

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

21 October 2014

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SHIRE OF WYNDHAM EAST KIMBERLEY AGENDA OF THE ORDINARY COUNCIL MEETING KUNUNURRA COUNCIL CHAMBERS

HELD ON TUESDAY, 21 OCTOBER 2014 AT 5:00 PM

1. DECLARATIONS OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 5.04pm.

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 King	Councillor
K Hannagan	Acting Chief Executive Officer
N Octoman	Director Corporate Services
D Klye	Acting Director Infrastructure
L Gee	Director Community Development
M Tonkin	Executive Assistant (Minute Taker)

GALLERY

Megan Callus	Member of the public
Danny Carter	Ratepayer
Bevan Spackman	Ratepayer
Bernice Spackman	Ratepayer
Laine Ellis	Member of the public
Mat Dear	Ord Irrigation Co-op
Josh Letchford	Local
Mark Northover	Ratepayer
Simone Rushby	Ratepayer
Simon Roxburgh	Member of the public
Jill Williams	SWEK Rate Payers Assoc.

APOLOGIES

Nil

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr G Taylor

Councillor

3. DECLARATION OF INTEREST

- Financial Interest

Nil

- Impartiality Interest

Cr R Dessert declares an impartiality interest to item 13.2.2 – Proposed Transfer of Part Lot 3004, Portion of Reserve 50425, Adjoining Kimberleyland Holdiay Park, Lake Kununurra as Rob Boshammer is a very good friend.

Cr K Wright declares impartiality interest with item 13.4.4 East Kimberley Marketing Group Funding Request as he is a member of the group.

- Proximity Interest

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Questions taken on notice at Ordinary Council Meeting, 23 September 2014

Diana Oliver, Kununurra

Is there an independent Health and Building report regarding the status of the old Shire offices, stating that the building was unsuitable due to the asbestos content? (many of the older homes in Kununurra are constructed from asbestos.) Is the building insured? What is the cost of insurance and how much is it insured for?

There has not been an independent report requested or undertaken in relation to the old administration building. Shire staff have indicated that the building is old and does contain some asbestos product along with there being a couple of minor leaks in the vicinity of the former Council chambers, CEO's office and Shire President's office due to poor roof design and many changes to what was originally constructed. Albeit, the building is still structurally sound and suitable for occupancy.

The building has an insured value of \$2.727 million which includes the removal of debris, extra cost of reinstatement, professional fees and extinguishment costs. The cost of the insurance for 2014/15 is \$6,538.66 (GST exclusive). It should be noted that this does not include the adjoining Infant Health Clinic. The insured value is different to the fair value of the building, which is recognised at \$755,000. The fair value is the estimated price that would be received if the Shire were to sell the building in a standard market transaction.

Hollie Nichols, Wyndham

What has the Area Service Manager achieved in the time that he has been employed by the Shire of Wyndham East Kimberley? What has changed in Wyndham that means we no longer require the outcomes that are currently achieved by having an area service manager in his current capacity?

The Wyndham Area Services Manager delivers on Council decisions, projects and operational tasks as well as networking and building relationships for the Shire within the Wyndham community. The position is also responsible for Managing the Wyndham Office, and associated administrative functions, and being a conduit between other Directorates staff located in Wyndham. The Wyndham Office has been upgraded into a more modern office environment under the Managers guidance. As noted at the September OCM, the Wyndham Area Services Manager position has not changed as part of the budget restructure and the incumbent is still in that position.

Simone Rushby, Kununurra

Could you please explain to me why the Tender documents were opened on the 2nd of July, yet not witnessed until the 4th of July, where they were stored and who has access to the “opened” files in this 2 weekday period?

The tender documents were opened on the 2 July 2014 as this was the closing date/time and all tenders are opened on the closing date/time to ensure no additional tenders are received after this date/time. The tender documents were not processed and witnessed until 4 July 2014. During this time they were kept in the Manager Engineering Services (Peter Kerp) office, where they were kept in a locked file cabinet only accessible by the Manager Engineering Services who was Acting Director Infrastructure at that time.

5. PUBLIC QUESTION TIME

Shire President, Cr John Moulden announced that the process for Public Question Time had changed as previously notified on the SWEK website and Facebook page.

Public Question Time commenced at 5.06pm.

Questions from Mark Northover, Kununurra

Question 1 – Given the fact that in last month and the months before minutes, the reported ‘on notice’ opinions were not reflective, please confirm if the Council and Administration have a responsibility to report verbatim or are they allowed to amend responses?

John Moulden, Shire President provides the following response:

We are required to record questions and answers in public question time, in summary not verbatim. Council have discussed recording proceedings but have decided that the minute taker has the ability to record the substance of the response.

Question 2 – Re Item 17.1.2, as it is the general practice for government and non-government corporations, could you please advise if the Acting CEO had a remuneration package negotiated prior to starting his role as Acting CEO, and if an increase is being requested or offered tonight, for what reason can you justify this, given the current community feeling that he is failing and unqualified in his role?

John Moulden, Shire President provides the following response:

I dispute the assertion that he is failing in his role or that this is the current community feeling. The Acting CEO had not had a remuneration package negotiated before taking this role. The agenda item tonight will look at the Acting CEO's remuneration so I will not pre-empt what decision will be made.

Questions from Allan Wedderburn, Kununurra (asked by Simone Rushby)

Question 1 – Will Council appoint an independent person to oversee the current Director Infrastructure recruitment process?

John Moulden, Shire President provides the following response:

Recruitment of Directors is the responsibility of the Chief Executive Officer. When recruiting a Director a panel is determined to undertake the recruitment. The panel consists of the Chief Executive Officer and other Directors. The panel makes a recommendation which is considered by the Council for ratification.

Question 2 – Will Council appoint an independent person/s to the proposed CEO recruitment panel (Agenda item 13.4.3 of today's Council meeting) as it appears the current Council is tainted and the CEO recruitment process is a sham and waste of taxpayers funds?

John Moulden, Shire President provides the following response:

The recommendation tonight will be that Council appoint the committee to oversee the recruitment of a new CEO. This will possibly consist of all Councillors. All Councillors will be involved in the recruitment process and to accept a new CEO and absolute majority vote will be required.

Questions from Simone Rushby, Kununurra

Question 1 – Why did the Council last week change the policy regarding Public Question Time, to disallow 'Statements or Context'? Are the Council and the Administration Officers afraid that context or background will inform the community and possibly incriminate them?

John Moulden, Shire President provides the following response:

It was decided to change the process for Public Question Time as it is public question time, not public statement time. At the last Ordinary Council Meeting we took an hour to through public question time and a lot of that time was taken by people making statements. The new process provides a fair opportunity for everyone to ask a genuine question so we will trial the new process in an effort to run a busy Council Meeting program efficiently.

Question 2 – Is the Council and Administration interested in the opinions of the community, if so why have they changed the rules to such a degree where the community cannot voice background detail?

John Moulden, Shire President provides the following response:

All Councillors are sitting here as we made a pitch to the community to represent them, we put ourselves out to be judged and to listen to what they have to say. You can't say that we are not interested in the community. There are many forums where the community can voice what they like, these forums are the appropriate places. Public Question Time is for the asking and answering of genuine questions.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS

Nil

8. CONFIRMATION OF MINUTES

8.1 CONFIRMATION OF MINUTES OF ORDINARY COUNCIL MEETING OF 23 SEPTEMBER 2014

RECOMMENDATION

That Council confirms the Minutes of Ordinary Council Meeting held on 23 September 2014.

COUNCIL DECISION

Minute No. 10608

Moved: Cr K Wright

Seconded: Cr B Robinson

That Council confirms the Minutes of Ordinary Council Meeting held on 23 September 2014.

Carried Unanimously 8/0

8.2 CONFIRMATION OF MINUTES OF SPECIAL COUNCIL MEETING OF 23 SEPTEMBER 2014

RECOMMENDATION

That Council confirms the Minutes of Special Council Meeting held on 23 September 2014.

COUNCIL DECISION

Minute No. 10609

Moved: Cr K Wright

Seconded: Cr B Robinson

That Council confirms the Minutes of Special Council Meeting held on 23 September 2014.

Carried Unanimously 8/0

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Nil

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

11. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS / NOTICES OF MOTIONS

Nil

12. MINUTES OF COUNCIL COMMITTEE MEETINGS

Nil

13. REPORTS

13.1 CORPORATE SERVICES

13.1.1 List of Accounts Paid from Municipal Fund and Trust Fund

DATE:	21/10/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Felicity Heading, Coordinator Financial Operations
REPORTING OFFICER:	Natalie Octoman, Director Corporate Services
FILE NO:	FM.09.5
DECLARATION OF INTERESTS:	Nil

PURPOSE

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

BACKGROUND

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

STATUTORY IMPLICATIONS

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Community Plan 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 1.4.3: 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 the listing of accounts paid from the Municipal and Trust funds, being:

Municipal EFT 121718 – 121941 (01 September – 26 September 14)	\$ 3,083,249.80
Municipal cheques 50130 - 50185 (04 September – 25 September 14)	\$ 119,900.16
Trust cheques 704 – 710 (04 September – 25 September 14)	\$ 3,790.00
Trust EFT 500786 – 500803 (01 September – 30 September 14)	\$ 19,034.35
Payroll (03 September – 26 September 14)	\$ 767,158.37
Direct bank debits (01 September – 30 September 14)	\$ 42,563.09
TOTAL	\$ 4,035,695.77

COUNCIL DECISION**Minute No. 10610****Moved: Cr K Wright****Seconded: Cr B Robinson****That Council receives the listing of accounts paid from the Municipal and Trust funds, being:**

Municipal EFT 121718 – 121941 (01 September – 26 September 14)	\$ 3,083,249.80
Municipal cheques 50130 - 50185 (04 September – 25 September 14)	\$ 119,900.16
Trust cheques 704 – 710 (04 September – 25 September 14)	\$ 3,790.00
Trust EFT 500786 – 500803 (01 September – 30 September 14)	\$ 19,034.35
Payroll (03 September – 26 September 14)	\$ 767,158.37
Direct bank debits (01 September – 30 September 14)	\$ 42,563.09
TOTAL	\$ 4,035,695.77

Carried Unanimously 8/0

LIST OF ACCOUNTS SUBMITTED TO COUNCIL 21 OCTOBER 2014

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
EFT121718	01/09/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	675.59
EFT121719	01/09/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	5,200.00
EFT121720	04/09/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	62.40
EFT121721	04/09/2014	BGC ASPHALT	T13 11/12- ASPHALTING -KONKERBRY,BANKSIA,WHITEGM,PAPUANA,COOLIBAH	443,347.67
EFT121722	04/09/2014	BOAB REFRIGERATION AND AIRCON	REPAIRS - AIRCON-EAST MIMBERLEY AIRPORT	3,509.00
EFT121723	04/09/2014	BUDGET RENT A CAR	CAR HIRE - STAFF MEMBER ATTEND TRAINING - 15-23/06/2014	453.42
EFT121724	04/09/2014	C Y O'CONNOR TAFE	MUNICIPAL LAW ENFORCEMENT TRAINING - STAFF MEMBER	1,024.00
EFT121725	04/09/2014	CARPET, VINYL & TILE CENTRE	SUPPLIES - PAINT - KLC	36.00
EFT121726	04/09/2014	COATES HIRE OPERATIONS PTY LTD	ROLLER HIRE - DROVERS RD, EXCAVATOR HIRE - KUNUNURRA POUND	1,903.24
EFT121727	04/09/2014	COLAS WEST AUSTRALIA PTY LTD	NIGHT RUNWAY SEALING WORKS - KUNUNURRA AIRPORT	214,918.56
EFT121728	04/09/2014	EAST KIMBERLEY CONSTRUCTION PTY LTD	PROGRESS PAYMENT - MACHINERY SHED CONSTRUCTION - KUNUNURRA AIRPORT	110,000.00
EFT121729	04/09/2014	EAST KIMBERLEY HARDWARE	VARIOUS HARDWARE ITEMS KUNUNURRA DEPOT - JULY 2014	3,373.05
EFT121730	04/09/2014	EAST KIMBERLEY PLUMBING	MAINTENANCE & SUPPLIES - CARTRIDGES - KNX AIRPORT	1,851.30
EFT121731	04/09/2014	EXPRESS VIRTUAL MEETINGS	TELECONFERENCE CHARGES JULY 2014	15.02
EFT121732	04/09/2014	GHD PTY LTD	KUNUNURRA BUSINESS CASE & STRUCTUAL PLANS - MILESTONE 1	17,881.60
EFT121733	04/09/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	363.60
EFT121734	04/09/2014	GUERINONI & SONS	WORKS INCL. RECONST. ERYTHRINA ST, GRADE KAUMBURU RD, FLOOD WKS	273,619.58
EFT121735	04/09/2014	HIGHWAYS TRAFFIC (KIMBERLEY) PTY LTD	TRAFFIC MGT- ASPHALT & PROFILING WRKS-ERYTHRINA ST & LAKESIDE STAGE 7A	4,921.40
EFT121736	04/09/2014	IBAC PLUMBING PTY LTD	PLUMBING WRKS - VARIOUS INCL.KNX DEPOT, EUGENIA ST,WHITEGUM PK	4,215.97
EFT121737	04/09/2014	JASON SIGNMAKERS LTD	SIGNAGE - VALENTINE SPRINGS / PARRY CREEK	772.20
EFT121738	04/09/2014	JB HI-FI GROUP PTY LTD	SUPPLIES - CAMERAS, MEMORY CARDS & CAMERA BAGS - WYN REC CENTRE	1,266.00
EFT121739	04/09/2014	JSW HOLDINGS PTY LTD	SUPPLIES - AGGREGATE - VARIOUS INCL . WEABER PLAIN RD , BEEFWOOD ST	6,417.68
EFT121740	04/09/2014	JAB INDUSTRIES	FLOOD RECOVERY WORKS - VARIOUS LOCATIONS KUNUNURRA	106,541.71
EFT121741	04/09/2014	JORRITSMA H & CO	REPAIRS & FITTINGS - P493,	106.00
EFT121742	04/09/2014	JULIET LANGE	REFUND OF HOME BASED BUSINESS APPLICATION FEE	222.00
EFT121743	04/09/2014	KUNUNURRA PROGRESS ASSOCIATION	ANNUAL COMMUNITY GRANT- KNX PICTURE GARDENS GREENING DEV. PROJECT	16,500.00
EFT121744	04/09/2014	KIMBERLEY CAFE	CATERING - WORKSHOP - STAFF MEMBERS -30/07/14	19.00
EFT121745	04/09/2014	KIMBERLEY ECHO - ALBANY ADVERTISER	SWEK NEWS 3RD, 10TH , 17TH , 24TH & 31ST JULY 2014	3,423.83
EFT121746	04/09/2014	KIMBERLEY MOTORS	FUEL COSTS - JULY 2014	3,949.04
EFT121747	04/09/2014	KIMBERLEY TRAFFIC MANAGEMENT	TRAFFIC CONTROL - AGRN 606 - PARRY CREEK ROAD	13,552.31
EFT121748	04/09/2014	KIMBERLEY TREE SERVICES PTY LTD	TREE LOPPING & REMOVAL OF TREES - DENTATA STREET	375.00
EFT121749	04/09/2014	KUNUNURRA COMMERCIAL BODY WORKS	PARTS - P116-WY25298 & P478 -WY13923	1,857.46

EFT121750	04/09/2014	KUNUNURRA DIESEL SERVICE	PARTS - P320 -ITBZ908	1,198.25
EFT121751	04/09/2014	KUNUNURRA DISTRICT HIGH SCHOOL	PHOTOCOPIER CHARGES - KUNUNURRA LIBRARY	112.49
EFT121752	04/09/2014	KUNUNURRA HOME & GARDEN	VARIOUS HARDWARE ITEMS - KNX DEPOT, WYNDHAM POOL	487.95
EFT121753	04/09/2014	KUNUNURRA LOCK & KEY	KEY CUTTING - KUNUNURRA YOUTH CENTRE	198.00
EFT121754	04/09/2014	KUNUNURRA RURAL TRADERS	6 MONTH FIRE SAFETY CHECK - WYNDHAM LANDFILL	15.00
EFT121755	04/09/2014	KUNUNURRA SECURITY SERVICE	SECURITY MONITORING & PATROL - SHIRE ADMIN BUILDING KUNUNURRA	160.00
EFT121756	04/09/2014	LAWRENCE & HANSON GROUP	PARTS - NETWORK UPGRADE - KUNUNURRA ADMINISTRATION	270.49
EFT121757	04/09/2014	LANDGATE	LAND ENQUIRIES - JULY 14	1,105.97
EFT121758	04/09/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	62.40
EFT121759	04/09/2014	LOCAL GOVT MANAGERS AUSTRALIA	MEMBERSHIP-STAFF MEMBER IN ACCORDANCE WITH EMPLOYMENT CONTRACT	480.00
EFT121760	04/09/2014	MAIN ROADS WESTERN AUSTRALIA	BRIDGE REPAIRS & MTCE - RESEARCH STATION ROAD & STOCK ROUTE RD	138,600.00
EFT121761	04/09/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	62.40
EFT121762	04/09/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	87.70
EFT121763	04/09/2014	NORTHERN DEVELOPMENT CO	BULLDOZER HIRE - CROSSING FALLS PIT	21,879.00
EFT121764	04/09/2014	OPTEON (NORTH WEST WA) PTY LTD	CONSULTANCY FEES - VALUATION REPORT - VEHICLE HIRE BOOTHS -KNX AIRPORT	1,650.00
EFT121765	04/09/2014	ORDCO	SUPPLIES - DOG FOOD & FERTILISER - KNX POUND & WYN DEPOT	2,039.40
EFT121766	04/09/2014	OLLIE'S IRRIGATION & PLUMBING SUPPLIES	VARIOUS HARDWARE ITEMS - WYNDHAM DEPOT	1,381.30
EFT121767	04/09/2014	ORD FUEL SUPPLIES	FUEL COSTS - KUNUNURRA AIRPORT JULY 14	912.36
EFT121768	04/09/2014	ORD RIVER CONTRACTING	FLOOD RECOVERY WORKS - PARRYS CREEK ROAD	1,342.00
EFT121769	04/09/2014	POINCIANA MAINT. AND HANDYMAN SERV.	FIRE BREAK SLASHING VARIOUS LOCATIONS	1,188.00
EFT121770	04/09/2014	QUICK CORPORATE AUSTRALIA	STATIONERY - MAY 14 - KUNUNURRA ADMINISTRATION	1,065.20
EFT121771	04/09/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	100.00
EFT121772	04/09/2014	ROBYN DAVIDSON	REFUND OF HOME BASED BUSINESS FEES -WITHDRAWN RECEIPT #390153	222.00
EFT121773	04/09/2014	ROCKWELL OLIVIER	PROFESSIONAL ADVISE - VARIOUS INCL. SAT APPEAL, COMMUNITY LEASES	46,796.53
EFT121774	04/09/2014	ROYAL LIFE SAVING (WA BRANCH)	CERTIFICATES - SWIM & SURVIVE - WYNDHAM POOL	187.75
EFT121775	04/09/2014	SURVEY NORTH	CONSULTANCY - VARIOUS RUNWAY KNX AIRPORT, CROSSING FALLS FIRE STATION	11,412.50
EFT121776	04/09/2014	TELFORD INDUSTRIES	SUPPLIES - HYDROCHLORIC ACID & SODIUM BISULPHATE - WYN & KNX POOLS	1,362.46
EFT121777	04/09/2014	TNT AUSTRALIA PTY LIMITED	FREIGHT - PATHWEST- HEALTH -KNX	444.25
EFT121778	04/09/2014	TUCKERBOX / RETRAVISION KUNUNURRA	PROVISIONS AND MATERIALS JULY 2014 - KNX	747.79
EFT121779	04/09/2014	TYREPLUS KUNUNURRA	REPAIRS AND FITTINGS - P138, P320, P388, P131	1,350.00
EFT121780	04/09/2014	UNIVERSAL MAGAZINES PTY LTD	MAGAZINE SUBSCRIPTION - HOMESPUN - KUNUNURRA LIBRARY	60.00
EFT121781	04/09/2014	VANDERFIELD NORTHWEST PTY LTD	PARTS AND SERVICE - P482, P127 ,P113, P478, P111	1,884.65
EFT121782	04/09/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	103.42
EFT121783	04/09/2014	WA LOCAL GOVERNMENT ASSOCIATION	MARKETFORCE ADVERTISING - JUNE 2014	3,091.55

EFT121784	04/09/2014	WILD MANGO	CATERING - COUNCILLORS' IN HOUSE WALGA TRAINING - 29/07/14	108.00
EFT121785	04/09/2014	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	810.00
EFT121786	04/09/2014	AMP SUPERANNUATION SAVINGS ACCOUNT	SUPERANNUATION CONTRIBUTIONS	87.94
EFT121787	04/09/2014	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	1,418.69
EFT121788	04/09/2014	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	225.90
EFT121789	04/09/2014	AUSTRALIAN TAXATION OFFICE - PAYG	PAYROLL DEDUCTIONS	76,249.00
EFT121790	04/09/2014	MAXXIA	PAYROLL DEDUCTIONS	5,816.33
EFT121791	04/09/2014	WA LOCAL GOVERNMENT SUPER PLAN	SUPERANNUATION CONTRIBUTIONS	30,255.57
EFT121792	11/09/2014	ABCO PRODUCTS	CLEANING SUPPLIES - WYNDHAM REC CENTRE & KUNUNURRA AIRPORT	814.47
EFT121793	11/09/2014	AUSTRALIAN FUEL DISTRIBUTORS	BULK DIESEL - KUNUNURRA DEPOT - AUGUST 14	11,139.99
EFT121794	11/09/2014	ARGYLE ENGINEERING	REPAIRS - P384 - WY25031	651.20
EFT121795	11/09/2014	AVDATA SERVICES	REPAIR AVDATA BROADCAST RECORDER - KUNUNURRA AIRPORT	223.92
EFT121796	11/09/2014	BEINGTHERE SOLUTIONS PTY LTD	PARTS & SUBSCRIPTION - BEING THERE VIDEO CONFERENCING - AUG 14	1,329.79
EFT121797	11/09/2014	C & M DINGO SERVICES	MAINTENANCE - KNX LANDFILL	405.00
EFT121798	11/09/2014	COATES HIRE OPERATIONS PTY LTD	EQUIPMENT HIRE - WYNDHAM LANDFILL SITE -JULY 14	1,336.50
EFT121799	11/09/2014	COMMERCIAL CLEANING AND MAINT. P/L	CLEANING - STAFF HOUSING	165.00
EFT121800	11/09/2014	DELRON CLEANING PTY LTD	CLEANING -TOILETS - WHITEGUM PARK - 30/06/2014 - 13/07/2014	234.08
EFT121801	11/09/2014	EAST KIMBERLEY HARDWARE	SUPPLIES - PAINT - NICHOLSON PARK	271.80
EFT121802	11/09/2014	GRANT PATRICK	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	62.40
EFT121803	11/09/2014	HIGHWAY QUALITY ASSURANCE	TESTING OF SAMPLES FOR BASE COURSE MATERIALS - WEABER PLAINS ROAD	1,448.00
EFT121804	11/09/2014	IBAC PLUMBING PTY LTD	PLUMBING WRKS -VARIOUS LOCS. INCL. CELEBRITY TREE PK, KLC, STAFF HOUSING	1,524.44
EFT121805	11/09/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	62.40
EFT121806	11/09/2014	KGC ENTERPRISES	REIMBURSEMENT - SEPTIC TANK APPLICATION RCT #38983 & 389964	226.00
EFT121807	11/09/2014	KIMBERLEY COMMUNICATIONS	SUPPLY & INSTAL - DVD CCTV - CRC MEETING ROOM & WYNDHAM SHIRE OFFICE	3,479.00
EFT121808	11/09/2014	KIMBERLEY TREE SERVICES PTY LTD	TREE LOPPING & REMOVAL OF TREES - BANDICOOT DRIVE	1,200.00
EFT121809	11/09/2014	KUNUNURRA PANEL BEATING WKS WA P/L	CAR TOWING - MANGO ST-LANDFILL, PARTS -P134,P131, P121 , P391 , P473 , P117	3,185.80
EFT121810	11/09/2014	MCLERNONS	SHELVING FOR NURSERY -KUNUNURRA DEPOT	726.00
EFT121811	11/09/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	156.02
EFT121812	11/09/2014	RED SUN SPORTS	SUPPLIES - BASKETBALLS - WYN YOUTH & REC CENTRE	50.00
EFT121813	11/09/2014	TNT AUSTRALIA PTY LIMITED	FREIGHT -HEALTH SAMPLES - KUNUNURRA TO PERTH	326.38
EFT121814	11/09/2014	TOLL EXPRESS	FREIGHT-CLEANING SUPP. - KNX ADMIN, KNX LANDFILL, KNX AIRPORT, KNX DEPOT	1,369.98
EFT121815	11/09/2014	TUCKERBOX / RETRAVISION KUNUNURRA	PROVISIONS AND MATERIALS - AUG 2014 -KNX	705.56
EFT121816	11/09/2014	TYREPLUS KUNUNURRA	REPAIRS - P136 - WY26287	35.00
EFT121817	11/09/2014	UHY HAINES NORTON (WA) PTY LTD	AUDIT FEES - 11/12 COUNTRY LOCAL GOVERNMENT FUND	770.00

EFT121818	11/09/2014	WYNDHAM SUPERMARKET	SUPPLIES - WYNDHAM CHILDCARE & ADMINISTRATION	725.83
EFT121819	18/09/2014	SHIRE OF WYNDHAM EAST KIMBERLEY	PAYROLL DEDUCTIONS	360.00
EFT121820	18/09/2014	ALS LIBRARY SERVICES PTY LTD	BOOK PURCHASES - WYNDHAM & KUNUNURRA LIBRARIES	318.30
EFT121821	18/09/2014	AMP SUPERANNUATION SAVINGS ACCOUNT	SUPERANNUATION CONTRIBUTIONS	243.94
EFT121822	18/09/2014	ATO CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	1,808.67
EFT121823	18/09/2014	AUSTRALIAN FUEL DISTRIBUTORS	BULK DIESEL - KUNUNURRA DEPOT - AUGUST 14	10,886.11
EFT121824	18/09/2014	ALLGEAR MOTORCYCLES AND SMALL ENG.	REPAIRS, PARTS & SERVICE - P356 & P357	892.05
EFT121825	18/09/2014	ASSOC. OF WA COMMUNITY RESOURCE	MEMBERSHIP 2014-15	600.00
EFT121826	18/09/2014	AUSTRALIAN SERVICES UNION	PAYROLL DEDUCTIONS	225.90
EFT121827	18/09/2014	BGC ASPHALT	TENDER T 13 11/12 - ACCOMODATION ASPHALT CREW 4/7/14 TO 10/7/142014	25,025.00
EFT121828	18/09/2014	BEST KIMBERLEY COMPUTING	PRINTING COSTS - KUNUNURRA AND WYNDHAM ADMINISTRATION	2,635.78
EFT121829	18/09/2014	BLACKWOODS ATKINS PTY LTD	MAINTENANCE - VARIOUS LOCATIONS INCL. KNX AIRPORT , KNX DEPOT	115.40
EFT121830	18/09/2014	BUSHCAMP SURPLUS STORE	UNIFORMS - STAFF MEMBERS	221.45
EFT121831	18/09/2014	C & M DINGO SERVICES	FLOOD RECOVERY WORKS - CALYTRIX AVE KUNUNURRA	3,531.30
EFT121832	18/09/2014	C & S JOLLY ELECTRICS PTY LTD	ELECTRICAL REPAIRS - KUNUNURRA LEISURE CENTRE	952.03
EFT121833	18/09/2014	CABCHARGE	CAB CHARGES - STAFF TRAVEL & TRAINING - AUGUST 2014	1,024.98
EFT121834	18/09/2014	CAM MANAGEMENT SOLUTIONS	QUARTERLY CLOUD HOSTING FEE	1,980.00
EFT121835	18/09/2014	CDM HYDRAULICS PTY LTD	REPAIRS - P488 , P385 , P384	1,477.27
EFT121836	18/09/2014	COLAS WEST AUSTRALIA PTY LTD	RESEALING WORKS - KUNUNURRA AIRPORT	44,999.72
EFT121837	18/09/2014	GLENN MATTHEW TAYLOR	TRAFFIC MANAGEMENT PLAN - EKFL GRAND FINAL / TOWN OVAL	1,100.00
EFT121838	18/09/2014	DSC CONTRACTING	MAINTENANCE - FIRE ALARM SYSTEM-AIRPORT	110.00
EFT121839	18/09/2014	DATAKOM SYSTEMS WA	NETWORK UPGRADE - KUNUNURRA ADMINISTRATION	23,227.03
EFT121840	18/09/2014	DAVEY TYRE & BATTERY SERVICE	REPAIRS - P118 , P436 , P119	1,092.50
EFT121841	18/09/2014	DEPT OF FIRE & EMERGENCY SERVICES	ANNUAL MONITORING FEE 2014-15 - KUNUNURRA AIRPORT	1,686.54
EFT121842	18/09/2014	DEPARTMENT OF TRANSPORT	ANNUAL JETTY LICENSE - WESTARM CAMBRIDGE GULF WYNDHAM	37.22
EFT121843	18/09/2014	DRYSDALE RIVER STATION	FUEL - P388 - WY25294 & ACCOMODATION STAFF MEMBER - FLOOD RECOVERY	908.00
EFT121844	18/09/2014	E & MJ ROSHER PTY LTD	PARTS - P384 WY25031	1,037.70
EFT121845	18/09/2014	EAST KIMBERLEY PLUMBING	RAISE GROUND LEVEL - SEWER CHAMBERS - ASPHALT RESURFACING KUNUNURRA	22,388.85
EFT121846	18/09/2014	EAST KIMBERLEY REAL ESTATE	WATER USE - 13/05/14-14/07/14 - STAFF HOUSING	136.23
EFT121847	18/09/2014	ECONOMIC DEVELOPMENT AUSTRALIA LTD	ECONOMIC DEV CONFERENCE FEE - STAFF MEMBER - OCTOBER 14	1,060.00
EFT121848	18/09/2014	FLAMETREE NURSERY	PLANTS FOR NURSERY - DEPOT KNX	171.00
EFT121849	18/09/2014	GHD PTY LTD	KNX BUSINESS CASE & STRUCTURE PLANS - TENDER T01 13/14 - Milestone 2	17,881.60
EFT121850	18/09/2014	GEMECOM	DESTINY LIBRARY SOFTWARE ANNUAL RENEWAL 2014-15 - KNX LIBRARY	1,295.00
EFT121851	18/09/2014	HIGHWAYS TRAFFIC (KIMBERLEY) PTY LTD	TRAFFIC MGT FOR ASPHALT WRKS - 30TH JUNE - 4TH JULY 2014.- COOLIBAH DR	15,653.00

EFT121852	18/09/2014	IT VISION USER GROUP	MEMBERSHIP ANNUAL SUBSCRIPTION 14/15	660.00
EFT121853	18/09/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	1,162.75
EFT121854	18/09/2014	K P MORGAN T/A JISHIN ACADEMY	TRAVEL EXPENSES & PROVISION OF TRAINING 15/09/14 - KNX AIRPORT	2,585.00
EFT121855	18/09/2014	KIMBERLEY MECH & TILT TRAY SERVICE	SERVICE & REPAIRS - P372 , P354 ,P134	2,648.23
EFT121856	18/09/2014	KUNUNURRA MEDICAL	EMPLOYEE MEDICAL & IMMUNISATION	352.00
EFT121857	18/09/2014	KIMBERLEY EXCAVATIONS PTY LTD	LOADER/TIPPER HIRE - KUNUNURRA LANDFILL, KONKERBERRY DRIVE	5,340.50
EFT121858	18/09/2014	KIMBERLEY MOTORS	WYNDHAM VISITOR INFORMATION SERVICES - JULY14	476.66
EFT121859	18/09/2014	KIMBERLEY TRAFFIC MANAGEMENT	FLOOD RECOVERY WORKS -TRAFFIC CONTROL- WEABER PLAINS RD	9,796.16
EFT121860	18/09/2014	KUNUNURRA BETTA ELECTRICAL & GAS	KAMBROOK CORDLESS KETTLE - KUNUNURRA LEISURE CENTRE	19.95
EFT121861	18/09/2014	KUNUNURRA COURIERS	WATER SUPPLIES - KUNUNURRA DEPOT	214.00
EFT121862	18/09/2014	KUNUNURRA DISTRICT HIGH SCHOOL	PHOTOCOPIER CHARGES - KUNUNURRA LIBRARY - JULY 14	92.58
EFT121863	18/09/2014	KUNUNURRA FURNISHINGS	FURNITURE PURCHASES - STAFF HOUSING	5,835.00
EFT121864	18/09/2014	KUNUNURRA HOME & GARDEN	VARIOUS HARDWARE ITEMS KNX DEPOT - AUGUST 2014	170.70
EFT121865	18/09/2014	KUNUNURRA TOUCH FOOTBALL ASSN	QUICK GRANT - ASSISTANCE WITH REFFEREE TRAINING FEES	500.00
EFT121866	18/09/2014	LEISURE INSTITUTE OF WA AQUATICS (INC)	ANNUAL CONFERENCE - LIWA AQUATICS MEMBERSHIP - STAFF MEMBER	600.00
EFT121867	18/09/2014	LOCAL HEALTH AUTHORITIES COMMITTEE	ANALYTICAL SERVICES 13/14	2,162.22
EFT121868	18/09/2014	MARTELL ROAD MAINTENANCE	ROAD WORKS - SEALING - L AINE JONES DRIVE	792.00
EFT121869	18/09/2014	MARTIN MCCLELLAND	REPAIRS TO DOORS AND WINDOWS - KNX AIRPORT TERMINAL	304.00
EFT121870	18/09/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	131.01
EFT121871	18/09/2014	MAXXIA	PAYROLL DEDUCTIONS	5,019.91
EFT121872	18/09/2014	METALAND KUNUNURRA	FENCING MATERIALS - KUNUNURRA POUND	1,121.74
EFT121873	18/09/2014	MOTOR WORKZ	SERVICE - P131 WY26237 , P133 WY26238	912.36
EFT121874	18/09/2014	ORD RIVER ELECTRICS	ELECT. REPAIRS -VAR. LOCS. INCL. KLC, STAFF HSING, KNX DEPOT, KNX AIRPORT	2,532.67
EFT121875	18/09/2014	ORICA AUSTRALIA PTY LTD	STORAGE & HANDLING OF CHLORINE GAS CYLINDERS - WYNDHAM POOL	470.24
EFT121876	18/09/2014	OFFICE NATIONAL KUNUNURRA	STATIONERY - KUNUNURRA LEISURE CENTRE & KUNUNURRA AIRPORT	260.70
EFT121877	18/09/2014	ORD RIVER TEE BALL ASSOCIATION	KIDSPORT SPONSORSHIP	140.00
EFT121878	18/09/2014	PIVOTEL	SATELITE PHONE COSTS AUG 14	89.41
EFT121879	18/09/2014	PAYROLL PAPER SOLUTIONS	STATIONERY SUPPLIES - KUNUNURRA ADMINISTRATION	300.00
EFT121880	18/09/2014	PUBLIC LIBRARIES WESTERN AUSTRALIA	MEMBERSHIP 2014/2015	157.59
EFT121881	18/09/2014	SEARLES HOLDINGS T/A AUTO PRO	REPAIRS - P390	215.00
EFT121882	18/09/2014	SHELF SUPPLY	FENCING SUPPLIES KUNUNURRA AIRPORT, SAFETY BOOTS - STAFF	2,774.00
EFT121883	18/09/2014	SJR CIVIL CONSULTING PTY LTD	REVISED DRAWINGS INCL. FLOODWAYS - CARLTON HILL RD	1,331.00
EFT121884	18/09/2014	ST JOHN AMBULANCE	AMBULANCE CALL OUT FOR STAFF MEMBER, FIRST AID KITS	1,396.00
EFT121885	18/09/2014	STITCHED UP EMBROIDERY SERVICES	APPLY LOGO ON STAFF UNIFORM TOPS	545.00

