales aspect of their business;

- Direct access to Speargrass Road will keep patron traffic away from the internal access roads to Mirima community;
- Waringarri Aboriginal Arts will take over responsibility for the maintenance (and liabilities) of this area through the lease, which will go some way to enhancing the area; with Waringarri Arts taking responsibility for landscaping and beautification of an area which has historically suffered from some neglect; and
- This lease could become a test-case for the normalisation process indicated to be undertaken in future.

However, in order for their project to proceed the Purpose and Management Order for the Reserve needs to be amended, which requires the Council's endorsement in the first instance, before being approved and actioned by the Department of Regional Development and Lands.

Furthermore, as resolution of a lease for this land may take some time, in the short term, Waringarri Arts have also requested the consent of Council to erect a fence on part on the reserve in the interim period and prior to the execution of a formal lease agreement. The proposed fence location is shown on the site plan at Attachment 2.

The application states that the majority of the fence will be a chain link material, with a feature entry statement at the driveway access to provide signage and to welcome visitors into the arts centre. It is also proposed to involve the artists in a project to prepare panels, to be strategically applied to the fence to enhance the area; giving back to the wider community and also defining a unique space for the Arts Centre. Waringarri Aboriginal Arts acknowledge that planning consent for the fence is required, and that there is a risk that the fence may need to be removed if a lease does not eventuate.

### **STRATEGIC IMPLICATIONS**

The draft Shire of Wyndham East Kimberley Plan for the Future 2008 -2010 states that:

*“the Shire supports local community groups and organisations to provide services to the community as well as providing services directly to the community itself”.*

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

In consideration of the above, the proposal is in keeping with both the Plan for the Future and Strategic Plan as it will allow:

- a local organisation to provide services to the community;
- Waringarri Aboriginal Arts the opportunity to grow; and
- provide an additional benefit to the general community.

It should also be noted that there is a strategic intention to 'normalise' the Mirima and Nulleywah Communities due to proximity to the Kununurra town site. The definition of 'normalisation' relates to the delivery and maintenance of essential services to Aboriginal communities in the same way that they are provided to a non-Aboriginal town or community.

It is understood, that in the case of the Nulleywah and Mirima Community lands, the unused portions of this land should be developed as an expansion to the town site.

While normalisation may take some time, it is anticipated the reserve and its future use will be further re-assessed taking into account possible amalgamation and drainage requirements.

### **STATUTORY IMPLICATIONS**

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

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

Under section 46 of the LAA the Minister for Land may, with the consent of the management body of a reserve, vary any condition to which the care, control and management of the reserve is subject to; and may confer power to the management body to grant a lease, a sublease or licence over the whole or any part of the Crown land within the reserve.

Therefore to enable the Shire to lease the requested portion of the reserve, a change in the Reserve Purpose and Management Order will be required, which will be subject to approval by the Department of Regional Development and Lands.

#### **Town Planning Scheme**

The proposed lease area is reserved as 'Parks and Recreation' under the Shire of Wyndham East Kimberley - Town Planning Scheme No. 7 – Kununurra and Environs. Pursuant to the Town Planning Scheme, a development application is required to be submitted and approved by Council, prior to any development on the site. In this regard the Scheme states that where an application for planning approval is made, in respect to land within a scheme reserve, the Council shall have regard to the ultimate purpose intended for the scheme reserve.

In this instance it is considered that the land parcel should be retained under the Scheme reservation of 'Parks and Recreation', and to allow for the additional uses under the Crown Reserve Purpose and subsequent lease provisions.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

## **COMMUNITY CONSULTATION**

Community consultation is not required.

## **COMMENT**

Under the current circumstances the subject portion of reserve land is not utilised by the Shire, other than for the purpose of drainage, with an open swale aligned along the Speargrass Road Reserve.

Upon close inspection, it is evident that retention of the reserve without an effective use is placing a management burden on the Shire that in part could be alleviated through a lease arrangement as proposed by Waringarri Aboriginal Arts.

Further, it is viewed that the formal lease of this land will provide the opportunity to formalise and improve driveway access to the Arts Centre, enhance the area through the provision of landscaping and public art to compliment the existing access to Kelly's Knob; and ensure improved fire management of the reserve. Additionally, it is also agreed that a lease for this area could become a test-case for the normalisation process indicated to be undertaken in future.

However, the Shire does not currently have the power to lease Reserve 39128, so if Council does wish to lease portion of the reserve to Waringarri Aboriginal Arts, it will need to:

- Request the Department of Regional Development and Lands amend the reserve purpose and management order to grant the necessary power to lease; and
- Amend the Crown Reserve status to accommodate a broader range of community uses where it is suggested the revise Purpose read "Park and Community Activities". This will ensure the Purpose of the Reserve remains broad to enable some degree of flexibility in allowing a variety of uses to be entertained that will benefit Waringarri Aboriginal Arts and the community, as previously outlined.

Notwithstanding this process, the Council may proceed to grant planning consent for the proposed fence to be erected on the Reserve should it support the broader proposal for a long term lease.

## **ATTACHMENTS**

Attachment 1 – Written Submission  
Attachment 2 – Site Plan  
Attachment 3 – Aerial Photograph  
Attachment 4 – Tenure Plan

## **VOTING REQUIREMENT**

Simple Majority

## **RECOMMENDATION**

That Council:

1. Advise Waringarri Aboriginal Arts that Council;
  - (a) Supports in principle the proposed lease of an approximately 3682m<sup>2</sup> portion of Reserve 39128 to Waringarri Aboriginal Arts, and will initiate required action with the Department of Regional Development and Lands to progress this request; and
  - (b) Agrees to allow erection of a fence prior to the proposed lease being finalised, subject to an application for planning consent being lodged to the Shire. This agreement is on the proviso that Waringarri Aboriginal Arts accept all responsibility for the fence, including purchase and erection costs, public liability, maintenance and if required removal costs should the lease not eventuate for any reason.
2. Request the Department of Regional Development and Lands amend the Reserve Purpose to "Park and Community Activities" and amend the management order to grant the Shire the power to lease; and
3. Delegate authority to the Director of Development Services to approve the forthcoming planning application for the proposed fence and upgrade of the Waringarri Aboriginal Arts site.

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## **COUNCIL DECISION**

**Minute No: 9176**

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

**That Council:**

1. **Advise Waringarri Aboriginal Arts that Council:**
  - (a) **Supports in principle the proposed lease of an approximately 3682m<sup>2</sup> portion of Reserve 39128 to Waringarri Aboriginal Arts, and will initiate required action with the Department of Regional Development and Lands to progress this request; and**
  - (b) **Agrees to allow erection of a fence prior to the proposed lease being finalised, subject to an application for planning consent being lodged to the Shire. This agreement is on the proviso that Waringarri Aboriginal Arts accept all responsibility for the fence, including purchase and erection costs, public liability, maintenance and if required removal costs should the lease not eventuate for any reason.**
2. **Request the Department of Regional Development and Lands amend the Reserve Purpose to "Park and Community Activities" and amend the management order to grant the Shire the power to lease; and**

3. ***Delegate authority to the Director of Development Services to approve the forthcoming planning application for the proposed fence and upgrade of the Waringarri Aboriginal Arts site.***

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

---

## ATTACHMENT 1

# memo

To: **Ian Darcy**  
Executive Manager Town Planning  
Shire Wyndham East Kimberley



Copy: **Cathy Cummins**  
Waringarri Aboriginal Arts

**Elise Anning**  
Office of Northern Australia

Date: **30 April 2010**

Subject: **Waringarri Aboriginal Arts  
Speargrass Road, Kununurra**

Dear Ian,

Further to our meeting on 20/04/10, I have been engaged by Waringarri Aboriginal Arts to design and document a major upgrade of the existing buildings on their existing site as part of the EKDP funding. As part of this development I understand that Waringarri Aboriginal Arts is undergoing a process of obtaining lease tenure through the MG Corporation via the Dept of Indigenous Affairs.

As part of this process, it has come to our attention that part of the Waringarri Aboriginal Arts original "site boundary" is a portion of Lot 2230, Reserve 39128 which is currently vested in the shire. In the process of transferring tenure through the MG Corporation, DIA considered that it was too difficult to amalgamate this reserve in this process and so the Waringarri Aboriginal Arts lease has been reduced in size (refer attached lease description) pending a possible amalgamation with the reserve at a later date should normalisation of the ALT Reserve occur. The result of this truncated lease area is that Waringarri Aboriginal Arts has no legal access to Speargrass Road which is important for their commercial sales.

