



**MINUTES OF ORDINARY MEETING OF COUNCIL
HELD ON 16 JULY 2013**

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: _____

Item No	Description	Page No
1.	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	4
2.	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE) PREVIOUSLY APPROVED.....	4
3.	DECLARATION OF INTEREST	5
4.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	5
5.	PUBLIC QUESTION TIME	5
6.	PETITIONS	5
7.	APPLICATIONS FOR LEAVE OF ABSENCE	5
8.	CONFIRMATION OF MINUTES	5
8.1	CONFIRMATION OF MINUTES OF ORDINARY COUNCIL MEETING OF 18 JUNE 2013.....	5
9.	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	6
10.	DEPUTATIONS / PRESENTATIONS / SUBMISSIONS.....	6
11.	MINUTES OF COUNCIL COMMITTEE MEETINGS	6
12.	REPORTS.....	6
12.1	MATTERS ARISING FROM COMMITTEES OF COUNCIL	6
12.2	CORPORATE SERVICES	7
12.2.1	Monthly Financial Report.....	7
12.2.2	List of Accounts Paid from Municipal Fund and Trust Fund	21
12.3	INFRASTRUCTURE	38
12.3.1	Domestic Rubbish Bin Services to Warriu and Nulleywah Communities	39
12.3.2	Unightly Properties, 41-47 O'Donnell Street, Wyndham.....	41
12.4	COMMUNITY DEVELOPMENT	45
12.4.1	Annual Grants 2013/14 Round 1	45
12.4.2	Proposed Communication Tower – Lot 373 on Deposited Plan 51355, Ord East Kimberley Expansion Project	49
12.4.3	Development Application for Proposed Three Group Dwellings at Lot 96 Weaber Plain Road, Kununurra.....	70
12.4.4	Road Name – Subdivision Lot 1, Cocus Way, Kununurra	83
12.4.5	Maxwell Street Road Closure	87
12.4.6	Kununurra Netball Association Sponsorship Signage Proposal	102
12.5	CHIEF EXECUTIVE OFFICER.....	123
12.5.1	Use of the Common Seal	123
12.5.2	Delegated Authority Report.....	124
12.5.3	Review of Delegations Registers	134
12.5.4	50 th Anniversary Pavers.....	272
12.5.5	Operation of the Wyndham Community Resource Centre	278
12.6	ELECTED MEMBER REPORTS	323
12.6	CHIEF EXECUTIVE OFFICER REPORTS	324

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	325
14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	325
15. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION.....	325
16. MATTERS BEHIND CLOSED DOORS.....	326
16.1 Award of Tender, T09 12/13 Local Planning Strategy Review.....	326
16.2 Ord River House Boats, Lot 509 Millington Drive.....	327
17. CLOSURE	329

**SHIRE OF WYNDHAM EAST KIMBERLEY
AGENDA
OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 16 JULY 2013 AT 5:00 PM.**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 5:01pm.

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

ATTENDANCE

Cr J Moulden	Shire President
Cr D Ausburn	Deputy Shire President
Cr J McCoy	Councillor
Cr J Parker	Councillor
Cr R Dessert	Councillor
Cr M Kelly	Councillor
G Gaffney	Chief Executive Officer
K Hannagan	Director Infrastructure
N Kearns	Director Community Development
W Richards	Manager Community and Youth
R Drew	Wyndham Area Services Manager
M Callus	Executive Assistant to the Chief Executive Officer
D McCallum	Governance Officer (Minute Taker)

GALLERY

Nil

APOLOGIES

Cr Addis
Cr C Gore-Birch Gault

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr D Learbuch Councillor

3. DECLARATION OF INTEREST

- **Financial Interest**

Nil

- **Impartiality Interest**

Cr D Ausburn

Item 12.4.6 Kununurra Netball Association Sponsorship Signage Proposal

Cr D Ausburn is on the Dispute Board of the Kununurra Netball Association

Cr J Parker

Item 12.5.5 Operation of the Wyndham Community Resource Centre

Cr J Parker is the Chairperson for the Wyndham Community Resource Centre

- **Proximity Interest**

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. PETITIONS

Nil

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8. CONFIRMATION OF MINUTES

8.1 CONFIRMATION OF MINUTES OF ORDINARY COUNCIL MEETING OF 18 JUNE 2013

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Council Meeting held on 18 June 2013

COUNCIL DECISION

Minute No. 10114

Moved: Cr D Ausburn

Seconded: Cr J Parker

That Council confirms the Minutes of the Ordinary Council Meeting held on 18 June 2013

Carried Unanimously 6/0

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Nil

10. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

11. MINUTES OF COUNCIL COMMITTEE MEETINGS

12. REPORTS

12.1 MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

12.2 CORPORATE SERVICES

12.2.1 Monthly Financial Report

DATE:	16 July 2013
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/a
AUTHOR:	Dave Hannington, Director Corporate Services
REPORTING OFFICER:	Dave Hannington, Director Corporate Services
FILE NO:	FM.09.5

PURPOSE

For Council to note and accept the Monthly Financial Report for May 2013.

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

Strategic Community Plan 2012 – 2022, objective 1.4, strategies 1.4.1 to 1.4.5

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

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
Monthly Financial Report atts – 12 pages

OFFICER'S RECOMMENDATION

That Council accepts the Monthly Financial Report for the month of May 2013

COUNCIL DECISION

Minute No. 10115

**Moved: Cr R Dessert
Seconded: Cr J Parker**

That Council hold item 12.2.1 Monthly Financial Report for May 2013 over until the next Ordinary Council Meeting on 27 August 2013

Carried Unanimously 6/0



Shire of Wyndham East Kimberley

Monthly Financial Report 2012/2013

As at 31 May 2013

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 May 2013

	YTD Actual 2012/13 \$	YTD Budget 2012/13 \$	YTD Variance 2012/13 \$ %	
Revenue				
General Purpose Funding	2,525,105	2,124,738	400,368	19% ▲
Governance	227,832	196,984	30,848	16% ▲
Law, Order, Public Safety	44,919	37,517	7,402	20% ▲
Health	14,090	12,346	1,744	14% ▲
Education and Welfare	186,413	158,140	28,273	18% ▲
Housing	167,585	145,736	21,850	15% ▲
Community Amenities	2,230,669	2,188,560	42,109	2% ▲
Recreation and Culture	576,082	521,617	54,465	10% ▲
Transport	4,489,348	4,466,543	22,805	1% ▲
Economic Services	100,551	99,409	1,142	1% ▲
Other Property and Services	339,708	350,307	(10,599)	-3% ▼
	<u>10,902,303</u>	<u>10,301,896</u>	<u>600,407</u>	<u>6% ▲</u>
Expenses				
General Purpose Funding	(521,878)	(515,954)	(5,923)	1% ▲
Governance	(1,486,747)	(1,332,208)	(154,539)	12% ▲
Law, Order, Public Safety	(501,515)	(434,627)	(66,888)	15% ▲
Health	(410,348)	(383,121)	(27,227)	7% ▲
Education and Welfare	(399,895)	(384,391)	(15,504)	4% ▲
Housing	(624,612)	(557,764)	(66,848)	12% ▲
Community Amenities	(4,135,271)	(3,865,977)	(269,293)	7% ▲
Recreation & Culture	(4,247,887)	(3,893,623)	(354,264)	9% ▲
Transport	(6,543,625)	(6,398,214)	(145,412)	2% ▲
Economic Services	(705,787)	(691,458)	(14,329)	2% ▲
Other Property and Services	(502,550)	(131,497)	(371,052)	282% ▲
	<u>(20,080,115)</u>	<u>(18,588,834)</u>	<u>(1,491,280)</u>	<u>8% ▲</u>
Adjustments for Cash Budget Requirements:				
Non-Cash Expenditure and Revenue				
(Profit)/Loss on Asset Disposals	(20,545)	(27,138)	6,593	-24% ▼
Movement in Accruals and Provisions	(13,124)	52,204	(65,328)	-125% ▲
Depreciation on Assets	3,751,475	3,624,679	126,796	3% ▲
Capital Expenditure and Revenue				
Purchase Land Held for Resale	(23,185)	(25,185)	2,000	-8% ▼
Purchase Land and Buildings	(3,874,029)	(4,039,491)	165,462	-4% ▼
Purchase Infrastructure Assets - Roads	(3,504,132)	(3,968,580)	464,448	-12% ▼
Purchase Infrastructure Assets - Footpaths	(16,560)	(10,000)	(6,560)	66% ▲
Purchase Infrastructure Assets - Drainage	(583,519)	(647,680)	64,161	-10% ▼
Purchase Infrastructure Assets - Other	(1,278,055)	(1,279,435)	1,380	0% ▼
Purchase Plant and Equipment	(903,211)	(504,399)	(398,812)	79% ▲
Purchase Furniture and Equipment	(942,122)	(796,379)	(145,743)	18% ▲
Grants / Contributions for Development of Assets	3,074,502	2,806,110	268,392	10% ▲
Proceeds from Disposal of Assets	310,535	310,535	0	0% ▼
Proceeds from Sale of Land Held for Resale	0	0	0	0% ▼
Repayment of Debentures	(221,972)	(221,972)	(0)	0% ▲
Proceeds from New Debentures	4,000,000	4,000,000	0	0% ▼
Transfers to Reserves (Restricted Assets)	(318,726)	(266,790)	(51,935)	19% ▲
Transfers from Reserves (Restricted Assets)	0	0	0	0% ▼
ADD Estimated Surplus/(Deficit) July 1 B/Fwd	8,457,035	8,457,035	0	0% ▼
LESS Estimated Surplus/(Deficit) June 30 C/Fwd	5,723,310	6,185,525	(462,215)	-7% ▼
Minutes Amended Ordinary Required to be Passed from Rates	<u>16,006,206</u>	<u>7,008,952</u>	<u>(2,196)</u>	<u>8%</u> ▲

Shire of Wyndham East Kimberley

Note to Statement of Financial Activity

Net Current Assets

as at 31 May 2013

NET CURRENT ASSETS

Composition of Estimated Net Current Asset Position

	YTD Actual 2012/13	Brought Forward 1 July 2012
CURRENT ASSETS		
Cash - Unrestricted	5,698,537	7,245,397
Cash - Restricted	6,780,293	6,468,456
Cash - Restricted Unspent Grants	0	0
Receivables	1,618,839	3,206,224
Inventories	16,140	11,865
	<u>14,113,809</u>	<u>16,931,942</u>
LESS: CURRENT LIABILITIES		
Payables and Provisions	(1,610,205)	(2,006,451)
Less: Cash - Restricted	<u>(6,780,293)</u>	<u>(6,468,456)</u>
NET CURRENT ASSET POSITION	<u><u>5,723,310</u></u>	<u><u>8,457,035</u></u>

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity For the Period Ended 31 May 2013

Explanation of Material Variances

Variances +/- \$50,000 at Financial Statement Level

Variances +/- \$5,000 and 10% at Account Level

Operating

Recurrent Income - Excluding Rates		▲	
General Purpose Funding		▲	
Grants Commission - General Purpose Grant	\$ 315,700	▲	Early payment of first instalment of 2013/14 grant
Grants Commission - Local Road Funding Grant	\$ 86,700	▲	Early payment of first instalment of 2013/14 grant
Governance		▲	
Interest Income - Capacity Building - Kimberley Regional Collaborative Group (KRCG)	\$ 14,100	▲	Monies held for longer than anticipated - higher level of interest earned as a result
Interest Income - Kimberley Zone	\$ 16,600	▲	Monies held for longer than anticipated - higher level of interest earned as a result
Law, Order and Public Safety		▲	
ESL Grant Brigades	\$ 5,300	▲	Budget phasing issue, expected to correct
Health		▲	
No material variances to report			
Education and Welfare		▲	
Operating Subsidy - Wyndham Childcare	\$ 20,000	▲	New subsidies received for staff training and equipment. Timing
Housing		▲	
Lot 2433 Rear (60) Coolibah Dr, Kununurra - Rental Income	\$ 8,300	▲	New rental income offset by new staff housing costs
Community Amenities		▲	
Development Application Fees	\$ 5,100	▼	Lower level of development activity than originally anticipated
Youth Services Grant - Wyndham	\$ 14,700	▲	Payment received in advance
Youth Services Grant - Kununurra	\$ 28,200	▲	Budget phasing, expected to correct
Recreation and Culture		▲	
Pool Admissions - Kununurra Swimming Complex	\$ 10,400	▲	Income exceed the annual revenue budget due to higher usage than expected.
Memberships - Kununurra Leisure Centre	\$ 14,200	▲	Income levels consistently higher than budget throughout year
Classes and Programming - Kununurra Leisure Centre	\$ 6,000	▲	Small increase over budgeted income
Transport		▲	
Contributions - Street Lighting	\$ 8,500	▲	MRWA income received in June, not budgeted
Bridge Funding - WALGGC/MRWA	\$ 27,500	▲	Variance matched by expenditure variance
Passenger Head Tax - East Kimberley Regional Airport	\$ 16,300	▼	Reduction in landing fees income and consequently head tax
Passenger Screening Fees - East Kimberley Regional Airport	\$ 7,300	▼	Reduction in landing fees income and consequently head tax
Other Property and Services		▼	
Profit on Sale of Assets - Plant Operation	\$ 8,300	▲	Budget phasing issue, expected to correct
Landcorp/SWEK Deed Agreement - Reimbursements	\$ 15,000	▼	Downwards income adjustment made vis budget review was not sufficient

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity

For the Period Ended 31 May 2013

(continued)

Operating (continued)

Recurrent Expenditure		▲	
General Purpose Funding		▲	
Valuation Expenses - Rates	\$ 7,000	▼	Timing related to year to date budget estimates. Expected to correct.
Emergency Services Levy Payment - Rates	\$ 6,300	▲	Includes ESL on Shire owned properties
Governance		▲	
Advertising and Promotion - Other Governance	\$ 6,600	▲	Kimberley Echo Advertising now coded centrally, set off by savings in other areas
SWEK Contribution to Kimberley Zone Secretariat	\$ 50,000	▲	Underpayment of 2009/10 Zone Contribution
SWEK travel to Kimberley Zone/KRCG/Joint Shire Activities	\$ 8,800	▲	Timing related to year to date budget estimates. Expected to correct.
Administration Salary and Wages Allocated - Other Governance	\$ 15,900	▲	Timing related to year to date budget estimates. Expected to correct.
Admin Overheads Allocated - Other Governance	\$ 21,900	▲	Timing related to year to date budget estimates. Expected to correct.
Salary and Wages (Secretariat only) - Kimberley Zone	\$ 36,100	▼	Zone Secret. Trf to Broome, term of employment of Zone Exec Officer
Strategic Planning Expenditure Phase 2 - Kimberley Regional Collaborative Group (KRCG)	\$ 13,500	▲	Final consultancy payment for KRCG Business Planning not budgeted for (to be funded bt the Zone)
Regional Governance Agreement - Kimberley Regional Collaborative Group (KRCG)	\$ 30,000	▼	Variation of DLG funding agreement (offset with account below)
Business Planning Expenditure Phase 1 - Kimberley Regional Collaborative Group (KRCG)	\$ 27,700	▲	Variation of DLG funding agreement (offset with account above)
Vehicle Expenses (Project Officer only) - Kimberley Regional Collaborative Group	\$ 6,700	▲	50% of vehicle costs reallocated from Kimberley Zone Secretariat
Salary and Wages (Project Officer only) - Kimberley Regional Collaborative Group (KRCG)	\$ 60,900	▲	50% of salaries and wages reallocated from Kimberley Zone Secretariat
Salary Overheads (Project Officer only) - Kimberley Regional Collaborative Group (KRCG)	\$ 6,800	▲	50% of salaries overheads reallocated from Kimberley Zone Secretariat
Law, Order and Public Safety			
Operating Grant Expenditure - Fire Prevention	\$ 7,700	▼	Insurance claim received not included in the budget.
Firebreaks	\$ 9,500	▲	Timing of firebreak expenditure, expected to correct.
Animal Control Expenses	\$ 15,400	▲	Timing related to year to date budget estimates. Expected to correct.
Vehicle Expenses - Animal Control	\$ 6,600	▲	Timing related to year to date budget estimates. Expected to correct.
Ranger Services - Other Law, Order and Public Safety	\$ 10,800	▲	Reduction made in budget review in error has caused variance
Direct Salaries - Ranger Services	\$ 7,700	▲	Reduction made in budget review in error has caused variance
Vehicle Expenses - Other Law, Order and Public Safety	\$ 7,900	▲	Timing related to year to date budget estimates. Expected to correct.
Health		▲	
Mosquito Control	\$ 5,100	▼	Drier season, less expenditure on mosquito control
Direct Salaries - Other Health	\$ 11,700	▲	Employment of casual health officer not budgeted
Education and Welfare		▲	
No material variances to report			
Housing		▲	
Building Maintenance - 4 Quondong St Kununurra	\$ 6,400	▲	Unbudgeted replacement of solar hot water unit
Building Maintenance - 69 Hibiscus Kununurra	\$ 6,500	▲	Work necessary on changeover of staff
Lease Costs - 5 Rattlepod Close, Kununurra	\$ 5,900	▲	Insufficient budget adjustment made in budget review

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity

For the Period Ended 31 May 2013

(continued)

Operating (continued)

Recurrent Expenditure (continued)

Housing (continued)

Lease Costs - 38 Gardenia Drive, Kununurra	\$ 7,300	▲ Minor discrepancy in budget phasing, expected to correct
Lease Costs - Lot 2433 Rear (60) Coolibah Dr, Kununurra	\$ 11,900	▲ Cost of new staff housing rental set off against rental income
Depreciation - Staff Housing	\$ 7,600	▲ Minor discrepancy in budget phasing, expected to correct

Community Amenities ▲

Tip Maintenance	\$ 108,700	▲ Additional costs associated with DEC compliance and fires at Landfill
Administration Salary and Wages Allocated - Sanitation - Household Refuse	\$ 5,200	▲ Minor discrepancy in budget phasing, expected to correct
Cumbungi Management - Protection of Environment	\$ 11,700	▲ Timing, seasonal cost, expected to correct.
Waste Management Strategy - Protection of Environment	\$ 16,400	▲ Budget phasing issue, expected to correct
Consultants - Town Planning and Regional Development	\$ 5,400	▲ Minor discrepancy in budget phasing, expected to correct
Administration Salary and Wages Allocated - Town Planning & Regional Development	\$ 6,800	▲ Minor discrepancy in budget phasing, expected to correct
Admin Overheads Allocated - Town Planning & Regional Development	\$ 9,900	▲ Budget phasing issue, expected to correct
Cemetery Maintenance	\$ 5,900	▲ Decrease made via budget review too much - has caused overspend
Direct Salaries - Community Development Services	\$ 8,500	▲ Payments of entitlements on staff leaving
Administration Salary and Wages Allocated - Community Development Services	\$ 5,800	▲ Minor discrepancy in budget phasing, expected to correct
Youth Buses and Camper Trailer - Operating Expenditure - Youth Services	\$ 5,500	▲ Unanticipated repairs to larger vehicle
Direct Salaries - Wyndham Youth Services	\$ 6,500	▲ Minor discrepancy in budget phasing, expected to correct
Administration Salary and Wages Allocated - Youth Services	\$ 6,500	▲ Minor discrepancy in budget phasing, expected to correct

Recreation and Culture ▲

Depreciation - Swimming Areas and Beaches	\$ 18,800	▲ Impact of St Anthon's landing additional depreciation
Pool Maintenance - Kununurra Swimming Complex	\$ 21,300	▲ Budget phasing issue, expected to correct
Garden Maintenance - External Kununurra Swimming Complex	\$ 5,400	▲ Expenditure has been consistently above budget throughout year
Direct Salaries - Kununurra Swimming Complex	\$ 12,100	▲ Small saving on expenditure at year end is forecast
Pool Operating - Wyndham Swimming Complex	\$ 13,900	▲ Additional pool chemicals required, additional power and water charges
Pool Maintenance - Wyndham Swimming Complex	\$ 5,300	▲ Lower cost set off against higher cost in swimming complex garden maintenance.
Direct Salaries - Recreation Services	\$ 24,000	▲ Higher salaries expenditure set off against savings on salaries of other recreational areas.
Foreshores and Boat Ramps - Wyndham	\$ 7,900	▲ Unbudgeted expenditure Worley Parsons Maintenance of Community Jetty
Loss on Sale of Assets - Kununurra Leisure Centre	\$ 7,900	▲ Disposal loss of used assets after pool upgrade - non cash item
Direct Salaries - Kununurra Leisure Centre	\$ 11,100	▲ Increase in expenditure set off in part by increases in income
Sport Oval Maintenance	\$ 11,700	▲ Timing related to year to date budget estimates. Expected to correct.

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity

For the Period Ended 31 May 2013

(continued)

Operating (continued)

Recurrent Expenditure (continued)

Recreation and Culture (continued)

Oval Lights - Kununurra Grounds	\$	11,600	▲	Budget phasing issue, expected to correct
Administration Salary and Wages Allocated - Recreation & Sport	\$	5,500	▲	Budget phasing issue, expected to correct
Parks and Gardens Maintenance - Kununurra	\$	79,100	▲	Overspend in this area caused by taking on new subdivisions
Joint Use Contribution - Libraries	\$	15,900	▲	Incorrect estimation of expenditure for joint use contribution
Direct Salaries - Libraries	\$	14,800	▲	Minor error in budget phasing, expected to correct

Transport ▲

Rural Road Maintenance	\$	67,100	▲	Budget phasing issue, expected to correct
Urban Road Maintenance - Kununurra and Wyndham	\$	2,800	▲	Timing related to year to date budget estimates. Expected to correct.
Plant Operating Costs - East Kimberley Regional Airport	\$	7,300	▼	Timing related to year to date budget estimates. Expected to correct.
Depreciation - Streets, Roads & Bridges - Maintenance	\$	16,500	▲	Timing related to year to date budget estimates. Expected to correct.
Consultancy Fees - East Kimberley Regional Airport	\$	10,000	▼	No expenditure to date - expected budget savings.
Airport Terminal Building Maintenance - East Kimberley Regional Airport	\$	27,600	▼	Large budget savings expected at year end, as a result of cleaning and screening services becoming in-house functions
Airport Grounds Maintenance - East Kimberley Regional Airport	\$	5,300	▲	Budget appears to have been consistently overspent during year, suggesting budget possibly set too low.
Passenger Screening Expenses - East Kimberley Regional Airport	\$	38,300	▼	Services now provided in-house, budget savings expected as a result
Direct Salaries - Airport Screening and Reporting	\$	96,600	▲	Services now provided in-house, expenditure set off against budget savings in other areas
Less Allocated Airport Security and Cleaning - Job Costed Wages Allocated	\$	24,900	▼	Budget assumed fully year of in-house services - delayed three months
Salary Overheads - East Kimberley Regional Airport	\$	7,000	▲	Budget timing issue, budget savings expected due to vacancies
Admin Overheads Allocated - East Kimberley Regional Airport	\$	9,200	▲	Budget timing issue, budget savings expected due to vacancies
Depreciation - East Kimberley Regional Airport	\$	26,500	▲	Timing related to year to date budget estimates. Expected to correct.

Economic Services ▲

Airport Operating - Wyndham Airport	\$	5,500	▼	Budget timing issue, savings expected at year end due to lower activity
Direct Salaries - Building Control	\$	7,100	▲	Timing related to year to date budget estimates. Expected to correct.
Admin Overheads Allocated - Building Control	\$	5,500	▲	Timing related to year to date budget estimates. Expected to correct.
Building Maintenance - East Kimberley Tourism House	\$	6,600	▲	Installed an air conditioner
Economic Development Grants - Other Economic Services	\$	5,700	▲	Timing related to year to date budget estimates. Expected to correct.
Direct Salaries - Other Economic Services	\$	30,200	▼	Recoding of salaries to Kimberley Zone expenses, leading to budget savings
Administration Salary and Wages Allocated - Other Economic Services	\$	5,500	▲	Timing related to year to date budget estimates. Expected to correct.

Other Property and Services ▲

Private Works - Expenses	\$	201,100	▲	Budget phasing issue. Expenditure mainly relates to work at Senior High School. Overexpended at year end. To be reconciled to Private Works Income account.
Salary Overheads - Engineering and Technical	\$	11,400	▼	Budget phasing issue. Saving at year end anticipated - overheads over-budgeted.
Salary Overheads - Operations	\$	9,300	▼	Budget phasing issue. Saving at year end anticipated - overheads over-budgeted.
Salary Overheads - Executive	\$	23,500	▼	Budget phasing issue. Saving at year end anticipated - overheads over-budgeted.

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity

For the Period Ended 31 May 2013

(continued)

Operating (continued)

Recurrent Expenditure (continued)

Other Property and Services (continued)

Building Maintenance - 20 Coolibah - New Kununurra Administration	\$	21,700	▲	Timing related to year to date budget estimates. Expected to correct.
Loss on Sale of Assets - Unclassified	\$	12,000	▲	Disposal of damaged assets -KNX admin, insurance claim pending.
Vehicle Expenses - Admin & Executives	\$	11,300	▲	Timing related to year to date budget estimates. Expected to correct.
POC Fuel and Oils	\$	37,100	▲	Timing related to year to date budget estimates. Expected to correct.
POC Parts and Repairs	\$	37,200	▲	Ageing plant fleet, higher repair costs.

Non Cash Expenditure and Revenue

Adjustments and Accruals

Profit/Loss on Sale of Assets - Plant Operation	\$	6,600	▼	Internal postings yet to occur. Non cash item.
Movement in Accruals and Provisions	\$	65,300	▲	Provisioning for employee costs and movement of land from inventory to non current assets
Depreciation	\$	126,800	▲	Assets completed earlier than expected now depreciating.

Capital

Purchase Land Held for Resale

▼

No material variances to report

Purchase Land and Buildings

▼

East Kimberley Marine Rescue Shed	\$	27,300	▲	Was expected to be expended by March 2013, project underway
Wyndham Pound	\$	6,000	▼	Nil expenditure. Awaiting advice from Infrastructure directorate
Capital Improvements - Kununurra Child Care Centre	\$	27,400	▲	Urgent capital improvement and maintenance higher than the expected budget.
Waterlily Place - Staff Housing Stage One	\$	240,700	▼	Unable to proceed beyond initial project works
Kununurra Leisure Centre Hall Upgrade	\$	32,800	▲	Budget phasing issue, expected to correct
Wyndham Oval Toilet	\$	11,500	▼	Unable to proceed further due to project delays
Airport Terminal Expansion - East Kimberley Regional Airport	\$	5,900	▲	Minor budget variance

Purchase Infrastructure Assets - Roads

▼

Kalumburu Road - Re-sheet	\$	63,600	▼	Budget phasing issue, expected to correct
Messmate Way Roundabout - Reconstruct and Seal	\$	418,300	▼	Budget phasing issue, project deferred until 2013/14 - expenditure carried forward
Kalumburu Road - RRG Projects	\$	9,700	▲	Budget phasing issue, small carry forward and budget savings expected.
Meatworks Road Wyndham - Reconstruct and Seal	\$	7,200	▲	Minor budget variance

Purchase Infrastructure Assets - Footpaths

▲

Footpath renewal	\$	6,600	▲	Minor budget variance
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Purchase Infrastructure Assets - Drainage

▼

Drainage - Picture Gardens/Coolibah Drive	\$	288,700	▼	Budget phasing issue, project deferred until 2013/14 - expenditure carried forward
Drainage - Kununurra Childcare (Ewin) Centre Chestnut Drive	\$	18,000	▲	Budget phasing issue, expected to correct
Victoria Highway Kununurra Townsite - Drainage Upgrade	\$	203,500	▲	Budget phasing issue, expected to correct, budget savings likely

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity

For the Period Ended 31 May 2013

(continued)

Capital (continued)

Purchase Infrastructure Assets - Other		▼	
20, Coolibah - Admin Building Car park	\$ 14,100	▲	Budget phasing issue, expected to correct
Kununurra Landfill Site - Temporary Liquid Waste Lagoon	\$ 5,600	▼	Minor budget variance
Kununurra Landfill Site - Liquid Waste Facility	\$ 44,400	▼	Budget phasing issue, project deferred until 2013/14 - expenditure carried forward
Multi Purpose Courts Redevelopment Kununurra	\$ 30,700	▲	Project started earlier than expected, timing, expected to correct.
Wyndham Waste Water Treatment Facility	\$ 9,000	▼	Budget phasing issue, project deferred until 2013/14 - expenditure carried forward
Konkerberry Drive Carparks (x3)	\$ 8,600	▲	Minor budget variance
Carpark Upgrade - East Kimberley Regional Airport	\$ 12,500	▼	Budget phasing issue, project deferred until 2013/14 - expenditure carried forward
Reticulation Works - East Kimberley Regional Airport	\$ 17,500	▲	Budget phasing issue, expected to correct, small budget savings likely
Purchase Plant and Equipment		▲	
Gymnasium Equipment - Recreation	\$ 17,400	▲	Budget amendment to be processed.
Heavy Plant - Purchase Price	\$ 380,800	▲	Budget phasing issue, expected to largely correct, goods ordered not yet received
Purchase Furniture and Equipment		▲	
20, Coolibah - Admin Building Furniture & Equipment	\$ 92,100	▲	Additional cost covered under building acquisition budget.
Furniture and Equipment - East Kimberley Regional Airport	\$ 7,300	▲	Minor budget variance
Laptop and Desktop Upgrades - Information Technology	\$ 18,500	▲	Budget phasing issue, expected to correct, small budget deficit likely
Printer Replacements - Information Technology	\$ 20,500	▲	Budget phasing issue, expected to correct, small budget deficit likely
Payroll System - Information Technology	\$ 6,600	▲	Minor budget variance
Grants / Contributions for Development of Assets		▲	
Road Contributions - Weero Road	\$ 92,800	▲	Expected developer contribution. Transaction occurred after the budget review.
Agricultural Oval Lighting - Grant	\$ 300,000	▲	Budget phasing issue, expected to correct
Aboriginal Roads Funding - Federal Grants	\$ 77,000	▲	Budget phasing issue, expected to correct
Aboriginal Roads Funding - State Grants	\$ 77,400	▲	Budget phasing issue, expected to correct
Regional Road Group Grants	\$ 51,600	▼	Projects under expended and offset
Road Contributions - Carlton Hill Road	\$ 225,000	▼	Job to be completed in 2013/14 - funds to be carried forward
Road Contributions - Weero Road	\$ 92,800	▼	Invoice raised to liquidator, recovery to be considered
Proceeds from Disposal of Assets		▼	
No material variances to report			
Debentures		▲	
No material variances to report			
Reserves		▲	
Reserve Interest - Transfer to Reserve	\$ 45,000	▲	Reserve interest higher than anticipated, transfer to reserve therefore higher
Parking Reserve - Transfer from Reserve	\$ 6,900	▲	Reimbursement of developer contribution due to not proceeding with project

Shire of Wyndham East Kimberley

Note to Statement of Financial Activity

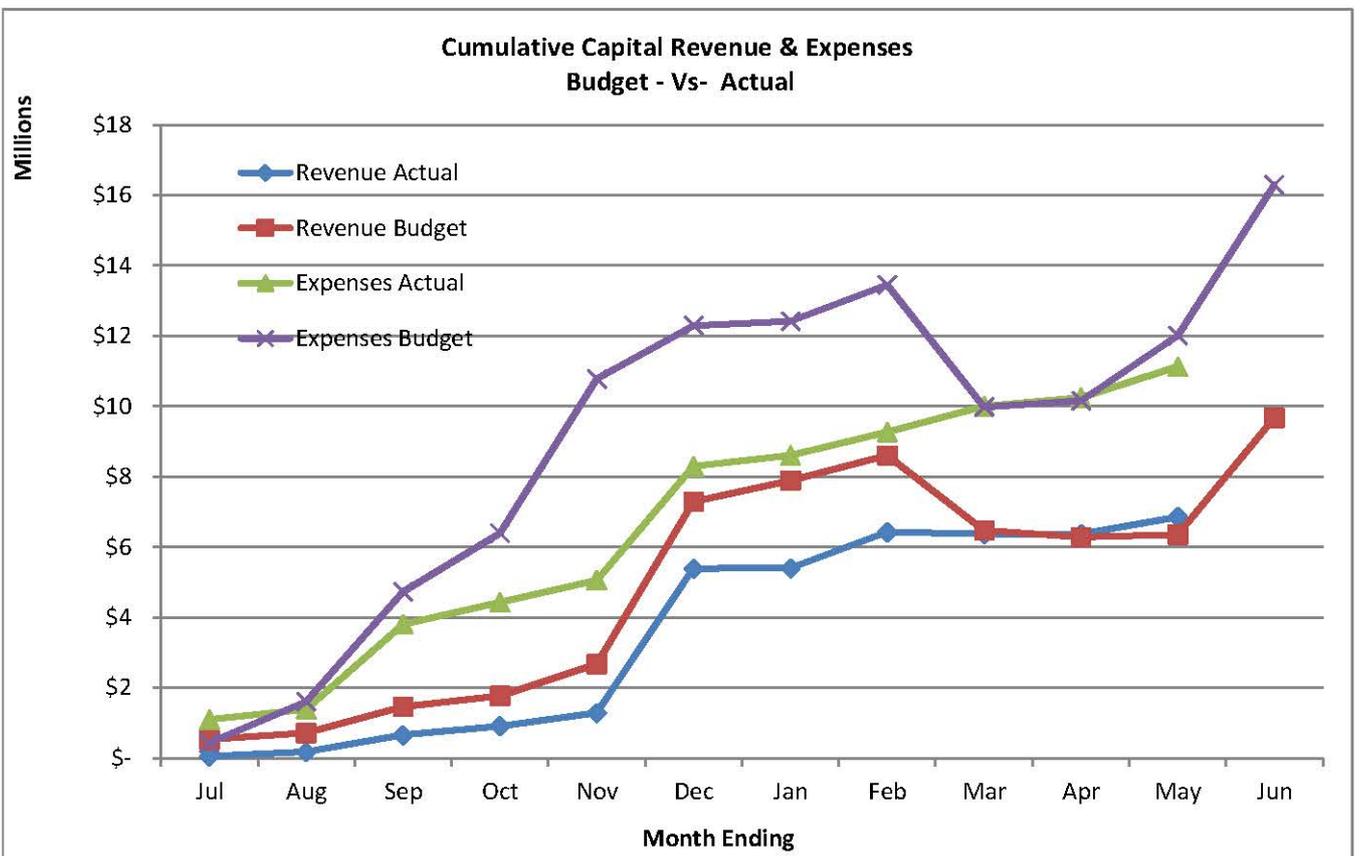
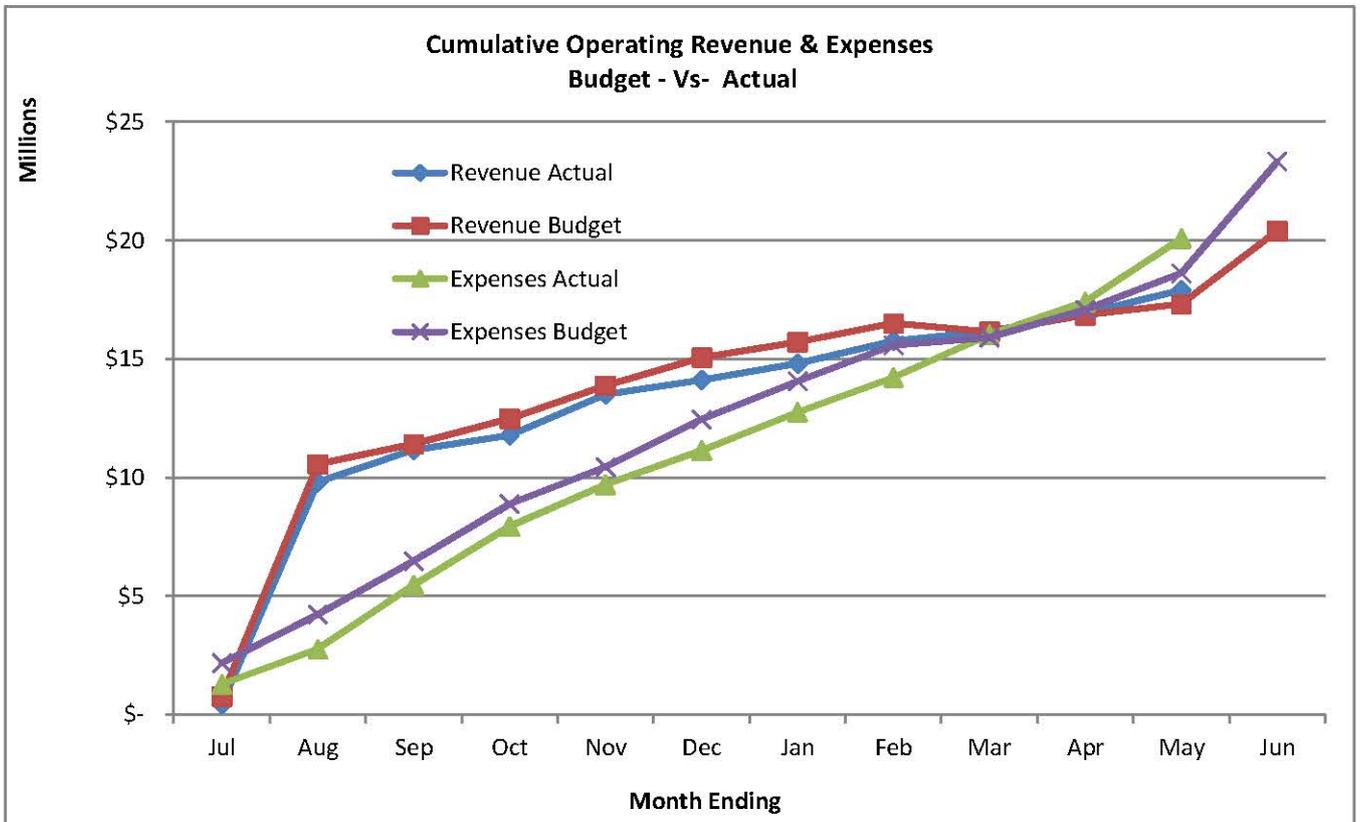
Budget Remaining to Collect/Spend

as at 31 May 2013

	YTD Actual 2012/13 \$	Annual Budget 2012/13	Budget Remaining 2012/13	
			\$	%
Revenue				
General Purpose Funding	2,525,105	2,543,680	18,575	1% ▼
Governance	227,832	811,090	583,258	72% ▼
Law, Order, Public Safety	44,919	47,438	2,519	5% ▼
Health	14,090	19,500	5,410	28% ▼
Education and Welfare	186,413	164,305	(22,108)	-13% ▲
Housing	167,585	893,056	725,471	81% ▼
Community Amenities	2,230,669	2,310,225	79,556	3% ▼
Recreation and Culture	576,082	557,914	(18,168)	-3% ▲
Transport	4,489,348	5,398,303	908,955	17% ▼
Economic Services	100,551	114,500	13,949	12% ▼
Other Property and Services	339,708	491,501	151,793	31% ▼
	<u>10,902,303</u>	<u>13,351,512</u>	<u>2,449,209</u>	<u>18% ▼</u>
Expenses				
General Purpose Funding	(521,878)	(573,716)	(51,838)	9% ▼
Governance	(1,486,747)	(2,380,769)	(894,022)	38% ▼
Law, Order, Public Safety	(501,515)	(588,147)	(86,631)	15% ▼
Health	(410,348)	(420,012)	(9,664)	2% ▼
Education and Welfare	(399,895)	(478,926)	(79,031)	17% ▼
Housing	(624,612)	(700,540)	(75,928)	11% ▼
Community Amenities	(4,135,271)	(4,620,909)	(485,638)	11% ▼
Recreation & Culture	(4,247,887)	(4,554,679)	(306,792)	7% ▼
Transport	(6,543,625)	(7,771,949)	(1,228,324)	16% ▼
Economic Services	(705,787)	(783,235)	(77,448)	10% ▼
Other Property and Services	(502,550)	(445,912)	56,637	-13% ▲
	<u>(20,080,115)</u>	<u>(23,318,794)</u>	<u>(3,238,679)</u>	<u>14% ▼</u>
Adjustments for Cash Budget Requirements:				
Non-Cash Expenditure and Revenue				
(Profit)/Loss on Asset Disposals	(20,545)	(728,879)	(708,334)	97% ▼
Movement in Accruals and Provisions	(13,124)	52,204	65,328	125% ▼
Depreciation on Assets	3,751,475	4,116,354	364,879	9% ▼
Capital Expenditure and Revenue				
Purchase Land Held for Resale	(23,185)	(24,000)	(815)	3% ▼
Purchase Land and Buildings	(3,874,029)	(5,608,132)	(1,734,103)	31% ▼
Purchase Infrastructure Assets - Roads	(3,504,132)	(4,692,412)	(1,188,280)	25% ▼
Purchase Infrastructure Assets - Footpaths	(16,560)	(22,500)	(5,940)	26% ▼
Purchase Infrastructure Assets - Drainage	(583,519)	(1,083,995)	(500,476)	46% ▼
Purchase Infrastructure Assets - Other	(1,278,055)	(2,687,894)	(1,409,839)	52% ▼
Purchase Plant and Equipment	(903,211)	(1,161,300)	(258,089)	22% ▼
Purchase Furniture and Equipment	(942,122)	(1,008,206)	(66,084)	7% ▼
Grants / Contributions for Development of Assets	3,074,502	4,505,393	1,430,891	32% ▼
Proceeds from Disposal of Assets	310,535	1,127,327	816,792	72% ▼
Proceeds from Sale of Land Held for Resale	0	0	0	0% ▼
Repayment of Debentures	(221,972)	(352,991)	(131,019)	37% ▼
Proceeds from New Debentures	4,000,000	4,400,000	400,000	9% ▼
Transfers to Reserves (Restricted Assets)	(318,726)	(915,037)	(596,311)	65% ▼
Transfers from Reserves (Restricted Assets)	0	910,777	910,777	100% ▼
ADD Estimated Surplus/(Deficit) July 1 B/Fwd	8,457,035	8,457,035	0	0% ▼
LESS Estimated Surplus/(Deficit) June 30 C/Fwd	5,723,310	2,360,819	(3,362,491)	-142% ▲
Minutes of Ordinary Council Meeting	16 July 2013			
Amount Required to be Raised from Rates	<u>7,006,756</u>	<u>7,044,356</u>	<u>37,600</u>	<u>18 of 929 ▼</u>

Shire of Wyndham East Kimberley

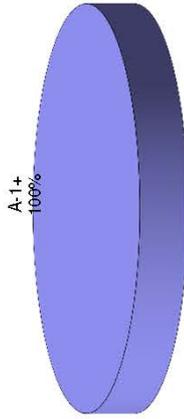
Note to Statement of Financial Activity
as at 31 May 2013



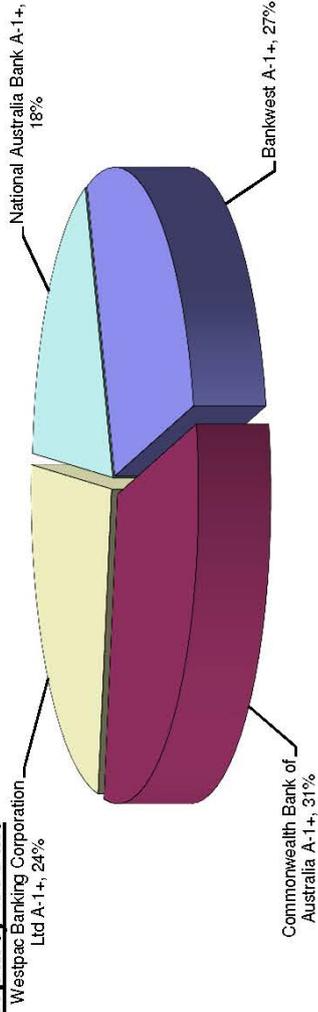
MONTHLY REPORT ON INVESTMENT PORTFOLIO (CASH)

RESULTS AS AT 31 May 2013

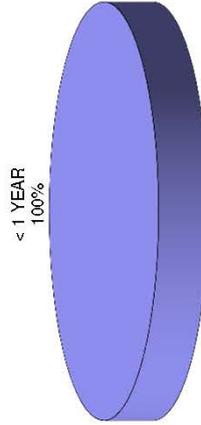
Overall Portfolio



Counterparty Credit



Term to Maturity



INVESTMENT POLICY F17

"Overall Portfolio Limits"

S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %	Managed Funds Maximum %
AAA	A-1+	100%	100%
AA	A-1	100%	100%
A	A-2	60%	80%

Note: "S & P" relates to Standard & Pooers credit rating agency

"Counterparty Credit Framework"

S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %	Managed Funds Maximum %
AAA	A-1+	45%	50%
AA	A-1	35%	45%
A	A-2	20%	40%

"Term to Maturity Framework"

Overall Portfolio Term to Maturity Limits	
Portfolio % < 1 year	100% max 40% min
Portfolio % > 1 year	60%
Portfolio % > 3 year	35%
Portfolio % > 5 year	25%
Individual Investment Maturity Limits	
ADI	5 years
Non ADI	3 years

Note: "ADI" relates to an Authorised Deposit Institution (authorised under the Banking Act 1959)

12.2.2 List of Accounts Paid from Municipal Fund and Trust Fund

DATE:	16 July 2013
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/a
AUTHOR:	Paulette Strongman, Finance Officer Felicity Heading, Senior Finance Officer
REPORTING OFFICER:	David Hannington, Director Corporate Services
FILE NO:	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 16th 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

Strategic Community Plan – Strategy 1.4.3
Maintain Council's long term financial viability

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 RECOMMENDATIONS

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

Municipal EFT118235 – EFT118515 (07 June – 28 June 13)	\$ 2,262,208.76
Municipal cheques 42079 - 42173 (07 June – 28 June 13)	\$ 243,119.07
Trust cheques 492 - 507 (18 June – 28 June 13)	\$ 6,767.00
Trust EFT 500501 - 500519 (04 June – 28 June 13)	\$ 19,243.45
Payroll (12 June – 26 June 13)	\$ 486,928.43
Direct bank debits (03 June – 28 June 13)	\$ 36,153.41
TOTAL	\$ 3,054,420.12

COUNCIL DECISION

Minute No. 10116

Moved: Cr R Dessert

Seconded: Cr D Ausburn

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

Municipal EFT118235 – EFT118515 (07 June – 28 June 13)	\$ 2,262,208.76
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Payroll (12 June – 26 June 13)	\$ 486,928.43
Direct bank debits (03 June – 28 June 13)	\$ 36,153.41
TOTAL	\$ 3,054,420.12

Carried Unanimously 6/0

LIST OF ACCOUNTS SUBMITTED TO COUNCIL 16 JULY 2013

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT118235	07/06/2013	KIMBERLEY WASTE SERVICES	SKIP EMPTIES - LEISURE CENTRE - APRIL 13	640.00
EFT118236	07/06/2013	VANDERFIELD	PARTS - P478	356.40
EFT118237	07/06/2013	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	206.10
EFT118238	07/06/2013	BOC GASES AUSTRALIAN LIMITED	WELDING GASES AND BOTTLE RENTAL - FEB/APR 13	580.14
EFT118239	07/06/2013	CENTURION TRANSPORT	FREIGHT - ABCO	31.50
EFT118240	07/06/2013	DOUGLAS PARTNERS PTY LTD	CONSULTANCY - PAVEMENT INVESTIGATION MESSMATE WAY & KONKERBERRY DV	35,420.00
EFT118241	07/06/2013	FUJI XEROX AUSTRALIA P/L	PRINTING EXPENSES - MAR 13 - KNX/WYN	1,084.10
EFT118242	07/06/2013	GUERINONI & SONS	GRADER HIRE,SIDE TIPPER, DBLE SIDE TIPPER, ENDTIPPER - LANDFILL SITE - KNX	12,268.30
EFT118243	07/06/2013	KIMBERLEY FIRST NATIONAL REAL ESTATE	WATER USAGE COSTS - STAFF HOUSING KNX - 14/01/13-20/03/13	62.80
EFT118244	07/06/2013	KIMBERLEY KOOL REFRIG. & AIRCOND.	INSTALL NEW A/C - ASIAN CUISINE KNX	7,700.00
EFT118245	07/06/2013	KUNUNURRA COURIERS	WATER SUPPLY - APR 13 - ADMIN, LANDFILL KNX	152.50
EFT118246	07/06/2013	KUNUNURRA JUNIOR FOOTBALL	KIDSPORT AUSKICK FEES	195.00
EFT118247	07/06/2013	KUNUNURRA SECURITY SERVICE	SECURITY SERVICE - CALL OUT DOCKETS - APR 13 - LEISURE CENTRE KNX	385.00
EFT118248	07/06/2013	L.G.R.C.E.U	PAYROLL DEDUCTIONS	19.40
EFT118249	07/06/2013	MAXXIA	PAYROLL DEDUCTIONS	6,687.03
EFT118250	07/06/2013	ORIA ORCHARDS	WEEKLY FLOWER DELIVERY - ADMIN, AIRPORT KNX - MAR/APR 13	180.00
EFT118251	07/06/2013	SHELF SUPPLY	WORK BOOTS, DOG FOOD - KNX - APR 13	299.00
EFT118252	07/06/2013	STATE LAW PUBLISHER	ADVERTISING	388.00
EFT118253	07/06/2013	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	70.00
EFT118254	07/06/2013	SURVEY NORTH	SURVEY - FLY WHEEL SITE, WATER LILLY CLOSE KNX	1,496.00
EFT118255	07/06/2013	TOLL EXPRESS	FREIGHT - LIBRARY WYN, DEPOT KNX	2,955.48
EFT118256	07/06/2013	TOX FREE SOLUTIONS LTD	SKIP EMPTIES, TIDY TOWN, ROAD SWEEPING, SULO SALES - MAR/APR 13	73,459.32
EFT118257	07/06/2013	UHY HAINES NORTON (WA) PTY LTD	AUDIT - COASTWEST FUNDING ANTHON'S LANDING PROJECT - WYNDHAM	1,100.00
EFT118258	07/06/2013	WA LOCAL GOVT SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	28,335.12
EFT118259	07/06/2013	WYNDHAM EXCAVATIONS	HIRE ROLLER - ROAD SHEETING WORKS - LANDFILL WYN	880.00
EFT118260	11/06/2013	VANDERFIELD	PARTS - P491,P356,P387. PARTS - P386,P384,P382,P481,P491,P381,P362	6,522.12
EFT118261	11/06/2013	ASK WASTE MANAGEMENT	WASTE MANAGEMENT STRATEGY KNX	14,047.00
EFT118262	11/06/2013	AUSTRALIAN TAXATION OFFICE	BAS PAYMENT APRIL 13	137,343.00
EFT118263	11/06/2013	CENTURION TRANSPORT	FREIGHT - AIRPORT, DEPOT, KNX	362.51
EFT118264	11/06/2013	CHEFMASTER AUSTRALIA	BINLINERS - LITTER CONTROL KNX	2,695.60
EFT118265	11/06/2013	CROCODILE SIGNS PTY LTD	SIGNAGE - JETTY SIGNS WYN. REFLECTIVE STRIPPING - RANGERS	1,311.20
EFT118266	11/06/2013	DIAMONDTECH PLUMBING AND GAS PTY LTD	PLUMBING WORKS - CONNECT DISHWASHER - ADMIN KNX	742.50

EFT118267	11/06/2013	DRYSDALE RIVER STATION	DIESEL FUEL DRYSDALE RIVER STATION	161.35
EFT118268	11/06/2013	EMMIE MCMULLEN	REFUND - GOLD MEMBERSHIP - DUE TO POOL CLOSURE	195.00
EFT118269	11/06/2013	GUERINONI & SONS	BUS BAYS PARKING-KDHS/GRADER-KING RVR RD WKS/FIREBRK,DRAINAGE - KNX	157,960.00
EFT118270	11/06/2013	HENDER LEE ELECTRICAL & INSTRUMENTN	AGRICULTURAL OVAL LIGHTING UPGRADE	337,545.11
EFT118271	11/06/2013	JSW HOLDINGS PTY LTD	CONCRETE - FOOTPATHS/ROUNDAABOUT - CELTIS STREET, MESSMATE WAY KNX	2,318.80
EFT118272	11/06/2013	STAFF MEMBER	REIMBURSEMENT - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	1,778.76
EFT118273	11/06/2013	KIMBERLEY ECHO - ALBANY ADVERTISER	ADVERTISING - SWEK NEWS APR 13	2,642.56
EFT118274	11/06/2013	KIMBERLEY HYDRAULICS	PARTS/REPAIRS - P480	79.76
EFT118275	11/06/2013	KUNUNURRA SECURITY SERVICE	SECURITY SERVICES - CALL OUT DOCKET - LEISURE CENTRE KNX	154.00
EFT118276	11/06/2013	LAPPY'S SERVICE CENTRE	SERVICE - P372	1,032.87
EFT118277	11/06/2013	MARTELL ROAD MAINTENANCE	EMULSION/STONE - RESEAL/CIVIC WORKS - VARIOUS ROADS KNX	15,013.90
EFT118278	11/06/2013	ORIA ORCHARDS	WEEKLY FLOWER DELIVERY - AIRPORT/ADMIN - MAY 13 KNX	90.00
EFT118279	11/06/2013	PRIORITY 1 FIRE AND SAFETY PTY LTD	STAFF FIRE WARDEN TRNING X6/BREATHING APPARATUS TRAINING X7 WYN/KNX	4,620.00
EFT118280	11/06/2013	QUICK CORPORATE AUSTRALIA	STATIONERY - ADMIN KNX - APR 13	758.29
EFT118281	11/06/2013	RED ELEVEN - RED 11 PTY LTD	IT EQUIPMENT - KNX	1,035.01
EFT118282	11/06/2013	RED SUN SPORTS	KIDSPORT EXSPENSES - MAY 13 - KNX	409.75
EFT118283	11/06/2013	RED RUST CONTRACTING PTY LTD	REMOVE GATE OUTDOOR COURTS/INSTALL REMOVABLE BOLLARDS - WYN	2,134.00
EFT118284	11/06/2013	REMOTE IT PERSPECTIVES	REMOTE IT SUPPORT	57.70
EFT118285	11/06/2013	SGS ENVIRONMENTAL SERVICES	TESTING OF LANDFILL MONITORING BORES - KNX	490.60
EFT118286	11/06/2013	TELFORD INDUSTRIES	POOL CHEMICALS - KNX	2,469.39
EFT118287	11/06/2013	TNT AUSTRALIA PTY LIMITED	FREIGHT - SAMPLES - HEALTH KNX	989.10
EFT118288	11/06/2013	THORLEY'S STORE - WYNDHAM	FILL GAS BOTTLES - BASTION LOOK OUT BBQS - WYN	90.00
EFT118289	11/06/2013	TIDAL TYRE AND BATTERIES	SUPPLY/FIT TYRE TO BACKHOE/REPAIR PUNCTURE - P354	1,127.50
EFT118290	11/06/2013	VANDERFIELD NORTHWESTPTY LTD	PARTS - P115	90.09
EFT118291	12/06/2013	ACCESS TECHNOLOGIES (WA) PTY LTD	PADLOCK REMOVABLE BOLLARDS - IVANHOE RD KNX	2,607.00
EFT118292	12/06/2013	BOAB REFRIGERATION AND AIRCON	A/C REPAIRS - REPLACE OLD BROKEN FILTERS WITH NEW - AIRPORT KNX	957.00
EFT118293	12/06/2013	BADGELINK	NAME BADGES - ADMIN, COUNCILLORS - WYN/KNX	695.44
EFT118294	12/06/2013	STAFF MEMBER	REIMBURSEMENT - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	168.03
EFT118295	12/06/2013	C & S JOLLY ELECTRICS PTY LTD	ELECTRICAL WORKS/REPLACE LIGHTS - LEISURE CENTRE, STAFF HOUSING KNX	1,508.82
EFT118296	12/06/2013	CENTURION TRANSPORT	FREIGHT - SIGNAGE - AIRPORT KNX	23.75
EFT118297	12/06/2013	CR CISSY GORE-BIRCH GAULT	REIMBURSEMENT OF TRAVEL EXPENSES - 14/05-28/05/13	330.54
EFT118298	12/06/2013	DRYSDALE RIVER STATION	TYRE REPAIR - HJH 001	325.44
EFT118299	12/06/2013	ETCH ARCHITECTURAL SOLUTIONS PTY LTD	50% CLAIM - KIMBERLEY MOON EXPERIENCE - SCOPE OF WORKS ACCEPTANCE	2,585.00
EFT118300	12/06/2013	FUJI XEROX AUSTRALIA P/L	PRINTING EXPENSES - MAR/APR 13	1,154.92

EFT118301	12/06/2013	GYM CARE	2 X TREADMILLS - GYM KNX	19,162.00
EFT118302	12/06/2013	GEMECOM	2013/2014 - ANNUAL MAINTENANCE CONTRACT ATHENA - LIBRARY WYN	575.00
EFT118303	12/06/2013	J & C ATKINS CONTRACTING PTY LTD	TOP SOIL - POOL WYN	220.00
EFT118304	12/06/2013	KUNUNURRA MEDICAL	IMMUNISATION SHOTS FOR SDT, HEP A/B AND INFLUENZA - 10 X AIRPORT STAFF	2,310.00
EFT118305	12/06/2013	KIMBERLEY GROUP TRAINING	SUCCESSFUL QUICK GRANT	500.00
EFT118306	12/06/2013	KIMBERLEY KOOL REFRIG. & AIRCOND.	REPAIR A/C - ADMIN, STAFF HOUSING KNX/WYN. FIT PC BOARD - AIPORT WYN	3,391.30
EFT118307	12/06/2013	KIMBERLEY TREE SERVICES PTY LTD	CUT AND REMOVE 3 DEAD CYPRUS PINES IN WHITE GUM PARK KNX	2,750.00
EFT118308	12/06/2013	KUNUNURRA DIESEL SERVICE	REPAIRS/PARTS - P360	915.90
EFT118309	12/06/2013	KUNUNURRA DISTRICT HIGH SCHOOL	SWEK CONTRIB.-LIBRARY MNGR JAN-JUN 13/PHOTOCOPIER KNX - SEP12-AUG13	18,106.66
EFT118310	12/06/2013	KUNUNURRA HOME & GARDEN	DOOR CLOSERS - ADMIN, LEISURE CENTRE KNX	647.00
EFT118311	12/06/2013	KUNUNURRA LOCK & KEY	REPAIR/REPLACE/REKEY - LOCKS - STAFF HOUSING, DEPOT KNX	2,012.50
EFT118312	12/06/2013	KUNUNURRA PANEL BEATING WORKS WA P/L	INSTALL NEW WINDSCREEN - P115	418.00
EFT118313	12/06/2013	NYTROWORX	BLDNG MAINT. OVAL CHANGE RMS,STAFF HSNQ,KNX ADMN,KLC,YTH CNTR KNX	5,722.94
EFT118314	12/06/2013	OLLIE'S IRRIGATIONS & PLUMBING SUPPLIES	INDOOR CONTROLLER, NOZZLES - RETICULATION KNX	484.88
EFT118315	12/06/2013	ROYAL LIFE SAVING (WA BRANCH)	TRAINING - LIFEGUARD QUAL - X2 LEISURE CENTRE STAFF - KNX	480.00
EFT118316	12/06/2013	SEARLES MECHANICAL REPAIRS	PARTS - P384, P356	38.95
EFT118317	12/06/2013	ST JOSEPH'S SCHOOL	PAINT PURCHASED FOR THE EAST KIMBERLEY BANNER IN THE TERRACE	411.58
EFT118318	12/06/2013	STAFF MEMBER	REIMBURSEMENT - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	100.00
EFT118319	12/06/2013	STAFF MEMBER	REIMBURSEMENT - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	81.44
EFT118320	12/06/2013	SURVEY NORTH	SURVEY - TOILET BLOCK - OVAL WYN	2,453.00
EFT118321	12/06/2013	TNT AUSTRALIA PTY LIMITED	FREIGHT - SAMPLES - HEALTH, TIP KNX	403.09
EFT118322	12/06/2013	TABLE & CHAIRS	SOFT FURNISHINGS - LIBRARY KNX	434.50
EFT118323	12/06/2013	TOP END MOTORS	SERVICE & VEHICLE CHECK - P478	490.65
EFT118324	12/06/2013	TRISLEY'S HYDRAULIC SERVICES	ANNUAL/PREVENTIVE MAINTENANCE SERVICE - POOL PLANT ROOM - WYN/KNX	35,905.10
EFT118325	12/06/2013	TYREPLUS KUNUNURRA	3 X NEW TYRES - P388	1,110.00
EFT118326	12/06/2013	WA LOCAL GOVERNMENT ASSOCIATION	ADVERTISING - SWEK NEWS - APR 13	3,979.65
EFT118327	12/06/2013	WESTRAC EQUIPMENT PTY LTD	PARTS/SERVICE - P488. FIT NEW GLASS - P390	3,611.41
EFT118328	12/06/2013	STAFF MEMBER	REIMBURSEMENT - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	110.97
EFT118329	12/06/2013	WESTERN AUST TREASURY CORPORATION	LOAN PAYMENTS - 118,118A,122,122A PRINCIPAL & INTEREST	41,949.19
EFT118330	12/06/2013	WYNDHAM SUPERMARKET	REFRESHMENTS - COUNCILLORS BRIEFING - WYN	120.72
EFT118331	14/06/2013	AUSTRALIAN PAYROLL ASSOCIATION	DIPLOMA OF PAYROLL MANAGEMENT - COORDINATOR ORGANISATIONAL DEV.	4,500.00
EFT118332	21/06/2013	KIMBERLEY WASTE SERVICES	SKIP EMPTIES - LEISURE CENTTRE - APR/MAY 13 - KNX	1,375.00
EFT118333	21/06/2013	A & R WELDING FABRICATION	SUPPLY OF WELDING FABRICATION SERVICES - REPAIR FRONT GATE - TIP WYN	371.25
EFT118334	21/06/2013	AUSTRALIAN AIRPORTS ASSOCIATION, THE	ANNUAL MEMEBERSHIP AUSTRALIAN AIRPORTS ASSOCIATION	3,949.00

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EFT118335	21/06/2013	ACE CORPORATE APPAREL	STAFF UNIFORMS	3,730.49
EFT118336	21/06/2013	ALCOLIZER PTY LTD	SERVICE AND RECALIBRATION BREATHERLIZER - AIRPORT KNX	114.40
EFT118337	21/06/2013	ALLGEAR MOTORCYCLES AND SMALL ENGINES	SERVICE PUSH MOWER. PARTS - P356. BLADES P362. NEW BUSH CUTTER - WYN	1,784.00
EFT118338	21/06/2013	ANALYTICAL REFERENCE LABORATORY	ANALYSIS - BUILDING MATERIAL, ASBESTOS ID-PLM	60.50
EFT118339	21/06/2013	ARGYLE ENGINEERING	SIGN HOLDER BRACKETS - AIRPORT KNX. SANDBLASTING AND REPAIR - P485	12,163.25
EFT118340	21/06/2013	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	206.10
EFT118341	21/06/2013	BERM BACKHOE HIRE	REACH MOW LAKE ARGYLE ROAD, LAKEVIEW DRIVE, VALENTINE FALLS	18,562.50
EFT118342	21/06/2013	BOC GASES AUSTRALIAN LIMITED	WELDING GASES AND BOTTLE RENTAL - MAY 13	310.10
EFT118343	21/06/2013	BEST KIMBERLEY COMPUTING	SERVICE/REPAIR PHOTOCOPIERS WYN/KNX	22,597.30
EFT118344	21/06/2013	BLACKWOODS ATKINS PTY LTD	BENCHS,LOCKERS,FLOOR JACK, IMPACT DRILL, DEPOT, AIRPORT, TIP KNX	2,357.64
EFT118345	21/06/2013	C & S JOLLY ELECTRICS PTY LTD	ELECTRICAL REPAIRS - REC, POOL WYN. LEISURE CENTRE, POOL, ADMIN KNX	3,333.01
EFT118346	21/06/2013	CABCHARGE	CABCHARGE - MAR/APR 13	902.75
EFT118347	21/06/2013	CAPRICORN EXTINGUISHER SERVICE	6 MONTHLY INSPECTION OF PACKSADDLE BUSH FIRE BRIGADE EXTINGUISHERS	316.25
EFT118348	21/06/2013	CHEFMASTER AUSTRALIA	BIN LINERS - AIRPORT KNX	740.10
EFT118349	21/06/2013	CARDNO (WA) PTY LTD	GEOTECHNICAL INVESTIGATION - AQUATIC & LEISURE CENTRE KNX	15,675.00
EFT118350	21/06/2013	CIVIC LEGAL	LEGAL ADVICE LEASE REVIEW NULLEYWAH/AG SOCIETY/WK CAMP/TOURISM HS	13,005.96
EFT118351	21/06/2013	COATES HIRE OPERATIONS PTY LTD	HIRE - TRAILER MOUNTED BOOM - JETTY WYN	282.48
EFT118352	21/06/2013	CONNECT INTERGRATED SYSTEMS	MULTITOUCH DISPLAY - CEO OFFICE	9,276.70
EFT118353	21/06/2013	DELRON CLEANING PTY LTD	CLEANING SERVICES - SHIRE OFFICE KNX	234.96
EFT118354	21/06/2013	DSC CONTRACTING	SECURITY DOOR LOCKS CABLING - SHIRE ADMIN KNX	7,557.12
EFT118355	21/06/2013	DEPARTMENT OF FIRE & EMERG. SERVICES	2012/13 ESL QUARTER 4 CONTRIBUTION	28,196.48
EFT118356	21/06/2013	DRYSDALE RIVER STATION	IMPROVE FORMATION - PORT WARRENDER TURNOFF TO NTH OF CARSON RIVER	24,150.00
EFT118357	21/06/2013	EAST KIMBERLEY HARDWARE	VARIOUS ITEMS/GRASS SEEDS/FIRE PREVENTION ITEMS AIRPORT,P488 WYN/KNX	1,207.60
EFT118358	21/06/2013	EAST KIMBERLEY PLUMBING	PLUMB. WKS-WATER METER/SOLAR HOTWATER/RETIC.- AIRPRT,STAFF HSNG KNX	12,645.72
EFT118359	21/06/2013	EAST KIMB VOLUNTEER MARINE RESCUE SERV	BALANCE OF GRANT	17,965.51
EFT118360	21/06/2013	FUJI XEROX AUSTRALIA P/L	PRINTING EXPENSES - MAR/APR 13 - ADMIN,AIRPORT KNX	1,481.21
EFT118361	21/06/2013	FRONTIER POST & NEWS	KIMBERLEY ECHO/STATIONERY - OCT/DEC 12 JAN/APR 13 - WYN	116.90
EFT118362	21/06/2013	GYM CARE	GYM EQUIPMENT - ADJUSTABLE HEIGHT STEP - KNX	2,090.00
EFT118363	21/06/2013	GIBB RIVER GRADING	FIRST 4KM GRADING - MT ELIZABETH ROAD	946.00
EFT118364	21/06/2013	GUERINONI & SONS	FINAL CLAIM - KDHS COOLIBAH DRIVE BUS BAY/OFF STREET PARKING-KNX	56,796.30
EFT118365	21/06/2013	IBAC PLUMBING PTY LTD	PLUMB WKS-TOILETS/RESET PUMP CELEBRITY TREE PK/REPAIR PIPE LEISURE CNTR	2,125.05
EFT118366	21/06/2013	IMAGESOURCE	BUSINESS CARDS	1,090.77
EFT118367	21/06/2013	J & C ATKINS CONTRACTING PTY LTD	HIRE - WATER TRUCK - EXTINGUISHING FIRE - LANDFILL WYN	1,694.00