EFT121886	18/09/2014	TNT AUSTRALIA PTY LIMITED	FREIGHT - SUPPLIES - KUNUNURRA AIRPORT, HEALTH SAMPLES	239.27
EFT121887	18/09/2014	TOTAL SAFETY & FIRE SOLUTIONS	6 MTHLY INSPECTION, REPAIR & RENEWAL - FIRE EXTINGUISHERS - KNX AIRPORT	2,561.90
EFT121888	18/09/2014	THINK WATER KUNUNURRA	VALVE BOX - KUNUNURRA DEPOT	27.50
EFT121889	18/09/2014	THORLEY'S STORE - WYNDHAM	GAS BOTTLE REFILL - WYNDHAM DEPOT	45.00
EFT121890	18/09/2014	TOX FREE AUSTRALIA PTY LTD	REFUSE COLLECTION KNX & WYN - JULY 14, STREET SWEEPING JULY, SKIP EMPTIES	74,784.08
EFT121891	18/09/2014	VANDERFIELD NORTHWEST PTY LTD	REPAIRS & SERVICE - P468 , P115,P468 , P381, P401, P491,P135	2,712.39
EFT121892	18/09/2014	WESTBOOKS	BOOK ORDER FOR CHILDREN'S COUNCIL BOOK AWARDS - KUNUNURRA LIBRARY	29.98
EFT121893	18/09/2014	WESTERN ANGLER	ANNUAL MAGAZINE SUBSCRIPTION - KUNUNURRA LIBRARY	45.00
EFT121894	18/09/2014	WESTRAC EQUIPMENT PTY LTD	PARTS - P390	67.07
EFT121895	18/09/2014	WRITING WA	ANNUAL MEMBERSHIP RENEWAL - 01/08/2015 - KUNUNURRA LIBRARY	135.00
EFT121896	18/09/2014	WILD MANGO	CATERING - BUDGET BRIEFING 13 AUGUST 2014	126.00
EFT121897	23/09/2014	KIMBERLEY ACTION SPORTS INCORPORATED	ANNUAL COMMUNITY GRANT 2014 LAKE ARGYLE ADVENTURE RACE	5,000.00
EFT121898	25/09/2014	WESTERN AUST. TREASURY CORPORATION	LOAN REPAYMENT	8,872.90
EFT121899	25/09/2014	LIQUID CONTAINMENT	COMPLETION OF LINER FOR LIQUID WASTE LAGOONS - KNX LANDFILL 75%	7,500.00
EFT121900	25/09/2014	A & R WELDING FABRICATION	SUPPLY & INSTALLATION - ALUMINIUM TV MONITOR BRACKETS - WYN ADMIN	120.00
EFT121901	25/09/2014	A - CLASS DISPLAYS	ALUMINIUM WALL BAR ,BROCHURES, CARD HOLDERS - WYN REC CENTRE	861.95
EFT121902	25/09/2014	ALS LIBRARY SERVICES PTY LTD	FREIGHT - BOOKS - WYNDHAM LIBRARY	26.58
EFT121903	25/09/2014	AMPAC DEBT RECOVERY (WA) PTY LTD	COMMISSIONS AND DEBT COLLECTION COSTS - JULY 14	1,354.10
EFT121904	25/09/2014	AUSTRALIAN FUEL DISTRIBUTORS	FUEL COSTS VEHICLES, MINOR PLANT - AUG 14	1,841.45
EFT121905	25/09/2014	AUSTRALIAN TAXATION OFFICE - PAYG	PAYROLL DEDUCTIONS	128,412.00
EFT121906	25/09/2014	BADGELINK	MAGNETIC NAME BADGES - STAFF MEMBERS	271.25
EFT121907	25/09/2014	COCA-COLA AMATIL	PURCHASE OF CONSUMABLES FOR SALE - KUNUNURRA LEISURE CENTRE	513.76
EFT121908	25/09/2014	COLAS WEST AUSTRALIA PTY LTD	RUNWAY RESEALING WORKS - KUNUNURRA AIRPORT	72,889.39
EFT121909	25/09/2014	CORE BUSINESS AUSTRALIA PTY LTD	PROJECT MANAGEMENT AND SUPERVISION WANDRRA PROJECTS - CLAIM 8	78,240.76
EFT121910	25/09/2014	DELRON CLEANING PTY LTD	CLEANING -SHIRE FACILITIES KUNUNURRA - JULY 14	16,244.30
EFT121911	25/09/2014	DEPT OF ENVIRONMENT REGULATION	ANNUAL LICENSE FEE FOR KUNUNURRA WASTE DISPOSAL SITE - 2014 / 2015	5,119.12
EFT121912	25/09/2014	EAST KIMBERLEY PLUMBING	RAISE GROUND LEVEL - SEWER CHAMBERS - ASPHALT RESURFACING KUNUNURRA	22,153.29
EFT121913	25/09/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	155.12
EFT121914	25/09/2014	FIGLEAF POOL PRODUCTS	CHLORINE GAS - KUNUNURRA AND WYNDHAM POOLS	206.50
EFT121915	25/09/2014	GYM CARE	GYM SUPPLIES - KUNUNURRA LEISURE CENTRE	242.00
EFT121916	25/09/2014	JB HI-FI GROUP PTY LTD	IPADS AND ACCESSORIES - WYNDHAM COMMUNITY RESOURCE CENTRE	4,356.00
EFT121917	25/09/2014	KIMBERLEY MECH & TILT TRAY SERVICE	REPAIRS - P379 - WY14616	64.90
EFT121918	25/09/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	45.00
EFT121919	25/09/2014	KIMBERLEY AIR PTY LTD	PLANE CHARTER - REMOTE ENVIRONMENTAL HEALTH VISITS 27/8/14	2,550.00

EFT121920	25/09/2014	KIMBERLEY COMMUNICATIONS	SUPPLY & INSTALLATION - SURVEILLANCE SYSTEM - KUNUNURRA LANDFILL	5,890.80
EFT121921	25/09/2014	KUNUNURRA HOME & GARDEN	PAINT, ROLLERS, BRUSHES - KUNUNURRA AIRPORT	163.75
EFT121922	25/09/2014	LGIS LIABILITY	PROPERTY INSURANCE PREMIUM 14/15 50%	223,715.60
EFT121923	25/09/2014	LANDGATE	MINING TENEMENT VALUATION SCHEDULE	87.60
EFT121924	25/09/2014	STAFF MEMBER	REIMBURSEMENT IN ACCORDANCE WITH EMPLOYMENT CONTRACT	74.10
EFT121925	25/09/2014	NEC AUSTRALIA PTY LTD	RENEWAL OF NECARE MAINTENANCE SERVICE AGREEMENT - KUNUNURRA ADMIN	4,215.02
EFT121926	25/09/2014	ORD FUEL SUPPLIES	FUEL & GREASE - P124, P119, P482, P390	707.97
EFT121927	25/09/2014	PAINT INDUSTRIES PTY LTD	SUPPLIES - MARKING PAINT - KNX AIRPORT	4,900.06
EFT121928	25/09/2014	ROCKWELL OLIVIER	LEGAL ADVICE - KUNUNURRA AGRICULTURAL SOCIETY LEASE	1,765.48
EFT121929	25/09/2014	SEARLES HOLDINGS T/A AUTO PRO	FUNNEL, JERRY CAN, ENGINE OIL, - KUNUNURRA AIRPORT	135.50
EFT121930	25/09/2014	SIMPLY UNIFORMS	APPLY LOGO ON STAFF UNIFORMS	256.50
EFT121931	25/09/2014	STAPLES AUSTRALIA PTY LIMITED	CLEANING SUPPLIES - KNX LEIS. CNT, KNX DEPOT, KNX LANDFILL, PUBLIC TOILETS	2,829.35
EFT121932	25/09/2014	TNT AUSTRALIA PTY LIMITED	FREIGHT - KUNUNURRA TO PERTH - HEALTH SAMPLES	189.87
EFT121933	25/09/2014	VANDERFIELD NORTHWEST PTY LTD	PARTS & SERVICE - P482 , P311	2,398.63
EFT121934	25/09/2014	VERNON BRABAZON	ADDITIONAL MONTHLY RENT - STAFF HOUSING	154.00
EFT121935	25/09/2014	WA LOCAL GOVERNMENT SUPER PLAN	SUPERANNUATION CONTRIBUTIONS	70,418.18
EFT121936	25/09/2014	WA LOCAL GOVERNMENT ASSOCIATION	MARKETFORCE ADVERTISING - MAY14 , TAX SERVICE SUBSCRIPTION, LOCAL NEWS	16,928.95
EFT121937	25/09/2014	WILD MANGO	CATERING FOR WIP & COUNCIL MEETING -28 AUGUST 14 & 9TH SEPT 14	435.00
EFT121938	25/09/2014	WYNDHAM SUPERMARKET	SUPPLIES - WYNDHAM CHILDCARE, WYN YOUTH CENTRE, WYN ADMINISTRATION	411.71
EFT121939	26/09/2014	ABCO PRODUCTS	CLEANING SUPPLIES - WYN CHILD CARE, WYN ADMIN, WYN POOL, WYN OVAL	1,978.28
EFT121940	26/09/2014	APEX CRISIS MANAGEMENT	CONSULTANCY FEES - EKRA AERODROME EMERGENCY PLAN	3,960.00
EFT121941	26/09/2014	BGC ASPHALT	T13 11/12-SUPPLY/LAY ASPHALT- COOLIBAH, ERYTHRINA, LEICHHARDT, LAKESIDE	435,598.51
			TOTAL MUNICIPAL EFT PAYMENTS	3,083,249.80

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
50130	04/09/2014	CANNING BRIDGE AUTO LODGE	ACCOMODATION 12-13 AUGUST - TRAINING - STAFF MEMBER	465.00
50131	04/09/2014	DEPARTMENT OF TRANSPORT	REGISTRATION & LICENSES - P129 & P121	544.60
50132	04/09/2014	HORIZON POWER	ELECT- VARIOUS INCL. OVAL LIGHTS, MESSMATE WAY PUMP 11/7/14 - 11/8/14	5,123.96
50133	04/09/2014	TELSTRA	LANDLINE & MOBILE PHONE COSTS - JULY 2014	11,997.45
50134	04/09/2014	AMP LIFE LTD	SUPERANNUATION CONTRIBUTIONS	674.93
50135	04/09/2014	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	1,394.09
50136	04/09/2014	AUSTRALIAN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	2,348.50
50137	04/09/2014	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	249.47
50138	04/09/2014	CBUS	SUPERANNUATION CONTRIBUTIONS	293.06

50139	04/09/2014	COMMONWEALTH BANK GROUP SUPER	SUPERANNUATION CONTRIBUTIONS	430.74
50140	04/09/2014	CONCEPT ONE THE INDUSTRY SUPER	SUPERANNUATION CONTRIBUTIONS	297.42
50141	04/09/2014	HEALTH INSURANCE FUND OF AUST LTD	PAYROLL DEDUCTIONS	42.75
50142	04/09/2014	HOSTPLUS SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	400.99
50143	04/09/2014	INTRUST SUPER	SUPERANNUATION CONTRIBUTIONS	233.83
50144	04/09/2014	LOCAL GOVERNMENT SUPER	PAYROLL DEDUCTIONS	3,614.64
50145	04/09/2014	MLC MASTERKEY PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	244.21
50146	04/09/2014	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	267.11
50147	04/09/2014	REI SUPER	SUPERANNUATION CONTRIBUTIONS	412.72
50148	04/09/2014	REST SUPER	SUPERANNUATION CONTRIBUTIONS	499.37
50149	04/09/2014	SUNSUPER	SUPERANNUATION CONTRIBUTIONS	996.80
50150	04/09/2014	THE TRUSTEE FOR HEADING SUPER FUND	SUPERANNUATION CONTRIBUTIONS	509.12
50151	04/09/2014	UNISUPER	SUPERANNUATION CONTRIBUTIONS	144.38
50152	04/09/2014	VISION SUPER	SUPERANNUATION CONTRIBUTIONS	3,985.70
50153	04/09/2014	WESTSCHEME	SUPERANNUATION CONTRIBUTIONS	699.72
50154	04/09/2014	WATER CORPORATION SUPER	SUPERANNUATION CONTRIBUTIONS	209.36
50155	11/09/2014	HORIZON POWER	ELECTRICITY - KNX ADMIN OFFICE - 11/7/14-08/8/14	169.98
50156	11/09/2014	SIGNATURE ENGRAVING PTY LTD	SUPPLY OF PAVERS - WHITEGUM PARK	117.15
50157	18/09/2014	AMP LIFE LTD	SUPERANNUATION CONTRIBUTIONS	691.23
50158	18/09/2014	AUSTRALIAN SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	132.69
50159	18/09/2014	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	4,449.16
50160	18/09/2014	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	249.47
50161	18/09/2014	CBUS	SUPERANNUATION CONTRIBUTIONS	386.80
50162	18/09/2014	COMMONWEALTH BANK GROUP SUPER	SUPERANNUATION CONTRIBUTIONS	430.74
50163	18/09/2014	CONCEPT ONE THE INDUSTRY SUPER	SUPERANNUATION CONTRIBUTIONS	297.42
50164	18/09/2014	HEALTH INSURANCE FUND OF AUST LTD	PAYROLL DEDUCTIONS	42.75
50165	18/09/2014	HORIZON POWER	ELECT-VARIOUS INCL. KNX ADMIN, KNX LEIS. CNT, KNX AIPORT 11/7-20/8/14	30,412.64
50166	18/09/2014	HOSTPLUS SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	400.99
50167	18/09/2014	INTRUST SUPER	SUPERANNUATION CONTRIBUTIONS	233.83
50168		CANCELLED	CANCELLED	-
50169	18/09/2014	LOCAL GOVERNMENT SUPER	SUPERANNUATION CONTRIBUTIONS	1,243.16
50170	18/09/2014	MLC MASTERKEY PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	244.92
50171	18/09/2014	MLC NOMINEES PTY LTD	SUPERANNUATION CONTRIBUTIONS	294.18
50172	18/09/2014	REI SUPER	SUPERANNUATION CONTRIBUTIONS	416.64

50173	18/09/2014	REST SUPER	SUPERANNUATION CONTRIBUTIONS	498.94
50174	18/09/2014	SEA VIEW ORTHOTIC SERVICE	SUPPLIES - LIFTING AIDS - LITTER CONTROL, KUNUNURRA & WYNDHAM	994.55
50175	18/09/2014	SUNSUPER	SUPERANNUATION CONTRIBUTIONS	981.61
50176	18/09/2014	THE RUSTY SHED CAFE	CATERING FOR COUNCIL MEETING - WYNDHAM AUGUST 14	418.00
50177	18/09/2014	THE TRUSTEE FOR HEADING SUPER FUND	SUPERANNUATION CONTRIBUTIONS	516.46
50178	18/09/2014	UNISUPER	SUPERANNUATION CONTRIBUTIONS	144.38
50179	18/09/2014	VISION SUPER	SUPERANNUATION CONTRIBUTIONS	4,212.39
50180	18/09/2014	WATER CORPORATION	WATER USE CHARGES - STAFF HOUSING 13/5/14-14/7/14	110.46
50181	18/09/2014	WATER CORPORATION SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	192.73
50182	25/09/2014	HORIZON POWER	ELECT-VAR. INCL.STREET LIGHTING AUG14, CELEB TREE PK, IVANHOE PUMP	24,546.71
50183	25/09/2014	ST JOHN AMBULANCE ASSOCIATION IN WA	AMBULANCE ON STAND BY FOR WYNDHAM TRIATHLON - 21/09/14	550.00
50184	25/09/2014	TELSTRA	LANDLINE & INTERNET CHARGES - AUG 2014	501.03
50185	25/09/2014	WATER CORPORATION	WATER USE INCL. KNX ADMIN, KLC, KNX CEMET, STAFF HSING - 9/7-10/9/14	9,939.23
TOTAL MUNICIPAL CHEQUE PAYMENTS				119,900.16

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
704	04/09/2014	JULIE WOODS	REFUND - KEY & HIRE BOND	1,020.00
705	04/09/2014	SIMEON MCGINNES	KERB REFUND - BP 054/2012	500.00
706	11/09/2014	GWENDOLYN KNOX	BOND REFUND - HALL HIRE 11/07/14 & 12/07/14	250.00
707	11/09/2014	MAUREEN CARTER	BOND REFUND - KEY & HIRE - PETER REID HALL	1,020.00
708	11/09/2014	WAYNE BADDOCK	BOND REFUND - KNX YOUTH CENTRE 19/06/12	250.00
709	25/09/2014	JENKINS & LARIEZ KROON	BOND REFUND - PARK HIRE - 06/09/14	250.00
710	25/09/2014	JODIE BYRNE	BOND REFUND - YOUTH CENTRE - 04/07/14	500.00
TOTAL TRUST CHEQUE PAYMENTS				3,790.00

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
500786	01/09/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 01.09.14	604.20
500787	04/09/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 04.09.14	1,732.80
500788	05/09/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 05.09.14	484.65
500789	08/09/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 08.09.14	113.95
500790	09/09/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 09.09.14	3,196.70
500791	10/09/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 10.09.14	953.60
500792	11/09/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 11.09.14	1,421.20
500793	12/09/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 12.09.14	122.60

500794	15/09/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 15.09.14	799.85
500795	16/09/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 16.09.14	498.70
500796	17/09/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 17.09.14	3,025.85
500797	18/09/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 18.09.14	1,057.45
500798	19/09/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 19.09.14	376.75
500799	23/09/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 23/09/14	104.20
500800	24/09/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 24/09/14	470.95
500801	25/09/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 25/09/14	1,509.40
500802	26/09/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 26/09/14	1,408.20
500803	30/09/2014	TRUST DPI CLEARING	TRANSPORT CLEARING 30/09/14	1,153.30
TOTAL TRANSPORT EFT PAYMENTS				19,034.35

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
	3/09/2014	PAYROLL	PAYROLL	234,947.97
	4/09/2014	PAYROLL	PAYROLL	3,062.28
	8/09/2014	PAYROLL	PAYROLL	4,869.07
	10/09/2014	PAYROLL	PAYROLL	73,532.90
	10/09/2014	PAYROLL	PAYROLL	17,939.74
	16/09/2014	PAYROLL	PAYROLL	56,454.64
	16/09/2014	PAYROLL	PAYROLL	51,958.55
	16/09/2014	PAYROLL	PAYROLL	14,708.95
	16/09/2014	PAYROLL	PAYROLL	81,904.24
	17/09/2014	PAYROLL	PAYROLL	221,305.40
	26/09/2014	PAYROLL	PAYROLL	6,474.63
TOTAL PAYROLL PAYMENTS				767,158.37

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
	1/09/2014	DIRECT DEBIT	BPAY FEES	638.99
	1/09/2014	DIRECT DEBIT	BANK FEES	171.55
	1/09/2014	DIRECT DEBIT	LEASE COSTS - 11 KWINANA STREET WYNDHAM	1,520.00
	2/09/2014	DIRECT DEBIT	LEASE COSTS - 9B PLUM COURT KUNUNURRA	1,380.50
	10/09/2014	DIRECT DEBIT	LEASE COSTS - 38 GARDENIA DRIVE KUNUNURRA	3,606.55
	10/09/2014	DIRECT DEBIT	LEASE COSTS - 5 RATTLEPOD CLOSE KUNUNURRA	2,946.66
	16/09/2014	DIRECT DEBIT	LEASE COSTS - 9B PLUM COURT KUNUNURRA	1,380.50

18/09/2014	DIRECT DEBIT	MASTERCARD PAYMENT (SEE TRANSACTION LISTING BELOW)*	20,564.33
29/09/2014	DIRECT DEBIT	LEASE COSTS 17/33 KONKERBERRY DRIVE KUNUNURRA	2,253.33
29/09/2014	DIRECT DEBIT	LEASE COSTS 16/33 KONKERBERRY DRIVE KUNUNURRA	2,253.33
30/09/2014	DIRECT DEBIT	LEASE COSTS - 9B PLUM COURT KUNUNURRA	1,380.50
30/09/2014	DIRECT DEBIT	PERIODIC PAYMENT FEES	33.60
30/09/2014	DIRECT DEBIT	BPAY FEES	4,433.25
			42,563.09

***DETAILS OF MASTERCARD TRANSACTIONS INCLUDED IN DIRECT DEBIT 18/9/14**

CHQ/EFT	DATE	NAME	DESCRIPTION	AMOUNT
	31/07/2014	IVVY HOLDINGS PTY LTD	TRAINING - STAFF MEMBER	509.85
	1/08/2014	COUNTRY COMFORT MOTEL PERTH	MEALS - STAFF MEMBER WHILE ATTENDING TRAINING	105.50
	1/08/2014	WOTIF PTY LTD	ACCOMODATION STAFF MEMBER 11/9/14-13/9/14 - ATTEND TRAINING	439.50
	1/08/2014	VIRGIN AIRLINES	FLIGHTS 10/8/14, 15/8/14 - KNX - PER - KNX STAFF MEMBER ATTEND CONFERENCE	1,130.70
	1/08/2014	VIRGIN AIRLINES	FLIGHTS 4/8/14 - KNX - PER - STAFF RECRUITMENT	654.20
	1/08/2014	ISENTIA PTY LTD	RADIO INTERVIEW TRANSCRIPT ABC NORTH WEST - ELECTED MEMBERS	249.59
	4/08/2014	COMFORT HOTEL PERTH	ACCOMODATION STAFF MEMBER 4/8/14-9/8/14 - ATTEND TRAINING	761.25
	5/08/2014	B&D DOORS & OPENERS	REPLACEMENT KEYS TO STORE ROOM - STAFF HOUSING	38.35
	5/08/2014	VIRGIN AIRLINES	FLIGHT 12/8/14 KNX - PER - STAFF MEMBER - ATTEND TRAINING	414.20
	5/08/2014	VIRGIN AIRLINES	FLIGHT 15/5/14 PER - KNX - STAFF MEMBER - ATTEND TRAINING	336.70
	6/08/2014	AUSTRALIA POST	POLICE FIREAMS LICENCE ID CHECK - STAFF MEMBER	183.00
	7/08/2014	SHELF SUPPLY	SAFETY BOOTS - STAFF MEMBER	185.00
	7/08/2014	AVIATION ID AUSTRALIA	AVIATION SECURITY IDENTIFICATION CARD RENEWAL - STAFF MEMBER	216.00
	7/08/2014	KIMBERLEY CROC	LAUDRY FOR COUNCIL CHAMBERS TABLE CLOTHS	73.80
	7/08/2014	SAI GLOBAL LIMITED	AS4000 CONTRACT DOCS FOR FIRESHEDS	518.18
	9/08/2014	SWAN TAXIS	TAXI - STAFF MEMBER - LOCAL GOVERNEMENT WEEK PERTH	30.86
	9/08/2014	MERCURE HOTEL PERTH	ACCOM. 6/8-9/8/14 - ELECTED MEMBER LOCAL GOVT WEEK CONVENTION	700.35
	9/08/2014	MERCURE HOTEL PERTH	ACCOM. 3/8-9/8/14 - STAFF MEMBER LOCAL GOVT WEEK CONVENTION	1,400.70
	9/08/2014	MERCURE HOTEL PERTH	MEALS AND REFRESHMENTS STAFF AND ELECTED MEMBERS LOCAL GOVT WEEK	278.62
	9/08/2014	MERCURE HOTEL PERTH	ACCOM. 6/8-9/8/14 - ELECTED MEMBER LOCAL GOVT WEEK CONVENTION	700.35
	9/08/2014	MERCURE HOTEL PERTH	ACCOM. 3/8-9/8/14 - ELECTED MEMBER LOCAL GOVT WEEK CONVENTION	1,400.70
	9/08/2014	MERCURE HOTEL PERTH	ACCOM. 3/8-9/8/14 - ELECTED MEMBER LOCAL GOVT WEEK CONVENTION	1,400.70
	9/08/2014	MERCURE HOTEL PERTH	ACCOM. 6/8-9/8/14 - ELECTED MEMBER LOCAL GOVT WEEK CONVENTION	700.35
	9/08/2014	COMFORT HOTEL PERTH	REFUND FOR REFRESHMENTS CHARGED TO STAFF MEMBER	- 165.00
	9/08/2014	COMFORT HOTEL PERTH	MEALS 4/8/14-9/8/14 - PERTH - STAFF MEMBER - ATTENDING TRAINING	478.88

11/08/2014	OFFICE NATIONAL KUNUNURRA	STATIONERY - A4 DRAWER - IT OFFICE STORAGE - KUNUNURRA	39.95
11/08/2014	4WD & OUTDOOR SUPACENTRE	AIR COMPRESSOR AND TYRE REPAIR KIT - P116 KALUMBURU CAR	168.00
12/08/2014	AIRNORTH	FLIGHT 20/9/14 - PER-KNX - STAFF MEMBER ATTEND TRAINING	268.46
12/08/2014	AIRNORTH	FLIGHTS 27/10/14, 1/11/14 KNX-DWN-KNX-STAFF MEMBER ATTEND CONFERENCE	413.29
13/08/2014	QANTAS AIRWAYS LIMITED	FLIGHT 17/9/14 - KNX - PER STAFF MEMBER ATTEND TRAINING	567.00
14/08/2014	MESSAGE MEDIA	SMS SERVICE - AFTER HOURS SERVICE ALERTS	3.70
15/08/2014	ESPLANADE HOTEL FREMANTLE	ACCOM. & MEALS 10/8/14-15/8/14 - STAFF MEMBER ATTEND CONFERENCE	1,042.91
16/08/2014	COUNTRY COMFORT MOTEL PERTH	ACCOM. & MEALS 11/8/14-16/8/14 - STAFF MEMBER ATTEND TRAINING	1,224.45
19/08/2014	HOTEL KUNUNURRA	REFRESHMENTS - BUDGET BRIEFING SESSION 19/8/14	68.96
19/08/2014	KINNECT PTY LTD	MEDICAL - STAFF MEMBER	368.23
19/08/2014	QANTAS AIRWAYS LIMITED	FLIGHT 2/110/14 KNX - PER - STAFF MEMBER ATTEND MEETINGS	567.00
19/08/2014	VIRGIN AIRLINES	FLIGHT 30/9/14 - PER - KNX - STAFF MEMBER ATTEND MEETINGS	414.20
21/08/2014	HALLS CREEK HOTEL	ACCOMODATION 19/8/14 - 21/8/14 - STAFF MEMBER ATTEND TRAINING	542.00
22/08/2014	SMART PHONE PROTECTION	SMART PHONE CASES AND BELT CLIPS - STAFF MEMBERS	407.40
23/08/2014	QANTAS AIRWAYS LIMITED	FLIGHT CHANGE - STAFF MEMBER ATTENDING TRAINING	121.25
25/08/2014	NOISE VIBRATION MEASUREMENT	REGISTRATION FOR TRAINING COURSE - STAFF MEMBER	1,309.28
25/08/2014	HARRIS TECHNOLOGY	DISPLAY ADAPTORS - OFFICE DUAL SCREENS - KUNUNURRA	73.92
26/08/2014	AVIATION ID AUSTRALIA	AVIATION SECURITY IDENTIFICATION CARD RENEWAL - STAFF MEMBER	222.00

13.1.2 Monthly Financial Report

DATE:	21/10/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Asanka Jayakody, Coordinator Financial Management
REPORTING OFFICER:	Natalie Octoman, Director Corporate Services
FILE NO:	FM.09.5
DECLARATION OF INTERESTS:	Nil

PURPOSE

For Council to receive and accept the monthly financial report for September 2014.

BACKGROUND

Council is required to prepare monthly financial reports as required by the Local Government (Financial Management Regulations) 1996.

STATUTORY IMPLICATIONS

Section 6.4 Local Government Act 1995
Regulation 34, Local Government (Financial Management Regulations) 1996.

POLICY IMPLICATIONS

No policy implications apply in the preparation of the report.

FINANCIAL IMPLICATIONS

Monthly financial reporting is a primary financial management and control process, it provides Council with the ability to oversee the Shire's financial performance against budgeted target.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 1.4: Business innovation, efficiency and improved service

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

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

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

ATTACHMENTS

Attachment 1 - Monthly Management Report

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receives the interim monthly financial report for the month of September 2014.

COUNCIL DECISION

Minute No. 10611

Moved: Cr S Cooke

Seconded: Cr D Learbuch

That Council receives the interim monthly financial report for the month of September 2014.

Carried Unanimously 8/0



Shire of Wyndham East Kimberley

Interim Monthly Financial Report 2014/2015

As at 30 September 2014

Contents:

- Statement of Financial Activity
- Note to Statement of Financial Activity (Net Current Asset Position)
- Note to Statement of Financial Activity (Explanation of Material Variances)
- Note to Statement of Financial Activity (Budget Remaining to Collect/Spend)
- Monthly Report on Investment Portfolio (Cash)

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

Shire of Wyndham East Kimberley

Statement of Financial Activity Year to Date Actual v Year to Date Budget as at 30 September 2014

	YTD Actual 2014/15 \$	YTD Budget 2014/15 \$	YTD Variance 2014/15 \$	%	
Revenue					
General Purpose Funding	1,330,998	1,300,130	30,868	2%	▲
Governance	965,315	965,987	(672)	0%	▼
Law, Order, Public Safety	6,626	7,213	(587)	-8%	▼
Health	13,071	10,872	2,199	20%	▲
Education and Welfare	74,222	55,567	18,655	34%	▲
Housing	52,427	60,314	(7,887)	-13%	▼
Community Amenities	1,614,087	1,485,486	128,601	9%	▲
Recreation and Culture	220,009	214,472	5,537	3%	▲
Transport	2,982,931	2,626,077	356,854	14%	▲
Economic Services	27,777	20,159	7,618	38%	▲
Other Property and Services	100,782	75,500	25,282	33%	▲
	<u>7,388,244</u>	<u>6,821,777</u>	<u>566,467</u>	<u>8%</u>	<u>▲</u>
Expenses					
General Purpose Funding	(14,486)	(39,564)	25,078	-63%	▲
Governance	(84,389)	(121,524)	37,135	-31%	▲
Law, Order, Public Safety	(155,901)	(170,524)	14,623	-9%	▲
Health	(91,721)	(87,024)	(4,697)	5%	▼
Education and Welfare	(111,458)	(100,229)	(11,229)	11%	▼
Housing	(185,545)	(212,784)	27,239	-13%	▲
Community Amenities	(998,321)	(1,216,660)	218,339	-18%	▲
Recreation & Culture	(1,514,773)	(1,622,715)	107,942	-7%	▲
Transport	(3,438,941)	(2,762,738)	(676,203)	24%	▼
Economic Services	(176,333)	(184,957)	8,624	-5%	▲
Other Property and Services	(697,651)	(568,829)	(128,822)	23%	▼
	<u>(7,469,519)</u>	<u>(7,087,548)</u>	<u>(381,971)</u>	<u>5%</u>	<u>▼</u>
Adjustments for Cash Budget Requirements:					
Non-Cash Expenditure and Revenue					
(Profit)/Loss on Asset Disposals	0	0	0	0%	▼
Movement in Accruals and Provisions	(1,059)	5,000	(6,059)	-121%	▼
Depreciation on Assets	1,447,453	1,509,213	(61,760)	-4%	▼
Capital Expenditure and Revenue					
Purchase Land Held for Resale	0	0	0	0%	▼
Purchase Land and Buildings	(6,551)	(19,838)	13,287	-67%	▲
Purchase Infrastructure Assets - Roads	(816,665)	(809,630)	(7,035)	1%	▼
Purchase Infrastructure Assets - Footpaths	0	0	0	0%	▼
Purchase Infrastructure Assets - Drainage	(4,000)	0	(4,000)	0%	▼
Purchase Infrastructure Assets - Other	(495,105)	(415,779)	(79,326)	19%	▼
Purchase Plant and Equipment	0	0	0	0%	▼
Purchase Furniture and Equipment	(11,658)	(5,353)	(6,305)	118%	▼
Grants / Contributions for Development of Assets	1,102,123	1,102,123	(0)	0%	▼
Proceeds from Disposal of Assets	0	0	0	0%	▼
Proceeds from Sale of Land Held for Resale	0	0	0	0%	▼
Repayment of Debentures	(90,118)	(90,118)	(0)	0%	▼
Proceeds from New Debentures	0	0	0	0%	▼
Transfers to Reserves (Restricted Assets)	0	0	0	0%	▼
Transfers from Reserves (Restricted Assets)	0	0	0	0%	▼
ADD Estimated Surplus/(Deficit) July 1 B/Fwd	(1,423,053)	(1,423,053)	0	0%	▼
LESS Estimated Surplus/(Deficit) June 30 C/Fwd	8,797,585	8,718,366	79,219	1%	▼
Amount Required to be Raised from Rates	<u>9,177,493</u>	<u>9,131,572</u>	<u>45,921</u>	<u>1%</u>	<u>▲</u>

Shire of Wyndham East Kimberley

Note to Statement of Financial Activity

Net Current Assets as at 30 September 2014

NET CURRENT ASSETS

Composition of Estimated Net Current Asset Position

	YTD Actual 2014/15	Brought Forward 1 July 2014
CURRENT ASSETS		
Cash - Unrestricted	832,607	616,820
Cash - Restricted	8,359,079	8,298,689
Cash - Restricted Unspent Grants	0	0
Receivables	9,297,076	1,611,338
Inventories	28,583	17,037
	<u>18,517,346</u>	<u>10,543,884</u>
LESS: CURRENT LIABILITIES		
Payables and Provisions	(1,360,681)	(3,662,335)
Less: Cash - Restricted	<u>(8,359,079)</u>	<u>(8,298,689)</u>
NET CURRENT ASSET POSITION	<u><u>8,797,585</u></u>	<u><u>(1,417,139)</u></u>

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity For the Period Ended 30 September 2014

Explanation of Material Variances

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

Variances +/- \$20,000 and 10% at Account Level

Operating

Recurrent Income - Excluding Rates

General Purpose Funding

Emergency Services Levy - Rates

\$ 23,700

▲ Increase in levy rate. Funds collect on behalf of DFES, set off against similar payment.

Governance

No material variances to report

Law, Order and Public Safety

No material variances to report

Health

No material variances to report

Education and Welfare

No material variances to report

Housing

No material variances to report

Community Amenities

Additional Waste Management Receptacle Charge \$ 128,100

▲ Increase in number of additional waste receptacles higher than anticipated.

Recreation and Culture

No material variances to report

Transport

WANDRRA Funding - Monsoonal Trough and Associated Flooding (10 March 2011)

\$ 355,900

▲ Claims on Feb 14 - flood event higher due to higher flood damage recovery expenses.

Economic Services

No material variances to report

Other Property and Services

No material variances to report

Recurrent Expenditure

General Purpose Funding

No material variances to report

Governance

No material variances to report

Law, Order and Public Safety

No material variances to report

Health

No material variances to report

Education and Welfare

No material variances to report

Housing

No material variances to report

Community Amenities

Refuse Collection \$ 45,800

▼ Invoices for payment yet to be received. Timing.

Administration Salary and Wages Allocated - Sanitation - Household Refuse \$ 22,200

▼ Less allocation due to lower actual expenditure in the sub program and overall admin overhead less than anticipated as at reporting date. Non cash item. Timing.

Admin Overheads Allocated - Sanitation - Household Refuse \$ 25,700

▼ Less allocation due to lower actual expenditure in the sub program and overall admin overhead less than anticipated as at reporting date. Non cash item. Timing.

Depreciation - Other Community Amenities \$ 35,000

▼ Lower depreciation charges due to change in categories, set off against higher depreciation in Public Halls. Non cash item.

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity For the Period Ended 30 September 2014 (continued)

Recurrent Expenditure (Continued)

Recreation and Culture ▲

Direct Salaries - Kununurra Swimming Complex	\$	46,200	▼	Lower expenditure set off against higher Direct Salaries in Kununurra Leisure Centre.
Direct Salaries - Kununurra Leisure Centre	\$	45,600	▲	Higher expenditure set off against lower Direct Salaries in Kununurra Swimming Complex.
Depreciation - Public Halls	\$	33,900	▲	Higher depreciation charges due to change in categories, set off against lower depreciation in Public Halls. Non cash item.