### Item 1:

Waringarri Aboriginal Arts would like to discuss with Council the possibility of leasing a part of the reserve for the interim period until the community is "normalised" as intended, and reassessment of the reserve and its possible amalgamation is considered. Please find attached a site plan with the proposed lease area shown highlighted. The use of the lease area is proposed to be for driveway access, fencing and signage, additional parking, and cultural area (performance space).

Some advantages of SWEK providing a lease for this part of the reserve to Waringarri Aboriginal Arts are as follows:

- The lease area has the potential to be zoned "tourism" by SWEK at such time as normalisation occurs, and therefore it may have merit to develop a tourism node opposite the Kelly's Knob Look-out, with the Arts Centre as a strategically located tourist attraction complimentary to the look-out.
- The lease will go some way to enhancing the area with Waringarri Aboriginal Arts taking responsibility for landscaping and beautification of an area which has historically suffered from some neglect.
- Waringarri Aboriginal Arts will be able to provide a viable "shop front" location on Speargrass Road for the commercial sales aspect of their business.
- Direct access to Speargrass Road will keep patron traffic away from the internal access roads to Mirima community.
- Waringarri Aboriginal Arts will take over responsibility for the maintenance (and liabilities) of this area through the lease.

- mark phillips B.App.Sci. B.Arch. RIBA - architect -  
P.O. Box 1873, Kununurra WA 6745. Ph (08) 91 691 206. Mob 0417 317 241. mark@phillips-architect.com.au

- This lease could become a test-case for the normalisation process indicated to be undertaken in future

It is suggested that the existing drainage could be incorporated into the road reserve, or excised in a new drainage reserve as required. It is noted that the Mirima Community Layout Plan endorsed in 2007 indicates that the Reserve boundary may no longer be relevant to future planning in that area.

**Item 2:**

We understand that the resolution of a lease for this land may take some time. In the short term, Waringari Aboriginal Arts would like to erect a fence as part of the construction project under design and documentation at the moment, and would like to come to an agreement with the council to construct the fence on the reserve in the interim period prior to the formal execution of the lease (refer attached site plan for the fence location). It is understood that planning consent may be required, and that there is a risk that the fence may need to be removed if the lease did not eventuate for some reason.

It is intended that the majority of the fence will be a chainlink material similar to the new fence at the KDHS school, however it is intended to create a feature entry statement at the driveway access to provide signage and to welcome visitors into the arts centre. It is also proposed to involve the artists in a project to prepare panels to be strategically applied to the fence to enhance the area; giving back to the wider community and also defining a unique space for the Arts Centre.

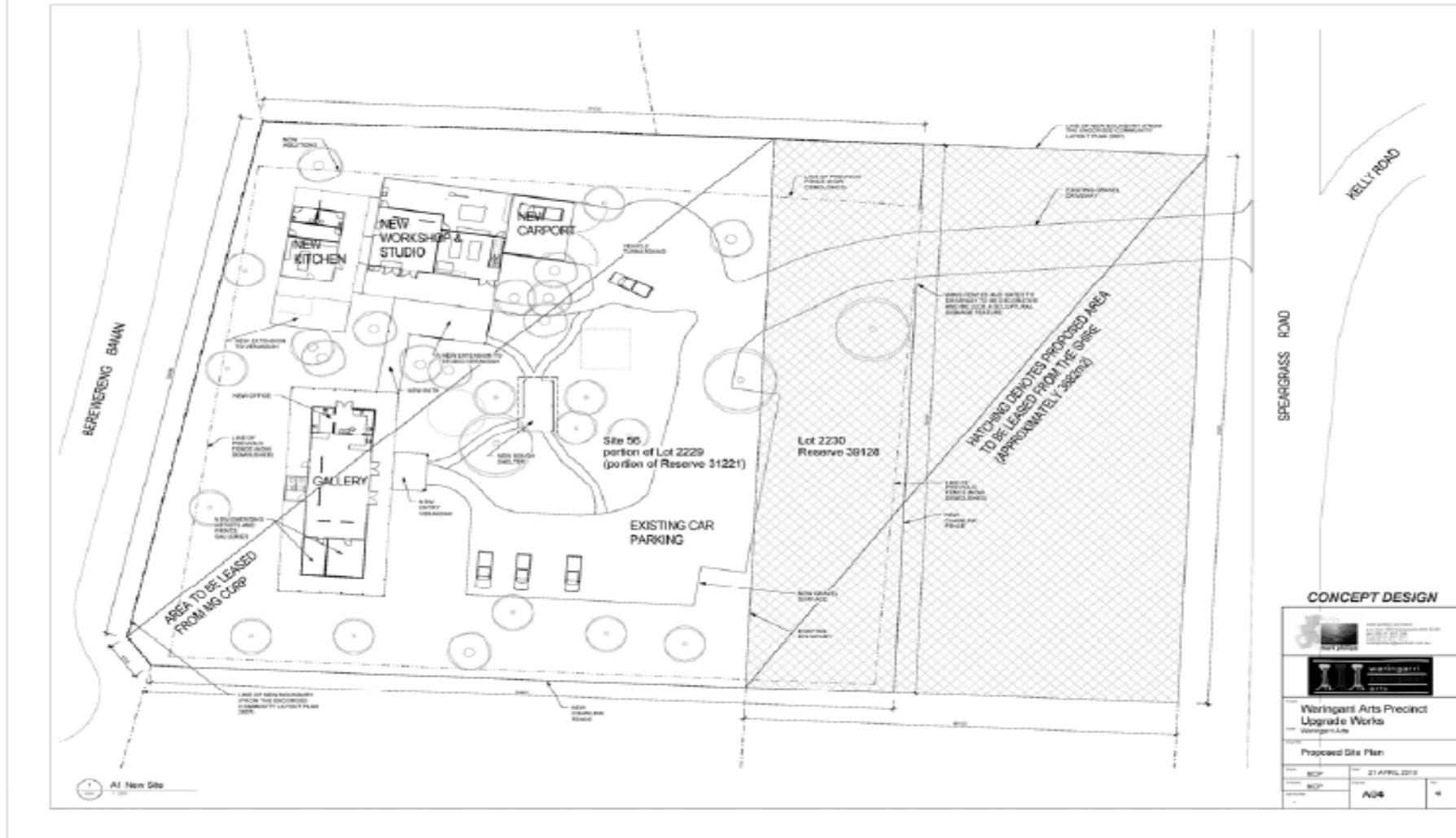
Please do not hesitate to contact me for further information

Sincerely,



Mark Phillips.

