

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

Date



SHIRE OF WYNDHAM | EAST KIMBERLEY

**MINUTES
ORDINARY COUNCIL
MEETING**

24 June 2014

CONTENTS

Item No	Description	Page No
1.	DECLARATIONS OF OPENING / ANNOUNCEMENT OF VISITORS.....	5
2.	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	5
3.	DECLARATION OF INTEREST.....	6
4.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	7
5.	PUBLIC QUESTION TIME.....	7
6.	APPLICATIONS FOR LEAVE OF ABSENCE	7
7.	PETITIONS.....	7
8.	CONFIRMATION OF MINUTES	8
8.1	CONFIRMATION OF MINUTES OF ORDINARY COUNCIL MEETING OF 27 MAY 2014.....	8
8.2	CONFIRMATION OF MINUTES OF ORDINARY COUNCIL MEETING OF 29 APRIL 2014.....	8
9.	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	9
10.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....	9
11.	DEPUTATIONS / PRESENTATIONS / SUBMISSIONS / NOTICES OF MOTIONS... ..	9
12.	MINUTES OF COUNCIL COMMITTEE MEETINGS	9
13.	REPORTS.....	9
13.1	MATTERS ARISING FROM COMMITTEES OF COUNCIL.....	9
13.2	CORPORATE SERVICES.....	10
13.2.1	Monthly Financial Report	10
13.2.2	List of Accounts paid from Municipal Fund and Trust Fund	25
13.2.3	Review of Council Investment Policy CP/FIN-3203	43
13.2.4	2014/15 Budget – Differential General Rates and Minimum Payments – Consideration of Public Submissions.....	56
13.2.5	Ord East Kimberley Expansion Project – Dedication of Public Roads ..	139
13.3	INFRASTRUCTURE.....	144
13.3.1	Asset Management Support for Country Local Governments.....	144
13.3.2	Ivanhoe Crossing Update.....	148
13.3.3	Kalumburu Road Dedication.....	150
13.3.4	Kununurra Courthouse additional Car Parking	153
13.3.5	Regional Investment Plan – Tyre Recycling	158
13.4	COMMUNITY DEVELOPMENT.....	181
13.4.1	Caravan Park and Camping Ground Licence Amendment – Kimberleyland Holiday Park Pty Ltd	181
13.4.2	Development Application for Change of Use – Shop at Lot 11 Pruinosa Street, Kununurra	193

13.4.3	Minor Amendments to Development Approval for a Community Purpose (Kununurra Neighbourhood House) at Lot 507, Chestnut Avenue, Kununurra	203
13.4.4	Prawn Trawler at Wyndham Jetty (Anthon's Landing).....	230
13.4.5	Lot 509 on Deposited Plan 66529, Portion of Reserve 50467, Kununurra – Expressions of Interest Received.....	242
13.5	CHIEF EXECUTIVE OFFICER	322
13.5.1	Funding request for development of East Kimberley Grammar School	322
13.5.2	Use of Common Seal	325
13.5.3	Delegated Authority Report	327
13.6	ELECTED MEMBER REPORTS	334
13.7	CHIEF EXECUTIVE OFFICER REPORTS	335
14.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	336
15.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	336
16.	URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION.....	336
17.	MATTERS BEHIND CLOSED DOORS.....	337
17.1	CONFIDENTIAL – TENDER 07 2013/2014	337
18.	CLOSURE	339

**SHIRE OF WYNDHAM EAST KIMBERLEY
MINUTES OF THE ORDINARY COUNCIL MEETING
KUNUNURRA COUNCIL CHAMBERS
HELD ON TUESDAY, 24 JUNE 2014 AT 5:00 PM**

1. DECLARATIONS OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 5.02pm.

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

ATTENDANCE

Cr J Moulden	Shire President
Cr R Dessert	Deputy Shire President
Cr D Learbuch	Councillor
Cr K Wright	Councillor
Cr B Robinson	Councillor
Cr D Spackman	Councillor
Cr S Cooke	Councillor
Cr G Taylor	Councillor
Cr G King	Councillor
G Gaffney	Chief Executive Officer
N Octoman	Director Corporate Services
K Hannagan	Director Infrastructure
L Gee	Director Community Development
A Richards	Governance Officer
M Tonkin	Executive Assistant to the Chief Executive Officer (Minute Taker)

GALLERY

Michele Pucci	Member of the public
Jenny Spragg	Rate Payers Association
Mark Phillips	Mark Phillips Architect
Simon Roxburgh	SNR Cabinets
Cameron Walker	Member of the public
Rhonda Guerinoni	JAB Industries
Bree Wilson	Member of the public
Jaydan O'Connor	Member of the public
Mark Robinson	Top End Motors
Daniel Halden	Member of the public
Reg Bucktin	Member of the public
Melanie Ochotsky	Member of the public
Barry Fairclough	Flametree Nursery
Nadia Donnelly	KVC, OVEI
Chense Lauder	Member of the public
Sally Thomas	Member of the public

GALLERY

Cheryl Durrans	Member of the public
Simon Hawes	Member of the public
Natika Hawes-Wright	Member of the public
Lisa Spackman	Member of the public
Yvette McCleary	Skin Deep & Beyond Beauty
Alma Petherick	Member of the public
Jill Williams	Member of the public
Susanne Wilson	Member of the public
Dave Thorneycroft	Member of the public
Christine Dahlitz	Member of the public
Wendy Buttle	Member of the public
Simone Rushby	Member of the public
Bernice Spackman	Tuckerbox Stores/Gulliver's Tavern
Bevan Spackman	Tuckerbox Stores/Gulliver's Tavern
R B Goodridge	Member of the public
Jennifer Kroeger	Member of the public
Roy Pipe	Member of the public
G Fysh	Fysh Grade Hire
Geoff Warnock	Folle Investments
Kathryn Radford	Kununurra Neighbourhood House
Debbie McCallum	Governance Officer (SWEK)
Julia Hall	Manager Property & Regulatory Services (SWEK)
Peter Kerp	Manager Engineering Services (SWEK)
Elle Davidson	Planning Officer (SWEK)
Felicity Heading	Senior Finance Officer (SWEK)
Ronnie Gulland	Senior Finance Officer (SWEK)
Shelley Binnie	Senior Finance Officer (SWEK)

APOLOGIES

Nil

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

3. DECLARATION OF INTEREST

- Financial Interest

Cr D Spackman declares a Financial Interest to Item 13.4.5 - Lot 509 on Deposited Plan 66529, Portion of Reserve 50467, Kununurra – Expressions of Interest Received

Cr S Cooke declares a Financial Interest to Item 17.1 – Confidential – Tender 07 2013/2014

Cr S Cooke declares a Financial Interest to Item 13.5.1 - Funding request for development of East Kimberley Grammar School

- Impartiality Interest

Cr R Dessert declares an Impartially Interest to Item 13.4.1 - Lot 509 on Deposited Plan 66529, Portion of Reserve 50467, Kununurra – Expressions of Interest Received

- Proximity Interest

Cr J Moulden declares a Proximity Interest to Item 13.5.1 - Funding request for development of East Kimberley Grammar School

Cr B Robinson declares a Proximity Interest to Item 13.5.1 - Funding request for development of East Kimberley Grammar School

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

The following question was submitted by Rhonda Guerinoni of Eucalyptus Close, Kununurra:

Three Mastercard payments were made in May to three Mastercards totalling \$18,535.27. By law these payments should have been itemised and the cardholder named. Why wasn't this done?

Natalie Octoman, Director Corporate Services provided an answer through the Chair:

Transactions are itemised in accordance with the Financial Management Regulations. These regulations talk about providing the payee details, date of transaction, amount paid and sufficient information to identify payments. To date, the Mastercard payment itself has been the itemised transaction, with further details available on request from elected members. This is standard process for most Councils across the State. Advice was sought from the Department of Local Government to clarify the interpretation of the legislation, and advice was received that Mastercard transactions should be itemised to include the details of the transactions on each card. The Department has been requested and has committed to, circulating this clarification to local governments throughout the State. These transaction details will be incorporated as supplementary information in each monthly Council report moving forward.

Cr K Wright enters Chambers at 5.07pm

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS

Nil

8. CONFIRMATION OF MINUTES

8.1 CONFIRMATION OF MINUTES OF ORDINARY COUNCIL MEETING OF 27 MAY 2014

RECOMMENDATION

That Council confirms the Minutes of Ordinary Council Meeting held on 27 May 2014.

COUNCIL DECISION

Minute No. 10444

Moved: Cr B Robinson

Seconded: Cr S Cooke

That Council confirms the Minutes of Ordinary Council Meeting held on 27 May 2014.

Carried Unanimously 9/0

8.2 CONFIRMATION OF MINUTES OF ORDINARY COUNCIL MEETING OF 29 APRIL 2014

RECOMMENDATION

That Council confirms the Minutes of Ordinary Council Meeting held on 29 April 2014.

COUNCIL DECISION

Minute No. 10445

Moved: Cr S Cooke

Seconded: Cr B Robinson

That Council confirms the Minutes of Ordinary Council Meeting held on 27 May 2014.

Carried Unanimously 9/0

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Cr John Moulden informed the meeting about the Governor General's visit to the East Kimberley for the last 3½ days:

"It was a fantastically rewarding and worthwhile visit where the region was singled out for attention. The Governor General and Lady Cosgrove acquainted themselves with many facets of East Kimberley life including agriculture, schools, Wyndham, Wunan Corporation, tropical forestry, and the research station. The Governor General was accompanied by 60 minutes who are producing a feature on the Governor General's early term in office, this will be airing later this year and will provide fantastic exposure for the Shire. It must be noted that Shire staff did a great job in organising a highly successful visit. The Governor General and his staff noted that it was a pleasure to work with the Shire and the success of the trip could be largely attributable to their organisational capacity and planning."

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS / NOTICES OF MOTIONS

Nil

12. MINUTES OF COUNCIL COMMITTEE MEETINGS

Nil

13. REPORTS

13.1 MATTERS ARISING FROM COMMITTEES OF COUNCIL

Nil

13.2 CORPORATE SERVICES

13.2.1 Monthly Financial Report

DATE:	24 June 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Asanka Jayakody, Accountant
REPORTING OFFICER:	Natalie Octoman, Director Corporate Services
FILE NO:	FM.09.5

PURPOSE

For Council to note and accept the Monthly Financial Report for May 2014.

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

- Goal 1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational sustainability
- Objective 1.4: Business innovation, efficiency and improved service
- Strategy 1.4.1: Ensure legislative compliance and follow best practice principles in planning and service delivery
- Strategy 1.4.5: Attract and maintain a skilled, motivated and professional workforce

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

OFFICER'S RECOMMENDATION

That Council accepts the Monthly Financial Report for the month of May 2014.

COUNCIL DECISION

Minute No. 10446

Moved: Cr S Cooke

Seconded: Cr D Learbuch

That Council accepts the Monthly Financial Report for the month of May 2014.

Carried Unanimously 9/0



Shire of Wyndham East Kimberley

Monthly Financial Report 2013/2014

As at 31 May 2014

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 2014

	YTD Actual 2013/14 \$	YTD Budget 2013/14 \$	YTD Variance 2013/14		
			\$	%	
Revenue					
General Purpose Funding	2,227,210	2,252,429	(25,218)	-1%	▼
Governance	128,335	103,072	25,263	25%	▲
Law, Order, Public Safety	47,592	41,811	5,781	14%	▼
Health	66,867	72,630	(5,763)	-8%	▼
Education and Welfare	141,752	156,654	(14,902)	-10%	▼
Housing	199,441	199,607	(166)	0%	▼
Community Amenities	2,266,812	2,325,341	(58,529)	-3%	▼
Recreation and Culture	534,568	501,602	32,966	7%	▲
Transport	3,697,759	4,169,114	(471,355)	-11%	▼
Economic Services	92,846	125,607	(32,761)	-26%	▼
Other Property and Services	339,698	328,371	11,327	3%	▲
	<u>9,742,880</u>	<u>10,276,238</u>	<u>(533,357)</u>	<u>-5%</u>	<u>▼</u>
Expenses					
General Purpose Funding	(792,611)	(733,654)	(58,957)	8%	▲
Governance	(3,039,995)	(3,132,718)	92,723	-3%	▼
Law, Order, Public Safety	(659,377)	(657,981)	(1,395)	0%	▲
Health	(411,176)	(438,617)	27,441	-6%	▼
Education and Welfare	(442,682)	(434,787)	(7,895)	2%	▲
Housing	(646,115)	(639,232)	(6,883)	1%	▲
Community Amenities	(4,330,189)	(4,501,808)	171,619	-4%	▼
Recreation & Culture	(5,196,812)	(4,974,540)	(222,272)	4%	▲
Transport	(6,367,703)	(6,475,350)	107,647	-2%	▼
Economic Services	(875,224)	(871,993)	(3,231)	0%	▲
Other Property and Services	(607,402)	(375,837)	(231,566)	62%	▲
	<u>(23,369,286)</u>	<u>(23,236,516)</u>	<u>(132,770)</u>	<u>1%</u>	<u>▼</u>
Adjustments for Cash Budget Requirements:					
Non-Cash Expenditure and Revenue					
(Profit)/Loss on Asset Disposals	(28,195)	(44,826)	16,631	0%	▼
Movement in Accruals and Provisions	(5,717)	48,452	(54,169)	-112%	▲
Depreciation on Assets	5,131,138	5,114,915	16,223	0%	▲
Capital Expenditure and Revenue					
Purchase Land Held for Resale	(1,682)	0	(1,682)	0%	▲
Purchase Land and Buildings	(1,718,613)	(3,180,928)	1,462,315	-46%	▼
Purchase Infrastructure Assets - Roads	(740,908)	(2,054,546)	1,313,638	-64%	▼
Purchase Infrastructure Assets - Footpaths	0	(31,000)	31,000	0%	▼
Purchase Infrastructure Assets - Drainage	(488,462)	(595,000)	106,538	-18%	▼
Purchase Infrastructure Assets - Other	(1,497,110)	(3,475,406)	1,978,296	-57%	▼
Purchase Plant and Equipment	(656,892)	(685,863)	28,971	0%	▼
Purchase Furniture and Equipment	(122,154)	(278,404)	156,250	-56%	▼
Grants / Contributions for Development of Assets	1,152,548	2,661,293	(1,508,745)	0%	▼
Proceeds from Disposal of Assets	518,985	940,638	(421,653)	0%	▼
Proceeds from Sale of Land Held for Resale	0	0	0	0%	▼
Repayment of Debentures	(341,634)	(341,191)	(443)	0%	▼
Proceeds from New Debentures	2,308,498	2,308,498	0	0%	▼
Transfers to Reserves (Restricted Assets)	(237,126)	(214,630)	(22,496)	0%	▲
Transfers from Reserves (Restricted Assets)	614,375	0	614,375	0%	▲
ADD Estimated Surplus/(Deficit) July 1 B/Fwd	5,702,346	5,702,346	0	0%	▼
LESS Estimated Surplus/(Deficit) June 30 C/Fwd	3,559,325	434,204	3,125,121	720%	▲
Amount Required to be Raised from Rates	<u>7,596,334</u>	<u>7,520,134</u>	<u>76,200</u>	<u>0%</u>	<u>▼</u>

Shire of Wyndham East Kimberley

Note to Statement of Financial Activity

Net Current Assets

as at 31 May 2014

NET CURRENT ASSETS

Composition of Estimated Net Current Asset Position

	YTD Actual 2013/14	Brought Forward 1 July 2013
CURRENT ASSETS		
Cash - Unrestricted	2,183,062	5,262,152
Cash - Restricted	6,911,155	7,288,404
Cash - Restricted Unspent Grants	0	0
Receivables	1,282,942	1,426,471
Inventories	14,911	17,288
	<u>10,392,069</u>	<u>13,994,314</u>
LESS: CURRENT LIABILITIES		
Payables and Provisions	78,411	(1,003,565)
Less: Cash - Restricted	<u>(6,911,155)</u>	<u>(7,288,404)</u>
NET CURRENT ASSET POSITION	<u><u>3,559,325</u></u>	<u><u>5,702,346</u></u>

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity For the Period Ended 31 May 2014

Explanation of Material Variances

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

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

Operating

Recurrent Income - Excluding Rates ▼

General Purpose Funding ▼

Interest Income - Municipal Fund \$ 15,800 ▼ Under achieved due to Municipal fund term deposits terminated earlier than expected.

Governance ▲

Reimbursements - Kimberley Zone \$ 15,900 ▲ Income received earlier than expected. Timing.

Law, Order and Public Safety ▼

No material variances to report

Health ▼

No material variances to report

Education and Welfare ▼

Fees - Wyndham Childcare \$ 16,600 ▼ Delay in invoicing process. Timing. Expect to correct.

Housing ▼

No material variances to report

Community Amenities ▼

Additional Waste Management Receptacle Charge \$ 12,300 ▼ Lower income due to adjustment/refund of bin charges. Budget to be amended.

Rubbish Disposal Charges \$ 151,200 ▼ Under achieved year to date budget estimate due sales income lower than expected. Budget to be amended.

Development Application Fees \$ 15,000 ▼ Lower income due to lower development application than expected. Budget to be amended.

Contribution to Local Planning Strategy MUN \$ 90,000 ▲ Invoice process occurred earlier than expected. Timing.

Youth Services Grant - Wyndham \$ 20,900 ▲ Timing relates to year to date budget estimates. Expected to correct.

Recreation and Culture ▲

Writers Festival Income - Libraries \$ 18,300 ▲ Income received earlier than expected. Timing.

Wyndham Community Resource Centre (CRC) - Operating Grant MUN \$ 35,000 ▲ Grant income is higher than expected. Budget to be amended.

Transport ▼

Aircraft Landing Fees - East Kimberley Regional Airport \$ 131,600 ▼ Under achieved year to date budget estimate due to seasonal impact.

Passenger Head Tax - East Kimberley Regional Airport \$ 223,300 ▼ Delay in invoicing process. Timing. Expect to correct.

Passenger Screening Fees - East Kimberley Regional Airport \$ 112,600 ▼ Delay in invoicing process. Timing. Expect to correct.

Economic Services ▼

Licences - Building Control \$ 29,100 ▼ Under achieved year to date budget estimate due to lower number of applications.

Other Property and Services ▲

Private Works Income \$ 11,100 ▲ Higher income due to new private works offset by higher expenditure in private work.

Recurrent Expenditure ▼

General Purpose Funding ▲

Write Offs - Rates \$ 40,300 ▲ Timing relates to year to date budget estimates.

Valuation Expenses - Rates \$ 12,900 ▲ Timing relates to year to date budget estimates.

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity

For the Period Ended 31 May 2014

(continued)

Recurrent Expenditure (continued)

Governance ▼

Staff Survey MUN	\$ 15,000	▼ No activity on this project to date in contrast to budget timing forecast.
Integrated Planning Framework (IPF) - Asset Management	\$ 18,300	▼ Timing relates to year to date budget estimates. Expected to correct.
Management Training - Governance	\$ 11,000	▼ Timing relates to year to date budget estimates. Expected to correct.
Admin Overheads Allocated - Other Governance	\$ 15,400	▼ Timing. Less allocation due to actual admin overheads less than year to date budget estimates. Non cash item.

Law, Order and Public Safety ▲

Ranger Services - Other Law, Order and Public Safety	\$ 13,100	▲ Over expended annual budget due to higher operations.
Direct Salaries - Ranger Services	\$ 74,700	▲ Higher cost due to higher operations. Some cost set-off against lower cost in direct salaries -other law, order & public safety.

Health ▼

Mosquito Control	\$ 15,700	▼ Some savings. Budget to be amended.
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Education and Welfare ▲

Direct Salaries - Wyndham Childcare Centre	\$ 13,900	▼ Savings due to vacant positions. Budget to be amended.
Depreciation - Wyndham Childcare Centre	\$ 24,200	▲ Movement in actual depreciation due to Land & Building re-valuation process. Budget to be amended. Non cash item.

Housing ▲

Lease Costs - 1/25 Konkerberry Drive, Kununurra	\$ 12,400	▼ Lease terminated. Budget to be amended.
Depreciation - Staff Housing	\$ 23,700	▲ Movement in actual depreciation due to Land & Building re-valuation process. Budget to be amended. Non cash item.

Community Amenities ▼

Tip Maintenance	\$ 26,900	▼ Pending invoices for payments. Timing.
Refuse Collection	\$ 73,800	▼ Pending invoices for payments. Timing.
Depreciation - Sanitation - Household Refuse	\$ 12,800	▲ Movement in actual depreciation due to Land & Building re-valuation process. Budget to be amended. Non cash item.
Pre Cyclone Cleanups	\$ 52,100	▲ Over expended against amended budget due to work required for the project higher than predicted. Budget to be amended.
Weaber Plain Flood Mitigation	\$ 50,000	▼ Project re-schedule to Jun 14. Expect some savings.
Cumbungi Management - Protection of Environment	\$ 24,700	▲ Over expended against amended budget due to work required for the project higher than predicted. Budget to be amended.
Waste Management Strategy - Protection of Environment	\$ 50,300	▼ Timing relates to year to date budget estimates. Expected to correct.
Legal Expenses - Town Planning and Regional Development	\$ 10,500	▲ Higher legal cost than expected. Budget to be amended.
Consultants - Local Planning Strategy MUN	\$ 41,000	▼ Timing relates to year to date budget estimates.
Consultants - Foreshore Planning MUN	\$ 29,800	▼ Timing relates to year to date budget estimates. Expect some savings.
Vehicle Expenses - Town Planning and Regional Development	\$ 14,900	▼ Some savings and positive correction to plant depreciation (Non cash item).
Admin Overheads Allocated - Town Planning & Regional Development	\$ 10,100	▼ Timing. Less allocation due to actual admin overheads less than year to date budget estimates. Non cash item.
Depreciation - Other Community Amenities	\$ 111,100	▲ Movement in actual depreciation due to Land & Building re-valuation process. Budget to be amended. Non cash item.
Youth Buses and Camper Trailer - Operating Expenditure - Youth Services	\$ 20,900	▼ Lower expenses due to depreciation adjustment (Non cash item) for revaluation process. Budget to be amended.
Direct Salaries - Wyndham Youth Services	\$ 12,300	▼ Savings due to vacant positions. Budget to be amended.
Vehicle Expenses - East Kimberley Youth Services	\$ 11,700	▼ Some savings and positive correction to plant depreciation (Non cash item).

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity

For the Period Ended 31 May 2014

(continued)

Recurrent Expenditure *(continued)*

Recreation and Culture

	▲	
Depreciation - Public Halls	\$ 93,300	▲ Movement in actual depreciation due to Land & Building re-valuation process. Budget to be amended. Non cash item.
Direct Salaries - Kununurra Swimming Complex	\$ 25,200	▲ Higher direct salaries due to seasonal impact. Timing. Some cost set off against lower cost in Leisure Centre direct salaries.
Pool Operating - Wyndham Swimming Complex	\$ 15,000	▼ Timing. Some Savings expected.
Depreciation - Wyndham Swimming Complex	\$ 10,200	▲ Movement in actual depreciation due to Land & Building re-valuation process. Budget to be amended. Non cash item.
Foreshores and Boat Ramps - Wyndham	\$ 10,400	▼ Timing. Some Savings expected.
Direct Salaries - Kununurra Leisure Centre	\$ 15,000	▼ Lower cost set-off against higher direct salaries cost in Swimming complex.
Depreciation - Kununurra Leisure Centre	\$ 78,100	▲ Movement in actual depreciation due to Land & Building re-valuation process. Budget to be amended. Non cash item.
Direct Salaries - Recreation Staff - Wyndham Youth and Recreation Centre	\$ 31,300	▼ Savings due to vacant positions. Budget to be amended.
Depreciation - Wyndham Youth and Recreation Centre	\$ 42,300	▲ Movement in actual depreciation due to Land & Building re-valuation process. Budget to be amended. Non cash item.
Kununurra Sports Oval Maintenance	\$ 10,800	▲ Higher cost due to seasonal maintenance. Timing
Oval Lights - Kununurra Grounds	\$ 17,200	▼ Timing relates to year to date budget estimates.
Hardcourts Maintenance - Kununurra Grounds	\$ 17,200	▼ Timing relates to year to date budget estimates.
Depreciation - Kununurra Grounds	\$ 11,600	▲ Movement in actual depreciation due to Land & Building re-valuation process. Budget to be amended. Non cash item.
Depreciation - Wyndham Grounds	\$ 17,300	▲ Movement in actual depreciation due to Land & Building re-valuation process. Budget to be amended. Non cash item.
Parks and Gardens Maintenance - Kununurra	\$ 108,900	▲ Higher expenditure due to recent flood event and vandalism. Budget to be amended.
KidSport Expenses - Club Development	\$ 11,800	▼ Timing relates to year to date budget estimates.
Parks and Gardens Maintenance - Wyndham	\$ 52,700	▲ Higher expenditure due to recent flood event and vandalism. Budget to be amended.
Direct Salaries - Wyndham Community Resource Centre (CRC)	\$ 30,000	▼ Lower expenses set-off against higher Direct Salaries in Wyndham Administration.

Transport

	▼	
Rural Road Maintenance	\$ 76,700	▼ Timing relates to year to date budget estimates. Expected to correct.
Urban Road Maintenance - Wyndham	\$ 35,600	▼ Timing relates to year to date budget estimates. Expected to correct.
Street Lighting	\$ 10,300	▼ Timing relates to year to date budget estimates. Expected to correct.
Monsoonal Trough Flood Event, 6-9 Feb 2014	\$ 369,700	▲ Unbudgeted expenses due to major flood event. Majority of the project cost to be claimed from WANDRA funding.
Depreciation - Streets, Roads & Bridges - Maintenance	\$ 39,500	▲ Higher depreciation due to completed project started depreciating. Non cash item.
Consultancy Fees - East Kimberley Regional Airport	\$ 21,000	▼ Timing. Some savings expected.
Airport Terminal Building Maintenance - East Kimberley Regional Airport	\$ 66,900	▼ Timing relates to year to date budget estimates. Expected to correct.
Airport Grounds Maintenance - East Kimberley Regional Airport	\$ 16,200	▼ Timing. Some savings expected.
Passenger Screening Expenses - East Kimberley Regional Airport	\$ 103,600	▼ Timing relates to year to date budget estimates. Expected to correct.
Depreciation - East Kimberley Regional Airport	\$ 214,900	▼ Movement in actual depreciation due to Land & Building re-valuation process. Budget to be amended. Non cash item.

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity

For the Period Ended 31 May 2014

(continued)

Recurrent Expenditure (continued)

Transport (continued)

	▼	
Direct Salaries - Wyndham Airport MUN	\$ 30,300	▼ Lower expenses set-off against Direct Salaries - East Kimberley Regional Airport
Depreciation - Wyndham Airport	\$ 46,300	▲ Movement in actual depreciation due to Land & Building re-valuation process. Budget to be amended. Non cash item.

Economic Services

	▲	
Vehicle Expenses - Building Control	\$ 11,300	▼ Some savings and positive correction to plant depreciation (Non cash item).
Direct Salaries - Building Control	\$ 15,300	▲ Higher cost due to temporary relief staff required.
Economic Development Grants - Other Economic Services	\$ 12,400	▼ Timing relates to year to date budget estimates.
Sponsorship - Other Economic Services	\$ 15,000	▼ Timing relates to year to date budget estimates.
Depreciation - Other Economic Services	\$ 49,100	▲ Movement in actual depreciation due to Land & Building re-valuation process. Budget to be amended. Non cash item.

Other Property and Services

	▲	
Private Works - Expenses	\$ 21,600	▲ Higher cost due to new private works offset by higher income in private work. Some cost yet to be invoiced.
Vehicle Expenses - Public Works	\$ 32,500	▼ Timing relates to year to date budget estimates. Expected to correct.
Direct Salaries - Wyndham Administration	\$ 38,300	▲ Higher expenses set-off against lower Direct Salaries in Wyndham CRC.
Building Maintenance - 20 Coolibah - New Kununurra Administration	\$ 29,600	▲ Over expended due to unbudgeted maintenance and cleaning cost. Budget to be amended.
Depreciation - Wyndham Administration	\$ 17,300	▲ Movement in actual depreciation due to Land & Building re-valuation process. Budget to be amended. Non cash item.
POC Parts and Repairs	\$ 12,600	▲ Parts and repair cost higher than expected. Budget to be amended.
Depreciation - Plant Operation	\$ 339,400	▼ Lower plant depreciation due to correction adjustment made as a result of plant re-valuation process as at 30 June 13. Budget to be amended. Non cash item.
Loss on Sale of Assets - Plant Operation	\$ 19,200	▲ Loss on sale of plant disposal. Budget to be amended. Non cash item.
Landcorp /SWEK Deed Agreement - Expenses	\$ 25,900	▼ Un-expended casual engineers time.
Building Maintenance - Kununurra Depot	\$ 22,600	▲ Over expended against the annual amended budget due to higher maintenance. Some cost set-off against new depot caretaker dwelling maintenance cost.
Plant Operating Cost Allocated	\$ 453,100	▼ Lower allocation due to plant depreciation correction adjustment. Budget to be amended. Non cash item.

Non Cash Expenditure and Revenue

Adjustments and Accruals

Profit & Loss on Sale of Assets	\$ 19,200	▲ Net increase in profit and loss on assets disposal
Movement in Accruals and Provisions	\$ 54,200	▲ Net increase in actual accrual and provision is lower than expected as at date of reporting.
Depreciation	\$ 16,200	▲ Movement in actual depreciation due to Land & Building re-valuation process and correction for Plant depreciation. Budget to be amended. Non cash item.

Capital

Purchase Land Held for Resale

No material variances to report

Purchase Land and Buildings

	▼	
Wyndham Childcare Centre Capital Improvements	\$ 23,900	▲ Project started earlier than expected. Timing.
Waterlily Place - Staff Housing Stage One	\$ 1,437,400	▼ Project started. Part of the project carried forward to 2014/15

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity

For the Period Ended 31 May 2014

(continued)

Capital *(continued)*

Purchase Land and Buildings *(continued)*

Wyndham Oval Toilet	\$ 28,000	▼ Project almost completed. Expect some savings.
Kununurra Depot Upgrade	\$ 27,000	▼ Project in progress. Expect some savings.
Purchase Infrastructure Assets - Roads		
▼		
Kalumburu Road - Re-sheet	\$ 130,300	▼ Project in progress. Timing.
Weaber Plain Road - RRG - Reconstruct	\$ 110,000	▼ Project re-schedule to Jun 14.
Road Upgrade Carlton Hill Road	\$ 284,700	▼ Project in design stage, will be carried forward to 2014/15.
Messmate Way Roundabout - Reconstruct and Seal	\$ 408,300	▼ Project re-schedule to Jun 14.
Kerb renewal	\$ 14,200	▼ Project in progress. Timing.
Bridges (5123) - Reaserch Station Rd MUN	\$ 66,000	▼ Project re-schedule to Jun 14.
Bridges (4214) - Stock Route Rd MUN	\$ 60,000	▼ Project re-schedule to Jun 14.
Coolibah Drive - Caravan pk & high school MUN	\$ 122,200	▼ Project in progress. Timing.
Coolibah - Ironwood Mangaloo MUN	\$ 25,600	▼ Project will be carried forward to 2014/15.
Meatworks Road Wyndham - Reconstruct and Seal	\$ 100,000	▼ Project will be carried forward to 2014/15.
Purchase Infrastructure Assets - Footpaths		
▼		
Footpath renewal	\$ 31,000	▼ Project not yet commenced.
Purchase Infrastructure Assets - Drainage		
▼		
River Farm Road - Drainage Upgrades	\$ 18,400	▼ Project completed. Pending invoices for payment. Expect some savings.
Drainage Strategy, re-instate drain, 746m to 1149m MUN	\$ 34,000	▼ Project completed. Savings.
Drainage Strategy, Survey, Design section 1, Ironwood MUN	\$ 19,100	▼ Project completed. Savings.
Drainage Strategy, Survey/Design, Area 'V', Little BP MUN	\$ 30,000	▼ Project in progress. Timing.
Purchase Infrastructure Assets - Other		
▼		
Kununurra Landfill Site - Liquid Waste Facility	\$ 283,800	▼ Project in progress. Timing.
Kununurra Landfill Site - Storm Water & Bores MUN	\$ 59,400	▼ Project in progress. Timing.
Wyndham Landfill Site - Bores MUN	\$ 20,000	▼ Project not yet started.
Kununurra Landfill Site - Green Waste Hardstand MUN	\$ 37,400	▼ Project started. Progressing in early stage.
Kununurra Landfill Site - Capping Existing Site. MUN	\$ 62,300	▼ Project in progress. Timing.
Kununurra Landfill Site - Re-hab & De-commission Liquid Waste Lagoon MUN	\$ 546,000	▼ Project started. Progressing in early stage.
Kununurra Landfill Site - New Landfill Site Identification MUN	\$ 136,700	▼ Project started. Progressing in early stage.
Wyndham Boat Ramp Pontoon Jetty	\$ 10,000	▼ Savings. Budget to be amended.
Wyndham - Non Potable Water to Reserves	\$ 43,000	▼ Project not yet started.

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity

For the Period Ended 31 May 2014

(continued)

Capital *(continued)*

Purchase Infrastructure Assets - Other *(continued)*

Erythrina St - Reconstruct, Seal Pavement & Footpath Re-instate MUN	\$ 185,100	▼ Project in progress. Timing.
Carpark Upgrade - East Kimberley Regional Airport	\$ 143,000	▼ Project will be carried forward to 2014/15.
Security Fence Upgrade - East Kimberley Regional Airport	\$ 23,200	▼ Project in progress. Part of the project will be carried forward to 2014/15.
Reseal Apron - East Kimberley Regional Airport	\$ 100,000	▼ Project in progress. Timing.
Pavement Engineering Consultant MUN	\$ 19,900	▼ Project in progress. Timing.
Runway Asphalt Overlay MUN	\$ 13,200	▲ Project in progress. Timing.
Welcome to Country Signage - East Kimberley Regional Airport MUN	\$ 80,000	▼ Project in progress. Timing.
Upgrade Maintenance Area - East Kimberley Regional Airport MUN	\$ 96,500	▼ Project in progress. Timing.
KNX Airport Security Parking Area - Stage 1 MUN	\$ 74,300	▼ Project will be carried forward to 2014/15.
Car Park Repairs - Wyndham Airport	\$ 20,000	▼ Project will be carried forward to 2014/15.
Runway Maintenance - Wyndham Airport	\$ 30,000	▼ Project will be carried forward to 2014/15.

Purchase Plant and Equipment

Gymnasium Equipment - Recreation	\$ 20,000	▼ Project not yet started.
Airport Plant - Purchase Price	\$ 21,400	▼ Some lower cost set-off against Medium plant purchase price. Budget to be amended.
Medium Plant - Purchase Price	\$ 12,500	▲ Higher cost set-off against Airport plant purchase price. Budget to be amended.

Purchase Furniture and Equipment

Wyndham Youth Service - Setup	\$ 26,800	▼ Project completed. Savings.
Furniture and Equipment - East Kimberley Regional Airport	\$ 12,400	▼ Project will be carried forward to 2014/15.
Server and Network Upgrades - Information Technology	\$ 30,000	▼ Project in progress. Timing.
Laptop and Desktop Upgrades - Information Technology	\$ 22,200	▼ Project in progress. Timing.
Upgrade Inter-site Network Connectivity MUN	\$ 35,000	▼ Project in progress. Timing.
Infrastructure Dept. Landfill Software MUN	\$ 10,300	▼ Project completed. Savings.

Grants / Contributions for Development of Assets

Country Local Government Fund - Kimberley Regional Collaborative Group	\$ 776,900	▼ Estimated timing for receipt of grant earlier than expected.
Royalties for Regions Infrastructure Grant	\$ 473,900	▼ Estimated timing for receipt of grant earlier than expected.
Aboriginal Roads Funding - Federal Grants	\$ 103,500	▲ Grant received earlier than expected. Timing.
Aboriginal Roads Funding - State Grants	\$ 32,800	▲ Income based on progress claim for projects. Timing.
Regional Road Group Grants	\$ 284,000	▼ Income to be received in 2014/15 with carried forward project.
Road Contributions - Carlton Hill Road	\$ 110,000	▼ Income to be received in 2014/15 with carried forward project.
State Local Road Black Spot - Income MUN	\$ 20,300	▼ Income based on progress claim for projects. Timing.
Bridges Maintenance - FEDS MUN	\$ 30,600	▲ Grant received earlier than expected. Timing.

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity

For the Period Ended 31 May 2014

(continued)

Capital *(continued)*

Proceeds from Disposal of Assets ▼

Sale of Boobialla Housing Kununurra	\$ 414,000	▼	Sale of 23 Boobialla street property not expected in this year.
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Debentures ▼

No material variances to report

Reserves ▲

Reserve Interest - Transfer to Reserve	\$ 22,500	▲	Early withdrawal of reserve fund to match the actual spending for reserve funded projects. Timing.
Waste Management Reserve - Transfer from Reserve	\$ 162,800	▲	Early withdrawal of reserve fund to match the actual spending for reserve funded projects. Timing.
Airport General Reserve - Transfer from Reserve	\$ 216,600	▲	Early withdrawal of reserve fund to match the actual spending for reserve funded projects. Timing.
Plant and Equipment Reserve - Transfer from Reserve	\$ 75,000	▲	Early withdrawal of reserve fund to match the actual spending for reserve funded projects. Timing.
Parks Reserve - Transfer from Reserve	\$ 156,600	▲	Early withdrawal of reserve fund to match the actual spending for reserve funded projects. Timing.

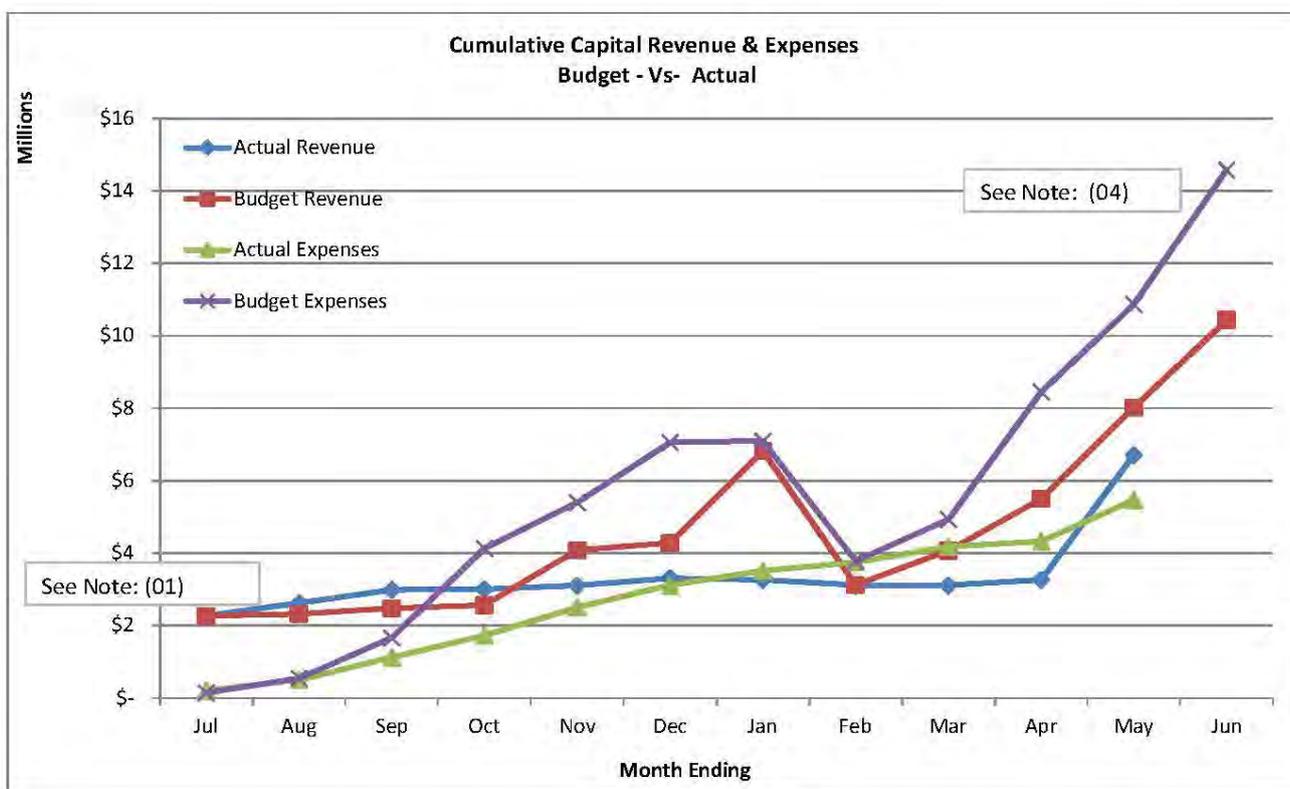
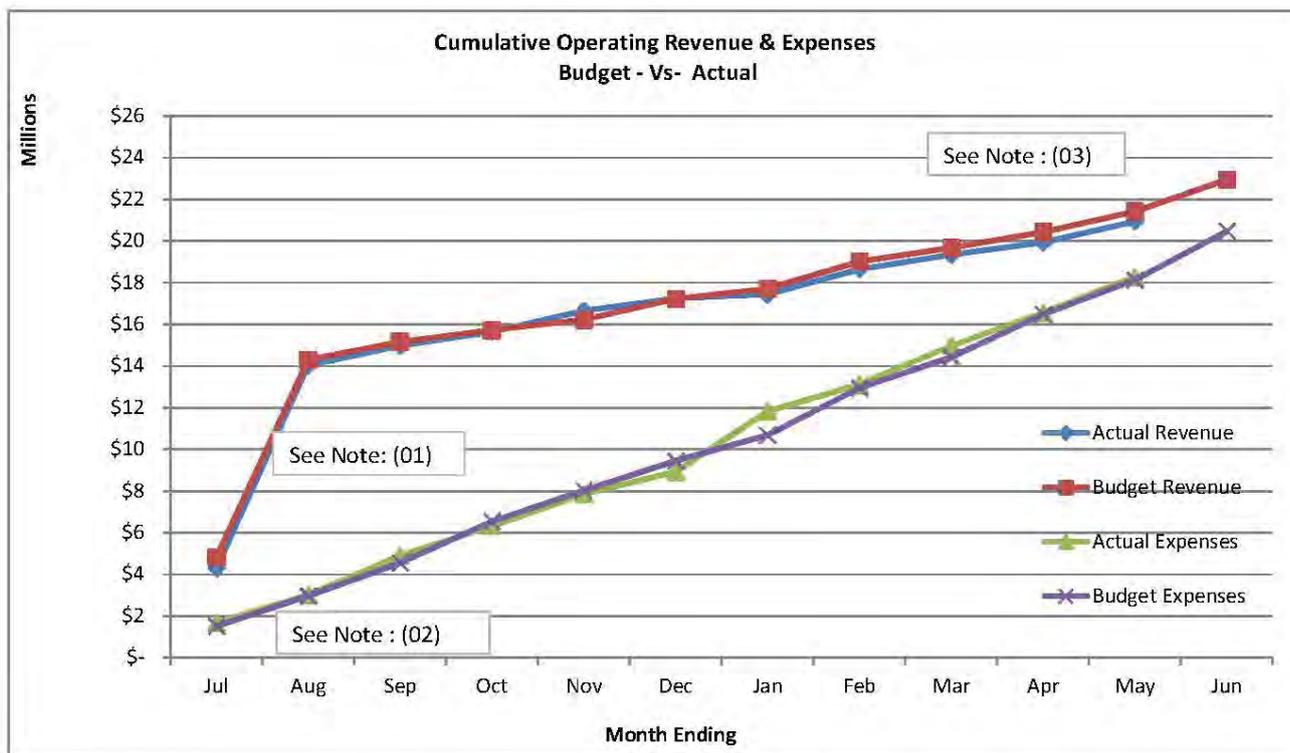
Shire of Wyndham East Kimberley

Note to Statement of Financial Activity Budget Remaining to Collect/Spend as at 31 May 2014

	YTD Actual 2013/14 \$	Annual Budget 2013/14	Budget Remaining 2013/14	
			\$	%
Revenue				
General Purpose Funding	2,227,210	2,284,289	57,078	2% ▼
Governance	128,335	119,966	(8,369)	-7% ▲
Law, Order, Public Safety	47,592	42,697	(4,895)	-11% ▲
Health	66,867	81,357	14,490	18% ▼
Education and Welfare	141,752	174,377	32,625	19% ▼
Housing	199,441	940,198	740,757	79% ▼
Community Amenities	2,266,812	2,552,334	285,522	11% ▼
Recreation and Culture	534,568	639,490	104,922	16% ▼
Transport	3,697,759	4,521,034	823,275	18% ▼
Economic Services	92,846	145,000	52,154	36% ▼
Other Property and Services	339,698	328,371	(11,327)	-3% ▲
	<u>9,742,880</u>	<u>11,829,113</u>	<u>2,086,232</u>	<u>18% ▼</u>
Expenses				
General Purpose Funding	(792,611)	(844,584)	(51,973)	6% ▼
Governance	(3,039,995)	(3,274,343)	(234,349)	7% ▼
Law, Order, Public Safety	(659,377)	(709,724)	(50,348)	7% ▼
Health	(411,176)	(480,768)	(69,593)	14% ▼
Education and Welfare	(442,682)	(493,699)	(51,017)	10% ▼
Housing	(646,115)	(707,616)	(61,501)	9% ▼
Community Amenities	(4,330,189)	(4,936,178)	(605,989)	12% ▼
Recreation & Culture	(5,196,812)	(5,497,612)	(300,800)	5% ▼
Transport	(6,367,703)	(7,158,044)	(790,342)	11% ▼
Economic Services	(875,224)	(948,852)	(73,628)	8% ▼
Other Property and Services	(607,402)	(343,239)	264,163	-77% ▲
	<u>(23,369,286)</u>	<u>(25,394,660)</u>	<u>(2,025,374)</u>	<u>8% ▼</u>
Adjustments for Cash Budget Requirements:				
Non-Cash Expenditure and Revenue				
(Profit)/Loss on Asset Disposals	(28,195)	(778,004)	(749,809)	96% ▼
Movement in Accruals and Provisions	(5,717)	48,452	54,169	112% ▼
Depreciation on Assets	5,131,138	5,662,315	531,177	9% ▼
Capital Expenditure and Revenue				
Purchase Land Held for Resale	(1,682)	(504,504)	(502,822)	100% ▼
Purchase Land and Buildings	(1,718,613)	(3,221,628)	(1,503,015)	47% ▼
Purchase Infrastructure Assets - Roads	(740,908)	(2,214,546)	(1,473,638)	67% ▼
Purchase Infrastructure Assets - Footpaths	0	(31,000)	(31,000)	100% ▼
Purchase Infrastructure Assets - Drainage	(488,462)	(595,000)	(106,538)	18% ▼
Purchase Infrastructure Assets - Other	(1,497,110)	(4,184,706)	(2,687,596)	64% ▼
Purchase Plant and Equipment	(656,892)	(685,863)	(28,971)	4% ▼
Purchase Furniture and Equipment	(122,154)	(343,985)	(221,830)	64% ▼
Grants / Contributions for Development of Assets	1,152,548	5,156,224	4,003,676	78% ▼
Proceeds from Disposal of Assets	518,985	940,638	421,653	45% ▼
Proceeds from Sale of Land Held for Resale	0	0	0	0% ▼
Repayment of Debentures	(341,634)	(478,397)	(136,763)	29% ▼
Proceeds from New Debentures	2,308,498	2,308,498	0	0% ▼
Transfers to Reserves (Restricted Assets)	(237,126)	(2,315,914)	(2,078,788)	90% ▼
Transfers from Reserves (Restricted Assets)	614,375	1,611,787	997,412	62% ▼
ADD Estimated Surplus/(Deficit) July 1 B/Fwd	5,702,346	5,702,346	0	0% ▼
LESS Estimated Surplus/(Deficit) June 30 C/Fwd	3,559,325	31,300	(3,528,025)	-11272% ▲
Amount Required to be Raised from Rates	<u>7,596,334</u>	<u>7,520,134</u>	<u>(76,200)</u>	<u>-1% ▲</u>

Shire of Wyndham East Kimberley

Note to Statement of Financial Activity
as at 31 May 2014



Note:

- (01) Start position includes allowance for brought forward surplus from previous financial year, Operating \$ 3.6M & Capital \$ 2.1M.
- (02) Budget/Actual operating expenditure excludes non financial transactions (Depreciation, Loss/Profit on assets disposals).
- (03) Surplus income to fund Capital Revenue gap.
- (04) Surplus operating income funds capital gap.

MONTHLY REPORT ON INVESTMENT PORTFOLIO (CASH)

INVESTMENT POLICY F17

"Overall Portfolio Limits"

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

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

RESULTS AS AT 30 May 2014

Overall Portfolio

Counterparty Credit

Term to Maturity

"Counterparty Credit Framework"

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

"Term to Maturity Framework"

Overall Portfolio Term to Maturity Limits	Individual Investment Maturity Limits
Portfolio % < 1 year	5 years
Portfolio % > 1 year	3 years
Portfolio % > 3 year	
Portfolio % > 5 year	

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

13.2.2 List of Accounts paid from Municipal Fund and Trust Fund

DATE:	24 June 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Felicity Heading, Coordinator Financial Operations Victoria Nakamya, Creditors Officer
REPORTING OFFICER:	Natalie Octoman, 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 16 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 RECOMMENDATION

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

Municipal EFT 120725 – 121099 (01 May – 29 May 14)	\$ 2,932,471.71
Municipal cheques 42794 - 42932 (02 May – 29 May 14)	\$ 222,592.33
Trust cheques 661 – 663 (22 May – 23 May 14)	\$ 600.00
Trust EFT 500708 – 500729 (01 May – 30 May 14)	\$ 20,287.10
Payroll (05 May – 28 May 14)	\$ 543,867.84
Direct bank debits (01 May – 30 May 14)	<u>\$ 37,118.10</u>
TOTAL	\$ 3,756,937.08

COUNCIL DECISION

Minute No. 10447

**Moved: Cr B Robinson
Seconded: Cr S Cooke**

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

Municipal EFT 120725 – 121099 (01 May – 29 May 14)	\$ 2,932,471.71
Municipal cheques 42794 - 42932 (02 May – 29 May 14)	\$ 222,592.33
Trust cheques 661 – 663 (22 May – 23 May 14)	\$ 600.00
Trust EFT 500708 – 500729 (01 May – 30 May 14)	\$ 20,287.10
Payroll (05 May – 28 May 14)	\$ 543,867.84
Direct bank debits (01 May – 30 May 14)	<u>\$ 37,118.10</u>
TOTAL	\$ 3,756,937.08

Carried Unanimously 9/0

ATTACHMENT 1 – List of Accounts paid from Municipal Fund and Trust Fund

LIST OF ACCOUNTS SUBMITTED TO COUNCIL 24 JUNE 2014

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT120725	01/05/2014	KIMBERLEY HOLIDAY LAND HOTEL	ACCOM. RELIEF BUILDING SURVEYOR 3/2/14 - 30/3/14	805.64
EFT120726	01/05/2014	ALS LIBRARY SERVICES PTY LTD	BOOK ORDER FOR APRIL - KUNUNURRA LIBRARY	26.39
EFT120727	01/05/2014	AMPAC DEBT RECOVERY (WA) PTY LTD	DEBT RECOVERY RATES - FEB 2014	869.00
EFT120728	01/05/2014	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	1,220.53
EFT120729	01/05/2014	AUSTRAL MERCANTILE COLLECTIONS PTY LTD	DEBT COLLECTION COSTS - AUGUST13	422.40
EFT120730	01/05/2014	AIRPORT LIGHTING SPECIALISTS	REPLACEMENT GLOBES FOR RUNWAY LIGHTS - AIRPORT KUNUNURRA	761.20
EFT120731	01/05/2014	ALLGEAR MOTORCYCLES AND SMALL ENGINES	2 STROKE OIL - SMALL ENGINES - KNX LANDFILL	22.70
EFT120732	01/05/2014	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	219.96
EFT120733	01/05/2014	AUSTRALIAN TAXATION OFFICE - PAYG	PAYROLL DEDUCTIONS	81,542.00
EFT120734	01/05/2014	BERM BACKHOE HIRE	SLASHING AND TREE MAINTENANCE - KUNUNURRA SURROUNDS 12/3-27/3/14	17,864.00
EFT120735	01/05/2014	BLACKWOODS ATKINS PTY LTD	SUPPLIES-15KG BAGS OF RAGS - DEPOT KNX	112.02
EFT120736	01/05/2014	C & S JOLLY ELECTRICS PTY LTD	REPAIRS AND MAINTENANCE-AIRPORT HOUSE	297.00
EFT120737	01/05/2014	CDM HYDRAULICS PTY LTD	P367 REPAIRS - 3 TONNE TRUCK - LANDFILL KUNUNURRA	1,015.30
EFT120738	01/05/2014	CAMTEK SURVEILLANCE PRODUCTS PTY LTD	REPAIRS TO SURVEILLANCE (DRAINS) CAMERA	410.00
EFT120739	01/05/2014	CARPET, VINYL & TILE CENTRE	MAINTENANCE-YOUTH HUB TOILETS	68.40
EFT120740	01/05/2014	CIVIC LEGAL	LEGAL ADVICE - SAT APPEAL, COMMERCIAL LEASES	18,022.18
EFT120741	01/05/2014	COATES HIRE OPERATIONS PTY LTD	LOADER HIRE-WYNDAM LANDFILL	1,287.00
EFT120742	01/05/2014	CORE BUSINESS AUSTRALIA PTY LTD	PREPARE ASSET MANAGEMENT PLAN FOR THE EKRA KUNUNURRA	6,499.68
EFT120743	01/05/2014	CROCODILE SIGNS PTY LTD	SIGNAGE -TED BIRCH MEMORIAL YOUTH AND RECREATION CENTRE	316.80
EFT120744	01/05/2014	DELRON CLEANING PTY LTD	CLEANING - SHIRE OFFICES AND BUILDINGS KUNUNURRA FEB&MAR 2014	29,102.34
EFT120745	01/05/2014	EAST KIMBERLEY HARDWARE	HARDWARE MATERIALS AND PARTS - KUNUNURRA DEPOT	704.00
EFT120746	01/05/2014	EAST KIMBERLEY PLUMBING	MAINTENANCE- MEN'S TOILET - KNX LEISURE CENTRE	378.62
EFT120747	01/05/2014	FAIRDINKUM PLUMBING GAS & ROOFWORKS	REPAIR DAMAGED ROAD & DRAINAGE-IRONWOOD DRIVE	10,436.25
EFT120748	01/05/2014	STAFF MEMBER	REIMBURSEMENT - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	145.89
EFT120749	01/05/2014	GUERINONI & SONS	GRADER HIRE - MAINT. GRADE CARLTON HILL ROAD, TIPPER HIRE - FLOOD WKS	10,832.25
EFT120750	01/05/2014	HART SPORT	SPORTS EQUIPMENT - REC. CENTRE WYNDHAM	918.80
EFT120751	01/05/2014	HYDRO KLEEN	CLEAN AIRCONDITIONERS - ADMINISTRATION BUILDING KNX	2,409.00
EFT120752	01/05/2014	IBAC PLUMBING PTY LTD	PLUMBING MAINTENANCE AND REPAIR - CELEBRITY TREE PARK, KNX	4,180.59
EFT120753	01/05/2014	JEREMY MAITLAND SMITH	STAFF TRAINING -INFORMATION TECHNOLOGY	300.00

ATTACHMENT 1 – List of Accounts paid from Municipal Fund and Trust Fund

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT120754	01/05/2014	JOONGARI HOUSE	QUICK GRANT -JOONGARI HOUSE- RECOGNISING SENIORS-AFTERNOON TEA	500.00
EFT120755	01/05/2014	KUNUNURRA 4WD SPARES	P388 REPAIRS LANDCRUISER WY25294	679.10
EFT120756	01/05/2014	KIMBERLEY KOOL REFRIG & AIRCOND.	DECOMMISSIONING AND REMOVAL OF AIR COND. SYSTEM WYN CHILDCARE	5,390.00
EFT120757	01/05/2014	KIMBERLEY MARKETING - CASH AND CARRY	SUPPLIES - AIRPORT KNX	86.90
EFT120758	01/05/2014	KIMBERLEY TRAINING INSTITUTE	TRAINING REGISTRATION COSTS FOR GOVERNANCE STAFF	1,474.40
EFT120759	01/05/2014	KUNUNURRA COMMERCIAL BODY WORKS	P379 -WY14616 - REPAIRS	300.00
EFT120760	01/05/2014	KUNUNURRA DISTRICT HIGH SCHOOL	PHOTOCOPIER COSTS - LIBRARY KUNUNURRA	76.77
EFT120761	01/05/2014	KUNUNURRA ENGINEERING	TROLLEYS FOR MOSQUITO FOGGERS - HEALTH	3,520.00
EFT120762	01/05/2014	KUNUNURRA GUIDES	COMMUNITY ANNUAL GRANT	5,000.00
EFT120763	01/05/2014	KUNUNURRA PANEL BEATING WORKS P/L	P478 REPLACEMENT WINDSCREEN	440.00
EFT120764	01/05/2014	KUNUNURRA RURAL TRADERS	P121 REPLACE FIRE EXTINGUISHER	52.00
EFT120765	01/05/2014	KUNUNURRA TENNIS CLUB	KIDSPORT MEMBERSHIP	120.00
EFT120766	01/05/2014	MARTELL ROAD MAINTENANCE	SEALING - WYNDHAM HIGH SCHOOL CAR PARK/WELCH STREET	15,691.50
EFT120767	01/05/2014	MAXXIA	PAYROLL DEDUCTIONS	5,226.14
EFT120768	01/05/2014	MCLEAN ENTERPRISES PTY LTD	P473 FREIGHT PARTS	66.00
EFT120769	01/05/2014	METALAND KUNUNURRA	SIGNAGE - AIRPORT KUNUNURRA	245.65
EFT120770	01/05/2014	MOTOR WORKZ	P313 SERVICE AND REPAIRS	1,421.20
EFT120771	01/05/2014	OPTEON (NORTH WEST WA) PTY LTD	PROPERTY ADVICE - PRE SALE VALUATIONS-23 BOOBIALLA WAY KNX	770.00
EFT120772	01/05/2014	ORD RIVER ELECTRICS	MAINTENANCE-KUNUNURRA LANDFILL SITE	12,625.41
EFT120773	01/05/2014	OLLIE'S IRRIGATION & PLUMBING SUPPLIES	RETICULATION FITTINGS FOR REPAIRS VARIOUS LOCATIONS - KUNUNURRA	2,515.65
EFT120774	01/05/2014	PACIFIC BIOLOGICS PTY LTD	MOSQUITO FOGGING MATERIALS - KUNUNURRA AND WYNDHAM	2,530.52
EFT120775	01/05/2014	PAINT INDUSTRIES PTY LTD	RUNWAY MARKING PAINT - AIRPORT KUNUNURRA	5,530.20
EFT120776	01/05/2014	PRITCHARD BOOKBINDERS	SUPPLIES - COUNCIL MINUTES BOOKS OCTOBER - DECEMBER 2013	167.20
EFT120777	01/05/2014	PRITCHARD FRANCIS	ENGINEERING SERVICES - ERYTHRINA STREET RECONSTRUCTION	6,413.00
EFT120778	01/05/2014	QUICK CORPORATE AUSTRALIA	STATIONERY ORDER - JANUARY 2014	23.90
EFT120779	01/05/2014	SEARLES HOLDINGS T/A AUTO PRO	P493 REPLACEMENT-BATTERY	198.00
EFT120780	01/05/2014	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	70.00
EFT120781	01/05/2014	SHOAL AIR PTY LTD	INSPECTIONS MITCHELL PLATEAU - PORT WARRENDER ROADS (PART WANDRRA)	2,119.00
EFT120782	01/05/2014	TELFORD INDUSTRIES	POOL CHEMICAL SUPPLIES - KUNUNURRA POOL	3,526.60
EFT120783	01/05/2014	TOLL EXPRESS	FREIGHT - WYNDHAM LIBRARY - STATE LIBRARY PERTH	1,461.41
EFT120784	01/05/2014	THINK WATER KUNUNURRA	PARTS -KUNUNURRA GARDENS	778.80

ATTACHMENT 1 – List of Accounts paid from Municipal Fund and Trust Fund

EFT120785	01/05/2014	TOP END MOTORS	P122 60,000 KM SERVICE HILUX UTE WY25609	534.48
			EMERGENCY WORKS - SKIP BINS FOR DEBRIS REMOVAL FLOODED SECTION	
EFT120786	01/05/2014	TOX FREE SOLUTIONS LTD	KNX	6,405.00
EFT120787	01/05/2014	VANDERFIELD NORTHWEST PTY LTD	P128, P478 SERVICE AND REPAIRS	1,137.55
EFT120788	01/05/2014	WA LOCAL GOVERNMENT SUPER	SUPERANNUATION CONTRIBUTIONS	33,169.32
EFT120789	01/05/2014	WYNDHAM SUPERMARKET	SUPPLIES - YOUTH SERVICES, POOL - WYNDHAM	879.81
EFT120790	02/05/2014	KIMBERLEY PROPERTY SETTLEMENTS	PURCHASE OF LOTS 1,2,3, CASUARINA WAY, KNX FOR STAFF HOUSING	1,203,810.90
EFT120791	08/05/2014	KUNUNURRA WATER SKI CLUB	QUICK GRANT - KUNUNURRA WATER SKI CLUB	500.00
EFT120792	08/05/2014	A & R WELDING FABRICATION	WELDING REPAIRS TO BOAT RAMP	1,100.00
EFT120793	08/05/2014	ALS LIBRARY SERVICES PTY LTD	BOOK ORDER - APRIL2014 LIBRARY - KUNUNURRA	19.99
EFT120794	08/05/2014	ASK WASTE MANAGEMENT	WASTE REPORTING AND COMPLIANCE	8,077.85
EFT120795	08/05/2014	ARGYLE ENGINEERING	REPAIRS - LANDFILL TANKER	3,503.14
EFT120796	08/05/2014	AUSTRALIAN TAXATION OFFICE - PAYG	PAYROLL DEDUCTIONS	2,496.00
EFT120797	08/05/2014	BOC GASES AUSTRALIAN LIMITED	WELDING GASES AND BOTTLE RENTAL- MAR 14 DEPOT KUNUNURRA	318.13
EFT120798	08/05/2014	BEST KIMBERLEY COMPUTING	PRINTER MATERIALS - KUNUNURRA AND WYNDHAM	2,425.69
EFT120799	08/05/2014	BLACKWOODS ATKINS PTY LTD	SAFETY EQUIPMENT AND PROTECTIVE CLOTHING - OUTDOOR WORKFORCE	55.84
EFT120800	08/05/2014	CAM MANAGEMENT SOLUTIONS	CLOUD HOSTING JAN-MAR 2014	3,960.00
EFT120801	08/05/2014	CDM HYDRAULICS PTY LTD	REPAIRS -P319	188.11
EFT120802	08/05/2014	COATES HIRE OPERATIONS PTY LTD	LOADER HIRE-LANDFILL KUNUNURRA, AGATE LANE MAINTENANCE KNX	1,101.61
EFT120803	08/05/2014	CORE BUSINESS AUSTRALIA PTY LTD	WANDRRA PROJECT MANAGEMENT	56,251.57
EFT120804	08/05/2014	DELRON CLEANING PTY LTD	CLEANING - ADMIN OFFICE KUNUNURRA	264.00
EFT120805	08/05/2014	E & MJ ROSHER PTY LTD	P382 PARTS KUBOTA TRACTOR WY14960	150.65
EFT120806	08/05/2014	ENIGMA BUSINESS PRODUCTS	PRINTING SUPPLIES - ADMIN KUNUNURRA	1,424.50
EFT120807	08/05/2014	GIBB RIVER GRADING	GRADING - ELENBRAE ROAD	2,475.00
EFT120808	08/05/2014	HART SPORT	SPORTS EQUIPMENT - WYN YOUTH CENTRE	113.40
EFT120809	08/05/2014	IBAC PLUMBING PTY LTD	PLUMBING WORKS -WHITEGUM TOILETS	487.08
EFT120810	08/05/2014	JASON SIGNS LTD	MULTI MESSAGE STREET SIGNS - VARIOUS LOCATIONS KNX.	2,655.13
EFT120811	08/05/2014	JORRITSMAN H & CO	SUPPLIES-150MM GIBALT FOR MESSMATE WAY NORTH	130.00
EFT120812	08/05/2014	KUNUNURRA COURIERS	WATER COSTS - KUNUNURRA LANDFILL	80.00
EFT120813	08/05/2014	KUNUNURRA HOME & GARDEN	VARIOUS HARDWARE ITEMS - DEPOT KUNUNURRA	1,188.78
EFT120814	08/05/2014	KUNUNURRA PANEL BEATING WORKS P/L	REPAIRS-P390	1,188.00
EFT120815	08/05/2014	KUNUNURRA RURAL TRADERS	REPAIRS AND MAINTENANCE-P390,P137	1,088.00
EFT120816	08/05/2014	LG ASSIST	ADVERTISING - MANAGER FINANCE	275.00

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CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT120817	08/05/2014	METAL ARTWORK CREATIONS	NAME PLAQUE	27.50
EFT120818	08/05/2014	ORD RIVER ELECTRICS	INSPECTION AND MAINTENANCE- LIGHTS ON LINKPATH KUNUNURRA	859.19
EFT120819	08/05/2014	ORDCO	HERBICIDE - KUNUNURRA TOWN MAINTENANCE	1,221.00
EFT120820	08/05/2014	OLLIE'S IRRIGATION & PLUMBING SUPPLIES	SPRINKLERS IRRIGATION MAINTENANCE KUNUNURRA	1,791.44
EFT120821	08/05/2014	PLANNING SOLUTIONS	EXPERT ADVICE FOR CORKWOOD COURT SAT	2,970.00
EFT120822	08/05/2014	RED ELEVEN - RED 11 PTY LTD	NETWORK MAINTENANCE -KNX COMMUNITY LIBRARY	1,349.36
EFT120823	08/05/2014	ST JOHN AMBULANCE	FIRST AID KIT - LANDFILL KUNUNURRA	145.00
EFT120824	08/05/2014	SUBTROPICAL GARDENING	MAGAZINE SUBSCRIPTION LOCAL COLLECTION KUNUNURRA LIBRARY	35.80
EFT120825	08/05/2014	TNT AUSTRALIA PTY LIMITED	FREIGHT - SAMPLES - HEALTH - KNX	1,695.48
EFT120826	08/05/2014	TOWN CARAVAN PARK	ACCOMMODATION - POOL OPERATOR KUNUNURRA 10/3/14-30/5/14	4,720.00
EFT120827	08/05/2014	UHY HAINES NORTON (WA) PTY LTD	TRAINING COORDINATOR ORGANISATIONAL DEVELOPMENT	440.00
EFT120828	08/05/2014	WA LOCAL GOVERNMENT SUPER	SUPERANNUATION CONTRIBUTIONS	1,836.43
EFT120829	08/05/2014	WA LOCAL GOVERNMENT ASSOCIATION	ADVERTISING FEBRUARY 14	34.74
EFT120830	08/05/2014	WESTRAC EQUIPMENT PTY LTD	P390 - REPAIRS	42.63
EFT120831	08/05/2014	WILD MANGO	CATERING FOR COUNCIL MEETING -27/3/14 KUNUNURRA	100.00
EFT120832	15/05/2014	LOCK, STOCK & FARRELL LOCKSMITH	MASTERKEY PADLOCKS - LANDFILL AND DEPOT, KUNUNURRA	903.60
EFT120833	15/05/2014	CABCHARGE	CAB CHARGES - STAFF TRAINING	598.09
EFT120834	15/05/2014	CIVIC LEGAL	LEGAL ADVICE - LICENCES AND LEASE AGREEMENTS	2,295.59
EFT120835	15/05/2014	DELRON CLEANING PTY LTD	CLEANING SUPPLIES ADMIN OFFICE KUNUNURRA	144.80
EFT120836	15/05/2014	NARRAK EMERG. MNGMNT SOLUTIONS P/L	FACILITATE EMERGENCY DESKTOP EXERCISE AND PRODUCE FINDINGS REPORT ACCOMMODATION FOR ENVIRONMENTAL HEALTH OFFICER31/03/14-	4,290.00
EFT120837	15/05/2014	THE KIMBERLEY GRANDE	04/04/14	969.00
EFT120838		CANCELLED	CANCELLED	-
EFT120901		CANCELLED	CANCELLED	-
EFT120902	19/05/2014	CAMLISMAR INVESTMENTS PTY LTD	MAINTENANCE -SLASHING CEMETERY KUNUNURRA	2,970.00
EFT120903	19/05/2014	ABCO PRODUCTS	CLEANING PRODUCTS	661.77
EFT120904	19/05/2014	ALS LIBRARY SERVICES PTY LTD	BOOK ORDER FOR APRIL - LOCAL COLLECTION KUNUNURRA LIBRARY	350.30
EFT120905	19/05/2014	AMPAC DEBT RECOVERY (WA) PTY LTD	COMMISSIONS AND COSTS DEBT COLLECTOIN MARCH 2014	2,940.66
EFT120906	19/05/2014	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	1,220.53
EFT120907	19/05/2014	AUSFUEL	7,000 LITRES OF DIESEL - DEPOT KUNUNURRA	11,192.87
EFT120908	19/05/2014	ACE CORPORATE APPAREL	STAFF UNIFORMS	1,279.58
EFT120909	19/05/2014	ALLGEAR MOTORCYCLES AND SMALL ENGINES	P356 REPAIRS AND MAINTENANCE	537.70

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CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT120910	19/05/2014	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	219.96
EFT120911	19/05/2014	AUSTRALIAN TAXATION OFFICE - PAYG	PAYROLL DEDUCTIONS	96,075.00
EFT120912	19/05/2014	AUTO ONE KUNUNURRA	P122 PARTS - WY25609	42.00
EFT120913	19/05/2014	BOC GASES AUSTRALIAN LIMITED	WELDING GASES AND BOTTLE RENTAL	307.82
EFT120914	19/05/2014	BADGELINK	NAME BADGES - STAFF MEMBERS	278.13
EFT120915	19/05/2014	BEINGTHERE SOLUTIONS PTY LTD	SUBSCRIPTION- VIDEO CONFERENCING	715.00
EFT120916	19/05/2014	BLACKWOODS ATKINS PTY LTD	SAFETY EQUIPMENT AND PROTECTIVE CLOTHING -AIRPORT KUNUNURRA	354.17
EFT120917	19/05/2014	BUSHCAMP SURPLUS STORE	PROTECTIVE CLOTHING - OUTDOOR WORK FORCE KUNUNURRA	577.00
EFT120918	19/05/2014	CENTURION TRANSPORT	FREIGHT- PAINT INDUSTRIES-WATER BASE PAINT-AIRPORT KNX	911.40
EFT120919	19/05/2014	CHEFMASTER AUSTRALIA	GARBAGE BAGS KUNUNURRA ADMIN OFFICE	752.10
EFT120920	19/05/2014	DAVEY TYRE & BATTERY SERVICE	P331 TYRES ISUZU TRUCK 1CGF957	1,384.50
EFT120921	19/05/2014	DRAEGER SAFETY PACIFIC PTY LTD	EQUIPMENT MAINTENANCE -WYNDHAM POOL	359.70
			ROAD REPAIRS - GIBB RIVER RD INTERSECTION TO PORT WARRENDER	
EFT120922	19/05/2014	DRYSDALE RIVER STATION	TURNOFF	14,280.00
EFT120923	19/05/2014	EAST KIMBERLEY HARDWARE	VARIOUS HARDWARE ITEMS - DEPOT KUNUNURRA	893.30
EFT120924	19/05/2014	EAST KIMBERLEY PHYSIOTHERAPY	PRESENTATION FEE SOFT TISSUE INJURY MANAGEMENT WORKSHIP	240.00
EFT120925	19/05/2014	EAST KIMBERLEY PLUMBING	SUPPLY & INSTALL GUTTERING -AIRPORT TERMINAL BUILDING KUNUNURRA	4,153.60
EFT120926	19/05/2014	GIBB RIVER GRADING	FLOOD RECOVERY - MT ELIZABETH ROAD	1,485.00
EFT120927	19/05/2014	GUERINONI & SONS	EQUIP HIRE AND MAINT WORKS, KNX LANDFILL AND VARIOUS LOCS KNX	22,473.36
EFT120928	19/05/2014	HYDRO KLEEN	CLEAN AIRCONDITIONERS - STAFF HOUSING KUNUNURRA	198.00
EFT120929	19/05/2014	JSW HOLDINGS PTY LTD	SUPPLY AGGREGATE - COUNTER DISASTER - KUNUNURRA	6,307.40
EFT120930	19/05/2014	STAFF MEMBER	REIMBURSEMENT - IN ACCORDANCE WITH TRAVEL COSTS	419.61
EFT120931	19/05/2014	KIMBERLEY ECHO - ALBANY ADVERTISER	MARCH 2014 SWEK NEWS, 4 EDITIONS	5,645.04
EFT120932	19/05/2014	KIMBERLEY EXCAVATIONS PTY LTD	LOCATE SERVICES FOR OVERTAKING LANES - KDHS	3,151.50
EFT120933	19/05/2014	KIMBERLEY KOOL REFRIDG. & AIRCON.	MAINTENANCE - DUCTED AIR CONS TO ADMIN BUILDING	1,045.00
EFT120934	19/05/2014	KUNUNURRA COMMERCIAL BODY WORKS	P388 REPLACE WINDSCREEN LANDCRUISER WY25294	576.00
EFT120935	19/05/2014	KUNUNURRA HOME & GARDEN	VARIOUS HARDWARE ITEMS - KUNUNURRA LEISURE CENTRE	5.40
EFT120936	19/05/2014	KUNUNURRA LOCK & KEY	KEY CUTTING AND LOCKS-TENNIS COURTS KUNUNURRA	737.00
EFT120937	19/05/2014	KUNUNURRA PANEL BEATING WORKS P/L	RELOCATE ABANDONDED VEHICLE- ANZAC HILL TO LANDFILL SITE	110.00
EFT120938	19/05/2014	KUNUNURRA SECURITY SERVICE	SECURITY PATROL & MONITOR ALARM - SHIRE BUILDINGS KNX AND WYN	13,290.00
EFT120939	19/05/2014	L3 COMMUNICATIONS AUSTRALIA PTY LTD	EXPLOSIVES VERIFICATION KIT-AIRPORT KUNUNURRA	954.80
EFT120940	19/05/2014	MARTELL ROAD MAINTENANCE	MATERIAL FOR ROAD WORKS-VARIOUS STREETS-KUNUNURRA	65,150.80

