

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**

**26 August 2014**



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**SHIRE OF WYNDHAM EAST KIMBERLEY  
MINUTES OF THE ORDINARY COUNCIL MEETING  
WYNDHAM COUNCIL CHAMBERS**

**HELD ON TUESDAY, 26 AUGUST 2014 AT 5:00 PM**

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

The Shire President declared the meeting open at 5pm.

**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
L Gee	Director Community Development
P Kerp	Manager Engineering Services
M Tonkin	Executive Assistant to the CEO (Minute Taker)

**GALLERY**

Geoff Warnock	Folle Investments Pty Ltd/Rate Payer
Robert Storey	Rate Payer
Simone Rushby	Rate Payers Association
Mark Northover	Ord River Contracting
Cally Dupe	The Kimberley Echo
Jennifer Ninnette	Senior Planning Officer (SWEK)
Wayne Richards	Manager Community & Youth (SWEK)
Graeme Fysh	Fysh Grader Hire
Maxine Middap	Rate Payer
Chris McLachlan	Rate Payer

**APOLOGIES**

Kevin Hannagan	Director of Infrastructure
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## LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

### 3. DECLARATION OF INTEREST

- **Financial Interest**

Nil

- **Impartiality Interest**

Nil

- **Proximity Interest**

Nil

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

Nil

### 5. PUBLIC QUESTION TIME

Simone Rushby, Rate Payers Association

**Question 1** – Why are you penalising mining leases by charging levies for waste services and not providing waste vouchers, of which are offered to other ratepayers?

Question taken on notice – a response will be given in writing by the CEO and a summary of the question raised and the response given will be included in the agenda and minutes of the next meeting of the Council.

**Question 2** – A large part of this evening's agenda is about delegation from the Council to the CEO. I have asked the CEO to clarify this for me and he has not assisted. Does the ultimate responsibility of the release or restriction of Freedom of Information (FOI) documentation from SWEK lie with the CEO despite the CEO's ability to delegate?

Gary Gaffney, CEO provides the following answer:

FOI is not relevant to the Delegations Register that is being considered tonight, it lies with the FOI Act. FOI requests are delegated to the FOI officer, Natalie Octoman, Director Corporate Services. If the response received from the FOI officer is unsatisfactory then the role of the CEO is to review the response given by the FOI officer. The CEO is required to complete the review and respond within 14 days. My response to you was given in 7 days. If you are not satisfied with the review completed by the CEO then your next recourse is to contact the FOI review board.

I (the CEO) am not the primary person responsible, this falls with the FOI officer. I (the CEO) am the reviewer.

**Question 3** – To Shire President, Cr John Moulden.

Were all Councillors consulted in May, when you decided to appoint Kevin Hannagan as acting CEO?

Cr John Moulden, Shire President provides the following answer:

No, they were not consulted regarding the May appointment. The Local Government Act is silent regarding this issue so there is no specific requirement to consult the Council.

Natalie Octoman, Director Corporate Services qualified that according to the Local Government Act, the Council must be consulted when an appointment is being made to a vacant position of CEO. If appointing an acting CEO while the CEO is on leave, there is no requirement to consult the council.

Cr K Wright suggests that as the act is silent, Council should make a policy and the matter be taken to a briefing session for further discussion.

**Question 4** – We notice that tenders are up for delegation change. The Director of Infrastructure Mr Hannagan has used the terminology of “quick and dirty” tenders in conversation with us. The Shire President’s comment on this is “Kevin gets the job done”, can we please have clarification by the CEO on just how a quick and dirty tender works?

**Question taken on notice** – a response will be given in writing by the CEO and a summary of the question raised and the response given will be included in the agenda and minutes of the next meeting of the Council.

**Question 5** – The Director of Infrastructure and soon to be acting CEO, made it absolutely clear that the most important page of a tender is a signed offer page. In several previous, and most notably the last two tenders (T01 & T02) advertised statewide contained significant discrepancies, from the cover page to the offer page, the CEO admits proudly his 20 years in contracts experience and yet this situation was allowed to occur. Does the Council have comment on this?

Gary Gaffney, CEO provides the following answer:

We have previously discussed this. As soon as we noticed the error an addendum was sent out to all contractors.

Shire President, Cr John Moulden provides the following answer:

The Council does not have intimate knowledge of all of the tenders that come through. I did investigate the error you are referring to and was advised of the issue and that it was resolved with the addendum. I would prefer that errors do not occur but am confident in general terms that the tender process is sound.

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

## **7. PETITIONS**

**8. CONFIRMATION OF MINUTES**

**8.1 CONFIRMATION OF MINUTES OF ORDINARY COUNCIL MEETING OF  
29 JULY 2014**

**RECOMMENDATION**

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

**COUNCIL DECISION**

**Minute No. 10504**

**Moved: Cr K Wright**

**Seconded: Cr B Robinson**

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

**Carried Unanimously 9/0**

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

**10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

**11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS / NOTICES OF  
MOTIONS**

## **12. MINUTES OF COUNCIL COMMITTEE MEETINGS**

### **12.1 CONFIRMATION OF MINUTES OF AUDIT (FINANCE AND RISK) COMMITTEE OF 12 AUGUST 2014**

Minutes of the Audit (Finance and Risk) Committee of 12 August 2014, provided under separate cover.

#### **RECOMMENDATION**

That Council confirms the Minutes of Audit (Finance and Risk) Committee Meeting held on 12 August 2014.

#### **COUNCIL DECISION**

**Minute No. 10505**

**Moved: Cr K Wright**

**Seconded: Cr B Robinson**

**That Council confirms the Minutes of Audit (Finance and Risk) Committee Meeting held on 12 August 2014.**

**Carried Unanimously 9/0**

## **13. REPORTS**

### **13.1 MATTERS ARISING FROM COMMITTEES OF COUNCIL**

Nil

## 13.2 CORPORATE SERVICES

### 13.2.1 List of Accounts paid from Municipal Fund and Trust Fund

<b>DATE:</b>	26 August 2014
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Felicity Heading, Coordinator Financial Operations Victoria Nakamya, Creditors Officer
<b>REPORTING OFFICER:</b>	Natalie Octoman, Director Corporate Services
<b>FILE NO:</b>	FM.09.5

#### **PURPOSE**

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

#### **BACKGROUND**

Council delegated to CEO the exercise of its power under Financial Management Regulation 12 to make payments from Municipal Fund and Trust Fund at the Ordinary Council Meeting of 16 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 121335 – 121604 (03 July – 31 July 14)	\$ 2,119,435.07
Municipal cheques 50001 - 50068 (02 July – 31 July 14)	\$ 242,705.37
Trust cheques 694 – 696 (24 July – 24 July 14)	\$ 1,374.00
Trust EFT 500747 – 500768 (01 July – 31 July 14)	\$ 29,473.55
Payroll (09 July – 23 July 14)	\$ 492,619.83
Direct bank debits (01 July – 31 July 14)	\$ 37,853.50
TOTAL	\$ 2,923,461.32

**COUNCIL DECISION**

**Minute No. 10506**

**Moved: Cr K Wright**

**Seconded: Cr D Learbuch**

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

<b>Municipal EFT 121335 – 121604 (03 July – 31 July 14)</b>	<b>\$ 2,119,435.07</b>
<b>Municipal cheques 50001 - 50068 (02 July – 31 July 14)</b>	<b>\$ 242,705.37</b>
<b>Trust cheques 694 – 696 (24 July – 24 July 14)</b>	<b>\$ 1,374.00</b>
<b>Trust EFT 500747 – 500768 (01 July – 31 July 14)</b>	<b>\$ 29,473.55</b>
<b>Payroll (09 July – 23 July 14)</b>	<b>\$ 492,619.83</b>
<b>Direct bank debits (01 July – 31 July 14)</b>	<b>\$ 37,853.50</b>
<b>TOTAL</b>	<b>\$ 2,923,461.32</b>

**Carried Unanimously 9/0**

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

## LIST OF ACCOUNTS SUBMITTED TO COUNCIL 26 AUGUST 2014

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT121335	03/07/2014	ALCOLIZER PTY LTD	SERVICE AND RECALIBRATION- HH2 BREATH TESTER EK REGIONAL AIRPORT	88.00
EFT121336	03/07/2014	AUSTRALIA POST	POSTAGE AND STATIONERY PURCHASES	1,799.99
EFT121337	03/07/2014	BGC ASPHALT	TENDER 13 11/12 GRANITE-MESSMATE ROUNDABOUT , COOLIBAH DRIVE	335,592.09
EFT121338	03/07/2014	BOAB REFRIGERATION AND AIRCON	REPAIRS - AIRCON-EAST KIMBERLEY AIRPORT	15,895.00
EFT121339	03/07/2014	BODAN CONSTRUCTIONS PTY LTD	GENERAL REPAIRS-WYNDHAM POOL	2,651.00
EFT121340	03/07/2014	BLACKWOODS ATKINS PTY LTD	SURVEY MARKING PAINT-AIRPORT	381.77
EFT121341	03/07/2014	BUSHCAMP SURPLUS STORE	STAFF PPE	579.70
EFT121342	03/07/2014	C & S JOLLY ELECTRICS PTY LTD	REPAIRS-PUMP-KLC	406.64
EFT121343	03/07/2014	SHIRE PRESIDENT	SHIRE PRESIDENT'S ALLOWANCE 01/04/2014-30/06/2014	9,323.75
EFT121344	03/07/2014	CARPET, VINYL & TILE CENTRE	SUPPLIES & INSTALL REPLACEMENT VINYL FLOORING - PETER REID HALL	9,900.00
EFT121345	03/07/2014	COATES HIRE OPERATIONS PTY LTD	LOADER HIRE-WYNDAM LANDFILL	1,336.50
EFT121346	03/07/2014	CORE BUSINESS AUSTRALIA PTY LTD	WANDRRA PROJECT MGT/SUPERVISION, CLAIM 1&2 AND FIRE STATIONS ARCHITECTURAL SPECIFICATIONS	76,563.49
EFT121347	03/07/2014	SHIRE COUNCILLOR	MEMBER MEETING FEES 01/04/2014-30/06/2014	3,625.00
EFT121348	03/07/2014	SHIRE COUNCILLOR	MEMBER MEETING FEES 01/04/2014-30/06/2014	3,625.00
EFT121349	03/07/2014	SHIRE COUNCILLOR	MEMBER MEETING FEES 01/04/2014-30/06/2014	3,625.00
EFT121350	03/07/2014	SHIRE COUNCILLOR	MEMBER MEETING FEES 01/04/2014-30/06/2014	3,625.00
EFT121351	03/07/2014	SHIRE COUNCILLOR	MEMBER MEETING FEES 01/04/2014-30/06/2014	3,625.00
EFT121352	03/07/2014	CROCODILE SIGNS PTY LTD	SIGNAGE-AIRSIDE EAST KIMBERLEY REGIONAL AIRPORT	665.50
EFT121353	03/07/2014	DELRON CLEANING PTY LTD	CLEANING CONTRACT - SHIRE BUILDINGS KUNUNURRA	14,194.59
EFT121354	03/07/2014	DOWNER EDI WORKS PTY LTD	SUPPLIES - BITUMOUNOUS PRODUCT - EK REGIONAL AIRPORT	4,136.00
EFT121355	03/07/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	63.50
EFT121356	03/07/2014	DRYSDALE RIVER STATION	DIESEL FUEL ACCOUNT	795.04
EFT121357	03/07/2014	EAST KIMBERLEY HARDWARE	SUPPLY-ALMINIUM PAINT-CELEBRITY TREE PARK	138.10
EFT121358	03/07/2014	EAST KIMBERLEY PLUMBING	TERMINAL FIRE PUMP MAINTENANCE EAST KIMBERLEY REGIONAL AIRPORT	300.30
EFT121359	03/07/2014	FRANMOR CONSTRUCTIONS PTY LTD	REPAIRS STAFF HOUSING	121.00
EFT121360	03/07/2014	FRONTIER POST & NEWS	MICRO SD CARDS -WYNDHAM YOUTH PROGRAM	84.85
EFT121361	03/07/2014	GUERINONI & SONS	EMERGENCY ROAD WORKS - LAKE ARGYLE ROAD	253.00
EFT121362	03/07/2014	HIGHWAYS TRAFFIC (KIMBERLEY) PTY LTD	TRAFFIC MGT - ASPHALT & PROFILING WORKS-COOLIBAH DRIVE	23,034.00
EFT121363	03/07/2014	HYDRO KLEEN	CLEANING AIRCONDITIONERS – VARIOUS STAFF HOUSING	825.00
EFT121364	03/07/2014	INSIGNIA SIGNS	ADHESIVE VINYL HEIGHT CHARTS-WYN COMMUNITY LIBRARY	71.50
EFT121365	03/07/2014	KIMBERLEY MECHANICAL & TILT TRAY SERV	SERVICE AND REPAIRS - P372	1,208.93

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

EFT121366	03/07/2014	KUNUNURRA 4WD SPARES	SUPPLY DROP SLIDE ENGEL FRIDGE CARRIER P388	700.00
EFT121367	03/07/2014	KIMBERLEY TRAINING INSTITUTE	COURSE ENROLMENT - STAFF	1,768.00
EFT121368	03/07/2014	KUNUNURRA BETTA ELECTRICAL & GAS	STAFF HOUSING EQUIPMENT RENEWAL	899.00
EFT121369	03/07/2014	KUNUNURRA COURIERS	DRINKING WATER SUPPLIES RECEPTION - KNX ADMIN	95.00
EFT121370	03/07/2014	KUNUNURRA GYMNASTICS CLUB	KIDSPORT SPONSORSHIP - X 4 MEMBERSHIP	570.00
EFT121371	03/07/2014	KUNUNURRA HOME & GARDEN	EQUIPMENTS-WYNDHAM POOL	219.04
EFT121372	03/07/2014	KUNUNURRA JUNIOR FOOTBALL	KIDSPORT SPONSORSHIP - X 1 MEMBERSHIP	65.00
EFT121373	03/07/2014	KUNUNURRA NETBALL ASSOCIATION	KIDSPORT SPONSORSHIP - X 6 MEMBERSHIP	435.00
EFT121374	03/07/2014	LAWRENCE & HANSON GROUP	REPLACEMENT LIGHTING	1,725.48
EFT121375	03/07/2014	ORICA AUSTRALIA PTY LTD	STORAGE & HANDLING OF CHLORINE GAS CYLINDERS - WYNDHAM POOL	470.24
EFT121376	03/07/2014	ORD FUEL SUPPLIES	BULK DIESEL - 7020 LITRES -DEPOT	11,521.15
EFT121377	03/07/2014	ORD VALLEY TURF	150 MM EMPIRE TURF - DEPOT	1,732.50
EFT121378	03/07/2014	SEARLES HOLDINGS T/A AUTO PRO	SUPPLIES-KINCROME, AIR DUSTER- KNX AIRPORT	270.05
EFT121379	03/07/2014	SCRIBE DESIGN GROUP PTY LTD	DOCUMENTATION - AIRPORT DEPOT UPGRADE - EK REGIONAL AIRPORT	4,565.00
EFT121380	03/07/2014	SHIRE OF BROOME	REIMBURSE-KIMBERLEY ZONE FEB	9,344.41
EFT121381	03/07/2014	SHIRE OF WYNDHAM EAST KIMBERLEY	RATES REFUND NEW STAFF HOUSING PROPERTY PURCHASED	1,002.78
EFT121382	03/07/2014	SURVEY NORTH	PEG GRADE LINE - KNX LANDFILL	605.00
EFT121383	03/07/2014	TRIPLE J TOURS	CLEARING CUMBUNGI LILY CREEK FOR KIMBERLEY MOON EXPERIENCE	2,378.75
EFT121384	03/07/2014	TYREPLUS KUNUNURRA	REPAIRS & MAINTENANCE - WYNDHAM POOL	60.00
EFT121385	03/07/2014	VANDERFIELD NORTHWEST PTY LTD	SERVICE AND REPAIRS - P121	291.48
EFT121386	03/07/2014	WHELANS	CROWN SUBDIVISION SURVEY LAKESIDE RESORT FORESHORE RES. LEASE	11,682.00
EFT121387	03/07/2014	WYNDHAM PLUMBING & GAS PTY LTD	PLUMBING WORKS AND BBQ REPAIR-WYNDHAM POOL	2,010.38
EFT121388	14/07/2014	AUSTRALIAN FUEL DISTRIBUTORS	FUEL COSTS-JUNE 14- P356 , P117 , P116 , P114	922.53
EFT121389	14/07/2014	BERM BACKHOE HIRE	FIRE PREVENTION - FISH FARM ROAD	1,848.00
EFT121390	14/07/2014	ROCKWELL OLIVIER	PROFESSIONAL ADVICE - SAT APPEAL & DEVELOPMENT APPLICATION	10,753.38
EFT121391	14/07/2014	ENIGMA BUSINESS PRODUCTS	LAPTOP AND DESKTOP COMPUTER UPGRADES	29,128.00
EFT121392	14/07/2014	JAB INDUSTRIES	FLOOD RECOVERY WORKS - VARIOUS LOCS INCLUDING LAKE ARGYLE RD	58,976.78
EFT121393	14/07/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	459.00
EFT121394	14/07/2014	LANDGATE	GROSS RENTAL VALUES REVALUATION 12/04/14-09/05/14	1,118.18
EFT121395	14/07/2014	LEARNING DISCOVERY PTY LTD	EDUCATIONAL SUPPLIES-BOOKS-WYN CHILD CARE	199.95
EFT121396	14/07/2014	ORD FUEL SUPPLIES	FUEL COSTS -JUNE 14 - P124 , P119 , P482 , P128 , P394 , P470, P393	1,916.64
EFT121397	14/07/2014	SHELF SUPPLY	WORK SHORTS - OUTDOOR WORKFORCE, DOG FOOD - KUNUNURRA POUND	263.00
EFT121398	14/07/2014	THINK WATER KUNUNURRA	RETICULATION REPAIRS AND MAINTENANCE KUNUNURRA	6,346.00
EFT121399	14/07/2014	TOX FREE AUSTRALIA PTY LTD	KUNUNURRA REFUSE COLLECTION - KNX MAY 2014	73,831.09

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

EFT121400	14/07/2014	UHY HAINES NORTON (WA) PTY LTD	AUDIT FEES - 2011/12 SWEK CLGF	2,640.00
EFT121401	14/07/2014	WYNDHAM SUPERMARKET	SUPPLIES - WYNDHAM ADMIN	215.84
EFT121402	22/07/2014	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	70.00
EFT121403	22/07/2014	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	1,385.75
EFT121404	22/07/2014	ALCHEMY CORPORATE CONSULTING SERV	MEDIATION PROGRAM - MGT TRAINING	8,092.83
EFT121405	22/07/2014	ALLGEAR MOTORCYCLES & SMALL ENGINES	REPAIRS -P356	787.35
EFT121406	22/07/2014	AUSTRALIA POST	POSTAGE AND STATIONERY PURCHASES - MAY14	948.51
EFT121407	22/07/2014	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	225.90
EFT121408	22/07/2014	AUSTRALIAN TAXATION OFFICE - PAYG	PAYROLL DEDUCTIONS	77,138.00
EFT121409	22/07/2014	AUTO ONE KUNUNURRA	PARTS - MANUAL CLEANER - KUNUNURRA LEISURE CENTRE	172.50
EFT121410	22/07/2014	BOC GASES AUSTRALIAN LIMITED	WELDING GASES AND BOTTLE RENTAL- MAY 14	372.25
EFT121411	22/07/2014	BODAN CONSTRUCTIONS PTY LTD	EMERGENCY REPAIRS- CEILING -WYN COMMUNITY LIBRARY	830.50
EFT121412	22/07/2014	BROADCAST AUSTRALIA PTY LTD	FACILITIES LEASING - POWER RECOVERY 05/02/14-28/03/14	69.66
EFT121413	22/07/2014	BEST KIMBERLEY COMPUTING	PRINTING COSTS - KUNUNURRA AND WYNDHAM ADMINISTRATION	2,636.74
EFT121414	22/07/2014	BLACKWOODS ATKINS PTY LTD	SURVEY MARKING PAINT -AIRPORT	248.04
EFT121415	22/07/2014	BUSHCAMP SURPLUS STORE	WORK SHIRTS - OUTDOOR WORK FORCE KUNUNURRA	218.40
EFT121416	22/07/2014	CABCHARGE	CAB CHARGES - STAFF TRAVEL & TRAINING - MAY 2014	178.75
EFT121417	22/07/2014	CENTURION TRANSPORT	FREIGHT - PERTH PETROLEUM SERVICES-DEPOT KNX	378.70
EFT121418	22/07/2014	CORE BUSINESS AUSTRALIA PTY LTD	WANDRRA PROJECT MANAGEMENT & SUPERVISION	27,422.49
EFT121419	22/07/2014	CROCODILE SIGNS PTY LTD	SIGNAGE - KNX LANDFILL	1,182.50
EFT121420	22/07/2014	DORMA AUTOMATICS PTY LTD	MAINTENANCE - AIRPORT TERMINAL DOOR	1,056.00
EFT121421	22/07/2014	DSC CONTRACTING	MAINTENANCE-FIRE ALARM SYSTEM-AIRPORT	361.00
EFT121422	22/07/2014	DAVEY TYRE & BATTERY SERVICE	REPLACE TYRES - FITTED - P354	1,263.00
EFT121423	22/07/2014	DRYSDALE RIVER STATION	ACCOMODATION FOR ENVIR. HEALTH OFFICERS - FOOD INSPECTION MITCHELL PLATEAU AND GIBB RIVER ROAD	962.00
EFT121424	22/07/2014	EAST KIMBERLEY HARDWARE	VARIOUS HARDWARE ITEMS KUNUNURRA DEPOT - MAY 2014	386.00
EFT121425	22/07/2014	EAST KIMBERLEY PLUMBING	REFIT FROM AUTO TO MANUAL OPERATION - EXALOO-KONKERBERRY DRIVE	3,400.58
EFT121426	22/07/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	63.50
EFT121427	22/07/2014	EXPRESS VIRTUAL MEETINGS	TELECONFERENCE CHARGES JUNE 2014	475.70
EFT121428	22/07/2014	FARMERS FRUIT AND VEG MART	CATERING - TRAINING - KNX LIBRARY 24/06/2014	120.00
EFT121429	22/07/2014	FRANMOR CONSTRUCTIONS PTY LTD	REPAIRS-KLC GYM	197.25
EFT121430	22/07/2014	FRONTIER POST & NEWS	USB STICK -WYNDHAM YOUTH PROGRAM	21.95
EFT121431	22/07/2014	GHD PTY LTD	D2 DRAIN DESIGN REVIEW	6,626.95
EFT121432	22/07/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	779.95

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

EFT121433	22/07/2014	GUERINONI & SONS	RECONSTRUCTION-ERYTHRINA STREET/TIPPER HIRE CAPPING LANDFILL KNX	81,793.84
EFT121434	22/07/2014	IBAC PLUMBING PTY LTD	PLUMBING WORKS - TENNIS COURTS KUNUNURRA	1,587.63
EFT121435	22/07/2014	IT VISION ITV	STAFF TRAINING INFRINGEMENTS MODULE TO IMPLEMENT THE CAT ACT	4,534.20
EFT121436	22/07/2014	JAB INDUSTRIES	FLOOD RECOVERY WORKS - CARLTON HILL ROAD - WORKS PACKAGE 4	9,941.66
EFT121437	22/07/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	578.53
EFT121438	22/07/2014	JORRITSMA H & CO	RETICULATION FITTINGS - WYNDHAM DEPOT	293.20
EFT121439	22/07/2014	KUNUNURRA MEDICAL	EMPLOYEE FLU SHOTS 2014	482.90
EFT121440	22/07/2014	KIMBERLEY KOOL REFRIGERATION & AIRCON	REPAIRS - ICE MACHINE - KUNUNURRA DEPOT	132.00
EFT121441	22/07/2014	KIMBERLEY MOTORS	FUEL COSTS WYNDHAM MAY 2014	4,681.27
EFT121442	22/07/2014	KUNUNURRA HOME & GARDEN	RETICULATION EQUIPMENT - KNX DEPOT	167.25
EFT121443	22/07/2014	KUNUNURRA LOCK & KEY	KEY CUTTING - YOUTH HUB, KUNUNURRA LEISURE CENTRE	709.00
EFT121444	22/07/2014	KUNUNURRA PANEL BEATING WORKS WA P/L	TOWING ABANDONED CAR - BEEFWOOD STREET KUNUNURRA TO LANDFILL	220.00
EFT121445	22/07/2014	KUNUNURRA RURAL TRADERS	6 MONTH FIRE SAFETY CHECK - SHIRE BUILDINGS KNX & WYN	360.00
EFT121446	22/07/2014	KUNUNURRA SECURITY SERVICE	SECURITY MONITORING & PATROL SHIRE BUILDINGS - KNX & WYN	3,428.00
EFT121447	22/07/2014	LANGFORD MACHINERY PTY LTD	SERVICE - P351	735.00
EFT121448	22/07/2014	LANDGATE	STATE LAND INFORMATION PORTAL SUBSCRIPTION	1,201.00
EFT121449	22/07/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	1,325.89
EFT121450	22/07/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	99.00
EFT121451	22/07/2014	MARKET CREATIONS PTY LTD	NETWORK SUPPORT AND MONITORING - KNX ADMIN	143.00
EFT121452	22/07/2014	MARTELL ROAD MAINTENANCE	TEMP. ROAD REPAIRS/OPENING UP WKS WYNDHAM, LAKE ARGYLE RD	4,136.00
EFT121453	22/07/2014	MAXXIA	PAYROLL DEDUCTIONS	5,135.56
EFT121454	22/07/2014	MCLEAN ENTERPRISES PTY LTD	FREIGHT-HITACHI-DARWIN TO KNX	66.00
EFT121455	22/07/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	729.22
EFT121456	22/07/2014	OLLIE'S IRRIGATION & PLUMBING SUPPLIES	HARDWARE ITEMS - WYNDHAM DEPOT	1,483.29
EFT121457	22/07/2014	ORD FUEL SUPPLIES	FUEL PUMP KIT - P390	998.00
EFT121458	22/07/2014	ORD MACHINING	REPAIRS -P386	603.08
EFT121459	22/07/2014	ORD RIVER CONTRACTING	LOADER HIRE-GRADING-DUNCAN HIGHWAY	21,967.00
EFT121460	22/07/2014	ORD VALLEY COUNTRY WOMEN'S ASS	SUPPLIES FOR GOVERNOR GENERAL'S MORNING TEA	73.83
EFT121461	22/07/2014	PIVOTEL	SATELITE PHONE COSTS MAY 14	117.00
EFT121462	22/07/2014	PLANNING INSTITUTE AUSTRALIA	ADVERTISEMENT - PLANNING OFFICER	330.00
EFT121463	22/07/2014	QUICK CORPORATE AUSTRALIA	STATIONERY - MAY 2014 - KNX ADMIN	18.74
EFT121464	22/07/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	54.00
EFT121465	22/07/2014	SAXXON IT PTY LTD	SERVER AND NETWORK UPGRADES 3 YR MAINTENANCE & PROF. SERVICES	80,150.00
EFT121466	22/07/2014	SHIRE OF BROOME	KIMBERLEY ZONE MEMBER CONTRIBUTION	11,445.87

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

EFT121467	22/07/2014	ST JOHN AMBULANCE	FIRST AID KIT - KNX DEPOT	1,727.42
EFT121468	22/07/2014	STAPLES AUSTRALIA PTY LIMITED	PRINTER ROLLS - KNX DEPOT & TIP	155.07
EFT121469	22/07/2014	STATE LIBRARY WA - DEPT OF TREASURY	FREIGHT - 50% - INTERLIBRARY LOANS FOR ONE YEAR - KNX LIBRARY	1,527.08
EFT121470	22/07/2014	SURVEY NORTH	TIP MAINTENANCE- KNX LANDFILL	643.50
EFT121471	22/07/2014	TELFORD INDUSTRIES	MATERIALS - KNX SWIMMING POOL	1,024.05
EFT121472	22/07/2014	TNT AUSTRALIA PTY LIMITED	FREIGHT - NEDLANDS - ENVIRONMENT HEALTH SAMPLES - KNX	200.17
EFT121473	22/07/2014	THE KIMBERLEY GRANDE	ACCOMODATION - DESTINY LIBRARY TRAINING STAFF - KNX & WYN	310.00
EFT121474	22/07/2014	TUCKERBOX / RETRAVISION KUNUNURRA	PROVISIONS AND MATERIALS JUNE 2014 - KNX	1,076.66
EFT121475	22/07/2014	TYREPLUS KUNUNURRA	REPAIRS - TYRES - P135, P136, P387	230.00
EFT121476	22/07/2014	VANDERFIELD NORTHWEST PTY LTD	PARTS - P381	1,812.01
EFT121477	22/07/2014	VORGEЕ PTY LTD	PURCHASE OF CONSUMABLES FOR SALE - KUNUNURRA LEISURE CENTRE	1,304.60
EFT121478	22/07/2014	WA LOCAL GOVERNMENT SUPER PLAN	SUPERANNUATION CONTRIBUTIONS	31,378.53
EFT121479	22/07/2014	WA LOCAL GOVERNMENT ASSOCIATION	ADVERTISEMENT- VACANT STAFF POSITION	17.76
EFT121480	22/07/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	1,978.75
EFT121481	22/07/2014	WESTERN LOCKSERVICE	SECURITY KEYS - KNX ADMIN & KLC	178.50
EFT121482	22/07/2014	WESTRAC EQUIPMENT PTY LTD	SERVICE -P351	5,227.65
EFT121483	22/07/2014	WILD MANGO	CATERING - OFFICIAL OPENING OF NEW SHIRE OFFICES -12/08/13	750.00
EFT121484	24/07/2014	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	1,419.08
EFT121485	24/07/2014	AUSTRALASIAN PERFORMING RIGHT ASSOC.	APRA LICENSE 01/07/14 to 30/06/15 - KUNUNURRA LEISURE CENTRE	2,707.96
EFT121486	24/07/2014	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	225.90
EFT121487	24/07/2014	AUSTRALIAN TAXATION OFFICE - PAYG	PAYROLL DEDUCTIONS	75,139.00
EFT121488	24/07/2014	C & S JOLLY ELECTRICS PTY LTD	MAINTENANCE - OVAL LIGHTS- KNX AND WYN	10,393.77
EFT121489	24/07/2014	COATES HIRE OPERATIONS PTY LTD	EQUIPMENT HIRE - PORT A LOOS - CELEBRITY TREE PARK-SUNDAY 15 JUNE	338.34
EFT121490	24/07/2014	COCA-COLA AMATIL	SUPPLIES - KLC	461.52
EFT121491	24/07/2014	DSC CONTRACTING	REPAIRS - DATA CABLING - WYNDHAM RECREATION CENTRE	1,833.32
EFT121492		CANCELLED	CANCELLED	-
EFT121493	24/07/2014	DRYSDALE RIVER STATION	3 DAYS GRADING - REINSTATE PAVEMENT - CARSON RIVER TO KALUMBURU	7,350.00
EFT121494	24/07/2014	EAST KIMBERLEY CONSTRUCTION PTY LTD	MACHINERY SHED CONSTRUCTION - EAST KIMBERLEY REGIONAL AIRPORT	88,000.00
EFT121495	24/07/2014	FRONTIER FENCING	BRICK PAVING PROJECT-WHITEGUM PARK	6,110.50
EFT121496	24/07/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	62.40
EFT121497	24/07/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	62.40
EFT121498	24/07/2014	IBAC PLUMBING PTY LTD	PLUMBING WORKS- FEMALE TOILETS -KLC	4,926.68
EFT121499	24/07/2014	JAB INDUSTRIES	FLOOD RECOVERY WORKS - KING RIVER ROAD-WRKS PACKAGE 4	42,809.05
EFT121500	24/07/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	827.02

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

EFT121501	24/07/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	175.00
EFT121502	24/07/2014	LAKESIDE RESORT - HOTEL AND PARK	CATERING -COUNCIL BRIEFING SESSION - APRIL 2014	360.00
EFT121503	24/07/2014	MAXXIA	PAYROLL DEDUCTIONS	5,535.56
EFT121504	24/07/2014	ORD RIVER CONTRACTING	FLOOD RECOVERY WORKS - WKS PACKAGE 2 - MULLIGANS LAGOON ROAD	136,980.80
EFT121505	24/07/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	62.40
EFT121506	24/07/2014	ROYAL LIFE SAVING (WA BRANCH)	TRAINING - CLUB DEVELOPMENT OFFICER	120.00
EFT121507	24/07/2014	THORLEY'S STORE - WYNDHAM	SUPPLIES - WYNDHAM SWIMMING POOL	45.00
EFT121508	24/07/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	63.50
EFT121509	24/07/2014	WA LOCAL GOVERNMENT SUPER PLAN	SUPERANNUATION CONTRIBUTIONS	30,110.71
EFT121510	24/07/2014	WA LOCAL GOVERNMENT ASSOCIATION	ADVERTISEMENT - RATES & MINIMUM PAYMENTS 2014/15.	2,540.79
EFT121511	31/07/2014	COLLEAGUES INFORMATION SOLUTIONS	COMBINED MULTI INFRINGEMENT BOOKS - KUNUNURRA ADMIN	859.00
EFT121512	31/07/2014	ALS LIBRARY SERVICES PTY LTD	BOOK ORDER - JUNE 14 - WYNDHAM COMMUNITY LIBRARY	546.65
EFT121513	31/07/2014	AMPAC DEBT RECOVERY (WA) PTY LTD	COMMISSIONS AND COSTS - JUNE 14	6,026.46
EFT121514	31/07/2014	ASK WASTE MANAGEMENT	STRATEGY WASTE MANAGEMENT AND LANDFILL ADVICE	13,307.25
EFT121515	31/07/2014	ALLGEAR MOTORCYCLES & SMALL ENGINES	REPAIRS - P356	378.20
EFT121516	31/07/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	405.05
EFT121517	31/07/2014	ARGYLE ENGINEERING	REPAIRS - P309	629.51
EFT121518	31/07/2014	AUSTRALIA POST	POSTAGE AND STATIONERY PURCHASES -JUNE 14	1,665.05
EFT121519	31/07/2014	AUTO ONE KUNUNURRA	REPAIRS -P121	130.00
EFT121520	31/07/2014	BAG MASTERS	MONEY BAGS - KNX ADMIN	192.50
EFT121521	31/07/2014	BGC ASPHALT	TENDER T13 11/12 -SUPPY & LAY ASPHALT-COTTON TREE AVENUE	80,415.81
EFT121522	31/07/2014	BROADCAST AUSTRALIA PTY LTD	FACILITIES LEASING - POWER RECOVERY 29/03/2014-26/05/2014	81.36
EFT121523	31/07/2014	BLACKWOODS ATKINS PTY LTD	REPAIRS -P477 , P488 , P356 , P479 , P136	275.88
EFT121524	31/07/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	285.84
EFT121525	31/07/2014	BUSHCAMP SURPLUS STORE	UNIFORMS - OUTDOOR WORKFORCE - KUNUNURRA	220.00
EFT121526	31/07/2014	C & S JOLLY ELECTRICS PTY LTD	REPAIRS AND MAINTENANCE - CHLORINE SYSTEM - LEISURE CENTRE POOL	466.03
EFT121527	31/07/2014	CDM HYDRAULICS PTY LTD	REPAIRS - P136 - WY26287	99.00
EFT121528	31/07/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	62.40
EFT121529	31/07/2014	CR JOHN HAMILTON MOULDEN	REIMBURSEMENT OF EXPENSES	305.92
EFT121530	31/07/2014	CORE BUSINESS AUSTRALIA PTY LTD	CONSTRUCTIONS -SWEK FIRE STATIONS -CLAIM 4	4,555.38
EFT121531	31/07/2014	CROCODILE SIGNS PTY LTD	TOILET SIGNANGE -VARIOUS LOCATIONS INCLUDING WHITE GUM PARK	176.00
EFT121532	31/07/2014	DELRON CLEANING PTY LTD	CLEANING - KUNUNURRA LEISURE CENTRE	14,682.93
EFT121533	31/07/2014	DSC CONTRACTING	NETWORK RECABLING -WYNDHAM OFFICE	2,194.24
EFT121534	31/07/2014	DATAKOM SYSTEMS WA	NETWORK CONNECTIVITY-KNX ADMIN	176.66