**ATTACHMENT 2**



**CONCEPT DESIGN**

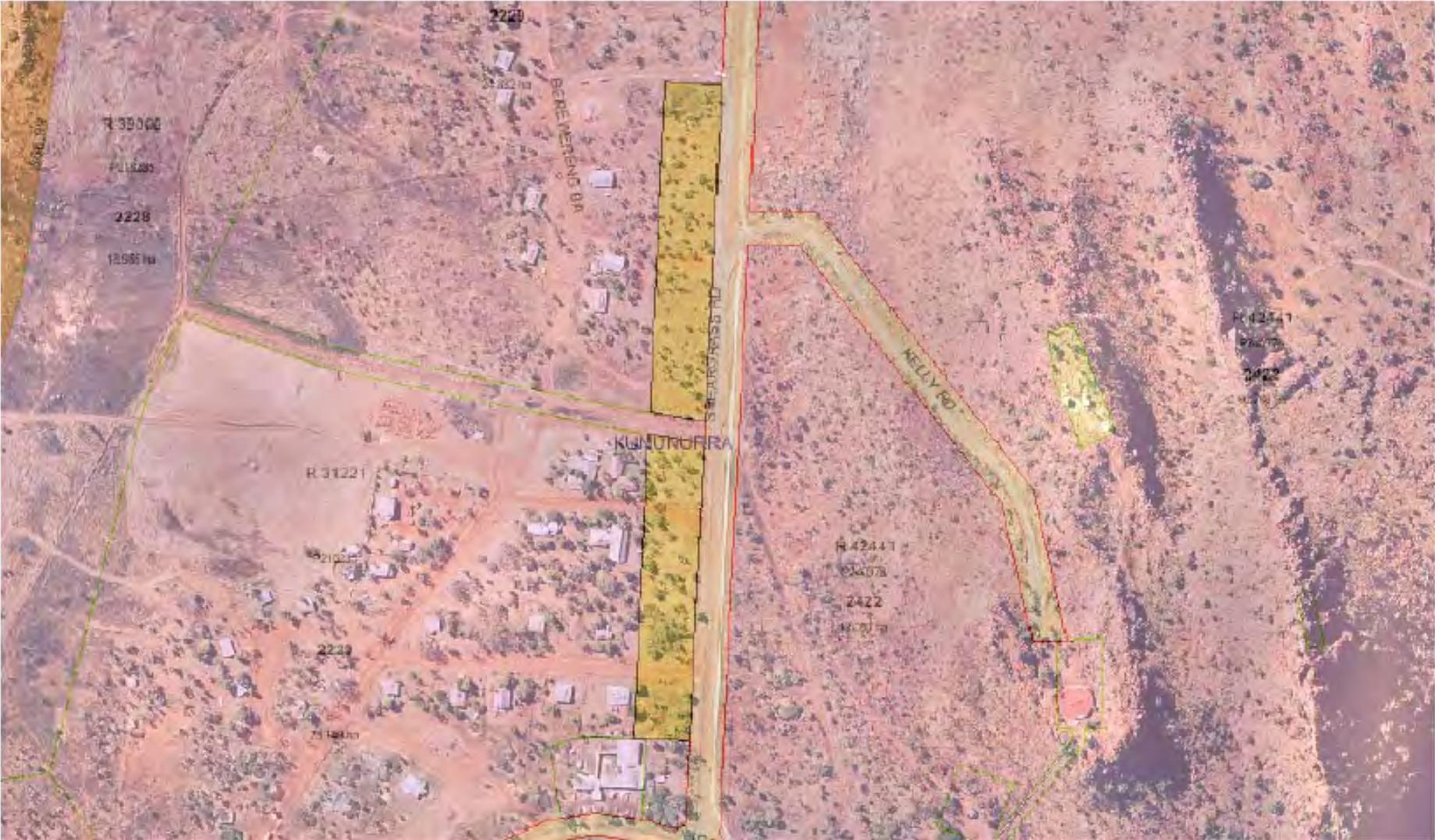
Waringah Arts Precinct  
Upgrade Works  
Waringah Arts  
Proposed Site Plan

NO.	BCP	DATE	21 APRIL 2010
NO.	BCP	DATE	18/05/2010
NO.	ADP	DATE	

**ATTACHMENT 3**



ATTACHMENT 4



## 15.5 PROPOSED COMMUNITY LAYOUT PLAN – KANDIWAL COMMUNITY

<b>DATE:</b>	18 May 2010
<b>PROPONENT:</b>	Department of Planning
<b>LOCATION:</b>	Kandiwal Community, Doongan Location 25, Reserve 42514
<b>AUTHOR:</b>	Jennifer Ninnette, Town Planning Officer
<b>REPORTING OFFICER:</b>	Ian D'Arcy, Director Development Services
<b>FILE NO:</b>	01.2482.02
<b>ASSESSMENT NO:</b>	A2482

### **PURPOSE**

For the Council to consider and endorse a Community Layout Plan (CLP), prepared by the Kandiwal Community.

### **BACKGROUND**

Kandiwal Community is a remote Aboriginal community, located off of the Port Warrender Road, on the Mitchell Plateau and is approximately 550km from Kununurra, 640km from Derby and 190km south of Kalumburu.

The Department of Planning has recently forwarded the Kandiwal Community Layout Plan No. 1 (April 2010) for endorsement by the Shire CEO and Council. A copy of this request is shown at Attachment 1.

The purpose of a Community layout plan (CLP), is to provide basic planning guidance for the orderly and proper planning of the community area. Provisions of the CLP ensure that the health, safety, convenience, economic and social welfare of its inhabitants are safeguarded. A CLP also includes provisions for the location of land uses, structures, roads and infrastructure. The land use types include residential, commercial, community purposes, public utility, open space and rural purposes, which are shown on the plan, and are similar to land use zones in traditional Town Planning Schemes.

Additionally, the Kandiwal CLP seeks to guide the growth and development of the Kandiwal Community, by providing a layout of existing structures and future land-use and development that is adequate to secure Federal and/or State funding, for future growth and development in line with the Plan. As such, the CLP addresses future growth issues regarding education, training, health, housing and infrastructure – power, communications, sewerage and water supply.

The community is seeking funding this financial year from Federal agencies for proposed future development and as such require an endorsed layout plan before 30 June 2010.

The layout plan and background report has been prepared by the Mitchell Plateau Association and Kandiwal Aboriginal Corporation. The Department of Planning has provided technical assistance to ensure that the CLP complies with State Planning Policy 3.2 – Planning for Aboriginal Communities (SPP 3.2).

The Plan has already been endorsed, and will be administered by, the Community Council, in this case the Kandiwal Aboriginal Corporation. However, under State Planning Policy 3.2 – Planning for Aboriginal Communities, the CLP also requires

endorsement by the Local Government and Western Australia Planning Commission (WAPC).

## **STRATEGIC IMPLICATIONS**

### **Local Planning Strategy**

The Shire of Wyndham East Kimberley Local Planning Strategy (LPS) states that Community layout plans, for the key Aboriginal settlements in the Shire, should be prepared where appropriate and opportunities to cluster neighbouring communities through the shared provision of services should be considered. New communities should not be encouraged unless they satisfy essential location, access and servicing criteria.

The LPS also states that the process of developing Community Layout Plans, along with their regular review, will assist in identifying how these communities are developing and are likely to grow over the short to medium term.

Kandiwal is not a new community, and the Corporation has initiated the preparation of a CLP for the purpose of promoting future growth of the community, through provision of additional housing, increased social services and improved essential services.

### **State Planning Policy 3.2 – Planning for Aboriginal Communities**

Normally large communities within a Town Planning Scheme area would be zoned 'Settlement' (for example Mirima and Nulleywah Communities), for which there are scheme provisions relating to the zone, stating that all development should be in accordance with a layout plan approved by the local government and the Western Australia Planning Commission.

State Planning Policy 3.2 states that, for communities outside of a Town Planning Scheme, local governments are encouraged to participate in the preparation and adoption of a CLP. Under the policy, both the state and the local government are responsible for determining layout plans for Aboriginal communities. The WAPC is of the opinion that local government, through its understanding of local issues, has an important role to play in improving the quality of life for people living in Aboriginal Communities.

Local government is encouraged wherever possible:

- To adopt a supportive and flexible approach to ensure that increased planning control and regulation of development in Aboriginal communities complements Aboriginal cultural aspirations and provides for negotiation and agreement;
- To develop appropriate policies to assist with the coordination and delivery of housing and essential services to Aboriginal communities;
- To provide comment on any development proposed within large permanent Aboriginal communities; and
- Maintain a record of development that has taken place within large permanent Aboriginal communities.

The policy also states that Local Government shall:

- Assess and approve layout plans in accordance with the "Guidelines for Preparation of Community Layout Plans for Western Australian Aboriginal

Communities”, and should not approve a layout plan unless satisfied that an appropriate level of community consultation has taken place.

Determine and advise on the planning merits of layout plans having regard for the following:

- The purpose of the plan;
- Cultural and heritage issues;
- Community aspirations;
- Regional context;
- The availability and location of services;
- Infrastructure provision and funding plan;
- The proximity of any residential development to incompatible activities (i.e. sewerage treatment works, industrial activities etc); and
- The location of floodways, watercourses, unstable or unsuitable soils and other physical constraints etc.

The Council should maintain a copy of the approved layout plan for public inspection, and once approved by Council, the plan shall be forwarded to the WAPC for approval.

It is also noted that an approved layout plan, subject to the approval of the WAPC, may be amended or revoked by Council.

## **STATUTORY IMPLICATIONS**

### **Town Planning Scheme**

Even though the current Town Planning Schemes (No. 6 & No. 7) have reference to Community Layout Plans in relation to the ‘Settlement’ zone, which states that development in this zone should be in accordance with a Community Layout Plan; the Kandiwal Community is outside of the current Town Planning Schemes areas.

This will be rectified once the new Local Planning Scheme No. 8, currently being prepared, comes into force. As such, it is likely that the Community area will be zoned ‘Settlement’, as part of the new Scheme, resulting the Shire’s endorsement of the CLP having greater recognition and guidance for the orderly and proper planning when considering future development within the community.

## **POLICY IMPLICATIONS**

There is no specific Council Policy in relation to Community Layout Plans.

## **FINANCIAL IMPLICATIONS**

Nil

## **COMMUNITY CONSULTATION**

The Kandiwal Community Layout Plan No. 1 (April 2010) has been initiated and prepared by the Kandiwal Aboriginal Corporation and Mitchell Plateau Association; and has involved regular consultation with and input from Community members in its preparation.