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CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT120941	19/05/2014	MAXXIA	PAYROLL DEDUCTIONS	5,767.56
EFT120942	19/05/2014	MCLEAN ENTERPRISES PTY LTD	FREIGHT - HITCHI-KNX DEPOT	66.00
EFT120943	19/05/2014	MELLEN EVENTS PTY LTD	ORD VALLEY MUSTER SPONSORSHIP FEE	44,000.00
EFT120944	19/05/2014	MOTOR WORKZ	P473 RECOVER VEHICLE FROM KATHERINE	1,663.20
EFT120945	19/05/2014	ORDCO	HERBICIDE - KUNUNURRA TOWN MAINTENANCE	3,993.00
EFT120946	19/05/2014	ORICA AUSTRALIA PTY LTD	WYN AND KNX POOL CHLORINE GAS SUPPLY	470.24
EFT120947	19/05/2014	ORD FUEL SUPPLIES	P477 OIL - JOHN DEERE GRADER	872.58
EFT120948	19/05/2014	ORD VALLEY TURF	180 M2 OF TURF - KONKERBERRY DRIVE KUNUNURRA	2,079.00
EFT120949	19/05/2014	SHELF SUPPLY	WORK BOOTS OUTDOOR WORKFORCE, ANIMAL NOURISHMENT KNX POUND	443.00
EFT120950	19/05/2014	SJR CIVIL CONSULTING PTY LTD	PREPARE CONCEPT PLANS - MANGALOO- COOLIBAH INTERSECTION	2,178.00
EFT120951	19/05/2014	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	70.00
EFT120952	19/05/2014	STATE LIBRARY WA	REPLACEMENT OF WA LIBRARY LOST BOOKS	523.60
EFT120953	19/05/2014	SUNNY SIGN COMPANY PTY LTD	BOLLARDS - GIBB RIVER-KALUMBURU ROAD MAINTENANCE	1,907.40
EFT120954	19/05/2014	TOLL EXPRESS	FREIGHT -TELFORD INDUSTRIES - POOL SUPPLIES KNX	3,157.02
EFT120955	19/05/2014	THINK WATER KUNUNURRA	MINOR EQUIPMENT PURCHASES - DEPOT KUNUNURRA	3,838.09
EFT120956	19/05/2014	TOX FREE SOLUTIONS LTD	SKIP BIN EMPTIES - KUNUNURRA LEISURE CENTRE	549.00
EFT120957	19/05/2014	TUCKERBOX / RETRAVISION KUNUNURRA	PROVISIONS AND MATERIALS MAR2014 -KNX	1,121.28
EFT120958	19/05/2014	TYREPLUS KUNUNURRA	P478 REPLACE TYRES - TOYOTA HILUX WY13923	700.00
EFT120959	19/05/2014	VANDERFIELD NORTHWEST PTY LTD	P138, P491 PARTS - REPLACEMENT MOWER BLADES	223.67
EFT120960	19/05/2014	WA LOCAL GOVERNMENT SUPER	SUPERANNUATION CONTRIBUTIONS	34,644.19
EFT120961	19/05/2014	WA LOCAL GOVERNMENT ASSOCIATION	ADVERT -BUSINESS CASE & STRUCTURE PLANS-CIVIC CENTRE & EAST LILY CK	2,124.07
EFT120962	19/05/2014	WALKABOUT SOUVENIRS	GIFT BOOKS FOR CITIZENSHIP CEREMONIES	1,199.00
EFT120963	19/05/2014	WESTBOOKS	BOOK PURCHASES FOR LOCAL COLLECTION - KNX AND WYNDHAM LIBRARIES	311.66
EFT120964	19/05/2014	WESTRAC EQUIPMENT PTY LTD	P390 - REPAIRS	852.07
EFT120965	19/05/2014	WESTERN AUST. TREASURY CORPORATION	LOAN INTEREST AND PRINCIPAL PAYMENT	177,462.58
EFT120966	20/05/2014	ORD VALLEY FENCING & PRESSURE CLEANING	SUPPLY AND INSTALL NEW STAND-NICOLSON PARK PLAY AREAS	8,800.00
EFT120967	22/05/2014	KIMBERLEYLAND HOLIDAY PARK	ACCOMMODATION - TEMPORARY BUILDING SURVEYOR 31/3 - 4/5/14	1,007.05
EFT120968	22/05/2014	A & R WELDING FABRICATION	REPAIRS TO WYNDHAM BOAT RAMP	506.00
EFT120969	22/05/2014	AUSTRALIAN AIRPORTS ASSOCIATION	ANNUAL MEMBERSHIP SUBSCRIPTION 1 JULY 2014 -30 JUNE 2015	3,949.00
EFT120970	22/05/2014	ALLGEAR MOTORCYCLES AND SMALL ENGINES	P356 REPAIRS AND MAINTENANCE	295.65
EFT120971	22/05/2014	AUSTRALIA POST	POSTAGE AND STATIONERY PURCHASES - APR 14	2,864.52
EFT120972	22/05/2014	BOAB REFRIGERATION AND AIRCON	REPAIRS - AIRCON - AIRPORT KUNUNURRA	352.00

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CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT120973	22/05/2014	BROADCAST AUSTRALIA PTY LTD	FACILITIES LEASING 28/11/2013-04/02/2014	94.00
EFT120974	22/05/2014	BLACKWOODS ATKINS PTY LTD	SIGNAGE FOR EXIT - AIRPORT TERMINAL KUNUNURRA	615.35
EFT120975	22/05/2014	BUSHCAMP SURPLUS STORE	SAFETY BOOTS - OUTDOOR WORKFORCE KUNUNURRA	153.00
EFT120976	22/05/2014	C & S JOLLY ELECTRICS PTY LTD	REPAIRS TO LIGHTS OUTSIDE ADMIN BUILDING-KNX	368.58
EFT120977		CANCELLED	CANCELLED	-
EFT120978	22/05/2014	CR JOHN HAMILTON MOULDEN	REIMBURSEMENT OF EXPENSES - MAY ZONE MEETING	78.97
EFT120979	22/05/2014	CIVIC LEGAL	LEGAL ADVICE - LEASE TO KUNUNURRA AGRICULTURAL SOCIETY	2,240.26
EFT120980	22/05/2014	DELRON CLEANING PTY LTD	CLEANING - SHIRE OFFICES AND BUILDINGS KUNUNURRA APRIL 2014	14,194.59
EFT120981	22/05/2014	DIMENSION DATA LEARNING SOLUTIONS	TRAINING - IT OFFICER	4,950.00
EFT120982	22/05/2014	DSC CONTRACTING	INSTALL NEW ANALOGUE EXTENSION - KUNUNURRA AIRPORT MEETING ROOM.	120.00
EFT120983	22/05/2014	DEREK BOHN	PROVISION OF LABOUR - AIRPORT MAINTENANCE DUTIES 14-24/4/14	2,502.50
EFT120984	22/05/2014	DRYSDALE RIVER STATION	P388 DIESEL -WY25294	417.77
EFT120985	22/05/2014	EAST KIMBERLEY HARDWARE	HARDWARE MATERIALS AND PARTS - BUILDING MAINTENANCE KNX AND WYN	180.30
EFT120986	22/05/2014	EAST KIMBERLEY PLUMBING	SUPPLY 8 NEW CISTERN BUTTONS FOR TOILETS - AIRPORT KUNUNURRA	331.43
EFT120987	22/05/2014	EAST KIMBERLEY REAL ESTATE	MONTHLY RENTAL ON PROPERTY - 5 RATTLEPOD CLOSE, KNX - MAR 2014	64.91
EFT120988	22/05/2014	EAST KIMBERLEY TOWING	REMOVAL OF ABANDONED VEHICLE - SALACCA LOOP TO KNX LANDFILL	143.00
EFT120989	22/05/2014	GIBB RIVER GRADING	ROAD GRADING - MT ELIZABETH ROAD	3,836.25
EFT120990	22/05/2014	GUERINONI & SONS	SULLAGE PITS, FILL ANCHOR TRENCHES, LANDFILL KUNUNURRA	6,327.75
EFT120991		CANCELLED	CANCELLED	-
EFT120992	22/05/2014	IBAC PLUMBING PTY LTD	PLUMBING WORKS - POUND KUNUNURRA	9,948.22
EFT120993	22/05/2014	IT VISION ITV	SYNERGYSOFT UPGRADE	1,210.00
EFT120994	22/05/2014	JAB INDUSTRIES	FLOOD RECOVERY WORKS - KUNUNURRA	3,085.50
EFT120995	22/05/2014	KIMBERLEY KOOL REFRIG. & AIRCOND.	REPLACE CONTRACTOR TO AIRCON SERVING YOUTH HUB	858.00
EFT120996	22/05/2014	KIMBERLEY PUMPING SERVICE	SERVICE AND REPAIRS - BONAPARTE PUMP	1,789.70
EFT120997	22/05/2014	KUNUNURRA COMMERCIAL BODY WORKS	P379 EXCESS COMPONENT FOR REPAIR TO WY 14616	30.00
EFT120998	22/05/2014	KUNUNURRA COMMUNITY RESOURCE CNTR	INDESIGN TRAINING AT THE KUNUNURRA COMMUNITY RESOURCE CENTRE	60.50
EFT120999	22/05/2014	KUNUNURRA COURIERS	WATER SUPPLIES - ADMIN OFFICE KUNUNURRA	20.00
EFT121000	22/05/2014	KUNUNURRA DIESEL SERVICE	P137 5,000 KM SERVICE - 1EHW733 - LANDFILL 10 TONNER	1,195.45
EFT121001	22/05/2014	KUNUNURRA LOCK & KEY	P391 REPLACEMENT KEYS	132.00
EFT121002	22/05/2014	KUNUNURRA PANEL BEATING WORKS P/L	P375 REMOVAL OF ABANDONED VEHICLES FROM DEPOT TO LANDFILL KNX	1,419.37

ATTACHMENT 1 – List of Accounts paid from Municipal Fund and Trust Fund

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT121003	22/05/2014	LANGFORD MACHINERY PTY LTD	P351 REPAIRS, P382 SERVICE	5,165.00
EFT121004	22/05/2014	LAWRENCE & HANSON GROUP	REPLACEMENT GLOBES OUTBUILDINGS - KUNUNURRA AIRPORT	23.43
EFT121005	22/05/2014	LG ASSIST	ADVERTING - ICT SYSTEMS OFFICER	275.00
EFT121006	22/05/2014	STAFF MEMBER	REIMBURSEMENT - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	352.73
EFT121007	22/05/2014	METALAND KUNUNURRA	P377 PARTS -WY15800	93.23
EFT121008	22/05/2014	MOTOR WORKZ	P129 - 10,000 KM SERVICE - TOYOTA HILUX WY26138	373.73
EFT121009	22/05/2014	ORD RIVER ELECTRICS	REPLACE LAMPS IN GYM AND SPORTS HALL - KUNUNURRA LEISURE CENTRE	5,572.24
EFT121010	22/05/2014	OFFICE NATIONAL KUNUNURRA	STATIONERY FOR PROGRAMMING - KUNUNURRA LEISURE CENTRE	304.51
EFT121011	22/05/2014	ORD RIVER CONTRACTING	CONCRETE CRUSHING - LANDFILL-KUNUNURRA	137,002.00
EFT121012	22/05/2014	PIVOTEL	SATELLITE PHONE COSTS APR 14	76.59
EFT121013	22/05/2014	QUICK CORPORATE AUSTRALIA	STATIONERY FOR APRIL 2014	1,281.57
EFT121014	22/05/2014	SPORTSPEOPLE	ADVERTS - AQUATIC TEAM LEADER AND AQUATIC & RECREATION OFFICER	308.00
EFT121015	22/05/2014	TNT AUSTRALIA PTY LIMITED	FREIGHT - HEALTH SAMPLES - KNX	1,350.53
EFT121016	22/05/2014	TST ELECTRICAL	INSTALL TIMER - CASUARINA PUMP KUNUNURRA RETICULATION	245.00
EFT121017	22/05/2014	THINK WATER KUNUNURRA	REPLACEMENT CONTROLLER - KONKERBERRY DRIVE RETICULATION - KNX	330.56
EFT121018	22/05/2014	TRAVELWORLD KUNUNURRA	FLIGHTS STAFF AS PER EMPLOYMENT CONTRACT	652.00
EFT121019	22/05/2014	TYREPLUS KUNUNURRA	P491 TYRE REPAIRS - WY25065	45.00
EFT121020	22/05/2014	VANDERFIELD NORTHWEST PTY LTD	P138, P135, P491 PARTS PROCUREMENT SERVICES-WASTE & LITTER COLLECTN, STREET SWEEPING	1,108.68
EFT121021	22/05/2014	WA LOCAL GOVERNMENT ASSOCIATION	13/14	14,475.60
EFT121022	23/05/2014	STAFF MEMBER	REIMBURSEMENT - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	1,052.85
EFT121023	29/05/2014	CAMLISMAR INVESTMENTS PTY LTD	TIPPER HIRE - BUILD ROAD TO BORE - LANDFILL KUNUNURRA	3,960.00
EFT121024	29/05/2014	ABCO PRODUCTS	CLEANING SUPPLIES -AIRPORT KUNUNURRA	767.39
EFT121025	29/05/2014	AMPAC DEBT RECOVERY (WA) PTY LTD	DEBT COLLECTION COSTS - APR14	557.11
EFT121026	29/05/2014	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	1,220.53
EFT121027	29/05/2014	AUSFUEL	FUEL COSTS - APR14	1,304.76
EFT121028	29/05/2014	AUSTRAL MERCANTILE COLLECTIONS PTY LTD	DEBT COLLECTION COSTS - APR14	1.71
EFT121029	29/05/2014	AMANTZ ENTERPRISES PTY LTD	BUILD UP HARDSTAND - LANDFILL KUNUNURRA	5,181.00
EFT121030	29/05/2014	AUST LOCAL GOVERNMENT JOB DIRECTORY	QUARTER PAGE ADVERT - SENIOR RATES OFFICER - 12 MAY 2014	440.00
EFT121031	29/05/2014	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	219.96
EFT121032	29/05/2014	AUSTRALIAN TAXATION OFFICE - PAYG	PAYROLL DEDUCTIONS	84,698.00
EFT121033	29/05/2014	AUTO ONE KUNUNURRA	P490 REPAIR - WY 14982	27.00

ATTACHMENT 1 – List of Accounts paid from Municipal Fund and Trust Fund

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT121034	29/05/2014	BERM BACKHOE HIRE	MAINTENANCE - LILY CREEK FORESHORE RESPIRATORS , FILTER ACCESSORIES AND EYE SAFETY WEAR- WYNDHAM	1,694.00
EFT121035	29/05/2014	BLACKWOODS ATKINS PTY LTD	POOL	166.47
EFT121036	29/05/2014	STAFF MEMBER	REIMBURSEMENT - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	318.92
EFT121037	29/05/2014	CENTURION TRANSPORT	FREIGHT- CHEF MASTER-DEPOT-KNX	239.50
EFT121038	29/05/2014	CHEFMASTER AUSTRALIA	CLEANING SUPPLIES - ADMIN OFFICE, AIRPORT, LEISURE CENTRE, DEPOT - KNX	2,336.50
EFT121039	29/05/2014	CARPET, VINYL & TILE CENTRE	PAINT FOR SHIRE BUILDINGS	84.60
EFT121040	29/05/2014	STAFF MEMBER	REIMBURSEMENT - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	63.50
EFT121041	29/05/2014	COATES HIRE OPERATIONS PTY LTD	EQUIPMENT HIRE - WYNDHAM LANDFILL SITE APR 14	1,832.14
EFT121042	29/05/2014	CRE8TIVE DESIGN & DRAFTING	CONSTRUCTION PLANS - IVANHOE & CROSSING FALLS FIRE BRIGADES	1,850.00
EFT121043	29/05/2014	CROCODILE SIGNS PTY LTD	TIP SHOP SIGNS - LANDFILL KUNUNURRA	347.60
EFT121044	29/05/2014	DELRON CLEANING PTY LTD	CLEANING SHIRE BUILDINGS	330.00
EFT121045	29/05/2014	STAFF MEMBER	REIMBURSEMENT - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	255.20
EFT121046	29/05/2014	DRYSDALE RIVER STATION	OPENING SKIP GRADE PORT WARRENDER TURNOFF TO DEC BOUNDARY	24,245.04
EFT121047	29/05/2014	EAST KIMBERLEY PLUMBING	TERMINAL FIRE PUMP MAINTENANCE - AIRPORT KUNUNURRA	600.60
EFT121048	29/05/2014	STAFF MEMBER	REIMBURSEMENT - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	2,864.20
EFT121049	29/05/2014	GHD PTY LTD	D2 DRAIN ENGINEERING DESIGN	5,528.05
EFT121050	29/05/2014	GELGANYEM LTD	ANNUAL SPONSORSHIP FOR BARRAMUNDI DREAMING EVENT	11,000.00
EFT121051	29/05/2014	GUERINONI & SONS	MOVE SHED FROM DEPOT TO ARPRT, TIPPER & TRUCK HIRE - LANDFILL KNX	6,452.33
EFT121052	29/05/2014	HITACHI CONSTRUCTION MACHINERY	P477 PARTS JOHN DEERE GRADER	193.39
EFT121053	29/05/2014	STAFF MEMBER	REIMBURSEMENT - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	2,922.96
EFT121054	29/05/2014	JSW HOLDINGS PTY LTD	WATER TRUCK, LOADER HIRE-LANDFILL, SUPPLY AGGREGATE-VARIOUS KNX	3,824.70
EFT121055	29/05/2014	JAB INDUSTRIES	EXCAVATOR/TRUCK/TIPPER HIRE CAPPING EXISTING LANDFILL SITE KNX	28,899.75
EFT121056	29/05/2014	STAFF MEMBER	REIMBURSEMENT - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	203.80
EFT121057	29/05/2014	JORRITSMA H & CO	CAMLOCKS FOR WATER TANKS - VALENTINE FALLS ESTATE	386.70
EFT121058	29/05/2014	KUNUNURRA MEDICAL	FLU SHOTS STAFF	48.40
EFT121059	29/05/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	1,072.37
EFT121060	29/05/2014	KIMBERLEY EXCAVATIONS PTY LTD	SERVICE LOCATION ERYTHRINA STREET RECONSTRUCT KUNUNURRA	2,310.00
EFT121061	29/05/2014	KIMBERLEY KOOL REFRIG. & AIRCOND.	CLEAN AIR CONDITIONERS - STAFF HOUSING KUNUNURRA	737.00
EFT121062	29/05/2014	KIMBERLEY MARKETING - CASH AND CARRY	SUPPLIES - KNX LEISURE CENTRE	736.78
EFT121063	29/05/2014	KIMBERLEY MOTORS	FUEL COSTS FEB 2014, JAN14 AND MAR14	14,344.84

ATTACHMENT 1 – List of Accounts paid from Municipal Fund and Trust Fund

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT121064	29/05/2014	KUNUNURRA BETTA ELECTRICAL & GAS	FURNITURE PACKAGE (RECOUPED THROUGH DEDUCTIONS)	9,120.00
EFT121065	29/05/2014	KUNUNURRA COMMERCIAL BODY WORKS	P388 REPLACE WINDSCREEN TOYOTA LANDCRUISER WY25294	576.00
EFT121066	29/05/2014	KUNUNURRA DIESEL SERVICE	P388 SERVICE-WY25294	417.70
EFT121067	29/05/2014	KUNUNURRA DISTRICT HIGH SCHOOL	PHOTOCOPIER COSTS - LIBRARY KUNUNURRA	181.22
EFT121068	29/05/2014	KUNUNURRA HOME & GARDEN	WHITE SURVEY MARKING PAINT	43.80
EFT121069	29/05/2014	KUNUNURRA JUNIOR FOOTBALL	KIDSPORT MEMBERSHIP	90.00
EFT121070	29/05/2014	KUNUNURRA LOCK & KEY	PADLOCKS AND KEYS - DEPOT WYNDHAM RELOCATED ABANDONED VEHICLE - MANGO STREET TO LANDFILL	1,250.00
EFT121071	29/05/2014	KUNUNURRA PANEL BEATING WORKS P/L	KUNUNURRA	110.00
EFT121072	29/05/2014	LAWRENCE & HANSON GROUP	SUPPLIES - SWITCH AND CABLE - WYNDHAM POOL	183.99
EFT121073	29/05/2014	LANDGATE	RURAL UV REVALUATION 2013/2014	8,558.10
EFT121074	29/05/2014	MT ELIZABETH STATION	ACCOMMODATION FOR FLOOD RECOVERY WORKS	320.00
EFT121075	29/05/2014	MARTELL ROAD MAINTENANCE	ROAD REPAIRS VARIOUS LOCATIONS -KUNUNURRA TOWNSITE	7,568.00
EFT121076	29/05/2014	MAXXIA	PAYROLL DEDUCTIONS	5,767.56
EFT121077	29/05/2014	MOTOR WORKZ	P477 REPAIRS	555.50
EFT121078	29/05/2014	NJ GAFF & C YATES	TREE FOR OFFICIAL OPENING OF THE TED BIRCH MEMORIAL YTH REC CENTRE	30.00
EFT121079	29/05/2014	ORD RIVER ELECTRICS	ELEC. REPAIRS-WYN OFFICE, KNX AIRPORT, TEST & TAG WYN DEPOT	2,708.77
EFT121080	29/05/2014	OLLIE'S IRRIGATION & PLUMBING SUPPLIES	RETICULATION FITTINGS -DEPOT KUNUNURRA	657.55
EFT121081	29/05/2014	ORD RIVER CONTRACTING	CONCRETE CRUSHING FOR COVER MATERIAL - LANDFILL KUNUNURRA	98,125.50
EFT121082	29/05/2014	STAFF MEMBER	REIMBURSEMENT - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	110.00
EFT121083	29/05/2014	PICTON PRESS PTY LTD	I WORK IN TOURISM STICKERS - I WORK IN TOURISM PROMOTION	427.00
EFT121084	29/05/2014	ROYAL LIFE SAVING (WA BRANCH)	POOL OPERATORS TRAINING COURSE - RECREATION STAFF X 2	1,800.00
EFT121085	29/05/2014	STAFF MEMBER	REIMBURSEMENT - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	323.55
EFT121086	29/05/2014	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	70.00
EFT121087	29/05/2014	TELFORD INDUSTRIES	DRY CHLORINE - SWIMMING POOLS - KUNUNURRA AND WYNDHAM	4,958.25
EFT121088	29/05/2014	TNT AUSTRALIA PTY LIMITED	FREIGHT-HEALTH SAMPLES -KNX TO PERTH	151.51
EFT121089	29/05/2014	STAFF MEMBER	REIMBURSEMENT - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	63.50
EFT121090	29/05/2014	TOX FREE SOLUTIONS LTD	REFUSE COLLECTION - KUNUNURRA AND WYNDHAM MAR14	71,934.93
EFT121091	29/05/2014	TYREPLUS KUNUNURRA	P491 REPAIRS TYRES & TUBES WY 25294 AUDIT FEES 2013/14, FINANCIAL MANAGEMENT REVIEW, FAIR VALUE	755.00
EFT121092	29/05/2014	UHY HAINES NORTON (WA) PTY LTD	ACCTING	32,080.12
EFT121093	29/05/2014	VANDERFIELD NORTHWEST PTY LTD	P401 PARTS	1,037.50

ATTACHMENT 1 – List of Accounts paid from Municipal Fund and Trust Fund

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT121094	29/05/2014	VANESSA BLEAKLEY GRAPHIC DESIGN	ART WORK FOR I WORK IN TOURISM MARKETING MATERIAL	225.00
EFT121095	29/05/2014	WA LOCAL GOVERNMENT SUPER	SUPERANNUATION CONTRIBUTIONS	32,069.51
EFT121096	29/05/2014	WALKABOUT SOUVENIRS	PERMANENT PLAQUE - OFFICIAL OPENING OF NEW SHIRE OFFICES	44.00
EFT121097	29/05/2014	WESTRAC EQUIPMENT PTY LTD	P390 1000HR SERVICE - TRACKED LOADER	2,831.80
EFT121098	29/05/2014	WILD MANGO	CATERING - APRIL OCM AND RATES BRIEFING SESSION	180.00
EFT121099	29/05/2014	STAFF MEMBER	REIMBURSEMENT - IN ACCORDANCE WITH EMPLOYMENT CONTRACT	54.00
TOTAL MUNICIPAL EFT PAYMENTS				2,932,471.71

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
42794-		CANCELLED	CANCELLED	-
42832		CANCELLED	CANCELLED	-
42833	02/05/2014	KIMBERLEY METALS GROUP PTY LTD	RATES REFUND FOR ASSESSMENT A7166 MINING TENEMENT	768.28
42834	02/05/2014	AMP LIFE LTD	SUPERANNUATION CONTRIBUTIONS	444.94
42835	02/05/2014	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	823.51
42836	02/05/2014	AUSTRALIAN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	1,729.89
42837		CANCELLED	CANCELLED	-
42838	02/05/2014	COLONIAL FIRST STATE	SUPERANNUATION CONTRIBUTIONS	61.04
42839	02/05/2014	CONCEPT ONE	SUPERANNUATION CONTRIBUTIONS	231.54
42840	02/05/2014	DEMONS FOOTBALL CLUB	KIDSPORT MEMBERSHIP	1,050.00
42841	02/05/2014	DEPARTMENT OF HOUSING	RATES REFUND FOR ASSESSMENT A1406	12,651.25
42842	02/05/2014	DEPARTMENT OF TRANSPORT	REGISTRATION - P479 WY14004 JOHN DEERE BACKHOE LOADER	50.05
42843	02/05/2014	FIRST CHOICE PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	46.66
42844	02/05/2014	FRANMOR CONSTRUCTIONS PTY LTD	REPAIR WINDOW - KUNUNURRA ADMIN BUILDING	165.23
42845	02/05/2014	GHL RESOURCE INVESTMENTS PTY LTD	RATES REFUND FOR ASSESSMENT A7440 MINING TENEMENT	912.69
42846	02/05/2014	HIF (HEALTH INSURANCE FUND OF AUST LTD)	PAYROLL DEDUCTIONS	42.75
42847	02/05/2014	HORIZON POWER	ELEC. VARIOUS INCL. KNX LEISURE CTR, STREET LGHTNG, APRT KNX 1/3-7/4/14	59,088.36
42848	02/05/2014	HOSTPLUS SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	245.31
42849	02/05/2014	KELLY JACKSON	REFUND FOR SWIM SCHOOL ENROLMENT CHILD	89.00
42850	02/05/2014	KIMBERLEY ABORIGINAL MEDICAL SERVICES	RATES REFUND FOR ASSESSMENT A7516	284.78
42851	02/05/2014	KIMBERLEY AGRICULTURAL INVESTMENT P/L	RATES REFUND FOR ASSESSMENT A7487	935.25
42852	02/05/2014	KUNUNURRA POOLS & SPAS	LABOUR AND REPLACEMENT ROLLERS FOR DOLPHIN POOL CLEANER	1,177.45

ATTACHMENT 1 – List of Accounts paid from Municipal Fund and Trust Fund

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
42853	02/05/2014	KUNUNURRA SECURITY SERVICE	SECURITY CALL OUTS - SHIRE BUILDINGS - KUNUNURRA	160.00
42854	02/05/2014	LOCAL GOVERNMENT SUPER	SUPERANNUATION CONTRIBUTIONS	296.32
42855	02/05/2014	M.J. & R. KIBBLE	RATES REFUND FOR ASSESSMENT A7099	1,348.11
42856	02/05/2014	MLC MASTERKEY PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	878.15
42857	02/05/2014	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	752.84
42858	02/05/2014	PEGASUS METALS LTD	RATES REFUND FOR ASSESSMENT A7439 MINING TENEMENT	1,042.98
42859	02/05/2014	R.A. & S.J. MCLEAN	RATES REFUND FOR ASSESSMENT A1156	567.08
42860	02/05/2014	REI SUPER	SUPERANNUATION CONTRIBUTIONS	386.50
42861	02/05/2014	REST SUPER	SUPERANNUATION CONTRIBUTIONS	634.50
42862	02/05/2014	ROBERT BRIAN JOHNSTON	RATES REFUND FOR ASSESSMENT A1446	100.00
42863	02/05/2014	SUNSUPER	SUPERANNUATION CONTRIBUTIONS	1,859.48
42864	02/05/2014	THE TRUSTEE FOR HEADING SUPER FUND	SUPERANNUATION CONTRIBUTIONS	481.54
42865	02/05/2014	UNISUPER	SUPERANNUATION CONTRIBUTIONS	133.87
42866	02/05/2014	VISION SUPER	SUPERANNUATION CONTRIBUTIONS	3,762.05
42867	02/05/2014	WESTSCHEME	SUPERANNUATION CONTRIBUTIONS	722.33
42868	02/05/2014	WATER CORPORATION	WATER USE VARIOUS INCL. - WYNDHAM POOL 20/01/2014-24/03/2014	6,697.52
42869	02/05/2014	WATER CORPORATION SUPERPLAN	SUPERANNUATION CONTRIBUTIONS	221.08
42870	02/05/2014	WESTERN IRON ORE PTY LTD	RATES REFUND FOR ASSESSMENT A7675 MINING TENEMENT	174.28
42871		CANCELLED	CANCELLED	-
42872	02/05/2014	CASH - PETTY CASH KNX OFFICE	PARTS - P388, P472, STAFF HOUSING FURNITURE PURCHASE	129.35
42873	02/05/2014	B.G. & B.C. SPACKMAN	RATES REFUND FOR ASSESSMENT A1564	12,225.37
42874	02/05/2014	MG CORPORATION	RATES REFUND FOR ASSESSMENT A7469	535.06
42875	08/05/2014	DEPARTMENT OF TRANSPORT	P368 REGISTRAION -1TKC163 TRAILER KNX DEPOT -EXPIRY 19/05/2015	24.50
42876	08/05/2014	HORIZON POWER	ELECTRICITY - ADMIN OFFICE KUNUNURRA - 15/03/2014-07/04/2014	3,468.85
42877	08/05/2014	KUNUNURRA NEIGHBOURHOOD HOUSE INC	COMMUNITY QUICK GRANT - INTERNATIONAL WOMENS DAY 2014	550.00
42878	08/05/2014	LOCAL GOVERNMENT SUPER	SUPERANNUATION CONTRIBUTIONS	15.53
42879	08/05/2014	MAGSHOP	MAGAZINE SUBSCRIPTION - MAGSHOP AUSTRALIA	185.95
42880	08/05/2014	TELSTRA	LANDLINE AND MOBILE PHONES - MARCH 2014	11,785.13
42881	08/05/2014	WATER CORPORATION	WATER USE & SERVICE CHARGES - STAFF HOUSING 7/1/2014-11/3/14	2,257.85
42882	15/05/2014	AMP LIFE LTD	SUPERANNUATION CONTRIBUTIONS	626.16
42883	15/05/2014	AUST. COMMUNICATIONS & MEDIA AUTH.	LICENCES RENEWAL TELEVISION AND RADIO LICENCES	354.00
42884	15/05/2014	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	879.37

ATTACHMENT 1 – List of Accounts paid from Municipal Fund and Trust Fund

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
42885	15/05/2014	AUSTRALIAN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	2,421.79
42886	15/05/2014	CONCEPT ONE	SUPERANNUATION CONTRIBUTIONS	231.54
42887	15/05/2014	FRANMOR CONSTRUCTIONS PTY LTD	INSTALL HOPPER WINDOW - EWIN CENTRE	1,119.25
42888	15/05/2014	HIF (HEALTH INSURANCE FUND OF AUST LTD)	PAYROLL DEDUCTIONS	42.75
42889	15/05/2014	HORIZON POWER	ELEC-VARIOUS INCL. ADMIN OFFICE KNX, ADMIN OFFICE WYN - 22/1-24/3/14	17,785.76
42890	15/05/2014	HOSTPLUS SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	23.56
42891	15/05/2014	INTRUST SUPER	SUPERANNUATION CONTRIBUTIONS	218.30
42892	15/05/2014	MLC MASTERKEY PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	883.16
42893	15/05/2014	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	516.28
42894	15/05/2014	REI SUPER	SUPERANNUATION CONTRIBUTIONS	386.50
42895	15/05/2014	REST SUPER	SUPERANNUATION CONTRIBUTIONS	672.27
42896	15/05/2014	SUNSUPER	SUPERANNUATION CONTRIBUTIONS	1,746.69
42897	15/05/2014	THE TRUSTEE FOR HEADING SUPER FUND	SUPERANNUATION CONTRIBUTIONS	1,154.16
42898	15/05/2014	UNISUPER	SUPERANNUATION CONTRIBUTIONS	133.87
42899	15/05/2014	VISION SUPER	SUPERANNUATION CONTRIBUTIONS	3,639.98
42900	15/05/2014	WESTSCHEME	SUPERANNUATION CONTRIBUTIONS	648.15
42901	15/05/2014	WATER CORPORATION	WATER VARIOUS INCL.- TOILETS FORESHORE, LIONS PK WYN 20/1-24/3/2014	1,092.85
42902	15/05/2014	WATER CORPORATION SUPER PLAN	SUPERANNUATION CONTRIBUTIONS	196.51
42903	22/05/2014	CASH - PETTY CASH KNX DEPOT	ICE, HARDWARE SUPPLIES OUTDOOR WORKFORCE	96.60
42904	22/05/2014	FOSSEYS AUSTRALIA P/L (TARGET COUNTRY)	FURNTURE PACKAGE (RECOUPED FROM DEDUCTIONS)	156.00
42905	22/05/2014	HORIZON POWER	ELEC-VARIOUS LOCS INCL. MESSMATE WY PUMP 15/03/2014-08/04/2014	5,229.64
42906	22/05/2014	ST JOHN AMBULANCE ASSOCIATION IN WA	FIRST AID TRAINING - RECREATION OFFICER WYNDHAM	199.00
42907	22/05/2014	WATER CORPORATION	WATER USE VAR INCL. -WHITEGUM TOLIETS, STAFF HSING WYN 20/1-24/3/14	1,519.96
42908	29/05/2014	AMP LIFE LTD	SUPERANNUATION CONTRIBUTIONS	983.78
42909	29/05/2014	AVIATION ID AUSTRALIA PTY LTD	ASIC CARDS - AIRPORT SERVICES SUPPORT OFFICERS	216.00
42910	29/05/2014	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	857.34
42911	29/05/2014	AUSTRALIAN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	2,862.04
42912	29/05/2014	CONCEPT ONE	SUPERANNUATION CONTRIBUTIONS	231.54
42913	29/05/2014	FRANMOR CONSTRUCTIONS PTY LTD	REPAIRS TO DOORS -TOWN OVAL CHANGE ROOMS KUNUNURRA	1,473.08
42914	29/05/2014	HIF (HEALTH INSURANCE FUND OF AUST LTD)	PAYROLL DEDUCTIONS	42.75
42915	29/05/2014	HORIZON POWER	ELEC. VARIOUS INCL. STREET LIGHTING 1-30/4/14, KNX DEPOT 21/1-16/5/14	29,959.47
42916	29/05/2014	HOSTPLUS SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	100.86

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CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
42917	29/05/2014	INTRUST SUPER	SUPERANNUATION CONTRIBUTIONS	221.98
42918	29/05/2014	KUNUNURRA COURIERS	DRINKING WATER - FOYER - ADMINISTRATION OFFICE KUNUNURRA	40.00
42919	29/05/2014	MLC MASTERKEY PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	906.28
42920	29/05/2014	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	514.74
42921	29/05/2014	NATIONAL SAFETY SOLUTIONS	PROTECTIVE CLOTHING - OUTDOOR WORKFORCE KNX DEPOT	630.96
42922	29/05/2014	REI SUPER	SUPERANNUATION CONTRIBUTIONS	386.50
42923	29/05/2014	REST SUPER	SUPERANNUATION CONTRIBUTIONS	677.62
42924	29/05/2014	ST JOHN AMBULANCE ASSOCIATION IN WA	FIRST AID SUPPLIES - WYNDHAM CHILD CARE CENTRE	522.04
42925	29/05/2014	SUNSUPER	SUPERANNUATION CONTRIBUTIONS	1,470.27
42926	29/05/2014	TAEKWONDO FUNDRAISING	KIDSPORT MEMBERSHIP	165.00
42927	29/05/2014	THE TRUSTEE FOR HEADING SUPER FUND	SUPERANNUATION CONTRIBUTIONS	477.07
42928	29/05/2014	UNISUPER	SUPERANNUATION CONTRIBUTIONS	324.81
42929	29/05/2014	VISION SUPER	SUPERANNUATION CONTRIBUTIONS	3,723.98
42930	29/05/2014	WESTSCHEME	SUPERANNUATION CONTRIBUTIONS	649.54
42931	29/05/2014	WATER CORPORATION	WATER USE AND SERVICE CHARGES-DEPOT KNX 12/05/2014-09/05/2014	789.87
42932	29/05/2014	WATER CORPORATION SUPER	SUPERANNUATION CONTRIBUTIONS	196.51
TOTAL MUNICIPAL CHEQUE PAYMENTS				222,592.33

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
661	22/05/2014	COLIN WILKINSON DEVELOPMENTS	KERB BOND REFUND BL121/2012	500.00
662	22/05/2014	HOWARD FULCHER	BOND REFUND EKRA SECURITY ACCESS CARD	50.00
663	23/05/2014	KUNUNURRA COURIERS	BOND REFUND SECURITY ACCESS CARD - PETER ELLIFSON	50.00
TOTAL TRUST CHEQUE PAYMENTS				600.00

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
500708	01/05/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 01/05/14	365.75
500709	02/05/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 02/05/14	921.70
500710	05/05/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 05/05/14	262.55
500711	06/05/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 06/05/14	336.10
500712	07/05/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 07/05/14	419.20
500713	08/05/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 08/05/14	1,230.95
500714	09/05/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 09/05/14	1,078.65

ATTACHMENT 1 – List of Accounts paid from Municipal Fund and Trust Fund

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
500715	12/05/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 12/05/14	276.50
500716	13/05/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 13/05/14	506.15
500717	14/05/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 14/05/14	468.00
500718	15/05/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 15/05/14	120.80
500719	16/05/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 16/05/14	362.40
500720	19/05/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 19/05/14	4,948.05
500721	20/05/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 20/05/14	2,032.40
500722	21/05/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 21/05/14	2,856.30
500723	22/05/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 22/05/14	699.60
500724	23/05/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 23/05/14	64.00
500725	26/05/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 26/05/14	383.15
500726	27/05/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 27/05/14	671.85
500727	28/05/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 28/05/14	547.50
500728	29/05/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 29/05/14	502.00
500729	30/05/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 30/05/14	1,233.50
TOTAL TRANSPORT EFT PAYMENTS				20,287.10

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
	5/05/2014	PAYROLL	PAYROLL	17,774.56
	5/05/2014	PAYROLL	PAYROLL	1,060.00
	5/05/2014	PAYROLL	PAYROLL	1,558.61
	7/05/2014	PAYROLL	PAYROLL	10,023.91
	14/05/2014	PAYROLL	PAYROLL	250,563.48
	20/05/2014	PAYROLL	PAYROLL	1,330.86
	26/05/2014	PAYROLL	PAYROLL	1,972.53
	26/05/2014	PAYROLL	PAYROLL	130.78
	26/05/2014	PAYROLL	PAYROLL	13.72
	26/05/2014	PAYROLL	PAYROLL	1,249.49
	26/05/2014	PAYROLL	PAYROLL	1,176.34
	26/05/2014	PAYROLL	PAYROLL	1,982.05
	26/05/2014	PAYROLL	PAYROLL	1,957.32
	26/05/2014	PAYROLL	PAYROLL	1,465.77

ATTACHMENT 1 – List of Accounts paid from Municipal Fund and Trust Fund

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
	26/05/2014	PAYROLL	PAYROLL	1,733.25
	26/05/2014	PAYROLL	PAYROLL	992.24
	26/05/2014	PAYROLL	PAYROLL	475.16
	26/05/2014	PAYROLL	PAYROLL	1,749.36
	26/05/2014	PAYROLL	PAYROLL	1,524.28
	26/05/2014	PAYROLL	PAYROLL	3,192.19
	26/05/2014	PAYROLL	PAYROLL	63.06
	26/05/2014	PAYROLL	PAYROLL	1,425.82
	28/05/2014	PAYROLL	PAYROLL	240,453.06
			TOTAL PAYROLL PAYMENTS	543,867.84

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
	1/05/2014	DIRECT DEBIT	BPAY FEES	726.48
	1/05/2014	DIRECT DEBIT	BANK FEES	163.05
	1/05/2014	DIRECT DEBIT	LEASE COSTS - 11 KWINANA STREET WYNDHAM	1,441.00
	12/05/2014	DIRECT DEBIT	LEASE COSTS - 38 GARDENIA DRIVE KUNUNURRA	3,606.55
	12/05/2014	DIRECT DEBIT	LEASE COSTS - 5 RATTLEPOD CLOSE KUNUNURRA	2,946.66
	13/05/2014	DIRECT DEBIT	LEASE COSTS - 9B PLUM COURT KUNUNURRA	1,380.50
	20/05/2014	DIRECT DEBIT	PERIODICAL PAYMENT TO MASTERCARD	12,535.27
	27/05/2014	DIRECT DEBIT	LEASE COSTS - 9B PLUM COURT KUNUNURRA	1,380.50
	27/05/2014	DIRECT DEBIT	LEASE COSTS 17/33 KONKERBERRY DRIVE KUNUNURRA	2,253.33
	28/05/2014	DIRECT DEBIT	LEASE COSTS - LOT 2433 (REAR) 60 COOLIBAH DRIVE KUNUNURRA	2,383.33
	28/05/2014	DIRECT DEBIT	PERIODICAL PAYMENT TO MASTERCARD	5,000.00
	29/05/2014	DIRECT DEBIT	LEASE COSTS 16/33 KONKERBERRY DRIVE KUNUNURRA	2,253.33
	30/05/2014	DIRECT DEBIT	PERIODICAL PAYMENT TO MASTERCARD	1,000.00
	30/05/2014	DIRECT DEBIT	BANK FEES	48.10
			TOTAL DIRECT DEBIT PAYMENTS	37,118.10

13.2.3 Review of Council Investment Policy CP/FIN-3203

DATE:	24 June 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Asanka Jayakody, Accountant
REPORTING OFFICER:	Natalie Octoman, Director Corporate Services
FILE NO:	CM.11.2

PURPOSE

For the Council to review and adopt the revised Investment Policy CP FIN-3203 to ensure that the policy complied with recent legislative changes to *Local Government (Financial Management) Regulations 1996*.

BACKGROUND

The Council Policy - CP FIN-3203 Investment Policy was adopted on 20 December 2005 and was last reviewed on 17 February 2009.

Following the amendments to the *Local Government (Financial Management) Regulations 1996* in April 2012, the revised Investment Policy was presented to the Council at its Ordinary Meeting on 19 November 2013 where it resolved:

COUNCIL DECISION

Minute No. 10244

Moved: Cr K Wright

Seconded: Cr D Spackman

That Council defer item 13.2.4 Review of Council Investment Policy, of the November 2013 Council meeting until the next Audit Committee meeting.

Carried Unanimously 7/0

Council's auditors, UHY Haines Norton, have identified in the 2012/13 Independent Auditor's Report that the current Investment Policy is not compliant in accordance with amendment to *Local Government (Financial Management) Regulations 1996, Regulation 19C*.

The revised Investment Policy to include new legislative changes was presented to Audit (Finance & Risk Committee) Meeting on 24 February 2014 where it resolved:

COMMITTEE RESOLUTION

Minute: AC291

Moved: Cr B Robinson

Seconded: Cr D Spackman

That the committee recommends to Council that it adopts the attached amended Council Investment Policy, CP FIN – 3203 with the following amendment – to remove the paragraph “Investments fixed for greater than 12 months are to be approved by Council, reviewed on a regular term and invested for no longer than 5 years” under the heading Counterparty Credit Framework – to ensure statutory compliance.

Carried Unanimously 3/0

That Council adopts the recommendations from the Audit (Finance & Risk Committee Meeting held on 24 February 2014.

COUNCIL DECISION

Minute No. 10230

Moved: Cr K Wright

Seconded: Cr B Robinson

That Council adopts the recommendations from the Audit (Finance & Risk) Committee Meeting held on 24 February 2014.

Carried Unanimously 9/0

Council's auditors, UHY Haines Norton, while conducting the Financial Management Review in April 2014 have identified that the adopted council Investment Policy requires further amendment in relation to "Managed Funds" and the "Term to Maturity Framework" clauses to comply with new changes to the *Local Government (Financial Management) Regulations 19C*. The auditors provided their opinion in the report that investing in managed funds are prohibited in the new amendment to the legislation. Further investigation to the legislative changes found that the maximum Term of Maturity has also been limited to 3 years for State/Commonwealth bonds and 12 months for Authorised Deposit taking institutions.

Officers consulted with the Audit (Finance and Risk) Committee members in relation to the recommended changes to the Investment Policy and gained their support to consider this Policy at the Council meeting instead of going through the Audit (Finance and Risk) Committee in the first instance, in order to ensure compliance by 30 June 2014.

STATUTORY IMPLICATIONS

Amendments to the Local Government (Financial Management) Regulations 1996 are as follows:

Local Government (Financial Management) Amendment Regulations 2012.

9. Regulation 19C inserted

After regulation 19B insert:

19C. Investment of money — s. 6.14(2)(a)

(1) In this regulation —

authorised institution means —

- (a) an authorised deposit-taking institution as defined in the *Banking Act 1959* (Commonwealth) section 5; or
- (b) the Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*;

foreign currency means a currency except the currency of Australia.

(2) When investing money under section 6.14(1), a local government may not do any of the following —

- (a) deposit with an institution except an authorised institution;
- (b) deposit for a fixed term of more than 12 months;
- (c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
- (d) invest in bonds with a term to maturity of more than 3 years;
- (e) invest in a foreign currency.

POLICY IMPLICATIONS

The Investment Policy is a Council Policy and as such can only be amended by resolution of the Council. It is however, within the Audit (Finance and Risk) Committee's Terms of Reference, to recommend Policy amendments to Council for adoption, if they are finance or risk related.

FINANCIAL IMPLICATIONS

The Shire's internal control procedure and restrictions over investments are properly maintained and adhered to, and meet all statutory requirements. This amendment to the Council Investment Policy is to ensure that the "Council Policy" complies with the statutory requirements. Revision of this policy will not have any impact on the current budget for 2013/14.

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

An amendment to the Council's Investment policy is required for the Policy to remain compliant with the *Local Government (Financial Management) Regulations 1996*.

ATTACHMENTS

Attachment 1 – Current Council Investment Policy CP FIN-3203

Attachment 2 – Proposed amended Council Investment Policy CP FIN-3203

VOTING REQUIREMENT

Simple Majority

OFFICERS RECOMMENDATION

That Council adopts the attached amended Council Investment Policy CP FIN-3203 to ensure statutory compliance.

COUNCIL DECISION

Minute No. 10448

Moved: Cr S Cooke

Seconded: Cr D Learbuch

That Council adopts the attached amended Council Investment Policy CP FIN-3203 to ensure statutory compliance.

Carried Unanimously 9/0



Council Policy Number: CP FIN - 3203

Investment Policy

OBJECTIVE:

To invest the Shire of Wyndham East Kimberley surplus funds with consideration of risk and at the most favourable rate of interest available to it at the time, for that investment type, whilst ensuring that liquidity requirements are being met.

Preservation of capital is to be the principal objective with consideration given to liquidity, cash flow requirements and return on investment.

- Preservation of capital is the principal objective of the investment portfolio. Investments are to be performed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.*
- The investment portfolio will ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.*
- The investment is expected to achieve a predetermined market average rate of return that takes into account the Council's risk tolerance. Any additional target set by Council will also consider the risk limitation and prudent investment principles.*

POLICY:

Scope & Limitations

All investments are to comply with the following:

- Local Government Act 1995 – Section 6.14;*
- The Trustees Act 1962 – Part III Investments;*
- Local Government (Financial Management) Regulations 1996 – Regulations 19, 28 and 49 and Amendment regulations 2012; and*
- Australian Accounting Standards.*

Delegation of Authority

Authority for implementation of the Investment Policy is delegated by Council to the CEO in accordance with the Local Government Act 1995. The CEO may in turn delegate the day-to-day management of Council's Investment to senior staff subject to regular reviews.

Prudent Person Standard

Investments are to be managed with the care, diligence and skill that a "prudent person" (as derived by legislation, Trustees Act 1962, and case law) would exercise. Officers are to manage investments to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investments, and must disclose any conflict of interest to the CEO.

Approved Investments

Without approvals from Council, investments are limited to:

- State/Commonwealth Government Bonds;
- Interest Bearing Deposits;
- Bank accepted/endorsed bank bills;
- Commercial paper;
- Bank negotiable Certificate of Deposits; and
- Managed funds with a minimum long term Standard & Poor (S&P) rating of "A" and a short term rating of "A2".

Prohibited Investments

This investment policy prohibits any investment carried out for speculative purposes including:

- Derivative based instruments; (Derivatives are financial contracts, or financial instruments, whose values are derived from the value of something else (known as the underlying). The underlying on which a derivative is based can be an asset (e.g., commodities, equities (stocks), residential mortgages, commercial real estate, loans, bonds), an index (e.g., interest rates, exchange rates, stock market indices, consumer price index (CPI) — see inflation derivatives), or other items (e.g., weather conditions, or other derivatives). Credit derivatives are based on loans, bonds or other forms of credit. The main types of derivatives are: forwards (which if traded on an exchange are known as futures); options; and swaps);
- Principal only investments or securities that provide potentially nil or negative cash flow;
- Stand alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind;
- Deposits with an institution except an authorised institution;
- (Authorised institution mean (a) an authorised deposit taking institution as defined in the Banking Act 1959 (Commonwealth) section 5: or (b) the Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986);
- Deposit for a fixed term of more than 12 months;
- Investment in bond that are not guaranteed by the Commonwealth Government, or a State or Territory government;
- Invest in bonds with a term to maturity of more than 3 years; and
- Investment in a foreign currency: (foreign currency means a currency except the currency of Australia).

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

Risk Management Guidelines

Investments obtained are to comply with three key criteria relating to:

- Portfolio Credit Framework - to limit overall credit exposure of the portfolio;*
- Counterparty Credit Framework – to limit exposure to individual counterparties/institutions;*
- Term to Maturity Framework – limits based upon maturity of securities.*

a) Overall Portfolio Limits

To control credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to a particular credit rating category:

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%

b) Counterparty Credit Framework

Exposure to an individual counterparty/institution will be restricted by its credit rating so that single entity exposure is limited as detailed in the table below:

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%

If any of the investments are downgraded such that they no longer fall within the investment policy, they will be divested as soon as practicable.

c) Term to Maturity Framework

The investment portfolio is to be invested within the following maturity constraints:

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	
Authorised Deposit Institution	5 years
Non Authorised Deposit Institution	3 years

Note: Authorised Deposit Institutions are corporations that are authorised under the Banking Act 1959 to take deposits from customers.

Investment Advisor

Should an Investment Advisor be appointed they must be approved by Council and be licensed by the Australian Securities and Investment Commission. Any advisor appointed must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended; and is free to choose the most appropriate product within the terms and conditions of the investment policy.

Reporting and Review

A monthly report will be provided to Council in support of the monthly statement of activity. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value (if applicable).

Documentary evidence must be held for each investment and details thereof maintained in an investment register.

Investment Guidelines

Municipal funds will be invested for short to medium terms, and reserve funds for medium to long terms. To maintain accountability and transparency, municipal funds and reserve funds are to be invested in separate accounts.

For the purposes of this policy:

- “Long term” refers to a term of up to a maximum of 12 months.*
- “Medium term” refers to a term of up to 6 months.*
- “Short term” refers to liquid investments (at call) or up to 3 months or less that are readily convertible to cash with no impairment to the original value of the investment.*

Appendix B - Investment Policy checklist from Local Government Operational Guidelines – Number 19 - Investment Policy (February 2008) shall be used to assess each new investment. The form shall be retained as evidence.

Three quotes will be obtained when investing any funds. Once the rate is finalised the investment must be approved by two signatories to the bank account.

Benchmarking

Performance benchmarks need to be established.

Investment	Performance Benchmark
Cash	Cash Rate
Enhanced/Direct Investments	UBSWA Bank Bill
Diversified Funds	CPI + appropriate margin over rolling 3 year periods (depending upon composition of fund)

Investment Strategy

An Investment Strategy will run in conjunction with this investment policy. The investment strategy will be presented to Councils Audit (Finance and Risk) Committee every six months.

The Strategy will outline:

- Council's cash flow expectations
- Optimal target allocation of investment types, credit rating exposure, and term to maturity exposure; and
- Appropriateness of overall investment types for Council's Portfolio.

Certificates will be obtained from financial institutions confirming the amounts of investments held on Council's behalf as at 30 June each year and reconciled to the Investment Register.

This Investment Policy will be reviewed at least once a year or as required in the event of legislative changes.

GOVERNANCE REFERENCES

Statutory Compliance	<i>Local Government Act 1995 – Section 6.14; The Trustees Act 1962 – Part III Investments; Local Government (Financial Management) Regulations 1996 – Regulation 19, Regulation 28 and Regulation 49</i>
Industry Compliance	<i>Australian Accounting Standards</i>
Organisational Compliance	<i>Delegations and Sub-Delegations Manual</i>
Process Links	<i>Investments</i>

POLICY ADMINISTRATION

Directorate		Officer Title		Contact:	
<i>Corporate Services</i>		<i>Director Corporate Services</i>		Ext: 121	
Date Effective	25/02/2014	CEO Approved:			
Date Adopted	20/12/2005	Last Reviewed	25/02/2014		
Risk Rating	Low Medium High	Review Cycle	Annual	Next Due	25/02/2015



Council Policy Number: CP FIN - 3203

Investment Policy

OBJECTIVE:

To invest the Shire of Wyndham East Kimberley surplus funds with consideration of risk and at the most favourable rate of interest available to it at the time, for that investment type, whilst ensuring that liquidity requirements are being met.

Preservation of capital is to be the principal objective with consideration given to liquidity, cash flow requirements and return on investment.

- Preservation of capital is the principal objective of the investment portfolio. Investments are to be performed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.*
- The investment portfolio will ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.*
- The investment is expected to achieve a predetermined market average rate of return that takes into account the Council's risk tolerance. Any additional target set by Council will also consider the risk limitation and prudent investment principles.*

POLICY:

Scope & Limitations

All investments are to comply with the following:

- Local Government Act 1995 – Section 6.14;*
- The Trustees Act 1962 – Part III Investments;*
- Local Government (Financial Management) Regulations 1996 – Regulations 19, 28 and 49 and Amendment regulations 2012; and*
- Australian Accounting Standards.*

Delegation of Authority

Authority for implementation of the Investment Policy is delegated by Council to the CEO in accordance with the Local Government Act 1995. The CEO may in turn delegate the day-to-day management of Council's Investment to senior staff subject to regular reviews.

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Investments are to be managed with the care, diligence and skill that a "prudent person" (as derived by legislation, Trustees Act 1962, and case law) would exercise. Officers are to manage investments to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

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Without approvals from Council, investments are limited to:

- *State/Commonwealth Government Bonds;*
- *Interest Bearing Deposits;*
- *Bank accepted/endorsed bank bills;*
- *Commercial paper;*
- *Bank negotiable Certificate of Deposits;*

Prohibited Investments

This investment policy prohibits any investment carried out for speculative purposes including:

- *Derivative based instruments; (Derivatives are financial contracts, or financial instruments, whose values are derived from the value of something else (known as the underlying). The underlying on which a derivative is based can be an asset (e.g., commodities, equities (stocks), residential mortgages, commercial real estate, loans, bonds), an index (e.g., interest rates, exchange rates, stock market indices, consumer price index (CPI) — see inflation derivatives), or other items (e.g., weather conditions, or other derivatives). Credit derivatives are based on loans, bonds or other forms of credit. The main types of derivatives are: forwards (which if traded on an exchange are known as futures); options; and swaps);*
- *Principal only investments or securities that provide potentially nil or negative cash flow;*
- *Stand alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind;*
- *Deposits with an institution except an authorised institution;*
- *(Authorised institution mean (a) an authorised deposit taking institution as defined in the Banking Act 1959 (Commonwealth) section 5: or (b) the Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986);*
- *Deposit for a fixed term of more than 12 months;*
- *Investment in bond that are not guaranteed by the Commonwealth Government, or a State or Territory government;*
- *Invest in bonds with a term to maturity of more than 3 years; and*
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- c) *Term to Maturity Framework – limits based upon maturity of securities.*

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To control credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to a particular credit rating category:

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Exposure to an individual counterparty/institution will be restricted by its credit rating so that single entity exposure is limited as detailed in the table below:

S & P Long Term Rating	S & P Short Term Rating	Direct Investment Maximum %
AAA	A-1+	45%
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A	A-2	20%

If any of the investments are downgraded such that they no longer fall within the investment policy, they will be divested as soon as practicable.

c) Term to Maturity Framework

The investment portfolio is to be invested within the following maturity constraints:

Overall Portfolio Term to Maturity Limits	
Portfolio % < 1 year	100 Max; 40% Min
Portfolio % > 1 year	60%
Portfolio % > 3 year	35%

Individual Investment Maturity Limits	
Authorised Deposit Institution	12 Months
State/Commonwealth Government Bonds	3 years

Note: Authorised Deposit Institutions are corporations that are authorised under the Banking Act 1959 to take deposits from customers.

Investment Advisor

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- Appropriateness of overall investment types for Council's Portfolio.

Certificates will be obtained from financial institutions confirming the amounts of investments held on Council's behalf as at 30 June each year and reconciled to the Investment Register.

This Investment Policy will be reviewed at least once a year or as required in the event of legislative changes.

GOVERNANCE REFERENCES

Statutory Compliance	<i>Local Government Act 1995 – Section 6.14; The Trustees Act 1962 – Part III Investments; Local Government (Financial Management) Regulations 1996 – Regulation 19, Regulation 28 and Regulation 49</i>
Industry Compliance	<i>Australian Accounting Standards</i>
Organisational Compliance	<i>Delegations and Sub-Delegations Manual</i>
Process Links	<i>Investments</i>

POLICY ADMINISTRATION

Directorate		Officer Title		Contact:	
<i>Corporate Services</i>		<i>Director Corporate Services</i>		Ext: 121	
Date Effective	24/06/2014	CEO Approved:			
Date Adopted	20/12/2005	Last Reviewed	24/06/2014		
Risk Rating	Low Medium High	Review Cycle	Annual	Next Due	24/06/2015

13.2.4 2014/15 Budget – Differential General Rates and Minimum Payments – Consideration of Public Submissions

DATE:	24 June 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Natalie Octoman, Director Corporate Services
REPORTING OFFICER:	Natalie Octoman, Director Corporate Services
FILE NO:	FM. 11.2

PURPOSE

For the Council to consider the eleven (11) public submissions received in relation to the proposed rates in the dollar and minimum payments in accordance with section 6.36 (4) of the *Local Government Act 1995* and subsequently adopt the recommended rates in the dollar and minimum payments as advertised. Officers may then seek approval from the Minister for Local Government to apply the 2014/15 differential rating model as it is proposed, and incorporate the figures into the 2014/15 budget.

BACKGROUND

At the Special Council Meeting held on 13 May 2014 Council resolved:

COUNCIL DECISION

Minute No. 10407

Moved: Cr B Robinson

Seconded: Cr D Learbuch

That Council:

- 1) ***Adopt the Strategic Rating Policy that outlines the principles which underpin the proposed 2014/15 rating model, including the Objects of and Reasons for Differential Rates and endorses the Policy for advertising;***
- 2) ***Endorses for advertising for a minimum of twenty-one (21) days and seeks public submissions on the following proposed differential general rates and minimum payments to be applied from 1 July 2014 for the 2014/15 financial year in accordance with section 6.36 of the Local Government Act 1995:***

<i>Differential Rating Category</i>	<i>Rate In the Dollar (cents)</i>	<i>Minimum Payment</i>
<i>GRV Residential</i>	<i>8.8623</i>	<i>1,034.00</i>
<i>GRV Other Vacant</i>	<i>13.2935</i>	<i>1,034.00</i>
<i>GRV Commercial</i>	<i>9.7485</i>	<i>1,034.00</i>
<i>GRV Industrial</i>	<i>9.7485</i>	<i>1,034.00</i>
<i>UV Rural Residential</i>	<i>0.9335</i>	<i>1,034.00</i>
<i>UV Pastoral</i>	<i>2.9471</i>	<i>1,034.00</i>
<i>UV Commercial/Industrial</i>	<i>0.6278</i>	<i>1,034.00</i>
<i>UV Rural Agriculture 1</i>	<i>0.8878</i>	<i>1,034.00</i>
<i>UV Rural Agriculture 2</i>	<i>0.6278</i>	<i>1,034.00</i>
<i>UV Mining</i>	<i>25.7167</i>	<i>830.00</i>
<i>UV Other</i>	<i>0.6006</i>	<i>1,034.00</i>

- 3) **Authorises the CEO, or their delegate, to seek approval from the Minister for Local Government to approve the Council in imposing a Minimum Rate for GRV Other Vacant which will result in more than 50% of the properties in this category being subject to minimum rates, in accordance with section 6.35(5) of the Local Government Act 1995; and**
- 4) **Authorises the CEO, or their delegate, to seek approval from the Minister for Local Government to approve the Council in imposing a rate in the dollar for UV Mining which will result in it being more than twice the lowest differential general rate imposed, in accordance with section 6.33(3) of the Local Government Act 1995; and**
- 5) **Approves the allocation of \$271,048 being 3% of the estimated rating revenue to be transferred to a new Asset Management Reserve that will be created when the 2014/15 Budget is adopted.**

Carried Unanimously 9/0

STATUTORY IMPLICATIONS

Local Government Act 1995

Part 6

Division 6 – Rates and service charges

6.33. Differential general rates

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —
 - (a) the purpose for which the land is zoned under a local planning scheme in force under the Planning and Development Act 2005;
 - (b) the predominant purpose for which the land is held or used as determined by the local government;
 - (c) whether or not the land is vacant land; or
 - (d) any other characteristic or combination of characteristics prescribed.
- (2) Regulations may —
 - (a) specify the characteristics under subsection (1) which a local government is to use; or
 - (b) limit the characteristics under subsection (1) which a local government is permitted to use.
- (3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.
- (4) If during the financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.

6.35. Minimum payment

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.

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

6.36. Local government to give notice of certain rates

- (1) *Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.*
- (2) *A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).*
- (3) *A notice referred to in subsection (1)*
 (a) *may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;*
 (b) *is to contain -*
 (i) *details of each rate or minimum payment the local government intends to impose;*
 (ii) *an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters*

- within 21 days (or such longer period as is specified in the notice) of the notice; and*
- (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed; and*
- (c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.*

(4) The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.

(5) Where a local government -

(a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or

(b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),

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

Local Government (Financial Management) Regulations 1996

52A. Differential general rates — s. 6.33(1)(d)

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

(a) whether or not the land is situated in a townsite as defined in the Land Administration Act 1997 section 3(1);

(b) whether or not the land is situated in a particular part of the district of the local government.

POLICY IMPLICATIONS

The proposed differential general rates and minimum payments are incorporated into the Strategic Rating Policy which has aligned the rating model more closely to the current Town Planning Scheme No. 7 Kununurra and Environs (TPS7) and the current Town Planning Scheme No. 6 Wyndham Townsite (TPS6) in terms of land use.

If there are modifications to the proposed differential general rates or minimum payments from those advertised, then the Strategic Rating Policy will need to also be amended to reflect the modifications.

FINANCIAL IMPLICATIONS

The proposed differential general rates and minimum payments are expected to yield total net rate revenue of \$9,141,258 (\$9,174,019 less concessions currently approved of \$32,761) in 2014/15.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational sustainability.

Objective 1.4: Business innovation, efficiency and improved service

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

Strategy 1.4.2: Improve the efficiency and productivity of Shire services.

Strategy 1.4.3: Maintain Council's long term financial viability.

COMMUNITY CONSULTATION

In accordance with the Council resolution, advertising of the proposed rates occurred in the following manner:

- Local public notice in the Kimberley Echo on Thursday 22 and 29 of May plus 5 and 12 June; and
- The Shire's Facebook page indicated that the Shire had issued a public notice advertising the Council's intent to impose Differential Rates and Minimum Payments for 2014/15 and to refer to the news section of the Shire's website for full details; and
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2014/15, including the Strategic Rating Policy was placed on the Shire's website; public noticeboards at the Civic Centres and Libraries in both Kununurra and Wyndham.

COMMENT

The effective date of the local public notice period was Thursday 22 May 2014, with submissions to be received by close of business on Friday 13 June 2014. At the conclusion of the public submission period, there were 11 (eleven) submissions received, all with very similar comments. In fact, some of the submissions were identical. The submissions are provided as Attachment 1 to this report, and are discussed below:

Sub'n #	Ratepayer	Proposed Differential General Rate Category	Submission Summary	Officers' Comments
1	Mark Northover and Simone Rushby	<ul style="list-style-type: none"> • UV Rural Agriculture 1 • UV Rural Residential • GRV Other Vacant 	<ul style="list-style-type: none"> • Differential rates an avenue for variable taxation. • Lack of quality information and clarification on charges and how they are administered. • Should consider ways to reduce ratepayer funded expenditure. 	<ul style="list-style-type: none"> • Rates are based on property values and are therefore a property tax. • The Council held a Special Council Meeting on 13 May 2014, advertised as being open to all members of the public, whereby questions could have been raised prior to the advertising period. The proposed differential rates and minimum payments have been advertised via: <ul style="list-style-type: none"> ○ Local public notice in Kimberley Echo on 22 and 29 of May plus 5 and 12 June; and ○ The Shire's Facebook page indicated that the Shire had issued a public notice advertising the Council's intent to impose Differential Rates and Minimum Payments for 2014/15 and to refer to the news section of the Shire's website for full details; and ○ A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2014/15, including the Strategic Rating Policy was placed on the Shire's website; public noticeboards at the Civic Centres and Libraries in both Kununurra and Wyndham. • The Shire undertakes 3 budget reviews per annum being more than the 1 required by legislation. Officers use these to analyse each revenue and expenditure item contained in the current year's budget (including debt) and does identify efficiencies as part of due process.
2	Mark Northover, Director Martinjinni Pty Ltd – T/As Ord River Contracting	<ul style="list-style-type: none"> • UV Mining 	<ul style="list-style-type: none"> • Differential rates an avenue for variable taxation. • Mining leases do not get the benefit of any services (such as fire emergency services and rubbish collection). 	<ul style="list-style-type: none"> • Rates are based on property values and are therefore a property tax. • Equity principle in Strategic Rating Policy refers to "User Benefit" which states: "Evaluating the relative benefits received by various classes of property raises many practical difficulties, in particular, trying to trace quantifiable consumption/benefits to particular types of properties. The analysis is often reduced to arguments of

			<ul style="list-style-type: none"> • Hold farming properties in Moora Shire where the rate levels are lower and the service levels are higher. • Should look at State and Federal Funding options first before further taxing local businesses. • Lack of quality information and clarification on charges and how they are administered. 	<p>what services are consumed by residential versus farm, commercial/industrial versus residences, and between different towns. Clearly the exercise is not clear cut – for example, it might be argued that rural ratepayers derive less benefit from library services than their town counterparts but the reverse may be argued with respect to the costs of constructing or repairing long lengths of local roads to service a small number of properties. It is therefore recognised that the services provided by the Shire benefit the community as a whole.”</p> <ul style="list-style-type: none"> • Officers cannot comment on the Moora Shire Council other than to state that its 70% more costly for the Shire to undertake business in the Kimberley for a range of reasons, which is particularly relevant if comparisons are being made between the two Shires; one that is 172 kms from metropolitan Perth, and the Shire of Wyndham East Kimberley which is 3,215 kms from Perth. There would also be a significant different in the infrastructure requirements, particularly when the Shire of Moora is operating within 3,788 km² compared to the Shire of Wyndham East Kimberley operating over 126,189 km². • The Shire of Wyndham East Kimberley has taken every opportunity to apply for both State and Federal funding for a range of programs. Both State and Federal funding pools have declined over recent years, including a direct reduction to the Shire of \$715,344 over the past two financial years in general purpose grants from the Federal Assistance Grants Scheme. • The Council held a Special Council Meeting on 13 May 2014, advertised as being open to all members of the public, whereby questions could have been raised prior to the advertising period. The proposed differential rates and minimum payments have been advertised via: <ul style="list-style-type: none"> ○ Local public notice in Kimberley Echo on 22 and 29
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				<p>May plus 5 and 12 June; and</p> <ul style="list-style-type: none"> ○ The Shire's Facebook page indicated that the Shire had issued a public notice advertising the Council's intent to impose Differential Rates and Minimum Payments for 2014/15 and to refer to the news section of the Shire's website for full details; and ○ A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2014/15, including the Strategic Rating Policy was placed on the Shire's website; public noticeboards at the Civic Centres and Libraries in both Kununurra and Wyndham.
3	Mark Northover, Director, Goldengate Nominees	<ul style="list-style-type: none"> • Residential 	<ul style="list-style-type: none"> • Differential rates an avenue for variable taxation. • Lack of quality information and clarification on charges and how they are administered. 	<ul style="list-style-type: none"> • Rates are based on property values and are therefore a property tax. • The Council held a Special Council Meeting on 13 May 2014, advertised as being open to all members of the public, whereby questions could have been raised prior to the advertising period. The proposed differential rates and minimum payments have been advertised via: <ul style="list-style-type: none"> ○ Local public notice in Kimberley Echo on 22 and 29 of May plus 5 and 12 June; and ○ The Shire's Facebook page indicated that the Shire had issued a public notice advertising the Council's intent to impose Differential Rates and Minimum Payments for 2014/15 and to refer to the news section of the Shire's website for full details; and ○ A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2014/15, including the Strategic Rating Policy was placed on the Shire's website; public noticeboards at the Civic Centres and Libraries in both Kununurra and Wyndham.
4	Mark Northover on behalf of the Shire of Wyndham East Kimberley	<ul style="list-style-type: none"> • Community interest 	<ul style="list-style-type: none"> • Lack of quality information and clarification on charges and how they are administered. 	<ul style="list-style-type: none"> • The Council held a Special Council Meeting on 13 May 2014, advertised as being open to all members of the public, whereby questions could have been raised prior to the advertising period. The proposed differential rates and minimum payments have been advertised via:

	Ratepayers Association			<ul style="list-style-type: none"> o Local public notice in Kimberley Echo on 22 and 29 May plus 5 and 12 June; and o The Shire's Facebook page indicated that the Shire had issued a public notice advertising the Council's intent to impose Differential Rates and Minimum Payments for 2014/15 and to refer to the news section of the Shire's website for full details; and o A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2014/15, including the Strategic Rating Policy was placed on the Shire's website; public noticeboards at the Civic Centres and Libraries in both Kununurra and Wyndham.
5	Mr Todd and Mrs Sue Petherick	<ul style="list-style-type: none"> • Rural Residential 	<ul style="list-style-type: none"> • Suggest that the Shire address the debt issue by cutting waste, reviewing staff and improving productivity. • Alleges that the Shire has different rules for different people and is concerned that it could also be reflected in rates. • Concerned about the advertising process. 	<ul style="list-style-type: none"> • The Shire undertakes 3 budget reviews per annum being more than the 1 required by legislation. Officers use these to analyse each revenue and expenditure item contained in the current year's budget (including debt) and does identify efficiencies as part of due process. • Within the Council's Strategic Rating Policy, "Equity" is one of the principles applied which is "the concept of fairness within property rating in order to achieve an equitable distribution of the rate burden across the community". It further states within the application of this principle, that "as far as possible, an objective assessment of the predominant use of land will be utilised to determine the appropriate rating category for each property...and will therefore utilise the Town Planning Scheme No 7 for Kununurra and Environs (TPS7) and Town Planning Scheme No 6 for Wyndham Town (TPS6)." Utilising the Town Planning Schemes in the application of property rating demonstrates that the Council do not have "different rules for different people" but that it is attempting to be consistent according to the Town Planning Schemes. • The Council held a Special Council Meeting on 13 May 2014, advertised as being open to all members of the public, whereby questions could have been raised prior to

				<p>the advertising period. The proposed differential rates and minimum payments have been advertised via:</p> <ul style="list-style-type: none"> o Local public notice in Kimberley Echo on 22 and 29 May plus 5 and 12 June; and o The Shire's Facebook page indicated that the Shire had issued a public notice advertising the Council's intent to impose Differential Rates and Minimum Payments for 2014/15 and to refer to the news section of the Shire's website for full details; and o A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2014/15, including the Strategic Rating Policy was placed on the Shire's website; public noticeboards at the Civic Centres and Libraries in both Kununurra and Wyndham.
6	Alma Petherick	V	<ul style="list-style-type: none"> • Various 	<ul style="list-style-type: none"> • Review waste and overspending before demanding more from ratepayers. • Comments in relation to the principles considered in determining the rating methodology and the Shire's inconsistent dealings with the community. • The Shire undertakes 3 budget reviews per annum being more than the 1 required by legislation. Officers use these to analyse each revenue and expenditure item contained in the current year's budget (including debt) and does identify efficiencies as part of due process. • Within the Council's Strategic Rating Policy, "Equity" is one of the principles applied which is "the concept of fairness within property rating in order to achieve an equitable distribution of the rate burden across the community". It further states within the application of this principle, that "as far as possible, an objective assessment of the predominant use of land will be utilised to determine the appropriate rating category for each property...and will therefore utilise the Town Planning Scheme No 7 for Kununurra and Environs (TPS7) and Town Planning Scheme No 6 for Wyndham Town (TPS6)." Utilising the Town Planning Schemes in the application of property rating demonstrates that the Council is attempting to be consistent according to the Town Planning Schemes and treat ratepayers equitably, and not have "inconsistent dealings within the community".