EFT118368	21/06/2013	JSW HOLDINGS PTY LTD	KERB MODIFICATIONS - KDHS KNX. CONCRETE GARDENIA,CASUARINA, CELTIS KNX	20,301.60
EFT118369	21/06/2013	JAB INDUSTRIES	HIRE OF LOADER -LANDFILL. HIRE FLOAT - MOVE P485 KNX	2,612.50
EFT118370	21/06/2013	KIMBERLEY INDUSTRIES EQUIPMENT HIRE	HIRE CRANE - LIFT P485 ON AND OFF FLOAT	330.00
EFT118371	21/06/2013	KUNUNURRA 4WD SPARES	SES - SERVICE WINCH - UNREPAIRABLE - REPLACE WINCH	1,827.50
EFT118372	21/06/2013	KAREN HETHEY	PAYMENT - BARRA CONCERT PUPPET WORKSHOP	1,375.73
EFT118373	21/06/2013	KIMBERLEY ECHO - ALBANY ADVERTISER	ADVERTISING SWEK NEWS - MAY 13	3,075.45
EFT118374	21/06/2013	KIMBERLEY KOOL REFRIG & AIRCON	REPAIR/PARTS A/C - ADMIN, AIRPORT KNX	1,475.10
EFT118375	21/06/2013	KIMBERLEY MOTORS	FUEL COSTS - APRIL 13 -WYN	6,503.86
EFT118376	21/06/2013	KIMBERLEY PUMPING SERVICE	PARTS - MESSMATE, CASUARINA PUMPS. REPAIR LEAKING PIPE - WEABER PLN RD	3,524.40
EFT118377	21/06/2013	KUNUNURRA COURIERS	DRINKING WATER - KUNUNURRA LANDFILL - MAY 13	156.00
EFT118378	21/06/2013	KUNUNURRA DIESEL SERVICE	BATTERY REPLACEMENT - P378 - FESA. BATTERY CHARGER - SES	776.95
EFT118379	21/06/2013	KUNUNURRA GYMNASTICS CLUB	KIDSPORT MEMBERSHIP FEES	200.00
EFT118380	21/06/2013	KUNUNURRA JUNIOR FOOTBALL	KIDSPORT MEMBERSHIP FEES	65.00
EFT118381	21/06/2013	KUNUNURRA LOCK & KEY	KEYS-NETBALL/TENNIS CRTS-KNX. SAFE REPAIR-NEW BATTERY-LEISURE CNTR KNX	267.00
EFT118382	21/06/2013	KUNUNURRA NETBALL ASSOCIATION	KIDSPORT MEMBERSHIP FEES - NETBALL 21 X MEMBERS - KNX	1,190.00
EFT118383	21/06/2013	KUNUNURRA SECURITY SERVICE	SECURITY CALL OUT-ADMIN KNX. PATROL/MONITOR ALARMS-MAY 13-KNX/WYN	3,625.50
EFT118384	21/06/2013	KUNUNURRA TYREPOWER	REPAIR/REPLACE TYRE - P387	435.00
EFT118385	21/06/2013	L.G.R.C.E.U	PAYROLL DEDUCTIONS	19.40
EFT118386	21/06/2013	LANDGATE	LAND ENQUIRY	591.48
EFT118387	21/06/2013	LANDMARK ENGINEERING & DESIGN	PUBLIC ABLUTION BLOCK - OVAL WYN	42,339.00
EFT118388	21/06/2013	LAPPY'S SERVICE CENTRE	SERVICE - P371. BLADES - P333. FIT NEW BLADE - P354	787.58
EFT118389	21/06/2013	LITCHFIELD GREEN WASTE RECYCLERS	MULCHING GREEN WASTE - LANDFILL KNX	33,760.00
EFT118390	21/06/2013	MAXXIA	PAYROLL DEDUCTIONS	6,787.04
EFT118391	21/06/2013	MCLEAN ENTERPRISES PTY LTD	FREIGHT - SLASHER - AIRPORT KNX	660.00
EFT118392	21/06/2013	MCLERNONS	FURNITURE - DEPOT UPGRADE KNX	1,059.00
EFT118393	21/06/2013	METALAND KUNUNURRA	PIPE-AIRPORT KNX/PURLIN-CASUARINA WY/MESH, SPACERS-SPEARGRASS ST KNX	2,307.98
EFT118394	21/06/2013	NEC AUSTRALIA PTY LTD	IT EQUIPMENT - KNX	820.60
EFT118395	21/06/2013	STAFF MEMBER	REIMBURSEMENT - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	748.30
EFT118396	21/06/2013	NORTHERN INTEREST PTY LTD	SES - FUEL & FOOD COSTS - APR 13	92.05
EFT118397	21/06/2013	ORD RIVER ELECTRICS	ELECT. WKS-SWITCHBOARD, SPOTLIGHT,SLIDING DR,FAN-OVAL,AIRPORT,KLC	13,922.61
EFT118398	21/06/2013	ORICA AUSTRALIA PTY LTD	HIRE AND STORAGE- CHLORINE GAS CYLINDERS - MAY 13 WYN/KNX	430.68
EFT118399	21/06/2013	OFFICE NATIONAL KUNUNURRA	STATIONERY - AIRPORT KNX. FURNITURE - DEPOT UPGRADE WYN	1,170.54
EFT118400	21/06/2013	OLLIE'S IRRIGATIONS & PLUMBING SUPPLIES	RETIC-CONTROLLERS, PIPE, SLIPFIX, SPRINKLERS,PARTS-CHILDCARE,RETIC KNX	1,552.98
EFT118401	21/06/2013	ORD FUEL SUPPLIES	DIESEL/FUEL - DEPOT KNX	22,058.48

EFT118402	21/06/2013	ORD MACHINING	GYM EQUIPMENT KNX	140.36
EFT118403	21/06/2013	ORIA ORCHARDS	WEEKLY FLOWER DELIVERY - AIRPORT, ADMIN KNX - MAY/JUN 13	60.00
EFT118404	21/06/2013	ORION SOLAR PTY LTD	BIRD ROLLERS,SOLAR BATTERIES - JETTY WYN	1,326.60
EFT118405	21/06/2013	P & D A JENNINGS	SERVICE/REPAIR A/C - P354	600.00
EFT118406	21/06/2013	PIVOTEL	SATELLITE PHONES - APRIL 13	163.80
EFT118407	21/06/2013	PANORAMA CATERING	KIMBERLEY KIDS IN THE KITCHEN-EQUIPMENT, PRIZES, SUPPLIES AND STAFF HRS	4,881.38
EFT118408	21/06/2013	PILA GROUP	REPLACEMENT FLAG POLE - WYN	1,237.50
EFT118409	21/06/2013	PLANETT PTY LTD	STAFF UNIFORMS - YOUTH, CHILDCARE WYN	2,116.36
EFT118410	21/06/2013	PRIORITY 1 FIRE AND SAFETY PTY LTD	BREATHING APPARATUS TRAINING - 1 X REC STAFF WYN	330.00
EFT118411	21/06/2013	QUICK CORPORATE AUSTRALIA	STATIONERY ORDER - MAY KNX	687.29
EFT118412	21/06/2013	ROYAL LIFE SAVING SOCIETY NT BRANCH INC	POOL LIFEGUARD COURSE - 1 X REC STAFF - WYN	250.00
EFT118413	21/06/2013	RED RUST CONTRACTING PTY LTD	LABOUR & MATERIALS TO CONCRETE FOOTPATHS - AIRPORT KNX	6,435.00
EFT118414	21/06/2013	RHOMBUS BCA PTY LTD	CDC BUILDING PERMIT - OVAL PUBLIC TOILETS - WYN	421.30
EFT118415	21/06/2013	STAFF MEMBER	REIMBURSEMENT - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	100.00
EFT118416	21/06/2013	ROYAL LIFE SAVING (WA BRANCH)	POOL OPERATIONS TRAINING/LIFEGUARD REQUALIFICATION 2 X REC STAFF KNX	970.00
EFT118417	21/06/2013	SEARLES MECHANICAL REPAIRS	TAIL LIGHTS - P212. ACCESSORIES - P356	102.65
EFT118418	21/06/2013	SHELF SUPPLY	WORK BOOTS, DOG FOOD, CAT TRAP CAGES - MAY 13 - WYN/KNX	636.00
EFT118419	21/06/2013	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	70.00
EFT118420	21/06/2013	SMALL BUSINESS CENTRE EAST KIMBERLEY	SPONSORSHIP EAST KIMBERLEY SMALL BUSINESS AWARDS	5,500.00
EFT118421	21/06/2013	SUE GAFFNEY	REIMBURSEMENT - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	172.30
EFT118422	21/06/2013	SUNNY SIGN COMPANY PTY LTD	PARKING SIGNS X 3 BUS ZONE SCHOOL BUSES ONLY	154.00
EFT118423	21/06/2013	SURVEY NORTH	SURVEY - VARIOUS LOCATIONS KUNUNURRA	20,253.75
EFT118424	21/06/2013	TELFORD INDUSTRIES	POOL CHEMICALS - WYN	1,281.50
EFT118425	21/06/2013	TNT AUSTRALIA PTY LIMITED	FREIGHT - SAMPLE HEALTH - KNX	308.24
EFT118426	21/06/2013	TOP END MOTORS	SERVICE - P388, P122. REPLACEMENT FUEL FILTER - P387	2,279.03
EFT118427	21/06/2013	TUCKERBOX / RETRAVISION KUNUNURRA	REFRESHMTS-MAR-MAY 13-KNX/OFFICE FURN/AIRPORT KNX/LIBRARY KNX	3,438.31
EFT118428	21/06/2013	VANDERFIELD NORTHWESTPTY LTD	SERVICE - P113, P120	796.57
EFT118429	21/06/2013	WA LOCAL GOVT SUPER PLAN	SUPERANNUATION CONTRIBUTIONS	29,113.62
EFT118430	21/06/2013	WESTRAC EQUIPMENT PTY LTD	REPAIR FUEL PUMP - P488	1,121.67
EFT118431	21/06/2013	WYNDHAM EXCAVATIONS	HIRE LOADER-CONSTRUCTION OF PAD-OOMBI UNITS-SHIRE DEPOT-WYN	1,320.00
EFT118432	21/06/2013	WYNDHAM PLUMBING & GAS PTY LTD	MOVE OUTSIDE TAP - ADMIN WYN	247.50
EFT118433	28/06/2013	BUSH CAMP SURPLUS STORES	SAFETY WORKWEAR - AIRPORT KNX	92.85
EFT118434	28/06/2013	VANDERFIELD MACHINERY PTY LTD	NEW JD TRACTOR & JD SL LOADER - AIRPORT KNX	114,730.00
EFT118435	28/06/2013	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	171.83

EFT118436	28/06/2013	AIRSAFE	DANGEROUS GOODS BY AIR COURSE-OPERATIONS MNGR AIRPORT KNX	80.00
EFT118437	28/06/2013	STAFF MEMBER	REIMBURSEMENT - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	850.00
EFT118438	28/06/2013	AUSTRALIA POST	POSTAGE AND STATIONERY PUCHASES - JUN 13	2,234.88
EFT118439	28/06/2013	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	206.10
EFT118440	28/06/2013	AUSTRALIAN TAXATION OFFICE	BAS MAY 2013	84,331.00
EFT118441	28/06/2013	BROCK SOLID CABINETS	INSTALL CABINETS/HONOUR BOARD/TABLES-CHAMBERS/WORKSTNS-ADMIN KNX	95,907.03
EFT118442	28/06/2013	BLACKWOODS ATKINS PTY LTD	TOILET AIRFRESHNER REFILLS - AIRPORT KNX	512.42
EFT118443	28/06/2013	C & S JOLLY ELECTRICS PTY LTD	MAINTENANCE ON TOWN OVAL LIGHTS - KNX	16,458.56
EFT118444	28/06/2013	CABCHARGE	CABCHARGE - MAY 13	418.44
EFT118445	28/06/2013	CAM MANAGEMENT SOLUTIONS	PROFESSIONAL SERVICES-SOFTWARE LICENCING 13/14	35,732.33
EFT118446	28/06/2013	CARDNO (WA) PTY LTD	PROF. SERV.-GEOTECH INVESTIGTN-RELOC. OF MEATWORKS FLYWHEEL-WYN	6,667.10
EFT118447	28/06/2013	CLEVERPATCH	ASSORTED CRAFT MATERIALS - LIBRARY KNX	910.31
EFT118448	28/06/2013	COMFORT HOTEL PERTH CITY	ACCOMMODATION - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	290.00
EFT118449	28/06/2013	CR CISSY GORE - BIRCH GAULT	MEMBERS PAYMENT 01/04/13-30/06/13	2,472.50
EFT118450	28/06/2013	CR DI AUSBURN	MEMBERS PAYMENT 01/04/13-30/06/13	4,907.50
EFT118451	28/06/2013	CR JACKIE MCCOY	MEMBERS PAYMENT 01/04/13-30/06/13	2,472.50
EFT118452	28/06/2013	CR JANE PARKER	MEMBERS PAYMENT 01/04/13-30/06/13	2,472.50
EFT118453	28/06/2013	CROCODILE SIGNS PTY LTD	SIGNAGE - PROJECT SIGNS/RECEPTION/CHAMBERS - NEW SHIRE ADMIN KNX	507.10
EFT118454	28/06/2013	DARWIN AIRPORT GATEWAY MOTEL	ACCOMMODATION - LIFEGUARD TRAINING	259.00
EFT118455	28/06/2013	DAVEY TYRE & BATTERY SERVICE	2 TYRES - P490	517.00
EFT118456	28/06/2013	DISCOVERY HOLIDAY PARKS	ACCOMMODATION - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	2,120.00
EFT118457	28/06/2013	EAST KIMBERLEY HARDWARE	MISC HARDWARE ITEMS KNX. RETRACTABLE HOSE REEL - AIRPORT KNX	1,373.40
EFT118458	28/06/2013	EAST KIMBERLEY PLUMBING	CLAIM #1: REPAIRS LEISURE CENTRE ROOF - KNX	13,235.20
EFT118459	28/06/2013	EAST KIMBERLEY REAL ESTATE	WATER CONSUMPTION-18/01/13-18/03/13-STAFF HOUSING KNX	10.70
EFT118460	28/06/2013	ESPLANADE HOTEL FREMANTLE	ACCOMODATION-LGMA IT CONFERENCE 2013	687.00
EFT118461	28/06/2013	FRONTIER FENCING	SECURITY FENCE UPGRADE-AIRPORT KNX	7,274.60
EFT118462	28/06/2013	FUJI XEROX AUSTRALIA P/L	PRINTING EXPENSES - MAR/APR 13 - DEVELOPMENT, GOVERNANCE KNX	2,097.78
EFT118463	28/06/2013	FAIRHOLME DISABILITY SUPPORT GROUP	SUCCESSFUL QUICK GRANT	550.00
EFT118464	28/06/2013	FARMERS FRUIT AND VEG MART	VEGEMITE SANDWICHES - CITIZENSHIP CEREMONY - 28 MAY 2013	60.01
EFT118465	28/06/2013	FIVE RIVERS CAFE	CATERING - COUNCIL BRIEFING SESSION - 14TH MAY 2013	383.20
EFT118466	28/06/2013	FLIGHT PUBLISHING	ADVERTSING - 1/4 PAGE - AIRPORT KNX	495.00
EFT118467	28/06/2013	FRANMOR CONSTRUCTIONS PTY LTD	EXPAND CURRENT TEA ROOM - DEPOT KNX	43,700.30
EFT118468	28/06/2013	FRONTIER POST & NEWS	WORKING WITH CHILDREN CHECK FOR STAFF MEMBER - CHILDCARE WYN	53.00
EFT118469	28/06/2013	GHD PTY LTD	COTTON TREE AVENUE WATER MAIN MODIFICATION DESIGN - KNX	7,660.40

EFT118470	28/06/2013	GUERINONI & SONS	SUPPLIED CULVERT DRAINAGE UPGRADE UNDER WALKWAY - SPEARGRASS STREET	8,910.00
EFT118471	28/06/2013	HENDER LEE ELECTRICAL & INSTRUMENTN	FINAL PROGRESS PAYMENT - AG OVAL KNX AND POOL LIGHTING	5,443.52
EFT118472	28/06/2013	HOMESAT TV EAST KIMBERLEY	RELOCATE FOXTEL DISH - STAFF HOUSING KNX	346.50
EFT118473	28/06/2013	HORIZON POWER - NON ENERGY	STREETLIGHT UPGRADE BANKSIA STREET KUNUNURRA WA 6743	1,566.15
EFT118474	28/06/2013	IT VISION ITV	WEBINAR - BANK RECONCILIATION. RATES REMODELLING - KNX	577.50
EFT118475	28/06/2013	ICE AGE REFRIGERATION & AIRCONDITIONING	NEW ICE MACHINE - DEPOT MAINTENANCE AIRPORT. REPAIR A/C - STAFF HSG KNX	2,599.00
EFT118476	28/06/2013	JOANNE ROACH	REIMBURSEMENT - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	937.63
EFT118477	28/06/2013	JOSEPH STABLER	REIMBURSEMENT - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	115.20
EFT118478	28/06/2013	KADAR PEARSON PARTNERS PTY LTD	FIRST PAYMENT - EAST KIMBERLEY TOURISM PLAN	11,000.00
EFT118479	28/06/2013	KIMBERLEY MOTORS	FUEL COSTS, VISITORS INFO, MISC ITEMS - MAY 13	6,894.65
EFT118480	28/06/2013	KUNUNURRA HOME & GARDEN	VARIOUS HARDWARE ITEMS - VARIOUS KNX. LOCKS - OVAL LIGHTS - KNX	424.85
EFT118481	28/06/2013	KUNUNURRA JUNIOR FOOTBALL	AUSKICK KIDSPORT FEES - 5 X MEMBERS	325.00
EFT118482	28/06/2013	KUNUNURRA NETBALL ASSOCIATION	KIDSPORT MEMBERSHIP FEES	85.00
EFT118483	28/06/2013	KUNUNURRA RURAL TRADERS	6 MTH SERV.-FIRE EQUIP-ADMIN/PETER REID MEM/CHILDCRE/DEPOT/POOL WYN	1,270.30
EFT118484	28/06/2013	KUNUNURRA/WYNDHAM HEALTH SERVICE	WORKERS COMP - AIRPORT KNX	189.00
EFT118485	28/06/2013	L.G.R.C.E.U	PAYROLL DEDUCTIONS	19.40
EFT118486	28/06/2013	LGIS WORKCARE	ACTUAL WAGES ADJUSTMENTS 11/12 WORKERS COMPENSATION INSURANCE	54,406.00
EFT118487	28/06/2013	LAPPY'S SERVICE CENTRE	SERVICE - P379	340.43
EFT118488	28/06/2013	LEE AND KATIE GUYMER	CONCRETE PATH - MULTIPURPOSE COURTS TOILET KNX	5,295.30
EFT118489	28/06/2013	STAFF MEMBER	REIMBURSEMENT - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	974.57
EFT118490	28/06/2013	LOCAL GOVERNMENT MANAGERS AUSTRALIA	REGISTRATION FEES-MNGR INFO SERVICES-LGMA IT CONFERENCE JUNE 13 PERTH	764.40
EFT118491	28/06/2013	MAIN ROADS DEPARTMENT	REFUND RRG CONTRIBUTION INCORRECTLY CLAIMED.	21,846.00
EFT118492	28/06/2013	MARTELL ROAD MAINTENANCE	PATCHING POTHOLES AND SEAL CRACKING - KNX	24,684.00
EFT118493	28/06/2013	MAXXIA	PAYROLL DEDUCTIONS	7,257.17
EFT118494	28/06/2013	NYTROWORX	ELECT/HANDYMAN/MAINT WKS - VARIOUS SHIRE BUILDINGS KNX/WYN - JUN 13	14,367.47
EFT118495	28/06/2013	OFFICE NATIONAL KUNUNURRA	STATIONERY - LEISURE CENTRE KNX	129.90
EFT118496	28/06/2013	OLLIE'S IRRIGATIONS & PLUMBING SUPPLIES	MISC RETICULATION ITEMS - MAY 13 KNX	691.42
EFT118497	28/06/2013	ORIA ORCHARDS	WEEKLY FLOWER DELIVERY ADMIN, AIRPORT - JUN 13	60.00
EFT118498	28/06/2013	PLAYRIGHT AUSTRALIA PTY LTD	ACCREDITED PLAYGROUND SAFETY COURSE - ASSET MNGMT OFFICER	2,013.00
EFT118499	28/06/2013	STAFF MEMBER	REIMBURSEMENT - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	437.06
EFT118500	28/06/2013	PRITCHARD BOOKBINDERS	BOOK BINDING FOR OCM FOR OCTOBER, NOVEMBER, DECEMBER 2012	174.90
EFT118501	28/06/2013	QUICK CORPORATE AUSTRALIA	STATIONARY - JUN 13 - ADMIN KNX	17.58
EFT118502	28/06/2013	STAFF MEMBER	REIMBURSEMENT - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	517.15
EFT118503	28/06/2013	SETON AUSTRALIA PTY LTD	SIGNS, SNAP FRAMES, TACTILE DIRECTIONAL INDICATORS,ADHESIVE-ADMIN KNX	5,367.09

EFT118504	28/06/2013	SHELF SUPPLY	WORK BOOTS - DEPOT. WHEELIE BIN - AIRPORT. WORK SHIRT - ADMIN KNX	610.00
EFT118505	28/06/2013	SPORTSPEOPLE	ADVERTISING - RECRUITMENT FOR RECREATION OFFICER KNX - HOT JOB - MAR 13	242.00
EFT118506	28/06/2013	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	70.00
EFT118507	28/06/2013	STITCHED UP EMBROIDERY SERVICES	T-SHIRTS FOR KIMBERLEY WRITERS FESTIVAL 2013 - LIBRARY KNX	1,575.00
EFT118508	28/06/2013	TOLL EXPRESS	FREIGHT - FURNITURE - DEPOT KNX. TELFORDS - WYN	4,226.46
EFT118509	28/06/2013	THE KIMBERLEY GRANDE	CATERING - ORDINARY COUNCIL MEETING - KNX	210.00
EFT118510	28/06/2013	TIDAL TYRE AND BATTERIES	BATTERY - P381	90.00
EFT118511	28/06/2013	TOP END MOTORS	SERVICE - P490	999.80
EFT118512	28/06/2013	TOWN CARAVAN PARK	ACCOMMODATION - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	2,200.00
EFT118513	28/06/2013	WA LOCAL GOVT SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	29,611.35
EFT118514	28/06/2013	WESTBOOKS	NEW BOOKS - LIBRARY KNX	653.12
EFT118515	28/06/2013	WYNDHAM EXCAVATIONS	HIRE-VARIOUS EQUIP-MAINT WORKS-KANGAROO DR/LANDFILL WYN	21,900.00
TOTAL EFT PAYMENTS				<u>2,262,208.76</u>

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
42079	07/06/2013	AMP LIFE LTD	SUPERANNUATION CONTRIBUTIONS	478.43
42080	07/06/2013	AUST ETHICAL INVESTMENT & SUPER	SUPERANNUATION CONTRIBUTIONS	141.16
42081	07/06/2013	AUSTSAFE SUPER	SUPERANNUATION CONTRIBUTIONS	218.78
42082	07/06/2013	AUSTRALIAN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	1,667.20
42083	07/06/2013	BT FINANCIAL GROUP	SUPERANNUATION CONTRIBUTIONS	207.37
42084	07/06/2013	BT LIFETIME PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	249.75
42085	07/06/2013	COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	262.22
42086	07/06/2013	LOCAL GOVERNMENT SUPER	SUPERANNUATION CONTRIBUTIONS	454.99
42087	07/06/2013	MLC MASTERKEY PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	671.91
42088	07/06/2013	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	238.99
42089	07/06/2013	REST SUPER	SUPERANNUATION CONTRIBUTIONS	766.15
42090	07/06/2013	SEAFARERS RETIREMENT FUND	SUPERANNUATION CONTRIBUTIONS	191.71
42091	07/06/2013	SPECTRUM SUPER	SUPERANNUATION CONTRIBUTIONS	227.80
42092	07/06/2013	SUNSUPER	SUPERANNUATION CONTRIBUTIONS	438.24
42093	07/06/2013	TELSTRA	LANDLINE COSTS - APR 13 - ADMIN KNX	8,816.77
42094	07/06/2013	TEX GUN SUPPLIES	BOX WESSEX BIRD FRITE PLUS FREIGHT AIRPORT-KUNUNURRA WA	1,212.50
42095	07/06/2013	TAEKWONDO FUNDRAISING	CLUB MEMBERSHIP, INSURANCE, TRAINING BOOK, TERM FEES	200.00
42096	07/06/2013	TASPLAN	SUPERANNUATION CONTRIBUTIONS	131.00

42097	07/06/2013	THE PORTFOLIO SERVICE RETIREMENT FUND	SUPERANNUATION CONTRIBUTIONS	68.03
42098	07/06/2013	THE TRUSTEE FOR HEADING SUPER FUND	SUPERANNUATION CONTRIBUTIONS	400.74
42099	07/06/2013	UNISUPER	SUPERANNUATION CONTRIBUTIONS	141.49
42100	07/06/2013	VISION SUPER	SUPERANNUATION CONTRIBUTIONS	3,904.65
42101	07/06/2013	WESTSCHEME	SUPERANNUATION CONTRIBUTIONS	218.60
42102	12/06/2013	BETHEL INC.	REFUND OF BUS HIRE FEE DUE TO BUS NOT BEING HIRED OUT	252.00
42103	12/06/2013	CASH - PETTY CASH WYNDHAM OFFICE	REFRESHMENTS WYN	180.45
42104	12/06/2013	HORIZON POWER	ELEC-19 BANDICOOT DRIVE KNX-WORKS DEPOT 23/03/13-20/05/13	2,390.43
42105	12/06/2013	SEA VIEW ORTHOTIC SERVICE	STREETMASTER LITTER GRABBERS	861.05
42106	12/06/2013	SHIRE OF BROOME	CONTRIBUTION - KIMMBERLEY ZONE/RCG PROJECT MANAGER	61,315.26
42107	12/06/2013	TELSTRA (SES ONLY)	SES - LANDLINE COSTS - JAN 13 - APR 13	115.42
42108	12/06/2013	THE RUSTY SHED CAFE	CATERING - STAFF MEETING/CEO - WYN	189.96
42109	12/06/2013	WALKABOUT SOUVENIRS	7 X COFFEE TABLE BOOKS - GIFTS FOR CITIZENSHIP CEREMONY, 29 MAY 2013	349.65
42110	21/06/2013	AMP LIFE LTD	SUPERANNUATION CONTRIBUTIONS	418.03
42111	21/06/2013	AUST ETHICAL INVESTMENT & SUPER	SUPERANNUATION CONTRIBUTIONS	141.16
42112	21/06/2013	ACTIVE NETWORK	CLASS PROGRAM - RENEWAL - 01/03/12-28/02/13 - LEISURE CENTRE KNX	4,500.00
42113	21/06/2013	AUSTSAFE SUPER	SUPERANNUATION CONTRIBUTIONS	218.78
42114	21/06/2013	AUSTRALIAN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	1,414.09
42115	21/06/2013	BT FINANCIAL GROUP	SUPERANNUATION CONTRIBUTIONS	209.11
42116	21/06/2013	BT LIFETIME PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	250.51
42117	21/06/2013	COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	218.38
42118	21/06/2013	DEPARTMENT FOR COMMUNITIES	SERVICE ANNUAL FEE - CHILDCARE CENTRE WYN	188.00
42119	21/06/2013	DEPT OF TRANSPORT	REGISTRATION P378	708.10
42120	21/06/2013	HORIZON POWER	ELEC - STREET LIGHTING KNX 01/05/13-31/05/13	53,662.21
42121	21/06/2013	HOSTPLUS SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	72.89
42122	21/06/2013	LOCAL GOVERNMENT SUPER	SUPERANNUATION CONTRIBUTIONS	469.77
42123	21/06/2013	MLC MASTERKEY PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	614.86
42124	21/06/2013	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	443.74
42125	21/06/2013	NOLAN.UDA-PERTH	15 BOXES OF PIN BOARD ACOUSTIC STICK ON WALL TILES - SHIRE ADMIN KNX	2,095.90
42126	21/06/2013	OZLOCKERS PTY LTD	OZLOKA OL-800 BLUE HEAVY DUTY PLASTIC LOCKER	4,666.20
42127	21/06/2013	REST SUPER	SUPERANNUATION CONTRIBUTIONS	296.64
42128	21/06/2013	SEAFARERS RETIREMENT FUND	SUPERANNUATION CONTRIBUTIONS	196.01
42129	21/06/2013	SPECTRUM SUPER	SUPERANNUATION CONTRIBUTIONS	227.80
42130	21/06/2013	SUNSUPER	SUPERANNUATION CONTRIBUTIONS	435.84

42131	21/06/2013	TASPLAN	SUPERANNUATION CONTRIBUTIONS	180.60
42132	21/06/2013	THE RUSTY SHED CAFE	CATERING - COUNCIL MEETING 28TH MAY 2013 - 18 PEOPLE	530.64
42133	21/06/2013	THE TRUSTEE FOR HEADING SUPER FUND	SUPERANNUATION CONTRIBUTIONS	400.74
42134	21/06/2013	UNISUPER	SUPERANNUATION CONTRIBUTIONS	157.88
42135	21/06/2013	VISION SUPER	SUPERANNUATION CONTRIBUTIONS	3,927.17
42136	21/06/2013	WESTSCHEME	SUPERANNUATION CONTRIBUTIONS	218.60
42137	21/06/2013	WOODHOUSE LEGAL	PROFESSIONAL FEES FOR CASA LEASE, EKRA TERMINAL	577.50
42138	28/06/2013	AMP LIFE LTD	SUPERANNUATION CONTRIBUTIONS	487.32
42139	28/06/2013	AUST ETHICAL INVESTMENT & SUPER	SUPERANNUATION CONTRIBUTIONS	141.16
42140	28/06/2013	ACTIVE NETWORK	CLASS PROGRAM - RENEWAL - 01/03/13-28/02/14 - LEISURE CENTRE KNX	4,500.00
42141	28/06/2013	AUSTSAFE SUPER	SUPERANNUATION CONTRIBUTIONS	218.78
42142	28/06/2013	AUSTRALIAN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	1,335.20
42143	28/06/2013	BT FINANCIAL GROUP	SUPERANNUATION CONTRIBUTIONS	209.11
42144	28/06/2013	BT LIFETIME PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	317.75
42145	28/06/2013	CASH - PETTY CASH KNX OFFICE	GALVANISED FEEDER - HEALTH - KNX	189.45
42146	28/06/2013	CBUS SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	264.77
42147	28/06/2013	CR JOHN HAMILTON MOULDEN	MEMBERS PAYMENT 01/04/13-30/06/13 - SHIRE PRESIDENTS ALLOWANCE	8,965.00
42148	28/06/2013	COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	238.10
42149	28/06/2013	CR DON LEARBUCH	MEMBERS PAYMENT 01/04/13-30/06/13 - MEETING FEES	2,472.50
42150	28/06/2013	CR MARYANNE KELLY	MEMBERS PAYMENT 01/04/13-30/06/13 - MEETING FEES	2,472.50
42151	28/06/2013	CR RALPH ADDIS	MEMBERS PAYMENT 01/04/13-30/06/13 - MEETING FEES	1,255.00
42152	28/06/2013	CR RAYMOND DESSERT	MEMBERS PAYMENT 01/04/13-30/06/13 - MEETING FEES	2,472.50
42153	28/06/2013	FIRE RESCUE SAFETY AUSTRALIA	SES EQUIPMENT	6,663.25
42154	28/06/2013	HORIZON POWER	ELECT-LOT 74 KONKERBERRY DR WHITEGUM PK LIGHTS KNX 18/04/13-19/06/13	525.84
42155	28/06/2013	JOHN THORPE	REIMBURE DIFFERENCE BETWEEN SENIOR PRICE AND GOLD MSHIP - LEISURE CNTR	30.00
42156	28/06/2013	LOCAL GOVERNMENT SUPER	SUPERANNUATION CONTRIBUTIONS	821.75
42157	28/06/2013	MLC MASTERKEY PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	631.64
42158	28/06/2013	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	465.95
42159	28/06/2013	NOLAN.UDA-PERTH	5 X BOXES OF QUIETSPACE SIMBA STICK ON WALL TILES	2,095.90
42160	28/06/2013	REST SUPER	SUPERANNUATION CONTRIBUTIONS	632.35
42161	28/06/2013	SEAFARERS RETIREMENT FUND	SUPERANNUATION CONTRIBUTIONS	199.41
42162	28/06/2013	SHIRE OF BROOME	REFUND OF OVERPAID ZONE CONTRIB.-PROJECT/BUSINESS PLANNING 2009/10	25,000.00
42163	28/06/2013	SPECTRUM SUPER	SUPERANNUATION CONTRIBUTIONS	228.50
42164	28/06/2013	SUNSUPER	SUPERANNUATION CONTRIBUTIONS	435.84

42165	28/06/2013	TELSTRA	LANDLINE COSTS - MAY 13 - KNX	6,518.03
42166	28/06/2013	TASPLAN	SUPERANNUATION CONTRIBUTIONS	132.27
42167	28/06/2013	THE PORTFOLIO SERVICE RETIREMENT FUND	SUPERANNUATION CONTRIBUTIONS	96.98
42168	28/06/2013	THE TRUSTEE FOR HEADING SUPER FUND	SUPERANNUATION CONTRIBUTIONS	400.74
42169	28/06/2013	UNISUPER	SUPERANNUATION CONTRIBUTIONS	144.06
42170	28/06/2013	VISION SUPER	SUPERANNUATION CONTRIBUTIONS	5,180.27
42171	28/06/2013	WA DEPARTMENT OF HEALTH	MOSQUITO MANAGEMENT COURSE EHO X 2 - 21-25/10/2013	2,200.00
42172	28/06/2013	WESTSCHEME	SUPERANNUATION CONTRIBUTIONS	218.60
42173	28/06/2013	WATER CORPORATION	WATER-UNIT A/57 RIVERFIG AV KNX 7/11/12-8/03/13	554.70
TOTAL MUNI CHEQUE PAYMENTS				243,119.07

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
492	18/06/2013	CORALIE MORGAN	BOND REFUND PETER REID MEM HALL 31/5/13	1,020.00
493	18/06/2013	HAVLIN'S AMUSEMENTS	BOND REFUND WYD & KNX OVAL HIRE	500.00
494	18/06/2013	KUNUNURRA RETURNED SERVICES LEAGUE	BOND REFUND CHAIR HIRE 25/4/13	100.00
495	18/06/2013	NORTHERN MINERALS	BOND REFUND P.REID MEM HALL WYNDHAM	520.00
496	18/06/2013	ORD VALLEY ABORIGINAL HEALTH SERVICE	BOND REFUND CHAIR HIRE	100.00
497	18/06/2013	ST JOSEPH'S SCHOOL KUNUNURRA - P & F	BOND REFUND HALL HIRE 16/3/13	500.00
498	18/06/2013	TAYLOR'S CARNIVAL FUN FAIR	BOND REFUND WYN & KNX OVAL HIRE	500.00
499	28/06/2013	ANDREW SCHULTZ	REFUND BOND CHAIR HIRE 2/6/13	100.00
500	28/06/2013	BEN MARR	FOOTPATH BOND REFUND BL063/2012	500.00
501	28/06/2013	CHILDREN'S SERVICE SUPPORT UNIT	REFUND BOND HIRE WHITEGUM PARK 16/3/13	250.00
502	28/06/2013	DE CARPENTERS PTY LTD	FOOTPATH BOND REFUND BL101/2012	500.00
503	28/06/2013	DANIEL PAUL TIMSON	FOOTPATH BOND REFUND BL006/2012	500.00
504	28/06/2013	KING'S CHURCH KUNUNURRA	BOND REFUND HIRE WHITEGUM PARK 24/5/13	177.00
505	28/06/2013	KUNUNURRA NEIGHBOURHOOD HOUSE INC	REFUND BOND HIRE CELEBRITY TREE PARK 16/6/13	250.00
506	28/06/2013	ORD VALLEY COUNTRY WOMEN'S ASSN	REFUND BOND HALL HIRE BUSH DANCE 15/3/13	1,000.00
507	28/06/2013	WA ELECTORAL COMMISSION	REFUND BOND HALL HIRE STATE ELECTION 9/3/13	250.00
TOTAL TRUST CHEQUE PAYMENTS				6,767.00

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
500501	04/06/2013	TRUST DPI CLEARING	TRANSPORT CLEARING 4/6/13	870.80
500502	05/06/2013	TRUST DPI CLEARING	TRANSPORT CLEARING 5/6/13	571.80

500503	06/06/2013	TRUST DPI CLEARING	TRANSPORT CLEARING 6/6/13	821.05
500504	07/06/2013	TRUST DPI CLEARING	TRANSPORT CLEARING 7/6/13	776.10
500505	10/06/2013	TRUST DPI CLEARING	TRANSPORT CLEARING 10/6/13	1,071.90
500506	11/06/2013	TRUST DPI CLEARING	TRANSPORT CLEARING 11/6/13	880.90
500507	12/06/2013	TRUST DPI CLEARING	TRANSPORT CLEARING 12/6/13	580.10
500508	13/06/2013	TRUST DPI CLEARING	TRANSPORT CLEARING 13/6/13	149.00
500509	14/06/2013	TRUST DPI CLEARING	TRANSPORT CLEARING 14/6/13	300.25
500510	17/06/2013	TRUST DPI CLEARING	TRANSPORT CLEARING 17/6/13	613.30
500511	18/06/2013	TRUST DPI CLEARING	TRANSPORT CLEARING 18/6/13	596.35
500512	19/06/2013	TRUST DPI CLEARING	TRANSPORT CLEARING 19/6/13	584.75
500513	20/06/2013	TRUST DPI CLEARING	TRANSPORT CLEARING 20/6/13	2,410.50
500514	21/06/2013	TRUST DPI CLEARING	TRANSPORT CLEARING 21/6/13	241.80
500515	24/06/2013	TRUST DPI CLEARING	TRANSPORT CLEARING 24/6/13	584.45
500516	25/06/2013	TRUST DPI CLEARING	TRANSPORT CLEARING 25/6/13	76.55
500517	26/06/2013	TRUST DPI CLEARING	TRANSPORT CLEARING 26/6/13	24.00
500518	27/06/2013	TRUST DPI CLEARING	TRANSPORT CLEARING 27/6/13	5,749.25
500519	28/06/2013	TRUST DPI CLEARING	TRANSPORT CLEARING 28/6/13	2,340.60
TOTAL TRUST EFT PAYMENTS				19,243.45

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
	12/06/2013	PAYROLL	PAYROLL	238,154.46
	14/06/2013	PAYROLL	PAYROLL	9,160.75
	26/06/2013	PAYROLL	PAYROLL	239,613.22
TOTAL PAYROLL PAYMENTS				486,928.43

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
	3/06/2013	DIRECT DEBIT	LEASE COSTS - 11 KWINANA STREET WYNDHAM	1,441.00
	10/06/2013	DIRECT DEBIT	LEASE COSTS - 5 RATTLEPOD CLOSE KUNUNURRA	2,946.66
	10/06/2013	DIRECT DEBIT	LEASE COSTS - 38 GARDENIA DRIVE KUNUNURRA	3,606.55
	11/06/2013	DIRECT DEBIT	LEASE COSTS - 9B PLUM COURT KUNUNURRA	1,380.50
	17/06/2013	DIRECT DEBIT	VEHICLE LEASE - SG FLEET AUSTRALIA	1,036.20
	17/06/2013	DIRECT DEBIT	LEASET COSTS - 1/25 KONKERBERRY DRIVE KUNUNURRA	3,141.66
	20/06/2013	DIRECT DEBIT	MASTERCARD PAYMENT	16,408.63

25/06/2013	DIRECT DEBIT	LEASE COSTS - 9B PLUM COURT KUNUNURRA	1,380.50
27/06/2013	DIRECT DEBIT	LEASE COSTS - 17/33 KONKERBERRY DRIVE KUNUNURRA	2,210.00
28/06/2013	DIRECT DEBIT	LEASE COSTS - LOT 2433 (REAR) 60 COOLIBAH DRIVE KUNUNURRA	2,383.33
28/06/2013	DIRECT DEBIT	BANK FEE	218.38
		TOTAL DIRECT DEBIT PAYMENTS	<u>36,153.41</u>

12.3 INFRASTRUCTURE

12.3.1 Domestic Rubbish Bin Services to Warriu and Nulleywah Communities

DATE:	16 July 2013
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Warriu and Nulleywah Communities
AUTHOR:	Kevin Hannagan, Director Infrastructure
REPORTING OFFICER:	Kevin Hannagan, Director Infrastructure
FILE NO:	WM.03.01

PURPOSE

To seek Council approval to remove domestic waste services if payment for such services are not made.

BACKGROUND

Finance department have now advised of further waste services issues:

- Warriu Community is being provided a domestic waste service but is not being charged.
- Nulleywah Community is being provided a domestic waste service but is not paying its charges. The fee outstanding as at Friday 21 June 2013 was \$7,296.38.

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

If the domestic waste charges are not charged (in accordance with Council's Fees and Charges Schedule) or not paid the Shire will create a precedent that:

1. It may be left with more bad debts as users decide not to pay for services, or
2. by not charging The Shire is not acting in compliance with its Fees & Charges Schedules set by Council.

STRATEGIC IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

At the time of writing this report, advice has been received from the Department of Aboriginal Affairs that they have taken legal advice on this matter and it is their opinion that:

- Under the Housing Management Agreements (HMA), the Housing Authority agrees to be taken as the Owner of all nominated houses, subject to a relevant tenancy agreement and for the purposes of the Residential Tenancies Act.
- The Housing Authority collects and receives all the Rent.
- The Authority agrees to 'exercise all rights and obligations accruing to an Owner under the Residential Tenancies Act.
- Section 48 RTA says that it is the term of every Residential Tenancy Agreement that the Owner shall bear all rates, taxes or charges imposed in respect of the premises under the Local Government Act.
- Under the LGA, it appears that whilst Local Government rates can only be imposed on rateable land, a service charge can be imposed on any land, rateable or not.

NB. If correspondence is received prior to the Council meeting advising that Department of Housing agree with the DAA advice, then the below Officer's Recommendation may not need further consideration by Council as the matter will be resolved.

ATTACHMENTS

There are no attachments associated with this report.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATIONS

That the Shire writes to:

- 1) Warri Community advising that the Shire will be raising charges in accordance with Council's 'Fees and Charges Schedule' for provision of domestic waste service from 1 September 2013 and requires written acceptance by 30 August 2013 from Warri to pay for the service before that date or the Shire will cease provision of service from 1 September 2013.
- 2) Nulleywah Community advising if they do not pay their outstanding waste charges by 30 August 2013 the Shire will cease provision of service from 1 September 2013.

COUNCIL DECISION

Minute No. 10117

Moved: Cr D Ausburn

Seconded: Cr J Parker

That the Shire writes to:

- 1) Warriu Community advising that the Shire will be raising charges in accordance with Council's 'Fees and Charges Schedule' for provision of domestic waste service from 1 September 2013 and requires written acceptance by 30 August 2013 from Warriu to pay for the service before that date or the Shire will cease provision of service from 1 September 2013.**
- 2) Nulleywah Community advising if they do not pay their outstanding waste charges by 30 August 2013 the Shire will cease provision of service from 1 September 2013.**

Carried Unanimously 6/0

12.3.2 Unsightly Properties, 41-47 O'Donnell Street, Wyndham

DATE:	16 July 2013
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Kevin Hannagan, Director Infrastructure
REPORTING OFFICER:	Kevin Hannagan, Director Infrastructure
FILE NO:	LE.10.4

PURPOSE

For Council to request clean-up of four properties in O'Donnell Street, Wyndham which Council considers as unsightly or untidy in accordance with Section 3.25 of the *Local Government Act 1995*.

BACKGROUND

An inspection in mid May 2013 identified four prospective properties in O'Donnell Street that may be considered untidy or unsightly.

Shire Officers originally wrote to the landowners advising them that the properties were:

1. A potential 'fire hazard' and requesting them to reduce the fuel loads by clearing and / or slashing the material; and
2. to remove storage material from the properties.

No Action has been taken by the owners of these properties who were given 21 days to comply.

STATUTORY IMPLICATIONS

Schedule 3.1 of the *Local Government Act 1995*, identifies the various circumstances in which Council can issue a notice under Section 3.25 of the LGA, including *"to ensure that overgrown vegetation, rubbish, or disused material, as specified, is removed from land that the local government considers to be untidy"*.

Schedule 3.1 of the *Local Government Act 1995*, also enables a notice to be issued in relation to land which is unsightly, as distinct from untidy. In order for land to be unsightly, it must have an appearance which *"does not conform with the general appearance of other land in the locality"*.

POLICY IMPLICATIONS

No policy implications apply in the preparation of this report.

FINANCIAL IMPLICATIONS

If a person fails to comply with the notice they are then considered to have committed an 'offence'. Section 9.14 of the *Local Government Act 1995* advises the penalty for committing an offence against the Act. The penalty is:

- a) A fine of \$5,000; and
- b) if the offence is of a continuing nature, a further fine of \$500 for each day or part of a day during which the offence has continued.

STRATEGIC IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

The land in question is zoned Town Centre TPS6.

The objectives of Town Centre are as follows:

- a) To zone adequate land for the continued development of a main commercial and community facility centre for the town;
- b) To prepare an overall Town Centre Strategy Policy to guide and promote development;
- c) To apply appropriate development and land use controls to ensure the development is to a satisfactory standard.

The main objective of the Zoning is to encourage commercial activity and higher density residential development. This particular area has a range of mixed use development (i.e. commercial and residential).

ATTACHMENTS

Attachment 1 – Photographs of unsightly properties O'Donnell Street, Wyndham

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council issue a notice under s 3.25 of the *Local Government Act 1995* regarding unsightly or untidy blocks, 41 – 47 O'Donnell St, Wyndham

COUNCIL DECISION

Minute No. 10118

Moved: Cr D Ausburn

Seconded: Cr J Parker

That Council issue a notice under s 3.25 of the *Local Government Act 1995* regarding unsightly or untidy blocks, 41 – 47 O'Donnell St, Wyndham.

For: Cr J McCoy, Cr D Ausburn, Cr J Parker, Cr R Dessert, Cr M Kelly

Against: Cr J Moulden

5/1



45 & 43 O'Donnell Street, Wyndham
43 (for sale sign)



Minutes of Ordinary Council Meeting
41 O'Donnell Street, Wyndham



16 July 2013
47 O'Donnell Street, Wyndham

12.4 COMMUNITY DEVELOPMENT

12.4.1 Annual Grants 2013/14 Round 1

DATE:	16 July 2013
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/a
AUTHOR:	Wayne Richards, Manager Community and Youth
REPORTING OFFICER:	Nick Kearns, Director Community Development
FILE NO:	GS.05.3

PURPOSE

For Council to consider the recommendations of the Annual Grants Assessment Panel in relation to Round One Annual Community Grants 2013/14.

BACKGROUND

Round 1 of Annual Community Grants 2013/14 closed on 31 May 2013. Fifteen applications were received requesting a total of \$242,108.00.

The annual grants panel consisted of Cr Di Ausburn, Cr Jane Parker and Wayne Richards, Manager Community and Youth. The panel met on Tuesday 11 May 2013 to assess the applications and formulate recommendations.

As per Council Policy CP/COM - 3582, the Assessment Panel's recommendations are being presented to this Council Meeting for adoption.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

Council Policy CP/COM – 3582 'Annual Community Grants Scheme' provides for the administration of Annual Community Grants. This policy was reviewed in line with operational changes associated with the adoption of the Economic Development Fund Scheme in 2011 and subsequently updated and adopted by Council on 28 February 2013

FINANCIAL IMPLICATIONS

The proposed allocation for the 2013/14 Annual Budget is \$75,000 for the Annual Community Grants Scheme.

The total amount requested in 2013/14 first funding round was \$242,563.00. The Assessment Panel has recommended \$54,649.00 leaving \$20,351 remaining for the second round.

STRATEGIC IMPLICATIONS

This report aligns with objective 3.1.3 of Council's 10 Year Community Plan

- Support the community by providing access to local funding and sponsorship opportunities.

COMMUNITY CONSULTATION

No community consultation is required in regard to this matter. However, public advertising of the Annual Community Grants Round, including the closing date for applications occurred in the local paper and via the Shire's website and media releases for other print and radio media.

COMMENT

As per the provisions of CP/COM – 3582 'Annual Community Grants Scheme', the Annual Community Grants are decided by Council decision based on recommendations from the Grants Assessment Panel and all recommendations of the Grants Panel are presented to Council for consideration at the next available Ordinary Council Meeting.

The Assessment Panel has recommended Council approve grant allocations to the following applicants:

Organisation	Requested	Approved
Garnduwa Amboorny Wirnun	\$30,000	\$3,666
Lake Argyle Swim Inc	\$5755	\$5,000
Kununurra Bushman's Rodeo	\$20,383	\$20,383
Kununurra Girl Guides	\$5000	\$5,000
Kununurra Gymnastics Club	\$15,000	\$5,000
Ord Valley Country Women's Association	\$10,000	\$5,000
Wunan	\$10,600	\$10,600

Applications not recommended;

Organisation	Requested
Wyndham Community Club	\$25,000
Kununurra District High School	\$22,000
Roy's Retreat Inc.	\$5,755
Kimberley Wildlife Rescue Inc	\$5,000
Wyndham Turf Club	\$8,720
Kununurra Speedway Inc.	\$21,800
East Kimberley Football League	\$7,000
The Heart Foundation WA	\$10,000
Rotary Club WA Inc.	\$40,000

ATTACHMENTS

There are no attachments associated with this report.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATIONS

That Council

1. Adopt the recommendations of the Annual Community Grants Assessment Panel and fund the projects as follows:

Garnduwa Amboorny Wirnun	\$3,666
Lake Argyle Swim Inc	\$5,000
Kununurra Bushman's Rodeo	\$20,383
Kununurra Girl Guides	\$5,000
Kununurra Gymnastics Club	\$5,000
Ord Valley Country Women's Association	\$5,000
Wunan	\$10,600

2. Advises the organisations listed below that their applications were unsuccessful and provide feedback.

Wyndham Community Club
Kununurra District High School
Roy's Retreat Inc.
Kimberley Wildlife Rescue Inc
Wyndham Turf Club
Kununurra Speedway Inc.
East Kimberley Football League
The Heart Foundation WA
Rotary Club WA Inc.

COUNCIL DECISION

Minute No. 10119

Moved: Cr J Parker

Seconded: Cr D Ausburn

That Council

- 1. Adopt the recommendations of the Annual Community Grants Assessment Panel and fund the projects as follows:**

Garnduwa Amboorny Wirnun	\$3,666
Lake Argyle Swim Inc	\$5,000
Kununurra Bushman's Rodeo	\$20,383
Kununurra Girl Guides	\$5,000
Kununurra Gymnastics Club	\$5,000
Ord Valley Country Women's Association	\$5,000
Wunan	\$10,600

- 2. Advises the organisations listed below that their applications were unsuccessful and provide feedback.**

**Wyndham Community Club
Kununurra District High School
Roy's Retreat Inc.
Kimberley Wildlife Rescue Inc
Wyndham Turf Club
Kununurra Speedway Inc.
East Kimberley Football League
The Heart Foundation WA
Rotary Club WA Inc.**

For: Cr J Moulden, Cr D Ausburn, Cr J McCoy, Cr J Parker, Cr M Kelly

Against: Cr R Dessert

5/1

12.4.2 Proposed Communication Tower – Lot 373 on Deposited Plan 51355, Ord East Kimberley Expansion Project

DATE:	16 July 2013
PROPONENT:	Rubicon
LOCATION:	Lot 373 on Deposited Plan 51355
AUTHOR:	Jennifer Ninyette, Senior Planning Officer
REPORTING OFFICER:	Nick Kearns, Director Community Development
FILE NO:	LP.02.52

PURPOSE

For Council to consider an application for planning approval for Telecommunication Infrastructure on Lot 373 on Deposited Plan 51355 within the Ord – East Kimberley Expansion area.

BACKGROUND

Rubicon has been engaged by LandCorp to install two 40 metre monopole communication towers for automation and control of the irrigation system within the Ord – East Kimberley Expansion area, also referred to as the Goomig Farm Land area.

The location of the proposed towers, referred to as Tetra 1 and Tetra 2, are shown on the aerial plans attached.

Only the Tetra 2 tower requires planning approval, as it is proposed to be located within an area zoned Rural Agriculture 1, and as such is not exempt from requiring a planning approval. The Tetra 1 tower is to be located within an area of 'No Zone' as it is road reserve, and is therefore planning approval is not required.

Proposal

The applicant is proposing to construct a 40 metre monopole tower which will be part of a larger system designed to provide SCADA/Data communications for remote infrastructure in the new Goomig Farm Land area.

The applicant advises that the system will provide services for operational and safety aspects of the farmland area which are currently not serviced via any of the larger telecommunication providers, and added benefit of providing connectivity to the Telstra public phone network.

The submission submitted by the applicant, including plans of the proposal, is attached.

The tower is proposed to be enclosed within a 9.7 metre x 7.92 metre compound by a 2 metre high chain mesh fence. The site will be solar powered, with all solar equipment to be housed within the site compound.

The applicant has also advised that a 20 x 20 metre area will be required to be cleared for the development plus clearing for access to the site. This will require a clearing permit to be obtained from the Department of Environment and Conservation.

The monopole mast is proposed to be supported with a Zinc coated finish, the equipment cabinet to be beige, the battery cabinet powder coated white and the solar panel rack to be aluminium.

Due to the mast being built on unallocated Crown land, authorisation from the Department of Regional Development and Lands is required, and has been provided by the applicant in their submission.

STATUTORY IMPLICATIONS

Town Planning Scheme No. 7 – Kununurra and Environs

The tower is proposed to be constructed on unallocated Crown land which is zoned Rural Agriculture 1 under the Town Planning Scheme. Telecommunications Infrastructure is a land use that is not listed on the Zoning Table.

Telecommunications Act 1997 (Commonwealth)

The Telecommunications Act has resulted in the installation of telecommunications facilities, apart from specified facilities and activities, being required to comply with State planning and environmental legislation. Subclause 4(3) states that the definition of a tower includes “a tower, pole or mast”. Subsequently, Subclause 6(4) Part 1 of Schedule 3 of the Act stipulates that “a tower that is not attached to a building” cannot be considered a low-impact facility under State and Territory planning laws, and therefore requires the Shire’s consent.

POLICY IMPLICATIONS

SPP 5.2 Telecommunications Infrastructure

The following telecommunications facilities are exempt from planning approval:

- *A low-impact facility described in the Telecommunications (Low-Impact Facilities) Determination 1997 and Amendment No. 1 1999 when installed by a carrier;*
- *Inspection and maintenance of the facility;*
- *A temporary defence facility; and*
- *A facility authorised by a Facilities Installation Permit issued under the Telecommunications Act.*

All other facilities constitute “development” under the Planning and Development Act 2005 and therefore need a planning approval.

The Policy also states that the location of telecommunications facilities should have regard to the visual amenity of the area and “measures such as surface mounting, concealment, colour co-ordination, camouflage and landscaping to screen at least the base of towers and ancillary structures, and draw attention away from the tower, should be used, where appropriate, to minimise the visual impact”.

The policy also includes guidelines for the location, siting and design of telecommunications infrastructure, which illustrate how to design, co-locate and landscape the telecommunications structures to reduce visual impact in different area settings.

However, it is noted that the location of the proposed towers has been dictated by the design and layout of the Goomig Farm Lands and location of natural features (hills) in order to provide automation and control of the irrigation system.

FINANCIAL IMPLICATIONS

The applicant has paid the required application fee.

STRATEGIC IMPLICATIONS

It is acknowledged that the proposed infrastructure will have the added benefit of providing connectivity from the farmlands through to the Telstra public phone network.

COMMUNITY CONSULTATION

Officers have arranged for a notice published in the Kimberley Echo calling for submissions for a period of 21 days from 13 June 2013 to 5 July 2013. No submissions opposing the proposal have been received.

COMMENT

This applicant has indicated that this infrastructure is a critical part of the Ord Expansion project being managed by LandCorp, and will provide data communication to essential infrastructure for the remote control of open channel irrigation structures. The applicant has also advised that the site will adhere to all Electromagnetic Radiation requirements, and is deemed to be low power.

Licences have been acquired through the Australian Communication and Media Association (ACMA) for all radio equipment that requires a licence.

It is acknowledged that these towers are very high, however that they are located well away from built up areas and are sited and designed to be able to operate around the existing topography.

A condition is proposed with respect to the installation of a warning beacon on top of the mast, which will need to be installed to meet Civil Aviation Safety Authority Standards.

It is recommended that the application be approved subject to conditions.

ATTACHMENTS

- Attachment 1 – Proposed Tower Location
- Attachment 2 – Goomig Farm Land plan
- Attachment 3 - Applicant's submission

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council grants consent for a communication tower at Lot 373 Deposited Plan 51355, Ord East Kimberley Expansion project subject to the following conditions:

1. Development shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
2. Install an aviation warning light.
3. Any access roads and driveways are to be in accordance with the requirements of the Shire of Wyndham East Kimberley Infrastructure Directorate.

COUNCIL DECISION

Minute No. 10120

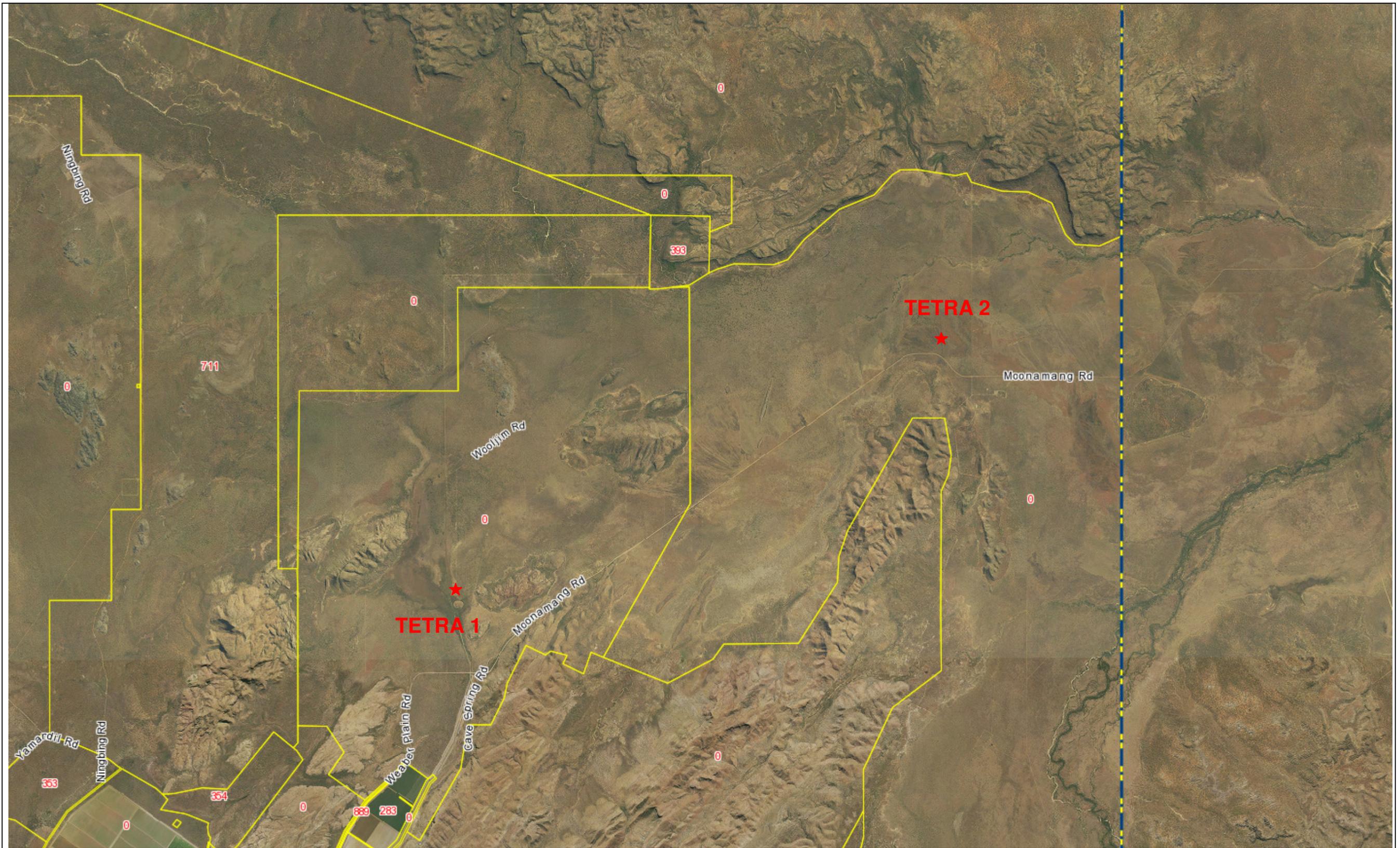
Moved: Cr R Dessert

Seconded: Cr J Parker

That Council grants consent for a communication tower at Lot 373 Deposited Plan 51355, Ord East Kimberley Expansion project subject to the following conditions:

1. Development shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
2. Install an aviation warning light.
3. Any access roads and driveways are to be in accordance with the requirements of the Shire of Wyndham East Kimberley Infrastructure Directorate.

Carried Unanimously 6/0



The Shire of Wyndham East Kimberly does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that DMS shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.

Proposed Telemetry Tower Location

Friday, 21 June 2013

1:100000



Application for Planning Approval

Dear Jennifer,

Please accept this application for planning approval for an Automation and control site to be installed as part of the Goomig Farmlands project currently under construction to the North of Kununurra.

The site which will be a part of larger SCADA/Data Communications system that will connect back into Kununurra, will consist of a 40 meter monopole tower mounted onto a concrete footing 8X8 meters in size. Additional to this will be a Solar power system and equipment cabinet, these items will be installed onto the concrete footing. The site will be enclosed by a 10X10 meter, 2 meter high chain mesh fence.

Access to the site will be gained via Weber Plain road and then via an access track to the site.

The site will require some scrub vegetation to be removed this will only be for access to the site from the access track and then a 20X20 meter area for the site will need to be cleared. A picture of the site is shown below.



Figure 1 - Tetra 2 location

The installation of the foundation for the Tower will involve a square 8X8 meter hole at approximately 1 meter in depth. The location of the centre of the foundation will be

495113.621 E 8294584.704 S additional information with regard to the location can be found in this document.

Statement of Planning Policy No. 5.2 Telecommunications Infrastructure

- 2.2 This site will be powered by solar. All solar equipment will be housed within the site compound.
- 5.2 The “TETRA 2” tower will be part of a larger system designed to provide telemetry data communications for remote infrastructure in the new developed Goomig Farmlands area. The system will also provide voice services for operational and safety aspects of the farmland area which are currently not serviced via any of the larger telecom providers. This system will also have the benefit of providing connectivity from the Goomig Farming area through to the Telstra public phone network.

A picture of a similar 40 Meter monopole tower is shown below.



The “Tetra 2” site will occupy an area of no more than 10m². The site will be fully fenced and self-contained including power supply which will be via a solar system.

The monopole mast will be supplied with a Zinc coated finish, the equipment cabinet will be beige and the battery cabinet will be provided in powder coated white. The Solar panel rack is aluminium.

There are no Heritage issues with this site.

This site is located in a remote location not near any built up area

This infrastructure is a critical part of a larger project being managed by LandCorp for development of the Goomig Farmland in the area. The site will provide data communications to critical infrastructure for the remote control of open channel irrigation structures.