As such, it is considered that consultation with the affected Community is adequately reflected in the intent and vision of the Plan.

## **COMMENT**

Notwithstanding the lack of familiarisation with this Community by Shire Officers, it is accepted that the Department of Planning has been involved in the preparation of the CLP and has indicated from a land-use perspective, that the Plan provides an adequate guide for the future planning and development for the Community.

In recognition of this, it is noted that the Plan addresses issues such as flooding and drainage, heritage, housing needs, access, community and social services and essential services, and also recognises through the Background Report, the geography, history, governance, land tenure, culture, demography and infrastructure issues.

It is also understood that the most pressing need for the Community is to secure a future landfill site away from existing and proposed incompatible land uses. In this regard a future site is identified on the CLP to the south-west of the broader Community layout.

## **ATTACHMENTS**

Attachment 1 – Request for Endorsement from Department of Planning  
Attachment 2 – Living Area Plan  
Attachment 3 – Context Plan 1  
Attachment 4 – Context Plan 2  
Attachment 5 – Context Plan 3  
Attachment 6 – Land Tenure Plan

A copy of the Background Report is provided under separate cover.

## **VOTING REQUIREMENT**

Simple Majority

## **RECOMMENDATION**

That Council endorse the Kandiwal Community Layout Plan and authorise the Shire President and Chief Executive Officer to execute the Community Layout Plan documentation as submitted, and forward the documents to the Department of Planning for endorsement by the Western Australian Planning Commission.

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**COUNCIL DECISION**

**Minute No: 9177**

**Moved: Cr J Moulden**

**Seconded: Cr J Parker**

***That Council endorse the Kandiwal Community Layout Plan and authorise the Shire President and Chief Executive Officer to execute the Community Layout Plan documentation as submitted, and forward the documents to the Department of Planning for endorsement by the Western Australian Planning Commission.***

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

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Cr R Addis returned to the room at 8:22pm.

Cr F Mills advised Cr R Addis of the Items outcome.

Cr J Parker left the room at 8:22pm.

Cr K Torres left the room at 8:22pm.

Cr J Parker returned to the room at 8:23pm.

Cr K Torres returned to the room at 8:24pm.

## ATTACHMENT 1



Government of Western Australia  
Department of Planning

3 May 2010

Mr Garry Gaffney  
CEO  
Shire of Wyndham-East Kimberley  
PO Box 614  
Kununurra, WA, 6743

Dear Garry,

### **KANDIWAL COMMUNITY LAYOUT PLANT NO. 1 - ADOPTION BY SHIRE**

Please find enclosed Kandiwal CLP No. 1 (April 2010), which is put forward here for endorsement by the Shire of Wyndham-East Kimberley as a guide for future development within the Kandiwal settlement.

The Mitchell Plateau Association and Kandiwal Aboriginal Community are to be commended for using their own initiative in preparing this layout plan. The Department of Planning has provided assistance to ensure that the layout plan complies with State Planning Policy 3.2.

Please sign the endorsement page at your nearest convenience and scan and return this to me via email [simon.davis@planning.wa.gov.au](mailto:simon.davis@planning.wa.gov.au) so that I can then forward to the Western Australian Planning Commission for endorsement.

You will note that the CLP has been signed and endorsed by the Kandiwal Aboriginal Corporation.

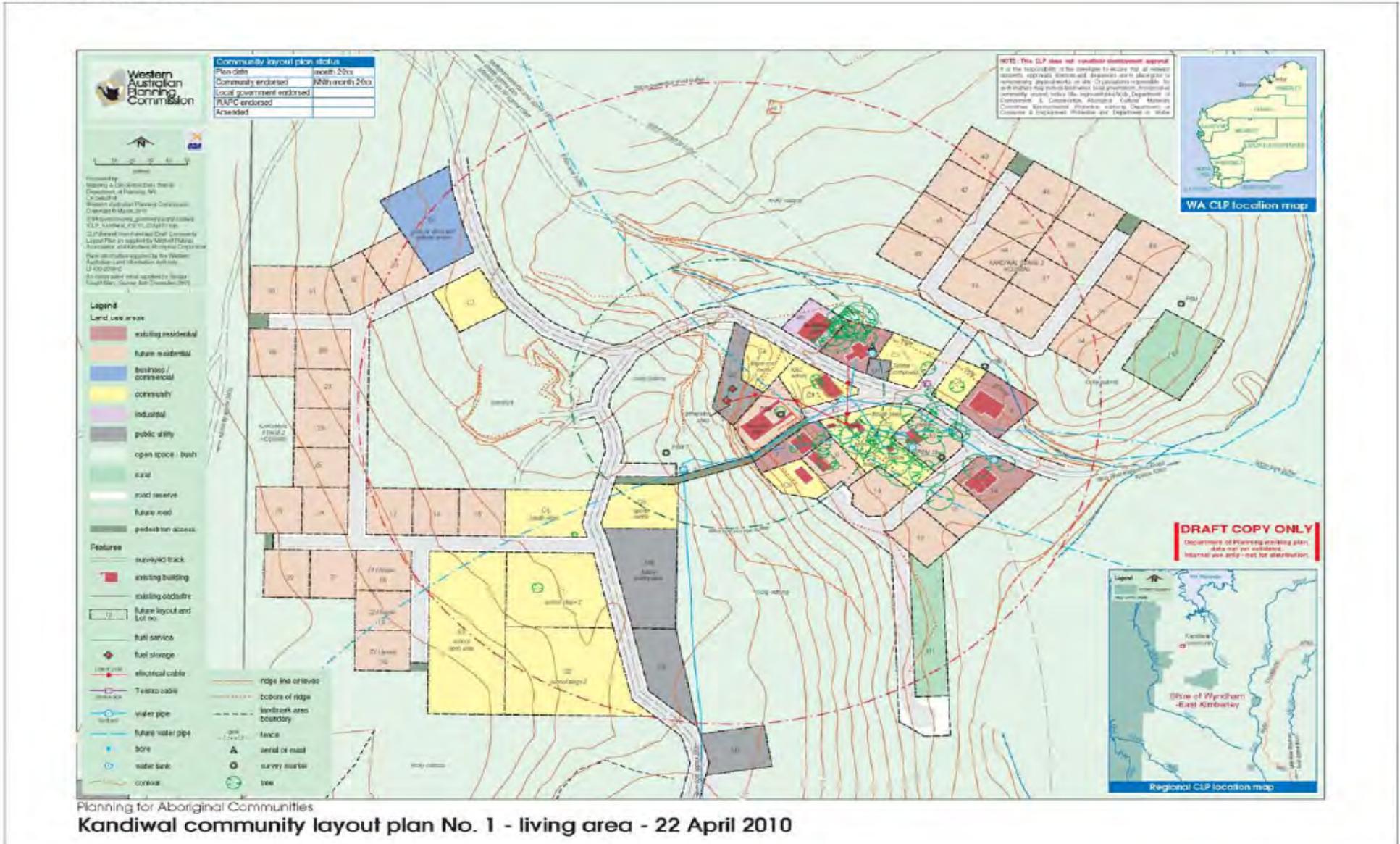
The final version of CLP No. 1 will be sent to the Shire and the community, together with enlarged laminated plans, once your endorsement has been received and after the Western Australian Planning Commission has also endorsed the plan.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Simon Davis'.