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

EFT121535	31/07/2014	EL QUESTRO EMMA GORGE PTY LTD	CATERING - GOVERNOR GENERAL'S VISIT	540.00
EFT121536	31/07/2014	EAST KIMBERLEY HARDWARE	VARIOUS HARDWARE ITEMS - KUNUNURRA DEPOT - JUNE 2014	4,625.05
EFT121537	31/07/2014	EAST KIMBERLEY PLUMBING	LIFT DRAIN LIDS AND STORM GRATES - COOLIBAH DRIVE	25,211.65
EFT121538	31/07/2014	FARMERS FRUIT AND VEG MART	CATERING - AUSTRALIAN CITIZENSHIP CEREMONY 25/07/14	35.00
EFT121539	31/07/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	62.40
EFT121540	31/07/2014	FIGLEAF POOL PRODUCTS	REPAIRS AND MAINTENANCE -LEISURE CENTRE POOL	361.00
EFT121541	31/07/2014	FLEET COMMERCIAL GYMNASIUMS	EQUIPMENT ORDER -KUNUNURRA LEISURE CENTRE GYM	17,744.10
EFT121542	31/07/2014	GHD PTY LTD	D2 DRAIN CHECK - WEABER PLAINS ROAD	8,822.00
EFT121543	31/07/2014	STAFF MEMBER	REIMBURSEMENT-WATER USAGE AS PER CONTRACTUAL ENTITLEMENTS	413.03
EFT121544	31/07/2014	GREENFIELD TECHNICAL SERVICES	PROFFESIONAL CONSULTANCY SERVICES -WEABER PLAINS ROAD DRAINAGE	3,110.25
EFT121545	31/07/2014	GUERINONI & SONS	FLOOD RECOVERY WORKS-MT ELIZABETH ROAD	52,041.20
EFT121546	31/07/2014	HART SPORT	GYM AND SPORTS EQUIPMENT - KLC	1,141.30
EFT121547	31/07/2014	IBAC PLUMBING PTY LTD	PLUMBING WORKS-TOILETS-WHITEGUM PARK	255.64
EFT121548	31/07/2014	ICE AGE REFRIGERATION & AIRCON	SUPPLY AND FIT-AIR CONS- 6 EUGENIA STREETKUNUNURRA	5,247.00
EFT121549	31/07/2014	JSW HOLDINGS PTY LTD	SUPPLY - AGGREGATE -KUNUNURRA AIRPORT	13,566.68
EFT121550	31/07/2014	JAB INDUSTRIES	FLOOD RECOVERY WORKS-PACKAGE 4 - LAKE ARGYLE ROAD	103,024.40
EFT121551	31/07/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	99.95
EFT121552	31/07/2014	JORRITSMAN H & CO	PLUMBING SUPPLIES - CASUARINA PROPERTIES	75.00
EFT121553	31/07/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	720.80
EFT121554	31/07/2014	KUNUNURRA 4WD SPARES	REPAIRS -P468-WY124	57.50
EFT121555	31/07/2014	KIMBERLEY CAFE	REFERRAL AGENT WORKSHOP	105.00
EFT121556	31/07/2014	KIMBERLEY COMMUNICATIONS	ICOM ANTENNA – EAST KIMBERLEY REGIONAL AIRPORT	69.00
EFT121557	31/07/2014	KIMBERLEY MARKETING - CASH AND CARRY	SUPPLIES -CONSUMABLES KLC	158.30
EFT121558	31/07/2014	KIMBERLEY MOTORS	FUEL COSTS -JUNE 14	3,944.17
EFT121559	31/07/2014	KIMBERLEY TRAINING INSTITUTE	TRAINING - MARKETING ON FACEBOOK COURSE - 25/06/14	75.00
EFT121560	31/07/2014	KUNUNURRA COMMERCIAL BODY WORKS	REPAIRS - P388	871.42
EFT121561	31/07/2014	KNXCOMMUNITY RESOURCE CENTRE	COMMUNITY QUICK GRANT	500.23
EFT121562	31/07/2014	KUNUNURRA COURIERS	FILTERED WATER SUPPLIES - KUNUNURRA LANDFILL	320.00
EFT121563	31/07/2014	KUNUNURRA HOME & GARDEN	VARIOUS HARDWARE ITEMS - KUNUNURRA DEPOT	424.85
EFT121564	31/07/2014	KUNUNURRA LOCK & KEY	LOCK REPAIRS -TENNIS COURT - KUUNURRA LEISURE CENTRE	630.00
EFT121565	31/07/2014	KUNUNURRA PANEL BEATING WORKS	REPAIRS -P391	686.47
EFT121566	31/07/2014	KUNUNURRA RURAL TRADERS	SERVICE - P388	15.00
EFT121567	31/07/2014	KUNUNURRA SECURITY SERVICE	SECURITY MONITORING & PATROL SHIRE BUILDINGS - KNX & WYN	320.00

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

EFT121568	31/07/2014	KUNUNURRA TENNIS CLUB	KIDSPORT SPONSORSHIP - MEMBERSHIPS X2	110.00
EFT121569	31/07/2014	LANDGATE	GROSS RENTAL VALUATION SCHEDULE	434.12
EFT121570	31/07/2014	LEE AND KATIE GUYMER	REPAIRS AND MAINTENANCE - PATHWAY AROUND POOL AREA - KLC	550.00
EFT121571	31/07/2014	MARTELL ROAD MAINTENANCE	ROAD WORKS AND EMULSION VARIOUS LOCATIONS KNX	12,309.00
EFT121572	31/07/2014	MCLEAN ENTERPRISES PTY LTD	FREIGHT - KNX DEPOT	132.00
EFT121573	31/07/2014	METALAND KUNUNURRA	FENCING MATERIALS -EK REGIONAL AIRPORT, NURSERY KNX DEPOT	15,768.62
EFT121574	31/07/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	453.50
EFT121575	31/07/2014	MUSOMAGIC PTY LTD	SCHOOL HOLIDAY PROGRAM/STAFF MENTORING - NAIDOC WEEK	9,168.00
EFT121576	31/07/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	524.37
EFT121577	31/07/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	54.00
EFT121578	31/07/2014	ORD RIVER ELECTRICS	LIGHT INSPECTION AND REPORT - WHITE GUM PARK	1,221.00
EFT121579	31/07/2014	OLLIE'S IRRIGATION & PLUMBING SUPPLIES	RETICULATION FITTINGS - KUNUNURRA DEPOT	1,854.38
EFT121580	31/07/2014	ORD VALLEY FENCING	INSTALLATIONS OF SHELVING TO EXISTING GREEN HOUSE - DEPOT KNX	7,700.00
EFT121581	31/07/2014	ORD VALLEY TURF	150MM TURF - COTTON TREE AVE CAR PARKS	693.00
EFT121582	31/07/2014	OUT OF REACH TREE SERVICES PTY LTD	TREE LOPPING & REMOVAL OF TREES - WYNDHAM POOL	962.50
EFT121583	31/07/2014	PPCA LTD	GENERAL LICENSES - HALLS , GYMS, - KUNUNURRA LEISURE CENTRE	383.68
EFT121584	31/07/2014	PUMPHOUSE RESTAURANT & BAR	GOVERNOR GENERAL CATERING - JUNE 2014	2,380.60
EFT121585	31/07/2014	PRITCHARD BOOKBINDERS	ADVERTISING - COUNCIL MINUTES - JAN-MAR 2014	426.80
EFT121586	31/07/2014	QUICK CORPORATE AUSTRALIA	STATIONERY -JULY 2014- KNX ADMIN	955.20
EFT121587	31/07/2014	SIMON ROXBURGH	REIMBURSEMENT OF DEV. APPLIC. FEE – APPLICATION WITHDRAWN	295.00
EFT121588	31/07/2014	ST JOHN AMBULANCE	STAFF TRAINING - RECREATION OFFICER	747.00
EFT121589	31/07/2014	SUNNY SIGN COMPANY PTY LTD	ROAD SIGNS - COOLIBAH DRIVE	847.00
EFT121590	31/07/2014	TOLL EXPRESS	FREIGHT-CHLORINE SUPPLIES - LEISURE CENTRE KNX	2,876.28
EFT121591	31/07/2014	THINK WATER KUNUNURRA	FOOT VALVE & FITTINGS - MESSMATE WAY PUMP KUNUNURRA	3,668.64
EFT121592	31/07/2014	TOX FREE AUSTRALIA PTY LTD	KUNUNURRA/WYNDHAM REFUSE COLLECTION - JUNE 2014	43,605.78
EFT121593	31/07/2014	TRAVELWORLD KUNUNURRA	FLIGHTS AS PER STAFF CONTRACT	949.00
EFT121594	31/07/2014	TYREPLUS KUNUNURRA	REPLACE TYRES - P117	1,600.00
EFT121595	31/07/2014	VANDERFIELD NORTHWEST PTY LTD	TYRES - P491	1,386.40
EFT121596	31/07/2014	WA LOCAL GOVERNMENT ASSOCIATION	IN HOUSE TRAINING FOR COUNCILLORS 29/07/2014	13,887.81
EFT121597	31/07/2014	WESTBOOKS	BOOK PURCHASES - KUNUNURRA LIBRARY	31.56
EFT121598	31/07/2014	WESTRAC EQUIPMENT PTY LTD	REPAIRS -P390	498.52
EFT121599	31/07/2014	WILD LIFE AND ANIMAL CAPTURE	MINOR EQUIPMENT - RANGERS SUPPLIES	177.10
EFT121600	31/07/2014	WYNDHAM COMMUNITY EVENTS INC.	SPONSORSHIP - WYNDHAM STARS ON THE BASTION - JULY 2014	8,250.00
EFT121601	31/07/2014	WYNDHAM EXCAVATIONS	MAINTENANCE - FIRE BREAKS - WYNDHAM TOWN AREA	4,315.00

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EFT121602	31/07/2014	WALER AUSTRALIA P/L	POOL OPERATING EQUIPMENT - KUNUNURRA LEISURE CENTRE	479.40
EFT121603	31/07/2014	WILD MANGO	CATERING FOR 15 JULY 2014 COUNCIL BRIEFING SESSION	432.00
EFT121604	31/07/2014	WYNDHAM PLUMBING & GAS PTY LTD	FITTINGS - CHLORINE METRE -WYNDHAM POOL	338.25
<b>TOTAL MUNICIPAL EFT PAYMENTS</b>				<b>2,119,435.07</b>

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
50001	02/07/2014	SHIRE COUNCILLOR	MEMBER PAYMENT-MEETING FEES- 01/04/2014-30/06/2014	3,625.00
50002	02/07/2014	SHIRE COUNCILLOR	MEMBER PAYMENT-MEETING FEES -01/04/2014-30/06/2014	3,625.00
50003	02/07/2014	SHIRE COUNCILLOR	MEMBER PAYMENT-MEETING FEES- 01/04/2014-30/06/2014	5,049.75
50004	02/07/2014	HORIZON POWER	ELECTRICITY CHARGES -01/05/2014-31/05/2014	46,067.67
50005	02/07/2014	KUNUNURRA NEIGHBOURHOOD HOUSE INC	SPONSORSHIP - NEW KNX NEIGHBOURHOOD HOUSE FACILITY	8,530.00
50006	02/07/2014	SHIRE OF DERBY - WEST KIMBERLEY	GRANT - SWEK COMMITMENT - ROADWISE SAFETY INITIATIVE	550.00
50007	02/07/2014	WATER CORPORATION	WATER USE VAR. INCL OFFICE, SPORTS GROUND WYN 28/04-27/05/2014	17,855.46
50008	14/07/2014	HORIZON POWER	ELEC -VARIOUS INCL- CIVIC WAY ,WYN POOL -01/04/2014-28/05/2014	10,908.63
50009	14/07/2014	REGINALD BIRCH	OFFICIAL GIFT - GOVERNOR GENERAL 01/07/14	200.00
50010	14/07/2014	WATER CORPORATION	WATER USE -OFFICES AT 75 COOLIBAH DR KNX - 05/03/2014-05/05/2014	302.24
50011	22/07/2014	AMP LIFE LTD	SUPERANNUATION CONTRIBUTIONS	634.19
50012	22/07/2014	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	1,089.01
50013	22/07/2014	AUSTRALIAN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	2,168.44
50014	22/07/2014	CASH - PETTY CASH KNX DEPOT	PETTY CASH REIMBURSEMENT - KUNUNURRA DEPOT	73.60
50015	22/07/2014	CBUS	SUPERANNUATION CONTRIBUTIONS	315.21
50016	22/07/2014	CONCEPT ONE THE INDUSTRY SUPER FUND	SUPERANNUATION CONTRIBUTIONS	269.22
50017	22/07/2014	DE CARPENTERS PTY LTD	DRAFTING FOR GRANT APPLICATION ABLUTION BLOCK ARICULTURAL OVAL	814.00
50018	22/07/2014	DEPT OF TRANSPORT PAYMENT CENTRE	ANNUAL VEHICLE REGISTRATION - P378	920.85
50019	22/07/2014	HIF(HEALTH INSURANCE FUND OF AUST LTD)	PAYROLL DEDUCTIONS	42.75
50020	22/07/2014	HORIZON POWER	ELEC –VAR. INCL.CASUARINA WAY,NICOLSON PARK KNX 29/04/14-18/06/14	2,833.64
50021	22/07/2014	HOSTPLUS SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	349.00
50022	22/07/2014	INTRUST SUPER	SUPERANNUATION CONTRIBUTIONS	228.10
50023	22/07/2014	KUNUNURRA DISTRICT HIGH SCHOOL	PHOTOCOPIER CHARGES - KNX ADMIN	63.03
50024	22/07/2014	LOCAL GOVERNMENT SUPER	SUPERANNUATION CONTRIBUTIONS	626.60
50025	22/07/2014	MLC MASTERKEY PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	636.95
50026	22/07/2014	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	288.84
50027	22/07/2014	REI SUPER	SUPERANNUATION CONTRIBUTIONS	402.42
50028	22/07/2014	REST SUPER	SUPERANNUATION CONTRIBUTIONS	698.95

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

50029	22/07/2014	SUNSUPER	SUPERANNUATION CONTRIBUTIONS	1,284.59
50030	22/07/2014	TELSTRA	LANDLINE & MOBILE PHONE COSTS - MAY 2014	10,618.52
50031	22/07/2014	THE RUSTY SHED CAFE	CATERING - AUSTRALIA DAY CELEBRATIONS, WYN COMMUNITY RES. CENTRE	462.00
50032	22/07/2014	THE TRUSTEE FOR HEADING SUPER FUND	SUPERANNUATION CONTRIBUTIONS	500.53
50033	22/07/2014	UNISUPER	SUPERANNUATION CONTRIBUTIONS	140.94
50034	22/07/2014	VISION SUPER	SUPERANNUATION CONTRIBUTIONS	3,950.41
50035	22/07/2014	WESTSCHEME	SUPERANNUATION CONTRIBUTIONS	646.74
50036	22/07/2014	WATER CORPORATION	WATER USE -VARIOUS -WYN ARPT,TOILETS, WYN OFFICE-24/03-26/05/14	4,131.60
50037	22/07/2014	WATER CORPORATION SUPER PLAN	SUPERANNUATION CONTRIBUTIONS	208.12
50038		CANCELLED	CANCELLED	-
50039	24/07/2014	AMP LIFE LTD	SUPERANNUATION CONTRIBUTIONS	688.58
50040	24/07/2014	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	1,174.90
50041	24/07/2014	AUSTRALIAN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	2,188.03
50042	24/07/2014	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	121.62
50043	24/07/2014	CBUS	SUPERANNUATION CONTRIBUTIONS	351.38
50044	24/07/2014	COMMONWEALTH BANK GROUP SUPER	SUPERANNUATION CONTRIBUTIONS	258.44
50045	24/07/2014	CONCEPT ONE THE INDUSTRY SUPER FUND	SUPERANNUATION CONTRIBUTIONS	306.61
50046	24/07/2014	DEPT OF TRANSPORT PAYMENT CENTRE	ANNUAL VEHICLE REGISTRATION - P372	272.30
50047	24/07/2014	HIF(HEALTH INSURANCE FUND OF AUST LTD)	PAYROLL DEDUCTIONS	42.75
50048	24/07/2014	HORIZON POWER	ELEC - STREET LIGHTING - 01/06/2014-30/06/2014	20,139.14
50049	24/07/2014	HOSTPLUS SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	274.66
50050	24/07/2014	INTRUST SUPER	SUPERANNUATION CONTRIBUTIONS	233.83
50051	24/07/2014	LOCAL GOVERNMENT SUPER	SUPERANNUATION CONTRIBUTIONS	637.61
50052	24/07/2014	MLC MASTERKEY PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	244.92
50053	24/07/2014	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	294.18
50054	24/07/2014	P & M MINING CIVIL MAINTENANCE PTY LTD	REPAIRS - P354 WYN LOADER	963.60
50055	24/07/2014	REI SUPER	SUPERANNUATION CONTRIBUTIONS	412.72
50056	24/07/2014	REST SUPER	SUPERANNUATION CONTRIBUTIONS	715.14
50057	24/07/2014	SUNSUPER	SUPERANNUATION CONTRIBUTIONS	1,285.49
50058	24/07/2014	THE TRUSTEE FOR HEADING SUPER FUND	SUPERANNUATION CONTRIBUTIONS	506.97
50059	24/07/2014	UNISUPER	SUPERANNUATION CONTRIBUTIONS	144.38
50060	24/07/2014	VISION SUPER	SUPERANNUATION CONTRIBUTIONS	3,868.58
50061	24/07/2014	WESTSCHEME	SUPERANNUATION CONTRIBUTIONS	702.28
50062	24/07/2014	WATER CORPORATION	WATER USE-INDOOR SPORTS-75 COOLIBAH DR KNX-05/05/2014-02/07/2014	5,795.40

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

50063	24/07/2014	WATER CORPORATION SUPER PLAN	SUPERANNUATION CONTRIBUTIONS	245.93
50064	31/07/2014	DEPT OF TRANSPORT PAYMENT CENTRE	ANNUAL VEHICLE REGISTRATION - P117	566.10
50065	31/07/2014	HORIZON POWER	ELEC -VARIOUS INCL. KLC, EKRA, AG OVAL -16/5/2014-9/7/2014	52,393.42
50066	31/07/2014	KIMBERLEY 5 RIVER CHARTERS	GARDEN MAINTENANCE -WYN POOL	704.00
50067	31/07/2014	ST JOHN AMBULANCE ASSOCIATION IN WA	SUPPLIES - FIRST AID KITS VARIOUS INCL. KLC, KNX ADMIN, KNX DEPOT	1,696.58
50068	31/07/2014	WATER CORPORATION	WATER USE-VARIOUS INCL. WYN OVAL, LIONS PK, -23/05/14-18/07/14	14,363.83
<b>TOTAL MUNICIPAL CHEQUE PAYMENTS</b>				<b>242,705.37</b>

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
694	24/07/2014	BEN MARR	KERB BOND REFUND BP015/2013	500.00
695	24/07/2014	GARY HOLBEN	KERB BOND REFUND BP070/2013	624.00
696	24/07/2014	WUNAN FOUNDATION INC.	BOND REFUND YOUTH CENTRE HIRE 16/04/13	250.00
<b>TOTAL TRUST CHEQUE PAYMENTS</b>				<b>1,374.00</b>

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
500747	01/07/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 01/07/14	1,627.80
500748	02/07/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 02/07/14	990.35
500749	03/07/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 03/07/14	1,297.65
500750	04/07/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 04/07/14	549.20
500751	07/07/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 07/07/14	1,204.25
500752	08/07/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 08/07/14	22.80
500753	09/07/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 09/07/14	4,445.25
500754	10/07/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 10/07/14	736.80
500755	11/07/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 11/07/14	2,534.00
500756	14/07/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 14/07/14	3,936.00
500757	15/07/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 15/07/14	3,344.55
500758	16/07/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 16/07/14	386.40
500759	17/07/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 17/07/14	3,009.50
500760	18/07/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 18/07/14	699.35
500761	22/07/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 22/07/14	63.40
500762	23/07/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 23/07/14	1,066.20
500763	24/07/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 24/07/14	397.30
500764	25/07/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 25/07/14	1,426.55
500765	28/07/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 28/07/14	272.30

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

500766	29/07/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 29/07/14	204.80
500767	30/07/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 30/07/14	591.15
500768	31/07/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 31/07/14	667.95
<b>TOTAL TRANSPORT EFT PAYMENTS</b>				<b>29,473.55</b>

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
	09/07/2014	PAYROLL	PAYROLL	244,188.54
	15/07/2014	PAYROLL	PAYROLL	2,116.25
	15/07/2014	PAYROLL	PAYROLL	2,208.72
	23/07/2014	PAYROLL	PAYROLL	244,106.32
<b>TOTAL PAYROLL PAYMENTS</b>				<b>492,619.83</b>

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
	01/07/2014	DIRECT DEBIT	BPAY FEES	70.58
	01/07/2014	DIRECT DEBIT	BANK FEES	165.35
	01/07/2014	DIRECT DEBIT	LEASE COSTS - 11 KWINANA STREET WYNDHAM	1,441.00
	08/07/2014	DIRECT DEBIT	LEASE COSTS - 9B PLUM COURT KUNUNURRA	1,380.50
	08/07/2014	DIRECT DEBIT	MESSAGES ON HOLD	507.00
	10/07/2014	DIRECT DEBIT	LEASE COSTS - 5 RATTLEPOD CLOSE KUNUNURRA	2,946.66
	10/07/2014	DIRECT DEBIT	LEASE COSTS - 38 GARDENIA DRIVE KUNUNURRA	3,606.55
	21/07/2014	DIRECT DEBIT	MASTERCARD PAYMENT (SEE TRANSACTION LISTING BELOW)*	18,834.61
	22/07/2014	DIRECT DEBIT	LEASE COSTS - 9B PLUM COURT KUNUNURRA	1,380.50
	28/07/2014	DIRECT DEBIT	LEASE COSTS - LOT 2433 (REAR) 60 COOLIBAH DRIVE KUNUNURRA	2,383.33
	28/07/2014	DIRECT DEBIT	LEASE COSTS 17/33 KONKERBERRY DRIVE KUNUNURRA	2,253.33
	29/07/2014	DIRECT DEBIT	LEASE COSTS 16/33 KONKERBERRY DRIVE KUNUNURRA	2,253.33
	31/07/2014	DIRECT DEBIT	BPAY FEES	597.16
	31/07/2014	DIRECT DEBIT	BANK FEES	33.60
<b>TOTAL DIRECT DEBIT PAYMENTS</b>				<b>37,853.50</b>

**\*DETAILS OF MASTERCARD TRANSACTIONS INCLUDED IN DIRECT DEBIT 21/7/14**

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
	31/05/2014	ORD RIVER ROADHOUSE	P115 FUEL FOR VEHICLE	133.42
	12/06/2014	JIANG FOOD INDUSTRY	CATERING STAFF RECRUITMENT	171.50

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

12/06/2014	KUNUNURRA COUNTRY CLUB	LUNCH WITH SHORTLISTED CANDIDATE FOR MANAGER FINANCE POSITION	44.00
30/05/2014	MAKE BADGES PTY LTD	BADGES FOR 'I WORK IN TOURISM' CAMPAIGN	431.90
03/06/2014	COLES	STAFF AMENITIES	29.00
04/06/2014	MECURE INN TOWNSVILLE	ACCOM SHIRE PRES. NTH AUST DEV. SUMMIT TOWNSVILLE 26-28/06/14	417.00
06/06/2014	AIRNORTH	FLTS ZONE MEETING DIR.INFR., CR SPACKMAN-KNX-BME-KNX-24-26/6/14	374.00
09/06/2014	OFFICE NATIONAL KUNUNURRA	MANILLA FOLDERS - COUNCIL AGENDAS AND MINUTES	33.40
09/06/2014	OFFICE NATIONAL KUNUNURRA	SUPPLIES FOR GOVERNOR GENERALS TREE PLANTING CEREMONY	27.00
20/06/2014	OFFICE NATIONAL KUNUNURRA	PAPER/LABELS FOR TABLE SETTING CARDS FOR GOVERNOR GENERALS VISIT	76.05
20/06/2014	ZEBRA ROCK GALLERY	GIFT FOR THE GOVERNOR GENERAL & LADY COSGROVE	128.00
20/06/2014	COLES	FOOD & SUPPLIES FOR THE GOVERNOR GENERALS VISIT	748.18
21/06/2014	COLES	DRINKING WATER, ICE AND GIFT BAGS FOR GOVERNOR GENERALS VISIT	41.42
22/06/2014	THE KIMBERLEY GRANDE	CATERING FOR GOVERNOR GENERALS VISIT	74.10
23/06/2014	KIMBERLEY CROC BACKPACKERS	COUNCIL LAUNDRY - TABLE CLOTHS	17.65
24/06/2014	MECURE BROOME	ACCOMMODATION COUNCILLOR ZONE MEETING BROOME 22-24/06/14	399.91
24/06/2014	MECURE BROOME	ACCOMMODATION OFFICER ZONE MEETING BROOME 22/24/6/14	399.91
24/06/2014	LIQUORLAND	REFRESHMENTS JUNE COUNCIL MEETING	30.00
22/06/2014	MATSOS BROOME	DINNER BROOME ZONE MEETING	82.00
24/06/2014	ZANDERS AT CABLE BEACH	LUNCH BROOME ZONE MEETING	51.65
28/05/2014	KELYN TRANING SERVICES	TRAFFIC MANAGEMENT TRAINING – STAFF MEMBER	1,490.00
29/05/2014	SEEK ONLINE	ADVERTISING WYNDHAM CHILD CARE CENTRE COORDINATOR	264.00
30/05/2014	CARE FOR KIDS INET	ADVERTISING WYNDHAM CHILD CARE CENTRE COORDINATOR	66.00
01/06/2014	THE OAKS BROOME	ACCOM/MEALS POOL OPERATORS TRNG – BME-REC STAFF 23/05-1/06/14	770.40
06/06/2014	JETSTAR	FLIGHTS MEL-DWN-MEL MFS PREFERRED CANDIDATE 11-14/6/14	865.50
07/06/2014	AIRNORTH	FLIGHT DWN -KNX-DWN - MFS PREFERRED CANDIDATE 12-13/6/14	366.33
11/06/2014	OFFICE NATIONAL KUNUNURRA	DATE STAMP ORGANISATIONAL DEVELOPMENT	27.50
12/06/2014	RYDGES DARWIN AIRPORT	ACCOM. - MFS PREFERRED CANDIDATE ATTEND 2ND INTERVIEW 11/06/14	252.74
13/06/2014	INSTITUTE OF PUBLIC ACCOUNTANTS	PROFESSIONAL MEMBERSHIP DIRECTOR INFRASTRUCTURE	699.00
17/06/2014	CAREERONE PTY LTD	ADVERTS - PLANNING OFFICER/COMMUNITY DEV. SUPPORT OFFICER	374.00
25/06/2014	AIRNORTH FINANCE	FLIGHT - 5/07/14, KNX-PER-AS PER CONTRACT	636.72
26/06/2014	QANTAS AIRWAYS LIMIT	FLIGHT - 8/8/14, KNX-PER -AS PER CONTRACT	697.00
26/06/2014	VIRGIN AIRLINES	FLIGHT - 27/7/14, PER-KNX - AS PER CONTRACT	396.70
26/06/2014	VIRGIN AIRLINES	FLIGHT - 24/8/14, PER-KNX - AS PER CONTRACT	396.70
27/06/2014	CPDLIVE.COM PTY LTD	SEMINAR AND UPDATES STAFF PROFESSIONAL DEVELOPMENT AS PER CONTRACT-IPA AUSTRALIA	450.00

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

06/06/2014	AVIATION ID AUSTRALIA	ASIC CARD RENEWAL FOR AIRPORT STAFF	216.00
09/06/2014	COLES	FOOD UTENSILS FOR STAFF ROOM	80.49
16/06/2014	KUNUNURRA BETTA ELECTRICAL	MICROWAVE OVEN AND SANDWICH PRESS FOR STAFF ROOM AT AIRPORT	223.95
18/06/2014	EAST KIMBERLEY HARDWARE	TOOLS, SOLVENT AND ARMORALL PROTECTANT FOR AIRPORT PLANT	136.75
26/06/2014	L&H KUNUNURRA	LIGHT BULB LAMP FOR AIRPORT TERMINAL	35.93
28/06/2014	ORD RIVER ROADHOUSEEQPS	MEALS-AIRPORT STAFF INVOLVED IN NIGHT TIME RUNWAY RESEAL PROJECT	18.95
04/06/2014	AIRNORTH	FLIGHTS-COUNCILLORS AND STAFF LOCAL GOVT CONV. PERTH 3-9/8/14	1,685.70
04/06/2014	AIRNORTH	FLIGHTS COUNCILLOR LOCAL GOVT CONVENTION-PERTH 6-9/8/14	561.90
04/06/2014	AIRNORTH	FLIGHT COUNCILLOR LOCAL GOVT CONVENTION PERTH - 6/8/14	277.06
04/06/2014	AGA TRAVEL INSURANCE	INSURANCE – COUNCILLOR FLIGHT KNX-PER 10/8/14	13.50
05/06/2014	VIRGIN AIRLINES	FLIGHT – COUNCILLOR - LOCAL GOVT CONVENTION 10/8	336.70
10/06/2014	QANTAS AIRWAYS LIMITED	BOOKING CHANGE FEE COUNCILLOR - FLIGHT KNX-PER LOCAL GOVT CONV. PERTH	35.00
10/06/2014	QANTAS AIRWAYS LIMITED	FLIGHTS – COUNCILLOR AND STAFF - LOCAL GOVT CONV. PERTH 3/8/14	1,416.00
10/06/2014	QANTAS AIRWAYS LIMITED	FLIGHTS – COUNCILLOR - LOCAL GOVT CONVENTION PERTH - 6-9/8/14	719.00
10/06/2014	QANTAS AIRWAYS LIMITED	FLIGHTS – COUNCILLORS - LOCAL GOVT CONV. PERTH - 06/08,	796.00
30/05/2014	OFFICE NATIONAL KUNUNURRA	EQUIPMENT TRAYS - INFORMATION SERVICES	39.95
06/06/2014	AUSSIE TELECOM PTY LTD	DEEP FREEZE SOFTWARE FOR WYNDHAM YOUTH SERVICES	352.36
06/06/2014	TUCKERBOX STORES	HDMI VIDEO CABLE - INFORMATION SERVICES	59.95
06/06/2014	EAST KIMBERLEY HARDWARE	CLOTH TAPE INFORMATION SERVICES	10.60
13/06/2014	HARRIS TECHNOLOGY	AV ADAPTOR INFORMATION SERVICES	174.50
22/06/2014	COLES	SUPPLIES GOVERNOR GENERAL'S VISIT	31.62
22/06/2014	COLES	SUPPLIES GOVERNOR GENERAL'S VISIT	46.88
26/06/2014	HARRIS TECHNOLOGY	NETWORK CABLES - INFORMATION SERVICES	103.14
			<b>18,834.61</b>

## 13.3 INFRASTRUCTURE

### 13.3.1 Road Safety Black Spot Program 2015/2016

<b>DATE:</b>	26 August 2014
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	N/a
<b>AUTHOR:</b>	Kevin Hannagan, Director Infrastructure
<b>REPORTING OFFICER:</b>	Kevin Hannagan, Director Infrastructure
<b>FILE NO:</b>	RD.16.1

#### **PURPOSE**

To seek Councils support to submit a Road Safety Black Spot Program submission for 2015/2016.

#### **BACKGROUND**

Main Road WA has called for local government nominations for the 2015/2016 Road Safety Black Spot Program for both the Australian Government Black Spot (formerly Nation Building) and State Black Spot Program.

#### **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 Australian Government Black Spot Program is 100% Australian Government funded, and State Black Spot Program is 2/3 (\$134,000) Main Roads WA funded and 1/3 (\$67,000) Shire of Wyndham East Kimberley (SWEK) funded.

#### **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 strategic and cost effective manner

#### **COMMUNITY CONSULTATION**

Community consultation is not required in relation to this item.

## **COMMENT**

Road safety improvements along Ironwood Drive and Mangaloo Street are proposed nominations for both the Australian Government and State Government Black Spot Programs following the Road Safety Audit undertaken by Shawmac Consulting Traffic Engineers. The audit was undertaken with both day and night site inspections on 28 and 29 June 2012.

The Audit identified strong pedestrian movement associated with the schools along Coolibah Drive, Mangaloo Street and Ironwood Drive and across Mangaloo Drive opposite Bauhinia Street and at Coolibah Drive and across Ironwood Drive north of Coolibah Drive.

In order to reduce risks to pedestrian and cyclists crossing Ironwood Drive and Mangaloo Street, the Audit identified the following improvements:

- Provide raised plateau “nibs” on either side of the streets to define the crossing points and to allow pedestrians/students to safely stop at the road edge at a point where sight distance to approaching traffic is adequate.
- Provide raised “Wombat” crossings to define road crossing points, provide protection to pedestrians / students and to slow down traffic along the streets in the vicinity of the crossings.

SWEK was successful with State Black Spot funded Stage 1 of this project which will be undertaken during 2014/2015 financial year. Works will involve widening the intersection at Mangaloo Street with Coolibah Drive, installing a raised island at this intersection and constructing a “Wombat” crossing opposite Bauhinia Street in Mangaloo Street (Concept Plan attached).

Stage 2 of the Project involves constructing a blister island midblock along Mangaloo Street and Ironwood Drive, installing the “Wombat” in Ironwood Drive and installing additional on street embayed parking opposite the primary school.

## **ATTACHMENTS**

Attachment 1 – Concept Plan

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER’S RECOMMENDATION**

That Council supports the Road Safety Black Spot Program Submission for 2015/2016 to Main Roads WA.

**COUNCIL DECISION**

**Minute No. 10507**

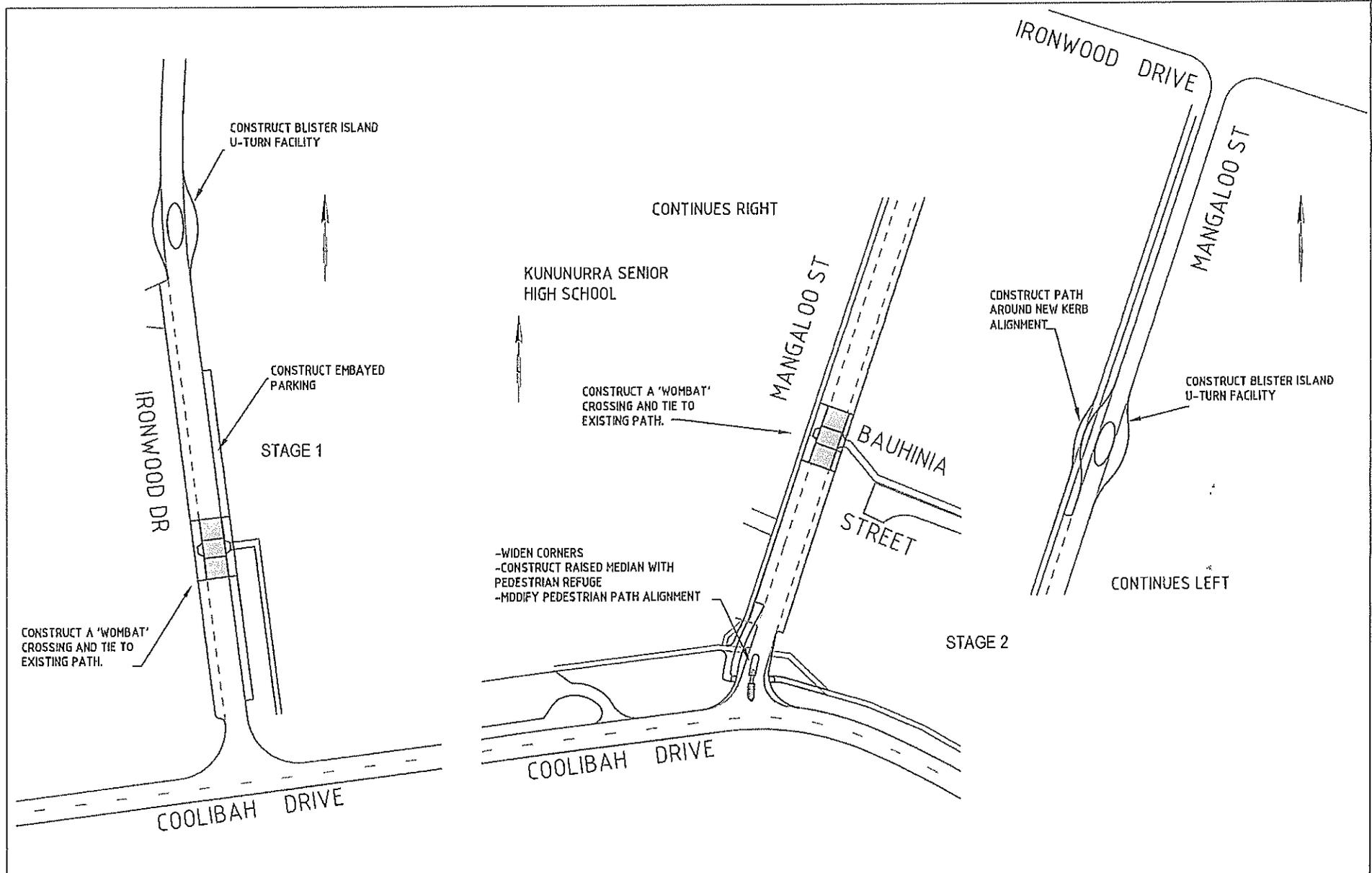
**Moved: Cr B Robinson**

**Seconded: Cr G King**

**That Council supports the Road Safety Black Spot Program Submission for  
2015/2016 to Main Roads WA.**

**Carried Unanimously 9/0**

# Attachment 1 - Concept Plan



				 <b>SHAWMAC PTY. LTD.</b> P.O. Box 937. SOUTH PERTH Ph. 9355 1300 Fax. 9355 1922 Email admin@shawmac.com.au	Date SEPTEMBER 2012	Title <b>SHIRE OF WYNDHAM EAST KIMBERLEY          IRONWOOD DRIVE AND MANGAL STREET PEDESTRIAN          CROSSINGS AND VEHICLE U-TURN FACILITY          PROPOSED PATH AND ROAD WORK</b>	Dwg No. SBS-CD-003
					Scale 1: 1000 @ A3		Rev.
No.	DATE	DESCRIPTION	APPROVED	Client SHIRE OF WYNDHAM EAST KIMBERLEY			
AMENDMENTS							

## 13.4 COMMUNITY DEVELOPMENT

### 13.4.1 Application to Freehold a portion of Lot 396 Moonamang Road, Kununurra

<b>DATE:</b>	26 August 2014
<b>PROPONENT:</b>	Department of Lands
<b>LOCATION:</b>	Portion of Lot 396 Moonamang Road, Kununurra
<b>AUTHOR:</b>	Jennifer Ninnette, Senior Planning Officer
<b>REPORTING OFFICER:</b>	Louise Gee, Director Community Development
<b>FILE NO:</b>	A7272D

#### **PURPOSE**

For Council to consider an application to freehold a portion of Lot 396 Moonamang Road, Kununurra.

#### **BACKGROUND**

A planning approval was issued by Council on 29 April 2014 for the development of a Site Office, Machinery Workshop and Caretakers' Residence at Lot 396 Moonamang Road, Kununurra by Kimberley Agricultural Investments Pty Ltd (KAI). At the time of lodging the previous proposal the applicant advised that their intention was to purchase the land in the future to remain as the main office and base for managing KAI's leased farmlands and associated equipment and machinery. A channel has been developed around the area used for site office and machinery storage to manage stormwater. Condition 4 of DA23/14 – Rural Industry development states the following:

*This approval is valid only until 4 July 2017. Within 3 months of the expiry of this approval, if the applicant has been granted extended tenure to use the land, a new application is required to be submitted.*

Lot 396 is located on the corner of Moonamang Road and Martins Gap Road, north east of the Weaber Plain Road intersection, and has an area of 287ha. The land has been reserved for the purpose of 'Raw Material Area' for which Department of Lands is the responsible agency, as it was identified under the Ord Final Agreement as a resource for raw materials to be used during construction of the Goomig farmlands.