7	Alma Petherick	<ul style="list-style-type: none"> • Residential 	<ul style="list-style-type: none"> • Suggest that the Shire address the debt issue by cutting waste and improving productivity. • Alleges that the Shire has different rules for different people and is concerned that it could also be reflected in rates. 	<ul style="list-style-type: none"> • The Shire undertakes 3 budget reviews per annum being more than the 1 required by legislation. Officers use these to analyse each revenue and expenditure item contained in the current year's budget (including debt) and does identify efficiencies as part of due process. • Within the Council's Strategic Rating Policy, "Equity" is one of the principles applied which is "the concept of fairness within property rating in order to achieve an equitable distribution of the rate burden across the community". It further states within the application of this principle, that "as far as possible, an objective assessment of the predominant use of land will be utilised to determine the appropriate rating category for each property and will therefore utilise the Town Planning Scheme No 7 for Kununurra and Environs (TPS7) and Town Planning Scheme No 6 for Wyndham Town (TPS6)." Utilising the Town Planning Schemes in the application of property rating demonstrates that the Council do not have "different rules for different people" but that it is attempting to be consistent according to the Town Planning Schemes.
8	Jodie Young, Director, Plant Hire Services Pty Ltd	<ul style="list-style-type: none"> • Various 	<ul style="list-style-type: none"> • Objects to differential rating within the Shire. • Concerns with the Shire's finances and alleges this is due to incompetence in operations. • Concerned that equity would not be applied based on the "personality" decisions that she alleges she has endured. 	<ul style="list-style-type: none"> • Differential rating has been imposed by the Council for many years now, albeit utilising different rating categories. • The Council adopted a balanced budget coming into 2013/14 and will do so again in 2014/15. The Shire undertakes 3 budget reviews per annum being more than the 1 required by legislation. Officers use these to analyse each revenue and expenditure item contained in the current year's budget (including debt) and does identify efficiencies as part of due process. • Within the Council's Strategic Rating Policy, "Equity" is one of the principles applied which is "the concept of fairness within property rating in order to achieve an equitable distribution of the rate burden across the community". It further states within the application of this

				<p>principle, that “as far as possible, an objective assessment of the predominant use of land will be utilised to determine the appropriate rating category for each property.....and will therefore utilise the Town Planning Scheme No 7 for Kununurra and Environs (TPS7) and Town Planning Scheme No 6 for Wyndham Town (TPS6).” Utilising the Town Planning Schemes in the application of property rating demonstrates that the Council is attempting to be consistent according to the Town Planning Schemes and treat ratepayers equitably, and not have alleged “personality decisions” made.</p>
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9	Grant Young, Director, Plant Hire Services Pty Ltd	<ul style="list-style-type: none"> • Various 	<ul style="list-style-type: none"> • Objects to differential rating within the Shire. • Concerns with the Shire's finances and alleges this is due to incompetence in operations. • Concerned that equity would not be applied based on the "personality" decisions that he alleges he has endured. 	<ul style="list-style-type: none"> • Differential rating has been imposed by the Council for many years now, albeit utilising different rating categories. • The Council adopted a balanced budget coming into 2013/14 and will do so again in 2014/15. The Shire undertakes 3 budget reviews per annum being more than the 1 required by legislation. Officers use these to analyse each revenue and expenditure item contained in the current year's budget (including debt) and does identify efficiencies as part of due process. • Within the Council's Strategic Rating Policy, "Equity" is one of the principles applied which is "the concept of fairness within property rating in order to achieve an equitable distribution of the rate burden across the community". It further states within the application of this principle, that "as far as possible, an objective assessment of the predominant use of land will be utilised to determine the appropriate rating category for each property...and will therefore utilise the Town Planning Scheme No 7 for Kununurra and Environs (TPS7) and Town Planning Scheme No 6 for Wyndham Town (TPS6)." Utilising the Town Planning Schemes in the application of property rating demonstrates that the Council is attempting to be consistent according to the Town Planning Schemes and treat ratepayers equitably, and not have alleged "personality decisions" made.
10	Georgina M Lilly	<ul style="list-style-type: none"> • GRV Residential 	<ul style="list-style-type: none"> • Objects to differential rating within the Shire. 	<ul style="list-style-type: none"> • Differential rating has been imposed by the Council for many years now, albeit utilising different rating categories.
11	Michelle Rhodes, Principal, Peak Environmental Pty Ltd	<ul style="list-style-type: none"> • UV Mining 	<ul style="list-style-type: none"> • Concerned about the absence of information of how the system will be rolled out. • Holds mining leases 50km from Kununurra and do not receive the benefit of Shire services. 	<ul style="list-style-type: none"> • The Strategic Rating Policy outlines the rating methodology in detail, and also provides the objects of and reasons for differential rating. • Within the Strategic Rating Policy, the equity principle, part b refers to "User Benefit" which states: "Evaluating the relative benefits received by various classes of property raises many practical difficulties, in particular,

				<p>trying to trace quantifiable consumption/benefits to particular types of properties. The analysis is often reduced to arguments of what services are consumed by residential versus farm, commercial/industrial versus residences, and between different towns. Clearly the exercise is not clear cut – for example, it might be argued that rural ratepayers derive less benefit from library services than their town counterparts but the reverse may be argued with respect to the costs of constructing or repairing long lengths of local roads to service a small number of properties. It is therefore recognised that the services provided by the Shire benefit the community as a whole.”</p>
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Subsequent to the Council endorsing the 2014/15 Rating Model at the Special Council Meeting held on 13 May 2014 for advertising, the Shire has received interim valuation schedules from Landgate that have impacted on the total valuation, the total number of rateable properties and the total rate revenue generated when the model is applied. Officers do not generally process any interim rates within 35 days prior to 30 June as the due date would roll into the new financial year, and it also allows time to develop the following year's budget.

The 2014/15 rating model endorsed by the Council for advertising included the following rates revenue for each differential rate category:

Differential Rating Category	Proposed Budget Rates Revenue 2014/15
GRV Residential	\$4,196,369
GRV Other Vacant	\$143,210
GRV Commercial	\$1,543,338
GRV Industrial	\$766,975
UV Rural Residential	\$434,787
UV Pastoral	\$305,354
UV Commercial/Industrial	\$64,387
UV Rural Agriculture 1	\$593,647
UV Rural Agriculture 2	\$347,619
UV Mining	\$570,143
UV Other	\$69,101
TOTAL	\$9,034,930

Retaining the same principles that underpin the Strategic Rating Policy, the following 2014/15 Budget Rating Model is presented for the Council's endorsement, which takes into account all interim rate adjustments since early May:

Rating Category	Total Properties	Total Rateable Value of Properties	Proposed Minimum Payment	Proposed Rate in the Dollar	% of Properties on Minimum Payments	Proposed Budget Rates Revenue 2014/15
GRV - Residential	1,645	47,125,581	\$ 1,034	8.8623 cents	2.74%	\$4,193,727
GRV - Other Vacant	124	848,835	\$ 1,034	13.2935 cents	79.84%	\$ 160,146
GRV - Commercial	178	14,820,964	\$ 1,034	9.7485 cents	29.21%	\$1,458,561
GRV - Industrial	170	8,633,570	\$ 1,034	9.7485 cents	4.12%	\$ 845,087
UV - Rural Res	184	50,827,000	\$ 1,034	0.9335 cents	0.00%	\$ 474,470
UV - Pastoral	26	14,706,280	\$ 1,034	2.9471 cents	7.69%	\$ 433,757
UV - Other	5	7,246,800	\$ 1,034	0.6006 cents	20.00%	\$ 44,553
UV - Com/Ind	35	10,393,020	\$ 1,034	0.6278 cents	20.00%	\$ 68,901
UV - Rural Ag 1	77	63,845,200	\$ 1,034	0.8878 cents	2.60%	\$ 566,049
UV - Rural Ag 2	111	58,110,000	\$ 1,034	0.6278 cents	0.00%	\$ 364,815
UV - Mining	130	2,082,678	\$ 830	25.7167 cents	50.00%	\$ 563,952
TOTALS	2,685	278,639,928				\$9,174,019
					Concessions	-\$ 32,761
						\$9,141,258

The advertised rating model has been adjusted due to changes in the total value of rateable properties, and the number of properties in total and within each rating category. The concessions amount of \$32,761 identified in the table above represents the updated value if the rates in the dollar were adopted as advertised, and reflects the concessions that have been endorsed by the Council to date. Overall the following changes have occurred:

Rating Category	Total Properties	Total Rateable Value of Properties	Change in Budget Rates Revenue 2014/15
GRV – Residential	-10	+27,838	(\$2,641)
GRV – Other Vacant	+15	+94,480	\$16,936
GRV – Commercial	-15	-879,820	(\$84,777)
GRV – Industrial	+9	802,250	\$78,112
UV – Rural Res	+16	4,251,000	\$39,683
UV – Pastoral	+1	+4,382,000	\$128,403
UV – Other	-13	-4,015,000	(\$24,548)
UV – Com/Ind	0	717,800	\$4,514
UV - Rural Ag 1	+3	-3,022,000	(\$27,598)
UV - Rural Ag 2	+5	+2,739,000	\$17,196
UV - Mining	-3	2,082,678	(\$6,191)
TOTALS	+8	5,079,091	\$139,088

As part of establishing the rating model, the Council resolved to transfer 3% of the overall increase in rating income, being an estimated \$271,048 into the Asset Management Reserve for asset renewal purposes. As the total budgeted rates revenue has increased, the 3% of the overall increase in rating income is now a total of \$275,220.

ATTACHMENTS

Attachment 1 – Eleven (11) public submissions received and the response to each submission

Attachment 2 – Strategic Rating Policy

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1) notes the eleven (11) submissions received regarding the advertised 2014/15 Rating Model and Strategic Rating Policy and thanks the community for their input;
- 2) endorses the 2014/15 Rating Model as follows, with the intention of striking the rates as part of the 2014/15 Budget adoption, subject to receiving Ministerial approval where required by legislation:

Rating Category	Total Properties	Total Rateable Value of Properties	Proposed Minimum Payment	Proposed Rate in the Dollar	% of Properties on Minimum Payments	Proposed Budget Rates Revenue 2014/15
GRV Residential	1,645	47,125,581	\$ 1,034	8.8623 cents	2.74%	\$4,193,727
GRV Other Vacant	124	848,835	\$ 1,034	13.2935 cents	79.84%	\$ 160,146
GRV – Commercial	178	14,820,964	\$ 1,034	9.7485 cents	29.21%	\$1,458,561
GRV – Industrial	170	8,633,570	\$ 1,034	9.7485 cents	4.12%	\$ 845,087
UV Rural Res	184	50,827,000	\$ 1,034	0.9335 cents	0.00%	\$ 474,470
UV Pastoral	26	14,706,280	\$ 1,034	2.9471 cents	7.69%	\$ 433,757
UV Other	5	7,246,800	\$ 1,034	0.6006 cents	20.00%	\$ 44,553
UV – Com/Ind	35	10,393,020	\$ 1,034	0.6278 cents	20.00%	\$ 68,901
UV Rural Ag 1	77	63,845,200	\$ 1,034	0.8878 cents	2.60%	\$ 566,049
UV Rural Ag 2	111	58,110,000	\$ 1,034	0.6278 cents	0.00%	\$ 364,815
UV Mining	130	2,082,678	\$ 830	25.7167 cents	50.00%	\$ 563,952
TOTALS	2,685	278,639,928				\$9,174,019
					Concessions	-\$ 32,761
						\$9,141,258

- 3) requests that the Minister for Local Government approve the Shire of Wyndham East Kimberley's application for the above 2014/15 Rating Model as it is proposed:
 - a) to impose minimum payments for vacant land which will result in more than 50% of the properties in the GRV Other Vacant rating category this category being on minimum rates; and
 - b) to impose a rate in the dollar which will result in it being more than twice the lowest differential general rate imposed for UV Mining and UV Pastoral rating categories;
- 4) notes the increased amount now totalling \$275,220 (being 3% of the overall increase in rating revenue) that will be transferred to the new Asset Management Reserve to be created at the time of budget adoption.

COUNCIL DECISION

Minute No. 10449

Moved: Cr G Taylor

Seconded: Cr B Robinson

That Council:

- 1) notes the eleven (11) submissions received regarding the advertised 2014/15 Rating Model and Strategic Rating Policy and thanks the community for their input;
- 2) endorses the 2014/15 Rating Model as follows, with the intention of striking the rates as part of the 2014/15 Budget adoption, subject to receiving Ministerial approval where required by legislation:

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GRV Other Vacant	124	848,835	\$ 1,034	13.2935 cents	79.84%	\$ 160,146
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GRV – Industrial	170	8,633,570	\$ 1,034	9.7485 cents	4.12%	\$ 845,087
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TOTALS	2,685	278,639,928				\$9,174,019
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						\$9,141,258

- 3) requests that the Minister for Local Government approve the Shire of Wyndham East Kimberley's application for the above 2014/15 Rating Model as it is proposed:
 - a) to impose minimum payments for vacant land which will result in more than 50% of the properties in the GRV Other Vacant rating category this category being on minimum rates; and
 - b) to impose a rate in the dollar which will result in it being more than twice the lowest differential general rate imposed for UV Mining and UV Pastoral rating categories;
- 4) notes the increased amount now totalling \$275,220 (being 3% of the overall increase in rating revenue) that will be transferred to the new Asset Management Reserve to be created at the time of budget adoption.

Carried 6/3

For: Cr GTaylor, Cr B Robinson, Cr J Moulden, Cr R Dessert, Cr D Learbuch,
Cr S Cooke,

Against: Cr K Wright, Cr D Spackman, Cr G King

Shelley Binnie

From: Mail
Sent: Tuesday, 17 June 2014 12:40 PM
To: Shelley Binnie
Subject: FW: Submission for Proposed Differential Rates.

From: Mail
Sent: Friday, 13 June 2014 1:58 PM
To: Natalie Octoman; Veronica Gulland
Subject: FW: Submission for Proposed Differential Rates.

From: Alma [<mailto:apetherick@westnet.com.au>]
Sent: Friday, 13 June 2014 1:13 PM
To: Mail
Subject: Submission for Proposed Differential Rates.

Chief Executive Officer,
Shire of Wyndham East Kimberley.

Dear Sir,
RE Differential Rates Proposal.

I as a Ratepayer of 32 Eugenia Street, Lakeside object very strongly at this proposal

Cost of living in Kununurra is high enough without the Shire trying to add another burden on Householders.
And Businesses in the Town.

I suggest that the Shire address their Debt Issue like everyone else. Cut waste and improve productivity.

I also object to the way the Council and Staff have different rules for different people.
I am concerned that this mentality could be eventually reflect in Rates.

Regards,
Alma Petherick



SHIRE of WYNDHAM | EAST KIMBERLEY

PO BOX 614 KUNUNURRA WA 6743

T	08 9168 4100
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E	mail@swek.wa.gov.au
W	www.swek.wa.gov.au
ABN	35 647 145 756

Our Ref: I-23543

Your Ref:

Enquiries: Ms Natalie Octoman

16 June 2014

Alma Petherick
apetherick@westnet.com.au

Dear Mrs Petherick

Re: Proposal to Impose Differential Rates and Minimum Payments for 2014/15

Thank you for your email of 13 June 2014 on the above subject. Your email has been treated as a submission in accordance with section 6.36 of the *Local Government Act 1995* and will be considered by the Council at the next Ordinary Meeting on 24 June 2014. In the meantime, I am happy to provide a response to the issues you have raised.

As outlined in the Council's Strategic Rating Policy (a copy of which has been attached), "the Council has a diverse mix of geographically located and land use properties. The Council therefore applies differential rating to ensure greater equity and contribution from rates according to land use, zoning or a combination of these." It should be noted that the Shire has imposed differential rates for many years now, albeit utilising different rating categories.

The Shire now undertakes 3 budget reviews per annum in order to appropriately manage its finances; to improve its financial sustainability and accountability to the community when in fact, only 1 is statutorily required. As part of each review, all revenue and expenditure components, including debt, are considered and efficiencies are continuously implemented across the organisation.

The Council, in considering the proposed differential rates and minimum payments for 2014/15, undertook a significant review of its Strategic Rating Policy and considered the following five principles (not necessarily listed in priority order):

1. Equity
2. Incentive
3. Administrative Efficiency
4. Compliance
5. Sustainability

In applying these principles, the Council "aspires to balance service levels in accordance with the needs and expectations of its community and sets taxation levels (rating) to adequately resource its roles and responsibilities." Further information on how the principles are applied is contained within the Council's Strategic Rating Policy.



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ABN		35 647 145 756

Within the Council's Strategic Rating Policy, "Equity" is one of the principles applied which is "the concept of fairness within property rating in order to achieve an equitable distribution of the rate burden across the community." It further states within the application of this principle, that "as far as possible, an objective assessment of the predominant use of land will be utilised to determine the appropriate rating category for each property...and will therefore utilise the Town Planning Scheme No 7 for Kununurra and Environs (TPS7) and Town Planning Scheme No 6 for Wyndham Town (TPS6)." Utilising the Town Planning Schemes in the application of property rating demonstrates that the Council is attempting to be consistent according to the Town Planning Schemes and treat ratepayers equitably, and not have "different rules for different people" as you've alleged the Council of in your email.

At the Special Council Meeting on 13 May 2014, which was advertised as being open to all members of the public, the proposed differential rates and minimum payments for 2014/15 were considered by the Council, along with the Strategic Rating Policy. At this meeting, the proposed differential rates and minimum payments were endorsed for advertising along with the Strategic Rating Policy which also outlines the objects of and reasons for differential rates making it clear to the community as to why each differential rate is applied.

The proposed differential rates and minimum payments have then been advertised as follows:

- Local public notice in the Kimberley Echo on Thursday 22nd and 29th of May plus the 5th and 12th of June; and
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2014/15, including the Strategic Rating Policy was placed on the Shire's website; the Shire's Facebook page; public noticeboards at the Civic Centres and Libraries in both Kununurra and Wyndham.

The Council will consider all submissions at its Ordinary Council Meeting on 24 June 2014, whereby the Council may determine to either retain or modify the proposed differential rates and minimum payments for 2014/15. This meeting is open to all members of the public and I welcome your attendance.

I hope that the above addresses the matters raised in your email of 13 June 2014.

In accordance with the requirements of section 6.36 of the *Local Government Act 1995*, please note that a copy of your letter, and this response, will not only be provided to each Councillor for consideration but that it will also be sent to the Minister for Local Government.

Should you have any further queries, please contact the Shire's Director Corporate Services, Natalie Octoman on 9268 4121 in the first instance.

Yours sincerely

Gary Gaffney
Chief Executive Officer

KUNUNURRA

20 COOLIBAH DRIVE

WYNDHAM

KOOLAH STREET

LOCATIONS

HOURS

SWEK

8:00AM - 4:00PM MON-FRI

Shelley Binnie

From: Mail
Sent: Tuesday, 17 June 2014 12:40 PM
To: Shelley Binnie
Subject: FW: Submission for Proposed Differential Rates and Minimum Payments for 2014/15

From: Mail
Sent: Friday, 13 June 2014 3:07 PM
To: Natalie Octoman; Veronica Gulland
Subject: FW: Submission for Proposed Differential Rates and Minimum Payments for 2014/15

From: Alma [<mailto:apetherick@westnet.com.au>]
Sent: Friday, 13 June 2014 2:37 PM
To: Mail
Subject: Submission for Proposed Differential Rates and Minimum Payments for 2014/15

Chief Executive Officer,
Shire of Wyndham East Kimberley WA

Dear Sir,
I wish to object to the Shire's proposal to implement Differential Rates.

Petherick Enterprises Pty Ltd, our Tenants and Home Owners in the town of Kununurra have had a down turn in our income over the last two years, as has the rest of Australia.
We all, be it a Business or Household have a set income and regularly have to revise our budgets.
We are not in the position to increase our prices or demand a pay rise to cover overspending.
The Shire of Wyndham East Kimberley are in the same position as the rest of us .
Before demanding more from your Ratepayers look at waste and overspending and address the problem .
The general public do not believe the shire has attempted to do this.

Ratepayers do not have a choice to shop elsewhere nor negotiate the price they pay. Instead we are locked into what we are charged and if we don't pay the Shire has the ability to summons us.

In your notice in the Kimberley Echo you touch on the following points to justify Differential Rates.

- 1) Equity. It is not a Shire place to determine to determine Equity
- 2) Incentive. Incentive. What is that to cover and by whom?
- 3) Administrative Efficiency. I would have thought would be achieved by simplifying the system and having competent staff.
- 4) Compliance. Again having staff that are capable of following the Rules and Spending within their given budgets.
- 5) Sustainability. This has many meanings and can be interpreted in many ways. The best thing a Shire can do is lead by example.

The example your Shire has set of late is not something the wider community wish to follow ie. Running the Shire into heavy Debt , inconsistent dealings within the Community etc.

ATTACHMENT 1 - Public Submissions Received

I call on the councillors and you the C.E.O to address your Debt level, treat all Ratepayers as equals , Clean up our Town as a priority.

NO not spending more , get your existing Staff to do their job.

I **STRONGLY REJECT** any Rate Rises or sneaky new ways of collecting More Revenue.

Yours faithfully,
Alma V Petherick.



SHIRE of WYNDHAM | EAST KIMBERLEY

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T	08 9168 4100
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E	mail@swek.wa.gov.au
W	www.swek.wa.gov.au
ABN	35 647 145 756

Our Ref: I-23541

Your Ref:

Enquiries: Ms Natalie Octoman

16 June 2014

Mrs Alma V Petherick
 apetherick@westnet.com.au

Dear Mrs Petherick

Re: Proposal to Impose Differential Rates and Minimum Payments for 2014/15

Thank you for your email of 13 June 2014 on the above subject. Your email has been treated as a submission in accordance with section 6.36 of the *Local Government Act 1995* and will be considered by the Council at the next Ordinary Meeting on 24 June 2014. In the meantime, I am happy to provide a response to the issues you have raised.

The Shire now undertakes 3 budget reviews per annum in order to appropriately manage its finances; to improve its financial sustainability and accountability to the community when in fact, only 1 is statutorily required. As part of each review, all revenue and expenditure components are considered, including debt, and efficiencies are continuously implemented across the organisation.

Within the Council's Strategic Rating Policy, "Equity" is one of the principles applied which is "the concept of fairness within property rating in order to achieve an equitable distribution of the rate burden across the community." It further states within the application of this principle, that "as far as possible, an objective assessment of the predominant use of land will be utilised to determine the appropriate rating category for each property....and will therefore utilise the Town Planning Scheme No 7 for Kununurra and Environs (TPS7) and Town Planning Scheme No 6 for Wyndham Town (TPS6)." Utilising the Town Planning Schemes in the application of property rating demonstrates that the Council is attempting to be consistent according to the Town Planning Schemes and treat ratepayers equitably, and not have "inconsistent dealings within the community" as you've highlighted in your email.

The Council, in considering the proposed differential rates and minimum payments for 2014/15, undertook a significant review of its Strategic Rating Policy (a copy of which has been attached) and considered the following five principles (not necessarily listed in priority order):

1. Equity
2. Incentive
3. Administrative Efficiency
4. Compliance
5. Sustainability



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You have highlighted these principles in your correspondence, and your interpretation of their application. How they are actually applied by the Council is outlined in the Strategic Rating Policy. In applying these principles, the Council “aspires to balance service levels in accordance with the needs and expectations of its community and sets taxation levels (rating) to adequately resource its roles and responsibilities.”

At the Special Council Meeting on 13 May 2014, which was advertised as being open to all members of the public, the proposed differential rates and minimum payments for 2014/15 were considered by the Council, along with the Strategic Rating Policy. At this meeting, the proposed differential rates and minimum payments were endorsed for advertising along with the Strategic Rating Policy which also outlines the objects of and reasons for differential rates making it clear to the community as to why each differential rate is applied.

The proposed differential rates and minimum payments have then been advertised as follows:

- Local public notice in the Kimberley Echo on Thursday 22nd and 29th of May plus the 5th and 12th of June; and
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2014/15, including the Strategic Rating Policy was placed on the Shire’s website; the Shire’s Facebook page; public noticeboards at the Civic Centres and Libraries in both Kununurra and Wyndham.

The Council will consider all submissions at its Ordinary Council Meeting on 24 June 2014, whereby the Council may determine to either retain or modify the proposed differential rates and minimum payments for 2014/15. This meeting is open to all members of the public and I welcome your attendance.

I hope that the above addresses the matters raised in your email of 13 June 2014.

In accordance with the requirements of section 6.36 of the *Local Government Act 1995*, please note that a copy of your letter, and this response, will not only be provided to each Councillor for consideration but that it will also be sent to the Minister for Local Government.

Should you have any further queries, please contact the Shire’s Director Corporate Services, Natalie Octoman on 9268 4121 in the first instance.

Yours sincerely

Gary Gaffney
 Chief Executive Officer

Shelley Binnie

From: Mail
Sent: Tuesday, 17 June 2014 12:41 PM
To: Shelley Binnie
Subject: FW: Differential Rates

From: Mail
Sent: Friday, 13 June 2014 4:01 PM
To: Natalie Octoman; Veronica Gulland
Subject: FW: Differential Rates

From: Georgina Lilly [<mailto:geokun16@yahoo.com.au>]
Sent: Friday, 13 June 2014 3:53 PM
To: Mail
Subject: Differential Rates

Being a Ratepayer of the Shire of Wyndham East Kimberley I reject the idea of imposing the Differential Rates on the Local people of Kununurra WA
Yours faithfully
Georgina M Lilly



SHIRE OF WYNDHAM | EAST KIMBERLEY

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 ABN | 35 647 145 756

Our Ref: I-23538

Your Ref:

Enquiries: Ms Natalie Octoman

16 June 2014

Georgina M Lilly

geokun16@yahoo.com.au

Dear Ms Lilly

Re: Proposal to Impose Differential Rates and Minimum Payments for 2014/15

Thank you for your email of 13 June 2014 on the above subject. Your email has been treated as a submission in accordance with section 6.36 of the *Local Government Act 1995* and will be considered by the Council at the next Ordinary Meeting on 24 June 2014. In the meantime, I am happy to provide a response to the issues you have raised.

As outlined in the Council's Strategic Rating Policy (a copy of which has been attached), "the Council has a diverse mix of geographically located and land use properties. The Council therefore applies differential rating to ensure greater equity and contribution from rates according to land use, zoning or a combination of these." It should be noted that the Shire has imposed differential rates for many years now, albeit utilising different rating categories.

The Council, in considering the proposed differential rates and minimum payments for 2014/15, undertook a significant review of its Strategic Rating Policy and considered the following five principles (not necessarily listed in priority order):

1. Equity
2. Incentive
3. Administrative Efficiency
4. Compliance
5. Sustainability

In applying these principles, the Council "aspires to balance service levels in accordance with the needs and expectations of its community and sets taxation levels (rating) to adequately resource its roles and responsibilities." Further information on how the principles are applied is contained within the Council's Strategic Rating Policy.

At the Special Council Meeting on 13 May 2014, which was advertised as being open to all members of the public, the proposed differential rates and minimum payments for 2014/15 were considered by the Council, along with the Strategic Rating Policy. At this meeting, the proposed differential rates and minimum payments were endorsed for advertising along with the Strategic Rating Policy which also outlines the objects of and reasons for differential rates making it clear to the community as to why each differential rate is applied.

SHIRE of WYNDHAM | EAST KIMBERLEY



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The proposed differential rates and minimum payments have then been advertised as follows:

- Local public notice in the Kimberley Echo on Thursday 22nd and 29th of May plus the 5th and 12th of June; and
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2014/15, including the Strategic Rating Policy was placed on the Shire's website; the Shire's Facebook page; public noticeboards at the Civic Centres and Libraries in both Kununurra and Wyndham.

The Council will consider all submissions at its Ordinary Council Meeting on 24 June 2014, whereby the Council may determine to either retain or modify the proposed differential rates and minimum payments for 2014/15. This meeting is open to all members of the public and I welcome your attendance.

I hope that the above addresses the matters raised in your email of 13 June 2014.

In accordance with the requirements of section 6.36 of the *Local Government Act 1995*, please note that a copy of your letter, and this response, will not only be provided to each Councillor for consideration but that it will also be sent to the Minister for Local Government.

Should you have any further queries, please contact the Shire's Director Corporate Services, Natalie Octoman on 9268 4121 in the first instance.

Yours sincerely

Gary Gaffney
 Chief Executive Officer

Shelley Binnie

From: Mail
Sent: Tuesday, 17 June 2014 12:39 PM
To: Shelley Binnie
Subject: FW: OBJECTION TO DIFFERENTIAL RATES ON BEHALF OF GOLDENGATE NOMINEES

From: Mail
Sent: Friday, 13 June 2014 10:29 AM
To: Natalie Octoman; Veronica Gulland
Subject: FW: OBJECTION TO DIFFERENTIAL RATES ON BEHALF OF GOLDENGATE NOMINEES

From: Mark Northover [<mailto:mark.northover@bigpond.com>]
Sent: Friday, 13 June 2014 10:29 AM
To: Mail
Subject: OBJECTION TO DIFFERENTIAL RATES ON BEHALF OF GOLDENGATE NOMINEES

Dear Chief Executive Officer, Mr. Gary Gaffney

As the registered owners of Shire of Wyndham East Kimberley assessment numbers A1620 we would like to lodge an objection to the proposed differential rate and minimum rate system on the following basis.
“The function of a Shire Council is to provide good government for residents in the district, which includes the provision of works and services to ensure the health, safety and fulfilment of the local community and to provide infrastructure within the confines of an existing budget”.

“The differential rates system is one in which any rate that deviates from the standard rate structure, is applied in a special situation as determined by the rate charger”

Based on the above definitions it is our belief that the differential rates system will inevitably become an avenue for variable taxation on the ratepayers of Kununurra and this is not the role of the Shire of Wyndham East Kimberley as taxation is imposed by the Federal and State Governments, and collected by the Australian Taxation office.

It is our belief that there has been very little quality information and clarification provided either in print or by way of the SWEK website to clarify the charges and how they will be administered.

Please provide receipt of this objection by return email to this address.

Regards

Mark Northover
Director- Goldengate Nominees



SHIRE OF WYNDHAM | EAST KIMBERLEY

PO BOX 614 KUNUNURRA WA 6743

Our Ref: I-23544

Your Ref:

Enquiries: Ms Natalie Octoman

T	08 9168 4100
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W	www.swek.wa.gov.au
ABN	35 647 145 756

16 June 2014

Mark Northover
Director
Goldengate Nominees

mark.northover@bigpond.com

Dear Mr Northover

Re: Proposal to Impose Differential Rates and Minimum Payments for 2014/15

Thank you for your email of 13 June 2014 on the above subject. Your email has been treated as a submission in accordance with section 6.36 of the *Local Government Act 1995* and will be considered by the Council at the next Ordinary Meeting on 24 June 2014. In the meantime, I am happy to provide a response to the issues you have raised.

As rates are based on property values, they are indeed a property tax. As outlined in the Council's Strategic Rating Policy, "the Council has a diverse mix of geographically located and land use properties. The Council therefore applies differential rating to ensure greater equity and contribution from rates according to land use, zoning or a combination of these." It should be noted that the Shire has imposed differential rates for many years now, albeit utilising different rating categories.

The Council, in considering the proposed differential rates and minimum payments for 2014/15, undertook a significant review of its Strategic Rating Policy (a copy of which has been attached) and considered the following five principles (not necessarily listed in priority order):

1. Equity
2. Incentive
3. Administrative Efficiency
4. Compliance
5. Sustainability

In applying these principles, the Council "aspires to balance service levels in accordance with the needs and expectations of its community and sets taxation levels (rating) to adequately resource its roles and responsibilities." Further information on how the principles are applied is contained within the Council's Strategic Rating Policy.



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At the Special Council Meeting on 13 May 2014, which was advertised as being open to all members of the public, the proposed differential rates and minimum payments for 2014/15 were considered by the Council, along with the Strategic Rating Policy. At this meeting, the proposed differential rates and minimum payments were endorsed for advertising along with the Strategic Rating Policy which also outlines the objects of and reasons for differential rates making it clear to the community as to why each differential rate is applied.

The proposed differential rates and minimum payments have then been advertised as follows:

- Local public notice in the Kimberley Echo on Thursday 22nd and 29th of May plus the 5th and 12th of June; and
- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2014/15, including the Strategic Rating Policy was placed on the Shire's website; the Shire's Facebook page; public noticeboards at the Civic Centres and Libraries in both Kununurra and Wyndham.

The Council will consider all submissions at its Ordinary Council Meeting on 24 June 2014, whereby the Council may determine to either retain or modify the proposed differential rates and minimum payments for 2014/15. This meeting is open to all members of the public and I welcome your attendance.

I hope that the above addresses the matters raised in your email of 13 June 2014.

In accordance with the requirements of section 6.36 of the *Local Government Act 1995*, please note that a copy of your letter, and this response, will not only be provided to each Councillor for consideration but that it will also be sent to the Minister for Local Government.

Should you have any further queries, please contact the Shire's Director Corporate Services, Natalie Octoman on 9268 4121 in the first instance.

Yours sincerely

Gary Gaffney
Chief Executive Officer

Shelley Binnie

From: Mail
Sent: Tuesday, 17 June 2014 12:41 PM
To: Shelley Binnie
Subject: FW: Submission for Proposed Differential Rates

From: Mail
Sent: Friday, 13 June 2014 3:13 PM
To: Natalie Octoman; Veronica Gulland
Subject: FW: Submission for Proposed Differential Rates

From: Plant Hire Services [<mailto:planthire@wn.com.au>]
Sent: Friday, 13 June 2014 3:12 PM
To: Mail
Subject: Submission for Proposed Differential Rates

Chief Executive Officer,
Shire of Wyndham East Kimberley.

Dear Sir,

RE Differential Rates Proposal.

As a ratepayer of 6 properties, local resident and local business owner/operator I wish to lodge strong objection to the implementation of Differential Rating in my Shire.

The state of the shires finances indicates a gross incompetence in operations, not a fault of the current valuation system.

To allow Differential Rating to be implemented gives the shire just another avenue to bring our finances into further decline whilst imposing further hardship on long suffering ratepayers by being able to decide who pays more and who doesn't.

Having been on the end of "personality" decisions from the shire I shudder to think the "equity" that would be applied to my new rates if Differential were to be an option.

Please ensure to mark my response down in the AGAINST column.

Regards
GRANT YOUNG
Director

PLANT HIRE SERVICES PTY LTD
2204 STOCKMAN RD, KUNUNURRA WA 6743
ABN 84 009 090 751

GRANT YOUNG
Director 0419 822 202

JODIE YOUNG
Director 0408 822 205



SHIRE of WYNDHAM | EAST KIMBERLEY

PO BOX 614 KUNUNURRA WA 6743

Our Ref: I-23539

Your Ref:

Enquiries: Ms Natalie Octoman

T		08 9168 4100
F		08 9168 1798
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W		www.swek.wa.gov.au
ABN		35 647 145 756

16 June 2014

Grant Young
Director
Plant Hire Services

planthire@wn.com.au

Dear Mr Young

Re: Proposal to Impose Differential Rates and Minimum Payments for 2014/15

Thank you for your email of 13 June 2014 on the above subject. Your email has been treated as a submission in accordance with section 6.36 of the *Local Government Act 1995* and will be considered by the Council at the next Ordinary Meeting on 24 June 2014. In the meantime, I am happy to provide a response to the issues you have raised.

As outlined in the Council's Strategic Rating Policy (a copy of which has been attached), "the Council has a diverse mix of geographically located and land use properties. The Council therefore applies differential rating to ensure greater equity and contribution from rates according to land use, zoning or a combination of these." It should be noted that the Shire has imposed differential rates for many years now, albeit utilising different rating categories.

The Council, in considering the proposed differential rates and minimum payments for 2014/15, undertook a significant review of its Strategic Rating Policy and considered the following five principles (not necessarily listed in priority order):

1. Equity
2. Incentive
3. Administrative Efficiency
4. Compliance
5. Sustainability

In applying these principles, the Council "aspires to balance service levels in accordance with the needs and expectations of its community and sets taxation levels (rating) to adequately resource its roles and responsibilities." Further information on how the principles are applied is contained within the Council's Strategic Rating Policy.



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Within the Council's Strategic Rating Policy, "Equity" is one of the principles applied which is "the concept of fairness within property rating in order to achieve an equitable distribution of the rate burden across the community." It further states within the application of this principle, that "as far as possible, an objective assessment of the predominant use of land will be utilised to determine the appropriate rating category for each property....and will therefore utilise the Town Planning Scheme No 7 for Kununurra and Environs (TPS7) and Town Planning Scheme No 6 for Wyndham Town (TPS6)." Utilising the Town Planning Schemes in the application of property rating demonstrates that the Council is attempting to be consistent according to the Town Planning Schemes and treat ratepayers equitably, and not have "personality decisions made" as you've alleged the Council of in your email.

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Should you have any further queries, please contact the Shire's Director Corporate Services, Natalie Octoman on 9268 4121 in the first instance.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Gary Gaffney', is written over a light blue circular stamp.

Gary Gaffney
Chief Executive Officer

Shelley Binnie

From: Mail
Sent: Tuesday, 17 June 2014 12:41 PM
To: Shelley Binnie
Subject: FW: Submission for Proposed Differential Rates

From: Mail
Sent: Friday, 13 June 2014 3:13 PM
To: Natalie Octoman; Veronica Gulland
Subject: FW: Submission for Proposed Differential Rates

From: Plant Hire Services [<mailto:planthire@wn.com.au>]
Sent: Friday, 13 June 2014 3:11 PM
To: Mail
Subject: Submission for Proposed Differential Rates

Chief Executive Officer,
Shire of Wyndham East Kimberley.

Dear Sir,

RE Differential Rates Proposal.

As a ratepayer of 6 properties, local resident and local business owner/operator I wish to lodge strong objection to the implementation of Differential Rating in my Shire.

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Jodie YOUNG
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GRANT YOUNG
Director 0419 822 202

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Our Ref: I-23540

Your Ref:

Enquiries: Ms Natalie Octoman

16 June 2014

Jodie Young
Director
Plant Hire Services Pty Ltd

planthire@wn.com.au

Dear Mrs Young

Re: Proposal to Impose Differential Rates and Minimum Payments for 2014/15

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Yours sincerely

Gary Gaffney
Chief Executive Officer

Shelley Binnie

From: Mail
Sent: Tuesday, 17 June 2014 12:39 PM
To: Shelley Binnie
Subject: FW: OBJECTION TO DIFFERENTIAL RATING AND MINIMUM PAYMENTS SYSTEMS

From: Mail
Sent: Friday, 13 June 2014 9:17 AM
To: Natalie Octoman; Veronica Gulland
Subject: FW: OBJECTION TO DIFFERENTIAL RATING AND MINIMUM PAYMENTS SYSTEMS

From: Mark Northover [<mailto:mark.northover@bigpond.com>]
Sent: Friday, 13 June 2014 8:10 AM
To: Mail
Subject: OBJECTION TO DIFFERENTIAL RATING AND MINIMUM PAYMENTS SYSTEMS

Dear Chief Executive Officer, Mr. Gary Gaffney

As the registered owners of Shire of Wyndham East Kimberley assessment numbers A28, A5233 and A5244 we would like to lodge an objection to the proposed differential rate and minimum rate system on the following basis.

“The function of a Shire Council is to provide good government for residents in the district, which includes the provision of works and services to ensure the health, safety and fulfilment of the local community and to provide infrastructure within the confines of an existing budget”.

“The differential rates system is one in which any rate that deviates from the standard rate structure, is applied in a special situation as determined by the rate charger”

Based on the above definitions it is our belief that the differential rates system will inevitably become an avenue for variable taxation on the ratepayers of Kununurra and this is not the role of the Shire of Wyndham East Kimberley as taxation is imposed by the Federal and State Governments, and collected by the Australian Taxation office.

We currently reside on two titles and consequently pay twice as much in rates that we would, should we choose to amalgamate the two titles, an option that we will be taking in the near future. We were considering subdivision on a further property, however this has now been put on the back burner because of this issue. We know that we are not the only people in this boat and can see how this will eventually affect the Shire.

Further to the above, there has been little quality information and clarification provided either in print or by way of the SWEK website to clarify the charges and how they will be administered, consequently it is easy to see that this may give rise to corruption and “payback”.

As ratepayers we need to make clear and informed, financial decisions on whether we remain in the Shire of Wyndham East Kimberley, and this cannot be done without honesty and transparency on behalf of the

ATTACHMENT 1 - Public Submissions Received

Shire of Wyndham East Kimberley's Administration. Perhaps it would be timely that the Shire of Wyndham East Kimberley consider other ways to reduce their ratepayer funded expenditure (meals, bonuses, expensive cars, overseas trips) instead of further taxing those who choose to live, work and invest in the local region.

Please provide receipt of this objection by return email to this address.

Mark Northover, Simone Rushby

Ratepayers and family of six Shire of Wyndham East Kimberley Electors



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ABN	35 647 145 756

Our Ref: I-23531

Your Ref:

Enquiries: Ms Natalie Octoman

16 June 2014

Mark Northover and Simone Rushby
mark.northover@bigpond.com

Dear Mr Northover and Ms Rushby

Re: Proposal to Impose Differential Rates and Minimum Payments for 2014/15

Thank you for your email of 13 June 2014 on the above subject. Your email has been treated as a submission in accordance with section 6.36 of the *Local Government Act 1995* and will be considered by the Council at the next Ordinary Meeting on 24 June 2014. In the meantime, I am happy to provide a response to the issues you have raised.

As rates are based on property values, they are indeed a property tax. As outlined in the Council's Strategic Rating Policy, "the Council has a diverse mix of geographically located and land use properties. The Council therefore applies differential rating to ensure greater equity and contribution from rates according to land use, zoning or a combination of these." It should be noted that the Shire has imposed differential rates for many years now, albeit utilising different rating categories.

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Should you have any further queries, please contact the Shire's Director Corporate Services, Natalie Octoman on 9268 4121 in the first instance.

Yours sincerely

Gary Gaffney
 Chief Executive Officer

Shelley Binnie

From: Mail
Sent: Tuesday, 17 June 2014 12:39 PM
To: Shelley Binnie
Subject: FW: OBJECTIONS-DIFFERENTIAL RATE SYSTEM

From: Mail
Sent: Friday, 13 June 2014 9:23 AM
To: Natalie Octoman; Veronica Gulland
Subject: FW: OBJECTIONS-DIFFERENTIAL RATE SYSTEM

From: Mark Northover [<mailto:ordrivercontracting@bigpond.com>]
Sent: Friday, 13 June 2014 9:18 AM
To: Mail
Subject: OBJECTIONS-DIFFERENTIAL RATE SYSTEM

Dear Chief Executive Officer, Mr. Gary Gaffney

As the registered owners of Shire of Wyndham East Kimberley assessment numbers A6026, A5939 and A6775 we would like to lodge an objection to the proposed differential rate and minimum rate system on the following basis.

"The function of a Shire Council is to provide good government for residents in the district, which includes the provision of works and services to ensure the health, safety and fulfilment of the local community and to provide infrastructure within the confines of an existing budget".

"The differential rates system is one in which any rate that deviates from the standard rate structure, is applied in a special situation as determined by the rate charger"

Based on the above definitions it is our belief that the differential rates system will inevitably become an avenue for variable taxation on the ratepayers of Kununurra and this is not the role of the Shire of Wyndham East Kimberley as taxation is imposed by the Federal and State Governments, and collected by the Australian Taxation office.

It is a common misconception that Miners are high income earners and whilst this may be true of large scale operations, in reality it takes several small mines to make the efficiency of operating small scale mining profitable. Administration, fuel and compliance costs increase annually and without a number of leases to lessen the impact, the small scale mining of aggregates and minerals necessary to build roads and infrastructure would not be a viable option.

In our circumstance we are owners of several small mining leases, which do not get the benefit of any services (such as fire emergency services and rubbish collection), yet we are charged levies for these services as part of our rates.

The differential rates system will afford an excuse for Small Business owners and people in "special situations" to be charged "special rates" at the discretion of council officers, many of whom are transient and neither business owners nor ratepayers of the Shire of Wyndham East Kimberley.

We have farming properties in the Moora Shire and on a cost to service comparison, the rate levels are lower and the service levels higher. This is a clear indication of administration efficiencies on behalf of the Moora Shire Council Administration. Whilst we understand that The Shire of Wyndham East Kimberley is amidst some tough financial times, so too is the wider community. There are assistance options in place

ATTACHMENT 1 - Public Submissions Received

State and Federally to assist the Shire in such circumstances, and these options should be taken before further taxing the local businesses that keep Kununurra and the Shire operative.

Further to the above, there has been very little quality information and clarification provided either in print or by way of the SWEK website to clarify the charges and how they will be administered.

Please provide receipt of this objection by return email to this address.

Regards

Mark Northover

Director Martinjinni Pty Ltd- T/As Ord River Contracting



SHIRE of WYNDHAM | EAST KIMBERLEY

PO BOX 614 KUNUNURRA WA 6743

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Our Ref: I-23533

Your Ref:

Enquiries: Ms Natalie Octoman

16 June 2014

Mark Northover
 Director
 Martinjinni Pty Ltd – T/As Ord River Contracting

ordrivercontracting@bigpond.com

Dear Mr Northover

Re: Proposal to Impose Differential Rates and Minimum Payments for 2014/15

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You have indicated that you do not receive the benefit of Shire services as you have several small mining leases. Within the Strategic Rating Policy, the equity principle, part b refers to "User Benefit" which states:

"Evaluating the relative benefits received by various classes of property raises many practical difficulties, in particular, trying to trace quantifiable consumption/benefits to particular types of properties. The analysis is often reduced to arguments of what services are consumed by residential versus farm, commercial/industrial versus residences, and between different towns. Clearly the exercise is not clear cut – for example, it might be argued that rural ratepayers derive less benefit from library services than their town counterparts but the reverse may be argued with respect to the costs of constructing or repairing long lengths of local roads to service a small number of properties. It is therefore recognised that the services provided by the Shire benefit the community as a whole."

While I cannot comment on the operations of the Moora Shire Council, I can state that it is on average 70% more costly for the Shire to undertake business in the Kimberley for a range of reasons, which is particularly relevant if comparisons are being made between the two Shires; one that is 172 kms from metropolitan Perth, and the Shire of Wyndham East Kimberley which is 3,215 kms from Perth. There would also be a significant difference in the infrastructure requirements, particularly when the Shire of Moora is operating within 3,788 km² compared to the Shire of Wyndham East Kimberley operating over 126,189 km².

The Shire of Wyndham East Kimberley has taken every opportunity to apply for both State and Federal funding for a range of programs. As you'd be aware, both the State and Federal funding pools have declined over recent years, including a direct reduction to the Shire of \$715,344 over the past two financial years in general purpose grants from the Federal Assistance Grants Scheme.



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Yours sincerely

Gary Gaffney
Chief Executive Officer

13th June 20-14

Dear Sir

Differential Rates System: Objection

Please find this letter outlining our concerns about the proposed differential rates system. We object to the proposal due to an absence of information on how the system will be rolled out by the rate charger.

We have two lease interests in the Shire of Wyndham East Kimberley (Peak Environmental: A6909 and A6776). The leases are some 50 kilometres from Kununurra and do not receive the benefit of Shire services (e.g. fire services, rubbish collection unsealed, ungazetted pastoral tracks).

Please do not hesitate to contact me on 0417984216 to discuss this further.



Michelle Rhodes

Director



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Our Ref: I-23532

Your Ref:

Enquiries: Ms Natalie Octoman

16 June 2014

Ms Michelle Rhodes
 Principal - Peak Environmental Pty Ltd
 PO Box 45
 FLOREAT WA 6014

michellerhodes@360environmental.com.au

Dear Ms Rhodes

Re: Proposal to Impose Differential Rates and Minimum Payments for 2014/15

Thank you for your email and attached letter of 13 June 2014 on the above subject. Your letter has been treated as a submission in accordance with section 6.36 of the *Local Government Act 1995* and will be considered by the Council at the next Ordinary Meeting on 24 June 2014. In the meantime, I am happy to provide a response to the issues you have raised.

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- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2014/15, including the Strategic Rating Policy was placed on the Shire's website; the Shire's Facebook page; public noticeboards at the Civic Centres and Libraries in both Kununurra and Wyndham.

You have indicated that you do not receive the benefit of Shire services given your leases are some 50 kilometres from Kununurra. Within the Strategic Rating Policy, the equity principle, part b refers to "User Benefit" which states:

"Evaluating the relative benefits received by various classes of property raises many practical difficulties, in particular, trying to trace quantifiable consumption/benefits to particular types of properties. The analysis is often reduced to arguments of what services are consumed by residential versus farm, commercial/industrial versus residences, and between different towns. Clearly the exercise is not clear cut – for example, it might be argued that rural ratepayers derive less benefit from library services than their town counterparts but the reverse may be argued with respect to the costs of constructing or repairing long lengths of local roads to service a small number of properties. It is therefore recognised that the services provided by the Shire benefit the community as a whole."

The Council will consider all submissions at its Ordinary Council Meeting on 24 June 2014, whereby the Council may determine to either retain or modify the proposed differential rates and minimum payments for 2014/15. This meeting is open to all members of the public and I welcome your attendance.

I hope that the above addresses the matters raised in your email of 13 June 2014.

In accordance with the requirements of section 6.36 of the *Local Government Act 1995*, please note that a copy of your letter, and this response, will not only be provided to each Councillor for consideration but that it will also be sent to the Minister for Local Government.



SHIRE of WYNDHAM | EAST KIMBERLEY

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W | www.swek.wa.gov.au
ABN | 35 647 145 756

Should you have any further queries, please contact the Shire's Director Corporate Services, Natalie Octoman on 9268 4121 in the first instance.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Gary Gaffney', is positioned above the printed name.

Gary Gaffney
Chief Executive Officer

SHIRE OF WYNDHAM EAST KIMBERLEY
RATE PAYERS ASSOCIATION INC.

21 Salacca Loop
Kununurra Western Australia 6743

12 June 2014

Dear Chief Executive Officer Gaffney,

Please accept this letter as formal objection to the "Proposal to impose Differential rates and Minimum Payments for 2014/2015" as advertised in the Kimberley Echo June 5 2014, on the following grounds.

There has been minimal information with very little clarification provided to the public regarding the proposed new rate structure and it would appear that the Shire will be afforded the opportunity to alter, increase or reduce rates at the discretion of administrative staff, the majority of which are not Landowners and Rate Payers of the Shire of Wyndham East Kimberley

The association requests more discussion and clarification to be made available by the Council and Administrative staff prior to the imposing of any new structure or levies.

We look forward to your response by way of public commentary and discussion and would be pleased if you could respond to this concern in writing to the above address.

Regards

The Shire of Wyndham East Kimberley Rate Payers Association Inc.





SHIRE of WYNDHAM | EAST KIMBERLEY

PO BOX 614 KUNUNURRA WA 6743

T		08 9168 4100
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W		www.rwek.wa.gov.au
ABN		35 647 145 756

Our Ref: I-23545

Your Ref:

Enquiries: Ms Natalie Octoman

16 June 2014

Shire of Wyndham East Kimberley
Ratepayers Association Inc.
21 Salacca Loop
KUNUNURRA WA 6743

Attention: Mr Mark Northover
mark.northover@bigpond.com

Dear Mr Northover

Re: Proposal to Impose Differential Rates and Minimum Payments for 2014/15

Thank you for your email and accompanying letter of 13 June 2014 on the above subject. Your letter has been treated as a submission in accordance with section 6.36 of the *Local Government Act 1995* and will be considered by the Council at the next Ordinary Meeting on 24 June 2014. In the meantime, I am happy to provide a response to the issues you have raised.

The Council, in considering the proposed differential rates and minimum payments for 2014/15, undertook a significant review of its Strategic Rating Policy (a copy of which has been attached) and considered the following five principles (not necessarily listed in priority order):

1. Equity
2. Incentive
3. Administrative Efficiency
4. Compliance
5. Sustainability

In applying these principles, the Council "aspires to balance service levels in accordance with the needs and expectations of its community and sets taxation levels (rating) to adequately resource its roles and responsibilities." Further information on how the principles are applied is contained within the Council's Strategic Rating Policy.

At the Special Council Meeting on 13 May 2014, which was advertised as being open to all members of the public, the proposed differential rates and minimum payments for 2014/15 were considered by the Council, along with the Strategic Rating Policy. At this meeting, the proposed differential rates and minimum payments were endorsed for advertising along with the Strategic Rating Policy which also outlines the objects of and reasons for differential rates making it clear to the community as to why each differential rate is applied.



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- A copy of the Notice to Impose Differential General Rates and Minimum Payments for 2014/15, including the Strategic Rating Policy was placed on the Shire's website; the Shire's Facebook page; public noticeboards at the Civic Centres and Libraries in both Kununurra and Wyndham.

The Council will consider all submissions at its Ordinary Council Meeting on 24 June 2014, whereby the Council may determine to either retain or modify the proposed differential rates and minimum payments for 2014/15. This meeting is open to all members of the public and I welcome your attendance.

I hope that the above addresses the matters raised in your email of 13 June 2014.

In accordance with the requirements of section 6.36 of the *Local Government Act 1995*, please note that a copy of your letter, and this response, will not only be provided to each Councillor for consideration but that it will also be sent to the Minister for Local Government.

Should you have any further queries, please contact the Shire's Director Corporate Services, Natalie Octoman on 9268 4121 in the first instance.

Yours sincerely

Gary Gaffney
Chief Executive Officer

Shelley Binnie

From: Mail
Sent: Tuesday, 17 June 2014 12:40 PM
To: Shelley Binnie
Subject: FW: Submission for Proposed Differential Rates.

From: Mail
Sent: Friday, 13 June 2014 2:07 PM
To: Natalie Octoman; Veronica Gulland
Subject: FW: Submission for Proposed Differential Rates.

From: Bushcamp Store Kununurra [<mailto:bushcamp@westnet.com.au>]
Sent: Friday, 13 June 2014 2:05 PM
To: Mail
Subject: Submission for Proposed Differential Rates.

Chief Executive Officer,
Shire of Wyndham East Kimberley.

Dear Sir,

We as Ratepayers of 106 Berkley Crescent, Valentine Falls Estate object very strongly to the following Proposal
RE Differential Rates Proposal.

The cost of living in and around Kununurra and is high enough without the Shire trying to add another burden on
Householders
and Businesses in the Town.

We suggest that the Shire address their Debt Issue like everyone else.

- Cut waste & improve productivity.
- Review staff & improve productivity.

We also object to the way the Council and Staff have different rules for different people.
We are concerned that this mentality could be eventually reflect in Rates.

We would like to know how you advertised the proposal, as many rate paying people we have spoken with say they did not see it in the Local Kimberley Echo, Facebook Community Page or via an email to all rate payers.
So we are wondering how you reached the community as a whole when there are people who don't buy the local paper or have access to Facebook!
Could you please let us know the above queries?

With Regards,

Mr Todd & Mrs Sue Petherick
bushcamp@westnet.com.au



SHIRE of WYNDHAM | EAST KIMBERLEY

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ABN		35 647 145 756

Our Ref: I-23542

Your Ref:

Enquiries: Ms Natalie Octoman

16 June 2014

Mr Todd and Mrs Sue Petherick
 Bushcamp Store Kununurra
 KUNUNURRA WA 6743

bushcamp@westnet.com.au

Dear Mr and Mrs Petherick

Re: Proposal to Impose Differential Rates and Minimum Payments for 2014/15

Thank you for your email of 13 June 2014 on the above subject. Your email has been treated as a submission in accordance with section 6.36 of the *Local Government Act 1995* and will be considered by the Council at the next Ordinary Meeting on 24 June 2014. In the meantime, I am happy to provide a response to the issues you have raised.

The Council, in considering the proposed differential rates and minimum payments for 2014/15, undertook a significant review of its Strategic Rating Policy (a copy of which has been attached) and considered the following five principles (not necessarily listed in priority order):

1. Equity
2. Incentive
3. Administrative Efficiency
4. Compliance
5. Sustainability

In applying these principles, the Council "aspires to balance service levels in accordance with the needs and expectations of its community and sets taxation levels (rating) to adequately resource its roles and responsibilities." Further information on how the principles are applied is contained within the Council's Strategic Rating Policy.

The Shire now undertakes 3 budget reviews per annum in order to appropriately manage its finances; to improve its financial sustainability and accountability to the community when in fact, only 1 is statutorily required. As part of each review, all revenue and expenditure components, including debt, are considered and efficiencies are continuously implemented across the organisation.



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Within the Council's Strategic Rating Policy, "Equity" is one of the principles applied which is "the concept of fairness within property rating in order to achieve an equitable distribution of the rate burden across the community." It further states within the application of this principle, that "as far as possible, an objective assessment of the predominant use of land will be utilised to determine the appropriate rating category for each property....and will therefore utilise the Town Planning Scheme No 7 for Kununurra and Environs (TPS7) and Town Planning Scheme No 6 for Wyndham Town (TPS6)." Utilising the Town Planning Schemes in the application of property rating demonstrates that the Council do not have "different rules for different people" as you've stated in your email, but that it is attempting to be consistent according to the Town Planning Schemes.

At the Special Council Meeting on 13 May 2014, which was advertised as being open to all members of the public, the proposed differential rates and minimum payments for 2014/15 were considered by the Council, along with the Strategic Rating Policy. At this meeting, the proposed differential rates and minimum payments were endorsed for advertising along with the Strategic Rating Policy which also outlines the objects of and reasons for differential rates making it clear to the community as to why each differential rate is applied.

The proposed differential rates and minimum payments have then been advertised as follows:

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The Council will consider all submissions at its Ordinary Council Meeting on 24 June 2014, whereby the Council may determine to modify the proposed differential rates and minimum payments for 2014/15. This meeting is open to all members of the public and I welcome your attendance.

I hope that the above addresses the matters raised in your email of 13 June 2014.

In accordance with the requirements of section 6.36 of the *Local Government Act 1995*, please note that a copy of your letter, and this response, will not only be provided to each Councillor for consideration but that it will also be sent to the Minister for Local Government.

Should you have any further queries, please contact the Shire's Director Corporate Services, Natalie Octoman on 9268 4121 in the first instance.

Yours sincerely


 Gary Gaffney
 Chief Executive Officer

KUNUNURRA

20 KOOLIBAH DRIVE

WYNDHAM

KODJAMA STREET

LOCATIONS:

HOURS

S W E K

8.00AM - 4.00PM MON-FRI



Council Policy Number: CP FIN – 3200

Strategic Rating Policy

OBJECTIVE:

Statement of intent

The purpose of this Policy is to outline the Council's principles and methodology when exercising the Council's discretionary powers to determine the level and structure of rates levied under the Local Government Act 1995.

The Council believes that overall policy must be underpinned by sound principles, which are well understood, communicated to ratepayers and compliant with current legislation.

The Council aspires to balance service levels in accordance with the needs and expectations of its community and sets taxation levels (rating) to adequately resource its roles and responsibilities.

In determining rates, the Council gives primary consideration to its strategic directions, budget considerations, the current economic climate, other external factors and likely impacts upon the community.

POLICY:

Scope & Limitations

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

The rating principles outlined within this Policy are to apply to all rateable land within the Shire of Wyndham East Kimberley.

The applicable legislation in reference to limitations is section 6.26 of the Local Government Act 1995 which outlines land that is not rateable, and is therefore exempt from rates Section 6.26 states:-

6.26. Rateable land

- (1) *Except as provided in this section all land within a district is rateable land.*
- (2) *The following land is not rateable land —*
 - (a) *land which is the property of the Crown and —*
 - (i) *is being used or held for a public purpose; or*
 - (ii) *is unoccupied, except —*



Council Policy Number: CP FIN – 3200

Strategic Rating Policy

- (I) where any person is, under paragraph (e) of the definition of **owner** in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or
 - (II) where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of **owner** in section 1.4 occupies or makes use of the land;
- and
- (b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and
 - (c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and
 - (d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and
 - (e) land used exclusively by a religious body as a school for the religious instruction of children; and
 - (f) land used exclusively as a non-government school within the meaning of the School Education Act 1999; and
 - (g) land used exclusively for charitable purposes; and
 - (h) land vested in trustees for agricultural or horticultural show purposes; and
 - (i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and
 - (j) land which is exempt from rates under any other written law; and
 - (k) land which is declared by the Minister to be exempt from rates.



Council Policy Number: CP FIN – 3200

Strategic Rating Policy

- (3) *If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that co-operative or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.*
- (4) *The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.*
- (5) *Notice of any declaration made under subsection (4) is to be published in the Gazette.*
- (6) *Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.*

In determining the methodology of how rates will be applied, the Council is to consider the basis of rates in accordance with section 6.28 of the Local Government Act 1995 which states:

6.28. Basis of rates

- (1) *The Minister is to —*
 - (a) *determine the method of valuation of land to be used by a local government as the basis for a rate; and*
 - (b) *publish a notice of the determination in the Government Gazette.*
- (2) *In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be —*
 - (a) *where the land is used predominantly for rural purposes, the unimproved value of the land; and*
 - (b) *where the land is used predominantly for non-rural purposes, the gross rental value of the land.*
- (3) *The unimproved value or gross rental value, as the case requires, of rateable land in the district of a local government is to be recorded in the rate record of that local government.*
- (4) *Subject to subsection (5), for the purposes of this section the valuation to be used by a local government is to be the valuation in force under the Valuation of Land Act 1978 as at 1 July in each financial year.*
- (5) *Where during a financial year —*
 - (a) *an interim valuation is made under the Valuation of Land Act 1978; or*



Council Policy Number: CP FIN – 3200

Strategic Rating Policy

- (b) a valuation comes into force under the Valuation of Land Act 1978 as a result of the amendment of a valuation under that Act; or
- (c) a new valuation is made under the Valuation of Land Act 1978 in the course of completing a general valuation that has previously come into force,

the interim valuation, amended valuation or new valuation, as the case requires, is to be used by a local government for the purposes of this section.

In determining the differential general rates, the Council must consider section 6.33 and section 6.35 of the Local Government Act 1995 which states:

6.33. Differential general rates

- (1) *A local government may impose differential general rates according to any, or a combination, of the following characteristics —*
 - (a) *the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005; or*
 - (b) *a purpose for which the land is held or used as determined by the local government; or*
 - (c) *whether or not the land is vacant land; or*
 - (d) *any other characteristic or combination of characteristics prescribed.*
- (2) *Regulations may —*
 - (a) *specify the characteristics under subsection (1) which a local government is to use; or*
 - (b) *limit the characteristics under subsection (1) which a local government is permitted to use.*
- (3) *In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.*

6.35. Minimum payment

- (1) *Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*
- (2) *A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.*



Council Policy Number: CP FIN – 3200

Strategic Rating Policy

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

Background

This Policy has been developed within the context of the Shire of Wyndham East Kimberley's Strategic Community Plan and Corporate Business Plan. In setting rates, the Council considers the long term vision for the Shire, strategic directions, financial sustainability and the likely impacts on the community.

Rates are based on property values and are therefore a property tax. Under the Valuation of Land Act 1978, the Valuer-General must maintain valuation rolls of rateable and taxable land throughout Western Australia. These rolls are periodically provided to the Shire for rating purposes. On behalf of the Valuer-General, Property & Valuations Services, Landgate (the Western Australian Land Information Authority), conducts general valuations (revaluations) and makes interim valuations as required.

The types of values made are:

- 1. Unimproved Value (UV), and*
- 2. Gross Rental Value (GRV).*



Council Policy Number: CP FIN – 3200

Strategic Rating Policy

The unimproved value and gross rental value are defined within the Valuation of Land Act 1978.

The Shire has no role in the process of determining the valuations attributed to each property. All land within the Shire is rateable except for land specifically exempt under section 6.26 of the Local Government Act as outlined above and the Council's Rates Exemption Policy for Charitable Organisations (Non-Rateable Land).

The Council determines the amount of revenue required from rates collections each year to meet its financial, strategic, operational and statutory responsibilities for the coming financial year.

Valuations are not the sole factor in determining the rates income of the Shire, and as a result, valuations increases or decreases do not necessarily cause a rate rise or reduction.

Guiding Statement

The Council will consider the following principles (not necessarily listed in priority order) when developing, maintaining and applying its rating methodology:

1. *Equity*
2. *Incentive*
3. *Administrative Efficiency*
4. *Compliance*
5. *Sustainability*

1. EQUITY

Equity is the concept of fairness within property rating in order to achieve an equitable distribution of the rate burden across the community. A differential rating structure can assist in achieving an equitable imposition of rates and charges. The equity principle includes consideration of property wealth tax, user benefit and capacity to pay principles.

a. Property Wealth Tax

The Council is limited to taxing one component of wealth, being real property. The wealth tax principle implies that rates paid are dependent upon the value of a ratepayer's real property and does not necessarily have any correlation to the individual ratepayer's consumption of services or the perceived benefits derived by individual ratepayers from the expenditures funded from rates. Some moderation of the effect of property value on the



Council Policy Number: CP FIN – 3200

Strategic Rating Policy

level of rates paid through differential rates may be required to make the rating system more equitable.

b. User Benefit

Evaluating the relative benefits received by various classes of property raises many practical difficulties, in particular, trying to trace quantifiable consumption/benefits to particular types of properties. The analysis is often reduced to arguments of what services are consumed by residential versus farm, commercial/industrial versus residences, and between different towns. Clearly the exercise is not clear cut – for example, it might be argued that rural ratepayers derive less benefit from library services than their town counterparts but the reverse may be argued with respect to the costs of constructing or repairing long lengths of local roads to service a small number of properties. It is therefore recognised that the services provided by the Shire benefit the community as a whole.

c. Capacity to Pay

The relativity of rates paid by each property category is to be considered in relation to their respective capacity to pay. Ratepayers with higher value properties generally have a higher wealth and a greater capacity to pay. However, as rates are levied on unrealised wealth in the form of real property their nexus with ratepayer's capacity to pay may be more tenuous. The Council acknowledges that property rates do not recognise that individual ratepayers within a rating category can be "asset rich" and "income poor". While income and goods and services taxes are more reflective of capacity to pay, it is not possible to expect a property rating system to deal practically with all aspects of capacity to pay based on individual households and businesses.

Rating instruments such as differential rates are available to reflect the differing capacity of classes to pay. For example, higher differential rates may reflect the ability of a class of property to obtain concessions from the tax deductibility of rates or the income producing capacity of the class of property.

2. INCENTIVE

Rate setting objectives may be used to support the Council's social, environmental, or economic goals as part of a longer term strategy within the Strategic Community Plan. For example, rates can be altered to encourage business activity, the development of vacant land or environmentally sustainable improvements in order to achieve "Greater returns from regional investment to ensure sustainable



Council Policy Number: CP FIN – 3200

Strategic Rating Policy

provision of appropriate physical and social infrastructure” as outlined in Goal 2 of the Strategic Community Plan 2012-2022.

3. ADMINISTRATIVE EFFICIENCY

The Council will endeavour to establish a rating system that:-

- a. Promotes simplicity, transparency and understanding; and*
- b. Is efficient in administering, issuing of assessments, collection of rates, monitoring outcomes, debt recovery, and reduces the incidences of avoidance; and*
- c. Reduces complexity; and*
- d. Is open to scrutiny.*

4. COMPLIANCE

The Council will apply its discretionary powers in compliance with the Local Government Act 1995 and associated regulations, while seeking to maximise rate revenue within the adopted rating framework.

5. SUSTAINABILITY

The Council will make decisions that support the financial strategies for the delivery of infrastructure and services identified in the Strategic Community Plan and underpinned by the Long Term Financial Plan, the Asset Management Strategy and other informing plans and strategies.

APPLICATION OF PRINCIPLES

1. APPLICATION OF THE EQUITY PRINCIPLE

1.1. Differential Rating

The Council has a diverse mix of geographically located and land use properties. The Council therefore applies differential rating to ensure greater equity and contribution from rates according to land use, zoning or a combination of these.

1.1.1. Alignment with Town Planning Scheme No. 7 Kununurra and Environs, and Town Planning Scheme No. 6 Wyndham Townsite

As far as possible, an objective assessment of the predominant use of land will be utilised to determine the appropriate rating category for each property. This will be done in a manner whereby the community will be able to understand how and why a particular determination has been made and will therefore utilise the Town Planning Scheme No.7 for



Council Policy Number: CP FIN – 3200

Strategic Rating Policy

Kununurra and Environs (TPS7) and Town Planning Scheme No 6 for the Wyndham Townsite (TPS6).

Where the zoning and land uses are amended in either Town Planning Schemes, or TPS7 or TPS6 are superseded, then this Policy will be reviewed, and the new zones and land uses will be considered when amending the rating system for the following financial year.

The symbols used in the cross reference in the Zoning Table (Appendix A) have the following meanings as defined in TPS7 and TPS6:

'P' means that the use is permitted provided it complies with the relevant standard and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting Planning Approval;

'IP' means a use that is not permitted unless such use is incidental to the predominant use of the land as determined by the Council;

'AA' means that the Council may, at its discretion, permit the use;

'SA' means that the Council may, at its discretion, permit the use after notice of application has been given in accordance with Clause 11.2 of TPS7 and Clause 10.2 of TPS6;

'X' means a use that is not permitted by the Scheme.

While Appendix A may indicate that a particular land use is not permitted in a particular zone by the Scheme, this Policy, as in both of the Town Planning Schemes, recognises non-conforming use rights whereby the rating differential category would be considered to be that applicable if the land use was permitted within the particular zone.

Where the land is being predominantly used for a purpose that is not specifically mentioned in the Zoning Table, the Shire will attempt to align it to a land use that is mentioned.

Any land listed as a Special Site in either TPS7 or TPS6 will be aligned to the rating category that best defines its predominant use. For example, any land within the Airport Special Site Zone will be deemed to be operating commercially, and therefore be GRV Commercial rated.

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



Council Policy Number: CP FIN – 3200

Strategic Rating Policy

1.1.2. Spot Rating

The Council may seek Ministerial approval for a spot valuation where there are a number of lots within a valuation area that are used for purposes that are inconsistent with the predominant use of land within that valuation area. For example, in a predominantly rural area valued on UV, there are a number of non-rural uses including service stations, road houses, tourist accommodation and small, commercial or industrial operations. The Council may, depending on the circumstances, seek Ministerial approval to apply a GRV to these properties.

The Council has determined that spot valuations can be effective in promoting rating equity by ensuring that properties with similar uses are rated on the same method of valuation regardless of their location within the district. However, the Council also recognises that they can be more labour intensive and less administratively efficient than other options, therefore each will be considered on a case by case basis.

1.1.3. Split Rating

Split rating non-rural uses on unimproved land is also permitted which effectively isolates the non-rural use from the remainder of the property, whereby one land parcel would reflect the rural use and the other land parcel would reflect the non-rural use. Council has determined not to implement split rating at this stage based on the cost of its implementation and ongoing administration.

1.2. Specified Area Rate

The Council is able to impose a Specified Area Rate to meet the cost of undertaking specific work, providing a service or facility if the Council considers that the ratepayers or residents within that area will:

- *Have benefited or will benefit from; or*
- *Have access to or will have access to; or*
- *Have contributed or will contribute to the need for,*

that work, service or facility.

The Council will consider its options to set a Specified Area Rates, if appropriate, when developing its Rating Strategy.



Council Policy Number: CP FIN – 3200

Strategic Rating Policy

1.3. Interim Rating

Subject to section 6.28 of the Local Government Act 1995 and in respect of valuations supplied by the Valuer-General for the purpose of interim valuations, the Shire of Wyndham East Kimberley will back rate or refund rates to property owners where ownership:

- *Has not changed in a prior financial year to the effective date of the change as determined by the Valuer-General; or*
- *Has changed in a prior financial year, to the date of change of ownership.*

For the purposes of this Policy, a change in ownership does not occur where there is a change in the structure of a body corporate (including name change) resulting in the change having no effect on altering the effectual control of the company.

1.4. Minimum Payments

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

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

1.5. Rates Exemptions

The Council's Rates Exemptions for Charitable Organisations Policy (Non-Rateable Land) provides an administrative framework for assessing any application for properties to be classified as non-rateable land on the grounds of being used for charitable purposes in accordance with section 6.26 of the Local Government Act 1995. Such organisations are to make application in accordance with the application form and guidelines attached to the Policy. The properties will be reviewed every two years for continued eligibility.

1.6. Rates Concessions

The Councils' Rates Concessions Policy (Rateable Land) provides an administrative framework for assessing any application requesting the waiving or granting concession from rates to 'not for profit' community based organisations occupying rateable land in accordance with Council's discretionary powers provided by section 6.47 of the Local Government Act 1995.



Council Policy Number: CP FIN – 3200

Strategic Rating Policy

Any rates waivers or concessions will be approved for two financial years and considered during the annual budget process. The Council will re-consider rates concessions every two years.

1.7. Rates Discounts

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, the Shire in accordance with the Local Government Act 1995 and Regulations, does not offer a discount for the early payment of any rate or charge.

1.8. Payment Options

The Council will offer three rate payment options as follows:

- a. Payment in full 35 days after the date of service appearing on the rate notice; or*
- b. Two instalments; or*
- c. Four instalments.*

There will be an administrative charge per instalment associated with the establishment and administering the instalment payment option, along with an interest charge to reflect the lost interest from investment opportunities that are not available due to the length of time taken to collect the payment.

1.9. Interest on Overdue Rates and Service Charges

Rates and service charges not paid in accordance with the three payment options will be subject to an overdue interest rate set by the Council in accordance with the Local Government Act 1995.

2. APPLICATION OF THE INCENTIVE PRINCIPLE

The Council will provide an incentive through a reduced rate in the dollar for GRV valued land that is improved in comparison to land that remains undeveloped in order to promote land development and assist in achieving Strategy 2.2.1 of the Strategic Community Plan being to “promote the expansion of residential and industrial land”.

3. APPLICATION OF THE EFFICIENCY PRINCIPLE

The Council will provide for changes in:-

- Level of rating; and*
- Structure of its rating policy; and*
- Application of its discretionary rating powers*

in a way that:-



Council Policy Number: CP FIN – 3200

Strategic Rating Policy

- a. *Promotes simplicity, transparency and understanding; and*
- b. *Is efficient in administering, issuing of assessments, collection of rates, monitoring outcomes, debt recovery, and reduces the incidences of avoidance; and*
- c. *Reduces complexity; and*
- d. *Is open to scrutiny.*

4. APPLICATION OF THE COMPLIANCE PRINCIPLE

The Council will ensure compliance with the Local Government Act 1995 and all associated regulations in the establishment of its rating structure and rating model.

5. APPLICATION OF THE SUSTAINABILITY PRINCIPLE

The Council will consider the four pillars of financial sustainability in the establishment of its rating structure and associated model:

- a. *Strategic and Financial Planning;*
- b. *Income Diversification;*
- c. *Sound Administration and Finance;*
- d. *Own Income Generation.*

OBJECTS OF AND REASONS FOR DIFFERENTIAL RATES

1. GRV – RESIDENTIAL

A differential rate is applied to GRV valued land within the town site which is used primarily for residential purposes with the exception of Transient Accommodation, and as outlined in Appendix A.

The GRV differential rate for Residential will be the “base rate” from which all other differential rates that hold a GRV value will be calculated, recognising a 6.0% increase from 2013/14.

Rate in the dollar is 8.8623 cents. Minimum payment is \$1,034.00.

2. GRV – OTHER VACANT

A differential rate is applied to GRV valued land within the town site which is deemed to be vacant land (unimproved land).

