



## **MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON 15 MAY 2012**

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

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

**Date:** \_\_\_\_\_

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**SHIRE OF WYNDHAM EAST KIMBERLEY  
MINUTES  
OF THE ORDINARY COUNCIL MEETING  
HELD ON TUESDAY, 15 MAY 2012 AT 5:00 PM.**

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

The Shire President declared the meeting open at 5:00pm.

**2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE PREVIOUSLY APPROVED**

**ATTENDANCE**

Cr J Moulden	Shire President
Cr J McCoy	Councillor
Cr K Torres	Councillor
Cr D Ausburn	Councillor
Cr R Dessert	Councillor
Cr A Horn	Councillor
Cr C Gore-Birch Gault	Councillor
Cr J Parker	Councillor
Gary Gaffney	Chief Executive Officer
J Ellis	Director Corporate Services
K Apperley	Director Community Development
N Kearns	Director Development Services
Rob Drew	Wyndam Area Manager
T Whalan	Executive Assistant
D McCallum	Governance Officer (Minute Taker)
Matthew Lanternier	Youth Officer Wyndam

**GALLERY**

Name	Role
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**APOLOGIES**

Cr R Addis	Deputy Shire President
K Hannagan	Director Infrastructure

**LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Nil

**3. DECLARATION OF INTEREST**

- **Financial Interest**

Nil

- **Impartiality Interest**

Nil

- **Proximity Interest**

Nil

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

Nil

**5. PUBLIC QUESTION TIME**

Nil

**6. PETITIONS**

Nil

**7. APPLICATIONS FOR LEAVE OF ABSENCE**

**COUNCIL DECISION**

**Minute No. 9765**

**Moved: Cr J Parker**

**Seconded: Cr K Torres**

**That Council grant Cr J Moulden and Cr C Gore-Birch Gault leave of absence  
for Ordinary Council Meeting 26 June 2012**

**Carried Unanimously 8/0**

**8. CONFIRMATION OF MINUTES**

**8.1 CONFIRMATION OF MINUTES OF ORDINARY COUNCIL MEETING OF 17 APRIL 2012**

**RECOMMENDATION**

That Council confirms the Minutes of the Ordinary Council Meeting held on 17 April 2012.

**COUNCIL DECISION**

**Minute No. 9766**

**Moved: Cr J Parker**

**Seconded: Cr J McCoy**

**That Council confirms the Minutes of the Ordinary Council Meeting held on 17 April 2012.**

**Carried Unanimously 8/0**

**8.2 CONFIRMATION OF MINUTES OF SPECIAL COUNCIL MEETING OF 1 MAY 2012**

**RECOMMENDATION**

That Council confirms the Minutes of the Special Council Meeting held on 1 May 2012.

**COUNCIL DECISION**

**Minute No. 9767**

**Moved: Cr J Parker**

**Seconded: Cr D Ausburn**

**That Council confirms the Minutes of the Special Council Meeting held on 1 May 2012.**

**Carried Unanimously 8/0**

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

Nil

**10. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

Nil

**11. MINUTES OF COUNCIL COMMITTEE MEETINGS**

**11.1 MINUTES OF AUDIT COMMITTEE MEETINGS**

Nil

**12. REPORTS**

**12.1 MATTERS ARISING FROM COMMITTEES OF COUNCIL**

Nil

## 12.2 CORPORATE SERVICES

### 12.2.1 Monthly Financial Report

<b>DATE:</b>	15 May 2012
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Asanka Jayakody, Team Leader Financial Services
<b>REPORTING OFFICER:</b>	Jo-Anne Ellis, Director Corporate Services
<b>FILE NO:</b>	FM.09.5

#### **PURPOSE**

For Council to note and accept the Monthly Financial Report for March 2012.

#### **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**

No policy implications apply in the preparation of the report.

#### **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 target.

#### **STRATEGIC IMPLICATIONS**

*Governance, Key Result Area 5,*  
Council's financial position and forward planning is sound

#### **COMMUNITY CONSULTATION**

Community consultation is not required in relation to this item.

#### **COMMENT**

Councils 2011/2012 Budget was adopted on 19 July 2011. Budget review of 2011/2012 budget was adopted by Council on 17 April 2012.

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

**ATTACHMENTS**

Attachment 1 – Monthly Financial Report

**VOTING REQUIREMENT**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council accepts the Monthly Financial Report for the month of March 2012.

**COUNCIL DECISION**

**Minute No. 9768**

**Moved: Cr J Parker**

**Seconded: Cr D Ausburn**

**That Council accepts the Monthly Financial Report for the month of March 2012**

**Carried Unanimously 8/0**



## Shire of Wyndham East Kimberley

### Monthly Financial Report 2011/2012

**As at 31 March 2012**

**Presented to Council 15 May 2012**

Contents:

- 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)

Financial Activity Legend:  
Above Budget Expectations: ▲  
Below Budget Expectations: ▼

## Shire of Wyndham East Kimberley

### Statement of Financial Activity Year to Date Actual v Year to Date Budget as at 31 March 2012

	YTD Actual 2011/12 \$	Amended YTD Budget 2011/12 \$	YTD Variance 2011/12 \$	%	
<b>Revenue</b>					
General Purpose Funding	3,340,235	3,338,800	1,435	0%	▲
Governance	516,043	502,560	13,483	3%	▲
Law, Order, Public Safety	30,263	30,949	(687)	-2%	▼
Health	18,761	18,200	561	3%	▲
Education and Welfare	112,123	110,825	1,298	1%	▲
Housing	144,915	507,773	(362,858)	-71%	▼
Community Amenities	1,894,604	1,914,833	(20,229)	-1%	▼
Recreation and Culture	369,736	449,089	(79,353)	-18%	▼
Transport	2,872,218	3,081,253	(209,035)	-7%	▼
Economic Services	121,338	119,875	1,463	1%	▲
Other Property and Services	231,399	232,223	(824)	0%	▼
	<u>9,651,635</u>	<u>10,306,379</u>	<u>(654,745)</u>		<u>-6%</u> ▼
<b>Expenses</b>					
General Purpose Funding	(415,957)	(431,112)	15,154	-4%	▲
Governance	(1,735,461)	(1,894,173)	158,713	-8%	▼
Law, Order, Public Safety	(465,937)	(469,167)	3,230	-1%	▼
Health	(254,691)	(291,963)	37,271	-13%	▼
Education and Welfare	(299,348)	(306,199)	6,851	-2%	▼
Housing	(445,094)	(456,763)	11,670	-3%	▼
Community Amenities	(3,829,266)	(3,893,271)	64,004	-2%	▼
Recreation & Culture	(2,819,050)	(2,925,040)	105,990	-4%	▼
Transport	(3,983,521)	(4,193,250)	209,729	-5%	▼
Economic Services	(650,086)	(668,797)	18,711	-3%	▼
Other Property and Services	(341,342)	(284,442)	(56,899)	20%	▲
	<u>(15,239,753)</u>	<u>(15,814,178)</u>	<u>574,424</u>		<u>-4%</u> ▲
<b>Adjustments for Cash Budget Requirements:</b>					
<b>Non-Cash Expenditure and Revenue</b>					
(Profit)/Loss on Asset Disposals	(15,630)	371,761	(387,391)	0%	▲
Movement in Accruals and Provisions	(114,956)	(114,956)	0	0%	▼
Depreciation on Assets	2,374,356	2,355,432	18,924	0%	▼
<b>Capital Expenditure and Revenue</b>					
Purchase Land Held for Resale	0	0	0	0%	▼
Purchase Land and Buildings	(6,060,887)	(7,079,824)	1,018,937	-14%	▼
Purchase Infrastructure Assets - Roads	(1,432,286)	(2,210,516)	778,230	-35%	▼
Purchase Infrastructure Assets - Footpaths	0	0	0	0%	▼
Purchase Infrastructure Assets - Drainage	(57,468)	(295,000)	237,532	0%	▼
Purchase Infrastructure Assets - Other	(1,683,470)	(1,864,034)	180,564	-10%	▼
Purchase Plant and Equipment	(475,985)	(489,500)	13,515	0%	▼
Purchase Furniture and Equipment	(308,669)	(495,500)	186,831	-38%	▼
Grants / Contributions for Development of Assets	4,746,519	4,136,707	609,812	0%	▲
Proceeds from Disposal of Assets	41,500	32,773	8,727	0%	▲
Proceeds from Sale of Land Held for Resale	0	0	0	0%	▼
Repayment of Debentures	(192,756)	(192,756)	(0)	0%	▲
Proceeds from New Debentures	0	0	0	0%	▼
Transfers to Reserves (Restricted Assets)	(348,110)	(348,000)	(110)	0%	▲
Transfers from Reserves (Restricted Assets)	0	0	0	0%	▼
ADD Estimated Surplus/(Deficit) July 1 B/Fwd	7,677,243	7,677,243	0	0%	▼
LESS Estimated Surplus/(Deficit) June 30 C/Fwd	5,103,162	2,518,499	2,584,663	103%	▲
<b>Amount Required to be Raised from Rates</b>	<u>6,541,879</u>	<u>6,542,467</u>	<u>(588)</u>		<u>0%</u> ▼

## Shire of Wyndham East Kimberley

Note to Statement of Financial Activity  
Net Current Assets  
as at 31 March 2012

### NET CURRENT ASSETS

#### Composition of Estimated Net Current Asset Position

	YTD Actual 2011/12	Brought Forward 1 July 2011
<b>CURRENT ASSETS</b>		
Cash - Unrestricted	4,448,057	2,232,123
Cash - Restricted	8,465,184	8,117,074
Cash - Restricted Unspent Grants	0	4,200,124
Receivables	3,009,847	3,482,496
Inventories	15,103	15,002
	<u>15,938,191</u>	<u>18,046,818</u>
<b>LESS: CURRENT LIABILITIES</b>		
Payables and Provisions	(2,369,845)	(2,252,502)
Less: Cash - Restricted	<u>(8,465,184)</u>	<u>(8,117,074)</u>
<b>NET CURRENT ASSET POSITION</b>	<u>5,103,162</u>	<u>7,677,243</u>

**Shire of Wyndham East Kimberley**  
Notes to Statement of Financial Activity  
For the Period Ended 31 March 2012

**Explanation of Material Variances**

*Variances +/- \$50,000 at Financial Statement Level  
Variances +/- \$5,000 and 10% at Account Level*

**Operating**

<b>Recurrent Income - Excluding Rates</b>		▼	
<b>General Purpose Funding</b>		▲	
<b>Governance</b>		▲	
Contributions (Secretariat) - Kimberley Zone	\$ 20,000	▲	Unbudgeted revenue received for Kimberley Aboriginal Community Housing Project fund management.
<b>Law, Order and Public Safety</b>		▼	
No material variances to report			
<b>Health</b>		▲	
No material variances to report			
<b>Education and Welfare</b>		▲	
No material variances to report			
<b>Housing</b>		▼	
Profit on Sale of Assets - Staff Housing	\$ 359,000	▼	Timing, staff houses on sale as at date of reporting. Expected to correct.
<b>Community Amenities</b>		▼	
Landfill Recycling Income	\$ 21,200	▲	Higher activity for recycle items sale, expect to over achieve annual budget.
Development Application Fees	\$ 6,300	▼	Timing related to year to date budget estimates. Expected to correct.
Kununurra Youth Services - Colocation Fees and Reimbursements	\$ 13,500	▼	Negotiation of agreements has delayed invoicing. Expected to correct.
Youth Services Grant - Wyndham	\$ 25,500	▼	Grant Payments pending Independent audit. Expected to correct.
<b>Recreation and Culture</b>		▼	
Foreshore Leases	\$ 6,400	▼	Timing related to year to date budget estimates. Expected to correct.
Hardcourt Hire - Kununurra Grounds	\$ 10,400	▼	Negotiation of agreements has delayed invoicing. Expected to correct.
Grant Income - Club Development	\$ 50,000	▼	Pending payment from funding body.
<b>Transport</b>		▼	
Contributions - Street Lighting	\$ 7,500	▼	Timing related to year to date budget estimates. Expected to correct.
Passenger Head Tax - East Kimberley Regional Airport	\$ 118,000	▼	Invoicing delayed due to pending receipt of information. Expected to correct.
Passenger Screening Fees - East Kimberley Regional Airport	\$ 51,700	▼	Invoicing delayed due to pending receipt of information. Expected to correct.
Leases - East Kimberley Regional Airport Terminal	\$ 17,500	▼	Expected to under achieve annual budget estimate due to vacant proposed leasable areas.
Leases - Wyndham Airport	\$ 7,900	▼	Timing related to year to date budget estimates. Expected to correct.
<b>Economic Services</b>		▲	
No material variances to report			
<b>Other Property and Services</b>		▼	
No material variances to report			
<b>General Purpose Funding</b>		▲	
Admin Overheads Allocated - Rates	\$ 6,100	▼	Under expended against year to date budget estimates. Expected to correct.
<b>Governance</b>		▼	
Conferences and Travel - Members	\$ 11,000	▼	Under expended against year to date budget estimates. Expected to correct.
Administration Salary and Wages Allocated - Other Governance	\$ 7,400	▼	Under expended against year to date budget estimates. Expected to correct.
Admin Overheads Allocated - Other Governance	\$ 26,900	▼	Under expended against year to date budget estimates. Expected to correct.
Projects / Business Planning - Kimberley Zone	\$ 58,100	▼	Under expended against year to date budget estimates. Expected to correct.

## Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity  
For the Period Ended 31 March 2012  
(continued)

### Operating (continued)

<b>Recurrent Expenditure (continued)</b>	<b>▲</b>	
<b>Governance (Continued)</b>		
Business Planning Expenditure Phase 1 & 2 Kimberley Regional Collaborative Group (KRCG)	\$ 42,600	▲ Under expended against year to date budget estimates. Expected to correct.
Traveling and Vehicle Expen. (Project Officer only) - Kimberley Regional Collaborative Group (KRCG)	\$ 6,000	▼ Under expended against year to date budget estimates. Expected to correct.
<b>Law, Order and Public Safety</b>		<b>▼</b>
Vehicle Expenses - Other Law, Order and Public Safety	\$ 14,300	▼ Under expended against year to date budget estimates. Timing, expected to correct.
Direct Salaries - Other Law, Order and Public Safety	\$ 16,500	▲ Increased activity in this area including fire prevention.
<b>Health</b>		<b>▼</b>
Vehicle Expenses - Preventative Services	\$ 8,400	▼ Under expended against year to date budget estimates. Expected to correct.
Direct Salaries - Other Health	\$ 20,000	▼ Staffing level lower than budget estimate. Any savings will be off-set by salary cost by other areas.
Admin Overheads Allocated - Other Health	\$ 5,200	▼ Under expended against year to date budget estimates. Expected to correct.
<b>Education and Welfare</b>		<b>▼</b>
No material variances to report		
<b>Housing</b>		<b>▼</b>
Building Maintenance - 3B Dryandra Kununurra	\$ 6,000	▼ Under expended against year to date budget estimates. Expected to correct.
<b>Community Amenities</b>		<b>▼</b>
Tip Maintenance	\$ 42,500	▲ Over expended against year to date budget due to tyre recycling activity. Timing, expected to correct.
Litter Control	\$ 19,200	▼ Pending payment for contractors invoices.
Cumbungi Management - Protection of Environment	\$ 29,800	▼ Under expended against year to date budget estimates. Timing due to seasonal variances.
Legal Expenses - Town Planning and Regional Development	\$ 8,800	▲ Over expended to year to date budget estimates.
Salary Expenses - Town Planning and Regional Development	\$ 70,600	▲ Over expended against year to date budget estimates. Offset by under expenditure in other salaries.
Community Grants	\$ 17,600	▼ Approved grants not yet paid. Timing, expected to correct.
Graffiti Removal	\$ 6,300	▼ Under expended against year to date budget estimates.
Public Conveniences	\$ 14,700	▼ Under expended against year to date budget estimates. Timing.
Salary & Program Expenses - Youth Services	\$ 39,200	▼ Under expended against year to date budget estimate, youth positions & programs being reassessed. Externally funded.
Admin Overheads Allocated - Community Amenities	\$ 34,000	▼ Under expended against year to date budget estimates. Expected to correct.
Administration Salary and Wages Allocated - Community Amenities	\$ 13,000	▼ Under expended against year to date budget estimates. Expected to correct.
<b>Recreation and Culture</b>		<b>▼</b>
Swimming Pool Maintenance and Operating Expenses (Kununurra and Wyndham)	\$ 14,100	▼ Under expended against year to date budget estimates, timing.
Recreation Centres Building Maintenance and Operating Expenses (Kununurra and Wyndham)	\$ 11,000	▲ Over expended against year to date budget estimates due to increased electricity & water costs.
Salary Expenses - Recreation Services Wyndham	\$ 6,500	▼ Under expended against year to date budget estimate due to staffing levels.

**Shire of Wyndham East Kimberley**  
**Notes to Statement of Financial Activity**  
**For the Period Ended 31 March 2012**  
*(continued)*

**Operating** *(continued)*

**Recurrent Expenditure (continued)**

**Recreation and Culture (Continued)**

Wyndham and Kununurra Sports Oval and Parks and Gardens Maintenance	\$ 9,700	▲	Over expended against year to date budget estimates. Higher maintenance cost for water costs on Parks and Gardens.
Kids in Clubs Participation Project - Club Development	\$ 23,400	▼	Project not expected to occur. Funding is to be returned to external funding body.
Projects Recreation Services	\$ 5,000	▼	Grant funded activities, no activity at this stage. No funding has been received to date.
Administration Salary and Wages Allocated - Recreation & Culture	\$ 15,200	▼	Under expended against year to date budget estimates. Expected to correct.
Kununurra Community Library Upgrade Project - Libraries	\$ 25,000	▼	Timing. Project underway, expected to correct.
Admin Overheads Allocated - Recreation & Culture	\$ 23,200	▼	Under expended against year to date budget estimates. Expected to correct.

**Transport**

Rural Road Maintenance	\$ 26,500	▼	Under expended against year to date budget estimates. Timing, seasonal impacts.
Urban Road Maintenance - Kununurra	\$ 19,000	▲	Over expended against year to date budget estimates due to increased maintenance activities.
Direct Salaries & Salary Overhead - East Kimberley Regional Airport	\$ 8,400	▼	Timing. Over expended against year to date budget estimates. Expected to correct.
Passenger Screening Expenses - East Kimberley Regional Airport	\$ 45,400	▼	Under expended against year to date budget estimates. Pending contractor invoices, expected to correct.
Vehicle Expenses - East Kimberley Regional Airport	\$ 9,300	▼	Under expended against year to date budget estimates.
Consultancy Fees and Master planning - East Kimberley Regional Airport	\$ 47,500	▼	Under expended against year to date budget estimates. Timing, expected to correct.
Repairs to Perimeter Fencing - Wyndham Airport	\$ 12,000	▼	Timing, Works has not been commenced, expected to correct.
Admin Overheads Allocated - East Kimberley Regional Airport	\$ 9,400	▼	Under expended against year to date budget estimates. Timing, expected to correct.
Airport Operating & Building Maintenance - Wyndham Airport	\$ 51,400	▼	Under expended against year to date budget estimates. Reserve funded.

**Economic Services**

Direct Salaries & Salary Overhead - Building Control	\$ 12,000	▲	Over expended against year to date budget estimates. Timing, expected to correct.
Economic Development Grants - Other Economic Services	\$ 4,900	▼	Under expended against year to date budget estimates. Timing, expected to correct.
Direct Salaries & Salary Overhead - Other Economic Services	\$ 8,800	▼	Under expended against year to date budget estimates.
Admin Overheads Allocated - Economic Services	\$ 8,300	▼	Under expended against year to date budget estimates. Expected to correct.

**Other Property and Services**

Building Operating - Kununurra & Wyndham Administration	\$ 23,600	▲	Over expended to year to date budget estimates.
Internet and Network Connectivity - Information Services	\$ 14,000	▼	Under expended against year to date budget estimates.
Synergy Training and Assistance - Information Services	\$ 9,000	▼	Under expended against year to date budget estimates.
Depot Maintenance - Kununurra	\$ 10,900	▲	Over expended against annual budget estimates due to increased maintenance activities.
POC Fuel and Oils and Internal Repair wages	\$ 17,700	▲	Over expended to year to date budget estimates due to increased fuel & repair cost.

## Shire of Wyndham East Kimberley

### Notes to Statement of Financial Activity

For the Period Ended 31 March 2012

(continued)

#### Non Cash Expenditure and Revenue

##### Adjustments and Accruals

Depreciation	\$ 18,924	▼ Under expended to year to date budget estimates. Non cash item.
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##### Capital

##### Purchase Land and Buildings ▼

SES Shed Relocation - FESA	\$ 12,700	▼ Some activity has been achieved on this project which is now being rescope with further funding being sourced. Budget to be amended.
Wyndham Staff Housing - Construction	\$ 22,300	▲ Timing. Works underway, expected to correct.
Building Upgrades - Kununurra Leisure Centre	\$ 22,600	▼ Timing. Works underway, expected to correct.
Gymnasium Expansion and Single Entry - Kununurra Leisure Centre	\$ 91,900	▼ Timing. Works underway, expected to correct.
Squash Courts Upgrade - Kununurra Leisure Centre	\$ 7,100	▼ Timing. Works underway, expected to correct.
Project Management Terminal Upgrade - East Kimberley Regional Airport	\$ 7,400	▼ Under expended against year to date budget estimate pending final claims.

##### Purchase Land and Buildings (continued)

Airport Terminal Expansion - East Kimberley Regional Airport	\$ 351,700	▼ Under expended against year to date budget estimates. Expected to correct.
Wyndham Depot Upgrade	\$ 73,500	▼ Under expended against year to date budget estimates. Expected to correct.
Kununurra Leisure Centre Hall Upgrade	\$ 357,500	▼ Timing. Works underway, expected to correct.
Staff Housing - Construction Bella Lane (x 2) Kununurra	\$ 53,000	▼ Under expended against year to date budget estimate due to pending progress claims.
Staff Housing - Purchase 4x2 Kununurra	\$ 109,900	▼ Property purchase price less than budget estimates.

##### Purchase Infrastructure Assets - Roads ▼

Packsaddle Road - Road Shoulder Repairs	\$ 50,000	▼ Timing. Works has not been commenced, expected to correct.
Weaber Plain Road - RRG - Reconstruct	\$ 400,000	▼ Timing. Works has not been commenced, expected to correct.
Research Station Road - RRG - Road Repairs	\$ 120,000	▼ Timing. Works has not been commenced, expected to correct.
Research Station Road - Construct and Seal	\$ 109,200	▼ Timing. Works underway, expected to correct.
Egret Close - Construct and Seal	\$ 95,400	▼ Timing. Works underway, expected to correct.

##### Purchase Infrastructure Assets - Drainage

River Farm Road - Drainage Upgrades	\$ 120,000	▼ Timing. Works has not been commenced, expected to correct.
Drainage Feature Survey	\$ 52,500	▼ Timing. Works has not been commenced, expected to correct.
D2 Drain Rehabilitation	\$ 44,700	▼ Under expended against year to date budget estimates. Timing.
Victoria Highway Kununurra Townsite - Drainage Upgrade	\$ 20,300	▼ Timing. Main Roads have changed scope of works, now likely to need redesign and rescopeing.

##### Purchase Infrastructure Assets - Other ▼

Water Feature - Wyndham Swimming Complex	\$ 44,000	▼ Timing. Other works required has delayed project. Expected to correct.
Wyndham Community Jetty - East Kimberley Development Package	\$ 64,500	▲ Overspent to annual budget. Wyndham Jetty Management Plan not included in budget estimates plus tidy up works around entry.

**Shire of Wyndham East Kimberley**  
**Notes to Statement of Financial Activity**  
**For the Period Ended 31 March 2012**  
*(continued)*

**Capital (continued)**

Community Oval	\$ 91,900	▼ EKDP Funds have been removed as cannot be spent prior to 30 June deadline.
Street Light Upgrades	\$ 9,500	▼ Under expended against year to date budget estimates, expected to correct.
Town Entry Statements Kununurra - Tourism & Area Promotion	\$ 45,000	▼ Return of grant. Budget value carried in capital, but expended as operating.
Celebrity Tree Park - Playground	\$ 17,600	▼ Under expended against year to date budget estimates, expected to correct.
Security Fence Upgrade - East Kimberley Regional Airport	\$ 10,300	▼ Under expended against year to date budget estimates, expected to correct.
Kununurra Landfill Site - Fencing Upgrades	\$ 7,390	▼ Initial project scoped completed. Potential savings.
Wyndham Dual Use Footpath - Planning	\$ 10,000	▼ Timing. Works has not been commenced, expected to correct.
<b>Purchase Plant and Equipment</b>	<b>▼</b>	
Public Toilet Cleaning - Setup & Metering of Pump Stations	\$ 10,000	▼ No activity on this project to date in contrast to budget timing forecast.
<b>Purchase Furniture and Equipment</b>	<b>▼</b>	
Kununurra Landfill Site - Recycling Shelving and Setup	\$ 50,000	▼ No activity on this project to date in contrast to budget timing forecast.
Kununurra Youth Centre - Fit out	\$ 12,000	▼ No activity on this project to date in contrast to budget timing forecast.
Capital Equipment - Kununurra Swimming Complex	\$ 17,500	▼ Equipment on order. Expected to correct.
Furniture and Equipment - East Kimberley Regional Airport	\$ 95,900	▼ Under expended against year to date budget estimates. Timing, expected to correct.
Server, Laptop, Desktop Upgrades and Printer Replacements - Information Technology	\$ 5,100	▼ Timing. Activity undertaken on this project earlier than year to date budget forecast. Expected to correct.
<b>Grants / Contributions for Development of Assets</b>	<b>▲</b>	
Wyndham Community Jetty - Capital Grant - East Kimberley Development Package	\$ 1,000,000	▼ EKDP Funds have been removed as cannot be spent prior to 30 June deadline.
Road Contributions - Weero Road	\$ 345,000	▼ Funds held as part of retained developers guarantee.
Lake Kununurra Foreshore Recreational Nature Trail - Funding	\$ 75,000	▼
Celebrity Tree Boat Ramp - Grant	\$ 16,000	▼ Timing. Project commenced. Funding will be received after expenditure.
WANDRRA Grant - Kalumburu Road Emergency Expenditure	\$ 300,000	▼ Timing, funding will be received after expenditure. Pending invoices for payment.
Housing Construction Facility Project Funding - Kimberley Zone	\$ 2,344,400	▲ Unbudgeted fund received for housing construction facility project - Kimberley zone - waiting for project proposals
<b>Reserves</b>		
No material variances to report		

## Shire of Wyndham East Kimberley

### Note to Statement of Financial Activity Budget Remaining to Collect/Spend as at 31 March 2012

	YTD Actual 2011/12 \$	Amended Annual Budget 2011/12	Budget Remaining 2011/12	
			\$	%
<b>Revenue</b>				
General Purpose Funding	3,340,235	4,280,257	940,022	22% ▼
Governance	516,043	514,476	(1,567)	0% ▲
Law, Order, Public Safety	30,263	107,936	77,673	72% ▼
Health	18,761	54,550	35,789	66% ▼
Education and Welfare	112,123	143,750	31,627	22% ▼
Housing	144,915	887,488	742,573	84% ▼
Community Amenities	1,894,604	2,145,118	250,514	12% ▼
Recreation and Culture	369,736	569,450	199,714	35% ▼
Transport	2,872,218	4,181,751	1,309,533	31% ▼
Economic Services	121,338	174,000	52,662	30% ▼
Other Property and Services	231,399	307,252	75,853	25% ▼
	<u>9,651,635</u>	<u>13,366,028</u>	<u>3,714,394</u>	<u>28% ▼</u>
<b>Expenses</b>				
General Purpose Funding	(415,957)	(508,060)	(92,102)	18% ▼
Governance	(1,735,461)	(2,643,230)	(907,770)	34% ▼
Law, Order, Public Safety	(465,937)	(618,795)	(152,858)	25% ▼
Health	(254,691)	(414,222)	(159,530)	39% ▼
Education and Welfare	(299,348)	(432,887)	(133,539)	31% ▼
Housing	(445,094)	(607,755)	(162,661)	27% ▼
Community Amenities	(3,829,266)	(5,103,504)	(1,274,238)	25% ▼
Recreation & Culture	(2,819,050)	(3,997,673)	(1,178,623)	29% ▼
Transport	(3,983,521)	(5,866,691)	(1,883,170)	32% ▼
Economic Services	(650,086)	(897,133)	(247,047)	28% ▼
Other Property and Services	(341,342)	(360,647)	(19,305)	5% ▼
	<u>(15,239,753)</u>	<u>(21,450,596)</u>	<u>(6,210,843)</u>	<u>29% ▼</u>
<b>Adjustments for Cash Budget Requirements:</b>				
<b>Non-Cash Expenditure and Revenue</b>				
(Profit)/Loss on Asset Disposals	(15,630)	(760,643)	(745,013)	98% ▼
Movement in Accruals and Provisions	(114,956)	0	114,956	0% ▼
Depreciation on Assets	2,374,356	3,156,801	782,445	25% ▼
<b>Capital Expenditure and Revenue</b>				
Purchase Land Held for Resale	0	0	0	0% ▲
Purchase Land and Buildings	(6,060,887)	(8,425,723)	(2,364,836)	28% ▼
Purchase Infrastructure Assets - Roads	(1,432,286)	(7,121,894)	(5,689,608)	80% ▼
Purchase Infrastructure Assets - Footpaths	0	0	0	0% ▲
Purchase Infrastructure Assets - Drainage	(57,468)	(540,000)	(482,532)	89% ▼
Purchase Infrastructure Assets - Other	(1,683,470)	(3,067,464)	(1,383,994)	45% ▼
Purchase Plant and Equipment	(475,985)	(1,019,500)	(543,515)	53% ▼
Purchase Furniture and Equipment	(308,669)	(752,421)	(443,752)	59% ▼
Grants / Contributions for Development of Assets	4,746,519	10,656,009	5,909,490	55% ▼
Proceeds from Disposal of Assets	41,500	1,135,002	1,093,502	96% ▼
Proceeds from Sale of Land Held for Resale	0	0	0	0% ▼
Repayment of Debentures	(192,756)	(1,114,499)	(921,743)	83% ▼
Proceeds from New Debentures	0	0	0	0% ▼
Transfers to Reserves (Restricted Assets)	(348,110)	(649,782)	(301,671)	46% ▼
Transfers from Reserves (Restricted Assets)	0	3,083,826	3,083,826	100% ▼
ADD Estimated Surplus/(Deficit) July 1 B/Fwd	7,677,243	7,677,243	0	0% ▼
LESS Estimated Surplus/(Deficit) June 30 C/Fwd	5,103,162	714,855	(4,388,307)	-614% ▲
<b>Amount Required to be Raised from Rates</b>	<u><u>6,541,879</u></u>	<u><u>6,542,467</u></u>	<u><u>588</u></u>	<u><u>0% ▼</u></u>

## 12.2.2 List of Accounts Paid Under Delegation

<b>DATE:</b>	15 May 2012
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Paulette Strongman, Finance Officer Asanka Jayakody, Team Leader Financial Services
<b>REPORTING OFFICER:</b>	Jo-Anne Ellis, Director Corporate Services
<b>FILE NO:</b>	FM.09.5

### **PURPOSE**

To present the listing of accounts paid from the Municipal Fund and Trust Fund in accordance with the requirements of the Local Government (Financial Management) Regulations 1996.