An occupation licence for an area of approximately 6.8ha has been issued to KAI for a term of 4 years commencing from 5 July 2013 for a permitted use to *'enter upon and remain on and use the Licence Area, with such vehicles, machinery, plant or equipment as is reasonable necessary for the purpose of establishing and occupying a site office associated with the construction and operation of irrigation infrastructure'*.

The land is Scheme Reserve for the purpose of Conservation/Environmental Protection under *Town Planning Scheme No.7 – Kununurra and Environs (TPS 7)*.

#### *Proposal*

The applicant proposes to purchase a portion of Lot 396 Moonamang Road, Kununurra, which currently includes two sheds, an office, caretakers accommodation, fuel storage and sea container storage facilities. The area proposed for purchase and excision from Lot 396 can be viewed in attachment 1 and measures 4ha in size. This will be used as a central

meeting point for employees, service and storage of equipment and vehicles and as a secure location for storage during the wet season.

### **STATUTORY IMPLICATIONS**

The land at Lot 396 is reserved for Conservation/Environmental Protection under TPS 7. The objective of this reserve is to identify and protect those areas of conservation significance particularly within existing National Parks and other conservation reserves. However, it is acknowledged that the land has been set aside for the purpose of a raw materials area and the proposed site is licenced for this proposed use under the *Land Administration Act 1997* by the Department of Lands.

Given that this land is intended to be used as a servicing centre for the Goomig Farmlands, it is recommended that the site is rezoned to Rural Industry as part of the Local Planning Strategy and Local Planning Scheme review processes. The objective of the Rural Industry zone is:

*To create opportunities within the agricultural area for the establishment of industries related to agricultural pursuits and primary production.*

### **POLICY IMPLICATIONS**

There are no policy implications associated with this item.

### **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 2.2  | Maintenance of economic diversity and greater community returns from investment in the region                              |
| Strategy 2.2.2 | Support agricultural opportunities   |

### **COMMUNITY CONSULTATION**

No community consultation is required in relation to this item.

### **COMMENT**

The proposed purchase of this land is in accordance with the occupation licence and planning approval issued to KAI to effectively use this site as an area to store vehicles, machinery, plant or equipment and site office associated with the construction and operation of irrigation infrastructure. This application aligns with the intention to retain the site for continued servicing and parking of farm machinery, and as the main office for the management of their leased farmlands.

Although the land is reserved under the Scheme for Conservation/Environmental Protection, it has also been reserved as a raw materials area, is already used as a site office associated

with the development of the subdivision to create the Goomig farmlands and the proposed area for freehold is within an existing cleared area.

It is recommended, if freehold conversion is supported, that the subject site be identified as a Rural Industry site as part of the Local Planning Strategy and Scheme Review process.

If the proposal for freehold is approved by Department of Lands a new planning application will be required to formalise the existing development with a permanent planning approval.

## **ATTACHMENTS**

Attachment 1 – Correspondence from Department of Lands

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council advises the Department of Lands that the Shire of Wyndham East Kimberley has no objection in principal to the proposed freehold transfer of an approximately 4ha portion of Lot 396 Moonamang Road, Kununurra, subject to:

- 1) the land being sold to the prospective purchaser at market value;
- 2) the land being rezoned to Rural Industry as part of the Shire's Local Planning Scheme review (LPS No. 9);
- 3) a Restrictive Covenant being placed on the certificate of title, and included on the plan of survey (deposited plan), to state that:  
"The use of the land is restricted to the operation of an agricultural service centre associated with the development and operation of the Goomig Farmlands.";
- 4) a new planning application will be required to be submitted once freehold tenure is granted to replace the temporary planning approval (DA23/14) for Rural Industry which is valid only until 4 July 2017.

## **MOTION**

Cr D Spackman moves that Council advises the Department of Lands that the Shire of Wyndham East Kimberley has no objection in principal to the proposed freehold transfer of an approximately 4ha portion of Lot 396 Moonamang Road, Kununurra, subject to:

- 1) the land being sold to the prospective purchaser at market value;
- 2) the land being rezoned to Rural Industry as part of the Shire's Local Planning Scheme review (LPS No. 9);
- 3) a new planning application will be required to be submitted once freehold tenure is granted to replace the temporary planning approval (DA23/14) for Rural Industry which is valid only until 4 July 2017.

**COUNCIL DECISION**

**Minute No. 10508**

**Moved: Cr D Spackman**

**Seconded: Cr K Wright**

**That Council advises the Department of Lands that the Shire of Wyndham East Kimberley has no objection in principal to the proposed freehold transfer of an approximately 4ha portion of Lot 396 Moonamang Road, Kununurra, subject to:**

- 1) the land being sold to the prospective purchaser at market value;**
- 2) the land being rezoned to Rural Industry as part of the Shire's Local Planning Scheme review (LPS No. 9);**
- 3) a new planning application will be required to be submitted once freehold tenure is granted to replace the temporary planning approval (DA23/14) for Rural Industry which is valid only until 4 July 2017.**

**Lost 3/6**

**For: Cr D Spackman, Cr K Wright, Cr G King**

**Against: Cr J Moulden, Cr R Dessert, Cr D Learbuch, Cr B Robinson, Cr S Cooke, Cr G Taylor**

**COUNCIL DECISION**

**Minute No. 10509**

**Moved: Cr G Taylor**

**Seconded: Cr B Robinson**

**That Council advises the Department of Lands that the Shire of Wyndham East Kimberley has no objection in principal to the proposed freehold transfer of an approximately 4ha portion of Lot 396 Moonamang Road, Kununurra, subject to:**

- 1) the land being sold to the prospective purchaser at market value;**
- 2) the land being rezoned to Rural Industry as part of the Shire's Local Planning Scheme review (LPS No. 9);**
- 3) a Restrictive Covenant being placed on the certificate of title, and included on the plan of survey (deposited plan), to state that:  
"The use of the land is restricted to the operation of an agricultural service centre associated with the development and operation of the Goomig Farmlands.";**
- 4) a new planning application will be required to be submitted once freehold tenure is granted to replace the temporary planning approval (DA23/14) for Rural Industry which is valid only until 4 July 2017.**

**Carried 8/1**

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

**Against: Cr R Dessert**



Your ref:

Our ref: 51093-2007, Prompt # 133531

Enquiries: Carolyn Gasmier

Ph: 9168 0624

Fax: 9168 0600

carolyn.gasmier@lands.wa.gov.au

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

Dear Gary

**APPLICATION TO TRANSFER IN FEE SIMPLE PORTION OF RESERVE 49446,  
LOT 396 ON PLAN 58305, MOONAMANG ROAD – SHIRE OF WYNDHAM-EAST  
KIMBERLEY**

The Department of Lands (Lands) has received an application from the preferred proponent of the Stage 2 Ord Expansion Project, Kimberley Agricultural Investment Pty Ltd (KAI), to purchase in fee simple a portion of Reserve 49446 (being portion of Lot 396 on Plan 58305). The land subject of the application is currently licensed to KAI for the purpose of a Site Office in support of its agricultural operations.

Reserve 49446 is currently an unmanaged reserve for the purpose of “Raw Materials Area” and is located on the intersection of Weaber Plain and Moonamang Roads. The area is reserved “Conservation/Environmental Protection” under Shire of Wyndham-East Kimberley (SWEK) Town Planning Scheme No.7 (TPS) and would be subject to a re-zoning application as part of the development of the site. A Smartplan and aerial has been attached for your reference.

The proposal is to develop the site as a central meeting point for employees, service & storage of equipment / vehicles and as a secure location during the Wet Season. KAI advises this is also the only site within the agricultural development where power and telephone connections can be extended to from the Town supply. The proposal seeks sufficient space for the parking of 30 – 40 pieces of machinery (approximately 4Ha of space) which the current industrial blocks available for sale are not able to provide (approximately 0.2Ha each).

Through the purchase of this site, KAI advises that it is seeking to consolidate its operations and provide long term support to its agricultural development. The site is ideally located halfway between Town and the end on the development area, away from the traffic concerns of Weaber Plain Road and town, which decreases the risks

## Attachment 1 - Correspondence from Department of Lands

associated with the movement of oversized machinery. The site already has good road train access.

Lands is now requesting your advice on the proposal outlined above.

For further inquiries please contact Carolyn Gasmier on any of the details above.

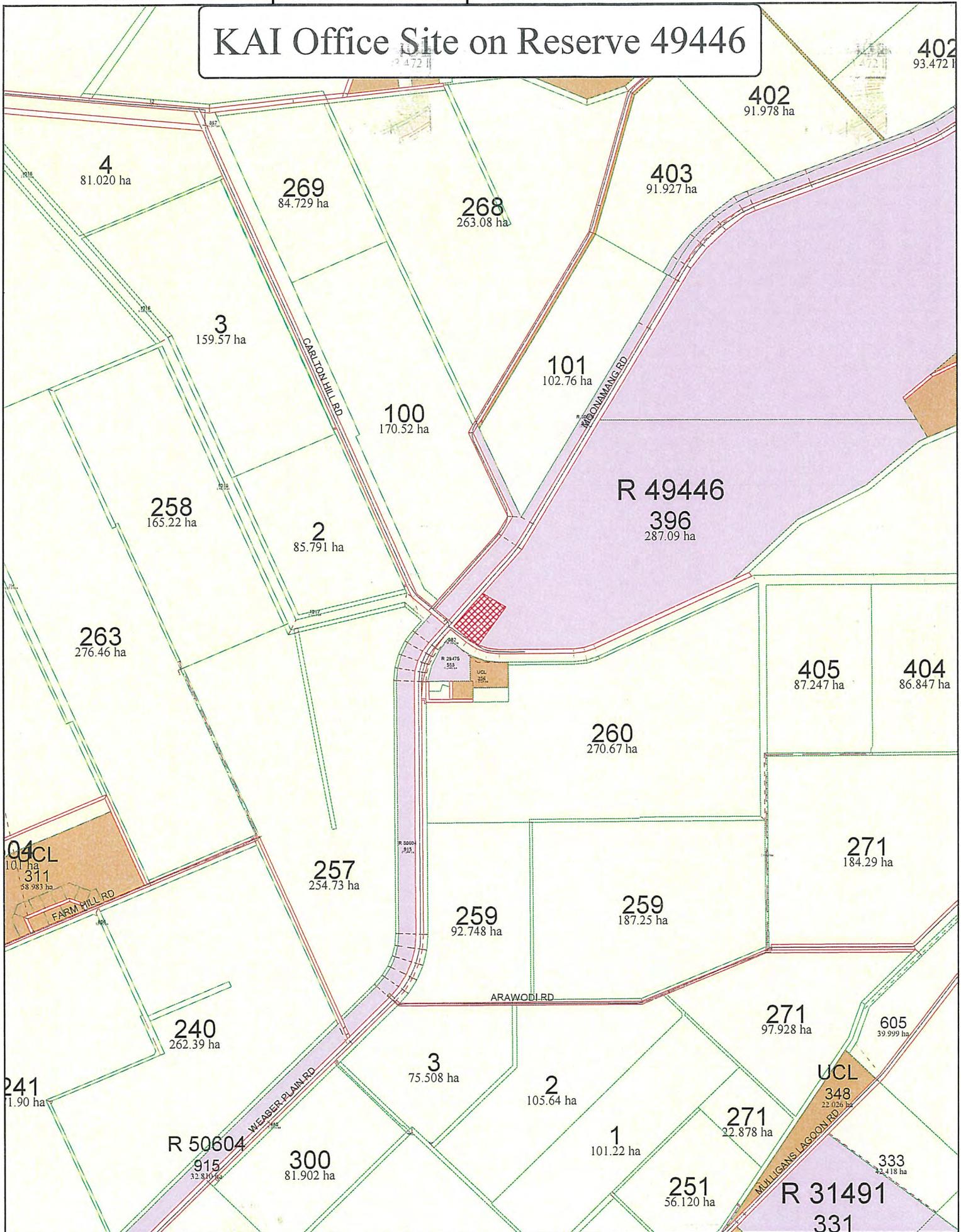
Yours sincerely



Carolyn Gasmier  
**STATE LANDS OFFICER**  
**Kimberley – Kununurra**

15 May 2014

# KAI Office Site on Reserve 49446



Scale : 1:31318 (Geographical)  
 MGA : SW=471877.5E,8270360.5N Zone 52 / NE=478438.7E,8279133.0N Zone 52  
 Lat/Long : 128°44'15.403", -15°38'40.511" / 128°47'56.063", -15°33'55.229" H 271mm by W 210mm

Printed : 16:26 Wed 14/May/2014  
 © Western Australian Land Information Authority 2014



### 13.4.2 Naming of Islands within the Shire

<b>DATE:</b>	26 August 2014
<b>PROPONENT:</b>	Matthew Herbert
<b>LOCATION:</b>	Prince Frederick Harbour
<b>AUTHOR:</b>	Elle Davidson, Planning Officer
<b>REPORTING OFFICER:</b>	Louise Gee, Director Community Development
<b>FILE NO:</b>	LP.03.2

#### **PURPOSE**

For Council to consider the naming of three islands in the Prince Frederick Harbour.

#### **BACKGROUND**

The Shire has received correspondence from Matthew Herbert in relation to the naming of three islands within Prince Frederick Harbour.



Location of Islands within Prince Frederick Harbour

The applicant has recently visited the islands and found different corals, which are proposed as the islands names. Through communication with Dr Zoe Edwards of the Western Australian Museum, who specialises in marine life in the Kimberley the corals were identified as:

1. *Tubipora musica*
2. *Platygyra daedalea*
3. *Caulastraea C. tumida*

The applicant has proposed to call the islands Musica Island, Daedalea Island and Tumida Island. The Australian Hydrographic Service team has been contacted in relation to this matter and advised that no historical references to the islands or naval reference must be honoured in the naming of these islands. Officers from Landgate's Geographic Names department have provided advice that the application for the proposed names is supported by the Geographic Names Committee.

## **STATUTORY IMPLICATIONS**

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

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

The procedure for naming undersea or coastal features requires consultation with the Australian Hydrographic Service, who maintains the Maritime Gazetter of Australia.

## **POLICY IMPLICATIONS**

No policy implications apply in the preparation of this report.

## **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this item.

## **STRATEGIC IMPLICATIONS**

There are no strategic implications associated with this report.

## **COMMUNITY CONSULTATION**

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

## **COMMENT**

The application for three islands to be named Musica Island, Daedalea Island and Tumida Island has followed the correct referral and assessment process and complies with the guidelines set out but the Geographic Naming Committee.

## **ATTACHMENTS**

Attachment 1 – Proposed Islands map, referrals and submission

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council endorses the proposed naming of Musica Island, Daedalea Island and Tumida Island in the Prince Frederick Harbour, and advises the Geographic Names Committee of its endorsement.

## **MOTION**

Cr K Wright moves that Council endorses the proposed naming of Musica Island, Platygyra Island and Tumida Island in the Prince Frederick Harbour, and advises the Geographic Names Committee of its endorsement.

### **COUNCIL DECISION**

**Minute No. 10510**

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

**That Council endorses the proposed naming of Musica Island, Platygyra Island and Tumida Island in the Prince Frederick Harbour, and advises the Geographic Names Committee of its endorsement.**

**Lost 2/7**

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

### **COUNCIL DECISION**

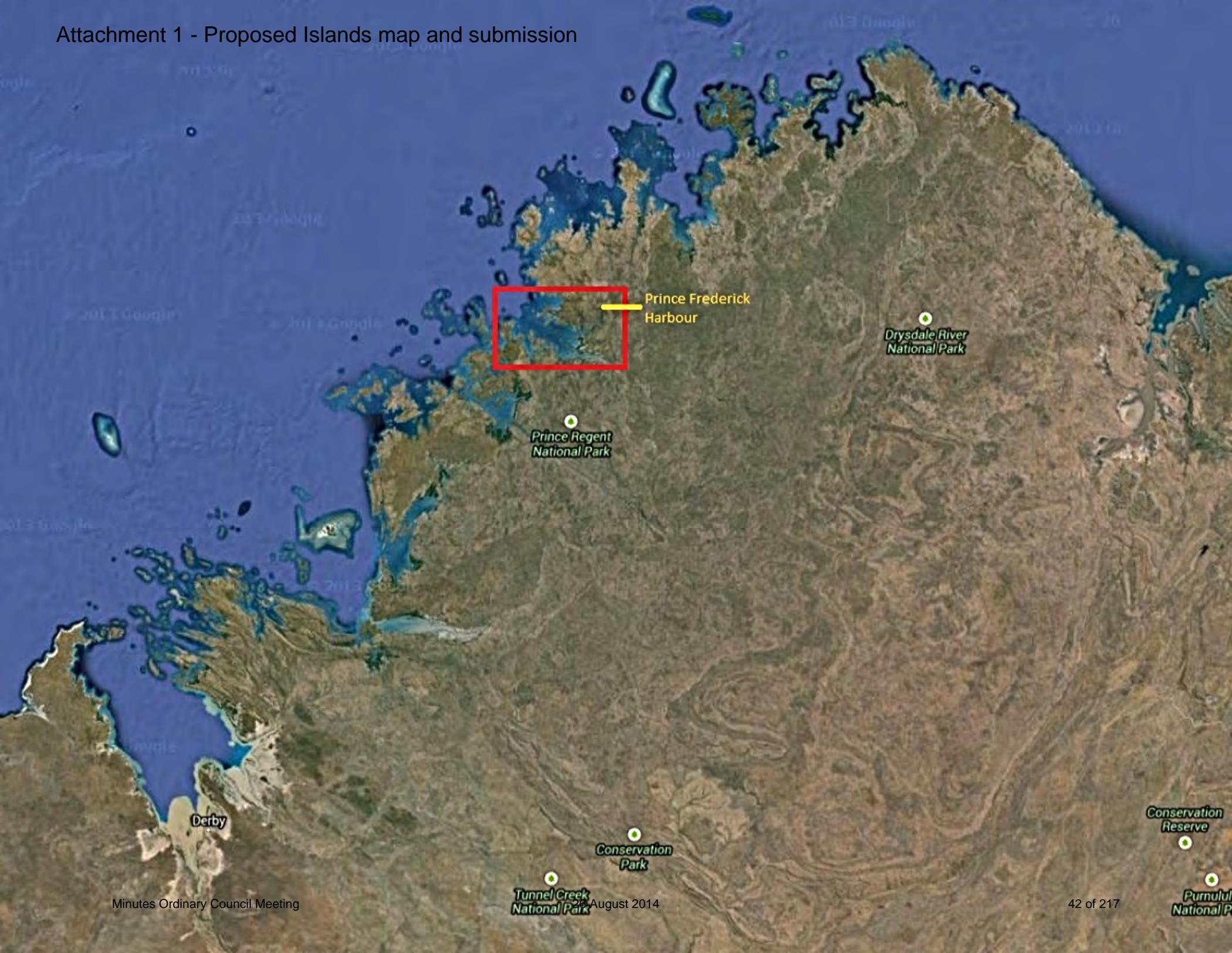
**Minute No. 10511**

**Moved: Cr B Robinson  
Seconded: Cr G King**

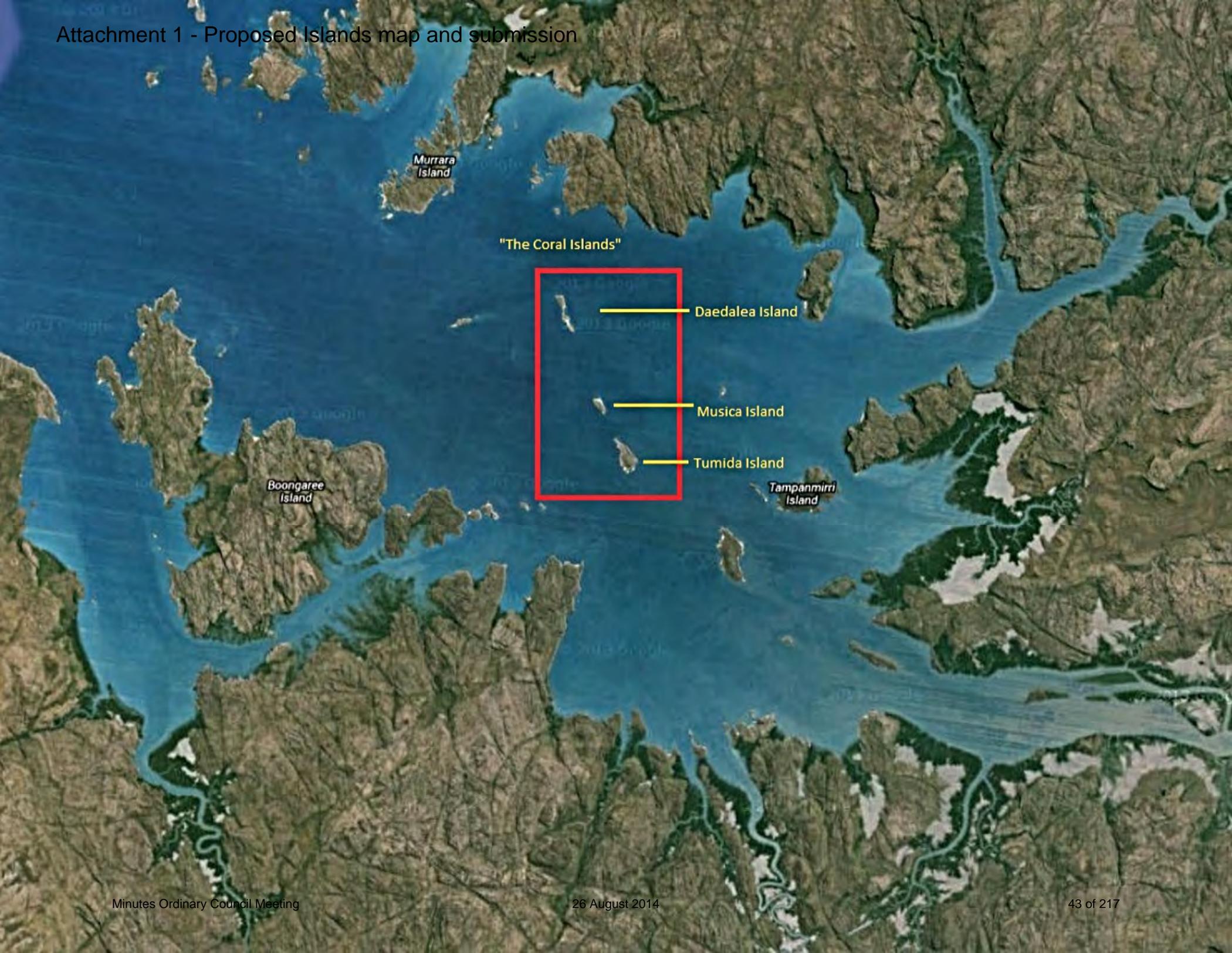
**That Council endorses the proposed naming of Musica Island, Daedalea Island and Tumida Island in the Prince Frederick Harbour, and advises the Geographic Names Committee of its endorsement.**

**Carried Unanimously 9/0**

Attachment 1 - Proposed Islands map and submission



Attachment 1 - Proposed Islands map and submission



# Attachment 1 - Proposed Islands map and submission

## Elle Davidson

---

**From:** Mail  
**Sent:** Wednesday, 23 July 2014 8:09 AM  
**To:** Elle Davidson  
**Subject:** FW: Attention: Gary Gaffney  
**Attachments:** RE: Coral Identification; RE: Naming an un-named Island; Islands Prince Frederick Harbour [SEC=UNCLASSIFIED]; Australia Pilots and views [SEC=UNCLASSIFIED]

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**From:** Mail  
**Sent:** Monday, 14 July 2014 10:47 AM  
**To:** Monika Tonkin  
**Subject:** FW: Attention: Gary Gaffney

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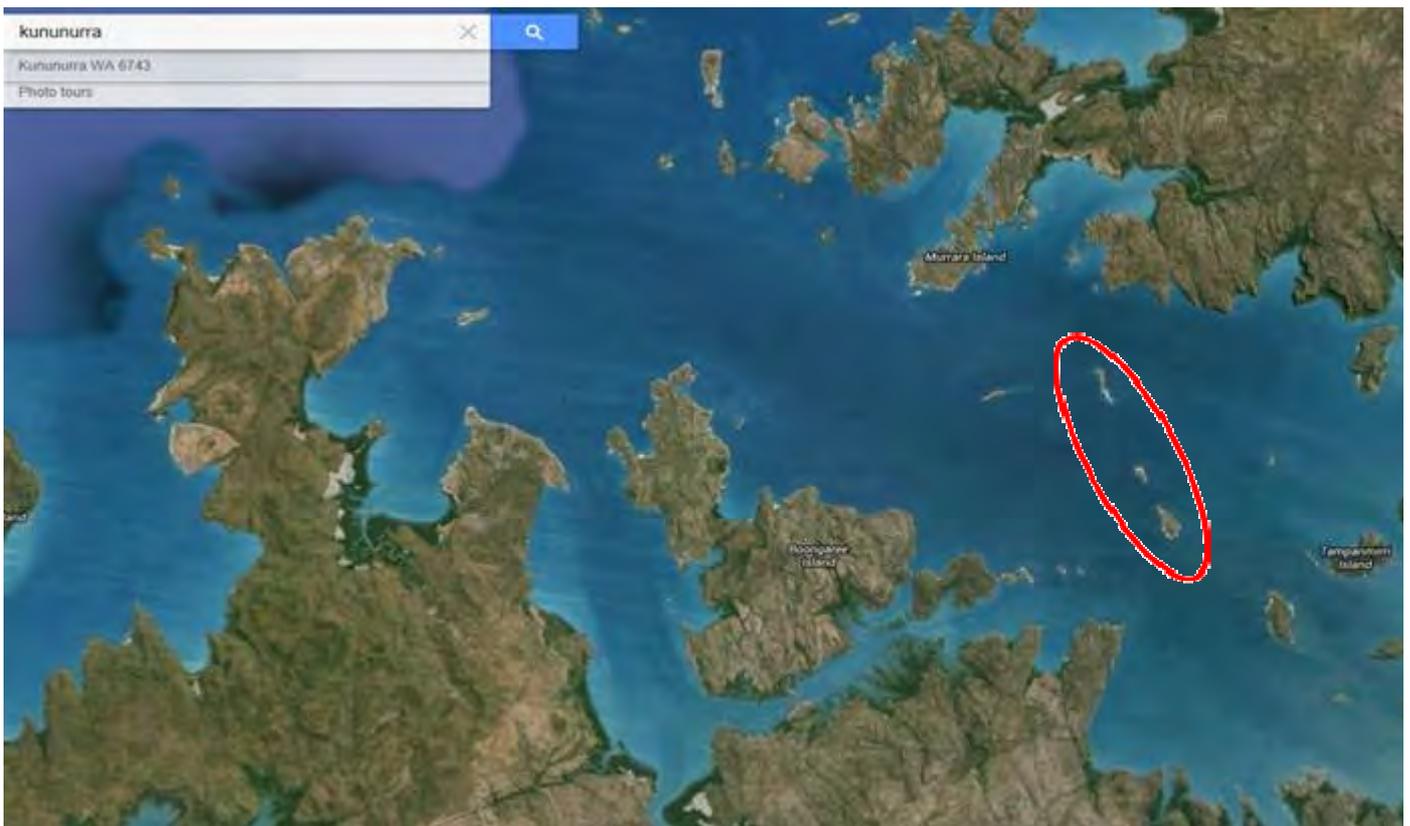
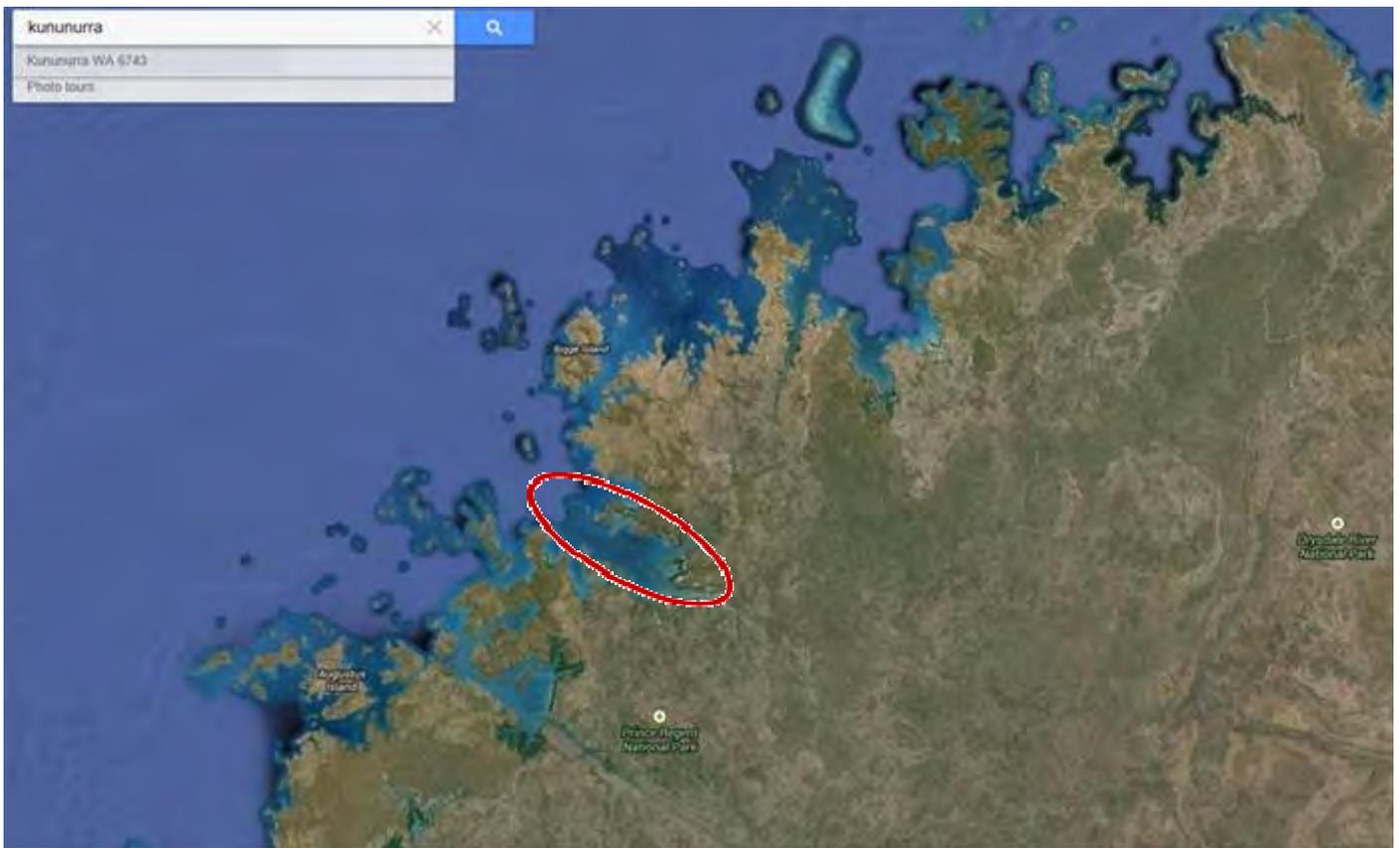
**From:** Matthew Herbert [<mailto:mherbert@fmgl.com.au>]  
**Sent:** Monday, 14 July 2014 10:45 AM  
**To:** Gary Gaffney; Mail  
**Subject:** Attention: Gary Gaffney

Good morning Gary et al,

I have been working with Danielle Stefani from the Geographic Naming Committee (GNC) regarding the naming of 3 small islands in Prince Frederick Harbour near the mouth of the Hunter River at the bottom of York Sound. I have been told that this area falls under your Shire jurisdiction.

The locations are as below:

# Attachment 1 - Proposed Islands map and submission



## Attachment 1 - Proposed Islands map and submission



The names I am suggesting are the specific Latin names of 3 coral types that I actually found on the Islands on a recent trip. These names have been supplied by Soft Coral Expert Dr Zoe Richards ([Zoe.Richards@museum.wa.gov.au](mailto:Zoe.Richards@museum.wa.gov.au)) at the museum of WA from photographic evidence.

1. *Tubipora musica*
2. *Platygyra daedalea*
3. *Caulastraea C. tumida*

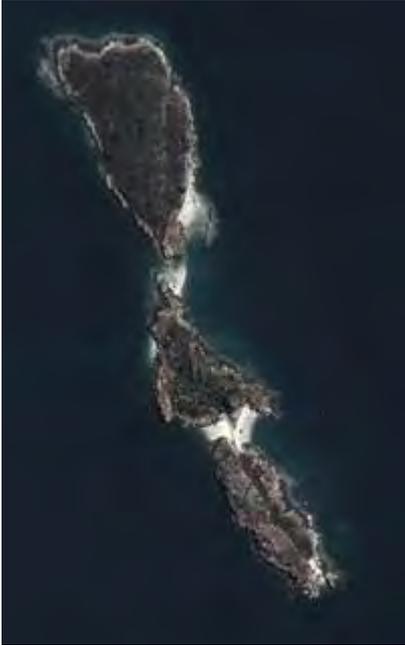
Most of the documentary evidence and communications are attached also. More is available should it be required I just didn't want the email to get massive.

In short, I am writing to you to get the names below formally endorsed by the SWEK. I have had good communications from the Australian Hydrographic Survey and they have made it clear that there are no historical references to the Islands or Naval references that must be honoured. I would like to further ensure that there is names that the SWEK may be aware of.

## Attachment 1 - Proposed Islands map and submission

Finally, if there are no issues, I would like endorsement from SWEK before submitting the proposal to the GNC for the September meetings at which the new names would be submitted for finalisation. The co-chair of the GNC has given a non-binding indication that the GNC would support the proposal if the SWEK endorses it.

The individual Island names are as follows:



Northern-most Island may be called “Daedalea Island”



Middle Island may be called “Musica Island”

## Attachment 1 - Proposed Islands map and submission



Southern-most island may be called "Tumida Island"

Please let me know if there's anything more that I can provide.

I thank you sincerely for taking the time out of your busy schedules to consider the above proposal.

**Best Regards,**

**Matt Herbert**

### 13.4.3 Recreational Boating Facilities Scheme Round 19 – Funding Agreement for Works Project – Lily Creek Lagoon Ramp, Jetty and Lighting

<b>DATE:</b>	26 August 2014
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Old Darwin Road, Lily Creek Lagoon, Kununurra
<b>AUTHOR:</b>	Jennifer Ninnette, Senior Planning Officer
<b>REPORTING OFFICER:</b>	Louise Gee, Director Community Development
<b>FILE NO:</b>	GS.01.2

#### **PURPOSE**

For Council to endorse signing of the Recreational Boating Facilities Scheme (Round 19) Funding Agreement for the Lily Creek Lagoon Ramp, Jetty and Lighting Works grant.

#### **BACKGROUND**

The Shire was successful in obtaining a Works grant through Round 19 of the Recreational Boating Facilities Scheme to replace the existing boat ramp at Lilly Creek Lagoon, construct two finger jetties and provide improved areas for boat users. The proposed works will address issues raised during consultation with recreational users of the boat ramp and general public, such as upgrading the structural state of the boat ramp and providing additional mooring spaces, additional areas for cars with trailers, improved de-rigging and rigging areas, and lighting. The upgrade of the boat ramp and jetty will reduce congestion, encourage visitors to the area and improve the use and safety of these facilities. The design concept plan indicating the proposed works is provided at Attachment 1.

The Department of Transport (DoT) has now provided the Shire with a copy of the Project Supervisors Handbook, and Funding Agreement document, which is required to be signed on behalf of the Shire and returned by the 8 September 2014. A copy of this correspondence is provided at Attachment 2.

This funding agreement sets out the terms of the grant and ensures that funds are spent in accordance with the project details in the Shire's application. Prior to commencement of construction the Shire is required to provide the following:

- A schedule of expected progress and the completion date
- Plans and specifications
- Advise who will supervise construction of the works and their qualifications
- Advise who will certify the works and their qualifications
- Evidence that the Shire has obtained all licences and approvals required by law, including a jetty licence or licence modification.

Once the above is approved by the DoT this becomes the "Approved Project Program".

The Shire also intends to tender for the design and/or construction of the boat ramp and finger jetties, therefore the draft tender brief is required to be approved by DoT.

## **STATUTORY IMPLICATIONS**

The funding agreement is a legally binding agreement, and will require the Shire to obtain all licences and approvals required by law, including but not limited to a building permit, approval to interfere with bed and banks, permit to clear native vegetation (riparian), jetty licence or modification licence, any approval required under the *Aboriginal Heritage Act 1972*.

## **POLICY IMPLICATIONS**

There are no policy implications associated with this item.

## **FINANCIAL IMPLICATIONS**

The total estimated cost of the project is \$1,343,738 with \$1,007,804 to be received through the grant, and the Shire to contribute \$335,934.

This project will be undertaken over 2 years a contribution of \$123,000 has been included in the draft 14/15 budget with the remaining contribution of \$212,934 being included in the 2015/16 budget. SWEK Country Local Government Funding is proposed to be utilised to fund the Shire's contribution to this project. This is subject to agreement from the Department of Regional Development and Lands.

## **STRATEGIC IMPLICATIONS**

### *Strategic Community Plan 2012-2022*

Goal 3	Protection and enhancement of lifestyle values, community facilities and the environment to provide safe and inviting communities
Objective 3.4	Protection and enhancement of community facilities
Strategy 3.4.1	Manage, maintain and upgrade public parks and amenities to ensure they meet community need and are accessible to people of all ages and abilities
Strategy 3.4.3	Ensure Shire facilities are planned and managed to meet community needs
Strategy 3.4.4	Provide and support a more effective range of sport and recreational services and facilities including a new leisure centre and aquatic facility in Kununurra
Objective 3.5	An active outdoor lifestyle is encouraged and promoted
Strategy 3.5.3	Increased access to the lake, gulf and rivers, including boat ramps, according to demand usage and safety considerations

## **COMMUNITY CONSULTATION**

No community consultation is required in relation to this item, however the planning and design was completed following community consultation. The general public will also be kept informed throughout the life of the project, in particular in relation to the various stages of construction.