Transport ▼

Administration Salary and Wages Allocated - Streets, Roads & Bridges - Non Capital	\$	143,400	▲	Higher actual expenditure in the sub program absorbed higher admin cost allocation. Non cash item. Timing.
Monsoonal Trough Flood Event, 6-9 Feb 2014	\$	693,900	▲	Higher flood recovery cost than anticipated. Higher expenses to be claimed from WANDRRA fund.
Administration Salary and Wages Allocated - East Kimberley Regional Airport	\$	39,000	▼	Less allocation due to lower actual expenditure in the sub program and overall admin overhead less than anticipated as at reporting date. Non cash item. Timing.
Admin Overheads Allocated - East Kimberley Regional Airport	\$	46,200	▼	Less allocation due to lower actual expenditure in the sub program and overall admin overhead less than anticipated as at reporting date. Non cash item. Timing.
Depreciation - East Kimberley Regional Airport	\$	24,200	▼	Less depreciation due uncompleted capital projects as at date. Timing.

Economic Services ▲

No material variances to report

Other Property and Services ▼

Salary Overheads - Executive	\$	36,100	▼	Less overhead shows due to annual Fringe Benefit Tax credit adjustment. Timing.
ABC Allocations	\$	220,200	▲	Less allocation due to overall admin cost less than anticipated as at reporting date. Non cash item. Timing.

Non Cash Expenditure and Revenue

Adjustments and Accruals

No material variances to report

Capital

Purchase Land Held for Resale ▼

No material variances to report

Purchase Land and Buildings ▲

No material variances to report

Purchase Infrastructure Assets - Roads ▼

No material variances to report

Purchase Infrastructure Assets - Footpaths ▼

No material variances to report

Purchase Infrastructure Assets - Drainage

No material variances to report

Purchase Infrastructure Assets - Other ▼

Upgrade Maintenance Area - East Kimberley Regional Airport MUN	\$	47,600	▲	Originally budgeted in 13/14, carried forward to 14/15. Purchase order raised at the end of the year omitted from carried forward budget. Project funded by Airport Reserve.
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Purchase Plant and Equipment ▼

No material variances to report

Purchase Furniture and Equipment ▼

No material variances to report

Grants / Contributions for Development of Assets ▼

No material variances to report

Shire of Wyndham East Kimberley

Notes to Statement of Financial Activity
For the Period Ended 30 September 2014
(continued)

Capital (continued)

Proceeds from Disposal of Assets



No material variances to report

Debentures



No material variances to report

Reserves



No material variances to report

Shire of Wyndham East Kimberley

Statement of Financial Activity Budget Remaining to Collect/Spend as at 30 September 2014

	YTD Actual 2014/15 \$	Annual Budget 2014/15	Budget Remaining 2014/15 \$	%
Revenue				
General Purpose Funding	1,330,998	4,413,934	3,082,936	70% ▼
Governance	965,315	1,086,042	120,727	11% ▼
Law, Order, Public Safety	6,626	59,350	52,724	89% ▼
Health	13,071	80,500	67,429	84% ▼
Education and Welfare	74,222	77,000	2,778	4% ▼
Housing	52,427	430,453	378,026	88% ▼
Community Amenities	1,614,087	2,483,863	869,776	35% ▼
Recreation and Culture	220,009	724,402	504,393	70% ▼
Transport	2,982,931	5,750,793	2,767,862	48% ▼
Economic Services	27,777	97,923	70,146	72% ▼
Other Property and Services	100,782	103,266	2,484	2% ▼
	<u>7,388,244</u>	<u>15,307,526</u>	<u>7,919,282</u>	<u>52% ▼</u>
Expenses				
General Purpose Funding	(14,486)	(559,166)	(544,680)	97% ▼
Governance	(84,389)	(1,440,658)	(1,356,269)	94% ▼
Law, Order, Public Safety	(155,901)	(700,194)	(544,294)	78% ▼
Health	(91,721)	(324,635)	(232,915)	72% ▼
Education and Welfare	(111,458)	(290,794)	(179,336)	62% ▼
Housing	(185,545)	(768,906)	(583,361)	76% ▼
Community Amenities	(998,321)	(5,286,793)	(4,288,472)	81% ▼
Recreation & Culture	(1,514,773)	(6,818,047)	(5,303,274)	78% ▼
Transport	(3,438,941)	(9,579,827)	(6,140,885)	64% ▼
Economic Services	(176,333)	(517,691)	(341,358)	66% ▼
Other Property and Services	(697,651)	(936,967)	(239,315)	26% ▼
	<u>(7,469,519)</u>	<u>(27,223,677)</u>	<u>(19,754,159)</u>	<u>73% ▼</u>
Adjustments for Cash Budget Requirements:				
Non-Cash Expenditure and Revenue				
(Profit)/Loss on Asset Disposals	0	(210,891)	(210,891)	100% ▼
Movement in Accruals and Provisions	(1,059)	5,000	6,059	121% ▼
Depreciation on Assets	1,447,453	6,036,820	4,589,367	76% ▼
Capital Expenditure and Revenue				
Purchase Land Held for Resale	0	0	0	0% ▼
Purchase Land and Buildings	(6,551)	(638,000)	(631,449)	99% ▼
Purchase Infrastructure Assets - Roads	(816,665)	(2,393,929)	(1,577,264)	66% ▼
Purchase Infrastructure Assets - Footpaths	0	(31,000)	(31,000)	100% ▼
Purchase Infrastructure Assets - Drainage	(4,000)	(358,358)	(354,358)	99% ▼
Purchase Infrastructure Assets - Other	(495,105)	(1,901,535)	(1,406,430)	74% ▼
Purchase Plant and Equipment	0	(124,962)	(124,962)	100% ▼
Purchase Furniture and Equipment	(11,658)	(116,500)	(104,842)	90% ▼
Grants / Contributions for Development of Assets	1,102,123	6,491,991	5,389,868	83% ▼
Proceeds from Disposal of Assets	0	394,000	394,000	100% ▼
Proceeds from Sale of Land Held for Resale	0	0	0	0% ▼
Repayment of Debentures	(90,118)	(2,406,937)	(2,316,819)	96% ▼
Proceeds from New Debentures	0	1,803,218	1,803,218	100% ▼
Transfers to Reserves (Restricted Assets)	0	(4,000,605)	(4,000,605)	100% ▼
Transfers from Reserves (Restricted Assets)	0	1,253,687	1,253,687	100% ▼
ADD Estimated Surplus/(Deficit) July 1 B/Fwd	(1,423,053)	(1,423,053)	0	0% ▼
LESS Estimated Surplus/(Deficit) June 30 C/Fwd	8,797,585	(356,592)	(9,154,177)	2567% ▲
Amount Required to be Raised from Rates	<u>9,177,493</u>	<u>9,180,615</u>	<u>3,122</u>	<u>0% ▼</u>

MONTHLY REPORT ON INVESTMENT PORTFOLIO (CASH)

INVESTMENT POLICY F17			
"Overall Portfolio Limits"			
S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %	Managed Funds Maximum %
AAA	A-1+	100%	100%
AA	A-1	100%	100%
A	A-2	60%	80%
Note: "S & P" relates to Standard & Poors credit rating agency			
"Counterparty Credit Framework"			
S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %	Managed Funds Maximum %
AAA	A-1+	45%	50%
AA	A-1	35%	45%
A	A-2	20%	40%
"Term to Maturity Framework"			
Overall Portfolio Term to Maturity Limits			
Portfolio % < 1 year	100% max 40% min		
Portfolio % > 1 year	60%		
Portfolio % > 3 year	35%		
Portfolio % > 5 year	25%		
Individual Investment Maturity Limits			
ADI	5 years		
Non ADI	3 years		
Note: "ADI" relates to an Authorised Deposit Institution (authorised under the Banking Act 1959)			

RESULTS AS AT 30 September 2014	
Overall Portfolio	
Counterparty Credit	
Term to Maturity	

**13.1.3 Request for a Special Payment Arrangement – Rates
Assessments A7866-A7876**

DATE:	21/10/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Felicity Heading, Coordinator Financial Operations
REPORTING OFFICER:	Natalie Octoman, Director Corporate Services
FILE NO:	A7866D-A7876D
ASSESSMENT NO:	A7866-A7876
DECLARATION OF INTERESTS:	Nil

PURPOSE

For the Council to consider a request for a special payment arrangement for rates assessments A7866 to A7876.

BACKGROUND

In March 2014 following the subdivision of rates assessment A103 - Lot 647 Crossing Falls Road Kununurra - into one large lot and eleven smaller lots, valuations were received from Landgate for the 12 subdivided lots. Interim rates were raised effective from 1st March 2014 and interim rates notices were issued on 8th April for the period from 1st March to 30th June 2014. A payment arrangement was entered into with the owners and the interim rates were paid in full by 5th August 2014.

Annual rates notices were issued on 12 September 2014 with a total value of rates and charges for the twelve lots of \$29,446.03 consisting of \$26,278.03 rates, \$2,400.00 waste management charges and \$768.00 emergency services levies.

The owners have requested a special arrangement for the payment of the 2014/15 rates on the grounds that they do not have the means to pay the rates by the due date of 17 October 2014. They have advised that settlement has been delayed on two lots that are under contracts of sale, due to a requirement to have the power connected, and that they expect the power to be connected and for settlement to take place on these lots in February 2015.

The owners are proposing a payment plan as follows:

1. The rates on assessment A7865 will be paid in 4 instalments as outlined on the rates notice.
2. The rates on the eleven assessments A7866 to A7876 will be paid in instalments of \$40.00 per assessment per month. This would mean a total payment of \$440.00 per month from 17th October 2014 until settlement of the two lots that are under contracts of sale in February 2015.
3. That the balance of rates outstanding on assessments A7866 to A7876 will be paid by a lump sum once settlement has been completed in February 2015 and that all rates and service charges will be paid in full before 30th June 2015.

STATUTORY IMPLICATIONS

Local Government Act 1995

6.49 Agreement as to payment of rates and service charges

A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.

POLICY IMPLICATIONS

Council Policy Number: CP FIN-3212 Rates and Charges Debt Collection Policy

1.2 Special Payment Arrangements

Before authorising any special payment arrangement in accordance with sub-delegation provided by the CEO, the Director Corporate Services will consider the following:

- a) That the terms of the agreement require that all outstanding rates will be recovered by the Shire of Wyndham East Kimberley by 30 June of the financial year in which the agreement is entered into.*
- b) That the ratepayer is aware of the costs and charges associated with entering into a payment arrangement, of which the charges will be those adopted by the Council in the Annual Budget each year.*
- c) At the discretion of Chief Executive Officer, a payment arrangement term may be extended beyond the 30 June, but not exceed 2 successive financial years.*
- d) Where a ratepayer fails to meet their full obligation under the agreement, the agreement will be terminated and legal action shall commence for outstanding rates and service charges.*
- e) If the ratepayer defaults on the special payment arrangement agreement twice in any 12 month period, no further special payment arrangements can be made and rates are required to be paid in full.*

2 Recovery of Rates and Charges in Arrears

Rates and Charges are due and payable within 35 days from the date of issue of the annual rate (or interim rate) notice, as shown on that notice in accordance with section 6.50(2) of the Local Government Act 1995.

These procedures also apply to those ratepayers who decide to pay by one of the instalment options.

- a) Should any amount of rates or service charges remain outstanding after the due date stated on the Annual Rates Notice penalty interest shall applied at the interest rate adopted by Council in its annual budget in accordance with section 6.13(1) of the Local Government Act 1995.*

- b) *The interest rate set by the Council is not to exceed the maximum rate of interest as prescribed within regulation 19A of the Local Government (Financial Management) Regulations 1996.*
- c) *Interest is calculated on the number of days from the due date of payment until the day the payment is received by the Shire of Wyndham East Kimberley. This includes overdue amounts where the debtor has elected the instalment option.*

2.1 Accounts 35 Days in Arrears After the Initial Rates Notice

- a. *7 days after the due date of the Annual Rates Notice a Final Notice will be issued allowing 14 days for payment unless the debtor has agreed to enter into a special payment arrangement.*
- b. *Final Notices are **not** to be issued to eligible pensioners or seniors under the Rates and Charges (Rebates and Deferments) Act 1992 as such persons have until 30 June in the year of rating to make payment, without incurring any late payment penalties.*
- c. *14 days past the Annual Rate Notice due date, Instalment Options are no longer available. Rates must be paid in full or a special payment arrangement entered into.*

2.2 Accounts 57 Days or more in Arrears After the Initial Rates Notice

Any costs incurred by the Shire of Wyndham East Kimberley to recover rates and charges in arrears will be on-charged to the ratepayer.

- a) *Any assessments with outstanding rates and charges after 14 days from the date of issue of the Final Notice will be issued with a Notice of Intention to Summons (Demand) by the Shire's debt collection agency allowing 7 days for payment or for the ratepayer to contact the Shire.*
- b) *If no response is received after the 7 days period a General Procedure Claim will be issued.*
- c) *General Procedure Claims will not be issued on claims under \$200.00.*
- d) *It should be noted that when a General Procedure Claim is issued, this will impact upon the ratepayer's credit rating – refer to the Council's Notice of Discontinuance (Rates and Debtors) Policy.*
- e) *Ratepayers are required to either pay the full amount including debt collection costs or enter into an alternative payment arrangement that has been authorised by the Director Corporate Services. A payment arrangement must be requested in writing on the payment arrangement form.*

- f) *If no response to the General Procedure Claim (GPC) is received within fourteen (14) days after being issued, a Property Seizure and Sale Order on goods will be issued.*

OR

- g) *If no response to the General Procedure Claim (GPC) is received within fourteen (14) days after being issued, and the assessment is a leased or rented property, a notice will be served to the tenant / lessee under section 6.60 of the Local Government Act 1995 requiring the lessee or tenant to pay to the Shire the rent due that they would otherwise pay under the lease/tenancy agreement as it becomes due, until the amount in arrears has been paid. The approval of the Council is required to be obtained before this course of action is undertaken.*

2.3 Options to Recover Rates and Service Charges Where Rates Are In Arrears In Excess of Three (3) Years

- a) *If rates and service charges in respect of any rateable land are outstanding for three (3) or more years, Council may take possession of the land under the provisions of section 6.64 of the Local Government Act 1995, and may:-*
- i. From time to time lease the land; or*
 - ii. Sell the land; or*
 - iii. Cause the transfer of the land to the Crown; or*
 - iv. Cause the transfer of the land to itself.*

The approval of the Council is required to be obtained before any of these courses of action may be undertaken.

2.4 Payments Received or Contact Made After Legal Action Commenced

- a) *If any payments or contact has been made by the ratepayer of whom legal action has been started, the Shire's debt collection agency will be notified that legal action must be placed on hold immediately.*
- b) *When payment has been received in full, the Shire's debt collection agency will be notified to close the account.*
- c) *If the ratepayer defaults a payment or no further contact is received from the ratepayer, legal action will resume and the payment arrangement will be terminated.*

Delegations Register 2014/15

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:

3. enter into an agreement under section 6.49 of the Local Government Act 1995 for the payment of a rate or service charge;

SUB DELEGATIONS BY THE CEO

The Chief Executive Officer delegates the functions as outlined above to:

Director Corporate Services

FINANCIAL IMPLICATIONS

The total rates and services due for 2014/2015 on assessments A7866 to A7876 is \$25,914.78. If a special payment arrangement is accepted the estimated total interest to be charged on the eleven assessments will be \$963.97, total payment fees will be \$602.80 and total instalment charges will be \$587.40.

If settlement on the contracted properties does not occur or is delayed, and payment in full is not received by 30 June 2015 there will be a negative impact on cash flow for 2014/15 of approximately \$25,000.00.

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 1.4.3: Maintain Council's long term financial viability

COMMUNITY CONSULTATION

Community consultation is not required for this item.

COMMENT

If the proposed payment plan is accepted it will need to be on the basis that the ratepayer is aware that if payment of all outstanding rates and service charges on assessments A7866 to A7876 is not received in full following settlement of the lots under contract of sale, that debt collection processes will commence under Council *Policy CP FIN-3212 Rates and Charges Debt Collection Policy* as outlined above.

There is a risk that if the settlement on the contracted lots does not occur or is delayed that additional interest and debt collection charges will be incurred by the ratepayer and that there will be a delay in the rates revenue being received which would have a negative cash flow impact in the 2014/15 financial year.

Given the risks involved, the proposed payment arrangement is not deemed to be acceptable by the officer with the delegated authority to enter into a payment arrangement. Guidance is therefore sought from the Council as to whether a special payment arrangement should be allowed in this case given the circumstances.

ATTACHMENTS

Attachment 1 - Letter from ratepayer

Attachment 2 - Proposed Payment schedule

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council accepts the proposed special payment arrangement for rates and charges on assessments A7866 to A7876 with the following conditions:

1. That the ratepayer notifies the Shire of any change to the expected settlement date on the assessments under contract of sale as soon as the ratepayer becomes aware of that change.
2. That the ratepayer pays all outstanding rates and service charges on all the assessments within 30 days of the date of settlement taking place on the assessments under contracts of sale.
3. That the ratepayer is advised that if full payment of all rates and services charges is not received within 30 days of the date of settlement, that debt collection processes will commence immediately as allowed under Council Policy *CP FIN-3212 Rates and Charges Debt Collection Policy*.

MOTION

Cr R Dessert proposes a motion to add an additional dot point 4 to the Officers Recommendation. Dot point 4 is to investigate the inclusion of a caveat on the title prior to the sale.

COUNCIL DECISION

Minute No. 10612

Moved: Cr R Dessert

Seconded: Cr S Cooke

That Council accepts the proposed special payment arrangement for rates and charges on assessments A7866 to A7876 with the following conditions:

- 1. That the ratepayer notifies the Shire of any change to the expected settlement date on the assessments under contract of sale as soon as the ratepayer becomes aware of that change.**
- 2. That the ratepayer pays all outstanding rates and service charges on all the assessments within 30 days of the date of settlement taking place on the assessments under contracts of sale.**
- 3. That the ratepayer is advised that if full payment of all rates and services charges is not received within 30 days of the date of settlement, that debt collection processes will commence immediately as allowed under Council Policy *CP FIN-3212 Rates and Charges Debt Collection Policy*.**
- 4. Investigate the inclusion of a caveat on the title prior to the sale.**

Lost 2/6

For: Cr R Dessert, Cr S Cooke

Against: Cr J Moulden, Cr D Learbuch, Cr K Wright, Cr B Robinson, Cr D Spackman, Cr G King

COUNCIL DECISION

Minute No. 10613

Moved: Cr K Wright

Seconded: Cr G King

That Council accepts the proposed special payment arrangement for rates and charges on assessments A7866 to A7876 with the following conditions:

- 1. That the ratepayer notifies the Shire of any change to the expected settlement date on the assessments under contract of sale as soon as the ratepayer becomes aware of that change.**
- 2. That the ratepayer pays all outstanding rates and service charges on all the assessments within 30 days of the date of settlement taking place on the assessments under contracts of sale.**
- 3. That the ratepayer is advised that if full payment of all rates and services charges is not received within 30 days of the date of settlement, that debt collection processes will commence immediately as allowed under Council Policy *CP FIN-3212 Rates and Charges Debt Collection Policy*.**

Carried Unanimously 8/0

11th August 2014

Received by email: 6/10/14

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

For The Attention of the Rates Division

To Whom It May Concern,

We write to request you might present a proposal to the Council at its October meeting, in relation to a payment plan for our 2014 Rates.

My ongoing ill health and injuries forced me into early retirement from farming. Despite our attempts to sell, the adjusted opinion of the Agricultural Department that our property is no longer considered arable farming land meant we could not sell the farm as an ongoing concern. Due to necessity, rather than as a commercial venture, and after advice from the Kununurra Town Planner, we had no choice but to have our property rezoned as residential land and begin the subdivision process. The 7 year struggle to achieve this has caused enormous financial strain upon my wife and I, and as such we submit this unusual request in order to responsibly manage our dues.

Finally granted WAPC subdivision approval in March 2014, the whole of the land is now subject to altered rates, as Small Rural, rather than Farming Land. Although each individual lot's rates are not unreasonably onerous, the sum of the group is, totalling over \$29,000 for a single income family, due in advance of any lot sale.

A WAPC condition for the subdivision approval is the installation of power lines to the new lots. A contract is in place between us, KP & DM Halford and Horizon Power, for the supply and installation of said power lines. As yet Horizon Power has not completed the installation, although the local Kununurra representative feels confident all works will be completed well before the 3 month contract deadline (January 2015). 2 lots are currently under contract with local Buyers, however, no sale can be completed until the WAPC condition has been fulfilled.

Our proposal consists of two parts. Firstly, the simple periodic payment structure attached, effected from October 2014 until the settlement of lots under contract, expected to be complete by February 2015. Secondly, a lump-sum payment of any residual rates owing once settlement has been completed, and before 30th June 2015.

To our knowledge, the Council has not incurred any major costs in the development of these blocks (other than costs which have been invoiced to and paid by ourselves), and therefore the immediate recoup of costs via rates would not be a pressing concern. Due to the rural nature of the lots and the absence of normal town services, it is unlikely costs will mount in the immediate future. It is with this in mind we request this alternate payment arrangement and hope it is found to be acceptable by the Council.

We feel the availability of newly released vacant blocks has and will continue to benefit the Kununurra community. A community we have lived in, worked in, and contributed to for the last 30 years.

We ask for consideration in this matter and await your earliest response.



Kai Halford
647 Crossing Falls Road
PO Box 420
Kununurra

Proposed Rates Installment Schedule for Lots 1 - 11 & 9000 Crossing Falls Road, Kununurra

KP & DM Halford

	Lot No.												Total Paid Per Set Installment Date
	1	2	3	4	5	6	7	8	9	10	11	9000 (#)	
Rates Due	\$ 2,355.04	\$ 2,355.04	\$ 2,355.04	\$ 2,355.04	\$ 2,355.04	\$ 2,355.04	\$ 2,355.04	\$ 2,364.38	\$ 2,355.04	\$ 2,355.04	\$ 2,358.08	\$ 3,616.03	
17/10/2014	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 901.18	\$ 1,001.17
24/10/2014	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09		
31/10/2014	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09		
7/11/2014	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09		
14/11/2014	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09		
21/11/2014	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09		
28/11/2014	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09		
5/12/2014	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09		
12/12/2014	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09		
19/12/2014	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 903.95	\$ 1,803.86
26/12/2014	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09		
2/01/2015	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09		
9/01/2015	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09		
16/01/2015	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09		
23/01/2015	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09		
30/01/2015	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09		
6/02/2015	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09		
13/02/2015	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09		
20/02/2015	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 903.95	\$ 1,803.86
27/02/2015	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09		
6/03/2015	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09		
13/03/2015	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09		
20/03/2015	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09		
27/03/2015	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09		
3/04/2015	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09		
10/04/2015	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09		
17/04/2015	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09		
24/04/2015	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 9.09	\$ 903.95	\$ 1,803.86
30/06/2015	*	*	*	*	*	*	*	*	*	*	*		

* All residual rates for lots 1 - 11 (including any installment costs) will be paid in full by end of financial year, if not beforehand, after lump sum is received.

Minutes Ordinary Meeting (Kununurra) 21 October 2014
 The proposed (Kununurra) installment schedule is as per SWEK Rates Notice and includes installment costs.

Assessment #: **A7866-A7876**

11 lots

Start Date	Payment Fees	Amount Outstanding at 17/10/14	Interest From	Payment Amount
17/10/2014	\$ 602.80	\$25,914.78	17/10/2014	\$440.00
Payment				
Payment Date	amount	Instalment Fee	Interest	Running Total
17/10/2014	\$ 440.00	\$ 97.90	\$ -	\$ 26,175.48
17/11/2014	\$ 440.00	\$ 97.90	\$ 200.08	\$ 26,033.46
17/12/2014	\$ 440.00	\$ 97.90	\$ 192.58	\$ 25,883.94
17/01/2015	\$ 440.00	\$ 97.90	\$ 197.85	\$ 25,739.69
17/02/2015	\$ 440.00	\$ 97.90	\$ 196.75	\$ 25,594.34
17/03/2015	\$ 25,868.95	\$ 97.90	\$ 176.71	-\$ 0.00
Total	\$ 28,068.95	\$ 587.40	\$ 963.97	

13.2 INFRASTRUCTURE

13.2.1 Ellenbrae Station Access Road

DATE:	21/10/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Ellenbrae Station Access Road
AUTHOR:	Kevin Hannagan, Acting CEO
REPORTING OFFICER:	David Klye, Acting Director Infrastructure
FILE NO:	RD.09.27
DECLARATION OF INTERESTS:	N/A

PURPOSE

For Council to consider a request from Ellenbrae Station for the Shire to continue grading their station access road.

BACKGROUND

The Shire has historically done an 'opening up' grade after the wet season for the Ellenbrae Station access road.

STATUTORY IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

As far as the author is aware, Ellenbrae Station is the only remaining station to have an opening up grade of their station access road.

FINANCIAL IMPLICATIONS

The Shire does not receive funding under the Federal Governments, Financial Assistance Grants Scheme (FAGS) for station access roads as they are not 'public roads' on the Shire's Road Register. As such Shire Municipal Funds (from ratepayers) are used to pay the contractor who provides this service (approx. \$900 - \$1,500 p.a.).

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 2.3.2: Plan, design and budget for sustainable infrastructure

COMMUNITY CONSULTATION

Not required.

COMMENT

Staff have been reviewing the Shire's Road register against the Job Numbers contained in the Finance System. This is being undertaken to align the Road Asset Management System (RAMS) database against the Financial GL Codes database as a pre-cursor to the Fair Value exercise for infrastructure assets being commenced this year.

Previously the RAMS database contained values based on 'replacement' cost whereas the financial database has information recorded on a 'historical' cost basis. As such the two systems had differing valuations. Under the Fair Value project these valuations should align.

As part of this process it has been detected that there are a number of roads that are not the Shires responsibility to maintain and the General Ledger Job Numbers will be cancelled so that expenditure cannot be charged to these roads.

One of these roads is Ellenbrae Station access road. Staff have advised the Station Manager of this anomaly and of the Shire's intention not to do an opening up grade after the 2014/15 wet season. The Station Manager has now written the attached letter seeking approval from the Shire to continue providing this service as it feels this is the only service provided by the Shire to the station.

ATTACHMENTS

Attachment 1 - Letter from Ellenbrae Station

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council advises Ellenbrae Station:

1. The Shire is not in a position to continue to undertake an opening grade of their station access road;
2. That station properties may use Shire infrastructure, facilities and services when travelling throughout the Shire;
3. That rates are imposed for the services, facilities and infrastructure that is provided by the Shire to the whole community, and are not imposed for the provision of specific services on private property.

MOTION

Cr G King proposes a motion to defer item 13.2.1 Ellenbrae Station Access Road to a Council briefing session.

COUNCIL DECISION

Minute No. 10614

Moved: Cr G King

Seconded: Cr K Wright

That Council defer item 13.2.1 Ellenbrae Station Access Road to a council briefing session.

Carried Unanimously 8/0

**ELLENBRAE STATION
GIBB RIVER ROAD,
Via KUNUNURRA. W.A. 6743
Postal: PMB 23, Kununurra. WA 6743
Telephone: 08 91614325; Facsimile: 08 91614025
Email: info@ellenbraestation.com.au
ABN 51 758 463 167**

Mr. John Moulden,
Shire President,
Shire of Wyndham East Kimberley
PO Box 614
KUNUNURRA. W.A. 6743

ELLENBRAE ACCESS ROAD

Dear John,

Recently we received an email from Kevin Hannagan, SWEK Director Infrastructure, informing us that the Shire has been "reviewing its road register and cleaning up old roads that may not be roads and access roads etc."

He then advised us in the same email that the Ellenbrae access road should not be on the Shires Road register and as such the Shire will no longer be doing the opening up work previously done, and APOLOGISED if this caused inconvenience.

This is totally unacceptable. The Shire has ALWAYS been responsible for the opening-up grading of our access road (4.5 kms) as it has been for all other access roads to pastoral property homestead areas within SWEK. It has been a convention and responsibility of all isolated Shires, and a very critical one for pastoral lease holders.

As you would realize Ellenbrae is inaccessible for up to 6 months of the year, depending on the Wet season. The Gibb River Road is now the responsibility of Main Roads, but it is SWEK which is by historical convention, responsible for one opening up grade per annum. Ellenbrae is only a small station, and depends on income from the passing tourist trade to stay afloat. We do not have a grader nor any other equipment capable of making the road passable for traffic once the Wet is over. The SWEK grade is therefore vital to us surviving and operating a pastoral enterprise.

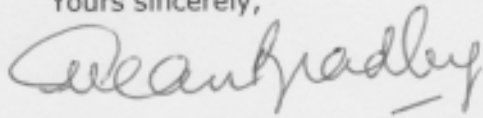
Our Shire rates for the financial year 2014/2015 are \$16,100.00 – they have increased dramatically over the past 3 years.

WHAT do we get for this other than the access road being graded, without which our station people and tourists cannot access Ellenbrae?
We do not have rubbish removal, curbing, street lighting or any other benefits from our rates.

Please reconsider this ill-founded decision and advise us that SWEK will continue the once a year access grade.

SWEK cannot possibly justify \$16,100.00 in annual rates, without providing any service whatsoever.

With kind regards,
Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Susan Bradley', with a stylized flourish at the end.

SUSAN BRADLEY
Pastoral Manager
24.9.14

c.c. CEO, Shire of Wyndham East Kimberley
Jason Yates, Homestead and Campground Manager, Ellenbrae
Martin Ansell, Director, Ellenbrae Station Pty Ltd.

13.2.2 MG Corporation Request for Reduction in Waste Fees and Charges

DATE:	21/10/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	MG Corporation
AUTHOR:	Kevin Hannagan, Acting CEO
REPORTING OFFICER:	David Klye, Acting Director Infrastructure
FILE NO:	WM.05.2
DECLARATION OF INTERESTS:	Nil

PURPOSE

For Councillors to consider a further request from MG Corporation to consider a 'special consideration discount' for waste fees and charges.

BACKGROUND

In February 2014 the Shire considered a request from MG Corporation for Council to waive landfill gate fees for remote aboriginal community waste as the Shire received 'Aboriginal disability factor funding' in its Federal Financial Assistance Grants.

Council resolved:

Minute No. 10317

Moved: Cr B Robinson

Seconded: Cr S Cooke

That Council replies to MG Corporation advising that:

- 1) the Shire has undertaken an analysis of the Grant Commission's funding formulae;**
- 2) the Shire receives no 'indigenous disability factor' funding in relation to waste services; and**
- 3) the Shire's fees and charges in relation to waste services are based on 'user pays principals' and 'market mechanisms' to encourage waste generators to reduce their waste footprint in accordance with the State Government's vision of 'Towards Zero Waste'.**

Carried Unanimously 9/0

This new request is for Council to consider a 'special consideration discount' for waste fees and charges for the Nulleywah, Garden Area and Mirima Reserves, as there is cause for concern surrounding environmental and other health issues as per their letter attached.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

No policy implications apply in the preparation of this report.

FINANCIAL IMPLICATIONS

Using financial estimates supplied in the letter from MG Corporation they have estimated that waste generated would result in fees for 25 houses in Nulleywah community of \$9,312.50 per week which annualised would be \$484,250 per annum (for one community).

This request is for assistance to Nulleywah, Garden Area and Mirima Reserves.

The estimates provided may be on the 'high side' as they have calculated that one household generates, per week:

- 5 cubic metres of domestic waste, and
- 5 cubic metres of green waste (presumably contaminated with other matter as 1m3/day of uncontaminated green waste is accepted free).

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 3.4.3: Ensure Shire facilities are planned and managed to meet community needs

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

The Shire is implementing its Waste Management Strategy and has implemented a ten (10) year funding model using a 'user pays' principle. Fees have now been set using 'Whole of Life Cycle Cost' (including cost of, establishing, annual operating and decommissioning / rehabilitation) rather than the previous annual landfill operating cost.

Previously a large proportion of waste generators have not been paying for waste, creating a culture that waste is 'free'. It would appear that town reserve community education in relation to waste minimisation is a major issue.

The Shire has now adopted 'market mechanisms' to encourage waste generators to reduce their waste footprint in accordance with the State Governments vision of 'Towards Zero Waste'.

The Shire may wish to consider encouraging the MG Corporation to apply for a State Government Waste Grant to undertake 'community education' within its town communities to encourage waste generators to reduce their waste footprint in accordance with the State Governments vision of 'Towards Zero Waste'.

ATTACHMENTS

Attachment 1 - Letter from MG Corporation, Project Officer

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council advises the MG Corporation, Project Officer that:

1. It is not in a position to waive Fees and Charges or provide a discount for domestic waste;
2. Fees and charges in relation to waste are based on 'user pays principals' and 'market mechanisms' to encourage waste generators to reduce their waste footprint in accordance with the State Government's vision of 'Towards Zero Waste'; and
3. The Shire has arrangements in place to accept free of charge, uncontaminated green waste (subject to 1m3 daily limit) and steel products that can be recycled.

COUNCIL DECISION

Minute No. 10615

Moved: Cr G King

Seconded: Cr D Learbuch

That Council advises the MG Corporation, Project Officer that:

- 1. It is not in a position to waive Fees and Charges or provide a discount for domestic waste;**
- 2. Fees and charges in relation to waste are based on 'user pays principals' and 'market mechanisms' to encourage waste generators to reduce their waste footprint in accordance with the State Government's vision of 'Towards Zero Waste'; and**
- 3. The Shire has arrangements in place to accept free of charge, uncontaminated green waste (subject to 1m3 daily limit) and steel products that can be recycled.**

Carried Unanimously 8/0

Attachment 1 - Letter from MG Corporation

Achieving a healthy, wealthy and
culturally strong MG community



Yawoorroong Miriung Gajerrong Yirrgab
Noong Dawang Aboriginal Corporation
(MG Corp)

ABN 79 270 210 553
ICN 4597

PO BOX 2110
KUNUNURRA WA 6743
Office: (08) 9166 4801
www.mgcorp.com.au

CP.16.3
1-25103

9 September 2014

Gary Gaffney
Chief Executive Officer
Shire of Wyndham East Kimberley
PO Box 614
KUNUNURRA WA 6743

Dear Gary

Domestic Waste Disposal for Miriung Gajerrong Communities at the Shire of Wyndham East Kimberley's Landfill Facilities

MG Corporation acknowledges and thanks the Shire of Wyndham East Kimberley for its response in relation to the above issue on the 24 December 2013.

The reason for secondary contact is that our local MG communities know the issue of domestic waste removal has not been resolved, and that the only plausible resolution leads the Corporation back to the Shire and the hope for special consideration when it comes to the landfill facility fees. Multiple avenues have been taken by local community members and service providers to try and construct a solution collaboratively:

- Utilisation of minimal service provider funding that unfortunately only assisted for a short period of time and is unable to cover the ongoing cost of domestic waste removal.
- Research into the purchase of a secondary bin for each household, which again due to funding restraints could not be completed.
- Research into the hiring of skip bins - unfortunately community members combined can only afford this to happen on a very sporadic basis and service providers certainly cannot assist with this due to pre-existing budget constraints/contractual requirements.
- Approaching State Government through Department of Prime Minister and Cabinet for additional service provider funding as well as MG Corporation which, again, due to costs being ongoing, do not have the funding to assist.
- Service provider staff members using their own income as the situation has reached such a dismal level.

The domestic waste issue has become dire, particularly for the Nulleywah, Garden Area and Mirima Reserves, and there is cause for concern surrounding environmental and other health issues such as:

- There has been an increase in children obtaining serious cuts/abrasions from the hard waste being discarded in backyards and community general areas, obviously heightening the risk of infection and serious illness.
- Small rubbish sites have been created in community general areas as well as backyards due to community members having no other option. This not only enhances dejected living conditions by creating perfect breeding grounds for an array of diseases, but is also detrimental to community

This is stony country – when I walk across this country where the creeks and the floodwaters have been there are lots of rocks and little stones.
Lots of those stones are beautiful coloured ones. We call them gerany. Gerany is also the word for money.