### **BACKGROUND**

Council delegated to CEO the exercise of its power under Financial Management Regulation 12 to make payments from Municipal Fund and Trust Fund at the Ordinary Council Meeting of 16<sup>th</sup> August 2011.

### **STATUTORY IMPLICATIONS**

Local Government Act 1995 – Section 5.42  
Local Government (Financial Management) Regulations 1996 – Regulations 12 and 13

### **POLICY IMPLICATIONS**

CD\GOV6113 – Payments from Municipal Fund and Trust Fund.

### **FINANCIAL IMPLICATIONS**

Ongoing management of Council funds by providing Council with sufficient information to monitor and review payments made.

### **STRATEGIC IMPLICATIONS**

*Governance, Key Result Area 5,*  
Council's financial position and forward planning is sound

### **COMMUNITY CONSULTATION**

Community consultation is not required in relation to this item.

### **COMMENT**

In accordance with statutory requirements, 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**

Attachment 1 – List of Accounts Paid from Municipal Fund and Trust Fund

**VOTING REQUIREMENT**

Simple Majority

**OFFICER’S RECOMMENDATION**

That Council receives and accepts the listing of accounts paid from the Municipal and Trust fund, being:

Municipal EFT114956 – EFT115137 (04 Apr – 26 Apr 12)	\$ 1,570,162.64
Municipal cheques 41133 - 41206 (04 Apr – 27 Apr 12)	\$ 119,176.10
Trust cheques 322 - 331 (10 Apr – 30 Apr 12)	\$ 675,689.00
Trust EFT 500264 - 500273 (02 Apr – 18 Apr 12)	\$ 10,889.45
Payroll (04 Apr – 24 Apr 12)	\$ 399,165.22
Direct bank debits (02 Apr – 30 Apr 12)	<u>\$ 24,767.03</u>
TOTAL	\$ 2,799,849.44

**COUNCIL DECISION**

**Minute No. 9769**

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

**That Council receives and accepts the listing of accounts paid from the Municipal and Trust fund, being:**

<b>Municipal EFT114956 – EFT115137 (04 Apr – 26 Apr 12)</b>	<b>\$ 1,570,162.64</b>
<b>Municipal cheques 41133 - 41206 (04 Apr – 27 Apr 12)</b>	<b>\$ 119,176.10</b>
<b>Trust cheques 322 - 331 (10 Apr – 30 Apr 12)</b>	<b>\$ 675,689.00</b>
<b>Trust EFT 500264 - 500273 (02 Apr – 18 Apr 12)</b>	<b>\$ 10,889.45</b>
<b>Payroll (04 Apr – 24 Apr 12)</b>	<b>\$ 399,165.22</b>
<b>Direct bank debits (02 Apr – 30 Apr 12)</b>	<b>\$ <u>24,767.03</u></b>
<b>TOTAL</b>	<b>\$ 2,799,849.44</b>

**Carried Unanimously 8/0**

## Attachment 1 – List of Accounts Paid from Municipal Fund and Trust Fund

### LIST OF ACCOUNTS SUBMITTED TO COUNCIL 15 MAY 2012

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT114956	04/04/2012	A W CONTRACTING	INSTALL DATA POINTS - KUNUNURRA ADMIN.	906.09
EFT114957	04/04/2012	APPERLEY, KARYN	REIMBURSEMENT - ROAD CLOSURE PERMIT - X GAMES 2012	65.90
EFT114958	04/04/2012	ASK WASTE MANAGEMENT	CONSULTANCY SERVICE - WASTE STRATEGY	2,586.55
EFT114959	04/04/2012	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	171.83
EFT114960	04/04/2012	AUSTRAL MERCANTILE COLLECTIONS PTY LTD	LEGAL FEES	955.81
EFT114961	04/04/2012	AVIATION ID AUSTRALIA PTY LTD	ADDITIONAL CAMERA - VIC PHOTO REQUIREMENT - KNX AIRPORT	65.00
EFT114962	04/04/2012	ALLCLEAN COMMERCIAL CLEANERS	CLEANING - KYC, AIRPORT, KNX PUBLIC TOILETS, KNX ADMIN, KLC - MAR 12	28,100.50
EFT114963	04/04/2012	ALLGEAR MOTORCYCLES & SMALL ENGINES	OIL - P356	92.40
EFT114964	04/04/2012	ARGYLE MOTORS	ACCESSORIES - P384, HYDRAULIC OIL & WINDSCREEN - P355	1,430.69
EFT114965	04/04/2012	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	194.40
EFT114966	04/04/2012	BERM BACKHOE HIRE	REACH MOWING - VARIOUS ROADS & DRAINS - KUNUNURRA	5,852.00
EFT114967	04/04/2012	BODAN CONSTRUCTIONS PTY LTD	KITCHEN UPGRADE - WYNDHAM OFFICE	11,000.00
EFT114968	04/04/2012	BLACKWOODS ATKINS PTY LTD	AIR FRESHENER, AEROSOL REFILLS - KUNUNURRA AIRPORT	181.10
EFT114969	04/04/2012	CAFE CORPORATE	ANNUAL COFFEE MACHINE SERVICE - KUNUNURRA ADMIN	318.10
EFT114970	04/04/2012	CIVIC LEGAL	LEGAL SERVICES	1,052.22
EFT114971	04/04/2012	E & MJ ROSHER PTY LTD	FUEL FILTERS, ENGINE OIL, HYDRAULIC OIL, COOLANT, GEAR OIL - P384 & P382	2,712.35
EFT114972	04/04/2012	EAST KIMBERLEY HARDWARE	GENERAL MAINTENANCE ITEMS - KUNUNURRA & WYNDHAM AIRPORT	300.25
EFT114973	04/04/2012	ECO-SOFTWATER PTY LTD	FILTRATION, PURIFICATION UNIT - NEW STAFF HOUSING - KUNUNURRA	756.25
EFT114974	04/04/2012	HIDDEN VALLEY TOURIST PARK	ACCOMMODATION - SENIOR PROJECTS MANAGER -10/03/12 - 06/04/12	569.49
EFT114975	04/04/2012	IBAC PLUMBING PTY LTD	PLUMBING WORK - LEAKING BATHROOM TAPS - 23 BOOBIALLA WAY KNX	134.20
EFT114976	04/04/2012	JAB INDUSTRIES	HIRE CAT EXCAVATOR - REMOVE AND LOAD CUMBUNGI - SWIM BEACH -KNX	2,117.50
EFT114977	04/04/2012	JOSHUA ROSATO	REFUND - GYM MEMBERSHIP	100.00
EFT114978	04/04/2012	KIMBERLEY COMMUNICATIONS	RESET FM - RADIO	77.00
EFT114979	04/04/2012	KIMBERLEY KOOL REFRIGE & AIRCON.	REPAIR - AIRPORT TERMINAL CBS AIRCON. & UNBLOCK DRAIN - KNX AIRPORT	187.00

EFT114980	04/04/2012	KUNUNURRA HOME HARDWARE	LADDER - ADMIN. - WYNDHAM	169.75
EFT114981	04/04/2012	KUNUNURRA LOCK & KEY	REKEY & REPAIR VARIOUS LOCKS - KUNUNURRA AIRPORT	794.00
EFT114982	04/04/2012	KUNUNURRA PANEL BEATING WORKS	REPLACE WINDSCREEN - P314	396.00
EFT114983	04/04/2012	KUNUNURRA SECURITY SERVICE	SECURITY CALLOUT SERVICE - LEISURE CENTRE, YOUTH CENTRE, KNX ADMIN.	308.00
EFT114984	04/04/2012	L.G.R.C.E.U	PAYROLL DEDUCTIONS	17.40
EFT114985	04/04/2012	MAXIM STRENGTH FITNESS EQUIPMENT	GYMNASIUM EQUIPMENT - KUNUNURRA LEISURE CENTRE	27,500.00
EFT114986	04/04/2012	MAXXIA	PAYROLL DEDUCTIONS	5,239.65
EFT114987	04/04/2012	ORD RIVER ELECTRICS	REPAIR FAULT IN CBS ROOM - KUNUNURRA AIRPORT	126.50
EFT114988	04/04/2012	OLLIE'S IRRIGATIONS & PLUMBING SUPPLIES	FLOJET PUMP & FITTINGS - KUNUNURRA DEPOT	367.25
EFT114989	04/04/2012	ORD PLUMBING AND GAS	REPLACED INDUCT URINAL CISTERN - KUNUNURRA LEISURE CENTRE	627.07
EFT114990	04/04/2012	ORIA ORCHARDS	3 X WEEKLY FLOWER DELIVERY - KNX ADMIN & AIRPORT	45.00
EFT114991	04/04/2012	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	253.70
EFT114992	04/04/2012	ST JOHN AMBULANCE	FIRST AID TRAINING - 16 X SHIRE STAFF - 22-23/03/12	2,880.00
EFT114993	04/04/2012	STREET FURNITURE AUSTRALIA	REPLACEMENT PARK BENCHES AND SPARE PARTS - WHITE GUM PARK, KNX	4,928.00
EFT114994	04/04/2012	THE CANVAS SHED	SUPPLY & INSTALL 2 X ROLLER BLINDS - PRIVATE LOUNGE - KNX AIRPORT	758.12
EFT114995	04/04/2012	TNT AUSTRALIA PTY LIMITED	FREIGHT - WATER SAMPLES	96.33
EFT114996	04/04/2012	TOLL EXPRESS	VARIOUS FREIGHT - KUNUNURRA ADMIN	119.26
EFT114997	04/04/2012	TOWN CARAVAN PARK	ACCOMM.- 1 X STAFF - 15/02 - 01/04/12, 1 X STAFF - 07-29/03/12	4,856.77
EFT114998	04/04/2012	TUCKERBOX / RETRAVISION KUNUNURRA	VARIOUS GROCERY ITEMS -KNX ADMIN, 2 X FRIDGES - KNX AIRPORT	1,769.59
EFT114999	04/04/2012	WA LOCAL GOVERNMENT SUPER	SUPERANNUATION CONTRIBUTIONS	27,314.62
EFT115000	04/04/2012	WYNDHAM TOWN CARAVAN PARK PTY LTD	CATERING - ORDINARY COUNCIL MEETING 20/03/12 - WYNDHAM	544.00
EFT115001	04/04/2012	WYNDHAM SUPERMARKET	GROCERY ITEMS - WYNDHAM CHILDCARE	128.98
EFT115002	12/04/2012	ABCO PRODUCTS	DETERGENT - KUNUNURRA DEPOT	381.48
EFT115003	12/04/2012	ASK WASTE MANAGEMENT	CONSULTANCY FEES - LANDFILL WORKS - DEC LICENSE COMPLIANCE	1,410.75
EFT115004	12/04/2012	AUST LOCAL GOVERNMENT JOB DIRECTORY	ADVERTISE- DIRECTOR COMMUNITY DEVELOPMENT - 12/03/12	869.00
EFT115005	12/04/2012	AERODROME MANAGEMENT SERVICES	ANNUAL INSPECT - CIVIL AVIATION SAFETY REGU.- KNX & WYN AIRPORT	10,209.89
EFT115006	12/04/2012	ARGYLE ENGINEERING	FABRICATE & SUPPLY AIR SERVICE PLATES - KUNUNURRA AIRPORT	379.50
EFT115007	12/04/2012	ARGYLE MOTORS	SERVICE - P303	659.75
EFT115008	12/04/2012	BLACKWOODS ATKINS PTY LTD	BRITAX 24 VOLT AMBER ROTATING BEACON - P482	196.00

EFT115009	12/04/2012	C Y O'CONNOR TAFE	DOG/CAT MANAGEMENT COURSE - 20-23/03/12 - SENIOR RANGER	550.00
EFT115010	12/04/2012	COMFORT HOTEL PERTH CITY	ACCOMM.- KLC CO-ORDINATOR - CERT IV TRAINING - 25 - 30/03/12 -PERTH	933.50
EFT115011	12/04/2012	EAST KIMBERLEY HARDWARE	VARIOUS HARDWARE & VEHICLE MAINTENANCE ITEMS - FEB/MAR 12	1,298.20
EFT115012	12/04/2012	FUJI XEROX AUSTRALIA P/L	VARIOUS PRINTING COSTS - KNX & WYN - MAR 12	1,181.70
EFT115013	12/04/2012	FULLY JUICED ELECTRICS	NEW 2X FITTED SOLAR POWER LIGHTS - TWIN PEAK HILL - WYNDHAM AIRPORT	968.00
EFT115014	12/04/2012	GRACE REMOVALS	FURNITURE REMOVAL & STORAGE - WYN CHILDCARE CO-ORDINATOR	2,302.33
EFT115015	12/04/2012	GALVINS PLUMBING SUPPLIES	NEW 4 X TOILET ROLL DISPENSERS(JUMBO) - OVAL CLUBROOMS WYNDHAM	221.36
EFT115016	12/04/2012	IBAC PLUMBING PTY LTD	PLUMBING WORK - CELEBRITY TREE PARK TOILETS KUNUNURRA	1,531.20
EFT115017	12/04/2012	JSW HOLDINGS PTY LTD	BACKFILL MATERIAL - SPORTS OVAL MAINTENANCE - KUNUNURRA	484.00
EFT115018	12/04/2012	KIMBERLEY MOTORS	TOURIST INFORMATION SERVICES & FUEL - JAN 12 - WYNDHAM	2,107.06
EFT115019	12/04/2012	KUNUNURRA HOME & GARDEN	REFILL 7 X GAS CYLINDERS, REPAIR DRILL, CABLE REEL - KNX DEPOT	934.50
EFT115020	12/04/2012	KUNUNURRA LOCK & KEY	RE-KEY DOOR - KNX CHAMBER, SERVICE KEYS LOCKED IN IGNITION - P314	322.00
EFT115021	12/04/2012	KUNUNURRA SECURITY SERVICE	CASH ESCORTS & SECURITY PATROL - KUNUNURRA & WYNDHAM - MAR 12	1,991.50
EFT115022	12/04/2012	LANDGATE	GROSS RENTAL VALUATIONS	452.86
EFT115023	12/04/2012	MERCURE INN BROOME	ACCOMM. 2 X STAFF - LOCAL GOVT REG INFO SEMINAR - 26-28/03/12	514.00
EFT115024	12/04/2012	MERCURE HOTEL PERTH	ACCOMM.-CEO & 5 X MEMBERS-06/03 - 02/04/12- ZONE/RCG MEETING - PERTH	4,639.40
EFT115025	12/04/2012	OFFICE NATIONAL KUNUNURRA	OFFICE FURNITURE - KUNUNURRA ADMIN	839.40
EFT115026	12/04/2012	OLLIE'S IRRIGATIONS & PLUMBING SUPPLIES	VARIOUS IRRIGATION ITEMS - MAR 12	34.65
EFT115027	12/04/2012	ORD MACHINING	REPAIRS TO BLADE CARRIER - P385, MANUFACTURE BOLTS - P435	227.33
EFT115028	12/04/2012	PLAYGROUND SOLUTIONS	SUPPLY ALUMINIUM PLATFORM - NICOLSON PARK KUNUNURRA.	1,614.12
EFT115029	12/04/2012	PRITCHARD BOOKBINDERS	BOOK BINDING - COUNCIL MEETING MINUTES- 10/11 & 12/11	137.50
EFT115030	12/04/2012	RANNIT PTY LTD	STORAGE - SHIRE HOUSING/ADMIN FURNITURE - MAY 2012	220.00
EFT115031	12/04/2012	ROTARY CLUB OF KUNUNURRA	REGISTRATION FEE - RYPEN ATTENDEE - FINANCE SUPPORT OFFICER	500.00
EFT115032	12/04/2012	STREET FURNITURE AUSTRALIA	SPARE BUTTONS KIT FOR THE DRINKING FOUNTAIN - WHITE GUM PARK KNX	66.00
EFT115033	19/04/2012	4D LANDSCAPING SOLUTIONS	LANDSCAPING SERVICES - 264A RIVER FIG AVE, KUNUNURRA	550.00
EFT115034	19/04/2012	APPERLEY, KARYN	WATER SUBSIDY - COMMUNITY DIRECTOR - 18/07/11 - 14/11/11	280.96
EFT115035	19/04/2012	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	171.83
EFT115036	19/04/2012	ALLGEAR MOTORCYCLES & SMALL ENGINES	SERVICE SMALL CHAINSAWS & POLE SAW	327.05
EFT115037	19/04/2012	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	172.80

EFT115038	19/04/2012	AUTO ONE KUNUNURRA	12V AMBER FLASHING LIGHT - P211	160.00
EFT115039	19/04/2012	BUSBY INVEST. T/A BUDGET RENT A CAR	CAR RENTAL - KIMBERLEY ZONE COMMITTEE MEETING - BROOME	167.98
EFT115040	19/04/2012	CAM MANAGEMENT SOLUTIONS	CONSUL.-BUSINESS PLANNING - 2X INSTAL.- KIM. REGIONAL COLLAB.GROUP	62,936.34
EFT115041	19/04/2012	CARDNO (WA) PTY LTD	PROFE. SERVICES -BUSINESS PLANNING-KIM. REGIONAL COLLAB. GROUP	93,681.49
EFT115042	19/04/2012	COCA-COLA AMATIL	CONSUMABLES FOR RE-SALE - KLC	1,364.66
EFT115043	19/04/2012	DEPARTMENT OF SPORT AND RECREATION	ENROLMENT FEE - CERT IV TRAINING AND ASSESSMENT - KLC CO-ORDINATOR	350.00
EFT115044	19/04/2012	E & MJ ROSHER PTY LTD	COMPLETE FRONT GAUGE WHEEL ASSEMBLY - P362	1,332.20
EFT115045	19/04/2012	EAST KIMBERLEY HARDWARE	RAPID SET CONCRETE - VARIOUS STREET MAINTENANCE - KUNUNURRA	1,746.80
EFT115046	19/04/2012	FUJI XEROX AUSTRALIA P/L	VARIOUS PRINTING COSTS - KUNUNURRA - MAR 12	712.05
EFT115047	19/04/2012	FIX ALL MOBILE MECHANIC	SERVICE - P381 & P357, REPAIR PUNCTURE - P354, PARTS - P333	972.30
EFT115048	19/04/2012	FRONTIER POST & NEWS	KIMBERLEY ECHO - MAR 12	5.00
EFT115049	19/04/2012	FULTON HOGAN INDUSTRIES PTY LTD	CARTAGE TONNE PREMIX ASPHALT - VARIOUS ROAD MAINTENANCE - KNX	12,375.00
EFT115050	19/04/2012	IBAC PLUMBING PTY LTD	PLUMBING- WYN CHILD CARE, SWIM BEACH TOILETS, 69 HIBISCUS DRV KNX	2,288.33
EFT115051	19/04/2012	IT VISION ITV	COURSE FEE- 1 X STAFF - PAYROLL COURSE - 13-15/03/12 - APPLECROSS	1,452.00
EFT115052	19/04/2012	INTERLOCK LOCKERS PTY LTD	4 TIER STEEL LOCKERS - SQUASH COURT UPGRADES - KLC	1,958.00
EFT115053	19/04/2012	IRRIBIZ	RETICULATION MAINTENANCE ITEMS - MAR 12 - KNX DEPOT	13.20
EFT115054	19/04/2012	JSW HOLDINGS PTY LTD	OPEN TABLE DRAINAGE CLEARING WORKS - WEERO RD - KNX	21,879.00
EFT115055	19/04/2012	JAB INDUSTRIES	HIRE EXCAVATOR, 2 X ROAD TRAINS- CONSTRUCT & SEAL- EGERT CL KNX	17,985.00
EFT115056	19/04/2012	JANET TAKARANGI	REIMBURSEMENT - CATERING - ECONOMY DEVELOPMENT MEETING - PERTH	591.52
EFT115057	19/04/2012	KIMBERLEY COMMUNICATIONS	RESET JJJ - 26/03/12	77.00
EFT115058	19/04/2012	KIMBERLEY MARKETING - CASH AND CARRY	CONSUMABLES FOR RE-SALE - KLC	895.97
EFT115059	19/04/2012	KIMBERLEY WASTE SERVICES	REFUSE COLLEC. SKIP EMPTIES, SULO SALES, LITTER COLLECTION - MAR 12 - KNX	55,546.17
EFT115060	19/04/2012	KUNUNURRA AGRICULTURAL SOCIETY	APPROVED QUICK GRANT	550.00
EFT115061	19/04/2012	KUNUNURRA BETTA ELECTRICAL & GAS	STAFF HOUSING FURNITURE - 44 BELLA LANE KUNUNURRA	4,800.00
EFT115062	19/04/2012	KUNUNURRA DIESEL SERVICE	SERVICE - P367	435.40
EFT115063	19/04/2012	KUNUNURRA REFRIGERATION & AIR CON.	AIR CON REPAIR - FRONT OFFICE KUNUNURRA ADMIN	110.00
EFT115064	19/04/2012	KUNUNURRA SECURITY SERVICE	SECURITY, LEASE ALARMS, CALLOUT SERVICE- JAN, FEB, MAR 12- WYN & KNX	886.00
EFT115065	19/04/2012	L.G.R.C.E.U	PAYROLL DEDUCTIONS	17.40
EFT115066	19/04/2012	L3 COMMUNICATIONS AUSTRALIA PTY LTD	REPAIR L3 ETD MACHINE/REPLACE HARD DRIVES - KUNUNURRA AIRPORT	1,556.50

EFT115067	19/04/2012	LAWRENCE & HANSON GROUP	AUTOMATIC GATE MAINTENANCE ITEM - KUNUNURRA AIRPORT	3.30
EFT115068	19/04/2012	LANDGATE	GROSS RENTAL VALUATIONS, MINING TENEMENTS, LAND ENQUIRIES	2,118.47
EFT115069	19/04/2012	MCLEODS BARRISTERS AND SOLICITORS	LEGAL ADVICES	1,805.34
EFT115070	19/04/2012	MAXXIA	PAYROLL DEDUCTIONS	5,877.43
EFT115071	19/04/2012	MCLEAN ENTERPRISES PTY LTD	VARIOUS FREIGHT - KNX DEPOT	54.33
EFT115072	19/04/2012	N & H SANDERS	FLOOR SANDING, SEALING AND REMARKING OF HALL FLOOR - KLC UPGRADE	33,660.00
EFT115073	19/04/2012	NORSCAPE	LANDSCAPING - 44 BELLA LANE, KUNUNURRA	9,931.90
EFT115074	19/04/2012	ORDCO	HERBICIDES & NPK BLUE - KUNUNURRA DEPOT & WHITE GUM PARK	847.00
EFT115075	19/04/2012	ORICA AUSTRALIA PTY LTD	GAS CYLINDERS STORAGE - MAR 12 - KUNUNURRA & WYNDHAM	430.68
EFT115076	19/04/2012	OFFICE NATIONAL KUNUNURRA	OFFICE FURNITURE - KUNUNURRA ADMINISTRATION	235.00
EFT115077	19/04/2012	ORD FUEL SUPPLIES	DIESEL - KUNUNURRA DEPOT	11,027.02
EFT115078	19/04/2012	ORD RIVER CONTRACTING	GRADER, DRUM ROLLER, WATER CART & ROAD BASE GRAVEL - RESEARCH ST. RD	8,721.68
EFT115079	19/04/2012	QUICK CORPORATE AUSTRALIA	STATIONERY - APR 12 - KUNUNURRA ADMIN.	1,112.37
EFT115080	19/04/2012	REHBEIN AIRPORT CONSULTING	CONSULTANCY- PROGRESS CLAIM #3 - DEVELOPMENT OF EKRA MASTER PLAN	12,551.22
EFT115081	19/04/2012	SHELF SUPPLY	SAFETY WEAR, RANGER SHIRTS, DOG UPKEEP ITEMS- DEPOT & TIP KUNUNURRA	1,491.00
EFT115082	19/04/2012	STATE LAW PUBLISHER	PUBLICATION - FIREBREAK ORDER IN GOVERNMENT GAZETTE	377.60
EFT115083	19/04/2012	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	90.00
EFT115084	19/04/2012	ST JOHN AMBULANCE	FIRST AID TRAINING - 2 X SHIRE STAFF - 22- 23/03/12	360.00
EFT115085	19/04/2012	TOLL EXPRESS	FREIGHT - CO2 GAS - KLC SWIMMING POOLS - STATIONERY - KNX ADMIN	1,357.04
EFT115086	19/04/2012	TWYFORDS	PROFESSIONAL SERVICES - STRATEGIC COMMUNITY ENGAGEMENT PLANNING	26,917.00
EFT115087	19/04/2012	THINKING & ADVOCACY FOR INDI. PEOP.	INDIGENOUS DEVELOP. ADVICE - CONTRACT COMMENCEMENT - KIMB. ZONE	6,325.00
EFT115088	19/04/2012	URBIS PTY LTD	CONSULTANT SERVICES - LOCAL PLANNING SCHEME REVIEW	5,018.75
EFT115089	19/04/2012	URBAN GUIDANCE PTY LTD	SECURITY SCREENING QUEING SYSTEM - KUNUNURRA AIRPORT	4,276.64
EFT115090	19/04/2012	WA LOCAL GOVERNMENT SUPER.	SUPERANNUATION CONTRIBUTIONS	25,977.20
EFT115091	19/04/2012	WESTRAC EQUIPMENT PTY LTD	SERVICE & REPAIR HYDRAULIC FILTER ALARM - P488	3,053.83
EFT115092	20/04/2012	MAIN ROADS KUNUNURRA	FLOOD DAMAGED OPENING UP COSTS - KALUMBURU RD	655,389.57
EFT115093	24/04/2012	A & S HUNTER	REIMBURSEMENT - KEY CUTTING - TOYOTA COROLLA	197.98
EFT115094	24/04/2012	TOURISM HOLDINGS AUSTRALIA PTY LTD	HIRE 4WD CAMPER VAN - PROJECT MANAGER WANDRRA	17,712.72
EFT115095	26/04/2012	A W CONTRACTING	INSTALL PHONES - CBS , SEARCH ROOM & FRONT COUNTER - KNX AIRPORT	583.80

EFT115096	26/04/2012	AIR ROOFING CO PTY LTD	ROOF INSPECTION AND CONSULTATION REPORT - KLC UPGRADE	7,700.00
EFT115097	26/04/2012	ALL ABOUT CANVAS	PVC BANNER - TERRACE COMPETITION 2012	118.80
EFT115098	26/04/2012	ALLGEAR MOTORCYCLES & SMALL ENGINES	PARTS - SMALL CHAINSAW	55.00
EFT115099	26/04/2012	AUTO ONE KUNUNURRA	TRAILER PLUG ADAPTOR - P377	22.00
EFT115100	26/04/2012	C & S JOLLY ELECTRICS PTY LTD	REPAIRS - OVAL LIGHTS - KUNUNURRA	176.00
EFT115101	26/04/2012	COMMUNI. & PROTECTIVE SOLUTIONS	SECURITY SERVICES - UPDATE CONTACT NUMBERS & TRAINING - KYC	90.75
EFT115102	26/04/2012	DAVEY TYRE & BATTERY SERVICE	REPAIR PUNCTURE - P372	70.00
EFT115103	26/04/2012	FUJI XEROX AUSTRALIA P/L	IT EQUIPMENT, SPARE PARTS & SERVICE AGREEMENT - KNX ADMIN	1,026.30
EFT115104	26/04/2012	FRANMOR CONSTRUCTIONS PTY LTD	PROG. PAYMENT - KNX GYM EXPANSION, DOOR REPAIRS- KLC	122,029.03
EFT115105	26/04/2012	GELGANYEM LTD	GRANT 2012 - BARRAMUNDI CONCERT	11,000.00
EFT115106	26/04/2012	GRACE REMOVALS	FURNITURE REMOVAL & STORAGE - WYN CHILDCARE CO-ORDINATOR	114.40
EFT115107	26/04/2012	HUMES	WEERO ROAD CULVERT REPLACEMENT - ROAD CONSTRUCT & SEAL	29,472.96
EFT115108	26/04/2012	IBAC PLUMBING PTY LTD	PLUMBING WORKS - LEAKING TOILET, TAPS - WYNDHAM OVAL	376.42
EFT115109	26/04/2012	KIMBERLEY ECHO - ALBANY ADVERTISER	ADVERTISING - SWEK NEWS - MAR 12	3,307.55
EFT115110	26/04/2012	KIMBERLEY HYDRAULICS	REPAIRS - HYDRAULIC HOSE - P469	565.45
EFT115111	26/04/2012	KIMBERLEY MOTORS	TOURIST INFORMATION SERVICES & FUEL - FEB 12, DIESEL - JAN 12 - WYNDHAM	5,007.12
EFT115112	26/04/2012	KIMBERLEY VET CENTRE	EUTHANIZING FERAL CATS - RANGER	50.00
EFT115113	26/04/2012	KUNUNURRA 4WD CLUB INC	APPROVED QUICK GRANT 2011/12	500.00
EFT115114	26/04/2012	KUNUNURRA BETTA ELECTRICAL & GAS	IT EQUIPMENT - UNIDEN CORDLESS PHONE - 2 STATION, DECT - KNX OFFICE	79.95
EFT115115	26/04/2012	KUNUNURRA COURIERS	NEVERFAIL SPRING WATER - KUNUNURRA OFFICE - 31/1/12 & 15/02/12	39.00
EFT115116	26/04/2012	KUNUNURRA HOME & GARDEN	PLANTER POTS - KUNUNURRA AIRPORT	1,743.00
EFT115117	26/04/2012	KUNUNURRA REFRIGERATION & AIR CON.	AIR CON REPAIRS - YOUTH CENTRE KUNUNURRA	371.74
EFT115118	26/04/2012	KUNUNURRA SECURITY SERVICE	SECURITY - AIRPORT BAGGAGE & SCREENING - 22 - 28/02/12 - KNX AIRPORT	12,324.00
EFT115119	26/04/2012	LANDMARK ENGINEERING & DESIGN	SUPPLY - SHADE STRUCTURE & PARKWAY BENCH SEATS- LAKE KNX REC. TRAIL	7,576.80
EFT115120	26/04/2012	MATTHEW LANTERNIER	REIMBURSEMENT - FOOD WYNDHAM YOUTH - 14/3/12	15.94
EFT115121	26/04/2012	MELLEN EVENTS PTY LTD	FINAL INSTALMENT - SPONSORSHIP ORD VALLEY MUSTER 2012	27,500.00
EFT115122	26/04/2012	MONSOON NIGHTS BELLY DANCING INC.	APPROVED QUICK GRANT 2012	500.00
EFT115123	26/04/2012	NORTH KIMBERLEY TRANSPORT	GRADING - GIBB RIVER ROAD TO DRYSDALE STATION	9,462.75
EFT115124	26/04/2012	OFFICE NATIONAL KUNUNURRA	OFFICE FURNITURE & STATIONERY - KUNUNURRA ADMIN	1,166.90