It is noted that it is a requirement of the funding agreement that the prior approval from DoT is required for all media and public announcements relating to the project, and the Shire will also be required to acknowledge Royalties for Regions.

### **COMMENT**

The project has been classified in the funding agreement as a Component Project split into the following three components:

1. Finger Jetties
2. Boat Ramp
3. Parking area and road

Specific Requirements of the funding agreement requires that the DoT's Coastal Infrastructure (Fremantle) branch are to approve engineering design plans and specifications and a jetty modification approval is obtained before works commence, and a DoT representative is to be on the Tender Assessment Panel.

It is acknowledged that the design concept will be refined during the development of detailed plans and specifications to ensure compliance with Australian Standards and DoT requirements. It is also intended that Shire Officers arrange a round table discussion with DoT, Councillors and key stakeholders, to discuss any concerns with or recommended amendment to the proposed concept design.

The agreement outlines that, subject to the approval of the Approved Project Program and plans and specifications, the Shire can request that 50% of the grant be provided once they can satisfy the DoT that construction of the works has commenced or that the Shire has signed a contract for the construction. The project is required to be completed by 31 July 2016.

### **ATTACHMENTS**

Attachment 1 – Design Concept Plan

Attachment 2 – Correspondence from Department of Transport

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER'S RECOMMENDATION**

That Council delegates authority to the Chief Executive Officer and Shire President to sign the Recreational Boating Facilities Scheme (RBFS) Round 19 Funding Agreement for Works Project for the Lily Creek Lagoon Ramp, Jetty & Lighting on behalf of the Shire of Wyndham East Kimberley subject to the agreement of the Department of Regional Development and Lands.

## **MOTION**

Cr G King moves that Council:

1. Acknowledges that the upgrade to the boating facilities at Lilly Creek Lagoon will increase the ongoing operating and maintenance costs to the Shire;
2. Requests the CEO or their delegate, to write to the Department of Transport to:
  - a. Thank the Department for approving the funding contribution from the Recreational Boating Facilities Scheme; and
  - b. Respectfully decline the funding based on the current priorities of the community;
3. Transfers the Shire's funding contribution from the Lilly Creek Lagoon boating facilities project to:
  - a. undertake works on the dual-use walking path from the big boab through Celebrity Tree Park and adjacent the Victoria Highway down Lakeview Drive connecting to the Pumphouse; and
  - b. attempt to ensure that the works will allow for usage of the dual-use link path throughout the year and mitigate the risks during the wet season,

subject to the approval of the Department of Regional Development and Lands, Water Corporation and Main Roads WA.

### **COUNCIL DECISION**

**Minute No. 10512**

**Moved: Cr G King**

**Seconded: Cr K Wright**

**That Council:**

1. **Acknowledges that the upgrade to the boating facilities at Lilly Creek Lagoon will increase the ongoing operating and maintenance costs to the Shire;**
2. **Requests the CEO or their delegate, to write to the Department of Transport to:**
  - a. **Thank the Department for approving the funding contribution from the Recreational Boating Facilities Scheme; and**
  - b. **Respectfully decline the funding based on the current priorities of the community;**
3. **Transfers the Shire's funding contribution from the Lilly Creek Lagoon boating facilities project to:**
  - a. **undertake works on the dual-use walking path from the big boab through Celebrity Tree Park and adjacent the Victoria Highway down Lakeview Drive connecting to the Pumphouse; and**
  - b. **attempt to ensure that the works will allow for usage of the dual-use link path throughout the year and mitigate the risks during the wet season,**

**subject to the approval of the Department of Regional Development and Lands, Water Corporation and Main Roads WA.**

**Lost 3/6**

**For: Cr G King, Cr K Wright, Cr D Spackman**

**Against: Cr J Moulden, Cr R Dessert, Cr D Learbuch, Cr B Robinson, Cr S Cooke, Cr G Taylor**

**COUNCIL DECISION**

**Minute No. 10513**

**Moved: Cr S Cooke**

**Seconded: Cr B Robinson**

**That Council delegates authority to the Chief Executive Officer and Shire President to sign the Recreational Boating Facilities Scheme (RBFS) Round 19 Funding Agreement for Works Project for the Lily Creek Lagoon Ramp, Jetty & Lighting on behalf of the Shire of Wyndham East Kimberley subject to the agreement of the Department of Regional Development and Lands.**

**Carried 5/4**

**For: Cr J Moulden, Cr D Learbuch, Cr B Robinson, Cr S Cooke, Cr G Taylor**

**Against: Cr R Dessert, Cr G King, Cr K Wright, Cr D Spackman**

**LEGEND:**

- NEW SEALED PAVEMENT  
175mm THICK GRAVEL PAVEMENT
- NEW PLANTING STRIP



DATE PLOTTED: 24 July 2013 1:17 PM  
CAD FILE: C:\PROJETS\Cardno NT 2012\Projects\2012\0212 Miscellaneous\021204 Lily Creek Boat Ramp\Drawings\Civil\Primary\COX - Overall Plan.dwg

Rev	Date	Description	Des.	Verif.	Appr.
A	17/7/2013	ISSUED FOR INFORMATION ONLY	SL	TR	TR



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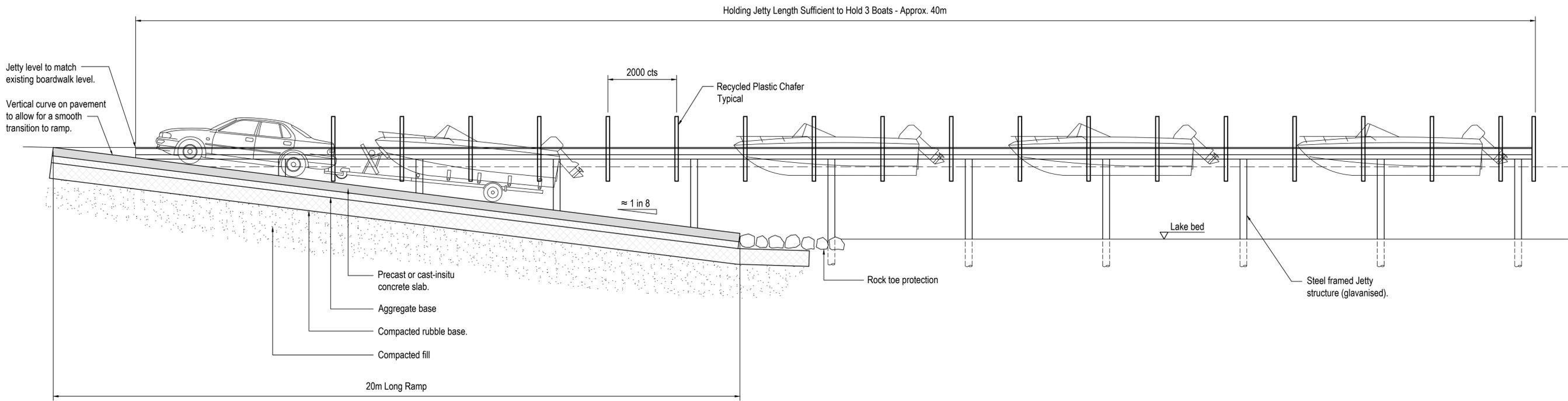
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Drawn	SL	Date	17/7/2013
Checked	GM	Date	17/7/2013
Designed	SL	Date	17/7/2013
Verified	TR	Date	17/7/2013
Approved	TR	Date	17/7/2013

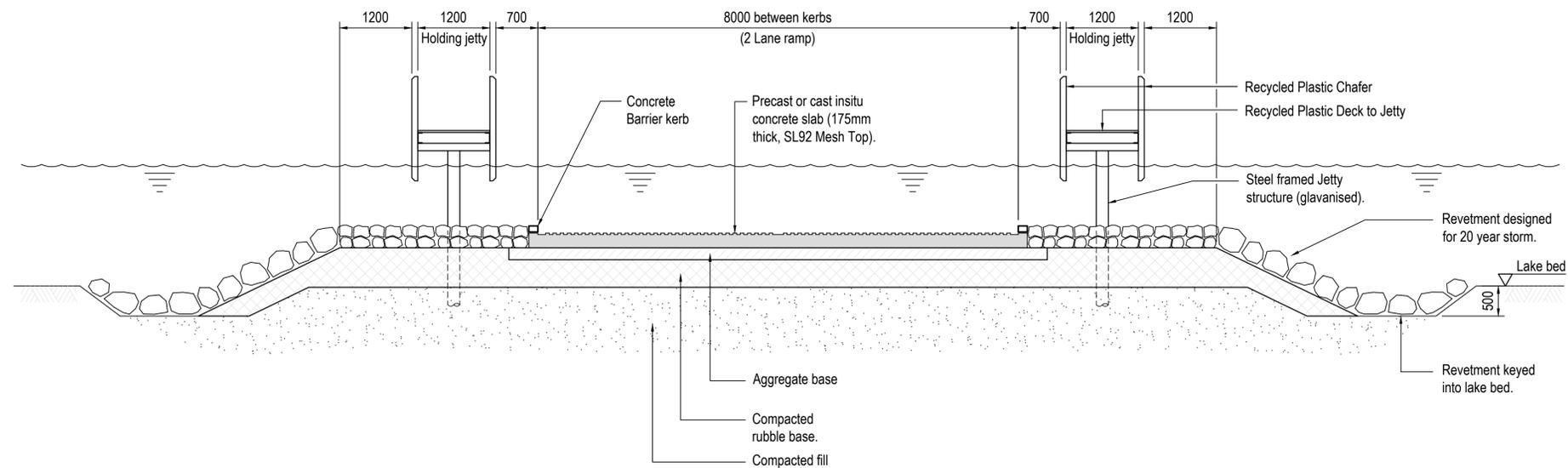
Client: **SHIRE OF WYNDHAM - EAST KIMBERLEY**  
LILY CREEK BOAT RAMP UPGRADE

Status	FOR INFORMATION ONLY NOT TO BE USED FOR CONSTRUCTION PURPOSES						
Datum	A.H.D.	Date	17/7/2013	Scale	AS SHOWN	Size	A1
Drawing Number	DZ1204-SK001			Revision	A		



**TYPICAL LONGITUDINAL RAMP & JETTY LONG SECTION**

NTS



**TYPICAL RAMP CROSS SECTION**

NTS

DATE PLOTTED: 24 July 2013 1:12 PM  
CAD FILE: O:\PROJECTS\Cardno NT 2012\Projects 2012\Projects 2012\Drawings\Civil\PreliminaryRamp Sections.dwg

Rev	Date	Description	Des.	Verif.	Appr.
A	17/7/2013	ISSUED FOR INFORMATION ONLY	SL	TR	TR



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Drawn	SL	Date	17/7/2013
Checked	GM	Date	17/7/2013
Designed	SL	Date	17/7/2013
Verified	TR	Date	17/7/2013
Approved	TR	Date	17/7/2013

Client: **SHIRE OF WYNDHAM - EAST KIMBERLEY**  
**LILY CREEK BOAT RAMP UPGRADE**  
 BOAT RAMP TYPICAL DETAILS

Status	FOR INFORMATION ONLY NOT TO BE USED FOR CONSTRUCTION PURPOSES						
Datum	A.H.D.	Date	17/7/2013	Scale	AS SHOWN	Size	A1
Drawing Number	DZ1204-SK002			Revision	A		

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Government of **Western Australia**  
Department of **Transport**

**Coastal Infrastructure**

04 July 2014  
Shire of Wyndham/East Kimberley  
Attn Chief Executive Officer  
PO Box 614  
KUNUNURRA WA 6743

Dear Sir or Madam,

***Recreational Boating Facilities Scheme (RBFS) Round 19  
Funding Agreement for Works project***

The Minister for Transport recently sent a letter to the President/Mayor advising of your successful application for a Works grant from the RBFS.

As noted in the RBFS Guidelines, a funding agreement setting out the terms of the grant is required. This agreement is to ensure that funds are spent in accordance with the project details in your application and it will be kept for auditing purposes.

Enclosed are two bound copies of this funding agreement, signed by the Minister's delegate. It must be co-signed by the authorised delegates of the Council, usually the Mayor/President and the Chief Executive Officer, and returned within two months.

- Please check the accuracy of the specific information about your project in the Schedule on **pages 16 and 17**. Contact me if any corrections or alterations are necessary.
- Both the Mayor/President and the Chief Executive Officer need to **sign and date page 19 of both copies** once they have read the document and affixed the common seal.

You also need to:

1. return one signed, bound copy to me **before 8<sup>th</sup> September** 2014, otherwise the agreement to provide the grant will lapse;
2. keep one signed, bound copy for your ongoing reference and records; and
3. ensure that the **project manager** is familiar with the requirements of the funding agreement, particularly Clauses 3, 4, 5, 21 and all of the Items in the Schedule. This is essential for the successful ongoing management of the project.

Note - do not tamper with the heat sealed binding in any way. This will invalidate the agreement.  
**If you need an electronic version you will need to scan the pages individually**  
- double check that the agreement has been dated on page 19 before it is returned.

If you have any enquiries at all, please contact me on 9435 7513.

Yours sincerely

Michael Ellison  
RBFS Grants Officer

*Recreational Boating Facilities Scheme*

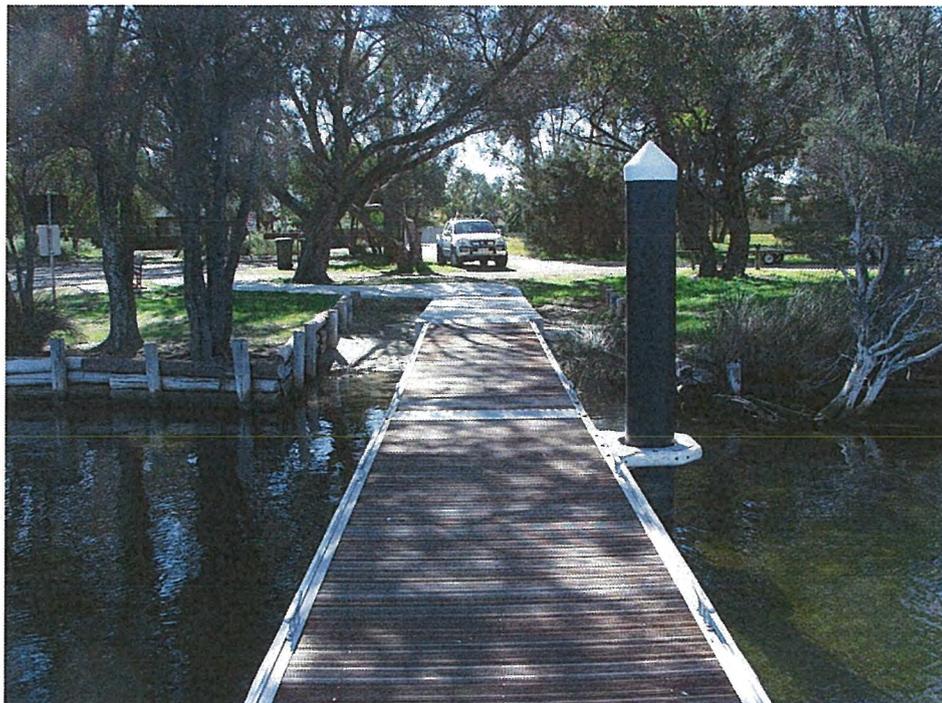
[www.transport.wa.gov.au/rbfs](http://www.transport.wa.gov.au/rbfs)

PO Box 402, Fremantle 6959

Tel: 9435 7513 RBFS@transport.wa.gov.au

# Recreational Boating Facilities Scheme

## Project Supervisors' Handbook for Round 19 RBFS Works Projects



**Essential information for people  
managing RBFS projects**

## Project Supervisors' Handbook for Works Projects

A legally binding funding agreement has been signed between your organisation and the Minister for Transport to provide a Recreational Boating Facilities Scheme (RBFS) grant to contribute to the cost of constructing your recreational boating facilities project.

The Minister has approved a grant to be paid on completion of your project, providing you meet certain requirements. To assist you meet them, the main operational requirements are listed here in plainer wording and with more information than in the legal funding agreement.

The **Funding Agreement Summary** below describes some of the generic operational requirements you must meet as a project supervisor.

The **Schedule Summary** lists items specific to your grant and project.

For a full list of the terms and conditions of your grant, consult your organisation's signed copy of the Funding Agreement. This summary is provided only for additional guidance - the Funding Agreement is the legally binding document.

The Minister has delegated his responsibilities for RBFS grants to the Maritime Planning Branch of the Department of Transport (DoT). If you have any queries about the grant or about what you need to do, contact an RBFS Officer on 9435 7513 or 9435 7612 or email [rbfs@transport.wa.gov.au](mailto:rbfs@transport.wa.gov.au).

It is important to keep the RBFS Officer updated on the progress of your project and on any difficulties that may arise. If the RBFS Officer is well informed, the easier it will be when the time comes to pay you the grant.

Note that if your project is in regional WA, it will be partly funded by Royalties for Regions and you have a few additional obligations.

Please read this document thoroughly and contact the RBFS Officer if you have any queries.

### DEFINITIONS

RBFS	Recreational Boating Facilities Scheme
DoT	Department of Transport, specifically the Maritime Planning Branch of the Coastal Infrastructure Business Unit
"You"	Your organisation
Clause	Relates to the relevant clause in the generic funding agreement
Item	Relates to the relevant item in your specific schedule to the funding agreement - a summary of this is on pages 6 and 7.

## **FUNDING AGREEMENT SUMMARY - WHAT YOU MUST DO**

### **USE OF THE GRANT** *(clause 3.1 of the Funding Agreement)*

You can only be paid the grant if you complete the project named in item 3 and if you do the things described in items 4 and 5 of the Schedule *(see page 6)*.

### **YOUR CONTRIBUTION** *(clause 3.2)*

You must contribute to the cost of the project - item 7 of the Schedule tells you how much. Your contribution can include funds from other sources and in-kind contributions. If there are cost overruns, the grant will not be increased.

### **REDUCTION OF THE GRANT** *(clause 3.3)*

If the actual cost of the project is less than estimated (item 1b of the Schedule), the grant paid will be reduced accordingly.

### **INFORMATION YOU MUST PROVIDE BEFORE CONSTRUCTION COMMENCES** *(clause 4.1)*

You must send the following to the RBFS Officer **before** you start construction:

- a schedule of expected progress and the completion date
- plans and specifications
- who will supervise construction of the works and their qualifications
- who will certify the works and their qualifications, and
- evidence that you have all of the licences and approvals required by law before construction commences. For example, if your project is to build or to upgrade a boat ramp or jetty, in addition to approval of your plans and specifications, you will need to apply to DoT for a jetty licence or licence modification before construction starts. You may also need approval from the Departments of Planning, Aboriginal Affairs and/or the EPA.
- the things listed at item 8.1, if any.

Once approved, this becomes the "approved project program". You can't commence construction until DoT has approved this - failure to do this may result in the termination of the funding agreement and loss of the grant.

Note that if your project is to construct or modify something that is in, on or over any water (for example a floating jetty, wharf, boat landing, revetment wall, breakwater or boat ramp), you need to submit plans for a Jetty Licence (see [www.transport.wa.gov.au/imate/jetty-licences.asp](http://www.transport.wa.gov.au/imate/jetty-licences.asp)), **as well as** to the RBFS Officer. If you have already submitted detailed engineering drawings as part of your grant application, you need to inform the RBFS Officer that these are the ones you would like approved - the process does not happen automatically.

If you are going to tender for the design and/or construction of your project, your draft tender brief must be approved by DoT first. You should not book an ad for the tender until you have received this approval.

Even if you plan to carry out all of the works in-house, you must still obtain approval for the detailed design plans before you commence construction.

DoT's typical drawings and design guidelines may help to guide your designs - they are available on the RBFS website [www.transport.wa.gov.au/rbfs](http://www.transport.wa.gov.au/rbfs). You can also talk to the RBFS Officer for advice.

### **ANNOUNCEMENTS** *(clause 21.2)*

You must get **prior** approval from DoT for all media and other public announcements relating to the project. If it is located in the regions, you are also required to acknowledge Royalties for Regions. Therefore, you should liaise with the RBFS Officer about all project communications including media statements, newspaper articles, advertising and signage well before any deadline.

### **APPROVED PROJECT PROGRAM** *(clauses 4.1.2 and 5)*

You must carry out the project as it was approved by DoT - you can't change the approved program without prior written consent.

You must complete the project by 31 July 2016 (unless you get written agreement for a later date) and you must **notify DoT immediately** if the project will not be/ is not likely to be completed by then.

### **INFORMATION YOU MUST PROVIDE DURING THE PROJECT** *(clause 4.2)*

You must provide a brief progress report every 6 months, or as requested, which include expenditure to date and expected completion date. Requests will be sent to you regularly by the RBFS Officer.

### **MAINTENANCE AND INSURANCE** *(clauses 6.2 and 6.4)*

You must maintain the works, keep them in good condition, protect them from damage and promptly repair any defects.

You must keep the works insured against usual risks and have public risk insurance, both during construction and after completion.

### **COVENANTS (AGREEMENTS)** *(clause 8a)*

You must ensure that the works are constructed in a competent, efficient and safe manner and that the quality of the works is of a high standard.

### **REPRESENTATIONS AND WARRANTIES** *(clause 9e)*

All of the employees and sub-contractors engaged on the project must be conscientious, efficient and capable of constructing the works competently and quickly.

### **INFORMATION YOU MUST PROVIDE ON COMPLETION OF THE PROJECT** *(clauses 4.3 and 12)*

When the project's nearing completion, ask the RBFS Officer to send you a checklist to help with your acquittal. Within 4 weeks of completion, you must send:

- a financial statement setting out the actual cost of the project (excluding GST). If the project has components (e.g. a jetty and a ramp), you must set out the actual cost of each component (check item 7 of the Schedule). Attach copies of the major invoices you have paid. See page 5 for an example of a financial statement.
- a Completion Certificate - a template will be sent to you when you advise your project is nearing completion
- certification by a suitably qualified engineer that the works comply with the plans and specifications approved by DoT
- photos of the completed works
- evidence (e.g. photos) that you have installed signage to acknowledge that an RBFS grant was provided, and if the project is located in the regions, that Royalties for Regions also funded the project - a template will be sent to you
- evidence that all approvals, licences, permits etc required for using the works have been obtained and are current
- the things listed at item 8.2, if any.

**EXAMPLE OF FINANCIAL STATEMENT FOR ACQUITTAL**

Original budget from application:

<b>EXPENDITURE ITEMS:</b>	<b>Estimated Cost</b>	<b>Potential RBFS Grant (75% of estimated cost, up to a maximum limit)</b>	<b>Potential contribution by applicant</b>
<b>1. Jetty component</b>			
Preliminary investigations			
Design	\$8,000		
Project management	\$2,500		
Materials	\$50,000		
Construction contractor fees	\$40,000		
Plant & equipment hire			
Staff labour costs			
Approvals and licences	\$100		
Signage	\$400		
<b>Subtotal</b>	<b>\$101,000</b>		
<b>2. Ramp component</b>			
Preliminary investigations	\$1,000		
Design	\$2,000		
Project management	\$2,500		
Materials	\$20,000		
Construction contractor fees			
Plant & equipment hire	\$15,000		
Staff labour costs	\$15,000		
Approvals and licences			
Signage			
<b>Subtotal</b>	<b>\$55,500</b>		
<b>TOTAL OF ALL COMPONENTS</b>	<b>\$156,500</b>	<b>\$117,375</b>	<b>\$39,125</b>

Financial statement provided for acquittal, with expenditure items comparable to application:

<b>Expenditure items</b>	<b>Payee</b>	<b>Amount</b>	<b>Total</b>
<b>Jetty</b>			
Design of jetty	ABC Pty Ltd	\$7,850	\$7,850
Project management	Smith Jetty Construction	\$2,400	\$2,400
Materials	CEF Hardware **	\$30,020	\$60,820
	Z pontoons **	\$21,100	
	Jones & Co	\$9,700	
Construction contractor	OPK Engineering **	\$19,600	\$34,610
	GJ Piling **	\$15,010	
Approvals & licences	Department of Transport	\$120	\$120
Signage	BA Signs	\$450	\$450
<b>Jetty total</b>			<b>\$106,250</b>
<b>Ramp</b>			
Prelim investigations	UV Geotech Pty Ltd	\$2,500	\$2,500
Design of ramp	ABC Pty Ltd	\$2,300	\$2,300
Project management	Smith Jetty Construction	\$2,200	\$2,200
Materials	LP Concrete **	\$18,000	\$19,600
	CEF Hardware	\$1,600	
Construction contractor	Earth Moving Co **	\$7,000	\$7,000
Plant & equipment hire	Shire plant - 20 days @ \$300/day	\$6,000	\$6,000
Staff labour costs	Shire staff - 480 hrs @ \$30/hr	\$14,400	\$14,400
<b>Ramp total</b>			<b>\$54,000</b>
<b>TOTAL EXPENSES (excluding GST)</b>			<b>\$160,250</b>

\*\* copy of invoice attached

**Recreational Boating Facilities Scheme  
Funding Agreement  
for Works Project**

**BETWEEN**

**THE MINISTER FOR TRANSPORT**

**AND**

**SHIRE OF WYNDHAM/EAST KIMBERLEY**

**FOR**

**LILY CREEK LAGOON RAMP, JETTY & LIGHTING**

**ROUND 19**

**2014**

**THIS AGREEMENT** is made BETWEEN the **Minister for Transport** C/o Dumas House West Perth ("the Minister")

AND the **Shire of Wyndham/East Kimberley** of Coolibah Drive, Kununurra ("the Grantee")

**RECITALS:**

- A. The Minister for Transport, a body corporate pursuant to section 8 of the Marine and Harbours Act 1981, has implemented the Recreational Boating Facilities Scheme ("RBFS"), a scheme under which the Minister will make grants to eligible authorities in order to contribute to the cost of constructing or improving recreational boating facilities.
- B. The Grantee has applied to the Minister for a grant of funds by the Minister to the Grantee in accordance with the RBFS.
- C. The Minister has agreed to provide funds to the Grantee on the terms and conditions contained in this agreement.

**OPERATIVE PROVISIONS**

**1. DEFINITIONS AND INTERPRETATION**

- 1.1 In this agreement, unless the contrary intention appears, the following words have the following meanings:

**Actual Component Cost** means, in relation to any Component, the amount expended in respect of that Component in order to achieve Completion of the Project.

**Actual Project Cost** means the total amount expended in order to achieve Completion of the Project.

**Approved Project Program** means the information approved by the Minister in accordance with clause 4.1.2.

**Business Day** means a day (not being a Saturday or a Sunday) when banks are open for banking business in Perth, Western Australia.

**Completion** means that stage in the execution of the Works under this agreement when the Works are complete and capable of being used for their intended purpose.

**Completion Certificate** means a signed certificate as set out in item 12 of the Schedule.

**Component** means a part of a Component Project described in item 7 of the Schedule.

**Component Project** means a Project where certain portions of the Grant are to be used only for certain parts of the Project described in item 7 of the Schedule.

**Construction** includes construction of new works and improvement of existing structures or works.

**Estimated Component Cost** means, in relation to any Component, the estimated amount to be expended in respect of that Component in order to achieve Completion of the Project, as set out in item 7 of the Schedule.

**Estimated Project Cost** means the estimated amount to be expended in respect of the Project in order to achieve Completion of the Project, as set out in item 1(b) of the Schedule.

**Event** means the occurrence of any one or more of the following:

- (a) loss of property;
- (b) destruction of property;
- (c) damage to property;
- (d) injury;
- (e) death; and
- (f) illness

**Event of Default** means an event of default described in clause 10.1.

**Grant** means the amount set out in item 1(a) of the Schedule. The grant amount is expressed as GST exclusive.

**Grantee's Contribution** means a contribution to the Project made by the Grantee as set out in clause 3.2.

**Land** means the land described in item 2 of the Schedule.

**Project** means the project named in item 3 and the Project Specific Requirements described in items 4 and 5 of the Schedule.

**Schedule** means the Schedule to this agreement.

**Works** means the works described in items 4 and 5 of the Schedule and includes works which are not completed.

**Written-Down Value** means, in respect of an asset, the written down value of that asset determined by the Valuer General and calculated using the straight-line method of depreciation.

- 1.2 In this agreement, unless the contrary intention appears:

- (a) the word "person" includes a firm, a body corporate, an unincorporated association and an authority;
- (b) the singular includes the plural and vice versa;
- (c) a reference to a person includes a reference to the persons, successors, substitutes (including without limitation, persons taking by novation), assigns, executors and administrators;

- (d) an agreement, representation or warranty on the part of two or more persons binds them jointly and severally;
- (e) an agreement, representation or warranty in favour of two or more persons is for the benefit of them jointly and severally;
- (f) a reference to any thing is a reference to the whole and each part of it and a reference to a group of persons is a reference to all of them collectively, to any two or more of them collectively and to each of them individually;
- (g) a reference to a clause, paragraph or Schedule is a reference to a clause, paragraph or Schedule of this agreement;
- (h) a reference to an accounting term is to be interpreted in accordance with accounting standards under the Corporations Law and, if not inconsistent with those accounting standards, generally accepted principles and practices in Australia consistently applied by a body corporate or as between bodies corporate over time; and
- (i) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them.

1.3 Headings are inserted for convenience and do not affect the interpretation of this agreement.

## 2. PROVISION OF THE GRANT

The Minister agrees to provide the Grant (as reduced by any deduction made in accordance with clause 3.3) to the Grantee at the times and in the manner set out in item 6 of the Schedule.

## 3. USE, CONTRIBUTION AND REDUCTION OF THE GRANT

### 3.1 Use of the Grant

The Grantee may use the Grant only for the purpose set out in item 7 of the Schedule and for no other purpose.

Where the Project is a Component Project, the Grantee may use the Grant:

- (a) only for the purposes set out in item 7 of the Schedule;
- (b) only in relation to the Components; and
- (c) in relation to each Component, only in an amount up to the amount set out in item 7 of the Schedule in relation to that Component.

### 3.2 Contribution

3.2.1 Where the Project is not a Component Project, the Grantee must make a Grantee's Contribution to the cost of the Project of the amount set out at item 7 of the Schedule.

3.2.2 Where the Project is a Component Project, the Grantee must make a Grantee's Contribution to the cost of each Component of the amount set out in the table at item 7 of the Schedule.

3.2.3 The Grantee's Contribution can include:

- (a) contributions from any other source including, without limiting the generality thereof, State Government Departments; and
- (b) in-kind contributions of materials, labour and machinery use directly attributable to the Project.

3.2.4 The inclusion and value of in-kind contributions as part of the Grantee's Contribution shall be determined by the Minister, after receipt of a statement detailing in-kind contributions and the Grantee's assessment of their value and reasons why they should be recognised by the Minister as part of the Grantee's Contribution. The statement shall be included in the report referred to in clause 4.2(b) or attached to the statement referred to in clause 4.3(a).

3.2.5 If, when Completion of the Project has been achieved:

- (a) where the Project is not a Component Project, the Actual Project Cost exceeds the Estimated Project Cost; or
- (b) where the Project is a Component Project, the Actual Component Cost relating to a Component exceeds the Estimated Component Cost relating to that Component;

the Minister and the Grantee agree that the Grantee's Contribution will be increased by the amount of that excess.

### 3.3 Reduction of the Grant

If, when Completion of the Project has been achieved:

- (a) where the Project is not a Component Project, the Estimated Project Cost exceeds the Actual Project Cost; or
- (b) where the Project is a Component Project, the Estimated Component Cost relating to a Component exceeds the Actual Component Cost relating to that Component;

the Minister and the Grantee agree that the Grant, or the Grant Amount for that Component, will be reduced by the *pro rata* amount of that excess.

If payment of the Grant or the Grant Amount for that Component has been made to the Grantee, the Grantee will immediately refund the *pro rata* amount of that excess to the Minister.

**3.4 Failure to make a Grantee's Contribution**

**3.4.1** If the Grantee does not make a Grantee's Contribution:

- (a) where the Project is not a Component Project, the Grant will be cancelled; or
- (b) where the project is a Component Project, the Grant will be reduced by the Maximum Grant Amount set out in item 7 of the Schedule in relation to that Component.

**3.4.2** If the Grantee only makes part of a Grantee's Contribution, the Grant will be reduced in the same proportion as the shortfall bears to the contribution actually made by the Grantee.

**3.4.3** If either clause 3.4.1 or 3.4.2 apply and any part of the Grant has been paid to the Grantee, the Grantee will immediately upon demand by the Minister, refund to the Minister the moneys (if any) in excess of the Grantee's amended entitlement to the Grant.

**4. INFORMATION TO BE PROVIDED TO THE MINISTER**

**4.1 Prior to commencement of Construction of the Work**

**4.1.1** Prior to the commencement of Construction of the Works, the Grantee must provide to the Minister for the Minister's approval the following:

- (a) a schedule setting out:
  - (i) the expected progress of the Project from planning to Completion; and
  - (ii) the dates on which the Grantee anticipates that it will request payment of the Grant in accordance with clause 2;
- (b) details of the identity and qualifications of each person who will certify the Works;
- (c) plans and specifications of the Project;
- (d) details of the identity and qualifications of each person who will supervise Construction of the Works, including any special terms and conditions of project management agreed with the Minister;
- (e) evidence that all consents, licences and approvals required by law, including Jetty Licences where applicable, to be obtained in connection with the Project before commencement of Construction of the Works, have been obtained.
- (f) all items and information described in item 8.1 of the Schedule (if any); and
- (g) all other items and information which the Minister reasonably requests.

**4.1.2** The Minister may:

- (a) approve; or
- (b) refuse to approve; or
- (c) request that the Grantee alter any detail in respect of

the information provided to the Minister in accordance with clause 4.1.1. All information received and approved (whether with or without modification) by the Minister in accordance with this clause 4 will become, when approved, the Approved Project Program.

**4.1.3** The Grantee agrees that:

- (a) subject to clause 4.1.4, and within the time specified by the Minister, it will alter any detail in respect of the Project which the Minister reasonably requests be altered; and
- (b) it will ensure that Construction of Works is not commenced until the Minister receives and approves (whether with or without modification) all information required to be provided to the Minister under clause 4.1.1.

**4.1.4** If the Minister requests that the Grantee alter a detail in respect of the Project, the Grantee may give notice to the Minister that, if the Minister does not approve the information provided to the Minister in accordance with clause 4.1.2 without alteration to that detail, within a period specified in the notice (which period must be not less than 10 Business Days after the date on which the Minister receives the notice), this agreement will terminate.

**4.1.5** The word "commencement" in clause 4.1.1 and the word "commenced" in clause 4.1.3(b) do not include any preliminary design work, cost estimates or community consultations, unless it is expressly stated in item 4 or 5 of the Schedule to be the Project or part of the Project.

**4.2 Information to be provided to the Minister during the course of the Project**

The Grantee agrees with the Minister that the Grantee will:

- (a) keep proper and up-to-date records in respect of the progress of the Project and all expenditure in connection with the Project and allow any agent, employee or representative of the Minister to inspect those records; and
- (b) provide to the Minister every 6 months or as otherwise requested by the Minister within 10 Business Days of such request, a report which details the progress of the Project including:
  - (i) expenditure which has been incurred to date in connection with the Project and, where the Project is a Component Project, each Component of the Project; and
  - (ii) the expected date of Completion.

**4.3 Information to be provided to the Minister on completion of the Project**

The Grantee agrees to provide to the Minister within 20 Business Days of Completion of the Project:

- (a) a financial statement (GST exclusive) which sets out the Actual Project Cost and, where the Project is a Component Project, the Actual Component Cost of each Component;
- (b) a Completion Certificate as set out in item 12;
- (c) engineering certification that the Works are in accordance with the plans and specifications approved pursuant to clause 4.1.1(c);
- (d) photographs of the completed Works, including a photograph of the acknowledgment of the Grant forming part of the Works that is required pursuant to clause 12;
- (e) evidence that all authorisations, registrations, consents, approvals, licences and permits which are required for the lawful utilisation of the Works have been obtained and are current.
- (f) all items and information described in item 8.2 of the Schedule (if any); and
- (g) all other items and information which the Minister reasonably requests.

**5. APPROVED PROJECT PROGRAM**

**5.1** The Grantee agrees that it will ensure that the Project is:

- (a) carried out in accordance with the Approved Project Program; and
- (b) completed by the date set out in item 9 of the Schedule ("item 9") unless:
  - (i) notice is given by the Minister under clause 5.5.1, in which case, the date applied for by the Grantee; or
  - (ii) notice is given by the Grantee under clause 5.5.3, in which case, the alternative date specified in the notice under clause 5.5.2.

**5.2** The Grantee agrees that it will:

- (a) not without the prior written consent of the Minister change any one or more aspects of the Approved Project Program; and
- (b) notify the Minister immediately upon becoming aware that any change or event has occurred which has caused or will or might cause any one or more aspects of the Approved Project Program to change.

**5.3** If:

- (a) the Grantee requests in accordance with clause 5.2(a) that the Minister consent to a change in the Approved Project Program; and
- (b) the Minister does not consent to that change; and

- (c) in the reasonable opinion of the Grantee, the Grantee will not be able to continue with the Project unless the relevant change is made to the Approved Project Program;

the Grantee may give notice to the Minister that, if the Minister does not consent within a period specified in the notice (which period must be not less than 10 Business Days after the date on which the Minister receives the notice), this agreement will terminate.

**5.4** If, at any time, in the reasonable opinion of the Minister, a change occurs in the Approved Project Program such that the Approved Project Program is materially altered, the Minister may terminate this agreement with immediate effect.

**5.5** If the Grantee becomes aware that the Project will not be, or is unlikely to be, completed by the date set out in item 9 and it wishes to continue with the Project, it shall immediately, by notice to the Minister, apply for an amendment of the date set out in item 9 to a date specified in the notice.

**5.5.1** If the Minister consents to the amendment, the Minister shall give notice to the Grantee to that effect and item 9 shall be deemed to have been amended accordingly.