Vacant land is defined in accordance with the Valuation of Land Act 1978 which states:



Council Policy Number: CP FIN – 3200

Strategic Rating Policy

- **“vacant land”** means land on which there are no improvements other than merged improvements.
- **“merged improvements”** means any works in the nature of draining, filling, excavation, grading or levelling of the land, retaining walls or other structures or works for that purpose, the removal of rocks, stone or soil, and the clearing of timber, scrub or other vegetation.
- **“land”** means lands, tenements and hereditaments, and any improvements to land, and includes any interest in land.

Where the definitions are amended in the Valuation of Land Act 1978, those amendments will prevail. If the Valuation of Land Act 1978 is superseded, then similar terms in the new Act will prevail (in accordance with any amendments to the Local Government Act 1995).

The vacant land differential is set to ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of the Council particularly as there is a different method used for the valuation of vacant land.

It is also to signify that the Council prefers land to be developed. The encouragement of development is strategically important as it has a positive effect on local employment, economic diversity and further community returns from investment in the region.

A multiplier of 1.5 times the base rate in the dollar will be applied.

Rate in the dollar is 13.2935 cents. Minimum payment is \$1,034.00.

3. GRV – COMMERCIAL

A differential rate is applied to GRV valued land which is used primarily for commercial purposes, and may include land uses such as caravan parks, fast food outlets, hotels, restaurants, boarding houses or veterinary consulting rooms as outlined in Appendix A.

The commercial sector generates high pedestrian and traffic volumes resulting in a greater impact on the provision of services, facilities and infrastructure, and is also considered to have a greater capacity to pay through rates generally being tax deductible. This sector should therefore contribute a greater share of the costs associated with economic development and marketing programs which assist and facilitate economic growth in the region; road construction; maintenance and



Council Policy Number: CP FIN – 3200

Strategic Rating Policy

refurbishment including road drainage systems; roadside sweeping; landscaping; verge maintenance and street lighting.

In recognising the greater impact on infrastructure, facilities and services, the Council will establish the rate in the dollar at 1.1 times the base rate in the first year, with the intention to increase this each year thereafter, to be capped at 2 times the base rate over a 5 year period.

Rate in the dollar is 9.7485 cents. Minimum payment is \$1,034.00.

4. GRV – INDUSTRIAL

A differential rate is applied to GRV valued land which is used primarily for industrial purposes and as outlined in Appendix A.

This sector generates high traffic volumes with heavy loads and is considered to have a greater capacity to pay through rates generally being tax deductible. This sector should therefore contribute a greater share of the costs associated with road construction, maintenance and refurbishment including road drainage systems.

In recognising the greater impact on infrastructure in particular, the Council will recognise the rate in the dollar at 1.1 times the base rate in the first year, with the intention to increase each year thereafter, to be capped at no more than 1.7 times the base rate over a 5 year period.

Rate in the dollar is 9.7485 cents. Minimum payment is \$1,034.00.

5. UV – RURAL RESIDENTIAL

A differential rate is applied to UV valued land located outside the gazetted town site that is zoned Rural Living, Rural Smallholding and Special Rural which is used primarily for or capable of being used primarily for rural residential purposes.

Rural residential has the same meaning as the objectives of TPS7 and TPS6 for these Zones, being:-

- a. Providing for those people wishing to reside on a small rural holding (as in the case of a Rural Living Zone in TPS7); or*
- b. Providing for those people wishing to reside on rural lifestyle lots (as in the case of the Rural Smallholding Zone in TPS7); or*
- c. Providing for those people wishing to reside on a small rural holding (as in the case of the Special Rural Zone in TPS6).*

It should be noted that this is intended as a transitional rating differential category while the Shire work through a process to have these properties provided with a



Council Policy Number: CP FIN – 3200

Strategic Rating Policy

gross rental value instead of an unimproved value given the primary purpose is residential.

The average rates payable for each property will be similar to the average rates payable for GRV Residential properties, recognising the transition to a GRV value.

Rate in the dollar is 0.9335 cents. Minimum payment is \$1,034.00.

6. UV – PASTORAL

A differential rate is applied to UV valued land located outside the gazetted town site which is used or capable of use primarily for pastoral purposes. Properties such as these have the characteristics of a commercial operation in an undeveloped and sparsely populated area.

Pastoral purposes have the same meaning as defined in the Land Administration Act 1997 which states:-

“pastoral purposes” means the purposes of -

- (a) *the commercial grazing of authorised stock; and*
- (b) *agricultural, horticultural or other supplementary uses of land inseparable from, essential to, or normally carried out in conjunction with the grazing of authorised stock, including the production of stock feed; and*
- (c) *activities ancillary to the activities mentioned in paragraphs (a) and (b).*

Due to the valuation being based generally on a lease value, the result is a low valuation over an extensive land area. The sector generates high traffic volumes with heavy loads and has the highest impact on the road infrastructure in particular. While it is considered to have a greater capacity to pay through rates generally being tax deductible, the Council also recognises that because of the higher impact on infrastructure that this sector should therefore contribute a greater share of the costs associated with road construction, maintenance and refurbishment.

Rate in the dollar is 2.9471 cents. Minimum payment is \$1,034.00.

7. UV – COMMERCIAL/INDUSTRIAL

A differential rate is applied to UV valued land located outside the gazetted town site that is used primarily for, or capable of being used primarily for commercial, industrial and/or tourism purposes.

This sector generates high traffic volumes, and is considered to have a greater capacity to pay through rates generally being tax deductible. This sector should



Council Policy Number: CP FIN – 3200

Strategic Rating Policy

therefore contribute a greater share of the costs associated with road construction, maintenance and refurbishment including road drainage systems and other infrastructure required, along with other costs associated with marketing and economic development.

It should be noted that this is intended as a transitional rating differential category while the Shire work through a process to have these properties provided with a gross rental value instead of an unimproved value given the primary purpose is commercial, industrial and/or tourism and the land owners should have been contributing more equitably to these costs.

Rate in the dollar is 0.6278 cents. Minimum payment is \$1,034.00.

8. UV – RURAL AGRICULTURE 1

A differential rate is applied to UV valued land located outside the gazetted town site which is zoned Rural Agriculture 1 or General Rural which is used or capable of being used primarily for extensive agriculture, agroforestry and/or horticulture purposes.

It is recognised that this sector has a greater impact on the road infrastructure with the heavy loads that it generates, and also that it has a greater capacity to pay through rates generally being tax deductible. This sector should therefore contribute a greater share of the costs associated with road construction, maintenance and refurbishment including road drainage systems and other infrastructure required.

This differential rating category will also be utilised for land where the land meets the objectives outlined above, but is based on a percentage of the overall lot size for which the other portion of the lot is non rateable land.

It is recognised that the Valuer-General, when determining the UV for land, references the land market at the date of valuation where all sales relevant to the predetermined date of valuation are investigated. The Council has also recognised that the fluctuations in market conditions for land in the Rural Agriculture 1 zone can be significant and therefore a separate rating differential category will be retained for land that is within the Rural Agriculture 1 or General Rural zones.

Rate in the dollar is 0.8878 cents. Minimum payment is \$1,034.00.

9. UV – RURAL AGRICULTURE 2

A differential rate is applied to UV valued land located outside the gazetted town site which is zoned Rural Agriculture 2 which is used primarily for, or is capable of use primarily for intensive agriculture and/or horticulture purposes.



Council Policy Number: CP FIN – 3200

Strategic Rating Policy

This sector does have a high impact on infrastructure, but not to the extent of those properties zoned Rural Agriculture 1. Properties within the Rural Agriculture 2 zone are also considered to have a greater capacity to pay through rates generally being tax deductible and should therefore contribute a greater share of the costs associated with road construction, maintenance and refurbishment including road drainage systems and other infrastructure required.

Along with the lesser impact on infrastructure, the sizes of the lots within the Rural Agriculture 2 zone are generally not as large as those within the Rural Agriculture 1 zone, therefore it is recognised that the capacity to pay is slightly lower for those in the Rural Agriculture 2 zone.

As outlined in the Rural Agriculture 1 differential rating category above, it is recognised that the Valuer-General, when determining the UV for land, references the land market at the date of valuation where all sales relevant to the predetermined date of valuation are investigated. The Council has determined that the market conditions do not fluctuate as considerably as those in the Rural Agriculture 1 zone and therefore it will retain a separate rating differential category for land that is within the Rural Agriculture 2 zone.

Rate in the dollar is 0.6278 cents. Minimum payment is \$1,034.00.

10. UV – MINING

A differential rate is applied to UV valued land located outside the gazetted town site which is used primarily for mining purposes.

The mining sector activities require a greater level of non-exclusive services than pastoral activities in the same location and their impact on the community is of a much greater intensity, particularly given the haulage of heavy machinery through the town and its impact on associated infrastructure and the provision of rest/truck parking areas. The sector is considered to have a greater capacity to pay through rates generally being tax deductible, and therefore the sector should contribute to a greater share of the costs of providing infrastructure across the Shire.

Many of the mining tenements have very small values. In order to not only achieve compliance in relation to the number of properties on minimum payments, but to ensure that the minimum payment is reflective of the overall cost of providing services to the community a higher rate in the dollar is imposed.

Rate in the dollar is 25.7167 cents. Minimum payment is \$830.00.



Council Policy Number: CP FIN – 3200

Strategic Rating Policy

11. UV – OTHER

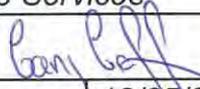
A differential rate is applied to UV valued land located outside the gazetted town site which is not otherwise rated as Rural Residential, Pastoral, Rural Agriculture 1, Rural Agriculture 2, or Mining to ensure that all property owners contribute to the provision of services, facilities and infrastructure.

Rate in the dollar is 0.6006 cents. Minimum payment is \$1,034.00.

GOVERNANCE REFERENCES

Statutory Compliance	Local Government Act, Part 6, Division 6, Subdivision 1 – Introduction and basis of rating
Industry Compliance	Department of Local Government Rating Policies
Organisational Compliance	Delegations
Process Links	<ol style="list-style-type: none"> 1. Annual Budget Process 2. Council Policy: Rates Exemptions for Charitable Organisations (Non Rateable Land) 3. Council Policy: Rates Concessions (Rateable Land)

POLICY ADMINISTRATION

Directorate		Officer Title		Contact:	
Corporate Services		Director Corporate Services		Ext: 121	
Date Effective	01/07/2014	CEO Approved 			
Date Adopted	20/04/2010	Last Reviewed	13/05/2014		
Risk Rating	Medium	Review Cycle	Annual	Next Due	13/05/2015

ATTACHMENT 2 - Strategic Rating Policy

LAND USES AS PER THE TOWN PLANNING SCHEME NO. 7 KUNUNURRA AND ENVIRONS	ZONING AS PER THE TOWN PLANNING SCHEME NO. 7 KUNUNURRA AND ENVIRONS																RATING DIFFERENTIAL CATEGORY ALIGNED TO PREDOMINANT LAND USE &/OR ZONE. IF LAND IS UNDEVELOPED, THE RATING CATEGORY WILL BE GRV OTHER VACANT
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
	TOWN CENTRE	LOCAL CENTRE	TOURIST	RESIDENTIAL	RESIDENTIAL DEVELOPMENT	LIGHT INDUSTRY	MIXED BUSINESS	RURAL INDUSTRY	COMPOSITE INDUSTRY	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2	RURAL LIVING	SPECIAL SITE	SETTLEMENT	RURAL SMALLHOLDING	
COMMERCIAL																	
Amusement Parlour	P	AA	AA	X	X	X	AA	X	X	X	X	X	X			X	GRV Commercial
Art and Craft Centre	P	X	AA	X	X	IP	SA	X	SA	IP	IP	IP	IP				GRV Commercial
Art Gallery	P	X	AA	X	X	IP	SA	X	SA	IP	IP	IP	IP			IP	GRV Commercial
Bakery - Retail	P	SA	SA	X	X	AA	P	X	SA	X	X	X	X			X	GRV Commercial
Bakery - Wholesale	X	X	X	X	X	P	P	X	SA	X	X	X	X			X	GRV Commercial
Bed and Breakfast	AA	X	P	SA	SA	X	X	X	X	IP	IP	IP	AA			IP	GRV Commercial
Boarding House	P	X	P	SA	AA	X	SA	X	X	X	X	X	X			X	GRV Commercial
Brewery	X	X	X	X	X	X	X	AA	X	IP	SA	SA	IP			X	GRV Commercial
Cabin	X	X	P	X	X	X	X	X	X	IP	IP	IP	X				GRV Commercial
Car Park	P	P	P	AA	AA	IP	IP	IP	IP	IP	IP	X	X			X	GRV Commercial
Caravan Park	P	X	AA	X	X	X	SA	SA	X	X	X	X	X			X	GRV Commercial
Camping Ground	SA	X	SA	X	X	X	SA	X	X	X	X	X	X			X	GRV Commercial
Chalet	X	X	P	X	X	X	X	X	X	IP	IP	IP	X				GRV Commercial
Convenience Store	P	P	P	X	X	AA	AA	IP	X	X	X	X	X			X	GRV Commercial
Drive-In Theatre	AA	X	SA	X	X	AA	X	X	X	X	X	X	X			X	GRV Commercial
Dry Cleaning Premises	P	X	X	X	X	P	AA	X	X	X	X	X	X			X	GRV Commercial
Farm Stay	X	X	X	X	X	X	X	X	X	IP	IP	IP	SA			IP	GRV Commercial
Farm Supply Centre	X	X	X	X	X	P	P	P	SA	X	X	X	X			X	GRV Commercial
Fast Food Outlet	P	P	SA	X	X	AA	AA	X	X	X	X	X	X			X	GRV Commercial
Funeral Parlour	AA	X	X	X	X	AA	SA	X	X	X	X	X	X			X	GRV Commercial
Garden Centre	P	AA	X	X	X	P	P	AA	AA	AA	AA	AA	AA			AA	GRV Commercial
Health Studio	P	AA	AA	X	X	SA	AA	X	X	X	X	X	X			X	GRV Commercial
Home Business	X	X	X	X	X	X	X	X	AA	AA	AA	AA	AA			AA	GRV Commercial
Home Occupation	P	X	X	P	P	X	X	X	AA	P	P	P	P			P	GRV Commercial
Hotel	P	X	P	X	X	X	SA	X	X	X	X	X	X			X	GRV Commercial
Laundromat	P	P	AA	X	X	P	P	X	X	X	X	X	X			X	GRV Commercial
Lunch Bar	P	P	P	X	X	AA	P	AA	SA	X	X	X	X			X	GRV Commercial
Marine Filling Station	X	X	SA	X	X	AA	AA	X	X	X	X	X	X			X	GRV Commercial
Market	P	SA	X	X	X	AA	AA	AA	AA	AA	X	X	X			X	GRV Commercial
Motel	P	X	P	X	X	X	SA	X	X	X	X	X	X			X	GRV Commercial
Motor Vehicle/Marine Sales Premises	P	X	X	X	X	P	P	X	X	X	X	X	X			X	GRV Commercial
Motor Vehicle Hire	P	X	P	X	X	P	P	X	AA	X	X	X	X			X	GRV Commercial
Motor Vehicle Wash Station	SA	X	SA	X	X	SA	SA	SA	SA	X	X	X	X			X	GRV Commercial
Museum	P	X	AA	X	X	X	X	X	X	IP	X	X	X				GRV Commercial
Night Club	AA	X	AA	X	X	X	SA	X	X	X	X	X	X			X	GRV Commercial
Office	P	P	IP	X	X	IP	AA	IP	IP	IP	IP	IP	IP			IP	GRV Commercial
Plant Nursery	AA	AA	X	X	X	P	P	AA	AA	IP	IP	IP	X			AA	GRV Commercial
Reception Centre	P	X	AA	X	X	X	X	X	X	X	X	X	X			X	GRV Commercial
Restricted Premises	SA	SA	X	X	X	SA	SA	X	X	X	X	X	X			X	GRV Commercial
Restaurant	P	P	P	X	X	X	AA	X	X	SA	SA	SA	X			X	GRV Commercial
Road House	SA	SA	SA	X	X	AA	AA	SA	SA	X	X	X	X			X	GRV Commercial
Service Station	X	X	X	X	X	P	P	SA	SA	X	X	X	X			X	GRV Commercial
Shop	P	P	AA	X	X	X	SA	X	X	X	X	X	X			X	GRV Commercial
Showroom	P	X	X	X	X	P	P	SA	AA	X	X	X	X			X	GRV Commercial
Tavern	P	X	SA	X	X	X	X	X	X	X	X	X	X			X	GRV Commercial
Tourist Accommodation	P	X	P	X	X	X	X	X	X	X	X	X	X			X	GRV Commercial
Warehouse	AA	X	X	X	X	P	AA	SA	AA	X	X	X	X			X	GRV Commercial
Wayside Stall	X	X	X	X	X	X	X	AA	AA	IP	IP	IP	AA			X	GRV Commercial
Winery	X	X	X	X	X	X	X	AA	X	IP	SA	SA	IP			X	GRV Commercial

PREDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2 OF THE TPS NO. 7.

PREDOMINANT USES TO BE LIMITED TO THOSE INCLUDED IN A COMMUNITY LAYOUT PLAN ENDORSED BY THE COMMUNITY, THE COUNCIL AND THE WA PLANNING COMMISSION.

ATTACHMENT 2 - Strategic Rating Policy

LAND USES AS PER THE TOWN PLANNING SCHEME NO. 7 KUNUNURRA AND ENVIRONS	ZONING AS PER THE TOWN PLANNING SCHEME NO. 7 KUNUNURRA AND ENVIRONS																RATING DIFFERENTIAL CATEGORY ALIGNED TO PREDOMINANT LAND USE &/OR ZONE. IF LAND IS UNDEVELOPED, THE RATING CATEGORY WILL BE GRV OTHER VACANT
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
	TOWN CENTRE	LOCAL CENTRE	TOURIST	RESIDENTIAL	RESIDENTIAL DEVELOPMENT	LIGHT INDUSTRY	MIXED BUSINESS	RURAL INDUSTRY	COMPOSITE INDUSTRY	GENERAL RURAL	RURAL AGRICULTURE 1	RURAL AGRICULTURE 2	RURAL LIVING	SPECIAL SITE	SETTLEMENT	RURAL SMALLHOLDING	
RESIDENTIAL																	
Aged & Dependent Persons Dwelling	AA	X	X	AA	AA	X	X	X	X	X	X	X	X	X	X	X	GRV Residential
Caretaker's Dwelling	IP	IP	IP	X	X	IP*	IP	IP	AA	IP	IP	IP	X				Ancillary Use. Refer to the predominant use of the land for alignment.
Community Home	AA	X	X	P	P	P	X	X	X	X	X	X	X	X	X	X	GRV Residential
Grouped Dwelling	AA	X	SA	AA	AA	X	X	X	X	X	X	X	X	X	X	X	GRV Residential
Multiple Dwelling	AA	X	SA	AA	AA	X	X	X	X	X	X	X	X	X	X	X	GRV Residential
Residential Building	AA	X	SA	SA	SA	X	SA	X	X	X	X	X	X	X	X	X	GRV Residential
Single Dwelling	X	X	X	P	P	X	X	X	AA	P	P	P	P				GRV Residential
Transient Accommodation	X	X	AA	X	X	SA	SA	X	AA	AA	AA	AA	X				GRV Commercial
INSTITUTIONAL																	
Civic Building	P	AA	X	SA	SA	SA	SA	X	SA	X	X	AA	AA				GRV Commercial
Club Premises	P	AA	SA	X	X	X	AA	X	X	X	X	X	X				GRV Commercial
Community Service Depot	AA	X	X	AA	AA	P	P	AA	AA	AA	AA	AA	AA				GRV Commercial
Consulting Rooms	P	P	X	SA	SA	X	SA	X	X	X	X	X	X				GRV Commercial
Day Care Centre	P	AA	X	SA	SA	X	SA	X	X	X	X	X	X				GRV Commercial
Detention Centre	X	X	X	X	X	X	X	SA	X	X	X	X	X				GRV Commercial
Education Establishment	P	AA	X	SA	SA	AA	AA	X	X	AA	AA	AA	X				GRV Commercial
Hospital	P	X	X	X	X	X	X	X	X	X	X	X	X				GRV Commercial
Kennels/Catery	X	X	X	X	X	SA	SA	AA	X	SA	SA	SA	X				GRV Commercial
Kindergarten	AA	AA	X	SA	SA	X	X	X	X	X	X	X	X				GRV Commercial
Medical Centre	P	P	X	SA	SA	X	P	X	X	X	X	X	X				GRV Commercial
Public Amusement	P	AA	AA	X	X	X	SA	X	SA	X	X	X	X				GRV Commercial
Public Worship	P	X	X	SA	SA	X	X	X	X	X	X	X	X				GRV Commercial
Radio & TV Installation	SA	AA	X	SA	SA	AA	AA	AA	X	AA	AA	AA	X				GRV Commercial
Veterinary Consulting Room or Hospital	AA	X	X	X	X	AA	AA	AA	X	X	X	X	X				GRV Commercial
INDUSTRIAL																	
Abattoir	X	X	X	X	X	X	X	SA	X	AA	SA	X	X				GRV Industrial
Boat Building Facility	X	X	X	X	X	P	SA	X	AA	X	X	X	X				GRV Industrial
Factory Units	X	X	X	X	X	P	P	AA	AA	X	X	X	X				GRV Industrial
Fuel Depot	X	X	X	X	X	AA	AA	AA	AA	X	X	X	X				GRV Industrial
Industry: General	X	X	X	X	X	AA	AA	X	X	X	X	X	X				GRV Industrial
Light	X	X	X	X	X	P	AA	AA	AA	X	X	X	X				GRV Industrial
Service	X	X	X	X	X	P	AA	AA	AA	X	X	X	X				GRV Industrial
Extractive	X	X	X	X	X	X	X	SA	X	AA	AA	X	X				GRV Industrial
Hazardous	X	X	X	X	X	X	X	SA	X	X	X	X	X				GRV Industrial
Noxious	X	X	X	X	X	X	X	SA	X	X	X	X	X				GRV Industrial
Cottage	AA	X	AA	AA	AA	AA	AA	AA	AA	AA	AA	SA	SA				GRV Industrial
Rural	X	X	X	X	X	X	X	P	AA	P	SA	SA	X				GRV Industrial
Motor Vehicle Repair	AA	AA	X	X	X	P	P	AA	AA	X	X	X	X				GRV Industrial
Motor Wrecking	X	X	X	X	X	AA	X	X	X	X	X	X	X				GRV Industrial
Salvage Yard	X	X	X	X	X	AA	X	X	X	X	X	X	X				GRV Industrial
Transport Depot	X	X	X	X	X	AA	X	AA	AA	X	SA	X	X				GRV Industrial
RURAL																	
Airfield	X	X	X	X	X	X	X	X	X	AA	AA	X	X				Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Aquaculture	X	X	X	X	X	SA	X	AA	X	SA	SA	SA	X				Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Equestrian Centre	X	X	X	X	X	X	X	X	X	P	AA	SA	X				Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Intensive Agriculture	X	X	X	X	X	X	X	X	X	P	P	P	X				Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Milk Depot	X	X	X	X	X	AA	P	P	X	AA	SA	SA	X				Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy

REDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2 OF THE TPS NO. 7.

TO BE LIMITED TO THOSE INCLUDED IN A COMMUNITY LAYOUT PLAN ENDORSED BY THE COMMUNITY, THE COUNCIL AND THE WA PLANNING COMMISSION.

ATTACHMENT 2 - Strategic Rating Policy

LAND USES AS PER THE TOWN PLANNING SCHEME NO. 7 KUNUNURRA AND ENVIRONS	ZONING AS PER THE TOWN PLANNING SCHEME NO. 7 KUNUNURRA AND ENVIRONS																RATING DIFFERENTIAL CATEGORY ALIGNED TO PREDOMINANT LAND USE &/OR ZONE. IF LAND IS UNDEVELOPED, THE RATING CATEGORY WILL BE GRV OTHER VACANT
	1 TOWN CENTRE	2 LOCAL CENTRE	3 TOURIST	4 RESIDENTIAL	5 RESIDENTIAL DEVELOPMENT	6 LIGHT INDUSTRY	7 MIXED BUSINESS	8 RURAL INDUSTRY	9 COMPOSITE INDUSTRY	10 GENERAL RURAL	11 RURAL AGRICULTURE 1	12 RURAL AGRICULTURE 2	13 RURAL LIVING	14 SPECIAL SITE	15 SETTLEMENT	16 RURAL SMALLHOLDING	
Piggery	X	X	X	X	X	X	X	X	X	AA	AA	X	X	P PREDOMINANT USES	X	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy	
Poultry Farming	X	X	X	X	X	X	X	SA	X	AA	AA	SA	X			X	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Private Recreation	AA	AA	AA	X	X	X	AA	X	X	X	X	X	X			X	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Public Recreation	P	P	P	P	P	P	P	P	X	P	P	P	P			P	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Rural Pursuit	X	X	X	X	X	X	X	X	X	P	P	P	SA			SA	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Stable	X	X	X	X	X	X	X	AA	X	P	P	P	P			P	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Zoological Gardens	X	X	X	X	X	X	X	X	X	AA	AA	SA	X			X	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy

ATTACHMENT 2 - Strategic Rating Policy

LAND USES AS PER THE TOWN PLANNING SCHEME NO. 6 WYNDHAM TOWNSITE	ZONING AS PER THE TOWN PLANNING SCHEME NO. 6 WYNDHAM TOWNSITE							RATING DIFFERENTIAL CATEGORY ALIGNED TO PREDOMINANT LAND USE &/OR ZONE. IF LAND IS UNDEVELOPED, THE RATING CATEGORY WILL BE GRV OTHER VACANT
	1 TOWN CENTRE	2 RESIDENTIAL	3 INDUSTRIAL	4 SPECIAL RURAL	5 RURAL/PASTORAL	6 SPECIAL SITE	7 SETTLEMENT	
COMMERCIAL								
Amusement Facility	AA	X	X	X	X			GRV Commercial
Car Park	P	AA	P	AA	AA			GRV Commercial
Dry Cleaning Premises	AA	X	P	X	X			GRV Commercial
Fast Food Outlet	P	X	X	X	X			GRV Commercial
Funeral Parlour	SA	X	AA	X	X			GRV Commercial
Health Studio	AA	X	AA	X	X			GRV Commercial
Home Occupation	AA	AA	AA	AA	AA			GRV Commercial
Hotel	AA	X	X	X	X			GRV Commercial
Laundromat	AA	X	P	X	X			GRV Commercial
Motel	AA	X	X	X	X			GRV Commercial
Motor Vehicle or Marine Sales Premises	AA	X	X	X	X			GRV Commercial
Motor Vehicle Hire	AA	X	P	X	X			GRV Commercial
Night Club	AA	X	P	X	X			GRV Commercial
Office	P	AA	IP	IP	IP			GRV Commercial
Office - Professional	P	X	X	X	X			GRV Commercial
Reception Centre	P	X	X	X	X			GRV Commercial
Restricted Premises	AA	X	AA	X	X			GRV Commercial
Restaurant	P	X	X	X	X			GRV Commercial
Service Station	SA	X	AA	X	X			GRV Commercial
Shop	P	SA	AA	X	X			GRV Commercial
Showroom	P	X	P	X	X			GRV Commercial
Tavern	AA	X	X	X	X			GRV Commercial
Warehouse	AA	X	P	X	X			GRV Commercial
							PREDOMINANT USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2 OF THE TPS NO. 7. PREDOMINANT USES TO BE LIMITED TO THOSE INCLUDED IN A COMMUNITY LAYOUT PLAN ENDORSED BY THE COMMUNITY, THE COUNCIL AND THE WA PLANNING COMMISSION.	

ATTACHMENT 2 - Strategic Rating Policy

LAND USES AS PER THE TOWN PLANNING SCHEME NO. 6 WYNDHAM TOWNSITE	ZONING AS PER THE TOWN PLANNING SCHEME NO. 6 WYNDHAM TOWNSITE							RATING DIFFERENTIAL CATEGORY ALIGNED TO PREDOMINANT LAND USE &/OR ZONE. IF LAND IS UNDEVELOPED, THE RATING CATEGORY WILL BE GRV OTHER VACANT
	1 TOWN CENTRE	2 RESIDENTIAL	3 INDUSTRIAL	4 SPECIAL RURAL	5 RURAL/PASTORAL	6 SPECIAL SITE	7 SETTLEMENT	
RESIDENTIAL								
Aged & Dependent Persons Dwelling	AA	AA	X	X	X			GRV Residential
Caretaker's Dwelling	IP	X	IP	IP	IP			Ancillary Use. Refer to the predominant use of the land for alignment.
Grouped Dwelling	P	AA	X	X	X			GRV Residential
Multiple Dwelling	P	AA	X	X	X			GRV Residential
Residential Building	AA	AA	X	X	X			GRV Residential
Single House	AA	P	X	P	P			GRV Residential
COMMUNITY								
Civic Building	P	AA	X	X	X			GRV Commercial
Club Premises	AA	X	SA	AA	AA			GRV Commercial
Consulting Rooms	P	SA	SA	AA	X			GRV Commercial
Day Care Centre	P	SA	X	SA	X			GRV Commercial
Educational Establishment	P	X	AA	X	X			GRV Commercial
Fire Brigade Depot	P	X	P	P	X			GRV Commercial
Hospital	SA	SA	X	X	X			GRV Commercial
Kennels/Cattery	X	X	AA	SA	SA			GRV Commercial
Kindergarten	P	SA	X	X	X			GRV Commercial
Medical Centre	P	SA	X	X	X			GRV Commercial
Public Utility	P	P	P	P	P			GRV Commercial
Public Worship	P	SA	X	X	X			GRV Commercial
Radio & TV Installation	SA	P	AA	AA	AA			GRV Commercial
Veterinary Consulting Room or Hospital	SA	X	AA	X	AA			GRV Commercial
INDUSTRIAL								
Fuel Depot	X	X	P	X	X			GRV Industrial
Industry: General	X	X	P	X	X			GRV Industrial
Light	SA	X	P	X	X			GRV Industrial
Service	SA	X	P	X	X			GRV Industrial
Extractive	X	X	X	X	SA			GRV Industrial
Hazardous	X	X	SA	X	X			GRV Industrial
Cottage	AA	AA	AA	AA	AA			GRV Industrial
Motor Vehicle Repair	SA	X	P	X	X			GRV Industrial
Motor Wrecking	X	X	AA	X	X			GRV Industrial
Salvage Yard	X	X	P	X	X			GRV Industrial
Transport Depot	X	X	P	X	X			GRV Industrial
RECREATION								
Equestrian Centre	X	X	X	P	P			Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Private Recreation	AA	X	SA	AA	AA			Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy

T USES TO BE LIMITED TO THAT SPECIFICALLY MARKED ON THE SCHEME MAP OR LISTED IN APPENDIX 2 OF THE TPS NO. 7.

D TO THISE INCLUDED IN A COMMUNITY LAYOUT PLAN ENDORSED BY THE COMMUNITY, THE COUNCIL AND THE WA PLANNING COMMISSION.

ATTACHMENT 2 - Strategic Rating Policy

LAND USES AS PER THE TOWN PLANNING SCHEME NO. 6 WYNDHAM TOWNSITE	ZONING AS PER THE TOWN PLANNING SCHEME NO. 6 WYNDHAM TOWNSITE							RATING DIFFERENTIAL CATEGORY ALIGNED TO PREDOMINANT LAND USE &/OR ZONE. IF LAND IS UNDEVELOPED, THE RATING CATEGORY WILL BE GRV OTHER VACANT
	1 TOWN CENTRE	2 RESIDENTIAL	3 INDUSTRIAL	4 SPECIAL RURAL	5 RURAL/PASTORAL	6 SPECIAL SITE	7 SETTLEMENT	
Public Amusement	AA	P	X	P	P	PREDOMINANT	PREDOMINANT USES TO BE LIMITED	Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Public Recreation	P	P	P	P	P			Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
RURAL								
Rural Pursuit	X	X	X	P	P			Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy
Stable	X	X	X	P	AA			Rating Differential Category Determined by Zone and/or a Combination of Zone and Land Use In Accordance with the Strategic Rating Policy

13.2.5 Ord East Kimberley Expansion Project – Dedication of Public Roads

DATE:	24 June 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Ord East Kimberley Expansion Project Roads
AUTHOR:	Natalie Octoman, Director Corporate Services
REPORTING OFFICER:	Natalie Octoman, Director Corporate Services
FILE NO:	RD.07.25

PURPOSE

For the Council to reaffirm its decision to support the formal dedication of the roads associated with the Ord East Kimberley Expansion Project, namely Moonamang Road, Minjiljirrga Lane, Jandami Lane and Wooljim Lane as public roads now that the parcels of land associated with the development are being rated.

BACKGROUND

At the 29 April 2014 Ordinary Meeting of Council, the Council determined to support the dedication of roads once the farmland that the roads service became rateable at comparable rates to existing RA1 farmland associated with the Ord East Kimberley Expansion Project. The Council decision was:

Minute No. 10384

Moved: Cr G Taylor

Seconded: Cr B Robinson

That Council advises the Department of Lands that the Shire supports dedication once the farmland, that this road services, becomes rateable at comparable rates to existing RA1 farmland associated with the Ord East Kimberley Expansion Project, namely Moonamang Road, Minjiljirrga Lane, Jandami Lane and Wooljim Lane.

Carried Unanimously 9/0

On 26 May 2014, Officers received the schedule from Landgate that provided the valuations for the surrounding land parcels and raised the associated interim rates.

STATUTORY IMPLICATIONS

Local Government Act 1995

Part 6 Financial management

Division 6 Rates and service charges

s.6.28

Subject to subsection (5), for the purposes of this section the valuation to be used by a local government is to be the valuation in force under the Valuation of Land Act 1978 as at 1 July in each financial year.

(5) Where during a financial year —

(a) an interim valuation is made under the Valuation of Land Act 1978; or

- (b) a valuation comes into force under the Valuation of Land Act 1978 as a result of the amendment of a valuation under that Act; or
- (c) a new valuation is made under the Valuation of Land Act 1978 in the course of completing a general valuation that has previously come into force,

the interim valuation, amended valuation or new valuation, as the case requires, is to be used by a local government for the purposes of this section.

*Within Landgate's Rating and Taxing Brochure, it indicates that "residential land for which no rental value can be determined is valued on the basis of 3% of its total **capital value from 1 July 2011**. Assessed value for land designated for other uses is assessed on the basis of 5% of its total capital value."*

In this case, the valuation provided is based on 5% of its total capital value.

POLICY IMPLICATIONS

The Council's Strategic Rating Policy is relevant as this determines the rating category that is applied to these parcels of land, being UV Rural Agricultural 1.

FINANCIAL IMPLICATIONS

There are two assessments in relation to this development.

1. A7767 – Weaber Plain Road
 - a. Lot 372 3,641 hectares
 - b. Lot 373 22,588 hectares
 - c. Lot 394 10,705 hectares

The interim rates raised apply retrospectively to 1 July 2013 when the access permit was granted. The valuation applicable was \$470,000. This generated \$4,196.25 in rates, ESL and waste management charges.

2. A7914 – Portion of Lot 396 Moonaming Road

This parcel relates to the licence the developers have with the Crown to hold this parcel of land to be used as an office for the Goomig and Knox Plains Development. This portion is only 18.6 hectares and holds a value of \$325,000. Accordingly as the licence commenced on 1 August 2013, the rates and waste management charges generated \$2,673.72 in interim rates.

COMMUNITY CONSULTATION

Not required.

COMMENT

The Shire recently received valuations on the parcels of land associated with the Ord Stage 2 development. This development is undergoing a three-staged approach. The first is under access permits which allow the developer to clear the land. The access permits are for a term of six (6) months, although continue to be extended until such time as the development lease is agreed to. The development lease is the next stage, whereby a revised valuation will be provided upon the lease commencement. Upon completion of the development, it will enter into a ground lease whereby again, a revised valuation will be provided.

The Knox Plains development, while the developer also holds access permits, the permits only allow for due diligence and feasibility to be undertaken. While this remains the case, the land is not deemed to be rateable as the developer does not control and has no rights over the land. If the access permits change to allow for clearing and other works, then this will be the time that the land becomes rateable.

The valuation that is provided by Landgate is based on 5% of the capital value. The capital value is reliant on the results of the negotiations between the State and the developer whereby you calculate the dollar per hectare multiplied by the number of hectares. If the State Government agrees to charge a low dollar per hectare to encourage economic development; this impacts on the valuation provided to the Shire and therefore the rates that can be generated.

The table below demonstrates some properties within the development and the associated valuations.

Assessment No.	Size of Property	Valuation	Equivalent \$ (based on valuation) per hectare	Comments
A7767	36,934.0	\$470,000	\$12.73	Subject site
A548	563.8	\$40,000	\$70.95	Undeveloped
A6821	138.5528	\$497,200	\$3,588.52	Developed

It is difficult to make comparisons when some sites are undeveloped, others are cleared or in the process of being cleared and others have been developed.

The process of valuation however, will remain unchanged. As outlined above, in this case, it is dependent upon the agreement between the developer and the State Government.

It should also be noted, that based upon discussions with the Department of State Development, that the State has recognised the transfer of roads to the Shire in the 2013/14 State Budget. If for some reason the Council determined not to reaffirm its support for the dedication of the roads, it will have an impact on the State Budget.

ATTACHMENTS

Attachment 1 - Plan showing roads for formal dedication

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council reaffirms to the Department of Lands that it supports dedication of the roads associated with the Ord East Kimberley Expansion Project, namely Moonamang Road, Minjiljirrga Lane, Jandami Lane and Wooljim Lane now that the land has been rated.

MOTION

Cr G Taylor moves that this Item 13.2.5 be deferred to the next Council Briefing Session.

COUNCIL DECISION

Minute No. 10450

Moved: Cr G Taylor

Seconded: Cr D Spackman

That this Item 13.2.5 be deferred to the next Council Briefing Session.

Carried 6/3

For: Cr G Taylor, Cr D Spackman Cr R Dessert, Cr K Wright, Cr S Cooke, Cr G King

Against: Cr B Robinson, Cr D Learbuch, Cr J Moulden

13.3 INFRASTRUCTURE

13.3.1 Asset Management Support for Country Local Governments

DATE:	24 June 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Kevin Hannagan, Director Infrastructure
REPORTING OFFICER:	Kevin Hannagan, Director Infrastructure
FILE NO:	CM.10.4

PURPOSE

For Council to receive the response from the Department of Local Government to its submission of an Expression of Interest to support 75 country local governments to carry out an assessment of their current asset and financial management processes, in line with the nationally consistent measures set out in the National Asset Management Assessment Framework (NAF).

BACKGROUND

At the May 2014 meeting, Council endorsed the Shire's submission of an Expression of Interest for Asset Management support for country Local Governments by the closing date of 16 May 2014.

This program seeks to improve the local government sector's ability to respond to the increasing demands placed on it by ageing infrastructure; by developing and implementing long term approaches that integrate strategic planning, asset management, workforce and long term financial planning.

STATUTORY IMPLICATIONS

To achieve regulatory compliance in the area of local government strategic community planning and corporate business planning, as required by regulations 19C and DA of the Local Government (Administration) Regulations 1996.

POLICY IMPLICATIONS

No policy implications apply in the preparation of this report.

FINANCIAL IMPLICATIONS

The development of:

1. Asset Management Strategy;
2. Asset Management Policy;
3. Asset Management Plan;
4. Asset Management Systems (such as RAMS);
5. Asset Management Improvement Strategies;
6. Capital Works Evaluation Policy / Procedures;
7. Condition Assessments;
8. Long Term Financial Plan project specifications.

to date have been largely funded by the Shire using municipal funds and staff time.

The Shire did receive a \$40,000.00 grant from the Department three years ago for development of the Shire's initial (high level) Asset Management Plan.

This project will help offset some of the funds required for the Shire to develop its Asset Management processes from 'Core' capability to 'Advanced' capability as required by the Department.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure.

Objective 2.3: Facilities are appropriate for their intended purpose and factor in whole of life costing and maintenance.

Strategy 2.3.1: Manage and maintain assets in a strategic and cost effective manner.

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

The Department has advised that the Shire has been successful in being selected as a participant in the above project.

However, due to the large number of expressions of interest in the project and limited availability of funding, the Department is unable to offer the Shire the opportunity to participate in the project within the 2014 / 2015 financial year.

The Department has further advised that it is able to offer the Shire an opportunity to participate in either the 2015 / 2016 or 2016 / 2017 financial years.

ATTACHMENTS

Attachment 1 – Department of Local Government and Communities letter

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the response from the Department of Local Government.

COUNCIL DECISION

Minute No. 10451

Moved: Cr K Wright

Seconded: Cr D Learbuch

That Council receives the response from the Department of Local Government.

Carried Unanimously 9/0



Government of **Western Australia**
Department of **Local Government and Communities**

04 JUN 2014

CM.10.4
I-23363

Our Ref: 303-14 E1416530

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

Dear Chief Executive Officer

**EXPRESSION OF INTEREST – NATIONAL ASSET MANAGEMENT
ASSESSMENT FRAMEWORK (NAF), AND ASSET CONDITION AND RATING
PROJECT**

Thank you for your interest in participating in the above project. The Department is pleased to advise that the Shire of Wyndham East Kimberley has been selected as a participant in the above project.

However, due to the large number of expressions of interest in the project and limited availability of funding, the Department is unable to offer the Shire of Wyndham East Kimberley the opportunity to participate in the project within the 2014/2015 financial year.

The Department is able to provide the Shire of Wyndham East Kimberley the opportunity to participate in the project during the 2015/2016 or 2016/2017 financial years.

An officer from the Department will contact you shortly to discuss your preference for the timing of the Shire's participation in the project. Should you wish to further discuss the contents of this letter, please contact Mr Troy Daniels on 6552 1446 or email him on integratedplanning@dlgc.wa.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Brad Jolly'.

Brad Jolly
A/EXECUTIVE DIRECTOR
SECTOR REGULATION AND SUPPORT

30 May 2014

13.3.2 Ivanhoe Crossing Update

DATE:	24 June 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Ivanhoe Crossing
AUTHOR:	Kevin Hannagan, Director Infrastructure
REPORTING OFFICER:	Kevin Hannagan, Director Infrastructure
FILE NO:	RD.09.31

PURPOSE

To advise the Council on the outcomes of the visual inspection of the Ivanhoe Crossing undertaken by Main Roads WA and their structural bridge consultants.

BACKGROUND

The Shire initiated several inspections of the Ivanhoe Crossing to ascertain the structural integrity of the crossing after the March 2011 flood event. The crossing has been closed for several years now. For this inspection to be carried out, Main Roads WA's Structural Engineering Branch was requested by the Shire to carry out the inspection.

FINANCIAL IMPLICATIONS

Inspection costs were borne by Main Roads WA.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure.

Objective 2.3: Facilities are appropriate for their intended purpose and factor in whole of life costing and maintenance.

Strategy 2.3.1: Manage and maintain assets in a strategic and cost effective manner.

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

Main Roads WA have made repair and maintenance suggestions and have advised that the crossing is generally sound but have recommended a 15T load limit when the crossing is re-opened.

The Shire will need to liaise with Watercorp and the Department of Water to lower the water level to enable minor repairs to the crossing prior to the wet season.

The approach road on the Parry Creek Road side of the crossing will need extensive repair and maintenance prior to opening.

Approach road signage for both sides of the crossing will need to be renewed and new load limit signage erected. The signage, repairs and maintenance will be requested in the 2014 / 2015 rural road maintenance budget.

ATTACHMENTS

There are no attachments associated with this report.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council supports reopening of the Ivanhoe Crossing subject to:

- 1) consideration of funds in the 2014 / 2015 Rural Roads Maintenance Budget to enable signage, repairs and maintenance;
- 2) requesting Watercorp and the Department of Water to lower the level of water below the Diversion Dam to undertake repair and maintenance works as identified by Main Roads WA;
- 3) assigning a 15T load limit to the crossing; and
- 4) accepts that the crossing will only be open for vehicular traffic during times when the water level over the crossing is at a level safe enough for vehicles to negotiate.

COUNCIL DECISION

Minute No. 10452

Moved: Cr K Wright

Seconded: Cr B Robinson

That Council supports reopening of the Ivanhoe Crossing subject to:

- 1) consideration of funds in the 2014 / 2015 Rural Roads Maintenance Budget to enable signage, repairs and maintenance;**
- 2) requesting Watercorp and the Department of Water to lower the level of water below the Diversion Dam to undertake repair and maintenance works as identified by Main Roads WA;**
- 3) assigning a 15T load limit to the crossing; and**
- 4) accepts that the crossing will only be open for vehicular traffic during times when the water level over the crossing is at a level safe enough for vehicles to negotiate.**

Carried Unanimously 9/0

13.3.3 Kalumburu Road Dedication

DATE:	24 June 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Kalumburu Road
AUTHOR:	Kevin Hannagan, Director Infrastructure
REPORTING OFFICER:	Kevin Hannagan, Director Infrastructure
FILE NO:	CP.02.5

PURPOSE

To amend part 2 of Minute No. 8982 and replace 100 metre wide road reserve to 200 metres in relation to dedication of the Kalumburu Road.

BACKGROUND

On 15 December 2009, Council resolved the following:

Minute No. 8982

Moved: Cr K Wright

Seconded: Cr K Torres

That Council advise State Land Services that it is prepared to accept dedication of the (Gibb River) Kalumburu Rd from the junction of the Gibb River – Wyndham Road to the Kalumburu Aboriginal Community subject to:

- 1) there being no adverse effect on the aboriginal access road status of the road for funding purposes, and***
- 2) maintaining a 100 metre wide road reserve except where a reduced width on one side of the road centreline is required to reflect existing fence lines protecting critical infrastructure such as homestead airstrips.***

Carried Unanimously 8/0

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 potential implications in changing the status to that of a dedicated road. A dedicated road is required to be maintained on a more regular basis than a track that is not dedicated (e.g. Karunjie Track).

However given the high usage of Kalumburu road, there already is an expectation that the road be regularly maintained. The Shire is heavily reliant of Federal and State Grants to renew and maintain this road.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure.

Objective 2.3: Facilities are appropriate for their intended purpose and factor in whole of life costing and maintenance.

Strategy 2.3.1: Manage and maintain assets in a strategic and cost effective manner.

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

The Department of Lands are now in the final stages of dedicating Kalumburu Road.

Shire Officers have identified that there are numerous gravel pits outside the proposed 100m wide reserve. As such the Shire would need to undertake a lengthy and expensive process to formalise the use of the existing gravel pits used to maintain this road.

The Department of Lands have agreed to extend the proposed road reserve width to 200m if Council agrees to amend the 15 December 2009 resolution.

ATTACHMENTS

There are no attachments associated with this report.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1) amends Council Resolution 8982 of 15 December 2009 by substituting the number 100m with 200m, and
- 2) advises Department of Lands of the change.

COUNCIL DECISION

Minute No. 10453

Moved: Cr B Robinson

Seconded: Cr S Cooke

That Council:

- 1) amends Council Resolution 8982 of 15 December 2009 by substituting the number 100m with 200m, and**
- 2) advises Department of Lands of the change.**

Carried Unanimously 9/0

13.3.4 Kununurra Courthouse additional Car Parking

DATE:	24 June 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Government Offices, Corner Konkerberry Drive and Messmate Drive
AUTHOR:	Kevin Hannagan, Director Infrastructure
REPORTING OFFICER:	Kevin Hannagan, Director Infrastructure
FILE NO:	LP.02.65

PURPOSE

To advise Council of the response received in relation to its letter to the Department of the Attorney General (DotAG) proposing that additional parking for the courthouse redevelopment be situated adjacent the Picture Gardens, Coolibah Drive, Kununurra.

BACKGROUND

On 15 January 2014 an offer of a contribution of \$220,000 (incl GST) was made towards provision of a 16 bay car parking facility located opposite the courthouse in the Shire's Coolibah Drive road reserve.

Council replied on 24 March 2014 that the Shire supports the contribution of \$220,000 towards the construction of a new car parking facility in front of the Picture Gardens, Coolibah Drive.

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

Strategic Community Plan 2012-2022

Goal 2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure.

Objective 2.3: Facilities are appropriate for their intended purpose and factor in whole of life costing and maintenance.

Strategy 2.3.1: Plan, design and budget for sustainable infrastructure

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

TAG Architects have replied on behalf of the DotAG and have advised that they now propose to develop additional car-parking within the existing government offices Cnr. Konkerberry Drive and Messmate Way.

Shire Officers have requested a copy of construction drawings for approval of amendments to the existing crossover located within the Shire's Konkerberry Drive road reserve prior to undertaking any works.

ATTACHMENTS

Attachment 1 – Letter from TAG Architects

Attachment 2 – Drawing of proposed car park amendments

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1) notes the attached correspondence from TAG Architects, and
- 2) requests the Chief Executive Officer to write to TAG Architects (copy DotAG) advising the following:
 - a) the proposed car park layout design on Lot 501 / Reserve 50285 corner Konkerberry Drive and Messmate Way must comply to Australian Standard AS 2890.1:2004;
 - b) the Shire's Infrastructure Department approval must be given to the layout design prior to construction commencing; and
 - c) final as constructed drawings to be submitted to the Shire on completion of works.

MOTION

Cr D Spackman moves to suspend standing orders 7.5 *Limitation of Number of Speeches*.

COUNCIL DECISION

Minute No. 10454

Moved: Cr D Spackman

Seconded: Cr K Wright

That Council suspend standing orders 7.5 *Limitation of Number of Speeches*.

Carried 7/2

**For: Cr D Spackman, Cr K Wright, Cr R Dessert, Cr B Robinson, Cr S Cooke,
Cr G Taylor, Cr G King**

Against: Cr J Moulden, Cr D Learbuch

MOTION

Cr D Spackman moves to resume standing orders.

COUNCIL DECISION

Minute No. 10455

Moved: Cr D Spackman

Seconded: Cr K Wright

That Council resume standing orders.

Carried Unanimously 9/0

MOTION

Cr R Dessert moves that Council write to the Department of the Attorney General that this is not an acceptable proposal due to the lack of public pedestrian access and requests that representatives of the department of the Attorney General be invited to the July council briefing session to discuss parking within the vicinity of the Court House.

COUNCIL DECISION

Minute No. 10456

Moved: Cr R Dessert

Seconded: Cr D Spackman

That Council write to the Department of the Attorney General that this is not an acceptable proposal due to the lack of public pedestrian access and requests that representatives of the department of the Attorney General be invited to the July council briefing session to discuss parking within the vicinity of the Court House.

Carried 8/1

**For: Cr D Spackman, Cr K Wright, Cr R Dessert, Cr B Robinson, Cr S Cooke,
Cr G Taylor, Cr G King, Cr D Learbuch**

Against: Cr J Moulden

KUNUNURRA REPLACEMENT COURTHOUSE

TAG ARCHITECTS

+

Iredale Pedersen Hook ARCHITECTS

Architects in Association

9th June 2014

Mr Kevin Hannagan
Director Infrastructure Services
Shire of Wyndham East Kimberley
PO Box 614
Kununurra WA 6743
Attention: Mr Kevin Hannagan

**RE: KUNUNURRA REPLACEMENT COURTHOUSE
ADDITIONAL CAR PARKING ON THE KUNUNURRA GOVERNMENT OFFICES
SITE CNR MESSMATE WAY AND KONKERBERRY DRIVE**

Dear Mr Hannagan,

I refer to your letter dated 13th May 2014 regarding the provision of additional car parking associated with the new courthouse.

As outlined during your meeting with Tina Arthur, Mike Hessel and Michael Spight, on the 30th April 2014, the Department of the Attorney General (DotAG) and Building Management and Works (BMW) note the previous requirement and agreement for the additional parking bays to be located where they best service the court facilities and specifically cater for the parking demands for the courthouse building.

The Project Control Group (PCG) for the Replacement Kununurra Courthouse has again discussed the Shire of Wyndham East Kimberley proposal to construct additional car parking adjacent to the Kununurra Picture Gardens and has confirmed that the parking should be located near the courthouse.

In accordance with this requirement the additional car bays will be constructed on the Kununurra Government Offices property, Lot 501 on the corner of Messmate Way and Konkerberry Drive. We note that a signed Memorandum of Understanding is in place between the two parties confirming this agreement. A copy of the approved sketch drawing (A.01 Revision J) referred to in this MOU is attached for your information.

Construction drawings are currently being prepared and will be forwarded for your information.

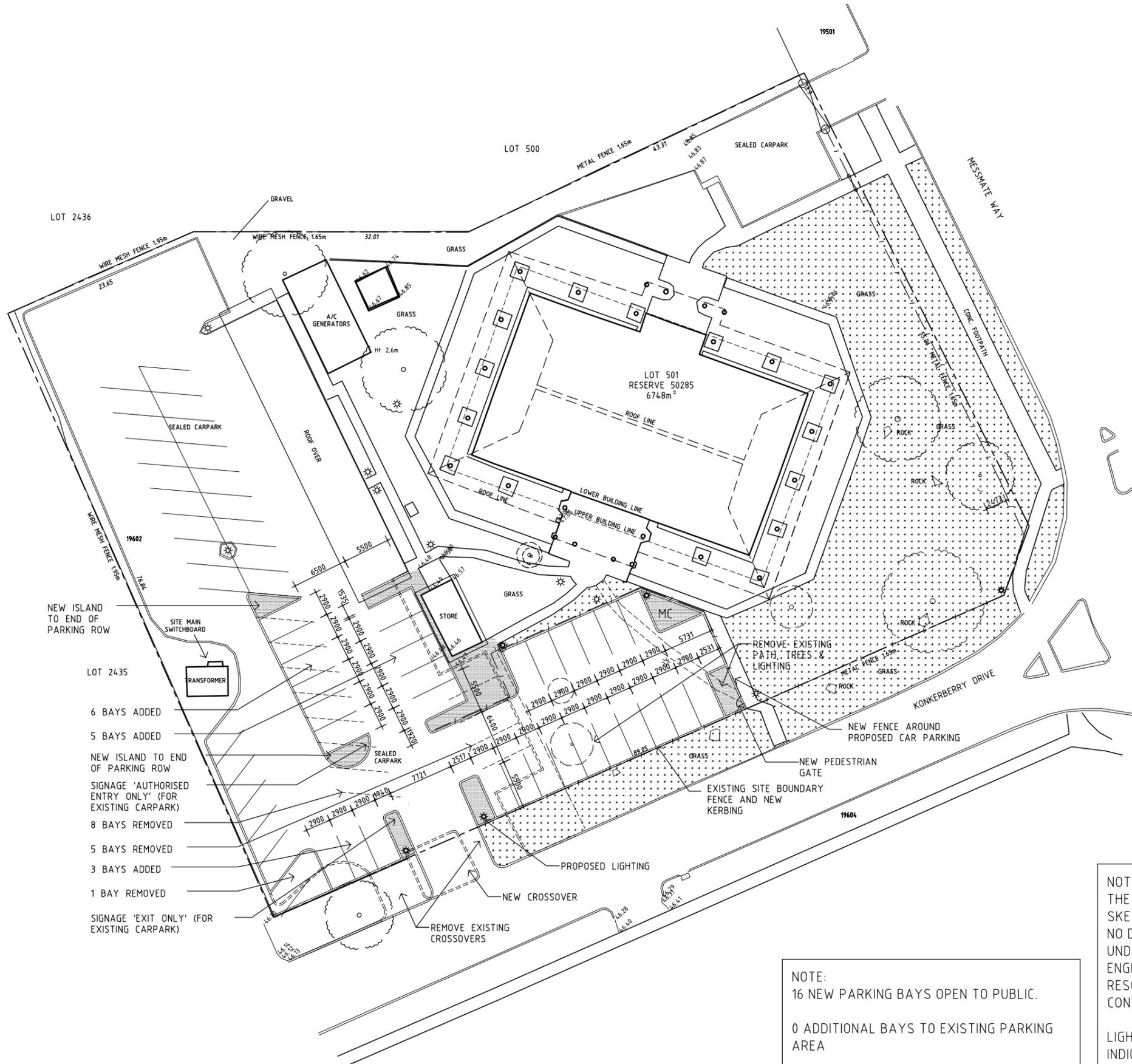
Yours Sincerely,



Adrian Iredale
Director iredale pedersen hook architects on behalf of TAG Architects and iredale pedersen hook architects

Att: Drawing A.01 Rev J – Additional Parking Lot 501 Cnr Konkerberry Drive and Messmate Way

ATTACHMENT 2 - Drawing of proposed car park amendments



- NEW ISLAND TO END OF PARKING ROW
- LOT 2435
- TRANSFORMER
- SITE MAIN SWITCHBOARD
- 6 BAYS ADDED
- 5 BAYS ADDED
- NEW ISLAND TO END OF PARKING ROW
- SIGNAGE 'AUTHORISED ENTRY ONLY' (FOR EXISTING CARPARK)
- 8 BAYS REMOVED
- 5 BAYS REMOVED
- 3 BAYS ADDED
- 1 BAY REMOVED
- SIGNAGE 'EXIT ONLY' (FOR EXISTING CARPARK)

NOTE:
16 NEW PARKING BAYS OPEN TO PUBLIC.
0 ADDITIONAL BAYS TO EXISTING PARKING AREA

NOTE:
THE ABOVE DRAWING IS PROVIDED AS A SKETCH FOR INFORMATION ONLY. NO DESIGN CONSULTATION HAS BEEN UNDERTAKEN BY ELECTRICAL OR CIVIL ENGINEERING AND WILL BE REQUIRED FOR THE RESOLUTION OF LIGHTING, DRAINAGE AND CONSTRUCTION INFORMATION.
LIGHTING LOCATIONS SHOWN HERE ARE INDICATIVE ONLY.

J	RELOCATED CROSSOVER	13.03.12	TAG
H	REDUCED EXTENT OF PUBLIC PARKING	09.03.12	TAG
G	REVISED ENTRY TO SECURE GOVERNMENT PARKING	18.11.11	TAG
F	LAYOUT REVISED TO SINGLE CROSSOVER	06.10.11	TAG
E	LAYOUT REVISED TO REMOVE ADDITIONAL CROSSOVER	21.09.11	TAG
D	DIMENSIONS & LIGHTING ADDED	20.07.11	TAG
NO	REVISION	DATE	BY

INFORMATION ONLY

DOCUMENTATION BY:
TAG Architects and IPH Architects in Association
The Architecture Group Pty Ltd
95 Stirling Street Perth WA 6000
Telephone: (08) 9227 0511
Facsimile: (08) 9227 0515
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ABN 57 090 012 094

Iredale Pedersen Hook Architects
Murray Mews 329-331 Murray Street Perth WA 6000
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Email: mail@iredalepedersenhook.com
ABN 70 290 955 007



KUNUNURRA REPLACEMENT COURT KUNUNURRA WESTERN AUSTRALIA ADDITIONAL PARKING TO LOT 501, CNR KONKERBERRY DRIVE AND MESSMATE WAY

DRAWN	TAG	DESIGNED	TAG	REDUCTION
CHECKED	TAG	PRINCIPAL		0 25
APPROVED	TAG	SIGNATURE		DRAWING No.
SCALE	1:500 @ A3	DATE	NOVEMBER 2011	A.01 ¹
BMW PROJ No.	10287	BMW FILE No.	2009/47918	

13.3.5 Regional Investment Plan – Tyre Recycling

DATE:	24 June 2014
PROPONENT:	Kimberley Regional Collaborative Group
LOCATION:	Shires of Broome, Derby West Kimberley, Wyndham East Kimberley and Halls Creek
AUTHOR:	Kimberley Zone Project Manager
REPORTING OFFICER:	Kevin Hannagan, Director Infrastructure
FILE NO:	WM.09.3

PURPOSE

This item seeks the endorsement of the attached Regional Investment Plan application for Tyre Recycling and to allow it to be submitted to the Waste Authority of Western Australian for the Regional Funding Program for Local Government Authorities.

BACKGROUND

In accordance with the Regional Waste Management Plan (RWMP), the Waste, Technical Advisory Group (WTAG) are recommending four Regional Investment Plan (RIP) applications covering:

- 1) Recycling;
- 2) Software;
- 3) Waste Stream Classification and Quantification; and
- 4) Tyre Processing.

This report is in relation to item 4 above.

The WTAG have considered the attached RIP application and have recommended it be presented to the Regional Councils Group for consideration.

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 RIP makes allowance for in kind support and cash support.

The in kind figure has been estimated based on the likely number of hours that will be required for operation of the equipment.

The total cost of the project is estimated to be \$575,046 with the Regional Funding component of \$371,160. The RCG contribution from the land fill operations to this project totals \$193,886 in cash and \$10,000 in-kind. This does not take into account the \$88,390 revenue generated from the disposal of tyres at the five landfills, which significantly offsets this amount.

A breakdown of each site's costs is as follows:

	Regional Funding	In-kind	Cash Up front	Cash Ongoing Operational Costs	Total Cost	Revenue
Broome	\$67,032	\$2,000	\$16,758	\$32,682	\$118,472	\$51,660
Derby	\$72,632	\$2,000	\$18,158	\$25,685	\$118,475	\$7,970
Fitzroy Crossing	\$77,432	\$2,000	\$19,358	\$7,385	\$106,175	\$1,710
Halls Creek	\$77,43	\$2,000	\$19,358	\$8,359	\$107,149	\$5,200
Kununurra	\$76,63	\$2,000	\$19,158	\$26,985	\$124,775	\$21,850
Total	\$371,160	\$10,000	\$92,790	\$101,096	\$575,046	\$88,390

From a Shire of Wyndham East Kimberley perspective the financial implications using the Zones estimates are:

- Capital contribution \$19,158 plus \$2,000 in-kind;
- Grant Funding of \$76,632;
- The Zone has made its calculations for Ongoing Operational Costs of \$26,985 based on 2,220 tyres whereas the Shire's current records indicate it likely to receive 3,464 tyres p.a. Therefore, using the Zone's estimates the likely cost based on the increased number of tyres is \$44,209 p.a. (excludes machinery maintenance etc.) and Income of \$34,093.

STRATEGIC IMPLICATIONS

The RIP application is consistent with the recommendations of the RWMP adopted by the Kimberley Councils.

COMMUNITY CONSULTATION

Consultation has been carried out between the members of the RCG through the Regional Waste TAG group.

COMMENT

Kimberley Zone RCG comment

The RWMP outlines a series of actions, priorities and objectives to address issues identified in the plan; the following is directly relevant to the project outlined in the Regional Investment Plan application:

Waste Tyres

Findings

Significant quantities of tyres are received at the region's waste sites.

Issues

Due to their shape, relatively low tonnages of waste tyres consume large volumes of valuable void space.

Waste tyres pose a significant fire risk if not buried regularly.

Recommendations

That the Shires work together to investigate possible solutions to process or recycle tyres in a cost effective manner.

Some tyre repair companies are returning tyres to Perth for recycling as part of an industry scheme, this should be explored further.

Implementation

Complete a detailed Feasibility Study for the processing or back loading of waste tyres.

Attached to this agenda is the Regional Investment Plan for item 4 – Tyre Recycling. Included in this project is the purchase of automatic compactor/baling equipment, tyre cutters and sheds for five regional Waste Management Facilities. The baled tyres will then be transported to Perth for processing.

Shire staff comment

The RWMP above identified in its recommendations:

- 1) That the Shires work together to investigate possible solutions to process or recycle tyres in a cost effective manner.
- 2) Tyre repair companies are returning tyres to Perth for recycling as part of an industry scheme, this should be explored further.

Shire staff have investigated possible solutions to process or recycle tyres in a cost effective manner. As such Shire staff have:

- 1) Checked that the disposal fee charged was covering the operational cost to handle and bury them, which it was (\$7.70 per car tyre, \$9.90 per 4x4 tyre, \$26.40 per truck tyre and \$74.80 per haulpac tyre).
- 2) Made the tyre companies stack the tyres when they unload them in the dedicated tyre disposal area.
- 3) Vised the tyre companies that they need to comply with Controlled Waste Regulations, which included:
 - a) Providing correct paperwork with each load (Controlled Waste Tracking Notes); and
 - b) Ensuring the vehicle used to delivery tyres was registered to carry controlled wastes.

Initially, the tyre retail outlets 'complained' to the Department of Environment and Regulation (DER) but they were told that this is required in accordance with the Regulations. Then the DER Controlled Waste audit team visited some of the tyre operators while they were in Kununurra. Within a couple of months the tyres from the tyre retail outlets were being 'back loaded' to Perth, under an agreement with the tyre manufacturers, which would suggest this service is available to most tyre retail outlets. The only tyres brought to the Kununurra landfill are from domestic sources and numbers have dropped. The cost of operations to currently bury the tyres (in a separate location in the landfill), do not incur any costs as the fees charged cover this. The proposed tyre recycling will result in further costs.

ATTACHMENTS

Attachment 1 – Regional Investment Plan Application

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council does not support participating in the Regional Investment Plan funding application to the Waste Authority of Western Australia for Tyre Recycling as it has already implemented alternative measures to manage tyres in a cost effective manner.

COUNCIL DECISION

Minute No. 10457

Moved: Cr G King

Seconded: Cr K Wright

That Council does not support participating in the Regional Investment Plan funding application to the Waste Authority of Western Australia for Tyre Recycling as it has already implemented alternative measures to manage tyres in a cost effective manner.

Carried Unanimously 9/0



Regional Funding Program for Local Government Authorities 2011/2012 - 2015/2016

Regional Investment Plan

***Kimberley Regional Collaborative Group
Shire of Broome, Derby West Kimberley,
Wyndham East Kimberley and Halls Creek***

Tyre Recycling

An initiative of the Waste Authority

Version 1: January 2012

Acronyms

DEC	Department of Environment and Conservation
LGA	Local Government Authority
RIP	Regional Investment Plan
RIPAG	Regional Investment Plan Assessment Group
RCG	Regional Council Group
RFP	Regional Funding Program
SWMP	Strategic Waste Management Plan
WALGA	Western Australian Local Government Association
WARR Account	Waste Avoidance and Resource Recovery Account
Waste Authority	Waste Authority of Western Australia

Definitions

Regional Council Group (RCG); *two or more Local Government Authorities within metropolitan and non-metropolitan Western Australia working together to deliver regional waste management priorities identified within Strategic Waste Management Plans (SWMP).*

Waste Strategy priorities; for the purpose of this document Waste Strategy priorities include the priorities, aims, objectives, targets and strategies outlined within the *Western Australian Waste Strategy: "Creating the Right Environment"* (Waste Strategy)

Contact Details

Regional Funding Program Co-ordinator - Brendan Mohr

Department of Environment and Conservation
Waste Management Branch
7th Floor The Atrium
168 St Georges Terrace
Perth WA 6000

Phone / Fax

Tel: 08-6467 5297 | Mob: 0438 805 292 | Fax: 08-6467 5562

Postal address

Locked Bag 104
Bentley Delivery Centre WA 6983

Email

rfp@dec.wa.gov.au

Please complete all sections of this form to access funding through the Regional Funding Program (RFP). Additional information in support of proposed project can be provided as an attachment.

PART A – REGIONAL COUNCIL GROUP

Regional Council Group (RCG) Name:

Local Government Authority (LGA) Members:

1. Shire of Broome
2. Shire of Derby West Kimberley
3. Shire of Wyndham East Kimberley
4. Shire of Halls Creek

List your RCG's regional priorities (as indicated in its SWMP):

In 2013, ASK Waste Management (ASK) was engaged by the Kimberley Regional Group to update the group's original Regional Waste Management Plan (ASK, 2009). This updated RWMP (ASK, 2013) placed particular emphasis on assessing the progress made on the previous RWMP, identification of any barriers to its implementation, and recommending actions that can be taken to ensure progress continues into the future.

The review of waste management practices across the region produced a number of findings that were divided into five categories:

Organisational Capacity: at the individual council and regional level must be sufficient to successfully implement new waste management initiatives such as those recommended in this document. This includes implementing mechanisms to improve inter-council collaboration on regional initiatives and ensuring that staff changes do not critically damage ongoing projects.

Economic Viability: of waste management projects and services must be optimised to reduce the burden on shires and enable new initiatives to be implemented.

Waste Data: the collection of waste related data, such as tonnages, landfill cell locations and site plans is essential to effectively manage and monitor the operations of the Shire's waste facilities. The data allows the Shires to monitor progress against targets, quantify the impact of any strategies implemented and effectively plan future activities and operations.

Community Awareness: understanding and meeting the community's expectations is an important element of the Strategy, together with ensuring the community (including commercial waste producers) are aware of the issues faced and strategies to be implemented by the Shires.

Best Practice Operations: the use of best practice for the waste management activities would assist in minimising the risk of environmental damage or pollution, extending the life of the Shire's waste facilities and reducing the operational and maintenance costs associated with the facilities.

Waste Minimisation: the minimisation of waste will assist in extending the operational life of the landfill facilities, maximising the recycling of resources and minimising the risk of environmental damage or pollution.

The RWMP outlines a series of actions, priorities and objectives to address the issues identified above; the following of which are directly relevant to the project outlined in this Regional Investment Plan:

ATTACHMENT 1 – Regional Investment Plan Application

Waste Tyres

Findings:

Significant quantities of tyres are received at the region's waste sites.

Issues:

Due to their shape, relatively low tonnages of waste tyres consume large volumes of valuable void space.

Waste tyres pose a significant fire risk if not buried regularly.

Recommendations:

That the Shires work together to investigate possible solutions to process or recycle tyres in a cost effective

Some tyre repair companies are returning tyres to Perth for recycling as part of an industry scheme, this should be explored further.

Implementation:

Complete a detailed Feasibility Study for the processing or back loading of waste tyres.

Is the lead organisation that will administer the grant funds registered for GST purposes?

Yes, the Shire of Broome is registered for GST purposes.

PART B – PROJECT INFORMATION

Project Name:

Tyre Recycling

Project Manager / Contact Person details:

Jeremy Hall – Waste Coordinator, Shire of Broome

PO Box 44 Broome WA 6725

(08) 9191 3401 – Direct

(08) 9191 3455 – Fax

Email: Jeremy.hall@broome.wa.gov.au

Project duration (start and finish dates):

Tender preparation and award – 8 weeks

Project Delivery – 6 months

From: 01 July 2014

To: 31 December 2014

Summary of Project (Key Features):

Background

The Kimberley region covers more than 420,000 square kilometres with an estimated population of less than 40,000. These factors create a challenge for waste management due to small economy of scales and the tyranny of distance. Whilst the operational management of the region’s waste disposal facilities has improved markedly over the past five years, they are still far from best practice, and are perhaps a decade or more behind the waste management practices employed in the metropolitan and southwest areas.

One area in which the region is critically lagging behind is the continued disposal of tyres into landfill. As no facility in the region currently has any tyre recycling abilities, the Kimberley Councils are keen to provide a recycling program for the community.

One of the key objectives of the Regional Funding Program is to support projects that directly contribute towards achieving the waste diversion targets outlined in WA Waste Strategy. If the Kimberley region is to contribute towards the Waste Strategy’s targets and increase the level of resource recovery, it must develop and build tyre recycling infrastructure at each of the major Kimberley Landfill sites to enable this waste stream to be diverted from landfill.

Whilst the Kimberley Group of Councils recognise the merit of developing tyre recycling infrastructure, they have limited funds available to undertake the necessary improvements due to significant capital expenditure outlays that are being incurred to raise operational standards of facilities to meet environmental licence conditions. The Group identified that the Regional Funding Program could provide the necessary financial support to enable the Kimberley region to begin the process of developing and implementing resource recovery initiatives, without compromising the priority task of raising the environmental standards of the waste disposal facilities.

The project outlined within this Regional Investment Plan seeks to develop Tyre Recycling infrastructure at five of the major waste disposal facilities in the Kimberley. This infrastructure includes the purchase and installation on Tyre Compactor/Balers, Tyre Cutters and sheds to house the equipment. The bales of tyres will then be transported by truck to Perth for processing and transfer to market.

Summary of Project Methodology

The project will be based on the following actions:

- Purchase and install tyre shed, tyre compactor/baling and tyre cutting equipment for the Broome, Derby, Fitzroy, Halls Creek and Kununurra waste management sites.
- Develop standardised operating procedures for all pieces of equipment.
- Train site and administrative staff to implement the standardised operating procedures.
- Train site staff at these facilities to utilise the tyre compactor/baling and tyre cutting equipment.
- Educate the public about the recycling program and how to deliver their tyres to the waste management sites.
- Consultant to compile the data, and prepare a report on the quantities of tyres recovered at the region's facilities on an ongoing basis.

Project Benefits

The project is anticipated to provide the following benefits:

- Implementation of a tyre recycling program for residents in Broome, Derby, Fitzroy, Halls Creek and Kununurra and provide a direct reduction of volume of waste going to landfill.
- Enable accurate recycling data to be collected, thus enabling the effective monitoring and assessment of any waste minimisation and recovery measures that are introduced.
- Improved waste acceptance procedures at waste disposal facilities.

Project Methodology (align with Projected Milestone Schedule – Part D):

1. Purchase of tyre compactor/baling and tyre cutting equipment

The Shire's will undertake a regional procurement process in accordance with the Local Government Act 1995 for tyre compactor/baling and tyre cutting equipment for the Broome, Derby, Fitzroy, Halls Creek and Kununurra waste disposal facilities.

2. Installation and commissioning of sheds, compactor/balers and cutters

Tyre compactor/balers and cutters ordered and delivered to site.

Once the equipment has been ordered, the sheds must be built and civil works must be undertaken at the five waste disposal facilities prior to equipment delivery. This will include:

- the construction of concrete hardstands for the sheds to be located on (10m long by 3m wide and 100mm thick);
- Installation of the sheds;
- the realignment of site access roads to link to the new shed to facilitate orderly traffic flow through the site.

On completion of the shed builds the tyre equipment will be delivered to the sites and installed.

3. Training and implementation

The following actions will be undertaken to ensure that the operating procedures for the new baling and cutting equipment are implemented effectively:

- The Council specific reports outlining the acceptance and operation procedures will explicitly outline how to operate the equipment in accordance with the manufacturer's specifications. It will provide demonstrative examples and seek to address any issues which may be encountered.
- This report will be provided to the manager in each Council responsible for managing waste disposal facility staff. This manager will then instruct relevant staff on the requirements for the equipment.
- Council staff will meet with the supplier of the equipment to be given a demonstration on their use prior to their rollout at the Facilities.
- Each month on an ongoing basis Council staff will review the procedures and determine whether any issues need to be addressed or changes are required.

4. Ongoing maintenance

To ensure the equipment is well maintained the Shires will ensure regular servicing and maintenance is carried out.

5. Data collection and project reporting

After the review of the first month's data and rectification of any issues identified, the Shire's will provide copies of recorded data in excel format to the consultant on a monthly basis for the duration of the project. The consultant will compile the data during this period and ensure that data is being recorded in accordance with the new recording procedures.

On completion of the Tyre Recycling Report the consultant will then prepare and finalise the Project Evaluation Report to be submitted to the Waste Authority.