Simon Davis  
A/Team Leader  
Senior Project Planner  
Planning for Aboriginal Communities Project

# ATTACHMENT 2

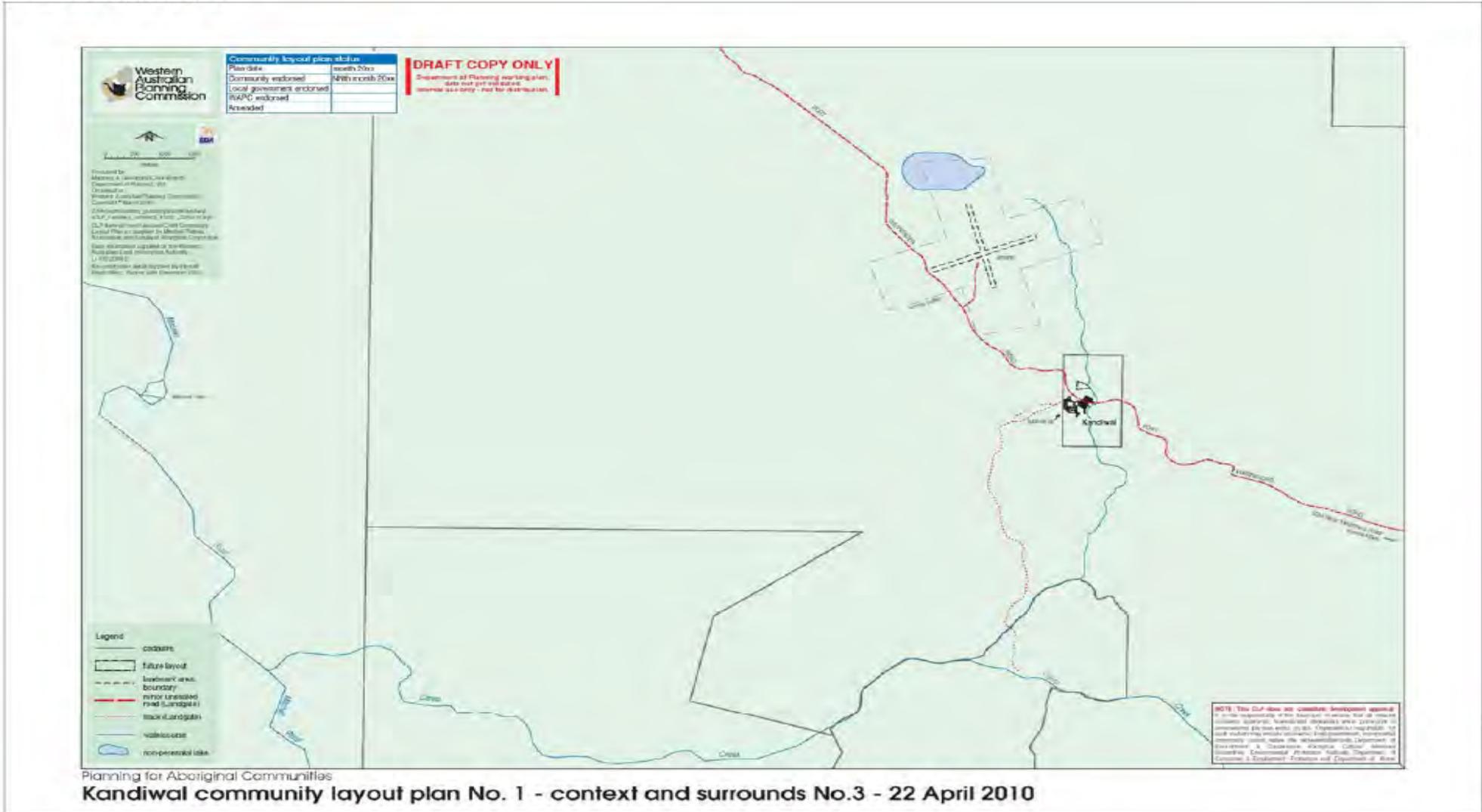




# ATTACHMENT 4



# ATTACHMENT 5





## 15.6 PROPOSED PUBLIC ART PROJECT - LANDCORP

<b>DATE:</b>	18 May 2010
<b>PROPONENT:</b>	LandCorp
<b>LOCATION:</b>	Lot 501 Chestnut Drive, Kununurra
<b>AUTHOR:</b>	Ian D'Arcy, Director Development Services
<b>REPORTING OFFICER:</b>	Ian D'Arcy, Director Development Services
<b>FILE NO:</b>	43.04.38
<b>ASSESSMENT NO:</b>	N/A

### **PURPOSE**

The purpose of this report is to seek Council's consideration and endorsement to the provision of public art in the Coolibah/Chestnut Subdivision.

### **BACKGROUND**

The Council is in receipt of a request from LandCorp seeking the Council's support for two funding applications, under the Regional Development Assistance Program, for the provision of landscape treatments and public art within the Coolibah/Chestnut Subdivision.

A copy of this correspondence is provided as Attachment 1.

In summary, LandCorp is seeking to secure \$688,000 for landscaping and \$300,000 for public art, on the basis that both projects will assist in yielding the following benefits:

- an increased sense of community for inhabitants with the subdivision;
- continued capacity building of Indigenous Programs with Kununurra;
- strengthening the pedestrian link between the town centre and the subdivision; and
- increasing architectural outcomes within the Estate.

### **STRATEGIC IMPLICATIONS**

The Council's Strategic Plan details:

*Key Result Area 2 – Community includes the objective "Provide community and cultural development".*

It is interpreted that this initiative offered by Landcorp accords with the above strategic objective.

### **STATUTORY IMPLICATIONS**

Nil

### **POLICY IMPLICATIONS**

There are no policy implications in relation to this proposal.

However, it is noted that Council Policy CMS 3 - Percent for Art, adopted on 19 May 2009, promotes the allocation of one (1) percent of total Shire project costs over \$1m in value, (excluding civil engineering works such as roads), to be expended on works which are artistic, cultural, or pleasing to users and visitors of a proposed building or park.

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications associated with this project. However, the Council will incur the recurrent management and maintenance costs as part of its normal parks and garden responsibilities, once the public areas of the subdivision has been handed over.

### **COMMUNITY CONSULTATION**

LandCorp's correspondence indicates that a community consultation and participation process will be conducted as part of the planning and implementation phases, should the funding applications prove successful.

### **COMMENT**

The proposal to landscape and incorporate public art into the subdivision should prove complimentary and beneficial to achieving a high level visual presentation to the respective streetscapes, particularly as development guidelines are also to be provided to regulate the built form in this estate.

Furthermore, it is evident that the proposal by Landcorp is consistent with the Council own initiative to support landscaping and public art funded from its own building projects over a \$1m.

Therefore based on this reasoning, together with the benefits outlined in LandCorp's letter, it is recommended the Council lend its support to the respective funding applications.

### **ATTACHMENTS**

Attachment 1 – Letter from LandCorp

### **VOTING REQUIREMENT**

Simple Majority

### **RECOMMENDATION**

That Council inform LandCorp that it supports the two funding applications under the Regional Development Assistance Program for the provision of landscape treatments and public art to be incorporated into the Coolibah/Chestnut Subdivision.

---

**COUNCIL DECISION**

**Minute No: 9178**

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

***That Council inform LandCorp that it supports the two funding applications under the Regional Development Assistance Program for the provision of landscape treatments and public art to be incorporated into the Coolibah/Chestnut Subdivision subject to final design approval by Council.***

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

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## ATTACHMENT 1



Our Ref: A145355  
Enquiries: Will Eyres (08)9482 7589 will.eyres@landcorp.com.au

Cr Fred Mills  
President  
Shire of Wyndham-East Kimberley  
PO Box 614  
Kununurra WA 6743

Dear Cr Mills

### **FUNDING FOR ADDITIONAL LANDSCAPE TREATMENTS AND A PUBLIC ART PROJECT WITHIN THE COOLIBAH SUBDIVISION, KUNUNURRA**

We are proposing to increase amenity within the Coolibah subdivision and are seeking the support of the Shire of Wyndham-East Kimberley to progress two projects funded by our Regional Development Assistance Program.

The first project focuses on provision of additional landscape treatments within the Coolibah Estate to which \$688,000 has been provided, and the second project includes delivery of a public art project for which \$300,000 has been provided.

Broad objectives for the projects include; creating an increased sense of community ownership within the subdivision, continued capacity building of Indigenous Employment Programs within Kununurra, the creation of a community engendered public art project to strengthen the pedestrian link between the town centre and the subdivision, and increasing architectural outcomes within the Estate.

LandCorp has procured Landscape Architects and Public Art Consultants to assist with planning for the two projects, though design work is in its infancy. As concept designs and plans are progressed we will be able to brief the Council in greater detail.

Community consultation and participation will be critical to planning and development of these projects, with final plans forming part of the Coolibah

subdivision's landscaping designs and Detailed Area Plans to be approved by SWEK's engineering and planning departments.

To assist with maintenance of both the public art and landscaping works a fund will be established to provide ongoing care. SWEK will eventually take over management of the assets in line with standard contractual process.

To secure funding for the works we are requesting the SWEK Council provide in principal support to progress the works before 30 June 2010.