**5.5.2** If the Minister is prepared to consent to an amendment of the date set out in item 9 but not to the date specified in the notice, the Minister shall give notice to the Grantee to that effect and specify an alternative date for completion of the Project.

**5.5.3** If the Grantee agrees to the alternative date specified pursuant to clause 5.5.2, the Grantee shall give notice to the Minister to that effect and item 9 shall be deemed to have been amended accordingly.

**5.5.4** If the Minister is not prepared to consent to an amendment of the date set out in item 9, the Minister shall give notice to the Grantee to that effect and item 9 shall remain unamended.

**5.6** Subject to clause 5.5, if the Grantee becomes aware that it will not be able to complete the Project by the date set out in item 9, or that it does not wish to continue with the Project for any reason, including that it does not wish to accept the alternative date specified pursuant to clause 5.5.2, the Grantee shall immediately, by notice to the Minister, terminate this Agreement with immediate effect.

**5.7** In the event that this agreement is terminated pursuant to this clause the Minister is under no obligation under this Agreement to provide the Grant or any balance of the Grant. The Minister may require that the Grantee repay to the Minister any money or portion thereof forming the Grant paid pursuant to this Agreement and to pay to the Minister the sum of any costs incurred by the Minister as a result of the termination, including the cost of completing the Project where this is, in the opinion of the Minister, necessary.

**6. OWNERSHIP, MAINTENANCE AND INSURANCE**

**6.1** The Minister and the Grantee agree that the Minister will not, by virtue of the Grant, purchase or obtain ownership of the Works or any part of them.

**6.2** The Grantee:

- (a) agrees that it will at its own cost maintain the Works, keep them in good repair and in good condition, protect them from damage and promptly rectify defects in them;
- (b) agrees that it will either at its own cost or using the proceeds of an insurance claim in respect of the Works, replace the Works where damage to or defects in the Works cannot be repaired or rectified; and
- (c) acknowledges and agrees that, except as provided in clause 6.3, the Minister will not be obliged to maintain the Works.

**6.3** The Minister agrees that the Minister will, at the Minister's own cost, maintain all Marine Navigational Aids in connection with the Works and keep them in good repair and in good condition, protect them from damage and promptly rectify defects in them.

**6.4** The Grantee agrees that it will:

- (a) keep the Works and any facilities which are required for the proper use of the Works insured with a reputable insurer to the extent that they are insurable for their full insurable value on a replacement and reinstatement basis against fire, storm and other usual risks against which a prudent owner of property similar to the Works would insure;
- (b) maintain public risk insurance in respect of the Works;
- (c) not do anything which prejudices any insurance effected in connection with the Works; and
- (d) not without prior consent of the Minister use the proceeds of any insurance claim in respect of the Works for any purpose other than replacing and reinstating the Works.

**7. REPORTING, INSPECTION AND AUDIT OBLIGATIONS**

**7.1** The Grantee agrees to:

- (a) comply with any request of the Minister to be present on site on a particular day or at a particular time during normal working hours;
- (b) allow and assist the Minister or any agent, employee or representative of the Minister to enter upon the Land to:
  - (i) inspect the condition and progress of the Works; and
  - (ii) determine whether the Grantee is complying with the terms of this agreement.

**7.2** The Grantee agrees, upon the request of the Minister, to appoint a person who is accredited as a chartered accountant or a certified practicing accountant to conduct an audit at the Grantee's cost in respect of expenditure in connection with the Project and to provide a report of the results of that audit to the Minister.

**8. GRANTEE'S COVENANTS**

The Grantee agrees that:

- (a) it will ensure that the Works are Constructed in a competent, efficient and safe manner and that the quality of the Works is of a high standard;
- (b) in the event that the Grantee levies on any person a fee in connection with the use of the Works, that fee will be, subject to the provisions of any statute or other law, an amount which, together with all such other fees that it is estimated will be levied, will not exceed the estimated cost to be incurred by the Grantee in operating and maintaining the Works in the Grantee's financial year. That is, those fees will not represent an amount to be retained by the Grantee as profit;
- (c) in the event that it intends to sell the Works or any part of the Works, the Grantee will:
  - (i) notify the Minister of the sale immediately upon entering into an agreement to sell the Works or that part of the Works or in any event at least 10 Business Days prior to the date on which title to the Works or that part of the Works is to pass from the Grantee; and
  - (ii) so that the Valuer General may determine the Written-down Value of the Works or that part of the Works which is to be sold, allow and assist the Minister and the Valuer General and any of their servants, agents and employees to inspect the Works and provide to the Minister and the Valuer General and any of their servants, agents or employees any documents or records in connection with the Works or the Project which they require; and
  - (iii) pay to the Minister an amount which is, in respect of the Written-Down Value of the Works or that part of the Works which was sold or the sale price (whichever is the greater):

\* where the project is not a Component Project, the same percentage as the Grant bears to the Estimated Project Cost; or

\* where the project is a Component Project, the same percentage as the Maximum Grant Amount for the relevant Component, set out at item 7 of the Schedule, bears to the Total Estimated Component Cost for that Component.

The payment to the Minister shall be made within 20 Business Days of the date on which the Valuer General issues its determination of the Written-Down Value, or at a later date agreed in writing between the Minister and the Grantee; and

- (d) it will immediately notify the Minister of a pending or threatened occurrence or any event which may cause or constitute a breach of representation, warranty or covenant made by the Grantee in this agreement.

**9. GRANTEE'S REPRESENTATIONS AND WARRANTIES**

The Grantee represents and warrants that:

- (a) it is duly authorised and has power to enter into and observe its obligations under this agreement;
- (b) its obligations under this agreement are valid and binding and are enforceable against it in accordance with its terms;
- (c) except where, by operation of law, the Minister owns the Works, it owns, or will own, from commencement of Construction of the Works, the Works;
- (d) all authorisations, registrations, consents, approvals, licences and permits which are or will be required by law in connection with the Works or the performance by the Grantee of its obligations under this agreement have been or will be obtained or effected and are or will be and will remain in force and effect as necessary;
- (e) all officers, employees, agents and sub-contractors of the Grantee are conscientious and efficient and are capable of constructing the works in a competent and expeditious manner;
- (f) there is no litigation, arbitration or administrative proceedings currently taking place pending or threatened against the Grantee which could have a materially adverse effect on its ability to perform under this agreement;
- (g) it is unaware of any act, matter, thing or circumstance by reason of which it would be unable to perform any obligation arising out of this agreement;
- (h) it has after diligent inquiry and investigation fully disclosed to the Minister all information which could reasonably be regarded as affecting in any way the Minister's decision to enter into this agreement; and
- (i) this agreement and performance under it in the reasonable contemplation of the parties does not violate any law regulation or government order or decree or any consent registration approval licence or permit or any agreement order or award binding on the Grantee.

**10. EVENTS OF DEFAULT**

**10.1** An Event of Default occurs if:

- (a) the Project is not or, in the reasonable opinion of the Minister, it appears that the Project will not be, completed by the date set out in item 9 of the Schedule; or
- (b) the Grantee does not use the Grant in accordance with clause 3.1; or

- (c) the Grantee breaches any provision of this agreement and, if that breach can be remedied, does not remedy that breach within 10 Business Days of receiving a notice of default from the Minister or within such longer period set out in the notice of default, or that default is not waived by the Minister; or
- (d) any representation or warranty made by the Grantee is found to be incorrect or misleading; or
- (e) a receiver is appointed to the income or other assets of the Grantee.

**10.2** Upon the occurrence of an Event of Default, the Minister may by notice to the Grantee terminate this agreement with immediate effect.

**10.3** Upon termination of this agreement (whether pursuant to clause 10.2 or otherwise), the Minister may require that the Grantee repay to the Minister any money or portion thereof which was provided by the Minister to the Grantee under the RBFS or in connection with the Works, whether pursuant to the provisions of this agreement or otherwise.

**10.4** In addition to the repayment referred to in clause 10.3, the Minister may require the Grantee to pay to the Minister the sum of any costs incurred by the Minister as a result of the Grantee's default, including the cost of completing the Works where this is, in the opinion of the Minister, necessary.

**11. INDEMNITY**

**11.1** The Grantee releases and indemnifies the Minister from and against all:

- (a) actions, proceedings, suits, claims and demands whatsoever which may be brought, made or prosecuted by any person against the Minister or the Minister's employees, agents or instrumentalities in respect of an Event arising out of or in connection with any or all of the Project, the Works, the Grant or this agreement; and
- (b) damages, costs and expenses for which the Minister or the Minister's employees, agents or instrumentalities may be liable or incur in defending or settling any action, proceeding, suit, claim or demand described in paragraph (a).

**11.2** The indemnity in clause 11.1:

- (a) is a continuing obligation, separate and independent from the other obligations of the Grantee; and
- (b) survives termination of this agreement.

**12. ACKNOWLEDGEMENT OF GRANT**

The Grantee agrees that it will acknowledge the provision of the Grant by ensuring that it does the things set out in item 10 of the Schedule.

**13. RELATIONSHIP**

The Minister and the Grantee acknowledge and agree that nothing in this agreement may be construed to make either of them a partner, agent, employee or joint venturer of the other.

**14. NOTICES**

**14.1** A notice or other communication in connection with this agreement:

- (a) must be in writing;
- (b) may be given by an authorised officer of the Minister or the Grantee (as the case may be); and
- (c) must be sent by email or prepaid ordinary post to the address of the addressee, set out in item 11 of the Schedule.

**14.2** A notice or other communication takes effect from the time it is received, unless a later time is specified in the notice or communication. For the purposes of this clause 14.2, a letter is taken to be received on the third Business Day after posting.

**15. WAIVER**

A provision of or a right created under this agreement may not be waived or varied except in writing signed by the party or parties to be bound.

**16. GOVERNING LAW AND JURISDICTION**

This agreement is governed by the law in force in Western Australia. Each party irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts of Western Australia and courts of appeal from them. Each party waives any right it has to object to an action being brought in those courts including, without limitation, by claiming that the action has been brought in an inconvenient forum or that those courts do not have jurisdiction.

**17. COSTS**

The Minister and Grantee agree that they will each meet their own costs, charges and expenses, in connection with the negotiation, preparation, execution and completion of this agreement but the Grantee agrees to pay any stamp duty imposed on this agreement.

**18. GST**

**18.1** For the purposes of this clause 18:

- (a) "GST Law" has the meaning given to that term in the *A New Tax System (Goods and Services Tax) Act 1999*; and
- (b) the terms "GST", "supply" and "taxable supply" have the same meanings as in the GST Law.

**18.2** The amount of the Grant is exclusive of GST.

**18.3** If the Grantee becomes liable to pay GST on a supply which is the result of entering into obligations in respect of the Grant, the Minister must pay, in addition to the Grant, an amount equal to the amount of GST payable by the Grantee in respect of that part of the Grant applicable to that supply.

**18.4** If the supply of anything made under this Agreement, other than the supply referred to in clause 18.3, is a taxable supply, the price of the supply shall be inclusive of GST.

**19. DISPUTE RESOLUTION**

If a dispute, controversy or claim arises out of or in connection with this agreement or breach, termination or invalidity thereof and if such dispute, controversy or claim cannot be settled and resolved through negotiation between the parties, then the parties agree to submit their dispute to mediation in accordance with, and subject to, The Institute of Arbitrators and Mediators Australia Mediation Rules.

**20. ENTIRE AGREEMENT**

This Agreement contains the entire agreement between the parties relating to the subject matter of this Agreement and supersedes any and all previous negotiations, undertakings, understanding, representations, warranties, agreements or indemnities, whether written or oral.

**21. ANNOUNCEMENTS**

**21.1** The Minister may publish and/or use for marketing purposes details of the Grant, the Project, the Works and the Grantee.

**21.2** The Grantee must obtain prior written approval from the Minister for all press releases, advertising, signage and other public announcements relating to the Project.

**22. ASSIGNMENT**

This Agreement shall not be assigned, transferred or dealt with in any way by the Grantee without the written consent of the Minister.

**23. SEVERANCE**

In the event that any provision of this Agreement is declared by any judicial or other competent authority to be void, voidable, illegal or otherwise unenforceable, the parties shall amend that provision in such reasonable manner as achieves the intention of the parties without illegality or, at the discretion of the Minister, it may be severed from the Agreement and the remaining provisions of the Agreement shall remain in full force and effect, unless the Minister in the Minister's discretion decides that the effect of such declaration is to defeat the original intention of the parties, in which event the Minister shall be entitled to terminate the Agreement by giving one month's notice to the Grantee.

**SCHEDULE****Item 1(a) - Grant** (clause 1.1)

\$1,007,804 (One million, seven thousand, eight hundred and four dollars).

**Item 1(b) - Estimated Project Cost** (clause 1.1)

\$1,343,738.

**Item 2 - Land** (clause 1.1)

Lily Creek Lagoon boat launching facility Kununurra

**Item 3 - Project** (clause 1.1)

Lily Creek Lagoon ramp, jetty & lighting.

**Item 4 - Works** (clause 1.1)

To replace the existing ramp and construct two holding jetties.

**Item 5 – Project Specific Requirements** (clause 1.1 "Project")

1. DoT Fremantle approves engineering design plans and specifications before works commence.
2. Jetty licence modification approval is obtained before works commence.
3. A DoT Fremantle representative is to be on the Tender Assessment Panel.

**Item 6 - Manner in which the Grant is to be provided** (clause 2)

The Minister will provide to the Grantee:

- i) subject to paragraph (iii) and approval by the Minister of the Approved Project Program and the plans and specifications referred to in clause 4.1.1(c), 50% of the Grant if requested, after the Minister has received all information which the Minister reasonably requires to be satisfied that construction of the Works has commenced or that the Grantee has signed a contract for construction;
- ii) subject to paragraph (iii), the remainder of the Grant (as reduced by any deductions made in accordance with clauses 3.3, 3.4.1(b) and 3.4.2) after the Minister has received the items which the Grantee is obliged to provide to the Minister under clause 4.3; and
- iii) only if no Event of Default has occurred or, if an Event of Default has occurred, the Minister has waived that Event of Default.

**Item 7 - Use of Grant and Grantee's Contribution** (clauses 3.1 and 3.2)

The Grant is to be used for the Project and Works as described in Items 3, 4 and 5 of this Schedule and carried out in accordance with the Approved Project Program. This Project is a Component Project.

The Components of this Project, and the maximum amount of the Grant which is to be applied in relation to each Component, are set out in the following table:

Component	Maximum Grant Amount	Grantee Contribution	Total Estimated Cost
Finger jetties	\$273,668	\$91,222	\$364,890
Boat ramp	\$289,269	\$96,423	\$385,692
Parking area and road	\$444,867	\$148,289	\$593,156
<b>Total for Project</b>	<b>\$1,007,804</b>	<b>\$335,934</b>	<b>\$1,343,738</b>

The Grantee's Contribution in respect of each Component, subject to clause 3.2.5, is as set out in the table above.

**Item 8 - Additional items and information****Item 8.1 - Prior to commencement of Project** (clause 4.1.1(f))

Evidence, acceptable to the Minister, in respect of the Works, the subject of the Project, that:

- (a) the land on which they are to be developed is:
  - i) controlled by the Grantee
  - ii) available for the development of the Works.
- (b) they are, or are adjacent to, a licensed maritime structure.

**Item 8.2 - On completion of Project** (clause 4.3(f))

Evidence, acceptable to the Minister, in respect of the Works, the subject of the Project, that:

- (a) the land on which they are to be developed is:
  - i) controlled by the Grantee
  - ii) available for the development of the Works.
- (b) they are, or are adjacent to, a licensed maritime structure.

**Item 9 - Timing of Project** (clauses 5.1 and 5.5)

**Completion Date:** 31 July 2016.

**Other significant Dates:** Nil.

**Item 10 - Acknowledgement of Grant** (clause 12)

The Grantee must:

- (i) acknowledge in all press releases, advertising, signage and other public announcements throughout the life of the Project that a grant has been provided for the Project through the Recreational Boating Facilities Scheme and the Royalties for Regions program; and
- (ii) at Completion, install signage of a design approved by the Minister in a prominent place on or near the Works, containing the acknowledgements referred to in paragraph (i).

**Item 11 - Address for Notices** (clause 14)

**The Minister for Transport:**  
C/o Department of Transport  
Recreational Boating Facilities Scheme  
PO Box 402  
FREMANTLE WA 6959  
Email: rbfs@transport.wa.gov.au

**The Grantee:**  
Shire of Wyndham/East Kimberley  
PO Box 614  
KUNUNURRA WA 6743  
Email: peter.kerp@swek.wa.gov.au

**Item 12 - Completion Certificate** (clause 1.1)

**RECREATIONAL BOATING FACILITIES SCHEME  
COMPLETION CERTIFICATE  
FOR  
LILY CREEK LAGOON RAMP, JETTY & LIGHTING**

We certify that Completion of the Project was achieved on ... and that the Shire of Wyndham/East Kimberley incurred expenditure of \$... (excluding GST) in carrying out the works in connection with the Project.

The Shire of Wyndham/East Kimberley acknowledges that pursuant to the funding agreement between the Minister for Transport and the Shire of Wyndham/East Kimberley, the Shire of Wyndham/East Kimberley is responsible for all the ongoing operations and maintenance of the facility.

Signed on behalf of the Shire of Wyndham/East Kimberley

**CHIEF EXECUTIVE OFFICER  
DIRECTOR OF FINANCE  
MANAGER OF WORKS**

**EXECUTED** as an agreement.

Signed this *Second* day of *July* 2014 for and on behalf of the Minister for Transport, as a Body Corporate by the authorised delegate:

*M. Baird*  
.....  
**Maritime Planning Director's Signature**

Martin Baird  
**Delegate's Name**

in the presence of:

*[Signature]*  
.....  
**Witness's Signature**

*IAN APPLEBY*  
**Witness Name**

The COMMON SEAL of the Shire of Wyndham/East Kimberley was hereunto affixed by the authority of a resolution of the Council



on this \_\_\_\_\_ day of \_\_\_\_\_ 2014 in the presence of:

.....  
**Mayor/President's Signature**

.....  
**Name**

.....  
**Chief Executive Officer's Signature**

.....  
**Name**

### 13.4.4 Management of Reserve 36951

<b>DATE:</b>	26 August 2014
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	Lower Ord River, Kununurra
<b>AUTHOR:</b>	Jennifer Ninnette, Senior Planning Officer
<b>REPORTING OFFICER:</b>	Louise Gee, Director Community Development
<b>FILE NO:</b>	A5705D

#### **PURPOSE**

For Council to consider management of Reserve 36951.

#### **BACKGROUND**

The Department of Lands has written to the Shire to seek Council's potential interest in the management of the Reserve 36951, which is reserved for the purpose of "Quarry". A copy of this correspondence is provided at Attachment 1.

The current Management Body, Department of Finance & Treasury - Building Management & Works (BMW), have advised that they may no longer require the reserve and be prepared to relinquish management of the reserve.

This reserve land extends along the Lower Ord River, to the north of the Water Corporation's reserve over the diversion dam, and up to the first riverside property on River Farm Road, as shown on the aerial photograph at Attachment 2.

#### **STATUTORY IMPLICATIONS**

##### Land Administration Act 1997

Under Section 46 of the *Land Administration Act 1997* the Minister for Land may by order place the care, control and management of a reserve to a management body, for the purpose of which it is reserved and purposes ancillary and beneficial to that purpose, subject to such conditions as the Minister specifies.

Under Section 46 of the *Land Administration Act 1997* the Minister for Land may by order cancel, change the purpose of or amend the boundaries of, or the locations or lots comprising, a reserve.

##### Town Planning Scheme

The reserve is a Scheme Reserve under the Shire of Wyndham East Kimberley - Town Planning Scheme No. 7 – Kununurra and Environs for the purpose of Special Foreshore Reserve over the land and Waterway Reserve over the Ord River.

The objective for the Special Foreshore Reserve is to identify and protect those foreshore areas that have special conservation values particularly in regard to flora and fauna values and ensuring that areas of significance are ultimately identified and recorded through appropriate studies.

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

### **POLICY IMPLICATIONS**

There are no policy implications associated with this item.

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this item, unless the Council should decide to take on management of the reserve.

### **STRATEGIC IMPLICATIONS**

There are no strategic implications associated with this item.

### **COMMUNITY CONSULTATION**

No community consultation is required in relation to this item.

### **COMMENT**

Although, the reserve is set aside for the purpose of "Quarry", it is considered that this was required for historical requirements and unlikely that the Shire would be able to use this land for the extraction of materials. It is also noted that there are a number of existing mining tenements that appear to have been 'excised' from this reserve.

Given the purpose of its reservation under the Scheme it is considered that the Department of Parks and Wildlife may be best placed to accept management of this reserve.

It is recommended that Council resolve to advise the Department of Lands in writing that the Shire of Wyndham East Kimberley has no interest in management of Reserve 36951.

### **ATTACHMENTS**

Attachment 1 – Correspondence from Department of Lands

Attachment 2 – Aerial photograph with cadastral overlay

### **VOTING REQUIREMENT**

Simple Majority

### **OFFICER'S RECOMMENDATION**

That Council advises the Department of Lands that the Shire of Wyndham East Kimberley has no interest in the management of Reserve 36951.

**COUNCIL DECISION**

**Minute No. 10514**

**Moved: Cr K Wright**

**Seconded: Cr J Moulden**

**That Council advises the Department of Lands that the Shire of Wyndham East Kimberley has no interest in the management of Reserve 36951.**

**Carried 8/1**

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



Your ref:

Our ref: 02514-1974/03

Enquiries: Carolyn Gasmier

Ph: 9168 0624

Fax: 9168 0600

carolyn.gasmier@lands.wa.gov.au

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

Dear Gary

**EXPRESSION OF INTEREST – MANAGEMENT OF RESERVE 36951 FOR  
PURPOSE OF QUARRY, LOWER ORD – SHIRE OF WYNDHAM-EAST  
KIMBERLEY**

The Department of Lands (Lands) has recently been advised that the current holder of the Management Order over Reserve 36951, the Department of Finance & Treasury – Building Management & Works (BMW), may no longer require the reserve and be prepared to relinquish management of the Reserve.

Lands' is writing to ascertain potential interest in the management of the Reserve by other agencies. A Smartplan and Aerial of the Reserve is attached for your reference.

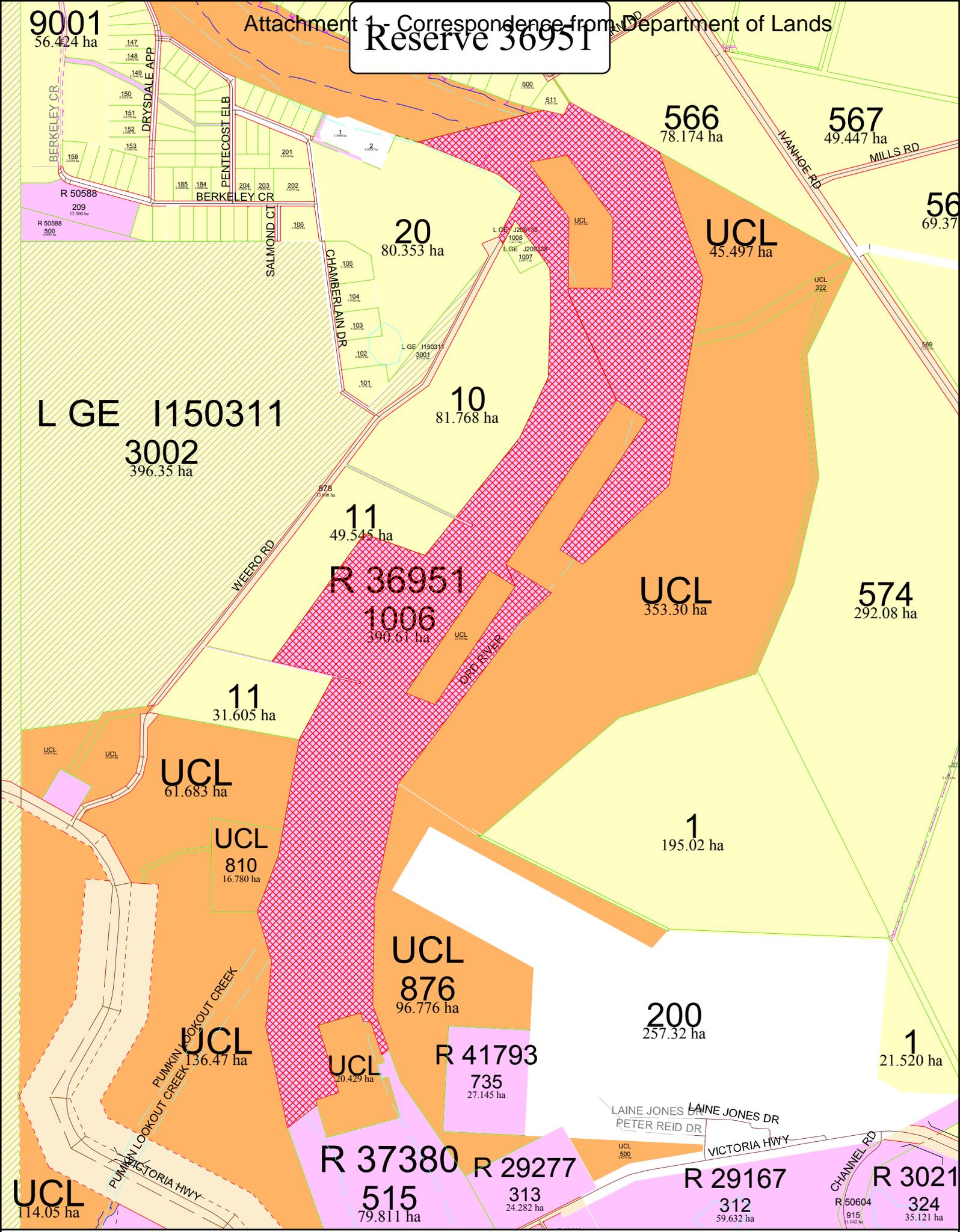
For further inquiries please contact Carolyn Gasmier on any of the details above.

Yours sincerely

Carolyn Gasmier  
**STATE LANDS OFFICER**  
**Kimberley – Kununurra**

25 March 2014

Reserve 36951



Scale : 1:25080 (Geographical)  
 MGA : SW=465042.3E,8254296.2N Zone 52 / NE=470294.3E,8261328.6N Zone 52  
 Lat/Long : 128°40'24.986", -15°47'23.028" / 128°43'21.827", -15°43'34.398" H 271mm by W 210mm  
 Minutes Ordinary Council Meeting 26 August 2014

Printed : 11:58 Fri 4/Jul/2014  
 © Western Australian Land Information Authority 2014



### 13.4.5 Strategic Community Plan Review

<b>DATE:</b>	26 August 2014
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Wayne Richards, Manager Community Services
<b>REPORTING OFFICER:</b>	Louise Gee, Director Community Development
<b>FILE NO:</b>	CM.10.3

#### **PURPOSE**

For Council to endorse public display of the Draft Reviewed Strategic Community Plan and Performance Management Report.

#### **BACKGROUND**

The Strategic Community Plan states the community's long term (10+ years) vision, values, aspirations, priorities and service expectations. This overarching document then informs the Corporate Business Plan and the long term financial, resource, work force and asset management plans which in turn determine annual budgets.

The Department of Local Government's Integrated Planning and Reporting Framework specify that a Shire's Strategic Community Plan is to receive a desk top review every two years and a full review every four years.

In addition to this review process, the Performance Management Report has been prepared (attached). It is noted that changes will be required to the performance indicators as these were adopted prior to the development of the Corporate Business Plan. Such a change however, will require full community consultation through the full review of the Strategic Community Plan due to take place in 2016. The report also requires feedback from the community regarding a number of items. To strengthen the report on these indicators a consultation process such as a Community Satisfaction Survey would be required.

#### **STATUTORY IMPLICATIONS**

Under Regulation 19C (9) of the Local Government Administration Regulations, to engage with its community, (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.

Advice received from the Department of Local Government and Communities:

*"If it is likely that the Strategic Community Plan will be updated as a result of changes in the region and/or Council priorities, then Council will be required under the regulations, to engage with the community. For example, if significant funding had been received in the last 2 years by the Shire for educational / vocational programs for Indigenous people in the region, then the strategy 2.5.2 may need to be changed or an additional strategy around provision of educational programs added. In this case, there would need to be some sort of engagement with the community. This engagement needs to be commensurate with the changes being suggested. Engagement around adding or changing a strategy would be different to engagement related to changes of an objective."*

## **POLICY IMPLICATIONS**

This report aligns with Council Policy CP GOV – 3100 Community Engagement Policy

## **FINANCIAL IMPLICATIONS**

There are no budget implications associated with this report.

## **STRATEGIC IMPLICATIONS**

The Strategic Community Plan states the community's long term (10+ years) vision, values, aspirations, priorities and service expectations. This overarching document then informs the Corporate Business Plan and the long term financial, resource, work force and asset management plans which in turn determine annual budgets.

## **COMMUNITY CONSULTATION**

The reviewed plan will be advertised and all submissions received considered prior to presenting the final draft to Council.

## **COMMENT**

All feedback received through the review process has been incorporated into the draft that was presented to the 12 August Briefing Session. Officers are now seeking endorsement to seek feedback from the community through advertising the draft document for a period of 28 days with feedback.

Officers will ensure that the advertisement clearly states the limitations of the scope of the review and that any minor changes may be made through this process as per the guidance received from Department of Local Government and Communities.

As mentioned above, through this process it was identified that these measures will require change at the next full review and a process for gathering community feedback.

## **ATTACHMENTS**

Attachment 1 - Draft Reviewed Strategic Community Plan  
Attachment 2 – SCP Performance Management Report

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council endorses the public advertising of the Draft Reviewed Strategic Community Plan and Performance Management Report for a period of 28 days.

**COUNCIL DECISION**

**Minute No. 10515**

**Moved: Cr S Cooke**

**Seconded: Cr B Robinson**

**That Council endorses the public advertising of the Draft Reviewed Strategic Community Plan and Performance Management Report for a period of 28 days.**

**Carried Unanimously 9/0**

SHIRE of  
WYNDHAM  
EAST KIMBERLEY

Strategic  
Community Plan  
2012 - 2022



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## Acknowledgements

We thank the community members and representative groups and organisations who have helped develop this Plan.

We would also like to acknowledge the energy and input of Shire staff and Councillors who organised community engagement activities and collected feedback.

The Shire of Wyndham East Kimberley wishes to acknowledge funding provided by the Department of Local Government and Department of Regional Development and Lands through Royalties for Regions to support this project.

## Shire President's Message

This Strategic Community Plan marks a significant change in the way that the Shire interacts with its residents.

For the first time, Council has used a number of different forums to seek feedback about what residents think the Shire should concentrate on over the next 10 years. Council has positively received the community's feedback and ideas and has incorporated the feedback into this Strategic Community Plan.

The plan presents a 10-year vision for the East Kimberley and reflects the priorities and aspirations of all who work, live and play in this wonderful part of the world.

The East Kimberley has a rich history and exceptional natural beauty, and people are attracted to it for the lifestyle and great employment opportunities. It is an exciting time to be living in the East Kimberley, with the expansion of the Ord irrigation scheme, new mining prospects and huge investment by both State and Federal government.

Despite all the positives, we have significant challenges. Our Aboriginal population continues to experience social and material disadvantage. The desire to bring about meaningful improvements to Aboriginal people's life prospects is a strong theme coming from all parts of the community.

Our community prides itself on looking out for each other, and expects its Council and the Shire staff to be attuned to its needs. The Council is committed to listening to its community and setting its priorities in conversation with the community. I am pleased to endorse this Strategic Community Plan.

**John Moulden**  
Shire President

## Introduction

The Shire of Wyndham East Kimberley is located in the ruggedly picturesque and sparsely populated northeast corner of Western Australia (WA), stretching from the Northern Territory border to the northern most tip of WA. The Shire includes the towns of Kununurra and Wyndham, the township of Kalumburu, more than 40 Indigenous communities and a number of other small settlements and station homesteads.

The Shire covers 121 000 square ~~kilometres~~[kilometers](#) and is one of the four local governments that make up the Kimberley region. It is an exciting time to live in the East Kimberley with rapid population growth due to the expansion of the Ord Irrigation area, new mining prospects, a thriving tourism industry and the associated infrastructure and employment opportunities. The East Kimberley has the benefits of a rich history mixed with dynamic growth and a vibrant community.

King George Falls

Darwin

Perth

**Figure 1: Profile map of the Shire of Wyndham East Kimberley**

## Kununurra

Kununurra was developed in the early 1960s to service the construction of the Ord Irrigation Scheme. The town has seen the transformation of ancient river plains into one of Australia's most diverse and productive agricultural areas. Harnessing the mighty Ord River opened up the area to horticulture, aquaculture, eco-tourism and agri-tourism. From its beginnings as a service town for workers, Kununurra has grown to a population of about 6 000 and is home to most of the Shire's residents.

## Smaller Communities

The Shire includes a number of small Indigenous communities, such as Kalumburu and Doon Doon. During the wet season (October to May) many residents move to the larger towns to be closer to family members when flooding isolates their communities.

## Wyndham

Wyndham is Western Australia's most northern town and the second largest town in the Shire. It is a small town with a population of just 1000, but Wyndham was once a bustling town that grew with the discovery of gold at Halls Creek. The Wyndham Port was established at the base of the Bastion Range in the 1880s and today provides for the state ship service, the import of fuel, ammonium nitrate and general freight and the export of iron ore, nickel and live cattle. It is also a popular stop over for cruise ships.

## The Planning Process

### what is this plan about?

The Strategic Community Plan is a high-level plan that identifies the Shire's and the community's vision for its region for the next 10 years. It is a 'whole of community' plan that is not just about what local government can do for its constituents, but what can be achieved through working in partnership with a wide range of stakeholders and all levels of government.

### why is this plan important?

The purpose of this plan is to:

- set a direction for the community for the next 10 years and help it to achieve its priorities and aspirations
- begin a process of continual improvement in engagement by the Shire that will make for more robust decision making
- guide the development of the Shire's corporate business plan to inform decisions made by Council over the next 10 years
- complement, guide and inform the Council's other strategic planning systems and decision making, such as Planning Schemes

[The IPF diagram will be inserted here. This will demonstrate the links within the Integrated Planning Circle, linking in with the information below](#)

### what is the integrated Planning and reporting Framework?

The Strategic Community Plan is the foundation document that determines the Shire's activities and direction over the next 10 years. It is supported by a long-term financial plan, an asset management plan and is the key driver for the Shire's Corporate Business Plan. These plans determine annual budgets and resources.

The Shire directly contributes to fulfilling the community's vision by providing services and infrastructure and facilities. It indirectly plays the role of facilitator or advocate. A range of other organisations and groups including the private sector, Aboriginal trusts and corporations, government and non-government organisations can work with the Shire to deliver other projects and programmes that help achieve the community's vision.

The Shire of Wyndham East Kimberley Plan for the Future 2008–2010 (extended to 30 June 2013) provides a good foundation for the Shire's future directions. Many of the goals and objectives in that plan were also identified as priorities through the community engagement process.

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## Shire Profile

### Environment

The East Kimberley's natural environment is blessed with an abundance of water, rugged landscapes, unique Boab trees, glorious sunsets, distinct wet and dry seasons and bio diverse flora and fauna. There are vast expanses of open space, spectacular gorges and waterfalls. The climate is described as arid tropical. The weather is warm and crisp in the dry season (winter) and hot, humid and wet in the wet season (summer). Rainfall can be localised and averages vary from 800 – 2 000 mm per year.

### Economics

The damming of the Ord River created Lake Kununurra and Lake Argyle which provide a permanent water supply for 14 000 hectares of fertile farm land as part of the original Ord Irrigation Scheme. The more recent \$322 million, government funded Ord East Kimberley Expansion project has seen this area grow by another 8 000 hectares to a total of 22 000 hectares for irrigated agricultural land.

The resource sector plays a big part in the local economy, particularly the Argyle Diamond Mine, Kimberley Nickel Mine and more recently, the Rydges Iron Ore mine.

The Shire is geographically closer to Asia than the Western Australia capital, Perth. Its close proximity to the major northern port of Darwin makes it more economically viable to export Shire products to Asian markets through Darwin than within Western Australia. Recent growth in mineral and live cattle exports have also generated growth at Wyndham Port.

The Shire also attracts many tourists. In 2008, the tourism industry was valued at \$92 million, with multiplier effects valued at approximately \$145 million (KPP, 2009).

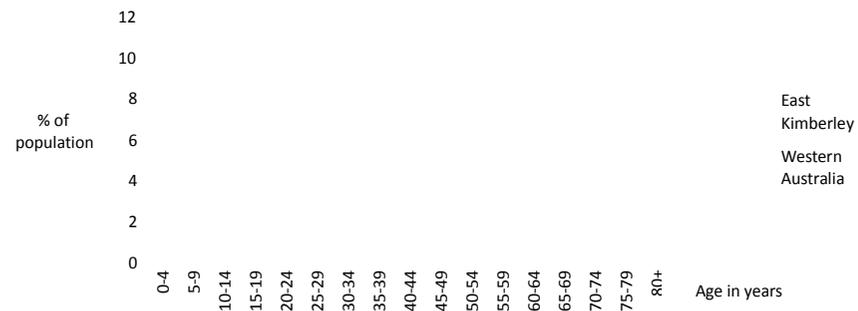
## Social

The Shire's estimated population is 7 799 (Australian Bureau of Statistics (ABS), 2011) however it can grow to 10 000 people in the dry season. Indigenous people make up approximately 38 per cent of the population. (ABS, 2011).

The Indigenous population is relatively young which significantly contributes to the Shire's low median population age of 31 years (in contrast to Perth's 36 years). There is a large decrease in population aged 15–19 years as young people move away from town to go to high school, which is typical for regional and remote locations.

The Shire has a transient population with a big proportion of visitors and temporary residents. The demographic changes significantly between the wet and dry seasons. Short-term visitors and tourists boost population numbers during the dry season (May to October) whilst access to Indigenous communities is often difficult in the wet season (November to April) temporarily boosting the transient population in towns.