EFT115125	26/04/2012	ORD PLUMBING AND GAS	PLUMBING REPAIRS - REPAIR LEAKING TAP - 3A DRYANDRA ST KUNUNURRA	203.50
EFT115126	26/04/2012	ORIA ORCHARDS	FLOWER DELIVERY - KUNUNURRA ADMIN - 16/4/12	15.00
EFT115127	26/04/2012	REHBEIN AIRPORT CONSULTING	PROFESSIONAL SERVICES - NIGHT LANDING OPERATIONS - WYNDHAM AIRPORT	2,988.70
EFT115128	26/04/2012	TELFORD INDUSTRIES	POOL OPERATING CHEMICALS & STABILIZERS - KUNUNURRA POOLS	2,327.42
EFT115129	26/04/2012	THE KIMBERLEY GRANDE	CONFERENCE ROOM - COMMUNITY ENGAGE. PLAN - ACCOMM. 2 X MEMBERS	3,410.00
EFT115130	26/04/2012	TOP END MOTORS	MIRROR REPAIR - P114, FUEL & SERVICE - ZONE VEHICLE	533.94
EFT115131	26/04/2012	TOWN CARAVAN PARK	ACCOMMODATION - ENGINEERING MANAGER - 26/2/12 - 30/3/12	2,357.15
EFT115132	26/04/2012	TROPICAL PEST CONTROL	PEST CONTROL - KNX AIRPORT & DEPOT, INSPECTION - 3 X NEW STAFF HOUSES	1,395.00
EFT115133	26/04/2012	TUCKERBOX / RETRAVISION KUNUNURRA	VARIOUS ITEMS - MAR 12, STAFF HOUSING FURNITURE, IT ITEMS - KUNUNURRA	3,394.46
EFT115134	26/04/2012	UHY HAINES NORTON (WA) PTY LTD	LEGAL SERVICES	5,170.00
EFT115135	26/04/2012	WA LOCAL GOV. ASSOCIATION - WALGA	ADVERTIS.- TENDERS - T13 & T15 - WEST AUSTRALIAN & KIMBERLEY ECHO 15/3	2,407.94
EFT115136	26/04/2012	WILD MANGO	CATERING - EMT MEETING - 12/4/12	55.00
EFT115137	26/04/2012	WYNDHAM SUPERMARKET	FOOD ITEMS - YOUTH TUCKER TIME PROGRAM - WYNDHAM	247.25
<b>TOTAL MUNI EFT PAYMENTS</b>				<b><u>1,570,162.64</u></b>

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
41133	04/04/2012	AMP LIFE LTD	SUPERANNUATION CONTRIBUTIONS	81.39
41134	04/04/2012	AUST ETHICAL INVESTMENT & SUPER	SUPERANNUATION CONTRIBUTIONS	127.59
41135	04/04/2012	ALLTOOLS WA PTY LTD	PURCHASE OF LASER EL614 KIT	984.00
41136	04/04/2012	AUSTRALIAN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	692.55
41137	04/04/2012	BT FINANCIAL GROUP	SUPERANNUATION CONTRIBUTIONS	194.01
41138	04/04/2012	CANNING BRIDGE AUTO LODGE	ACCOMM. 1 X STAFF - PAYROLL TRAINING - 12 -16/03/12 - PERTH	500.00
41139	04/04/2012	CBUS	SUPERANNUATION CONTRIBUTIONS	166.62
41140	04/04/2012	COLONIAL - PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	335.44
41141	04/04/2012	DEPARTMENT FOR PLANNING AND INFRAS	RECORDING FEE	24.05
41142		PAYMENT CANCELLED		
41143	04/04/2012	HOSTPLUS SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	918.85
41144	04/04/2012	LANDGATE	ROAD RESERVE EXTRACTION DETAILS	160.05

41145	04/04/2012	LOCAL GOVERNMENT SUPER	SUPERANNUATION CONTRIBUTIONS	407.30
41146	04/04/2012	MLC NOMINEES PTY LTD PAYMENT CANCELLED	SUPERANNUATION CONTRIBUTIONS	206.90
41148	04/04/2012	MARGARET WILLIAMS	REFUND OF SWIMMING LESSON FEES	80.00
41149	04/04/2012	REST SUPER	SUPERANNUATION CONTRIBUTIONS	1,010.42
41150	04/04/2012	RSL	SUCCESSFUL COMMUNITY QUICK GRANT APPLICATION	500.00
41151	04/04/2012	SEAFARERS RETIREMENT FUND	SUPERANNUATION CONTRIBUTIONS	184.02
41152	04/04/2012	STATEWIDE SUPERANNUATION TRUST	SUPERANNUATION CONTRIBUTIONS	643.96
41153	04/04/2012	SUNSUPER	SUPERANNUATION CONTRIBUTIONS	388.34
41154	04/04/2012	SUPERANNUATION (COMMBANK)	SUPERANNUATION CONTRIBUTIONS	514.17
41155	04/04/2012	TASPLAN	SUPERANNUATION CONTRIBUTIONS	189.02
41156	04/04/2012	THE TRUSTEE FOR HEADING SUPER FUND	SUPERANNUATION CONTRIBUTIONS	427.08
41157	04/04/2012	TOWER MASTER FUND	SUPERANNUATION CONTRIBUTIONS	200.75
41158	04/04/2012	VICSUPER	SUPERANNUATION CONTRIBUTIONS	178.50
41159	04/04/2012	VISION SUPER	SUPERANNUATION CONTRIBUTIONS	2,349.19
41160	04/04/2012	WESTSCHEME	SUPERANNUATION CONTRIBUTIONS	535.18
41161	04/04/2012	WATER CORPORATION	WATER RATES - INDOOR SPORTS -KNX - NOV 11 - MAR 12	8,425.95
41162	12/04/2012	DEPARTMENT FOR PLANNING AND INFRAS.	ICIU595 - REGISTRATION 2012 TOYOTA LANDCRUISER	506.40
41163	12/04/2012	HORIZON POWER	VARIOUS ELECTRICITY CHARGES	25,041.14
41164	12/04/2012	HESTA SUPER FUND	SUPER CONTRIBUTIONS G CONTENCIN	133.61
41165	12/04/2012	REST SUPER	SUPERANNUATION CONTRIBUTIONS	51.01
41166	12/04/2012	SEA VIEW ORTHOTIC SERVICE	LP2030 - LITTER GRABBERS	442.00
41167	12/04/2012	WATER CORPORATION	WATER RATES - DEPOT BANDICOOT DRIVE - NOV 11 - MAR 12	1,555.40
41168	19/04/2012	AMP LIFE LTD	SUPERANNUATION CONTRIBUTIONS	107.55
41169	19/04/2012	AUST ETHICAL INVESTMENT & SUPER	SUPERANNUATION CONTRIBUTIONS	127.59
41170	19/04/2012	AUSTRALIAN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	690.92
41171	19/04/2012	BT FINANCIAL GROUP	SUPERANNUATION CONTRIBUTIONS	192.89
41172	19/04/2012	BRENDA KING	REFUND OF DEVELOPMENT APPLICATION FEE	139.00
41173	19/04/2012	CASH - PETTY CASH KNX AIRPORT	REIMBURSEMENT - PETTY CASH - MARCH 2012	93.90
41174	19/04/2012	CBUS	SUPERANNUATION CONTRIBUTIONS	181.63

41175	19/04/2012	COLONIAL - PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	731.35
41176	19/04/2012	CR JOHN HAMILTON MOULDEN	CARVED BOAB NUT FOR THE CHINESE DELEGATION	55.00
41177	19/04/2012	CR RALPH ADDIS	REIMBURSE TRAVEL EXPENSES - 24/01/12 - 21/03/12	747.65
41178	19/04/2012	DEPARTMENT FOR PLANNING AND INFRAS.	REGISTRATION 2012 - P479	48.60
41179	19/04/2012	FIRST CHOICE PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	74.96
41180	19/04/2012	HORIZON POWER	VARIOUS ELECTRICITY CHARGES	20,520.76
41181	19/04/2012	HORIZON POWER - NON ENERGY	FORESHORE ROAD WYNDHAM 6740 - EKP0029	10,659.95
41182	19/04/2012	HOSTPLUS SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	791.51
41183	19/04/2012	LOCAL GOVERNMENT SUPER	SUPERANNUATION CONTRIBUTIONS	407.30
41184	19/04/2012	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	205.55
41185	19/04/2012	ONE PATH SUPER	SUPERANNUATION CONTRIBUTIONS	106.54
41186	19/04/2012	REST SUPER	SUPERANNUATION CONTRIBUTIONS	1,060.93
41187	19/04/2012	SEA VIEW ORTHOTIC SERVICE	SUPPLY 14 X LP 2030 LITTER GRABBERS	518.75
41188	19/04/2012	SEAFARERS RETIREMENT FUND	SUPERANNUATION CONTRIBUTIONS	183.20
41189	19/04/2012	STATEWIDE SUPERANNUATION TRUST	SUPERANNUATION CONTRIBUTIONS	1,119.05
41190	19/04/2012	SUNSUPER	SUPERANNUATION CONTRIBUTIONS	387.00
41191	19/04/2012	SUPERANNUATION (COMMBANK)	SUPERANNUATION CONTRIBUTIONS	553.32
41192	19/04/2012	TELSTRA CORPORATION	EXECUTIVE LANDLINE CHARGES - MARCH 2012	356.71
41193	19/04/2012	TEX GUN SUPPLIES	BIRD FRITE AMMUNITION PLUS FREIGHT - KUNUNURRA AIRPORT.	1,675.00
41194	19/04/2012	TASPLAN	SUPERANNUATION CONTRIBUTIONS	189.02
41195	19/04/2012	THE TRUSTEE FOR HEADING SUPER FUND	SUPERANNUATION CONTRIBUTIONS	368.11
41196	19/04/2012	TOWER MASTER FUND	SUPERANNUATION CONTRIBUTIONS	178.45
41197	19/04/2012	VICSUPER	SUPERANNUATION CONTRIBUTIONS	178.50
41198	19/04/2012	VISION SUPER	SUPERANNUATION CONTRIBUTIONS	2,372.89
41199	19/04/2012	WESTSCHEME	SUPERANNUATION CONTRIBUTIONS	541.99
41200	19/04/2012	WATER CORPORATION	WATER RATES - KNX AIRPORT- NOV 11 - MAR 12.	4,352.30
41201	19/04/2012	WOODHOUSE LEGAL	LEGAL CHARGES	3,038.86
41202	26/04/2012	FOSSEYS AUSTRALIA P/L (TARGET COUNTRY)	PILLOW CASES FOR POOL CLEANER	18.50
41203	26/04/2012	HORIZON POWER	ELECTRICITY CHARGES - WYN CHILDCARE - FEB - APR 12	1,574.43
41204	26/04/2012	WATER CORPORATION	VARIOUS RATES - WYNDHAM	14,271.55

41205	26/04/2012	WYNDHAM COMMUNITY CLUB	ACCOMM. - PRE-EMPLOYMENT FOR UNITY MCDONALD FOR FAMILY VISIT	200.00
41206	27/04/2012	RICHARD LIPPITT	GIFT - RECOGNITION OF STAFF AS PER HR9 POLICY UPON TERMINATION	2,000.00
<b>TOTAL CHEQUE PAYMENTS</b>				<b>119,176.10</b>

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
322	10/04/2012	ANDREA HARRIS	BOND REFUND - HALL HIRE	1,000.00
323	10/04/2012	DEPT.OF HEALTH - DIRECTOR OF ENVIRON.	SEPTIC APPLICATION - EL QUESTRO HOMESTEAD	35.00
324	10/04/2012	BROOME FUNERAL SERVICES	BOND REFUND - PETER REID HALL HIRE	1,000.00
325	19/04/2012	KUNUNURRA COURIERS	BOND REFUND - ASIC CARD - ANDREW YARDLEY	150.00
326	19/04/2012	NORTHERN AIRPORT SERVICES	BOND REFUND - ASIC CARD - VINCENZO LENOEL	150.00
327	19/04/2012	TAYLOR'S CARNIVAL	BOND REFUND - OVAL HIRE	1,000.00
328	19/04/2012	WYNDHAM ASSEMBLY OF GOD CHURCH	BOND REFUND -PETER REID HALL HIRE	1,000.00
329	19/04/2012	CKC NOMINEES -ECOFFICIENT HOMES	SERVICE PROVIDED TO MG CORP - ABORIGINAL HOUSING PROJECT FUND	39,964.00
330	19/04/2012	DEPT OF TRANSPORT - PLATES SECTION	50TH B'DAY SPECIAL PLATES	465.00
331	30/04/2012	CKC NOMINEES -ECOFFICIENT HOMES	SERVICE PROVIDED TO MG CORP - ABORIGINAL HOUSING PROJECT FUND	630,925.00
<b>TOTAL TRUST CHEQUE PAYMENTS</b>				<b>675,689.00</b>

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
500264	02/04/2012	TRUST DPI CLEARING	TRANSPORT CLEARING - 02/04/12	302.20
500265	03/04/2012	TRUST DPI CLEARING	TRANSPORT CLEARING - 03/04/12	923.25
500266	04/04/2012	TRUST DPI CLEARING	TRANSPORT CLEARING - 04/04/12	358.35
500267	05/04/2012	TRUST DPI CLEARING	TRANSPORT CLEARING - 05/04/12	1,105.70
500268	11/04/2012	TRUST DPI CLEARING	TRANSPORT CLEARING - 11/04/12	1,126.50
500269	12/04/2012	TRUST DPI CLEARING	TRANSPORT CLEARING - 12/04/12	1,686.90
500270	13/04/2012	TRUST DPI CLEARING	TRANSPORT CLEARING - 13/04/12	1,635.25
500271	16/04/2012	TRUST DPI CLEARING	TRANSPORT CLEARING - 16/04/12	314.15
500272	17/04/2012	TRUST DPI CLEARING	TRANSPORT CLEARING - 17/04/12	1,713.50
500273	18/04/2012	TRUST DPI CLEARING	TRANSPORT CLEARING - 18/04/12	1,723.65

**TOTAL TRUST EFT PAYMENTS****10,889.45**

<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
04/04/2012	PAYROLL	PAYROLL	186,052.64
10/04/2012	PAYROLL	PAYROLL	7,640.40
12/04/2012	PAYROLL	PAYROLL	3,118.87
18/04/2012	PAYROLL	PAYROLL	195,791.03
23/04/2012	PAYROLL	PAYROLL	521.53
24/04/2012	PAYROLL	PAYROLL	6,040.75
<b>TOTAL PAYROLL PAYMENTS</b>			<b>399,165.22</b>

<b>DATE</b>	<b>NAME</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
2/04/2012	DIRECT DEBIT	LEASE COSTS - 1 KOOJARRA STREET WYNDHAM	1,196.47
2/04/2012	DIRECT DEBIT	LEASE COSTS - 11 KWINANA STREET WYNDHAM	1,386.00
2/04/2012	DIRECT DEBIT	FEES - BPAY	128.12
10/04/2012	DIRECT DEBIT	MASSAGES ON HOLD	507.00
16/04/2012	DIRECT DEBIT	VEHICLE LEASE - SG FLEET AUSTRAL	1,036.20
23/04/2012	DIRECT DEBIT	LEASE COSTS - 2/1 PLUM COURT KUNUNURRA	2,383.33
26/04/2012	DIRECT DEBIT	LEASE COSTS - 17/33 KONKERBERRY DRIVE KUNUNURRA	2,166.67
27/04/2012	DIRECT DEBIT	LEASE COSTS - 12/33 KONKERBERRY DRIVE KUNUNURRA	2,166.67
30/04/2012	DIRECT DEBIT	LEASE COSTS - 16/33 KONKERBERRY DRIVE KUNUNURRA	2,253.33
APR 2012	DIRECT DEBIT	VISACARD	609.82
APR 2012	DIRECT DEBIT	MASTERCARD PAYMENT	6,797.08
APR 2012	DIRECT DEBIT	LEASE COSTS - 9B PLUM COURT KUNUNURRA	2,720.80
APR 2012	DIRECT DEBIT	BANK FEE	1,415.54
<b>TOTAL DIRECT DEBIT PAYMENTS</b>			<b>24,767.03</b>

### 12.2.3 Differential Rates 2012-13

<b>DATE:</b>	15 May 2012
<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>	FM.11.2

#### **PURPOSE**

To endorse and approve the advertisement of proposed Differential Rate in the Dollar and the Minimum Rates for 2012/13.

#### **BACKGROUND**

Before Council can impose differential rates in the dollar, Council must advertise the proposed differential rate for a minimum period of 21 days. The advertising period can occur up to two months prior to adoption of the Budget. This period of advertising allows rate payers the ability to consider the proposed rates in the dollar and make any submissions prior to Council adopting the proposed rate as part of the Budget adoption process.

Additionally, under the Local Government Act, Council must seek permission from the Minister of Local Government to raise the differential rate where the highest differential rate is more than twice the lowest differential rate.

Advertising rates in the dollar and minimums does not prohibit Council amending these rates or minimums at Budget Adoption following the period of public comment. The purpose of advertising is to give ratepayers the ability to comment and make a submission prior to the rates being imposed.

Generally the advertised and adopted rates are different; this is due to interim rates and revaluations between time of advertising and adopting.

Council adopted a Strategic Rates Review Report in April 2010. This report details the legislative framework, current rating practices, principals of rating, alternate rating structures and recommendations for change.

The Strategic Rates Review Report identified that there was scope to increase the rates in the dollar for UV Mining and UV Pastoral when comparing the rate in the dollar raised by the Shire of Wyndham East Kimberley to neighbouring Councils.

Council also adopted a Strategic Rating Policy in April 2010. The policy identifies GRV and UV Differential Rates on the following basis:

- GRV Town site, properties in gazetted town sites.
- GRV Other, Discounted GRV rate for GRV rated properties outside gazetted town sites.
- UV Rural Residential, lifestyle property on a small rural holding with close proximity to an urban centre.
- UV Pastoral, properties under a pastoral lease valuation.
- UV Mining, Mining Tenements
- UV Other, UV properties that do not fit into category above, generally agriculture.

The policy includes transitional provisions for properties currently rated as UV Rural Agriculture 1 and UV Rural Agriculture 2 to transition these two rate codes to the same value and levy the rates as UV Other. 2011/12 was the final transition year and all assessments previously rated as UV Rural Agriculture 1 and UV Rural Agriculture 2 will now be rated as UV- Other.

In 2011/12 a general increase of 5.5% was adopted to take into account the increase in the LGCI in the previous twelve months, the increase in wages costs and the need to keep ahead of rising costs generally. This general rate increase was adjusted in some rating categories to implement the Strategic Rating Policy.

- GRV Town Sites - increase by 5.5%.
- GRV Other - equal to the GRV Town Sites rate discounted to 80%.
- UV Mining - increase to 20.000 cents in dollar, this is greater than the general rate increase to continue progress the implementation of the Strategic Rates Review Report recommendations.
- UV Pastoral – increase by 20%, due to impact of interim rates entered in 2010/11 prior to recalculation of rate in dollar.
- UV Rural Residential - increase by 5.5%.
- UV Rural Agriculture 1 – increase by 5.5%.
- UV Rural Agriculture 2 – 10% increase to transition to UV Other (1 July 2012).
- UV Other – increase by 5.5%.
- Minimum rates increase by 5.5% rounded to \$875.00 for all except UV Mining.
- UV Mining minimum rate increase by 5.5% rounded to \$1,160.00.

## **STATUTORY IMPLICATIONS**

Local Government Act 1995

### 6.33. Differential general rates

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —
  - (a) the purpose for which the land is zoned under a local planning scheme in force under the Planning and Development Act 2005;
  - (b) the predominant purpose for which the land is held or used as determined by the local government;
  - (c) whether or not the land is vacant land; or
  - (d) any other characteristic or combination of characteristics prescribed.
- (2) Regulations may —
  - (a) specify the characteristics under subsection (1) which a local government is to use; or
  - (b) limit the characteristics under subsection (1) which a local government is permitted to use.

- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.
- (4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.

#### 6.35. Minimum payment

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.
- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.
- (3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —
  - (a) 50% of the total number of separately rated properties in the district; or
  - (b) 50% of the number of properties in each category referred to in subsection (6),
 on which a minimum payment is imposed.
- (4) A minimum payment is not to be imposed on more than the prescribed percentage of —
  - (a) the number of separately rated properties in the district; or
  - (b) the number of properties in each category referred to in subsection (6),
 unless the general minimum does not exceed the prescribed amount.
- (5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.
- (6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —
  - (a) to land rated on gross rental value;
  - (b) to land rated on unimproved value; and
  - (c) to each differential rating category where a differential general rate is imposed.

#### 6.36. Local government to give notice of certain rates

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.
- (2) A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).
- (3) A notice referred to in subsection (1) —

- (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;
  - (b) is to contain —
    - (i) details of each rate or minimum payment the local government intends to impose;
    - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and
    - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;
  - and
  - (c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.
- (4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.
- (5) Where a local government —
- (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or
  - (b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),

it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.

Local Government (Financial Management) Regulations 1996  
52A. Differential general rates — s. 6.33(1)(d)

For the purposes of section 6.33(1)(d), the following are prescribed characteristics —

- (a) whether or not the land is situated in a townsite as defined in the *Land Administration Act 1997* section 3(1);
- (b) whether or not the land is situated in a particular part of the district of the local government.

## **POLICY IMPLICATIONS**

Council Policy – CP/FIN- 3201 – Significant Accounting Policies

Council Policy – CP/FIN- 3200 - Strategic Rating Policy.

## **FINANCIAL IMPLICATIONS**

Advice in recent years from the Western Australian Local Government Association (WALGA) has alerted Councils to the issue that CPI is a good measure of a household's ability to pay but is not a good measure of the increasing costs of a Local Government. The Local Government Cost Index is considered a more appropriate measure as it is a combination of CPI and the Construction Index.

Additionally the Systemic Sustainability Study commissioned by WALGA noted that some Local Governments are not increasing rates by a sufficient amount and this was causing issues with their ability to maintain ageing and deteriorating infrastructure.

The January 2012 WALGA Local Government Economic Brief projects the Local Government Cost Index to increase by 4% in year ending June 2013 with the Wages Price Index is projected to increase 4.5%.

### **STRATEGIC IMPLICATIONS**

This report aligns with Council's focus on Governance, Key Result Area 5, in the *Shire of Wyndham East Kimberley Strategic Plan 2008*.

- Revenue is diversified and maximised

### **COMMUNITY CONSULTATION**

The Public comment and submission process is designed to ensure consultation with the community and ratepayer base.

### **COMMENT**

Again in 2012/13 a general increase of 5.5% is recommended, adjusted in some rating categories to further implement the Strategic Rating Policy and to realign UV Pastoral Rates to 2009/10 values.

The rates in the dollar modelled and included in this agenda item are relevant to the rates database as at 2 May 2012. A UV revaluation will be loaded into the rating system prior to the issue of rates and this will impact on the rate in the dollar required to achieve the overall recommended rate increase. These rates in the dollar will be available for budget adoption.

Based on the rates database as at 2 May 2012, \$6,826,169 would be raised if the same rate in the dollar was used as adopted in 2011/12. This is \$318,496 more than the 2011/12 Rates Billing. This increase is due to the impact of interim rates during 2011/12 and represents the natural growth of our rates base through new properties, additions etc.

A general rate increase of 5.5% would have raised increased rates revenue of \$367,905 based on current valuations, over and above what would be raised if no increase in the rate in the dollar was imposed.

The transition of UV Rural Agricultural and UV Rural Agricultural 2 into UV Other was modelled and discussed at the Budget Meeting on 8 May 2012. The impact on individual assessments was detailed and discussed and it was considered that a rate of 0.5371 was the overall rate that should be applied as it spread the rate increase more equitably.

Implementation of the Strategic Rating Policy and adjustment of pastoral and mining rates with the following proposed rate in the dollar and minimum rate will increase rate revenue by \$471,290 based on current valuations, over and above what would be raised if no increase in the rate in the dollar was imposed.

### **Recommendation**

- GRV Town Sites - increase by 5.5%.
- GRV Other - equal to the GRV Town Sites rate discounted to 80%.

- UV Mining - increase by 10%, this is greater than the general rate increase to continue progress the implementation of the Strategic Rates Review Report recommendations.
- UV Pastoral – increase by 20%, due to impact of interim rates entered in 2010/11 prior to recalculation of rate in dollar.
- UV Rural Residential - increase by 5.5%.
- UV Rural Agriculture 1 – Now rated under UV – Other, effective increase 5.5% to complete transition.
- UV Rural Agriculture 2 – Now under UV – Other, effective increase 17.8% to complete transition.
- UV Other – increase by 11.3% to complete transition.
- Minimum rates increase by 5.5% rounded to \$925.00 for all except UV Mining.
- UV Mining minimum rate increase by 10% rounded to \$1,275.00.

The following timeline applies to the Differential Rating for 2012/13:

- |   |                                |
|---|--------------------------------|
| • Briefing on Differential Rates                            | 8 May 2012                     |
| • Council endorsement of Differential Rates for Advertising | 15 May 2012                    |
| • Advertising of Differential Rates                         | 24 May 2012                    |
| • Submissions open (min 21 Days)                            | 24 May 2011 to<br>15 June 2012 |
| • Submissions close   | 15 June 2012                   |
| • Budget Meeting – discuss any submissions received         | 19 June 2012                   |
| • Letter to Minister seeking permission                     | 20 June 2012                   |
| • Adoption of Differential Rates (Budget Adoption)          | 10 July 2012                   |

## **ATTACHMENTS**

There are no attachments associated with this report.

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

1. That Council endorses and arranges to be advertised for 21 days the following proposed Rate in the Dollar and Minimum Rate for 2012/13:

	Cents in the \$	Min Rate \$
GRV –Town sites	7.9248	925.00
GRV – Other	6.3398	925.00
UV - Rural Residential	0.7219	925.00
UV – Other	0.5371	925.00
UV - Pastoral	2.6351	925.00
UV – Mining	22.0000	1,275.00

2. That the Minister for Local Government's approval be sought for the imposing of differential rates which are more than twice the lowest differential general rate, in accordance with S6.33(3) of the Local Government Act, 1995.

**COUNCIL DECISION**

**Minute No. 9770**

**Moved: Cr D Ausburn**

**Seconded: Cr R Dessert**

1. Council endorses and arranges to be advertised for 21 days the following proposed Rate in the Dollar and Minimum Rate for 2012/13:

	<b>Cents in the \$</b>	<b>Min Rate \$</b>
<b>GRV –Town sites</b>	<b>7.9248</b>	<b>925.00</b>
<b>GRV – Other</b>	<b>6.3398</b>	<b>925.00</b>
<b>UV - Rural Residential</b>	<b>0.7219</b>	<b>925.00</b>
<b>UV – Other</b>	<b>0.5371</b>	<b>925.00</b>
<b>UV - Pastoral</b>	<b>2.6351</b>	<b>925.00</b>
<b>UV – Mining</b>	<b>22.0000</b>	<b>1,275.00</b>

2. That the Minister for Local Government’s approval be sought for the imposing of differential rates which are more than twice the lowest differential general rate, in accordance with S6.33(3) of the Local Government Act, 1995.

**Carried Unanimously 8/0**

## 12.3 INFRASTRUCTURE SERVICES

### 12.3.1 Extension of Waste Management Contracts

<b>DATE:</b>	15 May 2012
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Kevin Hannagan, Director Infrastructure
<b>REPORTING OFFICER:</b>	Gary Gaffney, Chief Executive Officer
<b>FILE NO:</b>	WM.12.1

#### **PURPOSE**

To brief Council on existing Waste Management Contracts and provide background for Council consideration of an extension of contracts.

#### **BACKGROUND**

Council currently has three waste management contracts which all expire on 30 June 2012, (all contracts have an extension clause, with agreement of the contractor):

1. Refuse Collection, Kununurra & Wyndham (two years)
2. Street Sweeping, Kununurra & Wyndham (one year)
3. Litter Collection, Kununurra (one year).

#### **STATUTORY IMPLICATIONS**

There are no statutory implications associated with this report.

#### **POLICY IMPLICATIONS**

No policy implications apply in the preparation of this report.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this item.

#### **STRATEGIC IMPLICATIONS**

This report aligns with Council's focus on Infrastructure, Key Result Area 1, in the *Shire of Wyndham East Kimberley Strategic Plan 2008*.

- Waste management services meet legislative and sustainable objectives

#### **COMMUNITY CONSULTATION**

Community consultation is not required in relation to this item.

## **COMMENT**

### **Service Issues**

The Director Infrastructure has recently met with Directors and Staff of 'ToxFree' to discuss service delivery concerns. The contractor has agreed to monitor its plant, staff and service delivery to ensure it is compliant with the contract. In addition the Shire has now been informed of a soon to be delivered new street sweeper with tracking device fitted and login provided to depot staff to check against the street sweeping contract timetables.

### **Contract issues**

The Street Sweeping and Litter Collection contracts were given an extension period of one year, as the Shire at the time (2009) felt that it wanted the option to investigate whether these services could be provided 'in-house' in the future. This has been discussed at a previous Councillor 'Briefing Session' and it has been agreed to re-visit this after Council has developed its 'Total Waste Management Strategy'. However the Shire will need to tender these contracts with a one year term to align expiry of all contract dates to 30 June 2014. It may be prudent to undertake the tender process soon to ensure all contract expiry dates are aligned and ensure service delivery until that date.

### **Price**

It is recommended to Council that 'price' increases for additional year/s extension of all contracts be limited to existing annual price increase clause related to ABS, Perth, CPI.

## **ATTACHMENTS**

There are no attachments associated with this report.

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council agrees to extend the following waste management contracts:

- 1) Refuse Collection, Kununurra & Wyndham (two years)
- 2) Street Sweeping, Kununurra & Wyndham (one year)
- 3) Litter Collection, Kununurra (one year)

## **COUNCIL DECISION**

**Minute No. 9771**

**Moved: Cr K Torres**

**Seconded: Cr J Parker**

**Council agrees to extend the following waste management contracts:**

- 1) Refuse Collection, Kununurra & Wyndham (two years)**
- 2) Street Sweeping, Kununurra & Wyndham (one year)**
- 3) Litter Collection, Kununurra (one year)**

**Carried Unanimously 8/0**

## 12.4 DEVELOPMENT SERVICES

### 12.4.1 Draft Council Policy – Community Leases

<b>DATE:</b>	15 May 2012
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Various Locations
<b>AUTHOR:</b>	Jennifer Ninnette, Senior Planning Officer
<b>REPORTING OFFICER:</b>	Nick Kearns, Director Development Services
<b>FILE NO:</b>	CM.11.1

#### **PURPOSE**

For Council to consider a draft policy in respect to leasing Reserve land to community groups.

#### **BACKGROUND**

There are a large number of community leases that are due for renewal in the next 3 to 15 months. For this reason it is considered appropriate to develop a policy in relation to leasing of Shire managed Reserve land to community groups. Once prepared the policy will:

1. Provide clarity and consistency in leasing arrangements so that groups are treated equally, and both lessee and the Shire understand its responsibilities in maintaining the lease area in a fair and sustainable manner.
2. Promote collocation and multipurpose development, where practicable, and strategic development of community facilities based on future requirements of the land and community needs.
3. To assist community groups in improving facilities and increasing capacity within the Shire that results in community strengthening and helps to build vibrant, inclusive and healthy communities.

The majority of the Shire's current leases are 20 years old, somewhat out dated and open to interpretation. Historically, lessee's have generally been allowed to operate on their own, with use and development occurring without the prior approval of the Shire or the Minister of Land, as required, and without consideration as to how greater community benefit can be achieved.

Leases provide exclusivity, and generally do not encourage collocation and development of multipurpose and/or shared facilities. In certain situations, therefore, it may be more appropriate for an arrangement for a non-exclusive use of the land or buildings through a licence. This would then allow and encourage greater use and access by a number of clubs/community groups and the general public, as practicable.