Yours sincerely



Will Eyres  
**PROJECT MANAGER**

22 April 2010

## 15.7 COMMERCIAL BOAT FACILITIES LEASE AREA – ORD RIVER SAILING CLUB

<b>DATE:</b>	18 May 2010
<b>PROPONENT:</b>	Ord River Sailing Club
<b>LOCATION:</b>	Lake Kununurra Foreshore, Kununurra
<b>AUTHOR:</b>	Ian D'Arcy, Director Development Services
<b>REPORTING OFFICER:</b>	Ian D'Arcy, Director Development Services
<b>FILE NO:</b>	01.2860.06
<b>ASSESSMENT NO:</b>	A2860

### PURPOSE

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

### BACKGROUND

The Council in October 2009 considered an application from the Ord River Sail Club to develop the 'Lot 504' lease area, of the Commercial Boating Facility, and resolved to defer consideration until the lease areas had been formally created.

A site plan showing the location of the Commercial Boating Facility is provided in Figure 1.



Figure 1 – Location Plan

The designated lease area for the Sailing Club is illustrated in Figure 2 below:

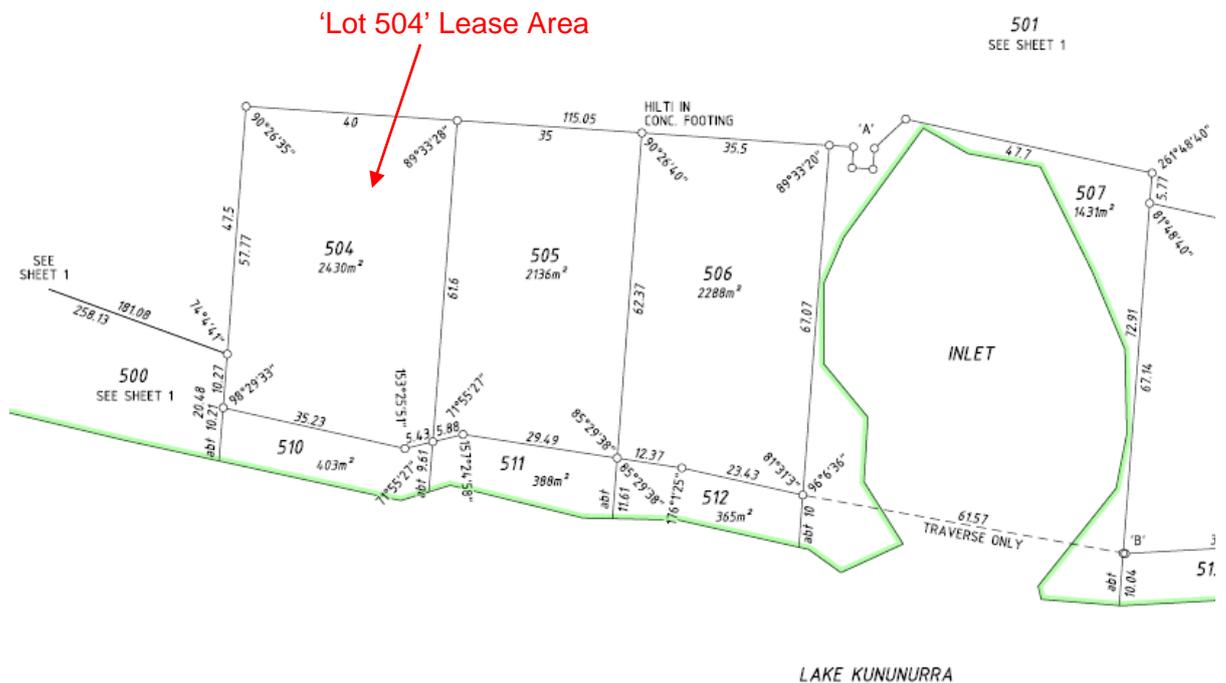


Figure 2 – Lot 504 Lease Area – Kununurra Sailing Club

With the process of creating the lease areas now complete and the lease with the Sailing Club recently executed, the application for development is again being presented to the Council for planning consent.

The proposed development consists of a large storage shed, measuring 8 metres in width and 12 metres in length, with a 4 metre wide verandah; and an inlet with battered boat ramp. The Club also intends to implement a culvert crossover, two parking areas (members and visitors), and the installation of bollards to prevent unauthorised vehicle access to the site.

The proposed site and shed plans are shown at Attachment 1.

The applicant has also obtained a bed and banks permit from the Department of Water to excavate the proposed inlet, which is shown at Attachment 2.

### **STRATEGIC IMPLICATIONS**

One of the key result areas in the Shire of Wyndham East Kimberley Strategic Plan is that Council acknowledges the desire to develop the strengths and potential of the community, now and into the future. It is considered that the re-establishment of the Sailing Club, with Council's assistance, accords with this strategic direction.

## **STATUTORY IMPLICATIONS**

### **Lease Agreement**

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

### **Development Approval**

The proposed development is to be constructed on land that is reserved as 'Parks and Recreation' and 'Special Foreshore' under the Shire Town Planning Scheme No.7 – Kununurra and Environs.

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

In this instance the foreshore land (Reserve 41812) is managed by the Shire, although any modification to the foreshore bank also requires a 'Bed and Banks' approval from Department of Water; which has already been issued to allow construction of a shallow inlet and boat ramp.

In accordance with the submitted plans, the proposed shed, car park and fencing will be solely located within 'Lot 504' under the lease agreement.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

The Shire has previously resolved to include \$75,000 in the new 2009/10 budget to assist the Ord River Sailing Club to establish new premises on the lease site.

In addition, the Sailing Club has verbally requested for the planning application fees of \$100 be waived. Given the Club's status as a not for profit community group, and the Shire's financial commitment to assist with relocation of the club, it is considered appropriate that the planning fees be waived in this instance.

## **COMMUNITY CONSULTATION**

The intention to lease 'Lot 504' to the Ord River Sailing Club has been advertised with no objections being raised by the broader community.

On this understanding there is no requirement for further consultation to be undertaken in relation to this proposal.

## **COMMENT**

The proposed use and development conforms to the current designation and purpose of 'Parks and Recreation' reserve; and the lease agreement, which has recently been executed by the Shire President and the CEO.

Furthermore, it is clear that the Department of Water also supports the proposal, through the issue of a Bed and Banks approval to excavate and batter the small inlet area for boat launching and retrieval.

In regards to the standard of development and presentation of the built form, it is recommended that conditions be imposed on the planning approval that adequately address:

- The use of non-reflective materials in a colour/s complimentary with the landscape values;
- The provision of bollards and fencing for the purpose of delineation and visual presentation;
- The retention of remnant vegetation, where practical;
- The provision of car parking for constructed to an all weather standard for club members and visitors;
- The management of stormwater and erosion;
- The maintenance of the site to a presentable standard; and
- The use of Lot 501 on a non-exclusive basis.

One requirement that would normally be imposed is the provision of an ablution facility to serve members and visitors associated with the sailing activities. Given the financial constraints, the Sailing Club has verbally requested this requirement be waived for the time being, and that favourable consideration being given to the use of the Swim Beach toilets; until such time as the Sailing Club can provide an on-site chemical toilet and associated water supply. Under the circumstances, and given the size of the Sailing Club and level of sailing participation at present, it is recommended that the Council grant a minor concession, with a condition being imposed requiring a unisex/disabled toilet be installed within two years from the date of approval.

## **ATTACHMENTS**

Attachment 1 – Site Plan and Shed Plans

Attachment 2 – Bed and Banks Permit

## **VOTING REQUIREMENT**

Simple Majority

## **RECOMMENDATION**

That Council:

1. Grant planning consent to the Ord River Sailing Club to develop of club facilities and small inlet on Lot 504 and Lot 501 of Reserve 29297, subject to the following conditions:
  - (a) All development shall be in accordance with the attached approved plan(s) dated 18 May 2010 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government;
  - (b) All external building materials shall be non-reflective and complimentary in colour with the landscape values of the Lake Kununurra Foreshore Area (i.e. blue, cream & green are encouraged);