This site will adhere to all Electromagnetic Radiation requirements. The site is deemed to be low power. Licences have been acquired through ACMA for all radio equipment that requires them.

http://web.acma.gov.au/pls/radcom/licence_search.licence_lookup?pLICENCE_NO=1953975

http://web.acma.gov.au/pls/radcom/licence_search.licence_lookup?pLICENCE_NO=1953972



SHIRE OF WYNDHAM EAST KIMBERLEY
APPLICATION FOR PLANNING APPROVAL

OWNER DETAILS Department for Regional Development and Lands
Name on behalf of State of Western Australia
Postal Address C/o P.O. Box 630 Kununurra Post Code
Phone (Work) 91680604 Phone (Home) Fax 91682687 Email peter.stubbs@rdl.wa.gov.au
Signature refer attached letter Date
Signature " Date

The signature of the LEGAL LANDOWNER(S) is required on all applications.
Assessment of the application will not proceed without the land owners' signature.
Please ensure postal address is shown. All applications approved are mailed and require a postal address.

APPLICANT DETAILS
Name David Eaden
Postal Address 1 Cab street Hawthorn East Post Code 3123
Phone (Work) (03) 98323002 Phone (Home) Fax (03) 98323030 Email david.eaden@rdl.wa.gov.au
Signature J L Eaden Date 26/05/2013

Please ensure postal address is shown. All applications approved are mailed and require a postal address.

PROPERTY DETAILS
Lot No. 373 House/Street No. Location No. See plan
Street Name N/A Suburb KING
Nearest Street Intersection Assessment No
Diagram or Plan No. 51355 Certificate of Title Vol No. LR 3157 Folio No. 311
Title Encumbrances [If any]

DEVELOPMENT DETAILS
Existing Building/Land Use on property
Description of Proposed Development/Land Use New communication site to service "GOOMIY FARMLABS" area.
Approximate Cost of Proposed Development \$ 234,000.00
Estimated Time of Completion AUGUST 2013

OFFICE USE ONLY

Date Received	
Fees Paid	
Receipt No	
Application No	

Document No	
Officer	
Response	
File	



Chief Executive Officer
Shire of Wyndham East Kimberley
PO Box 614
Kununurra Western Australia 6743

Attention: Jennifer Ninnette

Dear Gary

**ORD-EAST KIMBERLEY EXPANSION PROJECT GOOMIG FARMLANDS
TETRA 2 COMMUNICATIONS TOWER LOT 373 ON DEPOSITED PLAN 51355
COMMUNICATION TOWER TETRA 2 DEVELOPMENT APPLICATION**

The Department for Regional Development and Lands (RDL) is the agency with responsibility for Unallocated Crown Land Lot 373 on DP 51355.

Rubicon will be submitting a Development Application for the construction of a communications tower on Lot 373 in the location shown on the attached plan. The communications tower is critical infrastructure for the Ord-East Kimberley Expansion development being undertaken by RDL on behalf of the State of Western Australia.

RDL approves the Development Application by Rubicon and requests Shire approval.

If you have any further enquiries please contact me on (08) 9168 0604.

Yours sincerely

Peter Stubbs
Director
Ord-East Kimberley Expansion Project
Department of Regional Development and Lands

24 May 2013

WESTERN



AUSTRALIA

REGISTER NUMBER 373/DP51355	
DUPLICATE EDITION N/A	DATE DUPLICATE ISSUED N/A

**RECORD OF CERTIFICATE
OF
CROWN LAND TITLE**

VOLUME **LR3157** FOLIO **311**

UNDER THE TRANSFER OF LAND ACT 1893
AND THE LAND ADMINISTRATION ACT 1997

NO DUPLICATE CREATED

The undermentioned land is Crown land in the name of the STATE of WESTERN AUSTRALIA, subject to the interests and Status Orders shown in the first schedule which are in turn subject to the limitations, interests, encumbrances and notifications shown in the second schedule.

B. Roberts

REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 373 ON DEPOSITED PLAN 51355

**STATUS ORDER AND PRIMARY INTEREST HOLDER:
(FIRST SCHEDULE)**

STATUS ORDER/INTEREST: UNALLOCATED CROWN LAND

PRIMARY INTEREST HOLDER: STATE OF WESTERN AUSTRALIA

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)**

1. I798304 AUTHORITY ORDER FOR THE TAKING OF INTERESTS. REGISTERED 23.2.2004.
K896104 AMENDMENT OF AUTHORITY ORDER. AUTHORITY ORDER AMENDED.
REGISTERED 31.3.2009.
2. I798305 NOTICE OF INTENTION TO TAKE FOR THE DESIGNATED PURPOSE OF IRRIGATED
AGRICULTURAL, HORTICULTURAL & ANCILLARY & ASSOCIATED PURPOSES
INCLUDING IRRIGATION, DRAINAGE, ROAD & POWER INFRASTRUCTURE, FLOOD
PROTECTION LEVEES, PROVISION OF CONSTRUCTION MATERIALS & LAND FOR
MAINTENANCE OF BIO DIVERSITY & PROTECTION OF ABORIGINAL HERITAGE.
REGISTERED 23.2.2004.
J100450 NOTICE OF INTENTION TO TAKE AMENDED REGISTERED 29.11.2004.
K896105 NOTICE OF INTENTION TO TAKE AMENDED REGISTERED 31.3.2009.
L239069 PERIOD OF CURRENCY IS NOW INCREASED TO 8 YEARS FROM 23.2.2004
REGISTERED 22.2.2010.
3. K896170 MEMORIAL. LAND ADMINISTRATION ACT 1997. SECTION 17. LODGED 31.3.2009.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF CROWN LAND TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

END OF PAGE 1 - CONTINUED OVER

ORIGINAL CERTIFICATE OF CROWN LAND TITLE

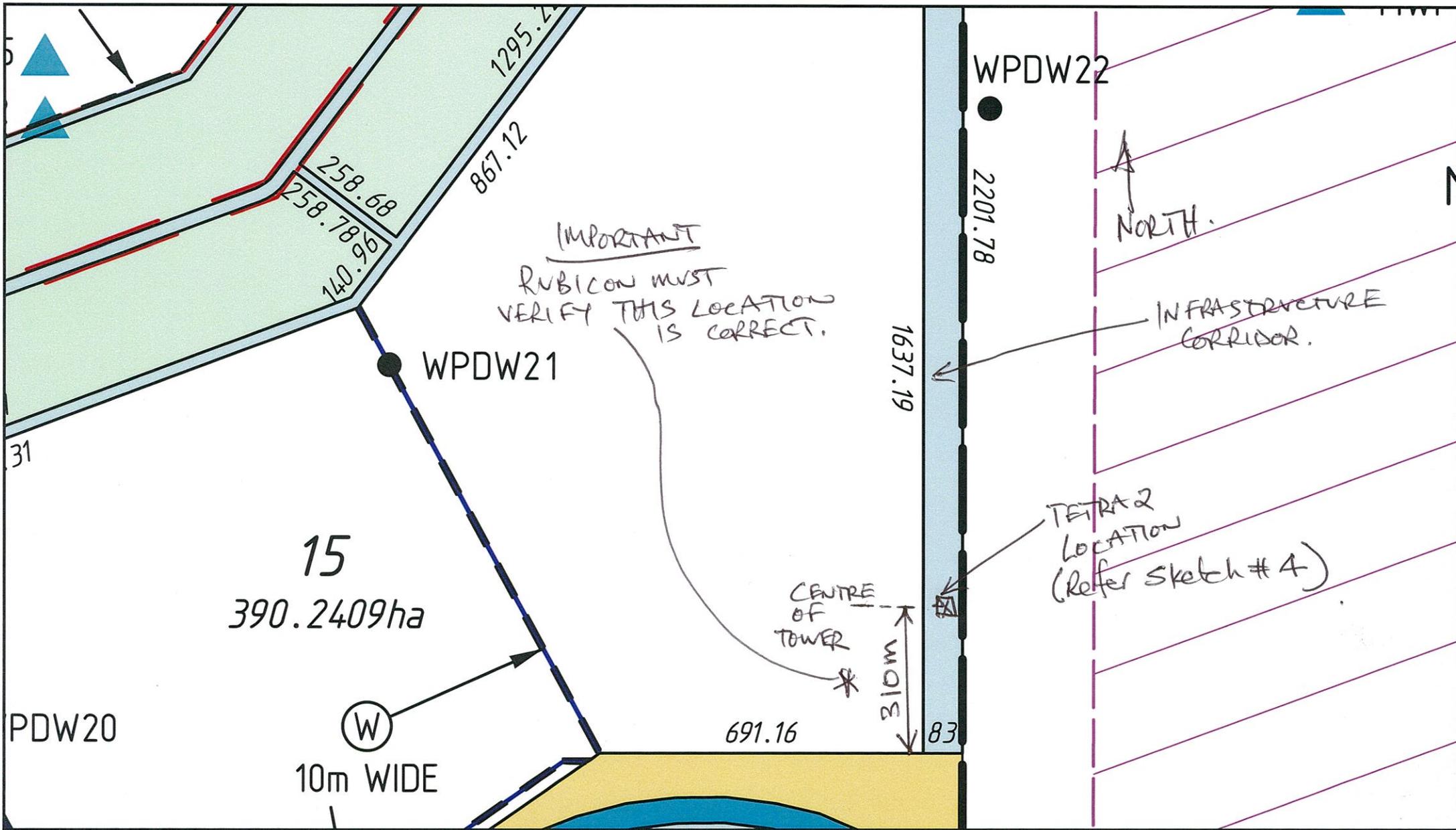
REGISTER NUMBER: 373/DP51355

VOLUME/FOLIO: LR3157-311

PAGE 2

SKETCH OF LAND: DP51355 [SHEET 1].
PREVIOUS TITLE: LR3073-344.
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AREA: SHIRE OF WYNDHAM-EAST KIMBERLEY.
RESPONSIBLE AGENCY: DEPARTMENT OF REGIONAL DEVELOPMENT AND LANDS (SLSD).

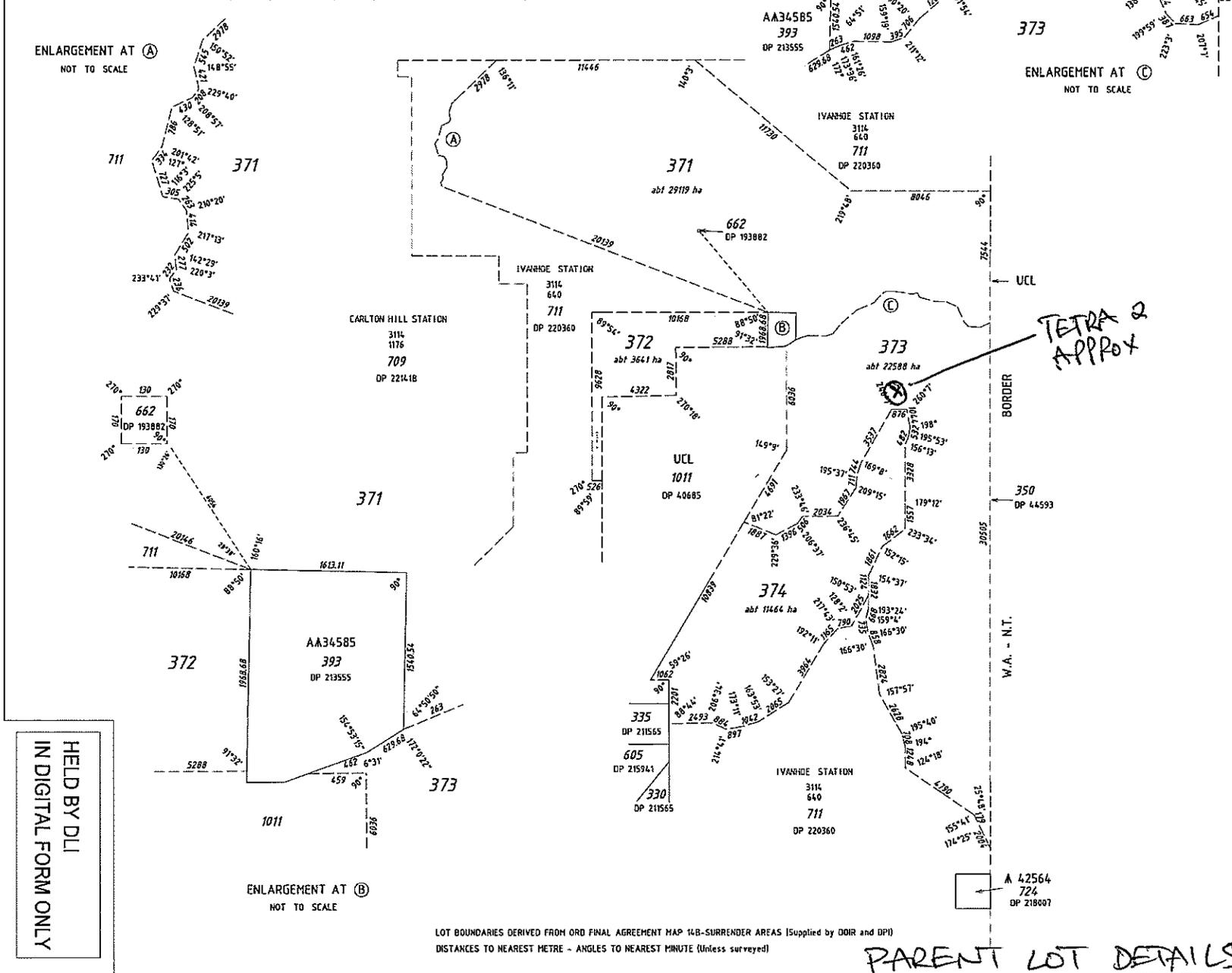
NOTE 1: K904988 CORRESPONDENCE FILE 51160-2005-03RO
NOTE 2: SUBJECT TO SURVEY - NOT FOR ALIENATION PURPOSES
NOTE 3: L461615 DEPOSITED PLAN (INTEREST ONLY) 69374 LODGED.



SKETCH # 3

LANDGATE COPY OF ORIGINAL NOT TO SCALE Mon Nov 7 13:38:22 2011 JOB 37898518

ED/YER	AMENDMENT	BY	SIGNATURE	DATE	APPROVED Authorized Land Officer	Date

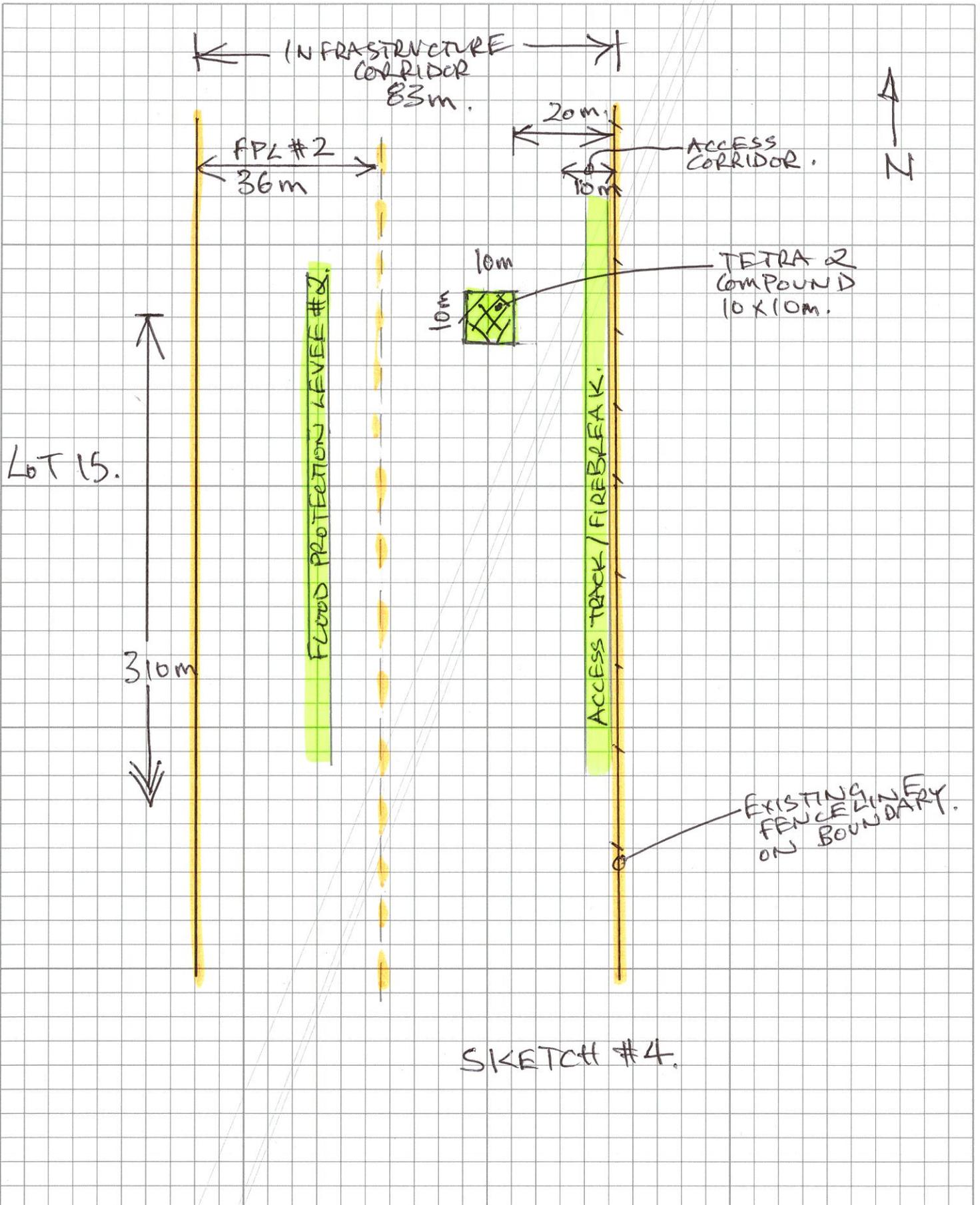


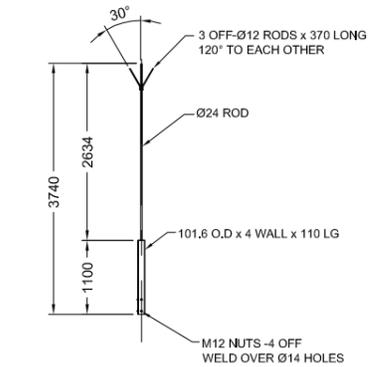
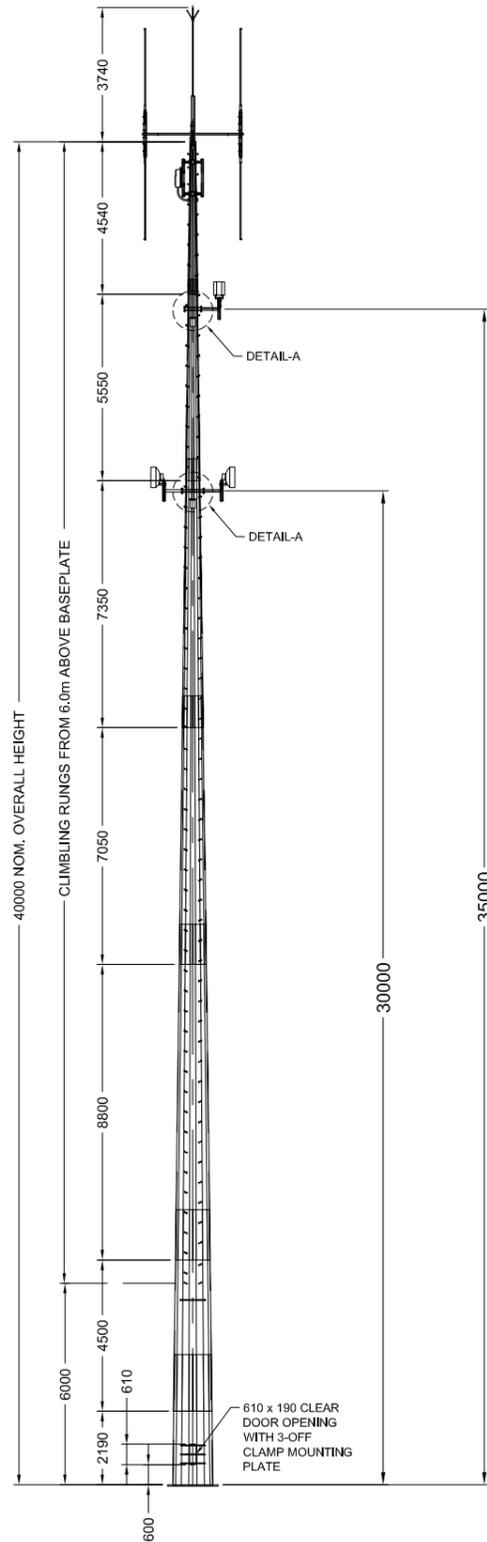
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 DISTANCES TO NEAREST METRE - ANGLES TO NEAREST MINUTE (Unless surveyed)

TYPE		CROWN	
PURPOSE		SUBDIVISION	
PLAN OF			
LOTS 371 - 374			
DISTRICT	KING	FORMER TENURE	
TOWNSHIP	00690-1933/17	PT. LOT 711 ON DP220360	
FILE	SHARE OF WYNDHAM - EAST	CLR 3073244	
LOCAL AUTHORITY	KUNURURRA	DL 1974/2221	
LOCALITY	CAMBRIDGE GRAF (250)	REFERENCE	
ON	FILE: 04491-1933/17	P. 18	
SCALE	1:150000	0 1500 3000 4500 6000 7500	
SUBJECT TO SURVEY NOT FOR ALIENATION PURPOSES			
SURVEY FROM DJI - H.BAKER 23/5/2006			
LOGGED	DATE: 24/1/2008	TYPE OF VALIDATION	ALL ADT. - P.W.K.
FEE PAID	N/A	LICAL	COMPLET
ASSESS M	N/A	DATE	4/2/2008
IN ORDER FOR DEALINGS			
SUBJECT TO Surrender from P/L 3114/610			
FOR AUTHORIZED LAND OFFICER	<i>Barbara</i>	DATE	4/2/2008
APPROVED			
AUTHORIZED LAND OFFICER	<i>Bylan</i>	DATE	31-Mar-2009
 Landgate WESTERN AUSTRALIAN LAND INFORMATION AUTHORITY			
DEPOSITED PLAN			
51355			
SHEET	1	OF	1
EDITION	1	VERSION	1

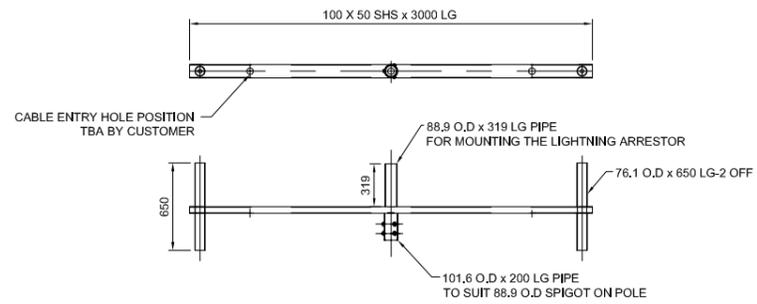
HELD BY DJI
IN DIGITAL FORM ONLY

PARENT LOT DETAILS
SKETCH #2

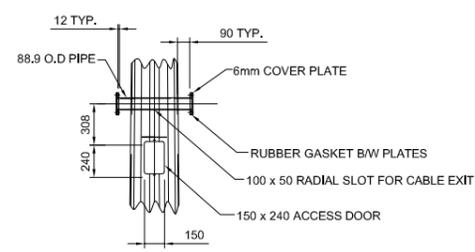




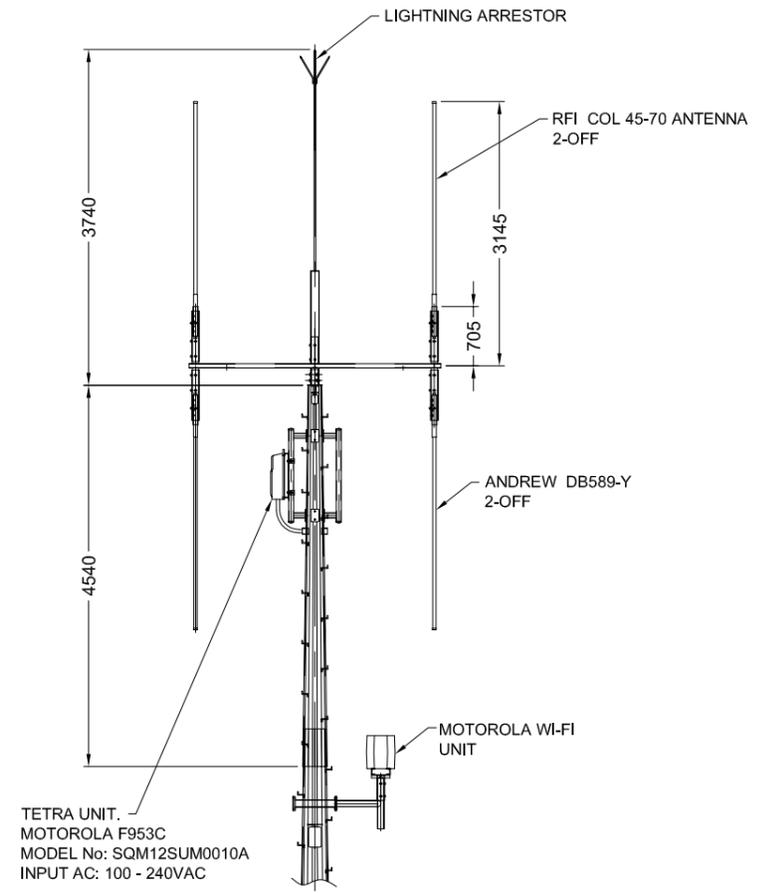
LIGHTNING ARRESTOR
SCALE 1:2



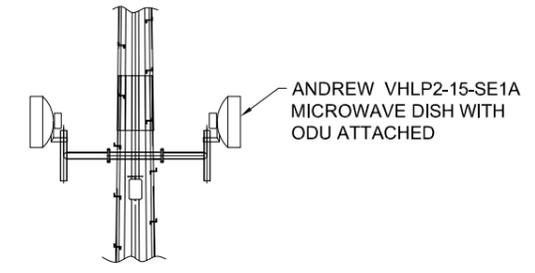
3.0m CROSSARM
SCALE 1:4



DETAIL-A



TOP OF MAST
SCALE 1:2.5



DISH MOUNTING
SCALE 1:2.5

REVISIONS	No.	Date	Description	ECN.	DRAWN.	APP'D.
	8.					
	7.					
	6.					
	5.					
	4.					
	3.					
	2.					
	1.	12-4-13	ISSUED FOR INFORMATION		B.A.	J.G.
	No.	Drawn by	Checked by	ECN.	DRAWN.	APP'D.

1A WHEELER STREET
SHEPPARTON VIC, 3630
PHONE: (03) 5820 8800
FAX: (03) 5820 8888

TOLERANCE ON DIMENSIONS
(UNLESS OTHERWISE STATED)

UP TO 6mm	±0.1
OVER 6 UP TO 30	±0.2
OVER 30 UP TO 120	±0.3
OVER 120	±0.5
ALL ANGLES	±0.5°

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DIMENSIONS IN MILLIMETRES - DO NOT SCALE	
DESIGNED: P.W.	DRAWN: B.A.
DESIGN CHECK: J.G.	DRAWING CHECK: J.G.
PART No:	
MATERIAL:	
MASS - KG:	

**ORD EXPANSION STAGE 2
TETRA SITES
40m MAST INFORMATION
ORD - GOOMIG FARMLANDS**

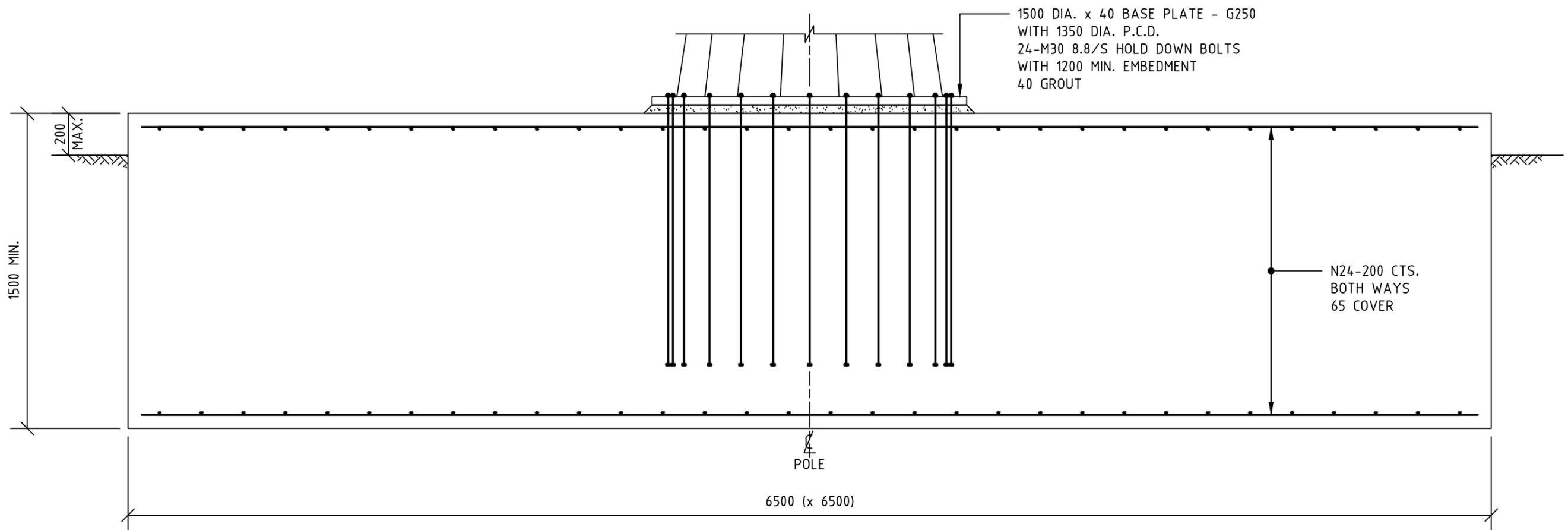
	SHEET No.	DWG. No.	REV.	SIZE.
	1 of 1	1214-E-027	1	A3

66 of 329

GENERAL NOTES:

1. CONCRETE STRENGTH $f'c = 32MPa$.
2. A SITE INVESTIGATION MUST BE PERFORMED AT THE PROPOSED INSTALLATION LOCATION TO CONFIRM SOIL BEARING STRENGTH AND ADEQUACY FOR THIS FOOTING DESIGN.
3. PAD FOOTING TO BE FOUNDED IN 100kPa ALLOWABLE BEARING PRESSURE MATERIAL.
4. DESIGN PARAMETERS:
LIMIT STATE POLE BASE MOMENT: 2247.9 kNm.
LIMIT STATE POLE BASE SHEAR: 137.7 kN.

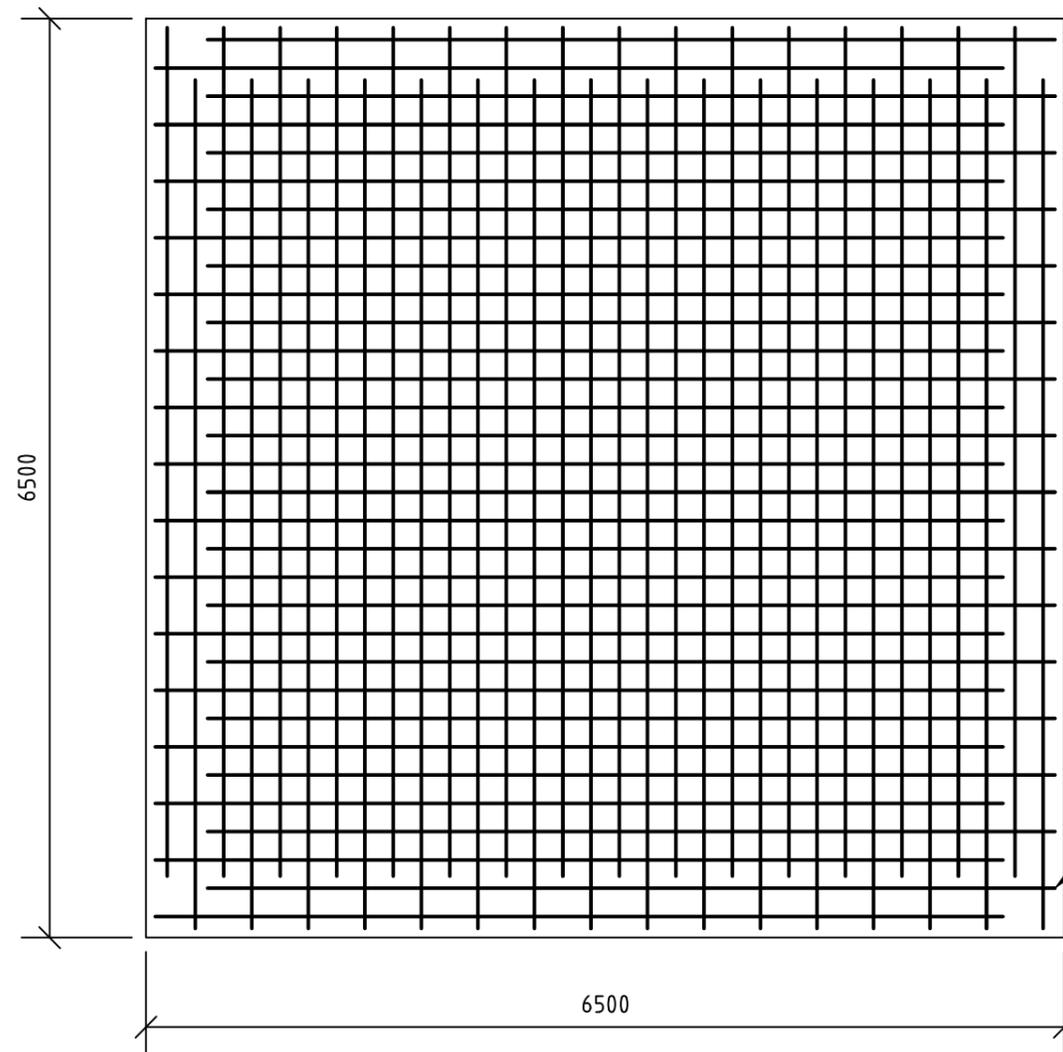
THIS FOOTING DESIGN IS SPECIFIC TO
POLE DESIGN JOB No. 2390B BY
COULTHARD SHIM PTY. LTD.



40m HIGH COMMUNICATION POLE FOOTING DETAIL

1 : 20

REVISIONS	CLIENT	coulthard shim CONSULTING STRUCTURAL & CIVIL ENGINEERS <small>STRUCTURAL DESIGN • DRAINAGE DESIGN • SOIL REPORTS • BUILDING INVESTIGATIONS • CERTIFICATIONS</small>	DATE	DECEMBER 2012	JOB No.
B - 19.12.2012 - WIND REGION CHANGED. FOOTING AMENDED TO MATCH POLE COMPUTATIONS. S2 ADDED.	COSLEE HEAVY METAL FABRICATORS		SCALES	AS SHOWN @ A3	2390
C - 28.03.2013 - FOOTING DESIGN ALTERED	PROJECT	<small>COULTHARD SHIM PTY. LTD. SUITE 2, 289 MAIN STREET, PO BOX 501, LILYDALE 3140, VICTORIA, AUSTRALIA</small>	DESIGNER	M.D.R	DRAWING No.
Minutes of Ordinary Council Meeting	PROPOSED 40m 16 SIDED COMMUNICATION POLE, REGION C AT KUNUNURRA, W.A	<small>16 July 2013</small>	DRAWN	S.O	S1C OF 2
		<small>TELEPHONE: +613 9735 5200 FACSIMILE: +613 9735 3510 EMAIL: mail@coulthardshim.com.au</small>			67 of 329

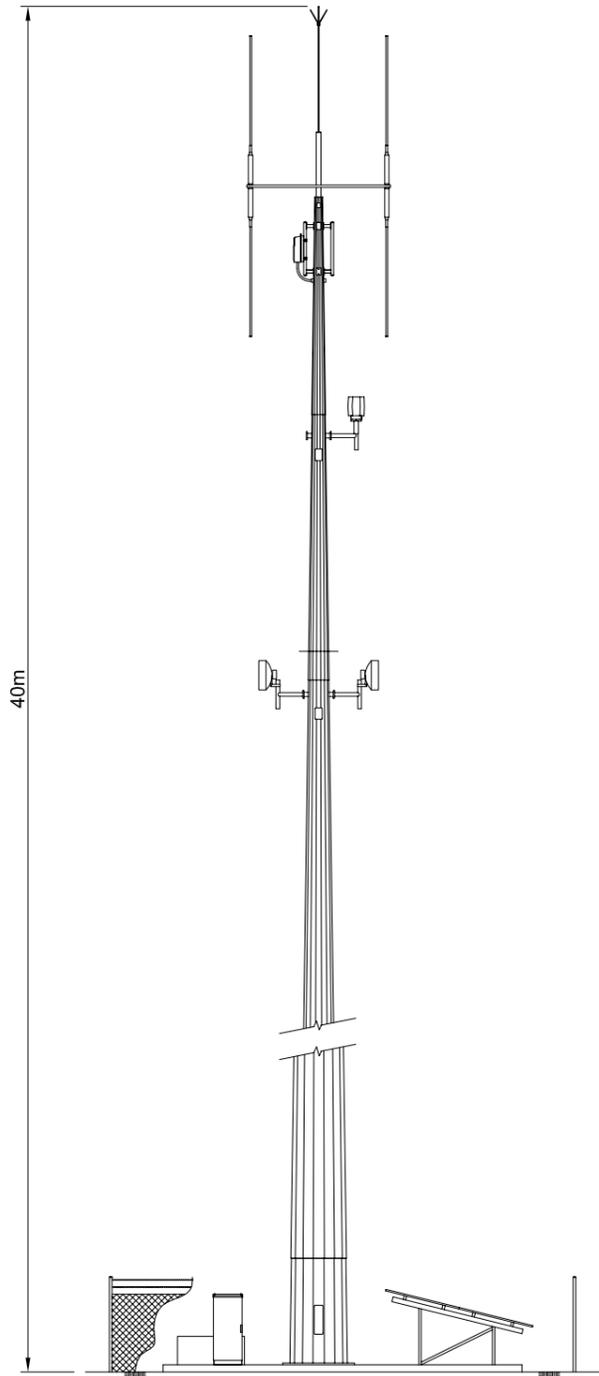


N24-200 CTS.
x 6000 LONG, STAGGERED,
BOTH WAYS, 65 COVER.

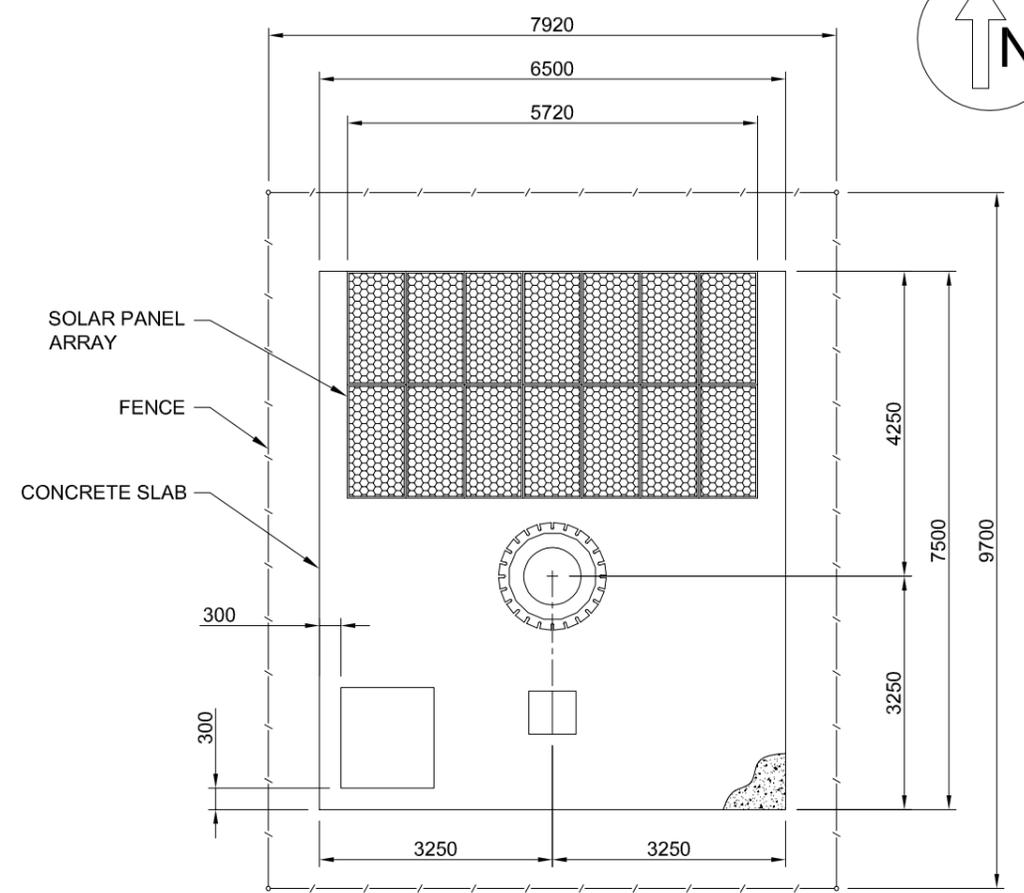
REINFORCEMENT LAYOUT

1 : 50
TOP & BOTTOM SIMILAR

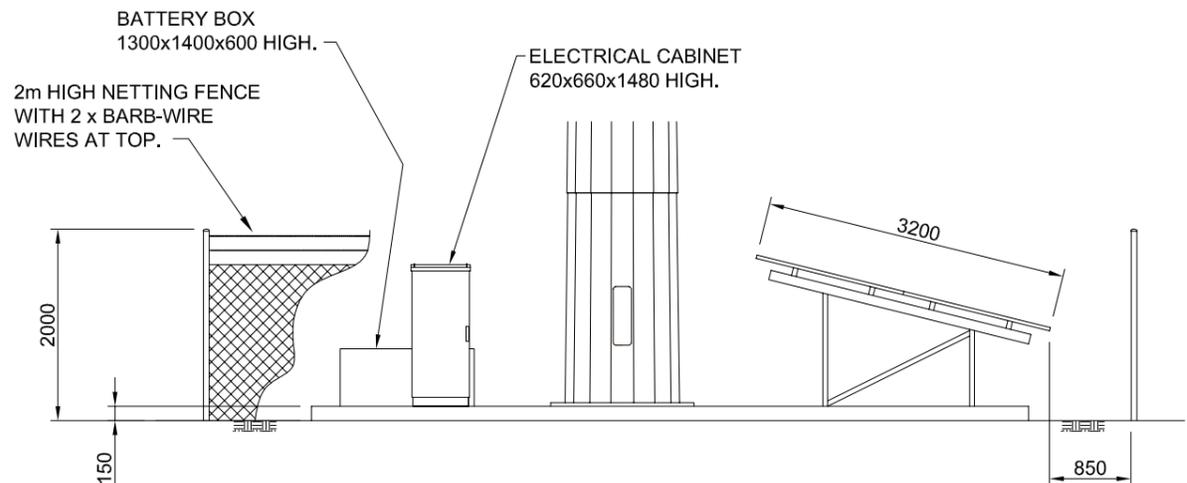
REVISIONS A - 28.03.2013 - VIEW A REMOVED, REINFORCEMENT LAYOUT ADDED. Minutes of Ordinary Council Meeting	CLIENT COSLEE HEAVY METAL FABRICATORS	 CONSULTING STRUCTURAL & CIVIL ENGINEERS <small>STRUCTURAL DESIGN • DRAINAGE DESIGN • SOIL REPORTS • BUILDING INVESTIGATIONS • CERTIFICATIONS</small> <small>COULTHARD SHIM PTY. LTD. SUITE 2, 289 MAIN STREET, PO BOX 501, LILYDALE 3140, VICTORIA, AUSTRALIA 16 July 2013</small>	DATE DECEMBER 2012	JOB No. 2390	
	PROJECT PROPOSED 40m 16 SIDED COMMUNICATION POLE, REGION C AT KUNUNURRA, W.A		SCALES AS SHOWN @ A3	DESIGNER M.D.R	DRAWING No. S2A OF 2
			DRAWN S.O	68 of 329	
			TELEPHONE: +613 9735 5200 FACSIMILE: +613 9735 3510 EMAIL: mail@coulthardshim.com.au		



SIDE ELEVATION
SCALE 1:150



PLAN VIEW
SCALE 1:100



SIDE ELEVATION - ENLARGED
SCALE 1:75

No.	Date	Description	ECN.	DRAWN.	APP'D.		
						SCALE:	FILE LOCATION:
8.							
7.							
6.							
5.							
4.							
3.							
2.							
1.	27-5-13	ISSUED FOR INFORMATION		B.A.	P.W.		

RUBICON
1A WHEELER STREET
SHEPPARTON VIC, 3630
PHONE: (03) 5820 8800
FAX: (03) 5820 8888

TOLERANCE ON DIMENSIONS
(UNLESS OTHERWISE STATED)

UP TO 6mm	±0.1
OVER 6 UP TO 30	±0.2
OVER 30 UP TO 120	±0.3
OVER 120	±0.5
ALL ANGLES	±0.5°

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DESIGNED: P.W.
DRAWN: B.A.
DESIGN CHECK: J.G.
DRAWING CHECK: P.W.

PART No:
MATERIAL:
MASS - KG:

**ORD EXPANSION STAGE 2
TETRA SITES
MAST, SOLAR PANEL & CABINET SITE LAYOUT
ORD - GOOMIG FARMLANDS**

SHEET No. 1 of 1
DWG. No. 1214-C-018
REV. 1
SIZE. A3

69 of 329

12.4.3 Development Application for Proposed Three Group Dwellings at Lot 96 Weaber Plain Road, Kununurra

DATE:	16 July 2013
PROPONENT:	Top End Building
LOCATION:	Lot 96 Weaber Plain Road, Kununurra
AUTHOR:	Elle Davidson, Planning Officer
REPORTING OFFICER:	Nick Kearns, Director Community Development
FILE NO:	A2108P

PURPOSE

For Council to consider a development application for three grouped dwellings at Lot 96 Weaber Plain Road, Kununurra.

BACKGROUND

An application for planning approval was lodged on 15 May 2013 by Top End Building on behalf of Waringarri Arts for the development of three grouped dwellings at Lot 96 Weaber Plain Road, Kununurra.

The property is located at the end of a service road off Ironwood Drive and has an area of 970m². The land is zoned R20 under Town Planning Scheme No. 7 – Kununurra and Environs.



Figure 1 – Location of Lot 96 Weaber Plain Road, Kununurra

Under section 6.1.3 of the *Western Australian Residential Design Codes (R-Codes)* the required minimum site area for a one bedroom dwelling can be reduced by up to one third. The proposed development does not comply with this minimum site area and therefore requires approval from Council to request a variation from the *R-Codes*.

The property is currently vacant and part of unvested Reserve 30789 for the purpose of 'Medical Department Housing'. However, the Department of Regional Development and Lands supports the creation of a reserve for 'Housing Purposes' and the issue of a Management Order to Waringarri Arts Association. The Management Order will allow

Waringarri Arts Association to use the land for staff housing, which is anticipated to be for a limited period of time, which has also influenced the choice of house design and placement of smaller affordable and relocatable dwellings.

Proposal

The applicant proposes to develop three grouped dwellings comprising of one two bedroom and two one bedroom dwellings. The dwellings will provide staff accommodation for three full time employees in key positions within Waringarri Arts Association. The intention of the two bedroom dwelling is to provide accommodation for 1 fulltime employee and provide space for visiting workshop facilitators.

The two bedroom dwelling is proposed to be 15 x 5.2 metres with a resultant floor area of 78m² and the one bedroom dwellings are proposed as 13.9 x 4.2 metres with a floor area of 58.4m². Each dwelling is provided with outdoor living areas.

The exterior of the dwellings will be clad with colourbond and privacy screening is proposed to the outdoor living areas.

STATUTORY IMPLICATIONS

Town Planning Scheme No. 7 – Kununurra and Environs (TPS7)

The land at Lot 96 Weaber Plain Road, Kununurra is zoned R20 under TPS 7. The objectives of this zone are to identify opportunities for the future subdivision and development of land for the purposes of single and grouped residential purposes.

The proposed use does not comply with the specifications of the *R-Codes* and therefore is a development that requires Council's discretion.

Western Australian Residential Design Codes (R-Codes)

Under section 6.1.3 variations to minimum site areas are subject to the following requirement:

For the purposes of an aged or dependant persons dwelling or a single bedroom dwelling, the minimum site area may be reduced by up to one third, in accordance with part 6.11.2 and 6.11.3.

A one bedroom dwelling must have a maximum floor area of 60m² under section 6.11.3 of the *R-Codes*.

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

Adjoining owners were notified of the development on 20 June 2013 and are able to make submissions until 11 July 2013. No submissions have been received.

COMMENT

Under section 6.1.3 the *R-Codes* the minimum site area for a single bedroom dwelling can be reduced by up to one third. This would require a minimum site area of 308m² for each of the single bedroom dwellings and 450m² for the two bedroom dwelling; therefore requiring 1,066m² as a total minimum site area. The property is 970m² and therefore does not comply with the provisions of the *R-Codes*. Each single bedroom dwelling has a site area of 289m² and therefore there is a 9m² shortfall. The two bedroom dwelling site area totals 392m² and therefore is reduced from the *R-Code* requirements by 58m².

The proposed single bedroom dwellings comply with the maximum 60m² floor area requirement and therefore leaves considerable open space around the dwellings, which exceeds the 50% requirement for open space under the *R-Codes*. Each dwelling complies with the minimum setbacks from all boundaries.

The applicant proposes to use the dwellings for housing staff of Waringarri Aboriginal Arts and therefore a reduced site area is deemed appropriate. People residing in the properties will be work colleagues and therefore willing to accept a reduction in site area. The applicant proposes to place screening between the two single bedroom dwellings to increase amenity and privacy between dwellings.

The dwellings are considered generally small in scale and will therefore be relatively unobtrusive, particularly given the location of the block, which is setback from both Weaber Plain Road and Ironwood Drive. Nevertheless, a condition of approval would be landscaping to screen the dwelling from the roads.

The buildings include a mix of materials that generally match those of nearby dwellings and create visual interest, as well as a skillion roof form.

It is recommended that the application be approved subject to conditions.

ATTACHMENTS

Attachment 1 – Proposed Plans

Attachment 2 – Lease details and Justification

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council grants planning consent for three grouped dwellings at Lot 96 Weaber Plain Road, Kununurra subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and be approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The

plans must be generally in line with the plans submitted with the application but modified to show:

- a. A landscaping plan that includes provision to screen the dwellings from all public areas.
2. Prior to occupation of the development, areas set aside for vehicle parking and access, including driveways and vehicle crossings as shown on the endorsed plans, must be, to the satisfaction of the Council, constructed and surfaced with an all-weather seal coat to meet the applicable Australian standards and drained to a legal point of discharge.
3. Prior to the occupation of the dwellings, landscaping is to be completed in accordance with approved plans. The landscaping plans must include provision to screen the dwelling from all public areas.
4. An application for the proposed crossover shall be submitted to the Shire's Infrastructure Department.
5. All stormwater is to be contained onsite and disposed of to the satisfaction of the Shire.

COUNCIL DECISION

Minute No. 10121

Moved: Cr D Ausburn

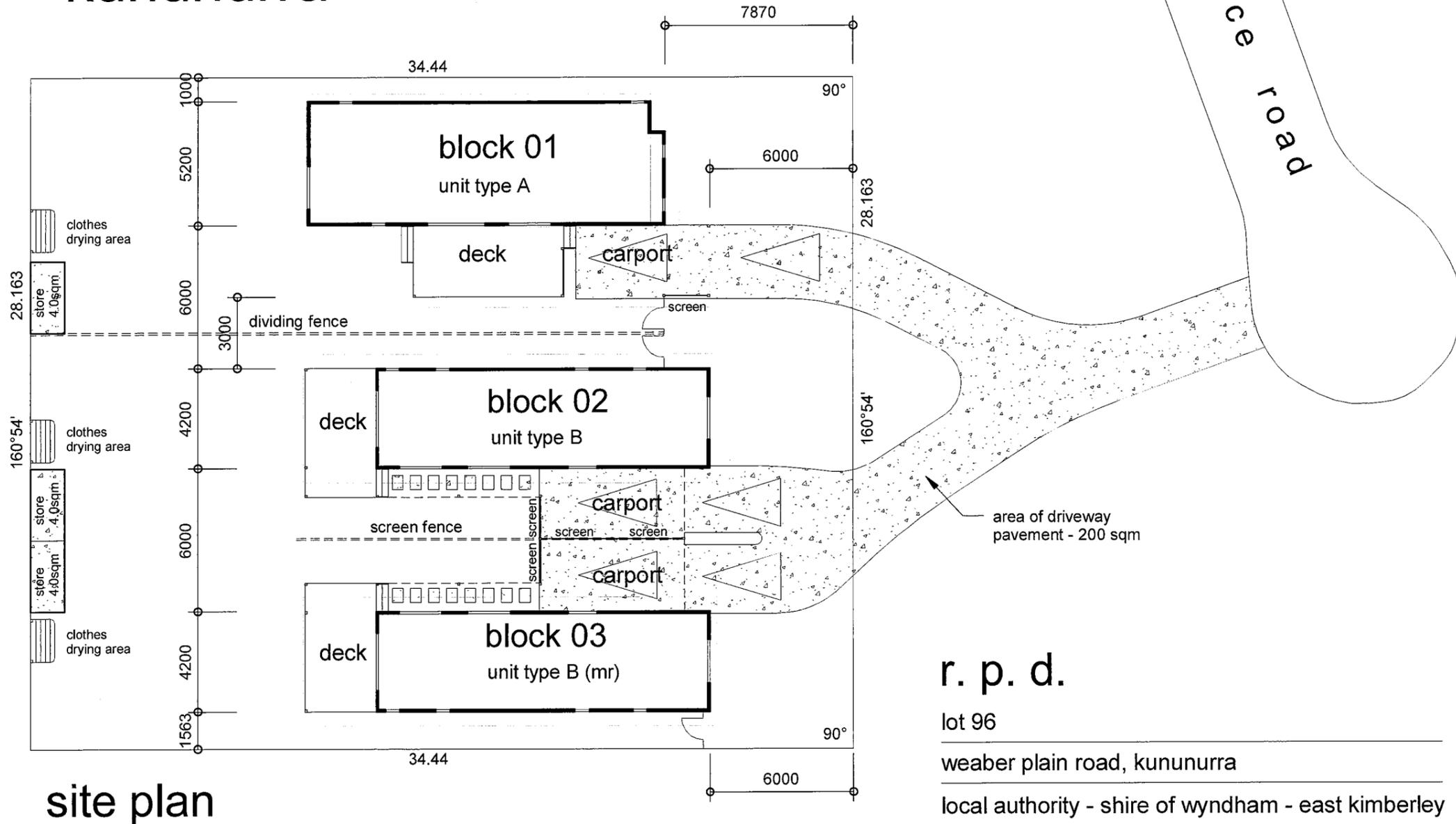
Seconded: Cr J McCoy

That Council grants planning consent for three grouped dwellings at Lot 96 Weaver Plain Road, Kununurra subject to the following conditions:

- 1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and be approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in line with the plans submitted with the application but modified to show:
 - a. A landscaping plan that includes provision to screen the dwellings from all public areas.****
- 2. Prior to occupation of the development, areas set aside for vehicle parking and access, including driveways and vehicle crossings as shown on the endorsed plans, must be, to the satisfaction of the Council, constructed and surfaced with an all-weather seal coat to meet the applicable Australian standards and drained to a legal point of discharge.**
- 3. Prior to the occupation of the dwellings, landscaping is to be completed in accordance with approved plans. The landscaping plans must include provision to screen the dwelling from all public areas.**
- 4. An application for the proposed crossover shall be submitted to the Shire's Infrastructure Department.**
- 5. All stormwater is to be contained onsite and disposed of to the satisfaction of the Shire.**

Carried Unanimously 6/0

proposed transportable dwellings lot 96 weaber plain road kununurra



- legend**
- indicates select fold-up clothesline on posts
 - indicates select pavement areas
 - indicates 450sq. paving slabs
 - indicates tandem car park

site plan

r. p. d.

lot 96
 weaber plain road, kununurra
 local authority - shire of wyndham - east kimberley
 site area - 970 sqm
 site cover - 295.5 sqm (30.4%)

weaber plain road

01.