Attachment 1 - Letter from MG Corporation

members' motivation, wellbeing and any pre-existing pride that they did have for their community.

- An increase in animal injury due to discarded hard waste, which in turn creates an opportunity for zoonotic diseases to run rampant.

Community members respect and understand why landfill facility fees were implemented initially, but are struggling financially to adhere and are desperate for the Shire to assist in being proactive rather than reactive to the current situation.

To put things into perspective, the following calculations have been completed based on an average single household in the Nulleywah Community per week for excess domestic waste:

- Approximately $1 \times 5\text{m}^3$ trailer load of non-green waste at $\$50/\text{m}^3 = \250
- Approximately $1 \times 5\text{m}^3$ trailer load of green waste at $\$24.50/\text{m}^3 = \122.50
 - **Total per week for 1 household = \$372.50**
- $\$372.50 \times 25$ houses in Nulleywah community/week = $\$9,312.50$

According to the Australian Bureau of Statistics website (www.abs.gov.au), approximately 59% of Indigenous people receive a gross annual income of less than \$12,000 (rural areas). Comparing this fact to the above equations, it becomes apparent that there is a highly substantial and obvious gap and that the local MG communities simply cannot afford these fees.

MG Community members comprehend that there cannot be a complete waiver of fees but are at least asking for a special consideration discount taking into account their socio-economic status and the exuberant landfill facility fees.

I look forward to speaking with the Shire further on this matter, as well as collaboratively forming a resolution with community members and service providers included.

Yours sincerely,

Samantha Herbert-Vale
Project Officer, Community
Mobile: 0458 658 031

This is stony country – when I walk across this country where the creeks and the floodwaters have been there are lots of rocks and little stones.
Lots of those stones are beautiful coloured ones. We call them gerany. Gerany is also the word for money.

13.2.3 New Disability Parking Regulations

DATE:	21/10/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Robert Jehu, Coordinator Emergency & Regulatory Services
REPORTING OFFICER:	David Klye, Acting Director Infrastructure
FILE NO:	CU.01
DECLARATION OF INTERESTS:	Nil

PURPOSE

To alter the current parking bays within the Shire including signage to meet the new regulations for disability parking.

BACKGROUND

There has been a national initiative to standardise parking provisions for people with disabilities.

The *Local Government (Parking for People with Disabilities) Regulations 2014* will replace the *Local Government (Parking for Disabled Persons) Regulations 1988*.

STATUTORY IMPLICATIONS

The Regulations are scheduled to be gazetted in October 2014 and will take effect on 1 December 2014. This will allow a lead in period for local governments to prepare for the changes and update their systems. The main changes are changes to terminology used and increase in penalties.

POLICY IMPLICATIONS

From 1 December 2014, any local laws will be inoperative to the extent they are inconsistent with the Regulations. In choosing to update local laws, the changes should be timed to take effect on or after 1 December 2014. However given the lengthy process to change local laws, this will not be practical.

FINANCIAL IMPLICATIONS

There are 7 disabled parking bays that will require changing with signing and painting alterations required.

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 3.3: Towns are safe and inviting for locals and tourists

Strategy 3.3.5: Provide for adequate public parking areas that meet demand, including for long vehicles

COMMUNITY CONSULTATION

None required.

COMMENT

The key changes include:

- new title to incorporate the use of the term 'people with disabilities'. This will ensure consistency with terms used in the *Road Traffic Code 2000*, Australian Standards and the national initiative;

- new definition of 'disability parking permit' to replace 'ACROD sticker'. This reflects the new permit, which consists of two parts, that is issued by the ACROD Parking Program;

- changes to the identification of permit parking areas. The current provision states that the words 'Disabled Parking Only' should be written on the ground of the disability parking bay whereas the Australian Standards state that a symbol should be on the ground of the disability parking bay. The Regulations will now align with the Australian Standards;

- all Court imposed penalties will be increased from \$1,000 to \$2,000;

- all modified penalties (on the spot fines made by Rangers) will be increased from \$120-\$140 to \$300.

ATTACHMENTS

There are no attachments associated with the report.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Notes the new Local Government (Parking for People with Disabilities) Regulations 2014;
2. Supports amendment to the seven existing disabled parking bays to comply with the new legislation; and
3. Advises the community through its normal communication outlets of the changes to regulations.

COUNCIL DECISION

Minute No. 10616

Moved: Cr G King

Seconded: Cr D Learbuch

That Council:

1. **Notes the new Local Government (Parking for People with Disabilities) Regulations 2014;**
2. **Supports amendment to the seven existing disabled parking bays to comply with the new legislation; and**
3. **Advises the community through its normal communication outlets of the changes to regulations.**

Carried Unanimously 8/0

13.2.4 Request for Exemption to 1m³ Daily Limit of Green Waste – Cyclone Clean-Up Season

DATE:	21/10/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Kevin Hannagan, Acting CEO
REPORTING OFFICER:	David Klye, Acting Director Infrastructure
FILE NO:	WM.05.2
DECLARATION OF INTERESTS:	Nil

PURPOSE

For Council to consider a request from rate payers for Council to waive the 1m³ daily limit of Green Waste disposal at the Kununurra Landfill during the cyclone clean-up season.

BACKGROUND

The Shire has adopted a 'user pay' approach to waste management, setting fees and charges on a 'whole of life cycle' cost basis.

Currently community members may dispose of 1m³ of green waste (uncontaminated) to the landfill for free. The 1m³ limit was set to ensure that commercial operators such as home handy businesses etc. paid for their 'commercial' waste disposal.

Officers received several enquiries regarding the removal of the kerb-side hard waste pick-up service and requesting an exemption to the 1m³ daily limit of green waste disposal at the landfills.

Staff have been advised by community members that when conducting their annual clean-up prior to the wet season it is not practical for them to dispose of their green waste, one trailer load at a time per day. They would prefer to dispose of the green waste in one day.

STATUTORY IMPLICATIONS

There are no statutory implications associated with this report.

POLICY IMPLICATIONS

Council needs to ensure that it does not create a 'precedent' with implications for Policy.

FINANCIAL IMPLICATIONS

Community members could dispose of 1m³ of green waste on a daily basis at no cost to them. It is acknowledged that if the green waste was removed all at once the end result is the same.

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 3.4.3: Ensure Shire facilities are planned and managed to meet community needs

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item. However, should Council approve this request it will be communicated widely to the community.

COMMENT

Shire Officers do not have delegated authority to approve this request.

Council could consider approving acceptance of domestic only (not commercial) green waste (uncontaminated) in loads more than the 1m³ daily limit from 9 November 2014 to 30 November 2014, to enable property owners to clean-up their gardens prior to the wet season.

ATTACHMENTS

There are no attachments associated with the report.

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Approves acceptance of domestic only (not commercial) green waste (uncontaminated) in loads more than the 1m³ daily limit from 9 November 2014 to 30 November 2014, to enable property owners to clean-up their gardens prior to the wet season; and
2. Requests Council Officers to advertise this initiative through all communication channels.

COUNCIL DECISION

Minute No. 10617

Moved: Cr B Robinson

Seconded: Cr D Learbuch

That Council:

- 1. Approves acceptance of domestic only (not commercial) green waste (uncontaminated) in loads more than the 1m3 daily limit from 9 November 2014 to 30 November 2014, to enable property owners to clean-up their gardens prior to the wet season; and**
- 2. Requests Council Officers to advertise this initiative through all communication channels.**

Carried Unanimously 8/0

13.2.5 Saving Animals from Euthanasia (SAFE)

DATE:	21/10/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Robert Jehu, Coordinator Emergency & Regulatory Services
REPORTING OFFICER:	David Klye, Acting Director Infrastructure
FILE NO:	LE.10.7
DECLARATION OF INTERESTS:	Nil

PURPOSE

Saving Animals from Euthanasia (SAFE) have sent a letter requesting SWEK's assistance in establishing a branch within the Shire.

BACKGROUND

SAFE was founded in the Pilbara in Western Australia by Sue Hedley in February 2003. Since then SAFE has developed branches and networks across the state and intend to extend SAFE's services wherever there is need.

SAFE's dedicated work has had a positive impact on people, pets and wildlife. Their innovative foster care program provides temporary care for animals until a permanent home is found. This means there is no caged care or time lines on an animal's life.

STATUTORY IMPLICATIONS

The *Dog Act 1976* and the *Cat Act 2013* require the registration of all animals with the Local Government.

POLICY IMPLICATIONS

The Animal Management Plan 2013 supports responsible pet ownership.

FINANCIAL IMPLICATIONS

The financial implications would be minimal. If the Shire was to re-home five animals a month at a registration fee for a de-sexed animal at \$20 each, then Income foregone would be \$1200 per annum. This cost could be redeemed with the re-registration of the animals in future years. It is noted that SAFE are prepared to arrange immunisation and de-sexing of all animals.

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 3.3: Towns are safe and inviting for locals and tourists

Strategy 3.3.9: Provide animal control in accordance with legislative requirements

COMMUNITY CONSULTATION

Is not required however, the Shire would include in its normal media advice, information on the SAFE / Shire program.

COMMENT

It is proposed that the Shire supports the formation of SAFE and offers SAFE re-homed dogs and cats a free registration in the first year of registration.

If the Shire allows free registration for the first year then the owners and animals details would then be in the Shire's database. This information would then be able to be used for sending out the reregistration forms and information for use by the Rangers.

ATTACHMENTS

Attachment 1 - Letter from SAFE

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. Supports the formation of Saving Animals from Euthanasia (SAFE); and
2. Waives the registration Fee and Charge for the first year for animals re-homed under the SAFE initiative.

MOTION

Cr G King moves to add an additional dot point 3 to the Officers Recommendation. The additional dot point 3 would be that if there are any additional financial implications associated with this support, it will be reconsidered by the Council.

COUNCIL DECISION

Minute No. 10618

Moved: Cr G King

Seconded: Cr D Spackman

That Council:

1. **Supports the formation of Saving Animals from Euthanasia (SAFE); and**
2. **Waives the registration Fee and Charge for the first year for animals re-homed under the SAFE initiative**
3. **If there are any additional financial implications associated with this support it will be reconsidered by the Council**

Carried 7/1

For: Cr J Moulden, Cr R Dessert, Cr D Learbuch, Cr B Robinson, Cr D Spackman, Cr S Cooke, Cr G King

Against: Cr K Wright

- 4 SEP 2014

4, 9, 14

Cheryl Marton
PO Box 2150
Kununurra
WA
6743

Robert Jehu
Ranger
Shire of Wyndham / East Kimberley

I write this letter to propose a solution to the problem of stray dogs and cats in Kununurra. The problem is that many dogs and cats in town are unregistered and not de-sexed which is leading to an increase of more stray animals, as a result these animals are taken to the pound where if they are not claimed they are euthanised or they are killed on the roads. They also pose a risk of spreading disease to other animals or even attacking other animals or people. Most of the stray dogs and cats in town would make loyal loving pets to good owners.

I suggest that we start up a SAFE (Saving animals from Euthanasia) organisation in town to help find homes for these animals. SAFE will raise funds to have these animals, registered, desexed, vaccinated and microchipped and advertise them in order to have them adopted out.

I have suggested this idea on the community facebook page and over 20 people so far want to be involved in SAFE, 11 of which I have contact details for and I will be holding a meeting to discuss getting SAFE started up on 8th September.

SAFE will have a fundraising team where money will be raised by the community. We already have a donation tin in the Kimberley Cafe and we are already receiving donations. We will place more donation tins in various locations around town. We will also hold market stalls at any public events such as a Kimberley moon, agricultural show and the monthly markets where we will sell SAFE merchandise and anything that people can make which we can sell such as cakes. We can also hold sausage sizzles, quiz nights and

other activities to raise money.

SAFE will advertise by contacting the local newspaper, local radio, displaying posters around town and through the facebook page and website. There will be a SAFE website and a Pet rescue website where we can advertise the animals, the animals can be adopted out to anywhere in Australia.

SAFE will run solely on volunteers and these volunteers will fundraise, pick dogs up to be fostered, take them to the vets when required, take them to their adopted homes or the airport if they are being adopted outside of town. They will maintain the SAFE facebook page and websites and advertise the animals.

SAFE will start by fostering dogs from the pound who if not claimed would be euthanised. A volunteer will collect the dog and pay registration fee which we hope to get at a discount. The dog will have a collar and tag and the tag will display the dogs ID Number the first dog will be KN1, then 'SAFE' and a contact number will be on the tag. SAFE will use donations to get the dog desexed, vaccinated and microchipped and then it will be advertised for adoption. Once SAFE team grows and we receive more funds we can take dogs from people who may want to give their dogs up and we can take on cats too. The ranger will contact SAFE when a suitable unclaimed dog is in the pound.

I have spoken to the founder of SAFE who is based in Karratha and she is very supportive. She has given me a price list which SAFE Karratha have agreed with their shire. The prices are as follows: 1 year \$20, 3 years \$42.50, Life \$100. I have also spoken to the vet in Kununurra and will be meeting with her on Mon 8th to discuss this proposal and vet costs.

I have recently come across 11 puppies that belong to an indigenous family who don't want to keep them. Sue Hedley the SAFE founder in Karratha said that SAFE Perth will probably take the puppies on however they need to be 8 weeks old and

the mother has to be desexed. SAFE Karratha will pay for the flight to get the pups to Perth. Sue told me they can get funding through Indigenous Corps and the Shire to desex dogs belonging to Indigenous families, does the same apply in Kununurra?

I have 2 years of experience of volunteering with SAFE in Port Hedland. I was involved with fostering many dogs, advertising them, taking them to vet appointments, adopting them out and fundraising. I have a good understanding of how SAFE operates and I can see the potential for SAFE in the town of Kununurra, especially due to the amount of support I have had from the community so far. Many animals were successfully rehomed due to the work SAFE Hedland did and SAFE Kununurra can be just as successful.

Thank you for taking the time to read this proposal. I look forward to working with you to solve the problem of stray cats and dogs in Kununurra. My contact details are 0402 695 557 email: cdddm2012@hotmail.com

Yours faithfully

Cheryl Morton

13.3 COMMUNITY DEVELOPMENT

13.3.1 Dedication of Portion of Road Reserve – Subdivision within Stage 1 of the Weaber Plain Light Industrial Area, Kununurra

DATE:	21/10/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Portion of Reserve 41908, Weaber Plain Road, Kununurra
AUTHOR:	Jennifer Ninyette, Senior Planning Officer
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	A2861P, A2858P
DECLARATION OF INTERESTS:	Nil

PURPOSE

For Council to consider dedication of a portion of a new road for the subdivision at Lot 1 Cocus Way, Kununurra, within Stage 1 of the Weaber Plain Light Industrial Area (LIA).

BACKGROUND

The Western Australian Planning Commission (WAPC) granted approval in December 2012 for the freehold subdivision of Lot 1 Cocus Way, Kununurra into 6 lots; with a new road to be constructed from Weaber Plain Road, approximately 167 metres south of the Cocus Way intersection. A copy of the subdivision plan is provided at Attachment 1.

This subdivision is nearing completion with the developer recently seeking a clearance of subdivision conditions. However a 450m² portion of the new road to be created is across a portion of a drainage reserve (Reserve 41908) and as such does not form part of the freehold subdivision.

Instead, the Department of Lands has advised that the only suitable method to achieve dedication of this portion of the road is in accordance with section 56 of the Land Administration Act 1997. A copy of this correspondence from the Department of Lands is provided at Attachment 2.

STATUTORY IMPLICATIONS

Planning and Development Act 2005

Section 168 of the *Planning and Development Act 2005* provides for automatic dedication of a road within a freehold plan of subdivision once the plan is deposited with Landgate and approved.

Land Administration Act 1997

Section 56 of the Land Administration Act 1997 outlines that the local government may request the Minister to dedicate land that is used or intended to be used as road, where it is described in a plan of survey, sketch plan or document, and in accordance with the *Land Administration Regulations 1998*.

The regulations require the local government to include the following with the request:

- Written confirmation that the local government has resolved to make the request, details of the date when the resolution was passed and any other information that the Minister may require;
- Copies of any submissions relating to the request that the local government has received; and

Written confirmation that the local government has complied with section 56 of the LAA.

POLICY IMPLICATIONS

There are no policy implications in relation to this proposal.

FINANCIAL IMPLICATIONS

The landowner will be responsible for paying for survey costs and lodgement of documents to finalise dedication of this road following Council's resolution. The landowner will also be required to provide a bond to the Shire and enter into a two year defects liability period for the constructed road.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

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

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

Strategy 2.3.2: Plan, design and budget for sustainable infrastructure

COMMUNITY CONSULTATION

No community consultation is required.

COMMENT

A new road has been constructed from Weaber Plain Road to provide access to the subdivision of freehold Lot 1 Cocus Way, Kununurra, which is almost complete.

Although the portion of road within the freehold lot will be automatically dedicated as road upon approval of the plan of survey, a portion of this road is built across drainage reserve and this section is therefore required to be dedicated in accordance with section 56 the Land Administration Act 1997.

In order to progress this process in accordance with the LAA, Council is required to resolve to request the Minister for Lands to dedicate this portion of road.

It is noted that at the Ordinary Council Meeting on 16 July 2013 (Item 12.4.4); Council considered the naming of this road and endorsed the name of Atalaya Drive for the new road.

ATTACHMENTS

Attachment 1 - Subdivision Plan

Attachment 2 – Department of Lands Correspondence

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council advises the Department of Lands that it supports dedication of a 450m² portion of Reserve 41908 as road reserve to support the subdivision of Lot 1 Cocus Way, Kununurra.

COUNCIL DECISION

Minute No. 10619

Moved: Cr G King

Seconded: Cr R Dessert

That Council advises the Department of Lands that it supports dedication of a 450m² portion of Reserve 41908 as road reserve to support the subdivision of Lot 1 Cocus Way, Kununurra.

Carried Unanimously 8/0



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

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Government of **Western Australia**
Department of **Regional Development and Lands**

Lands Division

I-15107
A2861P
05 SEP 2012

Your ref: I-14146: A2861P: TP2410
Our ref: 01432-1990/01 (Job No:121152)
Enquires: Cody Rampant
Ph: (08) 9168 0606 Fax: (08) 9168 0600
Email: cody.rampant@rdl.wa.gov.au

31 August 2012

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

Dear Sir/Madam

PROPOSED ROAD DEDICATION – PORTION OF RESERVE 41908 TO SUPPORT PRIVATE SUBDIVISION, KUNUNURRA

I refer to correspondence received from the Shire of Wyndham-East Kimberley dated 12 July 2012 (copy attached) regarding the above.

The Shire's comments and recommendations regarding the inclusion of the subject portion of "Drainage" Reserve 41908 as part of the freehold subdivision application have been considered and noted.

The Department of Regional Development and Lands has concerns on how it might enable the proposal to proceed without becoming a party to any subdivisional conditions imposed by the Western Australian Planning Commission. One way of this would be to sell the land in freehold to the proponent so it could undertake a subdivision application incorporating only its fee simple lands. This option was previously raised with the Shire at a monthly meeting and was not agreed as acceptable, mainly due to uncertainty on how timeframes, development and specifications surrounding the proposed road and ancillary issues such as drainage might be controlled/enforced.

Unfortunately RDL is not in a position to proceed with issue of crown tenure (ie Lease) to the proponent to enable inclusion as part of the subdivision process. A freehold subdivision application involving crown land would require the co-execution of RDL and as such any conditions imposed by the WAPC would also become RDL's responsibility. RDL has investigated alternative options to facilitate the proposed freehold subdivision and has been unable to come to resolution on a disposal method that would satisfy the Shire's request and absolve RDL of any obligations associated with a subdivision application.

The original suggestion of dedicating the road in accordance with Section 56 of the *Land Administration Act 1997* appears to be the only suitable option. To address the Shire's concerns RDL is now considering the preparation and issue of a letter (copy attached) to the proponent, Shire and WAPC confirming its agreement to progress dedication of the subject area of crown land, subject to:

- The freehold subdivision application being approved by WAPC (subdivision plan 97156-AP-001-E);

- Agreement from the proponent to the proposed portion of Reserve 41908 to be dedicated as a public road being constructed by the proponent to the Shire's specifications, addressing any drainage requirements associated with the existing drainage function of Reserve 41908;
- Agreement from the proponent to the intersection with Weaber Plain Road being designed and constructed by the proponent to the Shire's specifications, addressing any requirements associated with increased traffic volumes and larger vehicle types;
- Construction of the proposed road by the proponent to the complete satisfaction of the Shire; and
- Confirmation from the Shire in the form of a Council resolution that the above requirements have been agreed and it agrees to the dedication of the land as a public road.

RDL is proposing, at such time as dot points 1,2, and 3 are completed, to issue a Licence in accordance with Section 91 of the Land Administration Act 1997 to the proponent to enable legal access to the portion of reserve to undertake construction works.

The abovementioned letter will enable the WAPC to consider the subdivision application without inclusion of the portion of Reserve 41908 and ensure the proposed dedicated road is constructed to the satisfaction of the SWEK. This would ensure that the freehold subdivision side of the proposal is progressed through WAPC and the construction and dedication of portion of Reserve 41908 is progressed through direct consultation with the Shire and RDL.

It would be appreciated if the Shire could please consider the abovementioned letter of conditional intent and confirm whether it agrees to the subdivision application proceeding on that basis.



CODY RAMPANT
For **MANAGER**
STATE LANDS – KIMBERLEY
LANDS DIVISION



31 August 2012

Department of Planning
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Dear Sir/Madam

***LETTER OF CONDITIONAL INTENT TO DEDICATE ROAD – PORTION OF RESERVE 41908
TO SUPPORT FREEHOLD SUBDIVISION, KUNUNURRA***

The Department of Regional Development and Lands (RDL) has received an enquiry from McMullen Nolan Group surveyors on behalf of the owner of freehold Lot 1 on Deposited Plan 71158 regarding the likelihood of a portion of Crown land being dedicated as a public road to support access to the proposed subdivision.

The subject Crown land is identified as portion of Lot 2369 on Deposited Plan 217584, being part of "Drainage" Reserve 41908, currently managed by the Shire of Wyndham-East Kimberley (Shire). The subject land is shown hatched red on the Smartplan at Attachment 1 and shown hatched yellow on the freehold subdivision plan 97156-AP-001-E at Attachment 2.

The Department of Regional Development and Lands, through consultation with the Shire, has concluded that it is not willing grant any form of interest over the land to facilitate the assessment of the subdivision application for the adjoining freehold land. RDL does not wish to be a party to any conditions that might be imposed as part of a subdivision approval from WAPC.

As an alternative in considering the proponents requirements for access to the proposed subdivision and to assist the Western Australian Planning Commission in assessing the freehold subdivision application RDL provides this letter noting its intent to dedicate that land shown hatched red at Attachment 1 and hatched yellow at Attachment 2 as a public road, subject to:

- The freehold subdivision application being approved by WAPC (subdivision plan 97156-AP-001-E);
- Agreement from the proponent to the proposed portion of Reserve 41908 to be dedicated as a public road being constructed by the proponent to the Shire's specifications, addressing any drainage requirements associated with the existing drainage function of Reserve 41908;
- Agreement from the proponent to the intersection with Weaber Plain Road being designed and constructed by the proponent to the Shire's specifications, addressing any requirements associated with increased traffic volumes and larger vehicle types;

Gordon Stephenson House, 140 William Street, Perth, Western Australia 6000 PO Box 1143, West Perth, Western Australia 6872
Telephone: (08) 6552 4400 Facsimile: (08) 6552 4417 Freecall: 1800 735 784 (Country only)

Email: info@rdl.wa.gov.au Website: www.rdl.wa.gov.au

ABN: 28 807 221 246

- Construction of the proposed road by the proponent to the complete satisfaction of the Shire; and
- Confirmation from the Shire in the form of a Council resolution that the above requirements have been agreed and it agrees to the dedication of the land as a public road.

Please do not hesitate to contact Cody Rampant on telephone (08) 9168 0606 or email cody.rampant@rdl.wa.gov.au should you require further information or wish to discuss this matter.

Yours faithfully

CODY RAMPANT
For MANAGER
STATE LANDS – KIMBERLEY
LANDS DIVISION

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

13.3.2 Proposed Transfer of Part Lot 3004, Portion of Reserve 50425, Adjoining Kimberleyland Holiday Park, Lake Kununurra

DATE:	21/10/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Portion of Reserve 50425, Lake Kununurra
AUTHOR:	Jennifer Ninyette, Senior Planning Officer
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	LP.06.3
DECLARATION OF INTERESTS:	Nil

PURPOSE

For Council to consider a proposal to transfer a portion of Reserve 50425, adjoining Kimberleyland Holiday Park, from the Department of Water to the Shire.

BACKGROUND

Reserve 50425 was excised from the 'Foreshore and Recreation' Reserve 41812, for the purpose of issuing sole management of the section of foreshore adjoining the public drinking water source, and hence within the drinking water protection area, to the Water Resources Ministerial Body (WRMB). The documents to effect this excision were lodged in November 2009.

Reserve 50425 consists of Lots 3003 and 3004 on Deposited Plan 46759, of which a portion of Lot 3003 is leased to Discovery Holiday Park, and a portion of Lot 3004 is leased to Kimberleyland Holiday Park.

Foreshore leases to the Discovery and Kimberleyland commenced on 1 January 2003, at which time the foreshore was jointly managed by the Shire and the Department of Water. However, as the land is now under the sole management of the Water Resources Ministerial Body, the Shire no longer has a legal interest in the two abovementioned leases.

In March 2011, the Department of Water (DoW) sought in principle support from the Shire to lease portions of Reserve 50425 from the Water Resources Ministerial Body, in turn to be subleased to Discovery Holiday Park and Kimberleyland Caravan Park. DoW proposed that the WRMB lease the land to SWEK for a nominal annual administrative fee of \$1,000 plus 10% GST (\$500 plus 10% GST for each lease), for a period of 21 years, to in turn allow the Shire to negotiate directly with the current lessees an appropriate market rental. A copy of this correspondence is provided at Attachment 1.

The matter was considered at the Council Briefing session of 10 May 2011, whereat it was discussed that the proposed sub-leasing arrangement would not be financially viable for the Shire unless new leases are negotiated and rental amounts are increased to a reasonable percentage of the current market value. It was also recommended that prior to Council formally making a decision on this matter the following further information should be obtained:

- Seek legal advice as to the implications of foreshore and bank maintenance, for both lessee(s) and lessor(s).

- Clarification of the appropriate percentage of the market value that can be applied to the caravan park leases, based on draft lease provisions which include the intent of the revised foreshore plan including the proposed development provisions.
- Refer a draft lease to RDL for comment and advice on proposed development provisions, including whether the front 10m should be leased or licensed, and rental amounts.
- A financial cost estimate for the remediation of current foreshore bank erosion.

A letter was sent to DoW in September 2011 advising of this, a copy of which is provided at Attachment 2.

Since this time, Shire Officers have concentrated on the preparation, negotiation and finalisation of the Lease of the portion of foreshore adjacent to the Lakeside Resort, which remained as part of Foreshore Reserve 41812, now solely managed by the Shire.

Recent correspondence received from the Department of Water is now offering the Shire an opportunity to take on management of part of foreshore Reserve 50425 adjacent to Kimberleyland Holiday Park, which is outside the Priority Drinking Water Source Area (PDSWA). The intent is that a portion of Reserve 50425 would be excised to be either amalgamated into Reserve 41812, or create a new reserve to be managed by the Shire, so that the Shire can manage the lease of the foreshore land adjacent to Kimberleyland. A copy of this correspondence is provided at Attachment 3.

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 51 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.

Reserve 50425 is set aside for the purpose of "Foreshore and Recreation", and a management order has been issued to the Water Resources Ministerial Body with the power to lease.

Local Planning Strategy

The LPS identifies that Lake Kununurra is a wetland of international significance listed under the Ramsar Convention, and requires careful management practices to ensure its protection from urban uses.

It is a specific action of the LPS to ensure consideration is given to:

- The proximity to natural sensitivity and the management strategies required to deal with any potential impacts.
- Built form and construction guidelines, including aesthetic matters and the protection of viewsheds and landscape values.

- Facilitate public access to Lake Kununurra foreshore through the provision of appropriate pedestrian and bicycle links from the town centre and nearby residential areas.
- Develop a master plan for the Kununurra foreshore area that emphasises public access to the waterway in a suitable manner.
- Where appropriate environmental management is in place, secure foreshore areas – both within and outside towns – for public access.

Lake Kununurra Foreshore and Aquatic Use Plan

There are a number of specific actions and key recommendations outlined in the Lake Kununurra Foreshore and Aquatic Use Plan (LKFAUP), which relate to the proposed lease including:

- A minimum buffer area of 10 metres from the high water mark (full supply level) to be maintained for pedestrian access and passive recreational purposes with no permanent structures apart from a pathway and associated pedestrian facilities. Greater buffers may be used for specific areas as determined by the lessor (landowner) in consultation with State Government departments.
- Where greater than 50% of the 10m foreshore buffer is licensed to an adjoining lease holder, the lessee shall be responsible for preparing an action plan for that buffer area that guides their management of the whole of the foreshore buffer and its bank. This action plan must be submitted for approval by the relevant management authority.
- All revenue collected from the foreshore leases is to be used to maintain the public foreshore area and its associated facilities.

The LKFAUP also outlines development guidelines for use and development of the foreshore; however it is noted that any future proposed development/redevelopment of the foreshore and/or licence area will require a planning approval to be considered and determined by Council.

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

If Council agrees to accept a management order over the subject reserve land there will be survey costs associated with the excision, and subsequent costs associated with the preparation of a lease document.

The Shire will however receive rent from Kimberleyland for the lease of the foreshore land, which will be required to be held in the Council's Foreshore Reserve account to be used to maintain the public foreshore area and its associated facilities.

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 2.2.4: Enhance and expand tourism opportunities in the East Kimberley and improve access to significant tourism destinations

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

Objective 3.5: An active outdoor lifestyle is encouraged and promoted

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

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.

COMMENT

Council's ultimate interest in and vision for the foreshore is to ensure that it's preserved for community enjoyment, by increasing public accessibility and recreational opportunities while ensuring that any development along the foreshore is sympathetic with the natural environment.

This future vision for the foreshore area is identified and addressed within the revised draft Lake Kununurra Foreshore Plan, for which both the Shire and the Department of Water form part of the technical working group.

As such, regardless as to which agency directly leases the land to the caravan parks, the leases should incorporate the key recommendations and specific actions identified in the revised Foreshore Plan. Any proposed development will be subject to these provisions including the proposed development guidelines.

The Shire will also continue to have a statutory role in regard to any proposed development on the foreshore, regardless of whether the Shire has any role in the leasing of the land, via the scheme provisions and any planning policy, such as the proposed foreshore development guidelines.

The lease of the foreshore has historically resulted in minimal revenue being raised for each of the caravan park foreshore leases.

Currently the revenue raised by DoW is allocated to the State Government (Treasury Department) and is not retained locally. If the Shire were to take on management of the Foreshore Area adjacent to Kimberleyland the revenue raised from this lease will be deposited directly into Council's Foreshore Reserve account to be used for the maintenance of the public foreshore area and its associated facilities.

Part of the Shire's concern in relation to DoW's initial proposal for the Shire to sublease to the caravan parks was in relation to erosion of the foreshore bank at Discovery Park, and uncertainties of the legal implications of foreshore and bank maintenance, for both lessee(s) and lessor(s), and the financial cost for the remediation of the foreshore bank. However, the current proposal is now only in relation to Kimberleyland.

In developing the lease to Lakeside Resort, the Department of Lands required that the foreshore lease area should not extend to the water's edge and instead that a 10 metre licence area along the waters' edge should be incorporated, as occurs with the Commercial Boat Facility leases and the lease to Lakeside Resort, given the commercial nature of the use of the foreshore land. This is also in line with the key recommendations of the Foreshore Plan.

The Department of Lands also considered that the existing use of the lease area is not consistent with the reserve purpose of "Foreshore and Recreation", and therefore required a new reserve to be created over the proposed lease area, and an approximately 10 metre wide strip along the water's edge to be retained for the purpose of foreshore, recreation and access.

It is anticipated that should Council accept management of this portion of Reserve 50425, then any future leasing arrangements will be consistent with what has been implemented for the draft Lease to Lakeside Resort which was prepared in accordance with the recommendations of the Foreshore Plan and with the following general development provisions:

- All structures, infrastructure, facilities and improvements to be erected, constructed, installed, brought or made by the Lessee on the Land must be low impact, low key and consistent with the maintenance of water quality and bank stabilisation of the Land and must not restrict or impede the use, accessibility and enjoyment by patrons and the general public of the Land or adversely affect the amenity of the Land.
- Not to erect, construct, build, install or bring any buildings or structures of a permanent nature on the Land or make any other alterations, additions or improvements on the Land without the approval of the Lessor.
- The Lessor acknowledges and accepts all structures, infrastructure, facilities and improvements erected, constructed or installed by the Lessee on the lease area before the commencement of the previous lease agreement.
- No caravan sites are permitted on the licence area, and any existing caravan bays (and infrastructure) within the licence area are to be removed. Camping (tents) only may be permitted on the licence area only as an overflow.

It is also acknowledged that the Shire is may require access to a portion of Lot 3004 which is within the Priority Drinking Water Source Protection Area (PDSWA), for the purposes of maintaining existing drainage facilities, and that the Infrastructure Directorate is also in discussions with the Department of Water in relation to these drainage matters.

ATTACHMENTS

Attachment 1 - Correspondence from the Department of Water

Attachment 2 – Shire response to Department of Water

Attachment 3 – Subsequent correspondence from Department of Water

Attachment 4 – Aerial photograph

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council advises the Department of Water:

1. That the Shire of Wyndham East Kimberley is willing to take on management of portion of Reserve 50425, being part Lot 3004 on Deposited Plan 46759, subject to survey.
2. That the Shire may require access to maintain existing drainage facilities on a portion of Lot 3004 on Deposited Plan 46759 which is within the Priority Drinking Water Source Area (PDWSA), and wishes to continue discussions to identify an appropriate mechanism for the continued maintenance of this asset.

MOTION

Cr D Spackman proposes a motion to suspend standing orders 7.5 Limitation on number of speeches to discuss amendments to item 13.3.2 Proposed Transfer of Part Lot 3004, Portion of Reserve 50425, Adjoining Kimberleyland Holiday Park, Lake Kununurra.

COUNCIL DECISION

Minute No. 10620

Moved: Cr D Spackman

Seconded: Cr K Wright

That Council suspends Standing Orders 7.5 Limitation on number of speeches to discuss item 13.3.2 Proposed Transfer of Part Lot 3004, Portion of Reserve 50425, Adjoining Kimberleyland Holiday Park, Lake Kununurra.

Carried 7/1

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

Council suspends Standing Orders at 5.38pm

COUNCIL DECISION

Minute No. 10621

Moved: Cr D Spackman

Seconded: Cr B Robinson

That Council resumes Standing Orders 7.5 Limitation on number of speeches.

Carried Unanimously 8/0

Council resumes Standing Orders at 5.42pm

MOTION

Cr D Spackman, proposes an alternate motion that Council advises the Department of Water:

1. That the Shire of Wyndham East Kimberley is willing to take on management of portion of Reserve 50425, being part Lot 3004 on Deposited Plan 46759, subject to survey, if required and at no cost to the Shire.
2. That the Shire requires access to maintain existing drainage facilities on a portion of Lot 3004 on Deposited Plan 46759 which is within the Priority Drinking Water Source Area (PDWSA), and wishes to continue discussions to identify an appropriate mechanism for the continued maintenance of this asset.

COUNCIL DECISION

Minute No. 10622

Moved: Cr D Spackman

Seconded: Cr B Robinson

That Council advises the Department of Water:

1. That the Shire of Wyndham East Kimberley is willing to take on management of portion of Reserve 50425, being part Lot 3004 on Deposited Plan 46759, subject to survey, if required and at no cost to the Shire.
2. That the Shire requires access to maintain existing drainage facilities on a portion of Lot 3004 on Deposited Plan 46759 which is within the Priority Drinking Water Source Area (PDWSA), and wishes to continue discussions to identify an appropriate mechanism for the continued maintenance of this asset.