Project Investment

Regional Funding Program funds requested for this project (Excluding GST)	\$371,160
Amount of funding contributed by RCG (in-kind)	\$33,200
Amount of funding contributed by RCG (cash)	\$183,485
Other funding program investment (list)	\$0
Total	\$587,845

PART C - FUNDING CRITERIA

Project alignment with SWMP:

The project is identified as a regional priority within Section 4.6 of the Kimberley Regional Council Group’s Strategic Waste Management Plan (ASK, 2013).

Outline the regional priority(s), objectives and deliverables that this project will achieve or contribute towards achieving:

At implementation the project will directly achieve the following regional priorities:

4.6.4 Waste tyres

Findings:

Significant quantities of tyres are received at the region’s waste sites.

Issues:

Due to their shape, relatively low tonnages of waste tyres consume large volumes of valuable void space.

Waste tyres pose a significant fire risk if not buried regularly.

Recommendations:

That the Shires work together to investigate possible solutions to process or recycle tyres in a cost effective manner.

Some tyre repair companies are returning tyres to Perth for recycling as part of an industry scheme, this should be explored further.

Implementation:

Complete a detailed Feasibility Study for the processing or back loading of waste tyres.

Five years from implementation, the project will significantly contribute towards achieving the resource recovery initiatives outlined in Section 4.6 of the SWMP.

Indicate the Waste Strategy target(s) that this project will contribute towards achieving:

The WA Waste Strategy sets municipal solid waste diversion targets for metropolitan areas, and major regional centres. The Kimberley region is unlikely to be included as a major regional centre as the Waste Strategy proposes that the regional targets would only apply to Avon, Greater Bunbury, Albany, Geraldton, Kalgoorlie, Karratha, Peel and Busselton.

Of relevance to the Kimberley region are the state-wide targets for the Municipal Solid Waste sectors:

- 30% diversion from landfill of material presented for collection in major regional centres by 30 June 2015 (non-metropolitan region recovery in 2009/10 was 15%)

Indicate how the project will acknowledge the contribution that RFP funding will make towards improvement in waste avoidance, resource recovery or disposal:

The project will acknowledge the RFP funding contributions by:

- Installing signage at the waste disposal facilities alongside the new equipment that recognise the Waste Authority’s support (the signage will also display instructions for site users).
- Acknowledging the RFP contribution in Shire communications and publications regarding the project, this is expected to include:

ATTACHMENT 1 – Regional Investment Plan Application

- - Information on Shire websites,
 - Articles in local newspapers advising of changes to recycling material acceptance procedures.
 - Letters to waste disposal businesses advising of changes where necessary.
 - Information to ratepayers in annual rates package,
 - Local Government Annual Reports.

Outline if the project is a new initiative or if it will add value to an existing activity:

This is a new initiative for the Kimberley Region.

ATTACHMENT 1 – Regional Investment Plan Application

Briefly outline how the project will meet Project Criteria and how it will impact on the region.

(Section 7: Regional Funding Program for Local Government Authorities 2011-2016 Funding Guidelines)

If required this form can be completed in A3 format.

Fixed Funding Stream and Competitive Funding Stream - Project Criteria	How project meets criteria
Makes a measurable contribution towards meeting Waste Strategy targets.	<p>This project will make a contribution towards achieving the Waste Strategy targets by reducing the volume of waste going to landfill.</p> <p>The success of the project will be measurable in volume of waste diverted from landfill and sent to market for recycling.</p> <p>Although these volumes will inevitably be smaller than regional centres due to population sizes, this is an important step and contribution for the Kimberley Region working towards waste targets for the State.</p>
Project identified in regional SWMP	The project is identified within the Kimberley RWMP (ASK, 2013). It will directly achieve regional priorities 4.6.4 Waste Minimisation – Waste tyres.
Meets or makes significant advance towards meeting current industry best practice in waste management services and infrastructure.	The project will make a significant advance in current recycling programs in the region and ensure a best practise approach.
Clearly identifies the contribution that the proposed project will make towards improvement in waste avoidance, resource recovery or disposal	<p>The project will divert waste from landfill in the Shires of Broome, Derby/West Kimberley, Wyndham East Kimberley and Halls Creek.</p> <p>Diverted materials will be transported to Perth for processing.</p>
Provides or will lead to a benefit to the whole region.	The project will encompass all four Shires within the Kimberley Region and all staffed waste disposal facilities.
Achieves continuous improvement in waste avoidance, resource recovery or disposal.	<p>Once this equipment is in place it will ensure the continuous and ongoing improvement in the volumes of tyre recycling in the region.</p> <p>The key to the success of this program is community education and positive promotion of recycling. Good education will always result in increased participation and in turn increased volumes of recycling.</p>
Demonstrates resource use efficiency.	The project's regional approach will maximise resource use efficiency by ensuring that mobilisation costs are minimised for the training of staff and the supply and installation of equipment and infrastructure.
Demonstrates that end markets have been or can be established (where applicable).	Enquiries have been made with Elan Energy Management (Tyre Recyclers WA) and established that they will accept the tyres.
Outlines the environmental, social and economic impacts (both positive and negative).	<p>Environmental Impacts</p> <ul style="list-style-type: none"> • Reduces waste disposed of to landfill in the region. • Reduces the volume of the (by baling the materials) tyres being transported by road and therefore reducing the carbon footprint. • Implementation of the recycling project will mean that the tyres are being transported by road therefore increasing the carbon footprint.

ATTACHMENT 1 – Regional Investment Plan Application

	<p>Social Impacts</p> <ul style="list-style-type: none"> • Heightened community awareness of the importance of recycling. • Fosters community spirit and participation. <p>Economic Impacts</p> <ul style="list-style-type: none"> • Ongoing cost to Council to transport recyclable materials to Perth. <p>Ongoing cost of labour to man the baling and cutting equipment.</p>
<p>Outlines how the benefits of the project will be communicated to relevant stakeholders.</p>	<p>The regional benefits of the project will be communicated to stakeholders through local newspaper articles, local government communication channels and the final project evaluation report.</p>

Resources / Approvals

What time and skills, or other resources (including, staff; services; materials; equipment; technology; intellectual property rights / access; etc) will be required to complete the project on time and within budget?

Please provide details (including how these resources will be funded / sourced):

Local government staff

The internal staff of the four local governments participating in the project will play an important role in the project, and will include:

- Staff providing oversight of the project delivery and financial management.
- Managerial level staff undertaking the procurement processes for the consulting services, equipment provision, and site works.
- Managerial level staff supporting the implementation of training and operational procedures.
- Site staff operating equipment in accordance with the operating procedures.
- Administrative staff compiling records of volumes received.
- Managerial level staff completing and submitting the final Project Evaluation Report to the Waste Authority.

Internal staff resources will be provided on an in-kind basis by the four participating local governments.

Tyre Compactor/Baling Equipment, Tyre Cutting Equipment and Sheds

The project will require the purchased of five compactor/ balers, five tyre cutters, five bead cutters and five sheds to be stationed at the Broome, Derby, Fitzroy Crossing, Halls Creek and Kununurra Waste Management Facilities.

The equipment that will be stationed at the above facilities is mobile, meaning that it can be relocated to new waste management facilities when the existing ones are closed and rehabilitated or alternatively utilised in other areas of the region in future if required.

The equipment will be purchased from an Australian supplier through a tender process in accordance with the Local Government Act.

The equipment will be funded with an 80% contribution from the RFP and 20% from the four Kimberley Shires.

Ongoing annual costs (Incurred by Council)

	5 Landfill Sites
Labour	\$20,400
Twine	\$300
Generator Hire & Fuel	\$34,970
Maintenance	\$2,500
Estimated No of passenger tyres per year	8650
Estimated No of truck tyres per year	350

ATTACHMENT 1 – Regional Investment Plan Application

Estimated No of bales per year (500kg each)	270
Transport to Perth (\$3000/truck (35 bales))	\$24,000
Processing (\$235/tonne)	\$31,725
TOTAL COST OF PROGRAM ANNUALLY	\$113,895

This annual ongoing cost to recycle tyres at each of the Shires Landfill sites is significantly reduced through the receipt of revenue generated from the cost to dispose tyres at each of the landfills. At current prices the annual revenue generated is \$88,390, however this can be increased if a standardised pricing structure was introduced at all of the shires landfill sites at adequately reflect the true cost of disposal.

Ongoing maintenance

The equipment will require maintenance on an annual basis; this process is best undertaken by the manufacturer or supplier.

Are any planning, environmental or other approvals required for this project? No

Provide details:

No planning or environmental approvals are required for the project as infrastructure works will be minimal (limited to installation of concrete hardstand).

Have these approvals been issued? *(Please provide a copy of the relevant approval/s)*

Not applicable.

Project stakeholders

List the LGAs directly involved in this project and a summary of their involvement.

1. Shire of Broome	<p>For their own facility each Shire will:</p> <ul style="list-style-type: none"> • Manage the installation of infrastructure (concrete pad and shed). • Co-ordinate the installation of equipment (Compactor/balers and cutters). • Support the training of facility staff to operate the equipment and educate the public. • Collect and record data relating to tyres received, disposed of and tyres exported from the facilities. • Contribute to the production and review of the project reports.
2. Shire of Derby West Kimberley	
3. Shire of Wyndham East Kimberley	
4. Shire of Halls Creek	

List any partner organisations and their role in the project (including other funding programs, consultants, sub contractors etc), where known.

1. Kimberley Zone of WALGA	Will coordinate the procurement process and manage project funds.
----------------------------	---

PART D – PROJECT MILESTONES

If required the following forms can be submitted in A3 format.

Note: This table provides a projection of the Regional Funding Program funding that will be required on completion of project milestones.

Projected Milestone Schedule – Regional Funding Program contribution**Project Name:**

Tyre Recycling

Activity	Milestone	Anticipated Milestone Completion Date	Regional Funding Program payment on completion of milestone (Excluding GST)
Contract agreement	No. 1 Submission and approval of RIP	1/07/2014	20% being \$74,232
Development of standardised operating procedures	No. 2 Reports submitted to each Council.	3/12/2014	10% being \$37,116
Installation of equipment and training of staff	No. 3 Equipment installed, tyres collected and compacted/baled at the respective waste management facilities.	1/04/2015	55% being \$204,138
Completion of Kimberley Regional Tyre Recycling Report	No. 4 Report submitted to project stakeholders and Waste Authority.	31/04/2016	5% being \$18,558
Final Project Evaluation Report	No. 5 Submission and approval of Final Project Evaluation Report	27/05/2016	10% being \$37,116
Total Regional Funding Program Funding (Excluding GST)			\$371,160

PART E - PROJECT BUDGET

If required, the following tables can be submitted in A3 format.

This table outlines the projected costs and how the project will be funded.

Projected Expenditure					
Item	Projected Expenditure				
	Regional Funding Program (Excl GST)	RCG (in-kind)	RCG (cash)	Funds from other sources	TOTAL
<u>Salaries/Wages/Fees</u>					
In house labour costs	0	20,400	0	0	20,400
Consultant (Transport) fees	0	0	24,000	0	24,000
Consultant (Processing) fees	0	0	31,725	0	31,725
<u>Direct Project Costs</u>					
WastePac 450 HD Baler (5)	81,960	0	20,490	0	102,450
Tyre Sidewall remover TTSR5-1 (5)	29,400	0	7,350	0	36,750
Tyre Tread Cutter T3C5-1 (5)	19,200	0	4,800	0	24,000
Shed and concrete hardstand (5)	176,000	0	44,000	0	220,000
Site Works (5)	20,000	0	5,000	0	25,000
Equipment hire 20kVA Generator (5)	0	0	34,970	0	34,970
Commissioning and training (5)	3,800	0	950	0	4,750
Signage (5)	3,200	0	800	0	4,000
Baling twine	0	300	0	0	300
Freight & transport	35,200	0	8,800	0	44,000
Vehicle expenses	0	0	0	0	0
Insurance/s	0	0	0	0	0
Printing, advertising, distribution	0	0	0	0	0
Accounting / Legal fees	2,400	0	600	0	3000
Administration costs	0	10,000	0	0	10,000

ATTACHMENT 1 – Regional Investment Plan Application

(procurement)					
Annual maintenance of equipment	0	2,500	0	0	2,500
Sub - total	\$371,160	\$33,200	\$183,485	\$0	\$587,845
Total Projected Expenditure	\$587,845				

ATTACHMENT 1 – Regional Investment Plan Application

Regional Investment Plan Checklist	
<i>Please complete this checklist to ensure that the project meets the required funding and assessment criteria.</i>	✓
You have read and understand the <i>Regional Funding Program for Local Government Authorities 2011-2016: Funding Guidelines - January 2012</i> (Funding Guidelines).	✓
Your RCG has lodged a Strategic Waste Management Plan with Department of Environment and Conservation (DEC) and it has been endorsed.	✓
All LGAs within your RCG have completed and submitted the most recent DEC local government census of waste services and recycling.	✓
The project was identified as a regional priority within the RCG's DEC endorsed SWMP.	✓
The project will clearly identify and recognise the contribution that RFP funding makes towards improvement in waste avoidance, resource recovery or disposal.	✓
You have provided proof of delegation of decision making powers from all LGAs to the nominated lead authority of the RCG for the current RFP (Section 8.1.1 Funding Guidelines) AND The RIP has been signed by the delegated authority OR all LGA member Chief Executive Officers (CEOs).	
The project will make a measurable contribution towards meeting Waste Strategy targets.	✓
The project will achieve continuous improvement in waste avoidance, recovery or disposal.	✓
The project meets all applicable Project Investment Criteria, (Section 7: Funding Guidelines).	✓
The Regional Investment Plan (RIP) includes all details of project funding, including details of funding under other funding programs (including Waste Authority programs).	✓
The project includes a recipient contribution totalling 20% of the overall project cost (cash if a competitive bid funding application).	✓
The RIP is submitted within the applicable funding period (Section 1 Funding Guidelines).	✓
You have completed all applicable sections of the RIP template.	✓
You have submitted one electronic and one signed hard copy of your RIP.	

ATTACHMENT 1 – Regional Investment Plan Application

Note: This report must be signed by the CEO of the regional council, lead local government representing the RCG or all group CEOs as applicable.

Add declarations as required.

PART F - DECLARATION	
<p>I, _____ Chief Executive Officer of _____</p> <p>declare that the information given in this <i>Regional Investment Plan</i> and all attached documents are complete and correct to the best of my knowledge, information and belief.</p>	
Signature of Chief Executive Officer:	<p>.....(signature)</p> <p>..... (print name)</p> <p>..... (date)</p>
Witnessed by:	<p>.....(signature)</p> <p>.....(print name & occupation)</p> <p>.....</p> <p>..... (date)</p>

Attachment 1: Milestone Reporting

Note: This form provides information on how each milestone has been met and the measurable outcome achieved.

- Complete and submit this form to DEC with a progress report; evidence of expenditure (including copies of invoices and detail of recipient matching contributions); and a tax invoice as each milestone is achieved.
- Previous milestone entries should be maintained within the form.
- Evidence to support achievement of milestones should be provided with this form.

Milestone Achievement Report: (Insert RCG name and Project Title)

Milestone		Description of how milestone was achieved	Milestone Achievement date	Measurable outcome	Regional Funding Program funding received Y/N - %
1	Submission and approval of RIP	RIP was prepared by RCG and submitted to DEC on (state date)	(insert date of contract sign off by DEC)	RIP met funding criteria and was approved by DEC	Y – 20%
	Submission of Final Project Evaluation Report and Statement of Income and Expenditure	(use Final Project Evaluation Report template)			10%

13.4 COMMUNITY DEVELOPMENT

13.4.1 Caravan Park and Camping Ground Licence Amendment – Kimberleyland Holiday Park Pty Ltd

DATE:	24 June 2014
PROPONENT:	Kimberleyland Holiday Park Pty Ltd
LOCATION:	Lot 1519 Victoria Highway Kununurra
AUTHOR:	Ken Lowth, Environmental Health Officer
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	PH.12.5
ASSESSMENT NO:	A1091

PURPOSE

To amend the Caravan Park and Camping Ground License for Kimberleyland Holiday Park Pty Ltd (Kimberleyland).

BACKGROUND

Currently, Kimberleyland is licensed for the following number of sites based on the ablution and laundry facilities provided at the caravan park:

- a) Long stay sites 37
- b) Short stay sites 100
- c) Camping sites 33
- d) Overflow sites 10

Management have recently renovated and increased the number of ablutions and laundry facilities provided.

The renovations have increased the number of ablution and laundry facilities by the number shown in the following table:

Facility	Old	New
Male WC's	10	16
Male Urinal	5000mm	5700mm
Female WC's	12	18
Male Showers	12	17
Female Showers	12	18
Male Hand Basins	12	14
Female Hand Basins	12	13
Laundry Facilities	10	12

The extra facilities will allow Kimberleyland to be licensed for the following number of sites:

- a) Long stay sites 37
- b) Short stay sites 154
- c) Camping sites 33
- d) Overflow sites 10

A copy of the application and the floor plans is attached.

STATUTORY IMPLICATIONS

Caravan Parks and Camping Grounds Act 1995.

6. *Caravan park or camping ground not to be operated without a licence*
 - (1) *On and after the appointed day a person must not operate a facility, or a facility of a prescribed type, unless the person holds the appropriate licence under this Act in relation to that facility.*

Penalty: \$5 000.
 - (2) *In subsection (1) —*
 - *appointed day means such day as is fixed by the Minister by notice published in the Government Gazette to be the appointed day for the purpose of that subsection².*
7. *Application for the grant or renewal of a licence*
 - (1) *An application for the grant or renewal of a licence for a facility is to be —*
 - (a) *made to the local government in the appropriate prescribed form;*
 - (b) *accompanied by the appropriate fee prescribed; and*
 - (c) *accompanied by any information that the local government reasonably requires for a proper consideration of the application.*
 - (2) *An applicant is to provide the local government with any further information that the local government by notice in writing requires the applicant to provide in respect of an application.*
 - (3) *An applicant must, if required to do so by the local government, verify by statutory declaration any information contained in, or given in connection with, an application.*
 - (4) *Subject to this section, a local government may grant or renew a licence and at any time may impose conditions on that licence.*
 - (5) *Before granting a licence a local government must ensure that —*
 - (a) *the applicant has complied with the requirements of this Act;*
 - (b) *the applicant is the owner of the land on which the facility is situated, or is to be situated, or has the written approval of the owner of that land to apply for a licence.*
 - (6) *A local government may refuse to renew a licence if —*
 - (a) *the licence holder has been convicted of an offence against this Act or any other written law relating to caravanning or camping which, in the opinion of the local government, renders the licence holder an unsuitable person to hold a licence;*
 - (b) *a condition imposed on the licence has been contravened; or*
 - (c) *the licence was obtained by fraud or misrepresentation.*
 - (7) *Where a local government refuses to grant or renew a licence it must give notice in writing of that decision to the applicant.*
 - (8) *Notice of a decision under this section is to state that the applicant or licence holder is entitled to apply to the State Administrative Tribunal for a review of the decision.*
8. *Duration of licence*

A licence remains in force for the prescribed period unless —

 - (a) *it is provided otherwise in the licence; or*
 - (b) *it is cancelled.*

Caravan Parks and Camping Grounds Regulations 1997

Schedule 7 — Caravan parks and camping grounds

Division 6 — Ablution and toilet facilities

20. Number of showers, toilets and hand basins, except at transit parks and nature based parks
- (1) This clause applies to all facilities except transit parks and nature based parks.
 - (2) A facility is to have at least as many showers, toilets and hand basins as is specified in the following Table opposite the number of sites the facility has.
 - (3) Instead of each 600 mm of urinal trough there may be provided —
 - (a) a wall hung urinal; or
 - (b) with approval, a pedestal toilet.

*All caravan parks and camping grounds
(except transit parks and nature based parks)
showers, toilets and hand basins*

No. of sites	Toilets			No. of showers (each sex)	No. of hand basins (each sex)
	Male		Female		
	No. of pedestals	mm of urinal trough	No. of pedestals		
1-10	1	600	1	1	1
11-15	1	600	2	2	2
16-20	2	600	2	2	2
21-30	2	1 200	3	3	3
31-40	3	1 200	4	4	4
41-45	3	1 800	5	5	5
46-50	4	1 800	5	5	5
51-60	4	1 800	6	6	6
61-75	5	2 400	7	7	7
76-80	5	2 400	8	8	7
81-90	6	2 400	8	8	8
91-100	6	3 000	9	9	8
101-105	7	3 000	9	9	9
106-120	7	3 000	10	10	9
121-140	8	3 600	11	11	10
141-145	8	3 600	12	12	11
146-150	9	3 600	12	12	11
151-160	9	3 600	12	12	11
161-170	9	4 200	12	12	12
171-180	10	4 200	14	12	12
181-190	11	4 800	14	14	13
191-200	12	4 800	14 plus 1 for every 20 sites	14	13
over 200	12 plus 1 for every 25 sites over 200	4 800 plus 600 mm for every 30 sites over 200	over 190 —	14 plus 1 for every 20 sites over 200	13 plus 1 for every 30 sites over 200

- *Division 7 — Laundry facilities*

30. *Laundry facilities*

- (1) *A caravan park or camping ground is to have at least as many laundry facilities, as described in subclause (2), as is specified in the following Table opposite the number of sites the facility has.*
- (2) *A laundry facility where there is access to a supply of electricity is to comprise —*
 - (a) *a washing machine that is connected to a supply of hot (not less than 45° celsius) and cold running water, or which is capable of heating water to that temperature;*
 - (b) *a trough with a drain plug and hot (not less than 45° celsius) and running cold water;*
 - (c) *at least 0.3 square metre of bench space suitable for ironing clothes, with access to a power point; and*
 - (d) *one electric clothes drier or 60 metres of washing line.*

POLICY IMPLICATIONS

No policy implications apply in the preparation of this report.

FINANCIAL IMPLICATIONS

There will be an increase of \$324.00pa in the annual license fee from \$936.00 p.a. to \$1260.00 p.a.

Due to the annual licence fee increase, a further \$162.00 will be required for the remaining six months of this calendar year being to 31 December 2014, to capture the changes to the current licence.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisation sustainability.

Objective 1.4: Business innovation, efficiency and improved service.

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

COMMUNITY CONSULTATION

Community consultation is not required for this item.

COMMENT

This application is dealt with under the provisions of the *Caravan Parks and Camping Grounds Act 1995* which does not delegate authority to the Chief Executive Officer and therefore this matter must be presented to Council for approval.

All necessary Planning and Building approvals were obtained for these works and the caravan park is compliant with the other provisions of the caravan parks legislation.

ATTACHMENTS

Attachment 1 – Application and associated plans

VOTING REQUIREMENT

Simply majority

OFFICER'S RECOMMENDATION

That Council resolves to license Kimberleyland Holiday Park Pty Ltd to 31 December 2014 for the following number of sites:

- a) Long stay sites 37
- b) Short stay sites 154
- c) Camping sites 33
- d) Overflow sites 10

COUNCIL DECISION

Minute No. 10458

Moved: Cr B Robinson

Seconded: Cr D Learbuch

That Council resolves to license Kimberleyland Holiday Park Pty Ltd to 31 December 2014 for the following number of sites:

- a) Long stay sites 37**
- b) Short stay sites 154**
- c) Camping sites 33**
- d) Overflow sites 10**

Carried Unanimously 9/0



SHIRE OF WYNDHAM EAST KIMBERLEY

APPLICATION FOR GRANT OR RENEWAL OF LICENCE
CARAVAN PARKS AND CAMPING GROUNDS ACT 1995, s27

FACILITY NAME OR PROPOSED NAME: Kimberleyland Holiday Park Pty Ltd

OWNER DETAILS

Name Robert Boshhammer
 Postal Address P.O. Box 20 Kununurra Post Code 6743
 Phone 0407691282 Fax _____ Email robert.boshhammer@bigpond.com
 Contact Person Chris Magnay
 Signature [Signature] Date 1/5/14

Land owner/s

1. Only necessary if applicant does not own the land referred to above.
2. Details to be provided in respect of each land owner.

Name _____
 Address _____ Post Code _____
 Phone _____ Fax _____ Email _____

PROPERTY DETAILS

Lot No. 1519 Street No. _____
 Street Name Victoria Hwy Suburb Kununurra
 Nearest Street Intersection Old Darwin Rd Assessment No. _____
 Land on which the facility is situated or is to be situated (new applications only)
 Address _____
 Land description _____

Declaration (making a false statement may be an offence)

I/We declare that all details in this form are true and correct.

Signature of applicant/s: [Signature] Date: 1/5/14
 Signature of applicant/s: _____ Date: _____

OFFICE USE ONLY			
Date Received		Document No	
Fees Paid		Officer	
Receipt No		Response	
General Ledger Account		File	
EHO Approved		Licence Issued	

Ken Lowth

From: Chris Magnay <magnay@westnet.com.au>
Sent: Tuesday, 29 April 2014 10:39 AM
To: Ken Lowth
Subject: Request amended license for Kimberleyland Holiday Park
Attachments: Amenities 01.pdf; Amenities 03.pdf; Proposed camp kitchen 03 with attached toilets.pdf; Site Layout.pdf

Hi Ken,

Thankyou for taking the time to talk with me yesterday. As discussed we are investing heavily in improving Kimberleylands infrastructure to increase the quality of our guests stay, increase capacity which benefits the whole town, and ensuring compliance with applicable regulations and codes.

I have met with my builders this morning and the timelines for completion are still on track for Ablution block 03 opening next week, and ablution block 01 opening before the kimberley moon.

Attached are the following:

Ablution Block 1 floor plan
Ablution block 3 floor plan
Proposed camp kitchen with attached toilets
Updated site plan which includes projects currently with SWEK for planning approval. Please note that we will also be operating 33 unpowered sites on the foreshore leased area as per previous years, but are not shown on the site map SK03.

Below is a table of our current lisenice and proposed site numbers for your reference. If we have sufficient ablutions I would like to increase the licensed number of sites to reflect this.

Kimberleyland Licensed Number of Sites

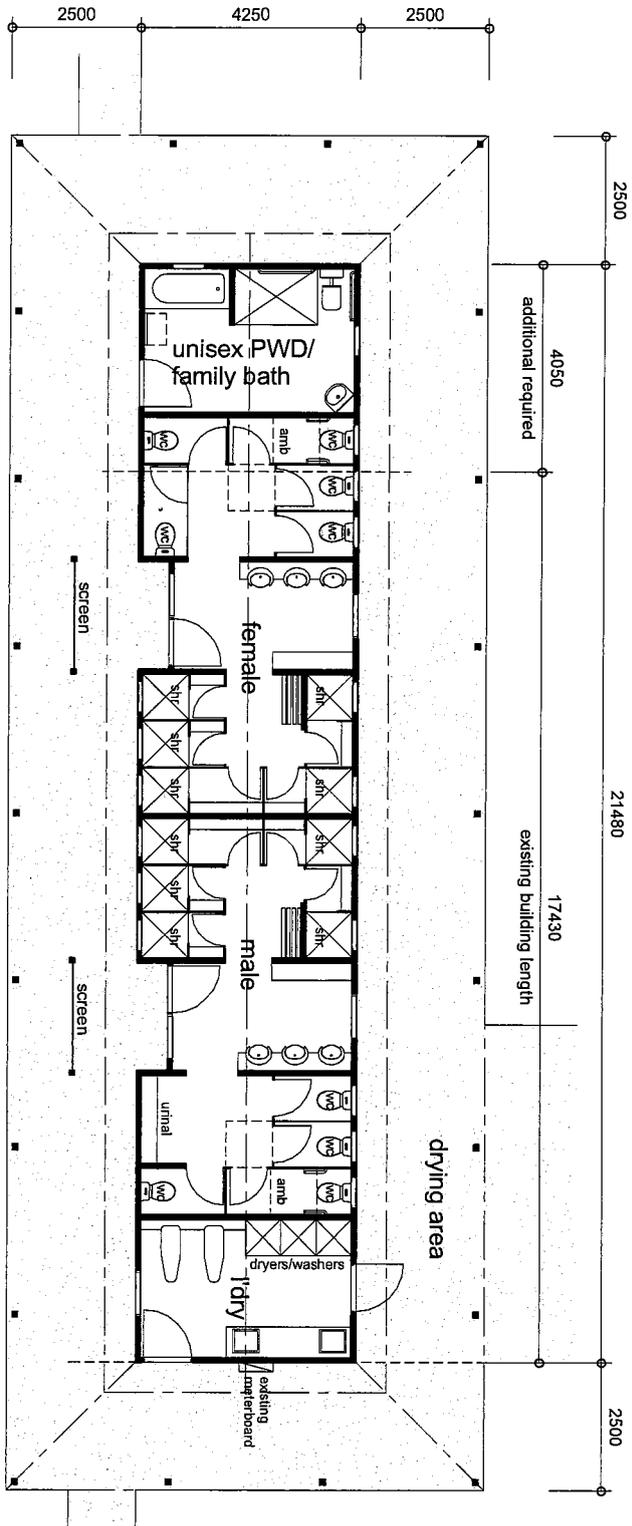
	Current	Proposed	Sites for Toilet Calculations
Long Stay Sites	37	37	37
Short Stay Sites	100	154	154
Camping Sites	33	33	17
Overflow	10	10	10
Total	180	234	218

I will also shortly forward previous correspondance with Tahi Morton in regards to this matter.

Could you please forward me the Caravan park license application form and I will return it you as soon as possible. Should you require any further information please do not hesitate to contact me.

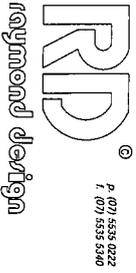
Kind Regards,

Chris Magnay
Director
Kimberland Holiday Park
0404 065 173
magnay@westnet.com.au



amenities 03 concept floor plan

floor area - 91.3 sqm



P: (07) 5539 0222
F: (07) 5539 5340

project
**proposed holiday park
redevelopment**
victoria highway, kununurra

drawing title
concept floor plan
client
kimberleyland holiday park p/l

scale	1:200 (A3)
drawn	C. C. T.
date	Jul 13.

customer approved design only. All building designers established 1974 C.C. registered QBSA lic. no. 1178465

All work shall comply with the building code of Australia, any applicable government act, regulations and any bylaws or requirements of the local authority. See if in doubt ask. report any discrepancies immediately for clarification and rectification. verify dimensions on site prior to any construction. All work shall be done in accordance with the copyright and is protected by copyright.

05/12/13	veranda roof added	P2
22/1/13	preliminary issue	P1
date	revision	issue

RD13020 **SK18**



project
proposed holiday park redevelopment
 victoria highway, kununurra

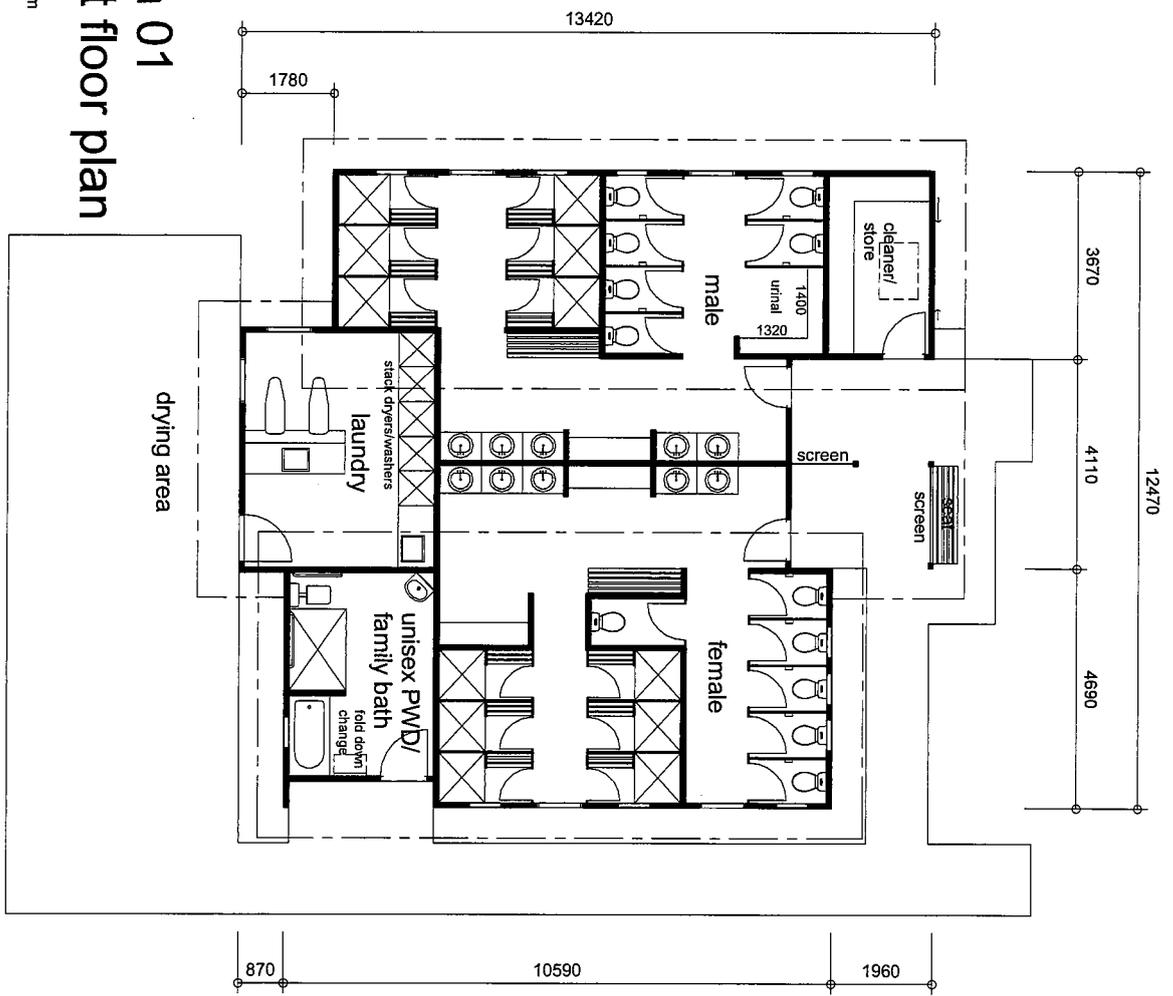
drawing title
concept floor plan
 client
 kimberleyland holiday park p/l

scale
 1:300 (A3)
 c. c. t.
 date
 jul. '13.
 curren regional design pty. ltd.
 building designers established 1974.
 c.c. regional QBSA lic. no. 1178465

all work shall comply with the building code of australia, any applicable government act, regulations, standards and any bylaws or requirements of the local authority. do not modify or delete any dimensions or details in this drawing without the written approval of the designer. any dimensions on site prior to any work shall be confirmed with the local authority. this drawing is for information only and shall not be copied or used without authorisation and is protected by copyright.

3100013	preliminary issue	
date	revision	issue
RD13020		SK07

ablution 01
concept floor plan
 floor area - 135.6 sqm





P. (07) 5535 2222
F. (07) 5535 5340

Project
proposed holiday park
redevelopment
victoria highway, kununurra

drawn title
camp kitchen 03 floor
plan & elevations
client
kimberleyland holiday park p/l

scale 1:100 (A3)
c. s. l.
date jul. 13.
cameron raymond design pty. ltd.
building designers established 1974
c.c. raymond QMSM lic. no. 1179465

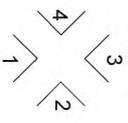
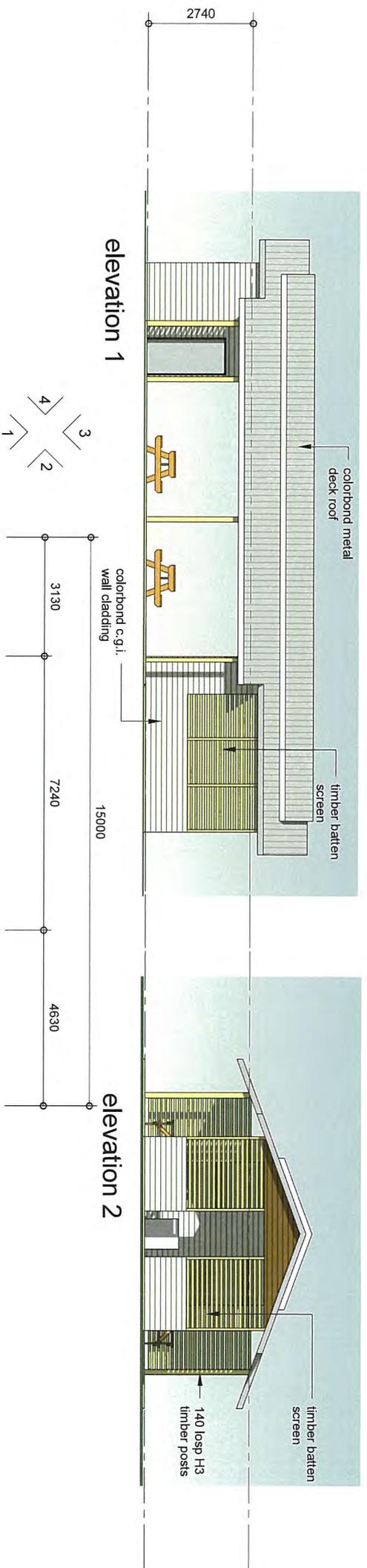
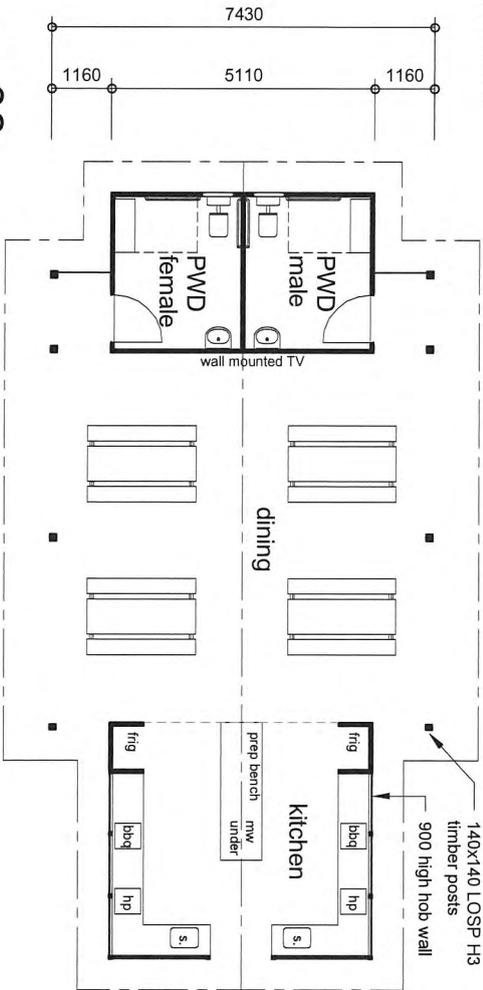
all work shall comply with the building code of australia, any applicable government act, applicable standard and any bylaws or approved dimensions only. do not scale. if in doubt ask. report any discrepancies immediately for clarification and rectification. verify dimensions on site prior to any building work. this drawing shall not be copied or used without authorisation and is protected by copyright.

18/03/14	revised issue	P2
17/02/14	preliminary issue	P1
date	revision	issue

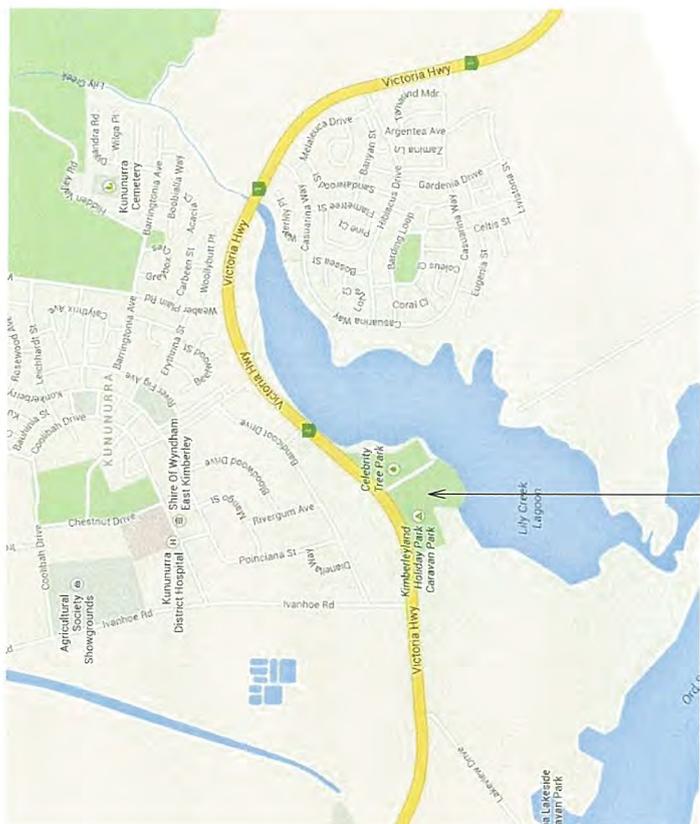
RD13020 **SK.22**

camp kitchen 03 concept floor plan

roofed area - 97.4 sqm



proposed holiday park re-development kimberleyland holiday park victoria highway kununurra, WA.



locality plan
index to sheets



- SK01 face sheet/locality plan
- SK02 site plan - existing conditions
- SK03 overall site plan - proposed
- SK04 stage 01 site plan - proposed
- SK05 stage 02 site plan - proposed
- SK06 stage 03 site plan - proposed
- SK07 stage 03 site plan - proposed
- SK08 site entry layout plan
- SK09 typical site details
- SK08 abutions 01 floor plan
- SK09 abutions 01 elevations
- SK10 abutions 01 concept 3D views
- SK11 camp kitchen 01 floor plan & elevations
- SK12 camp kitchen 01 concept 3D views
- SK13 camp kitchen 02 floor plan & elevations
- SK14 camp kitchen 02 concept 3D views
- SK15 reception & cafe floor plan
- SK16 manager's residence floor plan
- SK17 typical ensuite floor plan & elevations
- SK18 abutions 03 floor plan
- SK19 abutions 03 elevations



project
proposed redevelopment
kimberleyland holiday park
victoria highway, kununurra

drawing title
face sheet

client
kimberleyland holiday park p/l

scale 1:200 (A3)
drawn C. C. F.
date oct '13.
cannery, approved design pay. ltd.
165 288 776
building designers established 1974
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authorization and is protected by copyright

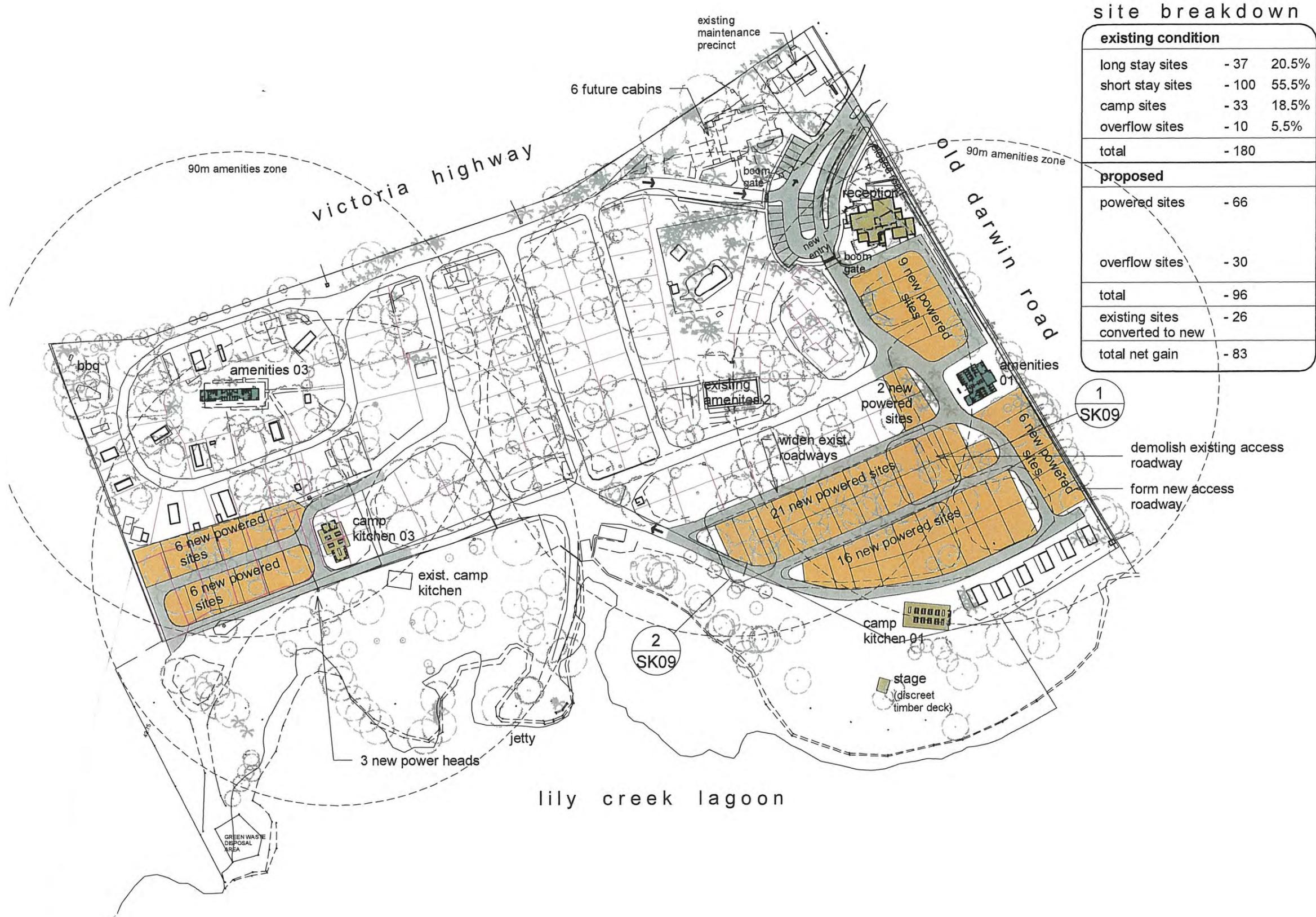
all work shall comply with the building code of australia, any applicable government act, australian standard and any bylaws or council resolutions. drawings are for informational purposes only. do not scale. if in doubt ask. report any discrepancies immediately for clarification and rectification. verify dimensions on site prior to any construction. this drawing is a preliminary issue and shall not be copied or used without authorization and is protected by copyright

3/10/13	preliminary issue	P1
	date	revision
		ISSUE

RD13020

SK01

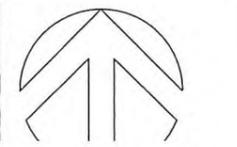
ATTACHMENT 1 - Application and associated plans



site breakdown

existing condition		
long stay sites	- 37	20.5%
short stay sites	- 100	55.5%
camp sites	- 33	18.5%
overflow sites	- 10	5.5%
total	- 180	
proposed		
powered sites	- 66	
overflow sites	- 30	
total	- 96	
existing sites converted to new	- 26	
total net gain	- 83	

demolish existing access roadway
form new access roadway



11/04/14	entry/exit roadway amended, ensuites removed	P3
19/02/14	stage 01 powered site & roadway revised	P5
22/01/14	leasehold area amended	P4
date	revision	issue

192 of 339

13.4.2 Development Application for Change of Use – Shop at Lot 11 Pruinosa Street, Kununurra

DATE:	24 June 2014
PROPONENT:	Yvette McCleary
LOCATION:	Lot 11 Pruinosa Street, Kununurra
AUTHOR:	Elle Davidson, Planning Officer
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	A781P

PURPOSE

For Council to consider a development application for a Change of Use – Shop at Lot 11 Pruinosa Street, Kununurra.

BACKGROUND

An application for planning approval was lodged on 1 May 2014 by Yvette McCleary for a Change of Use – Shop at Lot 11 Pruinosa Street, Kununurra.

The property is located on the corner of Pruinosa Street and Victoria Highway, Kununurra. It has an area of 1,996m² and is zoned Tourist under *Town Planning Scheme No. 7 – Kununurra and Environs (TPS7)*.



Location of Site

On 23 April 2013, Council approved a Change of Use – Health Studio/Club to create 165m² studio space and 30m² of shop floor space for the retail of health products. The current development application for a Change of Use – Shop relates to separate floor space within the same premises. The following conditions applied to the approval of the Change of Use – Health Studio/Club:

Minute No. 10044

Moved: Cr J Parker

Seconded: Cr R Dessert

That Council grants planning consent for a change of use to a Health Club at Lot 11 Pruinosa Street, Kununurra subject to the following:

- 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) A plan must be provided to the Shire within three months of the date of this approval. The plan must show eight bays available for the use of a Health Club/Studio, and a combined on-site car parking of nineteen bays.**
- 3) All parking areas must be constructed within six months of the date of this approval.**
- 4) All vehicle access to the site must comply with the requirements of the Shire and Main Roads Western Australia.**
- 5) Obtain Building approval to change classification of the Health Studio.**
- 6) Any further change of use will require Shire approval.**

Since this decision, correspondence to the applicant and owner for the Health Studio/Club was exchanged in relation to the construction of the required parking spaces. This resulted in the owner of the property, Andrew Mock being reluctant to construct additional parking spaces prior to additional vacant office space being filled with the anticipation that further parking spaces may be required. Shire Officers have met with Andrew Mock to discuss the required parking for the approved Change of Use – Health Studio/Club and noted that further parking would be necessary for the current development application for a Change of Use – Shop application.

A site plan was submitted on 2 May 2014 and then revised on 5 June 2014. This plan indicates a total of 20 parking spaces will be provided. The owner originally committed to the construction of the additional bays by 30 June 2014, which may be difficult to realise considering the parking plan was not supported by the Shire until 6 June 2014. Main Roads Western Australia has confirmed the continued use of the existing driveway through the road reserve.

Proposal

The applicant proposes to convert 73m² of Office space to a Shop, which will provide Beauty Therapist and Massage services. It is also the intention that some retail and pre-made food could potentially be sold from the premises. The applicant originally proposed to operate a mobile coffee van from the car park of the property, however, has since removed this request from the application.

STATUTORY IMPLICATIONS

Town Planning Scheme No. 7 – Kununurra and Environs

The objectives of the Tourist Zone are:

- (a) To encourage tourist accommodation and activity in areas adjacent to attractive natural and man-made features.*
- (b) To encourage tourist uses on land adjacent to the exiting town centre and forming the approach to the town centre of Kununurra.*
- (c) To encourage a high standard of aesthetic quality, landscaping and presentation.*

Under the Development Standards of *Town Planning Scheme No. 7 – Kununurra and Environs (TPS7)*, parking must be provided at one bay for every 20m² of floor area for a Shop in comparison to one bay for every 40m² of floor area for an Office. The proposed Shop requires 4 car parking spaces, which equates to an additional 2 parking spaces being required.

A total of 21 spaces are required for the development under *TPS7*, with the proposed parking plan indicating 20 parking bays. There are provisions for shared parking within *Town Planning Scheme No. 6 – Wyndham (TPS6)* for development within Wyndham, however, *TPS7* does not feature any such allowances.

Section 5.5 of *TPS7* grants Council the ability to vary development standards should it be satisfied that:

- a) *Approval of the proposed development would be consistent with the orderly and proper planning of the locality and preservation of the amenities of the locality; and*
- b) *The non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality; and*
- c) *The spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.*

Clause 11.3 of *TPS7* provides guidance with respect to determining applications – principally with regard to orderly and proper planning and the preservation of the amenities of the locality.

POLICY IMPLICATIONS

No policy implications apply in the preparation of this report.

FINANCIAL IMPLICATIONS

The applicable \$295 fee for a Change of Use has been paid.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisation sustainability.

Objective 1.4: Business innovation, efficiency and improved service.

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

COMMUNITY CONSULTATION

No community consultation has been undertaken in relation to this application.

COMMENT

The applicant states that the proposal aligns with the objectives of the Tourist Zone as it encourages customers to visit the site and take advantage of the property location. Further local businesses will be advertised and customers will be encouraged to visit the town centre. It is concluded that the proposal of a Beauty Therapist and Masseuse Shop would be appropriate within the Tourist Zone and would be more fitting than its recent use as a local parliamentary members (Carol Martin MP) office.

The sale of pre-packaged food from the premises falls within the use of a Shop and would not necessarily attract additional patrons to the premises as the applicant's intent is to provide food for customers attending an appointment.

The commitment from the owner to construct the required additional parking within the development by 30 June 2014 demonstrates that existing parking issues will be resolved in the near future. Shire Officers initially received a parking concept plan, which did not appropriately detail the information required for assessment by the Shires Infrastructure Directorate. Further detail and specific notation that the drawings comply with the *Australian Standards Off-Street Parking AS2890.1:2004* have been submitted by the applicant. Main Roads WA has confirmed that continued use of the existing access through the road reserve is permissible. A condition relating to future road expansion and resultant egress from the site has been included in the recommendation at Main Road WA request.

A concession for the number of parking spaces is sought due to the loss of one parking space to be incorporated into the disabled parking bay. The applicant seeks a concession and states that the spaces can be used on a reciprocal nature due to the hours of operation of the Health Club/Studio. Fitness classes and times of peak gym usage are outside standard office hours, which therefore leave parking allocated to this use available for the operations of existing office space and the proposed shop.

ATTACHMENTS

Attachment 1 – Proposed plans and submission

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council approves the planning application for a Change of Use - Shop at Lot 11 Pruinosa Street, Kununurra, 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 Shire;
- 2) A total of 20 parking spaces are to be provided onsite in accordance with a parking layout plan approved by the Shire prior to the commencement of the use;
- 3) All vehicle access/egress from the site must comply with the requirements of the Shire and Main Roads Western Australia;
- 4) The road reserve is for expansion of the road network and if needed any part of the driveway access/egress that is in the road reserve shall be removed. Future location and use of driveway access/egress requires approval and negotiation with Department of Main Road Western Australia;
- 5) Access directly onto the Victoria Highway from Lot 11 Pruinosa Street, Kununurra is not permitted. The installation of measures to prohibit access is required, which are to be approved by the Shire and Department of Main Road Western Australia, and maintained by the applicant.

COUNCIL DECISION

Minute No. 10459

Moved: Cr G Taylor

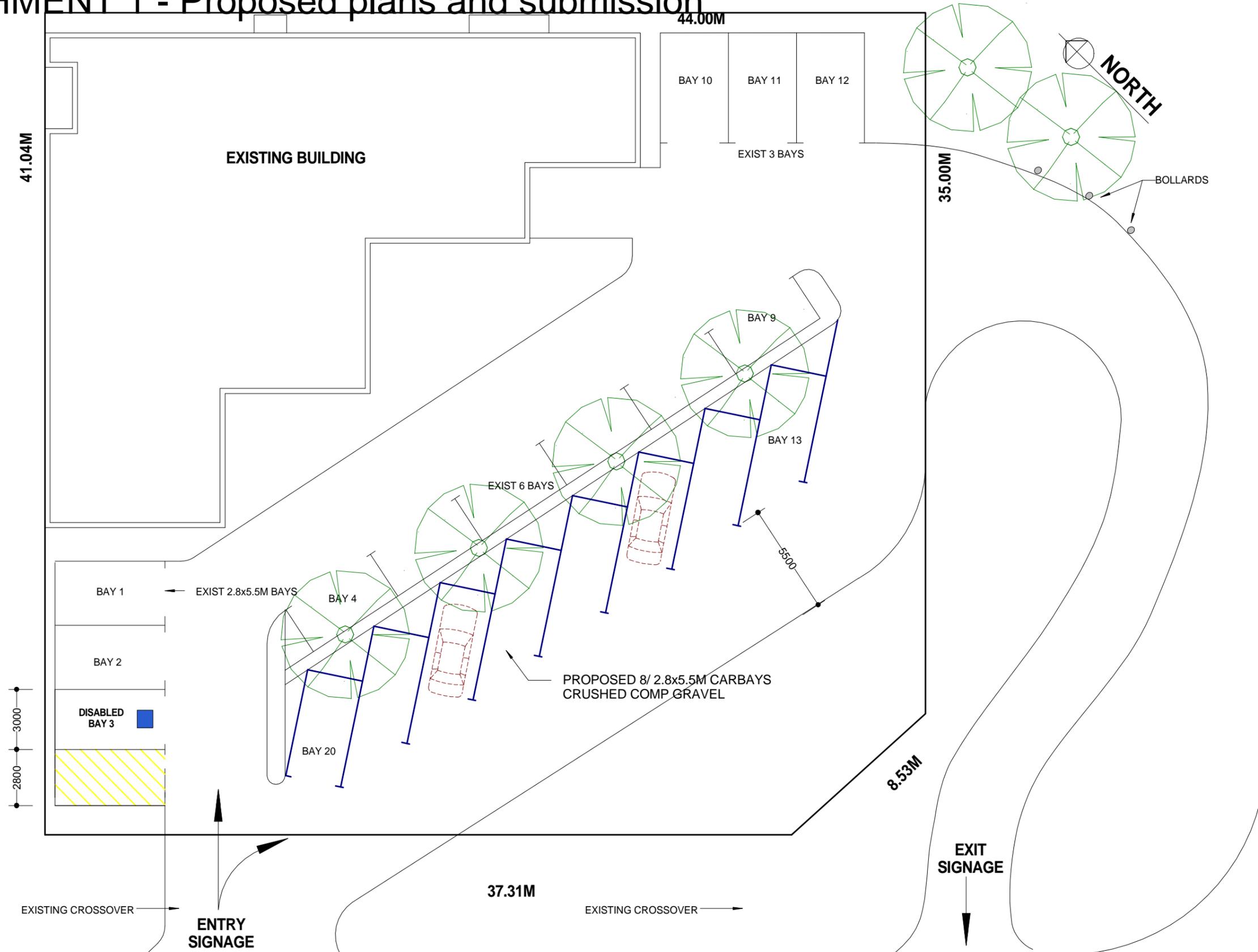
Seconded: Cr D Learbuch

That Council approves the planning application for a Change of Use - Shop at Lot 11 Pruinosa Street, Kununurra, 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 Shire;**
- 2) **A total of 20 parking spaces are to be provided onsite in accordance with a parking layout plan approved by the Shire prior to the commencement of the use;**
- 3) **All vehicle access/egress from the site must comply with the requirements of the Shire and Main Roads Western Australia;**
- 4) **The road reserve is for expansion of the road network and if needed any part of the driveway access/egress that is in the road reserve shall be removed. Future location and use of driveway access/egress requires approval and negotiation with Department of Main Road Western Australia;**
- 5) **Access directly onto the Victoria Highway from Lot 11 Pruinosa Street, Kununurra is not permitted. The installation of measures to prohibit access is required, which are to be approved by the Shire and Department of Main Road Western Australia, and maintained by the applicant.**

Carried Unanimously 9/0

ATTACHMENT 1 - Proposed plans and submission



SITE PLAN

PRUINOSA STREET

NOTE:
CARPARKING TO COMPLY WITH
AS 2890.1:2004 OFF STREET PARKING

CHECK ALL DIMENSIONS ON SITE
PRIOR TO COMMENCEMENT OF ALL WORKS

ENHANCED Design & Drafting

MARK GRAHAM
PO BOX 497
Margaret River 6285
Telephone/Fax :08 97587 733
Mobile : 0438 810 440
E-Mail : redrose@inet.net.au © COPYRIGHT

CAR PARKING LAYOUT
2 PRUINOSA STREET
KUNUNURRA

SITE PLAN		DA
Project No ^o :	1	Sheet: 1 of 1
Scale:	1:200	Revision:
Date:	5-6-2014	Dwg: A3

01.05.14

Skin Deep and Beyond Beauty
skindeepbeyond@gmail.com

Shire of Wyndham East Kimberley
20 Coolibah Drive, Kununurra
WA 6743

To Whom It May Concern

Please be advised that I would like to lease the shop located at 4/2 Pruinosa Street from the owner Andrew Mock for the purpose of providing Beauty therapy and Massage therapy services, trading seven days a week, between the hours 8am to 8pm.

We would also be selling items such as beauty products and catering for our clients needs by selling them food and beverages from the premises and from a mobile coffee trailer parked out the front.

Yours Sincerely
Yvette McCleary

Elle Davidson

From: Andrew Mock <memock@westnet.com.au>
Sent: Friday, 2 May 2014 9:23 AM
To: Elle Davidson
Subject: Car park commitment

Hi Elle,

I send this email to you as written confirmation about my commitment to extend my car parking at 2 Prunosia street, as per the plan submitted to you on April 30.

I am firmly committed to having this car park finished before June 30, 2014.

Kind Regards

Andrew Mock

13.4.3 Minor Amendments to Development Approval for a Community Purpose (Kununurra Neighbourhood House) at Lot 507, Chestnut Avenue, Kununurra

DATE:	24 June 2104
PROPONENT:	Mark Phillips
LOCATION:	Lot 507 Chestnut Avenue, Kununurra
AUTHOR:	Elle Davidson, Planning Officer
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	A6991P

PURPOSE

For Council to consider minor changes to the development approval for a Community Purpose (Kununurra Neighbourhood House) at Lot 507 Chestnut Avenue, Kununurra.

BACKGROUND

An application for planning approval was lodged on 28 January 2014 by Mark Phillips for the development of a purpose built Kununurra Neighbourhood House at Lot 507 Chestnut Avenue, Kununurra.

The property is located adjacent to the Ewin Centre with frontage to Chestnut Avenue as well as access from Bella Lane, and has an area of 2073 m². The land is zoned Town Centre under *Town Planning Scheme No.7 – Kununurra and Environs (TPS7)*.

The property is currently vacant and has been set aside for the purpose of the development of a new Kununurra Neighbourhood House facility. The land has been reserved for the purpose of 'Community Purposes' with a Management Order issued to the Shire with power to lease.

At the Ordinary Council Meeting of 20 February 2014 the Council considered an item (Item 13.4.4) regarding a development application to establish a purpose built facility for the Kununurra Neighbourhood House Family Support Service. The application included main activity areas (lounge and kitchen), meeting room, informal meeting/seating areas, playground areas and a crèche, storage areas, Opportunity shop, and also incorporates the Kununurra Toy Library which currently is operated from the Kununurra Picture Garden site. Council resolved:

Minute No. 10323

Moved: Cr K Wright

Seconded: Cr D Learbuch

That Council:

- 1) Grants planning consent for a Community Purpose (Kununurra Neighbourhood House) at Lot 507 Chestnut Avenue, Kununurra, and Car Park at Lot 506 Chestnut Avenue, Kununurra, subject to the following conditions:***
 - a) 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.***

- b) Any change of use of any buildings, or portions thereof, will require Shire approval.**
 - c) Discharge all stormwater into the shires stormwater system to the satisfaction of the shire**
 - d) New crossovers to the development must be constructed in accordance with the Shire's commercial crossover specifications.**
 - e) 13 additional bays are required to be provided for this development in accordance with the approved parking plan, being 4 additional bays within Lot 507, 3 additional bays within Lot 506, and 6 additional bays within the Chestnut Avenue road reserve.**
 - f) All public car parking design layout is to be in accordance with Australian Standard/New Zealand Standard 2890.1:2004 – Parking facilities – Off-street parking, and constructed at the Developer's cost.**
 - g) Landscaping and pathways, inclusive of the development within public area, are to be installed at the Developer's cost to the satisfaction of the Shire's Infrastructure Directorate.**
 - h) Any future signs will require further planning approval from the Shire.**
- 2) Agrees to provide sponsorship in an amount equal to the development application fee of \$8,530 to the Kununurra Neighbourhood House, to be funded from unallocated Annual Grant funds from the 2013/214 financial year, subject to the Shire's support being suitably acknowledged.**

A copy of this item is provided as Attachment 1.

Proposal

The applicant has submitted plans with minor amendments that are being brought before Council for endorsement. A site meeting with the Infrastructure Department identified that the proposed driveway egress, which cut through the lot truncation, could not be supported and the approved parking arrangement would require existing services to be relocated. Negotiation with the applicant has resulted in a proposed parking layout that retains the existing number of bays, avoids a driveway within the truncation and allows for the retention of the existing services.

Some additional building changes have also been made, which are outlined below and relate to the functionality, setbacks and construction of the development.

The changes include:

- 1) Two disabled parking bays and two shared parking zones have been provided;
- 2) Driveway has been realigned to avoid egress through corner truncation;
- 3) Loss of two landscaping bays within the carpark to accommodate the required driveway realignment and shared parking zones;
- 4) Parking layout amended to the northern boundary to prevent the need for services to be relocated;
- 5) Relocating the Main Activity/Administration building away from the Ewin Centre Boundary so that it is beyond the 3m limit and no longer requires a fire rated wall. This has the additional benefit of providing better separation between the Ewin Centre and Kununurra Neighbourhood House buildings;
- 6) The relocation of the Main Activity/Administration building has resulted in moving the Toy Library building to 925mm from the boundary adjoining the park, to maintain a functional courtyard space between the Toy Library and the Main Activity/Administration building;

- 7) Expanding the Creche building by extending the Creche building toward the Bella Lane boundary by 1780mm with a resultant setback from the Bella Lane boundary of 3.5m. This change was initiated just in case KNH decided to (in future) seek a license for alternative care arrangements in consultation with the Education and Care Regulatory Unit of the *Department of Local Government and Communities*.

STATUTORY IMPLICATIONS

The land at Lot 507 is zoned Town Centre under *TPS7*. The objectives of this zone are to provide adequate land for the continued development of a main commercial and community facility centre for the town and to apply appropriate development and land use controls to ensure the development is to a satisfactory standard.

The proposed use would be Community Purpose which is defined in *TPS7* as below:

Community Purpose means the use of land and buildings designed or adapted primarily for the provision of educational, social and recreational facilities and services by organisations involved in activities for community benefit.

Car parking

There are 32 existing car parking spaces adjoining the Ewin Centre (child care). The applicant proposes to extend this existing car park to both the north and south by altering the location of the current entry and exit locations, which will result in an additional 11 bays in this location; 4 bays are proposed to be located within the Ewin Centre and KNH sites, and 7 bays are proposed to be located within the road reserve. The two bays originally sacrificed for landscaping have been converted into shared zones for disabled access.

Two bays for staff parking will also be provided onsite with access from Bella Lane.

POLICY IMPLICATIONS

No policy implications apply in the preparation of this report

FINANCIAL IMPLICATIONS

No financial implications apply in the preparation of this report.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

- Goal 1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisational sustainability.
- Objective 1.2: Alignment of regional and local priorities with other agencies and community groups.
- Strategy 1.2.3: Promote the collocation of community facilities and sharing of resources among community groups.
- Goal 2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure.

Objective 2.4: High standard of health and community facilities and services available to all residents.

Strategy 2.4.1: Advocate for improved health and community services.

Goal 2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure.

Objective 2.5: East Kimberley residents have access to a broad range of educational opportunities.

Strategy 2.5.4: Encourage activities that promote adult educational opportunities including family support and life skills programs.

COMMUNITY CONSULTATION

No community consultation implications apply in the preparation of this report.

COMMENT

The proposed changes are deemed to be minor and all modified/amended setbacks comply with the relevant regulations. Changes to the proposed parking layout result in the same number of parking spaces being provided for the development and the loss of two landscaped bays does not impact the proposed development.

ATTACHMENTS

Attachment 1 – Item 13.4.4 Development Application for a Community Purpose (Kununurra Neighbourhood House) at Lot 507 Chestnut Avenue, Kununurra

Attachment 2 – Development Approval (DA06/14)

Attachment 3 – Submission and Plans

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council approves the revised parking layout (Sheet SKC001, dated June 14) and development plans for the Community Purpose (Kununurra Neighbourhood House) at Lot 507 Chestnut Avenue, Kununurra and Car Park at Lot 506 Chestnut Avenue, Kununurra.

COUNCIL DECISION

Minute No. 10460

Moved: Cr G Taylor

Seconded: Cr D Learbuch

That Council approves the revised parking layout (Sheet SKC001, dated June 14) and development plans for the Community Purpose (Kununurra Neighbourhood House) at Lot 507 Chestnut Avenue, Kununurra and Car Park at Lot 506 Chestnut Avenue, Kununurra.

Carried Unanimously 9/0

13.4.4 Development Application for a Community Purpose (Kununurra Neighbourhood House) at Lot 507 Chestnut Avenue, Kununurra

DATE:	25 February 2014
PROPONENT:	Mark Phillips
LOCATION:	Lot 507 Chestnut Avenue, Kununurra
AUTHOR:	Jennifer Ninyette, Senior Planning Officer
REPORTING OFFICER:	Nick Kearns, Director Community Development
FILE NO:	A6991P

PURPOSE

For Council to consider a development application for a Community Purpose (Kununurra Neighbourhood House) at Lot 507 Chestnut Avenue, Kununurra.

BACKGROUND

An application for planning approval was lodged on 28 January 2014 by Mark Phillips for the development of a purpose built Kununurra Neighbourhood House at Lot 507 Chestnut Avenue, Kununurra.

The property is located adjacent to the Ewin Centre with frontage to Chestnut Avenue as well as access from Bella Lane, and has an area of 2073 m². The land is zoned Town Centre under *Town Planning Scheme No.7 – Kununurra and Environs (TPS 7)*.

The property is currently vacant and has been set aside for the purpose of development of a new Kununurra Neighbourhood House facility. The land has been reserved for the purpose of 'Community Purposes' with Management Order issued to the Shire with power to lease.

At the Ordinary Council Meeting of 19 October 2010 the Council considered an item (Item 12.5.2) to consider its further involvement in the development of new premises for the Kununurra Neighbourhood House and associated services, and resolved:

Minute No. 9319

Moved: Cr J Parker
Seconded: Cr K Wright

That Council provide the following contributions to the development of the new building for Kununurra Neighbourhood Hose and associated services:

- 1) Retain reserve management order of Lot 507, and include the proposed community infrastructure, for the purposes of community use on behalf of the community;**
- 2) Seek funding for the construction of the new building for use by Kununurra Neighbourhood House and associated services;**
- 3) Provide project management of the building construction phase to hand over occupancy and operation;**
- 4) At an appropriate future time, develop and negotiate mutually agreeable terms and conditions to establish lease arrangements between the Shire and Kununurra Neighbourhood House for use of the land and buildings for community purposes; and**

5) As the project evolves, assess any further types of involvement as the need arises.

Carried Unanimously (8/0)

A copy of this item is provided as Attachment 1.

Proposal

The applicant proposes to establish a purpose built facility for the Kununurra Neighbourhood House Family Support Service which will include main activity areas (lounge and kitchen), meeting room, informal meeting/seating areas, playground areas and a crèche, storage areas, Opportunity shop, and will also incorporate the Kununurra Toy Library which currently is operated from the Kununurra Picture Garden site.

The proposed development will have a total floor area of approximately 420m², spread out across the site to provide separation between activities and various function as well as providing a welcoming environment. The buildings are to be constructed with colorbond custom and fibre cement cladding, and with colorbond custom orb roof sheeting and a polycarbonate roof and timber screen over the entry and outdoor foyer. Plans and a written submission for the proposed development are provided at Attachment 2.

Once planning approval has been obtained the Kununurra Neighbourhood House can apply for further funding for construction of the new facility, which will be subject to a building permit application.

The applicant has advised that if required the development can be staged in the event that full funding is not secured immediately. The crèche, KNH and Toy Library sheds are designed as separate buildings, any of which can be completed later if required as funding becomes available.

STATUTORY IMPLICATIONS

The land at Lot 507 is zoned Town Centre under TPS 7. The objectives of this zone are to provide adequate land for the continued development of a main commercial and community facility centre for the town and to apply appropriate development and land use controls to ensure the development is to a satisfactory standard.

The proposed use would be Community Purpose which is defined in TPS 7 as below:

***Community Purpose** means the use of land and buildings designed or adapted primarily for the provision of educational, social and recreational facilities and services by organisations involved in activities for community benefit.*

The proposed use is not listed in Table 1 – Zoning Table and therefore is a land use that requires Council's discretion. Normally this would require the proposed use to be treated as an SA use, which requires advertising prior to Council determination. However it is acknowledged that the land has been set aside for this proposed use, which is consistent with both the objectives of the Town Centre zone and the purpose of the reserve created under the *Land Administration Act 1997*.

An additional use of Shop (Opportunity Shop) is also proposed for the sale of second hand clothing, however based on the small area proposed (14m²) this use is considered to be a minor incidental use that is consistent with the services provided by KNH.

Car parking

There are 32 existing car parking spaces adjoining the Ewin Centre (child care), 16 of which are provided within the boundary of the Ewin Centre (12) and proposed KNH site (4) along with the aisle, and 16 of which are located within the Chestnut Avenue road reserve.

The applicant proposes to extend this existing car park to both the north and south by altering the location of the current entry and exit locations, which will result in an additional 11 bays in this location; 5 proposed be located with the Ewin Centre and KNH sites, and 6 bays proposed to be located within the road reserve. It is noted that two potential bays within the road reserve have been sacrificed to provide landscaping in order to break up the extensive expanse of bitumen parking.

Two bays for staff parking are also proposed to be provided onsite with access from Bella Lane.

The proposed use is not included in the Development Standards table, therefore the car parking to be provided for the development is 22 bays and has been calculated as shown in the below table:

Use	Area	Car parking calculation	No. of Bays Required
Meeting/Activity Areas	100m ²	1 bay per 10m ²	10
Office	28m ²	1 bay per 40m ²	1
Shop	14m ²	1 bay per 20m ²	1
Crèche	53m ²	1 bay per staff and 1 bay per 4 children	8
Storage Areas	176m ²	1 bay per 100m ²	2
		TOTAL	22

In 2013, the KNH undertook a parking survey over a four week period, which shows that the peak number of vehicles for the site at any one time was 19, with peak periods being associated with specific programs held at KNH. A copy of this survey is provided with the plans and submission at Attachment 2.

Therefore, the application is to be determined by Council on the basis that it is Council managed land and that the proposal intends to provide a number of bays within the road reserve, as well as a number of bays within the neighbouring Ewin Centre site, which is also a Council managed reserve.

POLICY IMPLICATIONS

No policy implications apply in the preparation of this report

FINANCIAL IMPLICATIONS

The Kununurra Neighbourhood House has obtained funding from Lotterywest to prepare documentation, together with a contribution from the Shire (\$30,000), in order for the project to be ready for tender to seek construction funding. Council have agreed to provide project management of the building construction phase.

The application fee is \$8,530 based on the estimated cost of construction of \$3.5 Million, however the KNH have not budgeted for this amount and have requested that this fee be waived. A copy of this request is provided at Attachment 3.

STRATEGIC IMPLICATIONS

This project aligns to the Strategic Community Plan 2012-2022. In particular this project addresses the following strategies:

- 1.2.3 Promote the collocation of community facilities and sharing of resources among community groups.
- 2.4.1 Advocate for improved health and community services.
- 2.5.4 Encourage activities that promote adult educational opportunities including family support and life skills programs.