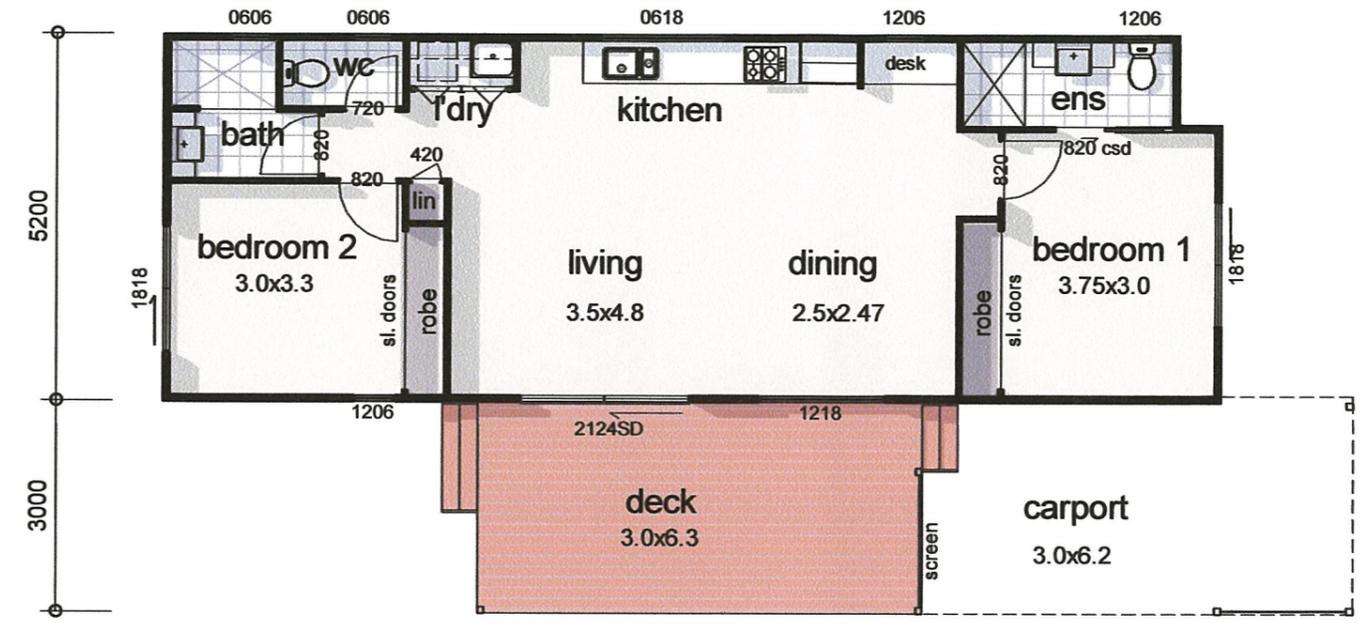
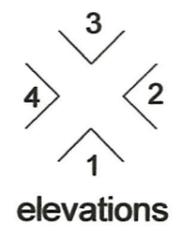
proposed transportable dwellings, lot 96 weaber plain road kununurra



site plan



*note: this proposal is subject to site survey and development approval(s) from the relevant authority.
 this drawing shall not be copied or used without authorisation and is protected by copyright.*



**type A
 floor plan**

floor area	-	76.6 sq.m
deck	-	18.9 sq.m
carport	-	18.6 sq.m
total	-	114.1 sq.m

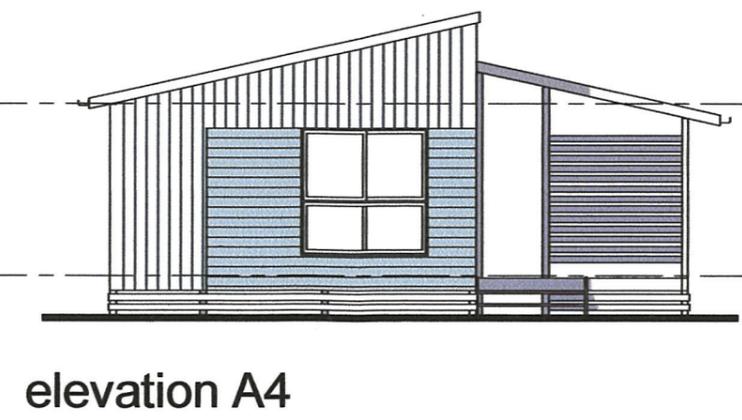
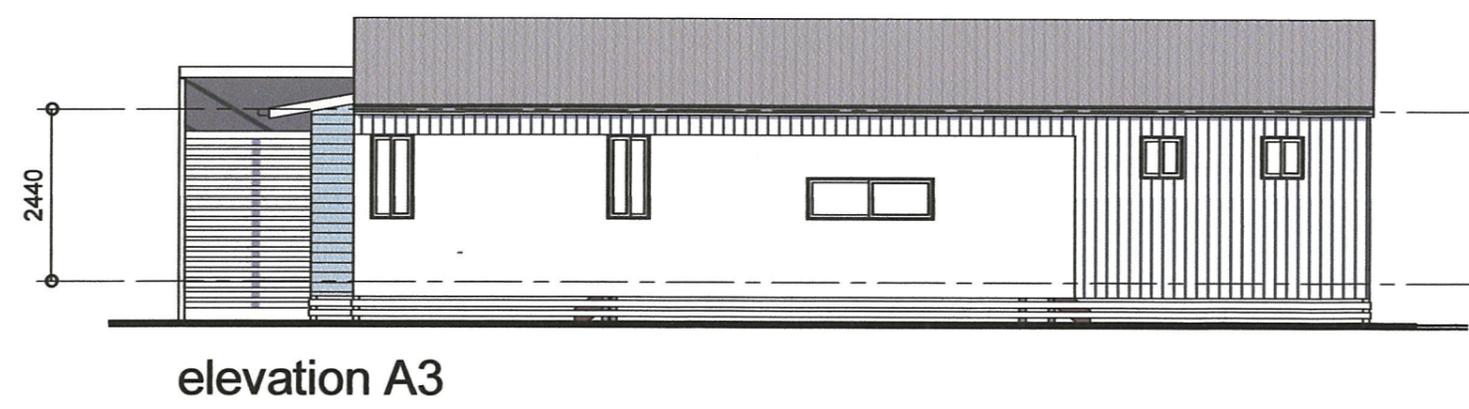
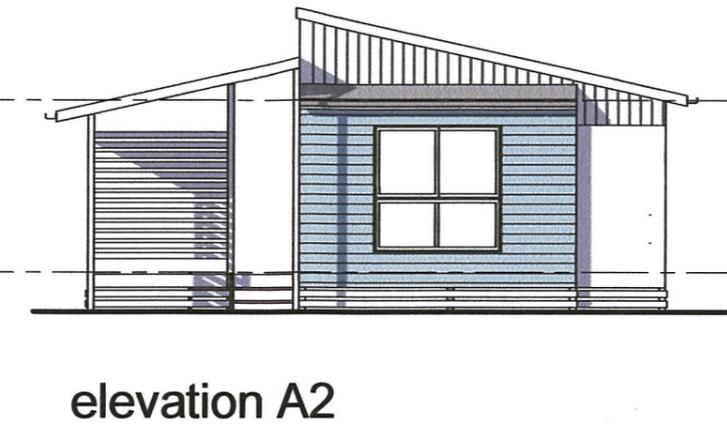
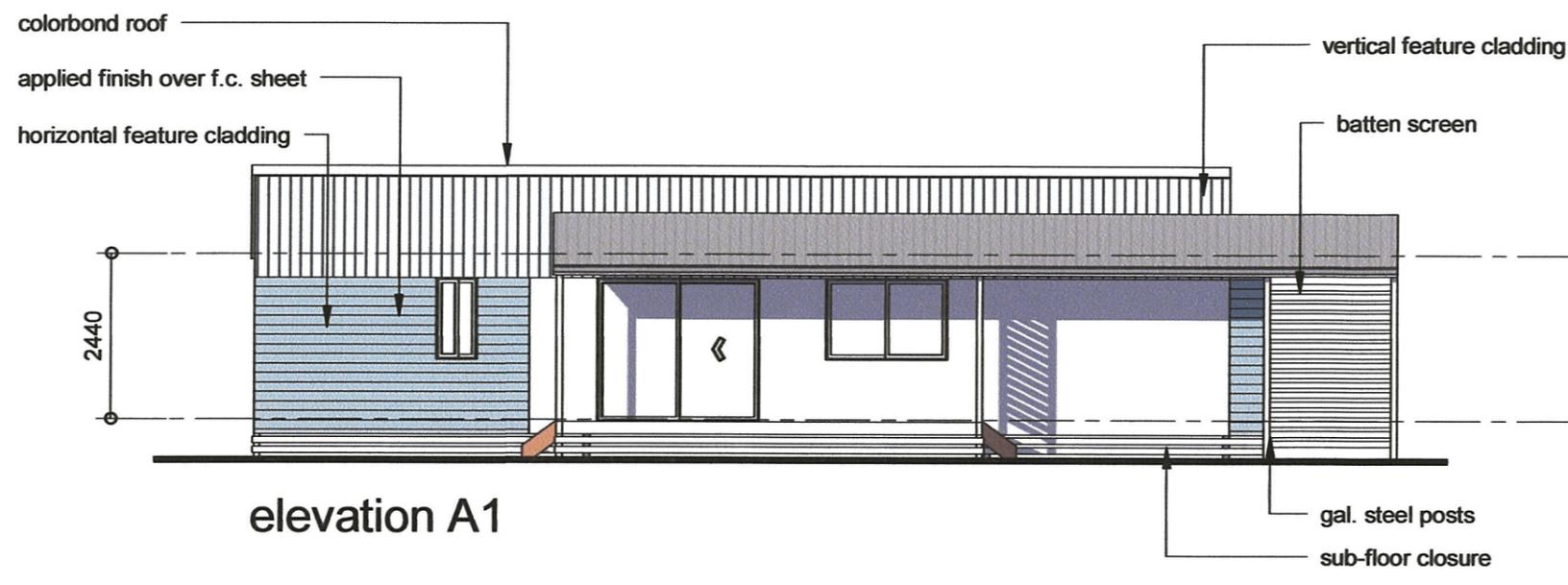


type A floor plan



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proposed transportable dwellings, lot 96 weaber plain road kununurra

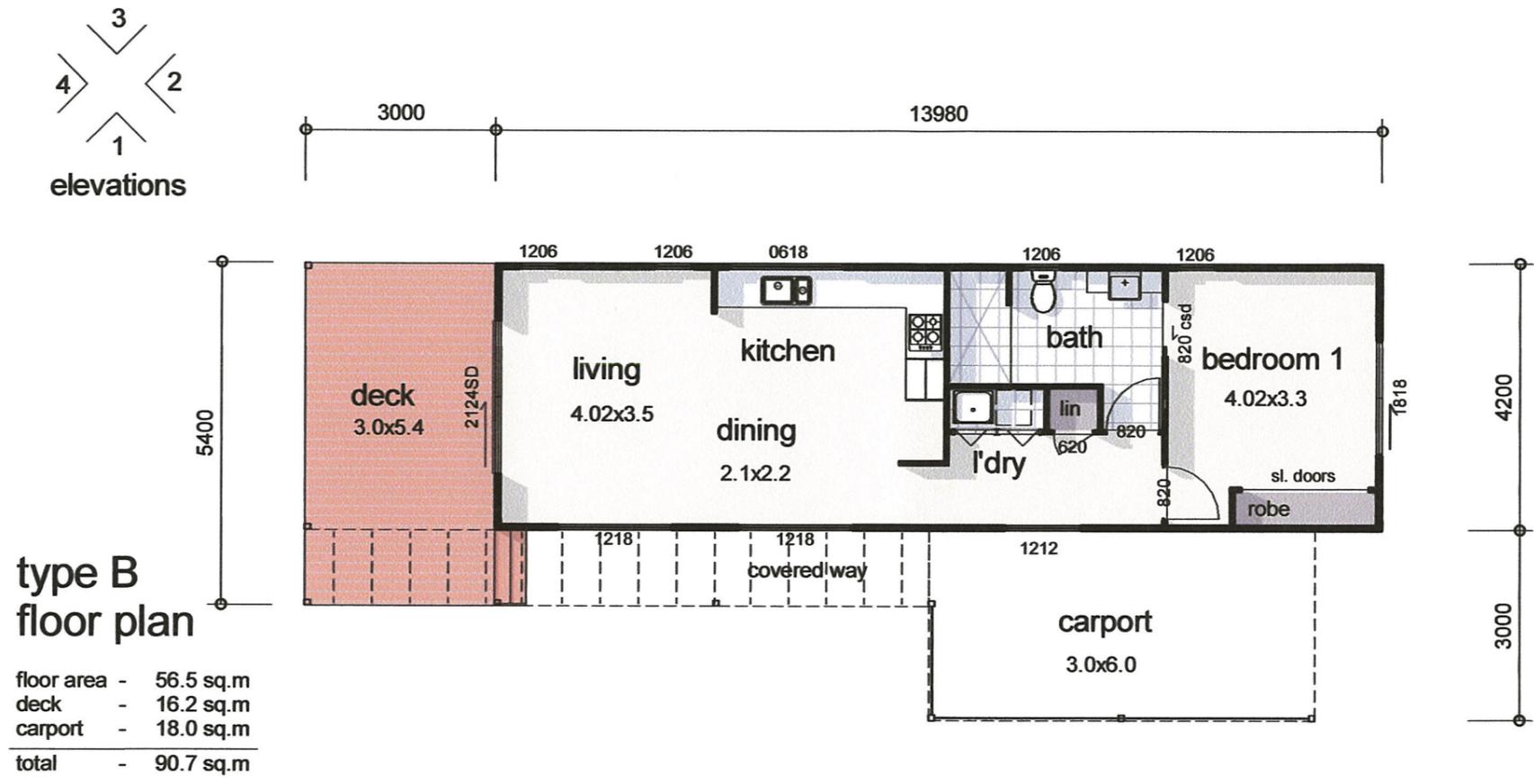


type A elevations

proposed transportable dwellings, lot 96 weaver plain road kununurra



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type B floor plan

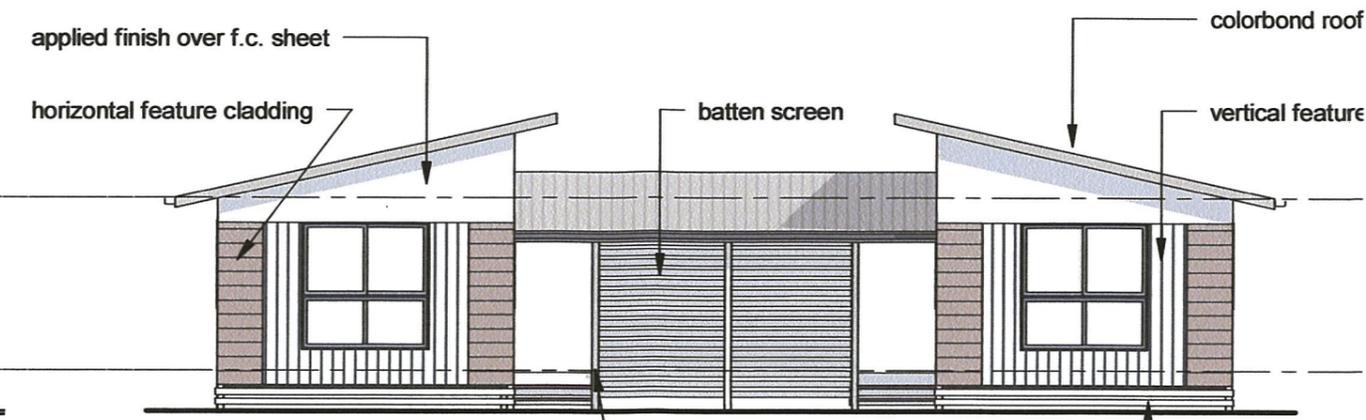


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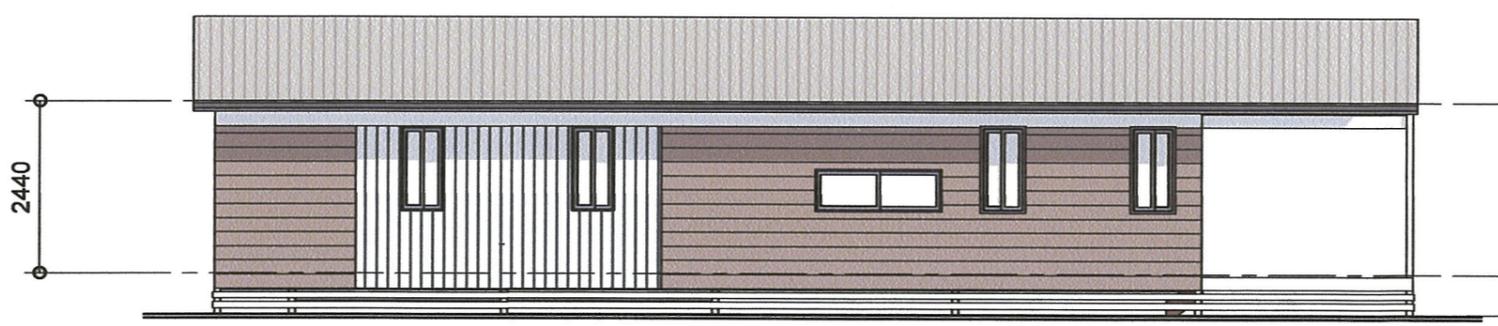
proposed transportable dwellings, lot 96 weaber plain road kununurra



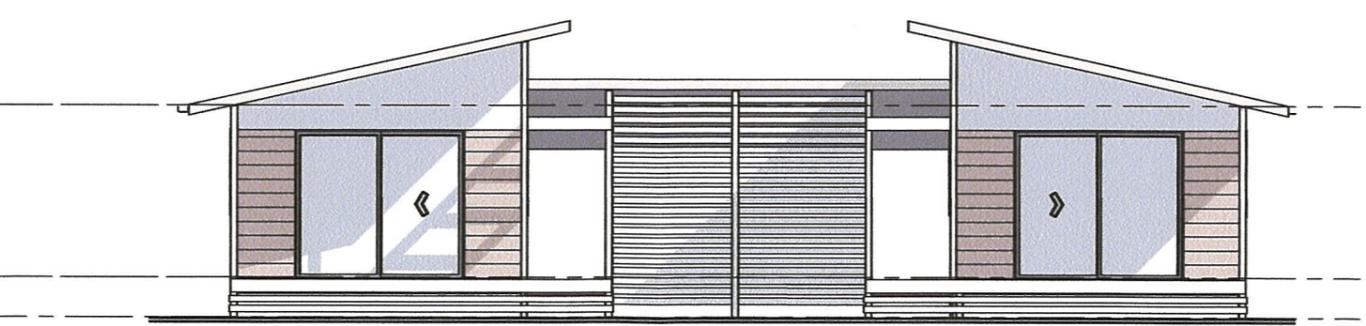
elevation B1



elevation B2



elevation B3



elevation B4

type B elevations

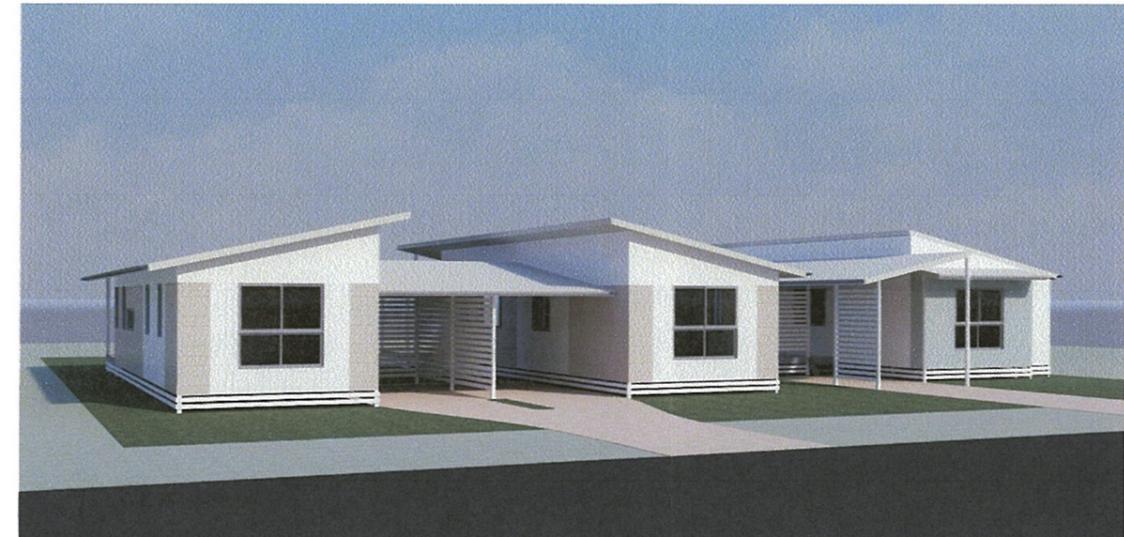
proposed transportable dwellings, lot 96 weaber plain road kununurra



note: this proposal is subject to site survey and development approval(s) from the relevant authority.
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3D View 1



3D View 2



3D View 3

Attachment 2 - Lease details and Justification

Elle Davidson

From: Waringarri Arts - Admin <admin@waringarriarts.com.au>
Sent: Friday, 21 June 2013 11:03 AM
To: Elle Davidson
Subject: Draft Response for Variation Approval

Hi Elle,

In response to your request for further information in relation to Planning Application for Lot 96 Weaber Plains Road please see below the draft case for the Variation Application for Shire Council.
I would appreciate your feedback before formally submitting.

Background Information:

The Waringarri Aboriginal Arts proposed staff housing development at Lot 96 Weaber Plains Road is funded under the East Kimberley Development package.

Lot 96 on Deposited Plan 209168 (the land) as shown in Qualified Crown Land Title Volume 3142 Folio 674 is currently part of unvested Reserve 30789 for the purpose of "Medical Dept Housing". However, Department of Regional Development and Lands supports the creation of a reserve for "Housing Purposes" and the issue of a Management Order to Waringarri Arts Aboriginal Corporation.

The Management Order will cover lease arrangements of the land for a limited period to be advised (15 years). At such time a lease renegotiation may occur or the units will require relocation.

The proposed development will provide for 2 x 1 bedroom units and 1 x 2 bedroom unit.

The units will provide staff accommodation for 3 full time employees in key positions within the organisation. (The inclusion of one 2 bedroom dwelling will provide accommodation for 1 fulltime employee as well as for occasional visiting workshop facilitators/consultants who support short term activities at the art centre.)

The design of accommodation units and site placement allows for individual privacy, sufficient open space, pleasing street frontage aesthetic and built areas are less than 35% of total land area.

Variation Request:

Waringarri Aboriginal Arts therefore seeks variation to the residential Building Codes for Lot 96 Weaber Plains Road based on the following compliance with the requirements of the R Codes for a density of R20:

1. Dwellings are designed/orientated to provide for surveillance between the dwellings and the street with at least one habitable room window of the dwelling that has a clear view of the street and approach to the dwelling.
2. Dwellings are setback 6m from the street frontage
3. Each dwelling has more than 50% of open space of total site area per dwelling.
4. Each dwelling complies with the requirement to have an outdoor living area, directly accessible from a habitable room (living, dining, bedroom), of a minimum 30m². The proposed dwellings have decks with areas directly adjoining suitable for outdoor living areas.
5. 2 car parking spaces are provided per dwelling. A single car carport is provided as well as sufficient area surrounding each dwelling for additional uncovered parking.
6. Visual privacy is maintained (ie not overlooking neighbours) as the dwellings have a floor level of less than 0.5m.
7. External fixtures, such as air conditioning condensers, antennae, etc. are located so they are not visually obtrusive, and not visible from the street.
8. Each dwelling includes an enclosed lockable storage area, accessible from outside of the dwelling (a small shed) with a minimum dimension of 1.5m an internal area of at least 4m².
9. Each dwelling has an adequate clothes drying area, screened from view from the street.

Best Regards,
Cathy



Cathy Cummins
Arts & Business Manager
P: 61 8 91682212
F: 61 8 91691044
M: 0417958121

From: Elle Davidson [<mailto:Elle.Davidson@swek.wa.gov.au>]
Sent: Monday, 17 June 2013 7:40 AM
To: admin@waringarriarts.com.au; HM Developments (admin.hmd@bigpond.com)
Subject: Amended Further Information Request

Good morning Cathy and Michael,

Please see the amended further information request as discussed with Michael late last week. Essentially I am just looking for some justification around the reduced site area.

Let me know if you require any further clarification.

Regards

Elle Davidson
Planning Officer

SHIRE of WYNDHAM | EAST KIMBERLEY

20 Coolibah Street, PO Box 614 Kununurra WA 6743 | T: (08) 9168 4100 | F: (08) 9168 1798 | www.swek.wa.gov.au

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12.4.4 Road Name – Subdivision Lot 1, Cocus Way, Kununurra

DATE:	16 July 2013
PROPONENT:	McMullen Nolan Group
LOCATION:	Lot 1 Cocus Way, Kununurra
AUTHOR:	Elle Davidson, Planning Officer
REPORTING OFFICER:	Nick Kearns, Director Community Development
FILE NO:	A2861P

PURPOSE

For Council to consider the naming of the new road for the subdivision at Lot 1 Cocus Way, Kununurra within Stage 1 of the Weaber Plain Light Industrial Area.

BACKGROUND

The Shire has received correspondence from McMullen Nolan Group, on behalf of the owner Sealink Transport, nominating a road name for a subdivision of Lot 1 Cocus Way, Kununurra within Weaber Plain Stage 1 Light Industrial area.

McMullen Nolan Group have used an existing list of possible tree/vegetation names, which has not been formally adopted by Council, to propose the following name and one alternative name, as shown on the subdivision plan attached to this item:

- Proposed name - Atalaya Drive
- Alternative name – Senna Drive

STATUTORY IMPLICATIONS

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

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

The procedure for naming new roads states that the survey documents require approved road names before the survey can be approved, and largely the responsibility of naming roads rests with the local government.

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

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

COMMENT

The name nominated for subdivision at Lot 1 Cocus Way, Kununurra reflects the practice of Council in naming roads within the Kununurra town site area after vegetation.

ATTACHMENTS

Attachment 1 – Proposed Road and Approved Subdivision Plan

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council endorses the road name Atalaya Drive for the Lot 1 Cocus Way, Kununurra subdivision, and requests approval from the Geographic Names Committee.

COUNCIL DECISION

Minute No. 10122

Moved: Cr R Dessert

Seconded: Cr J Parker

That Council endorses the road name Atalaya Drive for the Lot 1 Cocus Way, Kununurra subdivision, and requests approval from the Geographic Names Committee.

Carried Unanimously 6/0

WEAVER PLAIN ROAD (EXISTING)

COCUS WAY (EXISTING)

DRAINAGE RESERVE

ATALAYA DRIVE

DRAINAGE RESERVE

KENTIA WAY



LEGEND
KENTIA WAY ACCESS
EXISTING BOUNDARY
PROPOSED BOUNDARY



Paul J. Pritchard
Professional Engineer
Telephone (08) 9328 8111
Fax (08) 9328 8112
A.S. 50181-01

1:500
APRIL 2013

SEALINK TRANSPORT
LOT 1 KENTIA WAY
PROPOSED BOUNDARY REVISION

A1 SK02 A



Existing Lots 1, Total Area 3.1130 ha
 Proposed Green Title Lots 6
 Existing Boundaries
 Proposed Boundaries
 Subject Land

Rev	Description	Drawn	Date	Checked
A	Initial Issue	CAY	15/03/12	
B	Overlay Proposed Survey Strata	CAY	15/03/12	
C	Amend Proposed Layout 2 Green Titles with Subsequent Survey Strata	CAY	21/03/12	
D	Amend Proposed Layout 6 Green Titles with 15m Road & Cul-de-sac	CAY	05/04/12	
E	Minor Amendments	CAY	23/04/12	

FILES
 File - Drawing
 97156C - 97156AP-001E

Surveyor
 Survey Data
 Physical Cad

McMULLENNOLAN GROUP
 Surveying Excellence

Proposed Subdivision of Lot 1 on DP 71158
 Weaber Plains Road, Kununurra
 Shire of Wyndham-East Kimberley

SEALINK TRANSPORT

The contents of this plan are correct and conform to the plan table within the relevant permit. All structures and works shown on this plan are subject to the requirements of the permit conditions by submitting the Multistage Urban Scheme.

Drawn	Check	Issue	Number

SCALE 1:1250 @ A3
 ALL DISTANCES ARE IN METRES
 For a full scale reproduction of this plan, call 081 434 1500 for pricing. Contact us to view.

McMULLENNOLAN GROUP
 Surveying Excellence

Head Office:
 Level 1, 2 Sabre Crescent
 Jarvis Hill, WA 6184
 PO Box 3529, Success
 WA 6184, Australia
 Offices in Port Hedland, Margaret River, Broome, Kununurra

Tel: (08) 6436 1500
 Fax: (08) 6436 1500
 Email: info@mcmlennolan.com.au
 www.mcmlennolan.com.au
 ABN 56 009 361 312

97156 - AP - 001 - E

12.4.5 Maxwell Street Road Closure

DATE:	16 July 2013
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Maxwell Street, Wyndham
AUTHOR:	Elle Davidson, Planning Officer
REPORTING OFFICER:	Nick Kearns, Director Community Development
FILE NO:	A2525P

PURPOSE

For Council to consider the closure of an unused road reserve at Wyndham Port.

BACKGROUND

It is proposed to close Maxwell Street, Wyndham to allow for the creation of a Recreation Reserve for the placement of the Ammonia Compressor flywheel located at the old Wyndham Meatworks at Lot 2 Barytes Road, Wyndham. Cambridge Gulf Limited has since purchased the property and currently stores the Ammonia Compressor flywheel.

The intent is that Lots 168 and 169 will be amalgamated with Maxwell Street upon the completion of the closure of this road reserve. This could then allow for the creation of a reserve, which could, subject to suitability, house the Wyndham Historical Society's Ammonia Compressor Flywheel.

At the Ordinary Council Meeting on 17 June 2008 the Council resolved that the closure of Maxwell Street be advertised so that it can be incorporated into a reserve that can be accessed by the community.

The closure was advertised in 2008 but was procedurally incorrect. Accordingly, Shire Officers have readvertised the closure.

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

There are no strategic implications associated with this report.

COMMUNITY CONSULTATION

As required under Section 58(3) of the *Land Administration Act 1997*, the application was advertised for 35 days between 4 April and 10 May 2013. The following stakeholders were

also notified of the application and given 35 days to provide comment; Horizon Power, Telstra, Water Corporation and Main Roads Western Australia.

The Shire received a letter stating no objection from Main Roads Western Australia (see Attachment). Telstra notified the Shire that Telstra Infrastructure exist within the road reserve and would any cost incurred to relocate these assets would be the responsibility of the Shire of Wyndham East Kimberley (see Attachment).

COMMENT

The closure of Maxwell Street has been advertised in line with all legislative requirements and no opposing submissions or appeals have been received.

It is recommended that the application be approved.

ATTACHMENTS

Attachment 1 – Proposed Road Closure
Attachment 2 – Kimberley Echo Advertisement
Attachment 3 – 17 June 2008 OCM Resolution
Attachment 4 – Stakeholder Letters

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council resolves to close Maxwell Street under Section 58 of the *Land Administration Act 1997*.

COUNCIL DECISION

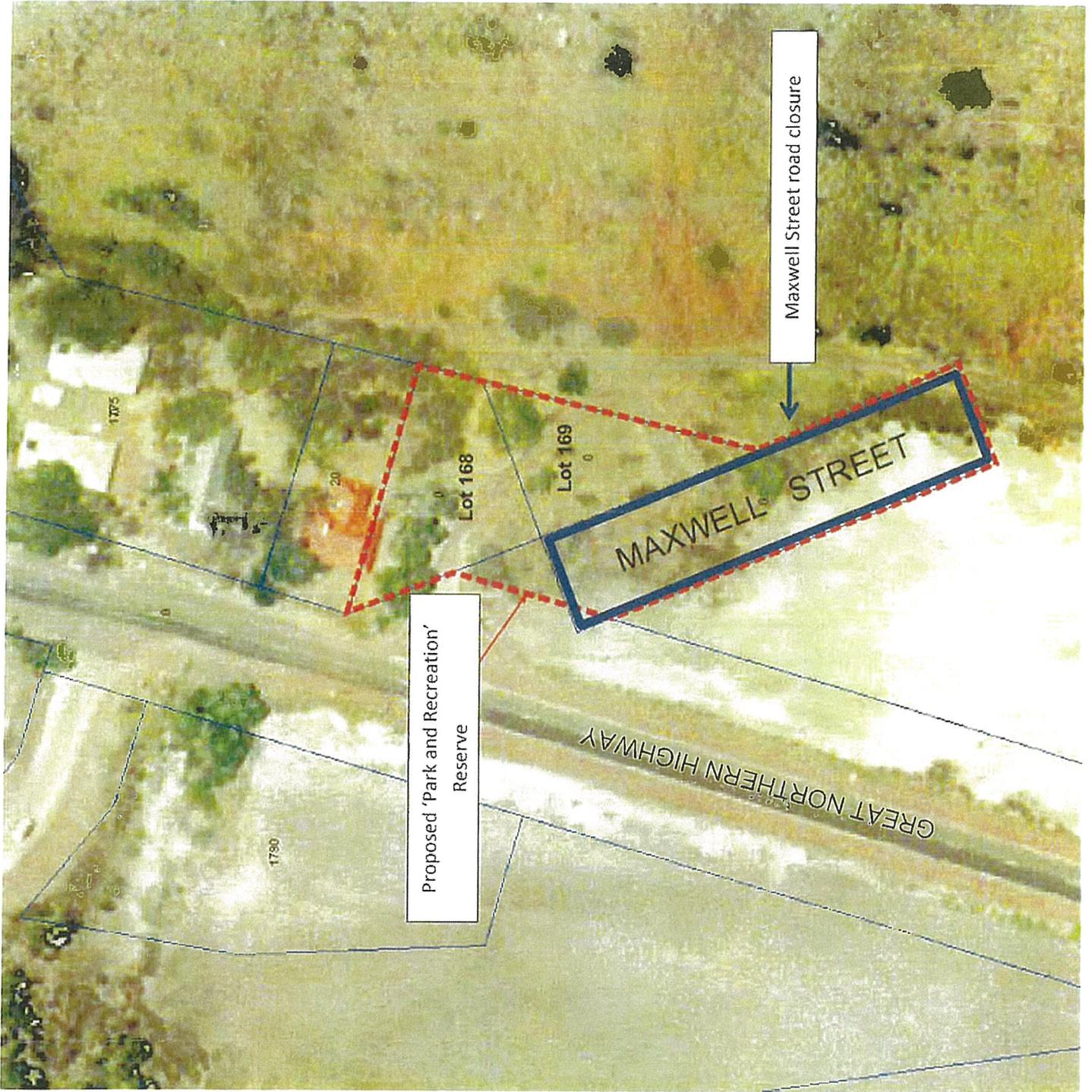
Minute No. 10123

Moved: Cr J Parker

Seconded: Cr D Ausburn

That Council resolves to close Maxwell Street under Section 58 of the *Land Administration Act 1997*.

Carried Unanimously 6/0



Proposed Maxwell Street,
Wyndham Road Closure

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Ph: 9168 2844 Fax: 9168 2855
Email: stjohkna@inet.net.au

Kimberley Echo
4 April 2013



Kimberley Land Council
and Council (KLC) is a recognised Native
and pursuant to its notification functions
1993 gives notice of the following

**KUNUNURRA ABORIGINAL CORPORATION
SPECIAL GENERAL MEETING**

WHERE: Digger's Rest
WHEN: Tuesday 30 April 2013

TIME: The meeting will start at 9.00am
The Balanggarra Aboriginal Corporation are invited to attend.

BUSINESS OF THE MEETING

- social resolutions relating to changes to the Corporation's
- special resolution relating to the adoption of a code of
- etings;
- special resolution to accept nominations from the
- ople for the corporation to act as Registered Native Title
- for the Balanggarra Combined (WAD 6027/2998) and
- (WAD 6004/2000) Native Title Determination Applications;
- possibility of a pastoral access indigenous land use
- El Questro Pastoral Lease.

opies of the Special Resolutions from the Tony Fitzgerald
n Kununurra (Lot 2229 Speargrass Rd) or Caitlin Fegan at
roome (36 Pembroke Road) or by contacting Tony
94 0194.

int a proxy for the meeting by writing a letter signed by
e proxy to Tony Fitzgerald at PO Box 821 Kununurra
must be received by Friday 26 April 2013. You can put in
uld like your proxy to vote on the Special Resolutions.

ents please contact Tony Fitzgerald at the KLC Broome
194 before Wednesday 17 April 2013. Any legal
meeting should be directed to Caitlin Fegan on

AL673400 KLC Special General 2013 04-04

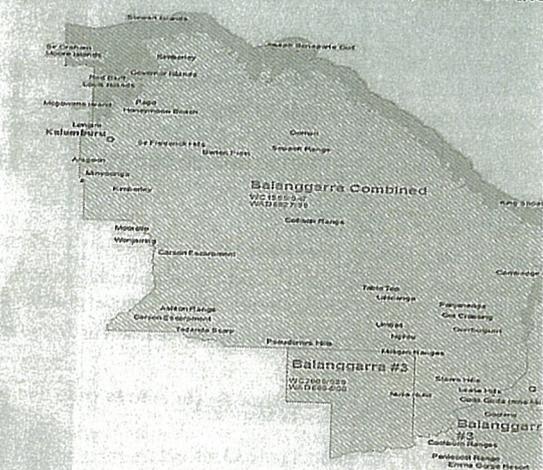
and indigenous peoples.
All welcome!!! Elaine
0458 171 507.

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The Kimberley Echo
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All members of the Balanggarra Native Title Claimant Group
The Balanggarra claim areas are as depicted on the



AGENDA

1. Authorise the Applicant to agree to the terms of the Consent Determination as part of the se Combined (WAD6027/98) Native Title Determination Application;
2. Authorise the Applicant to agree to the terms of the Consent Determination as part of the se #3 (WAD6004/2000) Native Title Determination Application;
3. To nominate Balanggarra Aboriginal Corporation to be the Registered Native Title Body Corp Balanggarra Combined and Balanggarra #3 on trust for the Balanggarra Native Title Holders
4. To discuss a proposed Pastoral Access Indigenous Land Use Agreement with El Questro Pas
5. Discuss arrangements for the Federal Court Hearing on Country;

We regret that the following information contains the names of deceased persons and apo may cause.

Balanggarra People are the descendants of the following apical ancestors:
Wundangana Waina, Wuju, Amburu, Djirlarmuru, Mitiiber/Njorda, Jiani, Akingungka/Nakmara, Boongotter, Matilda Moorajayi, Joonpan/Moorajayi, Maraltadj, Miuron, Moongkama, Purwan, Waa Nandjimara, Jalalarimiri/Kolonumari, Puraru, Nandjimara, Yarluiwuti, Koolberri, Angela, Moor Murungga, Bundamiri, Vernon Dah, Mayaltor, Malangnari, Dz^ngal, Naringa, Wolambar, N G^ambul, Nganawongka ^Inari, Ng^Inari, W^garniri, Waibela, ^Nuwija, Jidei-ida/Wugad^r, N^ Junbabara, Linound^ri, Wungur^ru, Judu, Linound^ri, Jumbabera, Bo, Do^lu, Lau-uri, Wiju/Ba D^inga, Mud^ta, Rebern.m D^inga, Med^rda, Aruwund^rdzera, Mal^Ngunawal, Mal^Nngu, Glan Ganggu, M^labu, ^mjra, Wulangan, Jura/Juradide, Njama, Dagi, Zunggalima, Weni, Njama, Cha Baija, Jeduri, Zunggalima, Mandurga, W^Ngadju, W^Nu, Niti, Lura/Gurul, Birim, Ngari, Du Wangoooloo, Wambima, W^rga, Bangudenanga, Birra-rar-raa, Wanjuwila, Wungarur, Wurawunged W^mbu/Njurnji, Waneigera, J^wan, Z^inga, Guri, Banmon, Warin

For travel arrangements please contact Tony Fitzgerald at the KLC Broome Office on 08 9194 0194 the meeting should be directed to Caitlin Fegan on 08 9194 0100.



SHIRE of WYNDHAM | EAST KIMBERLEY
**ROAD CLOSURE – MAXWELL STREET,
WYNDHAM**
LAND ADMINISTRATION ACT, 1997
**Advertisement of
Proposed Road Closure**

It is hereby notified for public information, in accordance with Section 58 (3) of the Land Administration Act 1997 (as amended), that the Shire of Wyndham East Kimberley intends to close a portion of Maxwell Street, Wyndham.

The purpose of the road closure if to allow vesting of Lots 168 and 169 for the purpose of Parks and Recreation.

A plan depicting the area of road intended to be closed can be viewed at the Shire's Administration Offices in Kununurra or Wyndham, or by contacting the Shire directly.

Submission for consideration by the Council regarding the proposed road closure will be received until **4pm Friday 10 May 2013.**

Gary Gaffney 16 July 2013
Chief Executive Officer

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13.2.2. Proposed Shire Reserve - Heritage Park - Wyndham

DATE:	17 June 2008
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Great Northern Highway
AUTHOR:	Keith Williams, Executive Manager Town Planning
REPORTING OFFICER:	Keith Williams, Executive Manager Town Planning
FILE NO:	01.2525.02
ASSESSMENT NO:	A2525

PURPOSE

For Council to consider a proposal to establish a reserve vested in Council for the housing of the Wyndham Meatworks Flywheel and Ammonia Compressor.

BACKGROUND

Cambridge Gulf Limited [CGL] lease and operates the Wyndham Port. Part of it's landholdings are also located within the port area. The old Wyndham Meatworks and Power Station are located on Lot 2 Barytes Road.

The meatworks and Power Station sites are on Council's Municipal Heritage Inventory.

Although previously identified as a site of heritage significance to be assessed, the Heritage Council of Western Australia [HCWA], a State Government agency, has recently advised that no formal assessment will be undertaken. Advice on the best way to recognise the significance of the meatworks to Wyndham's history will be provided by the HCWA.

It is recognised that the site has some local historical significance, and this needs to be protected to allow interpretation and understanding of Wyndham's history, and the significance that the meatworks played.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council may incur some minor costs associated with reservation of the land, such as surveying fees.

COMMUNITY CONSULTATION

Some discussions have occurred with members of the Wyndham Historical Society, and discussion has also occurred with the Heritage Council of Western Australia.

STRATEGIC IMPLICATIONS

Nil

COMMENT

The Wyndham meatworks played an important role and are a significant part of Wyndham's history, and are recognised as such by their inclusion in Council's Municipal Heritage Inventory. CGL has advised that it will relocate the ammonia compressor flywheel at the time of demolition of the existing structures at the old Wyndham Meatworks and power station site.

Advice from the HCWA is that ideally it is better to interpret items in their original location, although pragmatism and practicality can mean that some items may be better recognised if relocated to allow access to the community.

The HCWA also advises that the site is not going to be assessed for inclusion on the State Register of Heritage Places.

If left on site the flywheel will cause operational disruption to CGL, and will have little value to the community as public access to the site will be prohibited.

It is therefore recommended that the flywheel be relocated to a suitable site.

After discussions with members of the Wyndham Historical Society, a suitable site has been identified. This site is crown land that will be required to be vested in an appropriate agency. It is recommended that the Reserve be vested in Council to house the flywheel, subject to CGL bearing all costs associated with the relocation of the flywheel. Portion of Council's pathway network goes through the site already.

It is also recommended that Maxwell Street be closed and amalgamated with the proposed reserve.

Other elements of the site will be discussed with CGL and the Historical Society.

ATTACHMENTS

1. Site Plan - Proposed Reserve.

VOTING REQUIREMENT

Simple Majority

MANAGERS' RECOMMENDATION

That Council:

1. Request the Department for Planning and Infrastructure vest Unallocated Crown Land Lots 168 & 169 as a Reserve vested in Council for the purposes of Parks and Recreation;
2. Advertise the closure of Maxwell Street so that it can be incorporated into the created reserve
3. Advise Cambridge Gulf Limited that it must agree in writing to construct a base for and relocate the Ammonia Compressor flywheel as a condition of issuing a demolition license for Lot 2 Barytes Road.

COUNCIL DECISION

Minute No. 8261

Moved: Cr J Parker Seconded: Cr J Buchanan

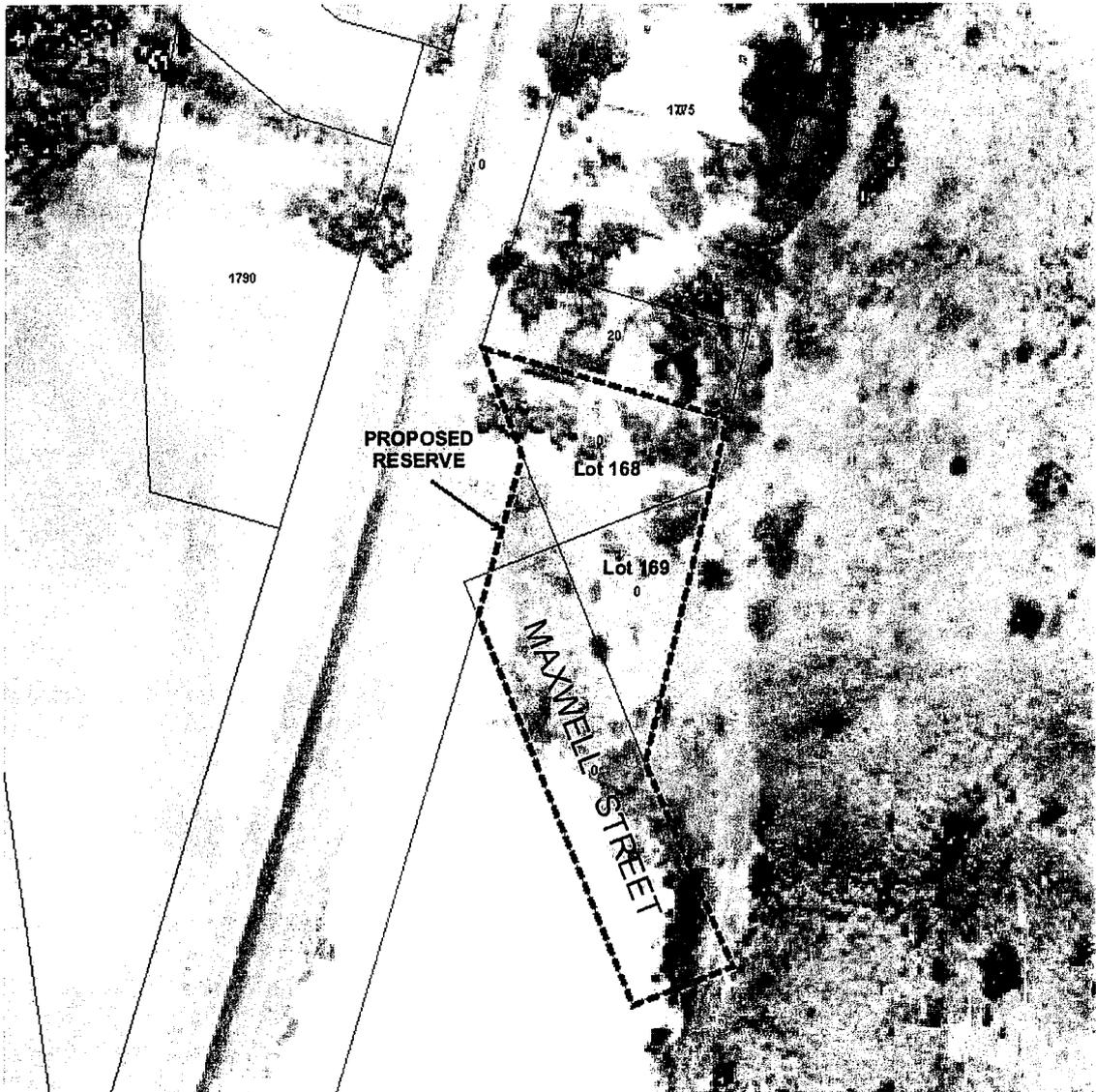
That Council:

1. ***Request the Department for Planning and Infrastructure vest Unallocated Crown Land Lots 168 & 169 as a Reserve vested in Council for the purposes of Parks and Recreation;***
2. ***Advertise the closure of Maxwell Street so that it can be incorporated into the created reserve***
3. ***Advise Cambridge Gulf Limited that it must agree in writing to construct a base for and relocate the Ammonia Compressor flywheel as a condition of issuing a demolition license for Lot 2 Barytes Road.***

Carried Unanimously 8/0

Ms Jo-Anne Ellis returned to the meeting at 6.41pm

ATTACHMENT 1 SITE PLAN





ABN: 50 860 676 021

Enquiries: Bryan Bannon on 08-91584 331
Our Ref: D13#159996
Your Ref: PR.01.1:TP2630

14 May 2013

Ms E Davidson
Planning Officer
Shire Of Wyndham/East Kimberley
PO Box 614
KUNUNURRA WA 6743

21 MAY 2013
PR 01.1
I-18391

ATTENTION: ELLE DAVIDSON

Dear Ms Davidson

PROPOSED ROAD RESERVE - MAXWELL STREET, WYNDHAM

I'm writing in reference to your letter regarding the Shire of Wyndham/East Kimberley proposal to close Maxwell Street, Wyndham (PIN 11413028), for the purpose of creating a historical park to relocate the Compressor Flywheel associated with the old Wyndham meatworks .

Main Roads WA has no objection to the proposal to close Maxwell Street for the purpose stated above.

If you require any further information please contact me on 08-91584 325.

Yours sincerely


Gary Bradshaw
NETWORK MANAGER



Telstra Plan Services

Date **17/05/13**

Level 18, 275 George Street
Brisbane, QLD 4001

Your Ref: PR 01.1:TP 2627

Our Ref: **PF142068-1**

Postal Address:
Locked Bag 3820
Brisbane, QLD 4001

Elle Davidson
mail@swek.wa.gov.au

Email: F0501488@team.telstra.com

Dear Elle,

Re: Proposed Road Reserve - Maxwell Street - Wyndham

Thank you for your communication dated **17/05/13** in relation to the location specified above.

According to the information we received from you Telstra's plant records indicate that there are **Telstra assets within the area** of the proposal. We note that our plant records merely indicate the approximate location of the Telstra assets and should not be relied upon as depicting a true and accurate reflection of the exact location of the assets. Accordingly, if you have not already done so please contact Dial Before You Dig for a detailed site plan and a list of Telstra Accredited Plant Locators (APL) to establish the exact location of Telstra assets (phone 1100 or visit www.1100.com.au).

Telstra wishes to retain rights over all of its assets at the above mentioned address. At this stage, Telstra has determined that the existing **Telstra Infrastructure in the existing road reserve will have to be relocated to the new road reserve**. The relocation of Telstra assets would be carried out at your cost, however it would ensure that the land/s and its projected use would not be hindered or restricted by easements.

Please contact **Telstra's Asset Relocation** team to obtain a quote to relocate the assets from the address/es in question, on 1800 810 443 or email F1102490@team.telstra.com.

As these assets comprise an essential component of the Telstra network, we take this opportunity to highlight Telstra's rights and requirements to ensure that they are understood. The following is stated for your information:

- (1) Telstra's existing facilities are grandfathered under the 1997 Telecommunications Act. This enables such facilities to legally occupy land in perpetuity for the duration of that facilities use.
- (2) Part 1 of Schedule 3 of the *Telecommunications Act 1997* (Cth) authorises a carrier to enter land and exercise any of the following powers:
 - inspect the land
 - install a facility
 - maintain a facility

In the case of installation and planned maintenance a notification will be afforded and such work will generally proceed during business hours. However, from time to time, certain activities need to be carried out without delay in order to protect the integrity of the network. Such activities may require vehicular access without notice and at any time of the day or night.

(3) If at any time in the future it becomes necessary, in the opinion of the carrier because of a subdivision of any land to remove, or alter the position of a facility, the carrier may enter the land and do anything necessary or desirable for that purpose. Under clause 53 of Schedule 3 to the Telecommunications Act, the person who proposes to subdivide the land is liable to pay the carrier the reasonable cost of anything reasonably done by the carrier in this regard.

(4) There is a requirement that all access to Telstra's network is facilitated by Telstra, via the normal channels available to all customers Australia wide. Tampering with, or interfering with telecommunications infrastructure or a facility owned or operated by a carrier (being Telstra) is an offence under the *Criminal Code Act 1995* (Cth). Heavy penalties may apply for breach of this prohibition, and any damages suffered, or costs incurred, by Telstra as a result of any such interference may be claimed against you. This means that you are not permitted to interfere with, repair or relocate Telstra's infrastructure, either personally or through a contractor without approval and authorisation from Telstra.

(5) All individuals have a legal "Duty of Care" that must be observed when working in the vicinity of Telstra's communication plant. It is the constructor's/land owner's responsibility to anticipate and request the nominal location of Telstra plant via **Dial Before You Dig "1100" number** in advance of any construction activities in the vicinity of Telstra's assets. **On receipt of plans, notwithstanding the recorded location of Telstra's plant, the constructor/land owner is responsible for obtaining a Telstra accredited Asset Plant Locator to perform a cable location, potholing and physical exposure to confirm the actual location of the plant prior to the commencement of site civil work.** Telstra reserves all rights to recover compensation for loss or damage caused by interference to its cable network or other property.

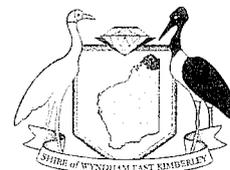
Telstra would also appreciate due confirmation in the event that the applicant contemplates divesting its interest or control of this land, that the information contained here is passed on to the prospective owners.

If you have any difficulties in meeting the above conditions, or if you have questions relating to them, please do not hesitate to contact us at F0501488@team.telstra.com.

Yours sincerely,



Megan Smith
Telstra Telstra Plan Services



Your Ref: 1047-1941 Job: 082608
Our Ref: I-17481: LP.06.3: TP2633
Enquiries: Jennifer Ninette

29 April 2013

Department of Regional Development and Lands
PO Box 1143
WEST PERTH WA 6872

Attention: Jeanne Baker

Dear Jeanne,

Proposed Reserve for Compressor Fly Wheel, Portion of Maxwell Street and Wyndham Lots 168 and 169 (DP 202387) – Shire of Wyndham East Kimberley

I refer to your correspondence, dated 6 March 2013, in response to the Shire's request to reactivate the proposal to create a reserve over Wyndham Lots 168 and 169 and Maxwell Street road reserve for the purpose of a Historical Park, wherein you advised that before undertaking any further action RDL requires the Shire to comply with section 58 of the *Land Administration Act 1997* (LAA) and regulation 9 of the *Land Administration Regulations 1998* for the intended road closure.

Please be advised that in order to progress this matter the Shire has readvertised the road closure for a period of 35 days in accordance with section 58 of the LAA, and sent written notification to surrounding landowners, service and relevant government agencies for their comment.

The advertising and comment period will close in late May 2013, following which any submissions received will be considered at the Ordinary Council Meeting to be held on 18 June 2013. At this meeting, subject to no legitimate objections being received, it is intended that Council will formally resolve to close the road.

Should you require any further information in relation to this matter, please do not hesitate to contact the Shire's Senior Planning Officer on 9168 4100.

Yours sincerely,


Jennifer Ninette
Senior Planning Officer



Department for Planning and Infrastructure
Government of Western Australia
State Land Services - Kimberley Regional Office

Doc No.	06388
Date	1 NOV 2008
Officer	TP/TPC/CEO
Response	
File	01-2525-02
Case Ref.	50-0600

Your ref:
Our ref: 644-2008 Job No 082606
Enquiries: Rachel Nelson
Ph: (08) 9168 0603 Fax: (08) 9168 0600
Email: rachel.nelson@dpi.wa.gov.au

Peter Stubbs
Chief Executive Officer
Shire of Wyndham-East Kimberley
PO Box 614
KUNUNURRA WA 6743

Dear Sir,

WYNDHAM MEATWORKS AMMONIA COMPRESSOR FLYWHEEL – RESERVE

I understand that at the June 2008 Council meeting, Council resolved to request the DPI to establish a Reserve (vested in the Shire) for the purpose of Parks and Recreation.

The Wyndham Meatworks Ammonia Compressor Flywheel is to be relocated onto the proposed reserve.

The site was identified as incorporating Wyndham Lots 168 and 169 and the Maxwell Street road reserve.

The Department for Planning and Infrastructure will progress action for the reservation of the subject land for the purpose of Parks and Recreation. Native Title has been extinguished over the Maxwell Street road reserve. However, Lots 168 and 169 are subject to the Balanggarra 3 Native Title Claim.

Please advise if the Shire wish to pursue a non-exclusive s.91 licence over Lots 168 and 169 and the Maxwell Street road reserve as a temporary solution.

You should be aware that a section 91 licence cannot be issued to provide land for the erection of a permanent structure. I suggest that the Shire position the ammonia compressor flywheel within the road reserve.

An s.91 licence may be the most practicable and appropriate option for providing short term legal access to the subject land. Please note that should the claim be subsequently determined and Native Title deemed to exist, the licence will no longer be valid.

Yours faithfully

Ray Dixon
TEAM LEADER
KIMBERLEY/PILBARA REGION - STATE LAND SERVICES

7 November 2008

2606_SWEK_Oct08.doc

Cnr Bandicoot Drive and Messmate Way, Kununurra, Western Australia 6743
Postal Address: PO Box 630, Kununurra, Western Australia 6743
Tel: (08) 9168 0602 www.dpi.wa.gov.au ABN 40 996 710 314

DPI/001

COUNCIL DECISION

Minute No. 10124

Moved: Cr J Parker

Seconded: Cr J McCoy

That Council agree to Cr D Ausburn voting on item 12.4.6, Kununurra Netball Association Sponsorship Signage Proposal despite Declaration of Interest with item.

Carried Unanimously 5/0

12.4.6 Kununurra Netball Association Sponsorship Signage Proposal

DATE:	16 July 2013
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Chestnut Ave, Kununurra
AUTHOR:	Nick Allen, Coordinator Recreation and Leisure
REPORTING OFFICER:	Nick Kearns, Director Community Development
FILE NO:	RC.09.9

PURPOSE

For Council to consider a request for the lodgement of an application for sponsorship signage at the Kununurra Multipurpose Courts.

BACKGROUND

The Kununurra Netball Association has requested permission from the Shire to apply for approvals and install sponsorship signs at the Kununurra Multipurpose Courts. A plan of the proposal is attached showing the number and size of each sign and proposal prepared by the Kununurra Netball Association explaining the sponsorship arrangement are attached.

STATUTORY IMPLICATIONS

Planning approval is not required for signs that are not visible from outside the sporting facility. A building permit is, however, still required.

POLICY IMPLICATIONS

As the proposal is exempt from the need to obtain planning approval, Local Planning Policy LPP15 – Signage – will not apply. This policy, nonetheless, does not support signs that ...'detract from the aesthetic environment of a park or other land used by the public for recreation'.

FINANCIAL IMPLICATIONS

There are no financial implications on the Shire. All costs associated with the installation will be covered by the Kununurra Netball Association.

STRATEGIC IMPLICATIONS

This Report aligns with Councils 10 Year Community Plan Objective:

3.4 Protection and Enhancement of Community Facilities

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

With the exception of the main oval scoreboard, which has modest signage, there is little precedent of the Shire allowing sponsor signage – particularly in this fashion.

It is suggested that it wouldn't be unreasonable for signage to be displayed at the multi-purpose courts, both to display the name of the association – and contact details for new members etc. – and that some of that signage could include sponsors. The size and number of signs requested in this instance, however, is considered excessive and is likely to detract from the aesthetic environment. It would, furthermore, set a precedent for other sporting reserves and facilities. Rather, it would be preferable for the association to install fewer and smaller signs and signs which would not be overtly visible from the facility, or alternatively to display signs on a temporary basis only – ie banners.

ATTACHMENTS

Attachment 1 – Signage placement plan

Attachment 2 – Kununurra Netball Association Sponsorship proposal

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATIONS

That Council advises the Kununurra Netball Association that it does not consent to the display of permanent signage at the Kununurra Multipurpose Outdoor Courts in the fashion indicated in the proposal report supplied by the association in May 2013. Council would consent to the display of temporary/removable sponsorship signs, subject to all necessary approvals.

COUNCIL DECISION

Minute No. 10125

Moved: Cr J Parker

Seconded: Cr R Dessert

That Council advises the Kununurra Netball Association that it does not consent to the display of permanent signage at the Kununurra Multipurpose Outdoor Courts in the fashion indicated in the proposal report supplied by the association in May 2013. Council would consent to the display of temporary/removable sponsorship signs, subject to all necessary approvals.

Carried Unanimously 6/0



Kununurra Netball Association

Shire of Wyndham and East Kimberley

Kununurra Netball Association proposes to erect free standing signage at the Kununurra Multi-Purpose Courts adjacent to the existing Cyclone fencing.

May 2013

2013 is the largest year so far for the Kununurra Netball Association. The Association has 21 registered teams for the dry-season ladies competition. The competition comprises of more than 190 player members and more than 25 non-player members. With the ever expanding size of competition the costs associated with running this great competition are increasing each year.

Sponsorship plays an important role in our local netball competition. Due to the ever increasing number of members, the Association needs to secure long term sponsorships to assist us to cover the costs associated with the game.

When asked to consider the benefits of signage on the “multi-purpose courts”, committee members, players, and community members immediately focus on the benefits the community will receive from this project. This signage allows more funding to be put into the Association allowing a larger output to the community and it’s members to benefit.

In 2014 the Association will be attending the Norwest Champs where the costs for this is expected to be around \$24,000. This is a figure that will not be achievable without our long term sponsors.

Through liaison with the Director of Community Development, the Association have a much better understanding of what the Council requires and understands the current constraints associated with affixing signage to the cyclone fencing that surrounds the Kununurra Multi-Purpose Courts.

As informed by the Director of Community Development and the Building Surveyor in table 1.1. Signage on fencing has not been approved for a number of reasons.

Table 1.1

“LPP 5 states:

4.3.19 Signs on Fences

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

“... one of the reasons that signs shall not be attached to fences is that any attachment to a fence has the potential to void insurance due to the increased wind loading of the structure.

A free standing sign supported by posts (pylon sign) adjacent to a fence line shall be viewed favourably.”

The Association certainly understands the response and the Council’s favourable proposal. The Association have thought long and hard with the new free standing signage design and placement, for the aesthetic appreciation of the community facility and by Council’s favourable signage option.

The Kununurra Netball Association, wish to gain approval for three free-standing signs to be installed at the Kununurra Multi-Purpose Courts.

The Association wish to erect signage adjacent to the cyclone fencing located at the right hand side on the exterior, of the Netball court double gate entry. The sign will be supported by 3200mm pole supports and solid sign frame. The Association Sign will measure 2400mm by 1200mm. The signage details are attached in Appendix 1.

This sign will define the Kununurra Netball Association and support the local business' that input into this great competition year after year.

Adjacent to the cyclone fencing on Chestnut Drive, the Association wish to install two major sponsor's signs. These will be 1500mm by 1200mm supported by 3200mm poles and solid sign frames. These signs will be in place to recognise our major sponsors who contribute to the Association considerably year after year in a number of means. Please see design specs in Appendix 1.

The Association would appreciate this proposal to be addressed as soon as possible. Our season has now commenced and until we have approval we cannot secure any sponsorship's for 2013.

Attached in Appendix 2 is the Kununurra Netball Association 2013 Sponsorship Catalogue. This highlights the need for sponsorship and what the funds will be contributing to.

The Kununurra Netball association look forward to a response.

Kind Regards,



Annie Pay
Secretary | Kununurra Netball Association
Phone: 0411 734 504
Email: payac@live.com.au

Appendix 1

Signage Specs

Association and Bronze Sponsorship Sign

Sign height = 1200mm

Sign width = 2400mm

Support poles = 3200mm

Signage material detailed in Table 1.2

Association Gold Sponsor's signage

Sign height = 1200mm

Sign Width = 1500mm

Support pole height = 3200mm

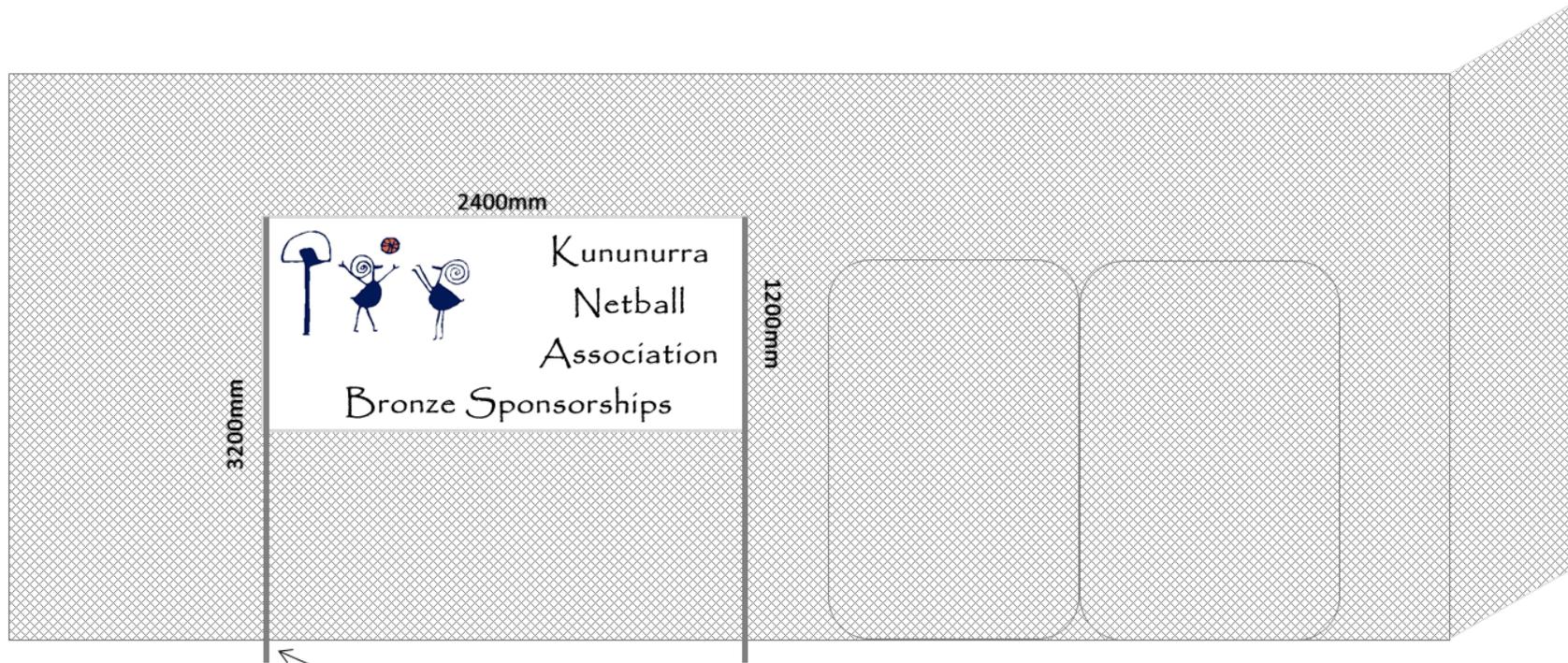
Detailed Engineering specs are to follow upon completion from Envisage Building Solutions.

Sign frame's will also be included in the engineering's drawings.

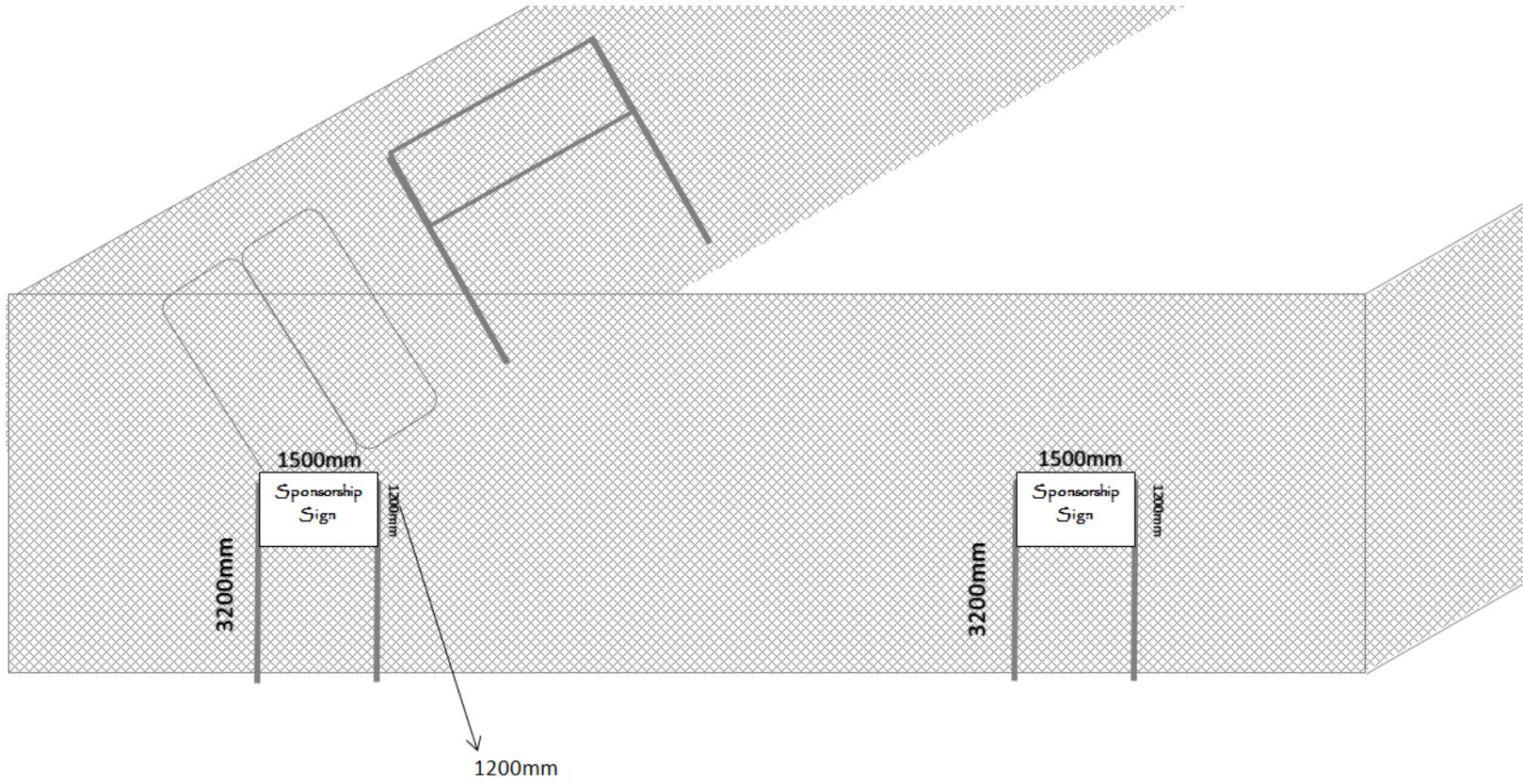
Table 1.2

<p>26/04/2013</p> <p>To: Annie Pay</p> <p>Hi Annie,</p> <p>2400 x 800mm dibond sign is \$380.00</p> <p>1500 x 1200mm dibond sign is \$567.00 double sided.</p> <p>Dibond is an aluminium/poly ethylene composite sheet 3mm thick.</p> <p>It is alot more rigid than signwhite steel sheet and weighs about the same ~20kg per 2400 x 1200mm sheet.</p> <p>GST is additional</p> <p>Sign frame additional.</p> <p>Regards,</p> <p>Dave Crock</p> <p>Crocodile Signs</p>
--

Signage Placement at Kununurra Multi-Purpose Courts.



**Distance from pole fixtures to the fence line is to be advised in engineering drawings, along with the specs for the pole material, sizing and how they are secured into the ground.



Chestnut Drive

Appendix 2



Kununurra Netball Association

*"Non-profit organisation dedicated to the playing and
development of Netball in Kununurra"*

2013 Sponsorship



Kununurra Netball Association

2013 Sponsorship

Table of Contents

<i>What's in it for us?</i>	2
<i>Gold Sponsorship</i>	3
<i>Silver Sponsorship</i>	4
<i>Bronze Sponsorship</i>	4
Sponsorship Example.....	5
Presidents Report 2013	6
Meet the committee	9
Contact Details	Error! Bookmark not defined.

What's in it for us?

The Kununurra Netball Association had over 180 playing members in the 2012 ladies senior competition. This is an outstanding number of participants and is expected to increase again in the 2013 season.

Our association needs your helping hand to grow and to continue to go forward.

You will be assisting the association, to ensure we have a stable and competitive netball competition for all participating members. This is important to continue the keen interest in all members throughout the season.

You will be contributing to constant upgrades, development and improvements to the Kununurra Netball Association.

Your business will be recognised by over 180 participating members and volunteers on a weekly basis let alone the supporters throughout the year and the finals series.

You will be assisting to maintain the health, safety and welfare of all members and volunteers who form the Kununurra Netball Association.

Your sponsorship will be assisting with a variety of issues and concerns that the association face on a regular basis. These include but are not limited to:

- First aid support and first aid kit supplies
- Assist with the development of Junior netball
- Equipment; balls, timers, batteries, pole pads, stationery
- Court maintenance; surfacing, poles, seating, nets, gates/locks
- Access to drinking water
- Umpire development
- Paying of umpires
- Future support to send representative teams to State competition
- Cost of affiliation with Netball WA and North West Region
- Association signage



Sponsorship Packages



Gold Sponsorship - \$1500 or in kind

Objective: To enhance the overall playing experiences for all members, supporters and volunteers.

Funds used for:

The funds will be used in assistance with the costs associated with Affiliating with Netball WA and North West Region. Being affiliated allows the Association to send representative teams to State competition in the near future and much more.

Sponsorship Benefits:

- *Business Sign (1500mm x 400m) on Court 1 or 2*
- *Logo on Association umpire shirts*
- *Logo on Association shirts*
- *Logo and website link on website*
- *Facebook presence*
- *Naming rights to Senior Presentation Night or Finals Series*
- *Complimentary tickets to end of year presentation night*
- *Naming rights to A or B grade grand final*

Silver Sponsorship - \$1000 or in kind

Objective: Maintain availability and access to equipment and resources to all teams and their members throughout the 2013 season.

Funds used for:

Purchasing of equipment including 20+ netballs for the season and the maintenance of netball poles, rings and nets as required.

Sponsorship Benefits:

- *Business Banner (1500mm x 400mm) on court 2-6*
- *Large Logo on Sponsors Board*
- *Logo advertised on website*
- *Facebook presence*
- *Complimentary tickets to end of year presentation night*
- *Naming rights of A, B & C Finals*

Bronze Sponsorship - \$500 or in kind

Objective: Umpire development and a program that supports new and existing association umpires. This is designed to encourage existing umpires to increase their practical and theoretical skills, through subsidised/free mentoring and grading sessions. Aim to achieve umpire retention within the Association and encourage members to begin umpiring.