#### **STATUTORY IMPLICATIONS**

*Local Government Act 1995*

*Land Administration Act 1997*

*Local Government (Functions and General) Regulations 1996*

*Shire of Wyndham Local Government Property Local Law 2003*

## **POLICY IMPLICATIONS**

The proposed policy will inform the decision making process for Council, and ensure equity and consistency in community leasing arrangements.

## **FINANCIAL IMPLICATIONS**

The policy proposes to outline the responsibilities in regard to legal and other costs to prepare leases, payment for services (electricity and water), rates and taxes, and maintenance costs towards for shared access roads, car parking areas etc.

## **STRATEGIC IMPLICATIONS**

The policy seeks to inform the public of minimum requirements and core principles in regard to community leases and to promote increased community usage, benefit, and strategic development of community facilities.

## **COMMUNITY CONSULTATION**

Under Section 2.7 of the Local Government Act 1995 it is the role of Council to determine local government policy. Council policies adopted as per Section 2.7 are of a strategic nature regarding the good governance of the local government and its affairs, and are not required to be advertised, but are required to be reviewed at least once every financial year.

The policy has been developed to outline and adopt core principles and standard provisions to provide clarity and consistency, and inform decision making, in relation to community leases and promote development of facilities that have long term strategic community benefit.

## **COMMENT**

General provisions contained within the Shire's current community leases include the following:

- Permitted Use
- Lease term
- Lease rent and Rent Review
- Compliance with Statutes
- Development and ownership of buildings and infrastructure
- Maintenance and requirements
- Outgoings
- Subleasing and Assignment
- Sale of Liquor
- Delivery up of Possession
- Legal costs

Other standard clauses within a lease document, which are not included in this report, include Nuisances, Signs, Public Liability and Default.

Officers have reviewed similar policies from other local governments, as provided at Attachment 1, to assist in developing a policy.

### Permitted Use

Permitted use of a lease should be consistent with the purpose of (and management order for) the reserve land and the zoning of the land.

It is recommended that incidental and ancillary use may be permitted to allow the club/community group to generate some profit and increase capacity, subject to the profit supporting the community use, and to allow for increased community use of the land as appropriate.

However it is considered that Council should determine what commercial/profit –generating uses are acceptable by considering the following:

- The use is ancillary and/or complementary to the main use.
- The use is supported by the Reserve purpose.
- The use provides an additional service not otherwise provided.
- The community benefit outweighs the competitive advantage.
- The use does not contravene any written law.
- The use is not considered a nuisance or unacceptable negative impact.
- The use is not considered a nuisance the nuisance provisions of the lease agreement.
- Whether the use is competing with commercial enterprise.

Generally acceptable uses would include room or venue hire (for a limited time) for workshops, presentations, and functions generally, and food and beverage sales to members, and also to spectators during sporting events where planning, health and liquor licensing approvals have been obtained.

It is recommended that any use outside what is generally acceptable will require consideration by Council, and may affect determination of the annual lease rent.

### Lease term

The lease term for the majority of current community leases has been 21 years, as this is the maximum period the Shire can grant a lease for under the management order for the various parcels of reserve land.

However, given increased pressures of a growing community it is considered appropriate that lease term should be determined in consideration of the following factors:

- The strategic future requirement for the land.
- Opportunities for increased community benefit i.e. collocation of facilities and development of multipurpose facilities.
- The ongoing requirements and current position of the club/community group.

It is recommended that the standard lease term be between 5 – 10 years unless otherwise approved/negotiated by Council, and subject to the review of a business plan in the instance of a longer lease term being requested.

### Lease Rent and Rent Review

Current lease rental for the majority of community leases has been a nominal amount of \$100 per annum in acknowledgment of the community benefit of the leases and because they are 'land only' leases i.e. that the Shire leases the land only and not the buildings and infrastructure.

It is noted that some other local governments stipulate a minimum lease fee and may also differentiate between a clubs ability to derive income from use of the property, for example by charging a higher rent for those groups that have liquor licences.

It is considered that Council should have regard to the perceived benefits to the community, what is in the best interests of the community, and to what degree the property is utilised for charitable, not for profit or sporting purposes, when determining a lease fee. As such, it is recommended that the draft Council policy should stipulate:

- A nominal annual lease rent to be based on membership numbers, fees, operating costs and other considerations;
- Lease rent to be commensurate with area of land to be leased;
- That a reduced fee can be offered where clubs/community groups collocate and/or it is proposed to consolidate and share club and/or community facilities;
- That a higher lease rent will be negotiated in the following cases:
  - If commercial activity is intended to be undertaken on the land other than those uses accepted by Council, and to what degree if any that the use is competing with a commercial enterprise.
  - Where there is a strategic value of the land in the short term to Council i.e. the land may be better suited for another purpose/development.

A rent review for current community leases is generally stipulated to occur every 5 years however, the ability for the Shire to review the rent has often not been actioned.

It is recommended that an appropriate rent review period for community leases should be every 3 years, particularly if the Council is looking at lease terms of between 5 – 10 years.

#### Multipurpose facilities and collocation

A main objective of the draft policy should be to encourage collocation and greater community usage of limited community facilities and land.

Therefore, in certain situations, it may be appropriate to enter into an arrangement for the non-exclusive use of the land or buildings, i.e. to enter into a licence agreement as opposed to a lease agreement.

It is recommended that Council, instead offer smaller lease area(s) and only licence common use and/or public use areas if/as required.

If Council decides to licence common/public use areas, it is recommended that a pool fund be maintained for car parks, fences and surrounds for maintenance of these areas. Council and clubs/community groups could contribute annually into the fund based on use of the required car parks, fences and surrounds, with this contribution to be negotiated and reviewed in line with the lease rent.

Licences could also be established to occupy storage space within a building or buildings for a variety of users.

#### Compliance with Statutes

Current leases include a standard condition which requires lessee's to, at their own expense, comply with, carry out and perform the requirements of the Local Government Act, the Health Act and all other Acts, Town Planning Schemes, By-Laws or Regulations or any requisitions or orders applicable to the land or permitted use.

While there is no plan to change the intent of this standard clause it is recommended that this compliance be reiterated in the draft policy to better inform the community of these statutory requirements, as it is acknowledged that historically there has been development on various lease area(s) that have not received the relevant approvals.

It is suggested that in principal support for proposed development on leased land should be sought from Council prior to the submission of formal planning and building licence applications. The basis of such 'pre-approval' is to allow Council to determine community need(s) based on long term strategic relevance and planning, which will help to avoid duplication and identify opportunities for collocation and multipurpose developments.

Business plans from clubs/community groups will also assist in identifying proposed future development and opportunities for collocation.

It should also be incorporated into the draft policy that final Ministerial Approval will be required for all Crown land leases, and that the registration of the lease will apply where appropriate/required.

#### Development and ownership of buildings and infrastructure

Under current lease conditions at the expiry of the lease all improvements and permanent structures erected on Council property remain the property of Council, irrespective of who paid for the structure, unless when the lease is terminated all improvements made or structures erected are removed, returning the building and/or site to the original condition.

The lessee(s) in most cases has developed the land, however in a many instances this has been facilitated by funding approved by the Shire including Annual Grants, Self-supporting loans or Community Sporting and Recreational Facilities Fund (CSRFF).

The Shire of Wyndham East Kimberley Local Government Property Law states that 'where a person applies for a permit to erect a building on local government property the local government may enter an agreement with the permit holder in respect of the ownership of the materials in the building'.

It therefore may be in Council's interest, when approving development on leased land to determine if there is value in retaining the improvements or modifications made to a site, or portion thereof, to remain at the expiry of the lease.

It is recommended as part of the lease renewal process to stipulate what improvements belong to the lessee, and what, if any, improvements Council wishes to remain on the premises at the expiry of the lease. It is acknowledged that the majority of existing improvements were established some time ago and therefore that Council is unlikely to want to retain these, and that Council is only likely to use this discretion for new improvements/facilities that will enable multipurpose use.

#### Maintenance requirements

As stated above, the current community leases are land only leases and accordingly the lessee is responsible for any maintenance for buildings and infrastructure on the land, as they belong to the lessee.

Responsibility for maintenance of any buildings and/or infrastructure which Council wishes to be retained at the expiry of the lease should be negotiated with the proposed lessee, taking into consideration the existing condition of the property and the term of the lease.

## Business Plans

As stated above, business plans from clubs/community groups will assist in identifying proposed future development and opportunities for collocation.

The development of a long term business plan is a key aspect in the setting of strategic direction and objectives for a group or activity and the associated planning, timeframes and resources required to achieve the strategic goals. It can also assist the sustainability and development of a group or activity.

Council has recently requested business plans from a number of clubs/community groups to support the lease renewal process, in particular for lease term greater than 10 years. It is therefore considered appropriate that Council may at its discretion request the submission of a business plan with any application to lease Shire managed land.

In relation to lease proposals, a business plan should outline:

- long term plans or strategic direction over the next 10 years or more
- detail with respect to infrastructure (buildings and associated works) needs,
- long term objectives with regard to current and potential future land use, and
- long term financial objectives – to promote financial sustainability

It is recommended that submission of a business plan be required in instances where there is a strategic future requirement for the land and/or a longer lease term is sought.

## Outgoings

The current leases stipulate that any utility charges, rates and taxes levied against the land are to be paid by the lessee, and it is recommended that this provision be retained.

## Legal Costs

Cost of the lease preparation (including cost of advertising, valuations, legal fees), stamping and registration are currently to be met by the lessee on a 'scale applicable to the lessor'. It is recommended that the draft policy shall state that lease preparation costs are to be met by the lessee.

## Subleasing and Assignment

Current leases allow the lessee to sublease or assign the lease subject to the prior approval of the Shire and the Minister for Land, however in a number of occasions subleasing has occurred with no formal approval or arrangement in place.

It is recommended that the Shire state in the policy that sub-leasing in principal is not supported, however that no sub-leasing agreements are to be entered into without prior permission from the Shire and Minister for Land.

On the basis of the above discussion Shire Officers have prepared a draft policy as provided at Attachment 2.

This draft policy attempts to address the previous deficiencies in approach and encourage greater flexibility while promoting opportunities for better use of land and facilities.

## **ATTACHMENTS**

Attachment 1 – Examples of other Local Government policies

Attachment 2 – Appendix 1: Draft Council Policy No. CP/PMG-3780 – Leasing of Council Managed Reserve Land

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council adopts Council Policy No. CP/PMG-3781 – Leasing of Council Managed Reserve Land, as shown in Appendix 1.

## **COUNCIL DECISION**

**Minute No. 9772**

**Moved: Cr K Torres**

**Seconded: Cr A Horn**

**Council adopts Council Policy No. CP/PMG-3781 – Leasing of Council Managed Reserve Land, as shown in Appendix 1.**

**Carried Unanimously 8/0**

## Attachment 1 – Examples of other Local Government policies



Offices: 102 North Road  
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Synergy Reference No: CM.STD.7/ NPO86562\_3  
Maintained by: Corporate & Community Services  
Version: 4/01/11

### Council Policy – Property Management Leases

#### 1.0 Objective

To ensure leasing of land under the ownership or control of the City of Albany is dealt with in a fair and equitable manner.

#### 2.0 Scope

To allow for short and long term leasing of property owned by the City of Albany and Crown Land under the control of the City of Albany.

#### 3.0 Definitions

<b>Act</b>	The Local Government Act 1995, as amended
<b>Reserve</b>	A parcel of land belonging to the Crown which have been vested in the City of Albany by way of a Management Order.
<b>Lease</b>	An instrument conveying property to another for a definite period, or at will, usually in consideration of rent or other periodical compensation. ( <i>Macquarie Dictionary</i> )
<b>Management Order</b>	An authorisation provided by the Crown providing the City with power to manage a parcel of land on behalf of the Crown.
<b>Regulations</b>	Local Government (Function and General) Regulations 1996.
<b>Disposal</b>	Disposal of Property is dealt with as per section 3.58 of the Local Govt Act 1995 and clause 30 of the Local Government (Functions and General) Regulations 1996.

#### 4.0 Policy Statement

The City of Albany as legal owner of certain areas of land may from time to time choose to enter into leasing arrangements with other organizations, businesses or individuals. The disposal of land is covered under the Act and Regulations.

The City of Albany also has some control of areas of Crown Land Reserves, specified by the issue of Management Orders provided by Landgate, (formerly the Department of Land Information). Some Reserves are available for leasing purposes for specific periods set by the Crown.

This policy will ensure that all requests for leases for whatever purpose, will be treated in a fair and equitable manner using open and accountable methodology and in line with statutory procedures.

This policy recognises the variety and diversity of the leases, and recognises that no one particular style is appropriate for all.

This policy seeks to ensure that this variety and diversity is recognised to allow all Lessees or potential Lessees a quality of service and understanding relevant to their needs.

This policy is supported by the provision of procedural guidelines enabling the City of Albany to deal with requests for property leases uniformly and in a timely manner.

Council adopts the following as policy:

- The maximum tenure of a lease granted by Council will be twenty-one years.
- Commercial leases will be offered at a rental determined by an independent valuer taking into account the current value of the business and rental structured in a way which provides maximum return to Council.
- Commercial lessees will be required to provide a bond equivalent to one months rent.
- If a lessee requests a variation to a lease, Council reserves the right to consider the variation only as part of a new lease for the enterprise.
- Incorporated community groups leasing crown land for community purposes will be charged a rental of \$10.00 per annum.
- Incorporated community groups leasing land and buildings will be charged a rental based on the current minimum rate.
- Sporting group leases will attract a rental based on minimum land rate Airport Hangers will be charged rental according to a independent valuation.
- Cheyne's beach holiday accommodation will attract a rental based on minimum land rate.
- The lessee will reimburse all Council's costs associated with the development and implementation of the lease.
- No sub leasing arrangements are to be entered into.
- The City will insure the buildings that it owns and recover the cost of the premium from the lessee.

## **5.0 Legislative and Strategic Context**

This Policy relates to Division 3 of the *Local Government Act 1995* which describes how Local Government is to dispose of land. Part 6, section 30 of the Regulations also applies to this Policy.

This item directly relates to the following elements from the Albany Insight ~ Beyond 2020 Corporate Plan...

Priority Goals and Objectives: *Goal 4: Governance* ... The City of Albany will be an industry leader in good governance and service delivery.

*Objective 4.2* The City of Albany will manage our municipal assets to ensure they are capable of supporting our growing community.

City of Albany Mission Statement: At the City of Albany we are results driven and accountable. We provide best value in applying council and community resources, and we apply Council funds carefully.

**6.0 Review Position and Date**

Executive Director Corporate & Community Services to review on or before 30/6/2011.

**7.0 Associated Documents**

Procedural Guidelines relating to the following individual lease categories:

- Albany Agricultural Society
- Airport Hangar leases
- Commercial Fishermen's Accommodation Leases
- Cheynes Beach Holiday Accommodation leases
- Commercial leases
- Community benefit leases
- Lotteries House leases
- Sporting Association leases
- Telecommunications leases

Applicable Pro forma:

- Standard Lease Agreement
- Standard Extension of Lease
- Standard Sub-Lease Agreement
- Standard Transfer of Lease
- Standard Variation of Lease
- Standard Surrender of Lease

**Version Control**

Version	Date	Status	Distribution	Comment
01	15/04/08	Adopted	Internal/External	OCM Item No. 13.8.1
02	30/12/09	Amended	Internal/External	Legislative & Strategic Context changed to reflect new corporate plan, Albany Insight 2020.
03	04/01/11	Revised	Internal/External	Formatting only. Review Officer Changed to EDCS.



**POLICY**

**ADM 2 – Property Lease Rentals**

**Management Practice**

**ADM 2**

**Relevant Delegation**

N/A

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**Rationale**

To encourage community groups to accept the responsibility for a lease, which in turn provides them with *security of tenure*.

**Policy**

The City has a preference to lease, where possible, land and/or facilities under City ownership or control to non commercial groups/organizations, by charging rentals at a rate less than market valuation and subsidising legal costs incurred in the establishment of the lease.

Such assistance shall be in accordance with the following Schedule and current Management Practices.

<b>Related Local Law</b>	N/A
<b>Related Policies</b>	N/A
<b>Related Budget Schedule</b>	M3, M12

<b>Last Reviewed</b>	4 March 2003
<b>Next Review Date</b>	4 March 2005

<b>Authority</b>	Council Meeting of: 4 March 2003 (C6/2/03)
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**SCHEDULE**

**ADM 2 - Property Lease  
Rentals**

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**Rental Classification**

(a)	Community groups/Associations	\$50 per annum
(b)	Sporting clubs/Associations with no liquor licence	\$100 per annum
(c)	Sporting clubs/Associations with liquor licence	\$500 per annum
(d)	Commercial enterprises and Government departments	Market Valuation (minimum)

**Council Contribution to Legal Costs**

(a)	Community groups/Associations	100%
(b)	Sporting clubs/Associations with no liquor licence	75%
(c)	Sporting clubs/Associations with liquor licence	50%

<b>MANAGEMENT PRACTICE</b>
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<b>ADM 2   Property Lease Rentals</b>
---------------------------------------

1. All leases are to be presented to Council for approval.
2. All requests for leases must be in writing.
3. All applications must include financial details of the club/organization covering at least the previous 3 years.
4. All applications are to address their ability to meet all the costs associated with a lease.
5. Rental imposed for land or facilities leased from Council shall be assessed in accordance with the Schedule attached to the Policy.
6. Council may contribute towards the total legal costs of preparing leases (inc GST) for local community groups and sporting clubs who lease land or facilities from Council according to the Schedule attached to the Policy.

Management Practice

**Tenancy Policy**

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<i>Policy Owner:</i>	Contracts & Property Unit
<i>Distribution:</i>	All Employees
<i>Implementation:</i>	April 2004
<i>Reviewed:</i>	5 May 2009 (CS06-05/09)
<i>Scheduled Review:</i>	May 2011

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**OBJECTIVES**

The purpose of this policy is to implement a framework and provide basic principles for Tenancy Arrangements at City owned facilities (including land) that:

- are consistent with the outcome objectives outlined in the City's Strategic Plan (2006 – 2021);
- provide a consistent, equitable and simple approach to arrangements for all tenants of City facilities; and
- provide for the effective use and management of those facilities.

**STATEMENTS**

- A Tenancy Arrangement is a formal arrangement between the City and a user group, club or organisation, for the use of a City facility other than for use in accordance with the City's Facility Hire and Use Policy.
- In order to achieve the stated objective that users of City facilities shall be treated in a consistent and equitable manner, each user shall fall into a specified category. The type of category will determine the method of dealing when negotiating a tenancy arrangement.
- This policy is intended to provide direction and guidance to City officers to assess and negotiate tenancy applications and renewals in a consistent and equitable manner and should be read in conjunction with the accompanying Tenancy Policy - Management Procedure.

**PRINCIPLES (GUIDELINES)****1. Exclusivity Test**

Where the user of a City facility (including land) enjoys exclusive use of either part or all of that facility then that arrangement shall be the subject of an appropriately negotiated lease, subject to Council approval.

**2. At No Cost to the City**

In recognition of the benefit to the community provided by Not for Profit groups or organisations the lease fee applicable will be \$1.00 per annum (peppercorn). As a result the remainder of the lease terms and conditions are to be on a 'No Cost to the City' basis. The Lessee will be responsible for cleaning, repairs, maintenance, rates and taxes and all outgoings associated with the facility.

**3. No Recognition of Prior Investment**

On the basis that the annual lease fee for Not for Profit user groups under this Tenancy Policy is \$1.00, no recognition of Prior Investment by the Lessee to the capital cost of constructing the leased premises shall be given.

**4. Lease Term**

Due to the uncertainties surrounding future land use, economic factors, and other longer-term considerations that may impact on the management of City's leased facilities, lease tenure, other than for the Commercial category, should not generally be negotiated for a total term, including options, longer than five (5) years.

**5. Lease Categories**

Subject to any overriding land and legislative compliance issues, if the use of City facilities is exclusive, then, for the purpose of tenancy negotiations, the user group or organisation shall fall into one of the following categories:

Category	Method of Dealing
Government	By Negotiation.
Commercial	By Negotiation (at Market Value)
Residential	By Negotiation (at Market Value) subject to the <i>Residential Tenancies Act 1987</i> and the <i>Residential Park (Long-stay Tenants) Act 2006 &amp; Regulations</i> .
Not for Profit (i.e. sporting, recreational and community)	At a rental of \$1.00 per annum – other terms and conditions on a 'No Cost to the City' basis.

In instances other than Not for Profit, the relevant lease will be negotiated based on the particular circumstances involved in each application and will also be subject to Council approval.

## 6. Council Rates

Section 6.26(1) of the *Local Government Act (1995)* states that "Except as provided in this section all land within a district is rateable land." Section 6.26(2) of the Act provides for circumstances where land is not rateable and more specifically section 6.26(2)(b) provides that land "...owned by the local government and is used for the purposes of that local government ..." would be exempt.

Therefore the use of a City facility by a Lessee is not considered exempt and as a result all Lessees will be responsible for Council rates.

### Variations

- Existence of Head Lease

In circumstances where the leased area is also the subject of a Head Lease the sublease rental shall be at least equal to the rental payable under the Head Lease.

- Commercial Activity

Commercial activity by a Not for Profit Lessee will require City approval and in the event that the Lessee does undertake such activity at a leased facility, then a Lease Fee may be negotiable.

Where commercial activity is undertaken by a sublessee/sublicensee then a negotiated lease fee will be payable by the Lessee to the City regardless of whether or not the activity is related to the activity being carried out by the Lessee.

- Small Tenancies within a Community Facility

Where exclusive use is provided to a Not for Profit user over a small portion of a building a standard lease may not be practical. A simplified lease in these instances is considered a more appropriate tenancy arrangement.

- Land Leases

Where a lease arrangement is negotiated over City land and the improvements to the land are to be (or have been) constructed either in their entirety or predominantly by the Lessee, and the City has no requirement for such improvements to remain on the land at the expiration or sooner determination of the lease, then the lease shall be a Land Lease.

- Licence Agreements

In certain situations, an arrangement for the non-exclusive use of land, or buildings, will arise. Given the nature of such arrangements it is appropriate for the City, subject to Council approval, to enter into a licence agreement.

**SCOPE (APPLICATION)**

This policy is relevant to all Council facilities including sporting, recreational, community, commercial, residential and caravan park where the use of the facility, or land, is not provided for under the Facility Hire and Use Policy.

**PROCEDURES and FORMS**

This Policy is supported by the Tenancy Policy – Management Procedure.

**RESPONSIBILITY FOR IMPLEMENTATION**

Manager Contracts and Property

# SHIRE OF DENMARK

## RECREATION & CULTURE - OTHER RECREATION & SPORT - 11

### PUBLIC HALLS, CIVIC CENTRES - 1101

#### P110101 **DISTRICT HALLS**

REPEALED by Res: 291009 / 27 October 2009

#### P110102 **LEASING OF LAND AND/OR BUILDINGS TO COMMUNITY GROUPS**

With respect to community groups exclusively occupying, or seeking to exclusively occupy, Council property or buildings;

- a. There be a signed lease based on Councils standard 'not for profit' lease prior to occupation or upon renewal;
- b. Council desires lessees to be incorporated (with the exception of Volunteer Bush Fire brigades which are covered under the Bush Fires Act);
- c. Contribution by Council towards legal costs (if required) by Council 100%;
- d. Have differing rentals discounted to market valuation depending upon the following factors;
  - i. To what degree the property is utilised for charitable, not for profit or sporting purposes;
  - ii. The ability of the lessee to derive income from use of the property including sub-leases, rental hire and the presence of a liquor license;
  - iii. The strategic value of the land in the short term to Council;
  - iv. To what degree if any that the use is competing with commercial enterprise;
- e. Where the applied rental is lower than a valuation or real estate rental appraisal, Council indicate that contra difference in its annual budget, for that property;
- f. Offer local authority rate exemption rebate donation (rather than exemption contra);
- g. Offer Council insurance of the buildings and Council owned property / contents without recoup of the annual premium and to encourage repairs and reinstatement through insurance claims, Council will meet all bar the first \$500 of any insurance excess on claims;
- h. All outgoings and consumable costs to be met by the lessee including but not limited to water, sewer, gas, telephone, ESL, refuse charges, etc;
- i. Lessees to meet all ongoing internal and external building and grounds maintenance other than structural building repairs;
- j. Leases require endorsement of Council prior to signing;
- k. Have differing tenure and renewal rights and terms depending upon the strategic future requirements for that land and or building(s) but based on a maximum of 21 years including any right of renewal (subject to the prevailing management order if applicable);
- l. The use of the property is consistent with the zoning and/or management order and power to lease exists (if required).
- m. Reflecting the non 'exclusive club' usage and fact that they perform a valuable Council service for wide community benefit Council annually (subject to annual budget deliberation) contributes to the maintenance of the following leased Halls;
  - i. Parryville Hall \$2,000;
  - ii. Tingledale Hall \$2,000;
  - iii. Scotsdale Hall \$2,000 (nb: Hall is owned by Scotsdale Progress Association on Association vested land);
  - iv. Kentdale Hall \$2,000;
  - v. RSL Hall \$3,000;
  - vi. Museum Building maintenance is 100% Council responsibility;
  - vii. Nornalup Hall \$2,000;

- viii. Peaceful Bay Hall (& Les Carpenter Shed) \$2,000; and
- ix. Denmark Occasional Day Care Centre \$2,000.
- n. Councils Principal Building Surveyor at least on an annual basis inspect all leased buildings and land to ascertain their state of maintenance pursuant to the lease and priority for future and long term maintenance in conjunction with the lessee.
- o. The definition of 'exclusive occupation' does not include reference to yearly licenses to occupy storage space *within* a building such as at the Denmark Recreation Centre.

ADDED by Res: 450808 / 26 August 2008  
 AMENDED by Res: 220609 / 23 June 2009  
 AMENDED by Res: 190211 / 22 February 2011

SWIMMING AREAS & BEACHES - 1102

**P110201**      **OCEAN BEACH VEHICULAR ACCESS**

1. Boat launching continue to be permitted from the designated area south of the Surf Club building.
2. Motorised vehicles not be permitted at any time on Ocean Beach, from the designated boat launching area to the cliffs and relevant signs be erected.

OTHER RECREATION & SPORT - 1103

**P110301**      **RECREATION CENTRE OPENING HOURS**

The Recreation Centre opening hours are varied and seasonal, therefore any change in program and/or opening times for the Centre shall be advertised in the Denmark Bulletin, on the Notice Board at the Denmark Recreation Centre and on Councils website.

ADDED by Res: 220706 / 22 JULY 2008

**P110302**      **FUND RAISING EVENTS - WAIVER OF RECREATION CENTRE FUNCTION ROOM & KITCHEN HIRE FEES**

Purpose

The purpose of the policy is to assist affiliated members (clubs, groups and associations) of the Denmark Recreation Centre Association with regard to the use of the Denmark Recreation Centre for fundraising events for the purpose of meeting Junior Sports Development objectives.

The policy allows one fundraising event - one day/night use of the Denmark Recreation Centre per year where venue hire is waived.

Conditions

- Bookings must be made in liaison with the Recreation Centre Manager and must not conflict with a regular booking.
- Bookings must be made with no less than one month's notice.
- The event must comply with the Denmark Recreation Centre's conditions of hire, ie no activity as such that may cause excessive wear and tear to the Centre (bond and extra cleaning costs must be met).
- Use of the Centre cannot be accrued (only one event per year).
- The fundraising event must have a focus on a Junior Sports Development objective.

<b>POLICY NUMBER</b>	- 3.7
<b>POLICY SUBJECT</b>	- 3.7 - Leases
<b>ADOPTED</b>	- 29 September 2005

Council's policy in relation to the Leasing of Council property and buildings shall be: -

**GENERAL POLICY**

All buildings and/or land occupied by persons or organisations (eg: incorporated bodies, companies, partnerships, trust, associations, etc) other than Council staff for Council related purposes shall enter into a Lease Agreement with the Shire of Exmouth to occupy and utilise the facility. A template Lease Agreement shall be utilised for this purpose.

All sub-lease arrangements entered into shall require the prior written approval of Council.

All improvements and permanent structures erected on Council property remain the property of Council, irrespective of who paid for the structure, unless when the lease is terminated all improvements made or structures erected are removed, returning the building and/or site to the original condition. This includes the removal of all material, debris and services from the site and the restoration of the building and/or site to the original condition when the Lessee took occupancy of the premises (this may involve the replanting of trees and landscaping). The only exception to this requirement is where the Council through the Chief Executive Officer agrees to accept partial restoration and/or financial compensation in lieu of full restoration or Council through the Chief Executive Officer determines there is value in Council retaining the improvements or modifications made to a site, or portion thereof.

Where the facilities are not fully utilised by a Lessee, co-location arrangements will be encouraged to ensure maximum utilization and benefit is obtained from limited community facilities.

Standard lease terms shall be for period of between 1-5 years, unless otherwise approved by Council. Standard lease conditions shall require the Lessee to pay for all utility costs, rates, maintenance, insurance, operational costs and legal costs associated with the creation of the lease. Where Council constructed the building, Council will maintain structure of the building.

Annual lease fees shall be based on commercial rental values charged at a rate per square metre for the relevant zone reduced in accordance with the "Annual Lease Fee Discount Table" (ie: commercial rental values for the Town Centre Zone currently range from \$150 - \$330 per square metre per annum). Discounts are provided by Council to reflect the contribution the Lessee has made or will make to the Exmouth community through the

community or volunteer service provided, or through the provision of improved assets or infrastructure. The Chief Executive Officer has the ability to negotiate within +10% or -10% of the above discounts.

<b>Annual Lease Fee Discount Table</b>	<b>Service Discount %</b>	<b>Lessee Paid for Building</b>
A. - Commercial and profit making organizations eg: Skywest, Mobil, Bristows, Norwest Airworks, NW Parallel, etc.	0%	25%
B. - All Government funded services/offices or public/private partnerships that provide a full fee paying service or general government services to the Exmouth community eg: DPI, GDC, Workbase, etc.	0%	25%
C. - All Government funded services or public/private partnerships that provide a discounted fee paying service to the Exmouth community eg: .	60%	25%
D. - All Government funded services or public/private partnerships that provide free services to the Exmouth community eg: infant health, child care centre, etc.	70%	25%
E. - All volunteer non profit organizations that service the Exmouth community but do have facilities available to the public to raise funds (ie: bar, room hire, catering facilities) eg: golf, tennis, bowls, yacht, etc.	75%	25%
F. - All non profit community service organizations that service the Exmouth community which do not have facilities available to the public to raise funds (ie: room hire, entry fees, catering facilities) eg: Centacare, Exmouth Carers Support Group, Exmouth Community Support Group, etc.	100%	0%
G. - All volunteer non profit organizations that service the Exmouth community but do not have facilities available to the public to raise funds (ie: no bar or catering facilities) eg: lioness club, PCYC, senior citizens, RSL, toy library, girl guides, playgroup, visitor centre, squash, football etc.	100%	0%

## POLICY REGISTER



<b>Title:</b>	<b>Lease and Licence Terms and Conditions of Council Owned or Controlled Properties</b>		
<b>Policy No.:</b>	<b>FAC12</b>		
<b>Date Adopted:</b>	15 June 2009	<b>Date Last Reviewed:</b>	

<b>Objective:</b>	To enable equitable, transparent and consistent conditions to be applied to all leased or licensed community facilities.		
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### Background

Buildings owned and/or managed by the Shire have an important role in the community. Through lease and licence arrangements, the Shire ensures that community groups have access to facilities that enable these groups to carry out their activities.