COMMUNITY CONSULTATION

Although community purpose is a use not listed in the zoning table (Table 1) of TPS 7, the application has not been advertised on the basis that the site has specifically been created for this purpose. However, the architect and KNH have consulted with the Ewin Centre which adjoins the site in relation to the proposed development and shared parking and access areas, and the Ewin Centre have provided a letter of support for the proposal. A copy of this letter is provided at Attachment 4.

COMMENT

Kununurra Neighbourhood House currently operates out of an altered residence on Leichhardt Street. The need for a new building was highlighted by the Kununurra Neighbourhood House Management Committee due to:

- The limited size and lack of functional spaces for the range of services and programs currently being provided, including lack of privacy and separation of activities and lack of storage options;
- Ongoing maintenance issues associated with the age, structure and design of the building;
- Lack of compliance with universal access and inclusion requirements and the high costs of required modifications to meet these requirements at the current premise;
- The limited potential to increase service provision to meet the needs of the growing community.

The Council has previously agreed to provide a number of contributions towards the development of the new KNH facility, including creation and reservation of Lot 507 for this purpose and contribution of \$30,000 towards the preparation of documentation towards obtaining planning approval.

The construction phase of the proposed development will be subject to KNH and the Shire obtaining grant funding, following which the Shire has committed to providing project management of the building construction phase. It is acknowledged that in the future an agreement for the use, management and maintenance of the land and buildings will need to be negotiated between the Shire and Kununurra Neighbourhood House.

The development proposed is considered to be of a high standard, with the only concession being sought in relation to car parking.

The KNH will largely operate outside the peak periods for drop off and pick up for the adjoining child care centre, with only minimal overlap likely to occur in the mornings between 8.30 – 9.00am, therefore it is considered that parking can be utilised on a reciprocal basis.

A survey of the current child care centre parking over a week is provided at Attachment 5 which shows that the majority of drop offs occur between 7.30 – 8.15am and collections generally occur after 4pm, which are outside the hours of operation of KNH. This survey however does not include staff parking which the Ewin Centre have advised is, at the most, 16 vehicles at any one time, however is for the majority of the day.

The development proposes to provide an additional 11 bays within the shared parking and access areas, resulting in a total of 43 shared parking bays, along with 2 bays specifically for KNH staff parking.

Anecdotally, it is understood that it is currently difficult to get parking at the Ewin Centre during the peak drop off times between 7.30 – 8.30am, and therefore the additional parking proposed will also alleviate pressure during peak periods for the child care centre.

Accordingly, the application is recommend for approval, which will incorporate approval of the additional parking bays within adjoining Lot 506 (Ewin Centre site).

The KNH have also requested that Council consider waiving the application fee that has been paid as the value of the applicable fee is greater than anticipated, as a contribution towards the project for which the new premises will ultimately belong to the Shire.

Ordinarily rather than waive a fee the Shire would request that applicants apply for a Quick Grant to cover the fee, which acts as a paper (and accounting) trail to acknowledge in kind support or sponsorship the Shire provides, however in this instance the application fee, based on the estimated cost of construction (\$3.5M) is calculated to be \$8,530, which is too large to be covered by a Quick Grant (\$500).

The Shire also provides Annual Grants for requests over \$1000, which are received by May each year then assessed on their merit and grants issued in the following financial year subject to the funding amount available and number of applications. Due to this process it is not considered appropriate to assure that the KNH would be successful for the next Annual Grant round, however it is considered appropriate that, if agreed to by Council, sponsorship towards the project can be provided from unspent Annual Grant funds for the current financial year.

It is also recommended that any Shire contribution towards the project should be subject to the Shire being suitably acknowledged through further stages of the project.

ATTACHMENTS

- Attachment 1 – Item 12.5.2 OCM October 2010
- Attachment 2 – Submission and Plans
- Attachment 3 – Request for fee waiver
- Attachment 4 – Letter of support from Ewin Childcare Centre
- Attachment 5 – Ewin Centre Car Parking Survey

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1) Grants planning consent for a Community Purpose (Kununurra Neighbourhood House) at Lot 507 Chestnut Avenue, Kununurra, and Car Park at Lot 506 Chestnut Avenue, Kununurra, subject to the following conditions:
 - a) 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.
 - b) Any change of use of any buildings, or portions thereof, will require Shire approval.
 - c) All stormwater from the proposed development being retained onsite.
 - d) New crossovers to the development must be constructed in accordance with the Shire's commercial crossover specifications.
 - e) 13 additional bays are required to be provided for this development in accordance with the approved parking plan, being 4 additional bays within Lot 507, 3 additional bays within Lot 506, and 6 additional bays within the Chestnut Avenue road reserve.
 - f) All public car parking design layout is to be in accordance with Australian Standard/New Zealand Standard 2890.1:2004 – Parking facilities – Off-street parking, and constructed at the Developer's cost.
 - g) Landscaping and pathways, inclusive of the development within public area, are to be installed at the Developer's cost to the satisfaction of the Shire's Infrastructure Directorate.
 - h) Any future signs will require further planning approval from the Shire.
- 2) Agrees to provide sponsorship in an amount equal to the development application fee of \$8,530 to the Kununurra Neighbourhood House, to be funded from unallocated Annual Grant funds from the 2013/214 financial year, subject to the Shire's support being suitably acknowledged.

Motion

Cr K Wright moves that Council adopts the Officer's Recommendation with the following amendment to point 1c) "Discharge all stormwater into the Shires stormwater system to the satisfaction of the Shire"

COUNCIL DECISION

Minute No. 10323

Moved: Cr K Wright

Seconded: Cr D Learbuch

That Council:

- 1) Grants planning consent for a Community Purpose (Kununurra Neighbourhood House) at Lot 507 Chestnut Avenue, Kununurra, and Car Park at Lot 506 Chestnut Avenue, Kununurra, subject to the following conditions:
 - a) 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.**
 - b) Any change of use of any buildings, or portions thereof, will require Shire approval.**
 - c) Discharge all stormwater into the shires stormwater system to the satisfaction of the shire**
 - d) New crossovers to the development must be constructed in accordance with the Shire's commercial crossover specifications.**
 - e) 13 additional bays are required to be provided for this development in accordance with the approved parking plan, being 4 additional bays within Lot 507, 3 additional bays within Lot 506, and 6 additional bays within the Chestnut Avenue road reserve.**
 - f) All public car parking design layout is to be in accordance with Australian Standard/New Zealand Standard 2890.1:2004 – Parking facilities – Off-street parking, and constructed at the Developer's cost.**
 - g) Landscaping and pathways, inclusive of the development within public area, are to be installed at the Developer's cost to the satisfaction of the Shire's Infrastructure Directorate.**
 - h) Any future signs will require further planning approval from the Shire.****
- 2) Agrees to provide sponsorship in an amount equal to the development application fee of \$8,530 to the Kununurra Neighbourhood House, to be funded from unallocated Annual Grant funds from the 2013/214 financial year, subject to the Shire's support being suitably acknowledged.**

Carried Unanimously 9/0



SHIRE of WYNDHAM | EAST KIMBERLEY

PO BOX 614 KUNUNURRA WA 6743

Our Ref: 101299: A6991P: TP2967
Enquiries: Jennifer Ninette

T | 08 9168 4100
F | 08 9168 1798
E | mail@swek.wa.gov.au
W | www.swek.wa.gov.au
ABN | 35 647 145 756

5 March 2014

Mark Phillips
PO Box 1873
KUNUNURRA WA 6743

Dear Mark,

Proposed Community Purpose (Kununurra Neighbourhood House) – Lot 507 Chestnut Avenue, Kununurra

Thank you for your application for a Community Purpose at the above property. This matter was considered by Council on 25 February 2014 (Minute No. 10323) where it was approved subject to conditions. Accordingly a planning approval is attached, consistent with the above decision and setting out these conditions.

Please note that it is a requirement of the Planning and Development Act 2005 that ALL development must occur in accordance with the submitted plans unless otherwise required or directed by any conditions included in the approval. Any modifications to the approved development must be submitted to Council for re-assessment and issuance of a revised planning approval.

In relation to Condition 3, please be advised that it is still a requirement to retain stormwater on site as practicable, with any surplus stormwater from the site to be collected and discharged into Council's drainage system at the cost of the applicant as outlined in Advice Note 4. Further, a building permit is required for this development.

Council also considered the request from the Kununurra Neighbourhood House (KNH) to consider waiving the development application fee as a contribution towards the project, and has agreed to provide sponsorship to the KNH in the amount of the application fee (\$8,530), to be funded from unallocated Annual Grant funds from the 2013/214 financial year, subject to the Shire's support being suitably acknowledged. Correspondence relating to this sponsorship will be forwarded to the KNH in due course.

Please do not hesitate to contact Council's Planning Officer on 9168 4100 should you have any further enquiries regarding this determination.

Yours sincerely,


Jennifer Ninette
Senior Planning Officer

Enc. Planning Approval 6/14

KUNUNURRA
20 COOLIBAH DRIVE

WYNDHAM
KOOLAMA STREET

HOURS
8.00am - 4.00pm
Monday to Friday

SWEK



PO BOX 614 KUNUNURRA WA 6743

T | 08 9168 4100
F | 08 9168 1798
E | mail@swek.wa.gov.au
W | www.swek.wa.gov.au
ABN | 35 647 145 756

SHIRE of WYNDHAM | EAST KIMBERLEY

Our Ref: 101299: A6991P: TP2967
Enquiries: Jennifer Ninette

SHIRE OF WYNDHAM - EAST KIMBERLEY
DECISION ON APPLICATION FOR PLANNING APPROVAL

Application/Delegated Authority No. 6/14

The Council or its delegated officer, having considered the application submitted by Mark Phillips for Community Purpose – Kununurra Neighbourhood House on Lot 507 Chestnut Avenue, Kununurra and Car Park at Lot 506 Chestnut Avenue, Kununurra:

Hereby advises that it has decided to GRANT APPROVAL TO:

[i] Use land for the purpose of: Community Purpose (Kununurra Neighbourhood House)
Car Park

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. Any change of use of any buildings, or portions thereof, will require further consent from the Shire.
3. Discharge all stormwater into the Shire's stormwater system to the satisfaction of the Shire.
4. New crossovers to the development must be constructed in accordance with the Shire's commercial crossover specifications.
5. 13 additional bays are required to be provided for this development in accordance with the approved parking plan, being 4 additional bays within Lot 507, 3 additional bays within Lot 506, and 6 additional bays within the Chestnut Avenue road reserve.
6. All public car parking design layout is to be in accordance with Australian Standard/New Zealand Standard 2890.1:2004 – Parking facilities – Off-street parking, and constructed at the Developer's cost.
7. Landscaping and pathways, inclusive of the development within public areas are to be installed at the Developer's cost to the satisfaction of the Shire's Infrastructure Directorate.

KUNUNURRA
20 COOLIBAH DRIVE

WYNDHAM
KOOLAMA STREET

HOURS
8.00am - 4.00pm
Monday to Friday

SWEK

8. Any future signs will require further planning approval from the Shire.

ADVICE TO APPLICANT:

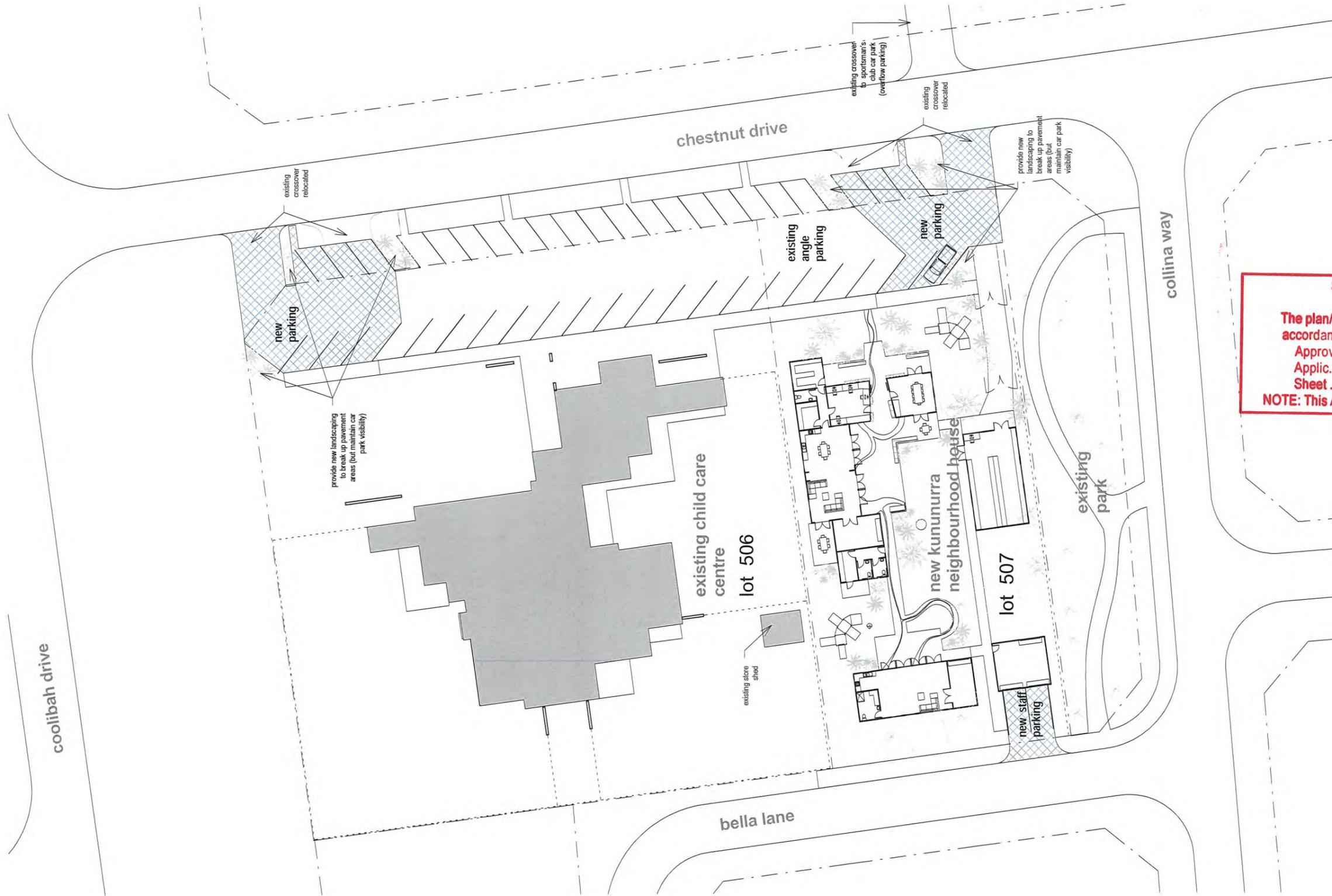
1. If the applicant and/or owner are aggrieved by this decision, as a result of a condition of approval or by a determination of refusal, you may have a right of review through the State Administrative Tribunal in accordance with section 252(1) of the Planning and Development Act 2005. The application for review must be lodged with the State Administrative Tribunal, Perth, within 28 days of the date of this decision.
2. Clause 11.7 of Town Planning Scheme No 7 – Kununurra & Environs provides that a Planning Approval can be amended or revoked. Accordingly, should the applicant consider that the Planning Approval, or a condition of the Planning Approval, is egregious, the applicant may, on written application from the landowner, request Council amend or revoke the planning approval or a condition thereof. Such application must be made prior to commencement of development or use of the land.
3. This planning approval is valid for a period of 2 years from the date of issue.
4. In relation to Condition 3, please be advised that it is still a requirement to retain stormwater on site as practicable, with any surplus stormwater from the site to be collected and discharged into Council's drainage system at the cost of the applicant. Drawings and details of the proposed method of control and disposal of stormwater runoff from roof and other paved/impervious areas from the site are to be confirmed and approved by the Shire's Infrastructure Directorate. A drainage contribution fee may be charged if the discharge into Council's drainage system necessitates upgrade of the system servicing the catchment area.
5. A building permit is required prior to the commencement of development.
6. The proposed kitchen is to be constructed as per the requirements of the Food Act 2008 and Australia New Zealand Food Standards Code. It is recommended that the Shire's Environmental Health Officer is notified early in relation to the proposed kitchen layout.
7. It is the responsibility of the applicant to ensure the building setbacks, including waste disposal facilities if appropriate, correspond with the legal description of the land. Council will not accept responsibility for incorrectly located buildings. It is the responsibility of the applicant to search the title of the property to ascertain the presence of any easements that in any case must not be built upon.



Jennifer Ninnette
Senior Planning Officer

5 March 2014

ATTACHMENT 2 - Development Approval (DA06/14)

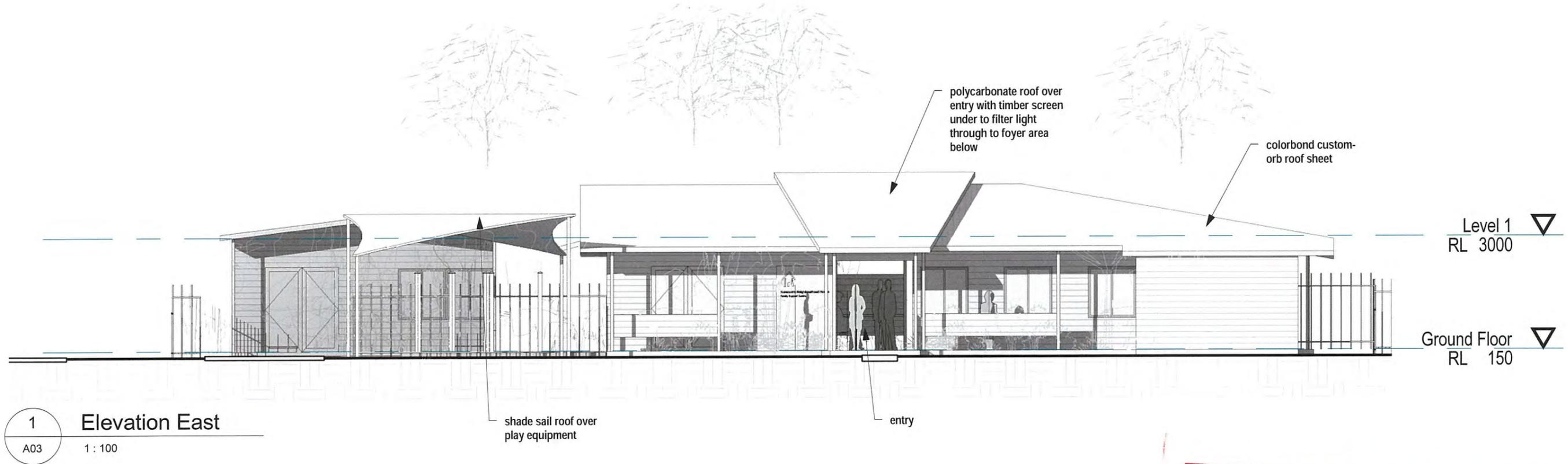


Shire of Wyndham East Kimberley
Planning Approval
The plan/ amended plan/ modification is approved in accordance here with the conditions of the Planning Approval granted.....5-3-14.....
Applic. NoDA 6/14.....
Sheet1..... of6.....
NOTE: This Approval does not constitute a Building Permit

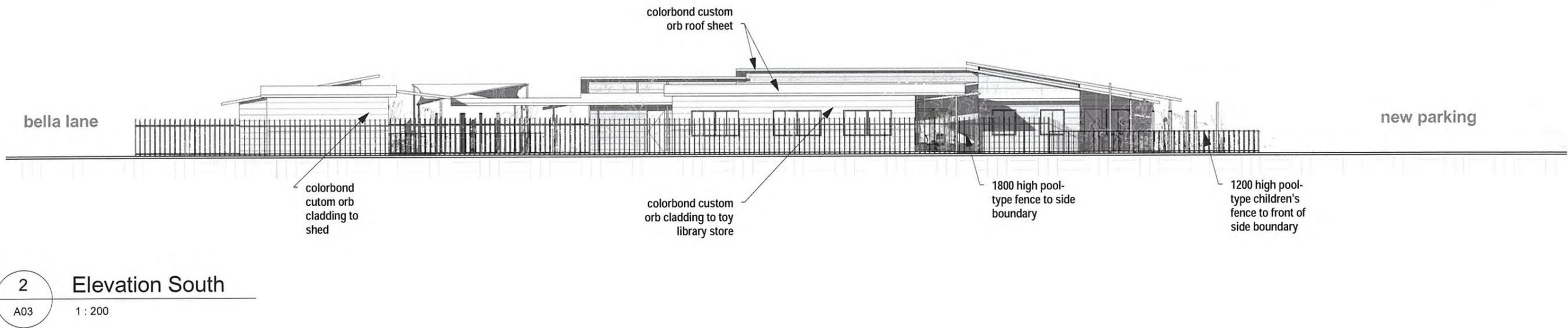
1
Concept Parking Plan
 1 : 500
A01

DESIGN DRAWING ONLY - NOT FOR CONSTRUCTION COPYRIGHT MARK PHILLIPS ARCHITECT		mark phillips architect p.o. box 1873 kununurra WA 6743 ph (08) 91 691 206 mob 0417 317 241 markphillips@westnet.com.au		Project Proposed New Building	Dwg Title Proposed Parking Plan	Date 24 January 2014	
				Client Kununurra Neighbourhood House		Drawing Status <i>Development Application</i>	
				Dwg No. A01		Rev 9B	

ATTACHMENT 2 - Development Approval (DA06/14)



Shire of Wyndham East Kimberley
 Planning Approval
 The plan/ amended plan/ modification is approved in accordance here with the conditions of the Planning Approval granted 5.3.14
 Applic. No DA6/14
 Sheet 3 of 4
 NOTE: This Approval does not constitute a Building Permit



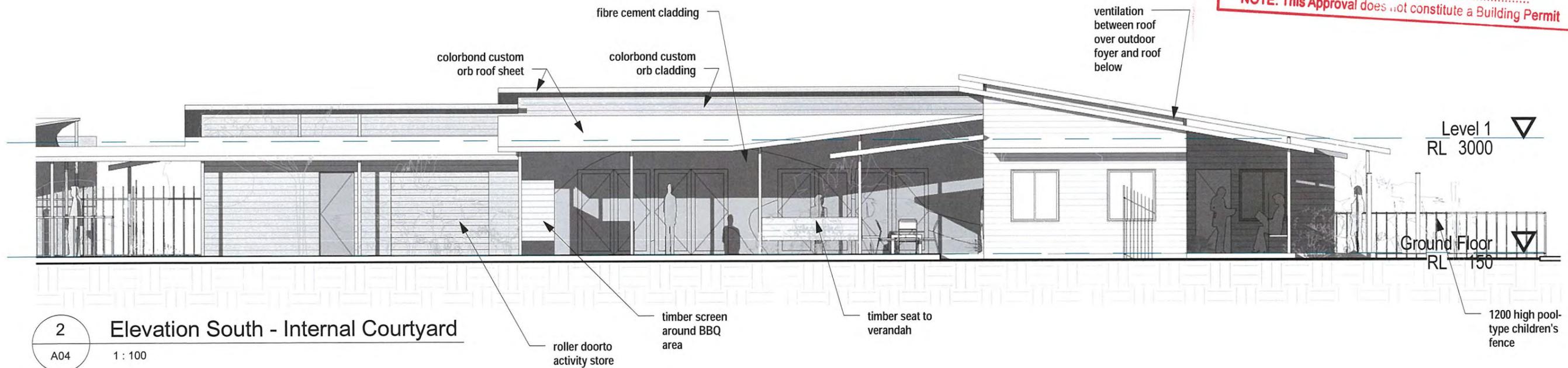
DESIGN DRAWING ONLY - NOT FOR CONSTRUCTION COPYRIGHT MARK PHILLIPS ARCHITECT	 mark phillips architect p.o. box 1873 kununurra WA 6743 ph (08) 91 691 206 mob 0417 317 241 markphillips@westnet.com.au	 Kununurra Neighbourhood House Family Support Service	Project	Proposed New Building	Dwg Title	Proposed Elevations		
			Client	Kununurra Neighbourhood House	Date	24 January 2014		
					Drawing Status	Development Application		
					Dwg No.	A03	Rev	9B

ATTACHMENT 2 - Development Approval (DA06/14)



1 Elevation West
A04 1:100

**Shire of Wyndham East Kimberley
Planning Approval**
 The plan/ amended plan/ modification is approved in accordance here with the conditions of the Planning Approval granted... 5.3.14
 Applic. No DA6/14
 Sheet 4 of 4
NOTE: This Approval does not constitute a Building Permit



2 Elevation South - Internal Courtyard
A04 1:100

DESIGN DRAWING ONLY - NOT FOR CONSTRUCTION COPYRIGHT MARK PHILLIPS ARCHITECT		mark phillips architect p.o. box 1873 kununurra WA 6743 ph (08) 91 691 206 mob 0417 317 241 markphillips@westnet.com.au		Project	Proposed New Building	Dwg Title Proposed Elevations	Date 24 January 2014	
				Client	Kununurra Neighbourhood House		Drawing Status <i>Development Application</i>	
							Dwg No.	Rev
						A04	9B	

ATTACHMENT 3 - Submission and Plans

Elle Davidson

From: Mark Phillips <markphillips@westnet.com.au>
Sent: Monday, 16 June 2014 10:06 AM
To: Elle Davidson; Louise Gee; Jennifer Ninyette
Cc: s.scally@iinet.net.au; 'Kununurra Neighbourhood House'
Subject: KNH Kununurra
Attachments: Architectural.pdf

Hi Elle,

Further to our phone call, please find attached current architectural documentation at 75% completion.

As discussed, a few changes have been made to the buildings that need to be acknowledged as an amendment to the development approval, and I understand that you will want to complete this process in conjunction with the change to the car park crossover. I have sent these proposed changes to Jennifer Ninyette previously (correspondence to be forwarded in a separate email), and Jennifer had indicated by phone that she did not see any issues with issuing an acknowledgement for them once they had been finalised.

The changes are as follows:

1. Relocating the Main Activity/Admin building away from the Ewin Centre Boundary so that it is beyond the 3m limit and no longer requires a fire rated wall. This has the additional benefit of providing better separation between the Ewin Centre and KNH buildings
2. The change above has resulted in moving the Toy Library building to 925mm from the boundary adjoining the park, to maintain a functional courtyard space between the Toy Library and the Main Activity/Admin building.
3. Expanding the Creche building by extending the Creche building toward the Bella Lane boundary by 1780mm. This change was initiated just in case KNH decided to (in future) seek a license for alternative care arrangements in consultation with the Education and Care Regulatory Unit of the Dept of Local Government and Communities. Jennifer had previously indicated that the setback for this boundary would be 1.5m based on the setbacks for the houses on the opposite side of Bella Lane.

Please don't hesitate to contact me to discuss this further,

Regards,



Mark Phillips Architect
PO Box 1873 Kununurra WA 6743
ph: (08) 91 691 206
mob: 0417 317 241
markphillips@westnet.com.au

ATTACHMENT 3 - Submission and Plans

Elle Davidson

From: Mark Phillips <markphillips@westnet.com.au>
Sent: Monday, 16 June 2014 2:18 PM
To: Elle Davidson
Subject: Kununurra Neighbourhood House
Attachments: M0126_2014-06-16_Dev App Carpark.pdf

Hi Elle,

Please find attached a scaled-up drawing of the car park (that was originally granted development approval) and annotated for comparison with the proposed changes.

As discussed, preliminary civil design drawings for the car park were issued to the Shire engineering department for comment. I subsequently met with Peter Kerp on site, and he has indicated that development approval should not have been granted by the Shire with the proposed crossover passing through a boundary truncation. Although this project is advanced in documentation (currently at 75% completion); in order to work with the Shire on this issue we have asked our civil engineer to look into the change requested by the Shire and provide the revised parking layout plan.

We appreciate that the amendment to the development approval is being initiated and expedited by the Shire to minimise risks to the documentation process as a result of the requested change. It is noted that the proposed change results in a benefit to the project in that the crossover does not need to be constructed in a services-intensive zone.

The proposed changes to the development approved layout are as follows:

1. Relocate the crossover outside the boundary truncation as requested by the Shire
2. Provide a narrower crossover consistent with one-way parking access standards
3. Provide 2 disabled access bays, one at each end of the car park for use by KNH and the Ewin Centre (Note - there is only one disabled access bay required for a car park of this size).
4. Delete 2 "landscaping" bays. (The landscaping bays were originally intended to break up the expanse of pavement, but this could also be seen as a hazard to obstructing driver visibility with small children around.)

Please note that there is no change to the number of car parks to be provided.

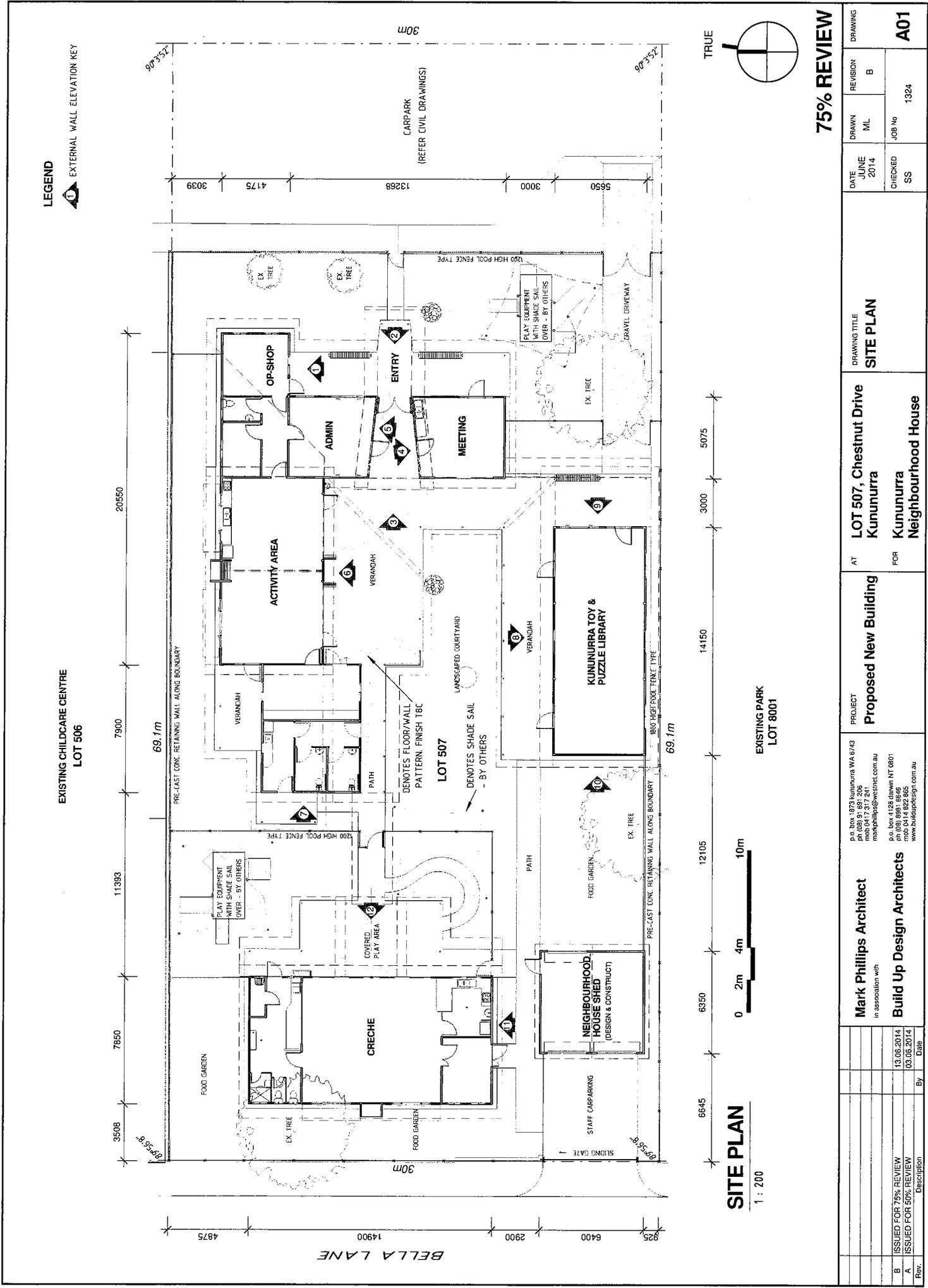
Please don't hesitate to contact me to discuss this further,

Regards,



Mark Phillips Architect
PO Box 1873 Kununurra WA 6743
ph: (08) 91 691 206
mob: 0417 317 241
markphillips@westnet.com.au

ATTACHMENT 3 - Submission and Plans



75% REVIEW

DATE	REVISION	DRAWING
JUNE 2014	B	A01
CHECKED	JOB No	
SS	1324	

DRAWING TITLE
SITE PLAN

AT LOT 507, Chestnut Drive
Kununurra

FOR Kununurra
Neighbourhood House

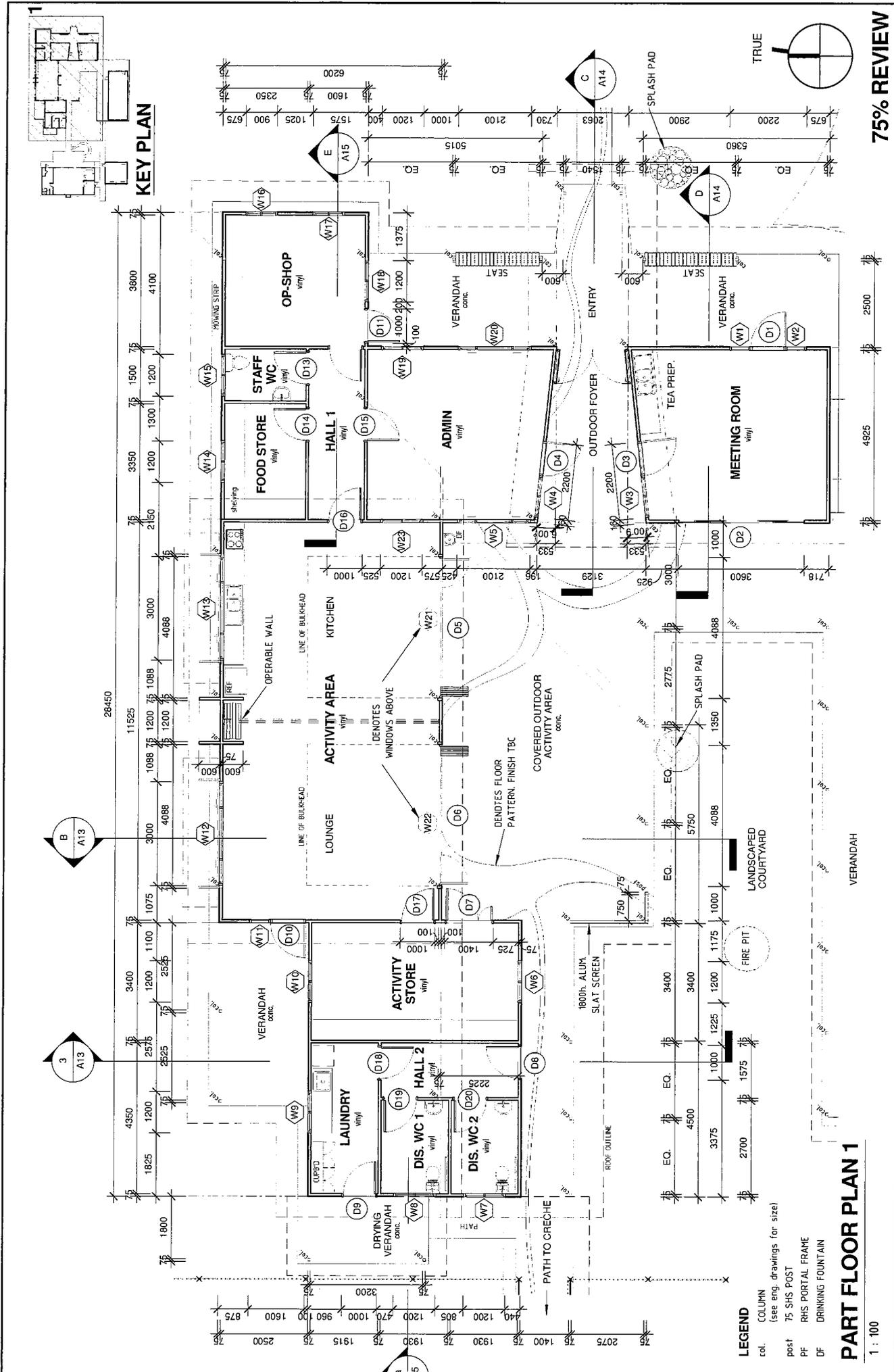
PROJECT
Proposed New Building

P.O. Box 1873 Kununurra WA 6743
 PH (08) 97 697 208
 MOB 0417 317 241
 markphillips@westnet.com.au

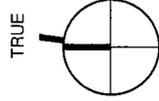
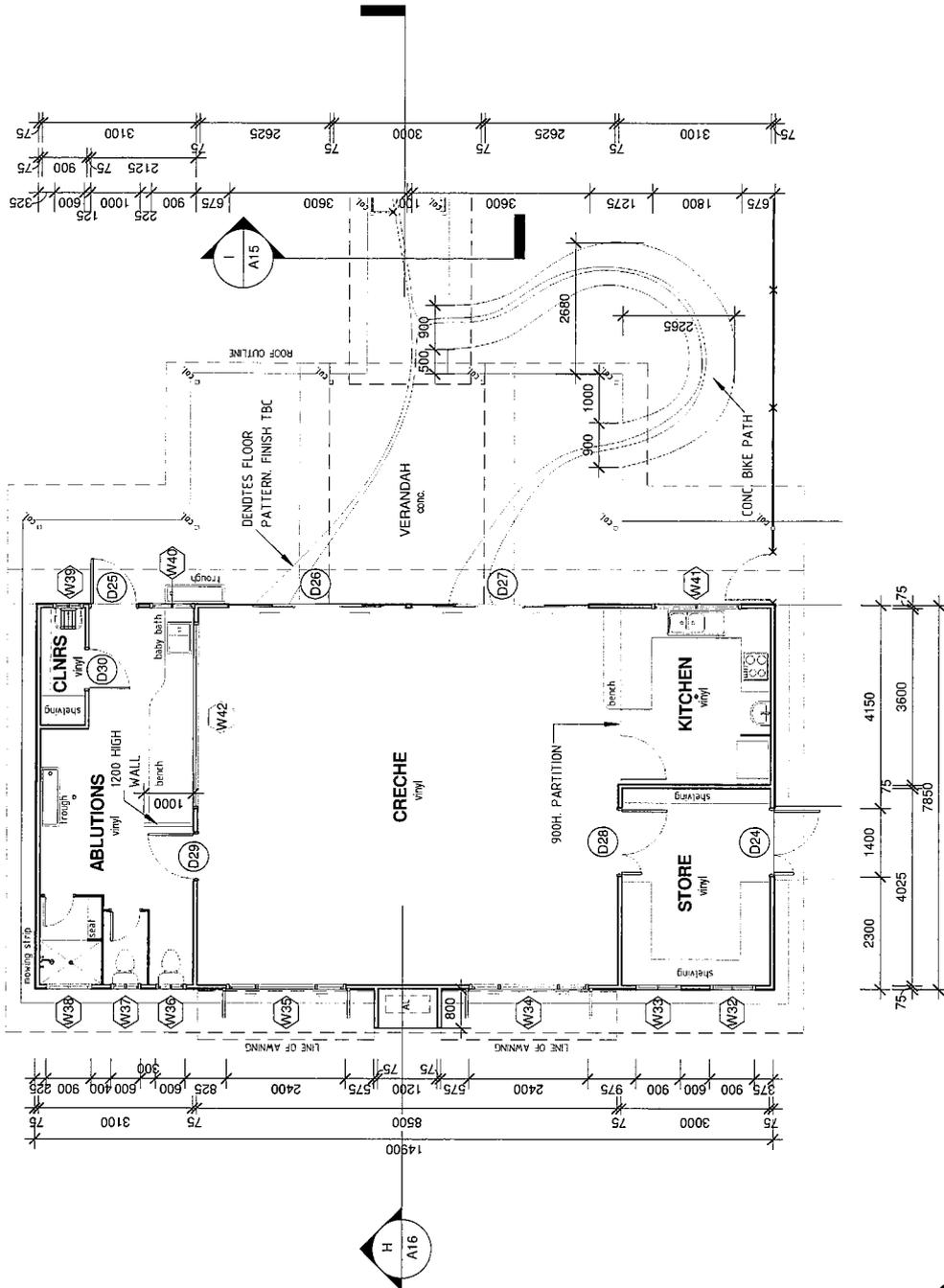
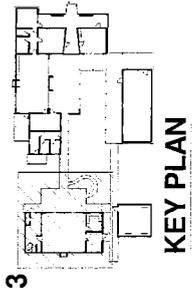
P.O. Box 4128 Darwin NT 0801
 PH (08) 8981 8646
 MOB 0414 822 855
 www.buildupdesign.com.au

Mark Phillips Architect
 in association with
Build Up Design Architects

Rev.	Description	By	Date
B	ISSUED FOR 75% REVIEW		13.06.2014
A	ISSUED FOR 50% REVIEW		03.06.2014



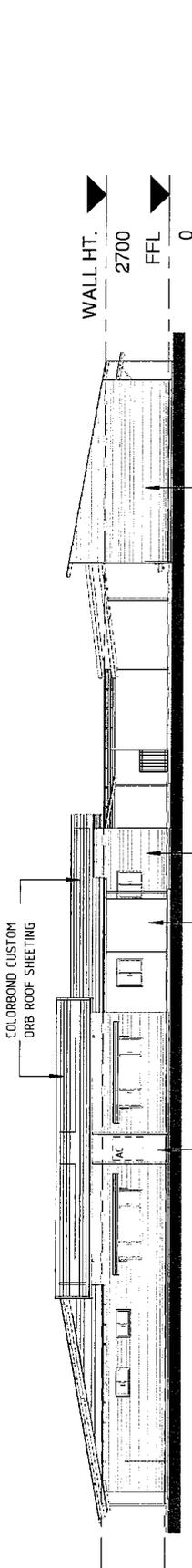
PROJECT Proposed New Building LOT 507, Chestnut Drive Kununurra Kununurra Neighbourhood House		DRAWING TITLE PART FLOOR PLAN 1	DRAWING A02
PROJECT Mark Phillips Architect in association with Build Up Design Architects		AT FOR	DATE JUNE 2014
P.O. BOX 1872 KUNUNURRA WA 6743 PH (08) 91 691 206 MOB 0417 317 241 MARKPHILLIPS@WESTNET.COM.AU		CHECKED SS	JOB No 1324
P.O. BOX 4128 DAWSON NT 0901 PH (08) 9981 6646 MOB 0414 822 865 WWW.BUILDUPDESIGN.COM.AU		DRAWN MLL	REVISION B
Rev.	Description	Issued for 75% REVIEW 13.06.2014	Issued for 50% REVIEW 03.06.2014



LEGEND
 col. COLUMN
 (see eng. drawings for size)
 post 75 SHS POST
 PF RHS PORTAL FRAME
 DF DRINKING FOUNTAIN

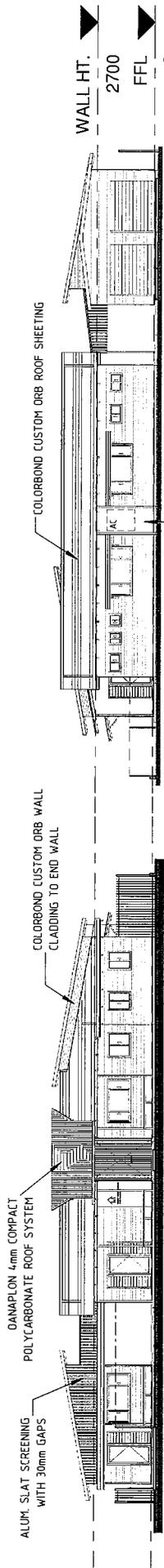
PART FLOOR PLAN 3
 1 : 100

<p>75% REVIEW</p>		<p>DATE: JUNE 2014 DRAWN: ML CHECKED: SS</p>	<p>REVISION: B JOB No: 1324</p>	<p>DRAWING TITLE: PART FLOOR PLAN 3</p>	<p>PROJECT: Proposed New Building</p>	<p>AT: LOT 507, Chestnut Drive Kununurra</p>	<p>FOR: Kununurra Neighbourhood House</p>	<p>Mark Phillips Architect In association with Build Up Design Architects</p>	<p>p.o. box 1873 Kununurra WA 6743 ph: (08) 91 691 206 mob: 04 17 317 241 mark.phillips@westnet.com.au</p> <p>p.o. box 4128 Darwin NT 0801 ph: (08) 8981 6646 mob: 04 14 822 866 www.buildupdesign.com.au</p>
Rev.	By	Date	Description						
B		13.06.2014	ISSUED FOR 75% REVIEW						
A		03.06.2014	ISSUED FOR 50% REVIEW						



NORTH ELEVATION

1 : 200

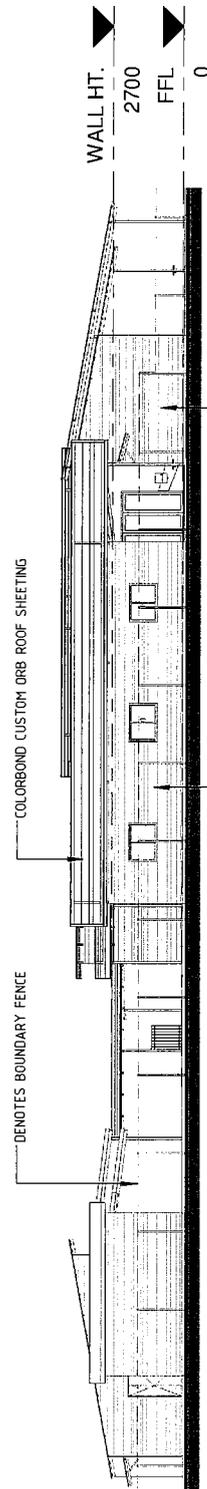


EAST ELEVATION

1 : 200

WEST ELEVATION

1 : 200



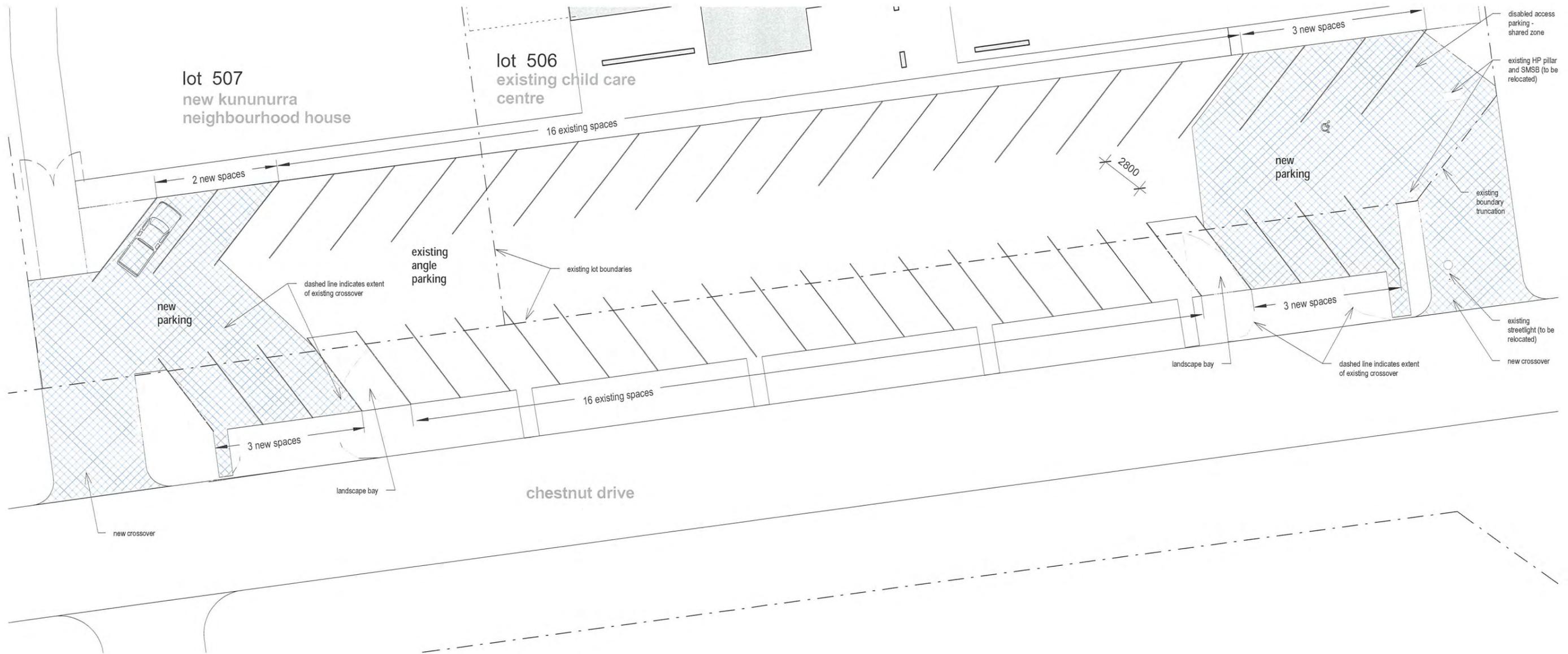
SOUTH ELEVATION

1 : 200

75% REVIEW

Rev.	Description	By	Date	PROJECT	AT	DRAWING TITLE	DATE	DRAWN	REVISION	DRAWING
B	ISSUED FOR 75% REVIEW		13.06.2014	P.O. Box 1870 Kununurra WA 6740 ph (08) 91 691 208 mob 0417 317 241 markphillips@western.com.au	Proposed New Building	LOT 507, Chestnut Drive Kununurra	JUNE 2014	ML	B	A07
A	ISSUED FOR 50% REVIEW		03.06.2014							

ATTACHMENT 3 - Submission and Plans



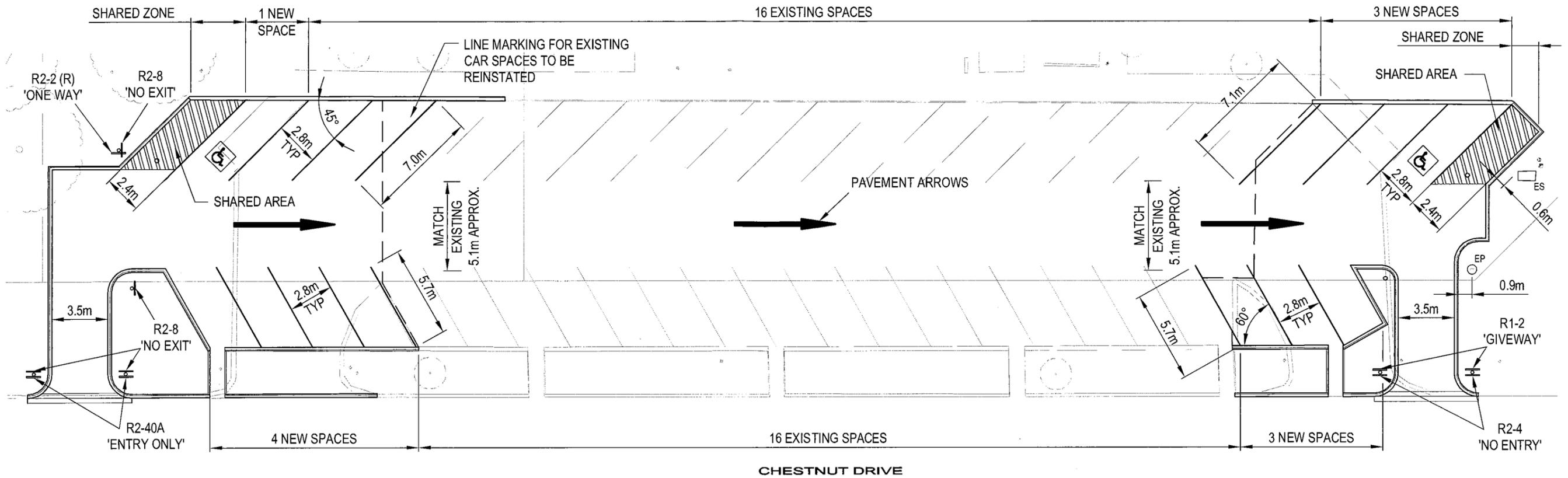
Parking Plan - Original Layout

scale 1:250



DESIGN DRAWING ONLY - NOT FOR CONSTRUCTION COPYRIGHT	Mark Phillips Architect in association with Build-Up Design Architects	  SHIRE WYNDHAM EAST KIMBERLEY	 Kununurra Neighbourhood House Family Support Service	Project Proposed New Building	Dwg Title Parking Plan - Original Layout	Date 16 June 2014	
	p.o. box 1873 kununurra WA 6743 ph (08) 91 691 206 mob 0417 317 241 markphillips@westnet.com.au			Client Kununurra Neighbourhood House		Drawing Status Preliminary	
						Dwg No. A01	Rev A

ATTACHMENT 3 - Submission and Plans



CARPARK LAYOUT PLAN

SCALE 1:250

CAR SPACES TABLE	
TYPE	SPACES
NEW DISABLED	2
NEW GENERAL	9
EXISTING GENERAL	32
TOTAL	43

LEGEND

EP ELECTRICAL PILLAR
ES ELECTRICAL SWITCHBOARD



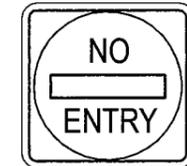
ROAD SIGN R1-2



ROAD SIGN R2-2(R)



ROAD SIGN R2-8

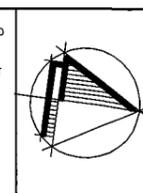


ROAD SIGN R2-4

PRELIMINARY
NOT TO BE USED FOR CONSTRUCTION

Issue	Description	By	Date
P1	SHIRE OF WYNDHAM-EAST KIMBERLEY REVIEW	MDM	12/06/14

DISCLAIMER:-
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PROJECT
PROPOSED NEW BUILDING

TITLE
CARPARK EXTENSION CONCEPT PLAN

CLIENT KUNUNURRA NEIGHBOURHOOD HOUSE				
DATE	DESIGNER:	DRAWN:	CHECKED:	APPROVED:
JUN 14	MF	MDM	MM	
SCALE AT A3 1:250	JOB No. 14DA0152	SHEET No. SKC001	ISSUE P1	

13.4.4 Prawn Trawler at Wyndham Jetty (Anthon's Landing)

DATE:	24 June 2014
PROPONENT:	Graeme Bradley
LOCATION:	Anthon's Landing
AUTHOR:	Elle Davidson, Planning Officer
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	A273P

PURPOSE

For Council to consider an application for the selling of prawns from Wyndham Jetty (Anthon's Landing).

BACKGROUND

An application for the use of Wyndham Jetty (Anthon's Landing) was lodged on 22 May 2014 by Graeme Bradley to sell prawns from a trawler.

The Wyndham Jetty is not currently zoned under *Town Planning Scheme No. 6 – Wyndham Townsite*, however it is affixed to and accessed through the Shire's Parks and Recreation reserve.

Proposal

The applicant is the operator of Seafood Bites and proposes to moor a prawn trawler at the Wyndham Jetty (Anthon's Landing) to sell fresh green prawns. It is proposed that the applicant will trade between the hours of 9am-6pm daily and has applied for a total of 30 days between now and 31 December 2014.

A copy of the applicants Public Liability Insurance has been provided.

STATUTORY IMPLICATIONS

Local Government Property Local Law 2003

Under section 5.15 of the *Local Government Property Local Law 2003 (LGPLL)* a person shall not moor at a jetty for a period of longer than 2 hours. The Local Government can consent to the extension of this timeframe.

POLICY IMPLICATIONS

Trading in Public Places Policy

The objectives of this policy are to manage the activities of traders on land managed by the Shire, which is considered to include the Wyndham Jetty. This is to ensure that appropriate types of traders are permitted in suitable locations and the management of permits is fair and equitable. A standard limitation is that approvals will not generally be issued on sites within 300m of permanent businesses that sell or offer the same or similar product.

Council does not generally allow trading on reserves in excess of 15 minutes except for during approved events. An application to trade on public land managed by Council may

be considered should all the standard limitations and conditions be satisfied and subject to the following:

- The land must be readily and safely accessible to customers.
- Adequate parking is available.
- The activity will not interfere with the overall public enjoyment of the area, the facilitation of approved businesses or authorised events, including to occupy public parking.
- The Shire will approve a specific location for trading.
- Approval periods for stall holders generally restricted to a maximum of 3 days per week with no more than 3 consecutive days of operation at one time.
- Traders are not permitted to operate for more than 4 hours in any one location each day.
- Trading will be strictly limited to the sale of food and drink.
- The following assessment criteria will guide selection:
 - Offering a range of food products.
 - Ability to provide own power and water supply.
 - Appropriate waste management plan.

Local Planning Policy 15 – Signage

The Shire's *Local Planning Policy 15 – Signage* has been developed to control signs in order to safeguard the visual amenity of the Shire, ensure safety on state lands and local thoroughfares and to set appropriate standards.

FINANCIAL IMPLICATIONS

As of 1 July 2014, new trading in public places fees will apply, which are charged either daily, monthly or annually with a \$100 application fee. Under Councils adopted Fees and Charges 2014/2015 the following fees could be considered by Council:

- A monthly fee of \$350 to a maximum of 4 hours per day. Due to the applicant proposing to trade for 9 hours per day, a total charge of \$700 could be requested.
- A daily fee of \$25 to a maximum of 4 hours per day could be doubled to \$50, due to the proposed 9 hours of trading. A period of 30 days would apply, which would result in a total charge of \$1500.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisation sustainability.

Objective 1.4: Business innovation, efficiency and improved service.

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

COMMUNITY CONSULTATION

No community consultation has been undertaken in relation to this application.

COMMENT

The applicant requests special consideration in relation to the restrictions for hours and days of trading. Under the *Trading in Public Places Policy*, trading is limited to 4 hours per day and a maximum of 3 days per week. The applicant requests to operate for 9 hours per day, 7 days a week whilst trading from Wyndham Jetty.

It is proposed that the applicant will trade for a total of 30 days between now and 31 December 2014, which will equate to 3 intended trips of 10 days.

The intent of placing restrictions on trading in public places is to ensure that operations of a permanent full-time nature do not begin operating within a distance of 300m of competing local businesses. From the information provided by the applicant it is clear that he does not intend to trade on a permanent basis and will not be trading within a 300m distance of a competing business.

As outlined in *Property Local Law*, the Council are authorised to allow for mooring at a jetty for a period in excess of 2 hours.

The applicant has also requested that signage be placed at the start of the jetty and at the entrance to the Wyndham Port area. Details relating to signage approval will be addressed through the appropriate signage application.

ATTACHMENTS

Attachment 1 – Application for Trading in Public Places

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council refuses the planning application for selling prawns from Anthon's Landing, for the following reasons:

- 1) The proposed trading hours do not comply with the *Trading in Public Places Policy*, as the applicant proposed 9 hours per day 7 days per week.
- 2) The proposal does not comply with section 5.15 of the *Local Government Property Local Law 2003*, as the applicant proposes to moor permanently whilst trading to the Shire's jetty, Anthon's Landing.

COUNCIL DECISION

Minute No. 10461

Moved: Cr S Cooke

Seconded: Cr R Dessert

That Council refuses the planning application for selling prawns from Anthon's Landing, for the following reasons:

- 1) The proposed trading hours do not comply with the *Trading in Public Places Policy*, as the applicant proposed 9 hours per day 7 days per week.**
- 2) The proposal does not comply with section 5.15 of the *Local Government Property Local Law 2003*, as the applicant proposes to moor permanently whilst trading to the Shire's jetty, Anthon's Landing.**

Carried Unanimously 9/0



PO Box 614 Kununurra 6743
20 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

Application for Trading in Public Places

Thoroughfares and Public Places Local Law 2005

1. APPLICANT

Name	GRAEME BRADLEY		
Business Name	SEAFOOD BITES P/L		
Postal address	3 MCGOWAN STREET BURNETT HEADS QLD 4670		
Residential address	AS ABOVE		
Home phone	Work phone	Mobile	0427375924
Email	graemebradley@bigpond.com		

2. GOODS/MERCHANDISE

Details of goods/merchandise and or services to be offered	
PRawns	

3. VEHICLE/STORE

Details of vehicle/stall intended to be used for trading	
PRawn TRAWLER	

4. TIME

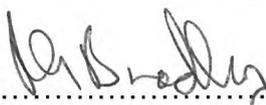
Times, days and dates for operation	
9am 6pm DAILY.	

5. TRADING LOCATIONS

Specific details of area(s) or route (include plans)	
ANTHONY LANDING WYNDHAM PORT.	

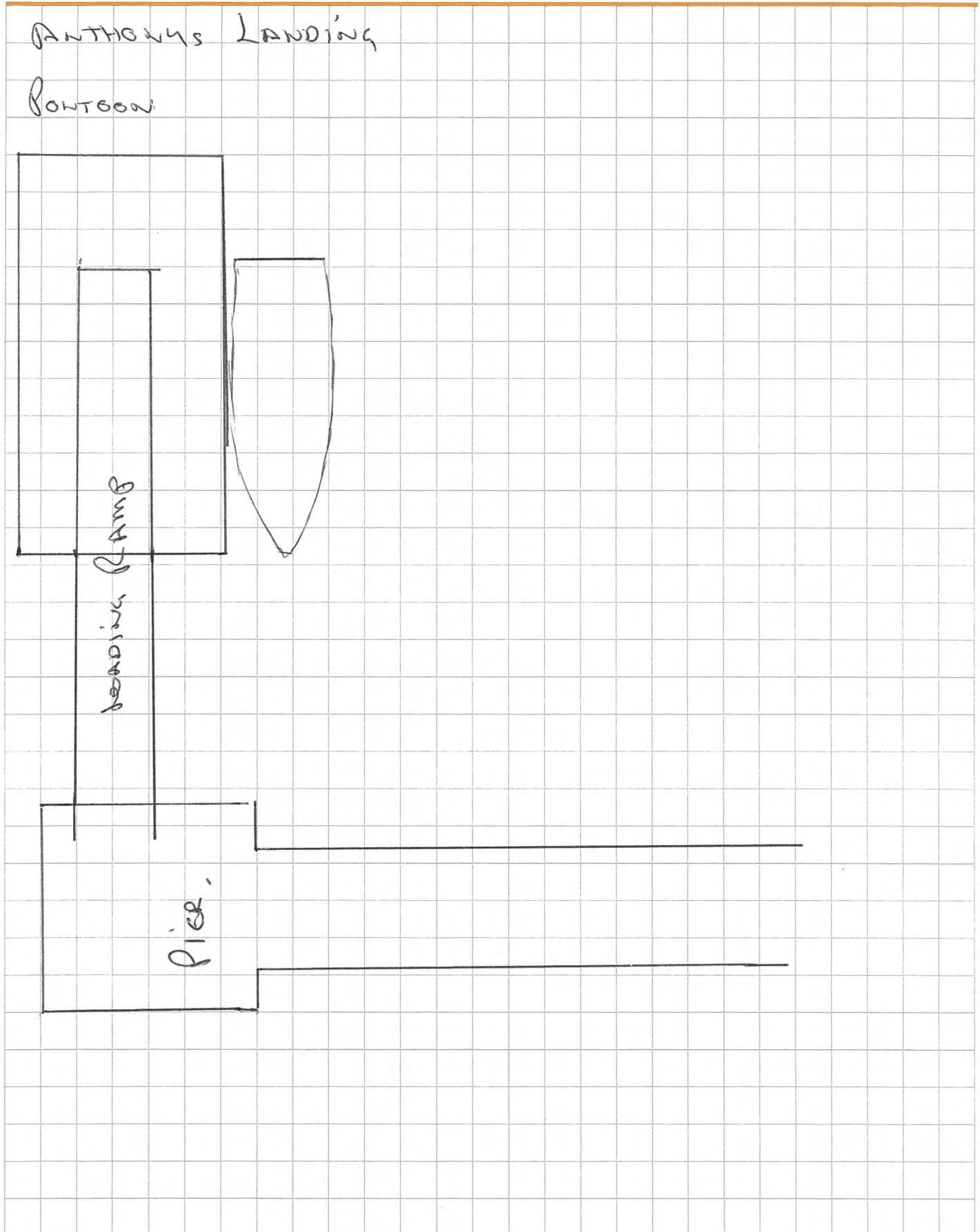
6. PUBLIC LIABILITY

Evidence of public liability insurance	
--	--

Signature  Date 22/5/2014

Trading on Public Land in Excess of 15 Minutes

7. LOCATION OF TRADING



8. PARKING

Details of customer parking	
PUBLIC PARKING AREA ANTHONYS LANDING.	

9. RANGE OF PRODUCTS

Outline various food and beverages to be sold	
GREEN PRAWNS ONLY	

10. POWER & WATER SUPPLY

Details of power & water supply eg. Generators etc.	
VESSEL IS SELF SUPPLIED	

11. WASTE MANAGEMENT

Describe waste management plan	
WYNDHAM PORT HOTEL WASTE BIN (AUTHORISED USE)	

29th May 2014
Ms Elle Davidson
Planning Officer
SHIRE of WYNDHAM | EAST KIMBERLEY
20 Coolibah Street,
PO Box 614
Kununurra WA 6743

Dear Ms Davidson,

In reply to your letter and through the directives of Mr Rob Drew of the Wyndham Town Shire Office, I wish to apply for periodical access to the shire wharf facility; Antons Landing.

Background

I'm the Director of a company Seafood Bites ABN 76 154 696 849, who in turn operates the vessel Simon K. The licence I hold only entitles me to work the Kimberley area. Of the 100 plus licences issued only 7 vessels remain to work the fishery, and because the season turn out to be below average; in order to survive 4 of these vessel intended to sell directly to the public in the Darwin Harbour area known as the "Duck Pond". Therefore I decided to attempt to establish a market in the Wyndham Shire.

Licences and Permits

The WA Fisheries Licence LFBF814 entitles the company to both sell to a wholesaler, and directly to the public.

The WA Fish processor's Licence number 1332 entitles the vessel operator to process the catch in the manner prescribed in the application which complies to the Health Act 1911 (amended).

Wyndham Shire Permits

On Monday 26th May 2 Wyndham shire officers from the Health Division inspected the vessel and issued me with a certificate of compliance.

On the 22nd May I lodged a copy of my insurance with the Wyndham Shire office, and I completed 2 of the Shire's forms

1. Application for Trading in Public Places
2. Food Act 2008 Notification/Registration Form

Objective

The objective of this application is three fold;

1. To be able to trade over a period of time outside of the nominated time frames currently found in the *Shire's Trading in Public Places Policy*. As discussed, the Shire's Trading in Public Places Policy outlines that trading is restricted to a maximum of 4 hours per day and is limited to 3 days a week. 9am to 6pm daily each return trip for up to ten days.
2. To apply for permission to erect temporary signs
3. to apply for a permit to moor for a period longer than the current 2 Hour maximum at the Anton Landing currently LOCAL GOVERNMENT PROPERTY LOCAL LAW 2003 under clause 5.15,

When boat may remain moored

5.15 A person in control of a boat shall not moor or make fast the boat to a jetty unless

-

- (a) the boat is in distress and then only to effect the minimum repairs necessary to enable the boat to be moved elsewhere;
- (b) the embarking or disembarking of passengers is in progress, and then not for a consecutive period exceeding 2 hours without the prior consent of the local government; or
- (c) the loading, or discharging of cargo or other goods is in progress and then not for a consecutive period exceeding 2 hours without the prior consent of the local government.

Authorised person may order removal of boat

5.16 Notwithstanding anything to the contrary in this Part, a person in control of a boat moored or fastened to or alongside a jetty shall remove it immediately upon being directed to do so by an authorised person.

Although I have enjoyed significant local public support, under the current for mentioned rules it is uneconomical to return to Wyndham, as my refrigeration plant needs to run 24 hours a day seven days a week. The fuel used to maintain the freezers over that period of time is a minimum of \$1000 per week.

Further many of my customers are either shift workers, or locals from as far away as Kununurra. Also; small volume sales of a kilo to tourists between 9am and 3pm have helped the bottom line. Both the ladies from the Wyndham and Kununurra caravan parks have constantly informed their customers of my presence.

After consultation with Mr Drew I moved my vessel to the inside section of the landing leaving the seaward side for others to use. I believe that due to the low usage of the landing that I have not hindered or unconvinced any other mariners.

Also I have not placed any signage other than that on my vessel on any of the Shire's Public areas. However should I return I would like to place a laminated poster type sign at the shore end of the jetty, and perhaps one on the side of the road at the entrance to the harbour township area. Attached is a similar advertisement placed in the Echo News Paper.

I request that this matter be taken up at the next Shire Council Meeting for consideration, and ask that a motion be moved to allow:

1. The vessel to be moored daily for up to 10 days each return trip between now and the 30th December 2014 (not to exceed a total of 30 days).
2. That I may trade each day between 9am and 6pm.
3. That I may erect appropriate signage in the for mentioned places, being laminated colour posters approximately 1 meter high and 600mm wide

Should you require any other further information regarding this application please do not hesitate to contact via email or by phoning 0427 375 924.

All legal documents required for the daily operations of these vessels is **EXECUTED** by **SEAFOOD BITES Pty Ltd** ACN 154 696 849)in accordance with section 127(1) of the Corporations Act 2001 (C'wlth) by the authority of the Director/Secretary :

.....
DIRECTOR/SECRETARY

.....
Date

RG Bradley
Director/Secretary
SEAFOOD BITES PTY LTD
ACN: 154 696 849
ABN :76 154 696 849
Correspondence / Tax Invoice to Seafood Bites P/L
3 McGowan Street
BURNETT HEADS QLD 4670
Mail to: graemebradley@bigpond.com
Mobile: 0427 375 924

Attachments

1. Garbage disposal at the Wyndham Port Hotel
2. Echo news paper advertisement



In-House Proof

Add: 2459374
Team: Geraldton
Last Edit User: cci

Columns: 2
Width: 72mm
Height: 100mm

Title: KE
Publication: GENERALNEWS
Zone: Full Run
Classification: ROP

Customer name: Bradley, Graeme
Sales Rep.: Annie Medland
Publication date: 2014-05-29
Print time: 2014-05-26 10:28:51

PRAWNS
Direct from the trawler **FOR SALE**

Available from
Anton Landing,
Wyndham

10kg carton	\$170
5kg carton	\$90
1kg bag	\$20

For further information call
Graeme
0427 375 924

**13.4.5 Lot 509 on Deposited Plan 66529, Portion of Reserve 50467,
Kununurra – Expressions of Interest Received**

DATE:	24 June 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Lot 509 on Deposited Plan 66529, Portion of Reserve 50467, Millington Road, Kununurra
AUTHOR:	Jennifer Ninyette, Senior Planning Officer
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	LP.02.6

PURPOSE

For Council to consider the Expressions of Interests received for a 15 year lease over portion of Reserve 50467, Lot on Deposited Plan 66529, Commercial Boating Facility, Kununurra.

BACKGROUND

At the Ordinary Council Meeting of 25 February 2014 (Item 13.4.3) Council resolved to advertise for expressions of interest for a suitable business to lease Lot 509 of the Commercial Boating Facility, Kununurra (Attachment 1). Council also resolved to gain a new property valuation for this land.

Minute No. 10322

Moved: Cr D Spackman

Seconded: Cr G Taylor

That Council:

- 1) gains a new property valuation for Lot 509 of the Commercial Boating Facility, Kununurra to be leased for a term up to 15 years;***
 - 2) advertises for expressions of interest for a suitable business to lease Lot 509 of the Commercial Boating Facility, Kununurra for a term up to 15 years.***
- Carried 7/2***

An Expression of Interest was advertised in the Kimberley Echo and the West Australian newspapers. Businesses that had previously shown interest in the lot were informed of the advertising.

Information for applicants (Attachment 2), which included a draft lease, a location plan and a site plan, were provided to 4 interested parties. A total of two submissions were received before the closing time, however only one of these addressed the evaluation criteria.

Opteon (North West WA) assessed the site and provided an updated valuation (Attachment 3).

At the Ordinary Council Meeting of 27 May 2014 (Item 17.2), Council resolved as follows:

Minute No. 10409

Moved: Cr D Spackman

Seconded: Cr K Wright

That Council moves out from behind closed doors for Item 17.2 – Confidential – Lot 509 on Deposited Plan 66529, Portion of Reserve 50467, Kununurra – Expressions of Interest Received and Item 17.3 – Confidential – Tender T(DP) 02 13/14 – Disposal of Airport Land, Part of Lot 311/312. Item 17.2 becomes Item 13.8 and Item 17.3 becomes 13.9.

Carried 7/2

It was then resolved by Council (Item 13.8) in the open meeting as following:

Minute No. 10436

Moved: Cr K Wright

Seconded: Cr G King

That Council defers this Item 13.8 - Confidential - Lot 509 on Deposited Plan 66529, Portion of Reserve 50467, Kununurra – Expressions of Interest Received, to the next Briefing Session.

Carried 5/3

A briefing on this item was provided to Council on 10 June 2014, where Council requested further clarification from the Department of Transport on whether they concur with the operation of houseboats from the commercial boating facility on Lake Kununurra.

Further clarification was sought from the Department of Transport regarding the operation of houseboats from the commercial boating facility (Attachment 4).

STATUTORY IMPLICATIONS

The *Local Government Act 1995* and *Section 18* of the *Land Administration Act 1997* are applicable to any lease arrangements (disposal of land), or advertising associated with this item.

Section 3.58 of the *Local Government Act 1995* requires a land valuation to be no more than 6 months old or for Council to believe an older valuation to be a true indication of the value at the time of disposition.

POLICY IMPLICATIONS

No policy implications apply in the preparation of this report.

FINANCIAL IMPLICATIONS

The new land valuation is \$9.00 per square metre ex GST. With a land area of 2134 m², this equates to an annual lease fee of \$19,200 ex GST plus annual rates.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

- Goal 2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure.
- Objective 2.1: A highly valuable East Kimberley economy that maximises social benefits.
- Strategy 2.1.1: Encourage a mix of businesses that meet community needs.
- Objective 2.2: Maintenance of economic diversity and greater community returns from investment in the region.
- Strategy 2.2.4: Enhance and expand tourism opportunities in the East Kimberley and improve access to significant tourism destinations.

Lake Kununurra Foreshore and Aquatic Use Plan

Lot 509 is recognised in the reviewed Lake Kununurra Foreshore and Aquatic Use Plan as within the Commercial Boating Facility. Development Guidelines, as contained within this plan, will apply to this property as they do to other nearby lessees.

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item. However, the expression of interest process has informed the community of the Shire's intent to lease the land. Public advertising to dispose of the land, with the opportunity to appeal the decision, will also occur once Council has chosen the successful applicant.