Funds used for:

- Umpire exam/grading/training course fees to encourage attendance
- Club costs for umpire payments throughout the season
- Club costs for umpire recognition awards throughout the season and end of year presentation.

Sponsorship Benefits:

- *Medium Logo on Sponsors Board*
- *Logo advertised on website*
- *Facebook Presence*
- *Complimentary Tickets to end of year presentation night*
- *Advertisement throughout final series*

NB: If you wish to have any special requirements in your package please contact us and discuss the opportunities.

Sponsorship Example



Kununurra Netball Association Umpire & Association Shirts



President's Report 2013

2012 saw Netball in Kununurra go from strength to strength. We had a record of 19 teams take to the courts over 5 months, with 181 registered players. The season kicked off with a round robin competition to assist with grading teams between A and B.

Thank you to all who took part in the season, whether playing, umpiring, score keeping, timing or supporting. The whole season was a great success. It was great to see many new teams being formed, some brand new and some a combination of previous teams. A special mention needs to be made again to the Bastion Bullets from Wyndham, who managed to bring a team over to Kununurra almost every week. This was a huge effort and I hope they are able to continue playing again this year.

Congratulations to the premiership teams. Hornets A; who played a consistent year of netball in A Grade; and Rogue Pigeons who won back to back Premierships in the B grade after playing a very strong season. Well done to the runners up; Bandicoots and Redbacks for competing so highly in such strong competitions.

Congratulations to the season's award winners, in particular:

- A Grade Fairest and Best – Yasmin Lewis from Hornets A
- Runners Up tie breakers – Sam Jolly from Galahs and Kerry Fountis from Pineapples
- B Grade Fairest and Best – Kerrie McNevin from Kunna Bulls
- Runner Up – Anita Sulzburger from Kimberley Krushers
- Best Club Person – Alice Kelly

The Wind-up in September was also a huge success. The presentation and organisation by Anne Hobbs was amazing and the hospitality provided by the Kimberley Grande was excellent. We had approximately 130 people attend and enjoy the delicious meals, the photo booth and the dance floor fun. We had extremely positive feedback for weeks after. Thank you to all who attended.

The 2012 season saw benches installed at the multi-purpose courts and also the go-ahead of the toilets and store room that will be built in between tennis and netball. Work has finally commenced and we hope that it will be complete by the start of the 2013 Ladies season.

The Association affiliated with Netball WA in 2012, which is a strong alliance for our Association and have continued our affiliation, to assist with the development and future of netball in Kununurra.

The junior competition continued to be a popular sport for young Kununurra kids to take part in, with 51 players registered. Thank you to all of those who supported this competition, in particular Leah Thorpe, Jane Cooper, Petina Lancaster and Kate McConarchy. It would be great to see more support given to the junior teams on a weekly basis, to help support these young girls in developing their netball skills.

Again we saw a strong interest in the Build-up mixed netball competition. We had a record 17 teams nominate, making this competition almost as popular as ladies netball. We again played the season out with 2 Grades and had lots of positive feedback along the way. The boys in particular enjoyed it so much that they drummed up some support to run a Wet Season mixed competition. We have had 10 teams nominate for the competition. It commenced on the 30th January and ran for 9 weeks. There were no finals as it is purely a social competition. We look forward to watching it unfold.

A sub-committee was also formed at the end of 2012 to make recommendations for amendments to the Kununurra Netball Associations Constitution and By-Laws. This committee was made up of 2012 members including Jacinta Thompson, Vanessa Jenkins, Cissy Gore Birch Gault, Jenny Tomkin and myself. Thank you for your efforts ladies, I envisage these changes will assist with members having a clearer understanding of the rules of the Association in 2013.

Thank you to all of our sponsors – Betta Electrical, Wild Mango, Subway, Baby Gecko, All Seasons, Artopia, Salt Water Fish and Chips, The Bangle Business, Kimberley Fine Diamonds, Ord Pumphouse, Walkabout Souvenirs, Kimberley Grande and Amcal. Without these donations the Association would not be where it is today.

To anyone who assisted with umpiring throughout the season – thank you! It can often be a confronting job, but we appreciate that many people are willing to give it a go.

Thank you to our Association umpires who assisted throughout the season, in particular – Sue Stubbs, Patrick Ryder, Andy Vale, Paul Royce, Kate Melvin, Chris Puckridge and Karin Bright for making themselves available for the majority if not all of the season.

Also thanks to those who jumped on board during the season when we were light on.

I would like to thank our hard working and dedicated committee for their time and efforts throughout the season. As a first time netball President, it was invaluable to have such a supportive committee. Anne Hobbs, Vanessa Jenkins, Bronte Casey, Kara Lipscombe, and Alice Kelly, the success of the last year is with much thanks to you all.

I wish everyone well for the upcoming season and look forward to being involved in another successful year.

Janelle Atwell,

President



A Grade Premiers 2012



Meet the committee

PRESIDENT - Janelle Atwell

I've lived in Kununurra for 4 years, and really enjoy the lifestyle. I miss my family, but don't miss the traffic. I am the Coordinator of the Ewin Early Learning Centre and love my job. I am very community minded and this is my second year as the President of the Kununurra Netball Association. Last year was my first year on the committee and it was a great learning curve. This year we have a few new faces on the committee and everyone is very motivated to help grow netball in Kununurra. I love playing team sports, especially netball, which I have played since a young age. I look forward to promoting the game again this year and being involved with many people in one of the largest sporting associations in Kununurra.

VICE PRESIDENT - Vanessa Jenkins

I have lived in Kununurra for 9 years and this is my third year on the Netball Committee. I have played netball in Kununurra since 2009 and have seen the Kununurra Netball Association grow rapidly in that time. I am passionate about Netball and look forward to assisting the Association develop and grow in the future.

SECRETARY - Annie Pay

I moved to Kununurra just 12 months ago. I participated in the Kununurra netball competition for the first time in the ladies competition playing for the Pink Diamonds and then their mixed team Diamonds. I have been playing netball back home in Victoria for the last 10 years. My role is to assist the committee and community in continually developing and improving the Kununurra Netball Association.

TREASURER - Brooke Thomas

I've been in Kununurra for about 4 years now and am the lender here at the bank. This is my first year on the committee. I am also the treasurer of the Rugby League here in town. I like to be involved in sport and enjoy the social side of sport. I play in our competition and look forward to what the season brings.

RECORDS OFFICER - Kara Lipscombe

I have lived in Kununurra for 20 years. I am the records officer for the Netball Association; I have been involved in the committee for the past 2 years and have played in the netball Association for the past 6 years. My role on the committee is to make sure all data is collected each week from the score sheets and game results and player votes are accounted for and everyone playing has a valid membership with Netball WA. Having grown up in Kununurra I want to help develop the club as much as possible to benefit all ages in the community.

GENERAL COMMITTEE MEMEBERS -

Alice Kelly

I have grown up in Kununurra and have played netball over the past 6 years. I currently play for the Pink Diamonds in both the women's competition and the mixed netball competition.

This is my second year on the committee and I have been very impressed with the improvements over the past few years of the Association, committee and the competition level. I look forward to seeing this Association grow for many years to come.

Rachel Fewster

I've lived in Kununurra for 5 years and have 2 businesses in town, the Kununurra Backpackers and Subway. I have played netball since I was in primary school and have been playing in Kununurra for the last 3 years. I play in both the girls and mixed comps. This is my first year on the Kununurra Netball Association Committee and I'm really looking forward to the season on and off the court.

UMPIRES CONVENOR - Bronwyn Tillett

I have been in Kununurra for nearly two years but used to live here 3 years ago and my partner and I missed the lifestyle. So I decided to come back. I am the Manager of the Commonwealth Bank and absolutely love my job. I would like to see our Association grow and become part of the Norwest and hopefully compete at the Norwest games in 2014. I took on the Umpires Convenor position as I am a National B Umpire and believe that I can help make our games better by offering coaching and support to not only Squad Umpires but team umpires as well.

JUNIORS COORDINATOR - Leah Allen

This is my second Year as Junior Netball Coordinator. I have a great interest and passion for Junior Sports. I work as the Sport and Recreation Manager in the East Kimberley for the organisation Garnduwa. I enjoy receiving help from parents and other volunteers to make the NetSetGo and Junior Netball Program a success.

EQUIPMENT OFFICERS -

Rhi Hill

I have been teaching here in Kununurra for the last 3 years. I have joined the committee for the first time this year to jointly assist with the organisation of equipment. I look forward to working with the committee in developing the Kununurra Netball Association.

Brooke Hawley

I have been living in Kununurra for 4.5 years and loving it. This will only be my third season playing netball and my first year as a committee member. As a player of the Kununurra Netball Association you get so much fulfilment from having such a strong and organised committee. I'm looking forward to being a part of that and ensuring all players find the netball 2013 season rewarding.



For further information or sponsorship queries please do not hesitate to contact:

Annie Pay – Secretary

e: payac@live.com.au

m: 0411 734 504

Alice Kelly – Sponsorship Co-ordinator

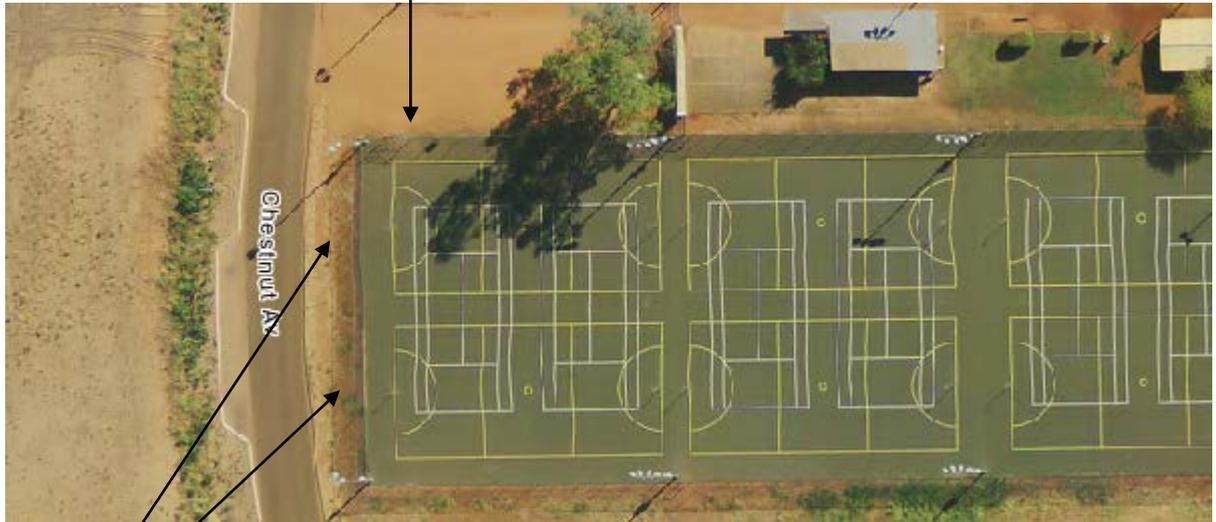
e: alicejeklly@hotmail.com

m: 0415 250 504

Proposed location of Kununurra Netball Association Sponsorship Signs

Sign 1 – Association and Bronze Sponsorship sign

Signage specs – Height = 1.2m
Width = 2.4m
Support frame = 3.2m



Sign 2 & 3 – Gold Sponsorship signage

Signage specs - Height = 1.2m
Width = 1.5m
Support frame = 3.2m

12.5 CHIEF EXECUTIVE OFFICER

12.5.1 Use of the Common Seal

No reports

12.5.2 Delegated Authority Report

DATE:	16 July 2013
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Debbie McCallum, Governance Officer
REPORTING OFFICER:	Gary Gaffney, Chief Executive Officer
FILE NO:	PL.02.1

PURPOSE

To report to Council on the use of Delegated Authority by Officers for the period 1 June to 30 June 2013.

BACKGROUND

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

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

STATUTORY IMPLICATIONS

Local Government Act 1995 - Sect 5.46

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

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

POLICY IMPLICATIONS

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 matter

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 June to 30 June 2013

COUNCIL DECISION

Minute No. 10126

Moved: Cr J Parker

Seconded: Cr D Ausburn

That Council receives the Delegated Authority Report for the period 1 June to 30 June 2013

Carried Unanimously 6/0

Community Quick Grants Delegated Authority Approvals 1 to 30 June 2013

Approval Date	Organisation	Purpose of Quick Grant	Total Project Cost	Amount Requested	Amount Approved
13/06/2103	Wyndham Historical Society	In Kind Photocopying of leaflets	Chris McLachlan	\$550.00	\$500

**CERTIFICATE OF DESIGN COMPLIANCE (Form BA03) ISSUED AS THE CERTIFIER FOR THE PERMIT ISSUING AUTHORITY –
01 to 30 June 2013**

APPLIC NO	DATE APPLIC RECD	DATE ISSUED	ASSESS NO.	CERT No	LOCATION	DESCRIPTION
101058	4/06/2013	7/06/2013	A7422P	BA5311	Lot 398 (4) Nauclea Way Kununurra	Class 1A dwelling with attached Class 10A carport & outdoor living
100768	5/10/2012	10/06/2013	A5095P	BA4732	Lot 120 Weaver Plain Road Kununurra	Class 10A Non-habitable storage shed with mezzanine floor
100878	5/12/2012	11/06/2013	A5095P	BA5318	Lot 120 Weaver Plain Road Kununurra	Class 10B Swimming Pool & Shade Sail
101066	30/05/2013	13/06/2013	A1196P	BA5330	Lot 10 (23) Rosewood Avenue Kununurra	Class 10A Patio
101077	5/06/2013	13/06/2013	A7347P	BA5332	Lot 114 Berkeley Crescent Kununurra	Class 10A Non-habitable shed without ablutions
101060	30/05/2013	17/06/2013	A7768P	BA5340	King Loc 373 Wooljim Road Ord Stage 2	Class 10B - Installation of a 40 metre mast and associated communications equipment
101013	23/04/2013	18/06/2013	A7754P	BA5347	Lot 899 Research Station Road Kununurra	Class 10B 25 metre mast and foundation, Communications repeater
101089	21/06/2013	21/06/2013	A7620P	BA5369	Lot 504 (199) Coolibah Drive Kununurra	Class 9B Temporary Structure & Seating
73216	19/03/2013	24/06/2013	A7699P	BA5373	Lot 572 (5) Coolibah Drive Kununurra	Class 10A Patio

BUILDING PERMITS (Form BA04) ISSUED AS THE PERMIT ISSUING AUTHORITY – 01 to 30 June 2013

LIC#	DATE RECEIVED	DATE LICENCED	OWNER	BUILDER	LOCATION	DESCRIPTION	NEW / ADD	EST. VALUE	COMMENT / PROCESSING TIME – WORKING DAYS
043/2013	4/06/2013	7/06/2013	Sol Investments (WA) Pty Ltd atf Sol Investments Trust	CKC Nominees Pty Ltd	Lot 398 (4) Nauclea Way Kununurra	Class 1A dwelling with attached Class 10A carport & outdoor living	New	\$394,600.00	2/25 assess days
044/2013	5/10/2012	10/06/2013	Tony & Shannon Tuohey	Tony & Shannon Tuohey	Lot 120 Weaber Plain Road Kununurra	Class 10A Non-habitable storage shed with mezzanine floor	New	\$250,000.00	
045/2013	5/12/2012	11/06/2013	Tony & Shannon Tuohey	Kununurra Pools & Spas	Lot 120 Weaber Plain Road Kununurra	Class 10B Swimming Pool & Shade Sail	New	\$30,000.00	5 + 2/25 assess days + 114/21 pending days
046/2013	30/05/2013	13/06/2013	Tania Lewis & Rhys Jenkins	Glen Trimby	Lot 10 (23) Rosewood Avenue Kununurra	Class 10A Patio	New	\$6,000.00	8/25 assess days
047/2013	5/06/2013	13/06/2013	Thomas Kahl	Franmor Constructions	Lot 114 Berkeley Crescent Kununurra	Class 10A Non-habitable shed without ablutions	New	\$70,000.00	4/25 assess days
048/2013	30/05/2013	17/06/2013	Department for Regional Development & Lands on behalf of the State of Western Australia	Rubicon Systems Australia	King Loc 373 Wooljim Road Ord Stage 2	Class 10B - Installation of a 40 metre mast and associated communications equipment	New	\$234,000.00	10/25 assess days
049/2013	23/04/2013	19/06/2013	Ord Irrigation Asset Mutual Co-operative Ltd	Ord Irrigation	Lot 899 Research Station Road Kununurra	Class 10B 25 metre mast and foundation, Communications repeater	New	\$50,000.00	37/25 assess days

LIC#	DATE RECEIVED	DATE LICENCED	OWNER	BUILDER	LOCATION	DESCRIPTION	NEW / ADD	EST. VALUE	COMMENT / PROCESSING TIME – WORKING DAYS
050/2013	14/06/2013	19/06/2013	Shire of Wyndham - East Kimberley	Franmor Constructions	Lot 984 (19) Bandicoot Drive Kununurra	Class 1b Transportable living quarters with Class 10A tropical roof	New	\$ 71,000.00	2/10 assess days
051/2013	21/06/2013	21/06/2013	Shire of Wyndham - East Kimberley	Circus Royale	Lot 504 (199) Coolibah Drive Kununurra	Class 9B Temporary Structure & Seating	New	\$ 2,000.00	1/10 assess days
052/2013	19/03/2013	24/06/2013	Minister for Health Kununurra District Hospital	Stratco Pty Ltd	Lot 572 (5) Coolibah Drive Kununurra	Class 10A Patio	New	\$ 9,000.00	
053/2013	26/06/2013	28/06/2013	Ord Irrigation	Franmor Constructions	Lot 50 (14) Carpentaria Street Kununurra	Class 10A Patio Leanto on existing Class 5 office building	New	\$ 71,350.00	1/10 assess days
054/2013	26/06/2013	28/06/2013	Delaware North El Questro Pty Ltd	Ryan Chinery	El Questro - Station Complex Loc 708 Gibb River Road Via Kununurra	Class 1B Transportable accommodation units (2 units x 4 bedroom & ensuite)	New	\$ 100,000.00	1/10 assess days
055/2013	26/06/2013	28/06/2013	Delaware North El Questro Pty Ltd	Ryan Chinery	Class 1B Transportable Accommodation unit (1 x unit comprising 4 bedrooms with ensuites)	Class 1B Transportable accommodation units (1 unit x 4 bedroom & ensuite)	New	\$ 100,000.00	1/10 assess days
								\$ 1,387,950.00	

DEMOLITION PERMITS (Form BA06) ISSUED AS THE PERMIT ISSUING AUTHORITY – 01 to 30 June 2013

DEMO LIC#	DATE APPLIC RECVD	DATE LICENCED	ASSES S NO.	BA RECORD	OWNER	BUILDER/ DEMOLITION CONTRACTOR	DEMO CLASS (1, 2 or 3)	WAD CLASS/ LIC NO	LOCATION	DESCRIPTION
DP013/ 2013	30/05/2013	13/06/2013	A1307P	BA5328	Department of Housing	Paul Cavanagh Wyndham Excavations / John Kestle	WARA	WARA 94	Lot 712 (4A & 4B) Pandanus Street Kununurra	Class 1A Group Dwelling - Full Demolition
DP014/ 2013	30/05/2013	13/06/2013	A1429P	BA5329	Department of Housing	Paul Cavanagh Wyndham Excavations / John Kestle	WARA	WARA 94	Lot 1497 (4) Calatropis Court Kununurra	Class 1A Dwelling - Full Demolition
DP015/ 2013	14/06/2013	19/06/2013	A237P	BA5351	WA Country Health Service / Department of Finance	Jasper Ord	WARA	WAD 275 / WARA 232	Lot 813 (43) Great Northern Highway Wyndham	Class 1A Dwelling - Full Demolition

OCCUPANCY PERMITS (Form BA10) ISSUED – 01 to 30 June 2013

OCCUP PERMIT NO	DATE	BUILDING PERMIT / LICENCE NO	ASSESS NO.	Receipt No	Building Class	OWNER	BUILDER	BRB / OB NO	LOCATION	DESCRIPTION
BA5372	21/06/2013	BP 048/2012	A1020P	N/A prior to 01.04.2012	4 & 5	Mirella & Sever Crisan	Mirella & Sever Crisan	Owner/Builder - Not within jurisdiction of Building Services (Registration) Board	Lot 947 (5) Mango Street Kununurra	Class 4 alterations to existing dwelling & Class 5 offices

OCCUPANCY PERMITS (Form BA10) ISSUED BY EXTERNAL PERMIT ISSUING AUTHORITIES UNDER BUILDING ACT 2011 S.7(02) RELATING TO PROPERTIES WITHIN THE SHIRE OF WYNDHAM EAST KIMBERLEY.– 01 to 30 June 2013

PERMIT NO	DATE OF ISSUE	PERMIT ISSUING AUTHORITY	PROPERTY ASSESS NO.	PROPERTY ADDRESS	DESCRIPTION	BUILDING CLASS	BUILDING PERMIT No	BUILDER	CERTIFICATE OF CONSTRUCTION COMPLIANCE ISSUED BY:	CONSTRUCTION VALUE
OP2013-8973-0036	26/06/2013	Department of Finance - Building Management and Works	A7465P	Lot 3 Jasmine Land Kununurra	Residential Care Facility	3	B2012-8963-0005	Colin Wilkinson Developments Pty Ltd	John Massey Group 26/06/2013	\$2,488,438.00

**CERTIFICATES OF CONSTRUCTION COMPLIANCE (Form BA17) ISSUED AS THE CERTIFIER FOR THE PERMIT ISSUING AUTHORITY
– 01 to 30 June 2013**

APPLIC NO	DATE ISSUED	ASSESS NO.	CERT No	BUILDING PERMIT NO	LOCATION	DESCRIPTION
100341	21/06/2013	A1020P	BA5371	BP 048/2012	Lot 947 (5) Mango Street Kununurra	Class 4 alterations to existing dwelling & Class 5 offices

THERE WAS NO REPORTABLE ACTIVITY FOR THE PERIOD – 01 to 30 June 2013 for the following:

- **AMENDMENTS TO EXISTING BUILDING PERMIT (Form BA04) ISSUED AS THE CERTIFIER FOR THE PERMIT ISSUING AUTHORITY**
- **BUILDING PERMITS (BA04), DEMOLITION PERMITS (BA06) AND CERTIFICATES OF DESIGN COMPLIANCE (BA03) & Record Purposes Only (exempt) ISSUED BY EXTERNAL PERMIT ISSUING AUTHORITIES UNDER BUILDING ACT 2011 S.7(02) RELATING TO PROPERTIES WITHIN THE SHIRE OF WYNDHAM EAST KIMBERLEY.**
- **OCCUPANCY PERMITS – STRATA (BA12)**
- **BUILDING APPROVAL CERTIFICATES (Form BA14) ISSUED AS THE CERTIFIER FOR THE PERMIT ISSUING AUTHORITY**
- **BUILDING APPROVAL CERTIFICATES – STRATA (Form BA16)**
- **CERTIFICATES OF BUILDING COMPLIANCE (Form BA18) ISSUED AS THE CERTIFIER FOR THE PERMIT ISSUING AUTHORITY**
- **NOTICE OF PROPOSED BUILDING ORDER – pursuant to Building Act 2011 Part 8 Division 5 Section s.111 (14 day notice)**
- **FORMAL NOTICES RAISED PURSUANT TO THE BUILDING ACT 2011**
- **SIGN LICENCES**

PLANNING DELEGATED AUTHORITY APPROVALS - 1 - 30 June 2013

Application / Delegation Number	Approval Type	Date Received	Owner	Address	Proposed Development	Assess't Number	Approval Date	Approved By
DA27/13	P	19/03/2013	Stanley & Leonie Bailey	Lot 2 Konkerberry Drive, Kununurra	Proposed kitchen,dining, theatre room and outdoor living	1656	4/06/2013	Approved by Nick Kearns
DA33/13	P	18/04/2013	Guerinoni Investments	Lot 1503 Poinciana Street, Kununurra	Transient workers accommodation	1078	19/06/2013	Approved by Nick Kearns
DA34/13	P	19/04/2013	Tim & Gae Plunkett	Lot 1510 Konkerberry Drive, Kununurra	Change of use - Health, hair and beauty clinic/spa	1035	19/06/2013	Approved by Nick Kearns
DA41/13	P	3/05/2013	Messrs,Glasson, Duley and Wilkinson	Lot 100 Koolparn Court, Kununurra	Proposed new unit development	804	28/06/2013	Approved by Julia Hall
DA43/13	HBB Renewal	20/05/2013	Elise and Steve Petty	Lot 36 Weaber Plain Road, Kununurra	Renewal Home Based Business - Bangle Business	2711	12/06/2013	Approved by Julia Hall
DA44/13	Signage	24/05/2013	Bozana Doslov	Lot 951 Poiciana Street, Kununurra	Proposed 6 x tear drop signage	919	27/06/2013	Approved by Nick Kearns
DA47/13	P	7/06/2013	Water Corporation	Lot 51 Carpentaria Street, Kununurra	Storage Shed	7570	27/06/2013	Approved by Julia Hall
DA50/13	HOCC Renewal	13/06/2013	Jennifer Kroeger	Lot 1048 Wollybutt Place, Kununurra	Home Occupation Renewal - Boab Babies Child care	847	19/06/2013	Approved by Nick Kearns

12.5.3 Review of Delegations Registers

DATE:	16 July 2013
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/a
AUTHOR:	Nick Kearns, Director Community Development
REPORTING OFFICER:	Gary Gaffney, Chief Executive Officer
FILE NO:	CM.07.1

PURPOSE

For Council to consider and adopt revised Delegations Registers

BACKGROUND

The Local Government Act 1995 allows Council to delegate exercise of certain powers and discharge of duties under the Act to the Chief Executive Officer (Part A). These powers and duties may be sub-delegated by the Chief Executive Officer to other Council Officers (Part B).

Delegations Register Part A was updated at the December 2012 OCM. Part B however has only recently been reviewed.

A number of changes have been made to the Part A delegations register to ensure consistency between those delegations made by the Council to the CEO and those delegations that are made to Officers. A copy of the delegations register Part A with tracked changes is included in Attachment 1 to show the changes made. In summary these changes include some minor typographical updates and the inclusion of additional delegations and authorisations – which were previously only referenced in the Part B document ie they needed to be included in both. The final Part A document is provided at Appendix 1.

The changes to Part B of the delegations register are more substantial, partly to be consistent with the Part A delegations register and also in light of changes to legislation, but do not change the effect of the Shire's legislative responsibilities or procedures. A copy of the Part B document with tracked changes is provided at Attachment 2 with a final document at Appendix 2.

STATUTORY IMPLICATIONS

Local Government Act 1995

5.42 Delegation of some powers and duties to CEO

- 1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

** Absolute majority required.*

- 2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

5.43. Limits on delegations to CEO's

A local government cannot delegate to a CEO any of the following powers or duties —

- a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- c) appointing an auditor;
- d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- f) borrowing money on behalf of the local government;
- g) hearing or determining an objection of a kind referred to in section 9.5;
- h) any power or duty that requires the approval of the Minister or the Governor; or
- i) such other powers or duties as may be prescribed.

5.44. CEO may delegate powers and duties to other employees

- 1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- 2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- 3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
 - a) The CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - b) The exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.
- 4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- 5) In subsections (3) and (4) —

“conditions” includes qualifications, limitations or exceptions.

5.45. Other matters relevant to delegations under this Division

- 1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
 - a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
 - b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- 2) Nothing in this Division is to be read as preventing —
 - a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - b) a CEO from performing any of his or her functions by acting through another person.

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategy 1.4.1 – Ensure legislative compliance and follow best practice in planning and service delivery.

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

The changes to both delegations registers A and B reflect best practice in the drafting of delegations and authorisations and have been reviewed by the Shire's lawyers and meet the Shire's legislative requirements. Most of these changes, nonetheless, represent little change to the procedures already in place and have no impact with respect to Council policy. They are, nonetheless, critical to the operation of the organisation and of the Council.

ATTACHMENTS

- Attachment 1 Delegations Register Part A with track changes
- Attachment 2 Delegations Register Part B with track changes
- Appendix 1 Delegations Register Part A (final)
- Appendix 2 Delegations Register Part B (final)

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council adopts the updated Delegations Registers Part A and Part B as provided at Appendix 1 and 2 to replace the previously adopted Delegations Registers.

COUNCIL DECISION

Minute No. 10127

Moved: Cr J Parker

Seconded: Cr D Ausburn

That Council adopts the updated Delegations Registers Part A and Part B as provided at Appendix 1 and 2 to replace the previously adopted Delegations Registers.

Carried Unanimously 6/0



DELEGATIONS REGISTER

PART A

Delegations to Chief Executive Officer by Council

Adopted 11 December 2012 (Minute 9951)

Shire President

Date:

INTRODUCTION

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation.

The Council of the Shire of Wyndham East Kimberley has resolved to adopt and delegate the functions referred to within this Delegations Manual to the Chief Executive Officer.

The Local Government Act 1995 section 5.46 (3) requires that 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.

For recording purposes the exercise of a delegated power or duty by the CEO is recorded in a Monthly Report to Council.

5.43 . Limits on delegations to CHIEF EXECUTIVE OFFICERS

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (h) any power or duty that requires the approval of the Minister or the Governor; or
- (i) such other powers or duties as may be prescribed.

Table of Contents

Delegations -Specific to Powers/Duties in the Local Government Act, 1995

#	DELEGATION DESCRIPTION	REVIEW
CD/GOV-6100	ENFORCEMENT & LEGAL PROCEEDINGS – APPOINTMENT OF AUTHORISED PERSONS	16 June 2009 (Minute 8705) 22 June 2010(Minute 9202) 21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799)
CD/GOV-6101	TENDERS	21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799)
CD/GOV-6102	DISPOSAL OF PROPERTY	21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799)
CD/GOV-6103	CERTAIN THINGS TO BE DONE IN RESPECT OF LAND	16 June 2009 (Minute 8705) 22 June 2010(Minute 9202) 21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799)
CD/GOV-6104	PUBLIC THOROUGHFARES	21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799)
CD/GOV-6105	EXPENSES OF COUNCILLORS & STAFF	21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799)
CD/GOV-6106	STRATA TITLES	16 June 2009 (Minute 8705) 22 June 2010(Minute 9202) 21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799)
CD/GOV-6107	PROCEEDINGS UNDER DOG ACT	16 June 2009 (Minute 8705) 22 June 2010(Minute 9202) 21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799)
CD/GOV-6108	RIGHT TO INSPECT CONFIDENTIAL INFORMATION	16 June 2009 (Minute 8705) 22 June 2010(Minute 9202) 21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799)
CD/GOV-6109	TOWN PLANNING	16 June 2009 (Minute 8705) 22 June 2010(Minute 9202) 21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799)
CD/GOV-6110	ENVIRONMENTAL HEALTH	16 June 2009 (Minute 8705) 17 November 2009 (Minute 8939) 22 June 2010 (Minute 9202) 21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799)
CD/GOV-6111	NON STATUTORY DELEGATIONS	16 June 2009 (Minute 8705) 22 June 2010(Minute 9202) 21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799)
CD/GOV-6112	WAIVING / GRANTING CONCESSION IN RELATION TO FEES AND CHARGES AND WRITE OFF OF AMOUNT OF MONEY OWED	21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799)
CD/GOV-6113	PAYMENTS FROM THE MUNICIPAL FUND AND TRUST FUND	16 August 2011 (Minute 9559) 26 June 2012 (Minute 9799)

CD/GOV-6100	ENFORCEMENT & LEGAL PROCEEDINGS – APPOINTMENT OF AUTHORISED PERSONS
<p>The Chief Executive OfficerCEO is delegated authority –</p> <ol style="list-style-type: none"> to appoint, in writing, persons or classes of persons to be authorised for the purposes of performing particular functions being those referred to in section 9.10 of the Local Government Act 1995; and to issue a certificate to each person authorised stating that they are authorised. 	
LEGISLATIVE POWER	Local Government Act 1995 Section 9.10
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705) 22 June 2010 (Minute 9202) 21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799)

CD/GOV-6101	TENDERS
<p>The Chief Executive OfficerCEO is delegated authority to:</p> <ol style="list-style-type: none"> seek expressions of interest before entering the tender process; consider any submissions of interest that have not been rejected and decide which ones could satisfactorily supply the goods or services; invite tenders before entering into a contract for goods and services with a value of \$100,000 or more, provided that appropriate provision is made, or is proposed to be made, in Council's Adopted Budget; determine in writing the criteria for accepting tenders; consider any tender that has not been rejected and decide which one to accept provided the tender amount does not exceed the amount determined by Council in accordance with section 5.43(b), and full provision is made in Council's Adopted Budget; decline to accept any tender; with the approval of the tenderer, make a minor variation in the goods or services required and enter into a contract with the successful tenderer; and select the next most appropriate tender if the successful tenderer does not want to accept the contract with the variation or an agreement cannot be reached with the successful tenderer; <p>The amount determined in accordance with section 5.43(b) is \$500,000.</p>	
LEGISLATIVE POWER	Local Government Act 1995 Sections 5.42/5.43(b), 3.57(1), Local Government (Functions and General) Regulations 1996 Regulations 11, 14(2a), 18(4)&(5), 20, 20(2), 21(1), 23(3)
COUNCIL POLICY	F19 – Purchasing and Tendering Policy

ADOPTED	21 June 2011 (Minute 9494)
REVIEWED	26 June 2012 (Minute 9799)

CD/GOV-6102	DISPOSAL OF PROPERTY
<p>The Chief Executive OfficerCEO is delegated authority to dispose by way of public auction, suitable public tender or private treaty:</p> <ol style="list-style-type: none"> any property (other than land) valued at an amount not exceeding \$100,000; and land valued at an amount not exceeding \$500,000, provided that appropriate provision is made in Council's Adopted Budget. 	
LEGISLATIVE POWER	Local Government Act 1995 Section 3.58 (2) & (3)
COUNCIL POLICY	N/A
ADOPTED	21 June 2011 (Minute 9494)
REVIEWED	26 June 2012 (Minute 9799)

CD/GOV-6103	CERTAIN THINGS TO BE DONE IN RESPECT OF LAND
<p>The Chief Executive OfficerCEO is delegated authority to:</p> <ol style="list-style-type: none"> give an occupier notice requiring them to do something to the land if it is specified in Schedule 3.1; do anything considered necessary to achieve the purpose for which the notice was given in order to make a person comply with the notice; undertake works that are not carried out by the owner or occupier and recover the costs as a debt; go onto private land in circumstances prescribed in Schedule 3.2 and carry out works, even without the consent of the owner; authorise a person to enter land, premises or thing without consent, after notice has been given, unless the owner or occupier has objected to the entry; enter land in an emergency without notice or consent; and make an opening in a fence to do works on property subject to providing the owner or occupier with 3 days written notice. 	
LEGISLATIVE POWER	Local Government Act 1995 Sections 3.25 (1), 3.26(2)&(3), 3.27(1), 3.31(2), 3.34(1), 3.36(3) and 5.42
COUNCIL POLICY	
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705) 22 June 2010 (Minute 9202) 21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799)

CD/GOV-6104	PUBLIC THOROUGHFARES
<p>The Chief Executive OfficerCEO is delegated authority to:</p> <ol style="list-style-type: none"> 1. close a thoroughfare wholly or partially, for a period not exceeding 4 weeks; 2. provide public notice of intentions and reasons for, and invite and consider submissions prior to ordering the closure of a thoroughfare, wholly or partially, to vehicles for a period exceeding 4 weeks' and 3. give notice of proposal and invite and consider submissions before – <ol style="list-style-type: none"> (a) fixing or altering the level of, or the realignment of, a public thoroughfare; or (b) draining water from a public thoroughfare or other public place onto adjoining land. <p>Any proposal to close a thoroughfare for any period exceeding 3 months must be referred to Council for determination.</p>	
LEGISLATIVE POWER	Local Government Act 1995 Sections 3.50(1), 3.50(1a), &3.50 (4), 3.51(3) <u>and 5.42</u>
COUNCIL POLICY	N/A
ADOPTED	21 June 2011 (Minute 9494)
REVIEWED	26 June 2012 (Minute 9799)

CD/GOV-6105	EXPENSES OF COUNCILLORS & STAFF
<p>The Chief Executive OfficerCEO is delegated authority to:</p> <ol style="list-style-type: none"> 1. approve expenses which are to be reimbursed to Council members, provided that the expenses are of the kind prescribed as those which the local government can approve for reimbursement (subject to section 5.98(3)); 2. approve reimbursement, either generally or in a particular case, to a Council member of an expense that may be approved by the Shire; 3. reimburse an employee for an expense that was incurred in relation to a matter affecting the Shire; and 4. make a cash advance to a person for an expense which can be reimbursed. 	
LEGISLATIVE POWER	Local Government Act 1995 Sections <u>5.98(2)(b)</u> , <u>& 5.98(4)</u> , 5.101(2), 5.102 <u>and 5.42</u>
COUNCIL POLICY	
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705) 22 June 2010 (Minute 9202) 21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799)

CD/GOV-6107	PROCEEDINGS UNDER DOG ACT
	<p>In accordance with section 44 of the Dog Act 1976, the Chief Executive OfficerCEO is authorised to institute and carry on proceedings under the Dog Act in the name of the Shire.</p> <p>This authorisation also enables the Chief Executive OfficerCEO to issue infringement notices under section 29 of the Dog Act.</p>
LEGISLATIVE POWER	Dog Act 1976 Section 44
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705) 22 June 2010 (Minute 9202) 21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799)

CD/GOV-6108	RIGHT TO INSPECT CONFIDENTIAL INFORMATION
The Chief Executive officer CEO is delegated the authority to determine whether information prescribed as confidential may be made available for inspection under section 5.95(7) of the <i>Local Government Act 1995</i> .	
LEGISLATIVE POWER	Local Government Act 1995, section 5.42
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705) 22 June 2010 (Minute 9202) 21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799)

CD/GOV-6109	TOWN PLANNING
The Chief Executive Officer CEO is delegated the following powers and duties under Local Planning Scheme No. 7 (LPS 7):	
1. LAND USES	
1.1	approve all developments applications where the proposed use is a 'P' use including minor variation to Residential Design Codes where no objection is raised by adjoining landowners/occupiers;
1.2	approve all development applications where the proposed use is an 'IP' use;
1.3	approve the following development applications where the proposed use is an 'AA' use; <ul style="list-style-type: none"> i. Grouped Dwellings in Residential and Town Centre Zones; ii. Offices and Warehouses in Mixed Business Zones; iii. Agricultural uses in Rural Agriculture 1, Rural Agriculture 2 and Rural Living, Rural Residential, and Rural Small Holdings Zones; iv. building extensions to existing buildings; v. Industrial Uses in Composite Light and General Industry zones; vi. Home Occupation and Home Business in all zones; vii. variations to setbacks to property boundaries for residential dwellings in accordance with the provisions of the Residential Design Codes (Multiple and Grouped Dwellings); and
1.4	impose conditions on development approval.
2. ADVERTISING OF 'SA' USES	2.1 Initiate advertising for an application involving a proposed 'SA' use and refer the application and submissions to Council.
3. MISCELLANEOUS	
3.1	All matters which arise out of the imposition of conditions on development approvals;
3.2	determine the Shire's position with respect to any mediation process resulting from an appeal to the State Administrative Tribunal following consultation with the Shire President (or in the absence of the Shire President the Deputy President); and
3.3	issue and serve notices, and take any other enforcement action, against

<p>a person who is suspected to be in breach of LPS 7.</p> <p>Conditions and Exceptions</p> <ol style="list-style-type: none"> 1. A list of all development applications determined under delegated authority shall be incorporated in the Council's agenda and minutes; 2. every applicant who received notification of a conditional approval of a development application that was determined by delegation to the Chief Executive OfficerCEO and is aggrieved by the decision may within 28 days of the date of that decision request that the matter be reconsidered by Council; 3. all applications where the CEO recommendation is for refusal must be presented to Council for consideration; 4. Legal action in relation to breaches of planning conditions and/or breaches of LPS 7 can only be undertaken by the Chief Executive OfficerCEO in accordance with Council Policy. 	
LEGISLATIVE POWER	PLANNING AND DEVELOPMENT ACT 2005 SHIRE OF WYNDHAM-EAST KIMBERLEY TOWN PLANNING SCHEMES
COUNCIL POLICY	
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705) 22 June 2010 (Minute 9202) 21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799)

CD/GOV-6110	ENVIRONMENTAL HEALTH
<p>In accordance with section 26 of the <i>Health Act 1911</i>, the Council appoints and authorises the Chief Executive OfficerCEO to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government.</p> <p>The Chief Executive OfficerCEO has delegated authority to exercise all of the functions conferred or imposed on the Shire, as an enforcement agency, under and subject to section 118(2) of the <i>Food Act 2008</i>.</p> <p>The Chief Executive OfficerCEO is authorised to administer:</p> <ul style="list-style-type: none"> • the <i>Food Act 2008</i> and associated regulations and local laws; • the <i>Litter Act 1979</i> and regulations; • the <i>Caravan Parks and Camping Grounds Act 1995</i> and the <i>Caravan and Camping Grounds Regulations 1997</i>; • the <i>Fly Eradication Regulations</i>; • the <i>Environmental Protection Act 1986</i>; • the 2003 Shire of Wyndham East Kimberley Local Laws; and • the 2004 Shire of Wyndham East Kimberley Health Local Laws. 	
LEGISLATIVE POWER	Health Act 1911, section 26 Food Act 2008 Litter Act 1979 Caravan and Camping Grounds Act 1995 Fly Eradication Regulations

	Environmental Protection Act 1986
COUNCIL POLICY	
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705) 17 November 2009 (Minute 8939) 22 June 2010 (Minute 9202) 21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799)

<u>CD/GOV-6113</u>	<u>IMPOUNDING GOODS</u>
<p><u>The CEO is delegated authority to:</u></p> <ol style="list-style-type: none"> <u>1. remove and impound, and to authorise any employee to remove and impound, under section 3.39 of the <i>Local Government Act 1995</i>, any goods that are in involved in a contravention that can lead to impounding;</u> <u>2. take action under section 3.42(1) of the <i>Local Government Act 1995</i> in respect of removal and impounding of non-perishable goods;</u> <u>3. give the notice, required under section 3.44 of the <i>Local Government Act 1995</i>, to an alleged offender to collect goods that have been removed and impounded;</u> <u>4. refuse, under section 3.46 of the <i>Local Government Act 1995</i>, to allow impounded goods to be collected until costs have been paid;</u> <u>5. sell or otherwise dispose of confiscated goods under section 3.47 of the <i>Local Government Act 1995</i>; and</u> <u>6. take action under section 3.48 of the <i>Local Government Act 1995</i> to recover costs and expenses.</u> 	
<u>LEGISLATIVE POWER</u>	<u>Local Government Act 1995, sections 3.39, 3.42(1), 3.44, 3.46, 3.47, 3.48 and 5.42</u>
<u>COUNCIL POLICY</u>	<u>N/A</u>
<u>ADOPTED</u>	
<u>REVIEWED</u>	

<u>CD/GOV-6114</u>	<u>SALE OF IMPOUNDED OR CONFISCATED VEHICLES ANIMALS OR GOODS</u>
<p><u>The CEO is delegated authority to exercise the powers under section 3.47 of the Local Government Act to dispose of any vehicles, animals or goods that have been impounded or confiscated.</u></p> <p><u>Condition</u></p> <p><u>If a disposal is by way of a public tender process, the CEO cannot accept any tender exceeding the sum of \$10,000 – which must be referred to the Council for determination.</u></p>	
<u>LEGISLATIVE POWER</u>	<u>Local Government Act 1995, section 3.47, 3.58, 5.42 and 5.43(b)</u>
<u>COUNCIL POLICY</u>	<u>N/A</u>
<u>ADOPTED</u>	
<u>REVIEWED</u>	
<u>CD/GOV-6116</u>	<u>COPIES OF INFORMATION</u>
<p><u>The CEO is delegated authority to ensure, under section 5.96 of the <i>Local Government Act 1995</i>:</u></p> <ol style="list-style-type: none"> <u>1. that copies of information are available to persons who are entitled to request the information under Division 7, Part 5 of the Act, and</u> <u>2. that the price at which the copies are sold does not exceed the cost of providing the copies.</u> 	
<u>LEGISLATIVE POWER</u>	<u>Local Government Act 1995, sections 5.42 and 5.96</u>
<u>COUNCIL POLICY</u>	<u>N/A</u>
<u>ADOPTED</u>	
<u>REVIEWED</u>	

CD/GOV-6112	WAIVING / GRANTING CONCESSION IN RELATION TO FEES AND CHARGES AND WRITE OFF OF AMOUNT OF MONEY OWED.
<p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> 1. waive or grant concessions in relation to adopted fees or charges; 2. determine what conditions apply to granting of a concession; and 3. write off amounts of money owed to the local government up to \$1,000 in value. <p>This delegation is subject to section 6.12(2) of the <i>Local Government Act 1995</i>.</p>	
LEGISLATIVE POWER	Local Government Act 1995 Sections 6.12(1)(b), 6.12(1)(c)
COUNCIL POLICY	
ADOPTED	21 June 2011 (Minute 9494)
REVIEWED	26 June 2012 (Minute 9799)

CD/GOV-61173	PAYMENTS FROM THE MUNICIPAL FUND AND TRUST FUND.
<p>The Chief Executive Officer is delegated authority to exercise the powers of Council under regulation 12 of the Local Government (Financial Management) Regulations 1996 to make payments from the municipal fund and trust fund.</p> <p><u>Note: regulation 13 of the Local Government (Financial Management) Regulations 1996 states –</u></p> <p><u>'13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.</u></p> <p><u>(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared –</u></p> <p><u>(a) the payee's name; and</u></p> <p><u>(b) the amount of the payment; and</u></p> <p><u>(c) the date of the payment; and</u></p> <p><u>(d) sufficient information to identify the transaction.</u></p> <p><u>(2) A list of accounts for approval to be paid is to be prepared each month showing –</u></p> <p><u>(a) for each account which requires council authorisation in that month –</u></p> <p><u>(i) the payee's name; and</u></p>	

<p style="text-align: center;"> <u>(ii) the amount of the payment; and</u> <u>(iii) sufficient information to identify the transaction;</u> <u>and</u> <u>(b) the date of the meeting of the council to which the list is to be presented.</u> </p> <p> <u>(3) A list prepared under subregulation (1) or (2) is to be —</u> </p> <p style="text-align: center;"> <u>(a) presented to the council at the next ordinary meeting of the council after the list is prepared; and</u> <u>(b) recorded in the minutes of that meeting’.</u> </p>	
LEGISLATIVE POWER	<u>Local Government Act 1995, section 5.42 and Local Government (Financial Management) Regulations 1996, regulations 12 and 13</u> Local Government Act 1995 Local Government (Financial Management) Regulations, regulation 12
COUNCIL POLICY	
ADOPTED	16 August 2011 (Minute 9559)
REVIEWED	26 June 2012 (Minute 9799)

<u>CD/GOV-6118</u>	<u>RATE BOOK</u>
<p><u>The CEO is delegated the authority to perform the following functions:</u></p> <ol style="list-style-type: none"> <li data-bbox="264 286 1289 398">1. <u>compile and amend the rate record under section 6.39 of the Local Government Act 1995 and reassess rates and service charges payable under section 6.40;</u> <li data-bbox="264 439 1182 510">2. <u>the service of rate notices under section 6.41 of the Local Government Act 1995 ;</u> <li data-bbox="264 551 1310 622">3. <u>enter into an agreement under section 6.49 of the Local Government Act 1995 for the payment of a rate or service charge;</u> <li data-bbox="264 663 1225 734">4. <u>determine the date that a rate or service charge becomes due and payable under section 6.50 of the Local Government Act 1995;</u> <li data-bbox="264 775 1299 846">5. <u>the recovery of rates and service charges under sections 6.54 to 6.62 of the Local Government Act 1995;</u> <li data-bbox="264 887 1318 1032">6. <u>lodge a caveat on land where the rates are in arrears and it is considered that the interests of the Shire should be protected and the subsequent withdrawal of a caveat once arrears of rates have been settled. under section 6.64(3) of the Local Government Act 1995.</u> <li data-bbox="264 1072 1246 1144">7. <u>grant an extension of time for making an objection to the rate record under section 6.76(4) of the Local Government Act 1995; and</u> <li data-bbox="264 1184 1302 1330">8. <u>allow or disallow, under section 6.76(5) of the Local Government Act 1995, any objection to the rate record and serve notice of the decision and a statement of reasons for the decision upon the person lodging the objection under section 6.76(6).</u> 	
<u>LEGISLATIVE POWER</u>	<u>Local Government Act 1995, sections 5.42, 6.39, 6.40, 6.41, 6.49, 6.50, 6.54-6.62, 6.64(3), 6.76(4), 6.76(5) and 6.76(6)</u>
<u>COUNCIL POLICY</u>	
<u>ADOPTED</u>	<u>16 August 2011 (Minute 9559)</u>
<u>REVIEWED</u>	<u>26 June 2012 (Minute 9799)</u>

<u>CD/GOV-6119</u>	<u>INVESTMENTS</u>
<p><u>The CEO is delegated authority:</u></p> <ol style="list-style-type: none"> 1. <u>to invest any monies held in the municipal fund or the trust fund that is not, for the time being, required by the local government for any other purpose; and</u> 2. <u>to establish and document internal control procedures to be followed by employees to ensure control over investments. The control procedures are to enable the identification of:</u> <ol style="list-style-type: none"> (a) <u>the nature and location of all investments, and</u> (b) <u>transactions related to each investment.</u> 	
<u>LEGISLATIVE POWER</u>	<u>Local Government Act 1995, section 5.42 and Local Government (Financial Management) Regulations 1996, regulation 19</u>
<u>COUNCIL POLICY</u>	<u>N/A</u>
<u>ADOPTED</u>	
<u>REVIEWED</u>	

<u>CD/GOV-6120</u>	<u>EXPENDITURE BEFORE ADOPTION OF BUDGET</u>
<p><u>The CEO is delegated authority to authorise operating expenditure and appropriate capital expenditure that is included in Council's Plan for the Future from the municipal fund prior to the adoption of the annual budget.</u></p> <p><u>Condition</u></p> <p><u>The CEO must include the expenditure in the draft budget to be presented to Council</u></p>	
<u>LEGISLATIVE POWER</u>	<u>Local Government Act 1995, sections 5.42 and 6.8(1)(a)</u>
<u>COUNCIL POLICY</u>	<u>N/A</u>
<u>ADOPTED</u>	
<u>REVIEWED</u>	

<u>CD/GOV-6121</u>	<u>GATES ACROSS PUBLIC THOROUGHFARE</u>
<p><u>The CEO is delegated authority to exercise each of the functions under regulation 9 of the Local Government (Uniform Local Provisions) Regulations 1996, including the power to determine applications for permission to have a gate or other device across a public thoroughfare under the control or management of the Shire to enable traffic to pass across the public thoroughfare and prevent livestock from straying.</u></p>	
<u>LEGISLATIVE POWER</u>	<u>Local Government Act 1995, section 5.42 and Local Government (Uniform Local Provisions) Regulations 1996, regulation 9</u>
<u>COUNCIL POLICY</u>	<u>N/A</u>
<u>ADOPTED</u>	
<u>REVIEWED</u>	

<u>CD/GOV-6122</u>	<u>DANGEROUS EXCAVATION IN OR NEAR PUBLIC THOROUGHFARE</u>
<p><u>The CEO is delegated authority to exercise each of the functions under regulation 11 of the Local Government (Uniform Local Provisions) Regulations 1996, including the powers –</u></p> <ol style="list-style-type: none"> <u>1. to fill in or fence an excavation;</u> <u>2. to give a written request to an owner or occupier to fill in or securely fence the excavation; and</u> <u>3. to determine applications for permission to make, or make and leave, an excavation in a public thoroughfare or land adjoining a public thoroughfare or land adjoining a public thoroughfare.</u> 	
<u>LEGISLATIVE POWER</u>	<u>Local Government Act 1995, section 5.42 and Local Government (Uniform Local Provisions) Regulations 1996, regulation 11</u>
<u>COUNCIL POLICY</u>	<u>N/A</u>
<u>ADOPTED</u>	
<u>REVIEWED</u>	

<u>CD/GOV-6123</u>	<u>CROSSOVERS</u>
<p><u>The CEO is delegated authority:</u></p> <ol style="list-style-type: none"> <u>1. to determine applications for the construction of a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land and may agree to construct the crossing for the applicant;</u> <u>2. to give notice to an owner or occupier of private land requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land; and</u> <u>3. if the person fails to comply with the notice, to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person.</u> 	
<u>LEGISLATIVE POWER</u>	<u>Local Government Act 1995, section 5.42 and Local Government (Uniform Local Provisions) Regulations 1996, regulations 12 and 13</u>
<u>COUNCIL POLICY</u>	<u>N/A</u>
<u>ADOPTED</u>	
<u>REVIEWED</u>	

<u>CD/GOV-6124</u>	<u>DEMOLITION PERMITS</u>
<p><u>The Council delegates to –</u></p> <ol style="list-style-type: none"> <u>1. Building Surveyor (Level 1 or Level 2);</u> <u>2. Director Community Development;</u> <u>3. Manager Property and Regulatory Services; and</u> <u>4. Daniel's new title, [Shire to confirm and to decide whether this function should also be delegated to the CEO]</u> <p><u>the functions of the Shire as the permit authority in respect of an application for, and the grant or refusal of, a demolition permit under Divisions 2, 3 and 4 of Part 2 of the Building Act 2011.</u></p>	
<u>LEGISLATIVE POWER</u>	<u>Building Act 2011, Divisions 2, 3 and 4 of Part 2 and section 127</u>
<u>COUNCIL POLICY</u>	<u>N/A</u>
<u>ADOPTED</u>	
<u>REVIEWED</u>	

<u>CD/GOV-6125</u>	<u>BUILDING ORDERS</u>
<p><u>The Council delegates to –</u></p> <ol style="list-style-type: none"> 1. <u>Building Surveyor (Level 1 or Level 2);</u> 2. <u>Director Community Development;</u> 3. <u>Manager Property and Regulatory Services; and</u> 4. Daniel's new title, [<i>Shire to confirm and to decide whether this function should also be delegated to the CEO</i>] <p><u>the functions of the Shire as the permit authority in respect of building orders under Division 5 of Part 8 of the Building Act 2011.</u></p>	
<u>LEGISLATIVE POWER</u>	<u>Building Act 2011, Division 5 of Part 8 and section 127</u>
<u>COUNCIL POLICY</u>	<u>N/A</u>
<u>ADOPTED</u>	
<u>REVIEWED</u>	

<u>CD/GOV-6126</u>	<u>BUILDING PERMITS</u>
<p><u>The Council delegates to –</u></p> <ol style="list-style-type: none"> 1. <u>Building Surveyor (Level 1 or Level 2);</u> 2. <u>Director Community Development;</u> 3. <u>Manager Property and Regulatory Services; and</u> 4. Daniel's new title, [<i>Shire to confirm and to decide whether this function should also be delegated to the CEO</i>] <p><u>the functions of the Shire as the permit authority in respect of an application for, and the grant or refusal of, a building permit under Divisions 2, 3 and 4 of Part 2 of the Building Act 2011.</u></p>	
<u>LEGISLATIVE POWER</u>	<u>Building Act 2011, Divisions 2, 3 and 4 of Part 2 and section 127</u>
<u>COUNCIL POLICY</u>	<u>N/A</u>
<u>ADOPTED</u>	
<u>REVIEWED</u>	

<u>CD/GOV-6130</u>	<u>OCCUPANCY PERMITS AND BUILDING APPROVAL CERTIFICATES</u>
<p>The Council delegates to –</p> <ol style="list-style-type: none"> 1. <u>Building Surveyor (Level 1 or Level 2);</u> 2. <u>Director Community Development;</u> 3. <u>Manager Property and Regulatory Services; and</u> 4. <u>Daniel's new title, [Shire to confirm and to decide whether this function should also be delegated to the CEO]</u> <p><u>the functions of the Shire as the permit authority in respect of an application for, and the grant, modification or refusal of, an occupancy permit or building approval certificate under Division 3 of Part 4 of the Building Act 2011.</u></p>	
<u>LEGISLATIVE POWER</u>	<u>Building Act 2011, Division 3 of Part 4 and section 127</u>
<u>COUNCIL POLICY</u>	<u>N/A</u>
<u>ADOPTED</u>	
<u>REVIEWED</u>	
<u>CD/GOV-6131</u>	<u>PERMISSION TO DEPOSIT MATERIALS ON, OR EXCAVATE ADJACENT TO, A STREET</u>
<p><u>The CEO is delegated authority to exercise each of the functions under regulation 6 of the Local Government (Uniform Local Provisions) Regulations 1996, including the power to determine applications for permission to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare.</u></p>	
<u>LEGISLATIVE POWER</u>	<u>Local Government Act 1995, section 5.42 and Local Government (Uniform Local Provisions) Regulations 2013, regulation 6</u>
<u>COUNCIL POLICY</u>	<u>N/A</u>
<u>ADOPTED</u>	
<u>REVIEWED</u>	

<u>CD/GOV-6132</u>	<u>AWARD / INDUSTRIAL MATTERS</u>
<u>The CEO is delegated authority to act on the Council's behalf in any general Industrial/Award matter and any Industrial dispute involving any employee/s of the Shire</u>	
<u>LEGISLATIVE POWER</u>	<u>Local Government Act 1995, section 5.42</u>
<u>COUNCIL POLICY</u>	<u>N/A</u>
<u>ADOPTED</u>	
<u>REVIEWED</u>	

<u>CD/GOV-6134</u>	<u>CONTRACT VARIATIONS</u>
<u>The CEO is delegated authority to approve minor variations to contracts that would otherwise require authorisation by the Council, subject to the funds required to meet the cost of the variations being within the amount set aside in the budget adopted by the Council.</u>	
<u>LEGISLATIVE POWER</u>	<u>Local Government Act 1995, section 5.42</u>
<u>COUNCIL POLICY</u>	<u>N/A</u>
<u>ADOPTED</u>	
<u>REVIEWED</u>	

<u>CD/GOV-6135</u>	<u>APPOINTMENT OF CONSULTANTS</u>
<p><u>The CEO is delegated authority to engage consultants including architects, valuers, planning consultants and the like.</u></p> <p><u>Conditions</u></p> <p><u>In exercising this function:</u></p> <ol style="list-style-type: none"> <u>1. the CEO must comply with all relevant Council policies;</u> <u>2. funds for the engagement must be within the budget adopted by the Council;</u> <u>3. the engagement must be for a project approved by the Council; and</u> <u>4. the cost to the Shire of the engagement must not exceed \$100,000.</u> 	
<u>LEGISLATIVE POWER</u>	<u>Local Government Act 1995, section 5.42</u>
<u>COUNCIL POLICY</u>	<u>N/A</u>
<u>ADOPTED</u>	
<u>REVIEWED</u>	

<u>CD/GOV-6136</u>	<u>EVENTS ON ROADS</u>
<p><u>The CEO is delegated authority to give, or refuse to give, the Shire's approval under regulation 4 of the Road Traffic (Events on Roads) Regulations 1991. in relation to the temporary closure of a road for the purpose of conducting an event.</u></p> <p><u>Note: In exercising this function, the CEO may be required to comply with the requirements of sections 3.50 of the Local Government Act 1995</u></p>	
<u>LEGISLATIVE POWER</u>	<u>Local Government Act 1995, section 5.42</u>
<u>COUNCIL POLICY</u>	<u>N/A</u>
<u>ADOPTED</u>	
<u>REVIEWED</u>	

<u>CD/GOV-6139</u>	<u>PRIVATE WORKS</u>
<p><u>The CEO is delegated authority to enter into commercial arrangements under which the Shire is to provide works or services.</u></p> <p><u>Conditions</u></p> <p><u>This authority must be exercised in accordance with Council policies and the value of each arrangement must not exceed the amount determined by the Council for the purposes of section 5.43(b) of the <i>Local Government Act</i>.</u></p>	
<u>LEGISLATIVE POWER</u>	<u>Local Government Act 1995, sections 5.42 and 5.43(b)</u>
<u>COUNCIL POLICY</u>	<u>N/A</u>
<u>ADOPTED</u>	
<u>REVIEWED</u>	

<u>[Shire to add]</u>	<u>AUTHORITY TO SIGN DOCUMENTS</u>
<p><u>The CEO is authorised to sign, on behalf of the Shire, a document that is necessary or appropriate for the CEO to sign in carrying out the CEO's functions under any written law.</u></p>	
<u>LEGISLATIVE POWER</u>	<u>Local Government Act 1995, section 9.49A(4)</u>
<u>COUNCIL POLICY</u>	<u>N/A</u>
<u>ADOPTED</u>	
<u>REVIEWED</u>	

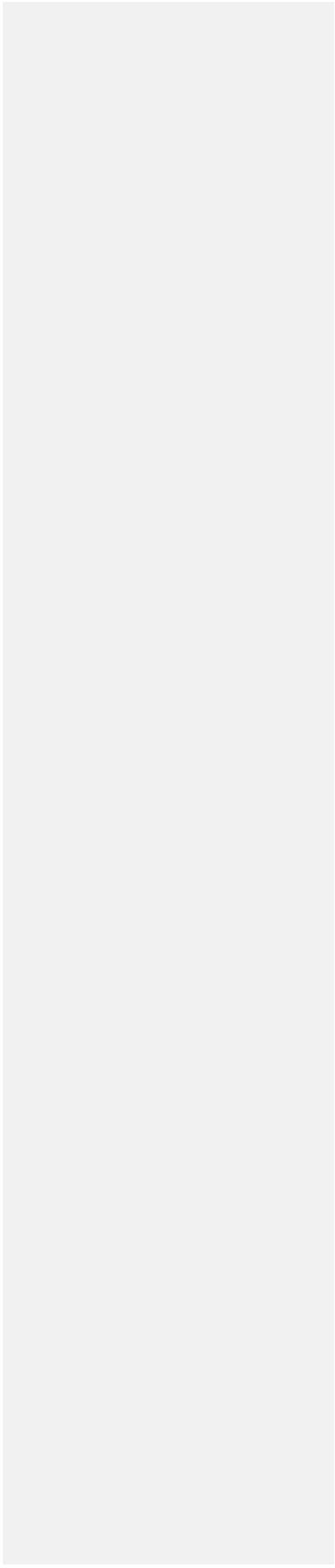
<u>[Shire to add]</u>	<u>AUTHORITY TO AFFIX THE SHIRE'S COMMON SEAL</u>
<p><u>The CEO is delegated authority to affix the common seal of the Shire to a document that needs the Shire's common seal to be legally effective and that is within one or more of the following categories –</u></p> <ol style="list-style-type: none"> <u>1. documents required to satisfy conditions of subdivision and/or development approval;</u> <u>2. documents required to effect the transfer of land as part of a settlement transaction (sale and purchase);</u> <u>3. documents required to secure the repayment of a loan granted by the Shire, a loan granted to the Shire by a third party and/or to secure the pre-funding of infrastructure works by the Shire;</u> <u>4. documents required to effect the grant of leasehold interests in the land either by the Shire to a third party, or by a third party to the Shire;</u> <u>5. documents required to effect the grant of a licence either by the Shire to a third party, or by a third party to the Shire;</u> <u>6. documents required to effect the subdivision of land, including the strata titling of land;</u> <u>7. documents which are capable of registration and/or lodgement at Landgate (WA Land Titles office); and</u> <u>8. documents that are necessary or appropriate to enable a CEO to carry out his functions under any written law.</u> <p><u>Condition:</u></p> <p><u>The document must not be inconsistent with a Council policy or resolution.</u></p>	
<u>LEGISLATIVE POWER</u>	<u>Local Government Act 1995, sections 9.49A(2) and 5.42</u>
<u>COUNCIL POLICY</u>	<u>N/A</u>
<u>ADOPTED</u>	
<u>REVIEWED</u>	

DELEGATIONS REGISTER PART B

SHIRE OF WYNDHAM EAST KIMBERLEY DELEGATIONS TO OFFICERS BY CHIEF EXECUTIVE OFFICER

Contents

1.	CERTAIN THINGS TO BE DONE IN RESPECT OF LAND	6
2.	PUBLIC THOROUGHFARES	7
3.	EXPENSES OF COUNCILLORS & STAFF	8
4.	PROCEEDINGS UNDER DOG ACT	10
5.	TOWN PLANNING	11
6.	ENVIRONMENTAL HEALTH.....	15
7.	IMPOUNDING GOODS	17
8.	SALE OF IMPOUNDED OR CONFISCATED VEHICLES ANIMALS OR GOODS 19	
9.	COPIES OF INFORMATION	21
10.	PAYMENTS FROM THE MUNICIPAL FUND AND TRUST FUND	22
11.	RATE BOOK	24
12.	INVESTMENTS	26
13.	EXPENDITURE BEFORE ADOPTION OF BUDGET.....	27
14.	GATES ACROSS PUBLIC THOROUGHFARE.....	28
15.	DANGEROUS EXCAVATION IN OR NEAR PUBLIC THOROUGHFARE	29
16.	CROSSOVERS	30
17.	DEMOLITION PERMITS	31
18.	BUILDING ORDERS	32
19.	BUILDING PERMITS.....	33
20.	OCCUPANCY PERMITS AND BUILDING APPROVAL CERTIFICATES	35
21.	PERMISSION TO DEPOSIT MATERIALS ON, OR EXCAVATE ADJACENT TO, A STREET	37
22.	AWARD / INDUSTRIAL MATTERS	38
23.	LEGAL ADVICE.....	39
24.	CONTRACT VARIATIONS	40
25.	APPOINTMENT OF CONSULTANTS	41
26.	EVENTS ON ROADS	42
27.	CERTIFYING OF DOCUMENTS	43
28.	SIGNING OF shire CORRESPONDENCE.....	44
29.	PRIVATE WORKS.....	46
30.	authority to SIGN documents.....	51
31.	AUTHORITY TO AFFIX THE SHIRE'S COMMON SEAL	52



Introduction

Part B of the Delegations ~~Manual Register~~ records the delegations by the Chief Executive Officer (CEO), to specified employees of the Shire. The delegations relate to powers and duties (together referred to as 'functions') ~~that the sub-delegation of:~~

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- ~~1. have been delegated to the CEO by the Council (see Part A of the Delegations Register); or The exercise of powers or discharge of a duty under the Local Government Act~~
- ~~2. are otherwise exercisable by the CEO under the Local Government Act 1995 and other relevant legislation, delegated to the Chief Executive Officer by Council~~
- ~~• The powers duties and responsibilities given to the CEO under the Local Government Act 1995 and other relevant legislation~~

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation.