Carried Unanimously 8/0



Government of Western Australia
Department of Water



looking after all our water needs

Your Ref:

Our Ref: WT3437 & WT3434

1-6966

Enquiries: Max Van Weert

Telephone: (08) 6364 7487

Mr. Gary Gaffney
Chief Executive Officer
Shire of Wyndham-East Kimberley
PO Box 614
KUNUNURRA WA 6743

Dear Sir

RESERVE NO. 50425 COMPRISING LOTS 3003 & 3004 ON DEPOSITED PLAN 46759 – LAKEVIEW DRIVE AND OLD DARWIN ROAD – KUNUNURRA - PROPOSED NEW LEASING ARRANGEMENTS

Reserve No. 50425 is set aside for the purpose of "Foreshore and Recreation" with a management order issued in favor of the Water Resources Ministerial Body. Power to lease for any term not exceeding 21 years, subject to the consent of the Minister for Lands, is included in the management order.

Reserve No. 50425 was created by an amendment to Reserve No. 41812 via dealings on Deposited Plan 46759 in late 2009. As you may be aware, 2 leases over portions of Reserve No. 50425 are due to expire on the 31st December 2012.

The lease over portion of Lot 3003 Lakeview Drive, is for the Discovery Holiday Park. The lease over portion of Lot 3004 Old Darwin Road, is for the Kimberleyland Holiday Park.

Both leases commenced on the 1st January 2003 when the former land tenure was Reserve No. 41812 and jointly managed by the Shire of Wyndham – East Kimberley (SWEK) and this office. Technically, currently, as a result of the amendment to extract the new Reserve 50425 from Reserve 41812, the Water Resources Ministerial Body is now the lessor with SWEK no longer having a legal interest in the 2 leases. SWEK, based on previous arrangements; however, with DoW support, appears to continue to collect lease payments to assist in funding foreshore management.

In order to achieve more suitable leasing arrangements, prior to the expiry of the leases, and negotiate any proposed lease extensions, the DoW is seeking the SWEK's in-principle support to lease the required portions of Lots 3003 and 3004 directly between SWEK and the current lessees.

To allow this to occur it is proposed that a sublease between the Water Resources Ministerial Body and the SWEK for a nominal annual administrative fee of \$1000.00 plus 10% GST (\$500 plus 10% GST for each lease), for a period of 21 years will be required to facilitate this.

This in turn will allow the SWEK to negotiate directly with the current lessees an appropriate market rental, which is believed to be significantly higher than the proposed annual administrative fee.

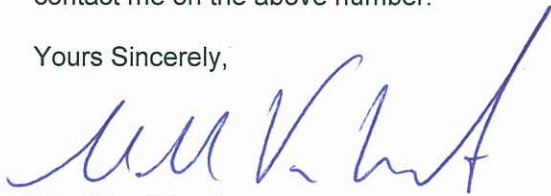
Alternatively, should the SWEK not be interested in negotiating directly with the lessees, then this office, on the basis of having the management order for Reserve 50425, will negotiate the terms of a new lease directly with the lessees and retain any resulting revenue.

To progress this matter further, can you please advise this office within 90 days of the SWEK's intentions regarding future leasing arrangements for the 2 leases.

Your comments, suggestions, or in-principle support are welcomed. This office takes the view that its primary role is to protect the public drinking water source whilst ensuring that it works together with local authorities to complement their future vision for the area.

Should you have any further queries or require further information, please do not hesitate to contact me on the above number.

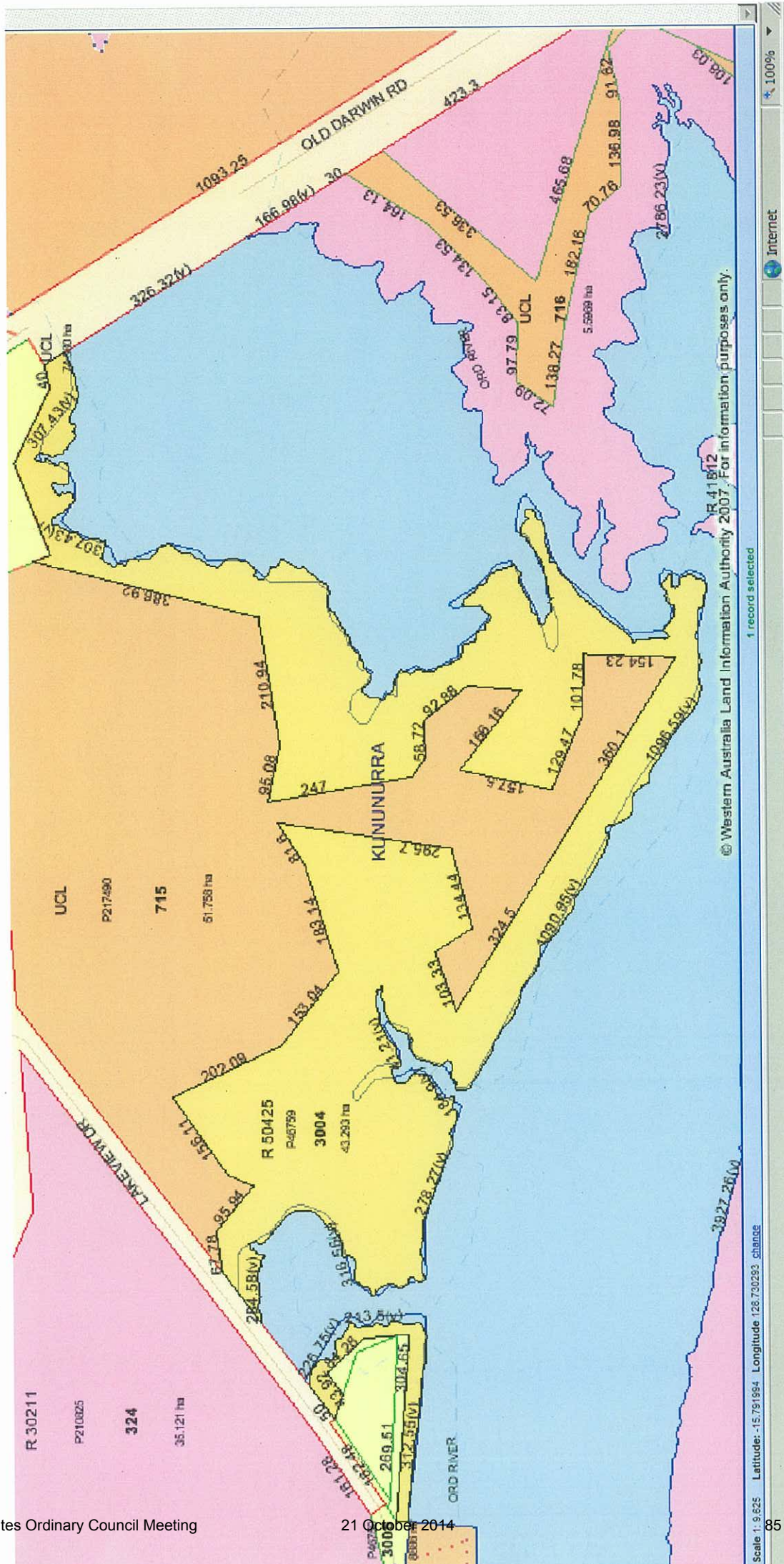
Yours Sincerely,

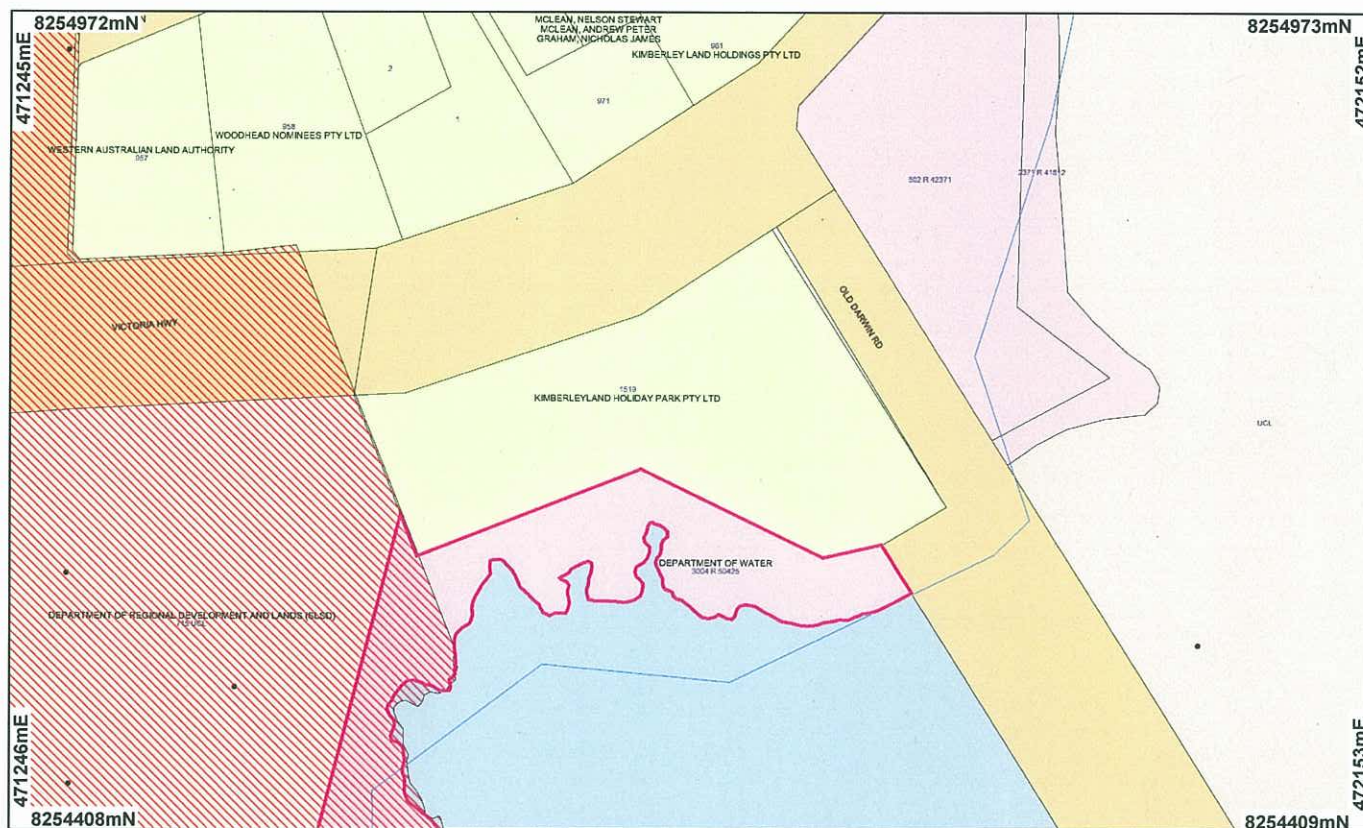


Max Van Weert
Manager, Land & Property Management Branch
Regional Management & Water Information
Department of Water

11 March 2011

CC: David Munday – Regional Manager Kimberley - DOW





LEGEND

Cadastral for labelling - DLI

- ☐ Freehold
- ☐ Crown Reserve
- ☐ State Forest / Timber Reserve
- ☐ Marine Park
- ☐ Crown Lease
- ☐ Lease / Reserve
- ☐ Lease on State Forest / Timber Reserve
- ☐ Public Roads
- ☐ Unallocated Crown Land
- ☐ Water
- ☒ Road Centrelines - Landgate
- ☐ Marine Park
- ☐ Crown Lease
- ☐ Lease / Reserve
- ☐ Lease on State Forest / Timber Reserve
- ☐ Public Roads
- ☐ Unallocated Crown Land
- ☐ Water
- ☒ Rivers, DoW
- ☒ WIN Sites - All Sites
- ☒ DEC Managed Lands and Waters
- ☒ landcomp_gk_final3_updated_v2 *

Localities - DLI

Cadastral - DLI

- ☐ Freehold
- ☐ Crown Reserve
- ☐ State Forest / Timber Reserve (cont)
- ☐ 5(1)(g) Reserve
- ☐ 5(1)(h) Reserve
- ☐ CALM Exec Body
- ☐ CALM Exec Body Freehold (cont)

- ☐ Conservation Park
- ☐ Former Leasehold
- ☐ Marine Management Area
- ☐ Marine Nature Reserve
- ☐ Marine Park
- ☐ Miscellaneous Reserve
- ☐ National Park
- ☐ Nature Reserve
- ☐ State Forest
- ☐ Timber Reserve

Declared Rare and Priority Flora List - DEC

INTERNAL USE ONLY

- ☐ No Data
- ☐ Priority 1 - Poorly Known Taxa
- ☐ Priority 2 - Poorly Known Taxa
- ☐ Priority 3 - Poorly Known Taxa
- ☐ Priority 4 - Poorly Known Taxa
- ☐ Declared Rare Flora - Extant Taxa (cont)

Declared Rare Flora - Presumed Extinct Taxa

Protection Zones for Public Drinking Water Source Areas - DoW

Public Drinking Water Source Areas (PDWSAs) - DoW

- ☐ Protection Area - Not Assigned
- ☐ Protection Area - P1
- ☐ Protection Area - P2
- ☐ Protection Area - P3



Scale 1:5099

(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

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Prepared for:

Date: 10/03/2011 2:23:24 PM

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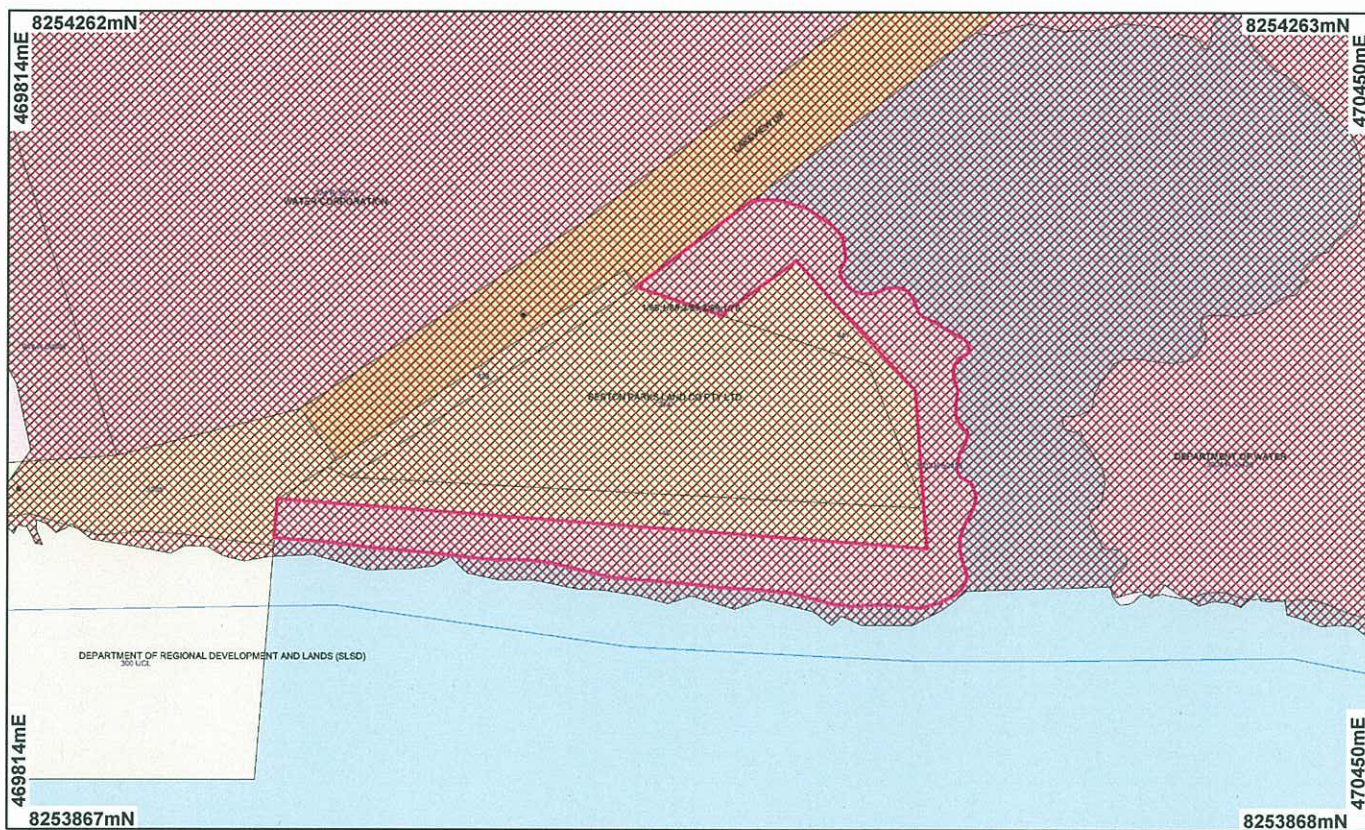
Government of Western Australia
Department of Water

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Kimberleyland Holiday Park lease over portion of Lot 3004





LEGEND

Cadastral for labelling - DLI

- Freehold
- Crown Reserve
- State Forest / Timber Reserve
- Marine Park
- Crown Lease
- Lease / Reserve
- Lease on State Forest / Timber Reserve
- Public Roads
- Unallocated Crown Land
- Water

Road Centrelines - Landgate

Localities - DLI

Cadastral - DLI

- Freehold
- Crown Reserve
- State Forest / Timber Reserve
- Marine Park
- Crown Lease
- Lease / Reserve
- Lease on State Forest / Timber Reserve (cont)

- Public Roads
- Unallocated Crown Land
- Water

Rivers, DoW

WIN Sites - All Sites

Protection Zones for Public Drinking Water Source Areas - DoW

Public Drinking Water Source Areas (PDWSAs) - DoW

- Protection Area - Not Assigned
- Protection Area - P1
- Protection Area - P2
- Protection Area - P3



Scale 1:3577

(Approximate when reproduced at A4)

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Prepared for:
Date: 10/03/2011 2:25:05 PM

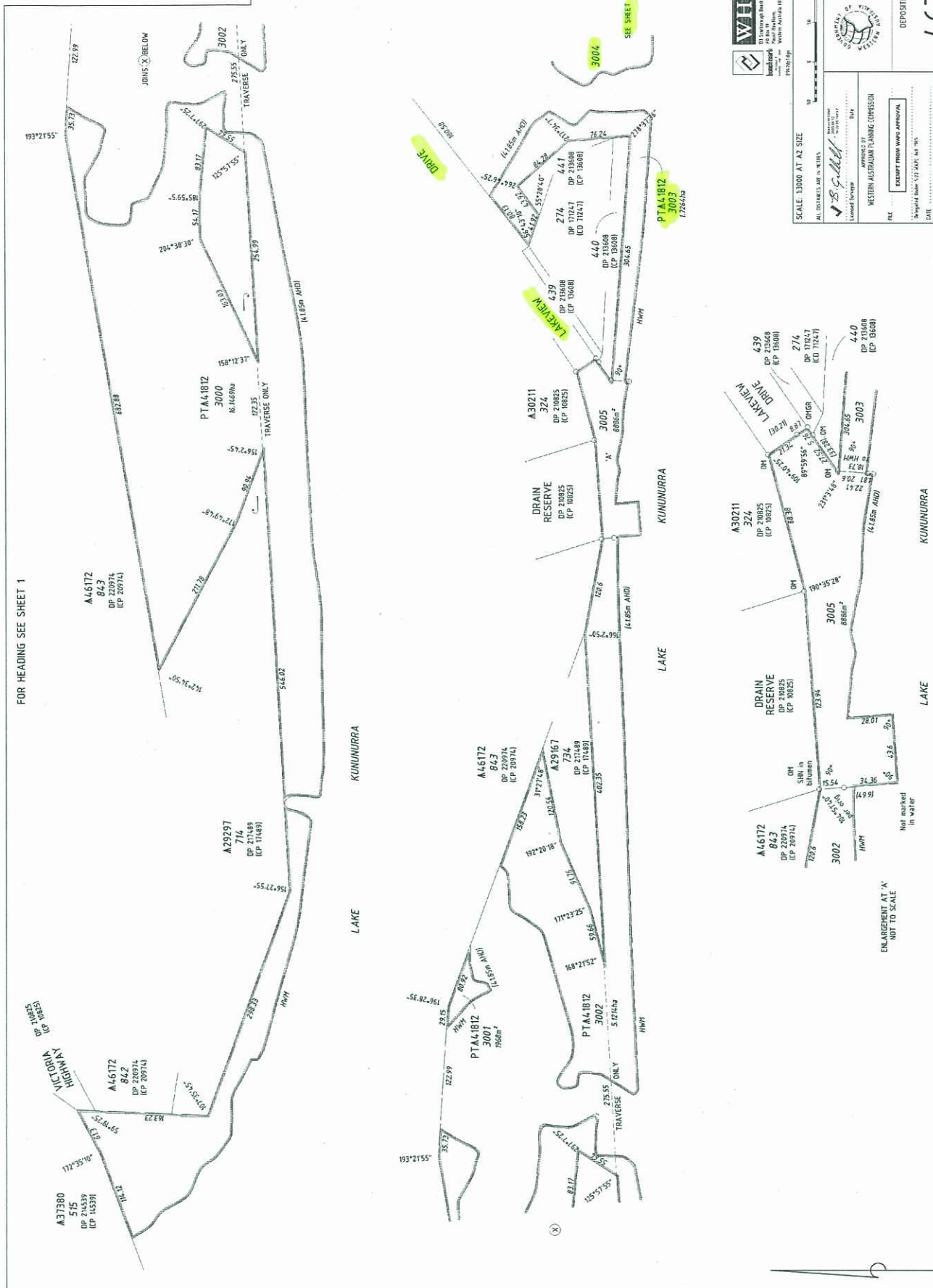
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Department of Water

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[illegible]

ALL DIMENSIONS ARE ORIGINAL EXCEPT THOSE THAT DEFINE LOT 3005.



Our Ref: I-6966: PR.02.2
Your Ref: WT3437 & WT3434
Enquiries: **Jennifer Ninyette**

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

20 September 2011

Max Van Weert
Department of water
PO Box K822
Perth WA 6743

Dear Max,

RESERVE NO. 50425 COMPRISING LOTS 3003 & 3004 ON DEPOSITED PLAN 46759 – LAKEVIEW DRIVE AND OLD DARWIN ROAD – KUNUNURRA – PROPOSED NEW LEASING ARRANGEMENTS.

Thank you for your letter dated 11 March 2011. I apologise for the Shire's delayed response.

Council recently considered and discussed the proposal to directly lease Lots 3003 and 3004 and responded with a need to:

- Seek legal advice as to the implications of foreshore and bank maintenance, for both lessee(s) and lessor(s).
- Clarify the appropriate percentage of the market value that can be applied to the caravan park leases.
- Refer a draft lease to Regional Development and Lands for comment and advice on proposed development provisions, including a 10m setback and rental amounts.
- Obtain a financial cost estimate for the remediation of current foreshore bank erosion.

As a result, the Shire requests further time to obtain the above information and present it in a formal report to Council.

If you require further information, please contact Jennifer Ninyette on (08) 9168 4176 or email Jennifer.Ninyette@swek.wa.gov.au.

Yours Sincerely

Nick Kearns
Director development Services



Your Ref: I-6966:PR.02.2
Our Ref: WT6859, RF12687 & RF8645
Enquiries: Susie Williams (9166 4103)

11 9 AUG 2014
PR.02.2
I-24762

Gary Gaffney
Chief Executive Officer
Shire of Wyndham East Kimberley
PO Box 614
KUNUNURRA WA 6743

Attention: Jennifer Ninnette

13th August 2014

Dear Gary

RESERVE NO. 50425 - LOTS 3003 AND 3004 ON DEPOSITED PLAN 46759 – OLD DARWIN ROAD – KUNUNURRA – PROPOSED TRANSFER OF PORTION OF LOT 3004, RESERVE 50425, NEW MANAGEMENT ORDER AND FUTURE LEASING ARRANGEMENTS

The Department of Water (DoW) wrote to SWEK on the 11th March 2011 offering leases over the two foreshore lease areas of Reserve 50425. SWEK responded on the 20th September 2011 (Your ref I-6966:PR.02.0) requesting further time to obtain legal advice and information to present an option to Council.

As you may already be aware, the leases over Reserve 50425 (bordered blue - attached), Lot 3003 Lakeview Drive (Discovery Holiday Park) and Lot 3004 Old Darwin Road (Kimberleyland Holiday Park) expired on 31st December 2012. The current lessees are in holdover of the expired leases, as such they are continuing to operate legally under the original terms and conditions until new leases are developed.

Subject to Department of Lands (DoL) approval, DoW would like to offer SWEK an opportunity to take on management of part of foreshore reserve 50425 (Portion of Lot 3004, bordered green - attached) in front of and adjacent to Kimberleyland Holiday Park, outside of the Priority 1 Public Drinking Water Source Area PDWSA (diagonally lined red - attached), with a view to leasing the portion adjacent to the caravan park, to the caravan park operator, at market value. The aim would be to split off/excise the portion of Lot 3004 of Reserve 50425, to either amalgamate it with Reserve 41812, adjoining currently managed land by SWEK or to create a new reserve and hand over management of the land to SWEK. The DoW no longer require management of this land and foreshore caravan park lease, as it is outside of the Priority 1 Public Drinking Water Source Area PDWSA for the Kununurra drinking water supply.

The DoW plans to retain the management of the lease with Discovery Holiday Park (Lot 3003), given its location in the water source protection area, so the offer of a lease/excision of land does not apply to Lot 3003 at this stage. We will be progressing negotiations for a new lease over Lot 3003 (Discovery Holiday Park) and would value the Shire's involvement in this process to ensure consistency with the other caravans parks, where practical.

We are seeking a response from SWEK on this matter as the DoW are keen to progress this proposal. Your early response would be appreciated, given the recent renegotiation of other pertinent leases (i.e. Lakeside Resort) and also given the ongoing development application by Kimberleyland for work on the foreshore lease area.

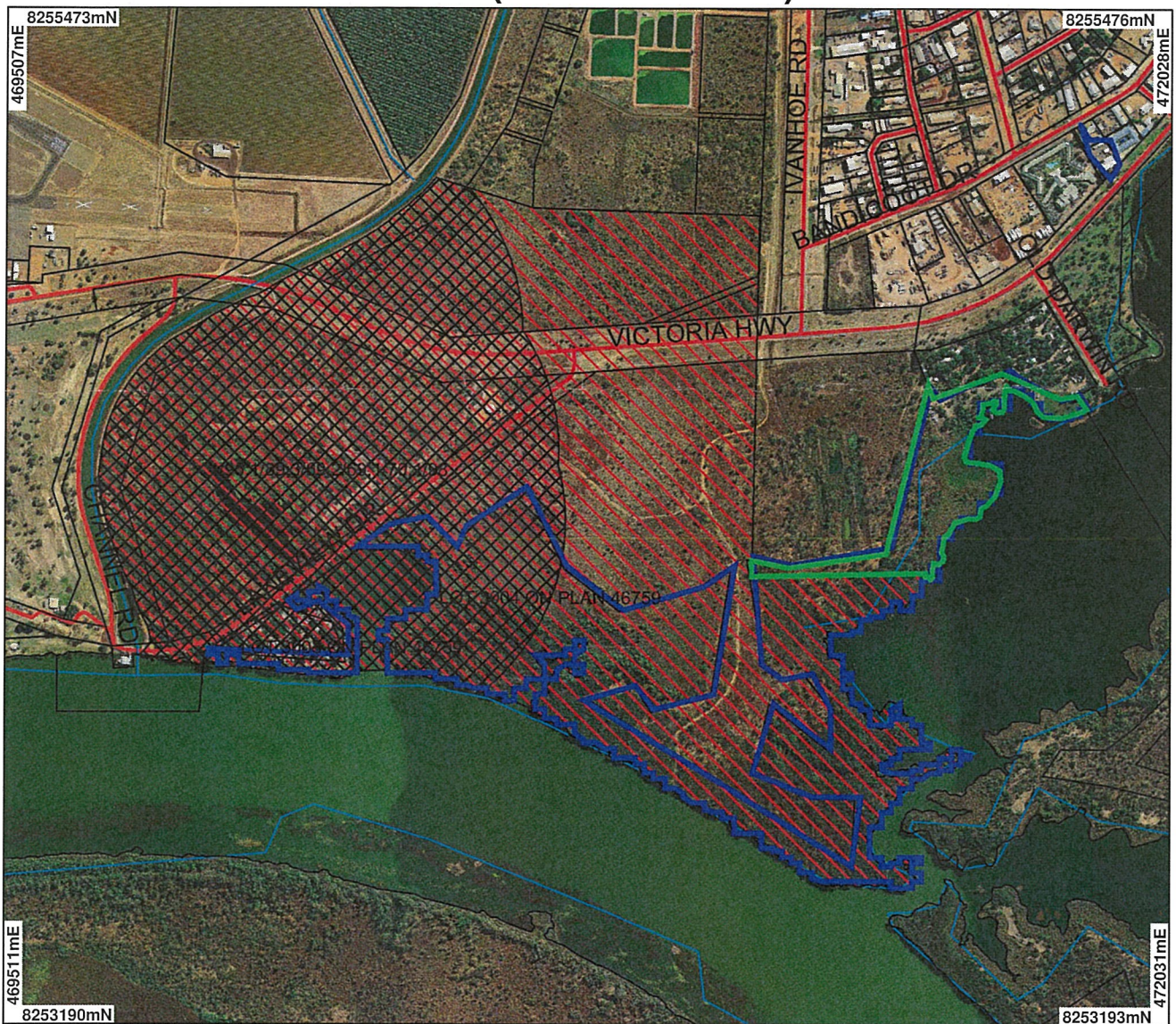
If you have any queries in relation to the above matters, please contact Susie Williams on (08) 9166 4103.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M Costello', followed by a period.

Mark Costello
Manager, Land & Property Management
Corporate Strategy & Reform Division
Department of Water

Portion of Lot 3004 (Reserve 50425) - Aerial Photo



LEGEND

Australian Coastline - Derived

Road Centrelines - Landgate

FW
 HY
 LRO
 LRS
 MR
 Hydrography, linear (hierarchy) - DOW

Public Drinking Water Source Areas (PDWSAs) - DOW

Protection Area - Not Assigned
 Protection Area - P1
 Protection Area - P2
 Protection Area - P3
 --> Image Index

Recently added
 Coverage
 Protection Zones for Public Drinking Water Source Areas - DoW

Cadastre - DLI_1

Freehold
 Crown Reserve
 State Forest / Timber Reserve
 Marine Park
 Crown Lease
 Lease / Reserve
 Lease on State Forest / Timber Reserve
 Public Roads
 Unallocated Crown Land
 Water
 DoW Estate - DOW

0 375 m

Scale 1:14257

(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

Prepared by: Department of Water

Prepared for:

Date: 13/09/2014 10:16:45 AM

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Government of Western Australia
 Department of Water

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Portion of Lot 3004 (Reserve 50425) - Aerial Photo/Zoom



LEGEND

Australian Coastline - Derived

Road Centrelines - Landgate

FW
 HY
 LRO
 LRS
 MR
 Hydrography, linear (hierarchy) - DOW

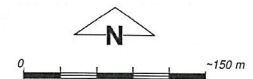
Public Drinking Water Source Areas (PDWSAs) - DOW

Protection Area - Not Assigned
 Protection Area - P1
 Protection Area - P2
 Protection Area - P3
--> Image Index

Recently added
 Coverage
 Protection Zones for Public Drinking Water Source Areas - DoW

Cadastre - DLI_1

Freehold
 Crown Reserve
 State Forest / Timber Reserve
 Marine Park
 Crown Lease
 Lease / Reserve
 Lease on State Forest / Timber Reserve
 Public Roads
 Unallocated Crown Land
 Water



Scale 1:5966

(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

Prepared by: Department of Water

Prepared for:

Date: 13/08/2014 10:18:08 AM

Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.



Government of Western Australia
Department of Water

WA Crown Copyright 2002

* Project Data is denoted by asterisk. This data has not been quality assured. Please contact map author for details.



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

Subject Land – Portion of
Reserve 50425

Friday, 10 October 2014

1:3000



13.3.3 Reserve 24857 – Wyndham Turf Club – Encroachment of Racecourse onto Unallocated Crown Land

DATE:	21/10/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Reserve 24857
AUTHOR:	Jennifer Ninyette, Senior Planning Officer
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	A2001P, LP.06.3
DECLARATION OF INTERESTS:	Nil

PURPOSE

For Council to consider the inclusion of unallocated Crown land into Reserve 24857 to address existing encroachment of the Wyndham racetrack.

BACKGROUND

In a letter received in early January 2013, the Department of Lands (DoL) sought advice from the Shire relating to portions of the Wyndham Turf Club racetrack which encroach upon adjoining unallocated Crown land (UCL), and requested details relating to construction of the racetrack, and whether there had been any approvals, agreements or arrangements for the occupation and use of the subject UCL. A copy of this correspondence, including a tenure plan showing the encroachment is provided at Attachment 1.

Shire Officers investigated this matter, including seeking advice from the Wyndham Historical Society, however were unable to find any definitive information, and were only able to advise the DoL the following:

1. The Shire cannot confirm the date of construction of the racetrack, however believes that it was circa 1957 – 1960, being around the time the reserve was created, however can advise that no other facilities are located on the adjoining UCL
2. The Shire cannot find any records in relation to the construction of the racetrack, and therefore no evidence of approval(s) in relation to the occupation and use of the UCL, however it is considered likely that the encroachment was inadvertent.
3. The Shire is unaware of any agreements/arrangements in place with the Native Title party and/or legal representative, however acknowledges that the encroachment occurred sometime prior to implementation of the *Native Title Act 1993*.

A copy of the Shire's response is provided at Attachment 2.

The Shire has recently received additional correspondence from the Department of Lands advising that this UCL is now subject to the Balanggarra #3 Determination, and requesting that the Shire identify the area of unallocated Crown Land which will be required to be included into Reserve 24857 to address the encroachment. They have advised that this is critical in the consideration of the correct form of tenure and the addressing of native title rights and interests.

DoL have also requested that the Shire indemnify the Minister for Lands in writing against any costs arising from the future act process and that the Shire limit any further works on the UCL to maintenance of existing infrastructure and that any future race meetings beyond 2014 cannot occur until the encroachment and native title issues have been resolved. A copy of this correspondence is provided at Attachment 3.

An aerial photograph with cadastral overlay showing the extent of Reserve 24857 and portion of racetrack encroachment, and recommended expansion area, is provided at Attachment 4.

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 51 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.

Reserve 24857 is set aside for the purpose of "Racecourse", and a management order has been issued to the Shire of Wyndham East Kimberley with the power to lease.

Town Planning Scheme

Both Reserve 24857 and the unallocated Crown land onto which the racetrack encroaches are identified as a Scheme Reserve for the purpose of Parks and Recreation under the Shire of Wyndham East Kimberley - Town Planning Scheme No. 6. Therefore no changes will be required to be made to the Town Planning Scheme.

Native Title Act 1993

The area of encroachment is within a portion of UCL where it has been determined that non-exclusive native title exists. This means that the grant of any form of tenure over the area of encroachment will be considered to be a 'future act', and can only be achieved by either undertaking a notification process to take all rights and interests including native title, or via the development of an Indigenous Land Use Agreement (ILUA) which will not extinguish native title rights and interests.

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

There are likely to be costs involved to include the portion of UCL into the reserve to be borne by the Shire, primarily survey costs.

The future act process is generally undertaken by DoL, however there may be additional costs to the Shire or Wyndham Turf Club if a heritage survey is required or for any benefits associated with an ILUA.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2012-2022

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

Objective 2.1: A highly valuable East Kimberley economy that maximises social benefits

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

COMMUNITY CONSULTATION

No community consultation is required; however Shire Officers will consult with the Wyndham Turf Club regarding this matter, as well as the Balanggarra native title holders.