It is important that there is clarity and consistency in these arrangements so that groups are treated equally, and both the lessee or licensee and the Shire understands its responsibilities in maintaining these facilities in a fair and sustainable manner.

### Scope & Limitations

Applies to all facilities owned by, or under the care, control or management of the Shire of Kalamunda.

### Definitions

#### Lease

A grant of interest in land.

#### Licence

Not an interest in land. As a matter of law, it simply authorises what would otherwise be a trespass.

#### Minor maintenance

The day to day upkeep and repair of the building needed to keep it in general good working order. This includes replacement of consumables, cleaning, general inspections and operational maintenance and repairs (such as lights, fuses, blocked drains, minor painting to cover marks or stains, general grounds upkeep, fencing repairs and maintenance, etc.).

#### Major maintenance

This includes any structural alteration or repair (including extension of the building); any major renovations brought about by the transition of time, including a general re-paint of the building; replacement of floor coverings; replacement of fixtures and fittings; and replacement of internal or external fencing.

### Policy

1. Council's prime objective in the provision of public recreation facilities is that these are required and used by the general public.
2. Council will be responsible for all maintenance of public facilities which are freely accessible to all residents of the district.

3. When negotiating self-supporting loans with groups leasing or licensing public property or grounds, contractual agreement for the repayment of any loan will be a separate agreement to the lease or licence agreement.
4. Subject to variation and approval by Council on a case by case basis, a condition of all leases and licences will be that the lessee or licensee will be responsible for the following main terms and conditions:
- (a) Licensee
- Utility charges, such as water, electricity (including floodlights), gas (including rental), rate and meter charges, Emergency Services Levy, telephone and information technology rental and charges, etc.
  - Minor maintenance. (Should a tradesperson be required to repair a fault, and it is found to be greater than what has been defined as minor maintenance, the licensee can seek reimbursement from the Shire.)
- (b) Lessee
- Rates and taxes, including the Emergency Services Levy.
  - Utility charges, such as water, electricity (including floodlights) and gas (including rental) rate and meter charges, telephone and information technology rental and charges, etc.
  - Minor maintenance.
  - Major maintenance.
- Any variation to this policy will be the subject of specific application to Council.
5. Improvements undertaken by an occupant during the term of a licence or lease revert in full to Council at the conclusion of the period of occupancy; however, renewal of an occupancy agreement may be negotiated subject to Council approval.
6. The occupier must hold adequate liability insurance, and indemnify Council.

**CROSS REFERENCES (If any):**

Admin Policy/Procedure:		Delegation:	
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**LEGAL REFERENCES**

Legislation:	
Local Law:	
Notes:	



- 4. ADMINISTRATION POLICIES
- 4.2 ADMINISTRATION
- 4.2.8 Property Leasing

#### **CROWN RESERVES VESTED IN THE SHIRE**

1. Where buildings on reserves have been constructed by a community group, that group's equity in and therefore responsibility for the building is acknowledged and a lease for land only is prepared at the following rental:
  - 1.1 Clubs, community groups and recreational bodies with minimal income earning capacity - \$10 per annum, payable on demand (equivalent to a peppercorn rental).
  - 1.2 Clubs, community groups and recreational bodies who have licensed premises with potential to earn income - \$100 per annum, payable in advance. The lease is to provide for this figure to be reviewed annually in accordance with CPI adjustments.

Responsibility for maintenance of buildings owned by the Lessee rests with that owner.
2. Where buildings on reserves have been constructed by or donated to Council and are leased to:
  - 2.1 Clubs, community groups and recreational bodies with minimal income earning capacity a lease fee of \$10 per annum, payable on demand, is applicable.
  - 2.2 Clubs, community groups and recreational bodies who have licensed premises with potential to earn income - \$200 per annum, payable in advance, will be applicable. The lease is to provide for this figure to be reviewed annually in accordance with CPI adjustments.

Responsibility for maintenance of buildings owned by Council is to be negotiated with the proposed Lessee according to the existing condition of the property and the term of the lease.
3. For commercial enterprises such as the Timber Park Gallery Cafe the annual lease fee is to be set by Council based on a market value established by the Valuer General's Office. This figure is to be reviewed annually in accordance with CPI adjustments.

SHIRE OF MANJIMUP  
**4. ADMINISTRATION POLICIES**  
 4.2 ADMINISTRATION  
 4.2.6 Property Leasing

4. Lease Duration
- 4.1 All terms for clubs and community groups to be for 10 years, unless an alternative period is negotiated and approved by Council.
- 4.2 Leases for aged persons' accommodation are to be for 20 years to reflect the Lessee/tenant's contribution and the long-term residential use of the property.
- 4.3 Terms for commercial enterprises are to be negotiated in accordance with current market conditions with a minimum 5 year term in accordance with the Commercial Tenancy (Retail Shops) Agreements Act 1985.
5. Any utility charges, rates and taxes levied against the land are to be paid by the Lessee.
6. Costs of the lease preparation, stamping and registration are to be met by the Lessee.

**FREEHOLD & COUNCIL LEASED PROPERTY**

7. The value and term of any leases for freehold and Council leased land and buildings are to be considered on a case by case basis, taking into consideration market conditions, the Commercial Tenancy (Retail Shops) Agreements Act 1985 and Council's lease fee.

REVIEWED AND ADOPTED 12 SEPTEMBER 2002  
 REVIEWED 7 AUGUST 2008

NEXT DUE FOR REVIEW AUGUST 2012

<p><b>The Administration of this Policy is by the Statutory Services          directorate.</b></p>
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4. **ADMINISTRATION POLICIES**  
4.2 **ADMINISTRATION**  
4.2.8 **Property Leasing**

**Background & Issues**

Council leases land and buildings to various community groups, clubs, recreational bodies and commercial enterprises.

**Objectives**

This policy provides a consistent approach to setting lease terms, lease fees and maintenance responsibilities.

**Area of Application**

This policy applies to all Council land and building leases.

**Policy Measures**

1. Where buildings on reserves have been constructed by a community group, that group's equity in and therefore responsibility for the building is acknowledged and a lease for land only is prepared at the following rental:

- 1.1 Clubs, community groups and recreational bodies with minimal income earning capacity - \$10 per annum, payable on demand (equivalent to a peppercorn rental).

- 1.2 Clubs, community groups and recreational bodies who have licensed premises with potential to earn income - \$100 per annum, payable in advance. The lease is to provide for this figure to be reviewed annually in accordance with CPI adjustments.

Responsibility for maintenance of buildings owned by the Lessee rests with that owner.

2. Where buildings on reserves have been constructed by or donated to Council and are leased to:

- 2.1 Clubs, community groups and recreational bodies with minimal income earning capacity a lease fee of \$10 per annum, payable on demand, is applicable.

- 2.2 Clubs, community groups and recreational bodies who have licensed premises with potential to earn income - \$200 per annum, payable in advance, will be applicable. The lease is to provide for this figure to be reviewed annually in accordance with CPI adjustments.

- 2.3 Commercial enterprises such as the Timber Park Gallery Café, the annual lease fee is to be set by Council based on a market value established by the Valuer General's Office. This figure is to be reviewed annually in accordance with CPI adjustments.

Responsibility for maintenance of buildings owned by Council is to be according to the Maintenance Responsibilities Schedule (Schedule A), unless otherwise negotiated according to the existing condition of the property and the term of the lease.

5. **ADMINISTRATION POLICIES**  
4.2 **ADMINISTRATION**  
4.2.8 **Property Leasing**

3. Lease Duration

3.1 All terms for clubs and community groups to be for 10 years, unless an alternative period is negotiated and approved by Council.

3.2 Leases for aged persons' accommodation are to be for 20 years to reflect the Lessee/tenant's contribution and the long-term residential use of the property.

3.3 Terms for commercial enterprises are to be negotiated in accordance with current market conditions with a minimum 5 year term in accordance with the Commercial Tenancy (Retail Shops) Agreements Act 1985.

4. The value and term of any leases for freehold and Council leased land and buildings are to be considered on a case by case basis, taking into consideration market conditions, the Commercial Tenancy (Retail Shops) Agreements Act 1985 and Council's lease fee.

Building maintenance responsibilities shall be according to Schedule A unless otherwise negotiated.

5. Any utility charges, rates and taxes levied against the land are to be paid by the Lessee.

6. Costs of the lease preparation, stamping and registration are to be met by the Lessee.

Schedule A

Maintenance Responsibilities Schedule

In accord with the lease agreement, at their own expense the Lessee shall at all times maintain the premises in good, clean and substantial repair condition to the satisfaction of the Shire. The Lessee shall not make any alterations, additions or modifications to the premises without first seeking the consent of the Shire. The repair of any damage or other repairs not attributable to fair wear and tear upon the premises rests solely with the Lessee, unless specified in the table below.

The Shire will carry out maintenance and repairs relating to the structure of the building, including walls, floor, roof and gutters, according to the Building Code of Australian Standards and conduct capital works at Council's discretion and in accordance with the annual budget. The Lessee must advise the Shire promptly of all damage sustained to the premises. The Lessee may be responsible for costs of repairing damage resultant from misuse or maintenance neglect by the Lessee.

*Maintenance:* Routine upkeep of the building/assets and regular ongoing work necessary to retain operational status. eg: repairs to fittings, periodic painting.

*Renewal/Refurbishment:* Restore, rehabilitate, replace existing asset to its original capacity. Includes repairs required due to normal wear and tear, age, structural faults etc and replacement of assets at the end of expected life span.

5. **ADMINISTRATION POLICIES**  
**4.2 ADMINISTRATION**  
**4.2.8 Property Leasing**

*Upgrade/Improvements:* Enhance existing asset to provide higher levels of service.

Maintenance Item	Lessee Responsibility	Shire Responsibility
1 Appliances, fixtures & fittings (existing; eg: air conditioner and heating units)	<ul style="list-style-type: none"> <li>• Maintenance in accordance with manufacturer's standards.</li> <li>• Clean and change filters as required.</li> <li>• Service and repair when required.</li> </ul>	<ul style="list-style-type: none"> <li>• Renewal and upgrade as determined by Council.</li> </ul>
2 Appliances, fixtures & fittings (Lessee installed)	<ul style="list-style-type: none"> <li>• Full responsibility</li> <li>• Council approval required prior to installation.</li> </ul>	<ul style="list-style-type: none"> <li>• No responsibility</li> </ul>
3 Building External	<ul style="list-style-type: none"> <li>• Keep in a clean and tidy state at all times.</li> <li>• Maintenance</li> </ul>	<ul style="list-style-type: none"> <li>• Renewal and upgrade as determined by Council.</li> </ul>
4 Cleaning	<ul style="list-style-type: none"> <li>• Keep all areas in a clean and hygienic state at all times - including walls, ceilings, windows, floors, fixtures and fittings.</li> <li>• Compliance with the Health Act and Health Local Law.</li> </ul>	<ul style="list-style-type: none"> <li>• No responsibility</li> </ul>
5 Doors & security screens	<ul style="list-style-type: none"> <li>• Maintenance</li> <li>• Renewal due to foreseeable misuse.</li> </ul>	<ul style="list-style-type: none"> <li>• Renewal and upgrade as determined by Council.</li> </ul>
6 Doors (automatic)	<ul style="list-style-type: none"> <li>• Servicing – twice per year</li> <li>• Maintenance</li> </ul>	<ul style="list-style-type: none"> <li>• Renewal and upgrade as determined by Council.</li> </ul>
7 Electrical wiring, fittings & globes	<ul style="list-style-type: none"> <li>• Maintenance and renewal of all electrical fittings, such as power points, light switches, light fittings and globes.</li> </ul>	<ul style="list-style-type: none"> <li>• Maintenance, renewal and upgrade of all building wiring from main supply to switchboard and to fittings.</li> </ul>
8 Fire extinguishers and all fire equipment	<ul style="list-style-type: none"> <li>• Annual costs associated with inspection, servicing and refilling.</li> </ul>	<ul style="list-style-type: none"> <li>• Arrange annual servicing to all fire equipment - recoup cost from Lessee.</li> <li>• Maintenance, renewal, upgrade as determined by Council.</li> </ul>
9 Floor surfaces and coverings	<ul style="list-style-type: none"> <li>• Regular cleaning and maintenance in accordance with the requirements of the type of the surface/covering.</li> <li>• Carpets to be professionally cleaned every 12 months.</li> <li>• In food handling areas, Food Act is to be strictly complied with.</li> </ul>	<ul style="list-style-type: none"> <li>• Renewal and upgrade as determined by Council.</li> </ul>
10 Food handling areas and equipment	<ul style="list-style-type: none"> <li>• Maintenance</li> <li>• Renewal due to misuse or neglect.</li> <li>• Benches, cupboards and other fittings must be cleaned and maintained in a sound working condition at all times.</li> <li>• Ovens, refrigerators, fans, hot water systems etc are to be cleaned and maintained according to manufacturer's standards.</li> <li>• Compliance with the Health Act and Health Local Law and maintenance of such equipment required under the legislation.</li> <li>• The Lessee is solely responsible for appliances owned by the Lessee. These also must comply with the Health Act and Health Local Law.</li> <li>• Additional fittings and alterations require Council approval prior to installation.</li> </ul>	<ul style="list-style-type: none"> <li>• Renewal and upgrade as determined by Council.</li> </ul>

5. **ADMINISTRATION POLICIES**  
 4.2 **ADMINISTRATION**  
 4.2.8 **Property Leasing**

Maintenance Item	Lessee Responsibility	Shire Responsibility
11 Gardens & Surrounds*	<ul style="list-style-type: none"> <li>Mow grass, prune, weed, water and maintain gardens to the satisfaction of the Shire.</li> <li>Maintenance of improvements, such as fences and footpaths.</li> <li>Maintenance of reticulation where installed.</li> <li>Shire approval required prior to removal of any trees, planting of new trees or new species.</li> </ul>	<ul style="list-style-type: none"> <li>Maintain trees to a safe standard.</li> <li>Renewal and upgrade of improvements as determined by Council.</li> </ul>
12 Gutters and downpipes	<ul style="list-style-type: none"> <li>Clean once per year</li> <li>Costs associated with premature failure attributable to neglect by the Lessee charged on a pro rata basis.</li> </ul>	<ul style="list-style-type: none"> <li>Maintenance, renewal and upgrade as determined by Council.</li> </ul>
13 Keys, Locks & Door Hardware	<ul style="list-style-type: none"> <li>Responsible for keys issued by Council.</li> <li>Maintenance of locks and hardware.</li> <li>Cost of replacement locks, keys &amp; hardware due to loss or misuse.</li> </ul>	<ul style="list-style-type: none"> <li>Purchase and install all locks.</li> <li>Renewal and upgrade as determined by Council.</li> </ul>
14 Painting	<ul style="list-style-type: none"> <li>Internal &amp; External painting – minimum once during each ten years of the term or at end of term.</li> <li>Paint &amp; colour to be approved by Shire.</li> </ul>	<ul style="list-style-type: none"> <li>No responsibility</li> </ul>
15 Pest Control	<ul style="list-style-type: none"> <li>All areas are to be kept in a clean and hygienic state and free from pests and vermin.</li> <li>Termite inspections - minimum annually. To be conducted by a licensed Pest Control Operator and certification to be provided to Shire.</li> <li>Treatment for termites when required.</li> <li>Maintenance and renewal of assets attributable to neglect of pest control.</li> </ul>	<ul style="list-style-type: none"> <li>No responsibility</li> </ul>
16 Plumbing and fixtures	<ul style="list-style-type: none"> <li>Maintenance - ensure all taps and water outlets are in good working order.</li> <li>Renewal of minor fixtures and fittings, such as taps.</li> <li>Renewal due to misuse or neglect.</li> <li>Shire approval required prior to installation of new plumbing and fixtures.</li> </ul>	<ul style="list-style-type: none"> <li>Renewal and upgrade as determined by Council.</li> </ul>
17 Plumbing waste pipes & drains	<ul style="list-style-type: none"> <li>Clear if blocked.</li> <li>Maintenance and renewal due to misuse.</li> </ul>	<ul style="list-style-type: none"> <li>Maintenance, renewal and upgrade as determined by Council.</li> </ul>
18 Roof	<ul style="list-style-type: none"> <li>No responsibility</li> </ul>	<ul style="list-style-type: none"> <li>Maintenance, renewal and upgrade as determined by Council.</li> </ul>
19 Septic Systems	<ul style="list-style-type: none"> <li>Septic system pump outs.</li> </ul>	<ul style="list-style-type: none"> <li>Maintenance, renewal and upgrade as determined by Council.</li> </ul>
20 Skylights	<ul style="list-style-type: none"> <li>No responsibility</li> </ul>	<ul style="list-style-type: none"> <li>Maintenance, renewal and upgrade as determined by Council.</li> </ul>
21 Utilities*	<ul style="list-style-type: none"> <li>Connection, disconnection, maintenance, rental, service and costs associated with water, electricity and telephone services.</li> </ul>	<ul style="list-style-type: none"> <li>No responsibility</li> <li>Invoice Lessee for utility costs when applicable.</li> </ul>

5. **ADMINISTRATION POLICIES**  
 4.2 **ADMINISTRATION**  
 4.2.8 **Property Leasing**

Maintenance Item	Lessee Responsibility	Shire Responsibility
22 Vandalism	<ul style="list-style-type: none"> <li>Removal and repair of minor vandalism; up to the value of \$300 per incident.</li> </ul>	<ul style="list-style-type: none"> <li>Repairs required due to major vandalism not attributed to the actions of the Lessee or any agent or visitor of the Lessee, as determined per incident and above \$300. Recoup \$300 per incident from Lessee.</li> </ul>
23 Walls & Ceilings	<ul style="list-style-type: none"> <li>Renewal if damaged due to misuse, negligence and unapproved modifications.</li> </ul>	<ul style="list-style-type: none"> <li>Maintenance, renewal and upgrade as determined by Council.</li> </ul>
24 Windows/Glass	<ul style="list-style-type: none"> <li>Replace broken glass, except when broken as a result of vandalism and cost is greater than \$300.</li> </ul>	<ul style="list-style-type: none"> <li>Replace glass broken as a result of an act of vandalism, when the cost of repairs is greater than \$300. Recoup \$300 per incident from Lessee.</li> </ul>
25 Window treatments, where fitted*	<ul style="list-style-type: none"> <li>Maintenance</li> </ul>	<ul style="list-style-type: none"> <li>Renewal and upgrade as determined by Council.</li> </ul>

\*Other arrangements may be negotiated for these items.

**Administration**

This policy is to be administered by Statutory Services.

**Adoption and Date Due for Revision**

REVIEWED AND ADOPTED 12 SEPTEMBER 2002

REVIEWED 7 AUGUST 2008

REVIEWED AND MODIFIED 7 JULY 2011

NEXT DUE FOR REVIEW JULY 2015

The Administration of this Policy is by the Statutory Services directorate.



*Corporate Services Community*

**POLICY NO.: CC14**

**CC14 LEASING FREEHOLD & RESERVE LAND TO  
COMMUNITY GROUPS, SPORTING CLUBS & OTHER  
NON PROFIT ORGANISATIONS**

<b>POLICY NO. :</b>	<b>CC14</b>
<b>POLICY INTENTION:</b>	To assist community groups in improving facilities and increasing capacity within the Shire of Murray that results in community strengthening and helps to build vibrant, inclusive and healthy communities.
<b>RESOLUTION NO:</b>	OCM09/155 <b>OCM10/128</b>
<b>RESOLUTION DATE:</b>	27/08/2009 <b>24/06/2010</b>
<b>POLICY INTENTION:</b>	To set a standard lease term and fee structure for the lease of freehold land and Reserves vested in the Shire of Murray to bodies exempt from the requirements of Section 3.58 of the Act by Regulation 30 (2) (b) of the Local Government (Functions and General) Regulations 1996 (Charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature bodies, whose members are not entitled or permitted to receive any pecuniary profit from the bodies' transactions.
<b>POLICY:</b>	<ol style="list-style-type: none"><li>1) That the Chief Executive Officer be authorised to negotiate and renew lease agreements where an option period is being exercised with groups defined as exempt bodies in Regulation 30 (2) (b) of the Local Government (Functions and General) Regulation 1996;</li><li>2) The standard lease term for exempt bodies leasing land vested in, or owned by the Shire of Murray is up to a maximum of ten (10) years with a further option period of up to ten (10) years ;</li></ol>

- 3) The minimum annual fee for all lease agreements (excluding GST) and other outgoings, such as power, water, gas or rubbish charges for –
  - a. Exempt groups/bodies without a liquor licence – is \$50.00 per annum;
  - b. Exempt groups/bodies with a permanent liquor licence – is \$500.00 per annum, plus the cost of preparing, executing or renewing a lease agreement.
- 4) When an option to renew a lease is exercised under clause 1 the Chief Executive Officer may determine an increase in the lease fees specified in 2 (a) & (b) in line with the CPI changes, until the expiry of the agreement.
- 5) When a property or facility leased to an exempt body expires or is cancelled expressions of interest are to be publicly invited from exempt bodies in the district to lease the facility or property, when more than one (1) expression of interest is received the decision to approve a new lease agreement shall be determined by Council.

**DELEGATED AUTHORITY:**

The Local Government, in accordance with section 5.42 (1) of the Local Government Act 1995, delegates to the Chief Executive Officer any action required under this policy.

## Attachment 2 – Appendix 1: Draft Council Policy No. CP/PMG-3780 – Leasing of Council Managed Reserve Land

SHIRE of WYNDHAM | EAST KIMBERLEY



### Council Policy Number: CP/PMG-3780 Leasing of Council Managed Reserve Land

#### OBJECTIVE:

##### Statement of intent

- To provide clarity and consistency in leasing arrangements so that groups are treated equally, and both the lessee and the Shire understand its responsibilities in maintaining the lease area in a fair and sustainable manner.
- Promote collocation and multipurpose development, where practicable, and strategic development of community facilities based on future requirements of the land and community needs.
- To assist community groups in improving facilities and increasing capacity within the Shire that results in community strengthening and helps to build vibrant, inclusive and healthy communities.

#### POLICY:

##### Scope & Limitations

This policy proposes to outline standard lease provisions and guiding principles for the lease of Reserves vested in the Shire of Wyndham East Kimberley to bodies exempt from the requirements of Section 3.58 of the *Local Government Act 1995* by Regulation 30 (2) (b) of the *Local Government (Functions and General) Regulations 1996*, being charitable, benevolent, religious, cultural, educational, sporting or other like nature bodies, whose members are not entitled or permitted to receive any pecuniary profit from the bodies' transactions.

All leases however are subject to the final approval of the Minister for Land.

##### Definitions:

'Lease'	A grant of interest in land
'Licence'	Deed of agreement allowing for occupation of a parcel of land on a non-exclusive use basis. A licence is not an interest in land. As a matter of law, it simply authorises what would otherwise be a trespass. Licences do not provide the security of tenure offered under a lease agreement and can be cancelled without notice on provision of suitable grounds to do so.

##### Background

Under the *Land Administration Act 1997*, Council has been granted the care, control and management of numerous parcels of Reserve land which is set aside for various recreational and community purposes, along with the power to lease. As such, Council leases this Reserve land to various community groups, clubs, and

recreational bodies for the purpose of supporting community use and providing community benefit.

Historically, lessee's have generally been allowed to operate on their own, with use and development occurring without the prior approval of the Shire or the Minister of Land as required, and without consideration as to how greater community benefit can be achieved.

Leases provide exclusivity, and generally do not encourage collocation and development of multipurpose and/or shared facilities. In certain situations it may be more appropriate for an arrangement for a non-exclusive use of the land or buildings through a licence. This would then allow and encourage greater use and access by a number of clubs/community groups and the general public, as practicable.

This policy attempts to address the previous deficiencies in approach and encourage greater flexibility and tenure arrangements and promote opportunities for better use of land and facilities.

#### Guiding Statement

### 1. PERMITTED USE

Permitted use of a lease should be consistent with the purpose of (and management order for) the reserve land and the zoning of the land.

Incidental and ancillary use may be permitted to allow the club/community group to generate some profit and increase capacity, subject to the profit supporting the community use, and to allow for increased community use of the land as appropriate.

### 2. LEASE TERM

Standard lease term will be between 5 – 10 years, unless otherwise approved by Council, and shall be determined in consideration of the following factors:

- The strategic future requirement for the land.
- Opportunities for increased community benefit i.e. collocation of facilities and development of multipurpose facilities.
- Ongoing requirements and current position of the club/community group.

Submission of business plans from clubs/community groups will assist in identifying ongoing requirements and current position of that group as well as proposed future development and opportunities for collocation.

A longer lease term may be granted at the discretion of Council if the club/community group can demonstrate need and financial sustainability through the lodgement of a business plan.

### 3. LEASE RENT

Council will have regard to the perceived benefits to the community, what is in the best interests of the overall community and to what degree the property will be utilised for charitable, not for profit or sporting purposes, when determining a lease fee.

The rental imposed for land or facilities leased from Council shall be assessed in accordance with the following principles:

- A nominal annual lease rent to be based on membership numbers, fees, operating costs and other considerations.
- Lease rent to be commensurate with the area of land to be leased.
- A reduced lease rent where clubs/community groups collocate and/or it is proposed to consolidate club and/or community facilities;
- A higher lease rent will be negotiated in the following cases:
  - If commercial activity is intended to be undertaken on the land other than those uses accepted by Council, and to what degree if any that use is competing with a commercial enterprise.
  - Where there is a strategic value of the land in the short term to Council i.e. the land may be better suited for another purpose/development.

Rent review period for community leases will be every 3 years, unless otherwise determined by Council.

#### 4. DEVELOPMENT

In principal, support for proposed development on leased land should be sought from Council prior to the submission of formal planning and building permit applications. The basis of such 'pre-approval' is to allow Council to determine the community need(s) based on long term strategic relevance and planning, which will help to avoid duplication and identify opportunities for collocation and multipurpose developments. Business plans prepared by clubs/community groups will assist in identifying proposed future development and opportunities for collocation.

When an application for development on leased land is received, Council will determine if there is value in retaining the improvements or modifications made to a site, or portion thereof, to remain at the expiry of the lease, and may enter an agreement with the applicant in respect of the ownership of the materials in buildings and/or infrastructure. At the conclusion of a lease, any buildings or infrastructure not removed from the lease site will be forfeited and become the property of the Shire, for the disposal or retention at the Shire's discretion and associated costs may be recovered from the lessee.

#### 5. MAINTENANCE REQUIREMENTS

The lessee is responsible for any maintenance for buildings and infrastructure on the land.

Responsibility for maintenance of any buildings and/or infrastructure which Council wishes to be retained at the expiry of the lease will be negotiated with the lessee,

taking into consideration the existing condition of the property and the term of the lease.

Council will maintain a pool fund for maintenance of any licence areas for car parking areas, fences and surrounds for its community facilities. Council and clubs/community groups shall contribute annually into the pool fund based on use of the required car parks, fences and surrounds, with this contribution to be negotiated and reviewed in line with the lease rent.

## 6. COMMERCIAL ACTIVITY

Council recognises that in certain circumstances it is appropriate for the community facility to be used to generate profit, where that profit is used to support the community activity.

Council shall determine where/when profit –generating uses are acceptable having regard for the following:

- The use is ancillary and/or complementary to the main use
- The use is supported by the Reserve purpose
- The use provides an additional service not otherwise provided
- The community benefit outweighs the competitive advantage
- The use does not contravene any written law
- The use is not considered a nuisance or unacceptable negative impact
- If the use is competing with a commercial enterprise

Generally acceptable uses include:

1. Room or venue hire (for a limited time) for workshops, presentations, and functions generally; and
2. Food and beverage sales to members, and also to spectators during sporting events where planning, health and liquor licensing approvals have been obtained.

Any use outside what is generally acceptable will require consideration by Council, and if approved may affect determination of the annual lease rent.

## 7. BUSINESS PLANS

Council, at its discretion, may request the submission of a business plan with any application to lease Shire managed land.

The development of a long term business plan is a key aspect in the setting of strategic direction and objectives for a group or activity and the associated planning, timeframes and resources required to achieve the strategic goals. It can also assist the sustainability and development of a group or activity.

A business plan in relation to lease proposals should, as a minimum, outline:

- long term plans or strategic direction over the next 10 years or more

- detail with respect to infrastructure (buildings and associated works) needs,
- long term objectives with regard to current and potential future land use, and
- long term financial objectives – to promote financial sustainability

Business plans may assist in identifying opportunities for collocation and multipurpose development, and will be required in instances where there is a strategic future requirement for the land and/or a longer lease term is sought.

## 8. GENERAL

8.1 Collocation arrangements will be actively encouraged to ensure maximum community utilisation and benefit is obtained from limited community facilities.

8.2 Leases will only be granted over areas required for exclusive use. Any areas that can be used jointly and/or by the general public i.e. for access, parking, ablutions etc., will only be licenced.

8.3 Lessees are required to comply with all laws and statutory requirements which are or may be imposed throughout the term of the lease.

8.4 Cost of the lease preparation (including costs advertising, valuations, legal fees), stamping and registration are to be met by the lessee.

8.5 Any utility charges, rates and taxes levied against the land are to be paid by the lessee.

8.6 The occupier/lessee must hold adequate liability insurance, and indemnify Council.

8.7 Sub-leasing in principal is not supported unless it is required to enable multipurpose use of facilities and/or collocation.

8.8 No sub-leasing agreements are to be entered into without prior permission from the Shire and Minister for Land.

8.9 Final Ministerial Approval will be required for all Crown land leases.

8.10 Registration of the lease will apply where appropriate/required.

8.11 The lessee will be required to complete Annual checklist reporting at the request of Council.

### Outcomes

This policy has been developed to outline and adopt core principles and standard provisions to provide clarity and consistency, and inform decision making, in relation to community leases and promote development of facilities that have long term strategic community benefit.

**GOVERNANCE REFERENCES**

<b>Statutory Compliance</b>	<i>Local Government Act 1995 Local Government (Functions and General) Regulations 1996 Land Administration Act 1997 Shire of Wyndham East Kimberley Property Local Law 2003</i>
<b>Industry Compliance</b>	
<b>Organisational Compliance</b>	<i>Delegations Manual</i>
<b>Process Links</b>	

**POLICY ADMINISTRATION**

<b>Directorate</b>		<b>Officer Title</b>			
Development Services Community Development		Director Development Services Director Community Development			
<b>Date Effective</b>	15/05/2012				
<b>Date Adopted</b>	15/05/2012	<b>Last Reviewed</b>		15/05/2012	
<b>Risk Rating</b>	High	<b>Review Cycle</b>	Annual	<b>Next Due</b>	MM/YYYY

## 12.4.2 Building Act 2011 Authorisations

<b>DATE:</b>	15 May 2012
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Not applicable
<b>AUTHOR:</b>	Nick Kearns, Director Development Services
<b>REPORTING OFFICER:</b>	Nick Kearns, Director Development Services
<b>FILE NO:</b>	DB.03.1

### **PURPOSE**

To authorise Building Surveyors to carry out functions under the *Building Act 2011*.

### **BACKGROUND**

The *Building Act 2011* commenced operation on 2 April 2012. It replaced *Building Regulations 1989* and much of the *Local Government (Miscellaneous Provisions) Act 1960*, and amended a range of associated acts. As a result, the Council's authorisations are out of date.