**Figure 2: Age of Kimberley residents v Age of WA residents (ABS, 2011)**



## Social and lifestyle challenges

The Shire of Wyndham East Kimberley is booming. The \$512 million invested in the Ord East Kimberley Expansion project and the East Kimberley ~~development~~ development package has grown infrastructure and services over the last five years. The growth is likely to continue with the imminent release of more irrigated agricultural land and mining projects on the horizon. However, this investment also brings with it some risks and challenges:

### Cost of living:

Living costs have increased substantially since 2001 with the median price of rent increasing by 166 per cent since 2001 and the median monthly mortgage repayment rising by 237 per cent (ABS, 2011). Freight costs have also increased, making it harder for residents to make ends meet.

### Infrastructure:

Many of Kununurra's roads and drains have reached the end of their practical life and will require expensive reconstruction. They were not built well when the town was first developed. This will consume much of the Shire's allocated budget for infrastructure. The community identified infrastructure issues as some of their highest priorities through the consultation process.

### Attraction and retention of key workers:

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 that there is diminished demand for facilities and services for this age group, so those that do stay in town find there are limited entertainment options. The same can be said for retirees. Statistically, there are very few 'over 50s' in the region, because they are choosing to retire elsewhere.

### the gap between non-indigenous and indigenous residents

Many Indigenous residents continue to experience social disadvantage, particularly in health, education and employment outcomes. The Federal and State governments, along with some philanthropic organisations, operate programmes in the Shire. Feedback from residents emphasised their desire to 'close the gap' between Indigenous and non-Indigenous life experience.

## Opportunities

The community engagement process has highlighted opportunities for the Shire to respond to the community's key issues, including:

- greater opportunity to work in partnership with different levels of government – to facilitate discussion and to avoid duplication
- to promote racial harmony and address key social issues
- to enhance and build upon what residents feel are the East Kimberley's most attractive attributes
- build vibrancy and connectedness in our main town centres
- to ensure that new facilities are able to serve multiple purposes and are budgeted in consideration of expenses for their whole of life cost
- to improve educational opportunities that will have long-term benefits for the region including the availability of locally trained employees
- to seek opportunities for grants by working collaboratively with other agencies and organisations
- the potential to extend the runway at the East Kimberley Regional Airport in order to increase competition and therefore reduce airfares.

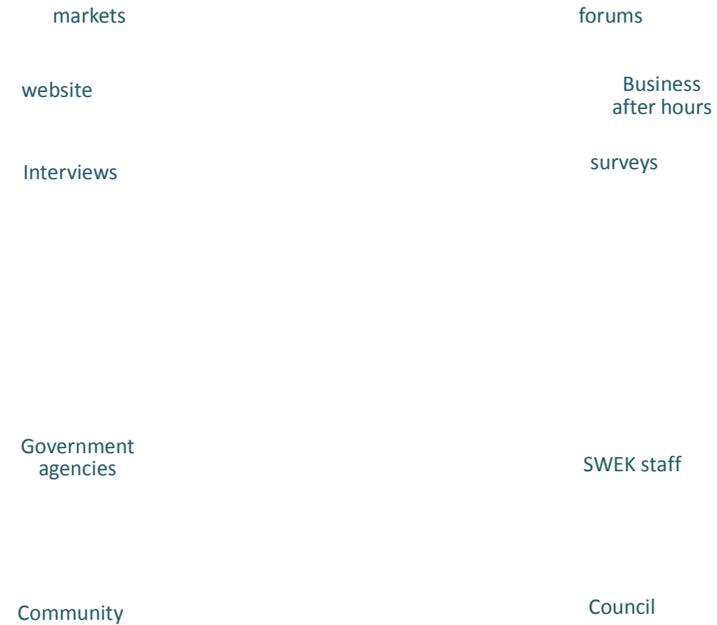
## Community engAgement

In May 2012, Council adopted a Community Engagement Strategy. As part of the strategy, Shire staff were trained on best practice techniques to engage with the community to gather their views about what should be included in the Plan. Over 2500 community members provided feedback through:

- yoursayswek web forum
- Facebook
- community survey
- consultation stalls at community events
- Open houses and community workshops
- face to face meetings
- deliberative forums

More information about the methodology used in the SWEK Community Engagement process is in a separate document titled *Creating a Strategic Community Plan – The Community Engagement Process and Results*. The diagram here shows a summary of the process:

Figure 3: Community Engagement Process



## Community Aspirations

### Initial information gathering.

The consultation process started with collecting ideas and suggestions from the community in a variety of different ways. We gathered information at Business After Hours, through printed and online surveys, community forums held in Wyndham and Kununurra, and information stands at Wyndham Supermarket, Kununurra markets, community libraries and at events such as Five Rivers Picnic day and the *'Pindan kids love books'* book launch.

Some of the comments received during the initial information gathering process are listed here:

What we love ...

What we would like to change ...

We would like to see more ...

## Key issues for agencies:

The Shire also asked other government agencies and organisations to fill out surveys about issues that they are facing, projects that they are working on and opportunities to collaborate on activities and challenges.

Feedback suggests that agencies, business and the Shire share common challenges, mostly due to the region's remoteness and the high cost of living. They also identified opportunities to share information more frequently and in a structured way, and to work more closely on projects for the community's benefit.

### Challenges identified by agencies included:

- staff recruitment and retention
- cost of housing and land availability
- seasonality, particularly where it impacts on access and mobility throughout the region
- cost of developing commercially viable residential and light industrial land
- reducing duplication of effort
- working together collaboratively.

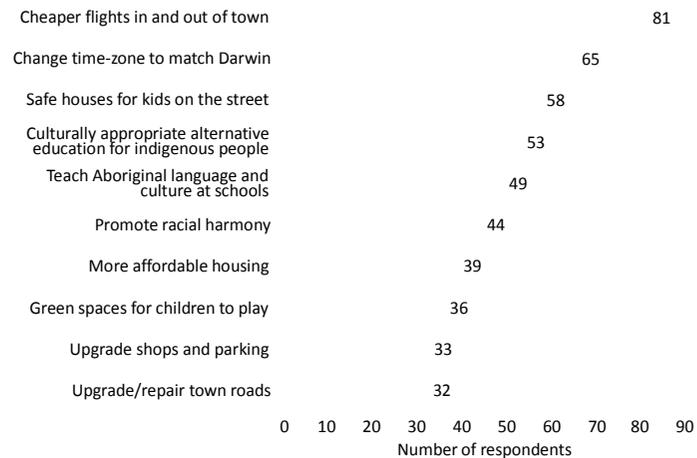
## Prioritisation:

Key themes emerged during the consultation process, so the Shire collated the feedback under those themes. They were:

- look and feel of towns
- shire facilities and services
- environment and lifestyle
- our economic future
- our educational future
- other.

The Shire asked the community to prioritise the ideas within each theme by voting at the Wyndham supermarket, Kununurra markets, Kununurra Community Library and Wyndham Youth Services and online through the 'YourSaySwek' website. The top 10 priorities identified by the community are shown in the following graph.

**Figure 4: Top 10 priorities for East Kimberley residents identified through prioritisation phase.**



## Deliberation:

The Shire held two deliberative forums following the prioritisation phase. The first brought government agency representatives together and the second was a community forum that included representatives from sporting clubs, schools and community service providers. Attendees prioritised actions for the Shire to either lead, to work in partnership with another agency, or to advocate.

Outcomes from the deliberative forums are recorded in the *Creating a Strategic Community Plan – The Community Engagement Process and Results*.

## Our Strategic Direction

The early stages of consultation generated many ideas and suggestions from the community. The Shire Councillors held a workshop to consider all feedback before this plan was developed.

### Vision and Mission

**Vision:** For the East Kimberley to be a thriving community with opportunities for all.

**Mission:** To enable the East Kimberley to develop in a manner that will achieve social, cultural, economic and environmental benefits for all.

The following objectives, goals and strategies have been set by the Shire and will set the basis for the Corporate Business Plans, Asset Management Plans and Long Term Financial Plans for the next 10 years.

It was clear throughout the community engagement process that the citizens of the East Kimberley want improved two way communications with the Shire, where community have the opportunity to be actively involved in Council planning and decision making.

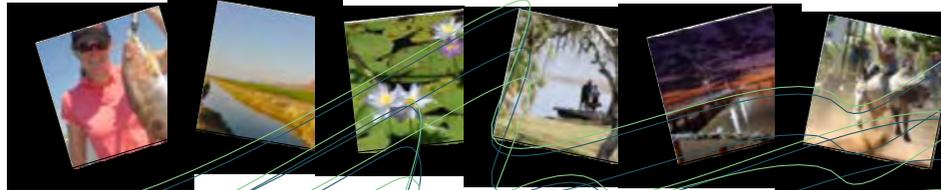
Opportunities to work more strategically and efficiently between organisations, community groups and government departments at a local and regional level will increase the financial viability of shared services, projects and programs as well as promote cross cultural and community harmony.

The East Kimberley has significant strategic importance at a regional, state and national level. Therefore the community expects the Shire to champion its interests at and across these broader levels to enable progress and growth whilst also ensuring the local lifestyle and community benefits are protected.

The Shire is committed to being a transparent, accountable and financially viable organisation that delivers improved services to its community thereby ensuring a long term sustainable future.

#### The community said:

- Promote the interests of the community in other decision making organisations e.g. State and Federal government departments
- Keep the community informed about upcoming projects and activities
- Develop relationships and consultation processes with Aboriginal groups at a regional level
- Form a multi-agency forum to oversee land release and zoning
- The Shire to have a greater involvement and say in government activities and programs that affect residents
- We need better communication between Council and the community.



- 1.1.1 Investigate and implement options to encourage and integrate community input in Council planning, policies and decision making
- 1.1.2 Improve planning processes to ensure broader engagement and identification of relevant issues from all parties
- 1.2.1 Work collaboratively with agencies for forward planning and to expand opportunities and to reduce wastage and duplication
- 1.2.2 Work collaboratively with the other Kimberley Shires to create and manage regionally beneficial projects
- 1.2.3 Promote the colocation of community facilities and sharing of resources among community groups
- 1.3.1 Actively provide input to decision making at the Regional, State and Federal levels on behalf of the community
- 1.3.2 Actively participate in the review and implementation of municipal services to remote and Aboriginal communities
- 1.4.1 Ensure legislative compliance and follow best practice principles in planning and service delivery
- 1.4.2 Improve the efficiency and productivity of Shire services
- 1.4.3 Maintain Council's long term financial viability
- 1.4.4 Deliver cost effective and efficient corporate services
- 1.4.5 Attract and maintain a skilled, motivated and professional workforce



The East Kimberley is fortunate to have many thriving economic drivers including mining, agriculture, industry and tourism. The protection, promotion and expansion of these diverse economies foster economic resilience and therefore long term sustainability. The community would like to see greater local returns for the increased investment in these economies.

The Shire of Wyndham East Kimberley recognises that it is important to be able to maintain infrastructure and services to its residents and therefore, rather than focusing on new assets that can be built or developed, the focus needs to shift to repairing and renewing existing infrastructure.

Reducing the cost of living, improving services, particularly in the area of health, and increasing educational opportunities in the region, were all considered high priorities by the community throughout the engagement process.

#### The community said:

- Give us cheaper flights in and out of Kununurra
- We need more affordable and appropriate housing
- We want better transport options
- We want better education options

2.1.1 Encourage a mix of businesses that meet community needs

2.1.2 Promote and support major events that benefit locals and attract visitors to the area



- 2.2.1 Promote the expansion of residential and industrial land
- 2.2.2 Support agricultural opportunities
- 2.2.3 Advocate for improved availability of adequate water resources
- 2.2.4 Enhance and expand tourism opportunities in the East Kimberley and improve access to significant tourism destinations
- 2.2.5 Advocate for improved telecommunications and internet services
- 2.2.6 Support local initiatives that promote entrepreneurial activities and a greater diversity of industries in the East Kimberley
- 2.2.7 Advocate for a range of affordable housing options and styles that cater to a broad market including key worker housing
- 2.2.8 Support and advocate for further development of the East Kimberley regional airport to attract more aircraft and greater competition
- 2.2.9 Lobby for improvements to transport infrastructure, particularly for heavy haulage and shipping
- 2.2.10 Provide growth management plans that identify and guide decision making for potential population growth scenarios
- 2.3.1 Manage and maintain assets in a strategic and cost effective manner
- 2.3.2 Plan, design and budget for sustainable infrastructure



- 2.4.1 Advocate for improved health and community services
- 2.4.2 Ensure community compliance with Environmental Health regulations
- 2.4.3 Support early childhood and family support services
- 2.4.4 Provide an environment where youth are empowered to develop their potential
- 2.5.1 Support initiatives aimed at enhancing the range of educational programs offered at Years 11 and 12
- 2.5.2 Advocate for the introduction of culturally appropriate alternative education for Indigenous people
- 2.5.3 Advocate for the establishment of more school based apprenticeships
- 2.5.4 Encourage activities that promote adult educational opportunities including family support and life skills programs



The spectacular natural environment and relaxed lifestyle of the East Kimberley are the main reasons that people love living in this part of the world. It is important that a balance is maintained so that the region is able to grow and thrive without compromising these lifestyle benefits.

The citizens of the East Kimberley are a socially responsibly community but the urban environment within towns requires some improvement for the community to feel safe and enjoy clean streets and a vibrant community spirit.

The community said:

- Protect our lifestyle values
- Make towns safer and more inviting
- Promote racial harmony
- Beautify towns
- Give us more access to the foreshore

Strategies	
A broad range of lifestyle opportunities and activities are available for East Kimberley residents	3.1.1 Support activities that promote volunteerism and active participation in community events and programs
	3.1.2 Promote a greater range of cultural and art activities
	3.1.3 Support the community by providing access to local funding and sponsorship opportunities
	3.1.4 Facilitate activities that link communities
3.2 Waste management and protection of environmental values	3.2.1 Provide an integrated approach to waste management that includes waste minimisation strategies
	3.2.2 Ensure energy efficiency and low carbon options are used to reduce the Shire's energy costs and carbon footprint.



# Attachment 1 - Draft Reviewed Strategic Community Plan

- 3.3.1 Improve streetscapes in town and urban centres incorporating public art and designing out crime principles
- 3.3.2 Promote greater vibrancy and activity within town centres, particularly through a mix of restaurants and accommodation
- 3.3.3 Ensure adequate street lighting
- 3.3.4 Ensure a well-connected and maintained network of shared paths
- 3.3.5 Provide for adequate public parking areas that meet demand, including for long vehicles
- 3.3.6 Collaborate with Police and other agencies to review and make recommendations with regard to improved safety and reduced vandalism in towns
- 3.3.7 Develop design guidelines for main commercial areas and the development of new buildings that reflect the character of the region
- 3.3.8 Ensure quality, consistent and responsive development and building assessment approval processes and enforcement
- 3.3.9 Provide animal control in accordance with legislative requirements
- 3.3.10 Adopt a partnership approach for emergency and fire management planning, preparedness, response and recovery
- 3.4.1 Manage, maintain and upgrade public parks and amenities to ensure they meet community need and are accessible to people of all ages and abilities
- 3.4.2 Consider cultural values in all planning and design phases
- 3.4.3 Ensure Shire facilities are planned and managed to meet community needs
- 3.4.4 Provide and support an ~~more~~ effective range of sport and recreational services and facilities including a new leisure centre and aquatic facility in Kununurra
- 3.5.1 Promote an increase in the number of ~~outdoor (public)~~ events, particularly outdoor events and those for youth and which promote cultural diversity
- 3.5.2 Encourage cooperation between sporting groups and assist them in building capacity
- 3.5.3 Increased access to the lake, gulf and rivers, including boat ramps, according to demand usage and safety considerations

~~outdoor~~  
particularly outdoors

**Comment [SH1]:** To stipulate only "outdoor" public events for the community limits the potential of events within the community. An active lifestyle can still be promoted with indoor events that are suitable for the East Kimberley climate. The reference to outdoors can be maintained without limiting the strategy.

## Regard to current and future resource capacity

The following key drivers of community and economic development for the 10 years to 2022 have been identified:

- Agricultural industry – Ord Stage 2 and 3
- Resources sector – mining, niche mining, petroleum
- Construction – linked to agriculture and resource development
- Government services
- Tourism sector – adventure and cultural tourism

Financially, income has been reducing. Income for 2010/11 was \$10,226,735 compared to \$8,776,039 in 2011/12 even after a rate increase of 5.5%. This is largely attributed to a decrease in the Federal Government 'economic stimulus' grants income.

Operating and ~~non-operating~~non-operating grants, subsidies and contributions made up 37% of the Shire's income in 2011/12. In 2012/13 the Shire has also experienced a reduction of 11% reduction (\$364,000) in Commonwealth Financial Assistance Grants. The Shire has been informed that for the 2013/14 financial year it can expect a further decrease of 10.6% (\$310,000) in Financial Assistance Grants.

In addition, the East Kimberley Development Package saw a large injection of funding into Shire managed projects in previous years. This funding gave a skewed income picture and with these projects now completed income has reduced and the Shire must now budget for the ongoing maintenance and future renewal of those assets as well as for recurrent expenditure and for the maintenance of new staff positions created.

In terms of asset renewal and asset maintenance, the Shire has an infrastructure funding gap in the order of \$8.230m/annum. This would require a rate rise in the order of 100% but obviously this is not sustainable for the community. Another major issue for the Shire is waste management and compliance with State / Federal Government standards and conditions. The Shire's recently developed informing Waste Strategy has identified major funding required for future landfill ~~decommissioning~~[decommissioning](#) (Kununurra & Wyndham) and establishment of a new landfill for Kununurra and new transfer station for Wyndham. The Shire will consider, service levels, infrastructure rationalisation, fees and charges etc, to try and reduce future large rate rises. However, to try and keep rate rises at a sustainable level for the community, the Shire has assumed in its Long Term Financial Plan increased funding from Government to assist with funding the Infrastructure Gap.

Of the identified top ten priorities from the community that the Shire has the greatest direct influence over is green spaces for children to play in and upgrade/repair town roads. The Shire has some influence over upgrades to shops and parking, more affordable housing, safe houses for children on the street, promote racial harmony and cheaper flights in and out of town. The Shire has little influence in changing the time zone to align with Darwin or to directly provide culturally appropriate alternative education for indigenous people, or to teach Aboriginal language and culture at schools. However it is acknowledged that the Shire can partner with other more direct stakeholders in these issues to advocate for change

## Performance Management

Community satisfaction with Council's engagement and communication with the community

Number of ~~F~~face-book hits, number of website hits, number of advertisements, and number of media releases

Council representation on committees

Contribution to the Working in Partnership group

Shire representation on other agency groups such as liquor accord

Number of meetings held with visiting State and Federal government officials ie ministers

Input provided to State and National plans, strategies and policies released for comment and WALGA info notes

Community satisfaction with customer service

Number of complaints received

Operating surplus/~~H~~/(debt)

~~ratio~~ Rates coverage ratio

Reduced staff turnover

Council's support for community events

Business support for community events

Number of building (commercial/industrial/residential) approvals

Value of building (commercial/industrial/residential) approvals

Small to medium enterprise sector supported through events and agency collaboration

Asset consumption ratio

Asset sustainability ratio

Asset renewal funding ratio

Community satisfaction with access to adequate health and medical facilities

Community satisfaction with access to adequate educational facilities

## Performance Management

Community satisfaction with Council owned boat ramps, parks and gardens, condition of rural roads and access to Lake Kununurra

Percentage of community waste diverted from landfill

Community satisfaction with domestic waste collection

Achievement of Statutory requirements

Active local bush fire brigades

Community perception of safety and security in public places

Number of offences against public property

Use of Streetscape plans that incorporate Designing Out Crime Principles

Community satisfaction with community facilities

Community satisfaction with council owned recreation facilities including pathways

## Monitoring and reviewing the plan

The Shire can amend the Strategic Community Plan when and if circumstances change. It must remain relevant to the community that it serves.

The Integrated Planning and Reporting Framework prescribes that, as a minimum, the Shire and community conduct a desk-top review of the Strategic Community Plan every two years. However, ongoing input and contributions from the community are encouraged and can be provided via the Shire of Wyndham East Kimberley email: [mail@swek.wa.gov.au](mailto:mail@swek.wa.gov.au) or in person at the Shire offices.

A full review and renewed long term visioning process will be conducted every four years. This will ensure that community priorities and aspirations are kept up-to-date and remain relevant.

Community are encouraged to continue to make suggestions and improvements throughout the life of the plan and these comments will be collated and used in the desktop reviews every two years. Any letters or emails from the community with concerns or suggestions about any aspect of the plan will also be collated to help inform future directions for the Shire.

## Contact us

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**Strategic Community Plan: Performance Management Report 30 July 2014**

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

Objective	Performance Measure	Result
<p><b>1.1 Strong Community Engagement</b></p>	<p>Community satisfaction with Council's engagement and communication with the community</p> <p>Number of Facebook hits, number of website hits, number of advertisements, and number of media releases</p>	<p>Requires information from a Community Satisfaction Survey.</p> <p>The following statistics are for the 2013/14 financial year:</p> <p><b>Facebook</b>                      Page visits per day average = 16.5                      Engagements per day average = 6                      (Engagement = a Like, Comment or Share)</p> <p><b>Website</b>                      14,609 users (user = unique people visiting the site)                      34,678 sessions                      2.52 pages per session (for an average session, 2.52 pages from within the site are viewed within that session)</p> <p>Newspaper advertisements = 1 a week</p> <p>Media Requests = 240</p> <p>** As part of a new media communication strategy SWEK are reducing advertisements and also plan to reduce the amount of media requests by implementing better processes for more targeted communication.</p>

<p>1.2</p>	<p><b>Alignment of regional and local priorities with other agencies and community groups</b></p>	<p>Council representation on committees</p>	<p>There is currently Councillor representation on the following committees:</p> <ul style="list-style-type: none"> <li>• Audit (Finance and Risk)</li> <li>• CEO Review and Selection Panel</li> <li>• Local Emergency Management (Kununurra)</li> <li>• Local Emergency Management (Wyndham)</li> <li>• Bush Fire Advisory</li> <li>• Development Assessment Panel</li> <li>• WALGA Kimberley Zone / Regional Collaborative Group</li> <li>• Kimberley Regional Road Group</li> <li>• North Kimberley Land Care District Council</li> <li>• Annual Community Grants Assessment Panel</li> <li>• Kununurra Community Library</li> <li>• Community and Civic Events</li> <li>• Disability Access and Inclusion Planning</li> <li>• Roadwise</li> <li>• East Kimberley Visitor Centre</li> <li>• SWEK Alcohol Accord Kununurra</li> <li>• Community Resource Centre</li> <li>• Lake Kununurra Foreshore</li> <li>• Australian Airport</li> <li>• Ord Valley Muster</li> </ul>
		<p>Contribution to the Working in Partnership group</p>	<p>The Working in Partnership (WiP) meetings are held monthly at the Kununurra Council Chambers. These meetings include a monthly WiP Coordination meeting, which is chaired by SWEK, along with specialised meetings that occur every second month. The specialised meetings are:</p> <ul style="list-style-type: none"> <li>• Strong Families</li> <li>• Housing and Homelessness</li> <li>• Alcohol and Other Drugs / VSU</li> <li>• Suicide and Mental Health</li> <li>• Education Training and Employment</li> <li>• Youth</li> </ul>

## Attachment 2 – SCP Performance Management Report

		<p>Shire representation on other agency groups such as Alcohol Accord</p>	<ul style="list-style-type: none"> <li>• East Kimberley Marketing Group</li> <li>• Alcohol Accord</li> <li>• Kimberley Zone / RCG</li> <li>• Wyndham Interagency Network Group (WING)</li> <li>• Healthy Events</li> <li>• NAIDOC Committee</li> </ul>																												
<p><b>1.3</b></p>	<p><b>Advocacy of East Kimberley issues and opportunities at regional, state and national levels</b></p>	<p>Number of meetings held with visiting State and Federal government officials i.e. ministers</p> <p>Input provided to State and National plans, strategies and policies released for comment and WALGA info notes</p>	<p>The number of meetings held for the 2013/14 financial year is 14.</p> <table border="0"> <tr> <td>16 July 2013</td> <td>Hon. Brendan Grylls ML</td> </tr> <tr> <td>25 July 2013</td> <td>Hon. Bill Marmion MLA</td> </tr> <tr> <td>11 – 13 August 2013</td> <td>His Excellency Malcolm McCusker AC CVO QC</td> </tr> <tr> <td>14 August 2013</td> <td>Hon. Warren Truss MP</td> </tr> <tr> <td>15 August 2013</td> <td>Hon. Kevin Rudd MP</td> </tr> <tr> <td>22 August 2013</td> <td>Hon. Ken Baston MLC</td> </tr> <tr> <td>23 August 2013</td> <td>Commissioner Andrew Murray</td> </tr> <tr> <td>28 August 2013</td> <td>Hon. Liza Harvey MLA</td> </tr> <tr> <td>30 January 2014</td> <td>Hon. Stephen Dawson MLA</td> </tr> <tr> <td></td> <td>Ms Josephine (Josie) Farrer MLA</td> </tr> <tr> <td>12 February 2014</td> <td>Hon. Mia Davies MLA</td> </tr> <tr> <td>4 March 2014</td> <td>Hon. Mark Lewis MLC</td> </tr> <tr> <td>9 April 2014</td> <td>Mr Stephen Fewster, Deputy Commissioner Capability DFES</td> </tr> <tr> <td>21 – 24 June 2014</td> <td>Governor-General, His Excellency General the Hon. Sir Peter Cosgrove AK MC</td> </tr> </table> <p>This information is not currently available. It is recommended that a registry is created for management to record this information.</p>	16 July 2013	Hon. Brendan Grylls ML	25 July 2013	Hon. Bill Marmion MLA	11 – 13 August 2013	His Excellency Malcolm McCusker AC CVO QC	14 August 2013	Hon. Warren Truss MP	15 August 2013	Hon. Kevin Rudd MP	22 August 2013	Hon. Ken Baston MLC	23 August 2013	Commissioner Andrew Murray	28 August 2013	Hon. Liza Harvey MLA	30 January 2014	Hon. Stephen Dawson MLA		Ms Josephine (Josie) Farrer MLA	12 February 2014	Hon. Mia Davies MLA	4 March 2014	Hon. Mark Lewis MLC	9 April 2014	Mr Stephen Fewster, Deputy Commissioner Capability DFES	21 – 24 June 2014	Governor-General, His Excellency General the Hon. Sir Peter Cosgrove AK MC
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## Attachment 2 – SCP Performance Management Report

<b>1.4 Business innovation, efficiency and improved service</b>	Community satisfaction with customer service	This would require information from a Community Satisfaction Survey.																			
	Number of complaints received	The process of best recording this information is being investigated.																			
	Operating surplus ratio	<p>Ratio = <math display="block">\frac{\text{operating revenue minus operating expense}}{\text{own source operating revenue}}</math></p> <p>2012/13 Operating surplus ratio = 0.32</p> <p>The 2013/14 ratio will not be available until the Annual Financial Statements are finalised and audited which will be in December 2014.</p>																			
	Debt service coverage ratio	<p>Ratio = <math display="block">\frac{\text{annual operating surplus before interest \&amp; depreciation}}{\text{principal \&amp; interest}}</math></p> <p>2012/13 Debt service coverage ratio = 5.21</p> <p>The 2013/14 ratio will not be available until the Annual Financial Statements are finalised and audited which will be in December 2014.</p>																			
	Reduced staff turnover	<p>The SWEK employment statistics for the 2013/14 financial year can be found below. The next review period will indicate if the staff turnover has been reduced.</p> <table border="0"> <tr> <td><b>Staff leaving:</b></td> <td><b>70</b></td> </tr> <tr> <td>Casual leavers:</td> <td>44</td> </tr> <tr> <td>Permanent leavers:</td> <td>18</td> </tr> <tr> <td>Contract leavers:</td> <td>6</td> </tr> <tr> <td>Fixed Term leavers:</td> <td>2</td> </tr> <tr> <td><b>New starters:</b></td> <td><b>52</b></td> </tr> <tr> <td>Casual new starters:</td> <td>31</td> </tr> <tr> <td>Permanent new starters:</td> <td>13</td> </tr> <tr> <td>Contract new starters:</td> <td>4</td> </tr> <tr> <td>Fixed Term new starters:</td> <td>2</td> </tr> </table>	<b>Staff leaving:</b>	<b>70</b>	Casual leavers:	44	Permanent leavers:	18	Contract leavers:	6	Fixed Term leavers:	2	<b>New starters:</b>	<b>52</b>	Casual new starters:	31	Permanent new starters:	13	Contract new starters:	4	Fixed Term new starters:
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Goal 2: Greater returns from regional investment to ensure sustainable provision of appropriate physical and social infrastructure

Objective	Performance Measure	Result
<p>2.1 A highly valuable East Kimberley economy that maximises social benefits</p>	<p>Council's support for community events</p>	<p>The Shire supports events within the community by offering Community Quick Grants (to a maximum of \$500 – can be funds or 'in-kind') and Annual Community Grants (\$1,000+), along with Economic Development Grants, and event sponsorship.</p> <p><b>Community Quick Grants</b> 2013/14 = \$16,392</p> <p><b>Annual Community Grants</b> 2013/14 = \$54,649</p> <p><b>Economic Development Grants</b> 2013/14 = \$48,066</p> <p><b>Event Sponsorship</b> 2013/14 \$ 55,000 Ord Valley Muster Barramundi Dreaming Stars on the Bastion</p> <p>The Shire collaborates with other agencies to provide community events, such as NAIDOC Week, while also providing events such as:</p> <ul style="list-style-type: none"> <li>• Australia Day</li> <li>• Citizenship Ceremonies</li> <li>• Baby Boab Tree Planting Ceremonies</li> <li>• Opening / Renaming Ceremonies</li> <li>• VIP Visits</li> </ul>
	<p>Business support for community events</p>	<p>The process to obtain this information is being investigated.</p>

## Attachment 2 – SCP Performance Management Report

<b>2.2 Maintenance of economic diversity and greater community returns from investment in the region</b>	Number of building approvals (commercial / industrial / residential)	<b>Shire of Wyndham East Kimberley</b> Commercial / Industrial = 29 Residential = 31 **Dwelling Units created = 44  <b>External Permit Authority</b> Commercial / Industrial = 8 Residential = 3 **Dwelling Units created = 14  ** is the number of dwelling units created and includes Commercial Caretakers units and group dwelling units; i.e. a duplex is counted as 2 dwelling units but has 1 building approval.
	Value of building approvals (commercial / industrial / residential)	<b>Shire of Wyndham East Kimberley</b> Commercial / Industrial = \$11,662,920 Residential = \$12,902,976  <b>External Permit Authority</b> Commercial / Industrial = \$2,327,323 Residential = \$5,133,430
	Small to medium enterprise sector supported through events and agency collaboration	The Shire assists the small to medium enterprise sector by supporting them with events through Annual Grants, Economic Development Grants and Event Sponsorship.  <b>Annual Community Grants</b> 2013/14 = \$54,649  <b>Economic Development Grants</b> 2013/14 = \$48,066  <b>Event Sponsorship</b> 2013/14 \$ 55,000 Ord Valley Muster Barramundi Dreaming Stars on the Bastion

## Attachment 2 – SCP Performance Management Report

2.3	<b>Facilities are appropriate for their intended purpose and factor in whole of life costing and maintenance</b>	Asset consumption ratio	The 2013/14 ratio will not be available until the Annual Financial Statements are finalised and audited which will be in December 2014.
		Asset sustainability ratio	The 2013/14 ratio will not be available until the Annual Financial Statements are finalised and audited which will be in December 2014.
		Asset renewal funding ratio	The Asset Renewal Funding Ratio will not be available until the end of the 2014/15 financial year.
2.4	<b>High standard of health and community facilities and services available to all residents</b>	Community satisfaction with access to adequate health and medical facilities	This would require information from a Community Satisfaction Survey.
2.5	<b>East Kimberley residents have access to a broad range of educational opportunities</b>	Community satisfaction with access to adequate educational facilities	This would require information from a Community Satisfaction Survey.

## Attachment 2 – SCP Performance Management Report

### Goal 3: Protection and enhancement of lifestyle values, community facilities and the environment to provide safe and inviting communities

Objective		Performance Measure	Result
3.1	A broad range of lifestyle opportunities and activities are available for East Kimberley residents	Community satisfaction with Council owned boat ramps, parks and gardens, condition of rural roads and access to Lake Kununurra	This would require information from a Community Satisfaction Survey.
3.2	Waste management and protection of environmental value	Percentage of community waste diverted from landfill	16%.
		Community satisfaction with domestic waste collection	This would require information from a Community Satisfaction Survey.
		Achievement of Statutory requirements	In accordance with the Shire's Waste Strategy and improvements operational procedures for compliance with licence conditions, now assessed at 90-95% compliant.
		Active local bush fire brigades	<ul style="list-style-type: none"> <li>• Kununurra Volunteer Fire &amp; Rescue Service</li> <li>• Wyndham Volunteer Emergency Service Unit</li> <li>• Kununurra State Emergency Service</li> <li>• Ivanhoe Bushfire Brigade</li> <li>• Crossing Falls Volunteer Bush Fire Brigade</li> <li>• Packsaddle Bush Fire Brigade</li> <li>• Wyndham Volunteer Marine Rescue Service</li> </ul>
3.3	Towns are safe and inviting for locals and tourists	Community perception of safety and security in public places	This would require information from a Community Satisfaction Survey.

## Attachment 2 – SCP Performance Management Report

		Number of offences against public property	<p><b>KNX WAPOL</b> 1 July 2013 – 30 June 2014 = 11</p> <p><b>Wyndham Police</b> 1 July 2013 – 30 June 2014 = 23</p>
		Use of Streetscape plans that incorporate Designing Out Crime Principles	The process to obtain this information is being investigated.
3.4	Protection and enhancement of community facilities	Community satisfaction with community facilities	This would require information from a Community Satisfaction Survey.
3.5	An active outdoor lifestyle is encouraged and promoted	Community satisfaction with council owned recreation facilities including pathways	This would require information from a Community Satisfaction Survey.

## **13.5 CHIEF EXECUTIVE OFFICER**

### **13.5.1 Use of Common Seal**

Nil

### 13.5.2 Delegated Authority Report

<b>DATE:</b>	26 August 2014
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Andrea Richards, Infrastructure Support Officer
<b>REPORTING OFFICER:</b>	Gary Gaffney, Chief Executive Officer
<b>FILE NO:</b>	PL.02.1

#### **PURPOSE**

To report to Council on the use of Delegated Authority by Officers for the period 1 - 31 July 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 July 2014.