COMMENT

The process to include additional land into Reserve 24857, will take some time particularly as it will be considered a future act process under the *Native Title Act 1993*.

A resolution of Council to support inclusion of the areas of encroachment into the reserve is required to progress the matter, and ensure future race meetings can be held at the Wyndham racecourse.

It is not envisaged that this process will be finalised before the 2015 race round, however it's hoped that agreement with the Balanggarra Aboriginal Corporation can be reached to allow the races to be held in 2015 while the matter is being addressed.

The lease to the Wyndham Turf Club expired 30 June 2013 and they currently remain as tenant at will. Council has resolved to offer a minimum 10 year lease to the Wyndham Turf Club, however a longer term may be considered subject to a strategic business plan being submitted.

To date the Wyndham Turf Club have not submitted a strategic business plan, however they have met and spoken to Shire Officer's on a number of occasions in relation to developing a plan.

ATTACHMENTS

- Attachment 1 - Initial correspondence from the Department of Lands
- Attachment 2 – Shire response to Department of Lands
- Attachment 3 – Subsequent correspondence from the Department of Lands
- Attachment 4 – Aerial photograph with recommended inclusion area

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council advises the Department of Lands that:

1. The Shire of Wyndham East Kimberley has identified an approximately 13ha area of unallocated Crown land to be included into Reserve 24857 to address the encroachment of the Wyndham Racecourse as depicted on the attached aerial photograph.
2. The Shire of Wyndham East Kimberley indemnifies the Minister for Lands against any costs arising from the future act process.

MOTION

Shire President, Cr John Moulden moves an alternative motion that Council:

1. Advises the Department of Lands that:
 - a) The Shire of Wyndham East Kimberley has identified an approximately 13ha area of unallocated Crown land to be included into Reserve 24857 to address the encroachment of the Wyndham Racecourse as depicted on the attached aerial photograph.
 - b) The Shire of Wyndham East Kimberley indemnifies the Minister for Lands against any costs arising from the future act process.
2. Advises the Wyndham Turf Club that they will be responsible for any costs incurred by the Shire of Wyndham East Kimberley arising from the future act process.

COUNCIL DECISION

Minute No. 10623

Moved: Cr J Moulden

Seconded: Cr B Robinson

That Council:

1. **Advises the Department of Lands that:**
 - a) **The Shire of Wyndham East Kimberley has identified an approximately 13ha area of unallocated Crown land to be included into Reserve 24857 to address the encroachment of the Wyndham Racecourse as depicted on the attached aerial photograph.**
 - b) **The Shire of Wyndham East Kimberley indemnifies the Minister for Lands against any costs arising from the future act process.**
2. **Advises the Wyndham Turf Club that they will be responsible for any costs incurred by the Shire of Wyndham East Kimberley arising from the future act process.**

Carried Unanimously 8/0



02 JAN 2013

~~02 DEC 2012~~

1-16851

Lands Division

Your ref: CP.07.4: TP2198
Our ref: 01515-1895/02 Job No. 121277
Enquiries: Christine Zupan Ph: (08) 6552 4494
Fax: (08) 6552 4415
Christine.zupan@rdl.wa.gov.au

24 December 2012

Shire of Wyndham East Kimberley
PO Box 614
KUNUNURRA WA 6743

Dear Sir/Madam

RESERVE 24857- ENROACHMENT OF RACECOURSE ONTO UCL, WYNDHAM

I refer to your letter dated 2 December 2011 whereby you requested a Section 18 approval of the *Land Administration Act 1997 (LAA)* to renew Lease 24857 to the Wyndham Turf Club.

During a recent site inspection undertaken by this Department, it was noted that portions of the Wyndham Turf Club racetrack encroach upon the adjoining Unallocated Crown Land (UCL). RDL is currently unaware of any authorisation for the use of UCL for this purpose.

For your convenience I have attached a copy of the Smart Plan outlining the structures encroachment onto the adjoining UCL.

In order to continue investigations into this matter, RDL now requests the following information:

- The date of construction of the racetrack and any other facilities located on the UCL;
- What approvals were provided for the occupation and use of the subject UCL; and
- Whether there are any agreements/arrangements in place with the Native title party and/or legal representative.

If you wish to discuss this matter, please do not hesitate to contact me on the details provided.



Government of **Western Australia**
Department of **Regional Development and Lands**

Zupan

Christine Zupan
A/State Lands Officer
STATE LANDS - KIMBERLEY
STATE LAND SERVICES

Encl. (1)

Reserve 24857 Racecourse



R 24857

624

29.936 ha

R 38740

1705

8.3475 ha

R

Scale : 1:4000 (Geographical)
MGA : SW=407156.5E,8285800.4N Zone 52 / NE=407991.4E,8286923.0N Zone 52
Lat/Long : 128°08'03.729", -15°30'12.454" / 128°08'31.902", -15°29'36.031" H 271mm by W 210mm

Printed : 09:22 Mon 10/Dec/2012
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SHIRE of WYNDHAM | EAST KIMBERLEY



PO BOX 614 KUNUNURRA WA 6743

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

Your Ref: 96-2011 Job: 120598
Our Ref: I-17876: LP.06.3: A5540P: TP2641
Enquiries: Jennifer Ninyette

6 May 2013

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

Attention: Leanne Shaw

Dear Leanne,

Lot 624 on DP 168135, "Racecourse" Reserve 24857 – Encroachments onto adjoining UCL, Wyndham Turf Club

I refer to your correspondence dated 29 December 2012, and follow up correspondence dated 3 April 2013, wherein you sought information from the Shire of Wyndham East Kimberley in relation to the abovementioned encroachment of the racetrack at the Wyndham Turf Club onto the adjoining unallocated Crown land (UCL), and apologise for the delay of this response.

Please be advised that the Shire has undertaken a search of our records, however to date has been unsuccessful in uncovering any discerning information.

The Shire's current records include only two building licences issued in relation to the Wyndham Turf Club, one in 1973 for Offices & Storeroom and one in 1981 for an additional Toilet Block. There is no site plan accompanying the 1973 licence, however the licence issued in 1981 included a site plan showing a number of existing facilities at that time including an existing toilet block, administration building, judges box, jockey room and bale. These structures are located within Lot 624 on Deposited Plan 168135, and do not encroach on the UCL.

The Shire of Wyndham East Kimberley Municipal Heritage Inventory shows that the first horse race meet held in Wyndham was in 1886, however, at this time the races were held on marshland around the Three Mile area.

The current racecourse reserve in the Six Mile area was created in November 1957, and anecdotal advice indicates that the current racecourse was established around this time.

The Shire has written to the Wyndham Historical Society to ascertain if they are able to provide any information as to when the racecourse was constructed, and/or whether there has been any alteration to the length and/or alignment of the racecourse since it was established in its current vicinity.

KUNUNURRA

20 COOLIBAH DRIVE

WYNDHAM

KOOLAMA STREET

HOURS

8.00am - 4.00pm
Monday to Friday

SWEK

The Historical Society has recently advised that they have no record of any alterations having been made to the size/shape or location of the Six Mile race track since it was established, and have made several queries around town in this regard but to no avail.

Therefore, given the length of time since the racetrack was likely to have been established and the lack of relevant records, the Shire is unfortunately unable to provide a definitive response in relation to the requested information, however makes the following assertions:

1. The Shire cannot confirm the date of construction of the racetrack, however believes that it was circa 1957 – 1960, being around the time the reserve was created, however can advise that no other facilities are located on the adjoining UCL
2. The Shire cannot find any records in relation to the construction of the racetrack, and therefore no evidence of approval(s) in relation to the occupation and use of the UCL, however it is considered likely that the encroachment was inadvertent.
3. The Shire is unaware of any agreements/arrangements in place with the Native Title party and/or legal representative, however acknowledges that the encroachment occurred sometime prior to implementation of the *Native Title Act 1993*.

Should you require any further information or if there are any issues, please do not hesitate to contact the Shire's Senior Planning Officer on 9168 4100.

Yours sincerely,



Jennifer Ninyette
Senior Planning Officer

Enc. Copy of Correspondence from the Wyndham Historical Society
Extract form the Shire of Wyndham East Kimberley Municipal Heritage Inventory
Copy of Article from the ABC – Dated 15 August 2011

Jennifer Ninyette

From: Wyndham Museum <whs6740@yahoo.com.au>
Sent: Thursday, 14 March 2013 9:44 AM
To: Jennifer Ninyette
Subject: Re: Reserve 24857 - Wyndham Turf Club

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Jennifer, Apologies for my delay in getting back to you about this racecourse query, but have been making enquiries around town and have come up with nothing. The Historical Society has no record that the size/ shape/ location of the track at 6-mile was ever altered and we can't find anyone who can ever remember any changes. As a last resort I have sent a letter to Errol Snow (Ex SWEK - he should know definitively), but haven't received a reply as yet.
Kind Regards,

Chris McLachlan
Secretary
Wyndham Historical Society
PO Box 379
WYNDHAM WA 6740
From: Jennifer Ninyette <Jennifer.Ninyette@swек.wa.gov.au>
To: "whs6740@yahoo.com.au" <whs6740@yahoo.com.au>
Sent: Friday, 8 February 2013 11:49 AM
Subject: Reserve 24857 - Wyndham Turf Club

Hi Chris,

Please find attached letter which will be posted to the Wyndham Historical Society seeking any information you can provide in relation to the establishment of the Wyndham Turf Club racecourse.

The Shire appreciates any information you can provide in relation to this matter.

Regards

Jennifer Ninyette
Senior Planning Officer

SHIRE of WYNDHAM | EAST KIMBERLEY

115 Coolibah Drive, PO Box 614 Kununurra WA 6743 | T: (08) 9168 4176 | F: (08) 9168 1798 | M: 0407 489 419 | www.swek.wa.gov.au

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Our Ref: I-16851: LP.06.3: TP2584
Enquiries: Jennifer Ninnette

8 February 2013

Secretary
Wyndham Historical Society Inc.
PO Box 379
WYNDHAM WA 6740

Attention: Chris McLachlan

Dear Chris,

Reserve 24857 - Encroachment of Racecourse onto UCL, Wyndham Turf Club

The Shire of Wyndham East Kimberley has received correspondence from the Department of Regional Development and Lands (RDL) stating that they have become aware that portion of the Wyndham Turf Club racetrack encroaches upon adjoining unallocated Crown land (UCL), and requesting information as to the date of construction of the racetrack. The attached plan shows the extent of the encroachment highlighted red.

The Shire of Wyndham East Kimberley Municipal Heritage Inventory shows that the first horse race meet held in Wyndham was in 1886, however, I understand that at this time the race track was located around, or closer to, the Three Mile area.

The current racecourse reserve was created in November 1957, so it is likely that the current racecourse was established around this time, however it is possible that alterations to the course may have been made over time.

Therefore, the Shire would appreciate any information the Wyndham Historical Society may be able provide in relation to when the racecourse was constructed, and/or whether there has been any alteration to the length and/or alignment of the racecourse since it was established in its current vicinity.

Should you wish to discuss this matter or require further clarification please the Shire's Senior Planning Officer on 9168 4100.

Yours sincerely,

Jennifer Ninnette
Senior Planning Officer

At the turn of the century some of the Christian Churches sought to bring the Word of God to the Aboriginal people. This led to the establishment of three missions in remote areas of the Kimberley. In 1886 the Anglican Church set up the Forrest River Mission. This was not successful as the founder was speared in an altercation. The mission was abandoned, not to be reopened until 1912. In 1908 the Drysdale River Mission (later called Kalumburu) was established at Pago Pago under the direction of Benedictine Monks. This was followed by the Port George Mission (later known as the Kunmunya Mission) on the west coast in 1916.

In the four years of the gold rush the Wyndham community developed significantly. Prominent social events surrounded the first horse race meet in 1886 and the cricket club which formed in 1887/88. The East Kimberley Road Board District, established in 1887, had its first election in 1888. The hospital in the region was built in 1894. In 1908 the parents of children in Wyndham must have rejoiced at the opening of the school. Despite these improvements, living in the Kimberley was still a harsh experience. This was particularly emphasised by the high infant mortality rate in the region at that time

The many untimely deaths that occurred, owing to remoteness and lack of medical facilities, are recorded in the cemeteries and lonely graves dotted throughout the Wyndham - East Kimberley district. The Afghan Cemetery east of Wyndham reflects the number of cameleers who travelled throughout the district. The Bend and Gully Cemeteries hold the graves of pioneers as well as men who died in the process of constructing the meatworks from 1913-1918.

The decision by the State Government to build the Wyndham Meatworks was vital to the future development of the town. It recognised the importance of the pastoral industry and became a significant cog in the economic growth of the Wyndham Road Board District.

15 August, 2011 12:21PM AWST

The Wyndham Cup - celebrating more than a century of racing

By Tamara Binamat

On a fine day of 32 degrees with a breeze rolling in carrying the smell of horses and hay, the Wyndham Turf Club celebrated 125 years of racing.

The Wyndham Cup has come a long way since its humble beginnings in 1886, when the race day was organised as a social event for the local station workers.

Secretary of the Wyndham Turf Club, Mrs Margaret Woodland, says a lot has changed since then.

"It was just a casual race meeting of station people back then with no-where near the facilities we have now" she said. "There was no starting gate, just a jump start where you hold a flag and say 'go!'"

This year, 1000 racegoers turned up for the event with a focus on fashion, fillies and fun.

Alma Petherick was born in Wyndham and lived most of her life in the region. She remembers the days when only a couple hundred people would make it to Wyndham's event of the year.

"Well as a child the race course used to be down on the marsh which is sort of behind where the oval is now. "I remember it was the late '50's, early '60's that it moved to the location where it is now. "In those days you only got a couple of hundred people here and it was mainly made up of the townspeople."

The winning title went to 'Muggadi' whose owners, BJ Clohessy and Tayarn Halter, were presented their trophy by the Minister of Racing and Gaming, the Hon Terry Waldron.

Muggadi was trained by Tayarn Halter and ridden by Kacie Adams from New South Wales.

After a pleasant day out at the races, around 650 people kicked on at the evening ball to popular country music artists Adam Harvey and Beccy Cole.



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09 JUL 2014

LP.06-3
1-23927

Your ref: I-17876:LP.06.3:A5540P:TP2641

Our ref: 01515-1895/02, Prompt # 121277

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

**RESERVE 24857 – ENCROACHMENT OF RACE COURSE ONTO UCL,
WYNDHAM – SHIRE OF WYNDHAM-EAST KIMBERLEY**

In December 2011 the Shire contacted the Department of Lands regarding the renewal of a number of leases to community groups on Shire managed Reserves. The Wyndham Turf Club on Reserve 24857, was one of these. In the process of investigating the renewal it was identified that the race course extended beyond the actual boundary of the Reserve and was encroaching onto the adjoining unallocated unnumbered Crown Land (UCL), as shown on the attached Smartplan (indicative only).

In-principle approval was provided for the lease renewal 1 June 2012, included in the letter was advice relating to the encroachment and the potential native title claim over the area. Advice was sought from you in December 2012 regarding the construction of the race course, which was not answered until March 2013.

The UCL is now subject to Balanggarra #3 Determination WAD6004/2000, with the registered representative now being Balanggarra Aboriginal Corporation RNTBC.

The Department of Lands (Lands) is requesting the Shire identify the area of UCL which would be required to address the encroachment, as this information will be critical in the consideration of the correct form of tenure and the addressing of Native Title rights and interests.

Lands also requests, an indemnity from the Shire to the Minister for Lands in writing, against any costs arising from the future act process and that the Shire limit any further works on the UCL to maintenance of existing infrastructure. Finally Lands advises that any future race meetings beyond 2014 cannot occur until the encroachment and native title issues have been resolved.

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

Yours sincerely

Carolyn Gasmier
STATE LANDS OFFICER
Kimberley – Kununurra
8 July 2014

Wyndham Race Course

UCL
393.94 ha

UCL
50.153 ha

R 24857

624

29.936 ha

R 38740

1705

8.3475 ha

R 24857

1716

10.132 ha

R 26051

915

4.0059 ha

R 36818

1693

8.4445 ha

UCL
37.038 ha

UCL
221.72 ha

Scale : 1:9196 (Geographical)
MGA : SW=406764.1E,8285265.6N Zone 52 / NE=408683.5E,8287846.2N Zone 52
Lat/Long : 128°07'50.487", -15°30'29.807" / 128°08'55.250", -15°29'06.078" H 271mm by W 210mm

Printed : 16:10 Mon 7/Jul/2014
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Attachment 4 – Aerial photograph with cadastral overlay



13.4 CHIEF EXECUTIVE OFFICER

13.4.1 Delegated Authority Report (Building and Planning)

DATE:	21/10/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Monika Tonkin, Executive Assistant
REPORTING OFFICER:	Kevin Hannagan, Acting CEO
FILE NO:	N/A
DECLARATION OF INTERESTS:	N/A

PURPOSE

To report to Council on the use of Delegated Authority (Building and Planning) by officers for the period 1 - 30 September 2014.

BACKGROUND

Use of Delegated Authority (Building and Planning) by officers is reported to the Council on a monthly basis.

The attached tables outline use of Delegated Authority (Building and Planning) 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.

At least once every financial year, delegations made under this Division are to be reviewed by the delegator.

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

Not required for this item.

COMMENT

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

ATTACHMENTS

Attachment 1 - Delegated Authority Report (Building)
Attachment 2 – Delegated Authority Report (Planning)

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council accepts the Delegated Authority Report (Building and Planning) for the period 1 – 30 September 2014.

COUNCIL DECISION

Minute No. 10624

Moved: S Cooke

Seconded: Cr B Robinson

That Council accepts the Delegated Authority Report (Building and Planning) for the period 1 – 30 September 2014.

Carried Unanimously 8/0

Attachment: Delegated Authority Report

**CERTIFICATE OF DESIGN COMPLIANCE (Form BA03) ISSUED AS THE CERTIFIER FOR THE PERMIT ISSUING
AUTHORITY – 01 to 30 September 2014**

APPLIC NO	DATE APPLIC RECVD	DATE ISSUED	ASSESS NO.	CERT No	LOCATION	DESCRIPTION
101483	2/09/2014	8/09/2014	A1091P	BA6983	Kimberleyland Holiday Park Site 534 Lot 1519 Victoria Highway Kununurra	Class 10A carport over caravan
101458	3/09/2014	9/09/2014	A7569P	BA6988	Lot 2258 (14) Carpentaria Street, Kununurra	Class 10A & Class 10B - Generator Enclosure, Fuel Installations & Tropical Roof and Retaining Wall (less than 450mm in height)
101437	7/07/2014	14/07/2014	A7498P	BA6991	Lot 37 (8) Bella Lane Kununurra	Class 1A Dwelling with attached Class 10A Carport & Outdoor Living
101496	12/09/2014	16/09/2014	A7163P	BA7005	Kingston Rest Loc 338 Great Northern Highway, Via Wyndham	Class 10A Carport
101505	23/09/2014	30/09/2014	A3279P	BA7050	Lot 42, Loc 437F, Weaber Plain Road, Kununurra	Class 10B Pool, fencing and Shade Sails
101478	28/08/2014	30/09/2014	A7751P	BA7053	Lot 384 Packsaddle Road Kununurra	Class 10A Garage - 2 open Carport Bays and 1 Lock-up Bay in same structure

BUILDING PERMITS (Form BA04) ISSUED AS THE PERMIT ISSUING AUTHORITY – 01 to 30 September 2014

LIC#	DATE RECEIVED	DATE LICENCED	OWNER	BUILDER	LOCATION	DESCRIPTION	NEW/ ADD	EST. VALUE	COMMENT / PROCESSING TIME - WORKING DAYS
BAC 085/ 2014	2/09/2014	8/09/2014	Kimberleyland Holiday Park Pty Ltd	Carol Murray & Rudy Elzer	"Kimberleyland Holiday Park" Bay 42 Lot 1519 Victoria Highway Kununurra	Existing Class 10A tropical roof over caravan	EXIST	\$ 8,000.00	3/10 assess days
086/ 2014	2/09/2014	8/09/2014	Kimberleyland Holiday Park	Dorothy Mayes	Kimberleyland Holiday Park Site 534 Lot 1519 Victoria Highway Kununurra	Class 10A carport over caravan	New	\$ 7,000.00	3/25 assess days
087/ 2014	3/09/2014	9/09/2014	Ord Irrigation Co-operative Ltd	Ord Irrigation Co-operative Ltd	Lot 50 (2258F) (14) Carpentaria Street, Kununurra	Class 10A & Class 10B - Generator Enclosure, Fuel Installations & Tropical Roof and Retaining Wall (less than 450mm in height)	New	\$ 80,000.00	3/25 assess days
088/ 2014	7/07/2014	10/09/2014	Jens Pech	Jens Pech	Lot 37 (8) Bella Lane Kununurra	Class 1A Dwelling with attached Class 10A Carport & Outdoor Living	New	\$ 240,000.00	4/25 assess days + 38//21 Pending + 2/25 assess days
089/ 2014	12/09/2014	16/09/2014	Tropical Forestry Services	Hamish Sutherland	Kingston Rest Loc 338 Great Northern Highway, Via Wyndham	Class 10A Carport	New	\$ 19,960.00	1/25 assess days

060/ 2014	25/06/2014	22/09/2014	MG Corporation	MGC Building and Maintenance Pty Ltd	Lot 108 (6) Kentia Way Kununurra	Class 7B storage shed with ablution (non air conditioned)	New	\$ 130,000.00	61/21 pending days + 2/10 assess days
090/ 2014	23/09/2014	24/09/2014	Shire of Wyndham - East Kimberley	East Kimberley Constructions	Lot 1014 Weaver Plain Road Kununurra	Class 7B Shed with Class 5 Office Ablution 16 x10 x 3.9	New	\$ 249,810.00	1/10 assess days
091/ 2014	23/09/2014	26/09/2014	Shire of Wyndham - East Kimberley	East Kimberley Constructions	Lot 350 Crossing Falls Road Kununurra	Class 7B Shed with Class 5 Office Ablution 16 x10 x 3.9	New	\$ 249,810.00	2/10 assess days
092/ 2014	25/09/2014	26/09/2014	APT Wilderness Camp Lease / Aboriginal Lands Trust	Tjallara Building Company	APT Mitchell Falls Wilderness Camp Doongan Location 25, Mitchell Plateau via Wyndham	Class 6 Alfresco Deck and Kitchen	New	\$ 500,000.00	1/10 assess days
093/ 2014	23/09/2014	30/09/2014	Susan Williams & Mark Phillips	Susan Williams & Mark Phillips	Lot 42, Loc 437F, Weaver Plain Road, Kununurra	Class 10B Pool, fencing and Shade Sails	New	\$ 35,000.00	3/25 assess days
094/ 2014	28/08/2014	30/09/2014	TFS Properties Ltd	Red Rust Contracting Pty Ltd	Lot 384 Packsaddle Road Kununurra	Class 10A Garage - 2 open Carport Bays and 1 Lock-up Bay in same structure	New	\$30,000.00	3 + 1 /25 assess days + 17/21 pending days

DEMOLITION PERMITS (Form BA06) ISSUED AS THE PERMIT ISSUING AUTHORITY – 01 to 30 September 2014

DEMO LIC#	DATE APPLIC RECVD	DATE LICENCED	ASSESS NO.	BA RECORD	OWNER	BUILDER/ DEMOLITION CONTRACTOR	DEMO CLASS (1, 2 or 3)	WAD CLASS/ LIC NO	LOCATION	DESCRIPTION
DP007/ 2014	28/08/2014	3/09/2014	A2558P	BA6971	Oombulgurri Association Incorporated / Aboriginal Lands Trust / Department of Housing	McMahon Services Australia Pty Ltd	CLASS 1	WAD 75	LOC 1, 2 & 3 FORREST RIVER "Oombulgurri Community" Via Wyndham	Class 1A and Class 10A - Full Demolition of 51 Residential & ancillary structures including Power Station, Water Tanks and Barge Landing
DP008/ 2014	17/09/2014	22/09/2014	A6022P	BA7014	P & N Cavanagh	P and M Mining and Civil Maintenance	WARA	WARA 1434	Lot 101 (12) O'Donnell Street Wyndham	Partial Demolition - Asbestos Removal
DP009/ 2014	25/09/2014	30/09/2014	A7076P	BA7052	Kitmyth Pty Ltd	Peter Harvey	WARA	WARA 267	Lot 206 (11) MESSMATE WAY, KUNUNURRA WA 6743	Partial Demolition - Asbestos Removal from circa 1960's transportable staff quarters

BUILDING APPROVAL CERTIFICATES (Form BA14) ISSUED AS THE CERTIFIER FOR THE PERMIT ISSUING AUTHORITY – 01 to 30 September 2014

APPLIC NO	DATE ISSUED	ASSESS NO.	CERT No	LOCATION	DESCRIPTION
101482	8/09/2014	A1091P	BA6982	"Kimberleyland Holiday Park" Bay 42 Lot 1519 Victoria Highway Kununurra	Existing Class 10A tropical roof over caravan

CERTIFICATES OF BUILDING COMPLIANCE (Form BA18) ISSUED AS THE CERTIFIER FOR THE PERMIT ISSUING AUTHORITY

– 01 to 30 September 2014

APPLIC NO	DATE ISSUED	ASSESS NO.	CERT No	LOCATION	DESCRIPTION
101482	8/09/2014	A1091P	BA6981	"Kimberleyland Holiday Park" Bay 42 Lot 1519 Victoria Highway Kununurra	Existing Class 10A tropical roof over caravan

EXTENSIONS OF TIME TO BUILDING OR DEMOLITION PERMITS – 01 to 30 September 2014

APPLIC NO	ASSESS NO.	BUILDING PERMIT NO.	ORIGINAL DATE OF PERMIT ISSUED	EXTENSION OF TIME GRANTED TO:	OWNER	BUILDER	LOCATION	DESCRIPTION	COMMENTS
100758	A91P	105/2012	15/10/2012	31/05/2015	Barry & Judith Fairclough	Barry & Judith Fairclough	King Loc 211 Riverfarm Road Kununurra	Class 10A Garage	Works substantially commenced.

THERE WAS NO REPORTABLE ACTIVITY FOR THE PERIOD – 01 to 30 September 2014 for the following:

- AMENDMENTS TO EXISTING BUILDING PERMIT (Form BA04)
- OCCUPANCY PERMITS (Form BA10)
- OCCUPANCY PERMITS – STRATA (BA12)
- BUILDING APPROVAL CERTIFICATES – STRATA (Form BA16)
- CERTIFICATES OF CONSTRUCTION COMPLIANCE (Form BA17)
- FORMAL NOTICE / BUILDING ORDER – pursuant to Building Act 2011
- SIGN LICENCES

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

- BUILDING PERMITS (BA04)
- DEMOLITION PERMITS (BA06)
- OCCUPANCY PERMITS (Form BA10) OCCUPANCY PERMITS – STRATA (BA12)
- BUILDING APPROVAL CERTIFICATES (BA14)
- BUILDING APPROVAL CERTIFICATES – STRATA (Form BA16)

PLANNING DELEGATED AUTHORITY APPROVALS - 1 - 30 September 2014

Application / Delegation Number	Approval Type	Date Received	Owner	Address	Proposed Development	Assess't Number	Approval Date	Approved By
DA27/14	P	28/04/2014	Robert Boshammer	Lot 1519 Victoria Highway, Kununurra	Proposed - New reception with café and managers residence. New camp kitchen with two toilets at rear.	1091	5/09/2014	Approved Louise Gee
DA73/14	P	15/08/2014	Laref Pty Ltd	Lot 227, 5 Messmate Way, Kununurra	Store room extension to Roadhouse	1550	26/09/2014	Approved by Louise Gee
DA75/14	P	18/08/2014	R J Hextall & Rexdale Investments Pty Ltd	Lot 641, 20 Messmate Way, Kununurra	5 X external facade signage	1145	22/09/2014	Approved by Louise Gee
DA76/14	P	19/08/2014	Ralph and Sarah Searle	Lot 1099, 27 Poinciana St, Kununurra	Extension to House	1168	22/09/2014	Approved by Louise Gee
DA81/14	P	27/08/2014	Brock & Charmaine Dawe	Lot 576 Packsaddle Road, Kununurra	Proposed Single Dwelling	7904	26/09/2014	Approved by Louise Gee
DA82/14	P	1/09/2014	Ingle Pty Ltd	Lot 2263 Casuarina Way, Kununurra	Proposed Relocation of Shade Structure	1736	22/09/2014	Approved by Louise Gee
DA83/14	P	3/09/2014	Lone Eagle WA Pty Ltd	Lot 314/315 Cyril Kleining Drive, Kununurra	Proposed Hangar/Storage	7160	22/09/2014	Approved by Louise Gee
DA84/14	P	8/09/2014	Neville William Pinney	Lot 2231 Boobialla Way, Kununurra	Proposed Patio/Verandah	907	22/09/2014	Approved by Louise Gee
DA85/14	P	9/09/2014	Craig & Sam Jolly	Lot 147 Whimbrel Rd, Kununurra	Proposed New House & Shed	6033	26/09/2014	Approved by Louise Gee
DA88/14	P	11/09/2014	Tom Kahl	Lot 114 Berkley Crescent, Kununurra	Proposed - Lean to or front of existing shed	7347	26/09/2014	Approved by Louise Gee

13.4.2 2015 Ordinary Council Meetings

DATE:	21/10/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Debbie McCallum, Governance Officer
REPORTING OFFICER:	Kevin Hannagan , Acting CEO
FILE NO:	N/A
DECLARATION OF INTERESTS:	Nil

PURPOSE

For Council to accept Ordinary Council Meeting dates, times and locations for 2015.

BACKGROUND

In 2003 Councillors indicated a preference for monthly meetings at a regular time and resolved at the August 2003 Council Meeting to change the meeting venue ratio from one Kununurra and one at another location to two Kununurra and one at another location. Over the past three years, Council has adopted meeting dates which reflect the decision to hold Ordinary Council Meetings on a venue ratio of two Kununurra and one in Wyndham.

STATUTORY IMPLICATIONS

In accordance with the *Local Government Act 1995*:

5.3. Ordinary and special council meetings

- (1) *A Council is to hold Ordinary Meetings and may hold special meetings*
- (2) *Ordinary meetings are to be held not more than three months apart.*

5.5. Convening council meetings

- (1) *The CEO is to convene an ordinary meeting by giving each Council member at least 72 hours notice of the date, time and place of the meeting and an agenda for the meeting*

In accordance with the *Local Government (Administration) Regulations 1996, Section 2*:

12 Meetings, public notice of

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*
 - (a) *the ordinary council meetings;**are to be held in the next 12 months.*

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 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 1.4.2: Improve the efficiency and productivity of Shire services

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

The ability to provide prompt, informed decisions and customer service implications are the key issues that need to be considered by the Council when setting meeting dates and venues. While the proposed spacing of meetings means that there could potentially be a six week wait to obtain a Council decision, this scenario has been lessened due to the additional delegated authority to Officers on more routine matters and urgent matters can be considered faster if deemed necessary via Special Meetings.

Considering that all nine Councillors reside in Kununurra, it is proposed that all Council briefing sessions will all occur in Kununurra and that Council continue to operate with Ordinary Council Meetings being held in Kununurra on 8 occasions and Wyndham on 4 occasions.

The proposed schedule has taken into consideration events Easter (3-6 April), Ord Valley Muster (15-24 May 2015) and Local Government Week (generally around the first week in August). Further to this, the proposed schedule has allowed reasonable time (at least two weeks) between meetings to provide Officers the opportunity to prepare Council reports.

Council Meeting dates and Briefing Sessions are proposed as follows. All Council meetings and Briefings will commence at 5.00pm:

Month	Briefing Session	Ordinary Council Meeting	Location of OCM
January	No briefing	27 January	Kununurra
February	10 February	24 February	Wyndham
March	10 March	24 March	Kununurra
April	14 April	28 April	Kununurra
May	12 May	26 May	Wyndham
June	9 June	23 June	Kununurra
July	14 July	28 July	Kununurra
August	11 August	25 August	Wyndham
September	8 September	22 September	Kununurra
October	13 October	27 October	Kununurra
November	10 November	24 November	Wyndham
December	1 December	15 December	Kununurra

ATTACHMENTS

Attachment 1 - 2015 Calendar

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

1. That Council accepts the following dates, time and locations for 2015 Ordinary Council Meetings:

27 January - Kununurra, commencing at 5pm
24 February - Wyndham, commencing at 5pm
24 March - Kununurra, commencing at 5pm
28 April - Kununurra, commencing at 5pm
26 May - Wyndham, commencing at 5pm
23 June - Kununurra, commencing at 5pm
28 July - Kununurra, commencing at 5pm
25 August - Wyndham, commencing at 5pm
22 September – Kununurra, commencing at 5pm
27 October – Kununurra, commencing at 5pm
24 November – Wyndham, commencing at 5pm
15 December – Kununurra, commencing at 5pm

2. That Council authorises the Chief Executive Officer to give public notice, by way of advertising of the accepted meeting dates, times and place of meeting.

COUNCIL DECISION

Minute No. 10625

Moved: S Cooke

Seconded: Cr R Dessert

1. That Council accepts the following dates, time and locations for 2015 Ordinary Council Meetings:

27 January - Kununurra, commencing at 5pm
24 February - Wyndham, commencing at 5pm
24 March - Kununurra, commencing at 5pm
28 April - Kununurra, commencing at 5pm
26 May - Wyndham, commencing at 5pm
23 June - Kununurra, commencing at 5pm
28 July - Kununurra, commencing at 5pm
25 August - Wyndham, commencing at 5pm
22 September – Kununurra, commencing at 5pm
27 October – Kununurra, commencing at 5pm
24 November – Wyndham, commencing at 5pm
15 December – Kununurra, commencing at 5pm

2. That Council authorises the Chief Executive Officer to give public notice, by way of advertising of the accepted meeting dates, times and place of meeting.

Carried Unanimously 8/0

2015 Calendar

 Briefing

 OCM

January							February							March						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3	1	2	3	4	5	6	7	1	2	3	4	5	6	7
4	5	6	7	8	9	10	8	9	10	11	12	13	14	8	9	10	11	12	13	14
11	12	13	14	15	16	17	15	16	17	18	19	20	21	15	16	17	18	19	20	21
18	19	20	21	22	23	24	22	23	24	25	26	27	28	22	23	24	25	26	27	28
25	26	27	28	29	30	31								29	30	31				

April							May							June						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4						1	2		1	2	3	4	5	6
5	6	7	8	9	10	11	3	4	5	6	7	8	9	7	8	9	10	11	12	13
12	13	14	15	16	17	18	10	11	12	13	14	15	16	14	15	16	17	18	19	20
19	20	21	22	23	24	25	17	18	19	20	21	22	23	21	22	23	24	25	26	27
26	27	28	29	30			24	25	26	27	28	29	30	28	29	30				
							31													

July							August							September						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4							1			1	2	3	4	5
5	6	7	8	9	10	11	2	3	4	5	6	7	8	6	7	8	9	10	11	12
12	13	14	15	16	17	18	9	10	11	12	13	14	15	13	14	15	16	17	18	19
19	20	21	22	23	24	25	16	17	18	19	20	21	22	20	21	22	23	24	25	26
26	27	28	29	30	31		23	24	25	26	27	28	29	27	28	29	30			
							30	31												

October							November							December						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3	1	2	3	4	5	6	7			1	2	3	4	5
4	5	6	7	8	9	10	8	9	10	11	12	13	14	6	7	8	9	10	11	12
11	12	13	14	15	16	17	15	16	17	18	19	20	21	13	14	15	16	17	18	19
18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26
25	26	27	28	29	30	31	29	30						27	28	29	30	31		

13.4.3 CEO Recruitment Process

DATE:	21 October 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Kevin Hannagan, Acting Chief Executive Officer
REPORTING OFFICER:	Kevin Hannagan, Acting Chief Executive Officer
FILE NO:	N/A
DECLARATION OF INTERESTS:	The author and reporting officer acknowledges a conflict of interest in this report as he may be an applicant for the position.