### **STATUTORY IMPLICATIONS**

Pursuant to Section 127 of the *Building Act 2011*, a local government may delegate its powers to nominated Officers who are appropriately qualified to exercise those powers.

Limitations with respect to delegations are set out in a schedule in line with the *Local Government (Miscellaneous Provisions) Act 1960*.

### **POLICY IMPLICATIONS**

No policy implications apply in the preparation of this report.

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this item.

### **STRATEGIC IMPLICATIONS**

There are no strategic implications associated with this report.

### **COMMUNITY CONSULTATION**

Community consultation is not required in relation to this item.

### **COMMENT**

The proposed delegations are no different to the existing delegations previously confirmed by Council when they were solely under the *Local Government (Miscellaneous Provisions) Act 1960*. They merely reflect the newly implemented legislation.

### **ATTACHMENTS**

No Attachment

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council, in accordance with Section 127 of the Building Act 2011, authorises the Shire's Building Surveyors to carry out the local government's powers as a permit authority under the Building Act 2011.

## **COUNCIL DECISION**

**Minute No. 9773**

**Moved: Cr J Parker**

**Seconded: Cr A Horn**

**Council, in accordance with Section 127 of the *Building Act 2011*, authorises the Shire's Building Surveyors to carry out the local government's powers as a permit authority under the *Building Act 2011*.**

**Carried Unanimously 8/0**

### 12.4.3 Development Services March 2012 Quarterly Report

<b>DATE:</b>	15 May 2012
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Julia Hall, Development Services Coordinator
<b>REPORTING OFFICER:</b>	Nick Kearns, Director Development Services
<b>FILE NO:</b>	GR.06.1

#### **PURPOSE**

For Council to note the Development Services March Quarterly Report for the period of 1 January 2012 to 31 March 2012.

#### **BACKGROUND**

The Shire's Development Services Department is responsible for enforcing compliance with Australian and Western Australian State Acts, Regulations and legislation on behalf of the Shire, including the *Environmental Protection Act 1994*, the *Planning and Development Act 1995*, *Building Code of Australia* and the *Food Act 2008*. Each quarter the Development Services Department provide a report of activities conducted within the quarter regarding the implementation aspects of these Acts and Regulations.

#### **STATUTORY IMPLICATIONS**

The statutory implications of this report are overarching compliance to the:

- *Local Government Act 1995*
- *Local Government (Miscellaneous Provisions) Act 1960*
- *Planning and Development Act 2005*
- *Town Planning Regulations 1967*
- *Planning and Development Regulations*
- *Local Planning Schemes*
- *Local Laws*
- *Environmental Protection Act 1994*
- *Environmental Protection and Biodiversity Act 1999*
- *Environmental Protection (Noise) Regulations 1997*
- *Building Regulations 1989*
- *Building Code of Australia*
- *Residential Design Codes Western Australia*
- *Food Act 2008*
- *Health Act Western Australia 1911*
- *Caravan and Camping Grounds Regulations 1997*
- *Food Regulations 2009*
- *Health (Aquatic Facility) Regulations 2007*
- *Dog Act 1976*
- *Control of Vehicles (Off-road areas) 1978*
- *Litter Act 1979*

## **POLICY IMPLICATIONS**

The policy implications of this report are overarching compliance to the:

- *Local Planning Policies*
- *Council Policies*
- *Development control Policies*
- *Local Laws 2003*

## **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this item.

## **STRATEGIC IMPLICATIONS**

The strategic implications of this report are overarching compliance to the

- *Shire of Wyndham East Kimberley Strategic Plan 2008*
- *Local Planning Strategy*
- *Strategic Planning Policies*

## **COMMUNITY CONSULTATION**

Community consultation is not required in relation to this item.

## **COMMENT**

Major projects within the March quarter included the Integrated Planning and Reporting Framework – particularly for the formulation of a Community Engagement Strategy for the preparation of the Shire's 10 year Strategic Community Plan. A number of workshops were held with Councillors and staff within this quarter for the preparation of the Community Engagement Strategy which was adopted by Council at the May 2012 Special Council Meeting.

Councillors will note that the construction value of the 38 Building Licences issued for the March 2012 Quarter was \$12,957,553.00. In comparison with the figures for the previous quarter the number of building licenses issued had reduced however the construction value has increased.

A number of routine assessments of premises were carried out on food shops, itinerant food vendors, caravan parks and camping grounds, lodging houses, public buildings, hairdressers and beauty therapy businesses. Public swimming pools were sampled monthly in accordance with *Health (Aquatic Facility) Regulations 2007*. There was an increase in the total number complaints since last quarter. Almost half of the complaints related to the 'other category' and included asbestos, wastewater and unauthorised discharge. During the March 2012 quarter there was also an increase in temporary food stalls and event applications.

The March 2012 quarter reflects previous trends in Ranger Services. Councillors will note an increase in the number of dogs impounded (and destroyed) within this period particularly in the month of January in Kununurra. The statistics for Kununurra also show a sharp increase in the number of rubbish bags collected in February and in Wyndham peaking in the month of January.

## **ATTACHMENTS**

Attachment 1 – Development Services March 2012 Quarterly Report

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council notes the Development Services Quarterly Report for the period of 1 January 2012 to 31 March 2012.

## **COUNCIL DECISION**

**Minute No. 9774**

**Moved: Cr K Torres**

**Seconded: Cr J Parker**

**Council notes the Development Services Quarterly Report for the period of 1 January 2012 to 31 March 2012.**

**Carried Unanimously 8/0**

## **Attachment 1 – Development Services March 2012 Quarterly Report**

### **Major projects and planning**

Major projects and planning initiated and/or completed for the March 2012 quarter include:

- Integrated Planning and Reporting Framework:
  - Strategic Community plan – Consultants visit in March and April. Draft Community Engagement Strategy to be presented to Council 17 April.
- Project Support relevant to:
  - Asset Management Plan – AM Strategy endorsed by Council March. Working on 1<sup>st</sup> cut AM Plans.
  - Long Term Financial Plan – CAMMS engaged to develop plan. Expected in May 2012.
  - Workforce Plan – current workforce demographic to be presented to Council in May 2012.
- Crossing Falls Rural Residential – preparation of Scoping Study.
- East Kimberley Regional Airport Master plan – concepts presented to Council in March 2012. Draft plan expected in June 2012.
- Lakeside Park Residential Estate expansion – Construction completed. Lots on hold until sewerage pump station can be finalised or agreement reached with Water Corporation. Lots still available in Stage 6 and Coolibah Estate Development.
- Weaber Plain (Stage 2) Industrial Estate – construction completed. Lots released.
- Ord Expansion Area Rezoning – Scheme amendment expected to Council in April 2012. EOI for lots closed.
- Local Planning Scheme Review – Councillors workshops held. Refinement of scheme is underway. Draft LPS expected to be reported to May Council Meeting.
- Local Planning Strategy - partial review for rural residential development. Proposed modifications endorsed at February Ordinary Council Meeting. Strategy forwarded to Department of Planning for approval.

### **Minor Projects and planning**

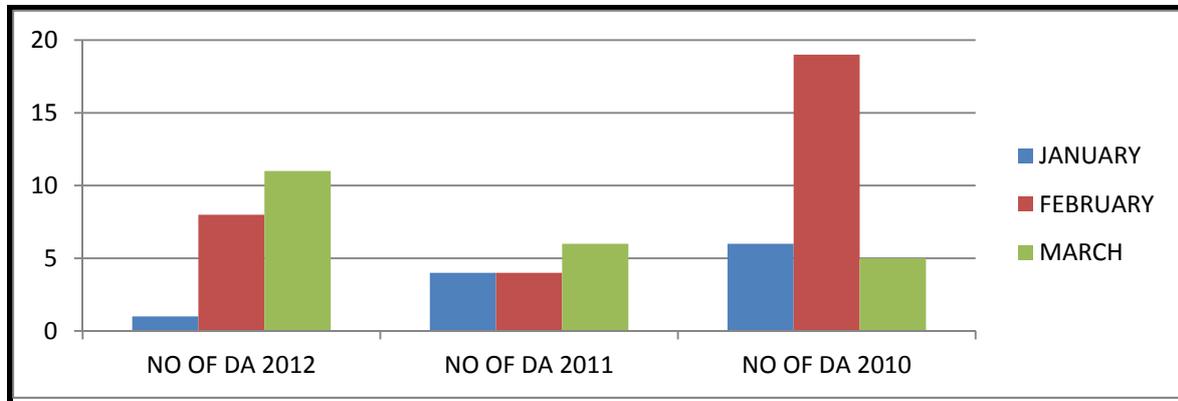
Minor projects and planning initiated and/or completed for the March 2012 quarter include:

- Request for comments and submissions for the Celebrity Tree Park Boat Ramp – Concept plans expected April 2012.
- East Kimberley Volunteer Marine Rescue facility – survey completed lot created and management order issued to SWEK from RDL. Planning and Building approvals completed April 2012.
- Commercial Boat Facility – Triple J planning and building approved. Alligator Airways and Kununurra Cruises still to submit planning applications. Meetings held. Alligator and BBQ boat to get information in for the May Council Briefing. Development application approved for Kimberley Air Tours, Lot 505.
- Water Lily Place concept plan review and determination of infrastructure costs.
- Community Leases – Correspondence sent and Negotiations ongoing.
- Foreshore Reference Committee – Terms of reference endorsed by Council in January. Community nominees called for and decision to be made by Council in April.

## Planning Approvals

The Shire issued 25 planning approvals for the March 2012 quarter, which is slightly lower than previous years with numbers particularly low in January.

### **Planning Approvals Issued March Quarter 2010 – 2012**



## Local Planning Scheme Review

Shire Officers have engaged with consultants to assist and prepare the Shire's new (consolidated) Planning Scheme which is proposed to be reported to a meeting within the next few months.

## Amendments

Shire Officers processed the following Amendments in the March 2012 Quarter:

- Amendment 38 to TPS No 7 – Recoding Lots between Mistletoe Street and Barringtonia Avenue
- Amendment 39 to TPS No 7 – Modification to Scheme Text

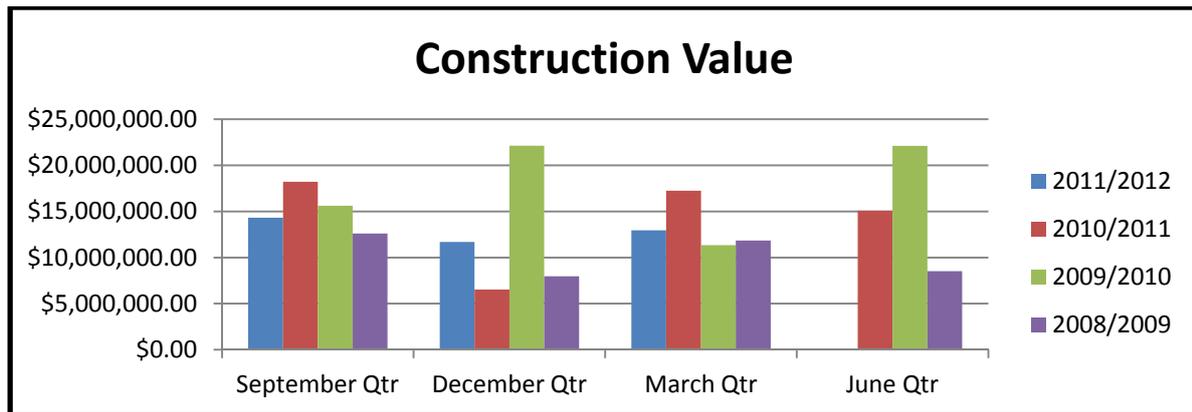
## Building

The construction value of the 38 Building Licences issued for the March 2012 Quarter was \$12,957,553.00.

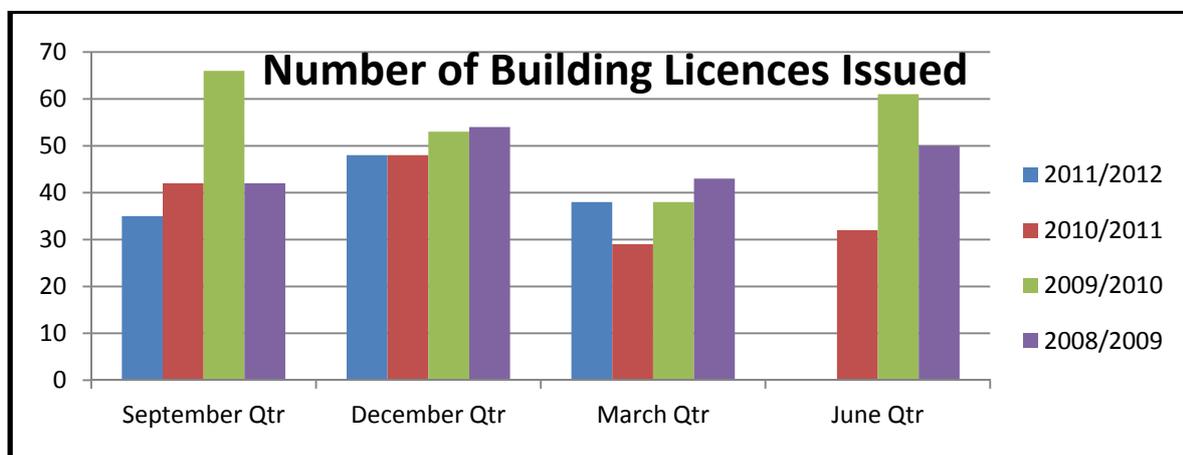
In comparison with the figures for the previous quarter the number of building licenses issued had reduced however the construction value has increased.

Figures illustrate that the construction value has decreased from the same time last year but is slightly higher than previous years. Whilst the number of building licences have increased from the same time last year and has remained similar to previous years. This is shown on the figures and tables below and over leaf.

### Construction Value



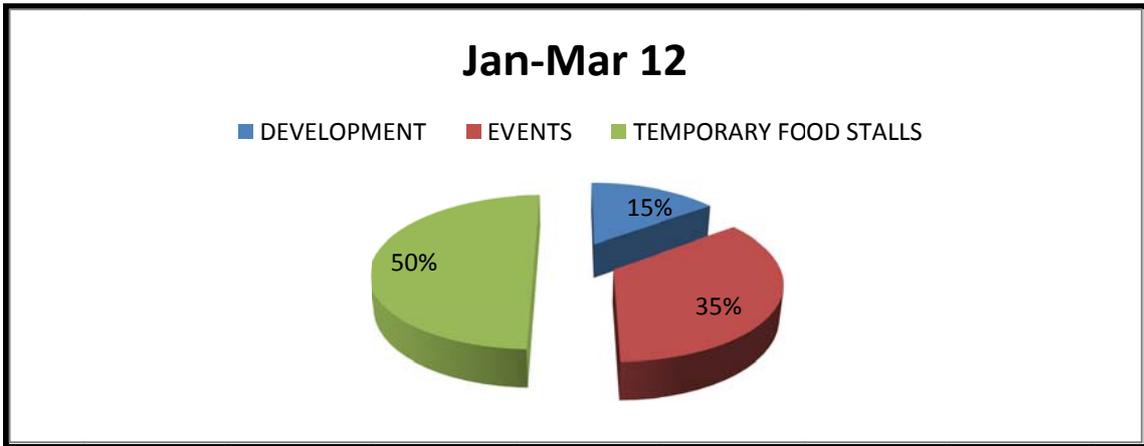
### Building Licences Issued



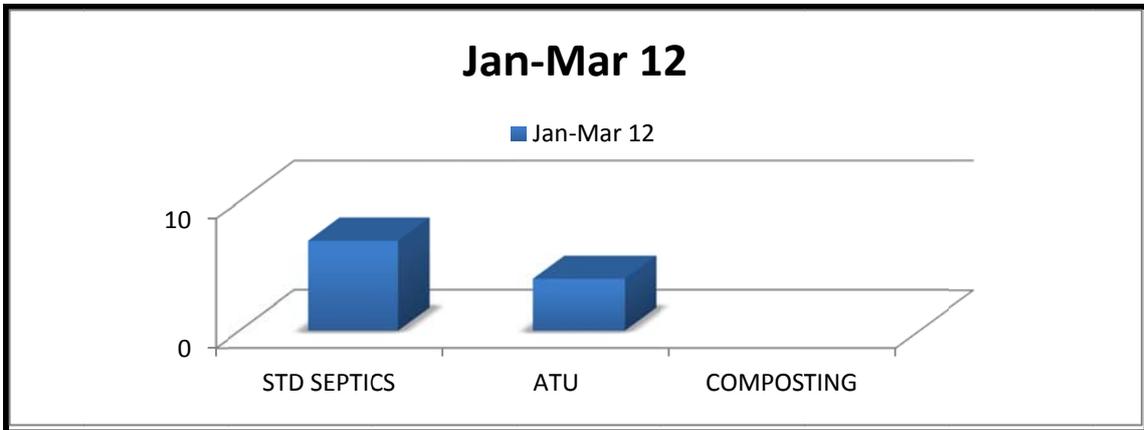
### Environmental Health

Routine assessment of premises bound by the *Health Act 1911* and other health related legislation ensures high environmental health standards are maintained in the Shire. Those routinely assessed are food shops, itinerant food vendors, caravan park and camping grounds, lodging houses, public buildings, hairdressers and beauty therapy businesses. Frequency of assessment is determined by the potential health risk of business activities and past inspection history. This quarter there was an increase in temporary food stalls and event applications.

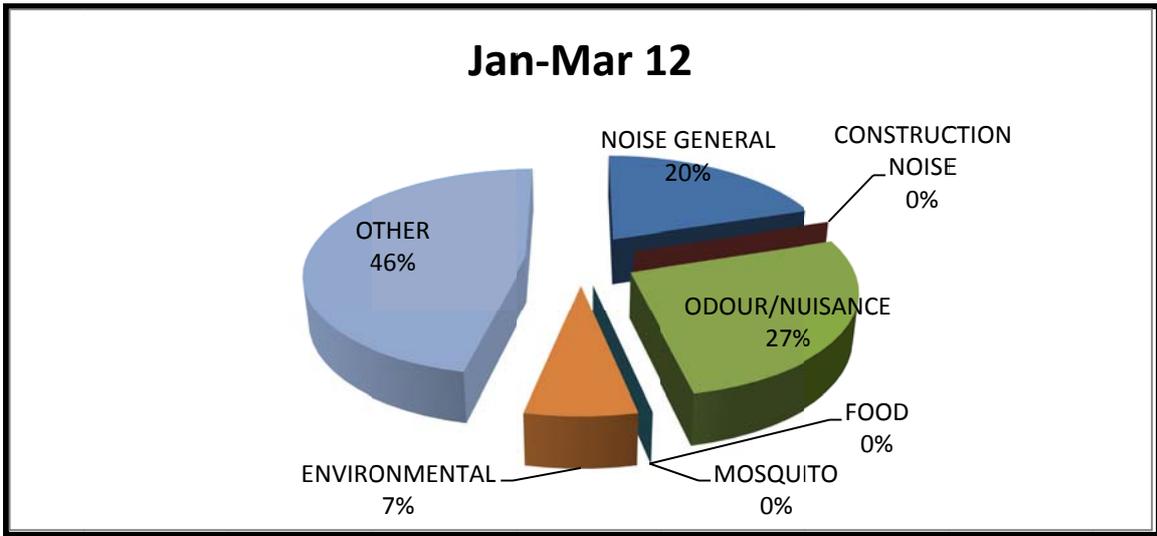
Approvals



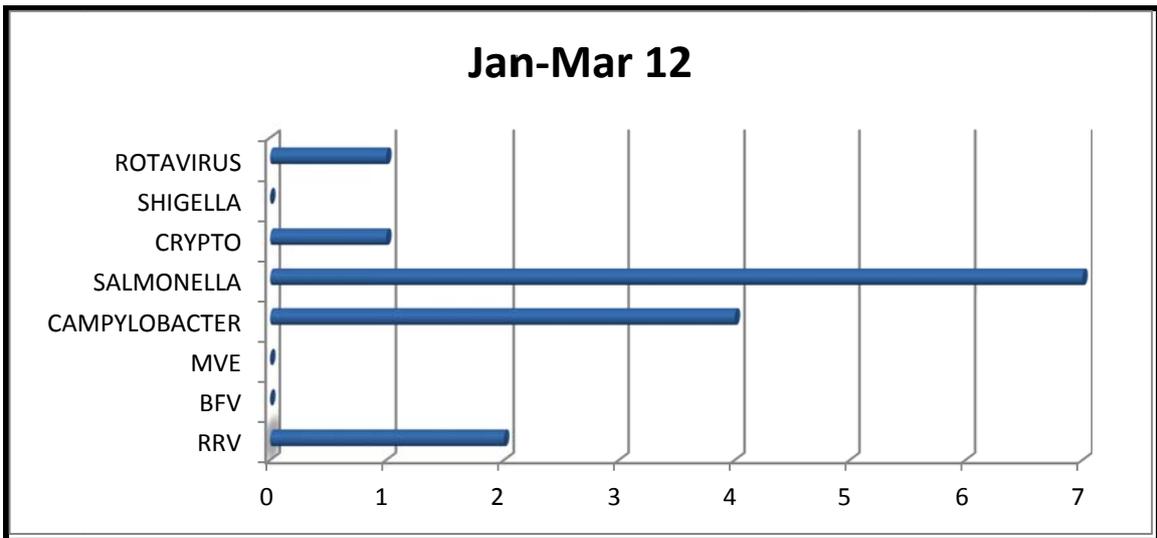
Septic Applications



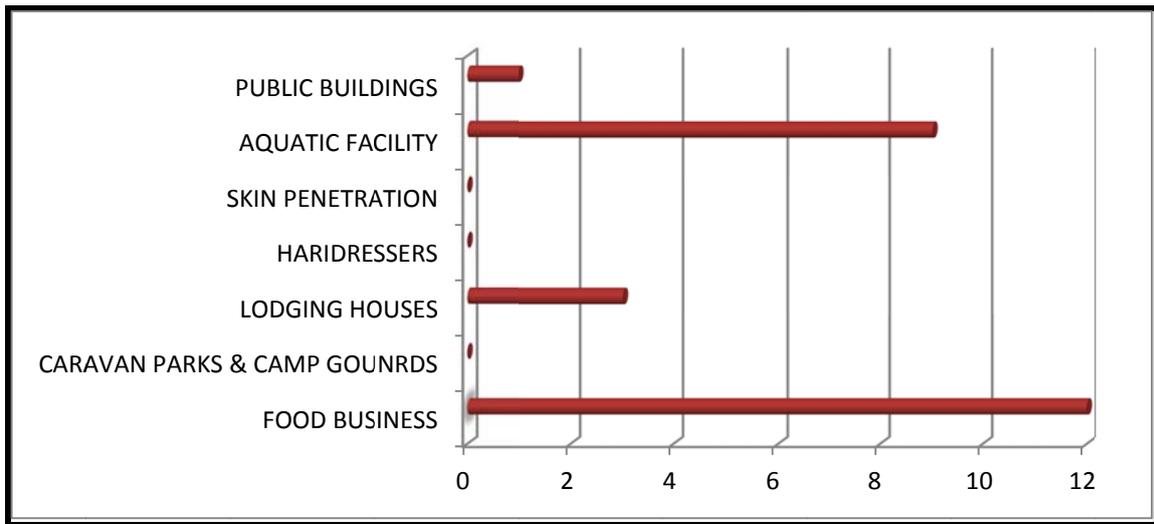
**Complaints**



**Infectious Diseases**



**Health Inspections**



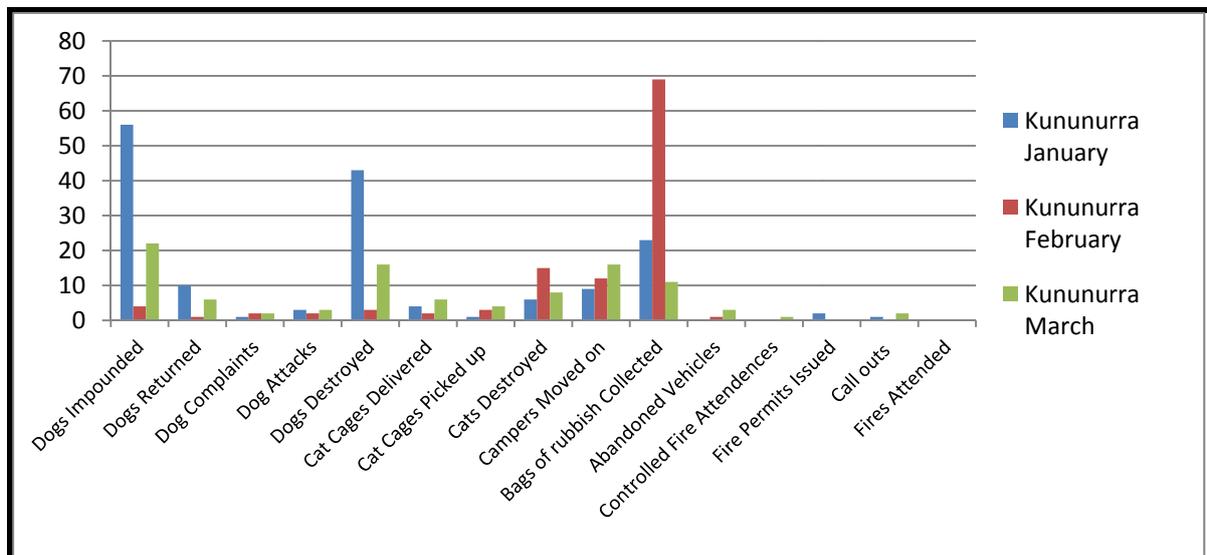
Overall the total number of health statutory inspections increased with the addition of auditing aquatic facilities and undertaking follow up inspections. There was an increase in the total number complaints since last quarter. Almost half of the complaints related to the 'other category' and included asbestos, wastewater and unauthorised discharge.

All complaints have been actioned or are pending further investigation.

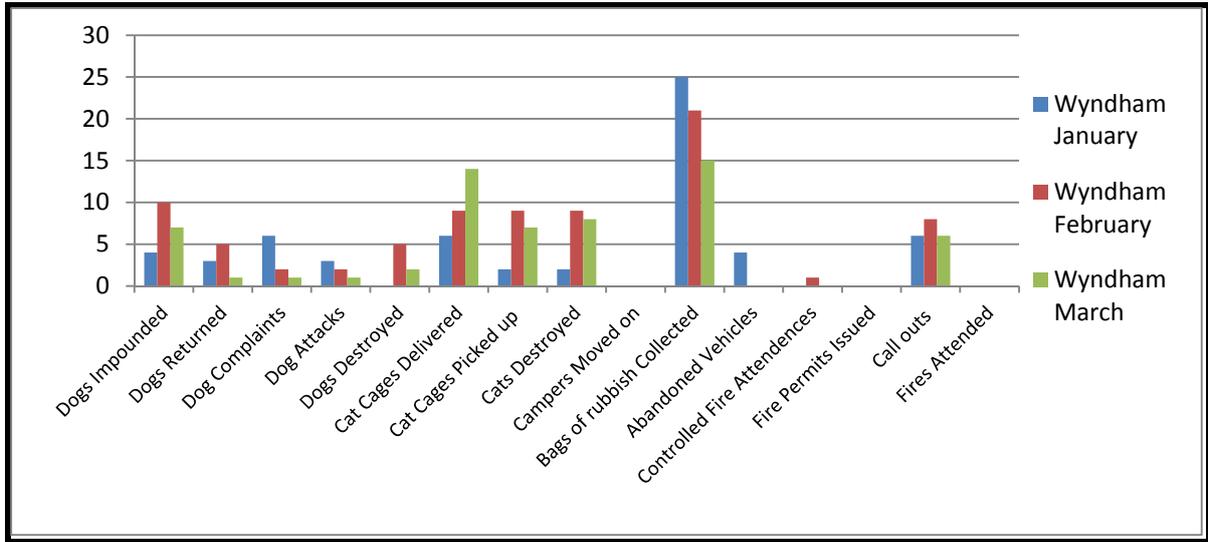
**Local Laws**

The March 2012 quarter reflects previous trends in Ranger Services. Councillors will note an increase in the number of dogs impounded (and destroyed) within this period particularly in the month of January in Kununurra. The statistics for Kununurra also show a sharp increase in the number of rubbish bags collected in February and in Wyndham peaking in the month of January.

**Rangers Services – Kununurra**



**Rangers Services – Wyndham**



#### 12.4.4 Execution of Public Jetty Licence – Wyndham Community Jetty

<b>DATE:</b>	15 May 2012
<b>PROPONENT:</b>	Department of Transport
<b>LOCATION:</b>	Foreshore Road, Wyndham
<b>AUTHOR:</b>	Jennifer Ninnette, Senior Planning Officer
<b>REPORTING OFFICER:</b>	Nick Kearns, Director Development Services
<b>FILE NO:</b>	CP.06.4

#### **PURPOSE**

For Council to authorise the Chief Executive Officer and Shire President to duly execute a public jetty licence for the Wyndham Community Jetty.

#### **BACKGROUND**

Construction of the Wyndham Community Jetty was a key infrastructure project resulting from the East Kimberley Development Package, for which the Shire has managed the project delivery.

As part of the project delivery the Shire made application for a public jetty licence in December 2010, however the Department of Transport (DOT) have only recently advised that the jetty will be recommended for approval by the DOT's authorised delegate. Accordingly, the DOT have provided two copies of the licence document to be executed by the Shire of Wyndham East Kimberley and returned as soon as possible for signing by the DOT's delegate.

A copy of the correspondence from the Department of Transport, including the licence document, is provided at Attachment 1.

The jetty licence is to commence as of 1 April 2012 for a period of 1 year, renewable on the 1 April each year. Provided that the Shire abides by the conditions of the licence, each year an invoice will be sent for the annual renewal of the licence, which will not require further execution of any document.

#### **STATUTORY IMPLICATIONS**

Section 9.49A of the *Local Government Act 1995* relates to the execution of documents and outlines that the local government executes a document by affixing the common seal and signing by a person or persons authorised on behalf of the local government.

The Chief Executive Officer and Shire President do not have delegation to execute the jetty licence, and therefore Council's authorisation, by resolution, is sought to enable execution of the licence.

#### **POLICY IMPLICATIONS**

There are no policy implications associated with this item.

## **FINANCIAL IMPLICATIONS**

A licence application fee of \$74.62 has been paid by the Shire, and an annual licence fee (currently \$33.63) will be payable to renew the licence each year.

The Shire will also be responsible for any cost relating to the maintenance and/or management of the jetty.

## **STRATEGIC IMPLICATIONS**

The construction and operation of the Wyndham Community Jetty was requested by the local community and funded by the Commonwealth Government as part of the East Kimberley Development Package

## **COMMUNITY CONSULTATION**

No community consultation is required in relation to this item.

## **COMMENT**

In order to finalise project delivery for the Wyndham Community Jetty the required public jetty licence for the constructed jetty needs to be executed by the Shire of Wyndham East Kimberley prior to being submitted for signing by the Department of Transport.

The Chief Executive Officer and Shire President do not have delegation to execute the jetty licence, and therefore Council's authorisation in accordance with Section 9.49A of the *Local Government Act 1995*, is sought to enable execution of the licence.