~~The Council of the Shire of Wyndham East Kimberley has resolved to adopt and delegate the functions referred to within this Delegations Manual to the Chief Executive Officer.~~

The Local Government Act, 1995, ~~S~~section 5.46 (3) requires that 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. ~~Further,~~ Regulation 19 of the *Local Government (Administration) Regulations 1996* requires that where a power or duty has been delegated under the Act to the ~~CHIEF EXECUTIVE OFFICER CEO~~ or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of:

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- ~~1.a) How~~ the person exercised the power or discharged the duty;
- ~~2.b) When~~ the person exercised the power or discharged the duty; and
- ~~3.e) The~~ persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

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Comment [McL1]: There is no requirement for the Council to be informed of the exercise of delegated functions by any employee except the CEO. Consistently with the division of powers and functions between the Council and the CEO –

1. it would be appropriate for the Council to be given an update of the exercise by the CEO of delegated functions; and

2. it would not be necessary for the Council to be given an update of the exercise of functions by any other employee who is delegated those functions by the CEO.

For these reasons, I suggest that this sentence should be deleted.

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For recording purposes the ~~discharge exercise~~ of delegated functions is recorded in a Monthly Report to Council.

~~The Council has delegated various functions to the Chief Executive Officer. In turn some of those delegations have been sub-delegated to senior officers and these are shown in each delegation.~~

~~In addition certain functions empowered to the Chief Executive Officer by the Act have been also been sub-delegated to senior officers.~~

~~In any instance where a delegation is to be conveyed by the delegator in writing then this manual of delegations shall be the relevant instrument and as such is signed by the Shire President and Chief Executive Officer on the front cover.~~

A delegation by the CEO, and any conditions on that delegation, must be in writing. This part of the Delegations Register records each of the delegations made by the CEO to other employees of the Shire.

Comment [McL2]: This is incorrect. A delegation by the Council must be by way of a resolution of the Council. A delegation of the CEO must be in writing. The Delegation Register records those delegations.

1. CERTAIN THINGS TO BE DONE IN RESPECT OF LAND

AD/GOV-6103

The ~~Chief Executive Officer~~ has delegated authority to:

1. ~~give an occupier notice requiring them~~ to do something to the land if it is specified in Schedule 3.1;
 - ~~inform the owner if the occupier if not the owner.~~
2. ~~Do anything considered necessary to achieve the purpose for which the notice was given in order to make a person comply with the notice;~~
3. ~~Continue to~~ undertake works that are not carried out by the owner or occupier and recover the costs as a debt;
4. ~~Go onto private land in circumstances prescribed in Schedule 3.2 and carry out works, even without the consent of the owner;~~
5. ~~Authorise a person to enter land, premises or thing without consent, after notice has been given, unless the owner or occupier has objected to the entry;~~
6. ~~Enter land in an emergency without notice or consent;~~ and
7. ~~Make an opening in a fence to do works on property subject to providing the owner or occupier with 3 days written notice.~~

Comment [McL3]: The changes that have been made are consistent with the recent changes made to the delegations by the Council to the CEO, as set out in Part A.

LEGISLATIVE POWER	Local Government Act 1995, S sections – 3.25 (1), 3.25 (1) , 3.26(2)&(3), 3.27(1), 3.31(2), 3.34(1), 3.36(3) <u>and 5.42</u>
COUNCIL DELEGATION	CD/GOV-6103
SUB-DELEGATION BY CEO	<u>To All Directors – each of the functions specified above</u>
DATE OF DELEGATION BY CEO	<u>22 June 2011</u> check
CEO POWER TO DELEGATE	<u>Local Government Act 1995, sections 5.41(i) and 5.44</u>
COUNCIL POLICY	?
EMT REVIEW	
CEO APPROVAL	<u>22 June 2011</u>
NEXT REVIEW DATE	

Comment [McL4]: Because of the changes, the CEO should remake all these delegations. It may be done simply by a reference to all the delegations in Part B of the Delegation Register.

2. PUBLIC THOROUGHFARES

AD/GOV-6104

The ~~Chief Executive Officer~~ has delegated authority to:

1. ~~C~~Close a thoroughfare wholly or partially, for a period not exceeding 4 weeks;
2. ~~P~~Provide public notice of intentions and reasons for, and invite and consider submissions prior to ordering the closure of a thoroughfare, wholly or partially, ~~closing~~ to vehicles ~~a thoroughfare~~ for a period exceeding 4 weeks; ~~and~~
3. ~~G~~Give notice of proposal and invite and consider submissions before ~~—~~
 - (a) ~~fixing, or altering~~ the level of, or the realignment of, a public thoroughfare; or
 - (b) ~~draining water~~ from a public thoroughfare or other public place onto adjoining land.

-Any proposal to close a thoroughfare for any period exceeding 3 months ~~shall~~must be referred to Council for determination.

LEGISLATIVE POWER	Local Government Act 1995, S <u>s</u> ections 3.50(1), 3.50(1a), &(4), 3.51(3) <u>and 5.42</u>
COUNCIL POLICY	N/A
COUNCIL DELEGATION	CD/GOV-6104
SUB-DELEGATION BY CEO	<u>To Director Infrastructure – each of the functions specified above</u>
DATE OF DELEGATION BY CEO	<u>22 June 2011 [check]</u>
CEO POWER TO DELEGATE	<u>Local Government Act 1995, sections 5.41(i) and 5.44</u>
EMT REVIEW	
CEO APPROVAL	<u>22 June 2011</u>
NEXT REVIEW DATE	

3. EXPENSES OF COUNCILLORS & STAFF

AD/GOV-6105

The ~~Chief Executive Officer~~ has delegated authority to:-

1. Approve expenses which are to be reimbursed to Councillors members, provided that the expenses are of the kind prescribed as those which the local government can approve for reimbursement (subject to section 5.98(3)).
2. Approve reimbursement, either generally or in a particular case, to a Council member of an expense that may be approved by the Shire to a council member ~~an approved expense, either generally or in a particular case.~~
3. Reimburse an employee for an expense that was incurred in relation to a matter affecting the local government Shire; and
4. Make a cash advance to a person for an expense which can be reimbursed.

LEGISLATIVE POWER	Local Government Act 1995, <u>sections 5.98(2)(b), & 5.98(4), 5.101(2) and 5.42</u>
COUNCIL POLICY	N/A
COUNCIL DELEGATION	CD/GOV-6105
<u>SUB-DELEGATION BY CEO</u>	<u>To Director Corporate Services – each of the functions specified above</u>
<u>DATE OF DELEGATION BY CEO</u>	<u>22 June 2011 [check]</u>
<u>CEO POWER TO DELEGATE</u>	<u>Local Government Act 1995, sections 5.41(i) and 5.44</u>
EMT REVIEW	
<u>CEO APPROVAL</u>	<u>22 June 2011</u>
NEXT REVIEW DATE	

4. STRATA TITLES

AD/GOV-6106

Pursuant to the provisions of Section 23 of the Strata Titles Act 1985, the Chief Executive Officer is authorised to issue the appropriate certificates in respect to buildings as may be shown on a strata plan to be lodged for registration under the Act, provided that the buildings shown on the strata plan are first inspected to ensure compliance with Town Planning, Health, are subject to a valid occupancy permit or building approval certificate pursuant to the Strata Titles Act 1985, section 5B and 8A and Section 50 of the Building Act 2011 and other Council requirements and that the Chief Executive Officer is of the opinion that the buildings are of sufficient standard and suitable to be divided into lots pursuant to the Strata Titles Act.

(Note: This delegation is to be supported by an instrument in writing under the Common Seal of the Shire).

Conditions and Exceptions:

A list of all Strata Title applications determined under delegated authority shall be incorporated in the Council's agenda and minutes

LEGISLATIVE POWER Strata Titles Act 1985
Section 23, excluding subsection (3)

COUNCIL POLICY N/A

COUNCIL DELEGATION CD/GOV-6106

SUB-DELEGATION Director Community Development
Manager Property and Regulatory Services

EMT REVIEW

GEO APPROVAL 22 June 2011

NEXT REVIEW DATE

Comment [McL5]: There is no longer any delegation by the Council to the CEO in relation to these matters – because section 23 of the *Strata Titles Act 1995* was deleted in 2001.

PROCEEDINGS UNDER DOG ACT

AD/GOV-6107

In accordance with ~~S~~section 44 of the Dog Act 1976, the ~~Chief Executive Officer~~ ~~has been~~ authorised to institute and carry on proceedings under the Dog Act in the name of the Shire ~~in respect to offences alleged to have been committed within the district against the Dog Act.~~

This ~~delegation authorisation~~ also enables the ~~Chief Executive Officer~~ to issue infringement notices ~~pursuant to the provisions of~~ under Ssection 29 of the Dog Act.

LEGISLATIVE POWER	Dog Act 1976, S section 44
COUNCIL POLICY	N/A
COUNCIL <u>DELEGATION</u> <u>AUTHORISATION</u>	CD/GOV-6107
<u>SUB-DELEGATION BY CEO</u>	<u>Each of the functions specified above is delegated to –</u> 1. <u>Director Community Development;</u> 2. <u>Wyndham Area Services Manager;</u> <u>and</u> 3. <u>Rangers</u> and <u>EHOs.</u>
<u>DATE OF DELEGATION BY CEO</u>	<u>22 June 2011</u> <u>[check]</u>
<u>CEO POWER TO DELEGATE</u>	<u>Local Government Act 1995, sections 5.41(i) and 5.44.</u>
EMT REVIEW	
<u>CEO APPROVAL</u>	<u>22 June 2011</u>
NEXT REVIEW DATE	

TOWN PLANNING

AD/GOV-6109

The CEO has delegated ~~authority to make decisions on~~ the following ~~matters powers and duties under Local Planning Scheme No. 7 (LPS 7)~~:

1. LAND USES

~~Authority to deal with the following:~~

~~1.1 Approve all developments applications where the proposed use is a 'P' use in the Town Planning Scheme No. 6 or No. 7 including minor variation to Residential Design Codes where no objection is raised by adjoining landowners/occupiers;~~

~~1.2 Approve all development applications where the proposed use is an 'IP' use in the Town Planning Scheme No. 6 or No. 7;~~

~~1.3 Approve the following development applications where the proposed use is an 'AA' use in Town Planning Scheme No. 6 or No. 7;~~

- ~~i. Grouped Dwellings in Residential and Town Centre Zones;~~
- ~~ii. Offices and Warehouses in Mixed Business Zones;~~
- ~~iii. Agricultural uses in Rural Agriculture 1, Rural Agriculture 2 and Rural Living, Rural Residential, and Rural Small Holdings Zones;~~
- ~~iv. Building extensions to existing buildings;~~
- ~~v. Industrial Uses in Composite Light and General Industry zones;~~
- ~~vi. Home Occupation and Home Business in all zones;~~
- ~~vii. Variations to setbacks to property boundaries for residential dwellings in accordance with the provisions of the Residential Design Codes (Multiple and Grouped Dwellings); and~~

~~1.4 Impose conditions on development approval, which relates to the orderly and proper planning, preservation of amenity of the locality and other such conditions as may be deemed appropriate.~~

2. ADVERTISING OF 'SA' USES ~~TOWN PLANNING SCHEME No. 6 or No. 7~~

~~2.1 Initiate advertising for an application made pursuant to the Scheme involving a proposed 'SA' use and refer the application and submissions to Council;~~

3. ~~SUBDIVISIONS~~

- ~~• Undertake all matters relating to the performance of Council's functions with regard to subdivisions under S24 of the Planning and Development Act 2005. (Note: S24 relates to objections and recommendations received regarding subdivisions)~~

34. MISCELLANEOUS

~~3.1 All matters which arise out of the imposition of conditions on development approvals;~~

~~3.2 Determine the Shire's Council's position with respect to any mediation process resulting from an appeal to the Town Planning Appeal State Administrative~~

Tribunal ~~or Minister for Planning~~ following consultation with the Shire President (or in the absence of the Shire President the Deputy President); and

~~Exercise and discharge all of Council's powers and functions under S215 of the Planning and Development Act 2005 following consultation with the President (or in the absence of the President the Deputy President). (Note: S215 relates to the power to direct cessation or removal of unlawful development, or restoration or execution of work.)~~

3.3 ~~issue and serve notices, and take any other enforcement action, on properties owners who are deemed to be in breach of the Shire Town Planning Schemes against a person who is suspected to be in breach of LPS 7.~~

- ~~• Approve Signage in accordance with Council Policy.~~
- ~~• Obtain Legal Advice pertaining to Planning matters within budget constraints.~~

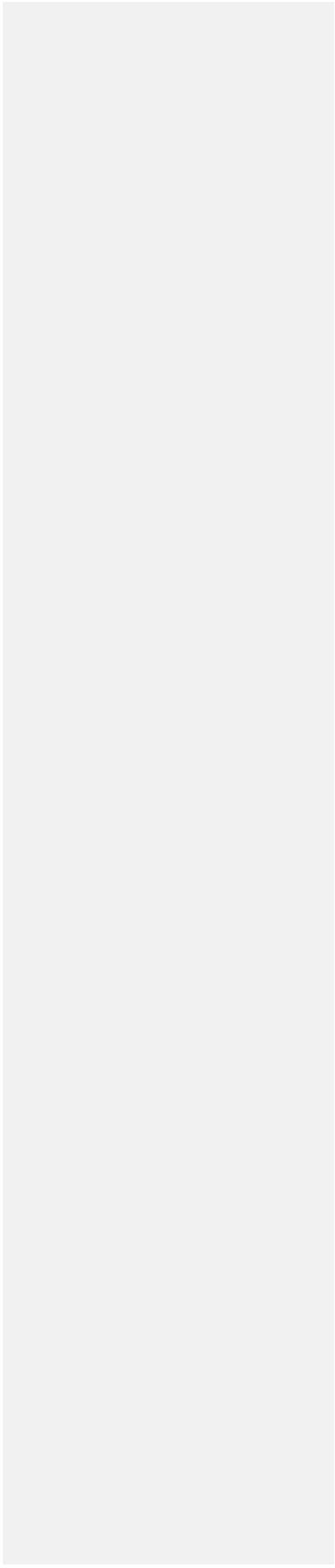
Notes:

~~For the purpose of S 24 of the *Planning and Development Act 2005*, Council's functions with regard to subdivisions were specified as functions to be performed by the Chief Executive Officer under s5.41(i) of the *Local Government Act 1995*~~

~~The endorsement and variation of building envelopes in accordance with the requirements of Town Planning Scheme No 6 or No 7, were specified as a function that can be performed by the Chief Executive Officer under S5.41 (i) of the *Local Government Act 1995*.~~

Conditions and Exceptions

1. ~~A~~ list of all development applications determined under delegated authority shall be incorporated in the Council's agenda and minutes;
2. ~~E~~very applicant who received notification of a conditional approval of a development application that was determined by delegation to the Chief Executive Officer and is aggrieved by the decision may within 28 days of the date of that decision request that the matter be reconsidered by Council;
3. ~~A~~ll applications where the CEO recommendation is for refusal must be presented to Council for consideration;
 - ~~• Any objection to, or recommendation on, any application for subdivision which is not consistent with adopted Council policy, is referred to Council for a decision;~~
4. ~~L~~egal action in relation to breaches ~~of~~ planning conditions and/or breaches of Council's Town Planning Scheme LPS 7 can only be undertaken by the Chief Executive Officer in accordance with Council Policy.



LEGISLATIVE POWER

PLANNING AND DEVELOPMENT ACT 2005
SHIRE OF WYNDHAM EAST KIMBERLEY TOWN
PLANNING SCHEMES

COUNCIL POLICY

N/A

COUNCIL ~~DELEGATION~~AUTHORISATION CD/GOV-6109

~~SUB~~-DELEGATION BY CEO

Each of the functions specified above is delegated to –

1. Director Community Development;

2. Manager Property and Regulatory Services;

3. Wyndham Area Services Manager; and

4. Rangers /and EHOs.

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DATE OF DELEGATION BY CEO

22 June 2011 **[check]**

CEO POWER TO DELEGATE

Local Government Act 1995, sections 5.41(j) and 5.44

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EMT REVIEW

~~CEO APPROVAL~~

22 June 2011

NEXT REVIEW DATE

ENVIRONMENTAL HEALTH

AD/GOV-6110

In accordance with section 26 of the *Health Act 1911*, the Council has appointed and authorised the CEO to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government.

The CEO has delegated authority to exercise all of the functions conferred or imposed on the Shire, as an enforcement agency, under and subject to section 118(2) of the *Food Act 2008*.

The CEO ~~has delegated~~ is authorised to administer:

- ~~• Act under S26 of the Health Act 1911 associated regulations and local laws;~~
- Administer the *Food Act 2008* and associated regulations and local laws;
- Administer the *Litter Act 1979* and regulations;
- Act as an authorized person in accordance with S17 of the *Caravan Parks and Camping Grounds Act 1995* and to administer the *Caravan and Camping Grounds Regulations 1997*;
- Administer the provisions of the *Fly Eradication Regulations*;
- Administer the *Environmental Protection Act 1986*;

GEO is authorised to administer the following local laws of the Shire of Wyndham East Kimberley:

- the 2003 Shire of Wyndham East Kimberley Local Laws; and
- the 2004 Shire of Wyndham East Kimberley Health Local Laws.

Conditions and Exceptions:

Health Act 1911

~~Environmental Health Officer to exercise and discharge all of Council's powers and functions under that Act, regulations and local laws made under this Act provided that the power to prosecute any person is only exercised with the approval of the Chief Executive Officer;~~

Food Act 2008

~~Environmental Health Officer to exercise and discharge all of Council's powers and functions under that Act, regulations and local laws made under this Act provided that the power to prosecute any person is only exercised with the approval of the Chief Executive Officer;~~

Litter Act 1979

~~Except the power to withdraw infringement notices issued under Acts, regulations or local laws.~~

Caravan Parks and Camping Grounds Act 1995;

~~The power to prosecute any person may only be exercised with the approval of the Chief Executive Officer;~~

IMPOUNDING GOODS

AD/GOV6113

The ~~Chief Executive Officer~~ has ~~delegated~~ authority to:

1. remove and impound, and to authorise any employee to remove and impound, under section 3.39 of the *Local Government Act 1995*, any goods that are involved in a contravention that can lead to impounding;
2. take action under section 3.42(1) of the *Local Government Act 1995* in respect of removal and impounding of non-perishable goods;
3. give the notice, required under section 3.44 of the *Local Government Act 1995*, to an alleged offender to collect goods that have been removed and impounded;
4. refuse, under section 3.46 of the *Local Government Act 1995*, to allow impounded goods to be collected until costs have been paid;
5. sell or otherwise dispose of confiscated goods under section 3.47 of the *Local Government Act 1995*; and
6. take action under section 3.48 of the *Local Government Act 1995* to recover costs and expenses.
 - ~~Authorise an employee in accordance with Section 3.39 to remove and impound any goods that are involved in a contravention that can lead to impounding.~~
 - ~~Take appropriate action in respect to impounded non-perishable goods in accordance with Section 3.42.~~
 - ~~Give notice in accordance with Section 3.44 to collect goods.~~
 - ~~Refuse to allow goods to be collected until all costs have been paid in accordance with Section 3.46.~~
 - ~~Sell confiscated or uncollected goods in accordance with Section 3.47. (6) Take action to recover expenses in accordance with Section 3.48.~~

Comment [McL6]: The Council does not appear to have delegated these functions to the CEO. Before the CEO can delegate these functions, an appropriate delegation will need to be made by the Council to the CEO and then included in Part A of the Delegations Register.

LEGISLATIVE POWER	Local Government Act 1995, (S <u>sections 3.39, 3.42(1), 3.44, 3.46, 3.47, 3.48 and 5.42</u>)
COUNCIL POLICY	N/A
<u>SUB-DELEGATION BY CEO</u>	<u>Each of the functions specified above is delegated to –</u> <ol style="list-style-type: none"> 1. <u>Director Community Development;</u> 2. <u>Director Infrastructure;</u> 3. <u>Rangers;</u> 4. <u>Depot Manager;</u>

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5. Wyndham Area Services Manager; and

6. Environmental Health Officers.

DATE OF DELEGATION BY ~~CEO-APPROVAL~~ 22 June 2011 [check]

CEO POWER TO DELEGATE Local Government Act 1995, sections 5.41(i) and 5.44

EMT REVIEW

~~CEO APPROVAL 22 June 2011~~

NEXT REVIEW DATE

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~~10. EXECUTIVE FUNCTIONS – DUTIES~~

~~AD/GOV-6115~~

~~The Chief Executive Officer is delegated authority to perform the following duties, so far as is reasonable and practicable, on behalf of Council in regard to the performance of executive functions (refer Section 3.21):~~

- ~~• Ensure that the lawful use of any land, thoroughfare or premises is not obstructed, and any reasonable request that a person makes to avoid such obstruction is met.~~
- ~~• Ensure that as little harm or inconvenience is caused and as little damage is done as is possible.~~
- ~~• Ensure that danger to any person or property does not arise from anything done on land.~~
- ~~• Ensure that anything belonging to the Local Government, or to a person who has exercised a power of entry on its behalf, that has been left on any land, premises or thing entered is removed as soon as practicable unless this Act expressly allows it to be left there.~~
- ~~• Ensure that buildings, fences, and other structures are not disturbed nor damaged.~~
- ~~• Ensure that when the Local Government enters land that is fenced, it enters through the existing and usual openings in the fence unless it is expressly authorised to open the fence.~~
- ~~• Ensure that any physical damage done to any land, premises or thing, is immediately made good unless compensation has been or is to be paid.~~

~~LEGISLATIVE POWER Local Government Act 1995 (Section 5.42)~~

~~COUNCIL POLICY N/A~~

~~SUB-DELEGATION All Directors~~

~~EMT REVIEW~~

~~GEO APPROVAL 22 June 2011~~

~~NEXT REVIEW DATE~~

Comment [McL9]: It is unnecessary for these duties to be delegated – either by the Council to the CEO, or by the CEO to other employees. These duties apply, as a matter of law, whenever the Council, the CEO or any other employee, exercises a relevant executive function under the *Local Government Act*.

COPIES OF INFORMATION

AD/GOV6116

The ~~Chief Executive Officer~~ has delegated authority to ensure, under section 5.96 of the *Local Government Act 1995*:

1. ~~that copies of information are available to persons who are entitled to request inspecting the information made available for inspection under Division 7, Part 5 of the Act, and ensure~~
2. ~~that the price at which the copies are sold does not exceed the cost of providing the copies (refer Section 5.96).~~

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LEGISLATIVE POWER Local Government Act 1995, ~~(Sections 5.42 and 5.96)~~

COUNCIL POLICY N/A

SUB-DELEGATION BY CEO Each of the functions specified above is delegated to –

1. Director Community Development;
2. Building Surveyors;
3. Community Development Officers; and
4. Wyndham Area Services Manager.

Comment [McL10]: The Council does not appear to have delegated these functions to the CEO. Before the CEO can delegate these functions, an appropriate delegation will need to be made by the Council to the CEO and then included in Part A of the Delegations Register.

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DATE OF DELEGATION BY CEO 22 June 2011 [check]

CEO POWER TO DELEGATE Local Government Act 1995, sections 5.41(i) and 5.44

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EMT REVIEW

GEO APPROVAL 22 June 2011

NEXT REVIEW DATE

PAYMENTS FROM THE MUNICIPAL FUND AND TRUST FUND PAYMENT OF CREDITORS

AD/GOV6117

The ~~Chief Executive Officer~~ has delegated authority to make payments from the ~~Municipal Fund~~ and the ~~Trust Fund~~. ~~Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month showing:~~

- ~~• The payee's name~~
- ~~• The amount of the payment~~
- ~~• The date of the payment~~
- ~~• Sufficient information to identify the transaction.~~

~~The list referred to above is to be presented to the Council at the next Ordinary Council 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.~~

Note: regulation 13 of the Local Government (Financial Management) Regulations 1996 states –

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared –
 - (a) the payee's name; and
 - (b) the amount of the payment; and
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing –
 - (a) for each account which requires council authorisation in that month –
 - (i) the payee's name; and
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction;and
 - (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under subregulation (1) or (2) is to be –
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting'.

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Comment [McL11]: This power has been delegated by the Council to the CEO under Part A. The deleted words are misleading because they record only part of the requirements in regulation 13. If the Shire wishes to include information about the required list, it should do so by way of a note.

LEGISLATIVE POWER

Local Government Act 1995, ~~(Section 5.42)~~ and Local Government (Financial Management) Regulations 1996, regulations 12 and 13

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COUNCIL POLICY

N/A

~~SUB-DELEGATION BY CEO~~

Each of the functions specified above is delegated to –

1. _____ Director Corporate Services;

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2. _____ Manager Financial Services; and

3. _____ Senior Financial Officers.

~~DATE OF APPROVAL BY CEO~~

22 June 2011 **check**

~~CEO POWER TO DELEGATE~~

Local Government Act 1995, sections 5.41(j) and 5.44

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EMT REVIEW

~~GEO APPROVAL~~

22 June 2011

NEXT REVIEW DATE

RATE BOOK

AD/GOV6118

The ~~Chief Executive Officer is hereby has~~ delegated ~~authority to the performance of the following functions of the Council:~~

1. ~~C~~ompile and amend the ~~necessary~~ rate records ~~under as specified in Ssections 6.39(1) and 6.39(2)~~ of the Local Government Act 1995 and reassess rates ~~and service charges~~ payable ~~in accordance with under Ssection 6.40~~;
2. ~~T~~he service of rate notices ~~referred to in under Ssection 6.41~~ of the Local Government Act 1995 ~~(as amended)~~;
3. ~~E~~ntering into an agreement ~~in accordance with Ssection 6.49~~ of the Local Government Act 1995 for the payment of ~~a rates and-or~~ service charges;
4. ~~D~~etermine the date that a rate or service charge becomes due and payable ~~in accordance with under Ssection 6.50~~ of the Local Government Act 1995;
5. ~~T~~he recovery of rates and service charges ~~pursuant to the provisions of S under sections 6.54 to 6.62~~ of the Local Government Act 1995;
6. ~~L~~odge ~~a~~ caveats on land where the rates are in arrears and it is considered that the interests of the ~~Council Shire~~ should be protected and the subsequent withdrawal of ~~a~~ caveats once arrears of rates have been settled. ~~(under Ssection 6.64(3) of the Local Government Act 1995.~~
7. ~~E~~xercise discretion ~~in regard to granting of any~~ extension of time for ~~service of making an~~ objections to the ~~R~~ate Book record ~~in accordance with under Ssection 6.76(4)~~ of the Local Government Act 1995; ~~and~~;
8. ~~A~~allow or disallow, ~~under in accordance with Ssection 6.76(5) of the Local Government Act 1995,~~ any objection to the rate record ~~lodged under Section 6.76(1) and to serve notice of the decision and a statement of reasons for the decision upon the person lodging the objection in accordance with under Ssection 6.76(6).~~
- ~~Extend the period of time for receipt of a notice under Section 6.77 and to refer notices received under Sections 6.77 and 6.78 to a Land Valuation Tribunal (Section 6.79).~~

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Comment [McL12]: The Council does not appear to have delegated these functions to the CEO. Before the CEO can delegate these functions, an appropriate delegation will need to be made by the Council to the CEO and then included in Part A of the Delegations Register.

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Comment [McL13]: There are no relevant powers under the *Local Government Act* that may be delegated.

LEGISLATIVE POWER

Local Government Act 1995, (Sections 5.42, 6.39, 6.40, 6.41, 6.49, 6.50, 6.54-6.62, 6.64(3), 6.76(4), 6.76(5) and 6.76(6))

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COUNCIL POLICY

N/A

SUB-DELEGATION BY CEO

Each of the functions specified above is delegated to –

1. Director Corporate Services

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2. Manager Financial Services

DATE OF DELEGATION BY CEO

22 June 2011 **check**

CEO POWER TO DELEGATE

Local Government Act 1995, sections 5.41(i) and 5.44

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EMT REVIEW

GEO APPROVAL

22 June 2011

NEXT REVIEW DATE

INVESTMENTS

AD/GOV 6119

The ~~Chief Executive Officer~~ has delegated authority to:

1. ~~to~~ invest any monies held in the ~~Municipal Fund~~ or the ~~Trust Fund~~ that is not, for the time being, required by the local government for any other purpose; ~~and in exercising this delegated authority the Chief Executive Officer shall observe Section 6.14 of the Act~~
2. ~~Further, the Chief Executive Officer is delegated authority~~ to establish and document internal control procedures to be followed by employees to ensure control over investments. The control procedures are to enable the identification of:
 - (a) ~~The~~ nature and location of all investments, and
 - (b) ~~The~~ transactions related to each investment.

~~(Reference: Local Government (Financial Management) Regulation No 19.)~~

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Comment [McL14]: The Council does not appear to have delegated these functions to the CEO. Before the CEO can delegate these functions, an appropriate delegation will need to be made by the Council to the CEO and then included in Part A of the Delegations Register.

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LEGISLATIVE POWER

Local Government Act 1995, ~~(Section 5.42)~~ and Local Government (Financial Management) Regulations 1996, regulation 19.

COUNCIL POLICY

F11 – Management of Investments

SUB-DELEGATION BY CEO

Each of the functions specified above is delegated to –

1. Director Corporate Services
2. Manager Financial Services

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DATE OF DELEGATION BY CEO

22 June 2011 [check]

CEO POWER TO DELEGATE

Local Government Act 1995, sections 5.41(j) and 5.44

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EMT REVIEW

CEO APPROVAL

22 June 2011

NEXT REVIEW DATE

EXPENDITURE BEFORE ADOPTION OF BUDGET

AD/GOV6120

~~The Chief Executive Officer has delegated authority to authorise operating expenditure and appropriate capital expenditure that is included in Council's Plan for the Future from the Municipal Fund prior to the adoption of the annual budget. (Reference Section 6.8(4))~~

Condition

~~The Chief Executive Officer in exercising this delegated authority shall ensure the proposed must include the expenditure is included in the draft budget to be presented to Council.~~

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Comment [McL15]: The Council does not appear to have delegated these functions to the CEO. Before the CEO can delegate these functions, an appropriate delegation will need to be made by the Council to the CEO and then included in Part A of the Delegations Register.

LEGISLATIVE POWER

Local Government Act 1995, ~~(Sections 5.42) and 6.8(1)(a)~~

COUNCIL POLICY

N/A

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SUB-DELEGATION BY CEO

Each of the functions specified above is delegated to –

1. Director Corporate Services
2. Manager Financial Services

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DATE OF DELEGATION BY CEO

22 June 2011 **check**

CEO POWER TO DELEGATE

Local Government Act 1995, sections 5.41(i) and 5.44

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EMT REVIEW

CEO APPROVAL

22 June 2011

NEXT REVIEW DATE

GATES ACROSS PUBLIC THOROUGHFARE

AD/GOV 6121

~~The Chief Executive Officer has delegated authority to exercise each of the functions under regulation 9 of the Local Government (Uniform Local Provisions) Regulations 1996, including the power to determine applications for permission to have a erect gates or other devices across a public thoroughfares under Council the control or management of the Shire to enable traffic to pass across the public thoroughfare and prevent livestock from straying. This authority relates to all of the provisions of Regulation 9, Local Government (Uniform Local Provisions) Regulations 1996.~~

LEGISLATIVE POWER	Local Government Act 1995, (s Section 5.42) and Local Government (Uniform Local Provisions) Regulations 1996, regulation 9
COUNCIL POLICY	N/A
SUB-DELEGATION BY CEO	Director Infrastructure
DATE OF DELEGATION BY CEO	22 June 2011 [check]
CEO POWER TO DELEGATE	Local Government Act 1995, sections 5.41(i) and 5.44
EMT REVIEW	
CEO APPROVAL	22 June 2011
NEXT REVIEW DATE	

Comment [McL16]: There are many other functions under regulation 9 that are related to the power to determine applications. I have drafted the amended delegation on the basis that the Shire wishes the CEO to exercise all the functions under regulation 9.

Comment [McL17]: The Council does not appear to have delegated these functions to the CEO. Before the CEO can delegate these functions, an appropriate delegation will need to be made by the Council to the CEO and then included in Part A of the Delegations Register.

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DANGEROUS EXCAVATION IN OR NEAR PUBLIC THOROUGHFARE

AD/GOV6122

The ~~Chief Executive Officer~~ has delegated authority to exercise each of the functions under regulation 11 of the Local Government (Uniform Local Provisions) Regulations 1996, including the powers –

1. ~~to fill in or fence an excavation;~~
2. ~~to give a written request to an owner or occupier to fill in or securely fence the excavation; and~~
3. ~~to determine applications for permission to make, or make and leave, an . take all appropriate action to remove, or have removed, any dangerous excavation in a public thoroughfare or land adjoining a public thoroughfare or land adjoining a public thoroughfare;~~

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Comment [McL18]: There are many other functions under regulation 11 that are related to the power to determine applications. I have drafted the amended delegation on the basis that the Shire wishes the CEO to exercise all the functions under regulation 11.

Comment [McL19]: The Council does not appear to have delegated these functions to the CEO. Before the CEO can delegate these functions, an appropriate delegation will need to be made by the Council to the CEO and then included in Part A of the Delegations Register.

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LEGISLATIVE POWER	Local Government Act 1995, (s) Section 5.42 and Local Government (Uniform Local Provisions) Regulations 1996, regulation 11
COUNCIL POLICY	N/A
SUB-DELEGATION BY CEO	Director Infrastructure
DATE OF DELEGATION BY CEO	22 June 2011 [check]
CEO POWER TO DELEGATE	Local Government Act 1995, sections 5.41(i) and 5.44
EMT REVIEW	
GEO APPROVAL	22 June 2011
NEXT REVIEW DATE	

CROSSOVERS

AD/GOV6123

The ~~Chief Executive Officer~~ has delegated authority:

1. to determine applications for the construction of a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land and may agree to construct the crossing for the applicant;
2. ~~The Chief Executive Officer is delegated authority~~ to give notice to an owner or occupier of private land requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land; ~~and~~
3. ~~if the person fails to comply with the notice, the Chief Executive Officer is delegated authority~~ to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person.

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Comment [McL20]: The Council does not appear to have delegated these functions to the CEO. Before the CEO can delegate these functions, an appropriate delegation will need to be made by the Council to the CEO and then included in Part A of the Delegations Register.

LEGISLATIVE POWER

Local Government Act 1995, ~~(S~~section 5.42) ~~and Local Government (Uniform Local Provisions) Regulations 1996, regulations 12 and 13~~

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COUNCIL POLICY

N/A

~~SUB-DELEGATION BY CEO~~

Director Infrastructure

~~DATE OF DELEGATION BY CEO~~

22 June 2011 **[check]**

~~CEO POWER TO DELEGATE~~

Local Government Act 1995, sections 5.41(i) and 5.44

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EMT REVIEW

~~GEO APPROVAL~~

22 June 2011

NEXT REVIEW DATE

DEMOLITION PERMITS

AD/GOV 6124

~~The Chief Executive Officer is Council has delegated authority to –~~

- ~~1. Building Surveyor (Level 1 or Level 2);~~
- ~~2. Director Community Development;~~
- ~~3. Manager Property and Regulatory Services; and~~
- ~~4. Daniel's new title, [***Shire to confirm and to decide whether this function should also be delegated to the CEO***]~~

~~the functions of the Shire as the permit authority in respect of an application for, and the grant or refusal of, approve the issue of a demolition permit (Section 24 under Divisions 2, 3 and 4 of Part 2 of the Building Act 2011,) to take down a building or a part of a building and such licence may be subject to such conditions as the Chief Executive Officer considers necessary for the safe and proper execution of the work.~~

LEGISLATIVE POWER

~~Local Government Act 1995 section 5.36 and Building Act 2011, Divisions 2, 3 ad 4 of Part 2 and section 127~~

COUNCIL POLICY

N/A

~~SUB-DELEGATION — Building Surveyor (Level 1 or Level 2) Director Community Development~~

~~Manager Property and Regulatory Services Daniel's new title~~

EMT REVIEW

~~GEO APPROVAL — 22 June 2011~~

NEXT REVIEW DATE

Comment [McL21]: Under the Building Act 2011, where the Shire is the 'permit authority' –

1. the Council on behalf of the Shire can delegate its functions to any Shire employee; and

2. a Shire employee who is delegated a function by the Council cannot delegate that function (see section 127 of the Building Act 2011).

It follows that, if the Shire delegates a 'permit authority' function to the CEO, the CEO cannot delegate that function to another Shire employee.

Therefore, if the Shire wishes the Building Surveyor and other employees to exercise the function of a permit authority under the Building Act, including functions relating to the granting of a demolition permit, the Council must delegate the function directly to those employees.

Comment [McL22]: This delegation will need to be made by the Council and should then be included in Part A of the Delegations Register.

BUILDINGS – ISSUE OF BUILDING ORDERS

AD/GOV 6125

The ~~Council Chief Executive Officer~~ is ~~has~~ delegated ~~authority~~ to –

1. ~~Building Surveyor (Level 1 or Level 2);~~
2. ~~Director Community Development;~~
3. ~~Manager Property and Regulatory Services; and~~
4. ~~Daniel's new title, [*Shire to confirm and to decide whether this function should also be delegated to the CEO*]~~

~~the functions of the Shire as the permit authority in respect of building orders under Division 5 of Part 8 of the issue notices pursuant to Section 110(1) of the Building Act 2011 where a breach of building requirements is considered by the Chief Executive Officer to be of a magnitude sufficient to warrant issue of a notice.~~

Comment [McL23]: See Comment McL21 above.

Comment [McL24]: This delegation will need to be made by the Council and should then be included in Part A of the Delegations Register.

LEGISLATIVE POWER

~~Local Government Act 1995 section 5.36 and Building Act 2011, Division 5 of Part 8 and section 127~~

COUNCIL POLICY

LPP 2 – Compliance and Enforcement Policy

~~SUB-DELEGATION~~

~~Building Surveyor (Level 1 or Level 2)~~

~~Director Community Development~~

~~Manager Property and Regulatory Services~~

~~Daniel's new title~~

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EMT REVIEW

~~GEO APPROVAL~~ 22 June 2011

NEXT REVIEW DATE

BUILDING PERMITS

AD/GOV 6126

The Council has delegated to -at pursuant to Section 20 of the Building Act, the

1. Building Surveyor (Level 1 or Level 2); the
2. Director Community Development; the
3. Manager Property and Regulatory Services; and or the

4. ~~Whatever it is that Daniel's new title is~~ ***Shire to confirm and to decide whether this function should also be delegated to the CEO***, is delegated authority

~~the functions of to issue or refuse to issue a Building Permit on behalf of the Shire as the P permit Issuing authority in respect of an application for, and the grant or refusal of, a building permit under Divisions 2, 3 and 4 of Part 2 of the Building Act 2011, but where a plan and specification so submitted conforms to:~~

~~• All Local Laws and Regulations in force in the district or part of the district in respect of building matters, and the Council's pre-determined policy in respect of building matters; and~~

~~• All Local Laws and schemes in force in the district or part of the district in respect of town and regional planning matters, and the Council's predetermined policy in respect of town and regional planning matters,~~

~~• The Permit Issuing Authority shall not refuse to approve that plan or those specifications without first obtaining the consent of the Council.~~

~~• Furthermore, the issuing of a building permit under Section 20 of the Building Act 2011 may be subject to such conditions (as permitted under Section 62 of the Building Act 2011), as the Permit Issuing Authority considers necessary.~~

~~• All permits issued under this delegated authority shall, in addition to any conditions imposed by the Permit Issuing Authority, contain and be subject to the following conditions:~~

~~• The building permit is valid for a maximum period of twenty four (24) months.~~

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Comment [McL25]: See Comment McL21 above.

Comment [McL26]: This delegation will need to be made by the Council and should then be included in Part A of the Delegations Register.

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~~Pursuant to Section 32 (3) of the Building Act 2011, the Permit Issuing Authority has delegated authority to extend the period in which the Building Permit has effect.~~

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LEGISLATIVE POWER

~~Local Government Act 1995 section 5.36 and Building Act 2011, Divisions 2, 3 and 4 of Part 2 and section 127~~

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COUNCIL POLICY

N/A

~~SUB-DELEGATION~~

~~Building Surveyor (Level 1 or Level 2)~~

~~Director Community Development~~

~~Manager Property and Regulatory Services~~

~~Daniel's new title~~

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EMT REVIEW

~~CEO APPROVAL~~

~~22 June 2011~~

NEXT REVIEW DATE

**GRANT AN OCCUPANCY PERMITS AND OR
BUILDING APPROVAL CERTIFICATES**

AD/GOV6130

The Council has ~~hief Executive Officer is delegated authority to -~~

1. ~~Building Surveyor (Level 1 or Level 2);~~
2. ~~Director Community Development;~~
3. ~~Manager Property and Regulatory Services; and~~
4. ~~Daniel's new title [Shire to confirm and to decide whether this function should also be delegated to the CEO].~~

~~the functions of the Shire as the permit authority in respect of an application for, and the grant, modification or refusal of, an occupancy permit or building approval certificate under Division 3 of Part 4 of the Building Act 2011.~~

~~to grant an Occupancy Permit or Building Approval Certificate in accordance with Section 58 of the Building Act 2011. All permits/certificates issued under this delegated authority may be modified or have conditions imposed by the Permit Issuing Authority pursuant to Section 62 of the Building Act 2011.~~

~~Pursuant to Section 65 (4) of the Building Act 2011, the Permit Issuing Authority has delegated authority to extend the period in which the Occupancy Permit or modification to the Building Approval Certificate has effect and may do so even though the application was made after the expiration of the period.~~

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Comment [McL27]: See Comment McL21 above.

Comment [McL28]: This delegation will need to be made by the Council and should then be included in Part A of the Delegations Register.

LEGISLATIVE POWER

~~Local Government Act 1995 section 5.36 and Building Act 2011, Division 3 of Part 4 and section 127~~

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COUNCIL POLICY

N/A

~~SUB-DELEGATION ————— Building Surveyor (Level 1 or Level 2)~~

~~Director Community Development~~

~~Manager Property and Regulatory Services~~

~~Daniel's new title~~

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EMT REVIEW

~~GEO APPROVAL ————— 22 June 2011~~

NEXT REVIEW DATE

PERMISSION TO DEPOSIT MATERIALS ON, OR EXCAVATE ADJACENT TO, A STREET

AD/GOV6131

The ~~Chief Executive Officer~~ has delegated the authority to exercise each of the functions under regulation 6 of the Local Government (Uniform Local Provisions) Regulations 1996, including the power to determine applications for permission to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. ~~issue permits to deposit materials on a street, way or other public place and to excavate on land abutting or adjoining a street, way or other public place pursuant to Regulation 64 of the Building Regulations 2012 and Section 20 of the Building Act 2011. The Chief Executive Officer shall first obtain confirmation from appropriate staff that the proposed activity will not create undue interference with the operation of the street, way or public place. Licenses are to be issued subject to the conditions detailed in Regulation 64 of the Building Regulations 2012 and such other conditions as considered relevant by the Chief Executive Officer,~~

Comment [McL29]: Part 9 of the Building Regulations 2012 has expired. In effect –

1. a licence under regulation 64 of the Building Regulations for the purpose of authorising a person to deposit materials on a street, way or other public place, is now covered by a permission under regulation 6 of the Local Government (Uniform Local Provisions) Regulations;
2. a licence under regulation 64 of the Building Regulations for the purpose of authorising a person to make an excavation on land abutting or adjoining a street, way or other public place, is now covered by a permission under regulation 11 of the Local Government (Uniform Local Provisions) Regulations'; and
3. the delegation under regulation 11 is set out above (see Dangerous Excavation in or near Public Thoroughfare) but the delegation by the CEO is limited to the Director Infrastructure. Is this intended to be the position?

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LEGISLATIVE POWER

Local –Government –Act 1995, section 5.3642, ~~Building Regulations 2012 and Building Act 2011~~ Local Government (Uniform Local Provisions) Regulations 2013, regulation 6

COUNCIL POLICY

N/A

SUB-DELEGATION BY CEO

Each of the functions specified above is delegated to –

1. Building Surveyor (Level 1 or Level 2);
2. Director Community Development;
3. Manager Property and Regulatory Services;
and
4. Daniel's new title [Shire to confirm and to decide whether this function should also be delegated to the CEO].

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DATE OF DELEGATION BY CEO 22 June 2011 [check]

CEO POWER TO DELEGATE Local Government Act 1995, sections 5.41(i) and 5.44

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EMT REVIEW

CEO APPROVAL 22 June 2011

NEXT REVIEW DATE

AWARD / INDUSTRIAL MATTERS

AD/GOV6132

The ~~Chief Executive Officer~~ has delegated authority to act on the Council's behalf in any general Industrial/Award matter and any Industrial dispute involving any employee/s of the Shire.

LEGISLATIVE POWER	Local Government Act 1995, (Section 5.42)
COUNCIL POLICY	N/A
<u>SUB-DELEGATION BY CEO</u>	<u>Each of the functions specified above is delegated to –</u> <u>1. all Directors; and</u> <u>2. Manager Organisational Development.</u>
<u>DATE OF DELEGATION BY CEO</u>	<u>22 June 2011 [check]</u>
<u>CEO POWER TO DELEGATE</u>	<u>Local Government Act 1995, sections 5.41(g) and 5.44</u>
EMT REVIEW	
<u>CEO APPROVAL</u>	<u>22 June 2011</u>
NEXT REVIEW DATE	

Comment [McL30]:
 1. The Council does not appear to have delegated these functions to the CEO. Before the CEO can delegate these functions, an appropriate delegation will need to be made by the Council to the CEO and then included in Part A of the Delegations Register.
 2. It is doubtful whether this delegation would be necessary because of the CEO's powers under section 5.41(g) of the *Local Government Act*. I recommend that this not be the subject of a delegation by the Council to the CEO.

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LEGAL ADVICE

AD/GOV6133

Subject to provision being made in the budget for legal expenses, ~~the Chief Executive Officer is delegated~~ authority to obtain from an appropriate solicitor such legal advice and opinions as is deemed necessary in the exercise of the management of the local government.

Comment [McL31]: I recommend that this not be the subject of a delegation by the Council to the CEO because it is already within the powers of the CEO under section 5.41 (a), (b) and (d) of the *Local Government Act*.

LEGISLATIVE POWER Local – Government Act 1995, ~~(S~~section 5.42)

COUNCIL POLICY N/A

~~SUB-DELEGATION BY CEO~~ To All Directors – each of the functions specified above

DATE OF DELEGATION BY CEO 22 June 2011 **check**

CEO POWER TO DELEGATE Local Government Act 1995, sections 5.41 and 5.44

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EMT REVIEW

~~GEO APPROVAL~~ 22 June 2011

NEXT REVIEW DATE

CONTRACT VARIATIONS

AD/GOV6134

~~The Chief Executive Officer has delegated authority to approve minor variations to contracts that would otherwise require authorisation entered into by the Council, subject to the funds required to meet the cost of the variations being contained within the amount set aside in the budget adopted by the Council.~~

Comment [McL32]: The Council does not appear to have delegated these functions to the CEO. Before the CEO can delegate these functions, an appropriate delegation will need to be made by the Council to the CEO and then included in Part A of the Delegations Register.

LEGISLATIVE POWER Local – Government Act 1995, ~~(S~~section 5.42)

COUNCIL POLICY N/A

~~SUB-DELEGATION BY CEO~~ To aAll Directors – each of the functions specified above

~~DATE OF DELEGATION BY CEO~~ 22 June 2011 [check]

~~CEO POWER TO DELEGATE~~ Local Government Act 1995, sections 5.41(i) and 5.44

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EMT REVIEW

~~GEO APPROVAL~~ 22 June 2011

NEXT REVIEW DATE

APPOINTMENT OF CONSULTANTS

AD/GOV6135

The ~~Chief Executive Officer~~ has delegated authority to appoint engage consultants including architects, valuers, planning consultants and the like. ~~In exercising this delegated authority the following conditions shall apply~~

Conditions

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In exercising this function:

1. the CEO must comply with all relevant Any Council policies is to be observed;
2. Adequate funds for the engagement must be within the shall be available in Council budget adopted by the Council; -
3. The engagement must be for appointment is to be for an a project approved project by the Council; and -
4. The cost to the Shire of the engagement value of the appointment shall must not exceed \$100,000.

Comment [McL33]: The Council does not appear to have delegated these functions to the CEO. Before the CEO can delegate these functions, an appropriate delegation will need to be made by the Council to the CEO and then included in Part A of the Delegations Register.

LEGISLATIVE POWER	Local Government Act 1995, (S section 5.42)
COUNCIL POLICY	N/A
<u>SUB-DELEGATION BY CEO</u>	<u>To aAll Directors – each of the functions specified above</u>
<u>DATE OF DELEGATION BY CEO</u>	<u>22 June 2011 [check]</u>
<u>CEO POWER TO DELEGATE</u>	<u>Local Government Act 1995, sections 5.41(i) and 5.44</u>
EMT REVIEW	
<u>CEO APPROVAL</u>	<u>22 June 2011</u>
NEXT REVIEW DATE	

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EVENTS ON ROADS

AD/GOV6136

~~The Chief Executive Officer has delegated authority to give, or refuse to give, the Shire's approval under regulation 4 of determine applications for the temporary closure of roads for the purpose of conducting events in accordance with the Road Traffic (Events on Roads) Regulations 1991. in relation to the temporary closure of a road for the purpose of conducting an event. The Chief Executive Officer shall have regard to Section 3.50 of the Local Government Act 1995.~~

Note: In exercising this function, the CEO may be required to comply with the requirements of sections 3.50 of the Local Government Act 1995

LEGISLATIVE POWER	Local Government Act 1995, (S section 5.42).
COUNCIL POLICY	N/A
<u>SUB-DELEGATION BY CEO</u>	<u>To Director of Infrastructure – each of the functions specified above</u>
<u>DATE OF DELEGATION BY CEO</u>	<u>22 June 2011</u> check
<u>CEO POWER TO DELEGATE</u>	<u>Local Government Act 1995, sections 5.41(i) and 5.44</u>
EMT REVIEW	
<u>CEO APPROVAL</u>	<u>22 June 2011</u>
NEXT REVIEW DATE	

Comment [McL34]:

1. The Council does not appear to have delegated these functions to the CEO. Before the CEO can delegate these functions, an appropriate delegation will need to be made by the Council to the CEO and then included in Part A of the Delegations Register.

2. Should this delegation apply more generally to the closure of roads powers under section 3.50, or should it be limited only where there is an event under the *Road Traffic (Events on Roads) Regulations 1991*?

Comment [McL35]: The CEO may be required to comply with the requirements of sections 3.50 of the *Local Government Act 1995*

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CERTIFYING OF DOCUMENTS

AD/GOV6137

The ~~Chief Executive Officer~~ authorises, under section 9.31 of the *Local Government Act 1995*, ~~all each~~ Directors ~~as to be~~ an authorised employee for the purpose of certifying a copy of a local law of the Shire, or a copy of any other document of or adopted by the Shire, a document to be a true copy ~~only in relation to the Shire of Wyndham East Kimberley's documentation.~~

~~(Refer to Section 9.31 of the Local Government Act 1995.)~~

~~LEGISLATIVE POWER~~ Local Government Act 1995 (Section 5.42)

Comment [McL36]: This does not involve a delegation by the Council.

COUNCIL POLICY N/A

~~SUB-DELEGATION BY CEO~~ To All Directors – each of the functions specified above

~~DATE OF AUTHORISATION BY CEO~~ 22 June 2011 **check**

~~CEO POWER TO AUTHORISE~~ Local Government Act 1995, sections 9.31

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EMT REVIEW

~~GEO APPROVAL~~ 22 June 2011

NEXT REVIEW DATE

SIGNING OF COUNCIL SHIRE CORRESPONDENCE

AD/GOV6138

The CEO delegates to each Director the power to sign letters, other than Excluded Letters referred to below, that –

1. relate to normal operations;
2. are the result of a Council decision; or
3. are permitted by another delegation or a Council policy.

Excluded letters are –

1. letters of appointment of Shire employees;
2. letters of dismissal of Shire employees or contractors working for the Shire; or
3. letters which –
 - (a) contain an opinion on a Council Policy;
 - (b) contain a political comment;
 - (c) seek a meeting or deputation; or
 - (d) make a major commitment, financial or otherwise, of the Shire's resources, and which are addressed to –
 - (e) a State or Federal Member of Parliament;
 - (f) a Secretary, Executive Director or similar position of a State or Federal Department;
 - (g) a Mayor or President of another local government;
 - (h) a CEO of another local government;
 - (i) the Ombudsman;
 - (j) the Western Australia Local Government Association; or
 - (k) the Department of Local Government.

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Comment [McL37]: A more significant issue that needs to be addressed is the authority for the CEO and other employees to sign documents consistently with the restrictions in section 9.49A of the *Local Government Act*.

~~Correspondence to be personally signed by the Chief Executive Officer:-~~

~~(1) Letters which either:~~

- ~~(a) Offer an opinion on Council Policy; (b) Give political comment;~~
- ~~(b) Seek a meeting or deputation, or~~
- ~~(c) Make a major commitment, financial or otherwise in terms of Council's resources;~~

~~And which are addressed to the following: (i) State or Federal Member of Parliament~~

- ~~(ii) Permanent Secretaries or Directors of the like of State and Federal Departments~~
- ~~(iii) Mayors/Presidents of other Councils~~
- ~~(iv) Chief Executive Officers of other Councils~~
- ~~(v) The Ombudsman~~
- ~~(vi) Western Australian Municipal Association~~

~~(vii) The Department of Local Government~~

~~(2) Letters:-~~

~~(a) of appointment for Council staff~~

~~(b) letters of dismissal in relation to Council staff or contractors working for Council~~

~~Correspondence that can be signed by Directors:-~~

~~(1) Letters other than those referred to above~~

~~(2) Letters that are of normal operations~~

~~(3) Letters that are the result of a Council decision~~

~~(4) Letters that are permitted by another delegation or Council policy~~

~~LEGISLATIVE POWER Local Government Act 1995 (Section 5.42)~~

~~COUNCIL POLICY N/A~~

~~SUB-DELEGATION BY CEO To All Directors – each of the functions specified above~~

~~DATE OF DELEGATION BY CEO 22 June 2011 [check]~~

~~CEO POWER TO DELEGATE Local Government Act 1995, section regulations 5.41(i) and 5.44~~

~~EMT REVIEW~~

~~GEO APPROVAL 22 June 2011~~

~~NEXT REVIEW DATE~~

Comment [McL38]: This does not involve a delegation by the Council.

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PRIVATE WORKS

AD/GOV6139

The ~~Chief Executive Officer~~ has delegated authority to enter into commercial arrangements under which the Shire is to provide works or services.

Conditions

This authority must be exercised in accordance with Council policies and the value of each arrangement must not exceed the amount determined by the Council for the purposes of section 5.43(b) of the *Local Government Act*.
~~undertake private works in accordance with the Council policies to a value not exceeding purchasing authority limits.~~

LEGISLATIVE POWER	Local Government Act 1995, (S <u>sections 5.42 and 5.43(b)</u>
COUNCIL POLICY	N/A
SUB-DELEGATION <u>BY CEO</u>	<u>To All Directors – each of the functions, subject to each of the conditions, specified above</u>
<u>DATE OF DELEGATION BY CEO</u>	22 June 2011 [check]
<u>CEO POWER TO DELEGATE</u>	<u>Local Government Act 1995, sections 5.41(j) and 5.44</u>
EMT REVIEW	
CEO APPROVAL	<u>22 June 2011</u>
NEXT REVIEW DATE	

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32. ISSUE OF NOTICE OF PROPOSED BUILDING ORDERS

The Chief Executive Officer is delegated authority to issue notices of proposed Building Order pursuant to Section 111 (1) of the Building Act 2011 where a breach of building requirements is considered by the Chief Executive Officer to be of a magnitude sufficient to warrant issue of a notice.

Comment [McL39]: This delegation would not be necessary if the terms of the delegation that I have recommended above, in relation to Building Orders, is adopted by the Shire.

LEGISLATIVE POWER ————— Local Government Act 1995 section 5.36 and Building Act 2011

COUNCIL POLICY ————— LPP 2 – Compliance and Enforcement Policy

SUB-DELEGATION ————— Building Surveyor (Level 1 or Level 2)

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Director Community Development

Manager Property and Regulatory Services

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Daniel's new title

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EMT REVIEW —————

GEO APPROVAL ————— 22 June 2011

NEXT REVIEW DATE

33. REVOKE A BUILDING ORDER

The Chief Executive Officer is delegated authority to issue notices pursuant to Section 117 of the Building Act 2011 where a breach of building requirements considered by the Chief Executive Officer to have been fully complied with of an issued Building Order.

Comment [McL40]: This delegation would not be necessary if the terms of the delegation that I have recommended above, in relation to Building Orders, is adopted by the Shire.

LEGISLATIVE POWER Local Government Act 1995 section 5.36 and Building Act 2011

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COUNCIL POLICY LPP 2 Compliance and Enforcement Policy
SUB-DELEGATION

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Building
Surveyor
(Level 1 or Level 2)

Director Community Development

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Manager Property and Regulatory Services

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Daniel's new title

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EMT REVIEW

GEO APPROVAL 22 June 2011

NEXT REVIEW DATE

34. GIVE EFFECTS TO A BUILDING ORDER IF NON-COMPLIANCE EXISTS

The Chief Executive Officer is delegated authority give effect to a Building Order if non-compliance exists pursuant to Section 118 of the Building Act 2011 where a breach of building requirements is considered by the Chief Executive Officer to be of a magnitude sufficient to warrant issue of an order to take action specified, commence or complete any work specified or take such steps as are reasonable to cause the action to cease.

Comment [McL41]: This delegation would not be necessary if the terms of the delegation that I have recommended above, in relation to Building Orders, is adopted by the Shire.

LEGISLATIVE POWER ————— Local Government Act 1995 section 5.36 and Building Act 2011

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COUNCIL POLICY ————— LPP 2 — Compliance and Enforcement Policy

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SUB-DELEGATION ————— Building Surveyor (Level 1 or Level 2)

Director Community Development

Manager Property and Regulatory Services

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GEO APPROVAL ————— 22 June 2011

NEXT REVIEW DATE

~~35. CERTIFYING OF DOCUMENTS — (A) CERTIFICATE OF DESIGN COMPLIANCE, (B) CERTIFICATE OF CONSTRUCTION COMPLIANCE & (C) CERTIFICATE OF BUILDING COMPLIANCE~~

~~The Chief Executive Officer authorises the Building Surveyor Level 1 or Building Surveyor Level 2 as an authorised employee for the purpose of certifying documents in the provision of the required Certification Service under Section 17 of the Building Act 2011::~~

~~(A) Certificate of Design Compliance,(Section 19 of the Building Act 2011)~~

~~(B) Certificate of Construction Compliance (Section 56 of the Building Act 2011)~~

~~(C) Certificate of Building Compliance (Section 57 of the Building Act 2011.)~~

~~LEGISLATIVE POWER ————— Building Act 2011 (Sections 17, 19, 56 and 57)~~

~~COUNCIL POLICY ————— N/A —————~~

~~SUB-DELEGATION ————— Building Surveyor (Level 1 or Level 2)~~

~~EMT REVIEW —————~~

~~GEO APPROVAL ————— 22 June 2011~~

~~NEXT REVIEW DATE~~

~~_____~~

Comment [McL42]: These delegations are unnecessary because under each of sections 19, 56 and 57 of the Building Act 2011, each certificate must be signed by a building surveyor. Therefore, any employee of the Shire who is a building surveyor has the direct statutory authority in relation to these certificates. Neither the Council nor the CEO has any relevant power to delegate.

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30. AUTHORITY TO SIGN DOCUMENTS

The CEO has authorisation to sign, on behalf of the Shire, a document that is necessary or appropriate for the CEO to sign in carrying out the CEO's functions under any written law.

LEGISLATIVE POWER Local Government Act 1995, section 9.49A(4)

COUNCIL POLICY [Shire to add]

DELEGATION BY CEO The CEO delegates, to each Director, the power to sign, on behalf of the Shire, a document that is necessary or appropriate for the Director to sign in carrying out his or her functions under any written law.

DATE OF DELEGATION BY CEO [Shire to add]

CEO POWER TO DELEGATE Local Government Act 1995, sections 5.41(i) and 5.44

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Comment [McL43]: The Council does not appear to have made this authorisation. It will need to do so by way of a resolution (see section 9.49A(4)). It would then be appropriate for the terms of that resolution to be recorded in Part A of the Delegations Register.

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31. AUTHORITY TO AFFIX THE SHIRE'S COMMON SEAL

The CEO has delegated authority to affix the common seal of the Shire to a document that needs the Shire's common seal to be legally effective and that is within one or more of the following categories –

- documents required to satisfy conditions of subdivision and/or development approval;
- documents required to effect the transfer of land as part of a settlement transaction (sale and purchase);
- documents required to secure the repayment of a loan granted by the Shire, a loan granted to the Shire by a third party and/or to secure the pre-funding of infrastructure works by the Shire;
- documents required to effect the grant of leasehold interests in the land either by the Shire to a third party, or by a third party to the Shire;
- documents required to effect the grant of a licence either by the Shire to a third party, or by a third party to the Shire;
- documents required to effect the subdivision of land, including the strata titling of land;
- documents which are capable of registration and/or lodgement at Landgate (WA Land Titles office); and
- documents that are necessary or appropriate to enable a CEO to carry out his functions under any written law.

Condition:

The document must not be inconsistent with a Council policy or resolution.

LEGISLATIVE POWER Local Government Act 1995, sections 9.49A(2) and 5.42

COUNCIL POLICY [Shire to add]

DELEGATION BY CEO The all Directors [Shire to check] – each of the functions specified above.

DATE OF DELEGATION BY CEO [Shire to add]

CEO POWER TO DELEGATE Local Government Act 1995, sections 5.41(i) and 5.44

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NEXT REVIEW DATE

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Comment [McL44]: This delegation would need to be made by the Council and included in Part A of the Delegations Register.

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DELEGATIONS REGISTER

PART A

Delegations to Chief Executive Officer by Council

Adopted 16 July 2013 (Minute number to be added)

Shire President

Date:

INTRODUCTION

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation.

The Council of the Shire of Wyndham East Kimberley has resolved to adopt and delegate the functions referred to within this Delegations Manual to the Chief Executive Officer.

The Local Government Act 1995 section 5.46 (3) requires that 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.

For recording purposes the exercise of a delegated power or duty by the CEO is recorded in a Monthly Report to Council.

5.43 Limits on delegations to CHIEF EXECUTIVE OFFICERS

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (h) any power or duty that requires the approval of the Minister or the Governor; or
- (i) such other powers or duties as may be prescribed.