PURPOSE

This report recommends the process to appoint a new Chief Executive Officer, in accordance with the Local Government Act 1995.

BACKGROUND

At the request of the President the Acting Chief Executive Officer has sought advice from the Western Australian Local Government Association (WALGA) on the Chief Executive Officer recruitment process.

Councillors have also been provided with a copy of the Department of Local Government and Communities, "Appointing a CEO, Local Government Operation Guidelines – Number 10 Revised August 2012".

FINANCIAL IMPLICATIONS

Expenditure for this matter, including the appointment of a well-qualified recruitment consultant, will be completed in accordance with the Shires Purchasing Policy CP/FIN-3204.

The Shire does not have a budget for the recruitment process of a new Chief Executive Officer. The Shire's 2014/15 Adopted Budget will need to be amended in the mid-year budget review process to allow for this unbudgeted expense.

STATUTORY IMPLICATIONS

Section 5.36(2) (a) and (b) of the Local Government Act provides that a local government is not to employ a person to fill the position of CEO unless council believes that person is suitably qualified for the position and is satisfied with the provisions of the proposed employment contract.

Section 5.40 requires that all employees are to be selected in accordance with the principles of merit and equity.

In addition to the above, the Local Government (Administration) Regulations 18A, 18B, 18C, 18F and 19A also apply. Primary among these regulations is Regulation 18C which requires that "a local government is to approve a process for the selection and appointment of a CEO for the local government before the position of the CEO is advertised".

Section 5.36 of the Local Government Act leads to Regulation 18A of the Local Government (Administration) Regulations, which prescribes three recruitment options:

- (i) Regulation 18A (1) - that the position of CEO be advertised state-wide; or
- (ii) Regulation 18A (1)(a) - that advertising is not required if the position is to be filled by a person who is, and will continue to be, employed by another local government; or
- (iii) Regulation 18A (1)(b) – that advertising is not required if a person will be acting in the position for a term not exceeding one year.

Given Council will be seeking the appointment of a new permanent CEO; state-wide advertising will be required.

Regulation 18A(2) prescribes the minimum requirements to be included in an advertisement for the position of CEO, those requirements are:

- the details of the remuneration and benefits offered;
- details of the place where applications for the position are to be submitted;
- the date and time for the closing of applications for the position;
- the duration of the proposed contract; and contact details for a person who can provide further information about the position.
- any other information that the local government considers relevant.

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 1.4.5: Attract and maintain a skilled, motivated and professional workforce.

COMMUNITY CONSULTATION

Community consultation is not required in relation to this item.

COMMENT

CEO Recruitment and Selection Committee

The regulations above normally triggers the establishment of a Council committee to oversee the process, with Council establishing terms of reference for its operation.

The Committee can either comprise of some or all Elected Members and, as indicated in the Terms of Reference, include participation of a suitably qualified recruitment consultant to guide the recruitment process to ensure compliance with relevant legislation and the application of contemporary recruitment practices. It is recommended by WALGA that the Shire President be appointed to the Committee.

CEO Recruitment and Selection Committee – Terms of Reference

The following is recommended as the content of the Terms of Reference for such a committee:

Terms of Reference:

- The CEO Recruitment and Selection Committee is to be an advisory Committee for the life of the CEO recruitment process;
- The CEO Recruitment and Selection Committee is to select a recruitment consultant to conduct the CEO recruitment process, within budget parameters established by Council;
- The CEO Recruitment and Selection Committee is to coordinate the recruitment process, including working with the recruitment consultant to attract and select appropriate candidates;
- The CEO Recruitment and Selection Committee, with the assistance of the recruitment consultant, is to coordinate the advertising, search for candidates, short listing, development of interview process, conducting interviews, screening, assessing, conducting second round interviews, conducting referee checks, writing reports and contract preparation; and
- The CEO Recruitment and Selection Committee is to report back to Council throughout the process and provide sufficient advice to permit a determining decision regarding the final selection, appointment and contracting of the CEO to be made by Council.

Appointment of a Recruitment Consultant

Generally recruitment consultants provide a professional service and possess a wide range of knowledge and skills in staff recruitment and it is recommended that rigorous checks be conducted on any recruitment consultants before they are appointed to ensure they have the necessary skills and experience (local government recruitment experience would be beneficial) to effectively assist the council in its selection of a CEO.

A recruitment consultant may be involved in the following aspects of the selection process:

- development or review of the position description;
- development of selection criteria;
- drafting of the advertisement;
- preliminary assessment of the applications;
- final short listing;
- drafting of the questions for interview;
- coordinating interviews; and
- finalising the contract.

If a decision is made to outsource the recruitment process, it is imperative that the council maintains a high level of involvement in the process and enters into a formal agreement (contract) with the consultant. In order to manage the contract efficiently, and ensure an effective outcome, regular contact with the consultant is required during the recruitment process.

Advertising

In addition to the above, it is recommended Council include any other information in the advertisement which it believes is relevant and the content and context of advertisements should be carefully considered.

A comprehensive application kit comprising documentation relevant to the vacant position should be developed and provided to potential applicants on request. Reference to, and instructions on how to access the kit should be included in the advertisement.

Council should also provide sufficient time within the advertisement for potential applicants to prepare and forward applications. It is recommended that the position be open for a minimum of two weeks with a definite date and time after which applications will not be considered.

ATTACHMENTS

Attachment 1 – Appointing a CEO, Local Government Operation Guidelines – Number 10
Revised August 2012

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That the Council:

1. Establishes a Chief Executive Officer Recruitment and Selection Committee in accordance with Section 5.9(2)(a) of the Local Government Act;
2. Appoints the following Elected Members to the Committee;
.....;
3. Adopts the Terms of Reference as listed in the report;
4. Authorises the CEO Recruitment and Selection Committee to engage a suitably qualified recruitment consultant in accordance with Shire Purchasing Policy CP/FIN-3204, as an independent facilitator to assist the Committee and Council in accordance with the Terms of Reference;
5. Authorises funding of the recruitment process to be included in the Shire's mid-year budget review – note: dot point 2 of the Terms of Reference indicate Council will set the budget parameters
6. Requests that the Recruitment and Selection Committee develop recommendations for Council to consider regarding:
 - 6.1 Review the current Position Description for the new position of Chief Executive Officer; and
 - 6.2 Review the current Performance Criteria for the performance measurement of a new Chief Executive Officer.

COUNCIL DECISION

Minute No. 10626

Moved: R Dessert

Seconded: Cr B Robinson

That the Council:

- 1. Establishes a Chief Executive Officer Recruitment and Selection Committee in accordance with Section 5.9(2)(a) of the Local Government Act;**
- 2. Appoints all Elected Members to the Committee;**
- 3. Adopts the Terms of Reference as listed in the report;**
- 4. Authorises the CEO Recruitment and Selection Committee to engage a suitably qualified recruitment consultant in accordance with Shire Purchasing Policy CP/FIN-3204, as an independent facilitator to assist the Committee and Council in accordance with the Terms of Reference;**
- 5. Authorises funding of the recruitment process to be included in the Shire's mid-year budget review – note: dot point 2 of the Terms of Reference indicate Council will set the budget parameters**
- 6. Requests that the Recruitment and Selection Committee develop recommendations for Council to consider regarding:**
 - 6.1 Review the current Position Description for the new position of Chief Executive Officer; and**
 - 6.2 Review the current Performance Criteria for the performance measurement of a new Chief Executive Officer.**

Carried Unanimously 8/0



Local Government Operational Guidelines

Number 10 – Revised August 2012

Appointing a CEO

1. Introduction

Selecting and appointing a Chief Executive Officer (CEO) is one of the most important tasks elected members may undertake during their term of office. Choosing the right person is critical to the success of the council and the local government.

It is essential that correct processes are followed so that every opportunity is given to the candidates to put the appropriate information forward so the council can choose the person most suited to the position. It is important that elected members understand that when they appoint a CEO they are entering into a contractual relationship with the CEO. A commitment to trust and good faith by both parties will lead to an effective relationship between the council and the CEO. This guideline has been developed to assist councils to conduct an effective process when selecting their new CEO.

2. Legislation

There are three sections of the *Local Government Act 1995* (the Act) that have direct application to the appointment of a CEO. Section 5.36(2)(a) and (b) of the Act provides that a local government is not to employ a person to fill the position of CEO unless council believes that the person is suitably qualified for the position and is satisfied with the provisions of the proposed employment contract. Section 5.39 contains provisions for the contracts of CEOs. Section 5.40 requires that all employees are to be selected in accordance with the principles of merit and equity.

In addition to the above provisions of the Act the *Local Government (Administration) Regulations 1996*, regulations 18A, 18B, 18C, 18E, 18F and 19A also deal with advertising, contracts, and the selection and appointment process.

The principles of merit and equity refer to the process of filling vacancies whereby a thorough assessment is made of the candidates' skills, knowledge and abilities against the work related requirements of the vacancy. The process must be open, competitive and free from bias, unlawful discrimination, nepotism or patronage.

"Suitably qualified" is not defined in the legislation but the intention is not limited to academic qualifications. Through the position description and selection criteria the council needs to ensure that processes are in place to appoint the person that best meets the qualities required in terms of academic qualifications, experience, skills and knowledge.

3. Outsourcing the Recruitment Process

Depending on the size of the local government and the availability and skills of staff, outsourcing the recruitment process may be the best option.

Generally recruitment consultants provide a professional service and possess a wide range of knowledge and skills in staff recruitment. It is recommended that rigorous checks be conducted on any recruitment consultants before they are appointed to ensure they have the necessary skills and experience (local government recruitment experience would be beneficial) to effectively assist the council in its selection of a CEO.

An early decision needs to be made by council on whether it will handle the recruitment in-house or appoint a consultant to coordinate the appointment process. If a recruitment consultant is chosen, council should provide the consultant with a copy of these guidelines as part of the appointment process.

A recruitment consultant may be involved in the following aspects of the selection process:

- development or review of the position description;
- development of selection criteria;
- drafting of the advertisement;
- preliminary assessment of the applications;
- final shortlisting;
- drafting of the questions for interview;
- coordinating interviews; and
- finalising the contract.

If a decision is made to outsource the recruitment process it is imperative that the council maintains a high level of involvement in the process and enters into a formal agreement (contract) with the consultant. In order to manage the contract efficiently, and ensure an effective outcome, regular contact with the consultant is required during the recruitment process.

4. Reviewing Necessary Documentation

There are two very important documents that need to be reviewed and approved by council prior to advertising the position. These are the Position Description Form and the Contract of Employment.

Given the importance of the position of CEO, a police clearance should also be sought.

Position Description Form

The Position Description Form, particularly the selection criteria and performance criteria (where it is included in the Position Description Form) should be reviewed prior to advertising. The council, a committee of council or the consultant (if one is used) should undertake this task.

Council needs to determine what they want their CEO to do and whether the selection criteria will facilitate the appointment of a person with the appropriate set of skills.

For example, it may be very important that a CEO work with diverse elements of the community such as developers, mine operators, Indigenous communities or other specific interest groups. Therefore, a selection criterion might be "Proven ability to work and negotiate with diverse groups in the community". If such criteria is not included an assessment of the applicants' abilities in this area may be overlooked. This is why councils must ensure when commencing the task of appointing a new CEO that the skills and qualities required are well understood and documented.

Selection criteria are generally classified as 'essential' or 'desirable'. Applicants who are able to satisfy all the essential criteria should be considered for interview.

If an application does not fully address the essential selection criteria the applicant should not be considered for interview.

However, on occasions an application may be received where the applicant has the skills and experience which indicate a capacity to satisfy the essential selection criteria even though it is not clearly elaborated in their address of the selection criteria in their application. In these circumstances the application may warrant further consideration.

Desirable criteria are not an essential requirement of the position. They are normally identified to attract applicants who may have a wider range of skills and experience which an employer would consider desirable.

Council may decide that it would be more appropriate to attract applicants with a wider range of knowledge, experience and management skills than just local government. If this is the case the selection criteria should accommodate this.

Performance Criteria

Performance criteria are quantitative and/or qualitative measures of performance. There are two broad categories of performance criteria; those that have general application and apply at all times and specific criteria that apply for a limited period of time. An example of the first type would be, "Advice to council is relevant, accurate and timely." An example of the second type of performance criteria would be, "Calling of tenders for the new

recreation centre is undertaken on time and in compliance with the law." It is obvious that the first is always going to be required, whereas the second is specific to the project of the new recreation centre.

Council may set ongoing permanent performance criteria that will be included in the contract. The successful applicant needs to be informed that performance criteria relevant to a specific project/s will also be subject to annual negotiation. These will be assessed at least once during each year.

In setting performance criteria, council will need to determine what it is they want their CEO to do over and above legislative requirements. Councils need to be realistic in terms of their expectations and provide appropriate resources to facilitate achievement of performance criteria.

The performance criteria must be consistent with the position description and the selection criteria.

It is not essential that performance criteria relating to a specific project/s are identified prior to the appointment but, if not, they must be identified very soon after so that the new CEO is aware of what is required of him or her in the coming year or years.

Contract of Employment

The council should review and amend, where necessary, the existing terms and conditions of the CEO contract before proceeding to advertise the position.

It is also recommended that council obtains advice on the contract where alterations or amendments are proposed and there is any (even slight) doubt as to the meaning of those alterations or amendments.

It should be noted that section 5.39(3) of the Act provides that an employment contract is of no effect unless it contains:

- an expiry date; and
- performance criteria for the purpose of reviewing the person's performance.

Regulation 18B of the *Local Government (Administration) Regulations 1996* also requires that the contract contains a provision that places a limit on the maximum amount of remuneration that can be paid to a person should the contract be terminated prior to its expiry date.

Amendments to Regulation 19A of the *Local Government (Administration) Regulations 1996* now sets that limit to a maximum of one year salary termination payment or the value of the remuneration for the balance of the period of contract that is left to run, whichever is the lessor of the two amounts.

To further assist local governments, model contracts have been developed by both the Western Australian Local Government Association (WALGA) and Local Government Managers Australia WA Division (LGMA).

CEO Remuneration

Amendments to section 5.39(7) of the Act now provide for a CEO's remuneration to be determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975*.

5. Advertising the Vacancy

Ideally, the position should be advertised as widely as possible to attract the best possible field of candidates. The minimum requirement for advertising under *Local Government (Administration) Regulation 18A(1)* is for the position to be advertised in a newspaper circulating generally throughout the State.

Regulation 18A(2) prescribes the minimum requirements to be included in an advertisement for the position of CEO. Those requirements are:

- the details of the remuneration and benefits offered;
- details of the place where applications for the position are to be submitted;
- the date and time for the closing of applications for the position;
- the duration of the proposed contract; and
- contact details for a person who can provide further information about the position.

In addition to the above, a local government is to include any other information in the advertisement which it believes is relevant.

The content and context of advertisements should be carefully considered.

An attractive and well-constructed advertisement is more likely to attract the interest of potential candidates.

A comprehensive application kit comprising documentation relevant to the vacant position should be developed and provided to potential applicants on request. Reference to, and instructions on how to access the kit should be included in the advertisement.

Allow sufficient time within the advertisement for potential applicants to prepare and forward applications.

It is recommended that the position be open for a minimum of two weeks with a definite date and time after which applications will not be considered.

6. Confidentiality

From the beginning to the conclusion of the process, absolute confidentiality must be maintained by every person involved in the selection process. This cannot be emphasised enough as any information which finds its way into the public domain before a recommendation is made to council may well compromise the selection process.

Council should consider the use of a confidentiality agreement which requires all persons involved in the selection process to agree to appropriate levels of confidentiality.

7. Selection and Appointment Process

The selection and appointment process to be applied to a CEO position must be approved by council prior to advertising as prescribed under *Local Government (Administration) Regulation 18C*.

A check list is provided at Attachment 1 in this guideline to assist local governments with following an appropriate sequence in the selection and appointment process.

Extensive consideration should be given to the overall process, especially the shortlisting, as to whether preliminary interviews will be conducted and whether final interviews will be with full council.

Council must be very clear about the methods, techniques and questions used during the selection process.

It is essential that the council manages the process professionally and that members involved in the process have a thorough understanding of their roles and responsibilities.

Council may decide to establish a committee or panel to coordinate the preliminaries of the selection process. This committee or panel should liaise with the employment consultant if one is appointed.

If council establishes a formal committee (in accordance with the Act), then it can delegate its powers and duties to that committee.

It should be noted that, unlike council committees established under the Act, any selection panel that is appointed cannot be delegated any powers or duties by council, nor can the Mayor or President be delegated any power to make decisions on behalf of council, i.e. approve the conditions of the contract.

The respective roles of a consultant, council committee/panel, full council and individual elected members must be clear.

Applicants should be shortlisted according to their capacity to address the relevant selection criteria. Where there is a large pool of applicants, the most competitive should be shortlisted for interview. It is the responsibility of the selection panel/committee to determine how many applicants it will interview. Their assessment must involve detailed consideration of the applications and may involve a preliminary interview. The selection panel/committee should be provided with the full list of applicants,

not just those recommended for short listing and interviews.

Elected members may act as referees for applicants. This most often occurs when a person already employed by the local government applies for the CEO position. When this occurs it is recommended that the member provide a written referee report prior to interview (assuming the applicant is granted an interview).

Elected members should declare any previous association with a potential applicant at the time of shortlisting if they are part of the selection panel/committee established for the purpose. Similarly, if the interviews involve the full council, the elected member should make an appropriate declaration before the interviews commence. If a member's relationship with an applicant is significant and may result in claims of nepotism, patronage or bias the member should exclude themselves from the selection process.

Where rating scales and other scoring tools are used to assess the relative performance of applicants, it is important that all elected members and other members involved in the interview understand how these are applied so they produce meaningful results. The selection panel/committee may also consider using psychological or other testing as part of the selection process.

8. Conducting the Interview

The interview process can be challenging for both panel members and applicants.

It is a practice in local government that the full council be involved with the final interview and selection. This is perfectly understandable, as all members of council

have to work closely with this person and trust them.

Often, all elected members feel they need to be involved in the assessment and final selection.

If this does not occur it is desirable that at the very least, all members of council have the opportunity to meet the recommended applicant prior to the appointment being considered by council.

Applicants should be provided with at least five working days notice of the impending interview wherever possible to allow them to adequately prepare. Obviously, if you are a council in regional Western Australia and are expecting an applicant to travel, then sufficient time needs to be allowed. Interviewing over a weekend may be an option.

It is important to provide an environment that puts the interviewee at ease and allows them to perform at the highest possible level. In this regard, consideration should be given to environmental factors such as location and lighting. A well organised process will ensure that everything runs smoothly.

The importance of the chairperson in managing the interview process cannot be overstated. The chairperson is responsible for ensuring that the interview is managed efficiently and effectively.

Ideally, all elected members who are to be in attendance at the final interview should be involved in planning the interview process.

Each applicant must be subject to the same assessment method, i.e. the interview questions or any tests to be undertaken. It is quite acceptable for the panel to ask additional questions to clarify a point or tease out further information during the interview.

It is not necessary for all elected members to have the opportunity to ask a question. Often, it is best to allocate the questions to a small group of elected members (a maximum of 3 is ideal) which ensures consistency of approach.

At the conclusion of the interview it is appropriate to provide the applicant with an opportunity to clarify any issues with the selection panel/committee.

9. Making a Decision

The council should not make a decision to appoint an applicant until all available information has been considered. This includes, but is not limited to, assessment of interview performance, quality of application, referee reports, copies of reports written by the applicant and the results of any psychological or other tests (if used).

The council must be satisfied regarding the claims by the applicant about their relative experience and qualifications.

Local Government (Administration) Regulation 18E makes it an offence for a person to provide false information relating to their academic qualifications.

A police clearance should be sought and considered, given the importance of the position of CEO.

Referee reports are an important part of the process and should be in writing and address the relevant selection criteria for the position.

The council may source a referee who is not one nominated by an applicant, providing they advise the applicant of their intention to do so.

In the event that a referee who was not nominated by the applicant provides a report that contains negative comments, the applicant should be given the opportunity to respond to any such comments.

10. Finalising the Appointment

Eventually, after considering all the information available to it, the selection panel/committee then has to make a decision on which applicant is the most suitable for appointment.

A selection report should be prepared for consideration by council which documents the assessment of each applicant interviewed. The report should identify the most suitable applicant/s and include a recommendation for council to approve an offer of appointment.

Following the decision of council to approve an offer to appoint, with the contract negotiations finalised and the preferred applicant accepting the offer of appointment, council is required to make the formal and final appointment of the CEO.

It is strongly recommended that the successful applicant not commence duties with the local government until the contract is signed.

The unsuccessful applicants (including those not interviewed) should be notified of the decision and offered the opportunity to seek feedback on their application or interview performance if they were granted an interview.

Should an unsuccessful applicant request feedback, it is recommended that the chairperson of the interview panel/

selection committee provide this.
If a recruitment consultant is used
they can undertake this task.

*Local Government (Administration)
Regulation 18F* does not allow a local
government to increase the value of
a CEO's remuneration and benefits in
excess of those advertised when
finalising the appointment.

For further reading it is suggested
reference should be made to:

- sections 5.36, 5.39 and 5.40 of
the *Local Government Act 1995*;
- *Local Government (Administration)
Regulations 1996* 18A, 18B, 18C, 18E,
18F and 19A.
- Salaries and Allowances Tribunal website:
www.sat.wa.gov.au/LocalGovernmentCEOs

Attachment 1

CEO Recruitment and Appointment Check List

Council to (preferably in conjunction with a professional HR adviser);

- ☐ Develop a profile of the preferred applicant (i.e. desired and essential skills, abilities, knowledge and qualifications).

- ☐ Approve an agreed salary package (set a suitable salary package that complies with the determination under section 7A of the *Salaries and Allowances Act 1975*).

- ☐ Review necessary documentation (contract of employment and position description).

NB: The key provisions to be included in the contract are: an expiry date, performance criteria and reference to the limit placed on the remuneration to be paid should the contract be terminated prior to the expiry date.

- ☐ Approve a process to be used for the selection and appointment of the CEO (i.e. stages of the process, who is to be involved and to what extent, whether a consultant is appointed and their role in the process).

NB: It is good practice for council to formally adopt a process to ensure transparency, clarity and a shared understanding. Once adopted, the process should be followed unless found to be flawed, in which case a decision should be made to amend the process as soon as possible.

- ☐ Advertise the position inviting applications from suitably qualified applicants (advertisement to contain information set out in 18A(2) of the *Local Government (Administration) Regulations 1996*).

- ☐ Applicants to be short listed (may be undertaken by consultants, selection panel/ committee or council).

NB: It is noted that in most cases this is done by the consultants or the selection panel/committee in conjunction with the consultants.

- ☐ Conduct interviews of the short listed applicants (may be undertaken by consultants, selection panel/ committee or council).

NB: This may be done prior to the final decision to appoint if availability of preferred applicant is limited due to travel arrangements etc. If not interviewed by the entire council it is recommended that all elected members meet with the preferred applicant prior to final appointment.

- ☐ Select preferred applicant/s (make recommendation for council to offer the position to the 1st preferred applicant subject to contractual negotiations, within the designated salary package, including the preliminary performance criteria to be contained in the contract).

NB: If 1st preferred applicant is not accepted or declines the offer, a decision may be made on any 2nd or 3rd preferred applicant in line until an offer and acceptance is reached or until no preferred applicants are appointed (applicants identity may remain confidential until such time a final appointment is made).

- ☐ Approve the formal and final appointment (must be decision by council that it:
 - (i) believes the person is suitably qualified for the position of CEO; and
 - (ii) is satisfied with the provisions of the proposed CEO employment contract).

NB: Absolute majority decision required for (ii).

NB: All legislative references are from the *Local Government Act 1995* and associated regulations.

These guidelines are also available on the Department's website at www.dlgc.wa.gov.au



About the Guideline series

This document and others in the series are intended as a guide to good practice and should not be taken as a compliance knowledge, understanding, observation of, and appropriate consultation on contemporary good practice in local government. Guidelines may also involve the Department's views on the intent and interpretation of relevant legislation.

All guidelines are subject to review, amendment and re-publishing as required. Therefore, comments on any aspect of the guideline are welcome. Advice of methods of improvement in the area of the guideline topic that can be reported to other local governments will be especially beneficial.

For more information about this and other guidelines, contact the Local Government Regulation and Support Branch at:

Department of Local Government and Communities

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Email: info@dlgc.wa.gov.au Website: www.dlgc.wa.gov.au

Translating and Interpreting Service (TIS) – Tel: 13 14 50

13.4.5 East Kimberley Marketing Group Funding Request

DATE:	21 October 2014
PROPONENT:	East Kimberley Marketing Group
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Monika Tonkin, Executive Assistant
REPORTING OFFICER:	Kevin Hannagan, Acting Chief Executive Officer
FILE NO:	N/A
DECLARATION OF INTERESTS:	Nil

PURPOSE

This report outlines the progress to date of the East Kimberley Marketing Group and their future plans requiring ongoing Shire support for the next phase.

BACKGROUND

In December 2013 the Council unanimously agreed to adopt the East Kimberley Tourism Action Plan 2012–2022 and Part B Operational Marketing Plan as formal key enabling documents for the Shire. Also approved was \$15,000 +GST for the work programme arising from the documents to be driven by the industry group now known as the East Kimberley Marketing Group along with \$5000 +GST for a further project “I work in Tourism” focussing on the improvement of customer service across the business sector.

Refer to Attachment 1 – East Kimberley Marketing Group Proposal 2014 for an update against the specific activities agreed to and funded by the Council in December 2013.

STATUTORY IMPLICATIONS

N/A

POLICY IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

Attachment 3 is a financial report showing the expenditure from the first phase.

The current funding request for phase 2 is for \$15,000 with the following conditions:

1. That the Incorporation is achieved, ABN registered and the bank accounts established before any more funding is released; and
2. That the next grant is in two stages; \$10,000 is provided when the marketing fund has reached a balance of \$10,000 from contributions from business and a further \$5,000 is provided when that amount is also matched.

Budget of \$15,000 has been made in the Shires 2014/15 Adopted Budget.

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 2.2.4: Enhance and expand tourism opportunities in the East Kimberley and improve access to significant tourism destinations

COMMUNITY CONSULTATION

Meetings have continued of both the sub group overseeing the funding and the East Kimberley Marketing Group with Australia's Northwest and the Shire of Halls Creek coming in by conference call if unable to attend. Face to face meetings and group meetings as well as Business after Hours have been held.

Meetings have been held fortnightly for all of 2014 except for July and August which were monthly whilst Incorporation was researched and finalised.

COMMENT

The first phase funding was provided by the Council once the Kununurra Chamber of Commerce submitted an invoice with work having already started and the cost carried by the Group. The need to be incorporated has been proven, given the complex accountability/relationships that have had to be established for this first phase and which would be unworkable in the longer term. Testing community reaction to various contribution models has taken time.

The group is now poised for gathering the marketing contributions and to finalise the marketing projects for the 2014/15 year. The group through its discussions with both Australia's Northwest Tourism and Tourism WA are also clear on which activities sit with them and which activities sit with other agencies. Tourism WA offered a model to enable this work to occur and this has been fundamental in the Group being able to develop a clear marketing focus for the future using the Marketing Plan developed earlier.

The group is now ready to move ahead as an Incorporated Society and to gather funding support from the business community. The group seeks a further \$15,000 in two amounts of matched funding of \$10,000 and \$5000 to support its work in getting to at least \$100,000 in voluntary contributions enabling it to come back for further discussion with Council when this target is achieved.

The projects that will be implemented with the additional funding cannot be specifically identified as they are dependent on the amount of additional funding sourced from the voluntary contribution scheme. The key areas of focus will be on increasing length of stay and improving air access.

ATTACHMENTS

Attachment 1 - East Kimberley Marketing Group Proposal 2014

Attachment 2 – Memorandum of Agreement for “I work in tourism” project

Attachment 3 – Profit and Loss

Attachment 4 – Memorandum of Agreement for East Kimberley Marketing Group

VOTING REQUIREMENT

Simple Majority

OFFICER’S RECOMMENDATION

That Council will continue to fund the East Kimberley Marketing Group for the next phase of implementing their Marketing Plan on the following conditions:

- a) that incorporation is achieved, ABN registered (for GST compliant invoices) and the Bank Accounts established before any more funding is provided; and
- b) that the next grants are in two stages
 - i. \$10,000 provided when the marketing fund has reached a balance of \$10,000 from contributions from business; and
 - ii. a further \$5,000 provided when that amount is also matched.

DECLARATION OF INTEREST

Cr K Wright declares an impartiality interest in this item as he is a member of the East Kimberley Marketing Group.

COUNCIL DECISION

Minute No. 10627

Moved: B Robinson

Seconded: Cr G King

That Council will continue to fund the East Kimberley Marketing Group for the next phase of implementing their Marketing Plan on the following conditions:

- a) that incorporation is achieved, ABN registered (for GST compliant invoices) and the Bank Accounts established before any more funding is provided; and**
- b) that the next grants are in two stages**
 - iii. \$10,000 provided when the marketing fund has reached a balance of \$10,000 from contributions from business; and**
 - iv. a further \$5,000 provided when that amount is also matched.**

Carried Unanimously 8/0



EAST KIMBERLEY MARKETING GROUP REPORT

January to September, 2014

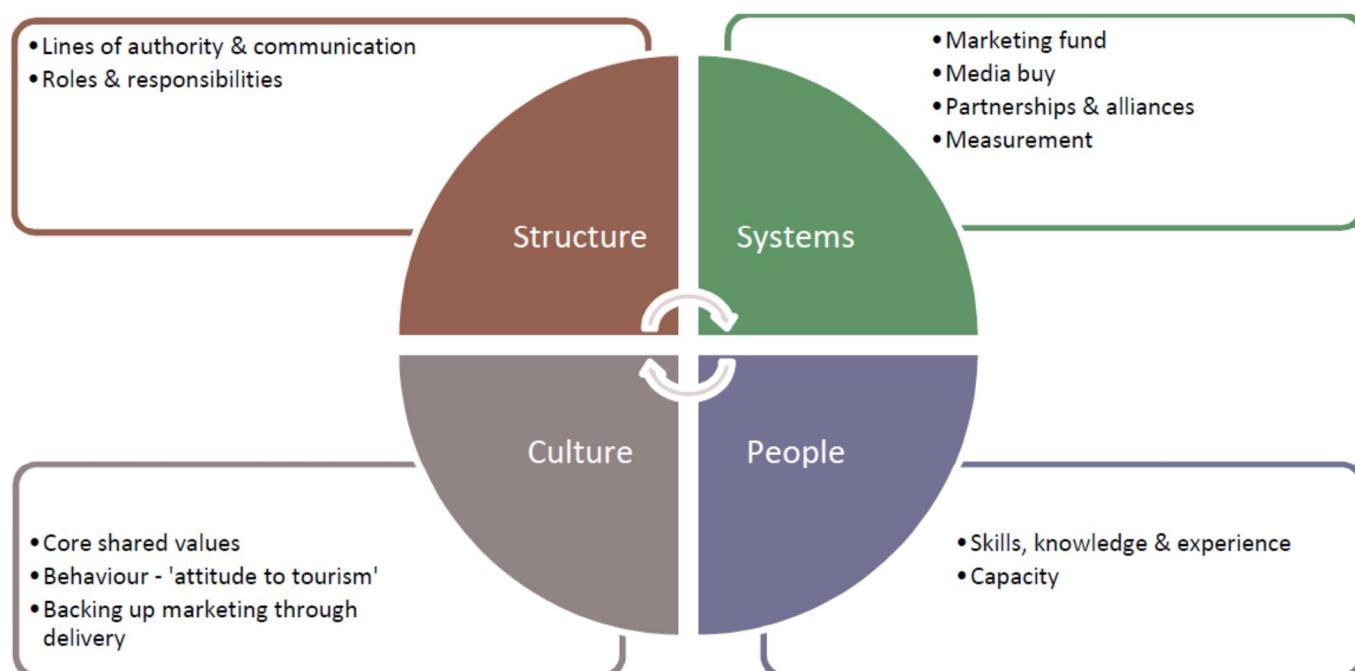
Purpose

This report outlines the progress to date of the East Kimberley Marketing Group (EKMKG).

Background

In December 2013, the Council of the Shire of Wyndham East Kimberley (SWEK) unanimously agreed to adopt the *East Kimberley Tourism Action Plan 2022* and *Part B – Operational Marketing Plan* as formal key enabling documents for the Shire. At that time, the Shire also approved \$15,000 (plus GST) for the work program arising from the documents to be driven by the industry group known as the East Kimberley Marketing Group. Australia's North West also contributed \$15,000 (plus GST) toward the EKMKG. Additionally, the SWEK Council also approved a further \$5,000 (plus GST) for the "I Work in Tourism" project which focuses on the improvement across the business sector and ensures all businesses are aware that tourism impacts on their operations.

The East Kimberley Marketing Group was formed as a result of industry forums held in Kununurra during late 2013 and early 2014 when tourism operators came together to try and work out the best way of giving tourism a 'boost' in the region. With the SWEK *East Kimberley Tourism Action Plan 2022* and more specifically *Part B – Operational Marketing Plan* as a guide, the EKMKG set about putting a structure, systems, culture and people in place. The Plan suggested the following:



Structure

Lines of authority & communication/Roles & responsibilities:

Charter: work commenced on a Charter for the EKMKG however, it became apparent that there was a need to become an incorporated entity to ensure those potential businesses contributing funds to the EKMKG knew exactly where their funds were going and for what purpose.

Partnerships: An MOU was developed and signed by the SWEK, KCCI (who had agreed to hold the funds received from Australia's North West (ANW) & SWEK within their accounts), ANW and the EKMKG Chairman. The EKMKG engaged a Contractor to undertake the role of Coordinator for the Group.

Voluntary Contribution Scheme (VCS): after much discussion at Committee level and through Business After Hours functions held in Kununurra and Halls Creek seeking feedback, a voluntary contribution scheme was accepted by the EKMKG as the best option for funding of the marketing and promotion of the EKMKG.

Collaboration: it was agreed by the EKMKG that representatives from SWEK, Australia's North West, Kununurra Visitor Centre and Shire of Halls Creek should be invited to attend meetings held by the EKMKG.

Incorporation: the Incorporation process is almost complete. The Constitution of the group is due to be accepted at a meeting to be held on Wednesday 24 September. The EKMKG can then begin the formal approach to the community for support of its voluntary contribution scheme which will raise funds for the promotion of the region.

Systems

Marketing fund:

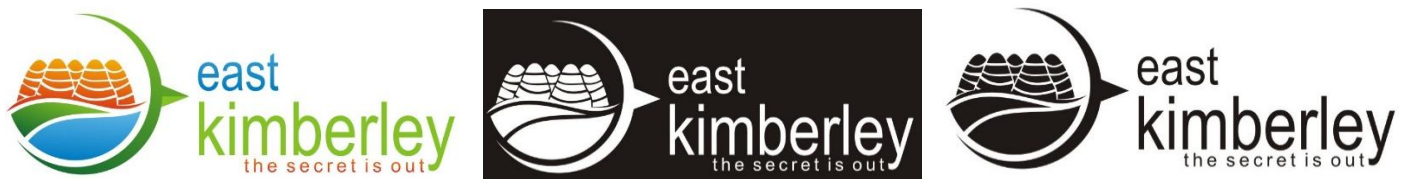
Voluntary Contribution Scheme (VCS): working with industry to set up a system to generate ongoing funding for marketing and promotional work. The model is based on a percentage of turnover for businesses. Once the EKMKGs Incorporation process is complete, the work of approaching the community for voluntary funding towards the marketing and promotion can commence.

Media buy:

Working with Media: initial conversations have been held with the Kimberley Echo and they are keen to assist in any way they can. Further media involvement is dependent on funds received once the VCS has been put to the community. Media assistance will be required in the promotion of the VCS to the region.