- (c) The Sail Club Building shall be constructed with the provision of disabled access in accordance with the standards prescribed by the Building Code of Australia;
- (d) The Sailing Club Building shall within two years from the date of this approval be serviced by a unisex disabled ablution facility connected to an apparatus for the treatment of sewage as approved by the Shire Environmental health Officer. The public toilets at Swim Beach may be used for patrons of the Sailing Club during the intervening period;
- (e) The Sailing Club Building and future ablution facility shall be serviced by a minimum 100,000 litre Rainwater Tank or a 10,000 litre storage tank fed from the river or an under ground bore at the time of installing an onsite ablution facility;
- (f) As a minimum bollard fencing and landscaping shall be installed to deter unauthorized vehicular access to the site while maintaining pedestrian traffic. Landscaping shall be undertaken using native plant species;
- (g) All trees and remnant vegetation shall be retained unless their removal is required for the purposes of access, building development or fire protection;
- (h) A 6.0 metre wide crossover with stormwater culvert to a minimum all weather seal coat standard shall be constructed and maintained to the satisfaction of the local government upon completion of Millington Road being upgraded;
- (i) A minimum of eight (8) parking bays to a minimum all weather seal coat standard shall be constructed and maintained to the satisfaction of the local government;
- (j) No site earthworks or development shall occur that will cause additional runoff of stormwater to adjacent properties. Stormwater from runoff and any sealed areas shall be mechanically directed into the waterway or disposed of onsite. Stormwater shall not be permitted to pond on the site, other than within designated detention basins, or against any buildings or structures. Details on the proposed method of control and disposal of stormwater from the site, including access roads, parking areas and roofs are to be confirmed with the Executive Manager of Engineering and Development Services and submitted with the building application;
- (k) The floor level of the building shall be a 42.6 AHD or above to negate the potential risk of flooding;
- (l) The small inlet shall be constructed and maintained in accordance with the Bed and Banks approval, with the banks of the inlet to be battered and grassed, and inlet entry walls and foreshore banks to be stabilised within 12 months for the date of this approval;
- (m) All development located within Lot 501 shall not be claimed as exclusive with access to this site to remain open to the general public; and
- (n) The overall site, inclusive of Lot 501 and Lot 504, shall be maintained by the Ord River Sail Club and kept in a neat and tidy condition at all times.

2. Agree to waive the development application fees on this occasion as part of its contribution to the relocation of the Sail Club facilities.

Cr D Ausburn moved the Officer's Recommendation with an amendment:

That Council total contribution is \$75,000 as approved in the 2009/10 budget and moved at the Special Council Meeting held on 30 June 2009 – Minute No. 8716.

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### **COUNCIL DECISION**

**Minute No: 9179**

**Moved: Cr J Parker**

**Seconded: Cr J McCoy**

**That Council:**

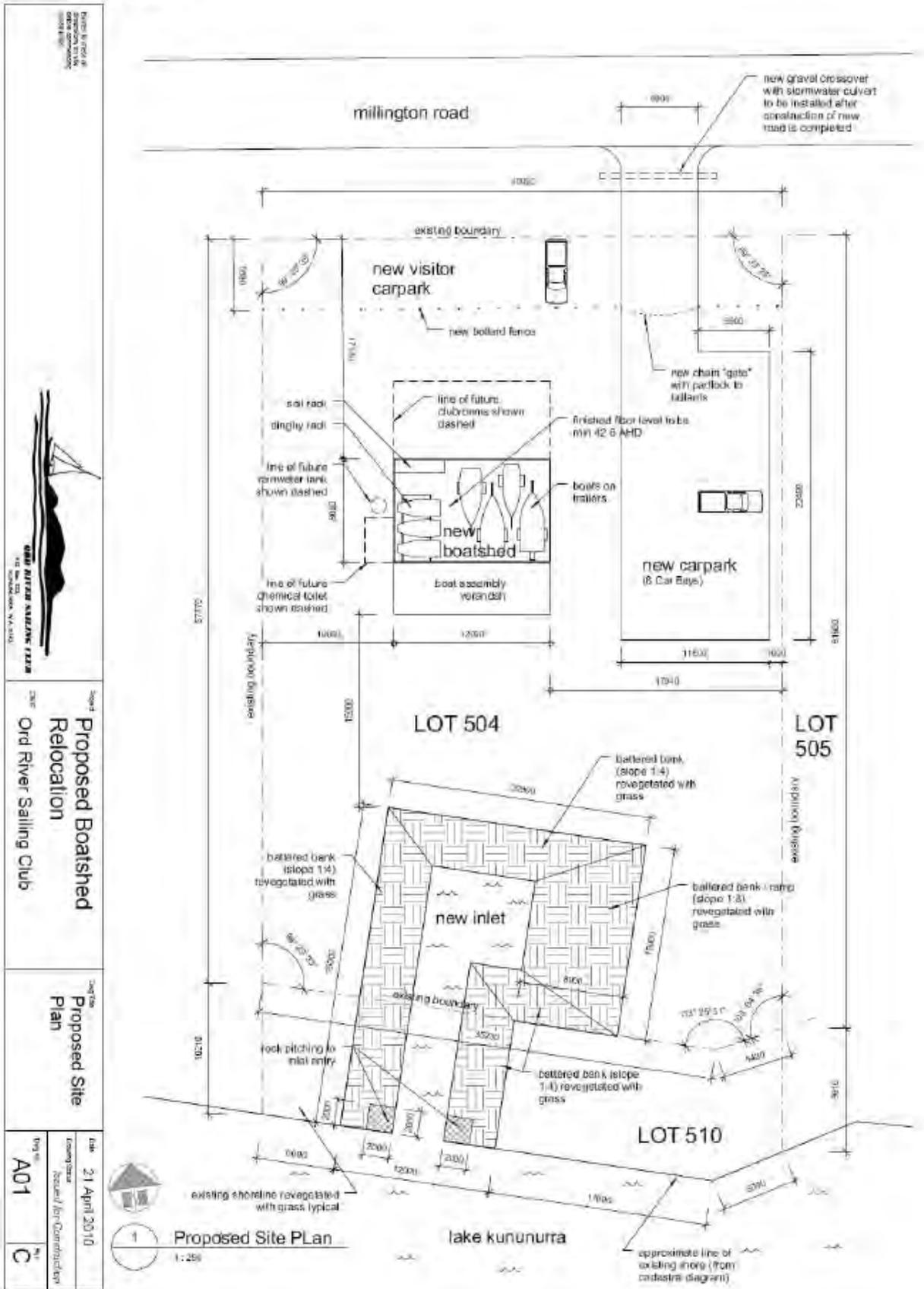
1. **Grant planning consent to the Ord River Sailing Club to develop of club facilities and small inlet on Lot 504 and Lot 501 of Reserve 29297, subject to the following conditions:**
  - (a) **All development shall be in accordance with the attached approved plan(s) dated 18 May 2010 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government;**
  - (b) **All external building materials shall be non-reflective and complimentary in colour with the landscape values of the Lake Kununurra Foreshore Area (i.e. blue, cream & green are encouraged);**
  - (c) **The Sail Club Building shall be constructed with the provision of disabled access in accordance with the standards prescribed by the Building Code of Australia;**
  - (d) **The Sailing Club Building shall within two years from the date of this approval be serviced by a unisex disabled ablution facility connected to an apparatus for the treatment of sewage as approved by the Shire Environmental health Officer. The public toilets at Swim Beach may be used for patrons of the Sailing Club during the intervening period;**
  - (e) **The Sailing Club Building and future ablution facility shall be serviced by a minimum 100,000 litre Rainwater Tank or a 10,000 litre storage tank fed from the river or an under ground bore at the time of installing an onsite ablution facility;**
  - (f) **As a minimum bollard fencing and landscaping shall be installed to deter unauthorized vehicular access to the site while maintaining pedestrian traffic. Landscaping shall be undertaken using native plant species;**

- (g) All trees and remnant vegetation shall be retained unless their removal is required for the purposes of access, building development or fire protection;
  - (h) A 6.0 metre wide crossover with stormwater culvert to a minimum all weather seal coat standard shall be constructed and maintained to the satisfaction of the local government upon completion of Millington Road being upgraded;
  - (i) A minimum of eight (8) parking bays to a minimum all weather seal coat standard shall be constructed and maintained to the satisfaction of the local government;
  - (j) No site earthworks or development shall occur that will cause additional runoff of stormwater to adjacent properties. Stormwater from runoff and any sealed areas shall be mechanically directed into the waterway or disposed of onsite. Stormwater shall not be permitted to pond on the site, other than within designated detention basins, or against any buildings or structures. Details on the proposed method of control and disposal of stormwater from the site, including access roads, parking areas and roofs are to be confirmed with the Executive Manager of Engineering and Development Services and submitted with the building application;
  - (k) The floor level of the building shall be a 42.6 AHD or above to negate the potential risk of flooding;
  - (l) The small inlet shall be constructed and maintained in accordance with the Bed and Banks approval, with the banks of the inlet to be battered and grassed, and inlet entry walls and foreshore banks to be stabilised within 12 months for the date of this approval;
  - (m) All development located within Lot 501 shall not be claimed as exclusive with access to this site to remain open to the general public; and
  - (n) The overall site, inclusive of Lot 501 and Lot 504, shall be maintained by the Ord River Sail Club and kept in a neat and tidy condition at all times.
2. Agree to waive the development application fees on this occasion as part of its contribution to the relocation of the Sail Club facilities.
  3. Council total contribution is \$75,000 as approved in the 2009/10 budget and moved at the Special Council Meeting held on 30 June 2009 – Minute No. 8716.