COMMENT

A summary table of the assessment of the compliant submission received against the evaluation criteria is attached for consideration (Attachment 4). Having evaluated the only submission received that addressed the evaluation criteria, officers recommend Ord River Houseboats as the preferred lessee for the following reasons:

- Established water based tourism business already operating in the East Kimberley;
- This business is in need of a water front site to help grow and sustain their operation;
- The site will be ready for business operation in the first year of the lease;
- They are a new operator with a growing clientele and revenue stream.

The expression of interest submitted by Ord River Houseboats demonstrates that they have the experience and are willing to invest significant capital to run a successful tourism business from this site. They have also outlined a design philosophy that is sympathetic to the site and the natural environment as well as benefitting the region economically.

The second expression of interest received was an email from Northwest Airboats, which simply stated that they would like to express interest in basing their airboat operations from Lot 509 to run eco-tours on Lake Kununurra and the Lower Ord. It is noted that Northwest Airboats did not request a copy of the Information for Applicants document, and that the level of information provided in the expression of interests received were not known until after the tender had closed.

ATTACHMENTS

- Attachment 1 – Site Location Plan, Lot 509, Portion of Reserve 50467
- Attachment 2 – Information for EOI Applicants, Lot 509, Portion of Reserve 50467
- Attachment 3 – Opteon Rental Valuation, Lot 509, Portion of Reserve 50467
- Attachment 4 – Clarification from Department of Transport
- Attachment 5 - Summary of submissions received for EOI, Lot 509, Portion of Reserve 50467

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1) accepts rental valuation as provided by Opteon (North West WA) and apply this value to the lease for Lot 509 on Deposited Plan 66529, Portion of Reserve 50467, Kununurra;
- 2) forwards a final copy of the lease for Lot 509 on Deposited Plan 66529, Portion of Reserve 50467, Kununurra to Ord River Houseboats for acceptance and signing;
- 3) notifies other applicants in writing that they were unsuccessful in their submission for the lease of Lot 505 on Deposited Plan 66529, Portion of Reserve 50467, Kununurra and that the successful applicant was Ord River Houseboats.

Cr D Spackman leaves Chambers at 6.07pm.

COUNCIL DECISION

Minute No. 10462

Moved: Cr B Robinson

Seconded: Cr S Cooke

That Council:

- 1) accepts rental valuation as provided by Opteon (North West WA) and apply this value to the lease for Lot 509 on Deposited Plan 66529, Portion of Reserve 50467, Kununurra;**
- 2) forwards a final copy of the lease for Lot 509 on Deposited Plan 66529, Portion of Reserve 50467, Kununurra to Ord River Houseboats for acceptance and signing;**
- 3) notifies other applicants in writing that they were unsuccessful in their submission for the lease of Lot 505 on Deposited Plan 66529, Portion of Reserve 50467, Kununurra and that the successful applicant was Ord River Houseboats.**

Carried Unanimously 8/0

Cr D Spackman enters Chambers at 6.09pm.

ATTACHMENT 1 - Site Location Plan, Lot 509, Portion of Reserve 50467



The Shire of Wyndham East Kimberley 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.

Lot 509, portion of Reserve
50467, Kununurra

Tuesday, 6 May 2014

1:1000



INFORMATION FOR APPLICANTS

Lease of Lot 509 on Deposited Plan 66529, portion of Reserve 50467 of the Commercial Boating Facility for operation of a recreational or tourism enterprise on Lake Kununurra.

SCOPE

Expressions of Interest are invited to develop and operate a public tourism related facility on Lake Kununurra that adds value to the community and visitor experiences of the lake, demonstrates community benefit and is sensitive to the cultural, social and environmental values of the area.

DEVELOPMENT PROPOSAL

It is intended that the site be utilised for a water based tourism/recreation facility that is appropriately designed for and takes advantage of the natural features of the site.

LEASE TENURE

A lease tenure of up to 15 years will be offered for the proposal that is evaluated to be of substantial long term benefit to the East Kimberley region.

DESIGN PHILOSOPHY

Expressions of interest following the design philosophy identified below will be given favourable consideration:

- Development that is sympathetic to the site;
- Protection of natural features; and
- Protection of views and sightlines.

EVALUATION CRITERIA

Expressions of Interest will be evaluated against the following criteria:

1. Development proposal – outline of the proposed development including design philosophy and a copy of a business plan for the proposed operation.
2. Development timeframe – details on the milestones for any proposed construction/development and commencement of operations.
3. Financial capacity – information regarding your financial capability to complete any proposed development. Details and evidence of your capacity to successfully run a water based tourism/recreation business including any current or previous experience.
4. Perceived long term value of the proposal to the East Kimberley region – detail any cultural, social, economic and environmental benefits your proposal will bring to the region.

TITLE PARTICULARS

The land is described as Lot 509 on Plan 66529. The land is a portion of Reserve 50467, managed by the Shire of Wyndham East Kimberley.

LAND AREA

The land has an area of 2134sqm with a foreshore buffer area of 446sqm available to be licensed from the Shire in conjunction with the lease. This licence will allow for access across the foreshore.

ZONING

The land is reserved under Town Planning Scheme No 7 for the purposes of Parks and Recreation and Special Foreshore purposes.

DISTRICT INFORMATION

Kununurra is a booming town in the Kimberley, located in the far north western corner of Australia. It is approximately 820kms southwest of Darwin and 1000kms east of Broome and boasts a population of approximately 7000 people. The area is incredibly scenic and well known for its natural attractions - gorges, waterfalls, rivers, lakes, ranges and escarpments. The local community are very enthusiastic about the outdoors and come the tourist season the population triples.

Tourism within the region and Kununurra is growing rapidly, and the town is serviced by regular daily Regional Passenger Transit flights to Darwin, Broome and Perth.

There are currently 87,000 passenger movements per annum through the East Kimberley Regional Airport at Kununurra, and 90,000 visitors per annum through the Kununurra Visitors Centre. These indicators have shown an average 10% growth over the past 5 years. The town of Kununurra is serviced by 6 caravan parks, and 5 motels.

Nearby attractions include Purnululu [Bungle Bungle range], El Questro and Home Valley Stations, Lake Argyle, Ord River, Gibb River Road and the Keep River National Park. Kununurra is the Eastern gateway to the Kimberley region, and over 67% of vehicles visiting the Kimberley arrive from the east and pass through Kununurra.

LOCATION

The site is 6km west of the Kununurra town site and 2km west of the Kununurra Airport on the southern side of Victoria Highway. It is located upstream of the Diversion Dam and the parkland area known as 'swim beach' and downstream of the Kununurra Ski Club lease. The site has direct access to Lake Kununurra (a Ramsar Listed Wetland).

SERVICES

Currently scheme water or a communications land line is unavailable. Power is available for connection and an existing water tank is located on the site. Reticulated sewage is unavailable and suitable waste water treatment is subject to approval by the Shire. An existing Aerobic Treatment Unit (ATU) has been installed on the site however will be required to be approved by the Shire in line with an application for Development Approval.

LAND DESCRIPTION

The site is reasonably flat and has been selectively cleared with the portions of foreshore vegetation remaining intact. Access to the site is from an access track off Millington Drive, Kununurra. There is currently no formal access. Ground water levels are high at less than 3 metres and the site is located between the river and the emergency levy bank.

LAND USE

The land is currently vacant. Permitted use and development of the land will be for "tourism purposes". Proponents will be required to obtain all approvals such as planning, building and health.

FENCING

The site is currently fenced. The successful applicant will be responsible for ensuring fencing to boundaries is as described in the lease document.

BUILDING AND STRUCTURAL IMPROVEMENTS

There are no buildings on the land. Existing infrastructure includes a water tank, an aerobic treatment unit (ATU), a power board and jetty. The proponent will be required to obtain relevant approvals or licences to allow for the use of the jetty or ATU.

ENVIRONMENTAL, HERITAGE AND CULTURAL ISSUES

The site is adjacent to a Ramsar listed wetland (a wetland of international importance) and has a strong cultural link to the Miriuwung Gajerrong people.

DISCLAIMER

The stated condition of the site is based on a visual inspection. This does not imply any warranty as to the actual condition or suitability of the site for the stated use.

APPENDIX 1

Location plan

APPENDIX 2

Draft Lease including site diagram.

APPENDIX 1



Location Plan for Lot 509, Deposited Plan 66529, Portion of Reserve 50467, Commercial Boat Facility, Lake Kununurra.

Ref: SHY/C309

**LEASE
PORTION OF FORESHORE
RESERVE 50467**

**LOT 509
LAKE KUNUNURRA**

SHIRE OF WYNDHAM EAST KIMBERLEY
("Lessor")

AND

???
("Lessee")

AND

???
("Guarantor")

TABLE OF CONTENTS

1.	DEFINITIONS	1
2.	INTERPRETATION.....	6
3.	GRANT OF LEASE.....	6
4.	QUIET ENJOYMENT	7
5.	RENT	7
6.	RENT REVIEW	7
7.	NOT TO CAUSE RENT REDUCTION	8
8.	RATES AND TAXES AND VARIABLE OUTGOINGS.....	8
9.	COSTS AND EXPENSES.....	9
10.	INTEREST ON OVERDUE MONEY	9
11.	LESSEE TO MAINTAIN IMPROVEMENTS	10
12.	LESSEE TO MAINTAIN PREMISES AND IMPROVEMENTS.....	10
13.	MAINTENANCE OF LESSOR'S FIXTURES	11
14.	RESTRICTION ON ALTERATIONS.....	11
15.	USE OF THE PREMISES	11
16.	MISCELLANEOUS RESTRICTIONS ON USE.....	12
17.	INFLAMMABLE SUBSTANCES.....	13
18.	ADVERTISEMENTS OR NOTICES	13
19.	SECURITY OF THE PREMISES.....	13
20.	ENTRY BY LESSOR.....	13
21.	STRATA BY-LAWS.....	13
22.	VARIATIONS TO THE STRATA SCHEME	13
23.	EASEMENTS.....	14
24.	INSPECTION BY PROSPECTIVE LESSEES OR PURCHASERS	14
25.	PLANT AND EQUIPMENT AND FIXTURES.....	14
26.	INSURANCE.....	15
27.	LESSEE'S INDEMNITIES	16
28.	LIMIT OF LESSORS LIABILITY	17
29.	REPORT TO LESSEE	17
30.	CAVEATS.....	18
31.	NOT TO IMPEDE EXERCISE OF LESSOR'S RIGHTS	18
32.	COMPLIANCE WITH STATUTES.....	18
33.	DEFAULT BY LESSEE	18
34.	LESSOR MAY RETAKE POSSESSION	19
35.	EXERCISE OF LESSOR'S RIGHTS	20
36.	BREACH OF ESSENTIAL TERMS	20
37.	THE IMPROVEMENTS ON TERMINATION	21
38.	YIELD UP AND SURRENDER KEYS	22
39.	REMOVAL OF LESSEE'S FIXTURES	22
40.	ASSIGNMENT	22
41.	DESTRUCTION OR DAMAGE TO PREMISES	23
42.	OPTION OF RENEWAL.....	23
43.	HOLDING OVER	23
44.	CONSENTS.....	24
45.	ACT BY AGENTS	24
46.	LESSEE LIABLE FOR AUTHORISED PERSONS	24
47.	NOTICE	24
48.	PROPER LAW	25
49.	SEVERANCE.....	25
50.	WAIVERS	25
51.	VARIATION	25
52.	EFFECTIVE EXECUTION.....	25
53.	FURTHER ASSURANCES	26
54.	COUNTERPARTS	26
55.	SURVIVAL OF WARRANTIES.....	26

56.	ENTIRE AGREEMENT	26
57.	PAYMENT OF MONEY.....	26
58.	MORATORIUM NOT TO APPLY	26
59.	GOODS AND SERVICES TAX	26
60.	GUARANTEE AND INDEMNITY.....	27
61.	SPECIAL CLAUSES	30
62.	SERVICES NOT PROVIDED BY LESSOR.....	30
63.	LESSEE TO PROVIDE ACCOUNTS	30
	SCHEDULE ONE	31
	SCHEDULE TWO	32
	SCHEDULE THREE.....	45

Current Market Rent means the current market rent on an annual basis of the Premises, assuming that:

- (a) the Lessor and Lessee have observed all the terms of this Deed;
- (b) the Lessee will occupy the Premises on the terms of this Deed; and
- (c) if any part of the Improvements has been damaged or destroyed, that part of the Improvements has been reinstated,

and taking into account:

- (d) current rent values of similar premises leased at their highest and best use;
- (e) current rent values in respect of rent reviews during current tenancies of similar premises;
- (f) current rent values in respect of renewals of existing tenancies of comparable premises; and
- (g) the value of permanent structural improvements erected or installed at the Lessee's expense and which the Lessee may not remove at Termination,

but ignoring:

- (h) any value attaching to goodwill created by the Lessee's occupation of the Premises;
- (i) any value attaching to the Lessee's trade fixtures and fittings on the Premises;
- (j) any value attaching to any licence or permit in respect of the business carried on by the Lessee at the Premises;
- (k) the fact that part of the Term has elapsed at the Rent Review Date;
- (l) any inducement, whether in cash or kind, or other concession customarily or likely to be offered to Lessees; and
- (m) any temporary disturbance resulting from maintenance of any part of the Land, the Building or the Plant and Equipment at any time carried out by the Lessor;

Deed means this deed as amended, varied or supplemented from time to time;

Encumbrance means a mortgage, charge, bill of sale, lien, pledge, easement, restrictive covenant, writ, warrant or caveat and the claim stated in that caveat;

Event of Default means an event specified in clause 33;

Facility means a lavatory, sink, drain or other sewerage or plumbing facility, and a gas or electrical fitting or appliance in or on the Land or the Building;

Final Period means the period between the start of the final Lease Year before the date of Termination until the date of Termination;

Financial Year means a year beginning on 1 July and ending on the following 30 June;

First Period means the period between the Commencement Date and the last day of the first Lease Year;

Foreshore Area means the Foreshore Area referred to in item 1 of Schedule Three;

Further Term means each further term specified in Item 5 of Schedule One;

Holding Over means holding over by the Lessee under clause 43;

Improvements means all of the development, construction and improvements more particularly described as the Improvements under Schedule 2 that are erected on the Premises by the Lessee;

Insurance Company means a public insurance company carrying on business in Australia and authorised to operate as an insurance company under any applicable statute from time to time in force, but approval by the Lessor of an Insurance Company, insurance broker or an alteration in the terms of a policy does not imply any warranty by the Lessor in respect of that Insurance Company, that broker or those terms, or release the Lessee from any obligation or liability under this Deed;

Insured Risk means an event against which the Lessor or the Lessee insures including, but not limited to fire, explosion, earthquake, aircraft, riot, civil commotion, flood, lightning, storm, tempest, act of God, fusion, smoke, rain water, water leakage, impact by vehicles, machinery breakdown and malicious acts or omissions;

Interest means interest at the rate specified in Item 8 of Schedule One;

Land means the land described in Item 2 of Schedule One;

Lease means this deed, the Schedule and any attachments as amended from time to time;

Lease Year means a Financial Year or any other period of 12 months nominated by the Lessor, and includes, where appropriate, the First Period and the Final Period;

Lessee's Business means only those activities and operations that are necessary for the conduct of a tourism and recreation enterprise which enterprise operates waterborne craft on Lake Kununurra, and consistent with the designated purpose for which the Reserve is reserved under s.41 of the Land Administration Act 1997, but subject to all local government and other approvals required by law being first obtained by the Lessee prior to the commencement of any development of the Premises by the Lessee;

Lessee's Covenants means the covenants, agreements and obligations contained or implied in this Deed or imposed by law to be observed and performed by any person other than the Lessor;

Lessee's Fixtures means each fixture installed in or on the Premises by the Lessee, including the Improvements and any sign erected or affixed to the Land by or on behalf of the Lessee;

Lessee's Proportion means the whole of the Variable Outgoings for the Lot comprising the Premises (as indicated on the Plan annexed to this Lease);

Lessee's Rights means:

- (a) the right to use exclusively:

- (i) the Lessor's Fixtures from time to time in the Premises; and
- (ii) the Facilities in and the Services supplied to the Premises,

together with all rights in favour of the Lessee contained or implied in this Deed and the right to install cables in the Improvements subject to the approval of the Lessor; and

(b) the non-exclusive right to use:

- (i) the Lessor's Fixtures in;
- (ii) the Plant and Equipment in, on or serving;
- (iii) the Facilities in; and
- (iv) the Services supplying,

any other part of the Premises, as required for the conduct of the Lessee's Business;

Lessor's Covenants means the covenants, agreements and obligations contained or implied in this Deed or imposed by law to be observed and performed by the Lessor;

Lessor's Fixtures means the fixtures specified in Item 9 of Schedule One;

Lessor's Rights means:

- (a) the right to enter and install in the Premises cables, pipes and wires for the supply of a Service, Facility, telephone, electronic communication or other like service or facility for the Improvements or the Land or; and
- (b) all rights in favour of the Lessor contained or implied in this Deed or granted by law;

Managing Agent means the firm specified in Item 11 of Schedule One or any person, firm or corporation as the Lessor by notice to the Lessee nominates;

Money Payable means the Rent and any other money payable by the Lessee under this Deed;

Party means the Lessor or the Lessee according to the context;

Plant and Equipment means any plant and equipment for or in connection with any Service or heating, cooling, lighting, power or plumbing serving the Land or the Improvements;

Premises means the premises specified in Item 1 of Schedule One;

Previous CPI means the Consumer Price Index number last published before the date which is 12 months before the relevant CPI Rent Review Date, or if an actuary is appointed under clause 6 to determine an index, the number certified by that actuary;

Rates and Taxes means:

- (a) council rates and charges including but not limited to, rubbish removal rates and charges and fire services;
- (b) land tax on a single holding basis;
- (c) water, drainage and sewerage rates, including but not limited to meter rents, charges for the disposal of storm water and excess water charges,

levied, charged, assessed or imposed in respect of any part of the Land, or the Premises or the ownership or occupation of any part of the Land or the Premises including but not limited to stamp and transaction duties, together with any related interest, penalties, fines and expenses in connection with them but excluding any tax imposed by the *Income Tax Assessment Act 1936*;

Rent means the rent specified in Item 6 of Schedule One as varied from time to time under this Deed;

Rent Review Date means each date specified in Item 7 of Schedule One and the relevant rent method expressed for each date;

Rent Review Notice means a notice given by the Lessor to the Lessee under clause 6.2 or clause 6.3;

Schedule means the schedules to this Deed;

Service means electricity, gas, oil, fuel, water or other like facility or service;

Term means the term specified in Item 4 of Schedule One and any Further Term;

Termination means the expiry of the Term or any period of holding over by effluxion of time or any earlier determination;

Variable Outgoings means all outgoings, costs and expenses of the Lessor, including Rates and Taxes assessed, charged, payable or incurred in respect of the Premises, Land or the Improvements including, but not limited to, the cost of:

- (a) insuring the Improvements or any part of the Improvements and any equipment or appliance in the Premises or the Improvements against fire, explosion, earthquake, aircraft, riot, civil commotion, flood, lightning, storm, tempest,, fusion, smoke, rainwater, water leakage, impact by vehicles, machinery breakdown and malicious acts or omissions, loss of rent, demolition and removal of debris, architects and other consultants fees, claims under Workers Compensation legislation, and statutory liability by employees of the Lessor working in or about the Improvements, owners third party liability and all other risks which the Lessor insures against;
- (b) compacting, storing and removing rubbish;
- (c) landscaping and maintaining any part of the Land and the Premises;
- (d) providing, maintaining, repairing, replacing, decorating, managing, administrating, controlling and securing any service or thing which the Lessor considers necessary or expedient or an improvement to the amenities of the Premises or the Land;
- (e) employing and providing facilities for staff for the matters mentioned in this definition;

- (f) legal fees and disbursements in relation to the matters mentioned in this definition;
- (g) providing motor vehicles, plant, equipment, tools and materials for the matters mentioned in this definition;
- (h) taxes and statutory charges associated with the matters mentioned in this definition including but not limited to payroll tax, financial institutions duty, bank debits tax, tax on goods or services and taxes of a type not charged at the Commencement Date; and
- (i) fees payable to the Managing Agent.

2. INTERPRETATION

- 2.1 Unless otherwise required by the context or subject matter, a reference to a party includes that party's executors, administrators, personal representatives, successors and assigns. If a party comprises 2 or more persons, a reference to a party includes the executors, administrators, personal representatives, successors and assigns of each of those persons.
- 2.2 If a party comprises 2 or more persons, the covenants and agreements bind and must be performed by each of them jointly and severally and may be enforced against any one or any 2 or more of them.
- 2.3 Where applicable, words denoting the singular include the plural, words denoting the plural include the singular, and words denoting a gender include each gender.
- 2.4 A reference to a statute includes a regulation, by-law, requisition or order made under that statute and any amendment to or re-enactment of that statute, regulation, by-law, requisition or order in force from time to time.
- 2.5 Subject to any provision to the contrary, a reference to any other deed, agreement or instrument includes a reference to that other deed, agreement or instrument as amended, supplemented or varied from time to time.
- 2.6 When the day or last day for doing an act is not a business day, the day or last day for doing the act will be the next following business day.
- 2.7 Except in the Schedule, headings in this Deed do not affect its interpretation.
- 2.8 Where applicable, a reference to a body corporate includes a natural person, and a reference to a person includes a body corporate.

3. GRANT OF LEASE

The Lessor leases and grants the Lessee's Rights to the Lessee and the Lessee takes a lease of the Premises subject to the Encumbrances for the Term and subject to the payment of the Rent and any other Money Payable and the observance and performance of the Lessee's Covenants, but reserving to the Lessor the Lessor's Rights.

4. QUIET ENJOYMENT

Subject to any contrary provision and subject to the observance and performance of the Lessee's Covenants, the Lessee may quietly hold the Premises and enjoy the Lessee's Rights during the Term without any interruption or disturbance from the Lessor.

5. RENT

The Lessee must pay the Rent (without deduction or offset) monthly in advance commencing on the 1 May 2014 and thereafter on each anniversary of that date during the Term except that the first and final payments will be apportioned on a daily basis if they are in respect of periods of less than a year.

6. RENT REVIEW

6.1 General

On each Rent Review Date, the Rent shall be reviewed in the manner set out in the following paragraphs of this clause 6.

6.2 CPI Rent Review

(a) With effect from each CPI Rent Review Date, the Rent shall be reviewed so that it is the greater of the sums calculated on the basis of the formulae contained in sub paragraphs 6.2(a)(i) and 6.2(a)(ii).

(i) $RR = (R \times CCPI) \text{ divided by } PCPI$

Where:

"RR" = the annual Rent as reviewed;

"R" = the annual Rent payable immediately before the relevant CPI Rent Review Date;

"CCPI" = the Current CPI; and

"PCPI" = the Previous CPI.

(ii) $RR = R + (R \times PMI)$

Where:

"RR" = the annual Rent as reviewed;

"R" = the annual Rent payable immediately before the relevant CPI Rent Review Date; and

"PMI" = the percentage of minimum increase (if any) specified in Schedule 1 next to each CPI Rent Review Date.

(b) The Lessor may not earlier than three (3) months before a CPI Rent Review Date give the Lessee a notice setting out the amount of the reviewed Rent which shall be payable from the CPI Rent Review Date ("CPI Rent Review Notice"), except that the failure of the Lessor to give such a notice before the CPI Rent Review Date does not preclude the

Lessor from giving such a notice in respect of that CPI Rent Review Date at any later time.

(c) **Determination of Current CPI or Previous CPI**

If for the purposes of a CPI Rent Review, the Consumer Price Index number is not published or, in the opinion of the Lessor there is a material change in the basis on which the Consumer Price Index is determined, or no Consumer Price Index number was published in the twelve (12) to fifteen (15) month period before the relevant CPI Rent Review Date for the purposes of determining Previous CPI, then the Lessor may appoint an actuary from the Fellows of the Institute of Actuaries of Australia to determine:

- (i) in respect of Current CPI, an index number which reflects the prevailing levels of prices for the Perth metropolitan area at that CPI Rent Review Date; and
- (ii) in respect of Previous CPI, an index number which reflects the prevailing levels of prices for the Perth metropolitan area at the new date which is twelve (12) months prior to that CPI Rent Review Date;

and the actuary's determination will be binding on the Lessor and the Lessee and the Lessor and the Lessee will pay the actuary's costs in equal shares.

6.3 Market Rent Review

Intentionally deleted

6.4 Determination of Current Market Rent

Intentionally deleted

7. NOT TO CAUSE RENT REDUCTION

The Lessee must not by any act or omission cause, directly or indirectly, the Rent to be reduced or impose on the Lessor any liability of the Lessee under this Deed unless obliged to do so by any statute or with the consent of the Lessor.

8. RATES AND TAXES AND VARIABLE OUTGOINGS

8.1 The Lessee must pay to the Lessor within 10 Business Days, or if the demand is made to the Lessee by any statutory authority then to that authority on demand, in full all Rates and Taxes and other outgoings separately assessed or imposed by any statutory authority or other service provider solely in respect of the Premises, including but not limited to telephone services, electricity, gas and other power and light charges and expenses, including, but not limited to:

- (a) charges and assessments for use under assessments or meter readings;
- (b) meter rents; and

- (c) the cost of installation of any meter, wiring or other apparatus necessitated by the use of electricity, gas and other power.
- 8.2 The Lessee must pay to the Lessor, within 10 Business Days of receipt of the notice of demand, the Lessee's Proportion of Variable Outgoings relating to the Premises.
- 8.3 Except in the case of manifest error, a statement issued by the Lessor under this clause will be prima facie evidence of the matters stated in that statement.
- 8.4 If the Variable Outgoings includes any tax on goods or services, the Lessee must also pay that tax to the Lessor.

9. COSTS AND EXPENSES

The Lessee must pay to the Lessor or as the Lessor directs, all the Lessor's reasonable costs, charges and expenses in connection with:

- (a) the negotiation, preparation, execution, settlement and stamping of this Deed;
- (b) any consent, approval or exercise of any right, waiver, variation, release, surrender or discharge in connection with this Deed, including but not limited to all costs and expenses of and incidental to the preparation and service of a notice under Section 81 of the Property Law Act 1969;
- (c) any inspection or report concerning the Premises;
- (d) any breach of the Lessee's Covenants;
- (e) any work done at the request of the Lessee;
- (f) the exercise or attempted exercise of the Lessor's Rights;
- (g) any action, suit or proceeding to which the Lessor is joined as a party as a result of the Lessee's occupation of the Premises;
- (h) advertising costs in accordance with the *Local Government Act 1995*;
- (i) all valuation costs in respect of this Lease;

and such costs, charges and expenses include, but are not limited to:

- (j) taxes and fees and fines and penalties which may be payable in connection with this Deed;
- (k) all legal costs and expenses on a full indemnity basis or solicitor and own client basis whichever is the higher; and
- (l) all interest which the Lessor is entitled to claim.

10. INTEREST ON OVERDUE MONEY

If any Rent or other Money Payable is unpaid for 14 days, whether demand is made or not, the Lessee must pay to the Lessor on demand Interest on that Rent or other Money Payable, computed from the due date for payment until payment, and such payment will not affect any of the Lessor's Rights.

11. LESSEE TO MAINTAIN IMPROVEMENTS

The Lessee must maintain the structure of the Improvements in a safe condition.

12. LESSEE TO MAINTAIN PREMISES AND IMPROVEMENTS

The Lessee must:

- (a) promptly repair to the satisfaction of the Lessor any damage to the Premises or Improvements for which the Lessee is liable;
- (b) replace to the satisfaction of the Lessor:
 - (i) all broken or damaged glass in the doors, walls or windows of the Improvements irrespective of the cause of breakage or damage; and
 - (ii) all electric globes and fluorescent tubes in the Improvements which fail for any reason;
- (c) maintain that part of any drains, pipes and other conduits originating in or connected to the Premises or the Improvements in a clean, clear and free flowing condition;
- (d) not without the Lessor's prior written consent interfere with the drainage or water supply facilities serving the Premises or the Improvements or any equipment connected to such facility;
- (e) paint and decorate the Improvements every 5 years during the Term and during the last 6 months of the Term in a proper manner, using suitable, good quality materials of a colour and quality first approved by the Lessor in writing;
- (f) keep the Premises and Improvements free from dirt and rubbish, and keep all rubbish in suitable receptacles;
- (g) take reasonable precautions to keep the Premises and Improvements free of animals, birds and insects and all vermin, and if required by the Lessor, from time to time, employ at the Lessee's cost pest exterminators approved by the Lessor;
- (h) maintain a service agreement with a reputable pest control company approved by the Lessor for the prevention of white ant infestation in or about the Premises and Improvements;
- (i) keep the Premises and Improvements clean according to normally accepted standards of cleaning; and
- (j) keep the Premises and Improvements in good, substantial and tenantable repair, excepting:
 - (i) fair wear and tear;
 - (ii) damage caused by an event which is the subject of an Insured Risk which the Lessor has insured against, but if payment of the insurance money in respect of that damage is refused or reduced by reason of a default of the Lessee, the Lessee must in respect of that damage maintain the Premises in good condition to the extent that payment of that insurance money is refused or reduced, except that the Lessee's obligation is reduced to the extent that payment of insurance money

under the Lessor's insurance policy is refused or reduced by reason of an act or default of the Lessor.

13. MAINTENANCE OF LESSOR'S FIXTURES

The Lessee must:

- (a) maintain the Lessor's Fixtures and the Facilities in the Premises in good condition and replace any damaged items excepting fair wear and tear and damage caused by an event which is the subject of an Insured Risk which the Lessor has insured against, but if payment of the insurance money in respect of that damage is refused or reduced by reason of a default of the Lessee, the Lessee must in respect of that damage maintain the Lessor's Fixtures and the Facilities in the Premises in good condition to the extent that payment of that insurance money is refused or reduced, except that the Lessee's obligation is reduced to the extent that payment of insurance money under the Lessor's insurance policy is refused or reduced by reason of an act or default of the Lessor;
- (b) if the Lessee is liable to replace any of the Lessor's Fixtures or the Facilities in the Premises, replace that Lessor's Fixture or Facility with an item of similar quality, colour and design, and carry out the replacement to the satisfaction of the Lessor; and
- (c) keep the Facilities within the Premises unobstructed.

14. RESTRICTION ON ALTERATIONS

Deleted – Not Applicable

15. USE OF THE PREMISES

The Lessee Covenants with the Lessor as follows:

15.1 Generally

Not to use or permit the Premises to be used for any purpose other than for the Lessees Business.

15.2 Maintenance

To maintain, rehabilitate and stabilise the Foreshore Area of the Premises as may be necessary to permit continuous access by the public to infrastructure and to approved structures upon the Land.

15.3 Foreshore Bank

Not to modify, or permit the modification of, the foreshore bank of the Foreshore Area except in accordance with the Improvements referred to in Schedule 2.

15.4 Improvements and Additions

Not to erect, construct, build, install or bring any buildings or structures of a permanent nature on the Premises or make any other alterations, additions or improvements on the Premises except in accordance with Schedule 2 of the Lease.

15.5 Foreshore Vegetation

Not to remove any vegetation from the Premises or the Foreshore Area EXCEPT:

- (i) in accordance with a foreshore management / rehabilitation plan approved by the Lessor;
- (ii) exotic species;
- (iii) in the case of native vegetation, with the prior written consent of the Lessor and all approvals required by law; and
- (iv) by mechanical means rather than chemical application methods to the extent practicable.

The Lessee must ensure that all areas from which vegetation may have been removed by the Lessee prior to the execution of this lease or is removed in the future shall be promptly rehabilitated and re vegetated with local, native species in order to minimise soil erosion and run-off.

15.6 Water Use Conservation

The Lessee must conduct all reticulation and irrigation activities on the Premises in accordance with best practice water conservation principles.

15.7 State Government Planning Policies

The Lessee must observe, perform and comply with the provisions of all present and future State Government planning policies that affect the Land and/or the adjacent waterway (for example, the *Policy and Guidelines for Recreation and General Access on Crown Land with Public Drinking Water Source Areas and Other Water Source Catchments*.)

16. MISCELLANEOUS RESTRICTIONS ON USE

The Lessee must not:

- (a) use or permit anyone to use the Premises for an immoral or unlawful purpose;
- (b) do or carry on in the Premises anything which causes a nuisance, damage, or disturbance;
- (c) do or carry on in the Premises any harmful, offensive or illegal act, matter or thing;
- (d) place any rubbish on any part of the Premises except in a place for disposal of that type of rubbish;
- (e) burn any rubbish on the Premises; or
- (f) fail to remove on a regular basis any rubbish of a kind not removed by the local authority.

17. INFLAMMABLE SUBSTANCES

The Lessee must not except for reasonable quantities for normal applications in connection with the use of the Premises permitted by the Lessor use or store any chemical or inflammable substances within the Improvements.

18. ADVERTISEMENTS OR NOTICES

The Lessee must not display from or affix to the Premises or any other part of the Improvements any advertisement or notice visible from outside the Premises without the prior consent of the Lessor which the Lessor may not unreasonably withhold in the case of a notice stating the name and business of the Lessee affixed in a place immediately adjacent to the Premises.

19. SECURITY OF THE PREMISES

The Lessee must not leave the Premises unattended unless access to the Premises is securely fastened and locked.

20. ENTRY BY LESSOR

The Lessor or a person authorised by the Lessor may enter the Premises and Improvements at reasonable times after giving the Lessee reasonable written notice of entry, or on demand in the case of an emergency, with or without workmen and others, and with or without plant, equipment and materials, to:

- (a) inspect the state of repair of the Premises and Improvements and to ensure that there is no breach of the Lessee's Covenants;
- (b) maintain or repair the Premises and Improvements;
- (c) maintain, repair or alter the Services or any cables, pipes or wires within the Premises and Improvements;
- (d) carry out works required by a statutory authority;
- (e) maintain, service, install or remove any Plant and Equipment;
- (f) remove harmful substances;
- (g) comply with any requirement, notification or order of an authority having jurisdiction or authority over or in respect of the Premises or the Improvements for which the Lessor is liable under this Deed; and
- (h) view the Premises or Improvements with persons having or seeking an interest in the Premises or Improvements or any part thereof, financiers, insurers and other similarly interested persons,

and the Lessor must use its best endeavours not to cause any undue inconvenience to the Lessee.

21. STRATA BY-LAWS

Deleted - Not Applicable

22. VARIATIONS TO THE STRATA SCHEME

Deleted - Not Applicable

23. EASEMENTS

23.1 Subject to clause 23.2, the Lessor may:

- (a) grant rights of support to any owner, Lessee, occupier or other person interested in land adjacent to or near to the Premises or any public authority;
- (b) transfer any part of the Land; or
- (c) grant or create any easement or privilege in favour of any person or public authority over or affecting the Premises.

for the purpose of providing:

- (d) a public or private entrance to or exit from;
- (e) a support for a structure erected on;
- (f) the supply of a Service, Facility or telephone or electronic communication to; or
- (g) any other right, privilege or facility for,
the Premises, or any other land.

23.2 The Lessor must not transfer, grant or create any easement, right or privilege, which substantially and permanently derogates from the Lessee's Rights without first obtaining the Lessee's consent.

24. INSPECTION BY PROSPECTIVE LESSEES OR PURCHASERS

The Lessor or a person authorised by the Lessor may:

- (a) enter the Premises or Improvements to allow prospective purchasers or Lessees of the Premises to inspect the Premises; or
- (b) within 3 months before the end of the Term, display outside the Premises a sign containing any information which the Lessor sees fit indicating the availability of the Premises for lease or other occupation.

25. PLANT AND EQUIPMENT AND FIXTURES

25.1 The Lessee must:

- (a) not use any Facility, Plant and Equipment or Lessor's Fixtures for a purpose other than that for which it was designed;
- (b) comply with the reasonable requirements of the Lessor relating to the Plant and Equipment;
- (c) Deleted – Not Applicable
- (d) not do anything which might interfere with or impair the efficient operation of the Plant and Equipment; and

- (e) not install any electrical equipment on the Premises which might overload the cables, switchboards or sub-boards, through which electricity is connected to the Premises.

25.2 If the Lessee wishes to install any electrical equipment on the Premises which might overload the cables, switchboards or sub-boards through which electricity is connected to the Premises and the Lessor grants its consent, and the Lessor considers that any alteration is necessary to comply with the requirements of the Lessor's insurance underwriters or with any statute in force from time to time, then:

- (a) that alteration will be effected by the Lessor at the expense of the Lessee;
- (b) the Lessee must pay the entire cost of the alteration to the Lessor on demand by the Lessor; and
- (c) if required by the Lessor the Lessee must deposit with the Lessor the estimated cost of the alteration before commencement of any work.

26. INSURANCE

The Lessee must:

- (a) maintain with an Insurance Company approved by the Lessor in the names of the Lessee and the Lessor and, if required by the Lessor, any mortgagee of the Lessor, for their respective rights and interests:
 - (i) adequate public risk insurance to a sum insured of at least the amount specified in Item 10 of Schedule One in respect of any one claim or any higher amount required by the Lessor from time to time;
 - (ii) insurance against the Insured Risk to a full insurable value on a replacement or reinstatement basis in respect of the Lessee's Fixtures;
 - (iii) a policy of employers' indemnity insurance including workers' compensation insurance in respect of all employees of the Lessee employed in, about or from the Premises;
 - (iv) a policy of insurance against all risks in respect of the Improvements; and
 - (v) other insurances in connection with the Premises which a prudent Lessee leasing premises comparable with the Premises would take out or which are reasonably specified by the Lessor; and
- (b) in respect of the insurances referred to above:
 - (i) supply to the Lessor details;
 - (ii) produce each policy or certificate of insurance and each receipt for premiums or certificates of currency issued by an Insurance Company or insurance broker approved by the Lessor when required to do so by the Lessor;

- (iii) pay each premium at least 7 days before the due date, and when asked by the Lessor, produce receipts for the payments;
- (iv) immediately rectify anything which might prejudice any insurance and re-instate the insurance if it lapses;
- (v) notify the Lessor immediately when:
 - (A) an event occurs which gives rise or might give rise to a claim under or which could prejudice a policy of insurance; or
 - (B) a policy of insurance is cancelled; and
- (vi) ensure that the insurer has no right of subrogation against the Lessor;
- (vii) not do or omit to do any act or thing which might render the insurance on the Premises void or voidable, or which might cause the rate of premium to be increased, and if the Lessor approves in writing any proposal of the Lessee to add to or increase any risk which is covered by insurance, pay all additional premiums resulting from the additional or increased risk.

27. LESSEE'S INDEMNITIES

- 27.1 The Lessee indemnifies and keeps indemnified the Lessor against each claim, demand, loss, damage or Costs and Expenses arising from or incurred in connection with any damage to the Premises or any loss of or damage to anything in it or near it, and any injury to any person in or near the Premises, caused or contributed to by the act, negligence or default of the Lessee or some danger created by the Lessee, whether or not the existence of that danger was or ought to have been known to the Lessee.
- 27.2 The Lessor is not liable in respect of any liability or loss resulting from:
- (a) any act or omission of any other person in the Premises;
 - (b) any malfunction, breakdown, interruption or failure in relation to the supply of services to the Premises;
 - (c) any other accident, damage or malfunction affecting the Premises, including, but not limited to, any blocked drains, pipes or conduits, any overflow of water or any break in wires or cables; or
 - (d) damage to or loss of anything or injury to any person in or near the Premises due to any cause other than the negligence or default of the Lessor or any employee or agent of the Lessor.
- 27.3 The Lessee's obligation to indemnify the Lessor under this Deed or by law is unaffected by the obligation of the Lessee to effect insurance and the obligation of the Lessee to indemnify is paramount.
- 27.4 To the extent permitted by law, the Lessee must on demand pay to the Lessor an amount equal to all money paid by the Lessor in respect of any liability of the Lessee under this Deed.

- 27.5 The Lessee is subject to the same responsibilities relating to persons and property to which the Lessee would be subject if during the Term the Lessee were the owner and occupier of the freehold of the Premises.
- 27.6 The Lessee's obligation under clause 27.1 is relieved to the extent that payment of insurance money under the Lessor's insurance policy (if any) in respect of that obligation is received by the Lessor, or refused or reduced by reason of an act or default of the Lessor.
- 27.7 Unless this Deed provides otherwise, whenever the Lessee is obliged or required by this Deed to do or omit to do any act or thing, the doing or the omission of that act or thing will be at the sole risk and expense of the Lessee.
- 27.8 Subject to clause 27.6, and without limiting the generality of clauses 27.1 and 27.5, the Lessee indemnifies and keeps indemnified the Lessor against each claim, demand, loss, damage or Costs and Expenses for which the Lessor becomes liable in respect of:
- (a) any overflow or leakage of water or other fluids in or from the Premises or the Improvements except where the flow or leakage is not caused by or due to any act or omission of the Lessee or an Authorised Person;
 - (b) the cost of repair or replacement in respect of any damage caused to any part of the Improvements, any item of Plant and Equipment, or any Facility, outside the Premises if that damage is caused by misuse by the Lessee or an Authorised Person; and
 - (c) the cost of repair or replacement of any Plant and Equipment or Facility within the Premises or Improvements if it is damaged and that damage is caused by or contributed to by the Lessee or an Authorised Person.

28. LIMIT OF LESSORS LIABILITY

- 28.1 The Lessor will not be liable for any failure to perform or observe the Lessor's Covenants due to any reason beyond the direct control of the Lessor.
- 28.2 The Lessor will not be liable for loss, damage or injury to any person or property in or about the Land, the Improvements or the Premises however occurring unless caused by the negligence of the Lessor or its employees.
- 28.3 Each Lessor is only liable for breaches of the Lessor's Covenants occurring while that person is the registered proprietor of the Land.

29. REPORT TO LESSEE

The Lessee must report promptly to the Lessor or the Managing Agent in writing and in the case of emergency, verbally:

- (a) any damage to or defect in the Premises the Improvements, the Lessor's Fixtures, the Plant and Equipment or the Facilities in the Premises of which the Lessee is or ought to be aware;
- (b) any malfunction of any Facility either within the Premises or Improvements or used by the Lessee;
- (c) Deleted – Not Applicable

- (d) any notifiable infectious disease occurring in the Premises; and
- (e) any circumstances likely to:
 - (i) be a danger; or
 - (ii) cause any damage or danger;

to the Premises, the Improvements or any person on or in the Premises, or the Improvements of which the Lessee is aware.

30. CAVEATS

30.1 The Lessee must not lodge an absolute caveat over the Premises to protect the interest of the Lessee under this Deed and the Lessee must withdraw any caveat lodged by or on behalf of the Lessee over the Premises on Termination.

30.2 In consideration of the Lessor granting the Lessee the Lessee's Rights, the Lessee irrevocably appoints the Lessor and every officer of the Lessor as defined by the Corporations Act to be the attorney of the Lessee, in the name and on behalf of the Lessee, and as the act and deed of the Lessee to sign and lodge at the Western Australian Land Information Authority (Landgate), Perth, a withdrawal of any caveat lodged by or on behalf of the Lessee and not withdrawn on Termination, and the Lessee:

- (a) undertakes to ratify all that the attorney does or causes to be done under or by virtue of this subclause; and
- (b) indemnifies the Lessor in respect of any loss arising from any act done under or by virtue of this subclause, and the Lessor's costs and expenses of and incidental to the withdrawing of any caveat lodged by or on behalf of the Lessee affecting the Premises.

31. NOT TO IMPEDE EXERCISE OF LESSOR'S RIGHTS

The Lessee must not impede the exercise of the Lessor's Rights.

32. COMPLIANCE WITH STATUTES

The Lessee must comply promptly with all statutes, rules and regulations from time to time in force relating to the Premises or the Improvements or the use of the Premises or the Improvements.

33. DEFAULT BY LESSEE

An Event of Default occurs if:

- (a) any Rent or other Money Payable remains unpaid for 7 days after becoming due whether or not demand for payment is made;
- (b) the Lessee is in breach of any of the Lessee's Covenants other than covenants to pay Rent or other Money Payable for 14 days after notice has been given to the Lessee;

- (c) a receiver, or an agent in possession for a mortgagee is appointed in respect of any property of the Lessee;
- (d) the Lessee vacates the Premises or ceases to trade without first assigning the Premises pursuant to clause 40;
- (e) a mortgagee takes possession of any property of the Lessee;
- (f) any execution or similar process is made against the Premises or the property of the Lessee;
- (g) the Lessee, being a natural person, commits an act of bankruptcy;
- (h) an application is made, a resolution is passed or a meeting is convened for the purpose of considering a resolution for the Lessee to be wound up unless the winding up is for the purpose of reconstruction or amalgamation;
- (i) a compromise or arrangement is made between the Lessee and its creditors;
- (j) a resolution is passed, or a meeting is convened for the purpose of considering a resolution for the Lessee to be placed under official management;
- (k) the Lessee admits in writing its inability to pay its debts;
- (l) an application is made to a court for an order summoning a meeting of any class of creditors of the Lessee;
- (m) an application is made or notice given or other procedure commenced for the dissolution or cancellation of the registration of the Lessee under the Corporations Act or any similar process; or
- (n) an investigation is commenced under section 13 of the Australian Securities and Investments Commission Act to investigate the affairs of the Lessee; or
- (o) the Lessee is in breach of an instrument other than this Deed giving the Lessee a right to occupy any part of the Premises or the Improvements; or
- (p) Deleted – Not Applicable
- (q) distress is levied or a judgement, order, security or encumbrance is enforced against any property of the Guarantor;
- (r) a receiver or receiver and manager or controller as defined in the Corporations Act is appointed in respect of any part of the Guarantor's property; or
- (s) a person is appointed under legislation to investigate or manage any part of the Guarantor's affairs.

34. LESSOR MAY RETAKE POSSESSION

- 34.1 After an Event of Default has occurred and without any notice or demand, the Lessor may at any time enter the Premises and on re-entry the Term will immediately determine but without affecting any of the Lessor's Rights or releasing the Lessee from liability with respect to the Lessee's Covenants.

- 34.2 The costs of re-entry or repossession by the Lessor are to be borne by the Lessee.

35. EXERCISE OF LESSOR'S RIGHTS

- 35.1 The exercise by the Lessor of the Lessor's Rights will not be affected by demand for, or acceptance of the Money Payable by the Lessor after an Event of Default has occurred, and such demand or acceptance will not operate as an election by the Lessor either to exercise or not to exercise the Lessor's Rights.

- 35.2 If the Lessee fails to pay any Money Payable or does or fails to do anything, the Lessor may without affecting any right, remedy or power arising from that default:

- (a) pay that Money Payable or do or cease the doing of that thing or both as if it were the Lessee; and
- (b) enter and remain on the Premises for that purpose;

and the Lessee must pay to the Lessor on demand the Lessor's cost of remedying each breach or default.

- 35.3 The Lessor may exercise the Lessor's Rights without proof of default by the Lessee or the continuance of that default, or notice being required other than is provided in this Deed, and notwithstanding laches, neglect or previous waiver by the Lessor in respect of any breach of the Lessee's Covenants or the exercise of the Lessor's Rights.

36. BREACH OF ESSENTIAL TERMS

- 36.1 Each of the Lessee's Covenants specified in clauses 5, 8, 12, 13, 14, 15, 16, 26 and 40 are essential terms of this Deed, except that this clause must not be construed to mean that there are no other essential terms in this Deed.

- 36.2 The Lessee must compensate the Lessor for any breach of an essential term and the Lessor is entitled to recover damages from the Lessee in respect of such breaches in addition to any other remedy or entitlement of the Lessor, including the right to determine the Term.

- 36.3 If the Term is determined:

- (a) for a breach of an essential term by the Lessor accepting a repudiation of this Deed by the Lessee; or
- (b) after the Lessee's failure to comply with a notice to remedy any default;

the Lessee must pay to the Lessor on demand:

- (c) the Rent and other Money Payable for the unexpired balance of the Term as if the Term had expired by the effluxion of time; and
- (d) damages for damage suffered as a result of the early determination, including but not limited to all costs of reletting or attempting to re-let the Premises, less the rent and other money payable which the Lessor reasonably expects to recover by reletting the Premises for the period between the date of termination and the date on which the Term would

have expired by effluxion of time, but the Lessor must take reasonable steps to mitigate its losses.

- 36.4 A certificate given to the Lessee by the Lessor of the amount of the Rent and Variable Outgoings under clause 36.3 will be conclusive as between the Parties except in the case of manifest error.
- 36.5 The Lessor's entitlement to recover damages under this clause is not prejudiced or limited by:
- (a) the Lessee abandoning or vacating the Premises;
 - (b) the Lessor electing to re-enter the Premises and determining the Term;
 - (c) the Lessor accepting the Lessee's repudiation of this Deed; and
 - (d) the parties' conduct constituting a surrender of the Term by operation of law.
- 36.6 The Lessor may without prejudice to any other remedy, sue the Lessee for any Money Payable which may from time to time become due and owing by the Lessee to the Lessor and in particular, the Lessor may:
- (a) sue for any instalments of Rent or Variable Outgoings as and when those instalments become due; and
 - (b) by a separate suit or suits sue for any further sum or sums which may be found to be due and owing by the Lessee to the Lessor on the completion of the calculations made at the end of each Lease Year;

and neither the institution of any suit nor the entering of judgement in any suit will bar the Lessor from bringing a separate or subsequent suit or suits for the balance of the Money Payable.

37. TERMINATION

- 37.1 At any time during the Term, the Lessee may terminate the Lease by:
- (a) Giving the Lessor written notice of termination; and
 - (b) Paying the Lessor's administration and advertising costs of \$1,500.00 plus GST.
- 37.2 The Termination date shall be the date specified in the Lessee's notice of termination, which must be a date at least three months after the Lessor receives the notice of Termination.
- 37.3 Upon Termination of the Lease, the Improvements shall at the sole discretion and direction of the Lessor be removed by the Lessee and at the cost of the Lessee or alternatively shall be retained on the Premises and vested in the Lessor.
- 37.4 If the Lessee is directed by the Lessor to remove the Improvements upon Termination of the Lease and the Lessee fails to do so within 2 months of the

Termination date then the Lessor may remove the Improvements and recover the costs of removal from the Lessee as a debt due and payable.

38. YIELD UP AND SURRENDER KEYS

On Termination, the Lessee must peaceably surrender and yield up to the Lessor the Premises in a condition consistent with the observance and performance of the Lessee's Covenants and surrender to the Lessor all keys and security access devices providing access to or within the Premises or the Improvements held by the Lessee whether or not provided by the Lessor.

39. REMOVAL OF LESSEE'S FIXTURES

39.1 Prior to Termination, the Lessee must remove from the Premises, the Improvements and the Land all the Lessee's Fixtures and property of the Lessee and any of the Lessor's Fixtures installed by the Lessee which the Lessor requires the Lessee to remove, and promptly make good to the satisfaction of the Lessor any damage caused by that removal.

39.2 On re-entry by the Lessor, the Lessor may remove any property of the Lessee left in or about the Premises and the Lessee must indemnify the Lessor against all damage caused by the removal of and the cost of storing that property.

39.3 At Termination, the Lessor may, with respect to any Lessee's Fixtures and property belonging to the Lessee not removed at Termination:

- (a) sell or dispose of such property at the Lessee's cost and offset any proceeds of sale after deduction of costs of sale against any unpaid Money Payable; or
- (b) accept that such property is the absolute property of the Lessor and dispose of such property as the Lessor thinks fit.

39.4 In respect of any period until either the Lessor exercises an option under clause 39.3 above, or the damage caused by the removal of the Lessee's Fixtures or property is made good, whichever is the later, the Lessee must pay to the Lessor by way of damages an amount equal to the amount in respect of Rent and Variable Outgoings which would have been payable by the Lessee if the Lessee were holding over the Premises during that period.

40. ASSIGNMENT

40.1 The Lessee must not assign, mortgage or charge the leasehold estate in the Premises or any part of the Premises nor sublet, part with possession or dispose of the Premises without the prior written consent of the Lessor and except under this clause.

40.2 Sections 80 and 82 of the Property Law Act 1969 are excluded.

40.3 If the Lessee is a corporation other than a public company within the meaning of the Corporations Act, any change in the beneficial ownership, issue or cancellation of shares in that corporation or any holding company of that corporation within the meaning of the Corporations Act will be deemed to be an assignment of the leasehold estate created by this Deed.

- 40.4 The Lessor may not unreasonably withhold its consent to an assignment of the leasehold estate created by this Deed if:
- (a) the proposed assignee is a respectable and responsible person of good financial standing, the onus of satisfying the Lessor of this fact being on the Lessee;
 - (b) all Money Payable then due or payable has been paid and there is no existing unremedied breach of the Lessee's Covenants;
 - (c) the Lessee procures the execution by the proposed assignee of a deed of assignment to which the Lessor is a party prepared and completed by the Lessor's solicitors at the cost of the Lessee in all respects;
 - (d) the assignment contains a covenant by the assignee with the Lessor to pay all Money Payable and to perform and observe all the Lessee's Covenants;
 - (e) if the proposed assignee is a corporation other than a public company within the meaning of the Corporations Act, the directors or substantial shareholders of that corporation guarantee to the Lessor the observance and performance by the assignee of the Lessee's Covenants including payment of all Money Payable;
 - (f) the Lessee pays the Lessor's costs and expenses of and incidental to any enquiries made by or on behalf of the Lessor as to the respectability, responsibility and financial standing of each proposed assignee and all other matters relating to the proposed assignment, whether or not the assignment proceeds; and
 - (g) the Lessee procures the execution by the proposed assignee of an acknowledgment that the proposed assignee has received a copy of the Lessor's estimated Variable Outgoings for the relevant Lease Year.
- 40.5 If the assignee is a corporation the shares in which are not quoted on any stock exchange in Australia, it will be a term of the Lessor's consent to the deed of assignment that the directors or the substantial shareholders, at the option of the Lessor, of that corporation guarantee to the Lessor the observance and performance by the assignee of the Lessee's Covenants including payment of all Money Payable.
- 40.6 The covenants and agreements on the part of any assignee will be supplementary to the Lessee's Covenants and will not in any way relieve or be deemed to relieve the Lessee from the Lessee's Covenants.

41. DESTRUCTION OR DAMAGE TO PREMISES

Deleted – Not Applicable

42. OPTION OF RENEWAL

Deleted – Not Applicable

43. HOLDING OVER

If after Termination the Lessee continues in possession of the Premises, the Lessee shall be deemed to be holding over as a monthly Lessee at a rent equal to the greater of the Rent payable immediately before Termination reviewed by reference to the CPI or the Rent payable immediately before Termination, and shall be reviewed in the same manner on each anniversary of the date of Termination and the Lessee's right to remain in possession of the Premises shall be subject to the continued performance of the Lessee's Covenants and may be determined by either party giving the other party 1 month's notice of termination.

44. CONSENTS

The Lessor may, unless this Deed otherwise provides, withhold consent to any matter requiring consent without specifying any reasons.

45. ACT BY AGENTS

45.1 All acts and things which the Lessor is required or empowered to do under this Deed may be done by the Lessor or the solicitor, agent, contractor or employee of the Lessor.

45.2 The Lessor may at any time and from time to time appoint a Managing Agent to manage the Premises and the Managing Agent will, unless the Lessor directs in writing otherwise, represent the Lessor in all matters relating to this Deed, and the Lessor's direction will prevail over the Managing Agent's to the extent of any inconsistency.

46. LESSEE LIABLE FOR AUTHORISED PERSONS

The Lessee is liable for the acts or omissions of Authorised Persons arising out of and in connection with the rights and obligations created by this Deed.

47. NOTICE

A notice, demand or consent given or made to any person under this Deed:

- (a) must be in writing;
- (b) may be served by:
 - (i) delivering it to that person personally; or
 - (ii) addressing it to that person and leaving it or posting it to:
 - (A) the address of that person appearing in this Deed;
 - (B) that person's usual or last known place of residence;
 - (C) that person's usual or last known place of business;
 - (D) where that person is a corporation, its registered office or principal place of business; or
 - (E) any other address nominated by that person by notice to the person giving the notice;
 - (iii) sending a facsimile copy of the notice to the facsimile copier number nominated by that person by notice to the person giving the notice; and

- (c) will be deemed to be given or made:
 - (i) in the case of personal delivery, when delivered;
 - (ii) in the case of service by leaving the notice at an address specified in paragraph (b), when left at that address unless the time of leaving a notice in the place in which it is left is not on a business day or is after 5 p.m. in the afternoon on a business day, when it will be deemed to be given or made on the next following business day in that place;
 - (iii) in the case of service by post, on the second business day following the date of posting; and
 - (iv) in the case of facsimile when despatched, unless the time of dispatch in the place to which it is sent is not a business day or is after 5 p.m. in the afternoon on a business day, when it will be deemed to be given or made on the next following business day in that place; and
- (d) may be signed:
 - (i) if given by an individual, by the person giving the notice;
 - (ii) if given by a corporation, by a director, secretary or manager of that corporation; or
 - (iii) by a solicitor or other agent of the person giving the notice.

48. PROPER LAW

This Deed is governed by, and to be interpreted in accordance with, the laws of Western Australia and where applicable the laws of the Commonwealth of Australia.

49. SEVERANCE

If any part of this Deed is, or becomes void or unenforceable, that part is or will be, severed from this Deed to the intent that all parts that are not, or do not become, void or unenforceable remain in full force and effect and are unaffected by that severance.

50. WAIVERS

50.1 Failure to exercise or delay in exercising any right, power or privilege in this Deed by a party does not operate as a waiver of that right, power or privilege.

50.2 A single or partial exercise of any right, power or privilege does not preclude any other or further exercise of that right, power or privilege, or the exercise of any other right, power or privilege.

51. VARIATION

This Deed may be varied only by deed executed by the parties.

52. EFFECTIVE EXECUTION

This Deed is binding on each party who executes it notwithstanding the failure of any other person named as a party to execute it, and the avoidance or unenforceability of any part of this Deed.

53. FURTHER ASSURANCES

Each party must execute and do all acts and things necessary or desirable to implement and give full effect to the provisions and purpose of this Deed.

54. COUNTERPARTS

This Deed may be executed in any number of counterparts each of which is an original and all of which constitute one and the same instrument.

55. SURVIVAL OF WARRANTIES

A warranty given by a party in this Deed will not merge on the completion of the matters referred to, or contemplated by, this Deed, but will survive that completion even if any party has waived any right under this Deed, or failed to take proceedings for any breach.

56. ENTIRE AGREEMENT

This Deed constitutes the entire agreement between the parties and contains all the representations, warranties, covenants and agreements of the parties in relation to the subject matter of this Deed.

57. PAYMENT OF MONEY

Any sum of money to be paid to the Lessor must be paid to the Lessor at the Address or as otherwise directed by the Lessor by notice from time to time and Money Payable accrues on a daily basis.

58. MORATORIUM NOT TO APPLY

A provision of a statute which would, but for this clause extend or postpone the date of payment of the Money Payable, reduce the Interest or abrogate, nullify, postpone or otherwise affect any provision under this Deed does not apply to limit or affect the terms of this Deed.

59. GOODS AND SERVICES TAX

59.1 Words or expressions used in this clause 59 which are defined in the A New Tax System (Goods and Services Tax) Act 1999 (Cth) have the same meaning in this clause.

59.2 Any consideration to be paid or provided for a supply made under or in connection with this Deed unless specifically described in this Deed as 'GST inclusive', does not include an amount on account of GST.

59.3 Despite any other provision in this Deed if a party ('Supplier') makes a supply under or in connection with this Deed on which GST is imposed (not being a supply the consideration for which is specifically described in this Deed as 'GST inclusive'):

- (a) the consideration payable or to be provided for that supply under this Deed but for the application of this clause ('GST exclusive consideration') is increased by, and the recipient of the supply ('Recipient') must also pay to the Supplier, an amount equal to the GST payable on the supply ('GST Amount'); and

- (b) the GST Amount must be paid to the Supplier by the Recipient without set off, deduction or requirement for demand, at the same time as the GST exclusive consideration is payable or to be provided.

59.4 If a payment to a party under this Deed is a reimbursement or indemnification, calculated by reference to a loss, cost or expense incurred by that party, then the payment will be reduced by the amount of any input tax credit to which that party, or the representative member of a GST group of which that party is a member, is entitled for that loss, cost or expense.

59.5 The Recipient need not make a payment for a taxable supply made under or in connection with this Deed until the Supplier has given the Recipient a tax invoice for the supply to which the payment relates.

59.6 If an adjustment event occurs in relation to a taxable supply made under or in connection with this Deed then the consideration payable in respect of the supply shall also be adjusted as follows:

- (a) if the adjustment event gives rise to an increase in the GST payable by the Supplier in relation to the supply a payment equal to that increase will be made by the Recipient to the Supplier; and
- (b) if the adjustment event gives rise to a decrease in the GST payable by the Supplier in relation to the supply payment equal to that decrease will be made by the Supplier to the Recipient.

Any payment that is required under this clause 59.6 will be made within five days of the issuing of an adjustment note or an amended tax invoice, as the case may be, by the Supplier. If the adjustment event gives rise to an adjustment, the Supplier must issue an adjustment note to the Recipient as soon as it becomes aware of the adjustment event.

60. GUARANTEE AND INDEMNITY

60.1 In consideration of the Lessor, at the request of the Guarantor, agreeing to enter into this Lease with the Lessee, the Guarantor:

- (a) guarantees to the Lessor the due and punctual observance and performance of the Lessee's Obligations; and
- (b) indemnifies and keeps indemnified the Lessor against all losses, expenses, claims, and damages incurred or reasonably expected to be incurred by the Lessor by reason of any breach of the Lessee's Obligations.

60.2 The Guarantor's obligations under this Lease are an irrevocable and continuing guarantee and indemnity, and the Guarantor will not be wholly or partially released from the obligations of this clause 60 by any matter or thing, including without limitation:

- (a) the death, insolvency, bankruptcy, liquidation or mental incapacity of a Guarantor or any of them;
- (b) the death, insolvency, bankruptcy, liquidation or mental incapacity of the Lessee;

- (c) the avoidance of any payment by the Lessee or the Guarantor to the Lessor;
- (d) the payment of money to the Lessor by any person;
- (e) the performance, observance, non-performance or non-observation of any of the Lessee's Obligations;
- (f) the granting of time or other indulgence or consideration by the Lessor to any person;
- (g) the Lessor failing or neglecting to exercise any of the Lessor's rights under this Lease;
- (h) any act, omission, laches or default on the part of the Lessor which would affect the liability of any person to the Lessor but for this provision; or
- (i) any act or omission of the Lessor which results, or might result, in prejudice to a Guarantor or any of them.

60.3 This Lease is enforceable against the Guarantor and the Guarantor is liable under this Lease notwithstanding any claims that the Lessor is estopped from enforcing any term of this Lease, or that the Lessee has any other defence against an action by the Lessor to enforce any term of this Lease, and binds the Guarantor until the Lessee is released from its obligations under this Lease.

60.4 The Guarantor's obligations under this Lease are principal obligations and are not ancillary or collateral to any other obligation or instrument.

60.5 If the Lessor is unable to recover from any person any money owing under this Lease, or to enforce a remedy for any other breach of the Lessee's Obligations, the Guarantor also agrees to pay the Lessor on demand the loss, damage, costs and expenses suffered or incurred by the Lessor in respect of the breach of those covenants and the other provisions of this Lease apply as far as is possible to the indemnity conferred on the Lessor by this clause.

60.6 This guarantee and indemnity:

- (a) continues until the Lessee has performed all the Lessee's Obligations and while the Lessee occupies or is entitled to occupy the Leased Premises in any manner whatever;
- (b) extends to the obligations of any assignee of the Lessee's interest under this Lease and of any sub-Lessee;
- (c) extends to all extensions of this Lease and any new lease of the Leased Premises granted to the Lessee or an assignee of the Lessee's interest under this Lease or any sub-Lessee; and
- (d) extends to claims by the Lessor for any liability arising from the repudiation of this Lease and any default under this Lease by the Lessee, and any action taken by the Lessor as a result of a default including the Lessor re-entering the Leased Premises or terminating this Lease.

- 60.7 The Guarantor may not, without the Lessor's consent:
- (a) raise a set-off or counterclaim available to the Guarantor against the Lessee in reduction of the Guarantor's liability under this clause;
 - (b) prove or claim in any bankruptcy, liquidation, arrangement or assignment of or in relation to the Lessee until the Lessor has received 100 cents in the dollar in respect of the money owing by the Lessee under this Lease and the Guarantor holds in trust for the Lessor any such proof or claim or any dividend received by the Guarantor from such proof or claim; or
 - (c) claim to be entitled to the benefit of any other security held by the Lessor in connection with this Lease, whether because of the rules of contribution, indemnity, subrogation, marshalling or for any other reason.
- 60.8 If a payment to the Lessor in connection with this Lease is void or voidable under laws relating to insolvency or protection of creditors the Lessor remains entitled to the rights against the Guarantor which the Lessor had under this clause before that payment was made.
- 60.9 The Guarantor acknowledges that the parties intend that the Lease may be registered pursuant to the *Transfer of Land Act 1893 (WA)*.
- 60.10 The Guarantor hereby warrants to the Lessor that where the Lessee has executed or shall execute this Lease pursuant to any Memoranda and/or Articles of Association and/or Constitution, trust deed, will, deed of settlement, or other instrument whatsoever ("the Instrument") the Lessee has done or prior to executing this Lease shall do, all acts, matters and things required by the Instrument or otherwise to ensure that each such party has validly executed or shall validly execute this Lease and shall be bound hereby in accordance with the terms of this Lease and the Guarantor hereby agrees unconditionally that he shall indemnify and keep indemnified the Lessor from and against all losses, costs, claims, expenses and damages of any nature whatsoever directly or indirectly incurred or reasonably expected to be incurred by the Lessor from or out of the breach of any of the warranties contained in this clause 60.10.
- 60.11 If the Guarantor comprises more than 1 person, the obligations of each Guarantor are joint and several.
- 60.12 In this clause 60, a reference to:
- (a) "this Lease" includes any tenancy or other right of any kind by which the Lessee occupies or is entitled to occupy the Premises or the Improvements; and
 - (b) "Lessee's Obligations" means each covenant, obligation and duty contained or implied in this Lease or any other instrument by which the Lessee occupies any part of the Land or Improvements or required by law to be performed by the Lessee or any Authorised Person.
- 60.13 The Lessor may assign the rights under, and the benefit of, the obligations of the Guarantor under this Lease.

61. SPECIAL CLAUSES

The special clauses set out in Schedule Two and Schedule Three (the Special Clauses) shall form part of this Lease and if there is any inconsistency between the provisions of this Lease generally and the Special Clauses, the Special Clauses shall prevail to the extent of the inconsistency.

62. SERVICES NOT PROVIDED BY LESSOR

The parties acknowledge that it will be the responsibility of the Lessee to provide its own potable water, waste disposal and telecommunication lines to the Premises.

63. LESSEE TO PROVIDE ACCOUNTS

Upon request by the lessor, the Lessee shall, within 30 days of receiving a written request, produce evidence of ticket sales to verify the Lessee's business operation during the tourist season being from April to October inclusive of any year.

64. ACCESS ROAD

The lot is accessed by a road which is maintained as part of the Shire's budgeted annual rural road maintenance program.

SCHEDULE ONE

1. **PREMISES**

The whole of the Land, together with all improvements on the land, as outlined indicated on the plan at "Attachment B" to this Lease.

2. **LAND**

Lot 509 on Deposited Plan 66529 and being the whole of the land comprised in Certificate of Title Volume LR3158 Folio 514 and as marked in red and attached in annexure A.

3. **COMMENCEMENT DATE**

XX May 2014

4. **TERM**

FIFTEEN (15) years.

5. **FURTHER TERM**

Not Applicable.

6. **RENT**

(a) Until varied, the Rent is \$(TBC) plus GST per annum, payable annually, in advance from and including XX May 2014 and thereafter on each year of that date.

7. **RENT REVIEW DATES & METHOD OF REVIEW**

(a) **Rent Review Date during the Term**

The XX day of May 2014 and each anniversary of that date throughout the Term, shall be a CPI Rent Review Date.

8. **INTEREST**

10% per annum

9. **LESSOR'S FIXTURES**

Fencing and any other fixture or fitting in the Premises of which at law or by designation by the Lessor under this Deed, the Lessor is the owner, and any replacement of any item mentioned in this Item.

10. **AMOUNT OF PUBLIC RISK INSURANCE**

\$20,000,000.00

11. **MANAGING AGENT**

To be advised.

SCHEDULE TWO

Special Clauses

1. Interpretation

- (a) These are the Special Clauses referred to in clause 61 of the Lease.
- (b) All words and expressions not defined in these Special Clauses but which are defined in clause 1 of the main body of the Lease, where used in these Special Conditions, shall have the same meanings respectively assigned to them for the purposes of these Special Conditions as apply in the main body of the Lease.

2. Development of Premises

2.1 Background information

- (a) At the Commencement Date the Premises is vacant land.
- (b) The Lessee wishes to develop the Premises so it can operate the Lessee's Business from the Premises.
- (c) The development may include the construction of sheds, a caretakers residence, a jetty or jetties, boat ramps, a site office, a hardstand, traffic areas, the fencing and securing of the Premises, and general landscaping of the Premises (the **Improvements**).
- (d) The Lessee has not been granted formal development approval and a building licence to carry out any development.
- (e) The Lessor (in its capacity as Lessor and not in its capacity as the relevant local authority or government agency) must first approve in its absolute discretion the Improvements.

2.2 Lessee's Development Covenants

The Lessee must:

- (a) not construct or erect any works including the Improvements on the Premises which have not been previously approved in writing by the Lessor without:
 - (i) the prior written consent of the Lessor which consent may be granted or refused or granted subject to conditions at the absolute discretion of the Lessor EXCEPT THAT the Lessor shall not arbitrarily or unreasonably withhold its approval;
 - (ii) if applicable, the prior approval of any Relevant Authority;
 - (iii) the prior written approval of the Lessor to both an emergency spill (Contamination Event) management plan and erosion management plan;
- (b) carry out and execute the construction, erection and/or installation of the Improvements:
 - (i) at the Lessee's cost;

- (ii) in a safe and proper workmanlike manner and to the satisfaction of the Lessor, acting reasonably;
 - (iii) using only good quality materials;
 - (iv) in full compliance with:
 - A. the approvals of all Relevant Authorities and the Plans and Specifications;
 - B. any direction, requirement order or requisition of any Relevant Authority in relation to the Improvements; and
 - C. all Laws including Civil Aviation Safety Standards;
 - (v) by a qualified and competent contractor engaged by the Lessee (who has a public liability policy of not less than \$20,000,000.00 and appropriate contract construction risk, workers compensation and other usual insurances, which insurance must note the rights and interest of the Lessor and evidence of which must be provided to the Lessor);
- (c) ensure that the Lessee and all its employees, agents, contractors and workmen employed in executing the construction, erection and/or installation of the Improvements:
 - (i) duly and punctually comply with the reasonable directions of the Lessor in relation to their conduct in and access to the Premises and when going to and from the Land and Premises; and
 - (ii) do not do or permit any act or thing to be done which may be a nuisance or cause damage, disturbance or offence to the Lessor or other Occupiers;
- (d) If required by the Lessor, erect and maintain a fence around the Premises during the erection and completion of the Improvements and ensure that such fence is sufficiently sound, high and secure to prevent entry upon the Premises by unauthorised persons and members of the public;
- (e) clean up the Premises progressively during the construction and installation of the Improvements and promptly remove from the Premises all rubbish and waste arising from such works; and
- (f) pay on demand to the Lessor:
 - (i) all the reasonable costs of the Lessor in connection with the Improvements including the Lessor's administrative and other reasonable costs of giving consent and the fees of any architect or other consultant used by the Lessor in connection with the proposed Improvements EXCEPT THAT such costs do not include any costs or expenses incurred by the Lessor or entitled to be recovered by the Lessor in its capacity as the local government charged with the responsibility of approving such Improvements; and

- (ii) all costs and expenses incurred or arising as a consequence of any disruption caused by the Lessee or the Lessee's contractors on the Premises.
- (g) at all times comply with the requirements set out in its emergency spill (Contamination Event) management plan and erosion management plan.

2.3 Non-Approved Works

If the Lessee carries out any works which have not been previously approved in writing by the Lessor or which are not undertaken in accordance with the provisions of this Lease, the Lessor may require the Lessee (but without limiting any other right or remedy available to the Lessor) at the Lessee's cost, to dismantle and remove any such works and to carry out the same in accordance with the Lessor's approval and in compliance with the provisions of this Lease.

2.4 Access to the Premises

- (a) The Lessee is entitled to take possession of the Premises and to enter upon the Premises from and including the Commencement Date PROVIDED:
 - (i) the Lease has been executed by the Lessee, the Lessor and the Guarantor (if applicable);
 - (ii) any conditions precedent have been satisfied; and
- (b) For the avoidance of doubt, the Lessee is obliged to pay full Rent and the Lessee's Proportion of Variable Outgoings and all other money payable under the Lease from the Commencement Date regardless of whether the Lessee has commenced or completed the Improvements or whether the Lessee can operate the Lessee's Business from the Premises.
- (c) Notwithstanding clause 2.4(a), should the Lessee commence construction, erection and/or installation of the Improvements prior to the satisfaction of any conditions precedent, whether with or without the Lessor's prior consent, the Lessee does so at its own risk and shall have no claim against the Lessor in the event that any conditions precedent are not satisfied.

2.5 Facilities for Lessee's Contractors

The Lessee and the Lessee's contractors must provide and, as necessary, negotiate with the Lessor for all temporary services (including, without limitation, electricity, water and telephone services), toilet facilities, hoisting facilities, lunch rooms and other amenities, and the carting away of rubbish which the Lessee or its contractors may require, and must pay to the Lessor on demand any expenses which the Lessor may thereby incur.

2.6 Lessee Responsible for Damage

The Lessee shall, at the option of the Lessor, either repair and make good any damage which may be caused to the Land or Premises or any part thereof as a

result of the construction, erection and/or installation of the Improvements, to the satisfaction of the Lessor or alternatively, shall reimburse on demand the Lessor for all the costs incurred by the Lessor in having such damage made good by the Lessor's own contractors.