Partnerships & Alliances:

Branding: originally, the EKMKG operated under Tourism WA's Experience Extraordinary branding as the 'Experience Extraordinary East Kimberley' however, the abbreviation to EEEK was unfortunate so, after further work, it was agreed to operate as the East Kimberley Marketing Group. A logo was developed for use in correspondence, promotion of the region and that could also be provided to contributors to the VCS. The following logo was submitted and selected:



Funding: a further \$10,000 in funding has been requested from the SWEK through an Economic Development Grant. This request is to be matched by industry. A further \$5,000 can then be obtained from SWEK, together with an additionally matched \$5,000 from industry. These funds will assist with the momentum within the region to obtain VCS funds.

Airlines: discussions have commenced with airlines regarding the possibility of direct flights ex-Melbourne during the 2015 peak months of June, July, August and September (perhaps also including last weekend in May after the Ord Valley Muster).

Measurement:

Visitor Experience: a visitor survey was conducted in 2013 as part of the work behind the *East Kimberley Tourism Action Plan 2022*. It was hoped that a continued/annual survey could be undertaken within the region however, this proved cost prohibitive to SWEK. Further study of the results from the survey of 2013 are to be undertaken by the EKMKG to work towards correction of existing issues prior to commencing an additional survey.

Feedback: there is a need to consider how ongoing feedback can be generated from both visitors and residents to ensure we achieve continuous improvement in the visitor experience and the provision of feedback on the SWEKs 'I Work in Tourism' campaign.

People

Skills, knowledge & experience:

Training: discussions were held with Tourism Council of WA, the Small Business Centre and the Kimberley Training Institute (KTI) to maximise what is on offer in the way of customer service training. The Tourism Council courses occurred in April, 2014 and were attended by local tourism operators/staff. The SWEK commenced discussions with KTI to see what role they could play in the area of customer service and KTI was interested in adopting 'I Work in Tourism' as the main message for ongoing training options. An MOU has been signed by the EKMKG, KTI, SWEK, KCCI, Small Business Centre EK and the Kununurra Visitor Centre agreeing to work together to support the training on offer to improve customer service in the East Kimberley. Customer service training via KTI has been promoted to Kununurra, Halls Creek and Wyndham. A graduation for the attendees was held at KTI and a representative from SWEK, EKMKG and Tourism WA were in attendance.

Through the Small Business Centre EK, liaison with Broome tourism industry (via their wish to also increase tourism in their region and approach to Enterprise Connect), and Enterprise Connect itself (a Federal Government agency), a session on 'why collaboration is best practice in tourism' was held in Kununurra in May 2014 which was attended by over 40 businesses.

Local East Kimberley people who were photographed for 'I Work in Tourism' collateral were profiled on both the SWEK website and Facebook pages. 'I Work in Tourism' stickers, flyers, badges and balloons were provided to local East Kimberley businesses and the concept has also been promoted at various Business After Hours and Small Business functions (incl. the East Kimberley Small Business Awards 2014).

Work will continue in 2014/2015 to promote open and business specific customer service/hospitality based courses.

Culture

Core shared values:

Collaboration: by working with SWEK, KTI, KVC, KCCI, Shire of Halls Creek and the Central Kimberley Chamber of Commerce provides avenues for ensuring strong support of tourism throughout the East Kimberley business community. Business After Hours events were held in Kununurra in March (co-sponsored by SWEK and the EKMKG) and in Halls Creek in April, 2014 (sponsored by EKMKG).

Behaviour – 'attitude to tourism':

Value of tourism: having the value of tourism understood and recognised within the East Kimberley has been integrated into key documents of the SWEK and has been reinforced by how the SWEK reflects the region economy in things like a submission to the Northern Australia Green Paper, 2014.

Backing up marketing through delivery:

Once the Incorporation process is complete, the 'real' work of the EKMKG can begin with approaches to the EK business community for voluntary contributions to the Group for marketing and promotion of the region.

East Kimberley Marketing Group

During the course of meetings held with the EKMKG, Tourism WA, SWEK and Australia's North West, it became apparent that, before any of the real work for the EKMKG could commence, becoming Incorporated was imperative for the EKMKG. As mentioned previously, the Incorporation process is almost complete with the Constitution having been passed at the Group's September meeting. Once finalised, the EKMKG will set up an operating bank account as well as a Trust Account for the collection of funds.

The Shire's *East Kimberley Tourism Action Plan 2022* and specifically, *Part B – Operational Marketing Plan* have become key working documents for the EKMKG.

The focus of the Marketing Plan is to ramp up the market awareness of the East Kimberley. The scale of proposed marketing activity is bigger than ever seen for the tourism industry in the East Kimberley. The marketing program seeks to employ tried and tested methods to maximise visitor spend and drive increased visitation to the East Kimberley.

The focus is on utilising existing brands of 'Experience Extraordinary' and 'Kimberley' through past marketing programs implemented by Tourism WA (TWA) and Australia's North West Tourism (ANW). The intent is to place more focus on the East Kimberley through these established brands utilising imagery, language, local products, packages and experiences available. As 'marketing capacity' is built over time, it will enable the industry to be increasingly innovative and creative with the design, development and implementation of future marketing programs.

The successful implementation of the *East Kimberley Tourism Action Plan 2022* includes the following strategic marketing priorities:

1. *The development of a local marketing fund for the East Kimberley;*
Outcome: Incorporation is imminent. Once Incorporation is achieved, the EKMG can begin the task of promoting the Voluntary Contribution Scheme to the community to raise much needed marketing funds.
2. *Forming a local representative body for tourism in the East Kimberley to provide guidance to marketing activity (e.g. an annual brief).*
Outcome: the East Kimberley tourism industry held industry forums in August and November of 2013. The outcome of these forums was that everyone was in agreement that we, as an industry, needed to do 'something' to get our region into the marketplace. The Group started as the Experience Extraordinary East Kimberley Group however, the acronym of EEEK was not preferred. The Group has met fortnightly throughout 2014 until July, when during the process of Incorporation, the meetings changed to monthly whilst the process was finalised.
3. *Identification of the most suitable means of implementing the marketing program;*
Outcome: funding needs to be sought from both the tourism industry and the general business community. At the same time, promoting the "I work in tourism" campaign undertaken by SWEK during 2014 can be further promoted as 'tourism is everybody's business'. Once we have funding dollars, a more specific marketing plan can be formulated and allocation of funds undertaken.
4. *Improving access to the region by air; and*
Outcome: this has become a key objective of the EKMG and discussions have already commenced with major airlines to see this to fruition in 2015.
5. *Building awareness in the local community and small business sector on the 'value of tourism', supporting product and service delivery improvements to back up the marketing program.*
Outcome: SWEK contributed \$5000 towards the 'I work in tourism' campaign undertaken throughout 2014 which was a campaign used to build awareness that the general business community also works in tourism – from SWEK Parks & Gardens, to bakers, to hairdresser's, to earthmovers/road-works. In addition, the MOU with KTI, SWEK, KCCI, EKMG, SBCEK and KVC agreeing to work together to support training on offer to improve customer service (specifically) in the East Kimberley.

With remote areas facing mounting challenges for the tourism dollar, the change in consumer demands and increasing local, national and international competition, now more than ever, a collective approach to marketing and promotion of Kununurra and the East Kimberley is critical. It is important that we all understand:

- What little impact a single dollar amount would get an individual in advertising and promoting their business if they were operating in isolation.
- To value and understand the concept of businesses working together, helping each other and helping themselves.
- That collaborative promotion of the region will have positive effects and benefits to all business.
- The opportunity to improve business communication, what activities are occurring and how they can get involved.
- The possibility of increased professional development and networking opportunities.
- The opportunity to leverage monies raised with matching funds to provide a larger advertising campaign.

The voluntary contribution is not a money-grab by anyone – it is potentially the only locally focused and owned promotional tool for the region.

The Shire's *East Kimberley Tourism Action Plan 2022* also specifies the following four objectives as key to promotion of the region:

1. Targeting growth markets that are relevant to the East Kimberley.
2. Improving access to the East Kimberley.
3. Building the value of tourism in the East Kimberley.
4. Developing new and existing tourism products (including events) to meet the expectations of the targeted market segments

The EKMG has further added a 5th objective:

5. Increasing visitor length of stay.

The target markets outlined in the Plan include:

Grey Explorers
Dedicated Discoverer
Aspirational Achievers
Family Connectors
Business/Corporate

At a meeting with Tourism WA, it was agreed that the EKMG should select **two key focus** areas and promote these to the target markets:

Improving access to the East Kimberley

More specifically, *airline* access. Conversations with airlines have commenced for a flight direct Melbourne>Kununurra during the peak months of June, July and August 2015 and perhaps into the shoulder months of May and September (12-16 flights in total). Plans to underwrite these flights are being considered but there is still much work to be done.

Increasing visitor length of stay

We have all heard it before when speaking to visitors to the area – 'wish we could stay longer' or 'there is so much to see and do'. The EKMG aims to work with industry, in particular the KVC and ANW, to promote icons, distances and the length of time required to see it all. This will be done via attendance at caravan & camping shows across Australia and improved information on websites and social media.

Expertise

It should be noted that the East Kimberley Marketing Group will not be directly undertaking the marketing but will direct/align marketing through existing channels such as Australia's North West, Tourism WA, Tourism Top End (NT), Kununurra Visitor Centre and Halls Creek Visitor Centre. It may also be that potential new marketing expertise will be sought for the best promotion of the region. The EKMG proposes that any marketing undertaken will focus on the East Kimberley region's icons (such as Purnululu National Park, Wolfe Creek Crater, Lake Argyle & the Ord River, Mitchell Plateau and Falls etc) that are best accessed through Kununurra and that Kununurra is a thriving hub that can host (& will welcome) the key markets.

Attachments:

MOU – I Work in Tourism
MOU – EEEK/EKMG
P&L SWEK & ANW Funding
DRAFT EKMG Proposal

Report prepared by:

Janet Takarangi (ex-EDO, Shire of Wyndham East Kimberley)
& Narelle Brook, Coordinator – EKMG
September, 2014
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MEMORANDUM OF AGREEMENT

between
Kimberley Training Institute (KTI)
and
Shire of Wyndham East Kimberley (SWEK)
and
East Kimberley Marketing Group (EKMG)
and
Kununurra Chamber of Commerce and Industry (KCCI)
and
Kununurra Visitors Centre (KVC)

1 INTERPRETATION

In this agreement, unless the contrary intention appears:

"Agreement" means this Memorandum of Agreement document

"KTI" refers to Kimberley Training Institute

"SWEK" refers to Shire of Wyndham East Kimberley

"EKMG" refers to East Kimberley Marketing Group

"KCCI" refers to Kununurra Chamber of Commerce

"KVC" refers to Kununurra Visitors Centre

2 INTRODUCTION

This agreement describes the relationship between five parties; KTI, SWEK, EKMG, KCCI and KVC on the following:

- Provision of training services related to the delivery of the following programs but not limited to:
 1. SIT30112 Certificate III in Tourism
 2. SIT30712 Certificate III in Hospitality
 3. Non-assessable short courses

See Schedule A for Units of Competency

- General responsibilities of KTI, SWEK, EKMG, KCCI and KVC for the duration of the agreement.

This Agreement supersedes all communications, negotiations, arrangements and agreements either written or verbal between the parties.

3 COMMENCEMENT AND TERM

The agreement commences as of 1 April 2014 and terminates on 20 December 2014 or until either party terminates the agreement.

4 THE PURPOSE OF THIS AGREEMENT

All parties remain independent entities operating in their own right. The relationship will be one of cooperative mutual support. A high level of integrity and mutual regard shall govern the relationship.

The intention of the Agreement is to develop a working arrangement in which all parties will agree to work in partnership to deliver quality training to the broader communities within the East Kimberley region which aligns with the SWEK's Community Strategic Plan and the enhancement of EKMG's intended marketing outcomes. KCCI and KVC will be recognised for their support of business and community development.

Together all five parties offer each other support of inter-agency recognition and collaboration by co-branding each organisation on the marketing material we use for advertising our courses.

The parties agree to:

- (a) Maintain confidentiality in relation to all contractual arrangements and student data, except where legitimately required to disclose by law or government agency;
- (b) Share information about students within the constraints of the Privacy Act, and solely for the purpose of providing the services for students;
- (c) Maintain timely and open lines of communication and cooperate in the common interest promoting and delivering training quality training;
- (d) Act in the spirit of co-operation in their dealings with each other;
- (e) Give due consideration to the needs of the other at all times to promote a spirit of co-operation and mutual support between parties;
- (f) Act at all times with honesty and professionalism towards the other and do nothing that brings disrepute to the other party;
- (g) Cooperate fully in respect of the administration of this Agreement;
- (h) Promptly notify the other party in regards to any conflict of interest that arises and take reasonable steps in consultation to remove the conflict.
- (i) All parties are equally represented and co-branded in all marketing material and induction at the commencement of each course.
- (j) All marketing displaying co-branding will be available for perusal prior to distribution.

5 KEY RESPONSIBILITIES OF KIMBERLEY TRAINING INSTITUTE

Kimberley Training Institute responsibilities shall be to:

- (a) Provide venue, administration and marketing obligations to conduct required training at no additional cost to partners
- (b) Provide schedule of calendar of events for courses to be held
- (c) Liaise with SWEK, EKMG, KCCI and KVC on all marketing material that is being produced for the purpose of courses
- (d) Provide any course materials that may be required for the purpose of training at no additional cost to SWEK or EKMG or KCCI or KVC
- (e) Deliver the agreed services in a competent, ethical and professional manner and according to AQTF standards
- (f) Assessments for nationally recognised courses will be the responsibility of a qualified assessor represented by KTI
- (g) Notify SWEK, EKMG, KCCI and KVC in a timely manner of any concerns, issues or opportunities relating to the services provided
- (h) Support and provide relevant information to SWEK, EKMG, KCCI and KVC on training and assessment outcomes
- (i) Establish a system of interchange of information on student progress and results according to established systems
- (j) Meet duty of care requirements, as described in the Duty of Care
- (k) Induct students on the KTI Student Code of Conduct at the commencement of training
- (l) Ensure attendance reports are provided in a timely manner, for the collection of data to meet each organisation's KPI reporting requirements
- (m) Issue Certificates / Statements of Attainment for AQF qualifications achieved in the programs

6 KEY RESPONSIBILITIES OF SHIRE OF WYNNDHAM EAST KIMBLEREY

Shire of Wyndham East Kimberley's responsibilities shall be to:

- (a) SWEK allows KTI to use the "I Work In Tourism" branding and framework to deliver the initial Customer Service courses
- (b) SWEK agrees to allow their logo to be displayed on any marketing material to advertise relevant courses that fits within the "I Work In Tourism" framework
- (c) Market the courses through their networks and contacts in conjunction with KTI, EKMG, KCCI and KVC

7 KEY RESPONSIBILITIES OF EAST KIMBERLEY MARKETING GROUP

East Kimberley Marketing Groups responsibilities shall be to:

- (a) EKMG provides KTI with information regarding training opportunities that arise through their network of industry contacts
- (b) EKMG agrees to allow their logo to be displayed on any marketing material to advertise relevant courses that fits within SWEK's "I Work In Tourism" framework
- (c) Market the courses through their networks and contacts in conjunction with KTI, SWEK, KCCI and KVC

8 KEY RESPONSIBILITIES OF KUNUNURRA CHAMBER OF COMMERCE AND INDUSTRY

Kununurra Chamber of Commerce responsibilities shall be to:

- (d) KCCI provides KTI with information regarding training opportunities that arise through their network of industry contacts
- (e) KCCI agrees to allow their logo to be displayed on any marketing material to advertise relevant courses that fits within SWEK's "I Work In Tourism" framework
- (d) Market the courses through their networks and contacts in conjunction with KTI, SWEK, EKMG and KVC

9 KEY RESPONSIBILITIES OF KUNUNURRA VISITORS CENTRE

Kununurra Visitors Centre responsibilities shall be to:

- (f) KVC provides KTI with information regarding training opportunities that arise through their network of industry contacts
- (g) KVC agrees to allow their logo to be displayed on any marketing material to advertise relevant courses that fits within SWEK's "I Work In Tourism" framework
- (e) Market the courses through their networks and contacts in conjunction with KTI, SWEK, EKMG and KCCI

10 MANAGEMENT COMMITTEE

A Management Committee will be formed in keeping with the guiding principles and will comprise of one representative from each organisation:

KTI – Rosemary Taffinder (Regional Manager)
SWEK – Gary Gaffney (CEO)
EKMG – Narelle Brook (Project Manager)
KCCI – Brad Williams (President)
KVC – Nadia Donnelly (Manager)

The management committee will consult and resolve operational issues and any disputes should they arise. It is envisaged that this group would meet on a 'needs basis' rather than through a regular schedule.

11 RESOURCES AND FACILITIES

KTI will be responsible for the provision of instruction materials and consumables. Resources and facilities used for delivery must meet AQTF requirements and any specific requirements of the relevant Training Package.

12 FINANCIAL ARRANGEMENTS

- (a) Neither SWEK, EKMG, KCCI nor KVC have any financial obligation to KTI for the running of the program.
- (b) Marketing for the courses will not incur any additional expense to SWEK, EKMG, KCCI or KVC

13 INSURANCE

All parties to this agreement will maintain insurances designed to protect the interests of all those engaged in the delivery of the training services. SWEK, EKMG, KCCI and KVC will maintain the following insurances:

- (a) public liability insurance to at least \$20 million, and
- (b) professional indemnity to at least \$5 million, and
- (c) Workers' Compensation/Employers' Indemnity insurance in accordance with the provisions of the Workers' Compensation and Injury Management Act 1981 (WA), including cover for common law liability for an amount not less than \$50,000,000 any one event, and

Copies of insurance certificates must be provided to KTI on request.

14 REVIEW MECHANISM

Either party may request a review of the matters covered by this agreement in the light of any substantial change in circumstances, future developments requiring incorporation within the Agreement, or in the event that the actual application of the agreement is not producing the desired mutual benefit. Any amendments may be made as an Addendum to this Agreement and will require the signatures of all three party representatives on the Management Committee.

15 DISPUTE MECHANISM

Any disputes arising as a result of the implementation of this Agreement shall be set down in writing and submitted to the other party of the agreement. Within seven days of receipt of such notice, the Management Committee will meet to consider the matter and will at this meeting:

- (d) Review and resolve the matter if it is within its delegated authority and/or
- (e) Resolve that the matter requires further investigation and instigate it and/or
- (f) Recommend action to the management of all parties where necessary.

The Management Committee should review such resolutions or recommendations within 7 days of the initial meeting.

In the event that the Management Committee is unable to resolve the matter, or the matter is outside its delegated authority, and the managements of all parties cannot agree, the matter will be referred to a mutually acceptable independent arbitrator.

16 CONTACT DETAILS

The nominated contact person for each organisation is:

Kimberley Training Institute

Rosemary Taffinder
Regional Manager
9198 0888
Email: rosemary.taffinder@kti.wa.edu.au

Shire of Wyndham East Kimberley

Gary Gaffney
CEO
9168 4100
Email: gary.gaffney@swek.wa.gov.au

Executed as an agreement



Karen Dickinson
Managing Director
Kimberley Training Institute

Date 25 / 6 / 14



Gary Gaffney
CEO
Shire of Wyndham East Kimberley

Date 25 / 06 / 2014

East Kimberley Marketing Group

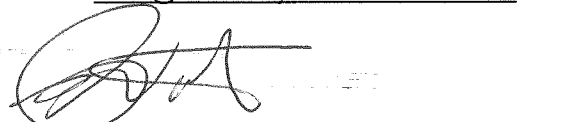
Narelle Brook
Cooperative Marketing Strategy Coordinator
0407 478 406
Email: brookpm@westnet.com.au



Narelle Brook

Kununurra Chamber of Commerce & Industry

Brad Williams
President
0429 194 920
Email: Brad@kimberleyfirstnational.com.au



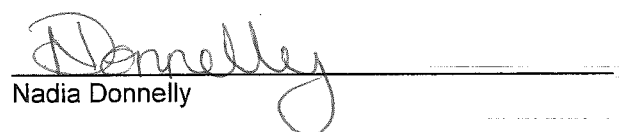
Brad Williams

Cooperative Marketing Strategy Coordinator
East Kimberley Marketing Group
Date 15 / 7 / 14

President
Kununurra Chamber of Commerce & Industry
Date 25 / 6 / 2014

Kununurra Visitors Centre

Nadia Donnelly
Manager
08 9169 1177
Email: manager@visitkununurra.com



Nadia Donnelly

Cooperative Marketing Strategy Coordinator
East Kimberley Marketing Group
Date 25 / 6 / 2014

Schedule A for Units of Competency

Delivery of Units of Competencies may include but are not limited to the following. This schedule is a guide and unit selection can be flexible.

I WORK IN TOURISM – SWEK INITIATIVE

<u>Date</u>	<u>Course Name</u>	<u>Unit of Competency</u>	<u>Qualification Level</u>	<u>Nominal Hours</u>	<u>Cost per person</u>
7 May 2014	I Work In Tourism	BSBCUS301B Deliver and Monitor a Service to Customers	Certificate III	40	\$176.80
21 May 2014	I Work In Tourism	BSBCUS301B Deliver and Monitor a Service to Customers	Certificate III	40	\$176.80

<u>Date</u>	<u>Course Name</u>	<u>Unit of Competency</u>	<u>Qualification Level</u>	<u>Nominal Hours</u>	<u>Cost per person</u>
10 Sept 2014	I Work In Tourism	BSBCUS301B Deliver and Monitor a Service to Customers	Certificate III	40	\$176.80
24 Sept 2014	I Work In Tourism	BSBCUS301B Deliver and Monitor a Service to Customers	Certificate III	40	\$176.80

Non-accredited sessions: Businesses can book on-site sessions for 1.5 hour duration at a cost of:

\$55 per person for groups 11-20

\$70 per person for groups 5-10

Businesses located outside of Kunuhurra township may incur extra charges for associated travel expenses.

Profit & Loss
EKMG Funding 2014

Income

SWEK	\$15,000.00
ANW	\$15,000.00
Total Income	\$30,000.00

Expenditure

Coordinator	\$23,600.00	
Events		
BAH Knx	\$500.00	
BAH HCK	\$600.00	
ANW Forum (Perth)	\$821.70	
Tourism Top End (Oct)	\$1,000.00	(budgeted, yet to be expended)
Logo	\$700.00	
Total Expenses	\$27,221.70	
		<u><u>\$2,778.30</u></u>

Kununurra Chamber of Commerce and Industry
P.O. Box 171
Kununurra
WA 6743

17/2/2014

Attention: Brad Williams

Dear Brad,

This letter seeks to outline the arrangements made between the following parties in relation to the Experience Extraordinary East Kimberley Tourism project for which the Chamber has agreed to be the fund holder and manager.

The following outlines the Parties to the arrangement:

Kununurra Chamber of Commerce and Industry. Fund holder and manager

Australia's North West Tourism. Funder

Shire of Wyndham East Kimberley. Funder

Chairs of Experience Extraordinary and the Sub Committee. Project groups

The Contractor. Brook Project Management.

The following details cover how the arrangement will work on a day to day basis and for the six month period. Individual responsibilities have been defined as follows:

Funder.

The project funders will each pay to the fund holder and manager the agreed amount of \$15,000 +GST respectively on receipt of a GST invoice.

The fund holder and manager will hold the funds on behalf of the project and undertake the following duties on behalf of the project:

- Hold the funds in a nominated bank account or within a clearly designated internal cost centre.
- Provide a budget statement to the Project group and contractor as requested for meetings.
- Pay invoices as approved by the Chair of the Project Group directly to sub-committee's appointed contractors. It is acknowledged that the contractor will pay accounts as required and submit an integrated invoice each month. A nominated person on the Board of the Chamber of Commerce will jointly approve the invoices with the sub-committee Chair.
- Be responsible for their own GST liability, reporting and tax compliance in regards to the income and expenditure transactions resulting from this project.
- At the conclusion of the project provide a final financial statement to the Project group and undertake to act on their decision regarding the final balance.

Project Group Chairs will be available to discuss any matters of concern as required with fund holder and manager.

Contractor. Agrees to submit a consolidated invoice once per month for approval by both the sub-committee Chair and the nominated Chamber Board member on the sub-committee before presentation for payment by the Chamber of Commerce. All disbursements claimed must have been given prior approval before being incurred.

This project seeks to build goodwill over the next six months between the parties as they work collaboratively to give momentum to East Kimberley Tourism under the Experience Extraordinary East Kimberley banner.

The agreement will be reviewed in June 2014.

Signed



Date

17/2/2014

Chair Kununurra Chamber of Commerce

Brad Williams

Signed



Date

17/2/2014

Shire of Wyndham East Kimberley CEO

Gary Gaffney

Signed



Date

23/2/14

Australia's Northwest Tourism (ANW)

Chief Executive Officer Glen Chidlow

Signed



Date

18/2/2014

Chair Experience Extraordinary East Kimberley

Michael McConachy

Signed



Date

26/02/2014

Chair Sub Committee of Experience Extraordinary East Kimberley and ANW

Frank Rodriguez

Signed



Date

26/02/14

The Contractor

Narelle Brook on behalf of Brook Project Management.

13.5 ELECTED MEMBER REPORTS

Shire President, Cr John Moulden

- | | |
|-------------------|--|
| 30 September 2014 | Meeting with Stephen Dawson from the office of Josie Farrer |
| 30 September 2014 | GHD Workshop - Presentation of the draft structure plans for Civic Centre area and East Lily Creek |
| 1 October 2014 | Meeting with the East Kimberley Marketing Group |
| 3 October 2014 | Kimberley Zone Meeting in Derby |

COUNCIL DECISION

Minute No. 10628

Moved: Cr B Robinson

Seconded: Cr D Learbuch

That Council accepts the Elected Member reports for the period 18 September 2014 to 16 October 2014

Carried Unanimously 8/0

13.6 CHIEF EXECUTIVE OFFICER REPORTS

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

22 September 2014	SAT – Biorac v SWEK Onsite Mediation
23 September 2014	GHD Workshop – Business case for Leisure Centre (part)
30 September 2014	Meeting with Stephen Dawson from the office of Josie Farrer
30 September 2014	GHD Workshop - Presentation of the draft structure plans for Civic Centre area and East Lily Creek (part)
1 October 2014	Meeting with the East Kimberley Marketing Group
1 October 2014	Regional Manager, MRWA
3 October 2014	Kimberley Zone Meeting in Derby
9 October 2014	Meeting with the Hon. Mark Lewis
9 October 2014	CEO Kimberley Development Commission
14 October 2014	KAI Site Visit

COUNCIL DECISION

Minute No. 10629

Moved: Cr B Robinson

Seconded: Cr S Cooke

That Council accepts the Acting Chief Executive reports for the period 18 September 2014 to 16 October 2014

Carried Unanimously 8/0

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

15. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

16. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

16.1 URGENT BUSINESS – CUCUMBER GREEN MOTTLE MOSAIC VIRUS

DATE:	21/10/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Kununurra
AUTHOR:	Kevin Hannagan, Acting Chief Executive Officer
REPORTING OFFICER:	Kevin Hannagan, Acting Chief Executive Officer
FILE NO:	CR.21.2
DECLARATION OF INTERESTS:	N/A.

PURPOSE

For Council to consider providing funding from its Bio Security Reserve for the installation of signage at the Shire entry points from the Northern Territory advising of the risk to local farming from infection by the Cucumber Green Mottle Mosaic Virus.

BACKGROUND

Cucumber green mottle mosaic virus (CGMMV) is a plant disease that is exotic to Australia. CGMMV occurs in Europe, Asia, the Middle East, some parts of the USA, and Canada.

The virus infects watermelon, cucumber, melons, zucchini, pumpkin, squash, bitter gourd, and bottle gourd.

There are at least five strains of the virus, whose symptoms can vary between hosts. Other mosaic diseases, caused by poty viruses, are known to occur in northern Australia and express somewhat similar symptoms. This makes it difficult to visually identify CGMMV, which can be conclusively established by laboratory testing.

Infected watermelon plants can have a bleached appearance, leaves with mosaic-like mottling, and possibly stunting. Affected plants may also wilt and then runners, or the whole plant, may die prematurely. Symptoms on fruit can include fruit abortion, yellowing, breakdown of the flesh, and possibly a dirty red discolouration. Infection may also cause fruit malformation. The combined effects of CGMMV can result in substantial crop losses.

The NT Department of Primary Industry and Fisheries (DPIF) has declared quarantine zones in the areas of Katherine and Lambells Lagoon. Quarantine will help stop the potential

spread of Cucumber Green Mottle Mosaic Virus (CGMMV). Quarantine signs will be placed in due course.

CGMMV has been declared a notifiable pest under the NT Plant Health Act and watermelon has been declared a host for the plant pest. Quarantine restrictions will be implemented in accordance with the NT Act.

COMMUNITY CONSULTATION

Not required at this time but Community education of the issue is important in helping reduce the risk of spreading the virus. Early reporting increases the possibility of eradicating the disease before it becomes well-established. If community members suspect the presence of CGMMV, contact the Department of Agriculture.

STATUTORY IMPLICATIONS

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - (b) *is authorised in advance by resolution*; or*
 - (c) *is authorised in advance by the mayor or president in an emergency.*

** Absolute majority required.*

- (1a) *In subsection (1) —*

additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

- (2) *Where expenditure has been incurred by a local government —*
- (a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
 - (b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Shire has a Bio Security Reserve with an opening balance for 2014/15 of \$267,316 plus an anticipated \$6,568 in interest earnings, resulting in an estimated closing balance for 2014/15 of \$273,883.

The purpose of the Reserve is to hold funds for use in emergency situations that threaten the bio security of the East Kimberley.

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

COMMENT

Advice from the NT Department of Primary Industry and Fisheries for NT farmers is to ensure farm biosecurity measures to be strictly followed. These include restricting farm visitor access, using footbaths, and cleaning and disinfecting tools and machinery. Do not recycle packaging including bins used for transporting fruit to markets.

The WA Department of Agriculture has been liaising with local farmers and has requested the Shire to support the installation of warning signage regarding CGMMV at the NT Quarantine Station on their land.

The request is for the cost of production of signs only as Department of Agriculture staff will arrange installation on their quarantine site at the border.

ATTACHMENTS

Attachment 1 - Copy of proposed sign wording from Department of Agriculture.

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council approves:

1. A maximum allocation of \$2,000 from its Bio Security Reserve for the purpose of manufacture and installation of signage regarding the Cucumber Green Mottle Mosaic Virus at the NT Quarantine Station,
2. Creation of new General Ledger accounts to record the transactions; and
3. Amending the adopted 2014/15 Budget to reflect this allocation as part of the mid-year budget review process.

MOTION

Cr B Robinson moves to suspend standing orders 7.5 Limitation on number of speeches to discuss item 16.1 Urgent Business – Cucumber Green Mottle Mosaic Virus.

COUNCIL DECISION

Minute No. 10630

Moved: Cr B Robinson

Seconded: Cr K Wright

That Council suspend standing orders 7.5 Limitation on number of speeches to discuss item 16.1 Urgent Business – Cucumber Green Mottle Mosaic Virus.

Carried Unanimously 8/0

Council suspends standing orders at 6:00pm

COUNCIL DECISION

Minute No. 10631

Moved: Cr S Cooke

Seconded: Cr K Wright

That Council resumes standing orders 7.5 Limitation on number of speeches.

Carried Unanimously 8/0

Council resumes standing orders at 6:06pm

MOTION

Cr S Cooke moves an alternate motion that Council approves:

1. A maximum allocation of \$10,000 from its Bio Security Reserve for the purpose of manufacture and installation of signage and preparation of hand out material, regarding the Cucumber Green Mottle Mosaic Virus at the NT Quarantine Station,
2. Creation of new General Ledger accounts to record the transactions; and
3. Amending the adopted 2014/15 Budget to reflect this allocation as part of the mid-year budget review process.

COUNCIL DECISION

Minute No. 10632

Moved: Cr S Cooke

Seconded: Cr K Wright

That Council approves:

- 1. A maximum allocation of \$10,000 from its Bio Security Reserve for the purpose of manufacture and installation of signage and preparation of hand out material, regarding the Cucumber Green Mottle Mosaic Virus at the NT Quarantine Station,**
- 2. Creation of new General Ledger accounts to record the transactions; and**
- 3. Amending the adopted 2014/15 Budget to reflect this allocation as part of the mid-year budget review process.**

Carried Unanimously 8/0

Visitors

Please respect farm biosecurity

Do not enter farming properties without prior approval

Vehicles, people & equipment can carry weed seeds, pests and diseases

COUNCIL DECISION

Minute No. 10633

Moved: Cr S Cooke

Seconded: Cr K Wright

That Council moves behind closed doors to consider items:

17.1.1 Ewin Early Learning Centre Lease

17.1.2 Acting Chief Executive Officer Remuneration

Carried Unanimously 8/0

Council moves behind closed doors 6:09pm

17. MATTERS BEHIND CLOSED DOORS

17.1.1 Ewin Early Learning Centre Lease

DATE:	21/10/2014
PROPONENT:	Ewin Early Learning Centre
LOCATION:	Ewin Centre
AUTHOR:	Wayne Richards, Manager Community Services
REPORTING OFFICER:	Louise Gee, Director Community Development
FILE NO:	CP.16.48
DECLARATION OF INTERESTS:	Nil

This part of the meeting is of a confidential nature. The item will be discussed Behind Closed Doors in accordance with the *Local Government Act 1995*, Section 5.23 (2) as this item deals with:

- c) A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

PURPOSE

To seek Council approval to negotiate the removal of clause 3.2 (e) of the Lease with the Ewin Early Learning Centre regarding a viability payment.

ATTACHMENTS

The report and all associated attachments have been provided under separate cover.

VOTING REQUIREMENT

Absolute Majority

COUNCIL DECISION

Minute No. 10634

Moved: Cr S Cooke

Seconded: Cr G King

That Council:

- 1. Authorise Officers to offer the Ewin Early Learning Centre Inc. an amendment to the existing lease to remove clause 3.2 (e).**
- 2. Waive the amount outstanding to the Shire under this viability payment clause from 2009/10 to 2012/13, calculated at \$14,526.00.**

Carried Unanimously 8/0

Kevin Hannagan, Natalie Octoman, Louise Gee and David Klye leave the Chambers at 6.11pm

17.1.2 Acting Chief Executive Officer Remuneration

DATE:	22/10/2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	Shire of Wyndham East Kimberley
AUTHOR:	Monika Tonkin, Executive Assistant
REPORTING OFFICER:	Kevin Hannagan, Acting Chief Executive Officer
FILE NO:	N/A
DECLARATION OF INTERESTS:	The Reporting Officer has a Financial Interest in this item as it is do with his remuneration.

This part of the meeting is of a confidential nature. The item will be discussed Behind Closed Doors in accordance with the *Local Government Act 1995*, Section 5.23 (2) as this item deals with:

- a) a matter affecting an employee or employees;

PURPOSE

To consider the Total Remuneration Package (TRP) for the Acting Chief Executive Officer.

ATTACHMENTS

The report and all associated attachments have been provided under separate cover.

VOTING REQUIREMENT

Simple Majority

Motion

Cr D Spackman moves that Council defer item 17.1.2 Acting Chief Executive Officer Remuneration to a special council meeting at 8am on Thursday 23 October, where Council is to be provided with details of the departing Chief Executive Officer's Total Remuneration Package, the Acting Chief Executive Officer's closing package in the role of Director of Infrastructure and details of appropriate band limits for CEO's for the Shire of Wyndham East Kimberley.

COUNCIL DECISION

Minute No. 10635

Moved: Cr D Spackman

Seconded: Cr D Learbuch

That Council defer item 17.1.2 Acting Chief Executive Officer Remuneration to a special council meeting at 8am on Thursday 23 October, where Council is to be provided with details of the departing Chief Executive Officer's Total Remuneration Package, the Acting Chief Executive Officer's closing package in the role of Director of Infrastructure and details of appropriate band limits for CEO's for the Shire of Wyndham East Kimberley.

Carried Unanimously 8/0

COUNCIL DECISION

Minute No. 10636

Moved: Cr D Learbuch

Seconded: Cr D Spackman

That Council move out from behind closed doors.

Carried Unanimously 8/0

Council moves out from behind closed doors at 6:51pm

18. CLOSURE

The Shire President declares the meeting closed at 6.52pm.