## **ATTACHMENTS**

Attachment 1 – Correspondence from Department of Transport

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council, in pursuance of Section 9.49 of the Local Government Act 1995, authorises the Chief Executive Officer and Shire President to duly execute the jetty licence for the Wyndham Community Jetty (Jetty 4067)

## **COUNCIL DECISION**

**Minute No. 9775**

**Moved: Cr A Horn**

**Seconded: Cr K Torres**

**Council, in pursuance of Section 9.49 of the Local Government Act 1995, authorises the Chief Executive Officer and Shire President to duly execute the jetty licence for the Wyndham Community Jetty (Jetty 4067)**

**Carried Unanimously 8/0**

**Attachment 1 – Correspondence from Department of Transport**

**MANAGER PROPERTY SERVICES  
OF  
DEPARTMENT OF TRANSPORT**

**AND**

**SHIRE OF WYNDHAM - EAST KIMBERLEY**

**JETTY4067**

**DPI File Ref: LM4067  
Prepared By: PM**



the covenants, agreements and conditions hereinafter set out and the Licensee **PAYING THEREFOR:-**

- (i) **ONE DOLLAR AND THIRTY-FOUR CENTS (\$1.34)** in respect of the first year of this Licence if demanded; and
- (ii) **THIRTY-THREE DOLLARS AND SIXTY-THREE CENTS (\$33.63)** or such other amount as may from time to time be notified to the Licensee by or on behalf of the Licensor in respect of each succeeding year during the continuance of this licence.

1. **The Licensee to the intent that the obligations may continue throughout the continuance of this Licence COVENANTS AND AGREES** with the Licensor as follows:-

- (a) to punctually pay the rental in the manner aforesaid;
- (b) to permit the Licensor by its agents and servants with or without appliances and equipment at all reasonable times to enter upon and to inspect the Jetty for the purpose of ensuring that the Licensee is observing performing and complying with the covenants conditions and obligations contained herein;
- (c) to make good and repair to the stipulation of the Licensor any damage to the said site caused by the entrance upon the said site by the Licensee its agents or workers;
- (d) to maintain and keep the Jetty in good proper and safe condition to the Licensor's satisfaction and in the event of the Jetty not being in that good proper and safe condition the Licensor may remove the same and any right herein granted to the Licensee shall thereupon cease and the Licensor may recover from the Licensee the total cost of such removal and any repair and incidental work thereof;
- (e) not to permit any advertisement to be exhibited on any portion of the said site or the Jetty;
- (f) in using and maintaining the Jetty not to cause unnecessary interference or nuisance to the use of adjacent jetties, waterways or property;
- (g) to the satisfaction of the Licensor display the Licence number allocated for that purpose on such part or parts of the Jetty as the Licensor directs so as to be clearly visible from the shore and the water;
- (h) to comply in all respects with the requirements of the by-laws in carrying out all works required to be done and equipment required to be used in connection with the Jetty;

- (i) to comply with all statutes from time to time in force relating to the Jetty;
- (j) not to assign or transfer the rights hereby conferred unless permission in writing is obtained from the Licensor and in the case of the Licensor so approving of the transfer or assignment the transferee or assignee shall enter into an agreement in accordance with this Agreement;
- (k) at all times during the term of this Licence or any renewal thereof to indemnify and keep indemnified:-
  - (i) the CEO, the Licensor, and relevant local government, the Crown in right of the State of Western Australia and all instrumentalities of the Crown and all officers, servants and agents of each of them from and against all destruction, loss, injury or damage of or to any person (including death) or any property of the CEO, the Licensor or of the Crown or of any instrumentality of the Crown or of anyone else caused by or arising out of or in relation to or incidental to in whole or in part any act, neglect or default of the Licensee, its servants, agents, workers, contractors, invitees, licensees or sub-licensees or the erection, construction, maintenance or use by the Licensee or by any of its servants, agents, workers, contractors, invitees, licensees or sub-licensees of the mooring area or the jetty; and
  - (ii) the CEO, the Licensor, and relevant local government, the Crown in right of the State of Western Australia and all instrumentalities of the Crown and all officers, servants and agents of each of them from and against all actions, suits, proceedings, claims, costs, expenses and demands caused by or arising out of or in relation to or incidental to in whole or in part any act, neglect or default of the Licensee, its servants, agents, workers, contractors, invitees, licensees or sub-licensees or the erection, construction, maintenance or use by the Licensee or by any of its servants, agents, workers, contractors, invitees, licensees or sub-licensees of the mooring area or the jetty.
- (l) not to without the prior written consent and approval of the Licensor:-
  - (i) make any alteration addition or extension to the Jetty or any part thereto;
  - (ii) remove demolish or take away any part of the Jetty;

- (iii) carry out any works which may have the effect of altering the character, nature or purpose of the jetty originally approved by the Licensor;
  - (iv) lay, install, construct, release or place in, upon or below the surface of the water surrounding the Jetty any material, article, structure, pile, buoy or equipment;
- (m) that in the event that any of the covenants of the Licence are breached it is agreed that the Licence may be cancelled in the sole of the discretion of the Licensor by written notice to that effect to the Licensee;
- (n) that covenants herein by the Licensee (where there are more than one party comprising the Licensee) shall bind those parties jointly and each of them severally; and
- (o) that:-
- (i) **the Licensor** gives no warranty and the Licensee hereby acknowledges that no promise, representation, warranty, assurance or undertaking has been given by or on behalf of the CEO as to the use to which the licensed area or the Jetty may be put or in respect of the suitability or fitness of the licensed area or the Jetty for any purpose or use or for any proposed development or business to be made or carried on thereon or in respect of the grant or refusal by any competent authority of approval to any development or business to be made or carried on thereon or in respect of the grant or refusal by any competent authority of approval to any development of the licensed area or the Jetty proposed by the Licensee or in respect of the time within which any such development approval may be granted or refused or in respect of the fixtures, fittings, furnishings, finish, plant, machinery and equipment of in or upon the licensed area or the Jetty;
  - (ii) **the Licensee** accepts the licensed area and the Jetty for the said term with full knowledge of and subject to the state and condition thereof and any prohibition or restriction on the use or development thereof under or pursuant to any act, statute or other legislation and if the development use or business proposed to be carried out made or conducted by the

Licensee upon the licensed area or the Jetty is permissible only with consent pursuant to any act statute or other legislation. The Licensee shall obtain that consent at its own expense and shall have or make no action, suit, claim or demand against the Licensor in respect of the need for or refusal of such consent or any delay in or conditions attached to the grant of such consent;

- (p) not to use the Jetty for any commercial activity whatsoever; and
- (q) to allow the general public to have unrestricted access to the Jetty at all times.

**2. PROVIDED ALWAYS AND IT IS HEREBY EXPRESSLY AGREED AND DECLARED** by and between the Licensor and the Licensee as follows:-

- (1) **UPON** the termination of this Licence by the Licensee or the Licensor the Licensee shall if requested by the Licensor within one month thereafter remove from the site the Jetty including all piles and other parts of the Jetty that are below the water level and fill in all holes and level off and consolidate the ground and leave the said site clean and free from rubbish and in default it shall be lawful for the Licensor to cause the same to be removed at the cost of the Licensee and such cost shall be a debt due and owing to the Licensor and shall be recoverable in a court of competent jurisdiction; and
- (2) **THE** Licensee or the Licensor may cancel these presents by either giving to the other at any time one month's notice in writing and at the expiry of that notice the Licence hereby granted shall cease and determine but without prejudice to the remedies of the Licensor against the Licensee in respect of any antecedent claim or breach of covenant. Such a notice shall be sufficient if signed by the Licensor and shall be held to be sufficiently given made or served if posted to the Licensee at the address first hereinbefore appearing or at the address as last known to the Licensor or if served personally and shall be deemed to be received by the Licensee on the date such letter would in the ordinary course of post reach such address or on the date such notice is served personally on the Licensee.

**IN WITNESS** whereof the parties hereto have executed these presents the day and year hereinbefore written:-

**SIGNED BY THE SAID LICENSOR** ) \_\_\_\_\_  
in the presence of: ) **ANGELA MARGARET MACFARLANE**  
(Manager Property Services)

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Name of Witness (please print)

\_\_\_\_\_  
Address

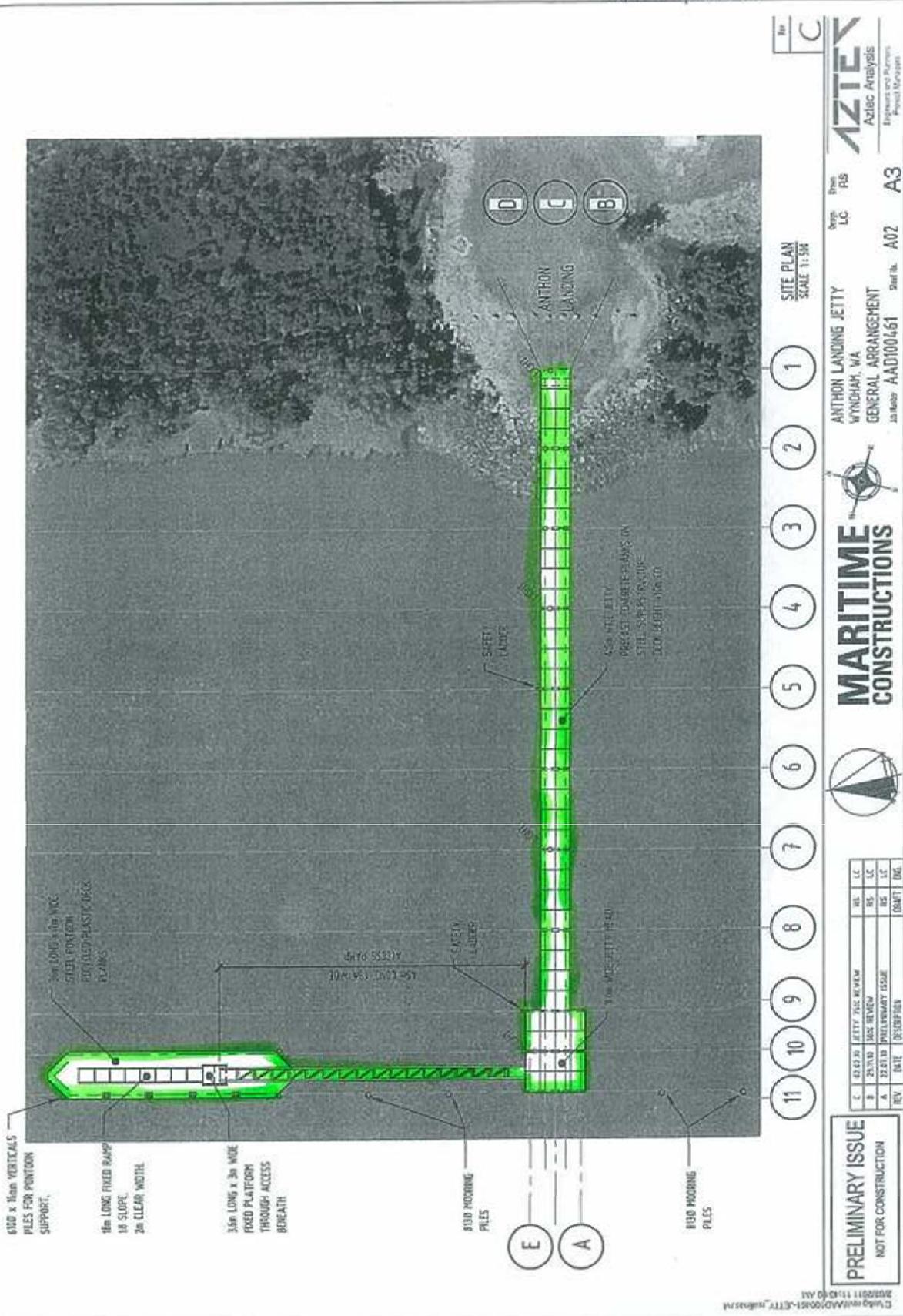
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Occupation

**THE COMMON SEAL OF THE SAID** ) \_\_\_\_\_  
**LICENSEE** was hereunto affixed in the ) **SHIRE OF WYNDHAM – EAST**  
presence of ) **KIMBERLEY**

X \_\_\_\_\_  
President

X \_\_\_\_\_  
Chief Executive Officer

Annexure KA11



## 12.5 COMMUNITY DEVELOPMENT

### 12.5.1 Public Art Proposal – Request for Support

<b>DATE:</b>	15 May 2012
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Karyn Apperley, Director Community Development
<b>REPORTING OFFICER:</b>	Karyn Apperley, Director Community Development
<b>FILE NO:</b>	RC.07.4

#### **PURPOSE**

For Council to consider a request from Waringarri Aboriginal Arts to approve a suitable location and assist with the installation of three public art plinths.

#### **BACKGROUND**

Waringarri Aboriginal Arts has written to request Council's approval to install art works in a public location for enjoyment and viewing by the community and visitors and provision of the installation required for the proposed three art plinths. Photographs of a mock-up sample of a completed plinth are attached.

The public art works are the result of an intergenerational cross cultural art project by Waringarri Aboriginal Arts over the past two years. The ceramic tiles on the top of the plinths were created by local artist Agnes Armstrong and the ceramic animals around the circular plinth were created by over 30 local students. The outcome is a collection of artworks representing the cultural significant of key landmarks surrounding Kununurra including Kelly's Knob, Sleeping Buddha and Ivanhoe Range.

The proposed art works would be installed as a cluster of three plinths in an area no great than two metres by two metres. The height of the plinths will range from 800mm to 1,200mm. The art works are blue grey, ochre red, terracotta and ochre yellow with a base mounting plate in terracotta colour.

Waringarri Aboriginal Arts has suggested the location of the public art works at either White Gum Park or the outdoor public entrance area of the new Kununurra School Community Library being constructed on the corner of Coolibah Drive and Mangaloo Street.

#### **STATUTORY IMPLICATIONS**

There are no statutory implications associated with this report.

#### **POLICY IMPLICATIONS**

No policy implications apply in the preparation of this report.

#### **FINANCIAL IMPLICATIONS**

The request includes the Shire's provision of installation of the plinths, to the Shire's standards and requirements. No specific costs are available at this time in regard to installation however it can be anticipated Shire's outdoor staff could be involved in installing

the plinths with appropriate footings and associated works. This could be based on installation of plinths for Baby Tree and Celebrity Tree plaques and would involve labour by 2 to 3 staff and associated equipment. Therefore an estimate of \$1,500 to \$2,500 is proposed at this time.

Should the Council decide that the new Community Library is an appropriate location, the cost of installation of the three public art plinths could be funded through the existing budget allocation for the new Library Upgrade Project adopted in the Council's 2011/12 Annual Budget.

If another location was decided by Council, another budget would need to be identified for the cost of installation.

### **STRATEGIC IMPLICATIONS**

This report aligns with Council's focus on Community, Key Result Area 2, in the *Shire of Wyndham East Kimberley Strategic Plan 2008*;

- Provide community and cultural development

### **COMMUNITY CONSULTATION**

The Waringarri Aboriginal Arts project has involved a level of community input in the development of the project and resulting artworks including the input of local artists and students.

Community consultation has not been sought in regard to the location of the public art plinths.

The location of the outdoor public entrance area of the new Kununurra School Community Library also requires agreement from Kununurra District High School (KDHS) as the new library is being constructed on the KDHS site.

### **COMMENT**

Waringarri Aboriginal Arts has advised that Agnes Armstrong has cultural authority to produce images of key landmarks in the Kununurra area. Her arts practise represents the shared cross-cultural history of the Kununurra township and her childhood memories of the area.

Location of public art plinths in White Gum / Warlarring Park needs to be considered within the existing uses of the Park, including peak usage associated with the dry season Markets. Nevertheless the Park is a highly visible and central location and installation of plinths could be achieved in an area of such as the Coolibah Drive frontage which has direct sight lines to the Kununurra Visitor Centre. Conversely, the Park incurs significant levels of vandalism and damage at times. Therefore this site is less preferable due to the higher potential for damage to art works.

Location of the public art plinths in the outdoor public entrance area of the Kununurra School Community Library, under construction, has a number of positive elements:

- As a 'greenfield' site, location can be planned to avoid conflict with other uses and needs of the space;
- The primary artist, Agnes Armstrong has an existing connection to the Library through her prior involvement as a guest at the Kimberley Writers Festival and the former Sharing Our Stories program;

- The majority of students involved in the project are students of Kununurra District High School;
- Installation costs could be met by an existing budget allocation.

An agreement between the Shire and Waringarri Aboriginal Arts would also include that works and costs associated with ongoing maintenance and any required repairs would be met by Waringarri Aboriginal Arts. The agreement would identify that in the event of future site requirements resulting in the need for removal or relocation of the art works, this would be done by Waringarri Aboriginal Arts at their cost.

### **ATTACHMENTS**

Attachment – Possible Plinth Styles with Confirmed Art Works

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER'S RECOMMENDATION**

That Council endorses the placement of and installs three public art works, provided by Waringarri Aboriginal Arts intergenerational cross cultural art project, at the public entrance of the new Kununurra School and Community Library subject to:

- 1) agreement from Kununurra District High School; and
- 2) entering an agreement with Waringarri Aboriginal Arts including ongoing maintenance or repairs of the art works and any future removal/relocation will be the responsibility of Waringarri Aboriginal Arts.

### **COUNCIL DECISION**

**Minute No. 9776**

**Moved: Cr J Parker**

**Seconded: Cr D Ausburn**

**That Council endorses the placement of and installs three public art works, provided by Waringarri Aboriginal Arts intergenerational cross cultural art project, at the public entrance of the new Kununurra School and Community Library subject to:**

- 1) agreement from Kununurra District High School; and**
- 2) entering an agreement with Waringarri Aboriginal Arts including ongoing maintenance or repairs of the art works and any future removal/relocation will be the responsibility of Waringarri Aboriginal Arts.**

**Carried Unanimously 8/0**

**Attachment – Possible Plinth Styles with Confirmed Art Works**



## 12.5.2 Community Development Quarterly Report 2011-2012

<b>DATE:</b>	15 May 2012
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Karyn Apperley, Director Community Development
<b>REPORTING OFFICER:</b>	Karyn Apperley, Director Community Development
<b>FILE NO:</b>	CS.10.2

### **PURPOSE**

For Council to note the Community Development Department's Quarterly Report for the period of 1 January 2012 to 31 March 2012.

### **BACKGROUND**

The Shire's Community Development Department is responsible for the provision of services to the local community within the applicable legislative frameworks, resource allocation and staffing capacity and in response to identified community service needs. The Community Development Department's service provision assists Council to enhance and support communities through the provision of adequate, equitable and accessible services and facilities and ensure that these services and facilities are managed efficiently and effectively.

Each quarter the Community Development Department provides a report of activities conducted during that quarter, including previous years and year to date comparative data (where available) regarding the implementation of service provision and key achievements.

### **STATUTORY IMPLICATIONS**

The statutory implications of this report are overarching compliance with the:

- *Local Government Act 1995*
- *Health (Aquatic Facility) Regulations 2007, including the Code of Practice for the Design, construction, Operation, Management and Maintenance of Aquatic Facilities (May 2010)*
- *Fitness Industry Code of Practice 2005*
- *Food Act 2008*
- *Liquor Control Act 1988*
- *Health Act Western Australia 1911*
- *Dangerous Goods Safety Act 1984*
- *Library Board of Western Australia Act 1951*
- *Disability Services Act 1993*
- *The Working with Children (Criminal Record Checking) Act 2004*
- *Occupational Safety and Health Act 1984*
- *Child Care Services Act 2007*
- *Children and Community Services Act 2004*
- *Young Offenders Act 1994*

## **POLICY IMPLICATIONS**

The policy implications of this report are overarching compliance to Council and Administrative Policies including:

- CP/COM – 3580 Community Services Policy
- CP/COM – 3581 Council Community Facilities Policy

## **FINANCIAL IMPLICATIONS**

Service delivery, facility maintenance and capital works projects have been achieved within the adopted budget allocations. The Directorate participated in the recent budget review.

## **STRATEGIC IMPLICATION**

This report aligns with Council's focus on Community, Key Result Area 2, in the *Shire of Wyndham East Kimberley Strategic Plan 2008*.

- Facilitate community participation
- Public open space provides for a range of activities
- Quality child care facilities and services
- Partnerships in youth service delivery
- Partnerships addressing social issues in our community
- Equitable access to quality recreational facilities and services
- Provide and promote public library services

## **COMMUNITY CONSULTATION**

Community consultation is not required in relation to this item.

## **COMMENT**

Key activities for the Community Development Directorate included:

- Co-facilitation of the Working in Partnership (WIP) Interagency Forum for Human Services Agencies and key non-government organisations;
- Chairing of the Kununurra Wyndham Alcohol Accord and submission of draft proposal to the Director of Liquor Licensing;
- Annual preventative service of the Kununurra Swimming Complex;
- The Major event for the third quarter was the near completion of the Kununurra Leisure Centre Gym Expansion and single entry point project. This project was predominantly funded by the funded by the Australian Government under the Regional Local and Community Infrastructure Program (\$214,000) with some additional works including the construction of a dedicated First Aid room funded from the SWEK budget. This project has been well received by Centre users with many positive comments about a range of aspects of the works.
- The January School Holidays saw approximately 80 kids participate in the education department swimming program Vacswim over a two week period.
- Term 1 SWEK Swim School was very successful with 167 enrolments including 77 children under 4 years old;
- Kununurra Leisure Centre hosted the Schools Active After School program with approximately 15 participants each Friday afternoon.

- Wyndham Swimming Pool hosted the Virtual Swim to Rotto with approximately 200 participants and spectators. The event was held as a fundraiser for St John Ambulance raising approximately \$3000.
- In Term School Swimming lessons have been held at the Wyndham Pool with both St Josephs and Wyndham District High School participating.
- The Kununurra Leisure Centre hosted a number of events during the 3<sup>rd</sup> quarter including the St Joseph's P & C Quiz night, Kununurra Amateur Theatre Society production, Kununurra Demons Football Club fundraiser disco, two bronze medallion courses, two funerals and the CWA Bush Dance;
- Busy quarter for Club Development Officer with preparation for the new seasons, attending AGMS, and assisting Club's with management and developing sound strategies;
- 'Boot Camp for Committees' workshop conducted with Department of Sport and Recreation – 18 people attended from 15 sports clubs and associations;
- Kununurra Annual Oval User Group held 29 February;
- Wyndham Library commenced hosting monthly Story Time sessions with the Wyndham Early Learning Centre, St Joseph's Pre-Primary School and Wyndham Child Care Centre;
- Recruitment and commencement of a new Wyndham Child Care Centre Coordinator;
- Wyndham Child Care Centre increased utilisation by 446 Hours compared to the same quarter last year;
- Commenced development of a Quality Improvement Plan by June, required Nationally by all Child Care Centres as part of the implementation of the new National Child Care Regulations;
- The Kununurra Youth Service Hub continues to provide direct program delivery and partnership program. Compared to the same period last year, service delivery partnerships have increased;
- A successful January 2012 School Holiday Program was run in Kununurra in conjunction with Save the Children, Department of Environment and Conservation, Kimberley Aboriginal Medical Services Council, Garnduwa and Department of Corrective Services and in Wyndham, the programs were run in conjunction with WELA, Ngnowar Aerwah, Wyndham Police and Wyndham District High School;
- Wyndham Youth Service continued to run monthly Youth Discos in partnership with the Wyndham Blue Light Committee;
- Kununurra Community Library participated in the formal School Holiday Program for the first time during the summer break and a total of 74 children and ten adults participated in the five sessions;
- Ngalangangpum School, Warmun visited the library as part of their community studies and selected a bulk loan of items for class reading;
- Implementation of the Creating Books in Communities program, part of the Better Beginnings Early Family Literacy program. The book tells the story of the children attending the Stepping Stones sessions at the Pindan Centre and their love of the story *The Three Billy Goats Gruff*. The launch of the book is planned for Library and Information Week in May.

## **ATTACHMENTS**

Attachment - Community Development Third Quarter 2011/12 – Summary Data

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council notes the Community Development Quarterly Report for the period 1 January to 31 March 2012.

## **COUNCIL DECISION**

**Minute No. 9777**

**Moved: Cr K Torres**

**Seconded: Cr J Parker**

**That Council notes the Community Development Quarterly Report for the period 1 January to 31 March 2012.**

**Carried Unanimously 8/0**

## Attachment - Community Development Third Quarter 2011/12 – Summary Data

### Quick Grants Approved

Date Approved	Organisation	Project	Total Project Cost	Quick Grant Amount
09/01/2012	Wyndham Tourism Committee	New brochures	\$9,750	\$500
13/02/2012	Ord Valley CWA	Bush Dance 2012	\$13,000	\$500
22/02/2012	Kununurra Neighbourhood House	International Women's Day	\$2868.08	\$500
28/02/2012	St Josephs Parents & Friends Committee	St Patricks Quiz night	\$9,000	\$500
08/03/2012	Joongari House (Wyndham Family Support Inc.)	International Women's Day	\$850	\$500
19/03/2012	Kununurra Sub-Branch RSL	ANZAC Day Dawn Service & March	\$1,200	\$500

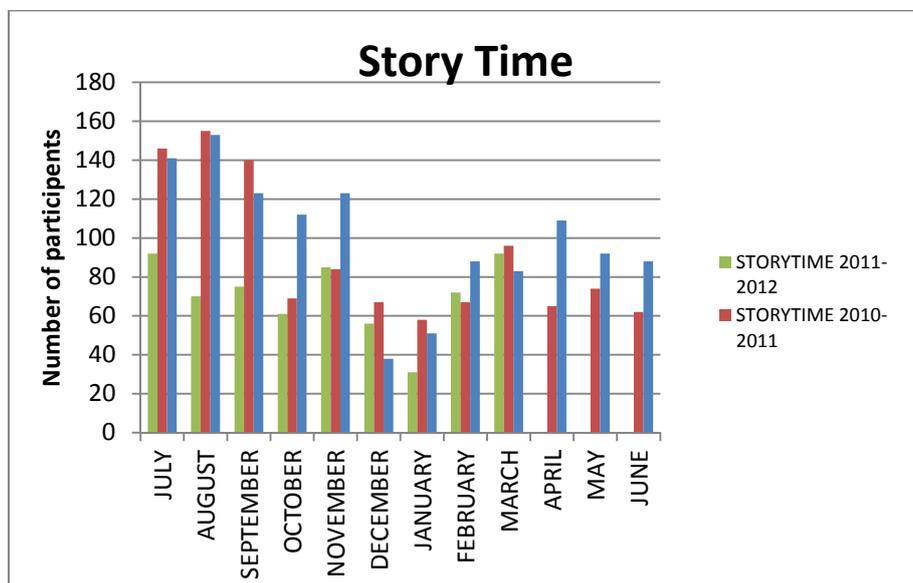
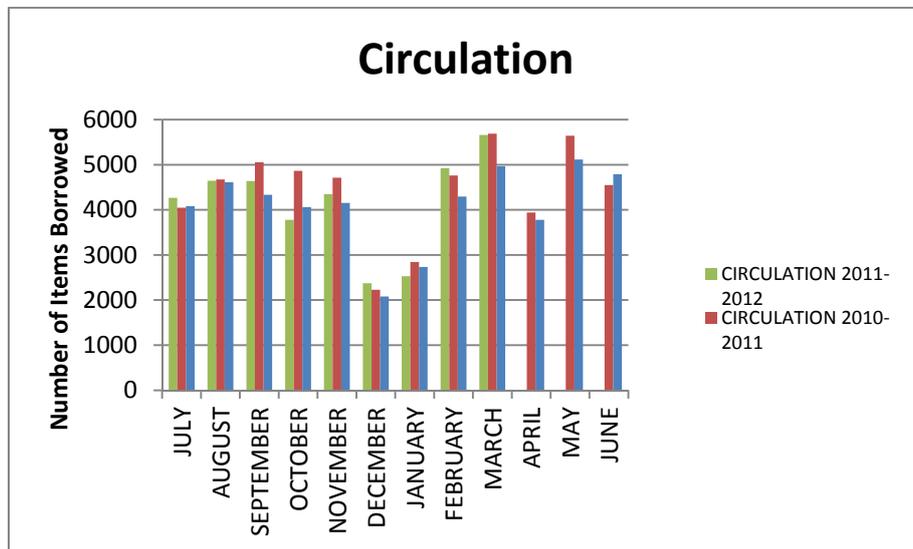
### Grant Applications – Submitted

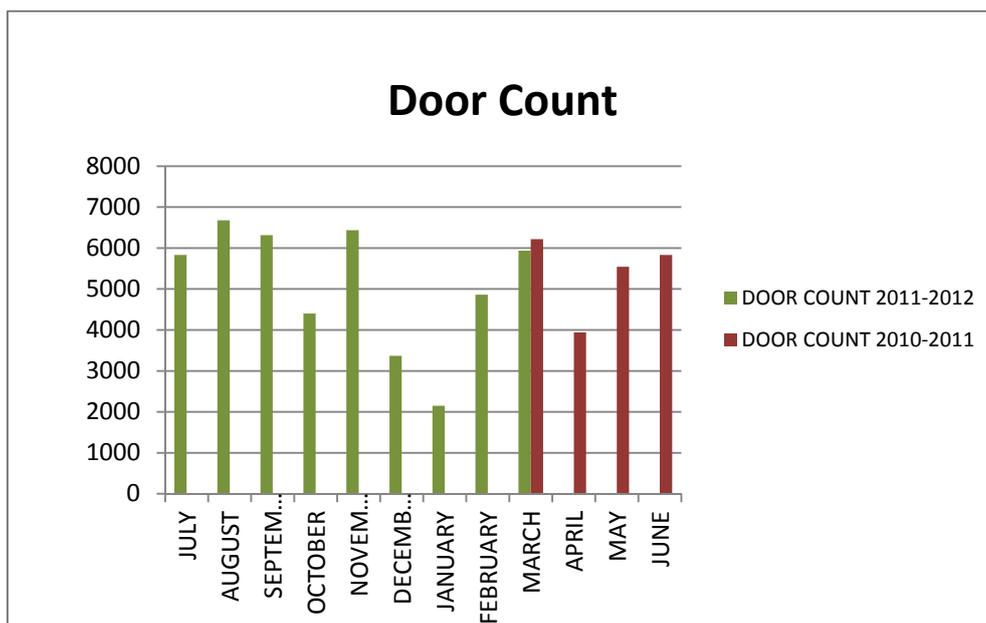
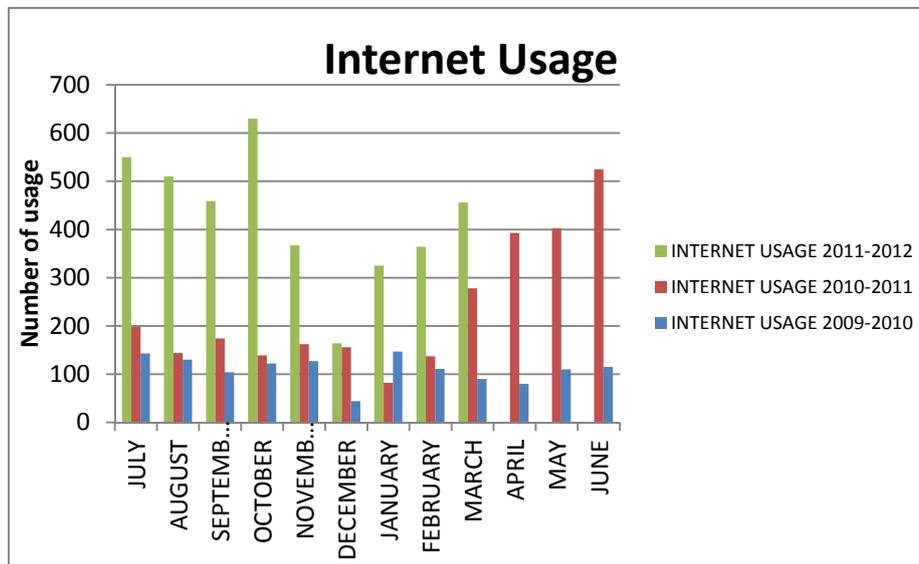
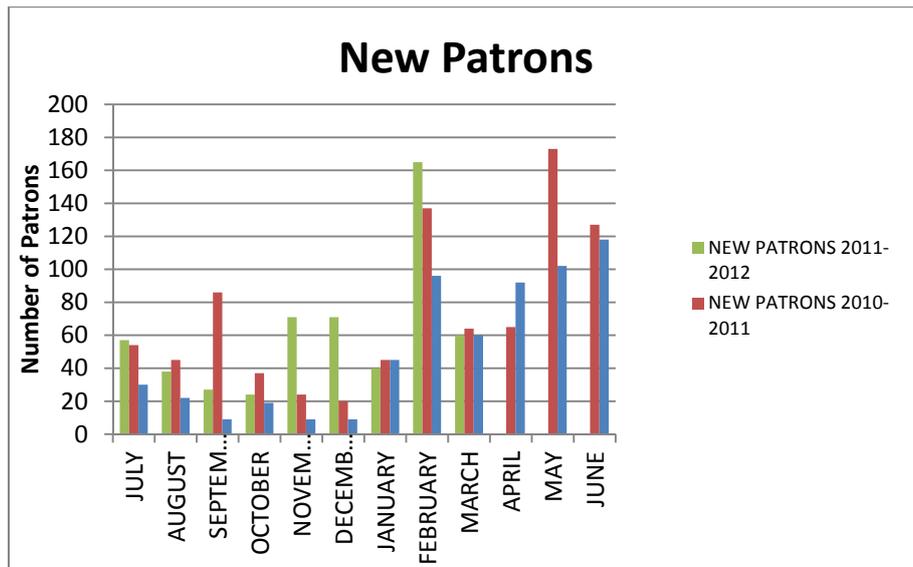
Date	Organisation	Project	Grant Amount
16/03/2012	Proceeds of Crime	Clean Streets Safe Kids (Graffiti Reduction and CCTV)	\$150,000
20/03/2012	Department of Sport & Recreation	Kids Sporting Fund	\$30,000
30/03/2012	Department of Sport & Recreation	CSRFF Small Grant	\$55,000
28/03/2012	Healthway	Triathlon	\$10,000

**Kununurra Community Library:**

The graphs below indicate:

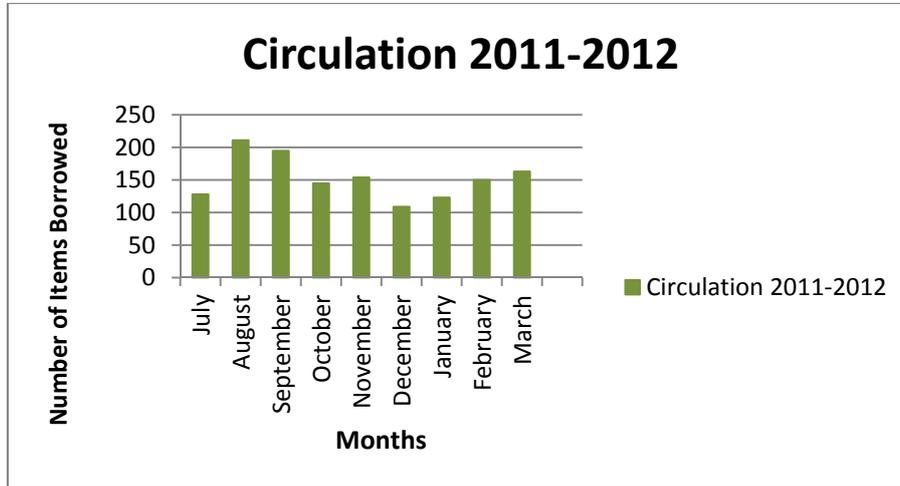
- Internet usage continues to be higher than previous years
- The Library continues to attract new members
- Circulation statistics remain steady.