### **COUNCIL DECISION**

**Minute No. 10516**

**Moved: Cr K Wright**

**Seconded: Cr D Spackman**

**That Council receives the Delegated Authority Report for the period 1 – 31 July 2014.**

**Carried Unanimously 9/0**

## Attachment 1 - Delegated Authority Report

### **Attachment: Delegated Authority Report**

#### **AMENDMENTS TO EXISTING BUILDING PERMIT (Form BA04) ISSUED AS THE CERTIFIER FOR THE PERMIT ISSUING AUTHORITY – 01 to 31 July 2014**

DOC NO	DATE ISSUED	ASSESS NO.	BUILDING PERMIT	AMEND NO	OWNER	BUILDER	BRB / OB NO	LOCATION	DESCRIPTION	AMENDMENT DETAILS
BA6857	25/07/2014	A7206P	061/2014	1	Katie & Lee Guymer	Katie & Lee Guymer	N/A Owner Builder	Lot 313 (7) Zamia Link Kununurra	Class 10B Below Ground Swimming Pool & Fence	Shade sails attached to posts

#### **CERTIFICATE OF DESIGN COMPLIANCE (Form BA03) ISSUED AS THE CERTIFIER FOR THE PERMIT ISSUING AUTHORITY – 01 to 31 July 2014**

APPLIC NO	DATE APPLIC RECVD	DATE ISSUED	ASSESS NO.	CERT No	LOCATION	DESCRIPTION
101431	7/07/2014	14/07/2014	A1223P	BA6824	Lot 23 (18) Mangaloo Street Kununurra	Class 10A Carport with reduced setback to posts, sheeting 1.0 metre from boundary.
73270	30/06/2014	14/07/2014	A1031P	BA6826	Lot 695 (51B) Weaber Plain Road Kununurra	Class 1A Alteration (Conversion of existing Carport/Garage to Habitable Bedroom)
101447	21/07/2014	25/07/2014	A6009P	BA6853	Lot 49 Harrier Close Kununurra	Class 10A Carport
101449	28/07/2014	29/07/2014	A3235P	BA6865	Lot 555 (7) Ebony Street, Kununurra	National Bank Australia Kununurra lease Class 6 - refurbishment & security works
101450	28/07/2014	30/07/2014	A1180P	BA6869	Lot 1982 (2) Waterlily Place Kununurra	Class 10A Patio attached to existing dwelling

**BUILDING PERMITS (Form BA04) ISSUED AS THE PERMIT ISSUING AUTHORITY – 01 to 31 July 2014**

LIC#	DATE RECEIVED	DATE LICENCED	OWNER	BUILDER	LOCATION	DESCRIPTION	NEW/ ADD	EST. VALUE	COMMENT / PROCESSING TIME - WORKING DAYS
068/2014	3/07/2014	4/07/2014	Bothkamp Australia Trust	Colin Wilkinson Developments Pty Ltd	Lot 562 (10) Tenancy 3, Banksia Street, Kununurra	Class 6 - Shop alterations - universal access	Add	\$ 86,953.00	1/10 assess days
069/2014	3/07/2014	4/07/2014	Tania & Benjamin Dew	Colin Wilkinson Developments Pty Ltd	Lot 378 (16) Tamarind Meander Kununurra	Class 1A dwelling with attached Class 10A carport, & outdoor living	New	\$ 371,608.00	1/10 assess days
070/2014	7/07/2014	14/07/2014	Anne Richards & Greg Smith	East Kimberley Constructions Pty Ltd	Lot 23 (18) Mangaloo Street Kununurra	Class 10A Carport with reduced setback to posts, sheeting 1.0 metre from boundary.	New	\$ 18,600.00	4/25 assess days
071/2014	30/06/2014	14/07/2014	Vivian Dickson & deceased estate of Debra Anne Sporton	Vivian Dickson	Lot 695 (51B) Weaber Plain Road Kununurra	Class 1A Alteration (Conversion of existing Carport/Garage to Habitable Bedroom)	Add	\$ 15,000.00	9/25 assess days
072/2014	18/07/2014	21/07/2014	Dambimangari Aboriginal Corporation	Archer Builders	Easton Loc 14 Reserve 23079 "Freshwater Cove" Winjingarra Bard Bard	Class 1B accommodation unit, ablution & eating shelter	New	\$ 317,911.00	1/10 assess days

073/ 2014	17/07/2014	23/07/2014	Delaware North Companies	KGC Enterprises Pty Ltd Kimberley Green Constructions t/a	El Questro Station Homestead Location 708, 275, Gibb River / Wyndham Roads	Class 6 Alterations to Main entrance and Class 3 room 6 for Universal access	Add	\$ 135,040.00	3/10 assess days
074/ 2014	21/07/2014	25/07/2014	Jim Rays & SueAnn Coburn	Jim Rays & SueAnn Coburn	Lot 49 Harrier Close Kununurra	Class 10A Carport	New	\$ 18,500.00	3/25 assess days
075/ 2014	28/07/2014	29/07/2014	Andrew Thomas & Seerung Mock	Lend Lease Building Pty Ltd	Lot 555 (7) Ebony Street, Kununurra	National Bank Australia Kununurra lease Class 6 - refurbishment & security works	Add	\$ 20,000.00	1/25 assess days
076/ 2014	28/07/2014	30/07/2014	Julian & Nicole Eastwell	Ben Marr	Lot 1982 (2) Waterlily Place Kununurra	Class 10A Patio attached to existing dwelling	Add	\$ 11,000.00	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 July 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- 2485- 0118 (BA04)	10/07/2014	Department of Finance - Building Management and Works	A1231P	Lot 556 (158) Coolibah Drive Kununurra	Class 9B Science Block Refurbishment & Mechanical Services Upgrade	9B	Ricon Contractors Pty Ltd	TT Building Surveyors Pty Ltd	\$ 825,720.00

**OCCUPANCY PERMITS (Form BA10) ISSUED – 01 to 31 July 2014**

OCCUP PERMIT NO	DATE	BUILDING PERMIT / LICENCE NO	ASSESS NO.	Receipt No	Building Class	OWNER	BUILDER	BRB / OB NO	LOCATION	DESCRIPTION
BA6802	3/07/2014	016/2014	A1675P	389755	8	Bothkamp Australia Pty Ltd	Darren Fulcher	S665	Lot 1556 Poincettia Way Kununurra	Class 7B Warehouse / Workshop

**THERE WAS NO REPORTABLE ACTIVITY FOR THE PERIOD – 01 to 31 July 2014 for the following:**

- DEMOLITION PERMITS (Form BA06)
- 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
- SIGN LICENCES

**No activity reported by External Permit Issuing Authorities under Building Act 2011 relating to properties within the Shire of Wyndham – East Kimberley**

- DEMOLITION PERMITS (BA06)
- OCCUPANCY PERMITS (Form BA10) OCCUPANCY PERMITS – STRATA (BA12)
- BUILDING APPROVAL CERTIFICATES (BA14)
- BUILDING APPROVAL CERTIFICATES – STRATA (Form BA16)

### 13.5.3 Delegations Register 2014/15

<b>DATE:</b>	26 August 2014
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Monika Tonkin, Executive Assistant
<b>REPORTING OFFICER:</b>	Gary Gaffney, Chief Executive Officer
<b>FILE NO:</b>	CM.07.1

#### **PURPOSE**

For Council to adopt the Delegations Register for 2014/15.

#### **BACKGROUND**

The Local Government Act 1995 allows Council to delegate to the Chief Executive Officer exercise of certain powers or the discharge of any of its duties under the Act.

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

A Register of delegations is to be kept and reviewed at least once every financial year.

The Delegations Register for 2013/14 was adopted by Council in July 2013.

The Delegations Register for 2014/15 has undergone minimal changes to existing delegations. New delegations have been added to reflect administrative best practice and good governance; however all new delegations represent little change to the procedures already in place and have no impact with respect to Council policy. The new delegations included in the 2014/15 register are:

- Representing Local Government in Court
- Legal Advice
- Authority to Initiate Prosecutions
- Acting Chief Executive Officer
- Recovery of Debts
- Insurance – Public Liability Claims
- Liquor – Sale & Consumption on Council Property
- Licences, Signs and Hoardings
- Enforcement and Infringement Notices
- Powers of Entry
- Appoint Authorised Persons (Swimming Pool Inspectors)
- Recover the Charge Imposed for Private Swimming Pool Inspections
- Administration of other Acts
- Variation to Firebreak Orders
- Variation to Prohibited Burning Times
- Prepare Electoral Rolls & Eligibility for Enrolment
- Audit & Finance Committee
- Authorisation of Expenditure
- Road Trains & Extra Mass Permits
- Traffic Regulatory Signs

The Local Government Act 1995 allows for the Chief Executive Officer to delegate any of their powers to another employee, this will be done in writing and included in the Delegations Register.

## **STATUTORY IMPLICATIONS**

### Local Government Act 1995

#### 5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
  - (a) this Act other than those referred to in section 5.43; or
  - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

\* Absolute majority required.

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

#### 5.43. Limits on delegations to CEO

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

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

#### 5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
  - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
  - (b) the exercise of that power or the discharge of that duty by the CEO's delegate,  
  
are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) —

**“conditions”** includes qualifications, limitations or exceptions.

#### 5.45. Other matters relevant to delegations under this Division

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

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

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

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

### **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

## **COMMUNITY CONSULTATION**

None required

## **COMMENT**

The Delegations Register 2014/15 reflects best practice in the drafting of delegations and meets the Shire's legislative requirements. The inclusion of new delegations represents little change to the procedures already in place and has no impact on Council policy. The Delegations Register 2014/15 is critical to the operation of the organisation and the Council.

Delegation 5. Acting Chief Executive Officer has been amended on advice from the Department of Local Government. The amendment advice was to include in the delegation a reference that the Council believe that the person being appointed as acting CEO is suitably qualified.

All delegations to the CEO that include the ability to expend funds are subject to provision being made in the budget and expenditure must be in accordance with CP/FIN-3204 Purchasing Policy.

## **ATTACHMENTS**

Attachment 1 - Delegations Register 2013/14

Attachment 2 – Revised Delegations Register 2014/15

Attachment 3 – Summary of Changes between current and proposed Delegations Register

## **VOTING REQUIREMENT**

Absolute Majority

## **OFFICER'S RECOMMENDATION**

That Council adopts the Delegations Register 2014/15.

## **MOTION**

Cr K Wright moves that Council consider each delegation individually.

**COUNCIL DECISION**

**Minute No. 10517**

**Moved: Cr K Wright**

**Seconded: Cr D Spackman**

**That Council consider each delegation individually.**

**Lost 3/6**

**For: Cr K Wright, Cr D Spackman, Cr G King**

**Against: Cr J Moulden, Cr R Dessert, Cr D Learbuch, Cr B Robinson, Cr S Cooke,  
Cr G Taylor**

**COUNCIL DECISION**

**Minute No. 10518**

**Moved: Cr S Cooke**

**Seconded: Cr G Taylor**

**That Council adopts the Delegations Register 2014/15.**

**For: Cr J Moulden, Cr R Dessert, Cr D Learbuch, Cr B Robinson, Cr S Cooke,  
Cr G Taylor**

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

**Carried 6/3**



DELEGATIONS REGISTER

PART A

Delegations to Chief Executive Officer by Council

**Adopted 16 July 2013 (Minute number to be added)**

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**Shire President**

**Date:**

## INTRODUCTION

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

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

The Local Government Act 1995 section 5.46 (3) requires that a person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

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

### **5.43 Limits on delegations to CHIEF EXECUTIVE OFFICERS**

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

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

<b>CD/GOV-6100</b>	<b>ENFORCEMENT &amp; LEGAL PROCEEDINGS – APPOINTMENT OF AUTHORISED PERSONS</b>
<p>The CEO is delegated authority –</p> <ol style="list-style-type: none"> <li>to appoint, in writing, persons or classes of persons to be authorised for the purposes of performing particular functions being those referred to in section 9.10 of the <i>Local Government Act 1995</i>; and</li> <li>to issue a certificate to each person authorised stating that they are authorised.</li> </ol>	
<b>LEGISLATIVE POWER</b>	Local Government Act 1995 Section 9.10
<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	17 July 2007
<b>REVIEWED</b>	16 June 2009 (Minute 8705) 22 June 2010 (Minute 9202) 21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799) 16 July 2013 (Minute number to be added)

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

<b>COUNCIL POLICY</b>	F19 – Purchasing and Tendering Policy
<b>ADOPTED</b>	21 June 2011 (Minute 9494)
<b>REVIEWED</b>	26 June 2012 (Minute 9799) 16 July 2013 (Minute number to be added)

<b>CD/GOV-6102</b>	<b>DISPOSAL OF PROPERTY</b>
<p>The CEO is delegated authority to dispose by way of public auction, suitable public tender or private treaty:</p> <ol style="list-style-type: none"> <li>any property (other than land) valued at an amount not exceeding \$100,000; and</li> <li>land valued at an amount not exceeding \$500,000, provided that appropriate provision is made in Council's Adopted Budget.</li> </ol>	
<b>LEGISLATIVE POWER</b>	Local Government Act 1995 Section 3.58 (2) & (3)
<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	21 June 2011 (Minute 9494)
<b>REVIEWED</b>	26 June 2012 (Minute 9799) 16 July 2013 (Minute number to be added)

<b>CD/GOV-6103</b>	<b>CERTAIN THINGS TO BE DONE IN RESPECT OF LAND</b>
<p>The CEO is delegated authority to:</p> <ol style="list-style-type: none"> <li>give an occupier notice requiring them to do something to the land if it is specified in Schedule 3.1;</li> <li>do anything considered necessary to achieve the purpose for which the notice was given in order to make a person comply with the notice;</li> <li>undertake works that are not carried out by the owner or occupier and recover the costs as a debt;</li> <li>go onto private land in circumstances prescribed in Schedule 3.2 and carry out works, even without the consent of the owner;</li> <li>authorise a person to enter land, premises or thing without consent, after notice has been given, unless the owner or occupier has objected to the entry;</li> <li>enter land in an emergency without notice or consent; and</li> <li>make an opening in a fence to do works on property subject to providing the owner or occupier with 3 days written notice.</li> </ol>	
<b>LEGISLATIVE POWER</b>	Local Government Act 1995 Sections 3.25 (1), 3.26(2)&(3), 3.27(1), 3.31(2), 3.34(1), 3.36(3) and 5.42
<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	17 July 2007
<b>REVIEWED</b>	16 June 2009 (Minute 8705) 22 June 2010 (Minute 9202) 21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799) 16 July 2013 (Minute number to be added)

<b>CD/GOV-6104</b>	<b>PUBLIC THOROUGHFARES</b>
<p>The CEO is delegated authority to:</p> <ol style="list-style-type: none"> <li>1. close a thoroughfare wholly or partially, for a period not exceeding 4 weeks;</li> <li>2. provide public notice of intentions and reasons for, and invite and consider submissions prior to ordering the closure of a thoroughfare, wholly or partially, to vehicles for a period exceeding 4 weeks' and</li> <li>3. give notice of proposal and invite and consider submissions before – <ol style="list-style-type: none"> <li>(a) fixing or altering the level of, or the realignment of, a public thoroughfare; or</li> <li>(b) draining water from a public thoroughfare or other public place onto adjoining land.</li> </ol> </li> </ol> <p>Any proposal to close a thoroughfare for any period exceeding 3 months must be referred to Council for determination.</p>	
<b>LEGISLATIVE POWER</b>	Local Government Act 1995 Sections 3.50(1), 3.50(1a), 3.50(4), 3.51(3) and 5.42
<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	21 June 2011 (Minute 9494)
<b>REVIEWED</b>	26 June 2012 (Minute 9799) 16 July 2013 (Minute number to be added)

<b>CD/GOV-6105</b>	<b>EXPENSES OF COUNCILLORS &amp; STAFF</b>
<p>The CEO is delegated authority to:</p> <ol style="list-style-type: none"> <li>1. approve expenses which are to be reimbursed to Council members, provided that the expenses are of the kind prescribed as those which the local government can approve for reimbursement (subject to section 5.98(3));</li> <li>2. approve reimbursement, either generally or in a particular case, to a Council member of an expense that may be approved by the Shire;</li> <li>3. reimburse an employee for an expense that was incurred in relation to a matter affecting the Shire; and</li> <li>4. make a cash advance to a person for an expense which can be reimbursed.</li> </ol>	
<b>LEGISLATIVE POWER</b>	Local Government Act 1995 Sections 5.98(2)(b), 5.98(4), 5.101(2), 5.102 and 5.42
<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	17 July 2007
<b>REVIEWED</b>	16 June 2009 (Minute 8705) 22 June 2010 (Minute 9202) 21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799) 16 July 2013 (Minute number to be added)

<b>CD/GOV-6107</b>	<b>PROCEEDINGS UNDER DOG ACT</b>
<p>In accordance with section 44 of the <i>Dog Act 1976</i>, the CEO is authorised to institute and carry on proceedings under the Dog Act in the name of the Shire.</p> <p>This authorisation also enables the CEO to issue infringement notices under section 29 of the Dog Act.</p>	
<b>LEGISLATIVE POWER</b>	Dog Act 1976 Section 44
<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	17 July 2007
<b>REVIEWED</b>	16 June 2009 (Minute 8705) 22 June 2010 (Minute 9202) 21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799) 16 July 2013 (Minute number to be added)

<b>CD/GOV-6108</b>	<b>RIGHT TO INSPECT CONFIDENTIAL INFORMATION</b>
The CEO is delegated the authority to determine whether information prescribed as confidential may be made available for inspection under section 5.95(7) of the <i>Local Government Act 1995</i> .	
<b>LEGISLATIVE POWER</b>	Local Government Act 1995, section 5.42
<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	17 July 2007
<b>REVIEWED</b>	16 June 2009 (Minute 8705) 22 June 2010 (Minute 9202) 21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799) 16 July 2013 (Minute number to be added)

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

<p>3.3 issue and serve notices, and take any other enforcement action, against a person who is suspected to be in breach of TPS 7.</p> <p><b>Conditions and Exceptions</b></p> <ol style="list-style-type: none"> <li>1. A list of all development applications determined under delegated authority shall be incorporated in the Council's agenda and minutes;</li> <li>2. every applicant who received notification of a conditional approval of a development application that was determined by delegation to the CEO and is aggrieved by the decision may within 28 days of the date of that decision request that the matter be reconsidered by Council;</li> <li>3. all applications where the CEO recommendation is for refusal must be presented to Council for consideration;</li> <li>4. Legal action in relation to breaches of planning conditions and/or breaches of TPS 7 can only be undertaken by the CEO in accordance with Council Policy.</li> </ol>	
<b>LEGISLATIVE POWER</b>	PLANNING AND DEVELOPMENT ACT 2005 SHIRE OF WYNDHAM-EAST KIMBERLEY TOWN PLANNING SCHEMES
<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	17 July 2007
<b>REVIEWED</b>	16 June 2009 (Minute 8705) 22 June 2010 (Minute 9202) 21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799) 16 July 2013 (Minute number to be added)

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

<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	17 July 2007
<b>REVIEWED</b>	16 June 2009 (Minute 8705) 17 November 2009 (Minute 8939) 22 June 2010 (Minute 9202) 21 June 2011 (Minute 9494) 26 June 2012 (Minute 9799) 16 July 2013 (Minute number to be added)

<b>CD/GOV-6113</b>	<b>IMPOUNDING GOODS</b>
<p>The CEO is delegated authority to:</p> <ol style="list-style-type: none"> <li>1. remove and impound, and to authorise any employee to remove and impound, under section 3.39 of the <i>Local Government Act 1995</i>, any goods that are involved in a contravention that can lead to impounding;</li> <li>2. take action under section 3.42(1) of the <i>Local Government Act 1995</i> in respect of removal and impounding of non-perishable goods;</li> <li>3. give the notice, required under section 3.44 of the <i>Local Government Act 1995</i>, to an alleged offender to collect goods that have been removed and impounded;</li> <li>4. refuse, under section 3.46 of the <i>Local Government Act 1995</i>, to allow impounded goods to be collected until costs have been paid;</li> <li>5. sell or otherwise dispose of confiscated goods under section 3.47 of the <i>Local Government Act 1995</i>; and</li> <li>6. take action under section 3.48 of the <i>Local Government Act 1995</i> to recover costs and expenses.</li> </ol>	
<b>LEGISLATIVE POWER</b>	Local Government Act 1995, sections 3.39, 3.42(1), 3.44, 3.46, 3.47, 3.48 and 5.42
<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	16 July 2013 (Minute number to be added)
<b>REVIEWED</b>	

<b>CD/GOV-6114</b>	<b>SALE OF IMPOUNDED OR CONFISCATED VEHICLES ANIMALS OR GOODS</b>
<p>The CEO is delegated authority to exercise the powers under section 3.47 of the <i>Local Government Act 1995</i> to dispose of any vehicles, animals or goods that have been impounded or confiscated.</p> <p><u>Condition</u></p> <p>If a disposal is by way of a public tender process, the CEO cannot accept any tender exceeding the sum of \$10,000 – which must be referred to the Council for determination.</p>	
<b>LEGISLATIVE POWER</b>	Local Government Act 1995, section 3.47, 3.58, 5.42 and 5.43(b)
<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	16 July 2013 (Minute number to be added)
<b>REVIEWED</b>	

<b>CD/GOV-6116</b>	<b>COPIES OF INFORMATION</b>
<p>The CEO is delegated authority to ensure, under section 5.96 of the <i>Local Government Act 1995</i>:</p> <ol style="list-style-type: none"> <li>1. that copies of information are available to persons who are entitled to request the information under Division 7, Part 5 of the Act, and</li> <li>2. that the price at which the copies are sold does not exceed the cost of providing the copies.</li> </ol>	
<b>LEGISLATIVE POWER</b>	Local Government Act 1995, sections 5.42 and 5.96
<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	16 July 2013 (Minute number to be added)
<b>REVIEWED</b>	

<b>CD/GOV-6112</b>	<b>WAIVING / GRANTING CONCESSION IN RELATION TO FEES AND CHARGES AND WRITE OFF OF AMOUNT OF MONEY OWED.</b>
<p>The CEO is delegated authority to:</p> <ol style="list-style-type: none"> <li>1. waive or grant concessions in relation to adopted fees or charges;</li> <li>2. determine what conditions apply to granting of a concession; and</li> <li>3. write off amounts of money owed to the local government up to \$1,000 in value.</li> </ol> <p>This delegation is subject to section 6.12(2) of the <i>Local Government Act 1995</i>.</p>	
<b>LEGISLATIVE POWER</b>	Local Government Act 1995 Sections 6.12(1)(b), 6.12(1)(c)
<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	21 June 2011 (Minute 9494)
<b>REVIEWED</b>	26 June 2012 (Minute 9799) 16 July 2013 (Minute number to be added)

<b>CD/GOV-6117</b>	<b>PAYMENTS FROM THE MUNICIPAL FUND AND TRUST FUND.</b>
<p>The CEO is delegated authority to make payments from the municipal fund and trust fund.</p> <p>Note: regulation 13 of the Local Government (Financial Management) Regulations 1996 states –</p> <p><b>'13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.</b></p> <ol style="list-style-type: none"> <li>(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared — <ol style="list-style-type: none"> <li>(a) the payee's name; and</li> <li>(b) the amount of the payment; and</li> <li>(c) the date of the payment; and</li> <li>(d) sufficient information to identify the transaction.</li> </ol> </li> <li>(2) A list of accounts for approval to be paid is to be prepared each month showing — <ol style="list-style-type: none"> <li>(a) for each account which requires council authorisation in that month — <ol style="list-style-type: none"> <li>(i) the payee's name; and</li> </ol> </li> </ol> </li> </ol>	

- (ii) the amount of the payment; and
- (iii) sufficient information to identify the transaction; and
- (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under subregulation (1) or (2) is to be —
  - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
  - (b) recorded in the minutes of that meeting’.

<b>LEGISLATIVE POWER</b>	Local Government Act 1995, section 5.42 and Local Government (Financial Management) Regulations 1996, regulations 12 and 13
<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	16 August 2011 (Minute 9559)
<b>REVIEWED</b>	26 June 2012 (Minute 9799) 16 July 2013 (Minute number to be added)

CD/GOV-6118	RATE BOOK
<p>The CEO is delegated the authority to perform the following functions:</p> <ol style="list-style-type: none"> <li>1. compile and amend the rate record under section 6.39 of the <i>Local Government Act 1995</i> and reassess rates and service charges payable under section 6.40;</li> <li>2. the service of rate notices under section 6.41 of the <i>Local Government Act 1995</i>;</li> <li>3. enter into an agreement under section 6.49 of the <i>Local Government Act 1995</i> for the payment of a rate or service charge;</li> <li>4. determine the date that a rate or service charge becomes due and payable under section 6.50 of the <i>Local Government Act 1995</i>;</li> <li>5. the recovery of rates and service charges under sections 6.54 to 6.62 of the <i>Local Government Act 1995</i>;</li> <li>6. lodge a caveat on land where the rates are in arrears and it is considered that the interests of the Shire should be protected and the subsequent withdrawal of a caveat once arrears of rates have been settled. under section 6.64(3) of the <i>Local Government Act 1995</i>.</li> <li>7. grant an extension of time for making an objection to the rate record under section 6.76(4) of the <i>Local Government Act 1995</i>; and</li> <li>8. allow or disallow, under section 6.76(5) of the <i>Local Government Act 1995</i>, any objection to the rate record and serve notice of the decision and a statement of reasons for the decision upon the person lodging the objection under section 6.76(6).</li> </ol>	
<b>LEGISLATIVE POWER</b>	Local Government Act 1995, sections 5.42, 6.39, 6.40, 6.41, 6.49, 6.50, 6.54-6.62, 6.64(3), 6.76(4), 6.76(5) and 6.76(6)
<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	16 August 2011 (Minute 9559)
<b>REVIEWED</b>	26 June 2012 (Minute 9799) 16 July 2013 (Minute number to be added)

<b>CD/GOV-6119</b>	<b>INVESTMENTS</b>
<p>The CEO is delegated authority:</p> <ol style="list-style-type: none"> <li>1. to invest any monies held in the municipal fund or the trust fund that is not, for the time being, required by the local government for any other purpose; and</li> <li>2. to establish and document internal control procedures to be followed by employees to ensure control over investments. The control procedures are to enable the identification of: <ol style="list-style-type: none"> <li>(a) the nature and location of all investments, and</li> <li>(b) transactions related to each investment.</li> </ol> </li> </ol>	
<b>LEGISLATIVE POWER</b>	Local Government Act 1995, section 5.42 and Local Government (Financial Management) Regulations 1996, regulation 19
<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	16 July 2013 (Minute number to be added)
<b>REVIEWED</b>	

<b>CD/GOV-6120</b>	<b>EXPENDITURE BEFORE ADOPTION OF BUDGET</b>
<p>The CEO is delegated authority to authorise operating expenditure and appropriate capital expenditure that is included in Council's Corporate Business Plan from the municipal fund prior to the adoption of the annual budget.</p> <p><u>Condition</u></p> <p>The CEO must include the expenditure in the draft budget to be presented to Council</p>	
<b>LEGISLATIVE POWER</b>	Local Government Act 1995, sections 5.42 and 6.8(1)(a)
<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	16 July 2013 (Minute number to be added)
<b>REVIEWED</b>	

<b>CD/GOV-6121</b>	<b>GATES ACROSS PUBLIC THOROUGHFARE</b>
<p>The CEO is delegated authority to exercise each of the functions under regulation 9 of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>, including the power to determine applications for permission to have a gate or other device across a public thoroughfare under the control or management of the Shire to enable traffic to pass across the public thoroughfare and prevent livestock from straying.</p>	
<b>LEGISLATIVE POWER</b>	Local Government Act 1995, section 5.42 and Local Government (Uniform Local Provisions) Regulations 1996, regulation 9
<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	16 July 2013 (Minute number to be added)
<b>REVIEWED</b>	

<b>CD/GOV-6122</b>	<b>DANGEROUS EXCAVATION IN OR NEAR PUBLIC THOROUGHFARE</b>
<p>The CEO is delegated authority to exercise each of the functions under regulation 11 of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>, including the powers –</p> <ol style="list-style-type: none"> <li>1. to fill in or fence an excavation;</li> <li>2. to give a written request to an owner or occupier to fill in or securely fence the excavation; and</li> <li>3. to determine applications for permission to make, or make and leave, an excavation in a public thoroughfare or land adjoining a public thoroughfare or land adjoining a public thoroughfare.</li> </ol>	
<b>LEGISLATIVE POWER</b>	Local Government Act 1995, section 5.42 and Local Government (Uniform Local Provisions) Regulations 1996, regulation 11
<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	16 July 2013 (Minute number to be added)
<b>REVIEWED</b>	

<b>CD/GOV-6123</b>	<b>CROSSOVERS</b>
<p>The CEO is delegated authority:</p> <ol style="list-style-type: none"> <li>1. to determine applications for the construction of a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land and may agree to construct the crossing for the applicant;</li> <li>2. to give notice to an owner or occupier of private land requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land; and</li> <li>3. if the person fails to comply with the notice, to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person.</li> </ol>	
<b>LEGISLATIVE POWER</b>	Local Government Act 1995, section 5.42 and Local Government (Uniform Local Provisions) Regulations 1996, regulations 12 and 13
<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	16 July 2013 (Minute number to be added)
<b>REVIEWED</b>	

<b>CD/GOV-6124</b>	<b>DEMOLITION PERMITS</b>
<p>The Council delegates to –</p> <ol style="list-style-type: none"> <li>1. Building Surveyor (Level 1 or Level 2);</li> <li>2. CEO;</li> <li>2. Director Community Development, and</li> <li>3. Manager Property and Regulatory Services.</li> </ol> <p>the functions of the Shire as the permit authority in respect of an application for, and the grant or refusal of, a demolition permit under Divisions 2, 3 and 4 of Part 2 of the <i>Building Act 2011</i>.</p>	
<b>LEGISLATIVE POWER</b>	Building Act 2011, Divisions 2, 3 and 4 of Part 2 and section 127
<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	16 July 2013 (Minute number to be added)
<b>REVIEWED</b>	

<b>CD/GOV-6125</b>	<b>BUILDING ORDERS</b>
<p>The Council delegates to –</p> <ol style="list-style-type: none"> <li>2. Building Surveyor (Level 1 or Level 2);</li> <li>2. CEO;</li> <li>2. Director Community Development, and</li> <li>3. Manager Property and Regulatory Services.</li> </ol> <p>the functions of the Shire as the permit authority in respect of building orders under Division 5 of Part 8 of the <i>Building Act 2011</i>.</p>	
<b>LEGISLATIVE POWER</b>	Building Act 2011, Division 5 of Part 8 and section 127
<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	16 July 2013 (Minute number to be added)
<b>REVIEWED</b>	

<b>CD/GOV-6126</b>	<b>BUILDING PERMITS</b>
<p>The Council delegates to –</p> <ol style="list-style-type: none"> <li>3. Building Surveyor (Level 1 or Level 2);</li> <li>2. CEO;</li> <li>2. Director Community Development, and</li> <li>3. Manager Property and Regulatory Services.</li> </ol> <p>the functions of the Shire as the permit authority in respect of an application for, and the grant or refusal of, a building permit under Divisions 2, 3 and 4 of Part 2 of the <i>Building Act 2011</i>.</p>	
<b>LEGISLATIVE POWER</b>	Building Act 2011, Divisions 2, 3 and 4 of Part 2 and section 127
<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	16 July 2013 (Minute number to be added)
<b>REVIEWED</b>	

<b>CD/GOV-6130</b>	<b>OCCUPANCY PERMITS AND BUILDING APPROVAL CERTIFICATES</b>
<p>The Council delegates to –</p> <ol style="list-style-type: none"> <li>4. Building Surveyor (Level 1 or Level 2);</li> <li>2. CEO;</li> <li>2. Director Community Development, and</li> <li>3. Manager Property and Regulatory Services.</li> </ol> <p>the functions of the Shire as the permit authority in respect of an application for, and the grant, modification or refusal of, an occupancy permit or building approval certificate under Division 3 of Part 4 of the <i>Building Act 2011</i>.</p>	
<b>LEGISLATIVE POWER</b>	Building Act 2011, Division 3 of Part 4 and section 127
<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	16 July 2013 (Minute number to be added)
<b>REVIEWED</b>	

<b>CD/GOV-6131</b>	<b>PERMISSION TO DEPOSIT MATERIALS ON, OR EXCAVATE ADJACENT TO, A STREET</b>
<p>The CEO is delegated authority to exercise each of the functions under regulation 6 of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>, including the power to determine applications for permission to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare.</p>	
<b>LEGISLATIVE POWER</b>	Local Government Act 1995, section 5.42 and Local Government (Uniform Local Provisions) Regulations 2013, regulation 6
<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	16 July 2013 (Minute number to be added)
<b>REVIEWED</b>	

<b>CD/GOV-6132</b>	<b>AWARD / INDUSTRIAL MATTERS</b>
The CEO is delegated authority to act on the Council's behalf in any general Industrial/Award matter and any Industrial dispute involving any employee/s of the Shire	
<b>LEGISLATIVE POWER</b>	Local Government Act 1995, section 5.42
<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	16 July 2013 (Minute number to be added)
<b>REVIEWED</b>	

<b>CD/GOV-6134</b>	<b>CONTRACT VARIATIONS</b>
The CEO is delegated authority to approve minor variations to contracts that would otherwise require authorisation by the Council, subject to the funds required to meet the cost of the variations being within the amount set aside in the budget adopted by the Council.	
<b>LEGISLATIVE POWER</b>	Local Government Act 1995, section 5.42
<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	16 July 2013 (Minute number to be added)
<b>REVIEWED</b>	

CD/GOV-6135	APPOINTMENT OF CONSULTANTS
<p>The CEO is delegated authority to engage consultants including architects, surveyors, valuers, planning and engineering consultants and the like.</p> <p><u>Conditions</u></p> <p>In exercising this function:</p> <ol style="list-style-type: none"> <li>1. the CEO must comply with all relevant Council policies;</li> <li>2. <u>funds</u> for the engagement must be within the budget adopted by the Council;</li> <li>3. the engagement must be for a project approved by the Council; and</li> <li>4. the cost to the Shire of the engagement must not exceed \$100,000.</li> </ol>	
<b>LEGISLATIVE POWER</b>	Local Government Act 1995, section 5.42
<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	16 July 2013 (Minute number to be added)
<b>REVIEWED</b>	

CD/GOV-6136	EVENTS ON ROADS
<p>The CEO is delegated authority to give, or refuse to give, the Shire's approval under regulation 4 of the <i>Road Traffic (Events on Roads) Regulations 1991</i> in relation to the temporary closure of a road for the purpose of conducting an event.</p> <p>Note: In exercising this function, the CEO may be required to comply with the requirements of sections 3.50 of the <i>Local Government Act 1995</i>.</p>	
<b>LEGISLATIVE POWER</b>	Local Government Act 1995, section 5.42
<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	16 July 2013 (Minute number to be added)
<b>REVIEWED</b>	

<b>CD/GOV-6139</b>	<b>PRIVATE WORKS</b>
<p>The CEO is delegated authority to enter into commercial arrangements under which the Shire is to provide works or services.</p> <p><u>Conditions</u></p> <p>This authority must be exercised in accordance with Council policies and the value of each arrangement must not exceed the amount determined by the Council for the purposes of section 5.43(b) of the <i>Local Government Act 1995</i>.</p>	
<b>LEGISLATIVE POWER</b>	Local Government Act 1995, sections 5.42 and 5.43(b)
<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	16 July 2013 (Minute number to be added)
<b>REVIEWED</b>	

<b>CD/GOV-6150</b>	<b>AUTHORITY TO SIGN DOCUMENTS</b>
<p>The CEO is authorised to sign, on behalf of the Shire, a document that is necessary or appropriate for the CEO to sign in carrying out the CEO's functions under any written law.</p>	
<b>LEGISLATIVE POWER</b>	Local Government Act 1995, section 9.49A(4)
<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	16 July 2013 (Minute number to be added)
<b>REVIEWED</b>	

CD/GOV-6151	AUTHORITY TO AFFIX THE SHIRE'S COMMON SEAL
<p>The CEO is delegated authority to affix the common seal of the Shire to a document that needs the Shire's common seal to be legally effective and that is within one or more of the following categories –</p> <ol style="list-style-type: none"> <li>1. documents required to satisfy conditions of subdivision and/or development approval;</li> <li>2. documents required to effect the transfer of land as part of a settlement transaction (sale and purchase);</li> <li>3. documents required to secure the repayment of a loan granted by the Shire, a loan granted to the Shire by a third party and/or to secure the pre-funding of infrastructure works by the Shire;</li> <li>4. documents required to effect the grant of leasehold interests in the land either by the Shire to a third party, or by a third party to the Shire;</li> <li>5. documents required to effect the grant of a licence either by the Shire to a third party, or by a third party to the Shire;</li> <li>6. documents required to effect the subdivision of land, including the strata titling of land;</li> <li>7. documents which are capable of registration and/or lodgement at Landgate (WA Land Titles office); and</li> <li>8. documents that are necessary or appropriate to enable a CEO to carry out his functions under any written law.</li> </ol> <p><u>Condition:</u></p> <p>The document must not be inconsistent with a Council policy or resolution.</p>	
<b>LEGISLATIVE POWER</b>	Local Government Act 1995, sections 9.49A(2) and 5.42
<b>COUNCIL POLICY</b>	N/A
<b>ADOPTED</b>	16 July 2013 (Minute number to be added)
<b>REVIEWED</b>	

# DELEGATIONS REGISTER 2014/15

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## SHIRE OF WYNDHAM EAST KIMBERLEY

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All Delegations included within this Register were adopted at a meeting of the Council held  
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## OVERVIEW

### LOCAL GOVERNMENT ACT REGISTER OF DELEGATIONS

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

The Local Government Act 1995 allows for a local government to delegate to the Chief Executive Officer (Sections 5.42 and 5.43) the exercise of any of its powers or the discharge of any of its duties under the Act.

The Act allows for the Chief Executive Officer to delegate any of their powers to another employee; this must be done in writing. The Act allows for the Chief Executive Officer to place conditions on any delegations if they desire. The powers cannot, however, be further sub-delegated.

The purpose of this document is to detail which authorities have been delegated by the Council to the Chief Executive Officer and which delegations have been sub delegated by the Chief Executive Officer to specified employees.

The manual details the related document(s) where the power to delegate is derived from. This enables easier cross referencing.

### LIMITS ON DELEGATIONS TO THE CEO

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In accordance with section 5.43 of the Local Government Act 1995 the following are decisions that cannot be delegated to the Chief Executive Officer:

- Any power or duty that requires a decision of an absolute majority or 75% majority of the local government;
- accepting a tender which exceeds an amount determined by the local government;
- appointing an auditor;
- acquiring or disposing of any property valued at an amount determined by the local government;
- any of the local government's powers under Sections 5.98, 5.99 and 5.10 of the Act;
- borrowing money on behalf of the local government;
- hearing or determining an objection of a kind referred to in Section 9.5;
- any power or duty that requires the approval of the Minister or Governor; or
- such other duties or powers that may be prescribed by the Act.

### REGISTER OF, AND RECORDS RELEVANT TO, DELEGATIONS

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In accordance with section 5.46 of the Local Government Act 1995 a register of delegations, being this manual, relevant to the Chief Executive Officer is to be kept and reviewed at least once every financial year.

### OTHER DELEGATIONS

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For ease of reference, this register also contains delegations which are derived from a number of other legislations that prescribe the power to delegate. These legislations being:

- Shire of Wyndham East Kimberley Town Planning Schemes

- Planning and Development Act 2005
- Food Act 2008
- Health Act 1911
- Litter Act 1979
- Caravan Parks and Camping Grounds Act 1995
- Building Act 2011
- Building Regulations 2012
- Bush Fires Act 1954

## DELEGATIONS

### 1. RIGHT TO INSPECT CONFIDENTIAL INFORMATION

---

LEGISLATIVE POWER      Local Government Act 1995 Section 5.42

DELEGATE                      Chief Executive Officer

#### FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated the authority to determine whether information prescribed as confidential may be made available for inspection under section 5.95(7) of the *Local Government Act 1995*.

## 2. COPIES OF INFORMATION

---

LEGISLATIVE POWER      Local Government Act 1995 Section 5.42 & 5.96

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

Delegated authority to ensure, under section 5.96 of the *Local Government Act 1995*:

1. that copies of information are available to persons who are entitled to request the information under Division 7, Part 5 of the Act, and
2. that the price at which the copies are sold does not exceed the cost of providing the copies.

### 3. AUTHORITY TO SIGN & CERTIFY DOCUMENTS & LETTERS

---

LEGISLATIVE POWER      Local Government Act 1995, Section 9.49A(4) and 9.31

DELEGATE                      Chief Executive Officer

#### FUNCTION TO BE PERFORMED

Delegated authority to sign, on behalf of the Shire, a document that is necessary or appropriate for carrying out functions under any written law.

Delegated authority to certify a copy of a local law of the Shire, or a copy of any other document of or adopted by the Shire, to be a true copy.

Delegated authority to sign letters that relate to normal operations, are the result of a Council decision or are permitted by another delegation or a Council policy.