2.7 Lessee's Insurance

- (a) Pursuant to clause 26 of the Lease the Lessor requires and the Lessee shall:
 - (i) in the joint names of the Lessor and the Lessee:
 - A. insure the Improvements to their full reinstatement and replacement value against loss or damage by fire, storm, tempest, lightning, earthquake, water damage (including flood, sprinkler leakage and rain water) explosion and concussion from explosion, impact by animals, vehicles, aircraft, spacecraft or other aerial devices, articles dropped from aircraft, spacecraft or other aerial devices, riots strikes, civil commotion, malicious damage, fusion, accident, act of God and any other insurable risk nominated by the Lessor and shall include cover for the costs associated with the removal of debris, consultants' fees and such other losses and liabilities as the Lessor shall consider appropriate; and
 - B. apply all insurance moneys received in reinstating, rebuilding and repairing any damage incurred or suffered to the Improvements;
 - (ii) in the joint names of the Lessor, the Lessee and all contractors employed or engaged by the Lessee in carrying out the construction, erection and/or installation of the Improvements, take out and maintain insurance throughout the Improvements Works Period which shall at all times cover liability to the public (including the Lessor) for an amount not less than Twenty Million Dollars (\$20,000,000) in respect of any one claim for personal injury or death and in respect of any injury, loss or damage whatsoever arising to any real or personal property belonging to any person (including the Lessor); and
 - (iii) insure against and ensure that all of its contractors engaged in carrying out the construction, erection and/or installation of the Improvements, throughout the Improvements Works Period insure against any liability, loss, claim or proceeding whatsoever arising by virtue of any statute relating to workers' compensation or employer's liability, by any person employed in or about the execution of the construction, erection and/or installation of the Improvements and shall also insure for the Lessee's and its contractors' common law liability to all such persons for such amount as shall be nominated by the Lessor.
- (b) For the avoidance of doubt:
 - (i) the insurance policies referred to in this clause 2.5 are in addition to the insurance policies the Lessee is required to hold

and maintain pursuant to clause 26 and Item 10 of Schedule 1 of the Lease; and

- (ii) the Lessee shall otherwise comply with the obligations in clause 26 of the Lease with respect to the insurance policies referred to in this clause 2.5, including but not limited to, supplying to the Lessor current details of all insurance effected in accordance with this clause 2.5.

2.8 Assumption of Risk by Lessee

The Parties expressly acknowledge and agree that:

- (a) the construction, erection and/or installation of all of the Improvements (whether undertaken by the Lessee or the Lessor or any contractor on behalf of or at the direction of either the Lessee or the Lessor) shall be at the risk of the Lessee in all respects;
- (b) the Lessee bears the risk of:
 - (i) the Improvements;
 - (ii) all Plant and Equipment; and
 - (iii) all unfixed goods and materials used or to be used in carrying out the construction, erection and/or installation of the Improvements, including anything provided by the Lessor to the Lessee or brought onto the Premises by any subcontractor; and
- (c) the Lessee releases and discharges the Lessor from all claims for loss of or damage to the Land or Premises, and any plant, equipment, fixtures, fittings, merchandise, good or property of the Lessee contained in or about the Land or Premises for the purpose of the Improvements and from any loss of profits resulting from such loss or damage.

2.9 Property in Works

Despite any rule of law or equity to the contrary, title to and ownership of the Improvements shall vest in the Lessee unless and until a direction is made by the Lessor pursuant to clause 37 of the Lease.

2.10 Default

- (a) For the avoidance of doubt, a failure by the Lessee to perform or comply with any of its obligations under this clause 2 is an Event of Default and a breach of an essential term of the Lease (“the **Development Default**”).
- (b) Without prejudice to any other rights or remedies available to the Lessor, If the Lessor terminates this Lease pursuant to clause 34 on the grounds of a Development Default occurring:
 - (i) the Lessee shall, unless otherwise directed by the Lessor pursuant to the Lessor’s rights under clause 37 of the lease, within fourteen (14) days from the date upon which the Lessor

terminates the Lease remove from the Premises the Improvements and make good the Premises to the satisfaction of the Lessor;

- (ii) the termination of the Lease shall be without prejudice to the obligations of the Lessee to pay the Lessor any moneys which shall be due and owing as at the date on which the Lessor terminates the Lease; and
 - (iii) the Lessee shall pay to the Lessor on demand all costs and expenses incurred by the Lessor as a consequence of the Lessee's Development Default and in the exercise of the rights of the Lessor under this clause 2.10.
- (c) Should the Lessee not comply with its obligation under clause 2.10(b)(i) above the Lessor shall be at liberty to carry out all of the said obligations at the cost of the Lessee, which cost shall be recoverable on demand.

2.11 Indemnity

Without limiting the generality of clause 27 of the Lease, the Lessee indemnifies the Lessor and the Lessor's employees against all claims, demands, loss, damage, costs and expenses of every description which the Lessor may suffer or incur in connection with or arising directly or indirectly from the Lessee's entry upon and occupation of the Premises for the purpose of the Improvements or the construction, erection and/or installation of the Improvements (whether undertaken by the Lessee or the Lessor or any contractor on behalf of or at the direction of either the Lessee or the Lessor).

2.12 Definitions

For the purpose of this clause 2:

- (a) **"Improvements Works Period"** means the period from which the constructions, erection and/or installation of the Improvements commence until to the date they have been completed;
- (b) **"Laws"** means statutes, rules, regulations, proclamations, ordinances or by-laws present or future and includes applicable Australian Standards and Codes of Practice;
- (c) **"Plans and Specifications"** means all plans, specifications and working drawings in relation to the Improvements as prepared by or on behalf of the Lessee and in the form approved by the Lessor and all Relevant Authorities;
- (d) **"Plant and Equipment"** means those things used, or work undertaken by the Lessee or its contractors to construct the Improvements but which will not form part of the Improvements;
- (e) **"Relevant Authority"** means any government, statutory, public or other authority or body having jurisdiction over the Premises or the Improvements or any matter or thing relating to the Premises or the Improvements;

- (f) **Requirements** means any requirements, notices, orders or directions of any Relevant Authority.

3. Environmental Matters

3.1 Lessee's Environmental Covenants

The Lessee must:

- (a) comply with all Environmental Laws including, without limitation, obtaining all necessary permits, authorisations and approvals required for the Lessee to carry out the Lessee's Business on the Premises;
- (b) take all practicable precautions to ensure that no Contamination of the Premises or the Environment in the vicinity of the Premises occurs;
- (c) not discharge into the environment any trade effluent, Hazardous Material or Waste, other than that which is authorised by the relevant Government Authority;
- (d) immediately notify the Lessor if:
 - (i) a Contamination Event occurs on the Premises; or
 - (ii) an Environmental Notice is served on the Lessee;
- (e) if a Contamination Event occurs and irrespective of whether an Environmental Notice has been served on the Lessee, promptly take all usual and reasonable actions including those actions set out in the Lessee's approved emergency spill (Contamination Event) management plan at the Lessee's own cost and in accordance with best industry practice for the Remediation of the Premises and any land in the vicinity of the Premises to a condition, as far as practicable, as if the Contamination Event had not occurred;
- (f) at the Lessee's own cost, comply with every Environmental Notice issued in respect of, or arising from, the Lessee's occupation or use of the Premises, whether the notice is served on the Lessor or the Lessee;
- (g) allow the Lessor and its employees and contractors:
 - (i) after receiving reasonable notice from the Lessor, access to the Premises to conduct environmental audits or inspections from time to time; and
 - (ii) immediate access to the Premises to conduct an inspection following a Contamination Event; and
- (h) pay the reasonable costs of any reputable environmental consultant appointed by the Lessor to undertake an inspection from time to time of the Premises to verify the Lessee's compliance with this clause 3.

3.2 Remediate Contamination

- (a) Without limiting the Lessee's obligation under clause 3.1(e), the Lessee must ensure that at the expiration of the Term it has

Remediated any Contamination of the Premises or any land in the vicinity of the Premises caused by the Lessee, to the absolute satisfaction of the Lessor.

- (b) Subject to clause 3.2(e), not later than six months before the expiration of the Term, the Lessee must arrange for a reputable environment consultant approved by the Lessor (whose approval must not be unreasonably withheld) to:
 - (i) carry out an investigation of Contamination at the Premises;
 - (ii) prepare a report with respect to any (if any) Contamination at the Premises; and
 - (iii) prepare a Remediation Notice (if applicable).
- (c) Subject to clause 3.2(d), the Lessee must promptly carry out all the works specified in the Remediation Notice to the satisfaction of the Lessor, and at the Lessee's sole cost.
- (d) The Lessee is under no obligation to carry out remedial works in respect of Contamination of the Premises shown to exist at the Commencement Date, except to the extent that the Lessee has disturbed the Contamination in a manner which creates a risk of harm to people or the Environment.
- (e) If this Lease is terminated by the Lessor prior to the expiration of the Term, the Lessor may:
 - (i) arrange for the investigation of Contamination referred to in clause 3.2(a) and for the preparation of a Remediation Notice (if applicable); and
 - (ii) carry out the works specified in the Remediation Notice, at the Lessee's expense, and the Lessee will indemnify the Lessor under clause 3.3(a).
- (f) For the avoidance of doubt, this clause 3.2 is for the benefit of the Lessor and can only be waived by the Lessor.

3.3 Environmental Indemnity

- (a) Without limiting clause 27 of the Lease the Lessee indemnifies the Lessor and the Lessor's employees in respect of all claims, judgments, orders, costs (including legal costs on a full indemnity basis) and expenses for which the Lessor is or may become liable in respect of or arising from the Lessee's breach of any of the Lessee's Environmental Covenants.
- (b) Without limiting clause 3.3(a) above, in the event that the Lessee fails to promptly comply with its obligations under clauses 3.1(e), 3.1(f), 3.2(a), 3.2(b) or 3.2(c) the Lessor shall be at liberty to carry out all of the said obligations at the cost of the Lessee, which cost shall be recoverable from the Lessee on demand.

3.4 Event of Default and Essential Term

For the avoidance of doubt, a failure by the Lessee to perform or comply with any of its obligations under this clause 3 is an Event of Default and a breach of an essential term of the Lease.

3.5 Definitions

In this clause 3:

- (a) “Contamination” means the affectation of land (including any surface water, ground water or other waters and airspace) by any matter or substance, including but not limited to a solid, liquid, gas, odour, heat, sound, vibration or radiation which:
 - (i) makes or may make such land or the surrounding Environment:
 - (A) unsafe or unfit for habitation or occupation by persons or animals;
 - (B) environmentally degraded; or
 - (C) not comply with any Environmental Law; or
 - (ii) otherwise gives rise to a risk or possible risk of harm to human health or the Environment;
- (b) “Contamination Event” means any incident originating on the Premises involving:
 - (i) any Contamination or likely Contamination of the Premises, or the Environment in the vicinity of the Premises; or
 - (ii) the unlawful disposal of Waste in a manner which harms or is likely to harm the Environment;
- (c) “Environment” means all components of the earth, including:
 - (i) land, air and water;
 - (ii) any layer of the atmosphere;
 - (iii) any organic or inorganic matter and any living organism including humans;
 - (iv) human made or modified structures and areas;
 - (v) the aesthetic characteristics of the components of the earth, including appearance, sound, odour, taste and texture; and
 - (vi) ecosystems with any combinations of the above;
- (d) “Environmental Law” means any law, whether statute or common law (including the laws of negligence and nuisance), concerning the Environment and includes laws concerning:
 - (i) the carrying out of uses, works or development or the subdivision of land;

- (ii) emissions of substances into the atmosphere, waters and land;
 - (iii) pollution and contamination of the atmosphere, waters and land;
 - (iv) production, use, handling, storage, transportation and disposal of:
 - (A) Waste;
 - (B) Hazardous Materials; and
 - (C) dangerous goods
 - (v) conservation, heritage and natural resources;
 - (vi) threatened and endangered and other flora and fauna species;
 - (vii) the erection and use of structures; and
 - (viii) the health and safety of people,
- whether made or in force before or after the date of this Lease;
- (e) “Environmental Notice” means any direction, order demand or other requirement to take any action or refrain from taking any action in respect of the Premises or its use from any Government Authority in connection with any Environmental Law;
 - (f) “Government Authority” means any state, federal or local government department or authority, government Minister, governmental, semi-governmental, administrative or judicial person or any other person (whether autonomous or not) charged with the administration of any applicable law;
 - (g) “Hazardous Material” means material which, because it is toxic, corrosive, flammable, explosive or infectious or possesses some other dangerous characteristics, is potentially dangerous to the Environment when stored or handled or when any part of the Environment is exposed to it;
 - (h) “Lessee’s Environmental Covenants” means the Lessee’s obligations under clause 3.1, together and each of them separately;
 - (i) “Remediation” includes the investigation, cleanup, removal, abatement, disposal, control, containment, encapsulation or other treatment of Contamination and includes the monitoring and risk management of any Contamination, and “Remediated” and “remediate” has a corresponding meaning;
 - (j) “Remediation Notice” means a statement of the works necessary to remediate any Contamination at the Premises or the surrounding Environment to an appropriate standard;
 - (k) “Waste” means any discarded, rejected, unwanted, surplus or abandoned substance whether or not:

- (i) it is intentionally discarded;
- (ii) it has a value or use; or
- (iii) it is intended for sale, recycling, reprocessing, recovery or purification; and

(l) A reference to "Lessee" also includes an Authorised Person.

4. **Conditions Precedent**

This Lease is subject to and expressly conditional upon:

- (a) the Lessor complying with the procedures set out in section 3.58 of the *Local Government Act 1995* relating to disposal of property ("**Local Government Condition**").
- (b) Approval by the Minister for Lands.

5. **Compliance with Acts**

The Lessor and the Lessee acknowledge that if in granting its consent to any assignment or sublease the Lessor has to first comply with or satisfy any obligations or requirements under any Written Law, the *Local Government Act 1995* or related Acts, including but not limited to section 3.58 of the *Local Government Act 1995* ("**Assignment/Sublease Condition Precedent**"), then the Lessor's consent is made expressly conditional upon and subject to satisfaction of the Assignment/ Sublease Condition Precedent.

6. **Design Guidelines**

POLICY:

6.1 **Introduction**

These guidelines are in addition to all other statutory requirements pertaining to building development, design and construction. For any instances where these design guidelines are found to conflict with the statutory requirements of the Lessor or other authorities i.e. the Local Planning Scheme or Building Code of Australia, the statutory requirements are to take precedence. These design guidelines apply to the Premises and Foreshore Area where applicable

6.2 **Development Standards**

Building and Works:

- (a) All new buildings must be designed and constructed to the Lessor's specifications and be inclusive of:
 - All external building materials to be of a muted colour that blends with the surrounding natural environment (non reflective materials must be used).
 - The following setbacks: 3 metres to the front and side boundaries and 5 metres to the licensed Foreshore Area.
 - Baffled lighting to reduce light spill from the premises.
 - Subsoil drainage around the perimeter of buildings (water sensitive urban design).

- (b) All impervious areas including vehicle crossovers and internal car parking, service, manoeuvring and lay down areas must be constructed and suitably drained to the Lessor's specifications.
- (c) All parking (private and customer) to be contained within the site and capable of accommodating coaches.
- (d) The development of a caretakers dwelling (subject to Lessor approval) shall have a total internal floor area of less than 100m², be generally consistent in materials choice to other buildings on the lot and must not be of a fully temporary transportable form (ie caravan, semi trailer, motor home etc).

Landscaping and Private Storage:

- (a) The front setback (minimum 3 metre wide) must be landscaped to the Lessor's satisfaction and must suitably screen all structures to the street.
- (b) All service, storage and bin areas must not be located within the front boundary setback of 3m and must be suitably screened from the public view (street and waterway).
- (c) All areas used for private or personal storage must be screened from the street and waterways to the Lessor's satisfaction.

Boundary Fencing:

- (a) The licensed Foreshore Area must not be fenced.
- (b) All Boundary fencing must be black chain mesh with no barbed or razor wire.

Environmental Protection:

- (a) All wastewater shall be disposed of in accordance with the Health (Treatment of Sewage and disposal of effluent and liquid waste) Regulations 1974, The WA Department of Health's Draft Country Sewerage Policy 2003, and the Department of Water's Water Quality Protection Note 70: Wastewater treatment and disposal – domestic systems. All systems must be approved by Shire's Environmental Health Officer or the WA Department of Health.
- (b) All dangerous goods (including fuel) stored and handled on site are to comply with the Dangerous Goods Safety Act 2004 and associated regulations and are to be stored and managed to the satisfaction of the Lessor. All lessees to have an emergency spill (Contamination Event) management plan in place including the storage of necessary containment equipment.
- (c) A 15 meter buffer from the Lake is to be maintained and stabilised using local native vegetation and grasses to the satisfaction of the Lessor and relevant Government agencies.

Suggested Design Solutions:

- (a) The use of light coloured materials with a solar absorptency of less than 0.35 is encouraged. This includes colourbond colours including Classic Cream, Surf-mist, Paperbark, Evening Haze, Shale Grey, Sandbank and Dune.

- (b) Where practical mechanical ventilation should be incorporated into the building design.
- (c) For advice on appropriate selection of native plants advice should be sought from the Lessor's Environmental Officer.
- (d) It is the Lessee's responsibility to provide safe and defined access for patrons in and around the premises.
- (e) Lighting for the premises to be based on high efficiency systems (ie T5 Triphospor Fluorescent lighting).
- (f) The use of energy efficient building design including solar hot water, shading of buildings, breezeways, landscaping, and photovoltaic cells.

SCHEDULE THREE

Foreshore Licence

1. Definitions

(a) In this Schedule:

Authorised Person has the same meaning in this Schedule as it has in the balance of the Lease;

Foreshore Area means the area of land situated between:

(a) the southern boundary of the Premises and Lake Kununurra being Lot 514 on Deposited Plan 66529 and being the whole of the land contained in Certificate of Title Volume LR3158 Folio 519 and as marked in blue and attached in Annexure A.

Licence means the Foreshore Licence created under this Schedule.

2. Operative Part

(a) In consideration of the Lessee entering into the Lease and observing the Lessee's Covenants, the Lessor grants the Lessee a non-exclusive right to use and occupy the Foreshore Area for the purpose of conducting the Lessee's Business for the Term commencing on the Commencement Date and on the terms and conditions of this Licence.

(b) The Lessee must at all times allow general public access to the Foreshore Area and accordingly may not install any fence, gate or barricade within or around the Foreshore Area other than a dividing fence along the boundary between the Premises and the Foreshore Area.

(c) This Licence continues for so long as the Lessee remains the Lessee under the Lease.

(d) This Licence does not confer upon the Lessee any estate or proprietary interest in any part of the Foreshore Area.

(e) The legal possession and control of the Foreshore Area remains vested in the Lessor.

3. Incorporation of Lease Clauses

The following clauses and/or schedules contained in the Lease shall be incorporated into this Licence as if they were set out herein in full except that any reference to Premises shall mean and be a reference to the Foreshore Area.

(a) Clause 11 Lessee to maintain Improvements

(b) Clause 12 Lessee to maintain Premises and Improvements

(c) Clause 13 Maintenance of Lessor's fixtures

(d) Clause 14 Restriction on Alterations

- (e) Clause 15 Use of the Premises
- (f) Clause 16 Miscellaneous Restrictions on Use
- (g) Clause 17 Inflammable Substances
- (h) Clause 18 Advertisements or Notices
- (i) Clause 23 Easements
- (j) Clause 25 Plant and Equipment Fixtures
- (k) Clause 26 Insurance
- (l) Clause 27 Lessee's Indemnities
- (m) Clause 29 Report to Lessee
- (n) Clause 31 Not to impede Exercise of Lessor's Rights
- (o) Clause 32 Compliance with Statutes
- (p) Clause 37 The Improvements on Termination
- (q) Clause 39 Removal of Lessee's Fixtures
- (r) Clause 44 Consents
- (s) Clause 45 Act by Agents
- (t) Clause 46 Lessee Liable for Authorised Persons
- (u) Clause 47 Notice
- (v) Clause 59 Goods and Services Tax
- (w) Clause 60 Guarantee and Indemnity
- (x) Schedule 2 Special Clauses

4. **Termination**

- (a) This Licence terminates when the Lease terminates unless this Licence terminates earlier under clause 4 (b).
- (b) The Lessor is entitled to immediately terminate this Licence by notice to the Lessee if:
 - (i) the Lessee ceases to be the Lessee under the Lease;
 - (ii) the Lessee vacates the Premises it occupies under the Lease;
or
 - (iii) the Lessee fails to observe the Lessee's Covenants or fails to comply in any other way with this Licence.

5. **No Assignment**

The Lessee must not assign, mortgage or charge the Lessee's rights under this Licence nor sub licence, part with possession or dispose of its rights in any way unless it is in conjunction with the assignment or subletting of the Premises leased by the Lease.

EXECUTED BY THE PARTIES AS A DEED

THE COMMON SEAL of the
SHIRE OF WYNDHAM EAST KIMBERLEY
was hereunto affixed in the presence of:

Shire President
Print Name:
Date:

Chief Executive Officer
Print Name:
Date:

EXECUTED for and on behalf of
????
by authority of its Directors
in accordance with section 127 of the *Corporations Act 2001 (Cth)*

Director
Print Name:
Date:

in the presence of:

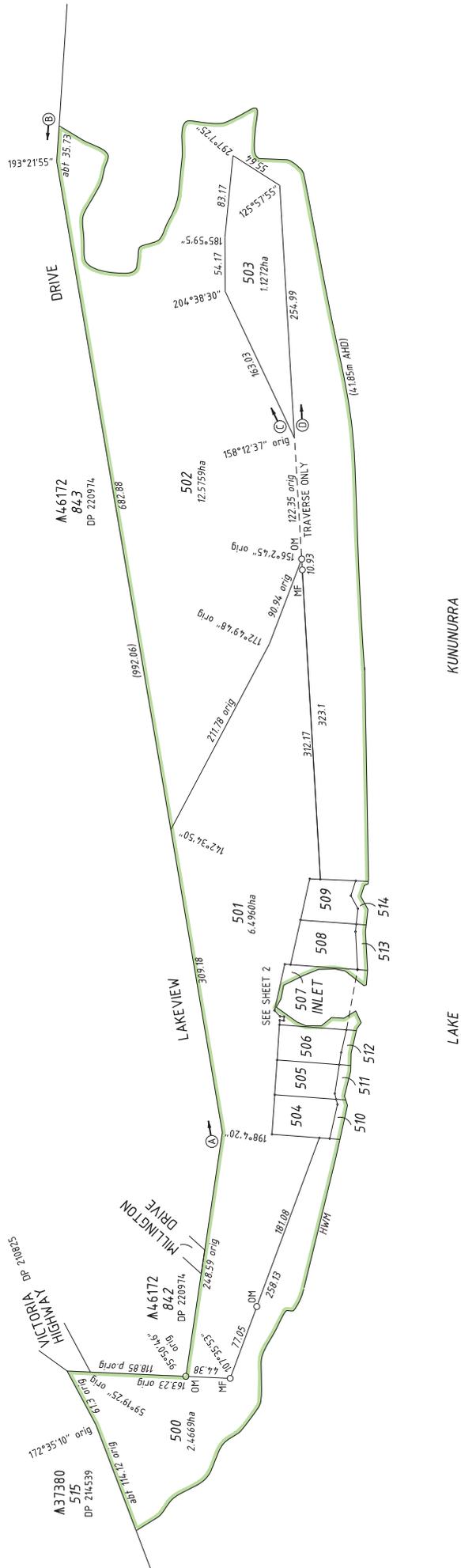
Witness
Witness Name:
Witness Address:
Witness Occupation:
Date:

Approved by the Minister for Lands: _____
Date:

LOT	FORMER P/T/TENURE	ON PLAN/DIAGRAM	TITLE
LOTS 500, 502, & 510-514	PT LOT 3000	DP 46159	LR 3137/917
LOTS 504-509	PT LOT 3000 PT LOT 714	DP 46159 DP 217489	LR 3137/917 LR 3123/746
LOTS 501 & 503	PT LOT 714	DP 217489	LR 3123/746

ALL DIMENSION (A) TO (B) AND (C) TO (D) IN A CLOCKWISE DIRECTION ARE ORIGINAL

**PRELIMINARY ONLY
& SUBJECT TO LANDGATE AUDIT**
 This plan is
 -Current as at 23.12.09
 -Subject to change without notice
 -Not intended for design use, a LANDGATE CERTIFIED
 CORRECT copy should be obtained for such purposes.



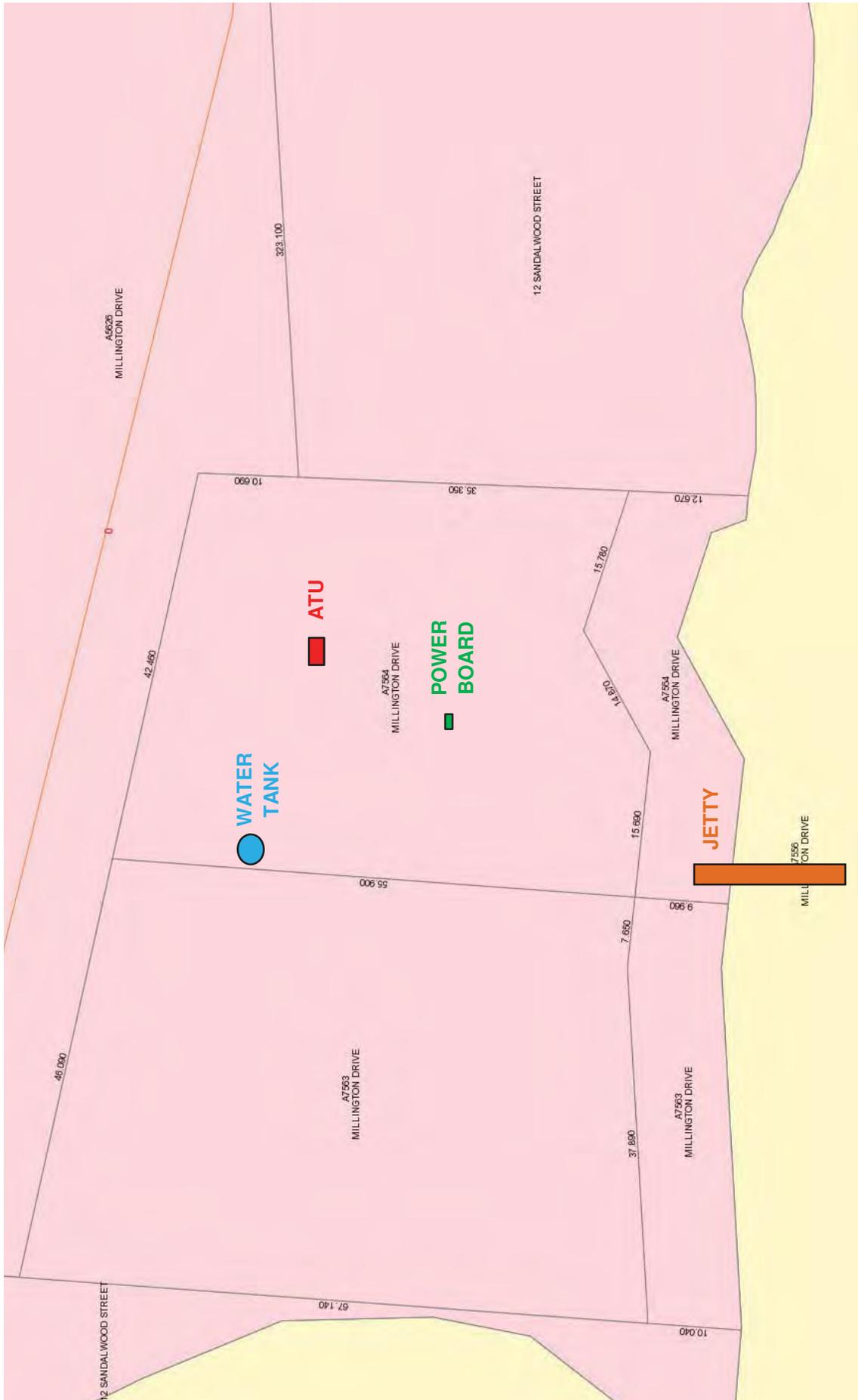
Landgate
 Western Australian Land Information Authority
 DEPOSITED PLAN
66529
 SHEET 1 OF 2
 VERSION 2

IN ORDER FOR DEALINGS	
SUBJECT TO	DATE
FOR INSPECTOR OF PLANS & SURVEYS / AUTHORIZED LAND OFFICER	DATE
APPROVED	DATE
FOR INSPECTOR OF PLANS & SURVEYS / AUTHORIZED LAND OFFICER	DATE

TYPE OF VALIDATION	
FULL AUDIT	DATE
COMPONENT	DATE
DOCKET	DATE
CERTIFIED	DATE
CORRECT	DATE
ESC.	DATE
ESC.	DATE
ESC.	DATE
APPROVED BY	DATE
EXEMPT FROM	DATE
WAPT APPROVAL	DATE
WESTERN AUSTRALIAN PLANNING COMMISSION	DATE
FILE	DATE
Delegated Under S 16 P & D ACT 2005	DATE

SCALE 1:3000 AT A2 SIZE	
ALL DISTANCES ARE IN METRES	DATE
SURVEYOR'S CERTIFICATE - Reg 54	DATE
I, PETER JAMES READ	DATE
hereby certify that this is accurate and is a	DATE
(a) correct and accurate representation of the	DATE
(b) calculations from measurements	DATE
(c) of the land and its boundaries	DATE
(d) as shown on this plan and that it	DATE
correlates with the relevant written laws in relation	DATE
to which it is lodged	DATE
Licensed Surveyor	DATE
SURVEYED & DRAFTING BY	DATE
(089) 944,433 1511	DATE
WHELANS (WA) PTY. LTD.	DATE
www.whelans.com.au	DATE

VER	AMENDMENT	AUTHORISED BY	DATE
2	DP REPLACED, AUDIT REQUIREMENTS	P.J. READ	23.12.09



ATTACHMENT B – INDICATIVE INFRASTRUCTURE PLAN (APPROXIMATE ONLY)

Rental Valuation Report

Opteon

Australia's Property Advisors



Lot 509 Lakeview Drive

Kununurra, Western Australia 6743

Prepared For Shire of Wyndham East Kimberley

Valuation Date 17 March 2014

Date Report Issued 10 April 2014

Our Reference 5133587

Opteon (North West WA)

ABN 26 088 064 724

PO Box 514 Kununurra WA 6743

T (08) 9169 2268

F (08) 9168 3325

E kimberley.info@opteonproperty.com.au

W opteonproperty.com.au

Liability limited by a scheme approved under Professional Standards Legislation

Value made visible

Table of Contents

1.0	INSTRUCTIONS	3
2.0	DEFINITIONS.....	4
3.0	BASIS OF VALUATION.....	4
4.0	DATE OF VALUATION.....	4
5.0	LOCATION	5
6.0	PLANNING	6
6.1	Local Planning	6
7.0	IMPROVEMENTS.....	6
8.0	PHOTOGRAPHY	6
9.0	ENVIRONMENTAL ISSUES.....	7
10.0	OCCUPANCY & LEASE DETAILS	8
10.1	Lease Summary.....	8
11.0	GENERAL COMMENTS.....	9
12.0	LEASING ANALYSIS	9
12.1	Market	9
13.0	LEASING MARKET COMMENTARY	9
14.0	MARKET EVIDENCE.....	10
14.1	Rental Evidence	10
14.2	Market Evidence Conclusions:	11
15.0	VALUATION METHODOLOGY	12
15.1	Adopted Valuation Method	12
15.2	Conclusion.....	12
16.0	GOODS & SERVICES TAX	12
17.0	RENTAL VALUATION	13
17.1	Market Rental Value - Vacant Possession	13
18.0	ASSUMPTIONS, CONDITIONS AND LIMITATIONS	13

Appendices

1. Instructions
2. Expressions of Interest Applicant Information (Including Draft Lease)
3. Deposited Plan 66529

1.0 Instructions

Instructions have been received to undertake a rental valuation of the property as per the details below.

Instructing Party	Jennifer Ninyette, Shire of Wyndham East Kimberley
Property Address	Lot 509 Lakeview Drive (Commercial Boating Facility), Kununurra Western Australia
Date of Instructions	7 March 2014
Client / Authorised Party	Shire of Wyndham East Kimberley
Valuation Purpose	To establish market rent for assessing tendered lease applications
Pecuniary Interest	We confirm that the valuer does not have any pecuniary interest that would conflict with the proper valuation of the property.
Documentation Provided	Information we have been provided with and relied upon in undertaking our valuation includes: <ul style="list-style-type: none"> • Survey; • Information for Applicant including draft Lease.
Scope of Work	The scope of work undertaken by the valuer in completing the valuation has included: <ul style="list-style-type: none"> • Collation of information from relevant parties regarding the subject property; • Undertaking our own research regarding the subject property; • An inspection of the property and measurement of buildings where required; • Undertaking market research in terms of Market Rents of similar properties; • Preparation of valuation calculations; and • Preparation of this report.
Compliance	Our valuation has been prepared in accordance with the Australian Property Institute Practice Standards and Guidance Notes.
Full Disclosure Disclaimer	<i>Whilst we have attempted to confirm the veracity of information supplied, the scope of work did not extend to verification of all information supplied or due diligence. Our valuation and report has been prepared on the assumption the instructions and information supplied has been provided in good faith and contains a full disclosure of all information that is relevant. The valuer and valuation firm does not accept any responsibility or liability whatsoever in the event the valuer has been provided with insufficient, false or misleading information.</i>
Digital Copies of Reports	<i>Where a report has been provided in digital copy and has not been received directly via our firm, the report contents, especially the valuations and critical assumptions, should be verified by contacting the issuing office to ensure the contents are bona fide. In particular if the reader of this report has suspicions that the report appears to be tampered or altered then we recommend the reader contact the issuing office.</i>

2.0 Definitions

Market Rental Value	This valuation has been prepared on the basis of Market Rental Value as defined by the International Valuation Standards Committee (IVSC), and endorsed by the Australian Property Institute: <i>“The estimated amount for which premises should rent, as at the relevant date, between a willing lessor and a willing lessee in an arm’s length transaction, wherein the parties had each acted knowledgeably, prudently and without compulsion, and having regard to the usual terms and conditions for leases of similar premises.”</i>
Face Rent	<i>“The rent shown on a lease document which may include incentives.”</i>
Effective Rent	<i>“The actual liability for rent after adjustments for any incentives and costs to the face rent are taken into account.”</i>

3.0 Basis of Valuation

Basis of Valuation	Our valuation has been prepared subject to the proposed lease terms and conditions.
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4.0 Date of Valuation

Valuation Date	17 March 2014
Date of Inspection	17 March 2014
Market Change	Due to possible changes in market forces and circumstances in relation to the subject property the report can only be regarded as representing our opinion of the value of the property as at the Date of Valuation.
Currency of Valuation	Three months from the date of issue of the valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.

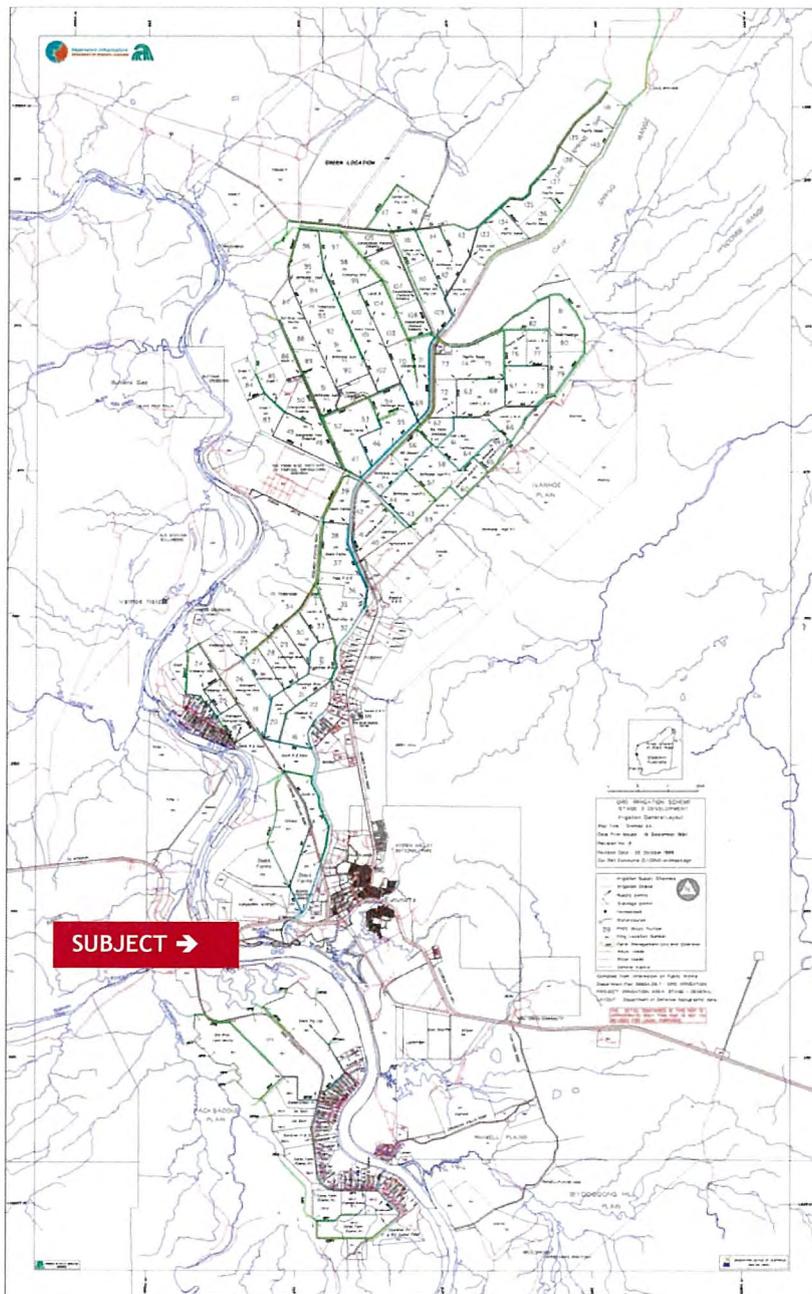
Market Change Disclaimer	<i>This valuation is current as at the Date of Valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value. Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of three months from the date of the valuation, or such earlier date if you become aware of any factors that have any effect on the valuation. We recommend the valuation be reviewed at regular intervals.</i>
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5.0 Location

The subject property is located in the far northern town of Kununurra, approximately 3,250 kms from Perth and 825 kms from Darwin. Kununurra has a population of approximately 7,100 people. Main industries supporting the town include irrigated agriculture, tourism, mining and pastoral. The town has a wide range of amenities including a shopping precinct, schools, hospital and airport.

More specifically the lot is located some 10km west of the main Kununurra townsite. The lot fronts Lakeview Drive which is an unsealed dual lane road servicing a number of river front lots and public open spaces. The property backs onto the Kununurra Foreshore Reserve (Lot 514) providing for direct access to Lake Kununurra.

Location Map



6.0 Planning

6.1 Local Planning

Local Government Authority	Shire of Wyndham East Kimberley
----------------------------	---------------------------------

Current Town Planning Scheme	Town Planning Scheme No. 7
------------------------------	----------------------------

Current Zoning	“Parks and Recreation”
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Current Zoning	“Parks and Recreation”
----------------	------------------------

Planning Disclaimer

Town planning and zoning information was informally obtained from the relevant local and State Government authorities. This information does not constitute a formal zoning certificate. Should the addressee require formal confirmation of planning issues then we recommend written application be made to the relevant authorities to obtain appropriate current zoning certificates.

7.0 Improvements

Not applicable. Vacant land only with exception of ancillary improvements and services installed on-site.

Ancillary improvements and services connected and/or installed on site include:

- Small water tank and pump;
- Waste water treatment unit;
- Power (extended to rear of site);
- Chainmesh fencing with barbed wire to front and sides only;
- Minor aggregate hardstand.

8.0 Photography



Water frontage (Lake temporarily lowered)



Water frontage (Lake temporarily lowered)

Photography (Cont'd)



Power extension and pipework



Water pump and water tank



Site and water tank



Site (overgrown)

9.0 Environmental Issues

Site Contamination

Our valuation has been based upon the assumption that there are no actual or potential contamination issues affecting the property which would have an impact on the Market Rental Value of the property).

Environmental Disclaimer

This report is not an environmental audit and no advice is given in any way relating to environmental matters. Any comments given as to environmental factors in relation to the property are not given in the capacity as an expert.

10.0 Occupancy & Lease Details

Lease Status	Currently vacant. We have been provided with a copy of a draft lease template for nearby Lot 505 (prior to Lessee selection) from 2011
Essential Lease Terms	The majority of Proposed Lease terms are standard and incorporate the following main variables: The Premise will be leased for a term of 21 years at a net rent plus all statutory and variable outgoings. The lease will be subject to annual CPI rent reviews.

10.1 Lease Summary

Lease Term	15 years
Commencing Rent	To be advised
Rent Reviews	Annually to CPI
Outgoings	Lessee liable for all statutory and variable outgoing sin relation to the Premise
Permitted Use	Not explicitly defined however we note that <u>Lessee's Business</u> is defined in the draft lease as <i>"only those activities and operations that are necessary for the conduct of a tourism and recreation enterprise which enterprise operates waterborne craft on Lake Kununurra, and consistent with the designated purpose for which the Reserve is reserved under s.41 of the Land Administration Act 1997, but subject to all local government and other approvals required by law being first obtained by the Lessee prior to the commencement of any development of the Premises by the Lessee"</i>
Special conditions	The lessee must seek formal development approval through the local authority as well as consent from the lessor. The lease includes a non exclusive use licence over adjoining Lot 514 which is an approximate 10m wide strip of Foreshore land between the leased premise and the Lake Kununurra waters' edge. Unrestricted access to the licenced land by the public must be maintained.

Lease Comment

In addition to the development approval from the local authority and Lessor (whom we understand to be one and the same), building design guidelines have also been created for lots in this precinct. The extra regulation in this regard is required to protect the amenity of the foreshore both aesthetically, culturally, socially and environmentally. This includes both the waterway and the foreshore land. A copy of the Design Guidelines is included as an appendix to the draft lease appended to this report.

11.0 General Comments

The subject lot has an area of 2,134m² though has a licence which permits non exclusive use of adjoining Lot 514 which has an additional 446m². The land has a 42m frontage to the access road and then an approximately 45m frontage to Lake Kununurra/foreshore. We have excluded the licence area from our lease calculations though it is noted that the land allows direct access onto the water.

As per the permitted use noted in the summary of lease above, we consider that the market for such uses would be relatively thin. Having said this, a riverside location on which a caretaker's residence is permitted (incidental to primary use) is likely to draw some demand from a lifestyle perspective.

There is little evidence of directly comparable rental evidence for similar lake side or foreshore land with which to provide comparison. The surrounding leases on similar lots were negotiated in 2008 and 2011. Although at the time these leases reflected current market value, these rents were not negotiated in open market conditions.

12.0 Leasing Analysis

12.1 Market

Leaseability	Moderate
Stock Levels	Few stock levels
Vacancies	Few vacancies within the market for this type of property in this location.
Leasing Volumes	Limited number of leasing transactions. Illiquid market.
Leasing Demand	Moderate to weak
Letting Period (Estimated)	3 months
Other Factors	Limited potential Lessee base due to limited commercially viable Lessee Businesses.

13.0 Leasing Market Commentary

The existing market is relatively thin for commercial waterside land within Kununurra, this is due to the lack of supply and also the likely lack of commercially feasible operations which would fit the permitted use of the land (oriented toward water related tourism).

Given the lack of private ownership, the majority of lease deals within the precinct are made on ground rentals such as the subject with the Shire of Wyndham East Kimberley as Lessor.

14.0 Market Evidence

Information Availability	<p>In preparing this valuation the valuer has researched market evidence from various sources. While we believe the information to be accurate, not all details have been formally verified. Due to privacy laws, confidentiality agreements and other circumstances beyond our control, the valuer may not have had access to:</p> <ul style="list-style-type: none"> • Personal details of parties involved in transactions and is therefore unable to confirm whether such dealings are arm's length transactions; • Information on recent transactions which are yet to become public knowledge; and • Copies of leases/contracts to confirm rents/prices and to ascertain whether or not rents/prices are inclusive or exclusive of GST.
---------------------------------	--

Additional Information	<p>In the event additional information becomes available regarding these circumstances this may affect the opinion expressed by the valuer. Nevertheless the valuation is based on information and market evidence reasonably available to the valuer as at the date of the valuation in accordance with usual valuation practices.</p>
-------------------------------	---

14.1 Rental Evidence

In forming our opinion of the Market Rental Value of the subject property, we have had regard to various lease transactions a selection of which are detailed below:

Address:	Term & Options:	Total Rent:	Date Rent Set:	Lettable Area:	Overall Rate:	Comments:
Lot 505 Lakeview Drive, Kununurra	21 years	\$18,000 p.a.	April 2012	2,136 sqm	\$8.42	Comprises a ground rental, unimproved site. Lessee has enjoyment of rear foreshore reserve licence over Lot 511 which has an area of 388sqm.
Lot 506 Lakeview Drive, Kununurra	21 years	\$17,001.60 p.a.	Jul 13	2,288 sqm	\$7.43	Comprises a ground rental, unimproved site. Lessee has enjoyment of rear foreshore reserve licence over Lot 512 which has an area of 365sqm. Lease commenced in May 2009 and received a 50% discount then a 25% discount for financial years ending 2012 and 2013. Reviewed to CPI annually.

Market Evidence (Cont'd)

Address:	Term & Options:	Total Rent:	Date Rent Set:	Lettable Area:	Overall Rate:	Comments:
Lot 508 Lakeview Drive, Kununurra	21 years	\$21,444.50 p.a.	Jul 13	2,785 sqm	\$7.70	Comprises a ground rental, unimproved site. Lessee has enjoyment of rear foreshore reserve licence over Lot 513 which has an area of 457sqm. Lease commenced in May 2009 and received a 50% discount then a 25% discount for financial years ending 2012 and 2013. Reviewed to CPI annually since commencement in May 2009.
Air BP Site, Kununurra Regional Airport	21 years	\$21,500 p.a.	Jul 13	4,750 sqm Effective	\$4.52	Comprises a battleaxe lot with an effective site area of 4,750sqm. Airside land. Rent has since been escalated to \$23,794.09 (\$5.01sqm) by consecutive CPI increases.
Pt Lot 9005, Stan Tremlett Drive, Halls Creek (Halls Creek Aerodrome)	unknown	\$2,600 p.a.	Nov 09	48.4 sqm	\$50pw or \$54 psqm	Comprises a ground rental for a demountable office unit of 48.4sqm near the entrance of the Halls Creek Aerodrome. The rent on a rate per sqm basis appears high and was likely established on a weekly or nominal basis rather than a rate per sqm.

In addition to the above evidence we are aware of some slightly dated evidence for ground rents throughout Kununurra. These sites are generally fenced and comprise gravel hardstand. The lots are in a less restrictive mixed business or light industry zone. The rents range from \$7.50sqm to \$10.50sqm and from 2011 to 2012. We do not consider that there would have been any material rental growth since this time. The sites range between 3,000sqm and 7,589sqm.

14.2 Market Evidence Conclusions:

Evidence for the nearby lots within the precinct range from approximately \$7.40sqm to \$8.40sqm depending on when they were set. Other rental evidence throughout the Kununurra marketplace indicates rents from \$5sqm to \$10sqm.

15.0 Valuation Methodology

15.1 Adopted Valuation Method

The most appropriate method of valuation for a property of this nature is by market comparison whereby the subject property is compared with rentals of comparable properties and adjustments made for points of difference.

15.2 Conclusion

We find that the most comparable evidence is that of the surrounding lots within this estate, though point out that these rents were determined by reference to valuation also. In any case, these rents are generally supported by other anecdotal evidence from throughout the town.

By comparison to the other lots, the subject is slightly superior due to the fencing and other services in place. Furthermore, given that this is likely to be the last available lot for lease in the foreseeable future, this is likely to put upward pressure on underlying rental value. However, we also note that real estate market and rental values across most market sectors has held if not reduced over the past 2 years and there appears to be an increase in regulation governing planning, design and construction elements which may increase planning and/or construction costs and timeframes which will also put downward pressure on the values.

Taking all of this into account and with consideration to the market evidence, we consider the subject land has a rental value of between \$8.00sqm and \$10.00sqm. For the purpose of this report we have adopted a value of \$19,200 per annum net equating to \$9.00sqm.

Variance in Market Value Due to the unique characteristics of the property and limited amount of available, confirmed, comparable market evidence we advise that there is likely to be a greater degree of variation in the price prospective purchasers may offer to pay for the property. This volatility is likewise demonstrated within our valuation calculations which show a comparatively higher degree of variation of possible values.

16.0 Goods & Services Tax

Treatment of GST All amounts and values expressed in this report are exclusive of GST unless otherwise specified.

17.0 Rental Valuation

17.1 Market Rental Value - Vacant Possession

We are of the opinion that the Market Net Rental Value of the property with vacant possession, as at 17 March 2014 subject to the comments in this report, is:

\$19,200 per annum

Notwithstanding our Market Rental valuation, there is a degree of volatility in rents in the property market due to the particular circumstances of tenants and owners. Having regard to these conditions we consider an appropriate range of rental value for the premises to be between \$21,200 and \$17,200 pa.

Inspecting Valuer



BEN FARQUHAR B.COM
AAPI - Certified Practising Valuer
Licensed Valuer 44320
In the State of Western Australia

Important

This valuation is subject to the definitions, qualifications and disclaimers and other comments contained within this report.

18.0 Assumptions, Conditions and Limitations

Third Party Disclaimer	<i>This report has been prepared for the private and confidential use of our client, Shire of Wyndham East Kimberley for the specified purpose. It should not be reproduced in whole or part without the express written authority of Opteon (North West WA) or relied upon by any other party for any purpose and the valuer shall not have any liability to any party who does so. Our warning is registered here, that any party, other than those specifically named in this paragraph should obtain their own valuation before acting in any way in respect of the subject property.</i>
Full Disclosure Disclaimer	<i>Whilst we have attempted to confirm the veracity of information supplied, the scope of work did not extend to verification of all information supplied or due diligence. Our valuation and report has been prepared on the assumption the instructions and information supplied has been provided in good faith and contains a full disclosure of all information that is relevant. The valuer and valuation firm does not accept any responsibility or liability whatsoever in the event the valuer has been provided with insufficient, false or misleading information.</i>
Digital Copies of Reports	<i>Where a report has been provided in digital copy and has not been received directly via our firm, the report contents, especially the valuations and critical assumptions, should be verified by contacting the issuing office to ensure the contents are bona fide. In particular if the reader of this report has suspicions that the report appears to be tampered or altered then we recommend the reader contact the issuing office.</i>
Reliance on Whole Report	<i>This valuation should be read in its entirety, inclusive of any summary and annexures. The valuer and valuation firm does not accept any responsibility where part of this report has been relied upon without reference to the full context of the valuation report.</i>

Louise Gee

From: Whitney, Lance <Lance.Whitney@transport.wa.gov.au>
Sent: Friday, 13 June 2014 8:42 AM
To: Louise Gee
Subject: commercial Facility
Attachments: 20140613082334563.pdf; ATT00001..txt

Hi Louise,

In response to our conversation yesterday regarding houseboats in the commercial facility Kununurra I have attached a more up to date response from the then Minister for Transport Troy Buswell MLA.

The email states the D.o.T supports Hire and Drive operations as part of the Lake Kununurra Foreshore Plan.

Some safety concerns have been raised with me surrounding hire and drive vessels operating out of the commercial facility, as part of the conditions of a hire and drive licence being issued, the licence holder must provide an induction to the hirer on the safe operation of the vessel if deemed to be not competent in the safe operation of the vessel the licence holder is to suspend the hire, further to this if weather or other factors contribute to the vessel not being able to operate in safe conditions the hire is to be suspended.

I hope this answers your questions

Lance Whitney

Regional Transport Assessment Officer | Regional Services | Department of Transport
Cnr Messmate Way & Bandicoot Drive, Kununurra WA 6743
Tel: (08) 9168 0623 Fax: (08) 9168 3287 Mob: 0427 995 295
Email: Lance.Whitney@transport.wa.gov.au | Web: www.transport.wa.gov.au



Clear Direction • Fresh Thinking • Excellent Service • Great People



Minister for Transport; Housing

Our ref: 30-18939

E-MAILED

Thank you for your email dated 13 June 2011 seeking clarification on Department of Transport's (DoT) approved hire and drive areas of operation on Lake Kununurra.

As you would be aware, DoT has been facilitating a formal review of aquatic usage on Lake Kununurra as part of a wider review of the Lake Kununurra Foreshore Plan being conducted by the Shire of Wyndham – East Kimberley (SWEK) Council. This process included a comprehensive review of hire and drive areas of operation on Lake Kununurra for all operators.

It is my understanding that the draft Lake Kununurra Foreshore Plan, including the proposed Lake Kununurra Aquatic Use Plan and proposed hire and drive areas of operation, was released for public comment in April 2011 and that the SWEK Council will be formally considering the matter at its next meeting in July 2011.

I can confirm that the proposed hire and drive areas of operation and their associated conditions contained within this plan, reflect both my and DoT's current position on this matter. Should the SWEK Council support the proposed Lake Kununurra Foreshore Plan, DoT will proceed to amend all affected hire and drive licences to reflect the new areas of operation.

It should be noted that the proposed hire and drive areas of operation were formulated by DoT following an on-site survey of the area and consultation with the other members of the Lake Kununurra Foreshore Plan Technical Working Group. This group included representatives from the SWEK Council, Department of Water, Water Corporation, Department of Environment and Conservation, Miriuwung Gajerrong Corporation, Tourism WA and the Department of Regional Development. For your reference, I have enclosed the proposed hire and drive area of operations section that is contained within the draft Lake Kununurra Foreshore Plan.

Level 12, Dumas House, 2 Havelock Street, West Perth Western Australia 6005
Telephone: +61 8 9213 6900 Facsimile: +61 8 9213 6901 Email: Minister.Buswell@dpc.wa.gov.au

As stated in previous correspondence, the issue regarding Crown Reserve 41812 is a matter between yourself and the SWEK Council. All concerns in relation to the use of said land must be directed to the SWEK Council as DoT cannot assist you any further with this issue.

Thank you for raising this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Troy Buswell', with a long horizontal stroke extending to the right.

**TROY BUSWELL, MLA
MINISTER FOR TRANSPORT**

19 JUL 2011

Evaluation of EOI's received for portion of Reserve 50467, Lot 509 of the Commercial Boating Facility, Kununurra

Evaluation Criteria	Ord River Houseboats
Development Proposal	<p>This is an existing business hiring out a luxury houseboat.</p> <p>The development proposal is based around the operation of the business, to moor, refuel, clean, and replenish the houseboat (to be undertaken by an onsite manager), and for the removal of sullage.</p> <p>The applicant is proposing to excavate a shallow inlet (approx 15m wide by 18m deep) and install engineered anchor points to allow for mooring, as well as constructing a storage shed/service point, ablution unit and manager's residence on the site.</p> <p>The company requires a site to continue to operate their business by primarily establishing an approved site for mooring and sullage removal, and allow it to grow.</p>
Development timeframe	<p>Applicant proposes development to be complete within first year, with the following milestones proposed:</p> <p>2 months – Obtain a bed and banks approval for, and undertake, excavation of the proposed inlet. Installation of moorings and relocation the houseboat to the site.</p> <p>3 months – Lodgement of development application for proposed buildings.</p> <p>6 months – Commence construction of buildings (Subject to Building permit also being obtained).</p> <p>The purchase of a second houseboat subject to market availability and demand</p>
Financial Capacity	<p>The business is a relatively new business, which has been steadily growing over the past two years.</p> <p>Significant capital investment will be required to develop the site which the applicant has indicated in their 'Year 4 financial projections', which they are willing to provide private investment for.</p> <p>It is noted that the financial projections have not taken into account for an annual lease rental amount.</p>
Value to the region	Unique water based tourism and holiday experience already providing value to tourism in the region.

13.5 CHIEF EXECUTIVE OFFICER

13.5.1 Funding request for development of East Kimberley Grammar School

DATE:	24 June 2014
PROPONENT:	East Kimberley Grammar School Inc.
LOCATION:	N/A
AUTHOR:	Janet Takarangi
REPORTING OFFICER:	Gary Gaffney, Chief Executive Officer
FILE NO:	ED.08
IMPARTIALITY	The Reporting Officer discloses an impartiality interest in accordance with section 5.60 of the <i>Local Government Act 1995</i> as having an association with the Proponent

PURPOSE

To seek Council approval to financially support the next stage of assessing stakeholder support for the establishment of the East Kimberley Grammar School in Kununurra.

BACKGROUND

The community driven project to establish a Grammar School has moved past the feasibility stage which was completed in March 2014, this stage was fully funded by the community group. The findings of the feasibility study indicate that there is both a need and a desire for a Grammar School in the East Kimberley.

The key findings of the feasibility study were:

Population retention

The in migration by young families seeking to access economic opportunities in expanding urban areas will require an equivalent increase in the level of education services. This will enable communities to attract and retain skilled and professional workers that are vital for a community to remain vibrant and self-sufficient.

Economic Participation

Education is becoming increasingly important in modern economies as it directly affects the level of productivity in the economy and thus output growth.

Health

The effects of high-quality education and improved access to various educational programmes (i.e. art) can have a powerful and transformative effect on communities. Educational programmes can reduce juvenile anti-social behaviour as it provides an alternative means of expressing themselves as well as enabling the opportunity to build community relationships and links with culture.

The project is now at the stage of testing this further before proceeding to a full business case.

This next stage requires extra resources to meet face to face with key stakeholders to elicit the exact relationships that can be developed to further consolidate and assess the Grammar School proposition.

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

GL Account Number 02130616 Economic Development Grants – Other Economic Services contains a budget allocation of \$50,000 for 2013/14 with a total of \$28,066 remaining for the year.

STRATEGIC IMPLICATIONS

Whilst on the surface this project may appear as one of a number of other community driven ideas the concept of a Grammar School has some clear strategic objectives that fit the work done to date by Council in both the Strategic Community Plan and the project East Kimberley@25.

It has been acknowledged in the Shires Strategic Community Plan (SCP) 2012-2022 that attraction and retention of workers is a key challenge for the area. The report notes the following:

Attracting and retaining key workers is a big challenge for all employers in the East Kimberley. Some of the issues that affect staff retention are the high cost of living, remote location and, for families, limited schooling options. Statistics show the population has a disproportionately low number of teenagers between 15 – 19 years, which indicates that many families leave town when their children reach high school age. This means there is a diminished demand for facilities and services for this age group, so that those that do stay in town find there are limited entertainment options. Page 9.

Increasing educational opportunities in the region was identified by the community to be a high priority during the strategic planning process. SCP Page 17.

The WA Planning Commission released a draft Kimberley Regional Planning and Infrastructure Framework March 2014 in which they note under Future planning and provision of educational services that the goal is to provide a comprehensive range of accessible education services infrastructure and support facilities to meet the needs of the future population. Page 21.

COMMUNITY CONSULTATION

A community steering committee has been formed to investigate and develop the potential establishment of an East Kimberley Grammar School.

COMMENT

This project has some external drivers that mean that deadlines are planned for January 2015 when the final proposal is being tabled for consideration. Council's consideration in favour of this project will see progress made over the next few months regarding key stakeholder engagement and feedback which is crucial for inclusion in the final business case needed for January 2015.

ATTACHMENTS

There are no attachments associated with this report.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council contributes \$10,000 from GL Account Number 02130616 Economic Development Grants - Other Economic Services to enable East Kimberley Grammar School Inc. to undertake key stakeholder engagement.

Cr S Cooke leaves Chambers at 6.09pm.

MOTION

Cr K Wright moves that Council, whilst supportive of the establishment of an independent grammar school in the East Kimberley, will not provide cash or in kind assistance to what is basically an individual private enterprise.

COUNCIL DECISION

Minute No. 10463

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

That Council, whilst supportive of the establishment of an independent grammar school in the East Kimberley, will not provide cash or in kind assistance to what is basically an individual private enterprise.

Lost 3/5

**For: Cr K Wright, Cr D Spackman, Cr G King
Against: Cr J Moulden, Cr R Dessert, Cr D Learbuch, Cr B Robinson, Cr G Taylor**

COUNCIL DECISION

Minute No. 10464

**Moved: Cr B Robinson
Seconded: Cr R Dessert**

That Council contributes \$10,000 from GL Account Number 02130616 Economic Development Grants - Other Economic Services to enable East Kimberley Grammar School Inc. to undertake key stakeholder engagement.

Carried 5/3

**For: Cr B Robinson, Cr R Dessert, Cr J Moulden, Cr D Learbuch, Cr G Taylor
Against: Cr K Wright, Cr D Spackman, Cr G King**

Cr S Cooke enters Chambers at 6.23pm.

13.5.2 Use of Common Seal

DATE:	24 June 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Andrea Richards, Governance Officer
REPORTING OFFICER:	Gary Gaffney, Chief Executive Officer
FILE NO:	GN.02.1

PURPOSE

For Council to receive this report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 28 May to 16 June 2014.

STATUTORY IMPLICATIONS

Local Government Act 1995

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

POLICY IMPLICATIONS

No policy implications apply in the preparation of this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this item.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

Goal 1: Strong leadership and governance that underpins a more strategic approach to community engagement, regional development and organisation sustainability

COMMENT

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

Date of Use	Document
26/05/2014	Licence Agreement for the Kununurra District High School Community Library
26/05/2014	Licence Agreement BGC Asphalt

ATTACHMENTS

There are no attachments associated with this report.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 28 May to 16 June 2014.

COUNCIL DECISION

Minute No. 10465

Moved: Cr B Robinson

Seconded: Cr D Learbuch

That Council receives the report on the application of the Shire of Wyndham East Kimberley Common Seal for the period 28 May to 16 June 2014.

Carried Unanimously 9/0

13.5.3 Delegated Authority Report

DATE:	24 June 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Andrea Richards, 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 to 31 May 2014.

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 – 31 May 2014.

COUNCIL DECISION

Minute No. 10466

Moved: Cr B Robinson

Seconded: Cr D Learbuch

That Council receives the Delegated Authority Report for the period 1 – 31 May 2014.

Carried Unanimously 9/0

ATTACHMENT 1 - Delegated Authority Report

AMENDMENTS TO EXISTING BUILDING PERMIT (Form BA04) ISSUED AS THE CERTIFIER FOR THE PERMIT ISSUING AUTHORITY – 01 to 31 May 2014

DOC NO	DATE ISSUED	ASSESS NO.	BUILDING PERMIT	AMEND NO	OWNER	BUILDER	BRB / OB NO	LOCATION	DESCRIPTION	AMENDMENT DETAILS
BA6554	5/05/2014	A1675P	016/2014	1	Bothkamp AustraliaP/L	Darren Fulcher	S665	1556 Poincettia Way Kununurra	Class 7B Warehouse / Workshop	Steel wall frame enclosure to stairwell

CERTIFICATE OF DESIGN COMPLIANCE (Form BA03) ISSUED AS THE CERTIFIER FOR THE PERMIT ISSUING AUTHORITY – 01 to 31 May 2014

APPLIC NO	DATE APPLIC RECVD	DATE ISSUED	ASSESS NO.	CERT No	LOCATION	DESCRIPTION
73267	27/02/2014	7/05/2014	A633P	BA6583	Lot 10 Weaver Plain Road Kununurra	Class 1A dwelling with attached Class 10A carport, verandah & outdoor living
101374	6/05/2014	8/05/2014	A1228P	BA6600	Lot 31 (9) Cajuput Street Kununurra	Class 10A non-habitable storage addition to existing dwelling
101378	16/05/2014	23/05/2014	A7272P	BA6659	Lot 396 Moonamang Road Kununurra	Class 10A Non-habitable Dome Shade/storage structures X 3
101388	19/05/2014	25/05/2014	A76P	BA6661	Lot 102 Bullrun Road Kununurra	Class 10A - Non-habitable Vehicle Wash Bay
101392	29/05/2014	30/05/2014	A34P	BA6685	Loc 259 Arawodi Road Kununurra	Class 10A Non-habitable shed without ablution

ATTACHMENT 1 - Delegated Authority Report

BUILDING PERMITS (Form BA04) ISSUED AS THE PERMIT ISSUING AUTHORITY – 01 to 31 May 2014

LIC#	DATE RECEIVED	DATE LICENCED	OWNER	BUILDER	LOCATION	DESCRIPTION	NEW/ ADD	EST. VALUE	COMMENT / PROCESSING TIME - WORKING DAYS
050/2014	2/05/2014	5/05/2014	Roy Galvin Properties Pty Ltd	Murray River North Pty Ltd	Lot 342 (32) Argentea Avenue Kununurra	Class 1A transportable dwelling with attached Class 10A carport and alfresco	New	\$ 464,219.00	1/10 assess days
051/2014	2/05/2014	6/05/2014	Department of Finance, Building Management and Works	Franmor Constructions Pty Ltd	Lot 501 Corner Konkerberry Drive & Messmate Way Kununurra	Class 5 Offices - Mechanical works - Internal Air Handling Unit Replacement and external compound	Add	\$ 100,000.00	1/10 assess days
052/2014	27/02/2014	7/05/2014	Graham Fysh	Ben Marr	Lot 10 Weaber Plain Road Kununurra	Class 1A dwelling with attached Class 10A carport, verandah & outdoor living	New	\$ 780,471.00	64/21 pending + 2/25 assess days
053/2014	6/05/2014	8/05/2014	Narelle Young	Lennox Wildman Pty Ltd	Lot 31 (9) Cajuput Street Kununurra	Class 10A non-habitable storage addition to existing dwelling	Add	\$ 15,000.00	1/25 assess days
054/2014	14/05/2014	23/05/2014	"Wuggubun Community" / Doon Doon Pastoral Aboriginal Corporation / Aboriginal Lands Trust	East Kimberley Construction	"Wuggubun Community" Lot 703 Great Northern Highway	Class 9B Tropical Roofed meeting area with kitchen / coolroom store and ablution facilities	New	\$ 597,230.00	7/10 assess days

ATTACHMENT 1 - Delegated Authority Report

055/ 2014	16/05/2014	23/05/2014	Kimberley Agricultural Investment Pty Ltd	RTC Works	Lot 396 Moonamang Road Kununurra	Class 10A Non- habitable Dome Shade/storage structures X 3	New	\$ 53,000.00	4/25 assess days
056/ 2014	19/05/2014	25/05/2014	Green Country Holdings Pty Ltd	Keith Wright	Lot 102 Bullrun Road Kununurra	Class 10A - Non- habitable Vehicle Wash Bay	New	\$ 16,000.00	4/25 assess days
057/ 2014	29/05/2014	3/06/2014	Jason Robert Lerch	Jason Robert Lerch	Loc 259 Arawodi Road Kununurra	Class 10A Non- habitable shed without ablution	New	\$ 25,000.00	1/25 assess days

**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. – 01 to 31 May 2014**

PERMIT NO	DATE OF ISSUE	PERMIT ISSUING AUTHORITY	PROPERTY ASSESS NO.	PROPERTY ADDRESS	DESCRIPTION	BUILDING CLASS	BUILDER	CERTIFICATE OF DESIGN COMPLIANCE ISSUED BY:	CONSTRUCTION VALUE
B2014- 0149 (BA04)	5/05/2014	Department of Finance - Building Management and Works	A1334P	Lot 743 (9) Silverbox Avenue Kununurra	Class 1A - Group Dwellings - 3 x units	1A	Colin Wilkinson Developments Pty Ltd	Northshore (Nick Schofield)	\$ 1,161,483.29

ATTACHMENT 1 - Delegated Authority Report

DEMOLITION PERMITS (Form BA06) ISSUED AS THE PERMIT ISSUING AUTHORITY – 01 to 31 May 2014

DEMO LIC#	DATE APPLIC RECVD	DATE LICENCED	ASSESS NO.	BA RECORD	OWNER	BUILDER/ DEMOLITION CONTRACTOR	DEMO CLASS (1, 2 or 3)	WAD CLASS/ LIC NO	LOCATION	DESCRIPTION
DP005/ 2014	27/02/2014	6/05/2014	A633P	BA6568	Graham & Julie Fysh	Franmor Constructions Pty Ltd	WARA	WARA 456	Lot 10 Weaber Plain Road Kununurra	Full Demolition - Class 1A dwelling and Class 10A shed
DP006/ 2014	7/05/2014	9/05/2014	A2574P	BA6605	Airservices Australia	Mathinna Pty Ltd t/as P & C Welding & Constructions (Peter Bolton)	CLASS 1	WAD 219	Lot 2 of DP174000 (portion Numalgun Loc17) Gibb River Station Gibb River	Demolition of 2 x Class 10B Masts & 2 x Class 10A sheds

OCCUPANCY PERMITS (Form BA10) ISSUED – 01 to 31 May 2014

OCCUP PERMIT NO	DATE	BUILDING PERMIT / LICENCE NO	ASSESS NO.	Receipt No	Building Class	OWNER	BUILDER	BRB / OB NO	LOCATION	DESCRIPTION
BA6604	8/05/2014	034/2014	A7099P	N/A prior to 01.04.2012	7B/8, 4 & 5	The Kibble Family Trust	Top End Building Company	WA 12796	Lot 116 (11) Salacca Loop Kununurra	Class 7B/8 Commercial Production & Storage Shed with attached Class 4 Residential & Class 5 Offices

ATTACHMENT 1 - Delegated Authority Report

**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 31 May 2014**

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
OP2014-2288-0068	13/05/2014	Department of Finance	A6004P	Lot 501, Konkerberry Drive	Office Accommodation - Office fitout	Class 5	B2013-2288-0223	Colin Wilkinson Developments Pty Ltd	Rhombus	\$ 1,018,357.00

SIGN LICENCES – 01 to 31 May 2014

SIGN LIC#	DATE APPLIC RECVD	DATE LICENCED	ASSESS NO.	Receipt No	LOCATION	DESCRIPTION	PLANNING APPROVAL / DELEGATION
SL01/ 2014	13/05/2014	26/05/2014	A6560P	TO BE PAID	LOT 1 Coolibah Drive Kununurra	1 X 6800 x 1250 Wall Sign & 1 X 6300 x 1120 Wall Sign	DA26/14

THERE WAS NO REPORTABLE ACTIVITY FOR THE PERIOD – 01 to 31 May 2014 for the following:

- DEMOLITION PERMITS (BA06), 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 (BA14)
- BUILDING APPROVAL CERTIFICATES – STRATA (Form BA16)
- CERTIFICATES OF CONSTRUCTION COMPLIANCE (Form BA17)
- CERTIFICATES OF BUILDING COMPLIANCE (Form BA18)
- FORMAL NOTICE / BUILDING ORDER – pursuant to Building Act 2011
- EXTENSIONS OF TIME

13.6 ELECTED MEMBER REPORTS

Cr John Moulden

- 29 May 2014 Ted Birch Naming Ceremony, Wyndham
- 30 May 2014 Meeting with Australian Bureau of Statistics
- 3 June 2014 Meeting with CEO, Discovery Parks
- 11 June 2014 Roadwise meeting, Kununurra
- 21-24 June 2014 Governor-General's visit

Cr D Learbuch

- 11 June 2014 Roadwise meeting, Kununurra

Cr G Taylor

- 4 June 2014 KTI Graduation

COUNCIL DECISION

Minute No. 10467

Moved: Cr D Spackman

Seconded: Cr K Wright

That Council accepts the Elected Member Reports for the period 29 May 2014 to 24 June 2014.

Carried Unanimously 9/0

13.7 CHIEF EXECUTIVE OFFICER REPORTS

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

- | | |
|-----------------|---|
| 28 May 2014 | Meeting with Chris Burke of Rotary regarding working together |
| 28 May 2014 | Sheryl Fischer Outback Initiatives |
| 29 May 2014 | Infrastructure Study Visit:
David Neumann, Director National Logistics, Joint Logistics Command, Department of Defence
Nick Edwards, Wing Commander Deputy Director National Logistics (Air) United States Force Posture Review Strategic Logistics Branch |
| 29 May 2014 | Ted Birch Memorial Boab Tree Planting with Family in Wyndham |
| 30 May 2014 | Australian Bureau of Statistics (ABS) meeting with Steve Austin (Census Engagement Manager) and Alan Radford (Indigenous Engagement Manager) to discuss and seek feedback from the Shire on the 2011 Census and input on where the ABS could improve for the next Census. |
| 4 June 2014 | Presentation at Kimberley Training Institute for the Award for Kununurra's Student of the Year |
| 10 June 2014 | Meeting with Dave Malone, Director Territory Economics and Management to discuss the concept of Freight Hub in Katherine |
| 12 June 2014 | Meeting with Glenn Jardine, KMG |
| 13 June 2014 | Teleconference Kimberley Zone Workshop |
| 21-24 June 2014 | Governor-General's visit |

COUNCIL DECISION

Minute No. 10468

Moved: Cr S Cooke

Seconded: Cr B Robinson

That Council accepts the Chief Executive Officer Reports for the period 28 May 2014 to 24 June 2014.

Carried Unanimously 9/0

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

15. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

16. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil

COUNCIL DECISION

Minute No. 10469

**Moved: Cr B Robinson
Seconded: Cr K Wright**

That Council moves behind closed doors to consider confidential matters.

Carried Unanimously 9/0

G Gaffney leaves Chambers at 6.30pm.

Cr S Cooke leaves Chambers at 6.31pm.

G Gaffney enters Chambers at 6.33pm.

17. MATTERS BEHIND CLOSED DOORS

17.1 CONFIDENTIAL – TENDER 07 2013/2014

DATE:	24 June 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Ivanhoe and Crossing Falls, Bush Fire Stations
AUTHOR:	Robert Jehu, Emergency & Regulatory Services Coordinator & Peter Kerp, Manager Engineering Services
REPORTING OFFICER:	Kevin Hannagan, Director Infrastructure
FILE NO:	CM.16.82

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

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

PURPOSE

To provide Council with details of the Confidential Tenders received for T07 2013 / 2014, construction of Ivanhoe and Crossing Falls, Bush Fire Stations and to document the results of the tender assessment and provide recommendations regarding the award of the Tender.

VOTING REQUIREMENT

Simple Majority

COUNCIL DECISION

Minute No. 10470

**Moved: Cr B Robinson
Seconded: Cr K Wright**

That Council:

- 1) **nominates East Kimberley Constructions as the preferred tenderer; and**
- 2) **grants delegated authority to the CEO to enter into contract with the preferred tenderer for Design and Construction of Ivanhoe & Crossing Falls Bush Fire Brigade Facilities; based on the scope contained within the Alternative Tender provided by this company as part of the tender process, for the lump sum price of \$ 499,620 (Inc. GST), subject to the CEO:**
 - a) **assessing and if required negotiating any outstanding technical requirements/details relating to the alternative specification and being satisfied that the final negotiated specification meets technical requirements; and**
 - b) **conducting discussions with FESA representatives and being satisfied that they accept the alternative design and fit out meets their functional and operational requirements.**

Carried Unanimously 8/0

Cr S Cooke enters Chambers at 6.34pm.

COUNCIL DECISION

Minute No. 10471

Moved: Cr D Learbuch

Seconded: Cr B Robinson

That Council moves out from behind closed doors.

Carried Unanimously 9/0

18. CLOSURE

The Shire President declares the meeting closed at 6.35pm.