CD/GOV-6100	ENFORCEMENT & LEGAL PROCEEDINGS – APPOINTMENT OF AUTHORISED PERSONS
<p>The CEO is delegated authority –</p> <ol style="list-style-type: none"> 1. to appoint, in writing, persons or classes of persons to be authorised for the purposes of performing particular functions being those referred to in section 9.10 of the <i>Local Government Act 1995</i>; and 2. to issue a certificate to each person authorised stating that they are authorised. 	
LEGISLATIVE POWER	Local Government Act 1995 Section 9.10
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705) 22 June 2010 (Minute 9202) 21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799) 16 July 2013 (Minute number to be added)
CD/GOV-6101	TENDERS
<p>The CEO is delegated authority to:</p> <ol style="list-style-type: none"> 1. seek expressions of interest before entering the tender process; 2. consider any submissions of interest that have not been rejected and decide which ones could satisfactorily supply the goods or services; 3. invite tenders before entering into a contract for goods and services with a value of \$100,000 or more, provided that appropriate provision is made, or is proposed to be made, in Council's Adopted Budget; 4. determine in writing the criteria for accepting tenders; 5. consider any tender that has not been rejected and decide which one to accept provided the tender amount does not exceed the amount determined by Council in accordance with section 5.43(b), and full provision is made in Council's Adopted Budget; 6. decline to accept any tender; 7. with the approval of the tenderer, make a minor variation in the goods or services required and enter into a contract with the successful tenderer; and 8. select the next most appropriate tender if the successful tenderer does not want to accept the contract with the variation or an agreement cannot be reached with the successful tenderer; <p>The amount determined in accordance with section 5.43(b) is \$500,000.</p>	
LEGISLATIVE POWER	Local Government Act 1995 Sections 5.42/5.43(b), 3.57(1), Local Government (Functions and General) Regulations 1996 Regulations 11, 14(2a), 18(4)&(5), 20, 20(2), 21(1), 23(3)

COUNCIL POLICY	F19 – Purchasing and Tendering Policy
ADOPTED	21 June 2011 (Minute 9494)
REVIEWED	26 June 2012 (Minute 9799) 16 July 2013 (Minute number to be added)

CD/GOV-6102	DISPOSAL OF PROPERTY
<p>The CEO is delegated authority to dispose by way of public auction, suitable public tender or private treaty:</p> <ol style="list-style-type: none"> any property (other than land) valued at an amount not exceeding \$100,000; and land valued at an amount not exceeding \$500,000, provided that appropriate provision is made in Council's Adopted Budget. 	
LEGISLATIVE POWER	Local Government Act 1995 Section 3.58 (2) & (3)
COUNCIL POLICY	N/A
ADOPTED	21 June 2011 (Minute 9494)
REVIEWED	26 June 2012 (Minute 9799) 16 July 2013 (Minute number to be added)

CD/GOV-6103	CERTAIN THINGS TO BE DONE IN RESPECT OF LAND
<p>The CEO is delegated authority to:</p> <ol style="list-style-type: none"> give an occupier notice requiring them to do something to the land if it is specified in Schedule 3.1; do anything considered necessary to achieve the purpose for which the notice was given in order to make a person comply with the notice; undertake works that are not carried out by the owner or occupier and recover the costs as a debt; go onto private land in circumstances prescribed in Schedule 3.2 and carry out works, even without the consent of the owner; authorise a person to enter land, premises or thing without consent, after notice has been given, unless the owner or occupier has objected to the entry; enter land in an emergency without notice or consent; and make an opening in a fence to do works on property subject to providing the owner or occupier with 3 days written notice. 	
LEGISLATIVE POWER	Local Government Act 1995 Sections 3.25 (1), 3.26(2)&(3), 3.27(1), 3.31(2), 3.34(1), 3.36(3) and 5.42
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705) 22 June 2010 (Minute 9202) 21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799) 16 July 2013 (Minute number to be added)

CD/GOV-6104	PUBLIC THOROUGHFARES
<p>The CEO is delegated authority to:</p> <ol style="list-style-type: none"> 1. close a thoroughfare wholly or partially, for a period not exceeding 4 weeks; 2. provide public notice of intentions and reasons for, and invite and consider submissions prior to ordering the closure of a thoroughfare, wholly or partially, to vehicles for a period exceeding 4 weeks' and 3. give notice of proposal and invite and consider submissions before – <ol style="list-style-type: none"> (a) fixing or altering the level of, or the realignment of, a public thoroughfare; or (b) draining water from a public thoroughfare or other public place onto adjoining land. <p>Any proposal to close a thoroughfare for any period exceeding 3 months must be referred to Council for determination.</p>	
LEGISLATIVE POWER	Local Government Act 1995 Sections 3.50(1), 3.50(1a),3.50(4), 3.51(3) and 5.42
COUNCIL POLICY	N/A
ADOPTED	21 June 2011 (Minute 9494)
REVIEWED	26 June 2012 (Minute 9799) 16 July 2013 (Minute number to be added)

CD/GOV-6105	EXPENSES OF COUNCILLORS & STAFF
<p>The CEO is delegated authority to:</p> <ol style="list-style-type: none"> 1. approve expenses which are to be reimbursed to Council members, provided that the expenses are of the kind prescribed as those which the local government can approve for reimbursement (subject to section 5.98(3)); 2. approve reimbursement, either generally or in a particular case, to a Council member of an expense that may be approved by the Shire; 3. reimburse an employee for an expense that was incurred in relation to a matter affecting the Shire; and 4. make a cash advance to a person for an expense which can be reimbursed. 	
LEGISLATIVE POWER	Local Government Act 1995 Sections 5.98(2)(b), 5.98(4), 5.101(2), 5.102 and 5.42
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705) 22 June 2010 (Minute 9202) 21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799) 16 July 2013 (Minute number to be added)

CD/GOV-6107	PROCEEDINGS UNDER DOG ACT
<p>In accordance with section 44 of the <i>Dog Act 1976</i>, the CEO is authorised to institute and carry on proceedings under the Dog Act in the name of the Shire.</p> <p>This authorisation also enables the CEO to issue infringement notices under section 29 of the Dog Act.</p>	
LEGISLATIVE POWER	Dog Act 1976 Section 44
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705) 22 June 2010 (Minute 9202) 21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799) 16 July 2013 (Minute number to be added)

CD/GOV-6108	RIGHT TO INSPECT CONFIDENTIAL INFORMATION
The CEO is delegated the authority to determine whether information prescribed as confidential may be made available for inspection under section 5.95(7) of the <i>Local Government Act 1995</i> .	
LEGISLATIVE POWER	Local Government Act 1995, section 5.42
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705) 22 June 2010 (Minute 9202) 21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799) 16 July 2013 (Minute number to be added)

CD/GOV-6109	TOWN PLANNING
The CEO is delegated the following powers and duties under Town Planning Scheme No. 7 (TPS 7):	
1. LAND USES	
1.1	approve all developments applications where the proposed use is a 'P' use including minor variation to Residential Design Codes where no objection is raised by adjoining landowners/occupiers;
1.2	approve all development applications where the proposed use is an 'IP' use;
1.3	approve the following development applications where the proposed use is an 'AA' use; <ul style="list-style-type: none"> i. Grouped Dwellings in Residential and Town Centre Zones; ii. Offices and Warehouses in Mixed Business Zones; iii. Agricultural uses in Rural Agriculture 1, Rural Agriculture 2 and Rural Living, Rural Residential, and Rural Small Holdings Zones; iv. building extensions to existing buildings; v. Industrial Uses in Composite Light and General Industry zones; vi. Home Occupation and Home Business in all zones; vii. variations to setbacks to property boundaries for residential dwellings in accordance with the provisions of the Residential Design Codes (Multiple and Grouped Dwellings); and
1.4	impose conditions on development approval.
2. ADVERTISING OF 'SA' USES	2.1 Initiate advertising for an application involving a proposed 'SA' use and refer the application and submissions to Council.
3. MISCELLANEOUS	
3.1	All matters which arise out of the imposition of conditions on development approvals;
3.2	determine the Shire's position with respect to any mediation process resulting from an appeal to the State Administrative Tribunal following consultation with the Shire President (or in the absence of the Shire President the Deputy President); and

<p>3.3 issue and serve notices, and take any other enforcement action, against a person who is suspected to be in breach of TPS 7.</p> <p>Conditions and Exceptions</p> <ol style="list-style-type: none"> 1. A list of all development applications determined under delegated authority shall be incorporated in the Council's agenda and minutes; 2. every applicant who received notification of a conditional approval of a development application that was determined by delegation to the CEO and is aggrieved by the decision may within 28 days of the date of that decision request that the matter be reconsidered by Council; 3. all applications where the CEO recommendation is for refusal must be presented to Council for consideration; 4. Legal action in relation to breaches of planning conditions and/or breaches of TPS 7 can only be undertaken by the CEO in accordance with Council Policy. 	
LEGISLATIVE POWER	PLANNING AND DEVELOPMENT ACT 2005 SHIRE OF WYNDHAM-EAST KIMBERLEY TOWN PLANNING SCHEMES
COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705) 22 June 2010 (Minute 9202) 21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799) 16 July 2013 (Minute number to be added)

CD/GOV-6110	ENVIRONMENTAL HEALTH
<p>In accordance with section 26 of the <i>Health Act 1911</i>, the Council appoints and authorises the CEO to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government.</p> <p>The CEO has delegated authority to exercise all of the functions conferred or imposed on the Shire, as an enforcement agency, under and subject to section 118(2) of the <i>Food Act 2008</i>.</p> <p>The CEO is authorised to administer:</p> <ul style="list-style-type: none"> • the <i>Food Act 2008</i> and associated regulations and local laws; • the <i>Litter Act 1979</i> and regulations; • the <i>Caravan Parks and Camping Grounds Act 1995</i> and the <i>Caravan and Camping Grounds Regulations 1997</i>; • the <i>Fly Eradication Regulations</i>; • the <i>Environmental Protection Act 1986</i>; • the 2003 Shire of Wyndham East Kimberley Local Laws; and • the 2004 Shire of Wyndham East Kimberley Health Local Laws. 	
LEGISLATIVE POWER	Health Act 1911, section 26 Food Act 2008 Litter Act 1979 Caravan and Camping Grounds Act 1995 Fly Eradication Regulations Environmental Protection Act 1986

COUNCIL POLICY	N/A
ADOPTED	17 July 2007
REVIEWED	16 June 2009 (Minute 8705) 17 November 2009 (Minute 8939) 22 June 2010 (Minute 9202) 21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799) 16 July 2013 (Minute number to be added)

CD/GOV-6113	IMPOUNDING GOODS
<p>The CEO is delegated authority to:</p> <ol style="list-style-type: none"> 1. remove and impound, and to authorise any employee to remove and impound, under section 3.39 of the <i>Local Government Act 1995</i>, any goods that are involved in a contravention that can lead to impounding; 2. take action under section 3.42(1) of the <i>Local Government Act 1995</i> in respect of removal and impounding of non-perishable goods; 3. give the notice, required under section 3.44 of the <i>Local Government Act 1995</i>, to an alleged offender to collect goods that have been removed and impounded; 4. refuse, under section 3.46 of the <i>Local Government Act 1995</i>, to allow impounded goods to be collected until costs have been paid; 5. sell or otherwise dispose of confiscated goods under section 3.47 of the <i>Local Government Act 1995</i>; and 6. take action under section 3.48 of the <i>Local Government Act 1995</i> to recover costs and expenses. 	
LEGISLATIVE POWER	Local Government Act 1995, sections 3.39, 3.42(1), 3.44, 3.46, 3.47, 3.48 and 5.42
COUNCIL POLICY	N/A
ADOPTED	16 July 2013 (Minute number to be added)
REVIEWED	

CD/GOV-6114	SALE OF IMPOUNDED OR CONFISCATED VEHICLES ANIMALS OR GOODS
<p>The CEO is delegated authority to exercise the powers under section 3.47 of the <i>Local Government Act 1995</i> to dispose of any vehicles, animals or goods that have been impounded or confiscated.</p> <p><u>Condition</u></p> <p>If a disposal is by way of a public tender process, the CEO cannot accept any tender exceeding the sum of \$10,000 – which must be referred to the Council for determination.</p>	
LEGISLATIVE POWER	Local Government Act 1995, section 3.47, 3.58, 5.42 and 5.43(b)
COUNCIL POLICY	N/A
ADOPTED	16 July 2013 (Minute number to be added)
REVIEWED	

CD/GOV-6116	COPIES OF INFORMATION
<p>The CEO is delegated authority to ensure, under section 5.96 of the <i>Local Government Act 1995</i>:</p> <ol style="list-style-type: none"> 1. that copies of information are available to persons who are entitled to request the information under Division 7, Part 5 of the Act, and 2. that the price at which the copies are sold does not exceed the cost of providing the copies. 	
LEGISLATIVE POWER	Local Government Act 1995, sections 5.42 and 5.96
COUNCIL POLICY	N/A
ADOPTED	16 July 2013 (Minute number to be added)
REVIEWED	

CD/GOV-6112	WAIVING / GRANTING CONCESSION IN RELATION TO FEES AND CHARGES AND WRITE OFF OF AMOUNT OF MONEY OWED.
<p>The CEO is delegated authority to:</p> <ol style="list-style-type: none"> 1. waive or grant concessions in relation to adopted fees or charges; 2. determine what conditions apply to granting of a concession; and 3. write off amounts of money owed to the local government up to \$1,000 in value. <p>This delegation is subject to section 6.12(2) of the <i>Local Government Act 1995</i>.</p>	
LEGISLATIVE POWER	Local Government Act 1995 Sections 6.12(1)(b), 6.12(1)(c)
COUNCIL POLICY	N/A
ADOPTED	21 June 2011 (Minute 9494)
REVIEWED	26 June 2012 (Minute 9799) 16 July 2013 (Minute number to be added)

CD/GOV-6117	PAYMENTS FROM THE MUNICIPAL FUND AND TRUST FUND.
<p>The CEO is delegated authority to make payments from the municipal fund and trust fund.</p> <p>Note: regulation 13 of the Local Government (Financial Management) Regulations 1996 states –</p> <p>'13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.</p> <ol style="list-style-type: none"> (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared — <ol style="list-style-type: none"> (a) the payee's name; and (b) the amount of the payment; and (c) the date of the payment; and (d) sufficient information to identify the transaction. (2) A list of accounts for approval to be paid is to be prepared each month showing — <ol style="list-style-type: none"> (a) for each account which requires council authorisation in that month — <ol style="list-style-type: none"> (i) the payee's name; and 	

- (ii) the amount of the payment; and
- (iii) sufficient information to identify the transaction; and
- (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under subregulation (1) or (2) is to be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting’.

LEGISLATIVE POWER	Local Government Act 1995, section 5.42 and Local Government (Financial Management) Regulations 1996, regulations 12 and 13
COUNCIL POLICY	N/A
ADOPTED	16 August 2011 (Minute 9559)
REVIEWED	26 June 2012 (Minute 9799) 16 July 2013 (Minute number to be added)

CD/GOV-6118	RATE BOOK
<p>The CEO is delegated the authority to perform the following functions:</p> <ol style="list-style-type: none"> 1. compile and amend the rate record under section 6.39 of the <i>Local Government Act 1995</i> and reassess rates and service charges payable under section 6.40; 2. the service of rate notices under section 6.41 of the <i>Local Government Act 1995</i>; 3. enter into an agreement under section 6.49 of the <i>Local Government Act 1995</i> for the payment of a rate or service charge; 4. determine the date that a rate or service charge becomes due and payable under section 6.50 of the <i>Local Government Act 1995</i>; 5. the recovery of rates and service charges under sections 6.54 to 6.62 of the <i>Local Government Act 1995</i>; 6. lodge a caveat on land where the rates are in arrears and it is considered that the interests of the Shire should be protected and the subsequent withdrawal of a caveat once arrears of rates have been settled. under section 6.64(3) of the <i>Local Government Act 1995</i>. 7. grant an extension of time for making an objection to the rate record under section 6.76(4) of the <i>Local Government Act 1995</i>; and 8. allow or disallow, under section 6.76(5) of the <i>Local Government Act 1995</i>, any objection to the rate record and serve notice of the decision and a statement of reasons for the decision upon the person lodging the objection under section 6.76(6). 	
LEGISLATIVE POWER	Local Government Act 1995, sections 5.42, 6.39, 6.40, 6.41, 6.49, 6.50, 6.54-6.62, 6.64(3), 6.76(4), 6.76(5) and 6.76(6)
COUNCIL POLICY	N/A
ADOPTED	16 August 2011 (Minute 9559)
REVIEWED	26 June 2012 (Minute 9799) 16 July 2013 (Minute number to be added)

CD/GOV-6119	INVESTMENTS
<p>The CEO is delegated authority:</p> <ol style="list-style-type: none"> 1. to invest any monies held in the municipal fund or the trust fund that is not, for the time being, required by the local government for any other purpose; and 2. to establish and document internal control procedures to be followed by employees to ensure control over investments. The control procedures are to enable the identification of: <ol style="list-style-type: none"> (a) the nature and location of all investments, and (b) transactions related to each investment. 	
LEGISLATIVE POWER	Local Government Act 1995, section 5.42 and Local Government (Financial Management) Regulations 1996, regulation 19
COUNCIL POLICY	N/A
ADOPTED	16 July 2013 (Minute number to be added)
REVIEWED	

CD/GOV-6120	EXPENDITURE BEFORE ADOPTION OF BUDGET
<p>The CEO is delegated authority to authorise operating expenditure and appropriate capital expenditure that is included in Council's Corporate Business Plan from the municipal fund prior to the adoption of the annual budget.</p> <p><u>Condition</u></p> <p>The CEO must include the expenditure in the draft budget to be presented to Council</p>	
LEGISLATIVE POWER	Local Government Act 1995, sections 5.42 and 6.8(1)(a)
COUNCIL POLICY	N/A
ADOPTED	16 July 2013 (Minute number to be added)
REVIEWED	

CD/GOV-6121	GATES ACROSS PUBLIC THOROUGHFARE
<p>The CEO is delegated authority to exercise each of the functions under regulation 9 of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>, including the power to determine applications for permission to have a gate or other device across a public thoroughfare under the control or management of the Shire to enable traffic to pass across the public thoroughfare and prevent livestock from straying.</p>	
LEGISLATIVE POWER	Local Government Act 1995, section 5.42 and Local Government (Uniform Local Provisions) Regulations 1996, regulation 9
COUNCIL POLICY	N/A
ADOPTED	16 July 2013 (Minute number to be added)
REVIEWED	

CD/GOV-6122	DANGEROUS EXCAVATION IN OR NEAR PUBLIC THOROUGHFARE
<p>The CEO is delegated authority to exercise each of the functions under regulation 11 of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>, including the powers –</p> <ol style="list-style-type: none"> 1. to fill in or fence an excavation; 2. to give a written request to an owner or occupier to fill in or securely fence the excavation; and 3. to determine applications for permission to make, or make and leave, an excavation in a public thoroughfare or land adjoining a public thoroughfare or land adjoining a public thoroughfare. 	
LEGISLATIVE POWER	Local Government Act 1995, section 5.42 and Local Government (Uniform Local Provisions) Regulations 1996, regulation 11
COUNCIL POLICY	N/A
ADOPTED	16 July 2013 (Minute number to be added)
REVIEWED	

CD/GOV-6123	CROSSOVERS
<p>The CEO is delegated authority:</p> <ol style="list-style-type: none"> 1. to determine applications for the construction of a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land and may agree to construct the crossing for the applicant; 2. to give notice to an owner or occupier of private land requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land; and 3. if the person fails to comply with the notice, to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person. 	
LEGISLATIVE POWER	Local Government Act 1995, section 5.42 and Local Government (Uniform Local Provisions) Regulations 1996, regulations 12 and 13
COUNCIL POLICY	N/A
ADOPTED	16 July 2013 (Minute number to be added)
REVIEWED	

CD/GOV-6124	DEMOLITION PERMITS
<p>The Council delegates to –</p> <ol style="list-style-type: none"> 1. Building Surveyor (Level 1 or Level 2); 2. CEO; 2. Director Community Development, and 3. Manager Property and Regulatory Services. <p>the functions of the Shire as the permit authority in respect of an application for, and the grant or refusal of, a demolition permit under Divisions 2, 3 and 4 of Part 2 of the <i>Building Act 2011</i>.</p>	
LEGISLATIVE POWER	Building Act 2011, Divisions 2, 3 and 4 of Part 2 and section 127
COUNCIL POLICY	N/A
ADOPTED	16 July 2013 (Minute number to be added)
REVIEWED	

CD/GOV-6125	BUILDING ORDERS
<p>The Council delegates to –</p> <ol style="list-style-type: none"> 2. Building Surveyor (Level 1 or Level 2); 2. CEO; 2. Director Community Development, and 3. Manager Property and Regulatory Services. <p>the functions of the Shire as the permit authority in respect of building orders under Division 5 of Part 8 of the <i>Building Act 2011</i>.</p>	
LEGISLATIVE POWER	Building Act 2011, Division 5 of Part 8 and section 127
COUNCIL POLICY	N/A
ADOPTED	16 July 2013 (Minute number to be added)
REVIEWED	

CD/GOV-6126	BUILDING PERMITS
<p>The Council delegates to –</p> <ol style="list-style-type: none"> 3. Building Surveyor (Level 1 or Level 2); 2. CEO; 2. Director Community Development, and 3. Manager Property and Regulatory Services. <p>the functions of the Shire as the permit authority in respect of an application for, and the grant or refusal of, a building permit under Divisions 2, 3 and 4 of Part 2 of the <i>Building Act 2011</i>.</p>	
LEGISLATIVE POWER	Building Act 2011, Divisions 2, 3 and 4 of Part 2 and section 127
COUNCIL POLICY	N/A
ADOPTED	16 July 2013 (Minute number to be added)
REVIEWED	

CD/GOV-6130	OCCUPANCY PERMITS AND BUILDING APPROVAL CERTIFICATES
<p>The Council delegates to –</p> <ol style="list-style-type: none"> 4. Building Surveyor (Level 1 or Level 2); 2. CEO; 2. Director Community Development, and 3. Manager Property and Regulatory Services. <p>the functions of the Shire as the permit authority in respect of an application for, and the grant, modification or refusal of, an occupancy permit or building approval certificate under Division 3 of Part 4 of the <i>Building Act 2011</i>.</p>	
LEGISLATIVE POWER	Building Act 2011, Division 3 of Part 4 and section 127
COUNCIL POLICY	N/A
ADOPTED	16 July 2013 (Minute number to be added)
REVIEWED	

CD/GOV-6131	PERMISSION TO DEPOSIT MATERIALS ON, OR EXCAVATE ADJACENT TO, A STREET
<p>The CEO is delegated authority to exercise each of the functions under regulation 6 of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>, including the power to determine applications for permission to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare.</p>	
LEGISLATIVE POWER	Local Government Act 1995, section 5.42 and Local Government (Uniform Local Provisions) Regulations 2013, regulation 6
COUNCIL POLICY	N/A
ADOPTED	16 July 2013 (Minute number to be added)
REVIEWED	

CD/GOV-6132	AWARD / INDUSTRIAL MATTERS
The CEO is delegated authority to act on the Council's behalf in any general Industrial/Award matter and any Industrial dispute involving any employee/s of the Shire	
LEGISLATIVE POWER	Local Government Act 1995, section 5.42
COUNCIL POLICY	N/A
ADOPTED	16 July 2013 (Minute number to be added)
REVIEWED	

CD/GOV-6134	CONTRACT VARIATIONS
The CEO is delegated authority to approve minor variations to contracts that would otherwise require authorisation by the Council, subject to the funds required to meet the cost of the variations being within the amount set aside in the budget adopted by the Council.	
LEGISLATIVE POWER	Local Government Act 1995, section 5.42
COUNCIL POLICY	N/A
ADOPTED	16 July 2013 (Minute number to be added)
REVIEWED	

CD/GOV-6135	APPOINTMENT OF CONSULTANTS
<p>The CEO is delegated authority to engage consultants including architects, surveyors, valuers, planning and engineering consultants and the like.</p> <p><u>Conditions</u></p> <p>In exercising this function:</p> <ol style="list-style-type: none"> 1. the CEO must comply with all relevant Council policies; 2. <u>funds</u> for the engagement must be within the budget adopted by the Council; 3. the engagement must be for a project approved by the Council; and 4. the cost to the Shire of the engagement must not exceed \$100,000. 	
LEGISLATIVE POWER	Local Government Act 1995, section 5.42
COUNCIL POLICY	N/A
ADOPTED	16 July 2013 (Minute number to be added)
REVIEWED	

CD/GOV-6136	EVENTS ON ROADS
<p>The CEO is delegated authority to give, or refuse to give, the Shire's approval under regulation 4 of the <i>Road Traffic (Events on Roads) Regulations 1991</i> in relation to the temporary closure of a road for the purpose of conducting an event.</p> <p>Note: In exercising this function, the CEO may be required to comply with the requirements of sections 3.50 of the <i>Local Government Act 1995</i>.</p>	
LEGISLATIVE POWER	Local Government Act 1995, section 5.42
COUNCIL POLICY	N/A
ADOPTED	16 July 2013 (Minute number to be added)
REVIEWED	

CD/GOV-6139	PRIVATE WORKS
<p>The CEO is delegated authority to enter into commercial arrangements under which the Shire is to provide works or services.</p> <p><u>Conditions</u></p> <p>This authority must be exercised in accordance with Council policies and the value of each arrangement must not exceed the amount determined by the Council for the purposes of section 5.43(b) of the <i>Local Government Act 1995</i>.</p>	
LEGISLATIVE POWER	Local Government Act 1995, sections 5.42 and 5.43(b)
COUNCIL POLICY	N/A
ADOPTED	16 July 2013 (Minute number to be added)
REVIEWED	

CD/GOV-6150	AUTHORITY TO SIGN DOCUMENTS
<p>The CEO is authorised to sign, on behalf of the Shire, a document that is necessary or appropriate for the CEO to sign in carrying out the CEO's functions under any written law.</p>	
LEGISLATIVE POWER	Local Government Act 1995, section 9.49A(4)
COUNCIL POLICY	N/A
ADOPTED	16 July 2013 (Minute number to be added)
REVIEWED	

CD/GOV-6151	AUTHORITY TO AFFIX THE SHIRE'S COMMON SEAL
<p>The CEO is delegated authority to affix the common seal of the Shire to a document that needs the Shire's common seal to be legally effective and that is within one or more of the following categories –</p> <ol style="list-style-type: none"> 1. documents required to satisfy conditions of subdivision and/or development approval; 2. documents required to effect the transfer of land as part of a settlement transaction (sale and purchase); 3. documents required to secure the repayment of a loan granted by the Shire, a loan granted to the Shire by a third party and/or to secure the pre-funding of infrastructure works by the Shire; 4. documents required to effect the grant of leasehold interests in the land either by the Shire to a third party, or by a third party to the Shire; 5. documents required to effect the grant of a licence either by the Shire to a third party, or by a third party to the Shire; 6. documents required to effect the subdivision of land, including the strata titling of land; 7. documents which are capable of registration and/or lodgement at Landgate (WA Land Titles office); and 8. documents that are necessary or appropriate to enable a CEO to carry out his functions under any written law. <p><u>Condition:</u></p> <p>The document must not be inconsistent with a Council policy or resolution.</p>	
LEGISLATIVE POWER	Local Government Act 1995, sections 9.49A(2) and 5.42
COUNCIL POLICY	N/A
ADOPTED	16 July 2013 (Minute number to be added)
REVIEWED	

DELEGATIONS REGISTER PART B

SHIRE OF WYNDHAM EAST KIMBERLEY DELEGATIONS TO OFFICERS BY CHIEF EXECUTIVE OFFICER

Contents

1.	CERTAIN THINGS TO BE DONE IN RESPECT OF LAND	4
2.	PUBLIC THOROUGHFARES	5
3.	EXPENSES OF COUNCILLORS & STAFF	6
4.	PROCEEDINGS UNDER DOG ACT	7
5.	TOWN PLANNING	8
6.	ENVIRONMENTAL HEALTH.....	10
7.	IMPOUNDING GOODS	12
8.	SALE OF IMPOUNDED OR CONFISCATED VEHICLES ANIMALS OR GOODS...	13
9.	COPIES OF INFORMATION	14
10.	PAYMENTS FROM THE MUNICIPAL FUND AND TRUST FUND	15
11.	RATE BOOK	17
12.	INVESTMENTS	18
13.	EXPENDITURE BEFORE ADOPTION OF BUDGET.....	19
14.	GATES ACROSS PUBLIC THOROUGHFARE.....	20
15.	DANGEROUS EXCAVATION IN OR NEAR PUBLIC THOROUGHFARE	21
16.	CROSSOVERS	22
17.	DEMOLITION PERMITS	23
18.	BUILDING ORDERS	24
19.	BUILDING PERMITS.....	25
20.	OCCUPANCY PERMITS AND BUILDING APPROVAL CERTIFICATES	26
21.	PERMISSION TO DEPOSIT MATERIALS ON, OR EXCAVATE ADJACENT TO, A STREET	27
22.	AWARD / INDUSTRIAL MATTERS	28
23.	LEGAL ADVICE.....	29
24.	CONTRACT VARIATIONS	30
25.	APPOINTMENT OF CONSULTANTS	31
26.	EVENTS ON ROADS	32
27.	CERTIFYING OF DOCUMENTS	33
28.	SIGNING OF shire CORRESPONDENCE.....	34
29.	PRIVATE WORKS.....	35
30.	authority to SIGN documents.....	36
31.	AUTHORITY TO AFFIX the SHIRE'S COMMON SEAL	37

Introduction

Part B of the Delegations Register records the delegations by the Chief Executive Officer (CEO), to specified employees of the Shire. The delegations relate to powers and duties (together referred to as 'functions') that:

1. have been delegated to the CEO by the Council (see Part A of the Delegations Register); or
2. are otherwise exercisable by the CEO under the *Local Government Act 1995* and other relevant legislation.

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation.

The *Local Government Act 1995*, section 5.46 (3) requires that 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. Regulation 19 of the *Local Government (Administration) Regulations 1996* requires that where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of:

1. how the person exercised the power or discharged the duty;
2. when the person exercised the power or discharged the duty;
and
3. the persons or classes of persons, other than Council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

For recording purposes the exercise of delegated functions is recorded in a Monthly report to Council.

A delegation by the CEO, and any conditions on that delegation, must be in writing.

This part of the Delegations Register records each of the delegations made by the CEO to other employees of the Shire.

1. CERTAIN THINGS TO BE DONE IN RESPECT OF LAND

AD/GOV-6103

The CEO has delegated authority to:

1. give an occupier notice requiring them to do something to the land if it is specified in Schedule 3.1;
2. do anything considered necessary to achieve the purpose for which the notice was given in order to make a person comply with the notice;
3. undertake works that are not carried out by the owner or occupier and recover the costs as a debt;
4. go onto private land in circumstances prescribed in Schedule 3.2 and carry out works, even without the consent of the owner;
5. authorise a person to enter land, premises or thing without consent, after notice has been given, unless the owner or occupier has objected to the entry;
6. enter land in an emergency without notice or consent; and
7. make an opening in a fence to do works on property subject to providing the owner or occupier with 3 days written notice.

LEGISLATIVE POWER	Local Government Act 1995, sections 3.25 (1), 3.26(2)&(3), 3.27(1), 3.31(2), 3.34(1), 3.36(3) and 5.42
COUNCIL DELEGATION	CD/GOV-6103
DELEGATION BY CEO	All Directors – each of the functions specified above
DATE OF DELEGATION BY CEO	16 July 2013
CEO POWER TO DELEGATE	Local Government Act 1995, sections 5.41(i) and 5.44
EMT REVIEW	10 July 2013
NEXT REVIEW DATE	July 2014

2. PUBLIC THOROUGHFARES

AD/GOV-6104

The CEO has delegated authority to:

1. close a thoroughfare wholly or partially, for a period not exceeding 4 weeks;
2. provide public notice of intentions and reasons for, and invite and consider submissions prior to ordering the closure of a thoroughfare, wholly or partially, to vehicles for a period exceeding 4 weeks and
3. give notice of proposal and invite and consider submissions before –
 - (a) fixing or altering the level of, or the realignment of, a public thoroughfare; or
 - (b) draining water from a public thoroughfare or other public place onto adjoining land.

Any proposal to close a thoroughfare for any period exceeding 3 months must be referred to Council for determination.

LEGISLATIVE POWER	Local Government Act 1995, sections 3.50(1), 3.50(1a), &(4), 3.51(3) and 5.42
COUNCIL POLICY	N/A
COUNCIL DELEGATION	CD/GOV-6104
DELEGATION BY CEO	Director Infrastructure – each of the functions specified above
DATE OF DELEGATION BY CEO	16 July 2013
CEO POWER TO DELEGATE	Local Government Act 1995, sections 5.41(i) and 5.44
EMT REVIEW	10 July 2013
NEXT REVIEW DATE	July 2014

3. EXPENSES OF COUNCILLORS & STAFF

AD/GOV-6105

The CEO has delegated authority to:

1. approve expenses which are to be reimbursed to Council members, provided that the expenses are of the kind prescribed as those which the local government can approve for reimbursement (subject to section 5.98(3));
2. approve reimbursement, either generally or in a particular case, to a Council member of an expense that may be approved by the Shire;
3. reimburse an employee for an expense that was incurred in relation to a matter affecting the Shire; and
4. make a cash advance to a person for an expense which can be reimbursed.

LEGISLATIVE POWER	Local Government Act 1995, sections 5.98(2)(b), 5.98(4), 5.101(2) and 5.42
COUNCIL POLICY	N/A
COUNCIL DELEGATION	CD/GOV-6105
DELEGATION BY CEO	Director Corporate Services – each of the functions specified above
DATE OF DELEGATION BY CEO	16 July 2013
CEO POWER TO DELEGATE	Local Government Act 1995, sections 5.41(i) and 5.44
EMT REVIEW	10 July 2013
NEXT REVIEW DATE	July 2014

4. PROCEEDINGS UNDER DOG ACT

AD/GOV-6107

In accordance with section 44 of the *Dog Act 1976*, the CEO has been authorised to institute and carry on proceedings under the Dog Act in the name of the Shire.

This authorisation also enables the CEO to issue infringement notices under section 29 of the Dog Act.

LEGISLATIVE POWER	Dog Act 1976, section 44
COUNCIL POLICY	N/A
COUNCIL AUTHORISATION	CD/GOV-6107
DELEGATION BY CEO	Each of the functions specified above is delegated to – <ol style="list-style-type: none">1. Director Infrastructure;2. Emergency and Regulatory Services Coordinator, and3. Rangers.
DATE OF DELEGATION BY CEO	16 July 2013
CEO POWER TO DELEGATE	Local Government Act 1995, sections 5.41(i) and 5.44
EMT REVIEW	10 July 2013
NEXT REVIEW DATE	July 2014

AD/GOV-6109

The CEO has delegated the following powers and duties under Local Planning Scheme No. 7 (TPS 7):

1. LAND USES

- 1.1 approve all developments applications where the proposed use is a 'P' use including minor variation to Residential Design Codes where no objection is raised by adjoining landowners/occupiers;
- 1.2 approve all development applications where the proposed use is an 'IP' use;
- 1.3 approve the following development applications where the proposed use is an 'AA' use;
 - i. Grouped Dwellings in Residential and Town Centre Zones;
 - ii. Offices and Warehouses in Mixed Business Zones;
 - iii. Agricultural uses in Rural Agriculture 1, Rural Agriculture 2 and Rural Living, Rural Residential, and Rural Small Holdings Zones;
 - iv. building extensions to existing buildings;
 - v. Industrial Uses in Composite Light and General Industry zones;
 - vi. Home Occupation and Home Business in all zones;
 - vii. variations to setbacks to property boundaries for residential dwellings in accordance with the provisions of the Residential Design Codes (Multiple and Grouped Dwellings); and
- 1.4 impose conditions on development approval.

2. ADVERTISING OF 'SA' USES

- 2.1 Initiate advertising for an application involving a proposed 'SA' use and refer the application and submissions to Council.

3. MISCELLANEOUS

- 3.1 All matters which arise out of the imposition of conditions on development approvals;
- 3.2 determine the Shire's position with respect to any mediation process resulting from an appeal to the State Administrative Tribunal following consultation with the Shire President (or in the absence of the Shire President the Deputy President); and
- 3.3 issue and serve notices, and take any other enforcement action, against a person who is suspected to be in breach of TPS 7.

Conditions and Exceptions

- 1. A list of all development applications determined under delegated authority shall be incorporated in the Council's agenda and minutes;
- 2. every applicant who received notification of a conditional approval of a development application that was determined by delegation to the CEO and is

aggrieved by the decision may within 28 days of the date of that decision request that the matter be reconsidered by Council;

3. all applications where the CEO recommendation is for refusal must be presented to Council for consideration;
4. Legal action in relation to breaches of planning conditions and/or breaches of TPS 7 can only be undertaken by the CEO in accordance with Council Policy.

LEGISLATIVE POWER	PLANNING AND DEVELOPMENT ACT 2005 SHIRE OF WYNDHAM EAST KIMBERLEY TOWN PLANNING SCHEMES
COUNCIL POLICY	N/A
COUNCIL AUTHORISATION	CD/GOV-6109
DELEGATION BY CEO	Each of the functions specified above is delegated to – <ol style="list-style-type: none">1. Director Community Development;2. Manager Property and Regulatory Services, and3. Planning Officers
DATE OF DELEGATION BY CEO	16 July 2013
CEO POWER TO DELEGATE	Local Government Act 1995, sections 5.41(i) and 5.44
EMT REVIEW	10 July 2013
NEXT REVIEW DATE	July 2014

6. ENVIRONMENTAL HEALTH

AD/GOV-6110

In accordance with section 26 of the *Health Act 1911*, the Council has appointed and authorised the CEO to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government.

The CEO has delegated authority to exercise all of the functions conferred or imposed on the Shire, as an enforcement agency, under and subject to section 118(2) of the *Food Act 2008*.

The CEO is authorised to administer:

- the *Food Act 2008* and associated regulations and local laws;
- the *Litter Act 1979* and regulations;
- the *Caravan Parks and Camping Grounds Act 1995* and the *Caravan and Camping Grounds Regulations 1997*;
- the *Fly Eradication Regulations*;
- the *Environmental Protection Act 1986*;
- the 2003 Shire of Wyndham East Kimberley Local Laws; and
- the 2004 Shire of Wyndham East Kimberley Health Local Laws.

LEGISLATIVE POWER	Health Act 1911 Food Act 2008 Litter Act 1979 Caravan and Camping Grounds Act 1995 Environmental Protection Act 1986
COUNCIL POLICY	N/A
COUNCIL AUTHORISATION	CD/GOV-6110
DELEGATION BY CEO	Each of the functions specified above is delegated to – <ol style="list-style-type: none"> 1. Director Community Development; 2. Manager Property and Regulatory Services; 3. Wyndham Area Services Manager; 4. Emergency and Regulatory Services Coordinator; 5. Rangers, and 4. Environmental Health Officers
DATE OF DELEGATION BY CEO	16 July 2013

CEO POWER TO DELEGATE

Local Government Act 1995, sections 5.41(i) and 5.44

EMT REVIEW

10 July 2013

NEXT REVIEW DATE

July 2014

7. IMPOUNDING GOODS

AD/GOV6113

The CEO has delegated authority to:

1. remove and impound, and to authorise any employee to remove and impound, under section 3.39 of the *Local Government Act 1995*, any goods that are involved in a contravention that can lead to impounding;
2. take action under section 3.42(1) of the *Local Government Act 1995* in respect of removal and impounding of non-perishable goods;
3. give the notice, required under section 3.44 of the *Local Government Act 1995*, to an alleged offender to collect goods that have been removed and impounded;
4. refuse, under section 3.46 of the *Local Government Act 1995*, to allow impounded goods to be collected until costs have been paid;
5. sell or otherwise dispose of confiscated goods under section 3.47 of the *Local Government Act 1995*; and
6. take action under section 3.48 of the *Local Government Act 1995* to recover costs and expenses.

LEGISLATIVE POWER	Local Government Act 1995, sections 3.39, 3.42(1), 3.44, 3.46, 3.47, 3.48 and 5.42
COUNCIL POLICY	N/A
DELEGATION BY CEO	Each of the functions specified above is delegated to – <ol style="list-style-type: none"> 1. Director Infrastructure; 2. Rangers; 3. Depot Manager; 4. Emergency and Regulatory Services Coordinator, and 5. Environmental Health Officers.
DATE OF DELEGATION BY CEO	16 July 2013
CEO POWER TO DELEGATE	Local Government Act 1995, sections 5.41(i) and 5.44
EMT REVIEW	10 July 2013
NEXT REVIEW DATE	July 2014

8. SALE OF IMPOUNDED OR CONFISCATED VEHICLES ANIMALS OR GOODS

AD/GOV6114

The CEO has delegated authority to exercise the powers under section 3.47 of the *Local Government Act 1995* to dispose of any vehicles, animals or goods that have been impounded or confiscated.

LEGISLATIVE POWER	Local Government Act 1995, section 3.47, 3.58, 5.42 and 5.43(b)
COUNCIL POLICY	N/A
DELEGATION BY CEO	Each of the functions specified above, subject to the condition specified above, is delegated to all Directors
DATE OF DELEGATION BY CEO	16 July 2013
CEO POWER TO DELEGATE	Local Government Act 1995, sections 5.41(i) and 5.44
EMT REVIEW	10 July 2013
NEXT REVIEW DATE	July 2014

9. COPIES OF INFORMATION

AD/GOV6116

The CEO has delegated authority to ensure, under section 5.96 of the *Local Government Act 1995*:

1. that copies of information are available to persons who are entitled to request the information under Division 7, Part 5 of the Act, and
2. that the price at which the copies are sold does not exceed the cost of providing the copies.

LEGISLATIVE POWER	Local Government Act 1995, sections 5.42 and 5.96
COUNCIL POLICY	N/A
DELEGATION BY CEO	Each of the functions specified above is delegated to – <ol style="list-style-type: none"> 1. Directors; 2. Building Surveyor; 3. Manager Property and Regulatory Services 4. Projects and Facilities Coordinator 5. Community Development Officers; and 6. Wyndham Area Services Manager.
DATE OF DELEGATION BY CEO	16 July 2013
CEO POWER TO DELEGATE	Local Government Act 1995, sections 5.41(i) and 5.44
EMT REVIEW	10 July 2013
NEXT REVIEW DATE	July 2014

10. PAYMENTS FROM THE MUNICIPAL FUND AND TRUST FUND

AD/GOV6117

The CEO has delegated authority to make payments from the municipal fund and the trust fund.

Note: regulation 13 of the *Local Government (Financial Management) Regulations 1996* states –

'13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name; and
 - (b) the amount of the payment; and
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - (a) for each account which requires council authorisation in that month —
 - (i) the payee's name; and
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction;
 and
 - (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under subregulation (1) or (2) is to be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting'.

LEGISLATIVE POWER	Local Government Act 1995, section 5.42 and Local Government (Financial Management) Regulations 1996, regulations 12 and 13
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COUNCIL POLICY	N/A
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DELEGATION BY CEO	Each of the functions specified above is delegated to – <ol style="list-style-type: none"> 1. Director Corporate Services; 2. Senior Financial Officers.
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DATE OF APPROVAL BY CEO	16 July 2013
CEO POWER TO DELEGATE	Local Government Act 1995, sections 5.41(i) and 5.44
EMT REVIEW	10 July 2013
NEXT REVIEW DATE	July 2014

11. RATE BOOK

AD/GOV6118

The CEO has delegated authority to perform the following functions:

1. compile and amend the rate record under section 6.39 of the *Local Government Act 1995* and reassess rates and service charges payable under section 6.40;
2. the service of rate notices under section 6.41 of the *Local Government Act 1995*;
3. enter into an agreement under section 6.49 of the *Local Government Act 1995* for the payment of a rate or service charge;
4. determine the date that a rate or service charge becomes due and payable under section 6.50 of the *Local Government Act 1995*;
5. the recovery of rates and service charges under sections 6.54 to 6.62 of the *Local Government Act 1995*;
6. lodge a caveat on land where rates are in arrears and it is considered that the interests of the Shire should be protected and the subsequent withdrawal of a caveat once arrears of rates have been settled. under section 6.64(3) of the *Local Government Act 1995*.
7. grant an extension of time for making an objection to the rate record under section 6.76(4) of the *Local Government Act 1995*; and
8. allow or disallow, under section 6.76(5) of the *Local Government Act 1995*, any objection to the rate record and serve notice of the decision and a statement of reasons for the decision upon the person lodging the objection under section 6.76(6).

LEGISLATIVE POWER	Local Government Act 1995, Sec 5.42, 6.39, 6.40, 6.41, 6.49, 6.50, 6.54-6.62, 6.64(3), 6.76(4), 6.76(5) 6.76(6)
COUNCIL POLICY	N/A
DELEGATION BY CEO	Each of the functions specified above is delegated to – <ol style="list-style-type: none"> 1. Director Corporate Services 2. Senior Finance Officers
DATE OF DELEGATION BY CEO	16 July 2013
CEO POWER TO DELEGATE	<i>Local Government Act 1995</i> , sections 5.41(i) and 5.44
EMT REVIEW	10 July 2013
NEXT REVIEW DATE	July 2014

12. INVESTMENTS

AD/GOV 6119

The CEO has delegated authority:

1. to invest any monies held in the municipal fund or the trust fund that is not, for the time being, required by the local government for any other purpose; and
2. to establish and document internal control procedures to be followed by employees to ensure control over investments. The control procedures are to enable the identification of:
 - (a) the nature and location of all investments, and
 - (b) transactions related to each investment.

LEGISLATIVE POWER	Local Government Act 1995, section 5.42 and Local Government (Financial Management) Regulations 1996, regulation 19.
COUNCIL POLICY	F11 – Management of Investments
DELEGATION BY CEO	Each of the functions specified above is delegated to – <ol style="list-style-type: none">1. Director Corporate Services2. Senior Finance Officers
DATE OF DELEGATION BY CEO	16 July 2013
CEO POWER TO DELEGATE	Local Government Act 1995, sections 5.41(i) and 5.44
EMT REVIEW	10 July 2013
NEXT REVIEW DATE	July 2014

13. EXPENDITURE BEFORE ADOPTION OF BUDGET

AD/GOV6120

The CEO has delegated authority to authorise operating expenditure and appropriate capital expenditure that is included in Council's Plan for the Future from the municipal fund prior to the adoption of the annual budget.

Condition

The CEO must include the expenditure in the draft budget to be presented to Council.

LEGISLATIVE POWER	Local Government Act 1995, sections 5.42 and 6.8(1)(a)
COUNCIL POLICY	N/A
DELEGATION BY CEO	Each of the functions specified above is delegated to – <ol style="list-style-type: none">1. Director Corporate Services2. Senior Finance Officers
DATE OF DELEGATION BY CEO	16 July 2013
CEO POWER TO DELEGATE	Local Government Act 1995, sections 5.41(i) and 5.44
EMT REVIEW	10 July 2013
NEXT REVIEW DATE	July 2014

14. GATES ACROSS PUBLIC THOROUGHFARE

AD/GOV 6121

The CEO has delegated authority to exercise each of the functions under regulation 9 of the *Local Government (Uniform Local Provisions) Regulations 1996*, including the power to determine applications for permission to have a gate or other device across a public thoroughfare under the control or management of the Shire to enable traffic to pass across the public thoroughfare and prevent livestock from straying.

LEGISLATIVE POWER	Local Government Act 1995, section 5.42 and Local Government (Uniform Local Provisions) Regulations 1996, regulation 9
COUNCIL POLICY	N/A
DELEGATION BY CEO	Director Infrastructure
DATE OF DELEGATION BY CEO	16 July 2013
CEO POWER TO DELEGATE	Local Government Act 1995, sections 5.41(i) and 5.44
EMT REVIEW	10 July 2013
NEXT REVIEW DATE	July 2014

15. DANGEROUS EXCAVATION IN OR NEAR PUBLIC THOROUGHFARE

AD/GOV6122

The CEO has delegated authority to exercise each of the functions under regulation 11 of the *Local Government (Uniform Local Provisions) Regulations 1996*, including the powers –

1. to fill in or fence an excavation;
2. to give a written request to an owner or occupier to fill in or securely fence the excavation; and
3. to determine applications for permission to make, or make and leave, an . excavation in a public thoroughfare or land adjoining a public thoroughfare or land adjoining a public thoroughfare

LEGISLATIVE POWER	Local Government Act 1995, section 5.42 and Local Government (Uniform Local Provisions) Regulations 1996, regulation 11
COUNCIL POLICY	N/A
DELEGATION BY CEO	Director Infrastructure
DATE OF DELEGATION BY CEO	16 July 2013
CEO POWER TO DELEGATE	Local Government Act 1995, sections 5.41(i) and 5.44
EMT REVIEW	10 July 2013
NEXT REVIEW DATE	July 2014

16. CROSSOVERS

AD/GOV6123

The CEO has delegated authority:

1. to determine applications for the construction of a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land and may agree to construct the crossing for the applicant;
2. to give notice to an owner or occupier of private land requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land; and
3. if the person fails to comply with the notice, to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person.

LEGISLATIVE POWER	Local Government Act 1995, section 5.42 and Local Government (Uniform Local Provisions) Regulations 1996, regulations 12 and 13
COUNCIL POLICY	N/A
DELEGATION BY CEO	Each of the functions specified above is delegated to: <ol style="list-style-type: none">1. Director Infrastructure2. Manager Engineering Services
DATE OF DELEGATION BY CEO	16 July 2013
CEO POWER TO DELEGATE	Local Government Act 1995, sections 5.41(i) and 5.44
EMT REVIEW	10 July 2013
NEXT REVIEW DATE	July 2014

17. DEMOLITION PERMITS

AD/GOV 6124

The Council has delegated to –

1. Building Surveyor (Level 1 or Level 2);
2. CEO;
3. Director Community Development, and
4. Manager Property and Regulatory Services.

The functions of the Shire as the permit authority in respect of an application for, and the grant or refusal of, a demolition permit under Divisions 2, 3 and 4 of Part 2 of the *Building Act 2011*.

LEGISLATIVE POWER	Building Act 2011, Divisions 2, 3 and 4 of Part 2 and section 127
COUNCIL POLICY	N/A
EMT REVIEW	10 July 2013
NEXT REVIEW DATE	July 2014

18. BUILDING ORDERS

AD/GOV 6125

The Council has delegated to –

1. Building Surveyor (Level 1 or Level 2);
2. CEO;
3. Director Community Development;
4. Manager Property and Regulatory Services, and
5. Projects and Facilities Coordinator.

The functions of the Shire as the permit authority in respect of building orders under Division 5 of Part 8 of the *Building Act 2011*.

LEGISLATIVE POWER	Building Act 2011, Division 5 of Part 8 and section 127
COUNCIL POLICY	LPP 2 – Compliance and Enforcement Policy
EMT REVIEW	10 July 2013
NEXT REVIEW DATE	July 2014

19. BUILDING PERMITS

AD/GOV 6126

The Council has delegated to -

1. Building Surveyor (Level 1 or Level 2);
2. CEO;
3. Director Community Development, and
4. Manager Property and Regulatory Services.

The functions of the Shire as the permit authority in respect of an application for, and the grant or refusal of, a building permit under Divisions 2, 3 and 4 of Part 2 of the *Building Act 2011*.

LEGISLATIVE POWER	Building Act 2011, Divisions 2, 3 and 4 of Part 2 and section 127
COUNCIL POLICY	N/A
EMT REVIEW	10 July 2013
NEXT REVIEW DATE	July 2014

20. OCCUPANCY PERMITS AND BUILDING APPROVAL CERTIFICATES

AD/GOV6130

The Council has delegated to -

1. Building Surveyor (Level 1 or Level 2);
2. CEO;
3. Director Community Development;
4. Manager Property and Regulatory Services, and
5. Projects and Facilities Coordinator.

The functions of the Shire as the permit authority in respect of an application for, and the grant, modification or refusal of, an occupancy permit or building approval certificate under Division 3 of Part 4 of the *Building Act 2011*.

LEGISLATIVE POWER	Building Act 2011, Division 3 of Part 4 and section 127
COUNCIL POLICY	N/A
EMT REVIEW	10 July 2013
NEXT REVIEW DATE	July 2014

21. PERMISSION TO DEPOSIT MATERIALS ON OR EXCAVATE ADJACENT TO A STREET

AD/GOV6131

The CEO has delegated authority to exercise each of the functions under regulation 6 of the *Local Government (Uniform Local Provisions) Regulations 1996*, including the power to determine applications for permission to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare.

LEGISLATIVE POWER	Local Government Act 1995, section 5.42 and Local Government (Uniform Local Provisions) Regulations 2013, regulation 6
COUNCIL POLICY	N/A
DELEGATION BY CEO	Each of the functions specified above is delegated to – <ol style="list-style-type: none"> 1. Building Surveyor (Level 1 or Level 2); 2. CEO; 3. Director Infrastructure; 4. Director Community Development; 5. Manager Property and Regulatory Services, and 6. Projects and Facilities Coordinator.
DATE OF DELEGATION BY CEO	16 July 2013
CEO POWER TO DELEGATE	Local Government Act 1995, sections 5.41(i) and 5.44
EMT REVIEW	10 July 2013
NEXT REVIEW DATE	July 2014

22. AWARD / INDUSTRIAL MATTERS

AD/GOV6132

The CEO has delegated authority to act on the Council's behalf in any general Industrial/Award matter and any Industrial dispute involving any employee/s of the Shire.

LEGISLATIVE POWER	Local Government Act 1995, section 5.42
COUNCIL POLICY	N/A
DELEGATION BY CEO	Each of the functions specified above is delegated to – <ol style="list-style-type: none">1. All Directors, and2. Manager Organisational Development.
DATE OF DELEGATION BY CEO	16 July 2013
CEO POWER TO DELEGATE	Local Government Act 1995, sections 5.41(g) and 5.44
EMT REVIEW	10 July 2013
NEXT REVIEW DATE	July 2014

23. LEGAL ADVICE

AD/GOV6133

Subject to provision being made in the budget for legal expenses, authority to obtain from an appropriate solicitor such legal advice and opinions as is deemed necessary in the exercise of the management of the local government.

LEGISLATIVE POWER	Local Government Act 1995, section 5.42
COUNCIL POLICY	N/A
DELEGATION BY CEO	All Directors – each of the functions specified above
DATE OF DELEGATION BY CEO	16 July 2013
CEO POWER TO DELEGATE	Local Government Act 1995, sections 5.41 and 5.44
EMT REVIEW	10 July 2013
NEXT REVIEW DATE	July 2014

24. CONTRACT VARIATIONS

AD/GOV6134

The CEO has delegated authority to approve minor variations to contracts that would otherwise require authorisation by the Council, subject to the funds required to meet the cost of the variations being within the amount set aside in the budget adopted by the Council.

LEGISLATIVE POWER	Local Government Act 1995, section 5.42
COUNCIL POLICY	N/A
DELEGATION BY CEO	All Directors – each of the functions specified above
DATE OF DELEGATION BY CEO	16 July 2013
CEO POWER TO DELEGATE	Local Government Act 1995, sections 5.41(i) and 5.44
EMT REVIEW	10 July 2013
NEXT REVIEW DATE	July 2014

25. APPOINTMENT OF CONSULTANTS

AD/GOV6135

The CEO has delegated authority to engage consultants including architects, valuers, planning consultants and the like.

Conditions

In exercising this function:

1. the CEO must comply with all relevant Council policies;
2. funds for the engagement must be within the budget adopted by the Council;
3. the engagement must be for a project approved by the Council; and
4. the cost to the Shire of the engagement must not exceed \$100,000.

LEGISLATIVE POWER	Local Government Act 1995, section 5.42
COUNCIL POLICY	N/A
DELEGATION BY CEO	All Directors – each of the functions specified above
DATE OF DELEGATION BY CEO	16 July 2013
CEO POWER TO DELEGATE	Local Government Act 1995, sections 5.41(i) and 5.44
EMT REVIEW	10 July 2013
NEXT REVIEW DATE	July 2014

26. EVENTS ON ROADS

AD/GOV6136

The CEO has delegated authority to give, or refuse to give, the Shire's approval under regulation 4 of the *Road Traffic (Events on Roads) Regulations 1991* in relation to the temporary closure of a road for the purpose of conducting an event.

Note: In exercising this function, the CEO may be required to comply with the requirements of sections 3.50 of the *Local Government Act 1995*

LEGISLATIVE POWER	Local Government Act 1995, section 5.42
COUNCIL POLICY	N/A
DELEGATION BY CEO	Each of the functions specified above is delegated to – <ol style="list-style-type: none">1. Director Infrastructure;2. Manager Engineering Services;3. Senior Technical Officer4. Rangers;5. Depot Manager;6. Emergency and Regulatory Services Coordinator, and7. Wyndham Area Services Manager.
DATE OF DELEGATION BY CEO	16 July 2013
CEO POWER TO DELEGATE	Local Government Act 1995, sections 5.41(i) and 5.44
EMT REVIEW	10 July 2013
NEXT REVIEW DATE	July 2014

27. CERTIFYING OF DOCUMENTS

AD/GOV6137

The CEO authorises, under section 9.31 of the *Local Government Act 1995*, each Director to be an authorised employee for the purpose of certifying a copy of a local law of the Shire, or a copy of any other document of or adopted by the Shire, to be a true copy.

COUNCIL POLICY	N/A
DELEGATION BY CEO	All Directors – each of the functions specified above
DATE OF AUTHORISATION BY CEO	16 July 2013
CEO POWER TO AUTHORISE	Local Government Act 1995, sections 9.31
EMT REVIEW	10 July 2013
NEXT REVIEW DATE	July 2014

28. SIGNING OF SHIRE CORRESPONDENCE

AD/GOV6138

The CEO delegates to each Director the power to sign letters, other than Excluded Letters referred to below, that –

1. relate to normal operations;
2. are the result of a Council decision; or
3. are permitted by another delegation or a Council policy.

Excluded letters are –

1. letters of appointment of Shire employees;
2. letters of dismissal of Shire employees or contractors working for the Shire; or
3. letters which –
 - (a) contain an opinion on a Council Policy;
 - (b) contain a political comment;
 - (c) seek a meeting or deputation; or
 - (d) make a major commitment, financial or otherwise, of the Shire's resources, and which are addressed to –
 - (e) a State or Federal Member of Parliament;
 - (f) a Secretary, Executive Director or similar position of a State or Federal Department;
 - (g) a Mayor or President of another local government;
 - (h) a CEO of another local government;
 - (i) the Ombudsman;
 - (j) the Western Australia Local Government Association; or
 - (k) the Department of Local Government.

COUNCIL POLICY	N/A
DELEGATION BY CEO	All Directors – each of the functions specified above
DATE OF DELEGATION BY CEO	16 July 2013
CEO POWER TO DELEGATE	Local Government Act 1995, section regulations 5.41(i) and 5.44
EMT REVIEW	10 July 2013
NEXT REVIEW DATE	July 2014

29. PRIVATE WORKS

AD/GOV6139

The CEO has delegated authority to enter into commercial arrangements under which the Shire is to provide works or services.

Conditions

This authority must be exercised in accordance with Council policies and the value of each arrangement must not exceed the amount determined by the Council for the purposes of section 5.43(b) of the *Local Government Act 1995*.

LEGISLATIVE POWER	Local Government Act 1995, sections 5.42 and 5.43(b)
COUNCIL POLICY	N/A
DELEGATION BY CEO	All Directors – each of the functions, subject to each of the conditions, specified above
DATE OF DELEGATION BY CEO	16 July 2013
CEO POWER TO DELEGATE	Local Government Act 1995, sections 5.41(i) and 5.44
EMT REVIEW	10 July 2013
NEXT REVIEW DATE	July 2014

30. AUTHORITY TO SIGN DOCUMENTS

The CEO has authorisation to sign, on behalf of the Shire, a document that is necessary or appropriate for the CEO to sign in carrying out the CEO's functions under any written law.

LEGISLATIVE POWER	Local Government Act 1995, section 9.49A(4)
COUNCIL POLICY	N/A
DELEGATION BY CEO	The CEO delegates, to each Director, the power to sign, on behalf of the Shire, a document that is necessary or appropriate for the Director to sign in carrying out his or her functions under any written law.
DATE OF DELEGATION BY CEO	16 July 2013
CEO POWER TO DELEGATE	Local Government Act 1995, sections 5.41(i) and 5.44
EMT REVIEW	10 July 2013
NEXT REVIEW DATE	July 2014

31. AUTHORITY TO AFFIX THE SHIRE'S COMMON SEAL

The CEO has delegated authority to affix the common seal of the Shire to a document that needs the Shire's common seal to be legally effective and that is within one or more of the following categories –

1. documents required to satisfy conditions of subdivision and/or development approval;
2. documents required to effect the transfer of land as part of a settlement transaction (sale and purchase);
3. documents required to secure the repayment of a loan granted by the Shire, a loan granted to the Shire by a third party and/or to secure the pre-funding of infrastructure works by the Shire;
4. documents required to effect the grant of leasehold interests in the land either by the Shire to a third party, or by a third party to the Shire;
5. documents required to effect the grant of a licence either by the Shire to a third party, or by a third party to the Shire;
6. documents required to effect the subdivision of land, including the strata titling of land;
7. documents which are capable of registration and/or lodgement at Landgate (WA Land Titles office); and
8. documents that are necessary or appropriate to enable a CEO to carry out his functions under any written law.

Condition:

The document must not be inconsistent with a Council policy or resolution.

LEGISLATIVE POWER	Local Government Act 1995, sections 9.49A(2) and 5.42
COUNCIL POLICY	N/A
DELEGATION BY CEO	All Directors– each of the functions specified above.
DATE OF DELEGATION BY CEO	16 July 2013
CEO POWER TO DELEGATE	Local Government Act 1995, sections 5.41(i) and 5.44
EMT REVIEW	10 July 2013
NEXT REVIEW DATE	July 2014

12.5.4 50th Anniversary Pavers

DATE:	16 July 2013
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Whitegum / Warlarring Park
AUTHOR:	Gary Gaffney, Chief Executive Officer
REPORTING OFFICER:	Gary Gaffney, Chief Executive Officer
FILE NO:	CR.05.1

PURPOSE

The purpose of this report is for Council's approval to install the 50th Anniversary paving bricks in Whitegum Park following community consultation as per minute number 9936 from December Ordinary Council Meeting.

BACKGROUND

A report was submitted to Council in December 2012 regarding the installation of the 50th Anniversary pavers where Council resolved to engage in community consultation in order to decide on a location for the bricks.

COUNCIL DECISION

Minute No. 10128

Moved: Cr J Parker

Seconded: Cr C Gore-Birch Gault

That Council engage in public consultation via media explaining the background of the 50th Anniversary pavers and seeking the community's preference for a brick walkway in their preferred location.

Carried Unanimously 7/0

Community consultation was carried out in the form of advertising in our SWEK news, and media release. A request to submit preferences in writing to the Chief Executive Officer has resulted in one email response from a community member who has requested the pavers be installed in Whitegum / Warlarring Park.

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 financial implications regarding this report with the cost associated with ordering and laying the bricks.

STRATEGIC IMPLICATIONS

There are no strategic implications associated with this report.

COMMUNITY CONSULTATION

There has been community consultation via SWEK news, dated 24 January 2013 inviting community members to write to the Chief Executive Officer with their preferred location for the bricks.

COMMENT

Following community consultation it is clear that the preferred location for the pavers is Whitegum / Warlarring Park.

ATTACHMENTS

Attachment 1 – Media Release 15 January 2013

Attachment 2 – SWEK News 24 January 2013

Attachment 3 – Proposed location of the pavers

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council construct a link path in Whitegum / Warlarring Park that contains the 50th anniversary pavers.

COUNCIL DECISION

Minute No. 10128

Moved: Cr J Parker

Seconded: Cr D Ausburn

That Council construct a link path in Whitegum / Warlarring Park that contains the 50th anniversary pavers.

Carried Unanimously 6/0



media release

DATE 15/01/13
FROM Meagan Le Riche
Media & Communications Officer
CONTACT (08) 9168 4100
Meagan.leriche@swek.wa.gov.au

PO Box 614 Kununurra 6743
115 Coolibah Drive
KUNUNURRA

Koolama Street WYNDHAM
T | 9168 4100
F | 9168 1798
E | mail@swek.wa.gov.au
W | www.swek.wa.gov.au

8.00am - 4.00pm MON - FRI

Kununurra 50th Birthday Pavers

In 2011 members of the community in Kununurra formed a committee to organise celebrations for the 50th birthday of the town of Kununurra and a commemorative item. To fund these, the committee decided to sell personalised pavers which would later be placed in a path somewhere within the town limits.

The committee approached the Shire to be the repository of the funds for the purchase of the pavers which the Shire agreed to do. Following on from the celebrations no further information was received from the committee as to the finalisation of the pavers purchase or the location for the path.

Following queries from members of the community who had purchased pavers investigations were made and a report went to Council regarding the pavers and possible locations for a path to be created.

At the Council Meeting on 11 December 2012 a resolution was made to go to community consultation regarding the location of the path for the 50th Birthday Pavers.

Shire President John Moulden said "I would like to thank the community for their patience regarding the 50th Birthday Pavers. I encourage all those who have purchased a paver to provide their suggestions for a location for the path to the Shire so that this community project can be completed as soon as possible."

Suggestions should be made in writing attention to the Chief Executive Officer, PO Box 614, Kununurra WA 6743 or via email to mail@swek.wa.gov.au by 4pm Thursday 28 February 2013.

FOR MEDIA COMMENT PLEASE CONTACT:

John Moulden, President, Shire of Wyndham East Kimberley (08) 9168 4100

SWEK NEWS

KEEPING YOU INFORMED

STORY OF THE WEEK

Australia Day Celebrations



Shire President John Moulden invites all members of the community to the Australia Day celebrations to be held at Swim Beach, Millington Drive, Kununurra and at the Wyndham Shire Office, Koolama Street, Wyndham from 7am on Saturday 26 January 2013.

Celebrations will include a free breakfast BBQ, flag raising ceremony, Citizenship ceremony, best dressed prizes and much, much more.

WHAT'S NEW

Disability Access and Inclusion Plan

The Shire has completed its review of its Disability Access and Inclusion Plan 2013-2017. We would like to thank community members and organisations for their assistance with the revision of the plan.

To request a copy of the plan, please contact (08) 9168 4100 or visit www.swek.wa.gov.au

Mobile Muster

MobileMuster, the official recycling scheme of the mobile telecommunications industry, estimates that if the 22 million old mobiles no longer being used were recycled, it would divert nearly 120 tonnes of plastic from landfill and have the environmental benefit of planting over 86,000 trees or taking 4,000 cars off the road.

The Shire and MobileMuster, want all Shire of Wyndham East Kimberley residents to recycle a record number of old mobiles following the Christmas and summer sale mobile buy-up.

Recycle your old mobile phones by dropping into the Mobile Muster box located at the Kununurra Shire Office. 115 Coolibah Drive, Kununurra. For more information visit www.mobilemuster.com.au

Junior Squash Competition

Registrations are now open for the Junior Squash competition being held at the Kununurra Leisure Centre from 6 February 2013. The 8 week competition will run on Wednesdays from 2:30pm to 5pm. Competition costs is \$50 per person and registrations close on Tuesday 29 January 2013. For more details and registration forms please contact the Kununurra Leisure Centre on 9168 2120.

New Shire Office



The Shire of Wyndham East Kimberley is moving. On Wednesday 13 February the

Shire will close its doors at 115 Coolibah Drive for the last time prior to moving into new headquarters at 20 Coolibah Drive.

Limited services will be available on Thursday 14 and Friday 15 February whilst Shire staff and removalists work to move the Shire to the new building.

Full services will resume on Monday 18 February 2013 at the new office located at 20 Coolibah Drive.