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

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# ATTACHMENT 1



Proposed Boatshed Relocation  
Ord River Sailing Club

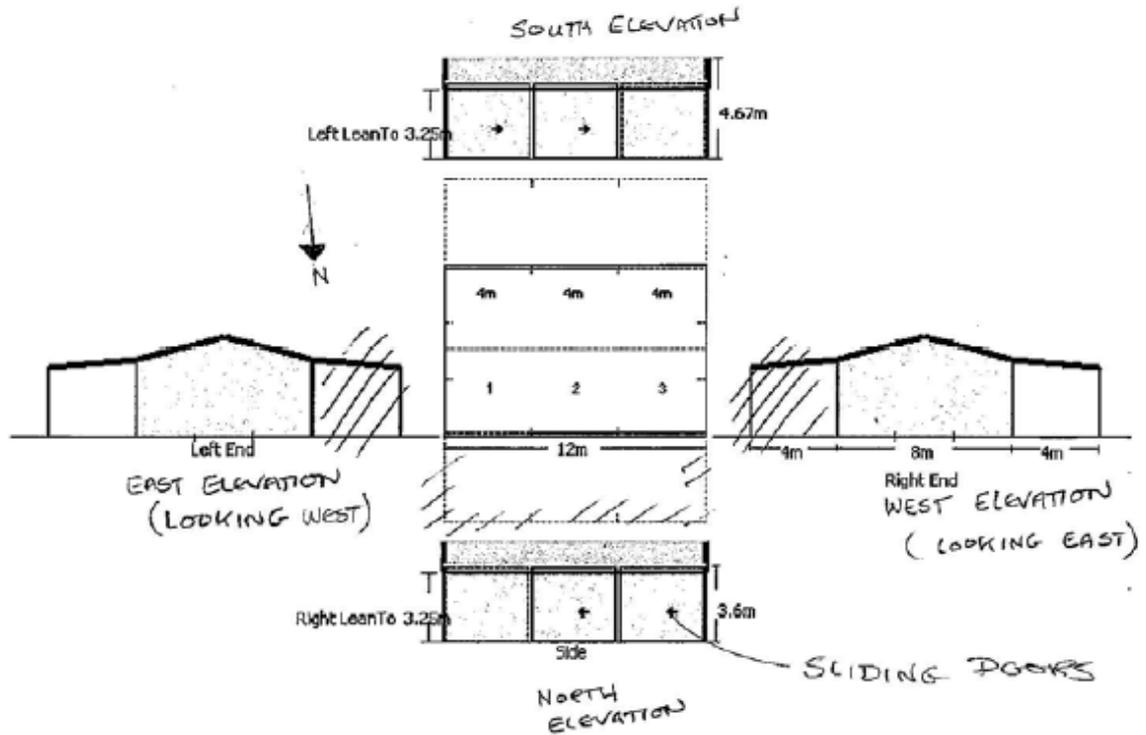
Proposed Site Plan

Date: 21 April 2010  
 Prepared for: Council  
 Title: A01  
 Scale: C

Building For:  
Ord Sailing Club

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

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



**ATTACHMENT 2**



Government of Western Australia  
Department of Water



Your ref  
Our ref: RP3806  
PMB169167  
Enquiries: Kate Cole (9188 4117)

Doc No.	067576
Date	7 Feb 2010
Officer	eo.
Response	
File	43.04 01
Trans Ref.	

Katya Tripp  
Environmental Projects Officer  
Shire of Wyndham East Kimberley  
PO Box 614  
KUNUNURRA WA 6743

Dear Katya

**Re: Issue of a Permit to Obstruct or Interfere – PMB169167 – Expiry 31 August 2010**  
**Property: Kununurra Sailing Club, Lot 1 Lake Kununurra Foreshore Lease**

Issue of permit to obstruct or interfere

Please find enclosed your *Permit to Obstruct or Interfere* authorising you to modify the watercourse, under *the Rights in Water and Irrigation Act 1914*, subject to certain terms, conditions or restrictions.

It is important that you read the conditions of your permit carefully. If you do not understand your licence, please contact the Department as soon as possible, as there are penalties for failing to comply with all of your licence conditions.

The approved modifications must be completed while the permit is current. Should the works be expected to continue past the expiry date of the permit, you must apply for an extension. It is suggested that an application to vary the duration of the permit be made at least one month in advance.

Should your authorised modification cause a detrimental effect on another person or damage the water resource or associated environment, the Department may amend, suspend or cancel your permit.

The Department of Water emphasises that it is the responsibility of the permit holder to ensure the safety and adequacy of the design, method of construction and operation of the works or action the subject of the permit. The Department recommends that people obtain an engineer's certificate.

The Department focuses upon water resource related issues. It does not assess, and indeed is precluded by the *Rights in Water and Irrigation Regulations 2000*

Kimberley Region  
37 Victoria Highway Kununurra Western Australia 6743  
PO Box 625 Kununurra Western Australia 6743  
Telephone (08) 9188 4100 Facsimile (08) 9426 4818  
www.water.wa.gov.au  
wa.gov.au

from assessing, the works or action in respect of which the permit has been issued.

Compliance with the terms, conditions or restrictions of this permit does not absolve the permit holder from responsibility for compliance with the requirements of all Commonwealth and State legislation.

**Activities authorised under PMB169167**

As stated in condition 3, and shown on attachment 1, the following activities are authorised under PMB169167:

- o Clearing of native vegetation within the hatched area marked 'A' on attachment 1
- o Construction of a shallow inlet with a maximum depth of 2 meters
- o Battering of the inlet banks to a minimum slope of 1:4
- o Battering of the inlet boat ramp to a minimum slope of 1:8

**Activities not authorised under PMB169167**

The following activities are not authorised under PMB169167:

- o Clearing of native vegetation with 5m of the Lake Kununurra bank
- o Construction of a boat ramp on Lake Kununurra
- o Deposition of any materials (including rocks and soil) on the bed of Lake Kununurra

**Restoration and stabilisation activities required under PMB169167**

The following stabilisation works are required to be carried out:

- o Revegetation of the inlet banks with grass
- o Rock battering of the banks either side of the inlet entry

If you have any queries relating to the above matter, please contact Kate Gole on telephone number 9166 4117.

Yours faithfully



Adam Maskew

**Acting Regional Manager  
Kimberley Region**

September 7, 2009

## 16. MATTERS BEHIND CLOSED DOORS

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### **COUNCIL DECISION**

**Minute No:** 9180

**Moved:** Cr K Torres

**Seconded:** Cr J McCoy

***That Council move behind closed doors to consider the appointment of a Senior Officer to the Vacant Director Development Services.***

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

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Council moved behind closed doors at 8:27pm.

Cr K Wright left the room at 8:27pm.

Cr K Wright returned to the room at 8:29pm.

### 16.1 DIRECTOR DEVELOPMENT SERVICES

<b>DATE:</b>	18 May 2010
<b>PROPONENT:</b>	Shire Of Wyndham East Kimberley
<b>LOCATION:</b>	Shire Of Wyndham East Kimberley
<b>AUTHOR:</b>	Rebecca Morrall, Payroll Officer
<b>REPORTING OFFICER:</b>	Gary Gaffney, Chief Executive Officer
<b>FILE NO:</b>	60.14.02
<b>ASSESSMENT NO:</b>	N/A

This item will be discussed Behind Closed Doors under Section 5.23 (2) (a), (b) & (e) (iii):

- (a) a matter affecting an employee or employees;
- (b) the personal affairs of any person;
- (e) a matter that if disclosed, would reveal -
  - (iii) information about the business, professional, commercial or financial affairs of a person.

### **VOTING REQUIREMENT**

Simple Majority

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**COUNCIL DECISION**

**Minute No: 9181**

**Moved: Cr R Addis**

**Seconded: Cr J Parker**

***That Council offer a five year contract of employment as Director Development Services to Mr Nick Kearns subject to the receipt of satisfactory National Police Certificate and Medical Certificate.***

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

**Minute No: 9182**

**Moved: Cr K Torres**

**Seconded: Cr D Ausburn**

***That Council move from behind closed doors.***

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

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Council moved from behind closed doors at 8:30pm.

**17. CLOSURE**

With all matters of business complete, the Shire President declared the meeting closed at 8:33pm.