**Wyndham Library:**

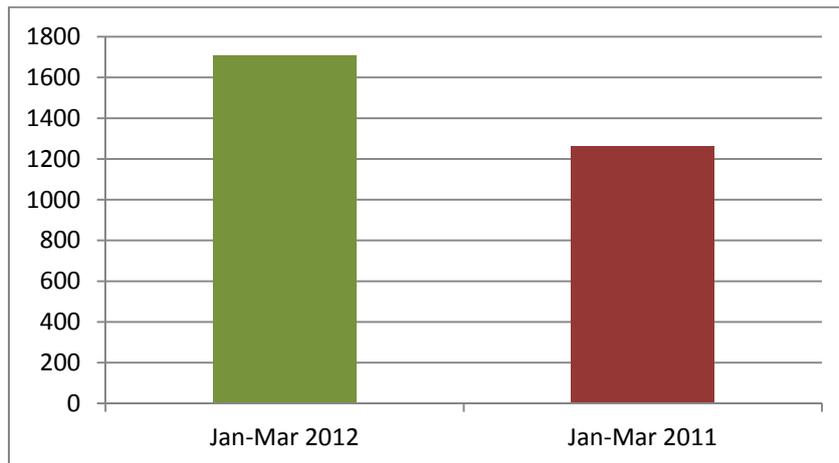
The graph below indicates the number of books and other items borrowed from the Wyndham Public Library for 2011/12 year to date.



**Wyndham Child Care Centre:**

During this quarter, there has been a significant increase in hours of utilization in comparison with the same quarter 2011. In the same period in 2011, Wyndham Child Care Centre provided care for 14 families, 18 children with a total of 1259.5 hours of utilization compared with the 2012 third quarter of 16 Families, 19 children and a total of 1705.5 hours of care (446 hr increase).

Comparison Utilization Report



**Wyndham Youth Services:**



Banner Painting for Australia Day



Indigenous Hip Hop Workshops

For the 3<sup>rd</sup> Quarter period, Wyndham Youth service provided 253 occasions of service:

	Male	Female
Total	120	133
under 12	50	50
13 – 15	41	53
16+	29	30

**Kununurra Youth Services:**



Indigenous Hip Hop Workshops as part of the January School Holiday Program

### Kununurra Youth Hub Usage:

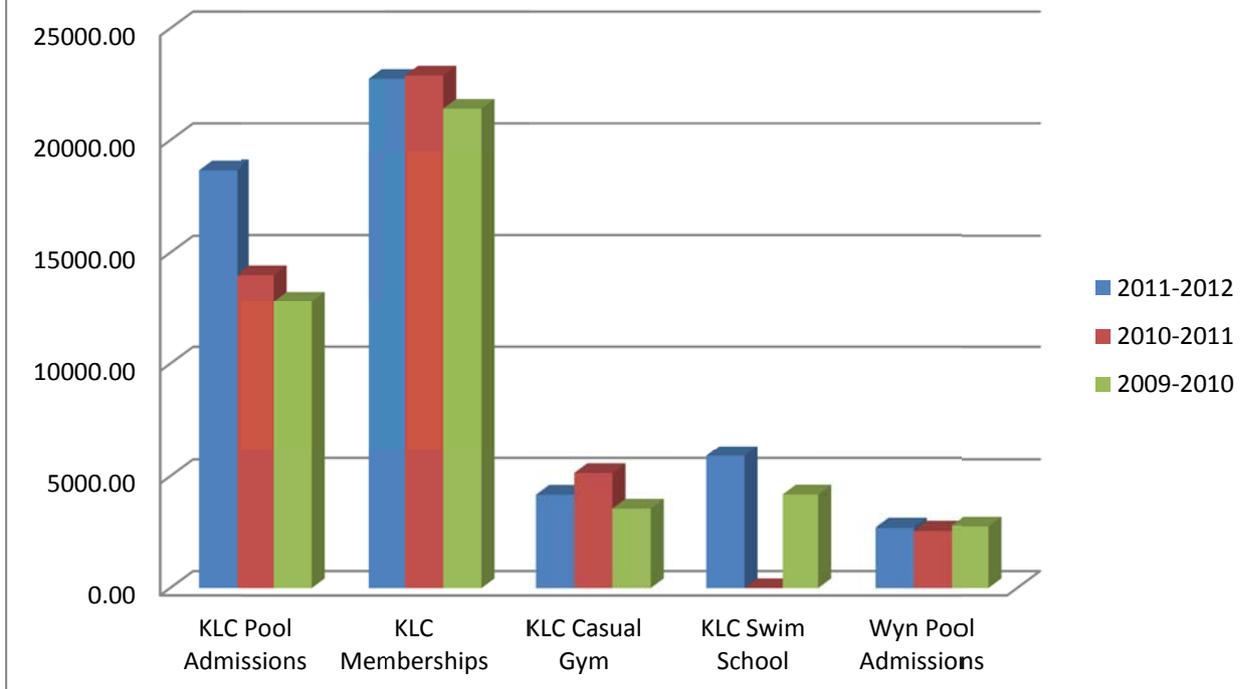
Direct services provided by the Kununurra Youth Officer.

	Individual Services	Hub Enquiries	Hub Services
January	Figures not available		
February	114	78	59
March	46	36	19

### Partnership Programs:

	PROGRAM NAME	OTHER AGENCIES INVOLVED	LOCATION	Average # per session	Age	Female	Male
DELIVERY	Werlemen	Wunan, KDHS, SkillHire/Youth Connections	KYS Hub	4	12 - 14	4	
	Laptop Literacy	Save the Children	KYS Hub	3	9	1	2
	Girls Group	Save the Children	KYS Hub	4	11	4	
DEVELOP & DELIVER	Love Bites	Kinways, Community Health, Save the Children, KDHS	KDHS	10	14 - 16	7	32
	Deadly Dinkum Fridays	Save the Children, Garnduwa	KYS Hub	40	7 - 15	20	20
	Bushrangers	KDHS, DEC	Outdoor program	20	12 - 16	3	16
	Sewing Project	Juvenile Justice Team	KYS Hub	0			
	Womens' Fishing Group	Kinways	Outdoor program	2	8	8	
	School Holiday Program	DEC, OVAHS, Garnduwa, Save the Children, MG Corp	KYS Hub; Chilling Space; Leisure Centre	16	7 - 15	8	8
	Picture Gardens youth volunteer group	Kununurra Progress Assoc	Picture Gardens; KYS Hub				
DEVELOPMENT	Kununurra Youth Project	Nkandu Beltz					
	X Games	W.A. Police, Save the Children					
	Barramundi Concert	Gelganyem, OVAHS/KAMS, Save the Children, Rio Tinto					

## Recreation Services Key Income Figures 3rd Quarter



Key income figures indicate a steady quarter comparable with previous years. Pool Admissions are up by approximately 20% which could be attributed to the weather and the fact that the slide is now operational. Gym figures are steady but given the fact that there was much disruption due to the expansion project this is a good result.

## 12.6 CHIEF EXECUTIVE OFFICER

### 12.6.1 Use of the Common Seal

<b>DATE:</b>	15 May 2012
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Debbie McCallum, Governance Support Officer
<b>REPORTING OFFICER:</b>	Gary Gaffney, Chief Executive Officer
<b>FILE NO:</b>	GN.02.1

#### **PURPOSE**

For Council to receive this report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 18 April to 15 May 2012.

#### **STATUTORY IMPLICATIONS**

*Local Government Act 1995*

Council's Standing Order Local Law makes reference to the application of the Common Seal.

#### **POLICY IMPLICATIONS**

No policy implications apply in the preparation of this report.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this item.

#### **STRATEGIC IMPLICATIONS**

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

#### **COMMENT**

The following documents have had the Shire of Wyndham East Kimberley Common Seal applied:

<b>Date of Use</b>	<b>Document</b>
19/04/2012	Kimberley Air Pty Ltd T/A Kimberley Air Tours (ACN 141 153 406) Lease of Foreshore Reserve 50467 Lot 505, Lake Kununurra
4/05/2012	Road Traffic Code 2000 regulation 297 (2) Instrument of Authorisation relating to Traffic Management for Events

## **ATTACHMENTS**

There are no attachments associated with this report.

## **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 18 April to 10 May 2012.

## **COUNCIL DECISION**

**Minute No. 9778**

**Moved: Cr K Torres**

**Seconded: Cr C Gore-Birch Gault**

**That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 18 April to 10 May 2012.**

**Carried Unanimously 8/0**

## 12.6.2 Delegated Authority Report

<b>DATE:</b>	15 May 2012
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Debbie McCallum, Governance Officer
<b>REPORTING OFFICER:</b>	Gary Gaffney, Chief Executive Officer
<b>FILE NO:</b>	PL.02.1

### **PURPOSE**

To report to Council on the use of Delegated Authority by Officers for the period 1 April to 30 April 2012.

### **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.

- 3) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- 4) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- 5) 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**

No policy implications apply in the preparation of this report.

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this item.

### **STRATEGIC IMPLICATIONS**

This report aligns with Council's focus on Governance, Key Result Area 5, in the *Shire of Wyndham East Kimberley Strategic Plan 2008*.

### **COMMUNITY CONSULTATION**

Community consultation is not required in relation to this item.

### **COMMENT**

The attached report outlines the use of Delegated Authority by relevant Council Officers for endorsement by Council.

### **ATTACHMENTS**

Attachment 1 – Delegated Authority Report

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER'S RECOMMENDATION**

**That Council receives the delegated authority report for the period 1 April to 30 April 2012.**

### **COUNCIL DECISION**

**Minute No. 9779**

**Moved: Cr K Torres**

**Seconded: Cr c Gore-Birch Gault**

**That Council receives the delegated authority report for the period 1 April to 30 April 2012.**

**Carried Unanimously 8/0**

**Attachment 1 – Delegated Authority Report  
COMMUNITY DEVELOPMENT QUICK GRANTS**

Approval Date	Organisation	Purpose of Quick Grant	Total Project Cost	Amount Requested	Amount Approved
04/04/2012	Monsoon Nights Belly Dancing	Essential Elements- Rhythm in Motion Workshop	\$9,500	\$500.00	\$500.00
05/04/2012	Kununurra Agricultural Society	40 <sup>th</sup> Agricultural Show	\$155,230.00	\$500.00	\$500.00
05/04/2012	Kununurra 4WD Club	Banners	\$518.00	\$500.00	\$500.00
20/04/2012	Kununurra Amateur Dramatic Society (KATS)	Theatre Show 'Death Warmed Up'	\$10,000	\$500.00	\$500 In-kind
26/04/2012	Kings Church	Gospel Festival	\$2,210.00	\$500.00	\$280.50 In-Kind \$219.00 Cash

**CERTIFICATE OF DESIGN COMPLIANCE (Form BA03) ISSUED UNDER DELEGATED AUTHORITY  
BY SHARON McLACHLAN LEVEL 1 CERT No 292 AS THE CERTIFIER FOR THE PERMIT ISSUING AUTHORITY – 1 – 30 April 2012**

APPLIC NO	DATE APPLIC RECVD	DATE ISSUED	ASSESS NO.	CERT No	LOCATION	DESCRIPTION
100320	26/03/2012	13/04/2012	A1114P	BA3787	Lot 138 (5) Rosewood Avenue, Kununurra	Class 10A - Non habitable garage with attached carport
100309	21/03/2012	23/04/2012	A113P	BA3801	King Location 570, Ivanhoe Road, Kununurra	Class 10A Verandah addition to existing Class 5
100400	23/04/2012	26/04/2012	A1196P	BA3836	Lot 10 (23) Rosewood Avenue, Kununurra	Class 10A - Non habitable garage with attached carport
100336	26/03/2012	27/04/2012	A7617P	BA3841	Lot 336 (44) Argentea Avenue, Kununurra	Class 1A single dwelling with attached Class 10A carport and verandah/deck
100326	27/03/2012	28/04/2012	A7234P	BA3851	Lot 383 ( 6) Tamarind Meander, Kununurra	Class 1A single dwelling with attached Class 10A carport and outdoor living
100334	29/03/2012	29/04/2012	A5215P	BA3854	Lot 936 (Former Loc 512 & part Lot 3001) Yirrallem 1 Community (Community Lot 2), Packsaddle Road, Kununurra	Class 1A single dwelling with attached Class 10A verandah/deck
100284	15/03/2012	12/04/2012	A4993P	BA3865	Loc 312 Levee Bank Road (Lakeview Drive), Kununurra	Class 10A ablution block renovation and add a disabled WC

BUILDING PERMITS (Form BA04) ISSUED UNDER DELEGATED AUTHORITY

AS THE PERMIT ISSUING AUTHORITY – 1 – 30 April 2012

LIC#	DATE RECEIVED	DATE LICENCED	OWNER	BUILDER	LOCATION	DESCRIPTION	NEW / ADD	EST. VALUE	COMMENT / PROCESSING TIME – WORKING DAYS
039/ 2012	15/03/2012	12/04/2012	"Lake Kununurra Golf Club" lease Shire of Wyndham - East Kimberley	Gary Holben t/as Pandanus Homes	Loc 312 Levee Bank Road (Lakeview Drive) Kununurra	Class 10A ablution block renovation and add a disabled WC	Add	\$ 145,500.00	
040/ 2012	26/03/2012	16/04/2012	Darren McKelvie & Julia Hall	Darren McKelvie	Lot 138 (5) Rosewood Avenue Kununurra	Class 10A - Non habitable garage with attached carport	New	\$ 25,000.00	13/25 days
041/ 2012	21/03/2012	25/04/2012	Toll West	Maglion Enterprises Pty Ltd	King Location 570, Ivanhoe Road, Kununurra	Class 10A Verandah addition to existing Class 5	Add	\$ 39,850.00	
042/ 2012	23/04/2012	26/04/2012	Rhys Jenkins & Tanya Lewis	Rhys Jenkins & Tanya Lewis	Lot 10 (23) Rosewood Avenue Kununurra	Class 10A - Non habitable garage	New	\$ 15,000.00	
043/ 2012	26/03/2012	27/04/2012	Rik & Joanne Soderland	Gary Holben t/as Pandanus Homes	Lot 336 (44) Argentea Avenue Kununurra	Class 1A single dwelling with attached Class 10A carport and verandah/deck	New	\$ 240,000.00	
044/ 2012	27/03/2012	28/04/2012	Neil Trew & Fiona Brennan	Falvey Nominees Pty Ltd	Lot 383 ( 6) Tamarind Meander Kununurra	Class 1A single dwelling with attached Class 10A carport and outdoor living	New	\$ 380,000.00	

BUILDING PERMITS (Form BA04) ISSUED UNDER DELEGATED AUTHORITY (continued)

AS THE PERMIT ISSUING AUTHORITY - 1 - 30 April 2012

LIC#	DATE RECEIVED	DATE LICENCED	OWNER	BUILDER	LOCATION	DESCRIPTION	NEW / ADD	EST. VALUE	COMMENT / PROCESSING TIME - WORKING DAYS
045/ 2012	29/03/2012	29/04/2012	MG Corporation (Yirrallelem 1 Community)	CKC Nominees Pty Ltd t/as Ecoefficient Homes	Lot 936 (Former Loc 512 & part Lot 3001) Yirrallelem 1 Community (Community Lot 2), Packsaddle Road Kununurra	Class 1A single dwelling with attached Class 10A verandah/deck	New	\$ 399,647.00	
								\$ 1,244,997.00	

DEMOLITION PERMITS (Form BA06) ISSUED UNDER DELEGATED AUTHORITY

AS THE PERMIT ISSUING AUTHORITY – 1 – 30 April 2012

DEMO PERMIT	DATE APPLIC RECVD	DATE LICENCED	ASSESS NO.	OWNER	ADDRESS	BUILDER/ DEMOLITION CONTRACTOR	BUILDER ADDRESS	DEMO CLASS (1, 2 or 3)	WAD CLASS/ LIC NO	LOCATION	DESCRIPTION
DP 008/ 2012	14/04/2012	30/04/2012	A7P	Paul Cavanagh	PO Box 74 Wyndham	John Kestle	PO Box 117 Gidgegannup WA 6083	WARA	WARA 94	Lot 59 (9) Baker Street Wyndham	Partial Demolition - Asbestos Removal Only - Class 1A dwelling
DP 009/ 2012	14/04/2012	30/04/2012	A484P	Paul Cavanagh	PO Box 74 Wyndham	John Kestle	PO Box 117 Gidgegannup WA 6083	WARA	WARA 94	Lot 4 (25) O'Donnell Street Wyndham	Partial Demolition - Asbestos Removal Only - Class 1A dwelling

THERE WERE NO OCCUPANCY PERMITS (Form BA10 and BA12) ISSUED UNDER DELEGATED AUTHORITY – 1 – 30 April 2012

THERE WERE NO SIGN LICENCES ISSUED UNDER DELEGATED AUTHORITY – 1 – 30 April 2012

THERE WERE NO FORMAL NOTICES RAISED PURSUANT TO THE BUILDING ACT 2011

FOR ISSUE BY THE CEO UNDER DELEGATED AUTHORITY – 1 – 30 April 2012

BUILDING PERMITS (BA04) AND CERTIFICATES OF DESIGN COMPLIANCE (BA03)

ISSUED BY EXTERNAL PERMIT ISSUING AUTHORITIES UNDER BUILDING ACT 2011 S.7 (02)

RELATING TO PROPERTIES WITHIN THE SHIRE OF WYNDHAM EAST KIMBERLEY. – 1 – 30 April 2012

PERMIT NO	DATE OF ISSUE	PERMIT ISSUING AUTHORITY	PROPERTY ADDRESS	DESCRIPTION	BUILDING CLASS	BUILDER	CERTIFICATE OF DESIGN COMPLIANCE ISSUED BY	CONSTRUCTION VALUE
B2012-2485-0001	26/04/2012	BMW Building Permit Authority	Lot 79 Ironwood Drive Kununurra	"Kununurra Children & Family Centre" licenced 40-child Childcare Centre, two room Community Health and Family Centre	Class 9B	Ri-Con Contractors Pty Ltd PO Box 1346 Kununurra Reg No 12241	JMG Building Surveyors Reg No 15 10/04/12	\$ 3,456,376.00

## PLANNING DELEGATED AUTHORITY APPROVALS - 1 - 30 April 2012

Application / Delegation Number	Approval Type	Date Received	Applicant	Owner	Property Address	Proposed Development	Assess't Number	Approval Date	Comment
DA22/12	P	14/03/2012	Adrian & Kylie Roxburgh	Adrian & Kylie Roxburgh	Lot 105 Bull Run Road, Kununurra	Proposed extension to single dwelling	6998	3/04/2012	Approved by Nick Kearns
DA27/12	P	25/03/2012	Darren McKelvie	Darren McKelvie & Julia Hall	Lot 138 Rosewood Avenue, Kununurra	Proposed new Garage/Carport	1114	10/04/2012	Approved by Nick Kearns
DA30/12	Event	20/03/2012	Taneille Anderson	First National Kimberley Lake Argyle Swim	Lake Argyle, Kununurra	Public Event Application - Lake Argyle Swim	7161	16/04/2012	Approved by Nick Kearns
DA31/12	P	3/04/2012	Mirela Crisan	East Kimberley Motors (WA) Pty Ltd	Lot 947 Mango Street, Kununurra	Proposed refurbishments to existing building.	1020	10/04/2012	Approved by Nick Kearns

## 12.7 ELECTED MEMBER REPORTS

### Cr J Moulden

19 April	Signing KAT lease
23 April	Parliamentary Inquiry, Racing the Planet
25 April	Anzac Day dawn service and morning service
27 April	KDHS Anzac celebration
28 April	Opening of Freshwater Apartments
1 May	Liquor Accord
2 May	WALGA State Council Mandurah
3 May	Regional Collaborative Group Meeting, Broome
4 May	Regional Strategic Planning, Broome
4 May	Business After Hours
7 May	Kidsport launch
8 May	Liquor restrictions 12 month review

### Cr Ralph Addis

30 April – 1 May	Kimberley Development Commission, Broome
10 May	Regional Development Council, Karratha

### Cr Ausburn

20 April	Tender Opening T17 11/12, Kununurra Leisure Centre Hall Air Conditioner Replacement, T18 11/12, Kununurra Swimming Pool Liner Replacement
8 May	Budget
14 May	Shire Housing Tenders T20 11/12, T21 11/12 and T22 11/12 Assessment
15 May	Ordinary Council Meeting

### **COUNCIL DECISION**

**Minute No. 9780**

**Moved: Cr C Gore-Birch Gault**

**Seconded: Cr D Ausburn**

**That Council notes the Elected Member Reports from 2 May – 15 May 2012**

**Carried Unanimously 8/0**

## 12.8 CHIEF EXECUTIVE OFFICER REPORTS

The Chief Executive and Acting Chief Executive Officer attended the following meetings on behalf of Council:

Date	Meeting type
18 April	Country Local Government Fund Inception Meeting Teleconference  Kimberley Zone Project Housing Construction Facility Initial Discussions with Paul Howorth, Consultant  Kimberley Regional Service Providers, Jerry Walsh teleconference regarding Kalumburu Road
19 April	Kimberley District Emergency Management Committee Teleconference meeting
23 April	Kalumburu Trilateral Government Coordinating Group Department of Indigenous Affairs
2 May	OVE Alcohol Management Plan Kununurra Police
4 May	Regional Collaborative Group Meeting Broome
5 May	Regional Collaborative Group Meeting – regional Implementation Plan with CAMMS Broome
8 May	12 Month Liquor Restrictions Evaluation The Drug and Alcohol Office (DAO) of Western Australia (WA)
9 May	Department of Housing – Anti-social behaviour issues
10 May	Operation SHARP meeting with Department of Child Protection

### **COUNCIL DECISION**

**Minute No. 9781**

**Moved: Cr C Gore-Birch Gault**

**Seconded: Cr D Ausburn**

**That Council notes the Chief Executive Officer Reports from 18 April – 10 May 2012**

**Carried Unanimously 8/0**

**13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Nil

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

**15.1 SHIRE HOUSING TENDERS T20 11/12, T21 11/12 AND T22 11/12 ASSESSMENT**

<b>DATE:</b>	15 May 2012
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Lot 1381 Boobialla Way, Lot 1384 Boobialla Way and Lot 1948 Eucalyptus Close, Kununurra
<b>AUTHOR:</b>	Julia Hall, Coordinator Development Services
<b>REPORTING OFFICER:</b>	Nick Kearns, Director Development Services
<b>FILE NO:</b>	A6878P, A6877P and A1782P

The business of the meeting is of a confidential nature as it relates to the business affairs of a person. The item will be discussed Behind Closed Doors under Section 5.23 (2) (c) and (e) (ii) as this is a matter that affects:

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

**PURPOSE**

To provide Council with details of the Tenders received for the disposal of property at Lot 1381 Boobialla Way, Lot 1384 Boobialla Way and Lot 1948 Eucalyptus Close Kununurra and make recommendation regarding awarding the Tenders.

**VOTING REQUIREMENT**

Simple Majority

**COUNCIL DECISION**

**Minute No. 9782**

**Moved: Cr A Horn**

**Seconded: Cr K Torres**

**That Council accepts the Tender submitted by Michael Angelo and Rhonda Guerinoni, PO Box 559, Kununurra for Tender T22 11/12 3 (Lot 1948) Eucalyptus Close, Kununurra for the price of \$562,000.00 in accordance with the tender documentation.**

**Carried Unanimously 8/0**

**16. MATTERS BEHIND CLOSED DOORS**

**COUNCIL DECISION**

**Minute No. 9783**

**Moved: Cr K Torres**

**Seconded: Cr J Parker**

**That Council moves behind closed doors to consider Items;**

**16.1 Crown Lease K006196 (Green Swamp Agricultural P/L) – Carlton Hill Upgrade and**

**16.2 Deed of Agreement – Ord Irrigation Expansion Project – Phase 2.**

**Carried Unanimously 8/0**

**Rob Drew and Matthew Lanternier leave the room 5.24pm**

**Council moves behind closed doors 5.25pm**

## 16.1 CROWN LEASE K006196 (GREEN SWAMP AGRICULTURAL P/L) - CARLTON HILL ROAD UPGRADE

<b>DATE:</b>	15 May 2012
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Kevin Hannagan, Director Infrastructure
<b>REPORTING OFFICER:</b>	Gary Gaffney, Chief Executive Officer
<b>FILE NO:</b>	RD.07.18

The business of the meeting is of a confidential nature as it relates to the business affairs of a person. The item will be discussed Behind Closed Doors under Section 5.23 (2) (c) and (e) (ii) as this is a matter that affects:

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

### **PURPOSE**

For Council to consider road funding contribution in relation to Green Swamp Agriculture P/L.

### **VOTING REQUIREMENT**

Simple Majority

### **COUNCIL DECISION**

**Minute No. 9784**

**Moved: Cr J Parker**

**Seconded: Cr R Dessert**

**That Council:**

- 1) **does not accept the offer of \$100,000 from Green Swamp Pty Ltd towards the upgrade of Carlton Hill Road between Weaber Plain Road and Ningbing Road;**
- 2) **offers to enter into a Deed of Agreement with Green Swamp Pty Ltd in relation to payment of \$450,000 towards the upgrade of Carlton Hill Road between Weaber Plain Road and Ningbing Road and places a Caveat on the Crown Land Title in relation to the Deed of Agreement.**

**Carried Unanimously 8/0**

## 16.2 DEED OF AGREEMENT - ORD IRRIGATION EXPANSION PROJECT - PHASE 2

<b>DATE:</b>	15 May 2012
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Shire of Wyndham East Kimberley
<b>AUTHOR:</b>	Kevin Hannagan, Director Infrastructure
<b>REPORTING OFFICER:</b>	Gary Gaffney, Chief Executive Officer
<b>FILE NO:</b>	GN.05.3

The business of the meeting is of a confidential nature as it relates to the business affairs of a person. The item will be discussed Behind Closed Doors under Section 5.23 (2) (c) and (e) (ii) as this is a matter that affects:

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

### **PURPOSE**

To seek Council for a proposed amendment to the above mentioned Deed of Agreement.

### **VOTING REQUIREMENT**

Simple Majority

### **COUNCIL DECISION**

**Minute No. 9785**

**Moved: Cr J Parker**

**Seconded: Cr C Gore-Birch Gault**

**That Council instructs the Chief Executive Officer write to LandCorp seeking to change Clause 8.2 of the Deed of Agreement – Ord Irrigation Expansion Project – Phase 2 regarding the new fee proposal of \$200,869 per annum payable by LandCorp to Council for a contract period of two years for secondment of a Project Engineer.**

**Carried Unanimously 8/0**

**COUNCIL DECISION**

**Minute No. 9786**

**Moved: Cr K Torres**

**Seconded: Cr C Gore-Birch Gault**

**That Council moves out from behind closed doors.**

**Carried Unanimously 8/0**

**Council moves out from behind closed doors at 5.31pm.**

**17. CLOSURE**

The Shire President declares the meeting closed at 5.32pm. Thank you to staff for attendance in gallery.