50th Birthday Pavers

At the Council Meeting on 11 December 2012 a resolution was made to go to community consultation regarding the location of the path for the 50th Birthday Pavers.

Suggestions should be made in writing attention to the Chief Executive Officer, PO Box 614, Kununurra WA 6743 or via email to mail@swek.wa.gov.au by 4pm Thursday 28 February 2013.

New Fitness Class
Timetable available

The Kununurra Leisure Centre has changed the times of some fitness classes for 2013. For more information contact the Kununurra Leisure Centre on 9168 2120.

Positions Vacant:

For information, position descriptions and selection criteria on Shire job vacancies please contact Rebecca Morrall on (08) 9168 4100, email recruitment@swek.wa.gov.au, visit www.swek.wa.gov.au or view our display board at the Kununurra Office on Coolibah Drive.

PUBLIC NOTICES

Strategic Community Plan 2012-2022

The Shire of Wyndham East Kimberley's Strategic Community Plan has been endorsed by Council as a Draft for Public comment. Extensive Community consultation was undertaken in developing this plan and all residents, agency representatives and visitors are now invited to read the draft and provide feedback to the Shire on any suggestions and/or changes to be made.

Comments can be made via the Shire website www.swek.wa.gov.au or via email to yoursay@swek.wa.gov.au. The closing date for submissions is 1 February 2013.

Rates Instalments

For rate payers who have selected instalment options 2 & 3, instalment reminder notices have now been issued and payment is due on 29 January 2013. If you haven't received your instalment notice please contact the Rates Officer on (08) 9168 4100 or email – rates@swek.wa.gov.au

Contact Details

T 9168 4100	PO Box 614 Kununurra 6743
F 9168 1798	115 Coolibah Drive KUNUNURRA
E mail@swek.wa.gov.au	Koolama Street WYNDHAM
W www.swek.wa.gov.au	8.00am - 4.00pm MON - FRI



WWW.SWEK.WA.GOV.AU

White Gum Park

Brick Paving

Brick Paving

Tuckerbox



COUNCIL DECISION

Minute No. 10129

Moved: Cr D Ausburn

Seconded: Cr R Dessert

That Council agree to Cr Parker remaining in the meeting but may not vote on item 12.5.5 Operation of Wyndham Community Resource Centre due to Declaration of Interest.

Carried Unanimously 6/0

12.5.5 Operation of the Wyndham Community Resource Centre

DATE:	16 July 2013
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Rob Drew, Wyndham Area Services Manager
REPORTING OFFICER:	Gary Gaffney, Chief Executive Officer
FILE NO:	N/a
ASSESSMENT NO:	N/a

PURPOSE

To consider a request for the Shire to take on responsibility for the operation of the Wyndham Community Resource Centre, in Wyndham.

BACKGROUND

The Department of Regional Development and Lands has requested the Shire to operate the Wyndham Community Resource Centre (CRC) from the Shire's administrative offices in Wyndham. The operation would require some minor modification to the front office and require the employment of a coordinator. A copy of the business plan for the 2012/13 financial year is provided as at Attachment 1. The business plan describes all the activities that the centre undertakes as well as some financial information. Notably, as well as providing office based (secretarial) and conference services, the Wyndham CRC was also responsible for the production of the Bastion Bulletin, which is published monthly.

The modifications to the front office to accommodate the new service – essentially eliminating the small licensing photo/driving booth - is estimated to be in the order of \$87,000. Employment of a coordinator to run the service is estimated to be in the order of \$62,000 plus overheads.

A number of operational expenses are able to be absorbed by the Shire by virtue of the service being collocated with the Wyndham administrative office. Additional savings are also possible with respect to the maintenance of information technology equipment. The Shire should, therefore, be able to operate the service at a reduced cost. The Shire will, nevertheless, need to review its fees and charges and services in Wyndham with respect to the CRC operations for such services as photocopying and use of some technology – so that there is no overlap and avoiding conflict with income streams attributable to the service.

Assuming that the 2012/13 business plan is a true reflection of the operation, and removing the 'Additional Grant Funding' and grant incomes associated with employing a trainee, it is anticipated that the Shire could run the service at almost break-even.

The Schedules and Financial Assistance Agreement at Attachment 2 would be completed to fund up to \$60,000 of the capital upgrade – leaving the Shire with an initial shortfall of \$27,000, as well as to fund the bulk of the operational expenditure.

The Wyndham CRC has operated with a committee for some time. It is proposed that the Shire establish a new committee to assist in monitoring the operation of the service. Ultimate operation of the service, nonetheless, is subject to the Shire entering into a Financial Assistance Agreement with the Department of Regional Development and Lands, which will oblige the Shire to also prepare an updated business plan.

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 capital improvements will be largely offset by grant funding. Otherwise, with the inclusion of the visitor information services, and with the inclusion of funding for the Centrelink Access Point and RIPIA (Remote Indigenous Public Internet Access Grant), the CRC will be able to be operated at break-even for the Shire.

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

The incorporation of the Wyndham CRC into the Shire's administrative offices in Wyndham, including bringing additional visitor information services in-house, provides an opportunity to maintain the service which would otherwise cease. The functions have synergies with the Shire's current operations in Wyndham, particularly as that relates to the provision of office based secretarial support and facilities for conferences and the like, as well as for the display and distribution of promotional material. It would also complement other services already provided from the office such as for banking and driver licensing and the use of the library service.

The minor upgrade to the office for the purpose of accommodating the new service will contribute improvements to the facility which will benefit other users, particularly with respect to the inclusion of new information technology.

ATTACHMENTS

Attachment 1 – Title Wyndham CRC 2012/2013 Business Plan

Attachment 2 – Funding schedules and Financial Assistance Agreement

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Advises the Department of Regional Development and Lands that it is prepared to undertake the provision of services for the operation of the Wyndham Community Resource Centre in line with the Financial Assistance Agreement and funding schedules and subject to assurance being given with respect to the provision of funding as described in the grant schedules in view of the Shire's expenditure for the capital upgrade of the building.
2. Prepares a business plan for the Wyndham CRC for the 2013/14 financial period.

3. Enters into a Memorandum of Understanding for the transfer of ownership of all unencumbered fixtures and fittings contained in and around the current CRC building in Wyndham.

COUNCIL DECISION

Minute No. 10130

Moved: Cr R Dessert

Seconded: Cr D Ausburn

That Council:

1. **Advises the Department of Regional Development and Lands that it is prepared to undertake the provision of services for the operation of the Wyndham Community Resource Centre in line with the Financial Assistance Agreement and funding schedules and subject to assurance being given with respect to the provision of funding as described in the grant schedules in view of the Shire's expenditure for the capital upgrade of the building.**
2. **Prepares a business plan for the Wyndham CRC for the 2013/14 financial period.**
3. **Enters into a Memorandum of Understanding for the transfer of ownership of all unencumbered fixtures and fittings contained in and around the current CRC building in Wyndham.**

Carried Unanimously 5/0



WYNDHAM COMMUNITY RESOURCE CENTRE

Business Plan for the Period 1 July 2012 – 30 June 2013

Proudly Supported By:



Department of
Regional Development and Lands



Contents

Executive Summary	2
Mission Statement	4
Business Overview	5
Products / Services	5
Existing Partnerships	6
Situational Analysis	6
Community Analysis	7
SWOT Analysis	7
Outcomes / Achievements from 2011/2012	9
Action Plan 2012/2013	9
Financial Plan	16
Personnel Plan	17
Risk Management Plan	19
Succession Plan	20



Wyndham Community Resource Centre Business Plan 2012-2013

Executive Summary

The Wyndham Community Resource Centre is a not for profit, community managed organisation servicing the regional community of Wyndham in the East Kimberley region. The Wyndham CRC is part of a network of over 100 Community Resource Centres located in small rural communities in WA

The Centre delivers a range of services and programs ranging from fee for service activities such as photocopying, video conferencing and internet access; to community project development and management.

This business plan incorporates the Wyndham Community Resource centre's activities which address the deliverables required from the State Government's Royalties for Regions funding, which provides a large proportion of the Centre's funding.

This business -plan provides an overview of the services and programs that the Wyndham Community Resource Centre will implement or develop over the 2012/2013 financial year. The main focus will be to:

1. Maintain access to Federal and State Government agencies.
2. Implement strategies to develop relevant and appropriate training courses for the Wyndham Community.
3. Develop strategies to increase the income of the Wyndham CRC.
4. Increase the profile of the Wyndham CRC within the community.
5. Develop and maintain high standards of management and governance.

In particular:

Supervision of Wyndham CRC Trainee.

Seek partnerships or support organisations such as Community Enterprises Australia which is responsible for CDEP programs in the community. Look at ways the Wyndham CRC could develop an Art Centre in Wyndham and possibilities leading to working with both Joorook Ngarni and Ngnow;tr Aerwah Aboriginal Corporations in some capacity.

Seek suitable Staff Development Courses.

Monitor ICT upgrades and acquire new software.

Continue to produce The Bastion Bulletin on a monthly basis.

Continue the ongoing refurbishment of the Wyndham Community Resource Centre.

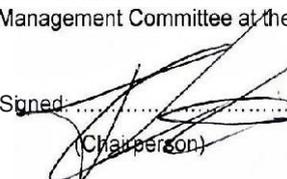
Send representatives to attend the WRCRC Conference and the Kimberley Cluster Meeting.

Develop and maintain the Wyndham CRC website so that it becomes an informative and useful resource for the Wyndham community and the outside world.

Train staff and other interested people in the use of Photoshop, QuarkExpress and Cafesuite software.

Organise Photoshop workshops.

This 2012/2013 Business Plan has been endorsed by the Wyndham Community Resource Centre Management Committee at the Ap012 committee meeting.

Signed: 
(Chairperson)

Dated: 30/4/2012.....



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Regional Development and Lands

GOVERNMENT OF
WESTERN AUSTRALIA



ROYALTIES
FOR REGIONS

PAGE3



Western Australian
Community
Resource
Network



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ROYALTIES
FOR REGIONS

PAGE3
16 July 2013



Western Australian
Community
Resource
Network

Wyndham Community Resource Centre Business Plan 2012 – 2013

Mission Statement

The purpose of the Community Resource Centre is to principally provide a human resource and facility that will assist unemployed people by increasing the level of education, training and employment in the community and assisting unemployed people to access education, training and employment programs and providing advice and support to such people.

To provide a community based infrastructure which will stimulate the effective and creative use of telecommunications, computer technology and information access for individuals, community groups and small business throughout the region.

To increase the education, training and employment prospects of the region.

To obtain funds from donations, grants and other sources.

To ensure the Association is effective and remains a community-based, owned and operated facility.

To solely apply the property and income of the Association towards the promotion of the objectives of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those objectives.



Department of
Regional Development and Lands



PAGE 4
16 July 2013



Wyndham Community Resource Centre Business Plan 2012 – 2013

Business Overview

It appears obvious that the core of the business will remain internet access and activities such as photocopying, printing, etc. for members of the local population who do not have these facilities at home.

The CRC also plays a vital role in facilitating the local jobs market through accessing jobs and employment information online. Key organisations Centrelink and ITEC both utilise the Centre as access points for their clients. Kununurra-based Wunan Foundation also has an intermittent presence using the CRC for their job skills training and information disseminating programs.

In addition the Management Committee is exploring other ICT possibilities that expand the range of services available e.g. online gaming for teenagers, Photoshop workshops, etc.

The Wyndham Community Resource Centre provides access to the following

Products / Services

Broadband Internet Access

Centrelink Access Point

Check Your Emails

Internet Banking

Secretarial Services

Desktop Publishing

Word Processing

Westnet Agent

Business Cards

Photo Printing

Photocopying

Monthly Production of the Wyndham community news bulletin *The Bastion Bulletin*

Video Conferencing

Westlink Services

Wireless Hotspot

Letterheads

Laminating

Brochures

Resumes

Flyers



Department of
Regional Development and Lands



PAGE 5
16 July 2013



Wyndham Community Resource Centre Business Plan 2012 – 2013

Existing Partnerships

The Wyndham Community Resource Centre has contracts or MOUs with the following organisations:

Department of Regional Development and Lands (FAA)

Centrelink (Agency – Annual Contract)

Westnet ISP (Annual Contract)

Westlink (Annual Contract)

Kimberley Group Training



Department of
Regional Development and Lands



PAGE 6
16 July 2013



286 of 329

**Wyndham Community Resource Centre
Business Plan 2012 – 2013**

Situational Analysis

Community Analysis

Market / Community Analysis

The Wyndham Community Resource Centre provides valuable services and support to the remote community of Wyndham. The clientele range from itinerant workers, tourists, backpackers and local residents with the majority of customers being local people who do not have home computers and internet access. Tourists access the CRC services during the tourist season which lasts from April to September each year.

Community trends

Economic Outlook – Wyndham has a bright economic future with a number of projects taking place in the town including the development of mining particularly the new iron ore loading and exporting facilities located at the Wyndham Port. The increased revenue from such activities will hopefully spin off into increased opportunities to develop local businesses and tourist facilities and tourism ventures.

Population growth

Wyndham is maintaining a stable population however ongoing and future developments in the region such as Ord Stage 2, Wyndham Port upgrade and development of related infrastructure along with renewed activity with the building of new houses and refurbishing of old ones could result in a population increase.

SWOT Analysis

Strengths	Weaknesses
<p>Basic ICT knowledge Opening hours – 8am – 4 pm Computer and Internet access</p> <p>Videoconferencing facilities</p> <p>Training in basic computer skills</p> <p>Photocopying, printing and laminating services</p> <p>Production of monthly community news bulletin – <i>The Bastion Bulletin</i>.</p> <p>Community based staff and management committee.</p> <p>Community based ICT support</p> <p>Developing ongoing relationships with community organisations such as the Wyndham Tourism Association, Kimberley Training Institute (TAFE), Wyndham Historical Society, the Wyndham Turf Club and others.</p>	<p>Wyndham has a small population base of around 1000 residents.</p> <p>Two distinct time periods during the year. Dry season (April - September) is peak tourist season while the wet season (October – March) is relatively slow in regard to out of town visitors.</p> <p>Staff and committee time availability</p> <p>Community involvement – While there are no competing internet providers in the community it is clear that many people in the community have their own computers and access to the internet.</p> <p>The Bastion Bulletin costs more to produce than it earns through sales and advertising</p>

Wyndham Community Resource Centre Business Plan 2012 – 2013

Opportunities	Threats
<p>There is the opportunity for the Wyndham CRC to develop and provide different or alternate training opportunities to those provided by the other service providers in the community.</p> <p>Organisations such as TAFE, FESA, St John Ambulance, etc. already provide a variety of specialised training courses.</p> <p>To raise the profile of the CRC within the community.</p> <p>Providing good customer service that will earn word of mouth advertising.</p>	<p>Staff turnover</p> <p>Power supply – The Wyndham power supply can be unreliable particularly during the wet season.</p> <p>Building security.</p>

The Wyndham CRC is the only organisation that offers the Wyndham Community access to the range of particular services in the area. In other words there are no major competitors in this field in the immediate facility.

Wyndham CRC now has three staff members – A full-time Assistant Coordinator, part-time Coordinator and a part-time Trainee. The high staff turnover of recent years appears to have stabilised. The addition of a Trainee has allowed the Centre to become more flexible in regard to staff duties.

The public access and staff computers have been replaced after receiving the Closing the Gap: Remote Indigenous Public Internet Access Grant. A new printer was also purchased with the grant money as well as Photoshop and QuarkExpress (publishing) software.

The CRC security system was fixed after faults developed in late 2011. Fortunately during the time it was out of order there were no security incidents.



Wyndham Community Resource Centre Business Plan 2012 – 2013

Outcomes / Achievements from 2011/2012

The Wyndham CRC continued to produce the monthly Wyndham newsletter The Bastion Bulletin.

Wyndham CRC has engaged a locally based ICT support person.

Centrelink has renewed the contract for Wyndham CRC to act as a Centrelink access point. Centrelink clients can access computer, phone and fax contact with Centrelink from the premises.

Wyndham CRC participated in the Lancelin CRC project to produce a tourist guide Follow the Rainbow – Yancheep to Kununurra Travel Companion Diary From Blue Seas to Boab Trees.

Wyndham CRC in conjunction with Kununurra and Broome CRC's has taken out advertising in The Who's Who in the Kimberley publication.

Wyndham CRC has employed a Trainee. Ayesha Yates began working at the CRC in April 2012.

Wyndham CRC received the Closing the Gap Remote Indigenous Internet Access Grant. We have upgraded all computers and software and purchased a printer along with Photoshop and QuarkExpress publishing software.

Wyndham CRC sponsored the Watercolour section prize at the Wyndham Arts and Crafts exhibition September 2011.

Three air conditioners in the building were serviced while two were replaced.

Auditions for the movie Satellite Boy, currently in production, were conducted at the Wyndham CRC.

Outstanding BAS and PAYG payments for the October to December 2008 and January to March 2009, along with the late fees, were paid in November 2011.

Assistant Coordinator Tammy McCoy completed the Applied First Aid course through St John Ambulance in Kununurra.

Wyndham CRC produced the 2012 Anzac program commemorating the 70th Anniversary of the bombing of Wyndham.

The number of external examinations supervised at Wyndham CRC increased this financial year.

Starick Services continued to rent the available office space at Wyndham CRC.

Informal relationships exist between Wyndham CRC and the following organisations:

Wyndham Work Camp

Regional Youth Justice Services, East Kimberley

ITEC Employment, Kununurra

Wunan Foundation



Department of
Regional Development and Lands



PAGE 9
16 July 2013



Wyndham Community Resource Centre Business Plan 2012 – 2013

Key to RDL Grants listed in Action Plan.

Please refer to FAA and Schedule of Grants for details of each grant's conditions.

Governance = Governance Support Grant

M & P = Marketing and Promotion Grant

ICT Support = ICT Support Grant

Special Project = Special Project Fund Grants (separate application required to access funds)

Building and Infra = Building and Infrastructure Fund Grants (separate application required to access funds).

Not applicable = Funded by sources other than RDL – please specify where possible where source from.

E & FF = Equipment, Fittings and Fixtures Grant

PD = Professional Development and Training Grant

Trainee 1 & 2 = Trainee Support Grants

KEY OUTCOME	PROJECT DESCRIPTION	ACTIONS	TIME FRAME	RESOURCES and BUDGET	LINKS to RDL GRANTS	PERSONNEL RESPONSIBLE
Build the capacity of the local community	TRAINEESHIP	Employ at least one Trainee sourced from the community Wyndham CRC signed up the first trainee in April 2012	2012 – 2013 Year	CRC Staff and Management Trainee Support \$23,000.00	Trainee 1	CRC Staff, Committee and Volunteers Kimberley Group Training
	Community Information Sessions / Courses	Identify community needs and organise suitably qualified trainers eg. Photoshop & Quark	2012 – 2013 year	Professional Development and Training \$2,000.00	PD	CRC Staff, Committee and Volunteers
	Community Based Arts Centre	Develop a local community based art centre, exhibit and sell works in the CRC	2012 – 2013 Year	Work with community artists and possibly include 'gallery' space in refurbishment plans \$300.00	M & P	CRC Staff, Committee and Volunteers



Department of
Regional Development and Lands



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**Wyndham Community Resource Centre
Business Plan 2012 – 2013**

	Community Sponsorship	Sponsor a prize at the annual Wyndham Arts and Crafts exhibition. Sponsor other community events as required, such as local school events.	September 2012 & rest of 2012-2013 year	Support sponsorship \$500	M & P	CRC Staff, Committee and Volunteers
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Deliver services and information on behalf of government and other agencies relevant to local community needs	Centrelink	Continue to act as Centrelink Agency.	2012 – 2013 year	Seek renewal of contract. Liaise with Centrelink on a regular basis – funded by Centrelink.		CRC Staff, Committee and Volunteers
	Business Facilities	Provide facilities for ITEC Employment to conduct their business.	2012 – 2013 year	ITEC continues to use CRC facilities. Continue to liaise with ITEC.		CRC Staff, Committee and Volunteers
	Government Information Stands	Deliver information services e.g. brochures; provide access to websites, etc.	2012 – 2013 year	Continue this important and ongoing service to the community. Purchase new brochure stands to fix to walls. \$1,000.00	Build & Infra.	CRC Staff, Committee and Volunteers



**Wyndham Community Resource Centre
Business Plan 2012 – 2013**

Develop partnerships and negotiate business opportunities for the benefit of the local community	Develop Partnerships	Continue to attract local businesses and organisations to use the CRC for meetings and ICT related activities such as internet access and printing, etc.	2012 – 2013 year	Survey local community to assess needs -Market research. \$500.00	M & P	CRC Staff, Committee and Volunteers
	CRC Network Partnership	Participate in activities with nearby CRC's – workshops, events, etc.	June 2013	Coordinate workshops with nearby CRC's, visiting trainers, participate in events \$2,000.00	PD	CRC Staff, Committee and Volunteers
	Local Business Partnerships	Employ local tradespeople - Obtain quotes	June 2013	General Maintenance Issues \$3,000.00	E & FF	CRC Staff, Committee and Volunteers
	Wyndham Markets	Revive the Wyndham Markets – Monthly during the dry season	June 2013	Form committee, locate suitable premises – promote event - \$600.00	M & P	Special Project CRC Staff, Committee and Volunteers



Wyndham Community Resource Centre Business Plan 2012 – 2013

Increase the profile of the CRC and the Network	Marketing & Facilitation	Look for opportunities to become involved with local and regional businesses, organisations and individuals in promoting and facilitating events.	2012 – 2013 Year	Continue to advertise in the Bastion Bulletin \$500.00	M & P	CRC Staff, Committee and Volunteers
		<ul style="list-style-type: none"> • Street signs will be changed from Telecentre to CRC. • Install sign at the Tourist Information bay on the highway. • Print promotional brochure for Visitor Centre. • Maintain presence in the Wyndham Tourism Association brochure. • CRC Website • Local Paper 	June 2013	Marketing and Promotion \$400 information bay sign Promotional brochure \$500.00 ICT - \$372.00	M & P ICT	CRC Staff, Committee, and Volunteers



**Wyndham Community Resource Centre
Business Plan 2012 – 2013**

	Picture Gardens	Continue to work on the production of short, community focussed videos for screening at the Wyndham Picture Gardens.	2012 – 2013 year	This project was postponed from last year. It is a worthwhile project and with support it may be possible to revive. Look at possible partnerships with schools, KTI, Recreational Centre, etc. Obtain editing software CRC Marketing and Promotion \$3,000	M & P	CRC Staff, Committee, and Volunteers
	Wyndham CRC Upgrade	Refurbish the premises of the Wyndham CRC Continue the ongoing maintenance of the Wyndham CRC building and grounds. Landscaping - possibly as a CDEP project.	2012 – 2013 year	The interior and exterior of the building need painting. - Building and Infrastructure \$50,000 The building needs new curtains / blinds & desks - Equipment & Furnishings \$7,000	Build & Infra. Build & Infra. Special Project E & FF	CRC Staff, Committee and Volunteers



**Wyndham Community Resource Centre
Business Plan 2012 – 2013**

Develop and maintain high standards of management and governance	Committee meetings, Auditing & book-keeping	Continue with monthly meetings & annual auditing	June 2013	CRC Governance Auditing - \$6,600 Book-keeping - \$3,300 Committee Meetings - \$100.00 \$10,000.00	Governance	CRC Staff, Committee and Volunteers
	Professional development and staff training	Identify and attend relevant training courses – particularly Governance and Small Business subjects	June 2013	CRC Professional Development \$6,000.00	P & D	CRC Staff, Committee and Volunteers
	IT Plan – Best Kimberley Computing, Broome	Employed local ICT professional Craig Coulson to provide ICT support.	Review April 2013	ICT Support \$6,000 maintenance \$2,100 adhoc	ICT	CRC Staff, Committee and Volunteers



**Wyndham Community Resource Centre
Business Plan 2012 – 2013**

<p>Maintain website Access Trainee and Facebook pages</p>	<p>Provide updates to the Wyndham CRC website. Develop the website to reflect the Wyndham community, its concerns with links to local businesses, etc. Interact with other Trainees.</p>	<p>June 2013</p>	<p>CRC Operational Support ICT Support \$1,500.00</p>	<p>ICT</p>	<p>CRC Staff, Committee and Volunteers</p>
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Department of
Regional Development and Lands



ROYALTIES
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**Wyndham Community Resource Centre
Business Plan 2012 – 2013**

Financial Plan

EXPENSES		INCOME	
Operational		General Income	
Broadband	\$ 2,400.00	Membership	\$ 318.18
Telephone	\$ 2,650.00	Exam Supervision	\$ 135.21
Consumables/Stationery	\$ 1,050.00	Office Rental	\$ 42,700.00
General postage and freight	\$ 240.00	Conference Room Rental	\$ 2,600.00
Wages	\$ 63,740.00	CRC run courses and activities	\$ 1,000.00
Superannuation	0		0
Long service	0		0
Copier Contract	\$ 3,600.00		0
	0		0
	0		0
	0		0
	0		0
	0		0
CRC run courses and activities	\$700.00		0
Rent	\$ 3,420.00	Subtotal	\$46,753.39
Power	\$ 4,000.00	Sales	
Water	\$ 460.00	Photocopying and printing	\$ 5,123.76
Subtotal	\$82,260.00	Casual Computer/Internet Use	\$ 2,381.61
Governance		Fax and Phone	\$ 965.58
Insurance	\$1,760.00	Printing / Laminating / Photocopying	\$ 5,123.76
Bookkeeping	\$ 3,300.00	Secretarial Services	\$ 305.45
Audit	\$ 5,000.00		0
Subtotal	\$10,060.00	Bastion Advertising	\$ 5,618.45
Marketing & Promotion		Bastion Wholesales	\$ 3,570.77
Advertising	1,900.00		0
Promotional Materials & Activities	\$ 200.00		00
Sponsorship	\$ 200.00		0
Subtotal	\$2,300.00		0
Prof Development & Training		Subtotal	\$23,089.38
Staff /Committee Training-Courses	\$5,000.00	RDL – CRC Grant Funding	
Travel	0	Operational	\$ 60,000.00
Clusters & workshops	\$5,000.00	Governance	\$ 10,000.00
Subtotal	\$10,000.00	Marketing & Promotion	\$ 5,000.00
Equipment, Fittings & Fixtures		Prof Development & Training	\$ 10,000.00
IT replacement – RIPIA Grant	\$12,700.00	Equipment Fixtures & Fittings	\$ 10,000.00
Equipment replacement/repair	\$ 15,000.00	ICT Support & Development	\$ 10,000.00
Fittings	\$ 800.00	Trainee Support	\$ 20,000.00
Subtotal	\$28,500.00	Subtotal	\$122,500.00
ICT Support and Development		Additional Grant Funding	
IT support and service	\$8,000.00	Centrelink Access Point	\$ 3,778.50
Website management	\$500.00	RIPIA Grant	\$12,700.00
Subtotal	\$8,500.00	Building Infrastructure Special Project	\$50,000.00
Trainee Support		Subtotal	\$66,478.50
Wages	\$ 22,136.77		
Other expenses			
Subtotal	\$22,136.77		
TOTAL EXPENSES	\$164,856.77	TOTAL INCOME	\$258,821.27



**Wyndham Community Resource Centre
Business Plan 2012 – 2013**

Personnel Plan

Name	Position	Qualifications / Experience	PD focus (linked to Action Plan activities)
Fred Chatelain	Chairperson	Qualified Woodworker, Certificate of Food Handling, Retail sales, Office work, Tourist Information, Host on Aboriginal sites, Musician, Poet, Basic computer skills, Manufacturing.	Encourage choices to attend AWACRC, Kimberley Cluster Meeting, Governance Training, Photoshop, QuarkExpress
Shirley Davey	Secretary	Masters in Education, Bachelor of Arts, Bachelor of Teaching, Cert IV Training and Assessment, Cert II in IT, Graduate Certificate in ICT Education, Graduate Certificate in Learning and Teaching Technologies	AWACRC, Kimberley Cluster Meeting, Governance Training, Photoshop, QuarkExpress
Natalie Tinning	Treasurer	Cert IV Business Administration and Cert IV Theology, Business proprietor	AWACRC, Kimberley Cluster Meeting, Financial management of not for profit organisations courses if available, Governance Training, Photoshop, QuarkExpress
Jane Parker	Committee Member		AWACRC, Kimberley Cluster Meeting, Governance Training
Dora Birch	Committee Member		AWACRC, Kimberley Cluster Meeting, Governance Training, Photoshop
Kadeem Hunter	Committee Member		AWACRC, Kimberley Cluster Meeting, Governance Training, Photoshop



**Wyndham Community Resource Centre
Business Plan 2012 – 2013**

Ross Campbell	Committee Member		AWACRC, Kimberley Cluster Meeting, Governance Training, Photoshop
Christine Cigobia	Committee Member		AWACRC, Kimberley Cluster Meeting, Governance Training, Photoshop
Jane McFarlane	Committee Member		AWACRC, Kimberley Cluster Meeting, Governance Training, Photoshop, QuarkExpress
Craig Coulson	ICT Support	ITIL Foundation Certificate, BEng Electrical/Electronic Engineering degree, Postgrad Certificate in Digital Electronics, BTEC OND Electrical/Electronic Engineering	AWACRC, Kimberley Cluster Meeting, Governance Training
Ken Watson	Coordinator	BA (Hons) Fine Arts, Ongoing - various art subjects offered at Kimberley Training Institute in Wyndham,	AWACRC, Kimberley Cluster Meeting, Governance Training, MYOB, Photoshop, QuarkExpress, Cafesuite
Tammy McCoy	Assistant Coordinator	HSC	AWACRC, Kimberley Cluster Meeting, Cert III Business studies, Governance Training, MYOB, Photoshop, Cafesuite
Ayesha Yates	Trainee	HSC	AWACRC, Kimberley Cluster Meeting, Cert III Business studies, Governance Training, MYOB Photoshop, QuarkExpress, Cafesuite



**Wyndham Community Resource Centre
Business Plan 2012 – 2013**

Risk Management Plan

The Wyndham CRC staff and Management Committee will continue to ensure compliance with the requirements of the CRC Governance Support Grant.

Maintain strategies for encouraging volunteers

Keep Management Committee Members informed of any changes.

Train relief staff to work when permanent staff are on leave or in the event of resignation.

Maintain a clear and accessible filing system for documents, software, software manuals, etc.

Risk	Likelihood of occurrence¹ High / Medium / Low	Severity of occurrence² High / Medium / Low	Risk rating³ High / Medium / Low	Actions to address
Coordinator, Assistant Coordinator or Trainee resigns	Low	Medium	Low	Continue to give Committee Members and Volunteers experience in CRC policy and procedure and training in day to day activities.
Breaches of the security system	Low	High	Low	Maintain the security system in good working order
Fire in the premises	Low	High	Low	Maintain fire extinguishers, fire blanket, train staff in procedure, keep yard and building clear of grass and flammable materials

¹ What are the changes of this risk occurring?

² What level of impact would the risk have on your operations?

³ Based on the matrix below, what would this rating of this risk be?

Likelihood of occurrence	Severity of occurrence		
	High	Medium	Low
High	High	High	Medium
Medium	High	Medium	Low
Low	Medium	Low	Low



**Wyndham Community Resource Centre
Business Plan 2012 – 2013**

Succession Plan

Maintain strategies for encouraging volunteers.

Keep committee members informed of any changes

Train relief staff to work when permanent staff are on leave or in the event of resignation.

Maintain a clear and accessible filing system for documents, software, software manuals, etc.



Department of
Regional Development and Lands



PAGE 20
16 July 2013



301 of 329

THE DEPARTMENT OF REGIONAL DEVELOPMENT AND LANDS

AND

(Name of Incorporated Body / Shire / Indigenous Corporation)

for

(Name of Community Resource Centre)

FINANCIAL ASSISTANCE AGREEMENT

1 JULY 2010 TO 30 JUNE 2013

TABLE OF CONTENTS

1. DEFINITIONS	1
2. INTERPRETATION	4
3. SCOPE OF THIS AGREEMENT	5
4. RECIPIENT'S GENERAL UNDERTAKINGS	7
5. RECIPIENT'S WARRANTIES	8
6. REPORTS AND INFORMATION	9
7. ARRANGEMENTS FOR WORKING IN PARTNERSHIP	9
8. AUDIT RIGHTS	10
9. SECURITY, PRIVACY AND CONFIDENTIALITY	10
10. INTELLECTUAL PROPERTY RIGHTS	11
11. CONTACT OFFICERS	11
12. INSURANCE	11
13. DEFAULT	12
14. ASSIGNMENT	13
15. INDEMNITY	13
16. NOTICES	14
17. SCHEDULES	15
18. SHORTFALL	15
SCHEDULE 1 – CONTACT OFFICERS	16
SCHEDULE 2 – REPORTS REFERRED TO IN CLAUSE 3(C) (viii)	17
SCHEDULE 3 – PROJECT & FUNDING DETAILS	18

THIS Agreement is made the _____ day of _____ 20__.

BETWEEN

The State of Western Australia via the Department of Regional Development and Lands, acting through the Director General, of Level 10, 2 Havelock Street, West Perth, WA 6005 ("Department")

AND

("Recipient")

RECITALS

- A. The Department will provide the Recipient with Funding on the basis that the Recipient effects the Purpose and performs its other obligations under this Agreement.
- B. The Recipient accepts the Funding on the terms described in Recital A hereof.

OPERATIVE PART

The Parties agree as follows:

1. DEFINITIONS

In this Agreement, unless repugnant to the context:

Act or **FMA** means the *Financial Management Act 2006*.

Auditor means an accountant who undertakes an audit of the Project referred to in this Agreement, in accordance with established State Government auditing requirements.

Auditor General means the Auditor General for the State.

Business Day means a day, not being a Saturday, Sunday or public holiday, on which banks are open for general banking business in Western Australia.

Commencement Date means the date of this Agreement.

Commonwealth means the Commonwealth of Australia.

Contact Officer means an officer referred in clause 11.

Department or **RDL** means the Department of Regional Development and Lands or such other body or instrumentality which is charged with the administration of this Agreement from time to time on behalf of the State.

Event of Default means an event so described in clause 13(a).

Excusable Delay affecting a Party means anything outside that Party's reasonable control, including but not limited to, acts or omissions of another Party, fire, storm, flood, earthquake, war, transportation embargo or failure or delay in transportation, acts or omissions (including laws, regulations, disapprovals or failures to approve) of any third person (including but not limited to, governments or government agencies).

Funding means the amount or amounts specified in Schedule 3, including any interest accrued on that amount or amounts.

GST has the same meaning as in the GST Act.

GST Act means *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and, where the context permits, includes the Commissioner of Taxation's goods and services tax rulings and determinations and any other written law dealing with GST applying for the time being in the State of Western Australia.

Insolvency Event means the happening of any of these events:

- (a) an order is made, or an application is made to a court for an order, that a body corporate be wound up; or
- (b) except to reconstruct or amalgamate while solvent, a body corporate:
 - (i) is wound up or dissolved; or
 - (ii) resolves to wind itself up or otherwise dissolve itself, or gives notice of intention to do so; or
 - (iii) enters into, or resolves to enter into, any form or formal or informal arrangement for the benefit of all or any class of its creditors, including a scheme of arrangement, deed of company arrangement, compromise or composition with, or assignment for the benefit of, all or any class of its creditors; or
- (c) a liquidator or provisional liquidator is appointed (whether or not under an order), or an application is made to a court for an order, or a meeting is convened or a resolution is passed, to make such an appointment, in respect of a body corporate; or
- (d) a receiver, manager, receiver and manager, trustee, administrator, controller (as defined in section 9 of the Corporations Act 2001 (Cth) of similar officer is appointed, or an application is made to a court for an order, or a meeting is convened or a resolution is passed, to make such an appointment, in respect of a body corporate; or
- (e) any step is taken to enforce security over, or a distress, attachment, execution or other similar process is levied, enforced or served out against any asset (which is an asset funded by this Agreement) of the Recipient;
- (f) the process of any court or authority is invoked against a body corporate, or any asset or undertaking of a body corporate, to enforce any judgement or order for the payment of money or the recovery of any property;

- (g) a body corporate:
 - (i) takes any step to obtain protection, or is granted protection, from its creditors under any applicable legislation; or
 - (ii) stops or suspends payment of all, or a class of, its debts; or
 - (iii) is or is taken by any applicable legislation to be, or states that it is, or makes a statement from which it may be reasonably deduced that it is:
 - (1) insolvent or unable to pay its debts when they fall due; or
 - (2) the subject of an event described in section 459C(2)(b) or section or section 585 of the *Corporation Act 2001 (Cth)*; or
 - (iv) is taken to have failed to comply with a statutory demand as a result of the operation of section 459F(1) of the *Corporations Act 2001 (Cth)*; or
 - (v) ceases, or threatens to cease, to carry on all or a material part of its business; or
- (h) a person becomes an insolvent under administration as defined in section 9 of the Corporations Act 2001 (Cth) or action is taken which could result in the event; or
- (i) a person dies, ceases to be of full legal capacity or otherwise becomes incapable of managing its own affairs for any reason; or
- (j) anything analogous or having a substantially similar effect to any of the events specified above happens under the law of any applicable jurisdiction.

Notice means a notice issued under clause 16.

Party means each of the Department and the Recipient as the context requires and **Parties** means both of them.

Project means the project, program, initiative, or activities or other things to be undertaken or achieved with the Funding provided under this Agreement described in the Schedule 3.

Project site means any site, land or building, in the control or possession of the Recipient, where or from where the Project is to be carried out.

Purpose means the purpose of the Project.

Recipient means the organisation funded to undertake the Project under this Agreement.

Royalties for Regions means the policy that was endorsed by Cabinet on 13 October 2008 as properly varied from time to time.

Schedule means any schedule to, and forming part of, this Agreement.

State means State of Western Australia.

Term means the term of this Agreement which subject to this Agreement is the term so described in Schedule 3.

Tax Invoice has the meaning given to it in the *A New Tax System (Goods and Services Tax) Act 1999*.

2. INTERPRETATION

In this Agreement unless the context otherwise requires:

- (a) words importing the singular include the plural and vice versa;
- (b) words importing any gender include the other genders;
- (c) references to persons include corporations;
- (d) references to a person include the legal personal representatives, successors and assigns of that person;
- (e) a reference to a statute, ordinance, code, or other law includes regulations, by-laws, rules and other statutory instruments under it for the time being in force and consolidations, amendments, re-enactments, or replacements of any of them (whether of the same or any other legislative authority having jurisdiction);
- (f) references to this Agreement or any other instrument include this Agreement or other instrument as varied or replaced, and notwithstanding any change in the identity of the Parties;
- (g) references to writing include any mode of representing or reproducing words in tangible and permanently visible form, and include e-mail and facsimile transmission;
- (h) if the Recipient consists of a partnership or joint venture, then:
 - (i) an obligation imposed under the Agreement binds each person who comprises the Recipient jointly and severally;
 - (ii) each person who comprises the Recipient agrees to do all things necessary to enable the obligations under the Agreement to be undertaken;
 - (iii) the act of one person who comprises the Recipient binds the other person who comprises the Recipient; and
 - (iv) an event of default by one person who comprises the Recipient constitutes an Event of Default by the Recipient;
- (i) an obligation incurred in favour of two or more persons is enforceable by them jointly and severally;
- (j) if a word or phrase is defined, other parts of speech and grammatical forms of that word or phrase have corresponding meanings;
- (k) references to this Agreement include its recitals, schedules and annexures (if any);
- (l) headings are inserted for ease of reference only and are to be ignored in construing this Agreement;
- (m) references to time are local time in Perth, Western Australia;

- (n) where time is to be reckoned from a day or event, that day or the day of that event is to be included;
- (o) references to currency are to Australian currency unless otherwise stated;
- (p) no rule of construction applies to the disadvantage of a Party on the basis that the Party put forward this Agreement or any part thereof;
- (q) a reference to any thing is a reference to the whole and each part of it, and a reference to a group of persons is a reference to all of them collectively, to any two or more of them collectively and to each of them individually;
- (r) when the day or last day for doing an act is not a Business Day, then the day or last day for doing the act will be the directly preceding Business Day; and
- (s) if the word “including” or “includes” is used, the words, “without limitation” are taken to immediately follow.

3. SCOPE OF THIS AGREEMENT

- (a) The Recipient shall:
 - (i) use the Funding for the Purpose;
 - (ii) effect the Purpose and acquit all aspects of the Purpose in a competent, diligent, satisfactory, workmanlike and professional manner, and to a high standard;
 - (iii) in its carrying out of the Project use all Funding in a commercially prudent, sensible and reasonable manner;
 - (iv) acknowledge the Parties' respective roles and responsibilities associated with the Project at relevant fora, conferences and project launches where the Project is promoted;
 - (v) provide appropriate funding and other resources including staff with the capacity to meet their obligations as specified in this Agreement;
 - (vi) ensure that it remains a corporation under the relevant legislation and complies with that legislation at all times.
- (b) The Department shall pay to the Recipient the Funding in the manner set out in Schedule 3.

(c) With effecting the Purpose the Recipient:

- (i) will implement the Project in accordance with this Agreement, any written proposal/s submitted by or on behalf of the Recipient, and in consultation with the Department;
- (ii) will monitor the effectiveness of the Project and report to the Department as per this Agreement;
- (iii) will use the Funding solely for the Project and not make any changes to the Project or associated funding (including any budget) without Departmental prior written approval;
- (iv) will provide the Department with copies of, or access to, any financial records, progress and correspondence in respect of the Project or this Agreement as and when requested;
- (v) must allow the Auditor General, or an authorised representative, to have access to and examine records and information concerning the Project or this Agreement (as permitted under the Auditor General Act 2006);
- (vi) will notify the Department of legal proceedings, arbitration or administrative proceedings or debt recovery actions pending or threatened against the funding agent as soon as practicable after the institution of those proceedings or that debt recovery action;
- (vii) will notify the Department immediately if the Recipient is in breach of any law or act, receives an audit qualification or is under scrutiny through an inquiry or decree or any consent, registration, approval, licence or permit or agreement, order or award binding on the Recipient;
- (viii) will provide to the Department Progress, Financial Reports and an audited annual report on the Project (based on a financial year ending 30 June) as detailed in Schedule 2 as varied by the Department from time to time;

Note: statements are to be certified by the Chief Financial Officer or Accountable Officer.

- (ix) at the completion of the Project or the conclusion of this Agreement (which ever occurs first):
 - (1) return any unspent and uncommitted Funding to the Department unless otherwise agreed including any savings that have accrued to the Project;
 - (2) where no reasonable explanation can be provided to substantiate unspent funds, return any unsubstantiated unspent funding to the State (being Funding that has been approved for payment on behalf of the State, but in respect of

which no work has been undertaken by the Recipient and no contractual commitment entered into prior to the effective date of completion or conclusion); and

- (3) reimburse the State for any funding spent otherwise than in respect of the Project unless otherwise agreed.
- (x) keep and maintain accurate, complete, up-to-date, properly detailed written records of income, expenditure, work, activities, progress, setbacks, problems and business and commercial arrangements and dealings in relation to either or both of this Agreement and the Project, promptly provide the Department with information or documentation (relating in any way to the Project or this Agreement) requested by the Department. The Recipient will ensure that any such information or documentation (as the case may be) is accurate, complete, up-to-date, properly detailed and not in any way misleading or deceptive;
- (xi) use all reasonable endeavours to adhere to each and every budget submitted whensoever by the Recipient or agreed by the Parties;
- (xii) achieve the milestones, deliverables and achievements expressly or impliedly set out in Schedule 3 in accordance with that schedule.

4. RECIPIENT'S GENERAL UNDERTAKINGS

The Recipient covenants and agrees in favour of the Department that during the Term:

- (a) (representation or warranty incorrect) it will notify the Department promptly if any representation or warranty made or taken to be made by or on behalf of the Recipient in or in connection with this Agreement is found to be incorrect or misleading when made or taken to be made;
- (b) (performance of obligations) it will at all times duly perform and observe its obligations arising out of or in connection with this Agreement and will promptly inform the Department of any occurrence which might materially adversely affect its ability to perform;
 - (ba) it will promptly notify the Department if any matter, circumstance or thing comes to its attention which suggests that any aspect of the Project, is or is likely to be unworkable, impossible or impractical or that any aspect of the Project must or is likely out of necessity to be modified;
- (c) (authorisations) it will comply with the terms of each authorisation necessary to enter into this Agreement, observe obligations under it and allow it to be enforced and it will obtain and renew on time each such authorisation;

- (d) (acknowledge) that funding provided under this Agreement is public money and is subject to compliance by the Recipient with the terms of the Grant as detailed in this Agreement;
- (e) (undertake) it will undertake its responsibilities under this Agreement with integrity, good faith and probity in accordance with good corporate governance practices;
- (f) (cooperate) it will cooperate fully with the State in the administration of this Agreement;
- (g) (laws) it will comply with all relevant State and Commonwealth laws, rules, regulations and by-laws.
- (h) (inspection) it will permit the Department, any officers of the Department or any other person authorised by any of them to enter the Recipient's premises at any reasonable time to determine whether the Recipient is performing its obligations under this Agreement, provided that any person entering the Recipient's premises does so in a manner so as to cause minimal disruption to the Recipient's business.

5. RECIPIENT'S WARRANTIES

The Recipient represents and warrants that:

- (a) it is duly authorised and has the power to enter into and observe and perform its obligations under this Agreement; and that its obligations under this Agreement are valid and binding and are enforceable against it in accordance with their terms;
- (b) all authorisations, registrations, consents, approvals licences and permits which are or will be required in connection with the performance by the Recipient of its obligations under this Agreement have been or will be obtained or effected and are or will be and will remain in force and effect for as long as necessary;
- (c) there is no litigation, arbitration or administrative proceedings currently taking place, pending or threatened against the Recipient which could have a materially adverse effect on the Recipient's ability to perform this Agreement;
- (d) this Agreement and performance under it does not violate any law or government order or decree or any consent, registration, approval, licence or permit or agreement, order or award binding on the Recipient;
- (e) all information provided by or on behalf of the Recipient to the Department relating to the Recipient's affairs and this Agreement are true, accurate and complete and, without limiting this clause 5.1(e), all financial information provided by or behalf of the Recipient to the Department is, in all material respects, a true, fair and accurate statement of its financial position as at the date of preparation of the information;
- (f) it has, after diligent inquiry and investigation, fully disclosed to the Department all material information which could reasonably be regarded

as affecting in any way the Department's decision to enter into this Agreement; and

- (g) it will comply with all laws (including Commonwealth and State statutes and subordinate legislation) in connection with this Agreement.

The representations and warranties made by the Recipient under clause 5 are taken to be made continuously throughout the Term.

6. REPORTS AND INFORMATION

- (a) Notification

The Recipient must provide to the Department notification of legal proceedings or debt recovery actions against the Recipient, as soon as practicable after the institution of those legal proceedings or that debt recovery action.

- (b) Information

The Recipient must provide promptly to the Department any information, documents, supporting evidence or any other thing in connection with the Recipient or this Agreement that the Department requests from time to time including, without limitation, any information, documents, supporting evidence or any other thing which the Department requires in considering whether the Department is satisfied of any matter in connection with this Agreement.

Where:

- (i) any document, information or other matter previously provided under this Agreement has changed and that change would, or might, result in, or cause, circumstances which would, or might, adversely affect the ability of the Recipient to comply with its obligations under this Agreement or otherwise disadvantage the Department; or

- (ii) any accounts or financial statements provided by the Recipient under this Agreement have been replaced by later accounts or financial statements since having been provided to the Department, the Recipient must promptly provide the Department with full details of the change or with updated copies of the accounts or financial statements (as the case may be).

- (c) This clause 6 survives the end of this Agreement by 3 years.

7. ARRANGEMENTS FOR WORKING IN PARTNERSHIP

- (a) Marketing and Acknowledgements

- (i) Any communication activity including presentations, publications, signage, articles, newsletters or other literary works relating to the Project or its activities shall be consistent with the requirements of

the agreed "Western Australian Community Resource Network Brand Style Guide" as amended from time to time.

- (ii) The respective roles of the Department and the Recipient must be acknowledged at relevant forums, conferences and project launches where the Project is promoted.
- (iii) To ensure consistency of messages delivered across government agencies and departments, the Recipient should work with the Department on all major Project – related public announcements (including media statements).

(b) Communications

The Parties shall:

- (i) work cooperatively with each other;
- (ii) maintain open communication, both formal and informal, to progress the objectives of this Agreement;
- (iii) share information and knowledge as practicable; and
- (iv) advise any shared stakeholders about arrangements between the Parties.

(c) Acknowledgment

The Recipient will give public recognition to the Department's funding under or in relation to this Agreement including any Royalties for Regions funds.

8. AUDIT RIGHTS

The Department may arrange for an evaluation or audit to be carried out in respect of the Project or the Funding. If the Department arranges for an evaluation or audit to be carried out:

- (a) The Department must notify the Recipient that the Department has arranged or will arrange for an evaluation or audit to be carried out; and
- (b) The Recipient must allow all persons appointed by the Department to carry out the evaluation or audit to have full access to the records of the Recipient for the purpose of carrying out the evaluation or audit.

Clause 8 survives the end of this Agreement by 3 years.

9. SECURITY, PRIVACY AND CONFIDENTIALITY

- (a) The Parties agree to comply with the Information privacy principles set out in section 14 of the *Privacy Act 1988* in respect of personal

information received, created or held by Parties in connection to this Agreement, as if the Parties were an agency as defined in the *Privacy Act 1998*.

- (b) This clause 9 shall survive the termination or expiry of this Agreement.
- (c) In regard to information policy it should be noted that the Department is subject to the provisions of the *Freedom of Information Act 1992*.

10. INTELLECTUAL PROPERTY RIGHTS

The Parties acknowledge that nothing in this Agreement shall affect ownership of any intellectual property rights.

11. CONTACT OFFICERS

- (a) The Parties agree to appoint Contact Officers. The Contact Officer for each Party is authorised to act for that Party in relation to this Agreement and is the first point of contact for the other Party in relation to any disputes arising under the Agreement.
- (b) The details for each Party's Contact Officer as at the execution date are set out in Schedule 1.
- (c) If the Parties wish to change their Contact Officer that Party will notify the other Party in writing of the new contact details within 5 Business Days after the change.

12. INSURANCE

- (a) The Recipient must during the continuance of this Agreement effect, maintain and keep current with a reputable insurer the following insurances:
 - (i) public liability insurance in an amount of not less than TWENTY MILLION DOLLARS (\$20,000,000.00) in respect of any one occurrence, unlimited in the aggregate (or such other amount as shall be determined at the reasonable discretion of the Department from time to time to reflect prudent commercial practices) in respect of the Project and the Project site which covers all claims and losses howsoever arising or caused including but not limited to those in respect of any injury of, or illness to, or death of, any person, any loss, damage or destruction to any property, claims, risks and events covered under the indemnities provided by the Recipient to the Department under this Agreement;
 - (ii) property insurance covering loss of or damage to any equipment that the Recipient provides for use on the Project site for its full replacement value;
 - (iii) workers compensation insurance in accordance with the provisions of the Workers' Compensation and Injury Management Act 1981

including cover for common law liability for an amount of not less than FIFTY MILLION DOLLARS (\$50,000,000.00) for any one event in respect of the Recipient's workers; and

- (iv) professional indemnity insurance for not less than TEN MILLION DOLLARS (\$10,000,000) for each and every claim and in the aggregate annually covering liability arising from an act or omission in connection with or arising out of the professional duties and activities carried out by the Recipient and any of the Recipient's employees, agents, contractors and licensees.
- (b) The Recipient must not, and is not to permit any person to, do anything which adversely affects the continuation, validity, extent of cover or ability to make a claim under the insurance policies.
- (c) The Recipient must notify the Department immediately if an event occurs which does give rise or might give rise to a claim under the insurance policies or which could prejudice the insurance policies.
- (d) The Recipient must ensure that all premiums in respect of insurance policies and renewals of insurance policies are paid punctually.
- (e) If requested by the Department, the Recipient must provide a copy of all policies, certificates of currency and receipts for premiums in connection with all insurance cover referred to above.

13. DEFAULT

(a) Event of default

The Department and Recipient agree that it is an Event of Default if:

- (i) the Recipient breaches this Agreement and does not remedy the breach within 7 days after having received from the Department a written notice calling upon the Recipient to remedy the breach;
- (ii) a representation or warranty made or taken to be made by or on behalf of the Recipient in connection with this Agreement, the Funding or the Project is found or is notified by the Recipient to be materially incorrect or misleading when made or taken to be made;
- (iii) an undertaking given to the Department or its solicitors by the Recipient or another person in connection with this Agreement is breached or not wholly performed within the period specified in the undertaking or, if no period is specified, within 7 days from the date of the undertaking;
- (iv) a person is appointed under legislation to investigate or manage any part of the affairs of the Recipient;
- (v) an Insolvency Event occurs in respect of the Recipient;
- (vi) this Agreement is or becomes wholly or partly void, violable, unenforceable or ineffective, or is claimed to be so by the Recipient;

- (vii) the Recipient breaches any law including any statute or subordinate legislation of the Commonwealth or the State;
 - (viii) any aspect of this Agreement is or is found to be invalid, void, voidable or unenforceable;
 - (ix) the Recipient persistently or regularly breaches this Agreement.
- (b) Consequences of event of default
- If an Event of Default occurs during the Term, then:
- (i) the Department shall cease to be liable for any unpaid amount of the Funding;
 - (ii) the Department, in its absolute discretion, may by notice in writing to the Recipient, demand that part or all of the Funding already paid to the Recipient (and not properly spent or committed pursuant to this Agreement) is due and payable by the Recipient to the Department; and
 - (iii) if the Department makes a demand under clause 13(b)(ii), the Funding or the part thereof demanded is due and payable by the Recipient to the Department in immediately available funds within 30 days of the date of the notice, and , at any event, the Department may then terminate this Agreement.

14. ASSIGNMENT

- (a) This Agreement is (and all rights under it are) personal to the Recipient and may not be assigned or transferred by the Recipient. The Department may assign its rights and obligations under this Agreement as it sees fit.
- (b) For the purpose of this clause 14, the Recipient shall be deemed to have assigned this Agreement if:
 - (i) any act, matter or thing is done or occurs, the affect of which is, in the opinion of the Department, to transfer, directly or indirectly, the management or Control of the Recipient; or
 - (ii) there is any change in Control of the Recipient.

15. INDEMNITY

- (a) The Recipient hereby agrees to indemnify and keep indemnified the State and the Department and to hold them and their respective officers, employees and agents harmless against all reasonably foreseeable damages, losses, liabilities, cost and expenses (including legal fees) claimed, suffered or incurred by the State or the Department or any of their respective officers, employees and agents whether before or after the date of this Agreement to the extent caused by any:
 - (i) breach of an obligation of this Agreement by the Recipient;
 - (ii) act or omission of the Recipient or its employees, contractors, officers or agents; or

- (iii) breach of a State or Commonwealth law relevant to the Agreement by the Recipient or its employees, contractors, officers or agents.
- (b) This indemnity is reduced to the extent that the Department caused or contributed to the liability or damage.
- (c) This indemnity shall survive expiration or termination of this Agreement.

16. NOTICES

(a) Notices

A notice or other communication in connection with this Agreement:

- (i) must be in writing;
- (ii) may be given by an Contact Officer of the Department or a Contact Officer of the Recipient (as the case may be); and
- (iii) must be:
 - (1) sent by prepaid ordinary post to, or left at the address of the addresses at the address set out at the end of this clause 16; or
 - (2) sent by facsimile to the facsimile number of the addressee set out at the end of this clause 16.

(b) Receipt of Notice

A notice or other communication takes effect from the time it is received, unless a later time is specified in the notice or communication. For the purpose of this clause 16, a letter or facsimile is take to be received:

- (i) in the case of a letter sent by post, on the third Business Day after posting;
- (ii) in the case of a facsimile, on production of a transmission report from the facsimile machine from which the notice or communication was sent which shows that the entire facsimile was sent to the facsimile number of the addressee set out at the end of this clause 16; and
- (iii) if received after 5.00pm, is taken to be received on the next Business Day.

(c) Address for Service

The Parties' respective address for service are as follows:

(i) The Department

Registered Mail:	PO Box 1143
	<hr/> WEST PERTH WA 6872
Facsimile:	<hr/> (08) 6552 4417

(ii) The Recipient

Registered Mail: _____

Facsimile: _____

17. SCHEDULES

- (a) Any express or implied provision of any Schedule hereto is hereby deemed to be a provision of this Agreement and therefore must be complied with (by the relevant party) in accordance with its terms.
- (b) In clauses 17.1 and 17.3, the word "provision" includes term, condition, warranty, stipulation, right, obligation, representation and the like.
- (c) At intervals of every 6 months the Department may change any provision or aspect of any Schedule but if the Recipient disagrees with such change it may terminate this Agreement with the giving of one (1) week's written notice.
- (d) If this Agreement is terminated under clause 17.3, clause 13(b) (with the necessary changes to it) shall apply as if an Event of Default had occurred.

18. SHORTFALL

If the Funding is insufficient for the Recipient properly to meet all of its obligations under this Agreement, then the Recipient is solely responsible for funding any shortfall.

SCHEDULE 1 – CONTACT OFFICERS

THE DEPARTMENT

Name:	Deborah Rice
Position:	Director Community Development Division
Address:	140 William Street
	PERTH WA 6000
Registered Mail:	PO Box 1143
	WEST PERTH WA 6872
Email:	Deborah.Rice@rdl.wa.gov.au
Telephone:	(08) 6552 4450
Facsimile:	(08) 6552 4417

THE RECIPIENT

Name:	
Position:	
Address:	
Registered Mail:	
Email:	
Telephone:	
Facsimile:	

SCHEDULE 2 – REPORTS REFERRED TO IN CLAUSE 3(C) (viii)

Six monthly reporting requirements

- Written progress reports outlining the activities of the CRC showing progress against the agreed Business Plan and the resultant benefits to the community.
- Balance Sheet and statement of income and expenditure
- ATO Report – verifying that BAS has been paid
- Checklist of payments – superannuation, PAYG tax, insurances – see template below

Note – financial reports are to be certified by the Treasurer or Accountable Officer plus co-signed by the Chairperson and are to be submitted within one month of the end of each six month period (ie. end of January and end of July)

In addition to the above, the Recipient must include:

- an audited annual report based on a financial year ending 30 June which shall include:
 - a statement of certification outlining income and expenditure and the Balance Sheet; with particular attention to:
 - salary/wages to ensure that the correct PAYG is deducted and paid to ATO
 - superannuation is paid
 - provision is made for Annual Leave, Sick Leave and Long Service Leave

Note –The Audit must be carried out by a Certified Practising Accountant, a Chartered Accountant, a member of the National Institute of Accountants in Australia, or a registered auditor. The audited annual report is to be submitted within six months of the end of the financial year.

- a financial statement acquitting the funding including:
 - certification by the Treasurer or Accountable Officer that the funding was used in accordance with the Funding Assistance Agreement and as agreed between RDL and the CRC; and
 - Evaluation Report showing how and to what extent the funding was spent and the outcomes achieved. All unexpended funds should be reflected in the Balance Sheet as a Current Liability
- Minutes of the AGM

SCHEDULE 3 – PROJECT & FUNDING DETAILS

1 Purpose of the Project

The Recipient agrees to provide local access to a range of services to address needs as identified and agreed between the Community Resource Centre and RDL for the term 1 July 2010 to 30 June 2013.

2 Milestones, Deliverables etc

The Recipient agrees to meet and report against milestones and deliverables as identified and agreed between the Recipient and RDL.

3 Funding Amount(s)

The RDL agrees to provide funding amounts to support the Recipient as identified and agreed between the Recipient and RDL.

4 Manner in which Funding is to be Paid

The RDL agrees to provide funding to the Recipient as identified and agreed between the Recipient and RDL.

FINANCIAL ASSISTANCE AGREEMENT

EXECUTED by the Parties as an agreement.

SIGNED for and on behalf of the)
STATE OF WESTERN AUSTRALIA)
by Paul Rosair, Director General of the)
DEPARTMENT OF REGIONAL)
DEVELOPMENT AND LANDS in the)
presence of:)

Signature of witness

Full name and position of witness

SIGNED for and on behalf of the)

(Name of Incorporated Body / Shire / Indigenous Corporation))

for the _____ **Community Resource Centre**)

by _____)
(Full Name))

(Position))

in the presence of:)

Signature of witness

Full name and position of witness

12.6 ELECTED MEMBER REPORTS

Councillor Di Ausburn

- 28 June Alcohol Accord Meeting
 Official Switch on Kununurra Agricultural Oval Lights with
 Hon Terry Waldron
- 5 July Small Business Awards

COUNCIL DECISION

Minute No. 10131

Moved: Cr J McCoy

Seconded: Cr J Parker

That Council accepts the Elected Member Reports for the period 13 June to 11 July 2013.

Carried Unanimously 6/0

12.6 CHIEF EXECUTIVE OFFICER REPORTS

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

13 June	Ord Valley Events meeting
17 June	Andrew Ash and Trish Gleeson, Northern Australia Food and Fibre
18 June	LandCorp
20 June	The Cultural Connection
26 June	Ord State Implementation Committee
27 June	Kimberley Bushfire Management Discussions
28 June	Minister for Sport and Recreation, Terry Waldron Alcohol Accord Meeting Wyndham Pool lights opening Kununurra Agricultural Oval Lights opening WAFL Pathways Director and Chief Executive Officer
4 July	KPP Business Development
5 July	ANZAC Meeting – Centenary of ANZAC
7 July	NAIDOC Film evening
9 July	Liz Kirkby, Kimberley Development Commission Junior NAIDOC Ball

COUNCIL DECISION

Minute No. 10132

Moved: Cr D Ausburn

Seconded: Cr R Dessert

That Council accepts the Chief Executive Officer reports for the period 13 June to 11 July 2013.

Carried Unanimously 6/0

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

Nil

COUNCIL DECISION

Minute No. 10133

Moved: Cr D Ausburn

Seconded: Cr J Parker

That Council, in accordance with section 5.23(2) of the Local Government Act 1995 moves behind closed doors to consider confidential items:

16.1 Award of Tender, T09 12/13 Local Planning Strategy Review

16.2 Ord River House Boats, Lot 509 Millington Drive

Carried Unanimously 6/0

5:39pm W Richards and R Drew leave the meeting

5:39pm Council moves behind closed doors

16. MATTERS BEHIND CLOSED DOORS

16.1 Award of Tender, T09 12/13 Local Planning Strategy Review

DATE:	16 July 2013
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/a
AUTHOR:	Katya Tripp, Strategic Planner
REPORTING OFFICER:	Nick Kearns, Director Community Development
FILE NO:	CM.16.62

This item will be discussed Behind Closed Doors in accordance with Section 5.23 of the *Local Government Act 1995*, being that it deals with matters affecting:

- a) an employee or employees.
- b) the personal affairs of a person.
- c) a contract to be entered into, such as a tender.
- d) a circumstance where any legal advice obtained in relation to a matter would reveal a trade secret, information of a commercial value to a person, or information about the business, professional, commercial or financial affairs of a person.
- e) a circumstance where its disclosure could have legal or security implications.
- f) an information request made under the *Parliamentary Commissioner Act 1971*.

PURPOSE

To provide Council with details of the Tenders received for T09 12/13 Local Planning Strategy Review, document the results of the tender assessment and make recommendations regarding award of the Tender.

VOTING REQUIREMENT

Simple Majority

COUNCIL DECISION

Minute No. 10134

Moved: Cr D Ausburn

Seconded: Cr J Parker

That Council accepts the tender submitted by GHD, GHD House, 239 Adelaide Terrace, Perth, WA, 6004 for the Lump Sum Price of \$95,732 excluding GST for Tender T09 12/13 Local Planning Strategy Review, Shire of Wyndham East Kimberley in accordance with the tender documentation.

Carried Unanimously 6/0

5:41pm W Richards and R Drew enter the meeting

16.2 Ord River House Boats, Lot 509 Millington Drive

DATE:	16 July 2013
PROPONENT:	Ord River House Boats
LOCATION:	Lot 509 Millington Drive, Kununurra
AUTHOR:	Katya Tripp, Strategic Planning
REPORTING OFFICER:	Nick Kearns, Director Development Services
FILE NO:	LP.02.6 & EM.11.5

This item will be discussed Behind Closed Doors in accordance with Section 5.23 of the *Local Government Act 1995*, being that it deals with matters affecting:

- a) an employee or employees.
- b) the personal affairs of a person.
- c) a contract to be entered into, such as a tender.
- d) a circumstance where any legal advice obtained in relation to a matter would reveal a trade secret, information of a commercial value to a person, or information about the business, professional, commercial or financial affairs of a person.
- e) a circumstance where its disclosure could have legal or security implications.
- f) an information request made under the *Parliamentary Commissioner Act 1971*.

PURPOSE

For Council to consider entering into a temporary lease arrangement with Ord River House Boats for the temporary use Lot 509 Millington Drive, Kununurra.

VOTING REQUIREMENT

Simple Majority

COUNCIL DECISION

Minute No. 10135

Moved: Cr J Parker

Seconded: Cr D Ausburn

That Council

- 1. Will not consider houseboats operating from the current commercial boating facility until all relevant agencies have indicated their clear ruling for such use.**
- 2. May decide in light of received advice from relevant authorities whether to consider permitting the use of houseboats from this facility through an expression of interest process.**

Carried unanimously 6/0

COUNCIL DECISION

Minute No. 10136

Moved: Cr J McCoy

Seconded: Cr R Dessert

That Council, in accordance with section 5.23(2) of the Local Government Act 1995 moves out from behind closed doors.

Carried Unanimously 6/0

6.09pm Council moves out from behind closed doors.

17. CLOSURE

The Shire President declares the meeting closed at 6:09pm. Thank you to staff for attendance in gallery.