#### 4. AUTHORITY TO AFFIX THE SHIRE'S COMMON SEAL

---

LEGISLATIVE POWER      Local Government Act 1995, Section 9.49A(2) and 5.42

DELEGATE                      Chief Executive Officer

#### FUNCTION TO BE PERFORMED

Delegated authority to affix the common seal of the Shire to a document that needs the Shire's common seal to be legally effective and that is within one or more of the following categories –

1. documents required to satisfy conditions of subdivision and/or development approval;
2. documents required to effect the transfer of land as part of a settlement transaction (sale and purchase);
3. documents required to secure the repayment of a loan granted by the Shire, a loan granted to the Shire by a third party and/or to secure the pre-funding of infrastructure works by the Shire;
4. documents required to effect the grant of leasehold interests in the land either by the Shire to a third party, or by a third party to the Shire;
5. documents required to effect the grant of a licence either by the Shire to a third party, or by a third party to the Shire;
6. documents required to effect the subdivision of land, including the strata titling of land;
7. documents which are capable of registration and/or lodgement at Landgate (WA Land Titles office); and
8. documents that are necessary or appropriate to enable a CEO to carry out his functions under any written law.

#### Condition:

The document must not be inconsistent with a Council policy or resolution.

## 5. ACTING CHIEF EXECUTIVE OFFICER

---

LEGISLATIVE POWER      Local Government Act 1995, Section 5.36

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to appoint one of the Shire of Wyndham East Kimberley's Directors to perform the role of Acting Chief Executive Officer during any periods of approved leave of absence.

In making this delegation the Council has determined that the Shire's Directors are suitably qualified to perform the role of Acting Chief Executive Officer.

The Shire's Directors are; Director Corporate Services, Director Infrastructure and Director Community Development.

### Conditions

Appointment to the role of Acting Chief Executive Officer must be made in writing to the nominee for a defined period, which does not exceed 3 months.

The Chief Executive Officer, on making any appointment under delegated authority, shall inform the Council of the details of the appointment, including a timeline for the appointment.

## 6. PREPARE ELECTORAL ROLLS & ELIGIBILITY FOR ENROLMENT

---

LEGISLATIVE POWER      Local Government Act Section 4 and 5

DELEGATE                      Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority to prepare owners and occupiers rolls, call for applications for eligibility for enrolment and to determine any applications received.

## 7. AWARD/INDUSTRIAL MATTERS

---

LEGISLATIVE POWER      Local Government Act 1995, Section 5.42

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

Delegated authority to act on the Council's behalf in any general Industrial/Award matter and any Industrial dispute involving any employee/s of the Shire.

## 8. LEGAL ADVICE

---

LEGISLATIVE POWER      Local Government Act 1995 Section 5.42

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

Subject to provision being made in the budget for legal expenses, authority to obtain from an appropriate solicitor, such legal advice, assistance and opinions as deemed necessary in the exercise of the management of Local Government.

## 9. REPRESENTING LOCAL GOVERNMENT IN COURT

---

LEGISLATIVE POWER      Local Government Act 1995 Section 9.29

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to appoint persons pursuant to section 9.29 of the Local Government Act 1995, to represent the Shire of Wyndham East Kimberley generally in proceedings in the court of petty sessions and Local Court.

### DEFINITIONS

***proceedings*** means —

- (a) proceedings in the Magistrates Court, the Children’s Court or the State Administrative Tribunal; or
  - (b) proceedings in respect of a claim against a person who takes the benefit of an Act for the relief of bankrupt debtors.
- (2) In proceedings a person who is —
- (a) the CEO; or
  - (b) an employee of the local government appointed in writing signed by the CEO to represent the local government generally or in a particular case,  
may represent the local government in all respects as though the person were the local government.
- (3) The person representing the local government in the proceedings is entitled to be reimbursed by the local government for any money paid or required to be paid by the person as a result of representing the local government in the proceedings.

## 10. AUTHORITY TO INITIATE PROCEEDINGS

---

LEGISLATIVE POWER      Local Government Act 1995 Section 9.24

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to commence a prosecution for an offence against this Act or under a Local Law under Section 9.24 of the Local Government Act 1995.

## 11. INSURANCE – PUBLIC LIABILITY CLAIMS

---

LEGISLATIVE POWER      Local Government Act 1995, Section 5.42

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to consider claims against the Shire for property damage that do not exceed the insurance policy excess levels and to accept or deny liability on behalf of the Shire.

## 12. TENDERS

---

LEGISLATIVE POWER      Local Government Act 1995 Sections 5.42 and 5.43 (b),  
3.57(1)  
Functions and General Regulations 1996 Regulations 11,  
14(2a), 18(4) & (5), 20, 20(2), 21(1), 23(3)

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

Delegated authority to:

1. seek expressions of interest before entering the tender process;
2. consider any submissions of interest that have not been rejected and decide which ones could satisfactorily supply the goods or services;
3. invite tenders before entering into a contract for goods and services with a value of \$100,000 or more, provided that appropriate provision is made, or is proposed to be made, in Council's Adopted Budget;
4. determine in writing the criteria for accepting tenders.

Provided that appropriate provision is made with reference to the Council's Purchasing and Tendering Policy (F19).

### 13. DISPOSAL OF PROPERTY

---

LEGISLATIVE POWER      Local Government Act 1995 Section 3.58

DELEGATE                      Chief Executive Officer

#### FUNCTION TO BE PERFORMED

That the Council delegate authority to the Chief Executive Officer to dispose of property by public tender or public auction where the individual value of the property disposal is greater than \$20,000 but less than \$100,000 per item or land valued at an amount not exceeding \$500,000, provided that appropriate provision is made in the Council's Adopted Budget. Property can be disposed of by other means than public tender or public auction, if before agreeing to dispose of the property, local public notice is given of the proposed disposition or if the market value is less than \$20,000.

That the Council delegate authority to the Chief Executive Officer to gift or donate property with a maximum written down value of \$500.

## 14. PRIVATE WORKS

---

LEGISLATIVE POWER      Local Government Act 1995, Section 5.42 and 5.43(b)

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

Delegated authority to enter into commercial arrangements under which the Shire is to provide works or services.

### Conditions

This authority must be exercised in accordance with the Council policies and the value of each arrangement must not exceed the amount determined by the Council for the purposes of section 5.43(b) of the *Local Government Act 1995*.

## 15. APPOINTMENT OF CONSULTANTS

---

LEGISLATIVE POWER      Local Government Act 1995, Section 5.42

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

Delegated authority to engage consultants including architects, surveyors, valuers, planning and engineering consultants and the like.

#### Conditions

In exercising this function:

1. delegates must comply with all relevant Council policies;
2. funds for the engagement must be within the budget adopted by the Council;
3. the engagement must be for a project approved by the Council; and
4. the cost to the Shire of the engagement must not exceed \$100,000.

## 16. EXPENSES OF COUNCILLORS AND STAFF

---

LEGISLATIVE POWER      Local Government Act 1995 Sections 5.98, 5.101, 5.102 & 5.42

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

Delegated authority to:

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

## 17. WAIVING/GRANTING CONCESSIONS FOR FEES AND CHARGES (Other Than Rates or Service Charges)

---

LEGISLATIVE POWER      Local Government Act 1995 Section 6.12(b)

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated to waive fees and charges (other than rates or service charges) or grant concessions.

The Chief Executive Officer will determine what conditions apply to granting of a concession.

This delegation is subject to section 6.12(2) of the Local Government Act 1995.

## 18. WRITE OFF DEBTORS (Rates and Others) UP TO \$200.00

---

LEGISLATIVE POWER      Local Government Act 1995 Section 6.12

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

Delegated authority to write off debtors (rates and others) with an account balance of \$200 or less.

This delegation is subject to section 6.12(2) of the Local Government Act 1995.

## 19. PAYMENTS FROM THE MUNICIPAL FUND AND TRUST FUND

---

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

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

Delegated authority to make payments from the municipal fund and trust fund.

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

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

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

## 20. RATE BOOK

---

LEGISLATIVE POWER      Local Government Act 1995 Section 5 and 6

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

Delegated authority to perform the following functions:

1. compile and amend the rate record under section 6.39 of the *Local Government Act 1995* and reassess rates and service charges payable under section 6.40;
2. the service of rate notices under section 6.41 of the *Local Government Act 1995*;
3. enter into an agreement under section 6.49 of the *Local Government Act 1995* for the payment of a rate or service charge;
4. determine the date that a rate or service charge becomes due and payable under section 6.50 of the *Local Government Act 1995*;
5. the recovery of rates and service charges under sections 6.54 to 6.62 of the *Local Government Act 1995*;
6. lodge a caveat on land where the rates are in arrears and it is considered that the interests of the Shire should be protected and the subsequent withdrawal of a caveat once arrears of rates have been settled. under section 6.64(3) of the *Local Government Act 1995*.
7. grant an extension of time for making an objection to the rate record under section 6.76(4) of the *Local Government Act 1995*; and
8. allow or disallow, under section 6.76(5) of the *Local Government Act 1995*, any objection to the rate record and serve notice of the decision and a statement of reasons for the decision upon the person lodging the objection under section 6.76(6).

## 21. INVESTMENTS

---

LEGISLATIVE POWER      Local Government Act 1995 Section 5.42 and Local Government (Financial Management) Regulations 1996, Regulation 19

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

Delegated authority:

1.      to invest any monies held in the municipal fund or the trust fund that is not, for the time being, required by the local government for any other purpose; and
2.      to establish and document internal control procedures to be followed by employees to ensure control over investments. The control procedures are to enable the identification of:
  - (a)      the nature and location of all investments, and
  - (b)      transactions related to each investment.

## 22. EXPENDITURE BEFORE ADOPTION OF BUDGET

---

LEGISLATIVE POWER      Local Government Act 1995 Section 5 and 6

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

Delegated authority to authorise operating expenditure and appropriate capital expenditure that is included in Council's Corporate Business Plan from the municipal fund prior to the adoption of the annual budget.

### Condition

The CEO must include the expenditure in the draft budget to be presented to the Council.

Expenditure must be in accordance with CP/FIN-3204 Purchasing and Tendering Policy and AP/FIN-1201 Purchasing Authority Limitations.

## 23. CONTRACT VARIATIONS

---

LEGISLATIVE POWER      Local Government Act 1995, Section 5.42

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

Delegated authority to approve variations within 10% or up to \$100,000 for contracts that would otherwise require authorisation by the Council, subject to the funds required to meet the cost of the variations being within the amount set aside in the budget adopted by the Council.

## 24. RECOVERY OF DEBTS

---

LEGISLATIVE POWER      Local Government Act 1995, Part 6 Financial Management

DELEGATE                      Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority to take action to recover any outstanding debts pursuant to the Local Government Act 1995, Part 6.

## 25. AUTHORISATION OF EXPENDITURE

---

LEGISLATIVE POWER      Local Government Act 1995, Section 6.10(d)

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

Delegated authority to purchase goods and services with unlimited purchasing authority; where expenditure has been approved in the annual budget and in accordance with Policy CP/FIN3204 – Purchasing and Tendering Policy.

## 26. ENVIRONMENTAL HEALTH

---

LEGISLATIVE POWER      Health Act 1911 Section 26, Food Act 2008, Litter Act 1979, Caravan and Camping Grounds Act 1995 & Environmental Protection Act 1986

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

In accordance with section 26 of the *Health Act 1911*, delegates have the capacity to exercise and discharge all or any of the powers and functions of the local government.

Delegated authority to exercise all of the functions conferred or imposed on the Shire of Wyndham East Kimberley, as an enforcement agency, under and subject to section 118(2) of the *Food Act 2008*.

### Authorisation to administer:

- the *Food Act 2008* and associated regulations and local laws;
- the *Litter Act 1979* and regulations;
- the *Caravan Parks and Camping Grounds Act 1995*
- the *Environmental Protection Act 1986*;
- the 2003 Shire of Wyndham East Kimberley Local Laws; and
- the 2004 Shire of Wyndham East Kimberley Health Local Laws.

## 27. APPOINT AUTHORISED PERSONS (SWIMMING POOL INSPECTORS)

---

LEGISLATIVE POWER      Building Regulations 2012, Regulation 53(1)

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

The local government must arrange for authorised person(s) to inspect private swimming pools containing water more than 300mm deep at intervals of no more than 4 years for the purpose of monitoring whether the provisions in regulation 50 and 52 are complied with pursuant to Building Regulations 2012 r. 53(1).

### CONDITIONS

The authorisations must be in writing and recorded on the appropriate file and the person's personal file.

Copies of all reports on swimming pools inspected are to be retained on the appropriate file or record.

## 28. RECOVER THE CHARGE IMPOSED FOR PRIVATE SWIMMING POOL INSPECTIONS

---

LEGISLATIVE POWER      Building Regulations 2012, Regulation 53(2)

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

Delegated power to recover the amount of a charge imposed for the inspection of a private swimming pool in a court of competent jurisdiction, pursuant to the Building Regulations 2012, Regulation 53(2).

## 29. IMPOUNDING GOODS

---

LEGISLATIVE POWER      Local Government Act 1995 Section 3.39, 4.42, 3.44, 3.46, 3.47, 3.48 & 5.42

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

Delegated authority to:

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

### 30. SALE OF IMPOUNDED OR CONFISCATED VEHICLES, ANIMALS OR GOODS

---

LEGISLATIVE POWER      Local Government Act 1995 Section 3.47

DELEGATE                      Chief Executive Officer

#### FUNCTION TO BE PERFORMED

Delegated authority to exercise the powers under section 3.47 of the *Local Government Act 1995* to dispose of any vehicles, animals or goods that have been impounded or confiscated.

#### Condition

If a disposal is by way of a public tender or public auction or private treaty or expressions of interest, the CEO cannot accept any per item amount exceeding the sum of \$100,000 – which must be referred to the Council for determination.

## 31. ENFORCEMENT AND INFRINGEMENT NOTICES

---

LEGISLATIVE POWER      Local Government Act 1995, Part 9, Division 2, Subdivision 1 and 2

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

The Chief Executive Officer has delegated authority under section 9.10 of the Local Government Act 1995 to appoint, in writing, persons or classes of persons to be authorised for the purposes of performing particular functions under the following sections of the said Act:

- 9.11 Persons found committing breach of Act to give name on demand
- 9.13 Onus of proof in vehicle offences may be shifted
- 9.16 Giving a notice
- 9.17 Content of notice
- 9.19 Extension of time
- 9.20 Withdrawal of notice

The local government is to issue to each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person.

## 32. TOWN PLANNING

---

LEGISLATIVE POWER      Planning and Development Act 2005 & Shire of Wyndham East Kimberley Town Planning Schemes

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

Delegation of the following powers and duties under Town Planning Scheme No. 7 (TPS 7):

#### 1. LAND USES

- 1.1 Approve all development applications where the proposed use is a 'P' use including minor variation to Residential Design Codes where no objection is raised by adjoining landowners/occupiers;
- 1.2 Approve all development applications where the proposed use is an 'IP' use;
- 1.3 Approve the following development applications where the proposed use is an 'AA' use;
  - i. Grouped Dwellings in Residential and Town Centre Zones;
  - ii. Offices and Warehouses in Mixed Business Zones;
  - iii. Agricultural uses in Rural Agriculture 1, Rural Agriculture 2 and Rural Living, Rural Residential, and Rural Small Holdings Zones;
  - iv. building extensions to existing buildings;
  - v. Industrial Uses in Composite, Light and General Industry zones;
  - vi. Home Occupation and Home Business in all zones;
  - vii. variations to setbacks to property boundaries for residential dwellings in accordance with the provisions of the Residential Design Codes (Multiple and Grouped Dwellings); and
- 1.4 Impose conditions on development approval.

2. **ADVERTISING OF 'SA' USES**
  - 2.1 Initiate advertising for an application involving a proposed 'SA' use and refer the application and submissions to Council.

#### 3. MISCELLANEOUS

- 3.1 All matters which arise out of the imposition of conditions on development approvals;
- 3.2 Determine the Shire's position with respect to any mediation process resulting from an appeal to the State Administrative Tribunal following consultation with the Shire President (or in the absence of the Shire President the Deputy President); and
- 3.3 Issue and serve notices, and take any other enforcement action, against a person who is suspected to be in breach of TPS 7.

#### Conditions and Exceptions

1. A list of all development applications determined under delegated authority shall be incorporated in the Council's agenda and minutes;
2. Every applicant who received notification of a conditional approval of a development application that was determined by delegation and is aggrieved by the decision may within 28 days of the date of that decision request that the matter be reconsidered by Council;
3. All applications where the recommendation is for refusal must be presented to Council for consideration;
4. Legal action in relation to breaches of planning conditions and/or breaches of TPS 7 can only be undertaken in accordance with Council Policy.

### 33. DEMOLITION PERMITS

---

LEGISLATIVE POWER      Building Act 2011, Divisions 2, 3 and 4 of Part 2

DELEGATE                      Chief Executive Officer

#### FUNCTION TO BE PERFORMED

Delegated functions of the Shire as the permit authority in respect of an application for, and the grant or refusal of, a demolition permit under Divisions 2, 3 and 4 of Part 2 of the *Building Act 2011*.

## 34. BUILDING ORDERS

---

LEGISLATIVE POWER      Building Act 2011, Divisions 5 of Part 8

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

Delegated functions of the Shire as the permit authority in respect of building orders under Division 5 of Part 8 of the *Building Act 2011*.

## 35. BUILDING PERMITS

---

LEGISLATIVE POWER      Building Act 2011, Divisions 2, 3 and 4 of Part 2

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

Delegated functions of the Shire as the permit authority in respect of an application for, and the grant or refusal of, a building permit under Divisions 2, 3 and 4 of Part 2 of the *Building Act 2011*.

## 36. OCCUPANCY PERMITS AND BUILDING APPROVAL CERTIFICATES

---

LEGISLATIVE POWER      Building Act 2011, Divisions 3 of Part 4

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

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

## 37. CERTAIN THINGS TO BE DONE IN RESPECT OF LAND

---

LEGISLATIVE POWER      Local Government Act 1995 Sections 3.24, 3.25, 3.26, 3.27, 3.31, 3.34, 3.36 & 5.42

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

Delegated authority as an Authorised Person in accordance with Section 3.24 and 3.25 of the Act for the purposes of exercising those powers as defined in Sub Division 2 'Certain Provisions About Land' of the Local Government Act 1995 and as prescribed in Schedule 3.1 'Powers under notices to owners or occupiers of land'.

#### Schedule 3.1 – Things a notice may require to be done

1. Prevent water from dripping or running from a building on the land onto any other land.
2. Place in a prominent position on the land a number to indicate the address.
3. Modify or repair, in the interests of the convenience or safety of the public, anything constructed as mentioned in Schedule 9.1, clause 8, or repair any damage caused to the public thoroughfare or other public place mentioned in that clause.
4. (1) Ensure that land that adjoins a public thoroughfare or other public place that is specified for the purposes of this item by a local law —
  - (a) is suitably enclosed to separate it from the public place; and
  - (b) where applicable, is enclosed with a close fence, to the satisfaction of the local government, suitable to prevent sand or other matter coming from the land onto the public place.
- (2) The notice cannot be given to an occupier who is not an owner.
5. (1) Ensure that unsightly land is enclosed, to the satisfaction of the local government, with a fence or other means suitable to prevent the land, so far as is practicable, from being unsightly.
- (2) In this item —

**unsightly**, in relation to land, means having an appearance that, because of the way in which the land is used, does not conform with the general appearance of other land in the locality.
- (3) The notice cannot be given to an occupier who is not an owner.
- 5A. (1) Ensure that overgrown vegetation, rubbish, or disused material, as specified, is removed from land that the local government considers to be untidy.
- (2) In this item —

**disused material** includes disused motor vehicles, old motor vehicle bodies and old machinery.
- 5B. Ensure that graffiti that is —
  - (a) applied with the consent of the owner or occupier; and
  - (b) visible from a public place; and
  - (c) considered by the local government to be unsightly or offensive,is obliterated in a manner acceptable to the local government.

6. Take specified measures for preventing or minimising the movement of sand, silt, clay or rocks on or from the land if, in the opinion of the local government, that movement would be likely to adversely affect other land.
7. Ensure that land that adjoins a public thoroughfare or other public place that is specified for the purposes of this item by a local law is not overgrown.
8. Remove all or part of a tree that is obstructing or otherwise prejudicially affecting a thoroughfare that is under the local government's control or management and adjoins the land where the tree is situated.
9. Ensure that a tree on the land that endangers any person or thing on adjoining land is made safe.
10. Take specified measures for preventing or minimizing —
  - (a) danger to the public; or
  - (b) damage to property,
 which might result from cyclonic activity.
11. Remove bees that are likely to endanger the safety of any person or create a serious public nuisance.
12. Ensure that an unsightly, dilapidated or dangerous fence or gate that separates the land from land that is local government property is modified or repaired.
13. Take specific measures to prevent —
  - (a) artificial light being emitted from the land; or
  - (b) natural or artificial light being reflected from something on the land, creating a nuisance.
14. (1) Remove or make safe anything that is obstructing or otherwise prejudicially affecting a private thoroughfare so that danger to anyone using the thoroughfare is prevented or minimised.
- (2) In this item —

***private thoroughfare*** has the same meaning as in Schedule 9.1 clause 7(1).

*[Division 1 amended in Gazette 29 Apr 1997 p. 2144; amended by No. 49 of 2004 s. 72; No. 17 of 2009 s. 46.]*

In addition, authority is delegated to:

1. do anything considered necessary to achieve the purpose for which the notice was given in order to make a person comply with the notice;
2. undertake works that are not carried out by the owner or occupier and recover the costs as a debt;
3. go onto private land in circumstances prescribed in Schedule 3.2 and carry out works, even without the consent of the owner;
4. authorise a person to enter land, premises or thing without consent, after notice has been given, unless the owner or occupier has objected to the entry;
5. enter land in an emergency without notice or consent; and
6. make an opening in a fence to do works on property subject to providing the owner or occupier with 3 days written notice.

## 38. PUBLIC THOROUGHFARES

---

LEGISLATIVE POWER      Local Government Act 1995 Sections 3.5, 3.51 & 5.42

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

Delegated authority to:

1. close a thoroughfare wholly or partially, for a period not exceeding 4 weeks;
2. provide public notice of intentions and reasons for, and invite and consider submissions prior to ordering the closure of a thoroughfare, wholly or partially, to vehicles for a period exceeding 4 weeks' and
3. give notice of proposal and invite and consider submissions before –
  - (a) fixing or altering the level of, or the realignment of, a public thoroughfare; or
  - (b) draining water from a public thoroughfare or other public place onto adjoining land.

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

### 39. GATES ACROSS PUBLIC THROUGHFARE

---

LEGISLATIVE POWER      Local Government Act 1995 Section 5.42 and Local Government (Uniform Local Provisions) Regulations 1996 Regulation 9

DELEGATE                      Chief Executive Officer

#### FUNCTION TO BE PERFORMED

Delegated authority to exercise each of the functions under regulation 9 of the *Local Government (Uniform Local Provisions) Regulations 1996*, including the power to determine applications for permission to have a gate or other device across a public thoroughfare under the control or management of the Shire to enable traffic to pass across the public thoroughfare and prevent livestock from straying.

#### 40. DANGEROUS EXCAVATION IN OR NEAR PUBLIC THOROUGHFARE

---

LEGISLATIVE POWER      Local Government Act 1995 Section 5.42 and Local Government (Uniform Local Provisions) Regulations 1996 Regulation 11

DELEGATE                      Chief Executive Officer

#### FUNCTION TO BE PERFORMED

Delegated authority to exercise each of the functions under regulation 11 of the *Local Government (Uniform Local Provisions) Regulations 1996*, including the powers –

1.        to fill in or fence an excavation;
2.        to give a written request to an owner or occupier to fill in or securely fence the excavation; and
3.        to determine applications for permission to make, or make and leave, an excavation in a public thoroughfare or land adjoining a public thoroughfare or land adjoining a public thoroughfare.

## 41. CROSSOVERS

---

LEGISLATIVE POWER      Local Government Act 1995 Section 5.42 and Local Government (Uniform Local Provisions) Regulations 1996 Regulation 12 and 13

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

Delegated authority:

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

## 42. PERMISSION TO DEPOSIT MATERIALS ON, OR EXCAVATE ADJACENT TO, A STREET

---

LEGISLATIVE POWER      Local Government Act 1995, Section 5.42 and Local Government (Uniform Local Provisions) Regulations 1996

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

Delegated authority to exercise each of the functions under regulation 6 of the *Local Government (Uniform Local Provisions) Regulations 1996*, including the power to determine applications for permission to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare.

## 43. EVENTS ON ROADS

---

LEGISLATIVE POWER      Local Government Act 1995, Section 5.42

DELEGATE                      Chief Executive Officer  
   Director Infrastructure  
   Manager Engineering Services

### FUNCTION TO BE PERFORMED

Delegated authority to give, or refuse to give, the Shire's approval under regulation 4 of the *Road Traffic (Events on Roads) Regulations 1991* in relation to the temporary closure of a road for the purpose of conducting an event.

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

#### 44. ROAD TRAINS & EXTRA MASS PERMITS

---

LEGISLATIVE POWER      Local Government Act 1995 Section 5.42

DELEGATE                      Chief Executive Officer

#### FUNCTION TO BE PERFORMED

Delegated authority to determine any application to use road trains and for extra mass permits on any local road within the district, recommending approval or refusal, with or without conditions, for referral to Main Roads WA. Taking regard to any Council policy on the issue that may be established from time to time.

## 45. TRAFFIC REGULATORY SIGNS

---

LEGISLATIVE POWER      Local Government Act 1995 Section 5.42

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

Delegated authority to install appropriate traffic regulatory signs at such places as considered necessary.

### Conditions

In exercising this function approval from Main Roads and other Statutory bodies is to be gained where relevant. All signs are to be in accordance with relevant legislation, guidelines and standards.

## 46. LIQUOR – SALE & CONSUMPTION ON COUNCIL PROPERTY

---

LEGISLATIVE POWER      Local Government Act 1995, Section 5.42

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to determine applications for the sale of liquor from property under the care, control and management of the Council and to approve applications to consume liquor on property under the care, control and management of Council.

## 47. LICENCES, SIGNS AND HOARDINGS

---

LEGISLATIVE POWER      Local Government Act 1995, Section 5.42

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

Delegated authority to approve the erection and/or licensing of signs and hoardings that comply with the Local Laws and policies of the Council. Where an application for a sign or hoarding does not comply with the Local Laws and the policies of the Council the application is to be refused.

## 48. POWERS OF ENTRY

---

LEGISLATIVE POWER      Local Government Act 1995, Part 3, Division 3, Subdivision 3

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

The Chief Executive Officer has delegated authority under section 3.31(2) of the Local Government Act 1995 to authorise persons on behalf of the local government for the purposes of discharging the following duties:

- 3.31 General procedure for entering property
- 3.32 Notice of entry
- 3.33 Entry under warrant
- 3.34 Entry in an emergency
- 3.36 Opening fences

## 49. VARIATION TO FIREBREAK ORDERS

---

LEGISLATIVE POWER      Bush Fires Act 1954, Section 48

DELEGATE                      Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated authority to determine applications to provide firebreaks in alternative positions and to determine applications to provide alternative fire protection measures on the land.

## 50. VARIATION TO PROHIBITED BURNING TIMES

---

LEGISLATIVE POWER      Bush Fires Act 1954

DELEGATE                      Chief Executive Officer

FUNCTION TO BE PERFORMED

Delegated power to undertake the powers and duties under Section 17(7) and 17(8) of the Bush Fires Act 1954 in respect to varying the prohibited burning times, in accordance with Section 17(10) of the Act.

## 51. ADMINISTRATION OF OTHER ACTS

---

LEGISLATIVE POWER      Dog Act 1976, Cat Act 2011, Control of Vehicles (Off Road Areas) Act 1978, Bush Fires Act, Caravan Parks and Camping Grounds Act 1995, Health Act 1911, Strata Titles Act 1985, Food Act 2008, Planning and Development Act 2005

DELEGATE                      Chief Executive Officer

### FUNCTION TO BE PERFORMED

Delegated power to administer the following Acts:

- Dog Act 1976
- Cat Act 2011
- Control of Vehicles (Off Road Areas) Act 1978
- Bush Fires Act
- Caravan Parks and Camping Grounds Act 1995
- Health Act 1911
- Strata Titles Act 1985
- Food Act 2008
- Planning and Development Act 2005

## 52. AUDIT & FINANCE COMMITTEE

---

LEGISLATIVE POWER      Local Government Act 1995, Section 5.18

DELEGATE                      Audit and Finance Committee

### FUNCTION TO BE PERFORMED

The Council provides delegated authority to the Audit and Finance Committee to meet annually with the Shire of Wyndham East Kimberley's auditor(s) as required by Section 7.12A(2) of the Local Government Act 1995.

# Attachment 3 - Summary of Changes to Delegations Register for 2014/15

## SUMMARY OF CHANGES TO DELEGATIONS REGISTER FOR 2014/15

DELEGATION	CHANGE FROM 2013/14
Enforcement & Legal Proceedings - Appointment of Authorised Persons	Replaced with Legal Advice, Representing Local Government in Court and Authority to Initiate Prosecutions
Legal Advice	New for 2014/15
Representing Local Government in Court	New for 2014/15
Authority to initiate prosecutions	New for 2014/15
Tenders	Reduction in powers of delegation
Disposal of Property	Addition of ability to gift/donate low value items (under \$500)
Certain things to be done in respect of Land	No change
Public Thoroughfares	No change
Expenses of Councillors and Staff	No change
Proceedings Under Dog Act	Now included in Administration of other Acts
Right to Inspect Confidential Information	No change
Town Planning	No change
Environmental health	No change
Impounding Goods	No change
Sale of impounded or confiscated vehicles animals or goods	No change
Copies of Information	No change
Waiving / Granting Concession in Relation to Fees and Charges and Write off of amount of money owed	Split into 2 delegations. 1 - Write off Debtors (Rates and Others) up to \$200.00. 2 - Waiving / Granting Concessions in Relation to Fees and Charges
Payments from the municipal fund and trust fund	No change
Rate book	No change
Investments	No change
Expenditure before adoption of budget	No change
Gates across public thoroughfare	No change
Dangerous excavation in or near public thoroughfare	No change
Crossovers	No change
Demolition Permits	No change
Building Orders	No change
Building Permits	No change
Occupancy permits and building approval certificates	No change
Permission to deposit materials on, or excavate adjacent to, a street	No change
Award/Industrial Matters	No change
Contract Variations	Now specifies what constitutes a minor variation
Appointment of consultants	No change
Events on Roads	No change
Private Works	No change
Authority to Sign Documents	Text changes to include additional detail
Authority to Affix the Shires Common Seal	No change
Acting Chief Executive Officer	New for 2014/15
Recovery of Debts	New for 2014/15
Insurance - Public Liability Claims	New for 2014/15
Liquor - Sale & Consumption on Council Property	New for 2014/15
Licences, Signs and Hoardings	New for 2014/15
Enforcement and Infringement Notices	New for 2014/15
Powers of Entry	New for 2014/15
Appoint Authorised Persons (Swimming Pool Inspectors)	New for 2014/15
Recover the Charge Imposed for Private Swimming Pool Inspections	New for 2014/15
Administration of Other Acts	New for 2014/15
Variation to Firebreak Orders	New for 2014/15
Variation to Prohibited Burning Times	New for 2014/15
Prepare Electoral Rolls & Eligibility for Enrolment	New for 2014/15
Road Trains & Extra Mass Permits	New for 2014/15
Traffic Regulatory Signs	New for 2014/15
Delegations to Audit Committee	New for 2014/15
Authorisation of Expenditure	Previously a separate Council Policy, now included in Delegations Register

### 13.5.4 Acting Chief Executive Officer

<b>DATE:</b>	26 August 2014
<b>PROPONENT:</b>	Shire of Wyndham East Kimberley
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Gary Gaffney, Chief Executive Officer
<b>REPORTING OFFICER:</b>	Gary Gaffney, Chief Executive Officer
<b>FILE NO:</b>	CM.07.1

#### **PURPOSE**

This report is to inform Council that Mr Kevin Hannagan will act in the position of Chief Executive Officer for the period 29 August 2014 to 21 September 2014.

#### **BACKGROUND**

The *Local Government Act 1995* allows Council to delegate to the Chief Executive Officer exercise of certain powers or the discharge of any of its duties under the Act.

The proposed Delegations Register for 2014/15 has included a new delegation for the CEO to report to the Council the position of Acting Chief Executive Officer when the Chief Executive Officer is on periods of Annual Leave.

#### **STATUTORY IMPLICATIONS**

The Local Government Act 1995 and associated regulations are silent on the appointment of an Acting Chief Executive Officer.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **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

#### **COMMUNITY CONSULTATION**

None required

## **COMMENT**

The Chief Executive Officer's leave was discussed many months ago and approved on the 11 June 2014 by the Shire President whereby the appointment of an Acting Chief Executive Officer was discussed with the Shire President.

## **ATTACHMENTS**

**Nil**

## **VOTING REQUIREMENT**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That the Council notes that Mr Kevin Hannagan will act in the position of Chief Executive Officer for the period 29 August 2014 to 21 September 2014, and that all delegations currently assigned to the Chief Executive Officer may be utilised by the Acting Chief Executive Officer for the same period.

## **COUNCIL DECISION**

**Minute No. 10519**

**Moved: Cr D Learbuch**

**Seconded: Cr B Robinson**

**That the Council notes that Mr Kevin Hannagan will act in the position of Chief Executive Officer for the period 29 August 2014 to 21 September 2014, and that all delegations currently assigned to the Chief Executive Officer may be utilised by the Acting Chief Executive Officer for the same period.**

**Carried 7/2**

**For: Cr J Moulden, Cr R Dessert, Cr D Learbuch, Cr B Robinson, Cr S Cooke,  
Cr G Taylor, Cr G King**

**Against: Cr K Wright, Cr D Spackman**

## **13.6 ELECTED MEMBER REPORTS**

### **Cr K Wright attended the following meetings:**

- 4 August 2014          RCG/Zone Meetings - Perth
- 6-8 August 2014      Local Government Convention – Perth
- 14 August 2014        KVC Board Meeting

### **Cr D Spackman attended the following meetings:**

- 6-8 August 2014      Local Government Convention – Perth

### **COUNCIL DECISION**

**Minute No. 10520**

**Moved: Cr B Robinson  
Seconded: Cr D Learbuch**

**That the Council accepts the Elected Member reports.**

**Carried Unanimously 9/0**

### **13.7 CHIEF EXECUTIVE OFFICER REPORTS**

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

- 29 July 2014 Video conference with Department of Attorney General & Architect regarding courthouse public parking
- 3-8 August 2014 Zone & Local Government Convention – Perth
- 11 August 2014 Annual Community Grants Presentation
- 12 August 2014 Meeting with Mathew Dear, Ord Irrigation Corporation regarding M1 Channel
- 13 August 2014 Landcorp meeting
- 13 August 2014 Meeting with Sonia Fedorow and Jessical Winnall from the Department of Prime Minister and Cabinet regarding white paper on development Northern Australia
- 14 August 2014 CMEWA Kimberley Regional Council Dinner
- 15 August 2014 Chamber of Minerals & Energy Presentation
- 18 August 2014 Meeting with MG Corporation
- 19 August 2014 Roundtable on the review of Indigenous Training and Employment Programs
- 21 August 2014 LEMAC – Kununurra Flood Workshop

#### **COUNCIL DECISION**

**Minute No. 10521**

**Moved: Cr K Wright**

**Seconded: Cr B Robinson**

**That the Council accepts the Chief Executive Officer reports.**

**Carried Unanimously 9/0**

## 14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 14.1 MOTION FROM CR BEAU ROBINSON

Cr Beau Robinson proposes the following Motion in relation to Celebrity Tree Park:

That Council:

- 1) does not approve the reinstatement of the Rolf Harris plaque which has recently been stolen and removes the plinth which held the plaque;
- 2) creates a clear record which is to be filed in council records highlighting the reasons why Council will not reinstate the plaque; and
- 3) creates a policy which outlines entitlement for a tree planting ceremony as well as procedures for the removal of honours, such as in the Rolf Harris case.

#### **COUNCIL DECISION**

**Minute No. 10522**

**Moved: Cr B Robinson**

**Seconded: Cr G Taylor**

**That Council:**

- 1) **does not approve the reinstatement of the Rolf Harris plaque which has recently**
  - 2) **been stolen and removes the plinth which held the plaque;**
  - 3) **creates a clear record which is to be filed in council records highlighting the reasons why Council will not reinstate the plaque; and**
- creates a policy which outlines entitlement for a tree planting ceremony as well as procedures for the removal of honours, such as in the Rolf Harris case.**

**Carried Unanimously 9/0**

## 14.2 MOTION FROM CR GLENN TAYLOR

Cr Glenn Taylor proposes the following Motion in relation to Kelly's Knob:

### Background

We have all walked to the top of Kelly's Knob. There is a well-worn path around each gate. These gates provide only an illusion of restricting access. However, they are unattractive, unwelcoming and do not speak at all the "Active Adventurers" our tourism sector is currently trying to attract to the region. The Department of Lands and Shire of Wyndham East Kimberley have no record of these structures ever being authorised. Further, the Department of Lands has no exclusive access easements recorded over this land which is a reserve vested with Shire of Wyndham East Kimberley. These gates are unauthorized structures. They are unwelcoming and speak poorly of our town as an adventure hub.

### Motion

That Council:

- 1) undertakes to remove the locked gates on the access path to the top of Kelly's Knob and replace them with an appropriate lockable bollard to prevent unauthorised vehicle access; and
- 2) that the 2014/2015 budget caters for this by re-allocating the appropriate funds from existing Infrastructure/Road Maintenance/Amenity Maintenance allocations, so as there is no net increase in expenditure due to this item.

### **COUNCIL DECISION**

**Minute No. 10523**

**Moved: Cr G Taylor  
Seconded: Cr B Robinson**

**That Council:**

- 1) undertakes to remove the locked gates on the access path to the top of Kelly's Knob and replace them with an appropriate lockable bollard to prevent unauthorised vehicle access; and**
- 2) that the 2014/2015 budget caters for this by re-allocating the appropriate funds from existing Infrastructure/Road Maintenance/Amenity Maintenance allocations, so as there is no net increase in expenditure due to this item.**

**Carried 7/2**

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

## 15. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

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

Nil

**17. MATTERS BEHIND CLOSED DOORS**

Nil

**18. CLOSURE**

The Shire President declares the meeting closed at 6.29pm.